

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 25, 2011 Time: 9:00 a.m.		Agenda Item No.: 2
Project Description: Public Workshop on the application for a Combined Development Permit requesting to redevelop the existing Carmel Convalescent Hospital site, generally located at the northwest corner of Highway One and Valley Way, with a 46-unit condominium project. Required entitlements include: 1) Local Coastal Plan Amendment to change the land use designation from Medium Density Residential, two units per acre (MDR/2) to High Density Residential, 12.5 units per acre (HDR/12.5), including associated amendments to the Carmel Area Land Use Plan; 2) Standard Subdivision for a Vesting Tentative Map to subdivide 3.68 acres in to 46 condominium parcels and common open space; 3) Coastal Development Permit to convert the former convalescent hospital into nine condominium units with underground parking, recreation room, storage, and a gym; 4) Coastal Administrative Permit to demolish one existing structure and construct eight buildings for a total of 46 condominium units; 5) Coastal Development Permit to allow development on slopes of 30% or greater; 6) Coastal Development permit to allow the removal of up to 97 trees (21 coast live oak and 76 Monterey pines); and 7) Design Approval.		
Project Location: 24945 Valley Way. Northwest corner of Highway One and Valley Way, Carmel		APN: 009-061-002, 009-061-003, and 009-061-005
Planning File Number: PLN070497		Owner: Rigoulette, LLC (Villas de Carmelo) Agent: Ed Shagen, Kevin Kane (The Widewaters Group, Inc.) Representative: Jacqueline Zischke
Planning Area: Carmel Area Land Use Plan		Flagged and staked: Yes
Zoning Designation: "MDR/2-D (CZ)" [Medium Density Residential, 2 units per acre, Design Control District in the Coastal Zone]		
CEQA Action: Environmental Impact Report (EIR) prepared		
Department: RMA - Planning Department		

RECOMMENDATION: Staff recommends that the Planning Commission:

- 1) Receive a staff introductory report on the "Villas de Carmelo" project;
- 2) Receive testimony on the proposed project and alternatives;
- 3) Receive a staff overview on certain project issues (e.g.; Alternatives, Chapter 18.46, Inclusionary Housing); and
- 4) Continue the item to June 29, 2011.

PROJECT OVERVIEW:

Staff will present an overview of the "Villas de Carmelo", project with a focus on staff's recommended changes of the proposal as a prelude for full consideration of the Project by the Planning Commission in June after the FEIR is released.

The Villas de Carmelo project proposes infill/redevelopment of a 3.68-acre site located in the unincorporated Coastal Zone of Monterey County, bordering the City of Carmel-by-the-Sea. This is an urbanized area with existing public services serving the former Carmel Hospital site that includes three buildings, parking lots, driveways, and paved pathways. Two historically

significant buildings, the former hospital building and a garage/shop building, would be preserved by the proposed project and eight additional new buildings will be constructed on the site to accommodate the proposed forty-six (46) residential units, as well as ancillary uses such as underground parking, a recreational room, gym, and storage. Project entitlements include, but are not limited to; Carmel Area Land Use Plan and Zoning Amendments, Coastal Development Permit, and a Vesting Tentative Subdivision Map. Proposed language amending the LCP is included as **Exhibit C, Attachment 3**.

A Draft EIR (DEIR) was circulated for comment from April 17, 2009 to June 5, 2009; the Draft EIR was recirculated as a Recirculated Draft EIR (RDEIR) from August 8, 2010 to September 16, 2010. The DEIR addresses potential impacts to aesthetics, air quality, biology, cultural resources, geology and soils, hydrology and water quality, land use and planning, public services, population and housing, noise, traffic and transportation, and utilities. A RDEIR was prepared to further address issues raised relative to traffic and water as well as to present a Modified Design Alternative that adjusts the project design to reduce aesthetic impacts to a less than significant level with mitigation. On March 8, 2011, staff forwarded three CD's to the Planning Commission that contained the Villas de Carmelo Draft EIR, the Villas de Carmelo Recirculated Draft EIR, and the Comment letters received on the DEIR and RDEIR. The FEIR is being finalized and will be circulated electronically for public review no later than the end of May, 2011.

Since this is an infill, urban area with existing public services, staff recommends redevelopment of the site to the highest and best use in a manner that minimizes impacts. We find that the Modified Design Alternative achieves this objective. On February 24, 2011, the Minor Subdivision Committee expressed interest to see the modified plans, but the applicant would not agree to a continuance to revise plans. Therefore, the Committee voted to move the project forward without a recommendation (**Exhibit K**).

Exhibit B provides more detailed discussion of the project as originally proposed and the Modified Design Alternative recommended by County staff.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

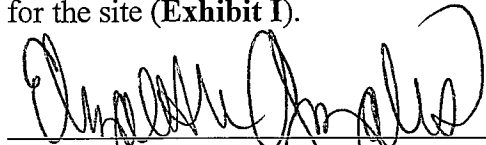
✓	Water Resources Agency		California Coastal Commission
✓	Environmental Health Bureau	✓	Cypress Fire Protection District
✓	Public Works Department		Monterey County Sheriff's Office
✓	Parks Department		Monterey Peninsula Water Management District
✓	Redevelopment & Housing Office		

Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC). The project was continued from January 22 to February 19, 2008 to conduct a site visit. On a 6-0 vote, the LUAC: 1) recommends downsizing the project to reduce neighborhood traffic and reducing tree removal; and 2) supports rehabilitation of the old hospital building (**Exhibit G**).

Housing Advisory Committee (HAC). The applicants request modifications to the requirements of the County Inclusionary Ordinance #04185 to allow all the required onsite inclusionary units to be designated at the market rate income level. On July 14, 2010, the HAC unanimously

supported the approach of paying the in-lieu fee for full compliance, but did state that they were interested in seeing the fee used for new and rehabbed housing in the Planning Area and acknowledged constraints associated with water (**Exhibit H**).

Historic Resources Review Board (HRRB). HRRB supports a project that includes rehabilitating the old hospital, but recommends including focus on the historic landscaping. On March 6, 2008, the HRRB recommended approval, subject to a condition requiring preparation of a physical analysis of the original period landscaping (using, but not limited to, period photographs, landscaping and hardscape plans as well as original architectural drawings and renderings) and incorporation of those original landscaping plans into the final landscaping plan for the site (**Exhibit I**).



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May 9, 2011

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Housing & Redevelopment; City of Carmel-by-the-Sea; Planning File PLN070497, Project Applicants; Molly Erickson, Save Our Neighborhood Coalition, Mark Bayne and other interested parties.

This report was reviewed by Carl Holm, AICP, Assistant Director of Planning.

Exhibit A	Project Data Sheet
Exhibit B	Project Discussion
Exhibit C	Attachment 1- Conceptual Highway 1/Valley Way Intersection Improvement Attachment 2-Vesting Tentative Map Attachment 3-LCP Text Change Language
Exhibit D	Vicinity Map
Exhibit E	Original Project Plans
Exhibit F	Modified Design Alternative
Exhibit G	Carmel Highlands/Unincorporated LUAC Minutes
Exhibit H	Housing Advisory Committee Minutes
Exhibit I	Historic Resources Review Board Minutes
Exhibit J	30% Slope Waiver Justification
Exhibit K	Standard Subdivision Committee Minutes, dated February 24, 2011
Exhibit L	EIR Alternatives Matrix and description (Tables 6.4-1 and 6.4-2)

EXHIBIT A

Project Data Sheet for PLN070497

Project Title: VILLAS DE CARMELO

Location:	BETWEEN HIGHWAY ONE AND VALLEY WAY, CARMEL	Primary APN:	009-061-002-000, 009-061-003-000 AND 009-061-005-000
Applicable Plan:	CARMEL AREA LAND USE PLAN	Coastal Zone:	YES
Permit Type:	COMBINED DEV PERMIT	Zoning:	MDR/2-D (CZ)
Environmental Status:	EIR	Plan Designation:	RESIDENTIAL
Advisory Committee:	N/A	Final Action Deadline (884):	06/02/2010

Project Site Data:

Lot Size:	3.68 ACRES	Coverage Allowed:	35%
		Coverage Proposed:	32.5%
Existing Structures (SF):	APPROX. 26,300 SQ FT	Height Allowed:	30 FEET
Proposed Structures (SF):	76,600 SQ FT	Height Proposed:	35 FEET
Total SF:	76,600 SQ FT	Floor Area Ratio Allowed:	45%
		Floor Area Ratio Proposed:	48%

Resource Zones and Reports:

Environmentally Sensitive Habitat:	MONTEREY PINE TREES	Erosion Hazard Zone:	LOW
Biological Report #:	PLN070666	Soils Report #:	LIB070669
Forest Management Rpt. #:	PLN070666		
Archaeological Sensitivity Zone:	MODERATE	Geologic Hazard Zone:	LOW
Archaeological Report #:	N/A	Geologic Report #:	LIB070668
Historic Report #:	LIB070665		
Fire Hazard Zone:	MODERATE	Traffic Report #:	LIB070670

Other Information:

Water Source:	PUBLIC	Sewage Disposal (method):	PUBLIC
Water Dist/Co:	CAL AM	Sewer District Name:	CAWD
Fire District:	CARMEL HIGHLANDS FIRE PROTECTION DIST	Total Grading (cubic yds.):	13,242 CUBIC YARDS
Tree Removal:	104 (75 MONTEREY PINES AND 21 OAKS	& 8 MISC. SPECIES)	

EXHIBIT B - DISCUSSION

Villas de Carmelo (PLN070497)

I. PROCESS

The project application proposes a Local Coastal Plan Amendment that must be certified by the Coastal Commission (CCC) before the County can take final action on the project. Staff is processing the project concurrently with the EIR to the Board of Supervisors where the project must wait action until the CCC has acted. These are the multiple actions required for approval:

- 1) Subdivision Committee. This project came before the Standard Subdivision Committee on January 13, 2011 and February 24, 2011 to evaluate the proposed project with the technical analysis provided in the EIR. At the February 24, 2011 hearing, staff recommended the applicants make certain design changes to the project based on staff site visit to view revised staking and flagging and tree removal specifically within Highway One viewshed and slope justification with regard to units 32 & 33. On February 24, 2011, Committee members individually stated that they found no issues with the technical aspects of the project, i.e., water, wastewater, traffic. Although the Minor Subdivision Committee expressed interest to see the modified plans, the applicant would not agree to a continuance to revise plans. Therefore, the Committee voted to move the project forward without a recommendation (**Exhibit K**). Since that time, the applicants have submitted revisions that address staff's recommendations.
- 2) Planning Commission. The Planning Commission is being presented the entire project to evaluate and make recommendations to the Board of Supervisors regarding: 1) the LCP Amendment, 2) the EIR, and 3) the project.
- 3) Board of Supervisors. The Board must first consider the LCP Amendment. If the Board agrees with the proposed amendment, they can 1) approve the LCP Amendment, or 2) adopt a Resolution of Intent to approve the amendment, and then the County submits an application to the Coastal Commission (limit 3 applications per year). If the Board does not agree with the proposed amendment, then the project would also be denied and there is no action for the Coastal Commission to consider.
- 4) Coastal Commission. If the Board adopts a Resolution of Intent to approve the LCP Amendment, the Coastal Commission considers if the amendment should be certified as part of Monterey County's Local Coastal Plan. The Coastal Commission's action to certify the LCP is referred back to the Board of Supervisors to consider accepting the Commission's action and any amendment thereto.
- 5) Board of Supervisors. If the LCP Amendment is certified by the Coastal Commission, the Board must accept the Commission's action before the amendment is certified. At that point the Board may act on the proposed project.

II. INTRODUCTION

Villas de Carmelo project is made up of three legal lots of record (Assessor's Parcel Numbers: 009-061-002, 009-061-003, and 009-061-005) located at 24945 Valley Way in the unincorporated Coastal Zone of Monterey County. The site was originally developed as a clinic,

later became a general hospital serving the Monterey Peninsula, and was most recently occupied as a convalescent hospital (Use Permit #863).

The site is improved with pavement and buildings, including parking lots, driveways, and paved pathways. There are three existing buildings: the hospital building, constructed between 1928 and 1930; a garage/shop building; and a separate one-story building known as the nurses' quarters. The main hospital building, the garage/shop building and the landscaping immediately surrounding these two structures, as well as the stone walls at the entrance on Valley Way, have been identified as contributing features of the historical resource. The nurses' quarters is a separate one-story building and is not considered to be historically significant. The existing buildings are in decline and require extensive renovation. Therefore, use of the property since 2005 has been limited to use of the nurses' quarters.

Portions of the project site that are not paved have been landscaped with numerous ornamental tree, shrub, vine, and herbaceous species. Site vegetation can be characterized primarily as areas of mixed Monterey pine and coast live oak woodland with an understory of landscaped shrubs and groundcover. The historic landscaping includes the stone patio, tiled fountain, and landmark oak tree on the south side of the main hospital building, as well as the stone walls, stairways, and terracing immediately surrounding the main hospital building and the garage/shop building.

The project parcel is located in the Hatton Fields area of the Carmel Area Land Use Plan. The site's topography consists of a raised northern area gently sloping southwards. Elevation ranges from 445 feet above sea level at its southern border to 505 feet in the northern extent of the project site. This area has generally been developed to the extent that the natural environment has been significantly altered and that residential use is perceived as the primary use of the land. The site is bordered by:

West: City of Carmel-by-the-Sea. Single family homes.

South: Unincorporated Monterey County. Southwest; Valley Way, a County-maintained road; single family homes. Southeast; Hatton Lane, a private drive, multi-family apartments (14 units).

North: Unincorporated Monterey County. Single-family homes.

East: Unincorporated Monterey County. State Highway One.

The size, density, and character of this residential area vary, but in general, residential parcels in this area average from 3,000 square feet to approximately one-quarter of an acre. This is an urbanized area located within the Sphere of Influence boundary for the City of Carmel-by-the-Sea. Access is currently taken via Highway 1 and Valley Way about 400 feet from the intersection of Highway 1. This area is served by public services and facilities and has access to commercial services located in the City of Carmel-by-the-Sea or at the mouth of Carmel Valley. Storm water flows from the site drains as overland flow to localized depressions and/or ditches adjacent to Valley Way and Highway 1.

Proposed Project (Applicant Submittal)

The proposed project includes entitlements for developing 46 condominium units that involves adaptive reuse and rehabilitation of the existing structures as follows (**Exhibit E**):

Existing Hospital Building: Rehabilitation and adaptive reuse of 90% of the existing 11,500 square-foot hospital structure. This would result in the renovation and conversion of 10,350 square feet of the existing hospital structure into nine condominium units. The renovated hospital building will also house a recreation room and gym located in the building's basement.

Garage/Shop Building: The original garage/shop building will be converted into three residential units.

Proposed New Construction: Construction of eight new buildings with a total of 34 newly constructed condominium units.

Demolition: Demolition of the nurses' quarters building and demolition of a semi-attached shed located on the northern extent of the hospital building. In addition, a small semi-attached shed located on the northern extent of the hospital building will be demolished.

Applicant's Modified Design Alternative (EIR Alternative 4)

Alternative 4, the Applicant's Modified Design Alternative involves the consolidation of the two structures that incorporated Units 1-8 and their associated lower level garage parking into a single two-story 10-unit building (**Exhibit F**). There are five units on the lower level and five units on the upper level. The previous lower-level garage parking for these units has been removed and is now included as surface parking to the south. The consolidation also includes the relocation of the stand alone building containing Units 12 and 13 into the single 10-unit building.

In their revised locations, the floor plan size of Units 12 and 13 has also been reduced from 1,350 square feet (SF) and 1,400 SF to 1,100 SF each resulting in a reduction of total square footage by 500 SF. The loss of the southern building structure and associated garage area also reduces the square footage by 4,950 SF. Additionally, the water usage is reduced by the conversion of units 12 and 13 into smaller type units (similar to Units 1-8). The reduced impacts include a reduction in Highway One viewshed, water usage and building square footage. The square footage and water usage is reduced by the conversion of custom Units 12 and 13.

Staff Recommended Modified Design Alternative (Revision to EIR Alternative 4)

After the applicants re-staked the property to reflect the Modified Design Alternative in the EIR, staff visited the site to review the staking and flagging and tree removal specifically within Highway One viewshed and also to review the slope justification with regard to Units 32 & 33. Based on the revised staking, staff recommends amending the "Applicant's" Modified Design Alternative for the Villas de Carmelo Project (Alternative 4, as analyzed in the EIR) as follows:

- Inclusionary housing requirement would be met through payment of in-lieu fee as recommended by the HAC. *See Inclusionary Housing discussion below.*
- The total square footage of development of the site would be reduced from 77,200 sq ft and 46 units to the same number of units and 76,600 square feet.

- Eliminate structures for Units 5-8 and 12-13 the southeast corner of the project site along Highway 1 and relocate these units into the structure located in the northeast portion of the site, along Highway 1 proposed under the original site plan for Units 1-4.
 - o The building with Units 1-4 would become a 2-story, 10-unit structure that would be 28 feet high and approximately 130 feet in length.
 - o The building previously proposed in the location for Units 5-8 and 12-13 in the proposed project would be replaced with a parking area and additional landscaping in Alternative 4.

Comparison of Buildings: Proposed Project with Alternative for buildings along Highway 1			
Source Map	Units/Buildings	Unit Type	Building Size
Proposed Project (VTM 2, dated 12/10/2007)	Two buildings housing 4 units each Two story with parking underneath	Combination of Inclusionary and Work Force Housing Units	Each of the buildings are 105 by 50 ft each for a total of 210 Linear ft (LF) of building mass along Highway 1.
Modified Alternative Plan (Plan C2, dated 10/9/08) as updated	One building of 10 units (two floors five units each) with no parking underneath. Additional parking area to the south of the building on site Eliminates the building housing units # 12 and 13 previously located west of the new parking area	All Market Rate units	The two buildings are reduced to one located in the north-eastern portion of the site. The remaining building along Highway 1 is 125 feet by 50 ft.

- Retain the healthy, mature trees between the property line and Highway 1 which provide substantial screening along Highway 1 and the parcel. Protecting the Highway 1 public viewshed is one of the most significant issues concerning the future of this area, and this recommendation better meets the visual resources policies in the Carmel Area Land Use Plan.
- Reconfigure, combine and/or reduce by one, Units #30 through #33 to better utilize the existing road, thereby reducing grading amounts and reducing tree removal along the property line and near the hospital. This would also reduce or eliminate the retaining wall previously proposed along the new road.
- Adapt the storm water detention facility and provide additional piping to allow recycled water use for irrigation purposes, thus decreasing the need for potable water for irrigation on site by an estimated 0.173 acre-feet per year (AF/Y).
- Include the use of water cisterns to collect graywater for localized irrigation purposes.

III. PROJECT ANALYSIS

Land Use: The project site is currently designated as Medium Density Residential (MDR) and zoned for Medium Density Residential, 2 units per acre in a design control overlay district in the Coastal Zone (MDR/2-D (CZ)). A hospital was permitted through a Use Permit. At the time of

application, the County of Monterey established that this permit was still valid since the site had not been fully abandoned where certain buildings on the site are currently used.

The Local Coastal Program (LCP) applicable to this project consists of the Carmel Area Land Use Plan (LUP), Carmel Area Coastal Implementation Plan (Part 4), and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance). Development of the proposed project requires amendment of the Local Coastal Program (LCP) to amend the:

- 1) Carmel Area Land Use Plan to include High Density Residential (HDR) designation. The HDR designation is appropriate for a broad range of higher intensity residential uses at a higher density (from 5-20 units/acre) and a blend of housing types. Staff has developed proposed language that limits the density to 12.5 units/acre and defines the location of the HDR to be where urban services - i.e., public water, sewer, roads, public transit, fire protection, etc. - are available.
- 2) Carmel Area Coastal Implementation Plan (CIP) to add the zoning designation category of High Density Residential District to the CIP.
- 3) Land Use Map from the existing designation of MDR/2 (Medium Density Residential/2 units per acre) to HDR/12.5 (High Density Residential/12.5 units per acre).

The applicant provided proposed language to the County to designate the project site as a Special Treatment Zone in the Carmel Area LUP. The County Resource Management Agency staff determined that the HDR designation is appropriate to follow State Housing requirements to allow affordable housing by design (density) in certain areas. Although the HDR designation would be established, proposed amendments to the LUP and CIP have been designed to limit application to this one project so that future projects requesting a HDR designation would need their own LCP amendment (**Exhibit C, Attachment 3**). As such, staff finds that adding the HDR designation would not be growth inducing.

During the course of the public review period of the EIR, comments were received by residents that live within the surrounding residential area of the proposed project site. A majority of these comments express concern that the proposed project conflicts with its neighboring land uses.

The LUP amendment is to rezone the existing designation of MDR/2 (Medium Density Residential/2 units per acre) to proposed HDR/12.5 (High Density Residential/12.5 units per acre) in the Coastal Zone, which would allow a maximum of 46 residential units on 3.68 acres. This number of units would result in adding between 82 and 145 persons to this area. In comparison:

- The minimum building site which may be created in the MDR zone is 6,000 square feet unless otherwise approved as part of a condominium, planned unit development or similar clustered residential subdivision. Apartments are located on neighboring property to the west along Highway 1 where the property is designated as MDR/2. The design of these apartments visually appears denser than the two units per acre zoning designation.
- MDR/2 zoning would allow for 7.36 units (13 to 23 persons) on the subject site.
- For other surrounding sites (north), the MDR designation has developed in a manner consistent with detached, single family homes.
- Properties in the surrounding area within the City of Carmel-by-the-Sea are designated as "R-1." This allows parcels of 2,500 square feet or greater that equates to a density of 17.4 units per acre.

Therefore, staff finds that the proposed density of HDR/12.5 units per acre for the project site is less intense than the City's R-1 designation.

Aesthetically, 9 (22%) of the proposed units would be located within the existing historic building and three units within an existing outbuilding on site so there would be no visual change from those units. Based on an aerial photo outlining existing development patterns, staff finds that the site design is consistent with the urbanized setting. In addition, having existing public services and facilities makes this a suitable potential location for planning higher density housing. As such, staff finds that the proposed density would be appropriate and would not significantly conflict with neighboring land uses.

The staff recommended Modified Design includes the same number of residential units (46). Therefore, the land use density under this alternative would be equal to the proposed project; however, the site design provides greater open space in critical areas. Staff finds that the staff recommended Modified Design Alternative is appropriate and will not significantly conflict with neighboring land uses.

30% Slope Waiver: Zoning Ordinance Section 20.64.230.E.1 states that in order to approve development on slopes of 30% or more, the appropriate authority must find that:

- 1) *There is no alternative which would allow development to occur on slopes of less than 30%, or*
- 2) *The proposed development better achieves the resource protection objectives and policies of the Carmel Area Land Use Plan and development standards of this ordinance.*

The applicant presented how they feel this project meets these criteria (**Exhibit J**).

The project site consists of man-made slopes, the majority of which will be re-graded to create improvements needed to support the project. Small areas of the site to be developed consist of slopes that are 30% or greater. These 30% or greater slopes will be graded to permit development to occur consistent with current standards for safety and access. The project site would be graded to utilize the existing topography, including grading of slopes for parking garages to minimize the height and visibility of the proposed new buildings.

On various occasions, staff visited the site to review the slope justification with regard to development along the west edge of the site (Units #30 to #33). Staff determined that the site design could be improved, and identified the following criteria for how they could achieve this goal:

- Reconfigure and/or combine Units #30 through #33.
- Utilize the existing road,
- Increase side set backs,
- Retain vegetation along the west property line,
- Reduce and/or eliminate the 11-foot tall retaining wall previously proposed along the proposed new road located near the west property line
- Reduce grading, and
- Reduce tree removal in this area (primarily healthy oak trees).

Staff finds that a redesign of Units 30-33 incorporating these criteria would better meet the Carmel Area LUP policy objectives. We will present a concept plan that illustrates these changes

for the Commission to consider. Staff finds that this alternative would be better than the proposed project by reducing grading, retaining healthy oak trees, and providing greater open space in critical areas.

Circulation: The project site is currently accessed via Highway 1 (a state-maintained highway) and via Valley Way (a county-maintained road). Implementation of the proposed project would result in closure of the existing Highway 1 access, and a new entrance would be created from Valley Way located approximately 180 feet west of Highway 1. An existing entrance from Valley Way would remain accessible for fire and/or emergency response.

The project proposes a Y-shaped road system to serve the project site. One individual unit, Unit 23, would have a direct access driveway off of Valley Way. Total parking provided on the project site would be 108 spaces, with 90 covered spaces and 18 uncovered spaces.

A traffic impact analysis evaluated 13 intersections, and five road segments in the vicinity of the project site, as listed below by jurisdiction, including:

1. Caltrans intersections at Highway 1/Carpenter; Highway 1/Valley Way; Highway 1/Flanders Drive; Highway 1/Ocean Avenue and Highway 1/Third Avenue;
2. Monterey County Intersections at Carpenter Street/Valley Way and Lower Trail/Valley Way;
3. City of Carmel-by-the-Sea Intersections at Lobos Street/Valley Way; Monterey Street/1st Avenue/Valley Way; Monterey Street/2nd Avenue; Carpenter Street/1st Avenue; Carpenter Street/2nd Avenue and Santa Fe Street/3rd Avenue; and
4. Highway 1 Road Segments under Caltrans jurisdiction between the following segments: Highway 1 between Holman Highway and Carpenter Street; Highway 1 between Carpenter Street and Valley Way; Highway 1 between Valley Way and Flanders Drive; Highway 1 between Flanders Drive and Ocean Avenue and finally, Highway 1 between Ocean Avenue and Carmel Valley Road.

Most comments received on the EIR expressed concern regarding traffic on Highway 1 and increased traffic on neighborhood streets, particularly on Valley Way and other neighboring roadways. Letters identified impacts from increased traffic volumes, type, or makeup, of traffic (i.e. trucks, construction vehicles), traffic speed, perception of through traffic, adequacy of current streets/roads, accident experience, on-street parking, pedestrian traffic, and pedestrian safety.

The RDEIR indicates that the addition of project traffic will contribute to existing operational/safety deficiencies at the intersections of Carpenter Street and Highway 1 with Valley Way. Therefore, mitigation includes safety improvements at each of the intersections. Since the improvements would serve to improve existing operational problems, the project is only required to pay a pro-rata share of the costs of the identified improvements. However, the project applicant has voluntarily agreed to fund and construct the identified operational/safety improvements as a condition of approval. **Exhibit C, Attachment 1** contains a conceptual drawing of the Valley Way/Highway 1 intersection improvements, prepared by the traffic consultants in coordination with Monterey County staff.

The staff recommended Modified Design includes the same number of residential units (46). Traffic generated under this alternative generally would be equal to the proposed project and would result in the same traffic impacts.

Visual Resources: The project site is located on the west side of Highway One. The intent of the Carmel Area Land Use Plan is to retain a rural character along the Highway 1 corridor, which includes vegetation that visually buffer the built environment. There are some areas where structures (fences and buildings) are directly visible from the Highway.

The site is less visible to traffic traveling southbound on Highway One due to topography and existing vegetation located within the public right of way. Traveling northbound, there is a visual opening where an existing access connects to Highway One immediately north of the neighboring apartments. The right of way along the project frontage is wider to accommodate a deep drainage swale. To the contrary, the apartments near Valley Way are highly visible.

One new building would be constructed on the east edge of the project site along Highway One. The project site was staked and flagged to the approval of Monterey County in order to provide a visual representation of the proposed development by outlining buildings and additions to buildings on the project property. Photo vantage points for a visual analysis were selected based on consultations with County staff considering: field surveys, photos of the project site from selected vantage points, key circulation routes, and aerial photographs. Areas of special interest or potential scenic value were noted for assessment during the field survey.

New structures would be designed in a Spanish/Mediterranean style that is complementary to the existing hospital building. Roofing material would be clay tiles and the exterior skin of the buildings would be stucco. Newly-built structures would be two to three stories, with an average maximum building height between 25 and 35 feet above median grade. Common space would include underground and surface parking, a recreation room, gym, and storage facilities. Proposed grading would involve an estimated 13,500 cubic yards (CY) of cut/fill, including the creation of underground parking through excavation activities.

County staff required preparation of visual simulations to be prepared by the project architect with and without proposed landscaping as part of the analysis in the EIR. The Draft EIR states that implementation of the proposed project would impact the visual integrity of the Highway 1 corridor through buildout of the project site into a residential condominium complex, and that removal of vegetation and the construction of the two buildings proposed directly along Highway 1 would impact views from Highway 1 looking west towards the project site. The DEIR concluded that development of the proposed project would result in significant and unavoidable aesthetic-related impacts to the scenic highway.

In the RDEIR, an applicant proposed Modified Design Alternative was added which was designed to avoid the project's significant impact upon a scenic resource by removing two buildings:

- 1) Units 5-8; 28-foot high, approximately 45 x 100 foot building located on the southeast border of the project and fronting on Highway 1; and

2) *Units 12 and 13*; 28-foot high, approximately 3,000 square foot building located immediately west of Units 5-8.

These units would be housed in a building located to the north along Highway 1. The area where these units were removed was redesigned for open parking, which also included opportunity for retaining and increasing landscaping along the Highway One edge. The RDEIR concludes that the applicants' Modified Design Alternative would mitigate aesthetic project impacts to be less than significant.

Staff recommends reducing visibility of the built environment from vehicles traveling on Highway One. We determined that the view from Highway One would better reflect current conditions, as noted above, by removing one of the two buildings on the east property line (applicant's Modified Design Alternative) and retaining the healthy, mature trees between the property line and Highway 1. Staff finds that recommended changes to the applicant's Modified Design Alternative would better meet the goals and policies of the Carmel Area Land Use Plan, specifically 20.146.030 that requires protecting scenic resources of the Carmel Area.

