

# Attachment A

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## **PROJECT DISCUSSION**

### **RIVER VIEW AT LAS PALMAS ASSISTED LIVING FACILITY**

#### **General Project Description and Objectives**

The proposed project involves an amendment to the text of the Las Palmas Ranch Specific Plan (LPRSP) to add policy language to clarify that one rest home facility, which may include assisted living and continuum of care facilities, is allowed in Area A of the Specific Plan; and a Combined Development Permit consisting of a Use Permit and Design Approval to allow the construction and operation of an approximately 90,000 square foot assisted senior living facility consisting of multiple structures and associated site improvements, and a Use Permit to allow development on slopes exceeding 25 percent.

The objectives of the project (as provided by the applicant) are the following:

- To develop a state-of-the-art facility to provide a Continuum of Care Residential Community designed to provide care to seniors over the age of 55 and to persons with diminishing mental capacity due to Alzheimer's, dementia, or similar causes.
- To provide a range of care options for persons who do not require 24-hour skilled nursing care but need personal assistance with the activities of daily living such as dressing, bathing, grooming, and medication management.
- To provide a range of accommodations that will allow persons who only need some help to maintain a modicum of an independent lifestyle to move into smaller home-like suites and then transition to other on-site facilities, which can provide a greater level of daily personal assistance as needed.
- To provide such a facility in a geographic location where the need for such a facility is clear and where adequate public facilities currently exist or can be readily provided.
- To provide such a facility in and near an established community so that residents in the facility can feel a sense of connection with local residents and where in turn local residents, as they age or their circumstances change, can relocate to an assisted living facility without the need to move from their community or far away from their families.
- To provide job and volunteer opportunities for persons in the area and in the Las Palmas community.
- To be licensed by the State of California as a Residential Care Facility for the Elderly (RCFE).

The entire facility is designed to provide a continuum of care and supervision to residents at least sixty years of age. Younger persons with compatible needs may also reside at the site. Although the project has been referred to as an "assisted living senior facility," the entire facility would be licensed by the State of California as a "Residential Care Facility for the Elderly" as defined by California Health and Safety Code section 1569.2, and would include assisted living as well as a main unit(s) offering higher levels of care. The facility would be comprised of three levels of residence to accommodate the continuum of care based on individual needs: "Casitas", Assisted Living Facility, and Memory Care Facility.

#### **Casitas**

The 13 Casitas structures would provide 26 separate living units, designed specifically

for seniors who may require varying levels of assistance in their basic living needs. The Casitas structures would all be single-story, approximately 18 feet in height, range in size from 1,513 to 3,757 square feet, and would cover about 41,300 square feet. One meal a day, shuttle service, maintenance, and cleaning would be included in the residential agreement of each Casitas resident. Although Casitas residents may maintain some independence in their lifestyle, including the option of fixing their own meals and keeping their vehicles, a full range of assisted living services would be available to them.

### **Assisted Living Facility**

The Assisted Living Facility would include 40 living units ranging from 360 to 587 square feet each, and 52 beds. The Assisted Living Facility will be in a single, two-story, 28-foot building that would cover about 27,000 square feet. It would be designed specifically for seniors who may need a of assistance to meet their living needs, and would therefore offer a full range of services to each resident including meals, medical assistance, transportation, cleaning, and laundry service.

### **Memory Care Facility**

The Memory Care Facility would be housed within a three-level structure approximately 30 feet in height, covering about 21,600 square feet. It would include 39 living units ranging from 313 to 453 square feet, and 48 beds. The memory care facility is designed specifically for persons who need a full range of assistance to meet their living needs. All meals, medical assistance, transportation, cleaning, and laundry service would be available for each resident.

### **Associated Site Development**

Roads, driveways, and parking areas would cover an additional area of about 99,500 square feet. Total site coverage would be approximately 190,000 square feet (27.6 percent of the site). Development of the project would require approximately 60,000 cubic yards of cut, most of which would be compacted and used on site, and 34,500 cubic yards of fill. Approximately 80 non-native eucalyptus trees on the project site would be removed and replaced with landscaping designed to both enhance residents' living environment and screen views of the project from neighboring properties and State Route 68.

### **Site Access**

Access to the project would be provided from the signalized intersection of River Road and Las Palmas Road to River Run Road, then Woodridge Court, which currently terminates at the project site boundary. River Road is a public road maintained by the County of Monterey. Las Palmas Road, River Run Road, and Woodridge Court are private roads maintained by the Las Palmas Homeowners Association (LPHOA). The project applicants, who own the site, currently pay a monthly road maintenance fee to the LPHOA. Pursuant to a future private agreement between the applicant and the LPHOA, the applicant would pay a proportionate share for the use of the roads based on construction impacts and operation of the facility. Although the subject property is adjacent to River Road, there is no direct access from River Road into the site, and none is proposed.

Shuttle services would be provided to facility residents to access areas on the Monterey Peninsula and Salinas, including regular shuttle service for employees to transportation hubs

nearby. The location of any off-site shuttle parking area would be identified by the applicant when preparing the shuttle service plan as required by Mitigation Measure TRA-2. The draft plan would be submitted to Public Works for review and approval prior to issuance of any building permit for the proposed project.

The applicant has the necessary access rights to the site to allow for approval of the proposed project. The Grant Deed for the subject property (Document No. 2013046807; recorded July 24, 2013) includes the following language in the legal description: “A non-exclusive easement for ingress, egress, road and utilities over that portion of River Run Road and Woodridge Court being a portion of Common Area Parcel C and Las Palmas Road being Common Area Parcel A as shown and designated on that Map entitled Amended Map of Las Palmas Ranch Corey House Area/Unit 1 Tract 1086A filed June 15, 1989, in Volume 16 of Cities and Towns at Page 70 in the Office of the County Recorder of Monterey County, California. Said easement shall be appurtenant to Parcel Q as shown and designated on the above referred to Map of Tract 1086A.” Nothing in the easement language above would limit use of the subject property to residential uses. The Grant Deed provides a clear access easement to and from the site across the private roads described in the deed and maintained by LPHOA.

