RECIRCULATED DRAFT
ENVIRONMENTAL IMPACT REPORT

FOR THE

VILLAS DE CARMELO PROJECT
CARMEL, CALIFORNIA

SCH#: 2008071058

Lead Agency:
MONTEREY COUNTY

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1.1 INTRODUCTION

This Recirculated Draft Environmental Impact Report (Recirculated Draft EIR) is part of the ongoing environmental review process for the proposed Villas de Carmelo Project. This document is considered a partially recirculated EIR because significant new information and analyses have been added or changed in portions of the Draft EIR after it was circulated for public comment in April 2009. For purposes of clarity, this document will be referred to as the Recirculated Draft EIR, and the previously circulated Draft EIR will be referred to as the Draft EIR. The Draft EIR for the Villas de Carmelo Project was made available for public comment for a 45-day public review period, beginning on April 17, 2009, and ending on June 5, 2009. Monterey County received 60 comment letters, of which seven letters were received after the close of the comment period. After the close of the public comment period, Monterey County Planning Department staff determined it was necessary to add significant new information to the Draft EIR.

The Recirculated Draft EIR has been prepared in accordance with the California Environmental Quality Act, Public Resources Code §§21000, et seq. (CEQA) and the State CEQA Guidelines, California Code of Regulations, title 14, §§15000, et seq. (CEQA Guidelines). The Recirculated Draft EIR will be used, in conjunction with other environmental documentation, to enable Monterey County and other interested parties to evaluate the significant environmental impacts associated with the proposed project. The Recirculated Draft EIR, which supplements the Draft EIR, will be incorporated with the prior Draft EIR, and the responses to comments on both the Draft EIR and Recirculated Draft EIR will comprise the Final EIR, all of which will be considered for certification by the Monterey County Board of Supervisors.

The Introduction section: (i) sets forth the CEQA requirements for recirculation of an EIR; (ii) summarizes the proposed project; (iii) outlines the environmental review and comment process for the Recirculated Draft EIR; and (iv) describes the content, format, and summary of the Recirculated Draft EIR.

1.2 REQUIREMENTS FOR RECIRCULATION

Under CEQA, a lead agency is required to recirculate an EIR, or portions of an EIR, when significant new information is added to the EIR after notice is given of the availability of the Draft EIR for public review but before certification. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponent has declined to implement.

"Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or

- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*See*, CEQA Guidelines §15088.5, subd. (a)(1)-(4).)

Under CEQA, if the revision is limited to a few chapters or portions of the Draft EIR, the lead agency need only recirculate the chapters or portions that have been modified (CEQA Guidelines §15088.5, subd. (c)). Recirculation of an EIR requires notice pursuant to CEQA Guidelines section 15087 and consultation pursuant to CEQA Guidelines section 15086.

1.3 VILLAS DE CARMELO – PROJECT SUMMARY

The project, called the Villas de Carmelo, proposes infill development as redevelopment and rehabilitation of existing structures and new residential development on a 3.68-acre site. The proposed project would increase the development intensity of an underutilized lot. The project is located in the unincorporated Coastal Zone of Monterey County, bordering the City of Carmel-by-the-Sea in an urbanized area. The project site is the site of the former Carmel Hospital, which is currently developed with three buildings, parking lots, driveways, and paved pathways. Two of the buildings are considered part of an identified historical resource, the former hospital building and a garage/shop building. The existing hospital building and garage/shop building would be preserved by the proposed project and additional new buildings will be constructed on the site to accommodate the proposed forty-six (46) residential units, as well as ancillary uses such as underground parking, a recreational room, gym, and storage. The project site is currently designated as Medium Density Residential, and existing zoning allows two (2) units per acre. The project proposes a Local Coastal Plan Amendment to change the land use designation of the project site to high density residential allowing for twelve and a half (12.5) units per acre on the project site. Additionally, the project proposes modification to the requirements of the County Inclusionary Ordinance #04185 to allow the required onsite inclusionary units all to be designated at the moderate income level. The project entitlements will include, but not be limited to, Carmel Area Land Use Plan and Zoning Amendments, Coastal Development Permit, and Tentative Subdivision Map approval.

1.4 ENVIRONMENTAL REVIEW PROCESS FOR THE RECIRCULATED DRAFT EIR

The review process for the Recirculated Draft EIR will involve the following procedural steps:

Public Notice/Public Review

CEQA Guidelines section 15088.5 describes the procedures for recirculation of a portion of an EIR. The procedures require simultaneous submittal of a public Notice of Availability of the Recirculated Draft EIR and a Notice of Completion to the State Clearinghouse. The Recirculated Draft EIR will be subject to public review and comment for a period of 45 days. ***The Monterey County Planning Department requests that reviewers limit their comments to the Recirculated Draft EIR only, consistent with the provisions of CEQA Guidelines section 15088.5, subd. (f)(2).***

Specifically, because the Draft EIR is revised only in part, and because Monterey County, as the lead agency, is recirculating only revised sections or portions of the Draft EIR in this document, Monterey County need only respond to: (i) comments received during the initial circulation period that relate to chapters or portions of the Draft EIR that were not revised or recirculated; and (ii) comments received during the 45-day recirculation period that relate to the chapters or portions of the Draft EIR that were revised and recirculated in this Recirculated Draft EIR. Thus, as stated above, agencies, organizations, and individuals that wish to comment on this Recirculated Draft EIR, should limit their comments to only

the revised sections of this Recirculated Draft EIR and the analyses contained herein. Comment letters submitted on the previously circulated Draft EIR during the prior comment period will be addressed in the Final EIR and need not be resubmitted in conjunction with this Recirculated Draft EIR.