Water Supply: The proposed project site is currently serviced by utilities with existing public utility infrastructure. In order to obtain regulatory information regarding water service on the property, Staff contacted service providers and relevant regulatory agencies, including the Monterey Peninsula Water Management District (MPWMD or the District) and Monterey County Water Resources Agency (MCWRA). Water would be supplied by Cal-Am (the primary water purveyor in the Carmel area). The sources of supply for the subject parcel are the Carmel Valley Alluvial Aquifer (CVAA) and the Monterey Peninsula Water Resource System, components of the Cal-Am distribution system.

Regionally, available water supplies and meeting water demand are under close scrutiny. Currently, the key constraints on available water supplies in the Monterey Peninsula are legal and relate to SWRCB Order No. WR 95-10, which limits Cal-Am's production from the Carmel River and underlying alluvial aquifer, and the decision in the Seaside Groundwater Basin adjudication that limits Cal-Am's production from the coastal subareas of the Seaside Basin. Recently, the Regional Desalination Project received approval at the California Public Utilities Commission (CPUC). This project is designed to address the State Order and will limit production from the Carmel River in accordance with SWRCB requirements.

The project proposes redevelopment of a former convalescent hospital site into 46 units, as well as development of a 2,100 square foot gym. Although the project area is already developed, the proposed project would increase the developed floor area and convert the use to residential. Based on the proposed project and the applicable water demand factors for fixture counts per the MPWMD Residential Water Release Form, the estimated water demand for the proposed residential project is approximately 6.154 AF/Y. (Stephanie Pintar, MPWMD dated August 10, 2009)¹.

¹ Based upon the detailed breakdown of the number and type of water fixtures for the proposed residential units, along with the square-footage of the recreation room, District staff confirmed the water demand estimates as indicated in their letter: "District staff concurs with the water demand estimates of 6.164 FY in the attached spreadsheet for eight one-bath residential units, eighteen two-baths residential units, and 20 two and one-half bathroom residential units and 4,450 square feet of Group I uses."

All properties that modify or add water fixtures on a property within the MPWMD must obtain written authorization from the District prior to taking action. In accordance with the regulations of the MPWMD, the applicants are proposing to use water credits under Rule 25.5 that allows the property to use their property water credit for the existing buildings and former use on the site. Therefore, the applicants propose to abandon use as a convalescent hospital under the regulations set forth by MPWMD Rule 25.5 and use their property credits assigned under Rule 25.5. The water credit under Rule 25.5 and demand calculations were reviewed by Monterey County Water Resource Agency, Monterey County Planning, and MPWMD. The District has determined that upon application for water credits (based upon demolition of building use or removal of the Property's water meters), the District rules allow for the issuance of 8.226 AF/Y of on-site water credits.

Obtaining a water credit from MPWMD requires formal application and processing by the District. Upon application, the MPWMD Rules and Regulations, including the process for calculating Water Use Credits (Rule 25.5), will be used to verify the final water use credit for the site. The District will also require verification by the District of permanent abandonment of use and final determination of the water use credit for the site. The project is considered consistent with the applicable regulations under MPWMD Rule 25.5 based on the proposed project's application (MPWMD letter dated February 5, 2008); however, final consistency with Rule 25.5 must be verified by the MPWMD per the regulations of the District.

Monterey County Ordinance 3310 (County Code 18.46) requires new subdivisions to provide for a 10% reduction in water demand from uses at the time the ordinance took effect. As the ordinance took effect during the time the hospital was in operation and the proposed project constitutes an intensification of use, staff interprets that this reduction applies to this project. The applicant is required to demonstrate a reduction of historical water use by at least 10% in accordance with Chapter 18.46 of Monterey County Code. In addition, the project must continue to demonstrate that water conservation measures proposed on or off the affected building site will, in combination with the project for which approval is sought, maintain the water cap with the 10% reduction.

Concerns were raised during the public review period on the Draft EIR related to water service delivery, lack of documentation of actual historic use, and potential impacts of water delivery in light of a Cease and Desist Order issued per Order WR 95-10 by the State Water Resources Control Board (SWRCB). The Draft EIR identified the existence of a water credit of 8.226 AF/Y based on an estimated use assuming the applicable MPWMD Rule 25.5, termed the "water credit." Several comment letters cited the water credit as "hypothetical" water use on the site and questioned the validity of the MPWMD water use credit to determine past water use on the site (i.e., Rule 25.5 of the MPWMD which allows for water credits use on a site with an historic record of use).

Following release of the Draft EIR, historic records for the site were obtained identifying actual historic water use. The water records show that the water use varied during operation of the hospital, and if all years were averaged from Water Years 2001 to 2007, the average water demand during this period is 8.3 AF/Y. During a four year period of operations prior to the hospital ceasing operation in 2005 (Water Year 2001 to WY 2004), the property's water use

averaged 13.68 AF/Y of consumption based upon available Cal-Am records. During the four year period after the hospital ceased operations at the site (WY 2005 to WY 2008), only nominal water use was recorded (ranging from a low of 0.18 AF/Y for WY 2008 to 2.90 AF/Y for WY 2005).

Since the MPWMD credit factor of 8.226 is less than the average historical use factor of 8.3, staff applied the MPWMD credit factor. Table 1, below, illustrates how (using the credit factor) the project water demand reduces the site's existing water use with consideration of Chapter 18.46 that requires a 10% reduction.

Table 1	
Type of Use	Total # Units/AF/Y
Historical Use Based Upon Rule 25.5 (Alternative Approach)*	
MPWMD Rules and Factors	8.226 AF/Y
Chapter 18.46 Monterey County Code (8.226-10%)	0.8226 AF/Y
Residual available to meet project demand	7.4034 AF/Y
Residential Units 46 Market Rate***	5.842 AF/Y
Gym***	0.3115 AF/Y
Irrigation demand is projected to be approximately***	1 AF/Y
TOTAL DEMAND PROJECTED	7.154 AF/Y
NET	-0.2494 AF/Y
<p>*Source: (Fixtures and Water Demand Factors are shown in Table 4.14.2, in the RDEIR.)</p> <p>Source: Based upon applicant submittal of Non-Residential Water Release Form and Water Permit Application and independent review as noted above. All water demand factors and water credits will be subject to final approval by MPWMD (Fixtures and Water Demand Factors are shown in Table 4.14.2, in the RDEIR.)</p> <p>***Note: Under the Rules of the MPWMD (Rule 25.5), in applying water credit for existing parcels, the District does not require an additional increment of water for exterior water usage for existing parcels with existing uses; however the District would require a separate water meter for landscaping irrigation purposes. The EIR estimates water demand for irrigation. Adding the EIR estimate of outdoor water use with the interior water demand would be less than the MPWMD assigned water credit of 8.226 AF for the site.</p>	

Based on this scenario, the project would be consistent with the requirements of Chapter 18.46. In addition, the EIR concludes that proposed project would not exceed available water supplies and resources; supplies and resources to serve the project are available to the site; it would not result in construction of new water treatment facility (or facilities) or cause an expansion of existing facilities or construction of facilities that may cause significant environmental effects. The project will not result in a new or expanded entitlement for water; the project will use water within available water use credit from the MPWMD and within historic water use. The project will use water through the water use credit program (Rule 25.5) requiring that water use on the site be within MPWMD demand factors. Implementation of the mitigation measures would require monitoring to ensure project demand is not exceeded and to require conservation measures for water fixtures on site.

However, if the decision makers determine that the water demand should be based on the period after the hospital ceased operations (WY 2005 to WY 2008), the project would increase water use from 2.90 AF/Y, which would be considered a significant, unmitigatable, impact. In

addition, applying water “credit” to the required inclusionary housing units (as discussed below) would affect this condition.

Housing: State law has been updated to require that local agencies encourage affordable housing by design. Our Housing Element requires us to identify areas where there is an allowed density of 30 units per acre to achieve this goal. There currently is no such density in the coastal zone. As such, inclusionary housing is an important tool to provide affordable housing in the unincorporated coastal areas. Monterey County Inclusionary Housing Ordinance requires subdivision projects to supply compliance equal to 20% of the total number of units proposed and that the 20% consist of 6% very low, 6% low and 8% moderate income units.

The proposed would result in the construction of 46 residential units, with a mix of unit sizes from 1,100-1,450 square feet (**Exhibit C2**). Table 1 provides a breakdown for the type of units in the original proposed project:

Table 1 ¹ Residential Types and Square Footage--Proposed Project		
Type	Residential Units	Square Footage
Affordable	9 (19.5%)	10,150 sq ft
Work Force	4 (8.5%)	5,500 sq ft
Market Rate	33 (72%)	61,550 sq ft
TOTAL	46	77,200 sq ft
¹ Note: This is considered “liveable” area and does not include garages or exterior areas.		

One of the reasons to provide high density zoning is to create affordable housing by design. The applicants have proposed an alternative to provide their fair share of inclusionary housing through payment of an in-lieu fee. However, compliance with the ordinance is subject to recommendation of the HAC to the decision making body. Final project approval would be conditioned by the Monterey County Board of Supervisors upon recommendation by the Planning Commission.

On July 14th, 2010, the Housing Advisory Committee (HAC) considered the applicant’s proposal and unanimously voted to recommend payment of an in-lieu fee. The HAC supported this approach but did state that they were interested in seeing the fee used for new or rehabbed housing in the Planning Area. However, they acknowledged:

- 1) Constraints associated with providing water to new or expanded units.
- 2) The proposal did not address the need for housing for very low and low income households in the Planning Area.
- 3) HOA fees would be too expensive for the Moderate Income Inclusionary Owners.
- 4) With the down turn of the economy there are non-restricted for sale units affordable to the Moderate income level in the County so there may not be enough interested buyers.
- 5) A rental component could be considered for the lower income families, but would be difficult to integrate into this high end project.

Monterey County’s Redevelopment and Housing Office recommends the following Condition of Approval:

“The project is subject to the County’s Inclusionary Housing Ordinance, #04185. Prior to the recordation of the Final Map, the applicant shall pay an Inclusionary In-Lieu Fee, based on the In-Lieu Fee Schedule (dated December 2000) for the entire 9.2 unit

obligation. The Redevelopment and Housing Office shall prioritize use of the In-Lieu Fee for the production of affordable housing benefiting the housing needs in the Monterey Peninsula Planning Area, if feasible.”

Staff finds that water should be considered when evaluating off site inclusionary housing units since it would included in the project water demand if the units were placed on site. This can be in the form of water credit through the MPWMD or payment of a fee that would allow purchase of adequate water for the required units. Alternatively, the Commission may wish to consider:

- 1) Allowing the in lieu fee, but require that additional fees/credits are collected to account for water to provide the units in another location. Staff would suggest water credit for units within the subject water planning area and additional fees for units located outside of the water planning area.
- 2) Reducing the total number of units for the project by the number of inclusionary units required since they were not being provided onsite (comment by one Subdivision Committee member). This would require reducing the project by nine (9) units (total 37 units) plus payment of a fee for 0.2 units. This concept would result in additional water savings that could be accounted for units located within the same water planning area.

Biological Resources: The majority of the former convalescent hospital site has been developed with paved pathways, parking lots, and structures. Open areas have been heavily landscaped and consists of a fragmented mix of Monterey pines and coast live oaks with ornamental tree and shrub species typical of most residential areas of Carmel. The proposed construction of 46 new residences at the former Carmel Convalescent Home site will result in removal of 104 of 125 on-site trees that are greater than 12-inches diameter at DBH (21 coast live oak, 75 Monterey pines, and eight miscellaneous species). A Forest Management Plan submitted by the applicant for this project indicates that most of the vegetation on site was introduced as part of the hospital landscape; and therefore, is not considered native.

Removal of trees for development is subject to the policies contained within the Carmel Area LUP and CIP, except non-native tree where removal is encouraged. While no specific restrictions for selected tree species in the Carmel Area LUP, the policies support a diversity of forest resources, including Coast redwood, Monterey pine, Douglas fir, and Coast live oak. Policy 2.2.4.11.e Carmel LUP requires design to retain existing trees and other native vegetation to the maximum extent possible both during the construction process and after the development is completed. As noted in the visual resource discussion above, staff has proposed changes to the applicant’s Modified Design Alternative to reduce visibility of building along Highway 1 as well as minimizing tree removal and grading in certain areas (Policies 2.2.3.5 and 2.2.3.7 Carmel LUP).

Several comments on the Draft EIR expressed concerned with the scale of proposed tree removal and that measures should be incorporated into the project to minimize tree removal. In addition, the comments also suggest that adequate site design did not take into account tree removal.

The Draft EIR identified that the removal of existing mature vegetation, which includes mature pines and oaks, would constitute significant and unavoidable impacts to a scenic vista, the visual integrity of the Highway 1 Corridor, and the existing visual character of the site. To ensure that

the final design minimizes tree removal, Mitigation Measures 4.1-2 and 4.1-4 (require that all final design-level plans are completed in accordance with the recommendations of a registered arborist/forester, and mature trees within the 10-foot setback from the eastern property line are preserved as much as possible to provide further screening.

Applicant's Modified Design would involve development on the majority of the site, comparable to the proposed project. Although building structures are reduced, there would be parking areas where the previous building area along Highway 1 was located. Staff finds that this would result in similar impacts on trees and other biotic resources, thus the impacts to biological resources resulting from implementation of the Modified Design would be the same. Therefore, staff worked with the applicants to increase retention of existing trees and biological resources, as well as preserving the historical landscape area.

Staff and the applicant walked the project site and reviewed property boundaries and proposed improvements in detail with the goal of maximizing preservation of trees as much as would be feasible. Landscape screening is allowed provided that it is compatible with the scenic character of the area, and the Forest Management Plan prepared for the proposed development includes appropriate recommendations. Although a large amount of tree removal is required to allow for the proposed development, the impacts have been evaluated, mitigated for, and minimized where feasible. Mitigation has been incorporated to ensure that there is adequate monitoring to ensure the success of replacement trees.

Many of the Monterey pine trees proposed for removal are located around the perimeter of the site. Staff finds that removal of most of these Monterey pines would not significantly impact the visual resources from the critical areas (Highway 1) because they have been significantly trimmed up. To the contrary, retaining healthy oaks and appropriate understory would better meet the policies of the LUP. In the Slope Wavier section above, staff discussed recommended revisions along the east property line that would result in retaining a number of healthy oak trees located on the project site. In addition, staff has identified at least one nice oak tree that would be a candidate for relocation.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

On March 8, 2011, staff gave the Planning Commissioners electronic versions of the Draft EIR, Recirculated DEIR and Comments on the DEIR and RDEIR. The Comments will be considered and responded to in the Final EIR (FEIR) prior to recommendation to the Planning Commission.

A Notice of Preparation was circulated for comments between July 11 and August 11, 2008, with a public scoping meeting held at Monterey County offices on July 23, 2008. A Draft Environmental Impact Report (DEIR) was prepared for the project pursuant to CEQA and circulated for public review between April 15 and June 5, 2009. Potential Impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Public Services, Traffic and Circulation, and Utilities were identified in the DEIR. In response to comments received on the DEIR during the public review period, a Recirculated Draft EIR (RDEIR) was prepared and circulated (August 3 to September 24, 2010) for public review that included:

- New **Introduction**;
- Section 2.0, **Summary**;
- Section 4.13, **Traffic and Circulation**
- Section 4.14, **Utilities and Service Systems**
- Section 5.0, **CEQA Considerations**; and
- Section 6.0, **Alternatives**

Mitigations are included to minimize impacts where feasible and have been made conditions of approval for the project. Unavoidable impacts to Aesthetic Resources were identified in the DEIR for the original proposed project that would require a statement of overriding considerations prior to approving the project.

A total of 10 alternatives were considered in the EIR (**Tables 6.4-1 & 6.4-2 Exhibit L**) resulting in a range of options, and the EIR concludes that Alternative 3, Existing Zoning Alternative, would be the environmentally superior alternative as it would reduce environmental impacts to the greatest degree in comparison due to its lowest number of new construction and development (for more discussion see Section 6.0 of the RDEIR).

With the RDEIR, **Applicant's Modified Design Alternative** (Alternative 4) was introduced with a primary focus to reduce aesthetic impacts along Highway 1. Staff is recommending this alternative, with recommended changes, because it includes the avoidance of the scenic resources significant impact by:

- Removing two large buildings of the proposed project's design from public view off Highway 1
- Retaining the healthy, mature trees between the property line and Highway 1 which provide substantial screening along Highway 1 and the parcel.
- Revising the site design for Units #30 through #33 to utilize the existing road, thereby reducing grading amounts and reducing tree removal along the property line and near the hospital.
- Reduce or eliminate the retaining wall previously proposed along the road.

This alternative may also reduce impacts to hydrology/water quality, land use, and Public Services & Utilities. The other environmental impacts are generally the same as the proposed project. **Table 2** presents a summary of Alternative 4 as compared to the proposed project:

Table 2.Changes in Environmental Impacts for Alternative 4	
Environmental Factor	Impact Compared to Proposed Project
Aesthetic	Less
Air Quality	Equal
Biological Resources	Equal
Cultural Resources	Equal
Geology/Soils	Equal/Slightly less
Hazards and Hazardous Materials	Equal
Hydrology/Water Quality	Less/Slightly Less or Equal
Land Use	Slightly Less
Noise	Equal
Public Services & Utilities	Equal/Slightly Less
Traffic	Equal

The following provides a qualitative assessment of Applicant's Modified Design Alternative (EIR Alternative 4) as compared to the proposed project for issues not addressed earlier in this report:

Air Quality. Applicant's Modified Design assumes similar development levels as the proposed project, thus will result in similar impacts from the generation of regional emissions to the proposed project since vehicle trips would be the same. The potential construction related impacts would only be slightly reduced due to the reduction of the buildings; however, earth movement and grading would still be required for the proposed parking in these areas. All other air quality impacts would be comparable to the project.

Cultural Resources. Although the building mass would be slightly reduced, this design alternative would involve development on the majority of the site, resulting in potential impacts to undiscovered archaeological resources and the historic resource comparable to the proposed project. The cultural impacts would be equal to those of the proposed project.

Geology/Soils. Although the building mass would be slightly reduced, the impacts related to geology and soils would be similar to the proposed project in the areas of seismicity and exposure to seismic hazards in comparison to the proposed project.

Hazards and Hazardous Materials. Although the building mass would be somewhat reduced, the impacts related to hazardous materials and possible remediation efforts associated with the construction and rehabilitation of the historic structure generally would be equal to those of the proposed project.

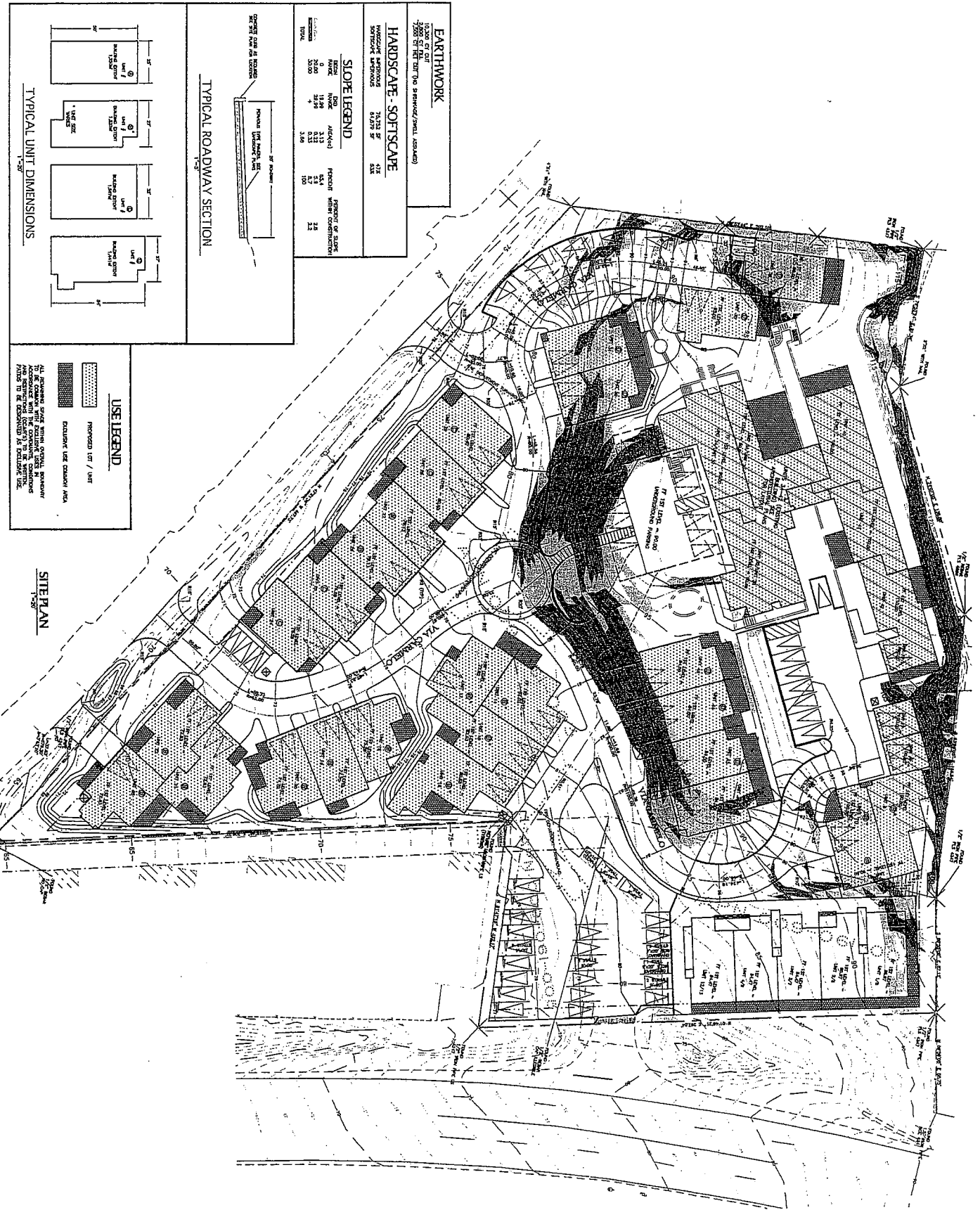
Hydrology/Water Quality. Development under this alternative would be subject to Monterey County drainage requirements. For both the proposed project and Applicant's Modified Design Alternative, water quality impacts would be minimized through onsite drainage facilities and implementation of required BMPs. Further, with the proposed alteration to the storm water detention facilities to allow storm water to be used for irrigation purposes, impacts from runoff would be less than the proposed project. The hydrology and water quality impacts of EIR Alternative 4 generally would be less than or equal to those of the proposed project.

Noise. Applicant's Modified Design would result in the similar construction and operational noise sources associated with the proposed project. Traffic noise impacts generally would be comparable to the project since traffic generated under this alternative would be the same as the proposed project. The noise impacts generally would equal to those of the proposed project.

Public Services & Utilities. Applicant's Modified Design would result in the demand for services and utilities that is consistent with the proposed project. With the implementation of the proposed storm water/irrigation proposal, demand for potable water for irrigation purposes would be less than the proposed project, depending on yearly rainfall. Based on preliminary estimates the use of recycled water could account for a 0.173 AFY reduction in water use as compared to the proposed project. Given this information estimated water use for this alternative is projected to be 6.154 AFY. The public services and utilities impacts of this Modified Design would be slightly less than or equal to those of the proposed project.

EXHIBIT C
ATTACHMENT 1-
CONCEPTUAL HIGHWAY 1/VALLEY WAY
INTERSECTION IMPROVEMENT

EXHIBIT C
ATTACHMENT 2-
VESTING TENTATIVE MAP



VTM-2

Vesting Tentative Map
 Assessor's Parcel No. 009-061-002, -003, -005

Villas De Carmelo
 HIGHWAY ONE AND VALLEY WAY,
 CARMEL BY THE SEA, CALIFORNIA 92921

WWD
 WESTERN WATER DEVELOPMENT
 12345 Main Street, Suite 100
 San Diego, CA 92101
 Phone: (619) 555-1234
 Fax: (619) 555-5678
 Email: info@wwd.com

Project: Villas De Carmelo
 A portion of Parcel 1 & 2,
 located within the Villas De Carmelo
 Subdivision, Monterey County,
 California.

Submitted: VESTING TENTATIVE MAP
 SITE PLAN

Prepared: WWD
 Date: 11/14/18

WVanner Group
 ARCHITECTS, INC.
 12345 Main Street, Suite 100
 San Diego, CA 92101
 Phone: (619) 555-1234
 Fax: (619) 555-5678
 Email: info@wvanner.com

EXHIBIT C
ATTACHMENT 3-
LCP TEXT CHANGE LANGUAGE

EXHIBIT C – ATTACHMENT 3

LCP AMENDMENTS

Amendments to the Carmel Area Land Use Plan are identified below with proposed new text presented as underlines text and text to be deleted presented as strikeout text:

2.2.4 *Specific Policies*

6. The existing forested corridor along Highway 1 shall be maintained as a scenic resource and natural screen for existing and new development. New development along Highway 1 shall be sufficiently set back to preserve the forested corridor effect and minimize visual impact. All new development on the Carmel Convalescent Hospital site shall include a landscape berm landscaping to screen the development from Highway 1.

Policy 4.4.3.E.15

The 3.68 acre Carmel Convalescent Hospital property may be developed for residential use. A maximum of 46 units may be approved. The units shall be screened from Highway 1 through implementation of a landscape plan which includes a landscape berm along the entire Highway 1 property frontage.

Policy 4.4.3.E.2

E. Residential

2. Medium-density residential development shall be directed to existing residential areas where urban services – water, sewers, roads, public transit fire protection, etc. – are available. The density for ~~new~~-new subdivision is two units per acre except for the Portola Corporation property in Carmel Meadows and the Carmel Convalescent Hospital property adjacent to Highway 1. The 3.68 acre Carmel Convalescent Hospital property is the only property that is available to be may be developed for high density residential use subject to Policy 4.4.3E.15. As a condition of development of the Portola property, covenants must be recorded acknowledging agricultural use on the adjacent parcel and holding the owner (State) harmless for any nuisance due to the agricultural use.

Policy 4.5.H

H. Medium/High – Density Residential

Medium-density residential development is the primary use. The density for new subdivision is 2 units per acre, except on the Mission Ranch property where a density of 4 units per acre may be allowed subject to section 4.4.3.F.1 and, Odello

(162 units) subject to section 14.4.3.F.4 and the Carmel Convalescent Hospital site where (a maximum of 46) residential units are allowed subject to Policy 4.4.3.E.15*.

Minimal parcel size will be determined upon application review. The designation is applied to the City of Carmel vicinity and the Carmel...

4.6 RESIDENTIAL DEVELOPMENT DENSITY

<i>Land Use Category</i>	<i>Location</i>	<i>Approx Acreage (Acres)</i>	<i>Density for New Subdivision</i>	<i>Est. Max New Res. Dev # of Units</i>
<i>Watershed and Scenic Conservation</i>				
<u>High Density Residential</u>	<u>Carmel Convalescent Hospital</u>	<u>3.68</u>	<u>12.5 units Per acre</u>	<u>46 max</u>

<u>ESTIMATED TOTAL NEW RESIDENTIAL DEVELOPMENT</u>	<u>755 (units max)</u>
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CARMEL CONVALESCENT HOSPITAL SITE:

The 3.68 acre Carmel Convalescent Hospital property may be developed for residential use at the density to allow reuse of vacated historic buildings and infill on a property next to and currently served by urban services. A maximum of 46 units may be approved. The units shall be screened from Highway 1 through implementation of a landscape plan which includes landscaping along the entire Highway 1 frontage.