Pursuant to MCC section 16.80.040.C.1.g, the project site is accessed via private roads that are subject to a home owners’ association (i.e., a legally established private road governing structure); therefore, noticing of the project was not required within ten working days of application submittal to all parties to the private road(s) and interested parties. Additionally, the County has since noticed the applicable home owners’ association (i.e., Las Palmas Ranch Master Association) multiple times, beginning with the Toro Land Use Advisory Committee meeting for October 26, 2015 (the applicant initially submitted the application to the County on September 16, 2015).

### **Land Use**

The Las Palmas Ranch Specific Plan, Toro Area Plan, and 2010 Monterey County General Plan designate the project site as Medium Density Residential (MDR). The MDR designation is appropriate for a range of residential uses and housing types, recreational, public, and quasi-public, and other uses that are incidental and subordinate to the residential use and character of the area (General Plan Policy LU-2.33a). The MDR district (Monterey County Code section 21.12.050) also allows for a range of land uses to be approved with a use permit, including rest homes and other uses of a similar nature and intensity.

Per Monterey County Code section 21.12, Regulations for Medium Density Residential Zoning Districts, the proposed project is consistent with the allowed uses listed:

21.12.050 – Uses allowed – Use Permit required in each case:

21.12.050.C – Rest homes (ZA)

21.12.050.D – Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards (Note: Other applicable or allowed public/quasi-public uses would include hospitals, hospices, and convalescent homes.)

21.12.050.R – Other uses of a similar nature, density, and intensity as those listed in this Section.

The proposed project is consistent with a “rest home” use as defined in Title 21, Monterey County Code section 21.06.940 – Rest home. “Rest home” means a place used for the rooming or boarding of any aged or convalescent persons, whether ambulatory or non-ambulatory, for which a license is required by a county or federal agency. The proposed project is also consistent with the description of a “public/quasi-public” use as defined in Title 21, Monterey County Code section 21.40.010 – Public/Quasi-Public (e.g., uses which serve the public at large).

As proposed, the project would be a licensed Residential Care Facility for the Elderly (RCFE; aka “rest home” or “assisted living facility”), and is therefore not a residential use under the County code or the Specific Plan. Because the proposed project does not include standard single-family residences and is quasi-public in nature, the Las Palmas Ranch Specific Plan residential unit limitation of 1,031 does not apply to this project.

The MDR designation allows for related, public, and quasi-public uses in addition to residential uses. Rest homes, assisted living facilities, and similar development are therefore allowed uses under the existing zoning, the general plan land use designation, and the LPRSP designation. For clarity regarding the future use and development of the project site for the proposed project, the following amendment to Policy 5 of Chapter II.C of the specific plan is proposed (see draft amendment text at Attachment C):

The Specific Plan allows a maximum 1,031 residential units in accordance with Figure D and Figure E. In addition to the 1,031 residential units allowed in the Specific Plan, one rest home facility, which may include assisted living and continuum of care facilities, may be constructed within Area A subject to approval of a conditional use permit.

As proposed, the project is similar in design and density to the Las Palmas Ranch residential neighborhood to the east, and as described above, is allowed in the MDR land use designation because it is considered compatible with residential uses.

### **Design Review & Scenic Resources**

The subject property is located within a Design Control Zoning District, and the project site is visible from a scenic-designated stretch of State Route (SR) 68 for approximately 3,000 feet (0.57 mile). The site is also visible from portions of Reservation Road, and from within the Las Palmas subdivision. The project site is adjacent to River Road, but is minimally visible from this road due to topography and vegetation, as well as the River Road/SR 68 intersection. The LPRSP EIR, adopted by the County on September 20, 1983, anticipated that views from River Road would become more urbanized, and that development would be visible from scenic-designated SR 68. The LPRSP EIR established mitigation measures to reduce aesthetic impacts associated with development of the Las Palmas Ranch Specific Plan Area. Those measures, such as tree planting and a River Road setback, are incorporated into the plans of the proposed project. Development of the project site, therefore, does not represent an aesthetic impact that has not previously been analyzed and found to be less than significant. However, the Subsequent EIR (SEIR) for the proposed project includes mitigation measures AES-1 through AES-4 to ensure that the project mitigates aesthetic impacts consistent with the LPRSP EIR. The project plans and mitigation measures also ensure compliance with the Toro Area Plan, which requires that

development in visually sensitive areas is located and designed to enhance the scenic value of the area. The mitigation measures require landscape screening, earth toned building colors, undergrounding of utility and distribution lines, and unobtrusive lighting.

### **Environmental Review – Public Comment**

The County of Monterey received 118 comment letters on the Draft SEIR, including public agency comments from the Monterey Bay Air Resources District and the Monterey County Water Resources District. The County received nine comment letters from various organizations and businesses. The rest of the comment letters were from members of the public. See the Draft SEIR at Attachment O, and the Final SEIR at Attachment P.

The comment letters generally addressed the following topics:

#### *Personal Safety and Security*

Numerous comment letters on the Draft SEIR address safety and security concerns for residents of the Las Palmas Subdivision #1 (Subdivision). The Subdivision residents, through the LPHOA, pay for private security service, including a gated entrance staffed with a private security guard that monitors vehicles entering the Subdivision. Comments regarding safety and security express the concern that the project would result in an overall increase of traffic flowing into the Subdivision, which would include staff and visitors to the proposed senior living center; therefore, the ability to monitor each vehicle entering the Subdivision would be compromised. The Las Palmas Subdivision #1 currently pays for private security service. The security staff posts a guard at the Las Palmas Road main entrance during the daytime. The gate is not staffed during evening or nighttime hours, but a periodic nighttime patrol occurs through the subdivision. Private security is discussed in Section 11.9, *Public Services*, and traffic analysis in Section 9.0, *Transportation & Traffic*, of the Draft EIR. Mitigation Measure TRA-1 requires that employee shift changes to the project site (once the senior living community is operational) would occur outside of peak traffic hours. Mitigation Measure TRA-2 would require a shuttle service plan for residents and staff of the senior living community. These two measures would reduce the impact on the Subdivision's security operations by ensuring project employee traffic does not overlap with the Subdivision's residential traffic during peak hours, and by decreasing project trips to and from the project site by providing the shuttle service for project residents. Furthermore, the assisted living facility would have its own security staff on site to monitor activities at the facility. The SEIR states in Section 11.9, *Public Services*, that the proposed project would participate proportionately in the cost of the Subdivision's security service. This cost-sharing arrangement would likely occur pursuant to a future private agreement between the applicant and the LPHOA.

