



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 21-178

October 12, 2021

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Matter Type: BoS Resolution

PLN150372 - RIVER VIEW AT LAS PALMAS ASSISTED LIVING SENIOR FACILITY

Continued from July 20 and August 31, 2021. Public hearing to consider an application for the River View at Las Palmas Assisted Living Senior Facility, including the following:

- a. Amendment to the text of the Las Palmas Ranch Specific Plan (LPRSP) to add policy language to clarify that one assisted living facility is an allowed use subject to a Use Permit within Area A of the Specific Plan; and
- b. Use Permit to allow construction of an assisted living facility (River View at Las Palmas Assisted Living Senior Facility) including:
 1. Thirteen Casitas providing 26 separate units ranging in size from 1,513 to 3,757 square feet and totaling approximately 41,300 square feet;
 2. Forty assisted living units with 52 beds ranging in size from 360 to 587 square feet each and totaling approximately 27,000 square feet;
 3. A 21,600 square foot, three-story memory care facility including 39 living units ranging in size from 313 to 453 square feet and containing a total of 48 beds; and
 4. Associated infrastructure including roads and grading of approximately 60,000 cubic yards.

Project Location: Vacant 15.74-acre lot within Las Palmas Subdivision #1, south of River Road and west of Country Park Road, within the Las Palmas Ranch Specific Plan area, approximately 1.25 miles west of Spreckels and 0.5 miles east of State Highway 68.

Proposed CEQA actions: Certify the Final Subsequent Environmental Impact Report (Final SEIR), adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Plan.

RECOMMENDATION:

Staff recommendation from the July 20, 2021 hearing was that the Board of Supervisors:

- a. Adopt a resolution to certify the Final Subsequent Environmental Impact Report (Final SEIR), adopt CEQA findings for project approval, and adopt a Statement of Overriding Considerations (Resolution 1 - CEQA at **Attachment B1**);
- b. Adopt a resolution to amend the text of the policies of the Las Palmas Ranch Specific Plan to add policy language clarifying that one assisted living facility is allowed within Area A of the Specific Plan subject to approval of a Use Permit (Resolution 2 - Specific Plan at **Attachment B2**);
- c. Adopt a resolution to approve a Combined Development Permit (Resolution 3 - Combined Development Permit at **Attachment B3**) that consists of:
 1. A Use Permit and Design Approval to allow construction and operation of an approximately 90,000 square foot assisted living facility (River View at Las Palmas

Assisted Living Senior Facility) including: thirteen Casitas providing 26 separate units ranging in size from 1,513 to 3,757 square feet and totaling approximately 41,300 square feet; forty assisted living units with 52 beds ranging in size from 360 to 587 square feet each and totaling approximately 27,000 square feet; a 21,600 square foot, three-story memory care facility including 39 living units ranging in size from 313 to 453 square feet and containing a total of 48 beds; and associated infrastructure including roads and grading of approximately 60,000 cubic yards; and

2. A Use Permit to allow development on slopes exceeding 25 percent; and
- d. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

The draft resolutions presented on July 20, with updates only to procedural information, are attached for consideration (Attachments B1 - CEQA, B2 - Specific Plan Amendment, and B3 - Combined Development Permit). Staff recommends approval of the project subject to thirty-seven conditions, including eighteen mitigation measures, which are attached to Resolution 3 (Attachment B3). Other options for Board action are presented below.

PROJECT INFORMATION:

Owner: River View at Las Palmas LLC

Agent: Anthony Lombardo & Associates

APN: 139-211-035-000

Zoning: Medium Density Residential, 2.61 units per acre, with a Design Control overlay (MDR/2.61-D)

Parcel Size: 15.74 acres

Plan Area: Toro Area Plan

Flagged and Staked: Yes

SUMMARY:

On July 20, 2021, the Board of Supervisors held a public hearing on the proposed Riverview at Las Palmas Assisted Living Senior Facility project. At the hearing, the Board received a report from staff, heard public testimony, deliberated, and made an initial motion of intent to deny the project. The motion of intent to deny failed by a vote of 2 ayes and 2 noes, with Chair Supervisor Root-Askew absent. The Board then voted 4 to 0 to continue the hearing on the matter to August 31, 2021, so all Supervisors could be present. On August 31, 2021, at the request of the Applicant, the Board voted 5 to 0 to continue the hearing on the matter to October 12, 2021.

All information presented to the Board for the July 20 and August 31 hearings remains the same with the exception of changes to dates and a recognition of the continuances (procedural update). The original staff recommendation was to certify a Final Subsequent Environmental Impact Report (SEIR), amend the Las Palmas Ranch Specific Plan, approve the project, subject to conditions of approval, including mitigation measures. With the recommendation for approval, staff provided the Board with draft resolutions to certify the Final Subsequent EIR, amend the Las Palmas Ranch Specific Plan, and approve the project. The reports and resolutions attached to this updated cover report are the same as those provided for the July 20 and August 31 hearings with the exception of the changed dates and recognition of the previous continuances.

As an alternative to taking the actions to approve the project, the Board may deny the project and direct staff to prepare the denial resolution or adopt a motion of intent to deny the project and continue the hearing to a date certain for staff to return to the Board with a resolution with findings and evidence for denial. Should revisions to the project be proposed or considered, another option is for the Board to continue the hearing with direction to staff or refer the matter back to the Planning Commission for a recommendation depending on the nature of the revisions.