EXHIBIT D
VICINITY MAP

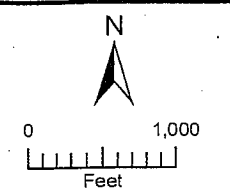


APPLICANT: RIGOULETTE LLC

APN: 009-061-002, 003, 005

FILE # PLN070497

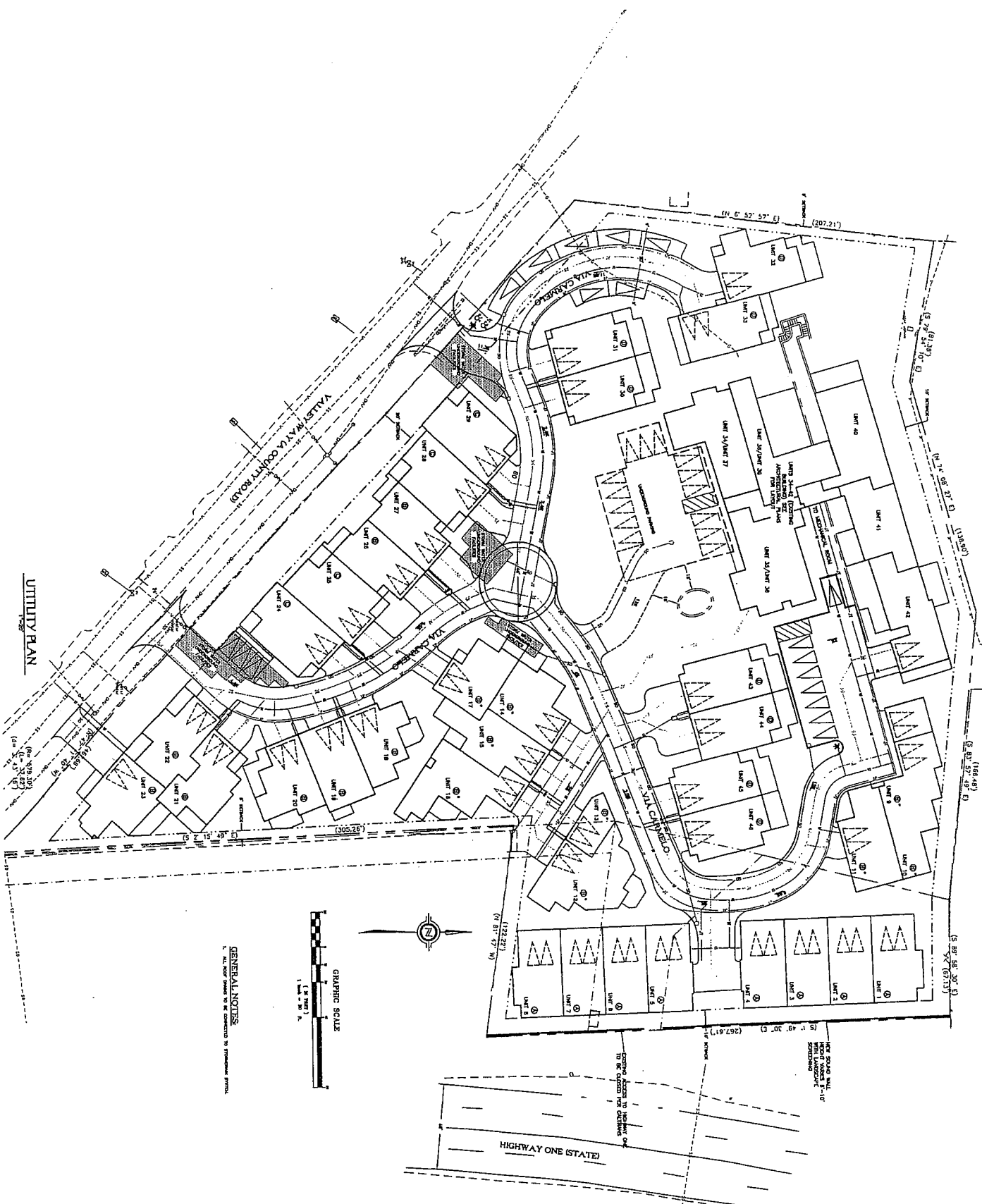
 300' Limit  2500' Limit  City Limits



PLANNER: GONZALES

EXHIBIT E
ORIGINAL PROJECT PLANS

VYSTING TENTATIVE MAP	
COVER SHEET AND EXISTING SITE CONDITIONS	
Prepared by: 07-0316	Drawn by: WWD CORP
Scale: 1" = 30'	Date: 12-10-07
Sheet No.:	



$1^{\circ} = 20'$	12
Direct Pass	

1250J Coast Village Road
Sausalito, CA 94965
Telephone (415) 338-5074
Facsimile (415) 338-3797
E-mail www.wgarch.com

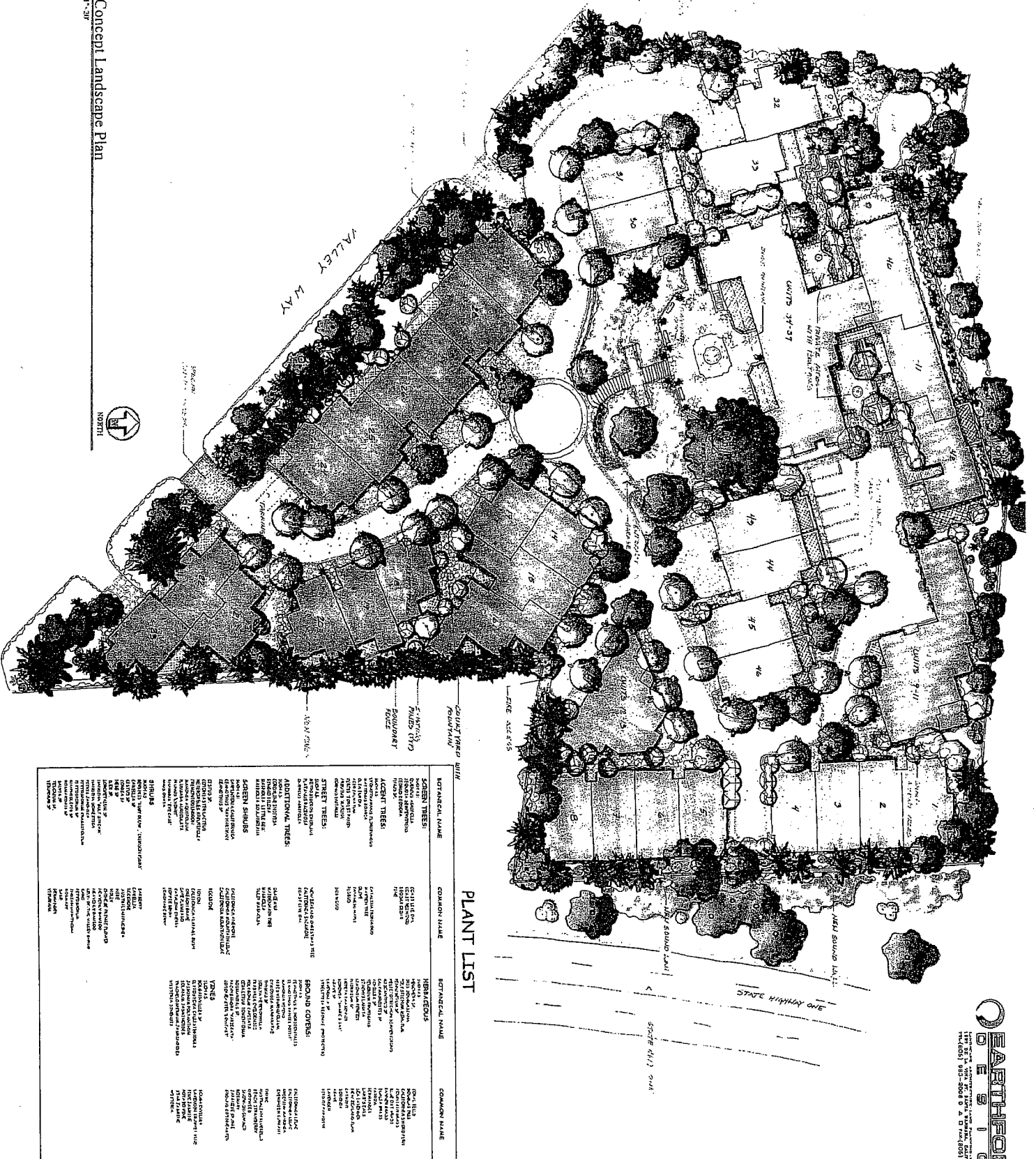
Villas De Carmelo

of Assessor's Parcel No. 009-061-003, being a portion of Lots 1 & 2, Hatton Partition, Rancho Canada De La Segunda, Monterey County, California.

	Date	Diagnosis
	Remarks	

Project:			
Project Title:	Concept Knowledge Test		
Project No:	27500	Display By:	A.M.M.D
Status:		Date:	12/16/07
Entered Date:			

L.i



ARCHITECT A FULLY DIMENSIONED PERSPECTIVE



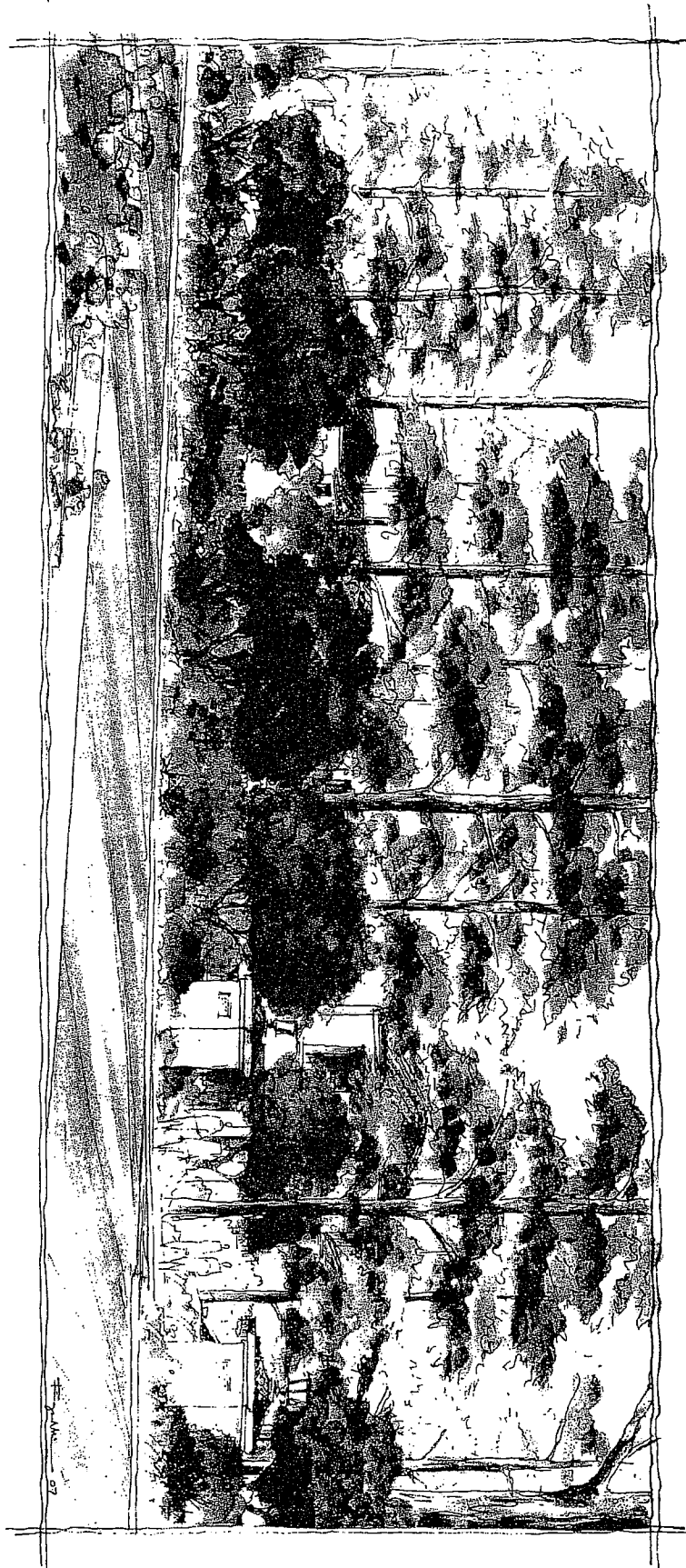
Warner Group
ARCHITECTS, INC.

12501 Coast Village Road
Suite 200, Laguna Hills, CA 92653
Telephone (949) 948-3272
Facsimile (949) 948-3277
Email: www.warner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project No.
Architect A, Fully Building
Proposed
2150
CCL 18K
1/27/07

A.01



Perspective From Valley Way

Werner
Group
ARCHITECTS, INC.

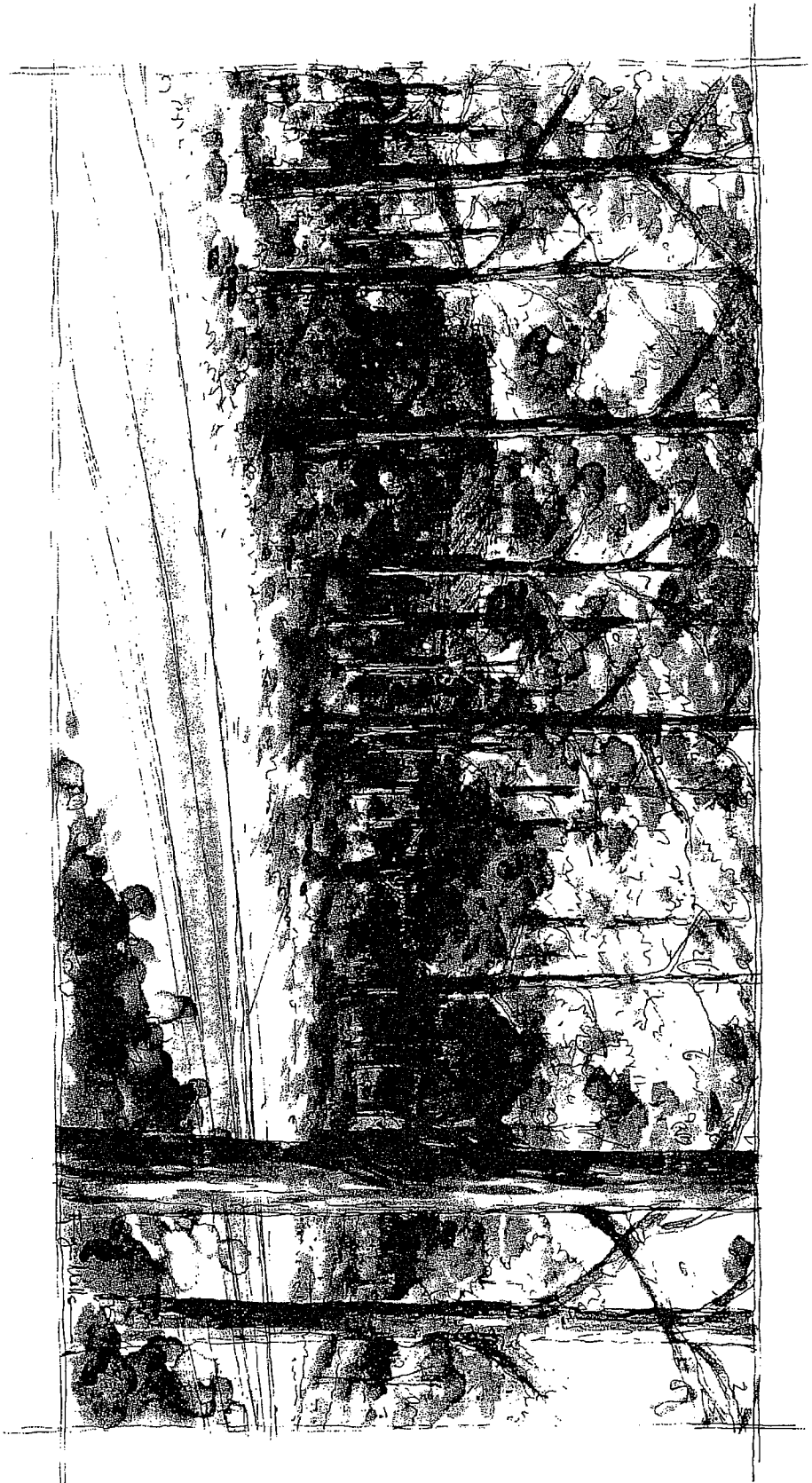
13501 Coast Village Road
Suite 200
Marina del Rey, CA 90292
Telephone (310) 998-3074
Facsimile (310) 998-3177
Email: www.wagner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

A	Sheet	1
Project	1	1

Drawn By	2/18/00
Valley Way Perspective	
Project No.	27180
Client	DCI, LLC
Scale	1/4" = 1'-0"
Sheet No.	101-0002

Perspective from Highway 1



tHw Garner Group
ARCHITECTS, INC.

12041 Coast Village Road
Suite 200, CA 92038
Tel: (619) 451-1000
Fax: (619) 451-1001
Email: info@thwgarner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project: Villas De Carmelo
Site: 27500
Drawing: 001/001

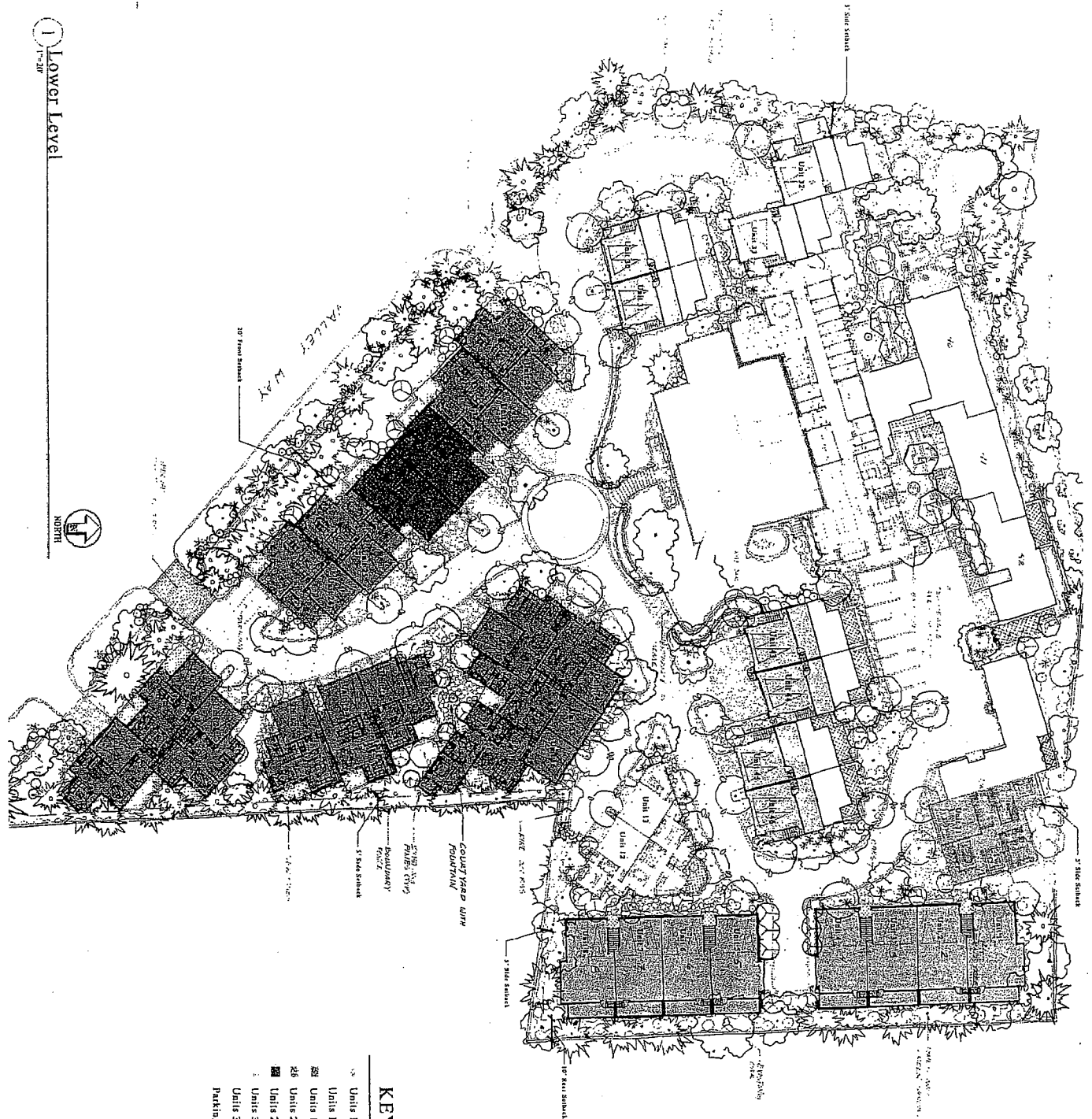
Project:

Project:

Highway 1 Perspective

Project: Villas De Carmelo
Site: 27500
Drawing: 001/001

A.03



KEY

- Unit 1-8,11 Affordable (1100 - 1300 sq. ft.)
- Unit 12-13 Workforce (1350 - 1450 sq. ft.)
- Unit 14-23 Market Rate (1350-1750 sq. ft.)
- Unit 24,25,28,29 Market Rate (2450 sq. ft.)
- Unit 26,27 Market Rate (1350 sq. ft.)
- Unit 30,31, 43-46 Market Rate (2000 sq. ft.)
- Unit 32,33 Market Rate (2500 sq. ft.)
- Parking Garage/Recreation Room/ Gym (2900 sq. ft. w/out Garage)

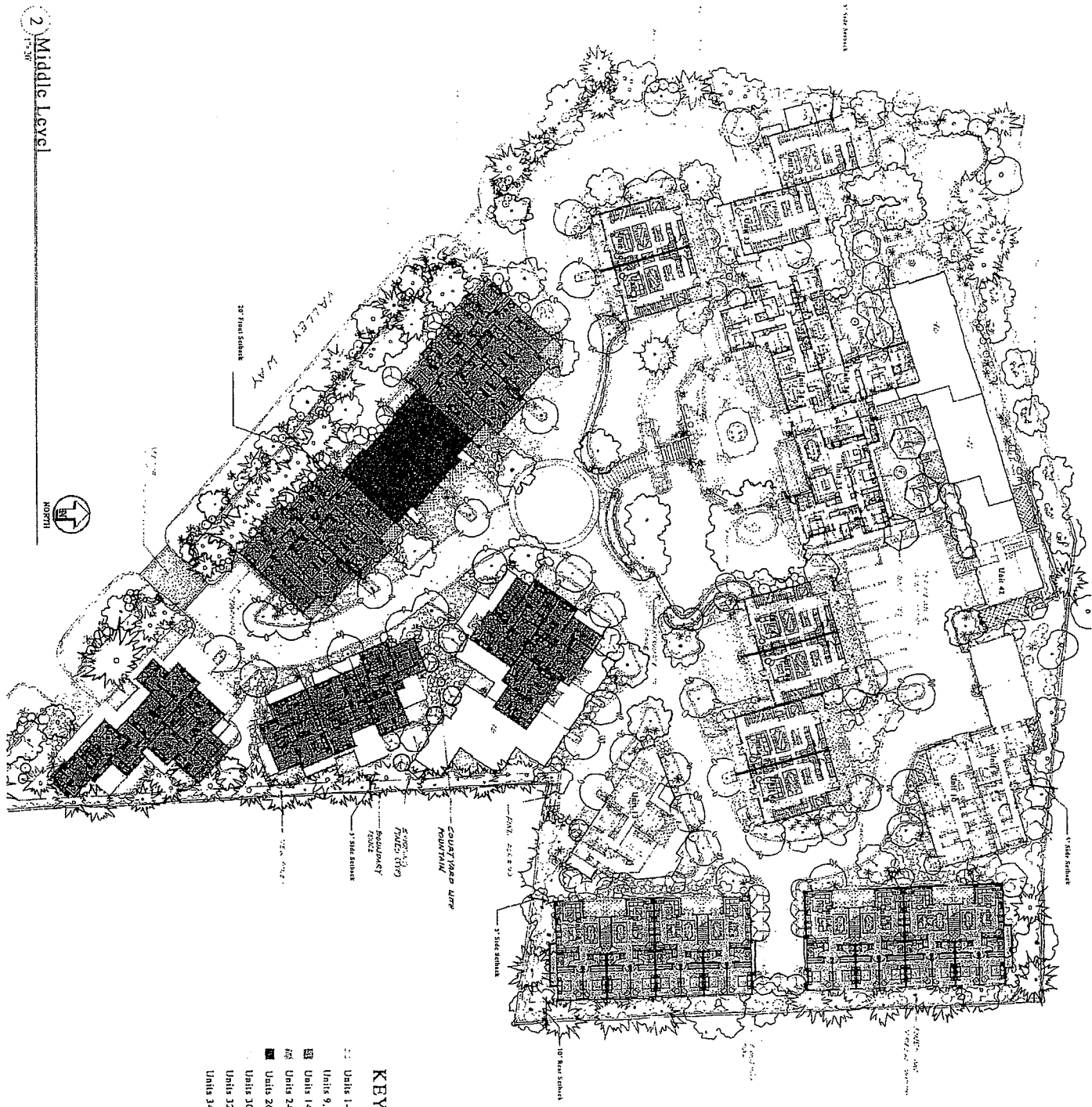
EARTHFORM
DESIGN
10000 Canyon Blvd.
Suite 100
Boulder, CO 80501
Tel: (303) 440-8800 or 1-800-440-8800 Fax: (303) 440-8801

Wanner Group
ARCHITECTS, INC.
10000 Canyon Blvd.
Suite 100
Boulder, CO 80501
Tel: (303) 440-8800 or 1-800-440-8800 Fax: (303) 440-8801

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

A.10





KEY

- Units 1-8 Affordable (1100 sq. ft.)
- Units 9, 10, 13 Workforce (1350 - 1450 sq. ft.)
- Units 14-23 Market Rate (1350-1700 sq. ft.)
- Units 24-35, 38, 39 Market Rate (2450 sq. ft.)
- Units 36, 37 Market Rate (1350 sq. ft.)
- Units 38, 39 Market Rate (2000 sq. ft.)
- Units 40-43, 45-46 Market Rate (2500 sq. ft.)
- Units 44-46 Market Rate (1600-2050 sq. ft.)

EARTHFORM
DESIGN
1501 Central Express Road
Santa Barbara, CA 93106
Phone: (805) 963-2000 or 805-963-2000
Fax: (805) 963-2000 or 805-963-2000

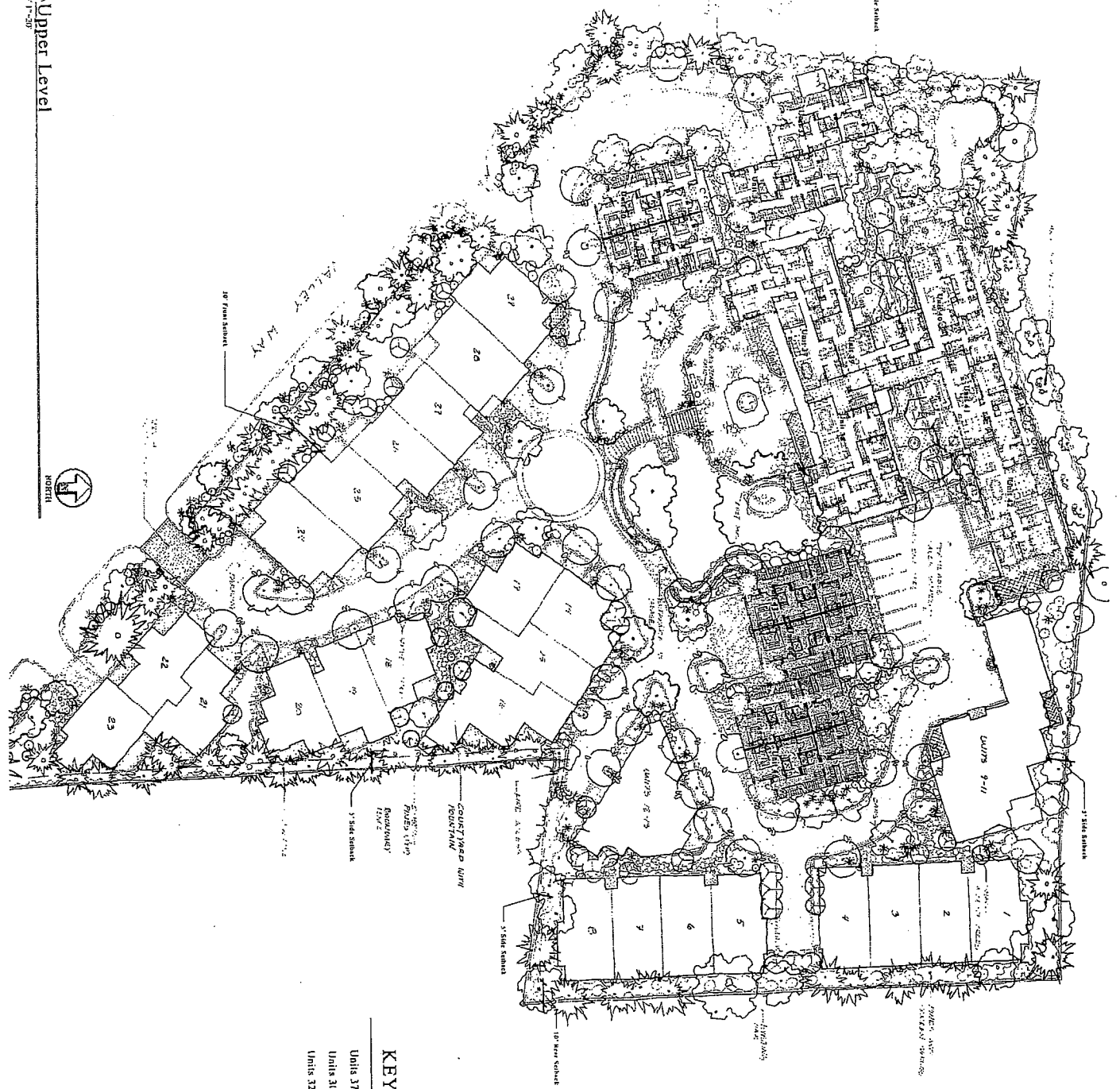
Wamer Group
ARCHITECTS, INC.
1501 Central Express Road
Santa Barbara, CA 93106
Phone: (805) 963-2000
Fax: (805) 963-2000
Email: wamer@earthform.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

SCALE: 1" = 20'

A.11

3 Upper Level
11'-0"



KEY

- Units 37-42 Market Rate (1600-2100 sq. ft.)
- Units 30, 31, 43-46 Market Rate (2000 sq. ft.)
- Units 32, 33 Market Rate (2500 sq. ft.)