All comments concerning the adequacy of the Recirculated Draft EIR must be addressed to:

Liz Gonzales
Associate Planner
Monterey County Planning Department
168 W. Alisal, 2nd Floor
Salinas, CA 93901

Responses to Comments/Final EIR

Following the 45-day public comment period on the Recirculated Draft EIR, a Final EIR will be prepared. The Final EIR will respond to written comments received during the public comment period on the Draft EIR and Recirculated Draft EIR. At least 10 days prior to a hearing to certify the Final EIR, proposed written responses to comments will be sent to those public agencies that provided timely comments on the Draft EIR and Recirculated Draft EIR. No aspect of the proposed Villas De Carmelo Project will be approved until after the Final EIR is considered.

Certification of the EIR/Project Consideration

Monterey County, as Lead Agency, will review and consider the Final EIR. If the Board of Supervisors finds that the Final EIR reflects Monterey County's independent judgment and has been prepared in accordance with CEQA and the CEQA Guidelines, the Board of Supervisors will certify the adequacy and completeness of the Final EIR. A decision to approve the project would be accompanied by written findings in accordance with CEQA Guidelines section 15091, and if applicable, section 15093.

1.5 CONTENT, FORMAT, AND SUMMARY OF THE RECIRCULATED DRAFT EIR

Consistent with the provisions of section 15088.5, subd. (f)(2) of the CEQA Guidelines, this Recirculated Draft EIR contains only the portions of the Draft EIR that have been revised and replaced. In summary, the Recirculated Draft EIR is comprised of the following new information:

- New Introduction;
- Revised Draft EIR Section 2.0, **Summary** (revisions to portions of the Draft EIR Summary only; ie., revisions are applicable only for those Revised DEIR sections identified below);
- Revised Draft EIR Section 4.13, **Traffic and Circulation** (replacing in its entirety Draft EIR Section 4.13);
- Revised Draft EIR Section 4.14, **Utilities and Service Systems** (replacing in its entirety Draft EIR Section 4.14);
- Revised Draft EIR Section 5.0, **CEQA Considerations** (replacing in its entirety Draft EIR Section 5.0); and
- Revised Draft EIR Section 6.0, **Alternatives** (replacing in its entirety Draft EIR Section 6.0).

This Recirculated Draft EIR also contains additional technical reports that are included as appendices. The new appendices, beginning with the next Draft EIR alphabetical appendix reference, are as follows:

- Appendix O: Villas de Carmelo Traffic Impact Analysis Addendum, Monterey County, California, Hatch Mott MacDonald, dated July 12, 2010.

- Appendix P-1: Villas de Carmelo Net Project Trip Generation and Assignment, Monterey County, California, from HatchMott MacDonald, dated January 5, 2010.
- Appendix P-2: Villas de Carmelo Summary of Highway 1, dated April 2, 2010.
- Appendix Q-1: Villas De Carmelo Traffic Impact Analysis – Supplemental Roadway Segment Analysis, Hexagon Traffic Consultants, dated February 17, 2010.
- Appendix Q-2: Valley Way Conceptual Plan.
- Appendix R: MPWMD Correspondence and Water Calculations (Villas De Carmelo Project, HWY One & Valley Way, Carmel – Draft Environmental Impact Report dated April 2009, County's File Number: PLN070497, State Clearinghouse #2002111038, APNs: 009-061-002, 003, and 005 from Stephanie Pintar, dated August 10, 2009).
- Appendix S: Monterey County Use Permit #863.
- Appendix T: Determination that Application for On-Site Water Use Credits from the Monterey Peninsula Water Management District Will Not Impact Monterey County Use Permit No. 863 from Carl Holm, dated September 2, 2009.
- Appendix U: Former Carmel Convalescent Hospital Historical Water Use Data and Transmittal Letter from Angus Jeffers, dated December 3, 2009.
- Appendix V: Timeline of Development Processing.
- Appendix W: Miscellaneous Water Correspondence between MPWMD, Monterey County, and Project Applicants.
  - W-1. Water Use Credits for Carmel Convalescent Hospital, Carmel Residential Care and A Child's View Preschool (APNs: 009-061-002,003, and 005) from Stephanie Pintar, dated July 28, 2006.
  - W-2. Carmel Convalescent Hospital Redevelopment Project (PLN070497) from Derinda Messenger, dated January 17, 2008.
  - W-3. Potential Water Use Credit for Carmel Convalescent Hospital (APNs: 009-061-002,003, and 005) from Gabriela Ayala, dated February 5, 2008.
  - W-4. Former Carmel Convalescent Hospital Site (APNs: 009-061-002,003, and 005) from Stephanie Pintar, dated December 9, 2008.
  - W-5. Villas de Carmelo – Carmel Convalescent Hospital Redevelopment Project (PLN070497) from Derinda Messenger, December 18, 2008.
- Appendix X: Use of Storm Water Facilities for irrigation purposes for the Villas de Carmelo Project from Jennifer Rudolph, dated February 25, 2010.
- Appendix Y: Villas De Carmelo Affordable Housing Modification Proposal from Edward Shagen, dated November 12, 2009.