#### *Fire Safety*

Multiple commenters state that the project site is vulnerable to wildfires, and that the project would worsen wildfire-related risks by adding structures and residents to the area. As discussed in SEIR Section 11.5, *Hazardous Materials*, the project would implement all fire protection regulation requirements and design recommendations based on project review completed by the Monterey County Regional Fire District (MCRFD), which reflect the current requirements of the Uniform Fire Code to ensure fire-safe structures. Furthermore, as noted in Section 11.9, the MCRFD reviewed the proposed site and building plans for the project, and determined that the project would not require new or expanded fire protection facilities. The Fire District maintains

mutual aid agreements with neighboring fire departments and CalFire for additional support in the event of wildfires. The subject property is within both the boundaries of the MCRFD and a State Responsibility Area (SRA), and either agency could respond to a fire on the subject property. However, the MCRFD would have primary responsibility for structures fires, and CalFire would have primary responsibility for wildfires.

#### *Land Use Incompatibility, Property Value, and Quality of Life*

Numerous commenters opine that the project is an inappropriate land use at the project site. Regarding the site's zoning and compliance with applicable planning documents, commenters focus on two issues: the LPRSP sets a limit of 1,031 residential units in the Plan Area, which has already been nearly met, and would be exceeded if the project's structures are counted as residential units; and the site is designated for residential use, yet the proposed project is a commercial use. Regarding land use compatibility outside of the context of plans and regulations, commenters raise additional objections: the project would consist of large buildings housing a large number of seniors, which is incompatible with the rural, family-oriented Subdivision; the project would decrease the property value of Subdivision residences; the project site is not a suitable location for a senior living facility because the residents would not be near services that they require, such as medical facilities; and the project would result in nuisance odors due to food preparation for the senior living center residents.

Under CEQA, the EIR must analyze potential effects with respect to neighborhood compatibility insofar as they relate to physical impacts to the environment, such as aesthetics, noise, and transportation impacts. For the proposed project, these impacts were found to be less than significant or less than significant with mitigation. Compatibility with planning documents and the site's zoning is discussed below.

#### *Land Use Incompatibility*

See the discussion above under **Land Use**.

#### *Property Value*

Diminished property value is not an environmental impact under CEQA. A lead agency may consider factors outside of environmental concerns, such as property value, in their overall assessment of a proposed project. However, discussion of property value is outside of the environmental review process and thus is not included.

#### *Growth Inducement*

Potential growth inducement is analyzed in Section 14, *Growth Inducing*, of the SEIR. The proposed project would employ 92 persons to operate the proposed assisted living facility, and would not result in a direct population increase because it would not provide dwelling units that would operate or function as independent units. While the proposed project may indirectly result in business and population growth due to the increased local investment from revenues generated by the project, projections of any potential growth would be speculative.

#### *Quality of Life*



The SEIR does analyze environmental factors related to quality of life, including aesthetics, air quality, noise, transportation, and safety.

#### *Public Services Availability*

The SEIR analyzes public services in Section 11.0, *Effects Not Found to be Significant*. In reviewing the project's suitability for the project site, the County determined that services that will be needed by residents of the proposed project are sufficient and located adequately. The project is expected to have less than significant impacts on public services such as police, fire, library, and medical services due to the nature of the project, the existing services available within a serviceable distance, etc.

#### *Transportation/Traffic*

Comments regarding traffic impacts raised the potential for congestion at the Subdivision entrance, which commenters identify as a safety risk if vehicles were to queue on River Road while waiting to turn right onto Las Palmas Road. Commenters also discuss at great length the topic of emergency evacuation, concerned that it would be weakened by reliance on the Las Palmas Road entrance/exit; commenters state that in the event of a disaster that necessitates evacuation of the Subdivision, existing residents and senior living community residents would need to funnel out of this single exit. Commenters state that the project should have its own separate entrance, rather than rely on the Subdivision entrance and streets.

Commenters also voice concerns about traffic and congestion impacts to the following roadways:

- Streets within the Subdivision, which are maintained by LPHOA funds, and could be damaged by project-generated traffic, especially during project construction;
- River Run Road and Woodridge Court, which pedestrians and children cross to access Corey Park; and
- SR 68, which commenters state is operating at level of service (LOS) F and should not be subjected to any additional congestion.

#### *Traffic Safety and Conditions on Residential Streets*

The project would generate traffic in proximity to pedestrians and bicyclists on three residential streets in the Subdivision: Las Palmas Road, River Run Road, and Woodridge Court. The Riverview at Las Palmas Senior Housing Traffic Impact Analysis (Analysis; Keith Higgins 2017) estimates the project's effect on traffic volumes in the Subdivision. As shown in Table 9-1 of the Analysis, with the addition of trips generated by the project, these streets would all operate well within acceptable traffic volumes for residential streets (LOS A or B), based on generally accepted level of service and traffic calming thresholds. Furthermore, the project would add little to no vehicle trips to other streets in the Subdivision.

With project-generated traffic, Woodridge Court would carry about 363 vehicles per day between River Run Road and the project site, and River Run Road would carry about 1,313 vehicles per day between Woodridge Court and Las Palmas Road. Traffic volumes on these streets and others in the Subdivision would be well within acceptable levels for local residential streets, with traffic delay not exceeding the applicable standard of LOS C. Therefore, additional traffic near Corey Park and other parts of the Subdivision would not substantially increase safety hazards for pedestrians and bicyclists in the Subdivision, including people accessing Corey Park. The subdivision's streets and roads are designed

to current safety standards; environmental review cannot address individual driver behaviors. The project would have a less than significant impact on traffic safety and conditions in the Subdivision, so no mitigation would be required.