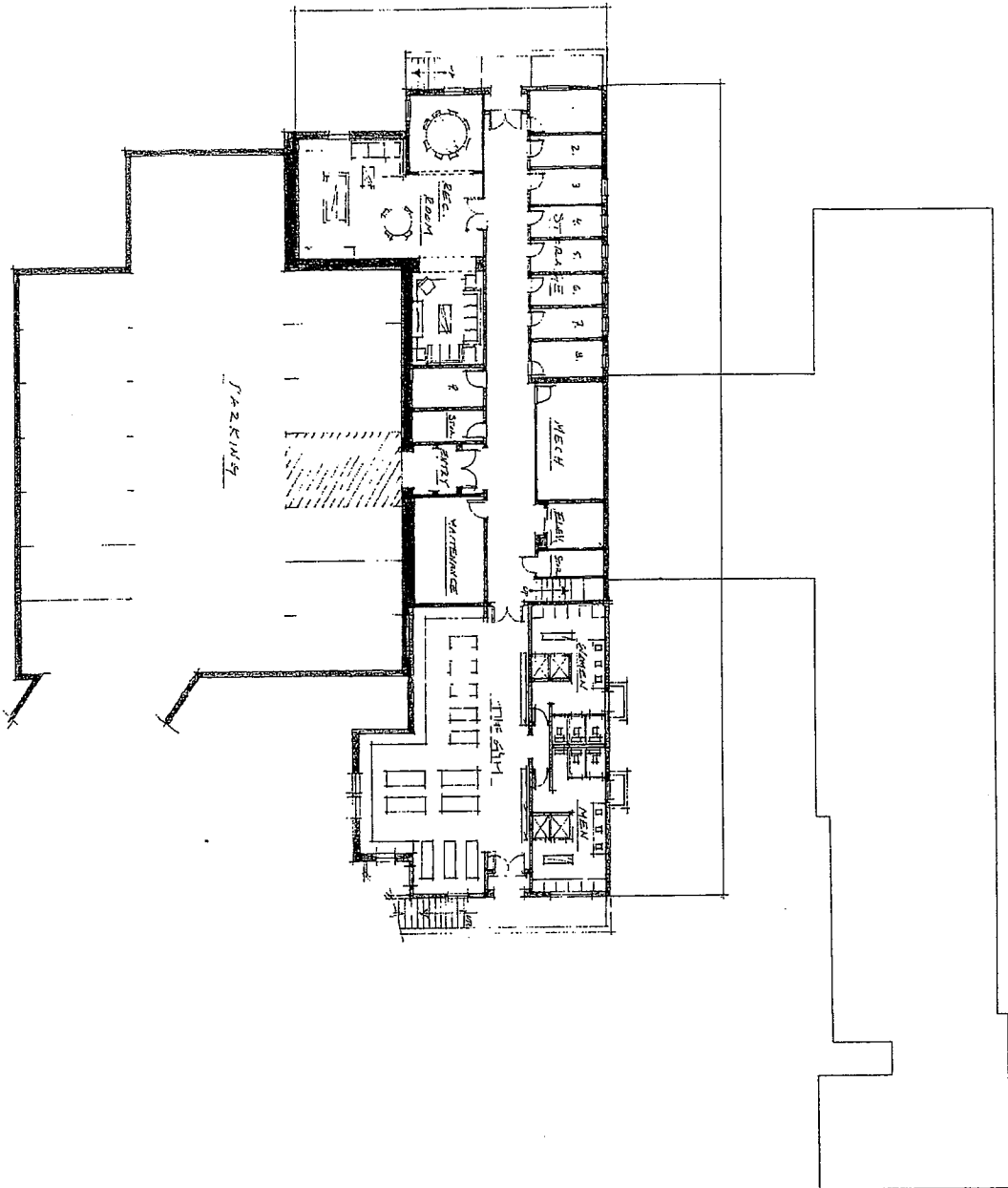
EARTHFORM
DESIGN
11000 Canyon Blvd
Suite 200
Boulder, CO 80501
Tel: (303) 440-8000 Fax: (303) 440-8001
www.earthformdesign.com

Wamer Group
ARCHITECTS, INC.
11000 Canyon Blvd
Suite 200
Boulder, CO 80501
Tel: (303) 440-8000 Fax: (303) 440-8001
www.wamergroup.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

A.12





Gardner A. Daily Building Basement Plan

SCALE - 1/8" = 1'-0"

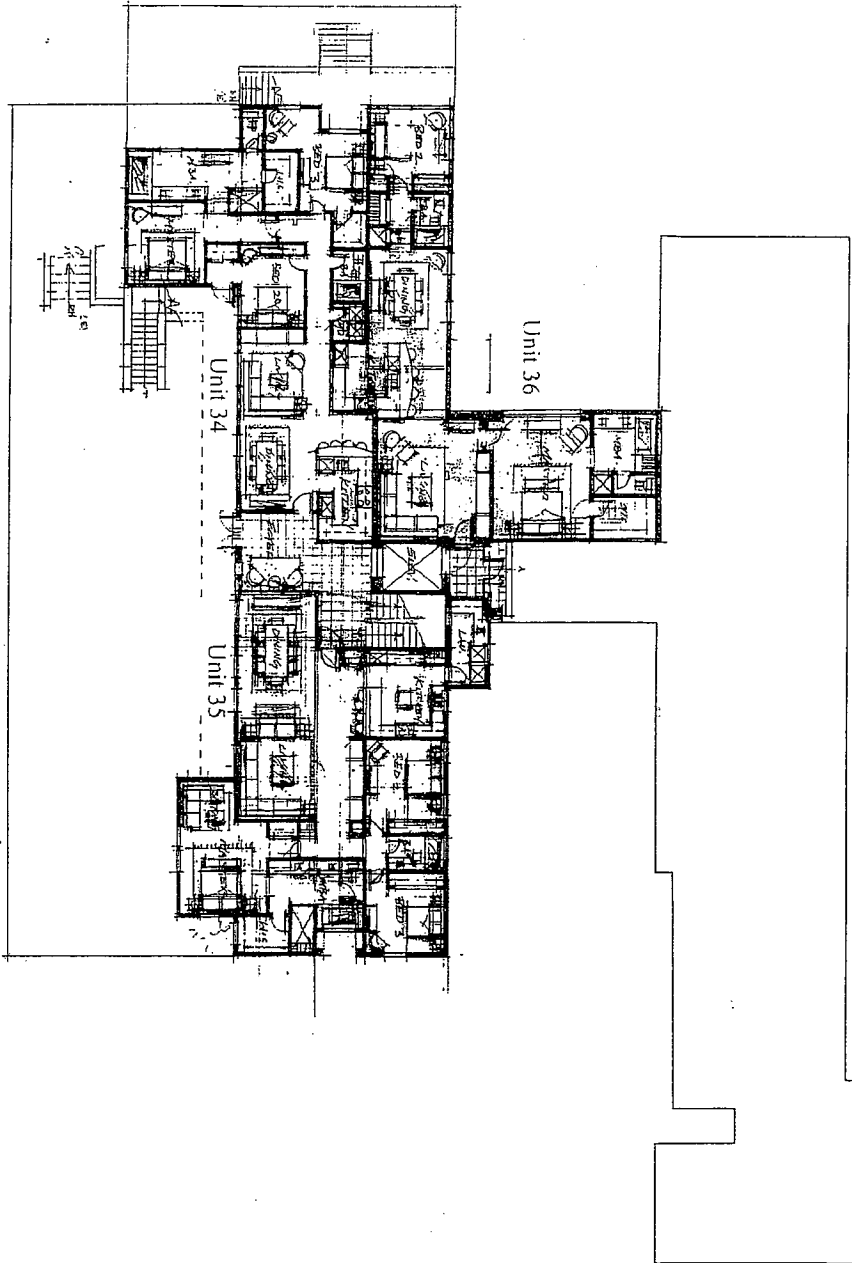
Wanner Group
ARCHITECTS, INC.

12501 Coast Village Road
Suite 300, San Diego, CA 92161
Phone: (619) 594-1111
Fax: (619) 594-1112
E-mail: info@wanner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project: _____
Date: _____
Author: _____
Checker: _____

Project: _____
Title: _____
Drawing No.: _____
Sheet: _____
Scale: _____
Date: _____



Gardner A. Daily Building Lower Level Plan

GRAPHIC SCALE
1" = 10'-0"
SCALE - 1/8" = 1'-0"

**Gardner
Group**
ARCHITECTS, INC.

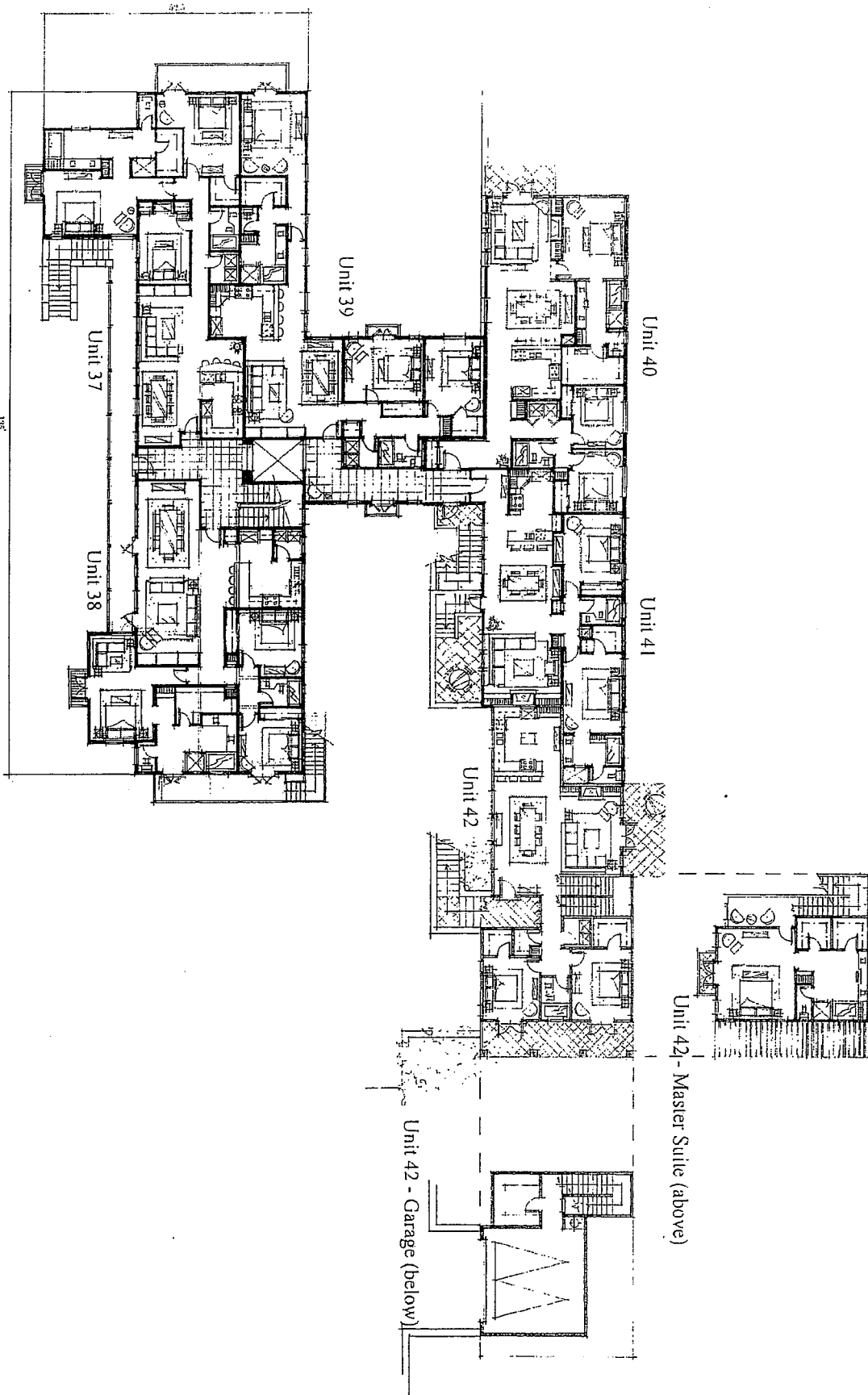
12501 Coast Village Road
Suite 200, CA 91908
San Diego, CA 91908
Phone: (619) 444-2717
Fax: (619) 444-2717
Email: www.gardner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project: _____
Date: _____
Author: _____
Check: _____

Project: _____
Date: _____
Author: _____
Check: _____

A.21



Gardner A. Daily Building Upper Level Plans



Garner Group
ARCHITECTS, INC.

10201 Ocean View Road
Suite 200, Newport Beach, CA 92660
Telephone: (949) 868-5074
Facsimile: (949) 955-3787
E-mail: www.garner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project:
Title:
Author:
Date:
Scale:
Sheet No.:

Project No.:
Drawing No.:
Revision No.:
Revision Description:

A.22

Warner Group
ARCHITECTS, INC.

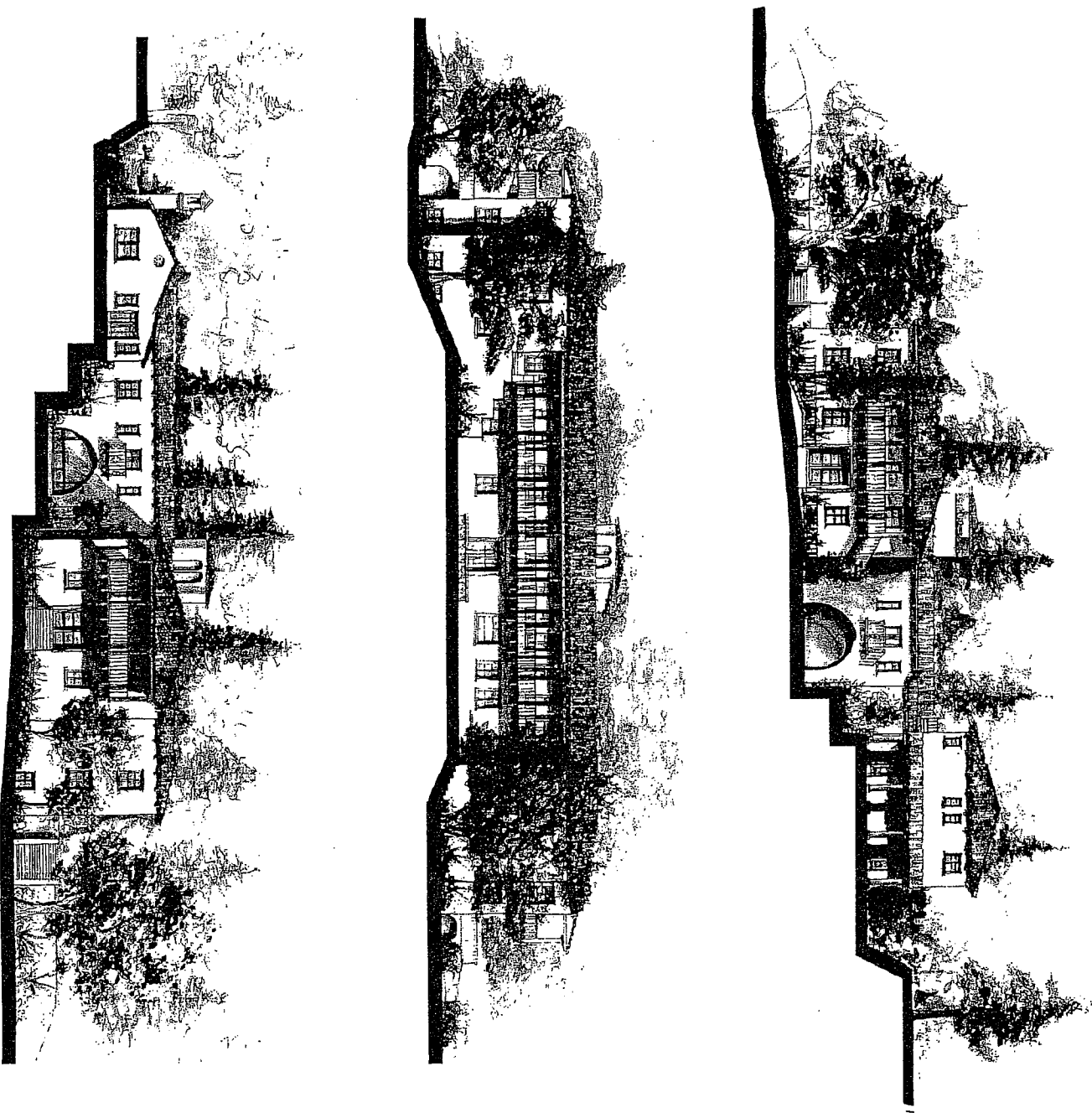
17500 Central Express Road
Suite 200, San Jose, CA 95131
Telephone: (408) 946-0274
Fax: (408) 946-0275
E-mail: info@warnergr.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

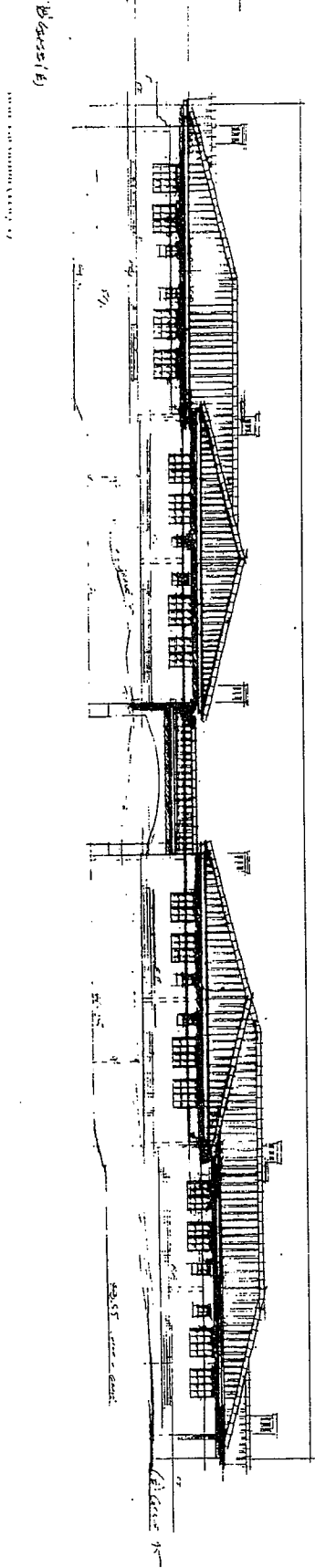
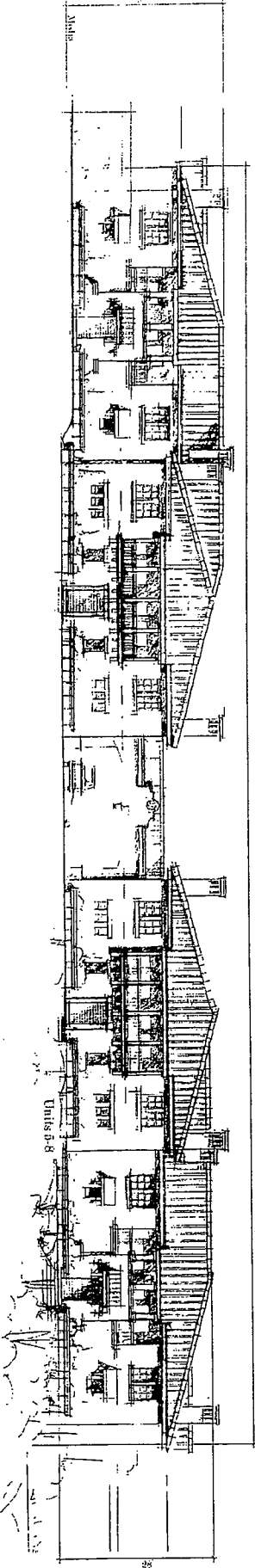
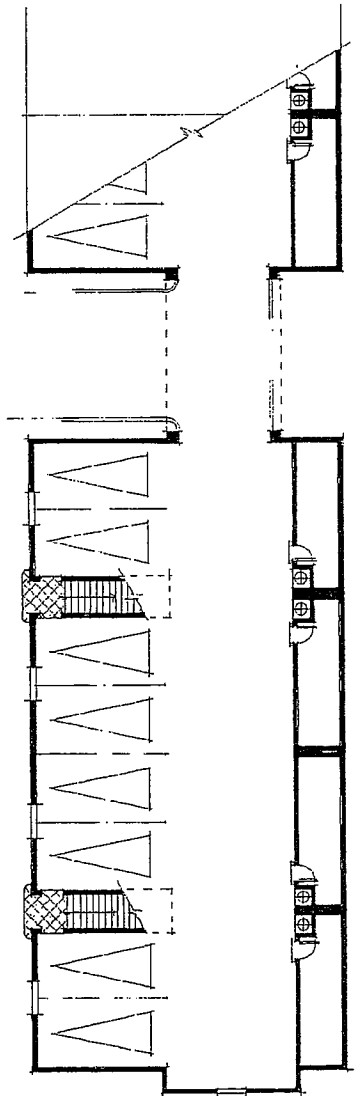
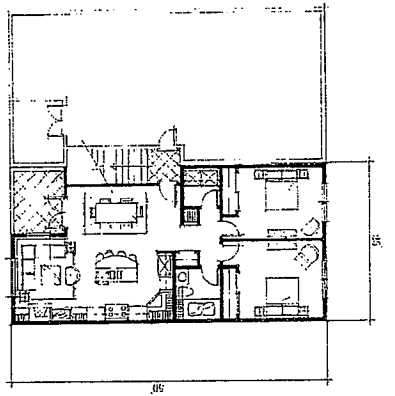
Project No.	Sheet No.
009-061-003	1

Project Name	Project No.
Quilmer & Dally Building Division	009-061-003
Project No.	Sheet No.
27500	002 / 001
Date	10/10/07

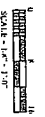
A.23



Gardner



Affordable Units 1-8



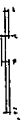
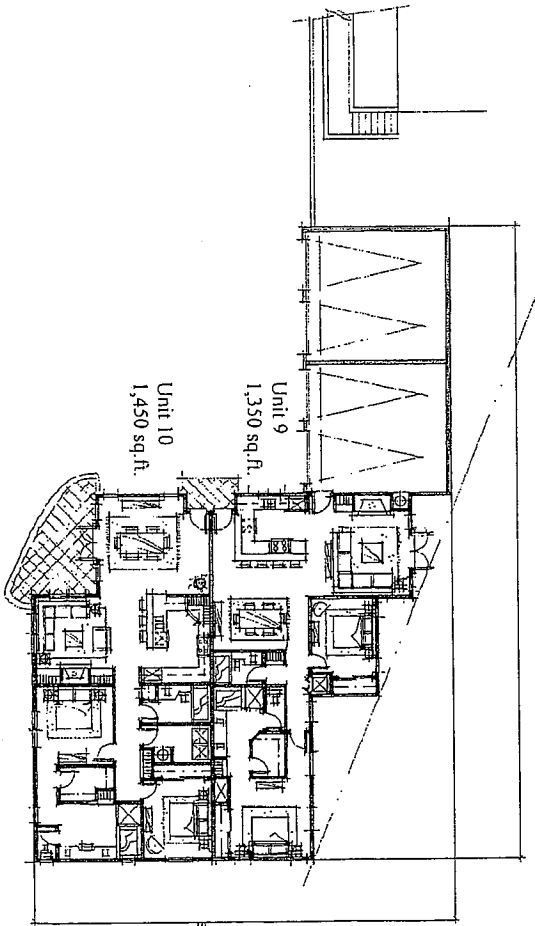
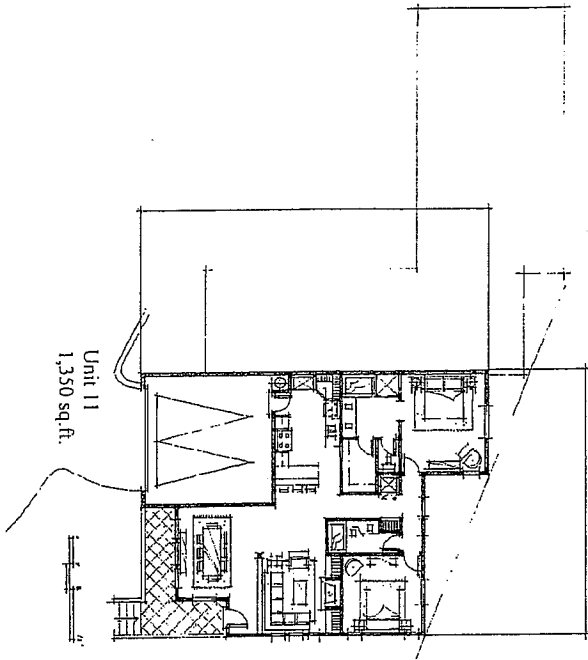
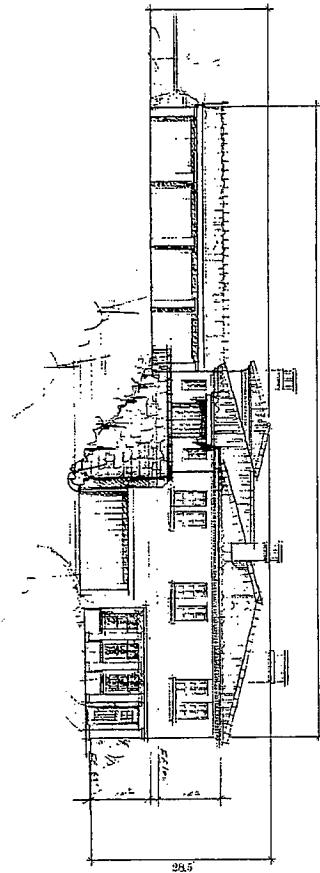
Werner Group
ARCHITECTS, INC.

12501 Coast Village Road
Suite 300, San Diego, CA 92161
Phone: (619) 584-3777
Fax: (619) 584-3777
E-mail: werner@werner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project	Location	Owner
Villas De Carmelo	San Diego, CA	Werner Group
Project No.	27000	Project No.
Drawn By	JOC/HR	Drawn By
Check By	12/10/07	Check By

A.30



SCALE = 1/8" = 1'-0"

Units 9-11

Villas De Carmelo

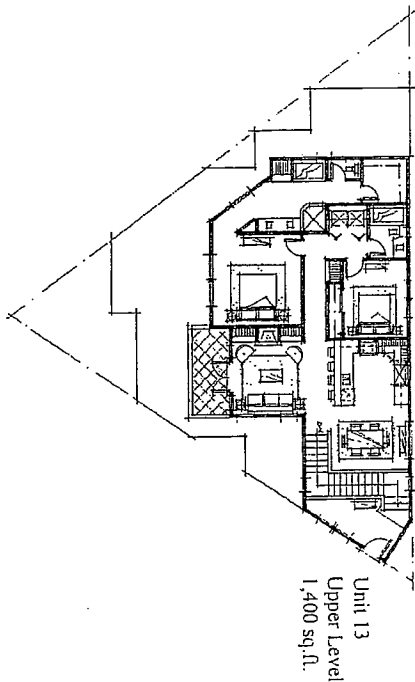
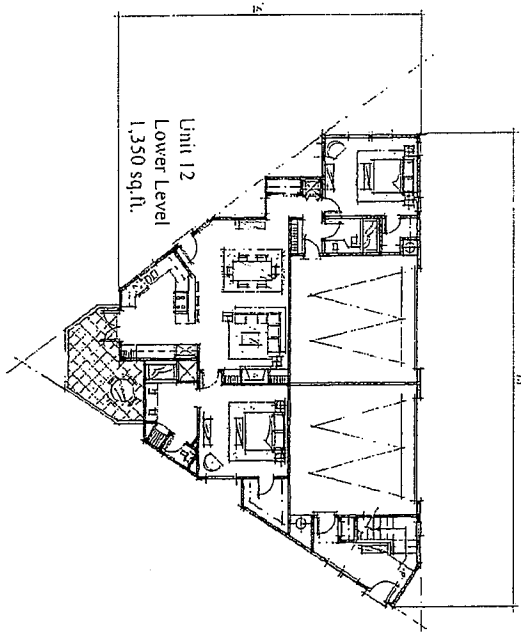
of Assessor's Parcel No. 009-061-003, being a portion of Lots 1 & 2, Hutton Partition, Rancho, Canada De La Segunda, Monterey County, California.

Warner Group
ARCHITECTS, INC.