ENVIRONMENTAL REVIEW:

The County of Monterey, acting as the lead agency, determined that the proposed project did not qualify for a categorical exemption under the CEQA Guidelines, and could possibly result in significant adverse environmental impacts. The project applicant prepared and submitted a draft subsequent environmental impact report (SEIR) evaluating potential significant environmental impacts as allowed by CEQA. County staff reviewed the applicant-submitted Draft SEIR and revised it to reflect the independent analysis and judgment of the County. The County prepared a Notice of Availability (NOA) and circulated the County's Draft SEIR for public review and comment from March 12 through April 25, 2018. The original Las Palmas Ranch Specific Plan and Final EIR (December 1982) were incorporated by reference and included in Appendix A of the Draft SEIR.

Potential impacts to aesthetics, biological resources, and energy resources were identified, and mitigation measures were identified to reduce these impacts to a less than significant level. The SEIR also identified significant unavoidable impacts to transportation because the project will add trips to Highway 68, which currently operates at a level of service F (LOS-F). Mitigations have been identified to minimize impacts to transportation to the extent feasible; however, the SEIR concludes there will be significant unavoidable impacts to transportation. As such, before approving the project, the County must adopt a statement of overriding considerations, finding that the benefits of the project outweigh the project's unavoidable adverse impact on traffic, to approve the project. The draft resolution presented on July 20, August 31, and October 12 includes proposed findings of overriding considerations (Attachment B1).

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 Agency. The County received nine comment letters from various organizations and businesses. The rest of the comment letters were from the public. The County, through an independent consultant under contract to the County, prepared a Final SEIR responding to the comments received during the public comment period. The Draft SEIR, appendices, comments, and responses combined make up the Final SEIR. See the Draft SEIR at Attachment O, and the Final SEIR at Attachment P.

OTHER AGENCY INVOLVEMENT:

The following agencies or departments have reviewed the project:

- Monterey County Regional Fire District
- CalFire
- Monterey County Sheriff's Office
- Monterey County Water Resources Agency
- Public Works, Facilities, and Parks
- Monterey County Environmental Health Bureau

Monterey County Housing Office

LAND USE ADVISORY COMMITTEE:

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on October 26, 2015, and September 26, 2016. At the meeting on September 26, 2016, the LUAC voted 5 - 0 to recommended approval of the project with changes, with 3 members absent (see the LUAC minutes at Attachments E and F). The change recommended by the LUAC involved revising the project to adhere to the Las Palmas Ranch Specific Plan regarding the allowed maximum number of housing units. The LUAC also commented that this is a commercial project that is inconsistent with the adjacent residential neighborhood. As noted above by the LUAC, the proposed development is a commercial project and not a residential project, and is therefore not subject to the build-out maximum for Las Palmas Ranch.

FINANCING:

Funding for staff time associated with this project is included in the FY2021-22 Adopted Budgets within HCD General Fund 001, Appropriation Unit HCD002. Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Related Board of Supervisors Strategic Initiatives:

X Administration

__ Economic Development

__ Health & Human Services

__ Infrastructure

__ Public Safety

Prepared by: Joseph Sidor, Associate Planner, x5262

Reviewed by: Craig Spencer, HCD Chief of Planning *CS*

Approved by: Erik V. Lundquist, AICP, Director of Housing and Community Development

The following attachments are on file with the Clerk of the Board:

Attachment A - Discussion

Attachment B1 - Draft CEQA Resolution

Attachment B2 - Draft Las Palmas Ranch Specific Plan Amendment Resolution

Attachment B3 - Draft Combined Development Permit Resolution, including:

- Draft Conditions of Approval and Mitigation Monitoring and Reporting Plan
- Project Plans

Attachment C - Draft Text of Las Palmas Ranch Specific Plan Amendment

Attachment D - Vicinity Maps

Attachment E - Toro Land Use Advisory Committee (LUAC) Minutes (October 26, 2015)

Attachment F - Toro LUAC Minutes (September 26, 2016)

Attachment G - Correspondence (received since October 10, 2019)

Attachment H - Emergency Response Calls for Comparable Facilities in Monterey County

Attachment I - Las Palmas Ranch Specific Plan Residential Build Out by Area

Attachment J - Response to Comments regarding Noise (prepared by Rincon Consultants, Inc., dated January 27, 2020)

Attachment K - Planning Commission Resolution No. 20-004, dated February 12, 2020

Attachment L - Planning Commission Resolution No. 20-005, dated February 12, 2020

Attachment M - Planning Commission Resolution No. 20-006, dated February 12, 2020

The following attachments are available for review on the HCD-Planning public website at <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-major-projects/river-view-at-las-palmas-assisted-living-senior-facility>

Attachment N - Las Palmas Ranch Specific Plan (adopted September 1983)

Attachment O - Draft Subsequent Environmental Impact Report (Draft SEIR), with all appendices, including Notice of Preparation Comment Letters

Attachment P - Final SEIR, including Comments and Responses to Comments on the Draft SEIR and all appendices, including an April 2017 Botanical Survey, Water Supply and Drainage, and Noise Modeling Results

cc: Front Counter Copy; Erik V. Lundquist, HCD Director; Craig Spencer, HCD Chief of Planning; Joseph Sidor, Project Planner; Public Works, Facilities, and Parks; Environmental Health Bureau; Monterey County Regional Fire Protection District; CalFire; River View at Las Palmas LLC, Applicant/Owner; Anthony Lombardo and Associates, Agent; The Open Monterey Project; LandWatch; Christine Kemp, Attorney representing the Las Palmas Ranch Master Association No. 1; Pam Silkwood, Attorney representing residents of the Las Palmas subdivision; Project File PLN150372