#### *Queuing at Entry Gate*

In addition to increasing traffic volumes on residential streets in the Subdivision, vehicle trips generated by the project would affect queuing at the entry gate on Las Palmas Road. To address this, the County will require employees at the senior living community to display windshield tags, which would eliminate the need to check each employee's vehicle, reducing the length of queues at the gate. Installation of an automatic gate or adding a second inbound lane at the gate would not be necessary to reduce queuing. Additionally, Mitigation Measures TRA-1 and TRA-2 would require employee shift changes to the project site (once the senior living facility is operational) to occur outside of peak traffic hours, and require a shuttle service plan for residents and staff of the senior living facility. These two measures would reduce the impact on potential gate queuing by ensuring project employee traffic does not overlap with the Subdivision's residential traffic during peak hours, and by decreasing project trips to and from the project site by providing shuttle service for project residents. Therefore, the project would have a less than significant impact on traffic circulation related to queuing at the Subdivision's gate.

#### *SR 68 Traffic Conditions*

The project would contribute to existing traffic congestion on SR 68. The SEIR estimates the project would add one AM peak hour trip and four PM peak hour trips to the two-lane section of SR 68 immediately west of the Toro Park interchange. Although the increase in traffic volumes would be minimal, it would contribute to existing unacceptable traffic conditions on the highway. Therefore, the project would have a significant and unavoidable impact on traffic conditions on SR 68. The project applicant would be required to pay the applicable Monterey County and TAMC development impact fees to help mitigate the Project's contribution to cumulative impacts.

#### *Separate Entry/Access*

According to the traffic analysis prepared for the project, a separate access would not be necessary to avoid impacts on traffic circulation because the level of service on roads providing access to the project site would be acceptable. Separate access also would not be necessary to ensure adequate emergency access per staff coordination with CalFire and MCRFD. Moreover, a separate entry would result in additional construction impacts and site distant issues on River Road.

Per County staff consultations with CalFire and MCRFD, the site's proposed emergency evacuation route is sufficient per current State regulations. Due to the occupancy type, the site would be subject to Wildland Building Standards, which could allow occupants to "protect in place" in the event of a fire and as determined by the applicable Fire Department based on fire conditions. Per MCRFD and CalFire, the proposed tree removal would help reduce fuel load and the risk of wildfire. Additionally, the proposed development would not increase wildfire risk, and would likely improve the firebreak and firefighting protection for the residential area of Las Palmas.

Moreover, a separate entry would result in additional construction impacts. The site's boundary along River Road is steeply sloped and would likely require heavy excavation work and construction of retaining walls to accommodate an access road, which would result in additional aesthetic impacts. Additionally, site access to/from River Road would result in limited visibility (i.e., limited site distant) for both vehicles ingressing and egressing the site, as well as vehicles travelling on River Road. County staff also contacted both the owner of Ferrini Ranch and the Monterey County Ag Land Trust to determine if an emergency access and evacuation route could be constructed over the adjacent Ferrini Ranch parcel. Neither party responded in the affirmative.

#### *Vehicle Miles Traveled*

As noted by commenters, the Draft SEIR does not analyze the project's effect on vehicle miles traveled (VMT) in Monterey County. VMT is the measure of miles traveled within a specific geographic area for a given period. VMT can be used to quantify the impact of a project or plan on the larger transportation system. In December 2018, the California Governor's Office of Planning and Research in the *Final Adopted Text Revisions to the CEQA Guidelines* introduced VMT as the primary metric to quantify a project's impact in place of level of service. However, local jurisdictions were given a grace period to adopt VMT standards, and Monterey County has yet to adopt VMT as its primary metric for evaluating traffic impacts. Therefore, the SEIR does not analyze the project's effect on VMT.

#### *Slope Stability and Stormwater Drainage*

Multiple commenters state that the project site is vulnerable to erosion, soil instability, and landslides/mudslides. Concerns are voiced that because the project site is elevated, the project could destabilize the slope. Commenters note that prior storm events have revealed potential geologic instability around the project site. Furthermore, commenters state that stormwater runoff from the proposed structures would pose a flood hazard to the Subdivision homes, which are at a lower elevation.

#### *Slope Stability*

A Geologic Hazards Report and Soil Engineering Feasibility Investigation was prepared for the project (Appendix F, Landset Geotechnical Report, of the Draft SEIR). The preliminary report determined that the project is feasible and recommended that an additional design level soil engineering investigation be prepared upon completion of preliminary construction plans. Section 11.0, *Effects Not Found to be Significant*, summarizes the preliminary geotechnical report by stating that while the steep slopes on the north and south flanks of the site are prone to landslides and slope failure, future building foundations would be located within the geologically suitable building envelope as described in the report, which would avoid environmental impacts related to landslides. For these reasons, the project would not be subject to, nor increase, any on- or off-site slope stability hazards that would create a significant environmental impact.

#### *Stormwater & Drainage*

A Conceptual Stormwater Control Plan (Gateway Engineering 2017; refer to Appendix I.1 of the Final SEIR) was developed as part of the preliminary design to address stormwater management for the project site in conformance with County and State

regulatory requirements. The plan illustrates the location of impervious and pervious areas, storm flow direction, and storm water control facilities.

The project would introduce new impervious surfaces in the form of building rooftops, paved drives, parking areas, and walkways. Most of the site would remain impervious and feature landscaping to promote groundwater infiltration and uptake. The project site would also feature three bioretention areas where stormwater would be captured and filtered prior to infiltration or metered release to a connecting storm drain. Grading and contouring on the project site would collect and direct flows into one of these three basins. The site drainage is specifically designed to meet County and State regulatory requirements, and emulate pre-development conditions, resulting in the water volume, rate, and quality of stormwater leaving the site similar to current conditions. As a result, there would be no project-related downstream or off-site impacts related to flood hazards or stormwater quality related to project operation.

### Visual Impacts

Numerous comments were received addressing the visual and aesthetic aspects of the project. Commenters assert that the project would impact scenic views, noting local protections for scenic resources, including the scenic highway designation of SR 68. Commenters also state that the project would degrade private views from within the Subdivision due to tree removal and night sky light pollution, and would reduce privacy within the Subdivision because homes would be visible from the project site. Additionally, commenters maintain that the project would be ridgeline development, which is prohibited by County regulations. Some commenters discuss the EIR's mitigation measures for aesthetic impacts, describing the proposed visual screening of the project site as inadequate.