15501 Ocean View Road
San Diego, CA 92131
Telephone (619) 595-5014
Facsimile (619) 595-5197
E-Mail: warner@warner.com

Project No. 2150
Working Title: Villas De Carmelo
City: Monterey, CA
County: Monterey
State: CA
Date: 1/20/00

A.31



tlw **Arner**
Group
ARCHITECTS, INC.
12011 Crown Point Road
San Diego, CA 92130
Telephone (619) 594-5070
Fax (619) 594-5071
Email: www@tlw.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Symbol	Notes
	Notes

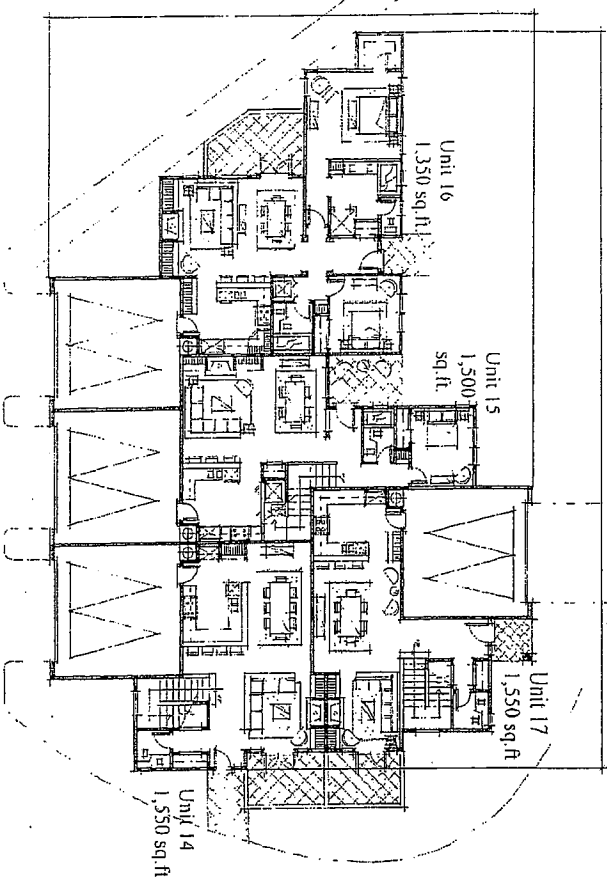
Project

Sheet No.	21200
Project No.	1010001
Scale	1/8" = 1'-0"

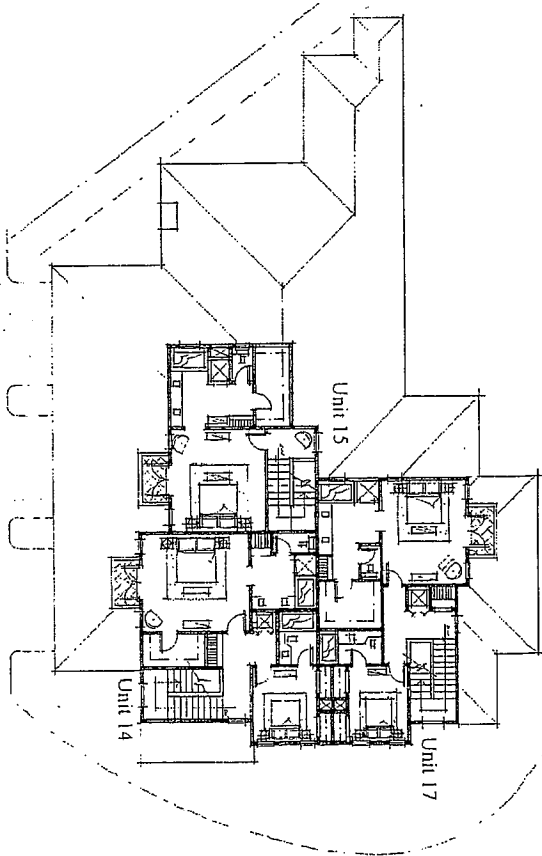
Workforce Units 12, 13



A.32



Lower Level Floor Plan



Upper Level Floor Plan

Units 14-17

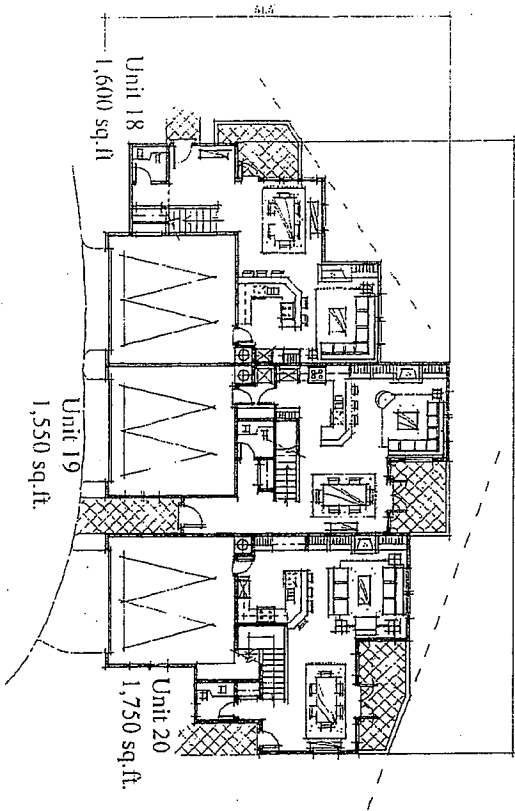


15200 Ocean View Road
Suite 200, Newport Beach, CA 92660
Telephone (949) 859-0271
Facsimile (949) 859-0271
E-Mail: info@thearnergroup.com

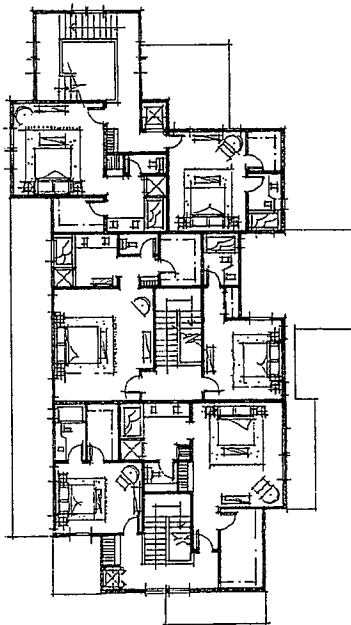
thearner
Group
ARCHITECTS, INC.

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project:	
Drawn By:	Units 14-17
Checked By:	2/10/00
Designed By:	02/02/00
Revised By:	11/10/07



Lower Level Floor Plan



Upper Level Floor Plan

0 1 2 3 4 5 6 7 8 9 10
SCALE: 1/8" = 1'-0"

Warner Group
ARCHITECTS, INC.

12541 Cent Village Road
Santa Barbara, CA 93108
Telephone: (805) 968-2777
Fax: (805) 968-2777
E-mail: www.warner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Revised: _____
Date: _____
Drawing No: _____

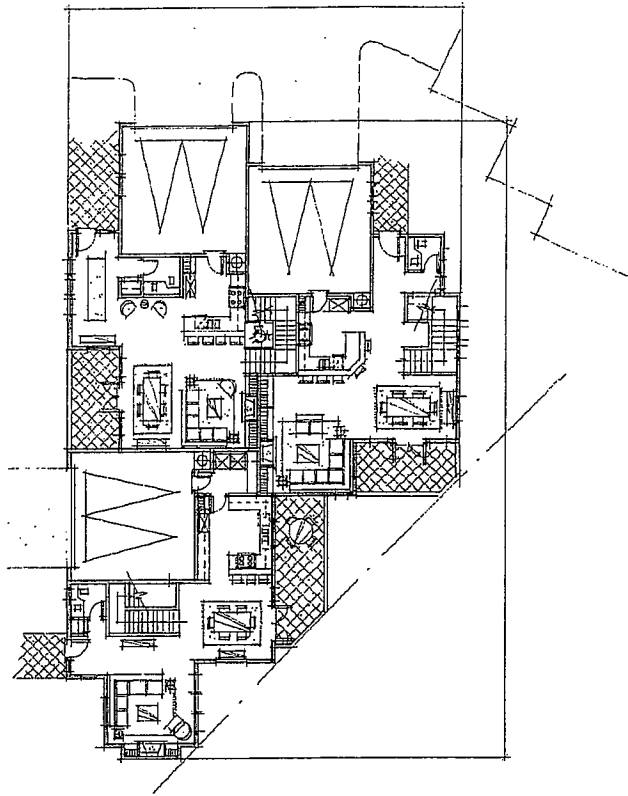
Project: _____

Sheet No: _____

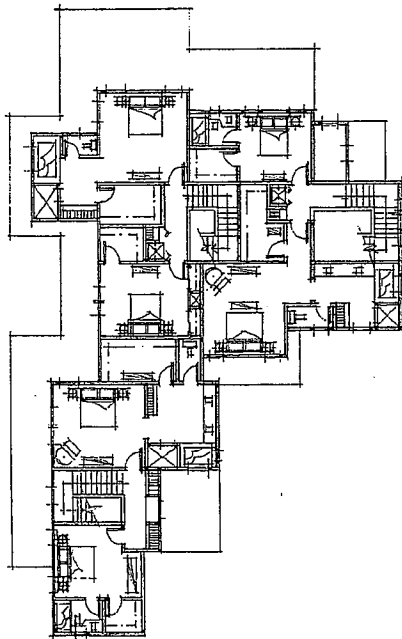
Project No: 21500
Client: DCC / RMC
Date: 12/15/07

Units 18-20

A.34

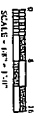


Lower Level Floor Plan



Upper Level Floor Plan

Units 21-23



McGamer Group
ARCHITECTS, INC.

12401 Central Express Road
Suite 200, San Jose, CA 95131
Telephone: (408) 988-5074
Facsimile: (408) 988-5074
E-Mail: info@mcgamer.com

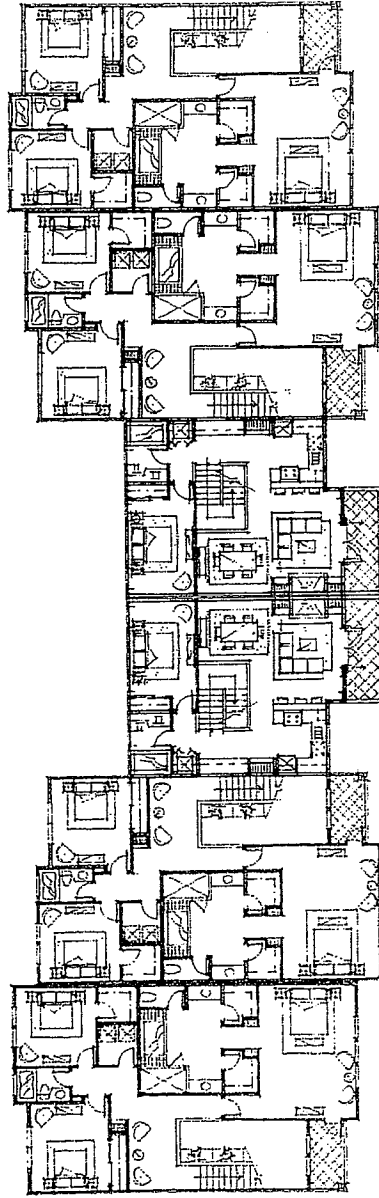
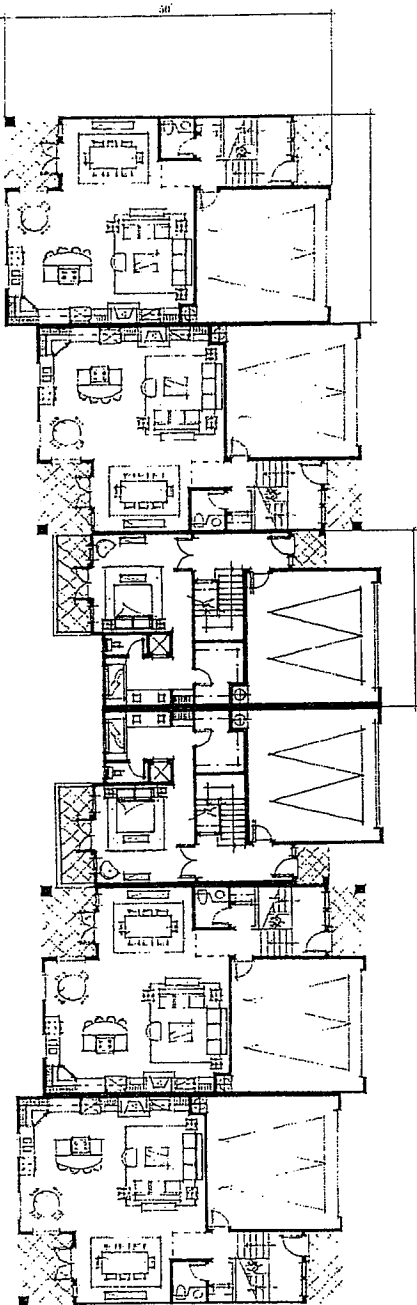
Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project No.	Units 21-23
Project Title	Units 21-23
Project No.	27100
Project Title	DCCL BK
Project No.	1210197
Project Title	1210197

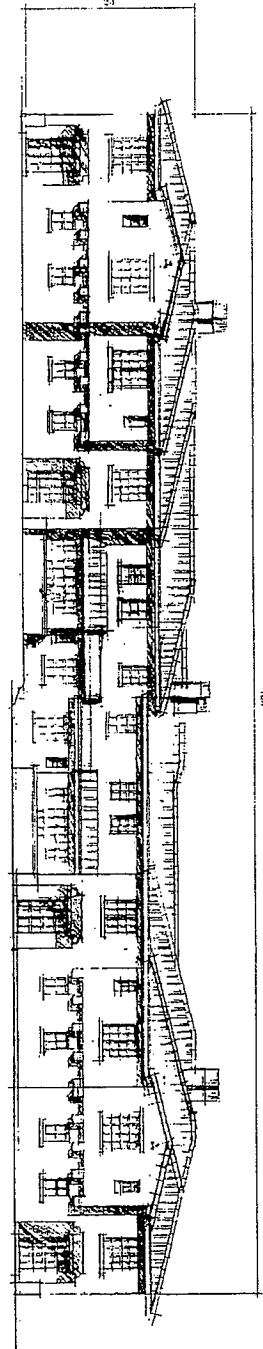
A.35

Units 24-29

Lower Level Floor Plan



Elevation from Valley Way



SCALE - 1/8" = 1'-0"

A.36

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

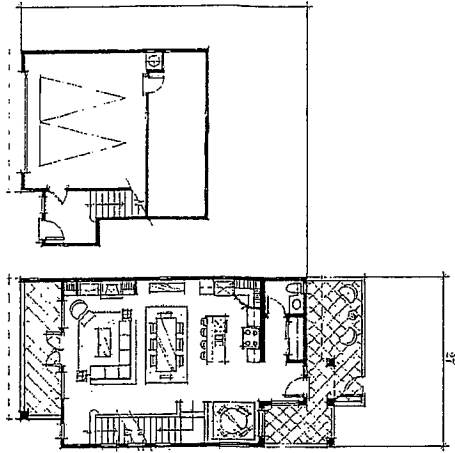
Warner Group
ARCHITECTS, INC.

12501 Coast Village Road
Suite 200
San Diego, CA 92120
Phone: (619) 594-3787
Fax: (619) 594-3787
E-mail: info@warnerarch.com

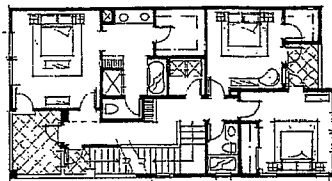
Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Project Name:	Units 30-31 & 43-46
Project No.:	27100
Design No.:	0001 R/C
Issue No.:	2/10/07

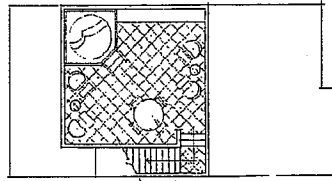
A.37



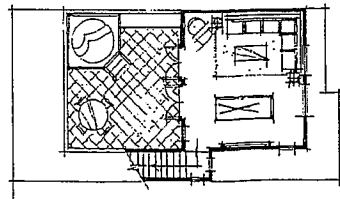
Units 30-31 & 43-46 3,000 sq. ft. Typical Floor Plan
Storage - Laundry Level
First Floor - Entry Level



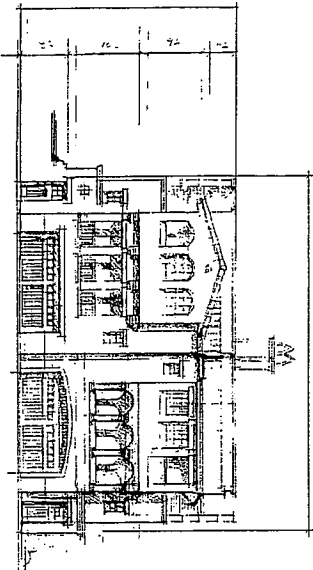
Second Floor - Bed/Terrace



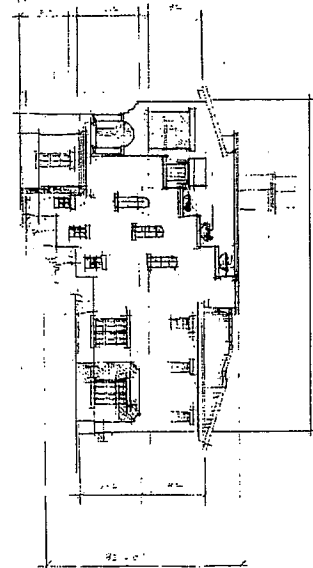
Bed/Terrace 3,000 sq. ft. Option



Units 32-33 4,300 sq. ft. Typical Floor Plan
Third Floor - Loft/Terrace Room & Bed/Terrace

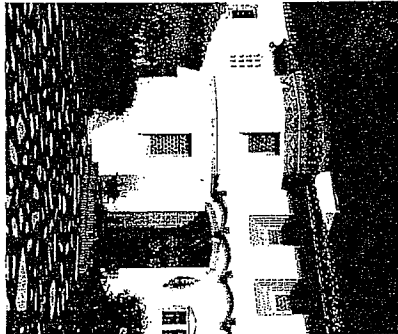
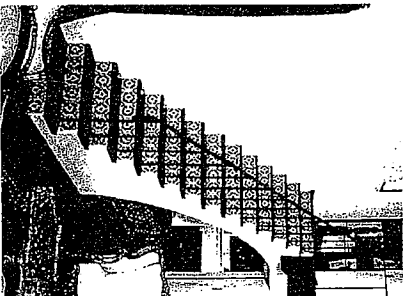
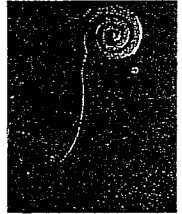
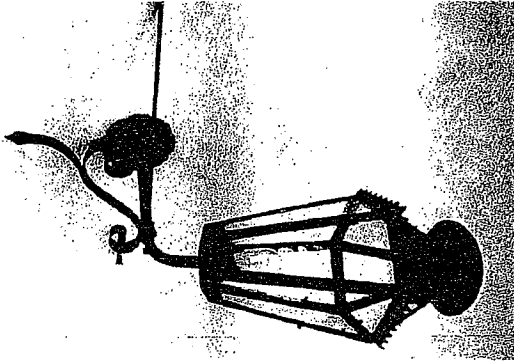
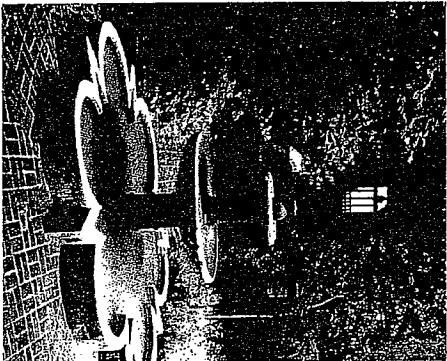
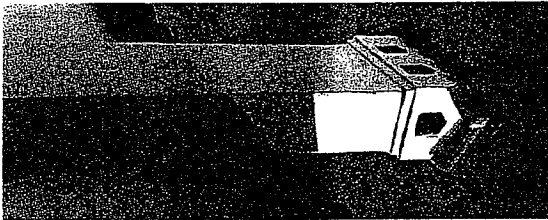
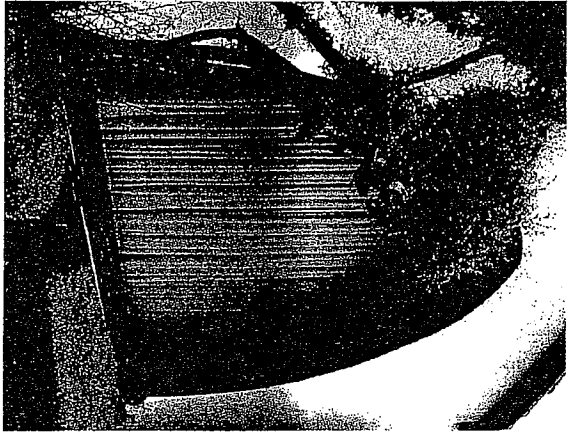
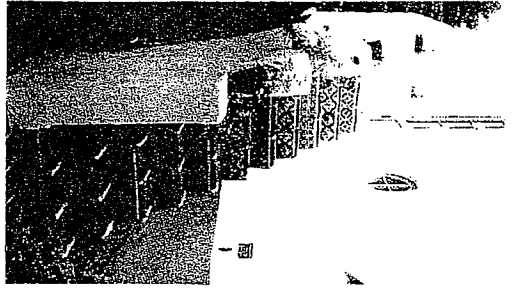
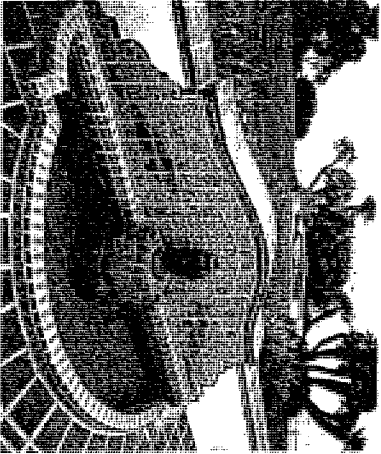


Units 30-31 & 43-46 - Front Character Elevation

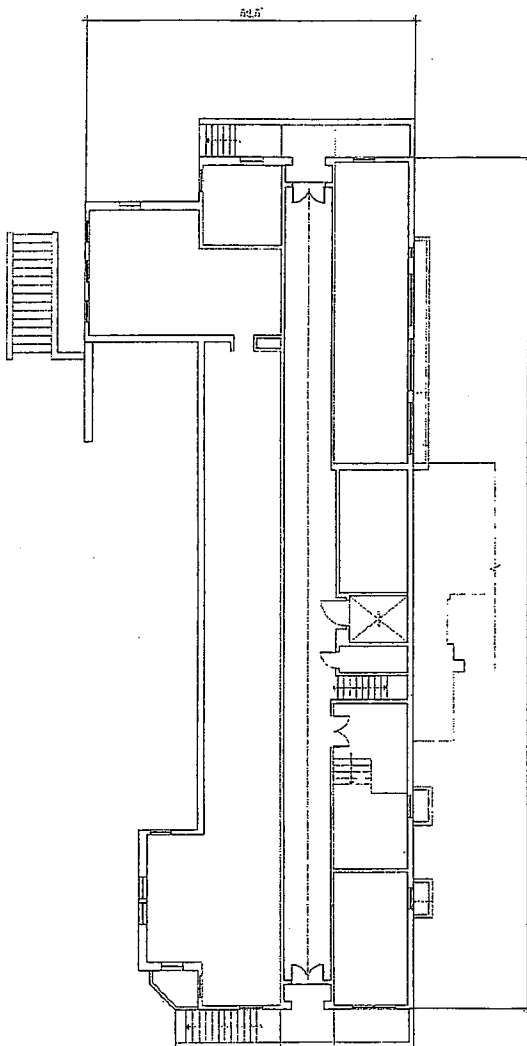


Side Character Elevation

Samples & Imagery



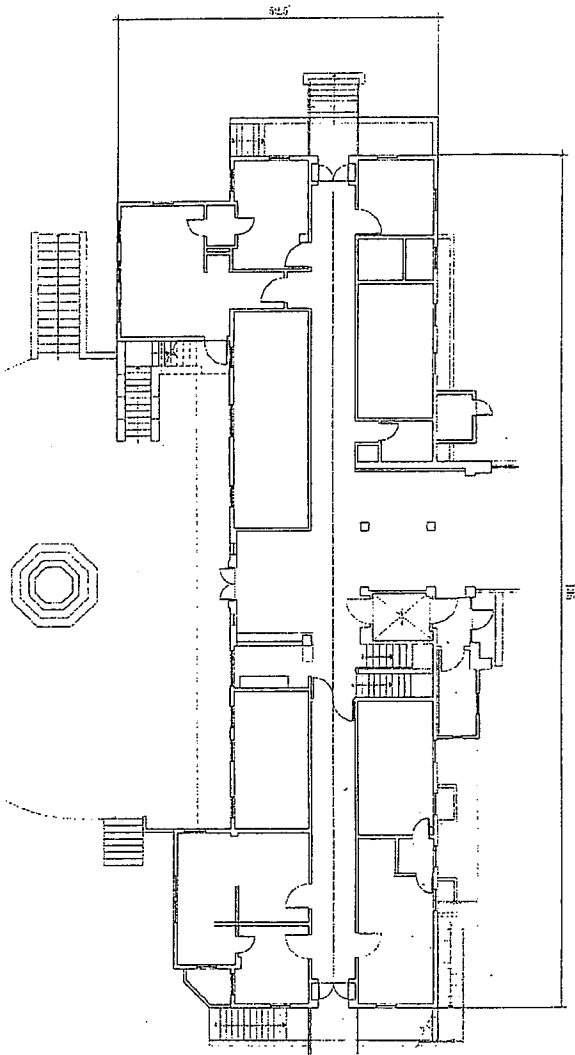
As Built Basement Plan



ddy

<p>Villas De Carmelo of Assessor's Parcel No. 009-061-003, being a portion of Lots 1 & 2, Hatton Partition, Rancho Canada De La Segunda, Monterey County, California.</p>		<p>Warner Group ARCHITECTS, INC. 13041 Coast Village Road Suite 200, San Diego, CA 92121 Tel: (619) 594-1000 Fax: (619) 594-1001 E-mail: info@warnerarch.com</p>	
<p>Project No. 77500</p>	<p>Drawn By DCC/JMK</p>	<p>Check By 12/18/07</p>	<p>Scale 1" = 10'-0"</p>
<p>As Built Basement Plan</p>			
<p>A.50</p>			

As Built Lower Floor Plan



W Garner Group
ARCHITECTS, INC.

12401 County Village Road
Suite 200, San Jose, CA 95136
Phone: (408) 298-3700
Fax: (408) 298-3707
Email: info@wgarner.com

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

Architect: ☐ Date: ☐ Description: ☐

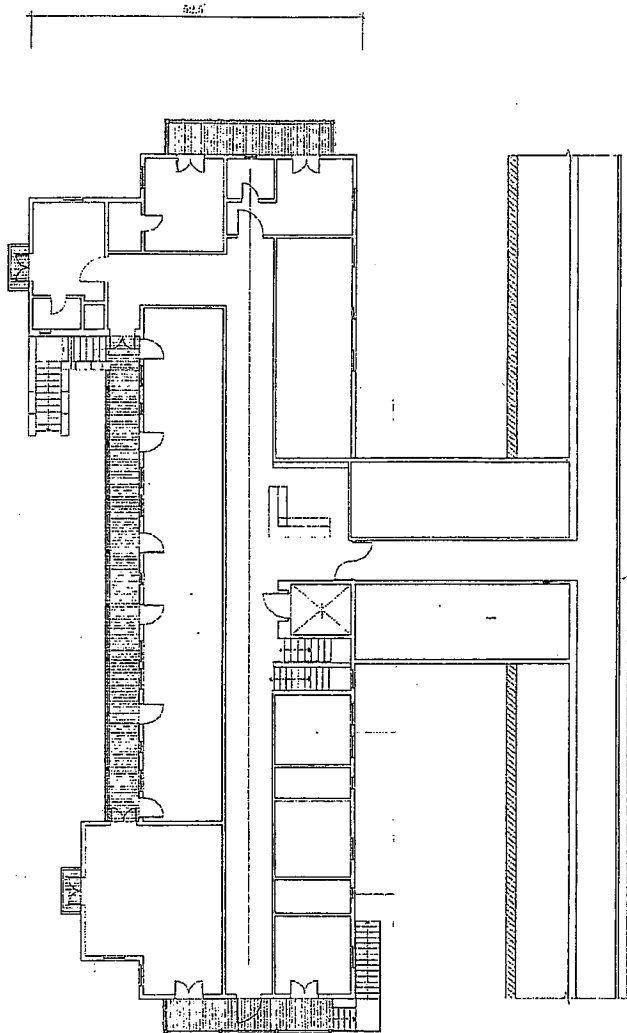
Project: ☐

Scale: ☐

Project No. 27800
Date: 12/1/07
By: DCC / HK

A.51

As Built Upper Floor Plan



12501 Central Valley Road
San Jose, California 95131
Telephone (408) 998-8074
Facsimile (408) 998-8074
E-mail: www.wagnergroup.com

Wagner Group
ARCHITECTS, INC.

Villas De Carmelo
of Assessor's Parcel No. 009-061-003, being a
portion of Lots 1 & 2, Hatton Partition, Rancho
Canada De La Segunda, Monterey County,
California.

