



Board Report

File #: PC 20-010, Version: 1

PLN150372 - RIVER VIEW AT LAS PALMAS ASSISTED LIVING SENIOR FACILITY

Continued from January 29, 2020. Public hearing to consider making a recommendation to the Board of Supervisors on the 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. Construction of an assisted living facility (River View at Las Palmas Assisted Living Senior Facility) including:
 1. Thirteen (13) 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 (40) 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 action: Recommendation to the Board of Supervisors to 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 Planning Commission:

- a. Adopt a resolution to recommend the Board of Supervisors 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);
- b. Adopt a resolution to recommend the Board of Supervisors 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);
- c. Adopt a resolution to recommend the Board of Supervisors approve a Combined Development Permit (Resolution 3 - Combined Development Permit) 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 (13) Casitas providing 26 separate units ranging in size from 1,513 to 3,757 square feet and totaling approximately 41,300 square feet; forty (40) 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 (**Exhibits B1 - CEQA, B2 - Specific Plan Amendment, and B3 - Combined Development Permit**). Staff recommends approval of the recommendation to the Board of Supervisors subject to thirty-six (36) conditions, including eighteen (18) mitigation measures, which are included in Resolution 3.

PROJECT INFORMATION:

Owner: River View at Las Palmas LLC
Agent: Anthony Lombardo & Associates
APN: 139-211-035-000
Zoning: 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). Immediately surrounding uses include the existing Las Palmas Subdivision #1 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 **Exhibit D**.

The 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 **Exhibit 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 and associated site improvements; and a Use Permit to allow development on slopes exceeding 25 percent.

With this application including a legislative action by the Board, the Planning Commission is not the final decision-making body. The Planning Commission's action on this matter will be forwarded to the Board of Supervisors as a recommendation.

DISCUSSION:

River View at Las Palmas Senior Living Community (the proposed project) is designed to provide a continuum of care and supervision to residents, chosen voluntarily by persons at least sixty years of age and younger persons with compatible needs. 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 (see **Exhibit G**). Furthermore, the proposed project is consistent with the description of a "rest home" use as defined in Title 21, Monterey County Code: 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 be comprised of 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 with a total of 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 will cover about 27,000 square feet. The Assisted Living Facility includes 40 living units ranging from 360 to 587 square feet and a total of 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 will cover about 21,600 square feet. The Memory Care Facility includes 39 living units ranging from 313 to 453 square feet and a total of 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 October 9, 2019, the Planning Commission conducted an informational workshop on the project, and provided direction for staff to address questions regarding the following:

- Access easement rights;
- Clarification of Las Palmas Home Owners Association (LPHOA) membership;
- Clarification of whether or not the proposed use is an allowed use pursuant to zoning and the LPRSP;
- Use of subdivision improvements, specifically storm drainage facilities;
- Wildfire safety;
- Emergency egress/site evacuation requirements;
- Number of emergency response events;
- How the project provides benefits that override the transportation impacts to Highway 68;
- Intended use for the site per the LPRSP;
- Where remaining residential units allowed under the LPRSP could be located;
- Location of off-site shuttle parking area;
- History of prior applications for the subject site;
- Water supply;
- Clarification of visual impacts; and
- Whether or not the trees provide habitat for Monarch butterflies.

The Planning Commission also requested a “clean” version of the LPRSP, which is attached as **Exhibit K**. **Exhibit A** contains a detailed project discussion, as well as additional information regarding the informational workshop topics above.

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 Subsequent EIR (SEIR).

Potential impacts to aesthetics, biological resources, and energy resources were also identified and mitigation measures have been identified to reduce these impacts to a less than significant level. The SEIR 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, in order to approve the project. Staff has prepared a resolution with recommended findings of overriding considerations to forward to the Board of Supervisors for their consideration.

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 members of the public. The Draft SEIR, appendices, comments, and responses combined make up the Final SEIR. See the Draft SEIR at **Exhibit L**, and the Final SEIR at **Exhibit M**. The County, through an independent consultant under contract to the County, has prepared a Final SEIR responding to the significant environmental issues raised in the comments (see **Exhibit M**).

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
- RMA-Public Works
- RMA-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 **Exhibits 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.

Prepared by: Joseph Sidor, Associate Planner

Reviewed by: Craig Spencer, RMA Planning Services Manager

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and
Development Services

The following attachments are on file with the RMA:

Exhibit A - Discussion

Exhibit B1 - Draft CEQA Resolution

Exhibit B2 - Draft Las Palmas Ranch Specific Plan Amendment Resolution

Exhibit B3 - Draft Combined Development Permit Resolution, including:

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

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

Exhibit D - Vicinity Maps

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

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

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

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

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

Exhibit J - Response to Comments regarding Noise (prepared by Rincon Consultants, Inc.)

The following attachments are available for review on the RMA-Planning public website at
<https://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/current-major-projects/river-view-at-las-palmas-assisted-living-senior-facility>

Exhibit K - Las Palmas Ranch Specific Plan (adopted September 1983)

Exhibit L - Draft SEIR, with all appendices, including Notice of Preparation Comment Letters

Exhibit M - Final SEIR, including Comments and Responses to Comments on the
Draft SEIR and all appendices

cc: Front Counter Copy; Planning Commission; Brandon Swanson, Acting RMA Chief of Planning; Craig Spencer, RMA-Planning Services Manager; Joseph Sidor, Project Planner; RMA Public Works and Facilities; Environmental Health Bureau; RMA 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