### *Scenic Resources*

SR 68 is a designated scenic highway of the state's Scenic Highway Program from SR 1 in Monterey to the Salinas River. SR 68 provides views of open space, agricultural land, and the Santa Lucia Mountains that border the Salinas Valley. Additionally, the Toro Area Plan designates the River Road/SR 68 intersection as a scenic entrance (Policy T-3.2), designates the land surrounding River Road in the vicinity of the project site as visually sensitive (Policy T-3.1), and identifies River Road and Reservation Road as proposed scenic routes (General Plan Figure 16). The project site is visible from a scenic-designated stretch of SR 68 for approximately 3,000 feet (0.57 mile). The site is also visible from portions of Reservation Road, and from within the Las Palmas 1 Subdivision. The project site is adjacent to River Road, but is minimally visible from this road due to topography and vegetation.

Section 5.0, *Aesthetics*, of the SEIR, lists the policies related to aesthetic impacts that are applicable to the project under the Monterey County General Plan, LPRSP, and the Toro Area Plan. As described therein, the LPRSP EIR anticipated that views from River Road would become more urbanized, and that development would be visible from scenic-designated SR 68. The LPRSP EIR established mitigation measures to reduce aesthetic impacts associated with development of the Las Palmas Ranch Specific Plan Area. Those measures, such as tree planting and a River Road setback, are incorporated into the plans of the proposed project. Consequently, development of the project site results in aesthetic impacts that were previously analyzed and found less than significant. However,

the SEIR includes mitigation measures AES-1 through AES-4 to ensure that the project mitigates aesthetic impacts consistent with the LPRSP EIR. The project plans and mitigation measures also ensure compliance with the Toro Area Plan, which requires that development in visually sensitive areas is located and designed to enhance the scenic value of the area. The mitigation measures require landscape screening, earth toned building colors, undergrounding of utility and distribution lines, and unobtrusive lighting.

#### *Private Views*

As noted in Section 5.0, *Aesthetics*, views of the site from within the Subdivision are obstructed by single-family residences and existing topography. Views from residences within the existing Subdivision are not addressed in further detail in the EIR. The Monterey County Code neither regulates nor protects private views, and CEQA does not require a detailed evaluation of individual private views. Therefore, although some homeowners may be able to see the proposed development from their private residences, the impact is not significant under CEQA.

#### *Ridgeline Development*

Regarding ridgeline development, SEIR Section 5.0, *Aesthetics*, states: “the proposed project will be visible from River Road, SR 68, and Reservation Road, although it will not result in ridgeline development.” Monterey County Code section 21.06.950 defines “ridgeline development” as “development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.” As described in Section 3.0, *Environmental Setting*, the project site is a plateaued area rising above River Road and the Subdivision residences. The common public viewing areas that the project would be visible from include short portions of River Road, near the site, and a portion of SR 68, at a distance. Although the site is naturally elevated above its immediate surroundings, the broader surroundings include a range of elevations, with nearby hills of substantially greater elevations, so the project would not result in ridgeline development. The structures would be silhouetted against a mountainous background, not against the sky, when viewed from common public viewing areas. Additionally, as stated above, project mitigation measures will require landscape screening and earth-toned building colors to further minimize visual impacts.

#### *Wildlife Impacts*

Multiple comments were submitted that describe the wildlife that occurs, or has potential to occur, in the vicinity of the project site. Commenters contend that the project’s proposed construction and tree removal activity would displace or impact wildlife. Under CEQA, potential impacts to wildlife are evaluated for their significance. Impacts to common species are generally not considered significant if a local or regional population would not be jeopardized. The site is primarily planted with non-native trees, shrubs, and weedy species. Eucalyptus trees have been widely planted throughout California since the late 1800s, and often establish as invasive stands. They provide habitat for common wildlife species, but are less likely to support special status species (i.e. state and federally listed and other rare species). The small size of the project footprint and the placement of the project site among residential and agricultural development decreases the value of habitat for special status wildlife. Impacts to common wildlife species (including common birds) would not be considered significant under CEQA, and

potential impacts to special status wildlife, and non-special status birds protected under the California Fish and Game Code are mitigated through implementation of the SEIR mitigation measures (Measures BIO-1 through BIO-6) requiring preconstruction surveys and avoidance.

Specific concerns were raised regarding potential habitat for Monarch butterflies. Neither the biological report prepared for the proposed project (Regan, 2015) nor the analysis prepared by EMC and Rincon for the Draft and Final SEIRs, identify suitable habitat on the site for Monarch butterflies. Additionally, no Monarch butterflies were noted during field surveys of the site. Suitable habitat for Monarch butterflies is not present at the project site for the following reasons: 1) Monarch butterfly overwintering sites are usually located within 1.5 miles of the coast, to protect from freezing temperatures. The project site is located approximately 8.73 miles (46,100 feet) from the coast; 2) wintering sites are typically situated on slopes facing south, southwest, or west to receive the maximum sunlight, or are in shallow canyon type features. The project site faces north; 3) suitable wintering groves provide a dense grove of trees sheltered from high winds typically by an outer grove or windrow of trees. The eucalyptus trees at the project site are fairly spread out, and do not provide much shelter from high winds. The trees are also generally arranged in a circle, with a large open area in the center; and 4) Monarch butterflies also need high humidity, dappled sunlight, and fall/late blooming plants at wintering sites, which are not features of the project site. Therefore, the exposure to wind and freezing temperatures, plus lack of other habitat requirements make the project site unsuitable for monarch butterfly overwintering habitat.

#### Noise

Multiple comments raise concerns about project-generated noise, including construction noise, traffic noise, and operational noise at the senior living community. Commenters also address the noise from emergency vehicles that could potentially be frequently moving to and from the senior living community. The Draft SEIR addresses noise impacts in Section 11.0, *Effects Not Found to be Significant*. As discussed therein, impacts related to construction noise and vibration, on-site operational noise, traffic noise, and the exposure of new sensitive receptors to ambient noise would all be less than significant.