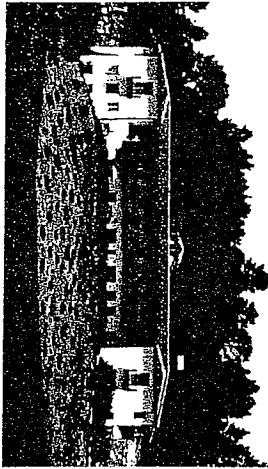
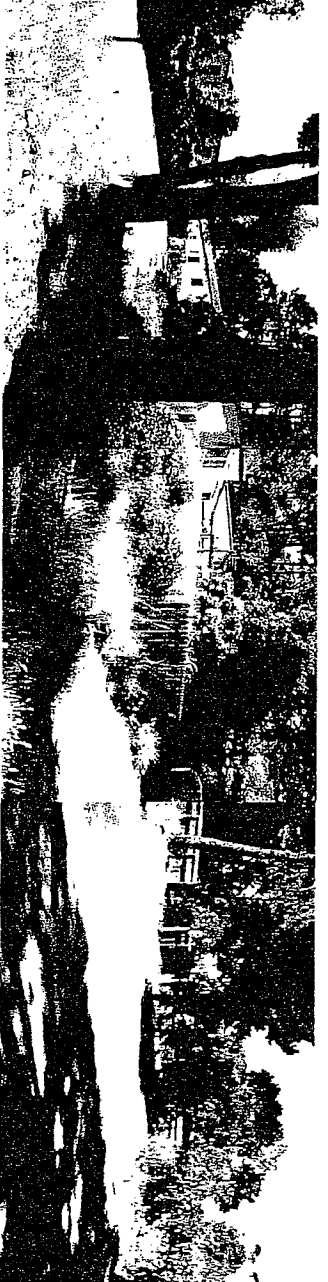
△	Scale	Dimensions
1" = 1'-0"		

Project: _____

Project Name	As Built Upper Floor Plan
Project No.	27850
Client	DCI / RK
Drawn By	10/10/07



Looking west from Highway 1



Gardner A. Daily Building South Elevation



East side courtyard



Main courtyard at south side of Gardner A. Daily Building



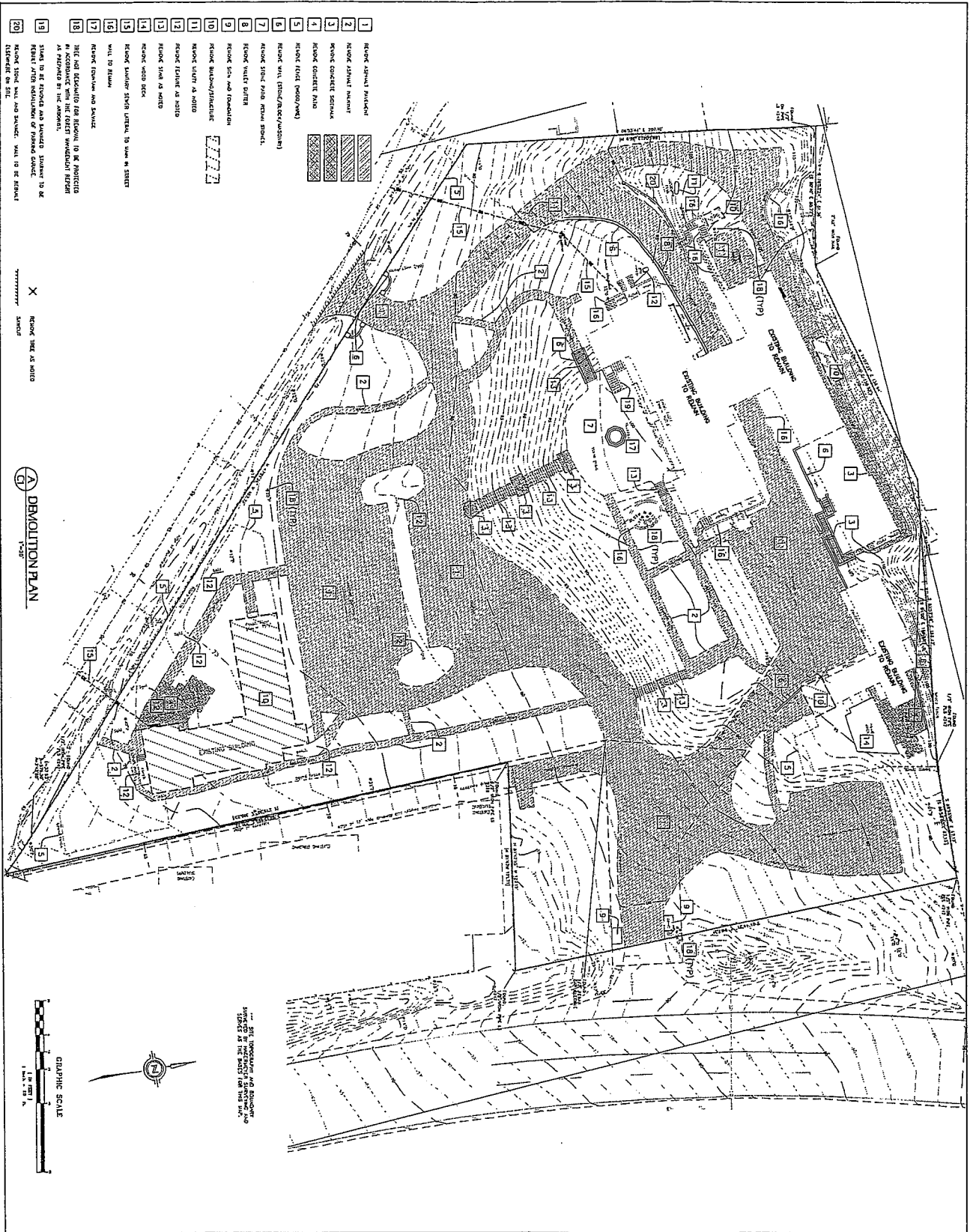
Existing building @ southern end of property



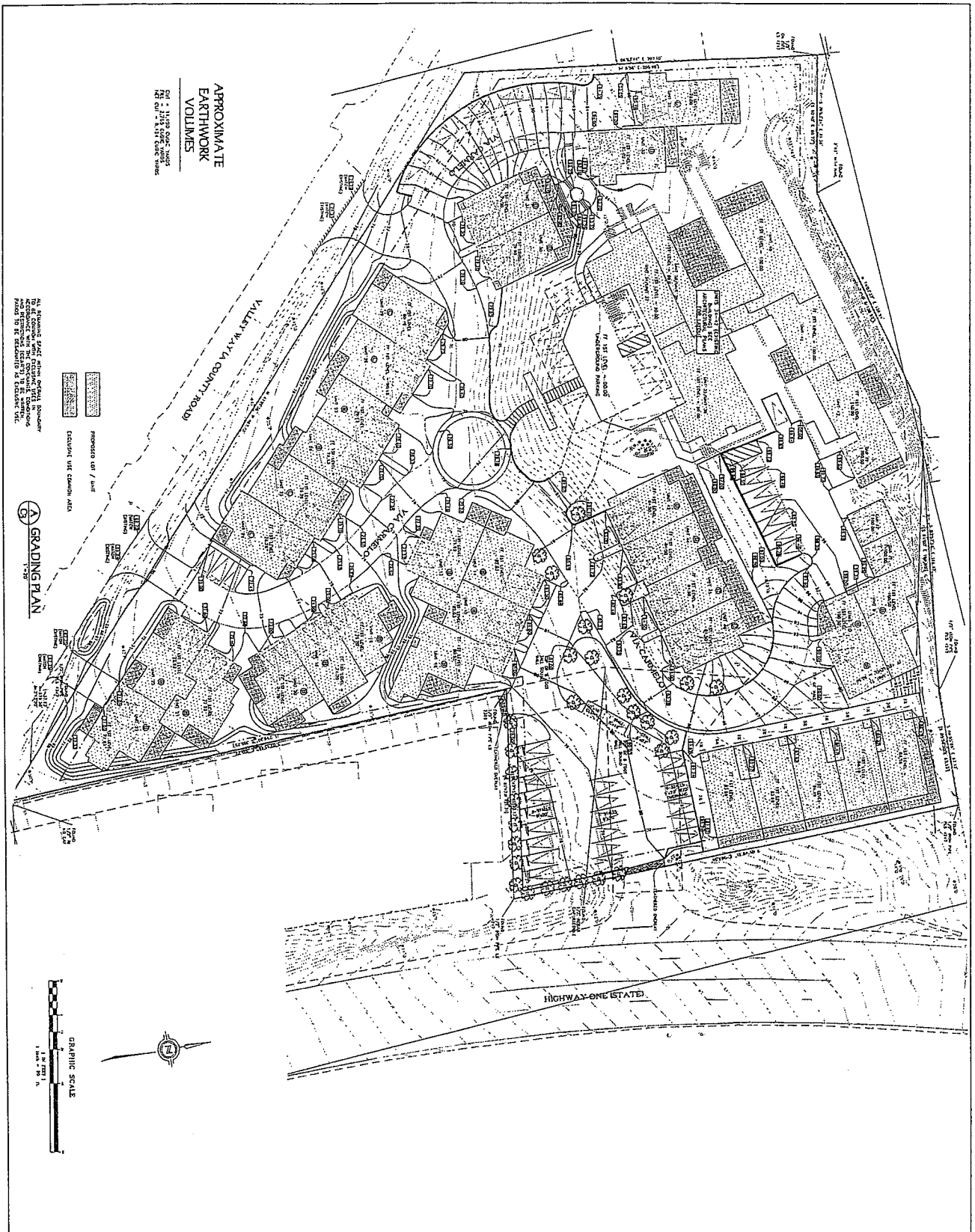
Asphalt Parking

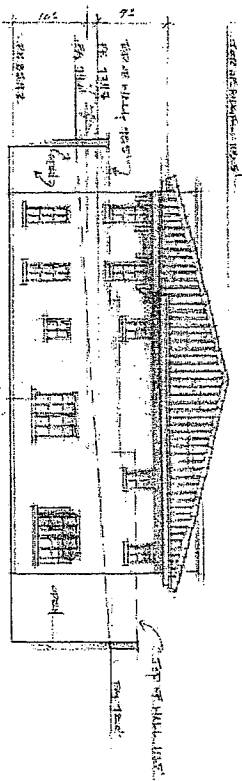
Existing Photos

EXHIBIT F
MODIFIED DESIGN ALTERNATIVE

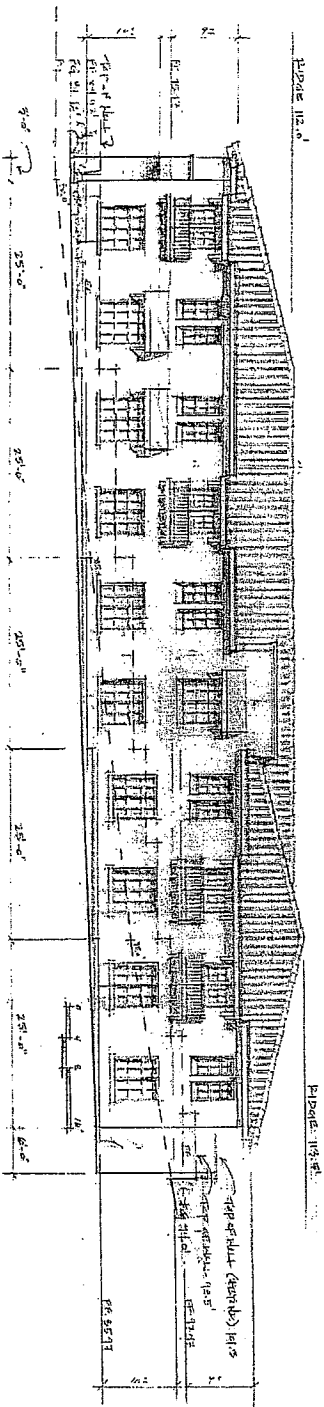


WVD WARD & WARD ARCHITECTS, INC. 1000 G. STREET, SUITE 100 SANTA MONICA, CA 90401 TEL: 310.316.1000 FAX: 310.316.1001 E-MAIL: WWW@WARDANDWARD.COM		Werner Group ARCHITECTS, INC. 1000 G. STREET, SUITE 100 SANTA MONICA, CA 90401 TEL: 310.316.1000 FAX: 310.316.1001 E-MAIL: WWW@WARDANDWARD.COM	
Preliminary Site Improvement Plans Assessor's Parcel No. 009-061-002, -003, -005 Villas De Carmelo HIGHWAY ONE AND VALLEY WAY, CARMEL BY THE SEA, CALIFORNIA 92021			
Project: Villas De Carmelo Location: Highway One and Valley Way, Carmel By The Sea, California Date: 1/1/2004 Drawn By: [Signature] Checked By: [Signature] Title: Preliminary Site Improvement Plans			
ALTERNATE PLAN C1			





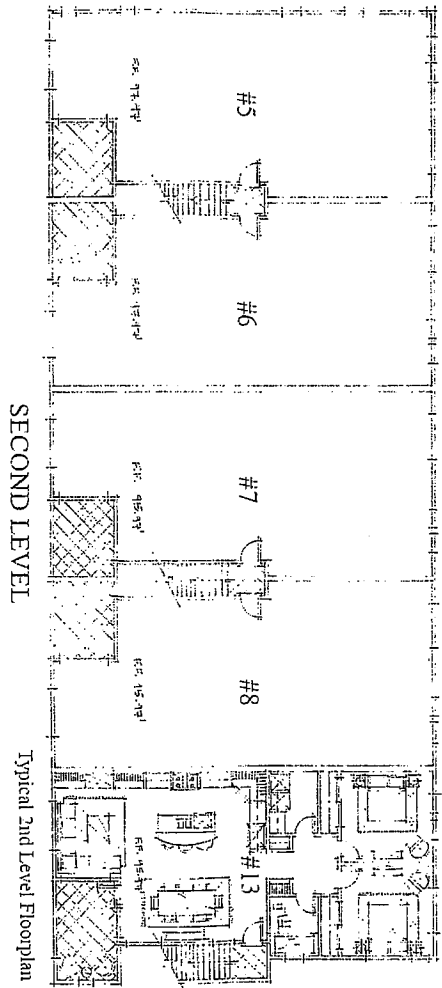
North Elevation



East Elevation

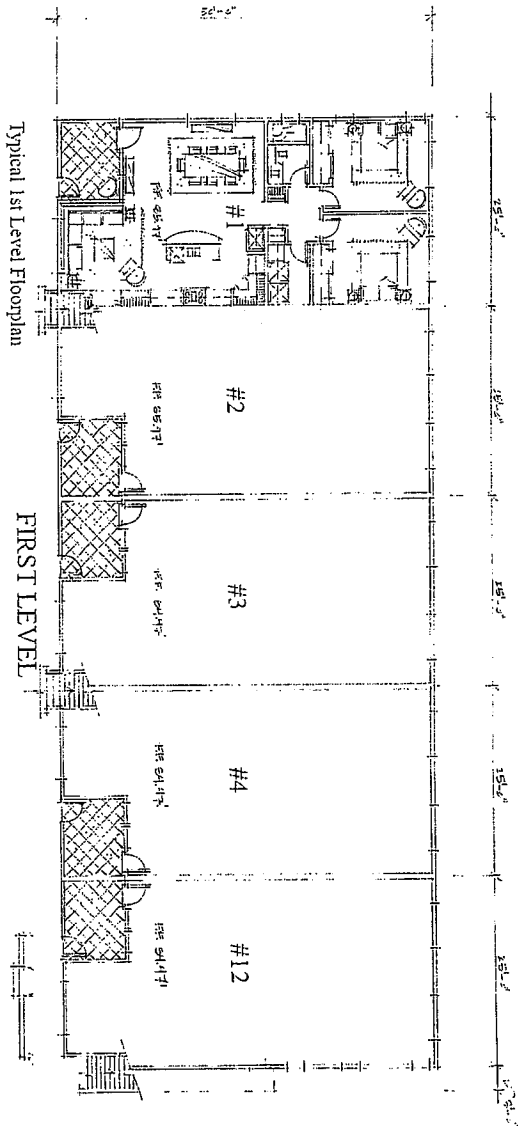
UNITS 1 - 8, 12 - 13 ~ North & East Elevations

VILLAS de CARMELO ~ CONCEPT ELEVATIONS ~ 10/27/2008 ~ 1" = 16'



SECOND LEVEL

Typical 2nd Level Floorplan



Typical 1st Level Floorplan

FIRST LEVEL

UNITS 1 - 8, 12 - 13

VILLAS de CARMELO ~ CONCEPT FLOORPLANS ~ 10/27/2008 ~ 1" = 16'

EXHIBIT G
CARMEL HIGHLANDS/UNINCORPORATED
LUAC MINUTES

MINUTES

Carmel Unincorporated/Highlands Land Use Advisory Committee

Tuesday, February 19, 2008

1. Meeting called to order 4:00

2. Members Present: Weber, Berry, Davis, Wald, Heleen, Rainer

3. Members Absent: None

4. Approval of Minutes: Motion: Berry to approve (LUAC Member's Name)
(December 17, 2007)
Second: Peter Davis (LUAC Member's Name)

Ayes: 6

Noes: 0

Absent: 0

Abstain: 0

Motion: Berry to approve (LUAC Member's Name)
(January 7, 2008)
Second: Davis (LUAC Member's Name)

Ayes: 6

Noes: 0

Absent: 0

Abstain: 0

December 3rd, 2007
Berry Motion to approve
Davis 2nd

6 voted in favor of Approval

5. Public Comments: None

6. Other Items: A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects/Applications

None

Action by Land Use Advisory Committee

Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA
(831) 755-5025

Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by Tuesday, February 19, 2008.

Project Title: RIGOULETTE LLC

Item continued from 1/22/08 meeting

File Number: PLN070497

File Type: PC

Planner: GONZALES

Location: HWY 1 & VALLEY WY CARMEL

Project Description:

COMBINED DEVELOPMENT PERMIT TO INCLUDE AN LOCAL COASTAL PLAN AMENDMENT TO CHANGE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL AND A REZONING FROM MDR/2 TO HDR/12.5 IN THE COASTAL ZONE; A COASTAL DEVELOPMENT PERMIT AND STANDARD SUBDIVISION TO CONVERT A 10,350 SQUARE FOOT CONVALESCENT HOSPITAL INTO NINE CONDOMINIUM UNITS AND CREATE 37 ADDITIONAL CONDOMINIUM UNITS; COMMON SPACE WILL INCLUDE UNDERGROUND PARKING, RECREATION ROOM, STORAGE AND GYM; A COASTAL ADMINISTRATIVE PERMIT TO DEMOLISH ONE EXISTING STRUCTURE AND CONSTRUCT 12 BUILDINGS FOR A TOTAL OF 46 CONDOMINIUM UNITS; A COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT ON SLOPES OF 30% OR GREATER; A COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF 97 TREES (21 COAST LIVE OAK AND 76 MONTEREY PINES); AND DESIGN APPROVAL. THE PROPERTY IS LOCATED BETWEEN HIGHWAY ONE AND VALLEY WAY, CARMEL (ASSESSOR'S PARCEL NUMBERS 009-061-002-000, 009-061-003-000 AND 009-061-005-000), COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes ☒ No ☐

Derrinda Messinger, Marizem Schakoff
Bob Heidig

PUBLIC COMMENT:

There were numerous public comments and letters which were read are attached. * Eight letters attached. Neighbors & concerned citizens speaking are listed below:

1. Barbara Livingston
2. Perry Tonler
3. Yoko Whitacre
4. Hershel Peak
5. Richard and Barbara Warren
6. Jane Hirsch
7. Dr. Louis J. Roberts

8. Greg D'Ambrosio
9. Myrna C. Hampton
10. Tracy Manning
11. Doris Vaile
12. Pam Gillooly
13. Wayne Iverson
14. Bob Heidig - in rebuttal to comments against project
15. Kelly Steele

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

The major problems & impacts will be traffic along Valley View and the residents along that street where there are two entrance/exits proposed. There are visual issues from along Hwy 1 for both south and northbound traffic where a sound wall is proposed for units 1 thru 8. These units are two story and will be approx. 28 ft. tall and be seen above the sound wall.

Margaret Pivette - speakers opposed to project.
16. Margaret Pivette
17. Beverly Stanson

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

Project calls for removal of 97 trees. Some of the pines are considered landmark trees. These should not be removed according to policies in the land use plan. Project also calls for development of slopes in excess of 30% or greater. Again the land use plan states that relocation and redesigning should be considered to mitigate these impacts.

LUAC members and the general public in attendance felt the project was out of scale with the residential communities in close proximity to this site.

Lighting impacts and noise impacts from traffic would be of great concern if this project went forward.

ADDITIONAL LUAC COMMENTS:

LUAC committee members were unanimous about not allowing a local coastal plan amendment to change the land use designation from MDR 2 to HDR 12.5. This overly developed plan ^{calls} for 37 condominium units along with 9 condominium units in the old hospital building. Proposals to save and restore the old hospital building, considered historic, were the only positive plans presented. A much lower density for use of this site was requested by several LUAC members.

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

Rainer - motion recommending denial of project as submitted due to the many policies ignored in the land use plan and denial of local coastal Plan Amendment to change land use designation to HDR 12.5 (higher density).

Berry - Second to motion.

CONCUR WITH RECOMMENDATION:

AYES: 6 in favor of motion for denial

NOES: 0

ABSENT: 0

ABSTAIN: 0

Submitted 2-19-08
to LUAC during review
of PLN 070497

Yoko Whitaker
P.O. Box 724
Carmel-By-The-Sea, CA 93921

B. Rayner
Secy.

19.February.2008

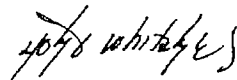
Chairman Davis & Carmel
Unincorporated Land Use Advisory Committee
Monterey County Planning Dept.
168 West Alisal Street, 2nd Flr.
Salinas, CA 93901

RE: Leidig Development Project
at Rancho Canada de la Segunda, Monterey County, CA
File #PLN070497
APN: 009-061-002/003/005

You have my letter of January 22nd which I have attached none the less. The critical topic of discussion should be about rezoning and whether or not the proposed project complies with the Monterey County General Plan and the Carmel Local Coastal Plan. Allowing a project of this magnitude in the midst of an historically single family neighborhood would set a dangerous precedent for Monterey County and Carmel-By-The-Sea. Surely, no agency of Monterey County including the Land Use Advisory Committee, would vote to destroy community character.

All the studies submitted by the applicant beg the issue that the County must require an E.I.R. (Environmental Impact Report). These studies should not be an attempt to circumvent the process. The traffic report is inadequate because it does not address the residential streets that would be heavily impacted by the proposed development, specifically: Monterey Street from Valley Way to Third Street; Third Street from Highway #1 to Lobos Street; Lobos Street from Third Street to Valley Way; Second Street from Monterey Street to Carpenter Street; and First Street from Carpenter Street to Valley Way. From the "C.E.Q.A. Impacts Analysis" prepared by JRP Historical Consulting, there appears to be no question that the site contains an historic structure. By the same token, there is no question that this site is contiguous with an historic neighborhood established in the late 19th century long before the hospital was built-surely this should be a determining factor.

Very Sincerely,


Yoko Whitaker

(DUPLICATE)

Yoko Whitaker
P.O. Box 724
Carmel-By-The-Sea, CA 93921

22.January.2008

Chairman Davis & Carmel Unincorporated
Land Use Advisory Committee
Monterey County Planning Dept.
168 West Alisal Street, 2nd Flr.
Salinas, CA 93901

RE: Leidig Development Project
at Rancho Canada de la Segunda, Monterey County, CA
File #PLN070497
APN: 009-061-002/003/005

This application is an attempt to thrust a high density urban style development with a sound wall, a la San Jose no less, in the midst of a rural environment that has been vigilantly maintained for decades. This application demonstrates no consideration for the existing development pattern and shows thirty (30) feet high structures nearly abutting single-story single-family residences and invading privacy by peering down into their gardens and windows. The County of Monterey showed good wisdom when it zoned this area for seven (7) single-family residences which is in keeping with the existing land use pattern. Historically multi-level and multi-family development has taken place in and around the business district of Carmel-By-The-Sea. This site is on the edge of the village where it is most rural and quiet. This, the Northeast Neighborhood is the oldest subdivision of Carmel, established in 1888. It is not a neighborhood of second homes as so much of Carmel-By-The-Sea has become, people live here, walk their dogs and cats here, play with their children in the street here, and share the forest with birds, squirrels, foxes, and raccoons. This neighborhood has unique characteristics which should be preserved. The proposed project would devastate a safe and quiet neighborhood of traditionally small single family homes. The quality of life that has been maintained and protected for generations would be lost if such a proposed project were approved.

There must be an Environmental Impact Report (E.I.R.) because there is significant community concern and strong opposition to this proposed project and there needs to be a public review process. Following are some of the critical environmental issues that must be addressed:

"Building on 30° slopes is highly undesirable and potentially dangerous.

What is the necessity for a sound wall-none of the single family homes on Highway #1 have them.

The proposal to take down ~~over 200~~ ^{NEARLY 100} trees is questionable-150 of them are deemed significant.

Traffic and circulation entering or exiting at Highway #1 is risky. The increase in traffic will impact emergency access, circulation, and parking.

(continued)

(DUPLICATE)

Page Two/Yoko Whitaker
Leidig/File #PLN070497

°Increase in light or glare, ambient noise levels, and air pollution from vehicles, natural gas appliances & fireplaces, and outdoor grilling.
Only one (1) potentially significant impact is necessary to require an E.I.R. (Environmental Impact Report).

Very Sincerely,

Yoko Whitaker

Yoko Whitaker

Submitted 2-19-08
to LVAC during review
of PLN 070497.
B. Rainer, Secy.

MONTEREY COUNTY

MEMORANDUM TO LAND USE ADVISORY COMMITTEE

Comments on Traffic Analysis Report prepared by Higgins & Associates for Robert Leidig for proposed High Density condo development, Villas de Carmelo;

The Traffic Analysis attempts to support applicant's desire to radically change the current zoning in order to insert a high density development of dozens of condos into a quiet residential community of very narrow streets, particularly upon Valley Way (a marginally 2-lane road). The analysis claims there will be no "significant impact" upon traffic in the area, but I submit that such a conclusion is incorrect based upon reality, not boilerplate charts and graphs.

1. With reference to the Executive Summary on Page v, the Traffic Analysis focused on key Intersections, primarily involving Highway 1, and Road Segments involving Highway 1. The analysis carefully omits consideration of the key intersection of Lower Trail which intersect Valley Way at a point very close to Carpenter St. The contact strips which lay across Valley Way to establish current daily use, did not include that intersection.

There are some 80 single-family residences along Upper Trail and Lower Trail. Most have two cars and some have more. I have lived on Upper Trail above the Convalescent Hospital site since my home was finished in 1980 and to the best of my knowledge, only one home is currently occupied less than full time. Most cars depart Lower and Upper Trail south and have to use the difficult intersection of Lower Trail and Valley Way then turn west to Carpenter St. This traffic is not counted in the analysis.

People living in homes west of Carpenter on the numerous side streets intersecting with Carpenter would also be impacted beyond what the analysis purports to show. They are not counted.

2. The four recommended improvements on page vi sound good but widening the south bound shoulder at the intersection of Carpenter and Valley Way or installing a 4-way stop are unlikely to happen in the foreseeable future, if at all. Recommendations 3, 4 and 5 all relate to that dangerous intersection of Valley Way and Highway 1. Since ALL access to and from the high density project must use Valley Way, Highway 1 is an undesirable option. Turning left to go north is suicidal. Turning right to go south is dependent upon southbound volume and courtesy...a problematic situation that will only worsen with time. Thus, most project traffic will necessarily go west to Carpenter via Valley Way, as it presently does.

3. For Higgins to state that "no significant impacts will occur from the proposed project" is inaccurate. Offering to pay a proportionate share of the cumulative impact mitigations will do nothing to mitigate the negative impact of the project on the lives of present

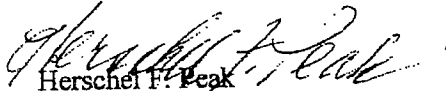
residents. The mitigation fee might well be paid in full but that is no guarantee that work will ever be done. The County and State are in no financial condition to undertake ANY of the projects improving Highway 1 between Ocean Ave. and Carpenter St. as discussed on pages 2 and 3.

Fees and County/State funding are not the only obstacles to improving Highway 1. In recent memory are the Hatton Canyon Freeway 40 year fiasco and the Herculean efforts of Supervisor David Potter to get a single climbing lane between Carmel Valley Road and the High School.

Conclusion:

The radical zoning changes proposed for the Villas de Carmelo project are completely contrary to the General Plans of both Carmel and Monterey County. Approval would set a terrible precedent by imposing a **high density** condo development in the midst of single family residences, generating heavier traffic than the narrow residential streets can safely handle.

It is respectfully requested that the applicants request for a zoning change be denied.


Herschel F. Peak

24743 Upper Trail
Carmel, CA 093923-8343

Phone (831) 625-8104.

Submitted 2-19-00
to LUAC during
review of PLN 0704
B. Rimmer, Sec'y.

February 19, 2008

**Re: Proposed Re-zoning of former Carmel Convalescent Hospital Site
and its impact on Carmel/Carmel Woods neighborhoods (map attached)**

Dear Land Use Advisory Committee (LUAC):

As you are considering the applicant's proposal for the above referenced site, we thought you ought to have before you a detailed map showing the precise neighborhoods that would be severely negatively impacted by the applicant's proposal. As neighbors to the north in Carmel Woods, an area of over 600 properties, we have been contacted to express our collective concerns and displeasure with the proposal, and in no uncertain terms we send this message: **the proposal is wrong for the site.** It would be too dense. It would set a dangerous precedent for future spot zoning in other neighborhoods. It would create enormous systemic traffic problems for all of Carmel and its surrounding neighborhoods.

The applicant has hired traffic studies to show limited effects from its proposal. We know otherwise. We live here. Presently, traffic can be heavily backed-up along both Carpenter and Serra. With the proposal before you, a rational thinker could conclude that traffic would increase from the re-zoning proposal, systemically effecting traffic for all of Carmel and its neighborhoods. **This is not acceptable.**

The applicant has suggested roundabouts and other possible traffic mitigation measures. These suggestions would not reduce the number of cars using the roads. Cars would increase.

The present site is zoned for a maximum 7.5 homes. The applicant has requested a re-zoning of the property allowing approximately 46 homes or condos, many being three bedrooms and ~~three~~ stories in height. Imagine your surprise when you come home to town and discover your quiet neighborhood has been dismantled by a developer and replaced with a suburban-style multi-unit complex. What would you be thinking and feeling? Can you understand how violated we feel by the proposal to re-zone the site to allow high density residential units? How can you possibly consider this as an option for our beloved forested Carmel community?

In summary, we implore you: DO NOT ALLOW RE-ZONING. Allow the current zoning of MDR-2 to remain, preserving our neighborhoods. Seven beautiful single family residences and seven charming guest houses could be built on the site, consistent with the zoning and feel of our neighborhoods. Anything more than this would be wrong for the site.

