



Legislation Details (With Board Report)

File #: RES 21-130 **Name:** PLN150372 – RIVER VIEW AT LAS PALMAS ASSISTED LIVING SENIOR FACILITY

Type: BoS Resolution **Status:** Scheduled PM

File created: 7/8/2021 **In control:** Board of Supervisors

On agenda: 7/20/2021 **Final action:**

Title: PLN150372 - RIVER VIEW AT LAS PALMAS ASSISTED LIVING SENIOR FACILITY
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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Discussion, 3. Attachment B1 - Draft CEQA Resolution, 4. Attachment B2 - Draft Las Palmas Ranch Specific Plan Amendment Resolution, 5. Attachment B3 - Draft Combined Development Permit Resolution, inclu, 6. Attachment C - Draft Text of Las Palmas Ranch Specific Plan Amend, 7. Attachment D - Vicinity Maps, 8. Attachment E - Toro Land Use Advisory Committee (LUAC) Minutes (O, 9. Attachment F - Toro LUAC Minutes (September 26, 2016), 10. Attachment G - Correspondence (received since October 10, 2019), 11. Attachment H - Emergency Response Calls for Comparable Facilities, 12. Attachment I - Las Palmas Ranch Specific Plan Residential Build O, 13. Attachment J - Response to Comments regarding Noise (prepared by, 14. Attachment K - Planning Commission Resolution No. 20-004, dated F, 15. Attachment L - Planning Commission Resolution No. 20-005, dated F, 16. Attachment M - Planning Commission Resolution No. 20-006, dated F, 17. Attachment N - Las Palmas Ranch Specific Plan (adopted September 1983), 18. Attachment O - Draft Subsequent Environmental Impact Report (Draf, 19. Attachment P - Final SEIR, including Comments and Responses to Co, 20. PowerPoint Presentation - Item No.pdf, 21. Completed Board Order Item No. 19

Date	Ver.	Action By	Action	Result
7/20/2021	1	Board of Supervisors	continued	Pass

PLN150372 - RIVER VIEW AT LAS PALMAS ASSISTED LIVING SENIOR FACILITY
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:

It is recommended 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.

Draft resolutions, including findings and evidence, 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).

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

PROJECT SUMMARY:

The subject property is a 15.74-acre parcel within Las Palmas Subdivision #1, approximately 1.25 miles west of Spreckels and 0.5 mile east of State Route 68 (SR 68). Surrounding uses include the existing Las Palmas Subdivision #1, a medium density residential neighborhood on the east; hillside open space to the south; and agricultural land cultivated with row crops to the west and north (across River Road). The subject property is currently undeveloped. See Vicinity Maps at Attachment D.

The Medium Density Residential (MDR) zoning designation by itself would allow the proposed use with a Use Permit. However, the Las Palmas Ranch Specific Plan (LPRSP) does not mention assisted living facilities or rest homes (see text of the draft amendment at Attachment C). As such, the proposed project includes an amendment to the Specific Plan, which is a legislative action requiring Board approval. The project also includes discretionary actions for 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, capable of supporting a total of 142 persons with 26 units and 42 beds for independent living, 40 units and 52 beds for assisted living, and 39 units and 48 beds for memory care patients; and a Use Permit to allow development on slopes exceeding 25 percent.

DISCUSSION:

River View at Las Palmas Senior Living Community (the proposed project) 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. Furthermore, 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 facility would have three levels of residence to accommodate a continuum of care based on individual needs: Casitas, Assisted Living Facility, and Memory Care Facility. There are 13 “Casitas” structures providing 26 separate units and 42 beds. These units provide the most independent living situation. The Assisted Living Facility is a two-level structure, approximately 25 feet in height, and about 27,000 square feet. The Assisted Living Facility includes 40 living units ranging from 360 to 587 square feet and 52 beds. These units can provide a more structured care option as residents transition from the Casitas. The Memory Care Facility is a three-level structure approximately 30 feet in height and about 21,600 square feet. The Memory Care Facility includes 39 living units ranging from 313 to 453 square feet and 48 beds. This facility will serve residents requiring the highest level of care related to Alzheimer’s, dementia, or similar causes of reduced mental capacity. Total structural coverage is approximately 90,006 square feet (13.2 percent of the project site). Total site coverage (including roads, driveways, and parking areas) is approximately 190,000 square feet (27.8 percent of the project site). River Road provides the northern boundary of the property. Although the subject property is adjacent to River Road, there is no direct access from River Road into the site, and none is proposed. Access to the site is from the signalized intersection at River Road and Las Palmas Road to River Run Road, then Woodridge Court.

On February 12, 2020, the Monterey County Planning Commission voted 6 to 4 to recommend that the Board of Supervisors certify the Final Subsequent Environmental Impact Report, approve the proposed amendment to the text of the Las Palmas Ranch Specific Plan, and approve the Combined Development Permit (Planning Commission Resolution Nos. 20-004, 20-005, and 20-006; see Attachments K, L, and M).

Attachment A contains a detailed project discussion, as well as additional information regarding concerns raised by members of the public.

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 judgement of the County. The County prepared a Notice of Availability (NOA) and circulated a 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, 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. Staff has prepared a resolution with recommended findings of overriding considerations to forward to the Board of Supervisors for its consideration (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 significant environmental issues raised in the comments. 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
- HCD-Environmental Services
- 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 Budget within HCD-Community Development General Fund 001, Appropriation Unit HCD002 Unit 8543.

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:

- Administration
- Economic Development
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Joseph Sidor, Associate Planner, x5262

Reviewed by: Craig Spencer, HCD Planning Services Manager

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

The following attachments are on file with HCD-Planning:

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 Planning Services Manager; Joseph Sidor, Project Planner; Public Works, Facilities, and Parks; Environmental Health Bureau; HCD Environmental Services; 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