On January 14, 2020, an attorney representing the LPHOA submitted to the County a peer-prepared noise report from Salter Associates, Inc. (*River View at Las Palmas Assisted Living Senior Facility Peer Review of Draft EIR/Final EIR*, dated January 13, 2020). This noise report made several comments regarding the adequacy of the noise analysis in the Draft SEIR and Final SEIR; however, the report does not provide substantial evidence (i.e., data or analysis) as defined by CEQA Guidelines section 15384 to refute the conclusions of the Draft or Final SEIR. Nor does the report state that the data in the Final SEIR is incorrect, the analysis is inadequate, or the conclusions of the Final SEIR are incorrect or would be different. See Attachment J (Response to Comments regarding Noise) for more detail regarding the County's review of and response to the Salter Associates' report.

#### Private Land Rights

Numerous comments regarding private land rights indicate fundamental disagreement between the LPHOA and the project applicant regarding the applicant's right to establish shared use of LPHOA-controlled facilities and resources. Commenters note that the Subdivision's roads, stormwater drainage facilities, and security service are privately maintained and funded by the

LPHOA. Some commenters dispute the Draft SEIR's description of the project applicant as a member of the LPHOA; commenters acknowledge that the applicant has contributed payments to the LPHOA, but note that it is not a member and claim it has not been granted the access rights necessary for development of the project site. Commenters argue that the applicant would not have the right to connect the project to the Subdivision's stormwater drainage system. Regarding road use, multiple commenters use the phrase "ingress and egress" to refer to the limited rights of the applicant to use Subdivision roads, suggesting that construction vehicles would not be permitted to park on the roads and that senior assisted living center residents would not have the right to walk on them. Commenters also state that the project would burden the Subdivision's privately funded security service. While land use rights and road access privileges are not "environmental issues" pursuant to CEQA, these issues could influence the County's decision regarding the project.

*Clarification of Las Palmas Homeowners Association (LPHOA) membership.*

Per information provided by the applicant's agent, the applicant is not a member of the LPHOA and does not have voting rights. However, the applicant pays a monthly fee to the LPHOA for road maintenance. Additionally, the applicant pays annual property taxes to County Service Area (CSA) 72 for storm-drain maintenance. The relationship of LPHOA and the project site property owner is a private civil matter in which the County is not a party. In addition to vehicular access, the project can connect to public services or provide independent on-site services and facilities (e.g.; water, wastewater, and storm water).

*Use of subdivision improvements, specifically storm drainage facilities.*

The LPHOA storm drains have been accepting natural storm drainage from the project parcel since installation of the system. Natural drainage from the slope surrounding the site would continue to flow downslope consistent with current conditions and State regulations. Stormwater from the proposed development is required to be retained on site and has been addressed by an applicant-prepared Conceptual Stormwater Control Plan.

The project is located within the National Pollutant Discharge Elimination System (NPDES) Municipal General Permit Boundary as defined by the California State Water Quality Control Board Order NO.2013-0001-DWQ. The project includes more than 22,500 square feet of impervious area; therefore, the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region are applicable including:

- Performance Requirement No. 1 – Site Design and Runoff Reduction;
- Performance Requirement No. 2 – Water Quality Treatment;
- Performance Requirement No. 3 – Runoff Retention; and
- Performance Requirement No. 4 – Peak Management

Performance Requirement No. 3 requires applicants to prevent offsite discharge from events up to the 95<sup>th</sup> percentile 24-hour rainfall event. Compliance must be achieved by optimizing infiltration. Compliance for retention of the remaining volume must be achieved via storage, rainwater harvesting, and/or evapotranspiration. Performance Requirement No. 4 requires applicants to limit peak flows from new impervious areas. Specifically, it mandates that post-development peak flows, discharged from the site, shall not exceed pre-project peak flows for the 2- through 10-year storm events. The

details for each Performance Requirement are included in the Post-Construction Stormwater Management Requirements for Development in the Central Coast Region, dated July 12, 2013, Regional Water Quality Control Board Resolution No. R3-2013-0032 and Monterey County Code Chapter 16.14. See also page 9 above, Slope Stability and Stormwater Drainage, for additional information.

In addition to the comments above, other concerns or questions have been raised related to: whether the proposed use is an allowed use pursuant to zoning and the LPRSP; the number of emergency response events; whether the project provides benefits that override the transportation impacts to Highway 68; the intended use for the site per the LPRSP; where the remaining residential units allowed by the build-out could be located; the history of prior applications for the subject site; and water supply and wastewater. These issues are summarized below.

*Clarification of whether the proposed use is an allowed use pursuant to zoning and the LPRSP*

Commenters question whether a specific plan amendment was necessary for the project to be approved. County staff concluded it was because the Las Palmas Ranch Specific Plan establishes a residential build out of 1,031 units but is silent as to the potential for residential care facilities or similar types of uses. Planning and Zoning law requires that specific plans include, by text and diagram(s), the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan (Government Code section 65451.a.1). Although the applicable zoning identifies the proposed use as an allowed use provided a Use Permit is obtained, the LPRSP does not explicitly allow assisted living facilities within the plan area. The applicant has argued that the Specific Plan is no longer a guiding land use document in the area given that the 2010 General Plan update (inclusive of the Toro Area Plan) neither references the Specific Plan nor designates the area as special treatment. It is unclear if the General Plan update intended to supersede the Las Palmas Ranch Specific Plan. Hence, erring on the side of caution, staff recommends that the Specific Plan be amended to specify the proposed use and location of the care facility as a permissible use. With such an amendment, the project would be consistent with the Specific Plan, the underlying zoning designation (MDR), and the 2010 General Plan.

*Number of emergency response events*

The applicant submitted information showing emergency response calls for comparable facilities within Monterey County (see Attachment H) and similar operations for the period from October 2017 to October 2019. The applicant received the figures from the Monterey County Health Department, and contacted the facilities directly for the bed numbers. Based on the numbers, emergency response calls average about 1 call every three days for a similarly-sized facility. Increased emergency response vehicles, and noise and traffic generated by those emergency vehicles, are addressed in the SEIR. Emergency Service providers have expressed that, while they do not waive their ability to do so, they generally do not use sirens when traveling through residential areas.