Thank you for your consideration. ^{AND MAP} PLEASE MAKE THIS LETTER A MATTER OF RECORD,

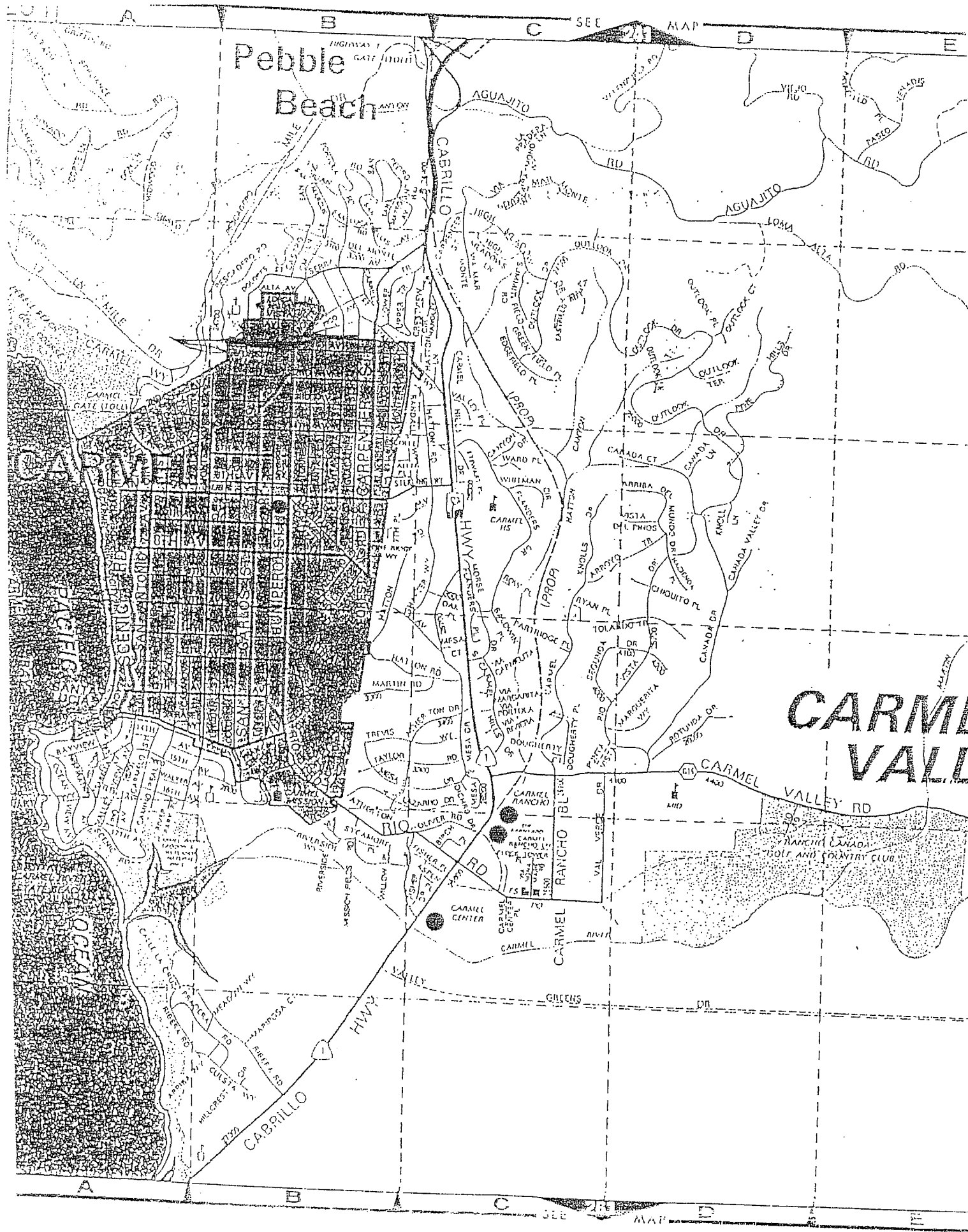
Sincerely,

Richard and Barbara Warren and the Carmel Woods Community

Richard and Barbara Warren

Proposer

*Why Doesn't the Proposer Buy the property and divide it as a park?
move the two off the property to an appropriate location?*



Submitted 2-19-08
to LUAC during
review of PLN 070497
P. Rainer, Secty.

Mrs. Jane Hirsch
4801 Monterey Street
Carmel, CA 93921
February 18, 2008

To: LUAC

Re: Carmel Convalescent Hospital Condominium Project

Dear Committee Members

Living at the tip of the Northeast corner of Monterey Street, I border the Carmel Convalescent Hospital. I am very worried about the plans to rezone the hospital grounds to a much higher density. The developer has demonstrated marked insensitivity and arrogance by planning two 35-foot condominium units with in five feet of my property line, which has very little set back. I will be sharing views into my bedroom, patio and garden with the residents of those condos. The three other houses on our cul de sac will also experience the same kind of invasion.

I have had my house for sale for the past year so that I may move into an extended care residence. I have been unable to sell it because of This development. Who wants to buy a house with the threat of a burgeoning behemoth next door? My property values have gone down just with the possibility of this 46-condo development.

My late husband and I visited Carmel all of our married lives. Seven years ago we were able to retire to our most favorite place in the

entire world. We bought a house high on a hill, delighting in the quiet neighborhood, the views, the sunsets, the peace, and privacy.

As a senior citizen who has required emergency services on occasion, I wonder how the County plans to provide emergency services for such a large community without increasing its budget for police, fire, and medical emergencies. Carmel's planner, Brian Roseth estimated that this development would increase public service calls by over 250 a year. The response time will be quite slow given the already congested Hwy One.

Please send this insensitive developer back to the drawing board with the current zoning of 2 houses per acre.

Sincerely,

Jane M. Hirsch

Mrs. Jane Hirsch

I would like to make a formal request that the Committee visit my home to see for themselves the tremendously negative impact the proposed project will have on my property.

J.H.

Submitted 2-19-08
to LUAC during
review of PLN 070497
F. Rainor, Secy

19 February 2008

Land Use Advisory Committee (LUAC)

RE: Zoning Change to Accommodate Leidig Multiple Dwelling Development Plan

I am Dr. Lois Roberts. I live at 24694 Upper Trail in Carmel. At the January meeting with you I found that the Leidigs had hired the "Award Winning" Vincent Guarino Public Relations firm to guide his project through the approval process at Monterey County offices, aided by legal consul. Guarino's award is based upon the power of video documentary. We are aware that his firm at future meetings may use the video being made today and made last month. I speak not only for myself, but for others who dare not be photographed because Mr. Leidig owns and rents many buildings in Carmel. He may be their landlord. The Guarino web site spells out Guarino's strategy: one task is to build a popular coalition to approve the project and bring in carloads of people to all public meetings in support of the project. Is this happening? Our opposition Neighborhood Coalition is large and growing but it lacks the funds to hire a P.R. firm. We depend upon our government agencies to protect our historic rights, on LUAC to listen to us and to recognize Guarino strategies that were created to divert your attention from the central issue here: Zoning Change.

Guarino has diverted your attention away from Zoning Change and to the hospital and to low-cost housing. Note the time he has spent at the hearing on these subjects alone. Analyses submitted to satisfy Monterey Public Resources Code 15064.4.5 have determined that the hospital is historic and that the exterior must be finished in accordance with the Secretary of Interior Standards. Absolutely any developer must design and develop in accordance with that code. It is not a choice and compliance does not rest upon family values. Any developer must design attractively in order to sell his product. Leidig has monopolized design for three years. The 3.7 acres zoned "medium density residential" call for an applicant willing to work in harmony with the neighborhood. The lots across Valley Way from the project were mapped in 1888, subdivided into blocks and lots, and permits were issued for "single family dwellings." The La Loma Terrace area adjacent to the hospital emerged very early in the history of Carmel, and it too developed with R-1 zoning. Homes nearby appeared in the 1920s, and the historic R-1 zoning has persisted to the present. This zoning and ambiance cannot be sacrificed for a few low-cost dwellings, dwellings that may come less from the heart than from a strategy to "provide a cover" for approval of the project. (See "The Solution" at <http://guarinopr.com/re.html> 2-17-2008)

Attention should be focused a Zoning Change that would allow the developer to build and sell over 40 units and possibly reap a gain of up to \$25 million. I request that you deny this application. We count upon our elected and appointive government officials and upon you LUAC to protect our neighborhood, our property values, and our well being.

Sincerely,


Dr. Lois J. Roberts

Submitted 2-19-08
to LUAC during review
of PLN 070497
B. Rainier, Secty.

February 19, 2008

TO: LUAC

FROM: Barbara Livingston & Greg D'Ambrosio

SUBJECT: Development of Carmel Convalescent Property

After reviewing the developer's forest report, it is the opinion of Professional Forester Greg D'Ambrosio that the proposed cutting of 76 Monterey Pines and 21 coast live oaks is based on the erroneous premise that since the trees were either "seeded" or "planted" years ago, they are not native trees of the same gene pool.

The developers paid forestry consultants have taken this tack to persuade Monterey County officials that the removal of over 97 trees is acceptable based on this "assumed" tree status.

We suggest that the gene pool issue is irrelevant because most of the trees in this general urban setting are not the original natives. Many of the pine trees in the Carmel Woods area were most likely planted at a later date by neighboring homeowners just as the developer claims this property has been planted.

That fact does not make the trees less valuable unless you are a forester growing timber for sale or a developer wanting trees to be removed to make way for a high density construction.

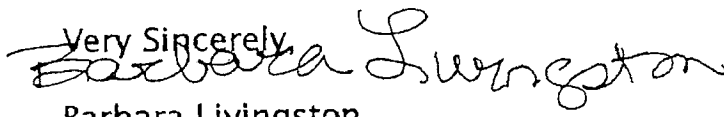
Since the original hospital was done well over 50 years ago, it may be that the trees intended for removal were planted from native tree seed stock ^{as opposed to} purchased container stock from a nursery. That was a common approach many years ago. It would seem to us that the trees identified for removal are as good as any others in the region and should not be marginalized or discounted based on purported inadequate gene pool credentials. Instead, the emphasis should be on their aesthetic benefits, health, structural condition and overall contribution to the urban forest in this single-family residential neighborhood.

Since this neighborhood is within Carmel's sphere of influence, this development proposal should be held to Carmel's highest environmental and preservation standards. Without saying so, the developer is using the forestry report to justify that "clear cutting" the property takes priority, enabling a high-density development to reduce construction costs and make building easier.

Yes, the developers might replant trees, but, not in the same numbers, size, or species. They may get some seed stock from local trees but will the neighborhood or the urban forest be better off? It certainly will not be for many years to come. It is likely there will be ^{fewer} less trees planted, more ornamentals, some may not thrive and few will wind up being pines and oaks.

Both the city of Carmel and the county have less than stellar records enforcing restoration or replacing native trees once properties have been developed and sold.

We support and defend preservation of native Monterey Peninsula trees, especially when a proposal for "clear cutting" lies at the city's doorstep.

Very Sincerely,

Barbara Livingston
Box 6025, Carmel 93921

and

Greg S' Ambrosio

Box 1269

Carmel Valley 93924

copy of letter
submitted at LWAC
review of project 1-22-09
BR

(DUPLICATE)



Save Our Neighborhoods Coalition
225 Crossroads Blvd. #206
Carmel, CA 93923

TO: CARMEL UNICORPORATED/HIGHLANDS LAND USE ADVISORY COMMITTEE
RE: RIGOULETTE LLC, File # PLN070497

My name is Myrna Hampton. My home would be severely impacted by this proposed development next door. The Applicants' plans indicate that they intend to build a thirty-five foot condominium structure directly behind my property with parking for numerous cars within 10 feet of my property line. I am speaking to you today in my own personal interests but also, on behalf of the *Save Our Neighborhoods Coalition*. We are local residents that live in the neighborhood surrounding the former Carmel Convalescent Hospital. Our quaint quiet neighborhood will be destroyed by this development. Our young children wait for the bus each morning with moms and dads chatting, coffee cups in hand. We walk our dogs at daybreak and again at dusk, pausing to catch up with our neighbors. Our neighborhood is a community on a human scale. We truly live here. It is interesting to note that on the Developers site plan map, there is no indication of the surrounding homes. This Developer and his development exist in a vacuum. We are asking that you not be persuaded to choose the Developers' business interests over our residential interests. We represent a substantial number of residents. Now, that this development is being proposed to the County, our numbers are growing rapidly with each day.

The Developer has presented all his artful drawings and plans to you here today. It only seems fair that you now visit our homes, our neighborhood to see the consequences of his plans on our community. In this way, you will be able to make a fair and well-informed decision. We will arrange this visit at your convenience.

The Developers are asking you to approve the four following actions:

1. Make an exception to local laws, Coastal Land Use Plans and zoning ordinances at the expense of people that live there. All of this to benefit and feed their special business interests.
2. Create a new high- density residential zone for Developers.
Set a precedent for the erosion and eventual elimination of existing single family zoned coastal communities.
3. Buy into their misrepresentation that converting a potentially historical building to a high-density residential structure and condominium development of 46 units (some of which will be 3 stories high) somehow "preserves" the structure and benefits the surrounding communities.
4. Participate in the destruction of our last coastal communities and urban forest. Once again, this is all for their own exorbitant profit.

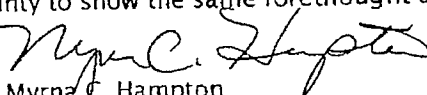
(PUBLICATION)

The residential maximum density for this Site is 2 units per acre. It should continue to be 2 residences per acre. Please do not be distracted by the existence of the hospital structure. The hospital had a legal nonconforming use because it was built prior to the establishment of zoning ordinances. It closed in 2004 and with its closure, its legal nonconforming use permit expired one year later in 2005. **It is critical to point out that the hospital's usage was classified as a semi-public land use, not residential use.** Thus the existence of the structure, which was "nonconforming" to residential use, does not justify the Applicants' attempts to characterize the structure as a justification for increasing residential density and destroying single-family residential neighborhoods.

The Developers are asking you to approve "spot zoning". As you may know, spot zoning has been defined by the Governor's Office of Planning and Research as: "The zoning of an isolated parcel in a manner which is inconsistent or incompatible with surrounding zoning or land uses, particularly if done to favor a particular landowner."

We ask that you direct us to any terms of the Carmel Local Land Use Plan or Carmel Coastal Implementation Plan that permit high-density residential zoning. Our review of these Plans indicates, that high-density residential zoning is not mentioned at all. In fact, the maximum density mentioned is medium residential density at 2 units per acre. Special exceptions have been made for Mission Ranch and parts of Carmel Woods. But these exceptions have been based upon residential densities that historically exceeded 2 units per acre. That differs from this project that exists in a zone that has always been maximized at 2 units per acre for residential zoning. So, this development is not a simple amendment to these Local Plans. This development violates Local Land Use Plans and creates an entirely new zoning density outside the scope of these coastal plans. In essence, it creates a special zone for these Developers. This is very dangerous precedent for our highly prized Coast.

The fate of our neighborhoods, our environment and our coastal community is in your hands. This development conflicts with the human scale that exists in our communities. Today we are asking you to protect the community character of the Carmel area, to protect single-family residential neighborhoods, to protect the coastal zone, to adhere to the principles and goals of the Carmel Area Land Use Plan and Carmel Coastal Implementation Plan. We ask you to stand up to the Developers' powerful business interests. Carmel's Planning Commission turned the Developers request for approval down we encourage the County to show the same forethought and wisdom. Thank you.

 1/22/08
Myrna C. Hampton
The Save Our Neighborhoods Coalition
neighborhoodcoaliton@aol.com

(DUPLICATE)



Save Our Neighborhoods Coalition
225 Crossroads Blvd. #206
Carmel, CA 93923

History of Developer's Campaign

The application for development is being made in the name of the owner, Rigoulette LLC. The McDowells, former owners of Airborne Health, the makers of the Airborne Health Formula, own this Limited Liability Company. The Developers are Robert Leidig and his son Curtis Leidig. Neither are residents of Carmel. The Developers have a vested interest in this property in the form of an option that will remain in effect until September 2009.

As you may know, in the Fall of 2006, the Developers filed an application for annexation and rezoning with the City of Carmel-by-the-Sea so that they could develop this Site into condominiums. The real reason for this application was for the development of condominiums but this was not disclosed and was in fact purposefully and specifically excluded. The Developers were represented by attorney Derinda Messenger and Associates. She continues to represent the Developers and now represents the named Applicant, Rigoulette LLC, as well.

- In January of 2007, an environmental review in the form of a Negative Declaration was issued for annexation and pre-zoning only. The residents were incensed to learn that the true reason for this review, condominium development, was specifically excluded from this supposed environmental review.
- The Developers refused to disclose development plans or conduct a complete environmental impact report and stated that to do so would be too costly. The Developer justified this detrimental change to our quality of life by stating that he was providing workforce housing and that the only way to save this supposed historic hospital would be to annex the City, rezone the area, increase residential density and turn single family zoned residences into condominiums.
- During this period of time, the Developers convinced the City to consider an exception to the City zoning ordinances by creating a new residential zone they called R-2. This erosion of the City's General Plan and City ordinances was considered, despite the fact that the Developers refused to submit development plans and an environmental report that covered the development.
- When this matter was heard by the City's Planning Commission in April of last year, the Commission unanimously denied the Developers' request for annexation and rezoning after listening to the voices of the residents. At this time, we have obtained over 750 signatures of residents opposing annexation and rezoning.

(DUPLICATE)

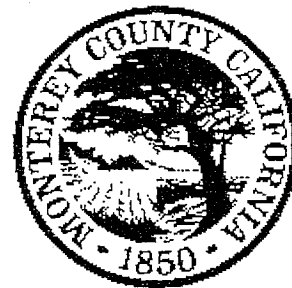
- In October of last year, the Developers finally withdrew their application for annexation and rezoning from the City claiming that they were victims of an "uncompromising vocal minority".

- The Developers have now redirected their efforts to Monterey County and have applied for condominium development using the property owner's name.

EXHIBIT H
HOUSING ADVISORY COMMITTEE MINUTES

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY



REDEVELOPMENT AND HOUSING OFFICE, Jim Cook, Director

168 W. Alisal St., 3rd Floor
Salinas, CA 93901

(831) 755-5390
FAX (831) 755-5398

MEMORANDUM

Date: November 19, 2010

To: Liz Gonzales, Planning

From: Marti Noel, Assistant Director

CC: Carl Holm, Planning

Re: **VILLAS DE CARMELO – INCLUSIONARY COMPLIANCE**

The purpose of this memo is to provide updated analysis related to compliance with the County's Inclusionary Ordinance. A recommended Condition of Compliance and Finding and Evidence are also included.

1. The project is subject to the County's Inclusionary Ordinance #04185. The Inclusionary Housing Ordinance requires that the project supply compliance equal to 20% of the total number of units proposed and further, that the 20% consist of 6% very low, 6% low and 8% moderate income units. The units are to be provided on site unless an alternative form of compliance is approved (with appropriate findings) by the approving authority. The project is therefore obligated to supply compliance equal to 9.2 inclusionary units with 2 at the very low income level, 3 at the low income level and 4 at the moderate income level and payment of an in-lieu fee for the remaining fractional .2 unit. The project application originally included 46 units, nine of which were to be moderate-income ownership Inclusionary units on-site.
2. On July 14, 2009 the Housing Advisory Committee (HAC) reviewed the proposed compliance and expressed a number of concerns including the following:
 - The proposal did not address the need for housing for very low and low income households in the Planning Area.
 - The HOA fees would be too expensive for the Moderate Income Inclusionary Owners
 - With the down turn of the economy there are non-restricted for sale units affordable to the Moderate income level in the County so there may not be enough interested buyers.
 - A rental component could be considered for the lower income families but would be difficult to integrate into this high end project.
3. The applicant and the RHO staff met several times to discuss options including constructing inclusionary rental units off-site, converting and rehabbing existing rental units to inclusionary units, or paying a fee. Several constraints were identified with the off-site option. The only available land that could support a multi-family project in the Planning Area is most likely in the cities. New development in the Planning

Area is severely constrained by availability of water. The Inclusionary Ordinance requires that the off-site units be in the same Planning Area and does not allow use of existing units for compliance.

4. The option of paying an in-lieu fee was discussed with staff. The fee would be approximately \$2.5 million and could be leveraged by the County in partnership with a non-profit to construct affordable and/or special needs housing. This option would allow the applicants to comply by paying the fee early on and then the County being able to use the money in conjunction with other funding for housing that meets specific needs in the community. It is likely a greater number of units can be developed with this approach.
5. On July 14, 2010 the Housing Advisory Committee (HAC) considered the proposal of paying the in-lieu fee for full compliance. The HAC supported this approach but did state that they were interested in seeing the fee used for new or rehabbed housing in the Planning Area, although they acknowledged the constraints associated with water.

Based on the above the Redevelopment and Housing Office is recommending the following Condition of Approval and Finding and Evidence:

Condition of Approval:

The project is subject to the County's Inclusionary Housing Ordinance, #04185. Prior to the recordation of the Final Map, the applicant shall pay an Inclusionary In-Lieu Fee, based on the In-Lieu Fee Schedule (dated December 2000) for the entire 9.2 unit obligation. The Redevelopment and Housing Office shall prioritize use of the In-Lieu Fee for the production of affordable housing benefiting the housing needs in the Monterey Peninsula Planning Area if feasible.

FINDING: **INCLUSIONARY HOUSING:** The project is subject to the Monterey County Inclusionary Housing Ordinance #04185, codified in Section 18.40 of the County Code. Section 18.40.50.B.2 of the County's Inclusionary Ordinance allows for modifications to the requirements for compliance based on unusual or unforeseen circumstances. This project meets the criteria to pay an In-Lieu Fee as full compliance under the requirements of the Inclusionary Housing Ordinance as evidenced below.

EVIDENCE:

- a) The project is a for sale housing project that can not feasibly include low and very low income rental units on-site which would best meet the housing needs in the Planning Area.
- b) The project will include Homeowners Association Fees that will be excessive for low and moderate income households.
- c) The only available land that could likely support a multi-family project in the Planning Area is most likely in the cities. New development in the Planning Area is severely constrained by availability of water. The Inclusionary Ordinance requires that the off-site units be in the same Planning Area and does not allow use of existing units for compliance.
- d) The County Redevelopment and Housing Office has been very successful in leveraging County funding with outside funding sources to achieve a greater number of affordable units at a deeper level of affordability and/or serve special needs populations. It is anticipated that the In-lieu Fee that will be paid for this project can be leveraged to produce two or three times the number of units that would otherwise be provided on-site in this project.
- e) On July 14, 2010 the Housing Advisory Committee voted to recommend that the project be allowed to pay an In-Lieu Fee for full compliance.

EXHIBIT I
HISTORIC RESOURCES REVIEW BOARD
MINUTES

REVISED
MONTEREY COUNTY HISTORIC RESOURCES REVIEW BOARD
Thursday, March 6, 2008
Monterey County Administration Building
Monterey Room, Second Floor
168 W. Alisal Street, Salinas, CA 93901

MINUTES

I. CALL TO ORDER

Chair John Scourkes called the meeting to order at 11:40 a.m.

II. ROLL CALL

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>	<u>Guests</u>
John Scourkes, Chair		Meg Clovis	Derinda Messenger and Associates, Miriam Shakat
Kellie Morgantini, Vice-Chair		Erin Nickerson	Meta Munse
Barbara Rainer, member		Craig Spencer	Kent Seavey
Marleen Burch, member		David Greene	International Design Group Representatives
Salvador Munoz, member		Elizabeth Gonzales	Myrna Hampton
Enid Sales, member		Lynn Learch	Barry Colver
			Carol Stoller
			Tracy Manning
			Wayne Iverson

III. APPROVAL OF MINUTES - December 6, 2007 and January 3, 2008

Barbara Rainer moved to approve the minutes of December 6, 2007 and Marleen Burch seconded. They were unanimously approved. Salvador Munoz moved to approve the January 3, 2008 minutes and Enid Sales seconded. They were approved; however, Barbara Rainer abstained as she was absent.

IV. PUBLIC COMMENT

There was none noted.

V. PROJECT REVIEW

1. *Recommend to the Director of Planning*

Design approval to allow for improvements to a historical farmstead and the addition of signage to facilitate the use of this building to commercial

agricultural business. Improvements consist of the construction of a handicap accessible ramp equipped with railing which is to match existing; exterior paint change to reflect historic nature of structure; addition of exterior lighting and a non-illuminated 18 sq. ft. detached sign advertising occupying business. The property is located at 160 Davis Road, Salinas (Assessor Parcel Number 207-031-006-000) Greater Salinas Area. Planner: Erin Nickerson

Kellie D. Morgantini recused herself.

Erin Nickerson, Project Planner, is recommending design approval for the exterior paint changes and ADA access (handrail) for this historic farmhouse. This project has been continued from a previous meeting in January, 2008.

Motion: Barbara Rainer motioned to recommend to the Director of Planning for design approval and remodel of the historical farmhouse as presented with the change of colors which was limited to four colors, the new railing which matches County code requirements, the ramp material will match the siding of the house and lastly that the colors on the exterior advertising sign be consistent with the colors on the farmhouse. Marleen Burch seconded the motion and it was approved. Kellie Morgantini was recused.

2. Recommend to the Planning Commission

Combined development permit to include a local coastal plan amendment to change land use designation from medium density residential to high density residential and a rezoning from MDR/2 to HDR/12.5 in the coastal zone; a coastal development permit and standard subdivision to convert a 10,350 square foot convalescent hospital into nine condominium units and create 37 additional condominium units; common space will include underground parking, recreation room, storage and gym; a coastal administrative permit to demolish one existing structure and construct 12 buildings for a total of 46 condominium units; a coastal development permit to allow development on slopes of 30% or greater; a coastal development permit to allow the removal of 97 trees (21 Coast Live Oak and 76 Monterey Pines); and design approval. The property is located between Highway One and Valley Way, Carmel (Assessor's Parcel Number 009-061-002-000, 009-061-003-000 and 009-061-005-000), Coastal Zone. Planner: Elizabeth Gonzales

Barbara Rainer recused herself.

Elizabeth Gonzales, Project Planner, introduced the project and a brief presentation was made by Mr. Leidig. Mr. Leidig stated that the original building was commissioned by Ms. Deere, designed by Gardner Dailey and Louis J. Gill (Spanish design) and built in 1928; it was first used as a metabolic clinic. In 1934 the hospital became known as CHOMP until 1962 and then was converted to a

convalescent hospital from 1963 to 2005. It has remained vacant from 2005 until now. The owners (Rigoulette) are proposing to preserve and maintain the original hospital by using smart growth principles and convert it into nine residential townhouses; the hospital structure is in a state of deterioration. Also 37 additional townhouses/condos will be built surrounding the main house and 28% of all units will be designated as low cost housing units.

John Scourkes, Chair, asked for Public Comment.

Myrna Hampton, Save Our Neighborhood Coalition said that this project is a misuse of historic preservation objectives and is wrong for the hospital and wrong for the neighborhood. It is incompatible with the surrounding community character. This high density project with a great number of two story condominiums is incompatible with the low key intimate scale of the original hospital and the single family neighborhood. It destroys the integrity of the historical restoration and it is being used as a ploy to rezone as high density. The neighborhood would be overwhelmed by the scale of the buildings and one of the buildings will be within 5 feet of a neighbor's property line. Historic buildings are links to the past and this project violates historic restoration; please do not recommend this project and uphold true historic restoration.

Barry Colver, Carmel, stated that this is one of the oldest neighborhoods in Carmel and traced back to 1888 with single family dwellings and this project adversely affects the character of the neighborhood. Multi-family townhouses will destroy the ambience of the neighborhood.

Carol Stoller, Carmel Woods, asked the HRRB to not separate the historic building from the land use. The 3.6 acres will house 46 residential structures which will overwhelm the land. What about the placement of the buildings and what will happen to the historic landscaping? This project is being walled in by Hwy 1 and changing the land use. The land use issue is important and many trees will be removed thus altering the historic theme. She, like all the commentators, does not recommend approval of this project. Ms. Stoller does not want the land use plans abandoned in favor of a high density project that will alter the land.

Tracy Manning, Interior Designer in Carmel, questioned how will the gardens be preserved in regards to the new buildings? She also had asked one of the architects at a previous meeting in March if the hospital can not accommodate the new townhouses structurally, what will happen? He answered that they would probably tear down the original hospital and rebuild. How does that affect the historical issue? Ms. Stoller said that there were few Spanish architectural buildings in the neighborhood. The *Pine Cone* also noted that the hospital has not been designated as an historic structure and it is not subject to any law requiring preservation. Many believe that this is one of the most important historic buildings in Carmel.

Wayne Iverson, Architect, Carmel, reminded the HRRB of their goal of preserving historical structures in Monterey County. He said that the hospital's entrance was opposite to the historic Thomas Elson house and traffic from this project would increase substantially with 46 new townhouses/condos which will impact the neighborhood. The height of the new buildings would range from 30'-35' and 100' long and a 10' high sound wall buffeted on Hwy 1 would encircle the complex. The square footage of the total building mass would be 90,000 square feet which is comparable to the building mass on the Barnyard. This project is unacceptable.

John Scourkes noted that the applicant has previously met with the HRRB subcommittee to determine whether the applicant's proposal was on the right track before presenting it for consideration to the board thus ensuring that the applicant knew the board would be reviewing the proposal using the Secretary of the Interior's Standards for Rehabilitation.

Meg Clovis reminded the group that CEQA requirements delineate the need to address whether a particular project avoids significant adverse change of the significance of the resource - including physical demolition, destruction, relocation or alteration of the resource or the immediate surroundings such that the significance of the resource would be materially impaired. The historical report prepared by Meta Bunse lists the significant distinguishing characteristics and lists the significant characteristics of the landscaping. Ms. Clovis said that the job of the HRRB members is to make a determination whether this project will materially destroy any of those aspects. It is Ms. Bunse's determination that it will not do that and it is consistent with the Secretary of Interior's Standards and therefore with CEQA.

Salvador Munoz mentioned it is often very difficult to find investors who will preserve historic buildings and landscaping while trying to construct new housing. This project does preserve the significant features as well as the significant landscape features and the project will match the neighborhood.

Kellie Morgantini expressed the need to address the issue of the site's historical landscaping and how important it is to preserve the original landscaping while constructing the new buildings. The landscaping is significant because Gardner Dailey likely included landscaping as an integral part of the hospital's function, given the site's first intended use as a "healing" ("metabolic") hospital. Any redesign or repurposing of the site without addressing the site's historic period landscaping takes away from the building's historicity. The owners indicated they would be agreeable to trying to restore the historic landscaping.

John Scourkes said he felt the project did a good job of keeping the scale, massing and visual concept to the terrain and property.

Motion: Enid Sales moved to recommend to the Planning Commission Committee approval of the combined development permit as presented. Enid accepted an amendment from Kellie Morgantini to require a condition of approval directing the applicant to prepare a physical analysis of the original period landscaping (using, but not limited to, period photographs, landscaping and hardscaping plans as well as original architectural drawings and renderings) and incorporation of those original landscaping plans into the final landscaping plan for the site. Salvador Munoz seconded the motion as amended, and it was approved. Barbara Rainer was recused.

3. *Recommend to the Zoning Administrator*

Combined development permit consisting of a coastal administrative permit and design approval to allow a major interior remodel and the addition of approximately 554 square feet to an existing two-story single family dwelling and a coastal development permit for development within 750 feet of an archaeological site. All of the Carmel stone exterior will remain. The property is located at 26097 Scenic Road, Carmel (Assessor's Parcel Number 009-411-008-000), Carmel Point Area, Coastal Zone). Planner: Elizabeth Gonzales

Elizabeth Gonzales, Project Planner, introduced Mr. Sillano. The initial plans had been revised by the HRRB to remove two dormers and grills on the front French doors. The revised plans were given to the HRRB members.

Mr. Sillano reported that the owners of this project (Weis) have been on the East Coast for 15 years and finally saved enough to restore this house properly. Their goal is to restore and update the building and respect the elevation while preserving the front stone wall.

Elizabeth Gonzales noted that the work done by Kent Seavey has helped make this building eligible for listing on the Monterey County Local Register of Historic Resources as well as the California Register of Historic Resources.

Motion: Kellie Morgantini moved to recommend to the Zoning Administrator the combined development permit as presented. Salvador Munoz seconded the motion and it was unanimously approved.

4. *Recommend to the Zoning Administrator*

Combined development permit consisting of 1) coastal administrative permit to allow the construction of a 1,586 square foot single family house and an attached 2,220 square foot 10-car garage with a gravel driveway and 355 square foot patio; 2) coastal development permit to convert an existing 1,242 square foot

historic house to a caretaker's unit; and 3) maintain existing 1,070 square foot historic guesthouse. The property is located at 1600 Viscano Drive, Pebble Beach (Assessor's Parcel Number 008-201-002-000), North of Seventeen Mile Drive in the Pescadero Watershed, Del Monte Forest Area, Coastal Zone.
Planner: David Greene

David Greene gave a brief overview of the project. This project would restore two historic houses and construct a new one. In December, 2007 the Chimney Cottages were added to the County's Local Register of Historic Resources.

Motion: Kellie Morgantini moved to recommend approval of the combined development permit to the Zoning Administrator with the following additions to the already required deed restrictions pertinent to construction and use of structures as guesthouses and caretakers' quarters.

The applicant shall include the following language within the deed restrictions required for the guesthouse and the caretakers' quarters:

"This caretaker's unit has been listed on Monterey County's "Local Register of Historic Resources", December 2007."

"This guesthouse has been listed on the register of Monterey County's "Local Register of Historic Resources", December 2007."

The deed restriction upon the caretaker's unit shall include as Exhibit "A" to the deed restriction with a copy of the County's Local Register of Historic Resources, indicating the caretaker's unit on the listing.

The deed restriction upon the guesthouse shall include as Exhibit "A" to the deed restriction with a copy of the County's Local Register of Historic Resources, indicating the guesthouse on the listing.

Enid Sales seconded the motion and it was unanimously approved.

VI.

OLD BUSINESS

1. Update on Ordinance Revisions

Meg Clovis stated that the ordinances from HRRB have been sent to the County Counsel. They are being reviewed by Carl Holms.

2. Training Opportunities

Meg Clovis indicated in April there will be a California Preservation Foundation Conference in Napa and in May another AMAP meeting. She urged the members to take advantage of these training opportunities before August.

VII. NEW BUSINESS

1. Elect Officers

John Scourkes was elected Chair and Kellie Morgantini was elected Vice-Chair.

Motion: Barbara Rainer moved to accept the slate of elected officials and Enid Sales seconded the motion. It was unanimously passed.

2. CLG Grant

Meg Clovis reported that HRRB was going to apply for a grant from the Office of Historic Preservation to conduct a thematic survey of agricultural properties in South County. Both Kellie Morgantini and Enid Sales were appointed to perform the survey.

VIII. HRRB COMMENTS

Salvador Munoz noted some difficulties surrounding the Castroville Plaza's fountain and asked if any member was able to attend a community meeting regarding the Castroville fountain and plaza scheduled on Friday, March 7, 2008.

IX. ADJOURNMENT

The meeting was adjourned at 1:40 p.m.

IX. NEXT MEETING

Date: April 3, 2008

Time: 11:30 a.m.

Place: Monterey County Government Center Building, Monterey Room, 2nd Floor
168 W. Alisal Street, Salinas, CA

Prepared by: Lynn Learch, Secretary

EXHIBIT J
30% SLOPE WAIVER JUSTIFICATION
LETTER

30% Slope Waiver Justification

The project site consists of man-made slopes, the majority of which will be re-graded to create improvements needed to support the project. Small areas of the site to be developed consist of slopes that are 30% or greater. These 30% or greater slopes will be regraded to permit development to occur consistent with current standards for safety and access. The project site would be regraded to utilize the existing topography, including regrading of slopes for parking garages to minimize the height and visibility of the proposed new buildings. Policies and regulations of the Carmel Area LCP restrict development on 30% slopes, which restriction is designed and intended to protect visual resources in the Carmel LCP Area.

Section 20.146.030.C.1.a. of the Carmel Area LCP provides that the Director of Planning may grant a waiver to the 30% slope standard where:

- 1) *There is no alternative which would allow development to occur on slopes of less than 30%, or*
- 2) *The proposed development better achieves the resource protection objectives and policies of the Carmel Area Land Use Plan and development standards of this ordinance.*

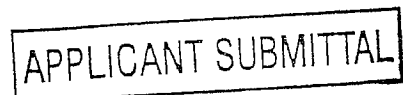
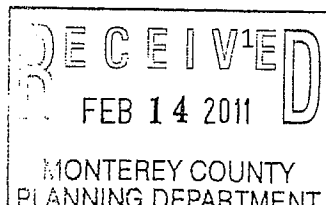
Zoning Ordinance Section 2064.230.E.1. also allows an exception to the prohibition on development on man-made slopes 30% or greater under either of these two circumstances.

As detailed below, the Villas de Carmelo project better achieves the resource protection objectives under many policies under the Carmel Area Land Use Plan and Zoning Ordinance. Moreover, given the location of existing buildings on the site, and design of the project to meet these policy objectives, there is no design alternative that would achieve development on less than 30% slope.

Cultural Resources

Development on 30% slopes is necessary to protect a fundamental aspect of the integrity of the existing historical resources of the site. There is no alternative available that would allow development to occur in this manner without development on 30% or greater slopes.

The manner in which the site has been proposed to be developed corresponds with the historical arrangement of site improvements. Development on the site has historically occurred on both the upper and lower terraces. In the past, a steep man-made landscape slope leading to an open plaza provided a transition between the lower and upper terraces of the site. Road access to the hospital facility also traversed this steeper slope on both sides of the facility so that emergency and other vehicles could gain access to portions of the site located in the upper reaches of the higher terrace. While the gradient for these roadways must be moderated to achieve current standards (Condition 19), this visual and functional relationship between the lower and upper terrace landscape and access feature has been purposefully incorporated as a fundamental aspect of the design of the proposed project. Preservation of the development profile in this manner



enables compliance with mitigation measures 4.5 et seq. In order to preserve these relationships while achieving current standards for road access, parking, and infrastructure improvement, it is more protective of historical resources to retain roadways across these man-made slopes. Due to the existence of man-made 30% slopes in the majority of the area between the upper and lower terraces, it is not feasible to design this site to avoid areas of 30% slope.

Health and Safety

Development on 30% slopes is necessary in order to comply with County health and safety standards. Renovation of the site requires the correction of existing inadequate facilities including intersections, driveways, landscaping, and infrastructure, including fire safety facilities (water supply and hydrants).

In particular, fire hydrants are required to be installed on the east and west portions of the property in the vicinity of proposed units 42 – 46 and 32 – 40 (Brian Foucht pers.conversation with Capt Mark Mondragon, 2.16.11), in addition to locations at the two driveway entrances to the site from Valley Way. Condition 23 requires that approved water systems be installed and serviceable prior to construction. Conditions 24 and 29 specify the location of hydrants to ensure mandatory access by fire apparatus. The maximum gradient for internal roadways is 15%, and achieving this standard will require re-grading and construction of roadways that traverse a small area of 30% slopes that are present between the lower and upper terrace of the site.

There is no other feasible way to provide adequate fire safety for the historical structure in the upper terrace than by hydrants that must be accessed by internal roadways that traverse 30% slopes. This improvement is consistent with General Plan Policy 17.3.4 which provides that the County require all new development to have adequate water available for fire suppression.

Visual Resources

Development on 30% slopes will allow development of the site to better achieve visual resource protection objectives stated in LUP Policy 2.2.3.6.. This policy requires that *"New structures shall be subordinate to and blended into the environment....Where necessary modification of plans shall be required for siting."* The proposed project takes advantage of the existing topographic variation by siting parking and access roadways and new units in locations that minimize visibility. This entails locating site improvements, including landscaping, structures, and site access in portions of the upper terrace that have historically been developed, and those portions of the lower terrace that can be screened from the Highway One viewshed and fully integrated with the Valley Way streetscape. Re-grading on the man-made 30% slopes successfully lowers the profile of the upper terrace structures.

Re-grading these man-made 30% slopes will allow the project to utilize existing topography to locate parking below ground, thereby reducing the paved appearance of the site, providing higher amount of landscape coverage, and enabling reintegration of the plaza, a key historical feature of the current development.

The proposed development in the small areas of 30% slopes will enable the project to better achieve Carmel Land Use Plan Policy 2.2.4.10.b. and Implementation Plan standard 20.146.030.C.1.b. (pg CML -10). LUP Section 2.2.4.10.b states that: *"Where clustering of new residential or visitor serving development will preserve desirable scenic and open space areas or enable structures to be sited out the Viewshed, it shall be preferred to more dispersed building site plans."* Implementation Plan standard 20.146.030.C.1.b. states that *"...clustering of residential development shall be required where clustering preserves desirable and scenic open space areas."* The project has been designed to cluster units in areas that minimize visibility from Highway 1, which necessitated development in small areas covering 30% slopes. This approach better protects the Highway One Scenic viewshed.

Geologic Hazards

The proposed development of 30% slopes will better achieve the objectives stated in Implementation Plan Section 20.146.080.D.1.a, requiring all development to be sited and designed to conform to site topography and minimize grading and other site preparation activities. The purpose of these standards is to eliminate erosion and sedimentation resulting from storm water runoff. Proposed re-grading of the small area of 30% slopes will enable the development to better achieve resource protection policies by reducing and re-contouring the steep man-made slopes of these areas to slow, collect and convey storm water to proposed on site retention and detention facilities.

Development on 30% slopes will allow the project to better achieve LUP Policy 2.7.4.1 requiring that: *"All development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Applications for grading and building permits and applications for subdivisions shall be reviewed for potential impacts to onsite and offsite development arising from geologic and seismic hazards and erosion. Mitigation measures shall be required as necessary."* Implementation Plan section 20.146.080.D.1.d requires that *"...new roads across 30% slopes shall be allowed only where potential erosion impacts can be adequately mitigated."*

As stated above, re-grading on 30% slopes will enable better protection of the overall site topography by enabling access and use of existing terraces without substantial alteration of the these historical landforms. As further stated, grading across 30% slopes will better enable the development to reduce the potential for erosion due to slopes found in the transition between the upper and lower terraces. The proposed project includes development across man-made 30% slopes thus minimizing re-grading, and as explained in the EIR analysis, any impacts will be mitigated.

Area Land Use Plan Objectives

The project better achieves the land use planning and development objectives that focus on higher density urban uses for this infill area of the Carmel LUP, that could not be accomplished without development on 30% slopes. In particular:

LUP Policy 4.4 .2.1 states that: *“The Carmel River shall be considered the dividing line between the urban and rural areas of the Monterey Peninsula. The river shall provide the natural boundary between urban and higher intensity uses to the north and rural, low intensity uses to the South.”*

LUP Policy 4.4.3.1 states that: *“Infilling of existing residential areas ... is preferred over new residential development elsewhere.”*

These policies emphasize the County’s intent to promote infill development close to urbanized areas where services are available. These policies call for maximum use of this infill development site so that more sensitive coastal resources in other areas can be more fully protected. The development of man-made 30% slopes for the Villas de Carmelo project will enable appropriate infill development of this site at densities and in a manner compatible with surrounding development and in a manner that is most protective of coastal resources in the Carmel Land Use Plan area.

EXHIBIT K
STANDARD SUBDIVISION COMMITTEE MINUTES
DATED FEBRUARY 24, 2011

FINAL
MONTEREY COUNTY MINOR/STANDARD SUBDIVISION COMMITTEE
THURSDAY, FEBRUARY 24, 2011
MINUTES

A. ROLL CALL: 9:06 a.m.

PRESENT:	Water Resources Agency:	Tom Moss, Chair
	Fire Representative:	Jim McPharlin, Vice-Chair
	RMA - Planning Department:	Jacqueline R. Onciano, Secretary
	Public Works Department:	Chad Alinio
	Environmental Health Bureau:	Richard LeWarne
	Parks Department:	David Lutes, Sub Only
	Planning Commission Representative:	Keith Vandevere, Minor Sub Only

B. PUBLIC COMMENTS: None.

C. APPROVAL OF MINUTES: July 29, 2010, August 12, 2010, September 9, 2010, September 30, 2010, November 18, 2010, December 9, 2010, January 13, 2011, February 10, 2011

It was moved by Committee Member Vandevere, seconded by Committee Member McPharlin, and passed by the following vote to accept the minutes for July 29, 2010.

AYES:	McPharlin, Vandevere, Moss, Onciano, Alinio
NOES:	None.
ABSTAIN:	LeWarne
ABSENT:	None.

It was moved by Committee Member Vandevere, seconded by Committee Member McPharlin, and passed by the following vote to accept the minutes for August 12, 2010.

AYES:	McPharlin, Vandevere, Moss, Alinio
NOES:	None.
ABSTAIN:	LeWarne, Onciano
ABSENT:	None.

It was moved by Committee Member Vandevere, seconded by Committee Member McPharlin, and passed by the following vote to accept the minutes for September 9, 2010.

AYES:	McPharlin, Vandevere, Moss, Onciano, Alinio
NOES:	None.
ABSTAIN:	LeWarne
ABSENT:	None.

It was moved by Committee Member Vandevere, seconded by Committee Member McPharlin, and passed following vote to accept the minutes for September 30, 2010.

AYES: McPharlin, Vandevere, Moss, Onciano, Alinio
NOES: None.
ABSTAIN: LeWarne
ABSENT: None.

It was moved by Committee Member Vandevere, seconded by Committee Member McPharlin, and passed by the following vote to accept the minutes for November 18, 2010.

AYES: McPharlin, Vandevere, Moss, Onciano, Alinio
NOES: None.
ABSTAIN: LeWarne
ABSENT: None.

It was moved by Committee Member Vandevere, seconded by Committee Member McPharlin, and passed by the following vote to accept the minutes with corrections for December 9, 2010.

AYES: McPharlin, Vandevere, Moss, Onciano, Alinio
NOES: None.
ABSTAIN: LeWarne
ABSENT: None.

It was moved to approve the minutes for January 13, 2011 by Committee Member Vandevere, seconded by Committee Member McPharlin.

AYES: McPharlin, Vandevere, Moss, Onciano, Alinio
NOES: None.
ABSTAIN: LeWarne
ABSENT: None.

Tom Moss, Chair stated to trail the minutes for February 10, 2011 to the Standard Subdivision Committee

9:14 a.m. break

9:30 a.m. reconvene

D. SCHEDULED ITEMS: MINOR SUBDIVISION COMMITTEE

1. EICHOLZ JOHN B AND ROSE ANN T MAZZONE - PLN060382 PROJECT PLANNER:
ANNA QUENGA. **ENVIRONMENTAL STATUS:** MITIGATED NEGATIVE DECLARATION
PROJECT DESCRIPTION: MINOR SUBDIVISION TENTATIVE MAP TO ALLOW THE DIVISION OF A 121.86 ACRE PARCEL INTO THREE PARCELS OF 41.86 ACRES (PARCEL A), 40 ACRES (PARCEL B), AND 40 ACRES (PARCEL C), RESPECTIVELY. THE PROPERTY IS LOCATED AT 52195 SMITH ROAD, BRADLEY (ASSESSOR'S PARCEL NUMBER 424-331-013-000), EAST OF THE INTERSECTION OF HESPERIA ROAD AND SMITH ROAD, SOUTH COUNTY AREA.

Anna Quenga, Project Planner, presented the project.

Public Comment: John Eicholz, Applicant; Jean Lewey, Neighbor.

It was moved by Committee Member LeWarne, seconded by Committee Member McPharlin, and passed by the following vote to adopt the resolution approving the project based on the findings and evidence and subject to the conditions of approval.

AYES: McPharlin, Vandever, Moss, Onciano, LeWarne, Alinio
NOES: None.
ABSTAIN: None.
ABSENT: None.

2. O'NEIL PROPERTIES LP - PLN080415

PROJECT PLANNER: LIZ GONZALES. **ENVIRONMENTAL STATUS:** CATEGORICALLY EXEMPT. **PROJECT DESCRIPTION:** PROJECT CONTINUED FROM JANUARY 13, 2011. COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A COASTAL DEVELOPMENT PERMIT FOR A LOT LINE ADJUSTMENT FOR AN EQUAL EXCHANGE OF 84 SQUARE FEET BETWEEN ASSESSOR'S PARCEL NUMBER 008-551-012-000 AND THE COMMON AREA OF THE PEBBLE BEACH TOWNHOMES DESCRIBED AS ASSESSOR'S PARCEL NUMBER 008-551-015-000; 2) A VARIANCE TO INCREASE THE ALLOWED BUILDING SITE COVERAGE FROM 35% TO 46% AND FLOOR AREA RATIO FROM 25% TO 36% FOR A 63 SQUARE FOOT ADDITION; AND 3) DESIGN APPROVAL. THE PROPERTY IS LOCATED AT 3301 17 MILE DRIVE UNIT NO. 21, PEBBLE BEACH (ASSESSOR'S PARCEL NUMBER 008-551-012-000 AND 008-551-015-000), DEL MONTE FOREST AREA, COASTAL ZONE.

Liz Gonzales, Project Planner, presented the project and read into the record changes to Condition Number 7.

Public Comment: None.

Liz Gonzales, Project Planner, stated the applicant's representative is not present.

Public Comment: None.

It was moved by Committee Member Vandever, seconded by Committee Member Alinio, and passed by the following vote to adopt the resolution approving the project based on the findings and evidence and subject to the conditions of approval.

AYES: McPharlin, Vandever, Moss, Onciano, Alinio
NOES: None.
ABSTAIN: LeWarne
ABSENT: None.

3. STEUCK GORDON JOHN AND SANDRA LEE TRS - PLN080454 PROJECT PLANNER: RAMON MONTANO. **ENVIRONMENTAL STATUS:** CATEGORICALLY EXEMPT PER 15305(a). **PROJECT DESCRIPTION:** LOT LINE ADJUSTMENT BETWEEN TWO LEGAL LOTS OF RECORD OF APPROXIMATELY 4.6 ACRES (ASSESSOR'S PARCEL NUMBER 103-061-015-000 CERTIFICATE OF COMPLIANCE NUMBER 079692) AND 4.3 ACRES (ASSESSOR'S PARCEL NUMBER 103-061-015-000 CERTIFICATE OF COMPLIANCE NUMBER 079684), RESULTING IN TWO LOTS OF. 5.05 (PARCEL A) AND 3.85 (PARCEL B) RESPECTIVELY. THE PROJECT IS LOCATED AT 570 AND 570-A AGUAJITO ROAD (ASSESSOR'S PARCEL NUMBERS 103-061-015-000), GREATER MONTEREY PENINSULA AREA, NON-COASTAL

ZONE.

Ramon Montano, Project Planner and requested a continuance to March 31, 2011.

Dale Ellis, Lombardo and Gilles, the applicant's representative.

It was moved by Committee Member Alinio, seconded by Committee Member Vandevere, to continue the project as staff recommended to March 31, 2011.

AYES: McPharlin, Vandevere, Moss, Onciano, Alinio
NOES: None.
ABSTAIN: LeWarne.
ABSENT: None.

9:52 a.m. Break

10:19 a.m. Reconvene

Committee Member Keith Vandevere Stepped down, Committee Member David Lutes is present.

E. SCHEDULED ITEMS: STANDARD SUBDIVISION COMMITTEE

(Trailed) APPROVAL OF MINUTES: February 10, 2011

It was moved to approve the minutes for February 10, 2011 by Committee Member McPharlin, seconded by Committee Member Alinio.

AYES: McPharlin, Lutes, Onciano, Alinio
NOES: None.
ABSTAIN: LeWarne, Moss
ABSENT: None.

1. RIGOULETTE, LLC (VILLAS DE CARMELO) - PLN070497

PROJECT PLANNER: LIZ GONZALES. **ENVIRONMENTAL STATUS:** ENVIRONMENTAL IMPACT REPORT. **PROJECT DESCRIPTION:** CONTINUED FROM DECEMBER 9, 2010. COMBINED DEVELOPMENT PERMIT TO REDEVELOP THE EXISTING CARMEL CONVALESCENT HOSPITAL SITE, GENERALLY LOCATED AT THE NORTHWEST CORNER OF HIGHWAY ONE AND VALLEY WAY, WITH A 46-UNIT CONDOMINIUM PROJECT. REQUIRED ENTITLEMENTS INCLUDE: 1) STANDARD SUBDIVISION FOR A VESTING TENTATIVE MAP TO SUBDIVIDE 3.68 ACRES IN TO 46 CONDOMINIUM PARCELS AND COMMON OPEN SPACE; 2) LOCAL COASTAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL, TWO UNITS PER ACRE (MDR/2) TO HIGH DENSITY RESIDENTIAL, 12.5 UNITS PER ACRE (HDR/12.5), INCLUDING ASSOCIATED AMENDMENTS TO THE CARMEL AREA LAND USE PLAN; 3) COASTAL DEVELOPMENT PERMIT TO CONVERT THE FORMER CONVALESCENT HOSPITAL INTO NINE CONDOMINIUM UNITS WITH UNDERGROUND PARKING, RECREATION ROOM, STORAGE, AND A GYM; 4) COASTAL ADMINISTRATIVE PERMIT TO DEMOLISH ONE EXISTING STRUCTURE AND CONSTRUCT 12 BUILDINGS FOR A TOTAL OF 46 CONDOMINIUM UNITS; 5) COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT ON SLOPES OF 30% OR GREATER; 6) COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF 97 TREES (21 COAST LIVE OAK AND 76 MONTEREY PINES); AND 7) DESIGN

APPROVAL. THE EXISTING HOSPITAL ADDRESS IS 24945 VALLEY WAY, CARMEL (ASSESSOR'S PARCEL NUMBERS 009-061-002-000, 009-061-003-000, 009-061-005-000), COASTAL ZONE.

Liz Gonzales, Project Planner, presented the project and an Errata Memorandum.

Public Comment: Kevin Kane, the applicant's representative; Ed Shagen, West Development Director; Jacqueline Zischke, Land Use Counsel; Bryan Fouch, Planning Consultant.

Committee Comment: None.

Public Comment: Amy White, Executive Director of LandWatch; Mark Baine, Neighbor; Michael LePage, Neighbor.

Applicant for rebuttal: None.

Public Comment: Denise Duffy, Project Environmental Consultant.

It was moved by Committee Member Onciano, seconded by Committee Member McPharlin to move the project forward to the Planning Commission.

AYES: McPharlin, Lutes, Moss, Onciano, Alinio

NOES: None.

ABSTAIN: LeWarne

ABSENT: None.

F. DEPARTMENT REPORT: None.

G. ADJOURNMENT: 11:28 a.m.

Date Adopted: April 28, 2011

ATTEST

/S/JACQUELINE R. ONCIANO
JACQUELINE R. ONCIANO, SECRETARY

JRO/vc

EXHIBIT L
EIR ALTERNATIVES MATRIX AND DESCRIPTION
TABLES 6.4-1 AND 6.4-2

Table 6.4-1 Comparison of Alternative Attributes					Design Differences from Proposed Project
#	Alt. Description	Land Use	Number/Category of Units		
1A	No Project/No Development Alt.	No Use	0		No development. Project site would remain as is.
1B	No Project/Existing Buildings Use Alt.	Convalescent Hospital	0		No new development. Project site would revert to convalescent hospital or similar allowed use.
2A	Full Buildout Visitor-Serving Alt.	Hotel	67 Hotel Rooms		Same buildout footprint as proposed project, but with visitor-serving use.
2B	Visitor-Serving Alt./Existing Buildings	Boutique Hotel	22-25 Hotel Rooms		No new buildings on the project site, only rehabilitation of existing buildings for visitor-serving use.
3	Existing Zoning Alt.	Single Family Residential	4 Market; 1 Moderate; 1 Low-Income; 1 Very Low-Income		Construction of 7 new single family residences around the remainder of property as consistent with existing zoning.
4	Applicant's Modified Design Alt.	High Density Residential	33 Market; 9 Moderate; 4 Workforce		Units 5-8 and 12-13 relocated from southeast boundary of the project site along Highway 1 to the same building as Units 1-4; the southeast boundary would then be used for parking and landscaping.
5	Reduced Density Alt.	High Density Residential	28 Market; 3 Low-Income; 3 Very Low-Income		Number of units would be reduced to 37 by removing four units along Highway 1 (from among Units 1-8), three units along Valley Way (from among Units 24-28), and Units 23 and 32.
6	Hybrid Residential Alt.	High Density Residential	28 Market; 3 Moderate; 2 Low-Income; 2 Very Low Income		Units 5-8 and 12-13 relocated from along Highway 1 to the same building as Units 1-4; the southeast boundary would then be used for parking and landscaping; three units from among Units 24-28 would be removed; Units 12, 13, 23, 30, 31, 32, 45, and 46 would be removed.
7	Hybrid Visitor-Serving Alt.	Hotel	50 Hotel Rooms		Units 5-8 and 12-13 relocated from along Highway 1 to the same building as Units 1-4; the southeast boundary would then be used for parking and landscaping; three units from among Units 24-28 would be removed; Units 12, 13, 23, 30, 31, 32, 45, and 46 would be removed. Visitor-serving Uses.
8	Hybrid Existing/High Density Zoning Alt.	Single Family/High Density Residential	13 Market; 2 Moderate; 1 Low-Income; 1 Very Low-Income		The existing, historic resource buildings would be rezoned High Density with 10 units between the two buildings with the remainder of the site divided into 7 Single Family Residences consistent with the existing zoning.
9	Increased % Low/Mod. Income Units Alt.	High Density Residential	36 Market; 4 Moderate; 3 Low-Income; 3 Very Low-Income		The project layout would not change with this alternative, just the category of income for the units.
10	Off-Site or In-Lieu Fee Afford. Housing Alt.	High Density Residential	46 Market; 7 Low-Income Units; 7 Very Low-Income		The project layout of the site would not change; however, there would be an off-site location with additional units to provide the appropriate moderate, low, and very low income units.

Table 6.4-2 Comparison of Impacts – Project Alternatives *												
Impact	No Project /No Dev. (1A)	No Project/ Existing Build. Use (1B)	Full Buildout Visitor-Serving (2A)	Visitor-Serving/ Existing Build. (2B)	Existing Zoning (3)	Applicant's Modified Design (4)	Reduced Density (5)	Hybrid Residential (6)	Hybrid Visitor-Serving (7)	Hybrid Existing/High Density Zoning (8)	Increased % Percent Low/Mod. Income Units (9)	Off-Site or In-Lieu Fee Afford. Housing (10)
Aesthetics	<	<	=	<	<	<	<	<	<	<	=	
Air Quality	<	<	=	<	<	=	<	<	<	<	=	
Biological Resources	<	<	=	<	<	=	<	<	<	<	=	
Cultural Resources	<	<	=	=	>	=	=	=	=	=	=	
Geology/Soils	<	<	=	<	<	=	<	<	<	<	=	
Hazards/Hazardous Materials	<	<	=	<	<	=	=	=	=	=	=	
Hydrology & Water Quality	<	<	=	<	<	=	<	<	<	<	=	
Land Use & Planning	<	<			<	=	<	=		<	<	
Noise	<	<	=	<	<	=	<	<	<	<	=	
Public Services & Utilities	<	<	=	<	<	=	<	<	<	<	=	
Traffic	<	<		=	<	=	<	<	>	<	=	
Ability of Alternative to Meet Project Objectives Compared to the Project*						=						
Overall Compared to Project	<	<		<	<	<	<	<		<	=	
> Impact Greater than Project = Impact Comparable to Project < Impact Less than Project												
For Project Objectives, symbols and mean less, greater or equal ability to meet objectives												
Note: Revisions between RDEIR and Final EIR are <u>highlighted</u> and <u>underlined</u> to aid the reader.												