*How the project provides benefits that override the transportation impacts to Hwy 68*

The proposed project will result in development that will provide benefits to the surrounding community and the County as a whole. The project will create significant economic benefits to the County by creating jobs, both permanent (during facility



operation) and temporary (during construction), and the new property tax revenue through higher property valuation. Based on construction estimates of \$24,000,000 the resulting sales tax revenue on construction materials would amount to approximately \$653,000. The annual property tax would be approximately \$220,000. Based on a facility staff of 93, annual payroll is anticipated to be approximately \$4,000,000. Operation of the facility would also employ outside providers for office, recreational and food supplies, linen, and other services. The majority of operating supplies, including food, would be purchased locally.

The project would also provide a significant social benefit to the Salinas-Monterey area and the County as a whole by providing needed accommodations and housing for the elderly. Per the California Department of Finance, from 2020 through 2030, the senior population (ages 65-90+) in the state is projected to grow from 5,000,000 to 8,000,000 persons (a 60% increase). There are currently 49 Residential Care Facility for the Elderly (RCFE)-licensed facilities in the County providing approximately 1,750 beds. The River View project would add 142 beds for an aging population, particularly for those who need assistance to meet their daily needs. This would represent an 8 percent increase in the number of RCFE beds for the County to meet this growing need within the community.

*Intended use for the site per the LPRSP*

Note: Neither the final map nor the amended final map correspond to the LPRSP area layout (see Attachment I for area by area detail regarding residential build out of Las Palmas Ranch.)

Staff researched County records and found the following:

- The area of the subject parcel is shown on Figure E of the LPRSP as a portion of Area A and approved for Medium Density Residential development. LPRSP Area A encompasses the area from the project site to the Kinship Center, but does not include 5 residential parcels in Area K located above the Kinship Center.
- The LPRSP allotted 312 residential units to Area A for the build out, including the areas of the project parcel and the Kinship Center parcel. To date, 324 residential units have been constructed within Area A, not including the Corey House or the Kinship Center. There is also one vacant lot that is designated and zoned for residential use.
- The project site/parcel is identified as Parcel "O" on the recorded (Nov. 10, 1988) Las Palmas Ranch final map (Vol 16 C&T Pg 52; Corey House Area / Unit 1; Sheet 5; LMR 20252). Area O is identified (textually) on Figure D of the LPRSP as an Open Space area; yet the location of Area O is not identified or shown graphically on Figure E of the LPRSP, nor anywhere within the LPRSP. Furthermore, the project site was not and has not been designated for open space.
- The project site/parcel is also identified as Parcel "Q" on the amended Las Palmas Ranch final map (Vol 16 C&T Pg 70; recorded June 15, 1989; Corey House Area / Unit 1; Sheet 5; LMR 20538). However, there is no reference to a Parcel "Q" in the LPRSP.
- Prior to approval of the LPRSP, the site's zoning would have allowed the following uses subject to a Use Permit: Public/Quasi-Public, Hotels, and multiple

- dwelling groups and apartments).
- After adoption of the LPRSP in 1983, the site's zoning would have continued to allow the same or similar uses subject to a Use Permit and LPRSP policies of the LPRSP. The adoption of the specific plan allowed certain uses and development, most of which have now been constructed. Through subsequent actions, the County allowed some flexibility in the ultimate location/layout and uses as described in the specific plan. Residential housing could have been located on the project site, but has not. Likewise, the project site was not and has not been designated for open space.
  - Zoning adopted by the County in 1988 [SC/0.46 (Scenic Conservation/0.46-acre per living unit)] would have also continued to allow the same or similar uses subject to a Use Permit and LPRSP policies. This zoning also would have allowed up to approximately 34 units on the subject property.
  - The County's most recent land use action in 1992 changed the site zoning to its current zoning of MDR/2.61 (Medium Density Residential/2.61 units per acre), which would allow approximately 41 residential units on the property.

In summary, many layout changes occurred from plan concept to implementation and build out. Per LPRSP Policy F.5, open space areas were to be conveyed to the LPHOA or other appropriate entity; however, this proposed project site has been retained in private ownership since adoption of the specific plan. The fact that the site has remained in private ownership infers that the site was and is intended for development of some type beyond the scope of the LPRSP. The zoning amendment actions do not specifically mention the rationale for the property's zoning. Absent clarity regarding the intended use, the answer to the question is speculative at best. Therefore, staff recommends reliance on the most recent zoning action together with the Specific Plan amendment for clarification.

*Where the remaining residential units allowed by the build-out could be located*

The assumption that 1,028 residential lots/units had been built in Las Palmas Ranch, and that three residential lots/units remain to be allocated is incorrect. Per County staff research, Las Palmas Ranch is built-out per the number of residential units/lots identified in the LPRSP (i.e.; 1,031 residential units). Although built-out for residential units, Las Palmas Ranch is not built-out for planned commercial and/or public/quasi-public uses.

Total built residential units equal 1,029. Two (2) vacant residentially-zoned lots remain (one each in Area A [Las Palmas 1] and Area E [Las Palmas 2]). These 2 vacant lots are currently developable if sold by the current owners (LPHOA and California Water Service Co., respectively). Therefore, the LPRSP potential build-out total of 1,031 residential units has been reached in terms of lots zoned for residential development. See Attachment I (Las Palmas Ranch Specific Plan Build Out by Area) for more detail.

*History of prior applications for the subject site*

County staff identified only one prior application for structural development on the subject parcel. The application (HCD-Planning File No. PLN060121/Persall) was considered and approved by the Monterey County Zoning Administrator (ZA) on October 26, 2006 (ZA Resolution No. 060121). The proposed development included construction of a 9,940 square foot two-story single-family dwelling with an attached

1,076 square foot four-car garage, an attached 1,053 square foot caretaker's unit, and an attached 3,617 square foot gym (a combined total of 15,686 square feet of structures). However, the applicant did not subsequently construct the approved structures, and the lot was sold by the Pearsall's without a home being constructed. This entitlement is currently expired.

The staff report prepared for this application concluded that the project site is not located on the crest of a hill, and the proposed development would not result in ridgeline development. The staff report also noted that the proposed development would be visible from the Highway 68 Scenic Corridor. Per staff's recommendation, the ZA applied conditions of approval to require architectural and landscaping controls, as well as sensitive site design to protect the scenic qualities of the area. Architectural controls included grading to lower the building pad and using earth tone exterior materials and colors. Landscaping controls included multi-level landscaping screening and installation of landscaped berms. These conditions of approval were deemed sufficient to screen most of the project from Highway 68 after installation, and would completely screen the proposed project from Highway 68 within 10 years.

#### *Water Supply and Wastewater*

The project's water supply would be provided by the California Water Service company (CWS). The project site is located within CWS's Indian Springs/Salinas Hills/Buena Vista service area. CWS has provided a "can and will serve" letter for the proposed project. Landscape irrigation on the project site associated with the proposed project would use reclaimed water from the Las Palmas Ranch Wastewater Treatment Facility, operated by California American Water. Reclaimed water pipe connections to the treatment facility are already present. As proposed, the projected water demand for the assisted living facility would be approximately 11.376 Acre Feet per Year (AFY), a less than significant environmental impact per the SEIR.

The Las Palmas Ranch Specific Plan FEIR certified in 1983 estimated total water demand for the Specific Plan area to be 922 AFY. When proposed, the specific plan included 1,578 housing units, which was evaluated in the specific plan EIR. However, the Board of Supervisors ultimately approved only 1,031 housing units, approximately sixty-five percent of the original number. Sixty-five percent of 922 AFY would result in a corresponding water demand of approximately 599 AFY. Actual water use for the specific plan area is estimated at approximately 182 AFY. Therefore, the total water use ( $182 + 11.4 = 193.4$  AFY) would be approximately 405.6 AFY less than the County approved in 1983 for the specific plan area. The 182 AFY estimate of actual water use is based on the amount of wastewater flow as described in the Draft SEIR.

To assure that adequate wastewater treatment facilities will be available to accommodate the Project, the applicant and Cal Water will prepare a plan for any necessary upgrades to the Las Palmas Wastewater Treatment facilities to serve the Project, as well as the existing Las Palmas Ranch residential development. The plan will be subject to review and approval by the County and the Regional Water Quality Control Board (Condition No. 37). Additionally, the applicant shall develop and maintain a minimum of 3.18 acres, on-site or off-site, for the dispersal of reclaimed wastewater attributable to the project.

On November 7, 2019, an attorney representing residents of the Las Palmas residential subdivision (Pamela H. Silkwood from Horan Lloyd) submitted a letter to the County commenting on the River View at Las Palmas Assisted Living Senior Facility Draft Subsequent EIR (“SEIR”). In Ms. Silkwood’s letter, she opines that the Draft SEIR only describes water resources for the project in general terms and does not adequately describe the California Water Company’s specific wells and well system that would provide water service to the project. She also contends that the 180-400 Foot Aquifer Sub-basin’s status of “critical overdraft” rebuts the presumption in Monterey County’s General Plan Policy PS-3.1 that a Long-Term Sustainable Water Supply (LTSWS) exists within Zone 2C. Additionally, Ms. Silkwood suggests the applicant improperly neglected to confer with the MCWRA, which she contends is a required procedural step.

Substantial evidence related to proof of a sustainable water supply for the project is provided in the following documents:

- Analysis and references in the Draft SEIR and Final SEIR, including Section 10.0, *Water Supply*;
- California Water Service’s will-serve letter included in Draft SEIR Appendix E;
- California Water Service’s *updated* will-serve letter included in Final SEIR Appendix I-2; and
- Discussion and analysis in responses to comments and Final SEIR.

As described in the Draft SEIR, the project would increase potable water demand by up to 11.4 acre-feet per year. The project’s water demand represents a 0.002 percent increase in the annual groundwater extraction for Zone 2C. The proposed project would be designed, constructed, and operated with water conservation in consideration at the outset. The project would utilize the most current water efficient fixtures available, use reclaimed water for landscaping, and practice conservation in everyday operation. In addition, the property has rights to 2.5 acre-feet of reclaimed water which would further offset demand on potable water. Potable water would be provided by CWS via its entitlements detailed in the Draft SEIR (Section 10.0, *Water Supply*, page 10-1).

The Draft SEIR characterizes the overdraft condition of the groundwater basin and describes CWS’s water supplies. CWS’s Urban Water Management Plan (UWMP), which is incorporated by reference in the Draft SEIR, provides detailed information on the Salinas District’s historical and projected water demands, water supplies, supply reliability and vulnerabilities, water shortage contingency planning, and demand management programs, including water conservation planning. The Draft SEIR sufficiently analyzed water supply availability and reliability.

The will-serve letter provided by CWS for the proposed project indicates the applicable water purveyor for the site can provide water supply for the proposed project from existing facilities. As described in the Draft SEIR, the 180-400 Foot Aquifer Sub-basin was designated as being critically over-drafted at the time CWS’s 2015 UWMP was adopted. Although the Salinas District is currently in overdraft, actions taken by both CWS and MCWRA, including conservation, system improvements, and future projects are projected to continue to provide for a reliable water supply. In its UWMP, CWS projected its groundwater supply for the Salinas District will fully meet future demands through 2040. Therefore, CWS has demonstrated its technical, managerial, and financial

capabilities to deliver water for the project, and the applicant has provided substantial evidence of a sustainable water supply.

Regarding the General Plan requirement for MCWRA consultation to determine LTSWS (GP Policy PS-3.2) and the role of Monterey County Department of Housing and Community Development, in March 2019 the MCWRA and the HCD (then the Monterey County Resources Management Agency) executed a Memorandum of Understanding (MOU) for development services. Per the MOU, the performance of and responsibility for analysis of long-term, sustainable water supply pursuant to General Plan Policy PS-3.2 on discretionary projects was assumed by the HCD, which has access to the expertise of a Senior Hydrologist.

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