1.6 INCORPORATION BY REFERENCE

As permitted in section 15150 of the CEQA Guidelines, both the Draft EIR and Recirculated Draft EIR have referenced technical studies, analyses, and reports. Information from the referenced documents has been briefly summarized in the appropriate section(s) of both the Draft EIR and Recirculated Draft EIR. All referenced documents are available for public inspection and review upon request to:

Liz Gonzales
Associate Planner
Monterey County Planning Department
168 W. Alisal, 2nd Floor
Salinas, CA 93901

The CEQA Guidelines set forth three methods that may be used to incorporate data from other sources into an EIR: (i) use of an EIR appendix (CEQA Guidelines §15147); (ii) citation to technical information (CEQA Guidelines §15148); and (iii) incorporation by reference (CEQA Guidelines §15150). Information in an EIR appendix may include summarized technical data, maps, plot plans, diagrams, and similar information in sufficient detail to permit the public and reviewing agencies to make a full assessment of the proposed project's significant environmental effects. To achieve a balance between the highly technical analysis referenced in an EIR and an EIR's public information function, the CEQA Guidelines allow technical analyses as appendices to the main body of the EIR. Appendices may be prepared in volumes separate from the body of the EIR, but must be readily available for public examination. Source documents that are not project-specific have been cited in both the Draft EIR and Recirculated Draft EIR. To keep the EIR to a manageable length, such documents need not be included in the EIR or EIR appendices.

All documents referenced in both the Draft EIR and Recirculated Draft EIR are hereby incorporated by reference and are available for public inspection and review at the location and address shown above.

2.0 RECIRCULATED DRAFT EIR SECTIONS

2.1 INTRODUCTION

This section includes the following Recirculated Draft EIR sections, which replace the prior sections of the previously circulated Draft EIR:

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

For the Revised Draft EIR Summary Section, revisions were made to portions of text applicable only for those Revised DEIR sections identified above.

2.0 SUMMARY

2.1 INTRODUCTION

The Summary Section replaces the Summary Section from the previously circulated Draft EIR. The Draft EIR and Recirculated Draft EIR address the potential environmental effects of implementation of the Villas de Carmelo Project. The summary provides a brief description of the proposed project, project alternatives, and the significant impacts identified during the environmental analysis. Responsibility for implementation of mitigation measures is with the project applicant, unless otherwise noted. This summary is intended as an overview and should be used in conjunction with a thorough review of the Draft EIR and Recirculated Draft EIR. The text of the Draft EIR and Recirculated Draft EIR, including figures, tables, and appendices, serves as the basis for this summary.

2.2 SUMMARY OF PROJECT DESCRIPTION

The Villas de Carmelo project would be located at 24945 Valley Way on a 3.68-acre site in the unincorporated Coastal Zone of Monterey County bordered by the city of Carmel-by-the-Sea (See **Figure 3-2, Vicinity Map** in the Draft EIR). The project site is located roughly 90 miles south of San Francisco. The project site is bounded to the southwest by Valley Way and to the east by State Route 1 (Highway 1) and southeast by a private drive leading to a four-building apartment complex. Single-family homes are located on the northern and northwestern borders of the property.

Full implementation of the Villas de Carmelo project would introduce a new residential village community consisting of 46 condominium units with a mix of market rate and affordable housing. New housing would include 33 market rate condominiums, 9 affordable housing units, and 4 workforce housing units. The proposed project would create a residential village on the 3.68-acre project site with the existing hospital structure as the focal point of the project. Implementation of the project would involve a standard subdivision to convert 10,350 square feet of the existing hospital structure into 9 condominium units and construction of 37 additional condominium units in 10 to-be-constructed buildings, for a total of 46 condominium units. The project would include common residential village space for underground and surface parking, a recreation room, and storage facilities. The project entitlements will include, but not be limited to, Local Coastal Plan Designation Amendment, Zoning Amendment, Coastal Development Permit, Housing Element Amendment, Vesting Tentative Subdivision Map, and Development Agreement approval to allow for the proposed development. A full project description is provided in **Section 3.0** of the Draft EIR.

2.3 ALTERNATIVES EVALUATED IN THIS DRAFT EIR

CEQA Guidelines require that an EIR describe and evaluate a range of project alternatives that could eliminate significant adverse project impacts or reduce them to a less-than-significant level. The alternatives to the proposed project that are analyzed in the Recirculated Draft EIR are summarized below. The Alternatives Section in the Recirculated Draft EIR fully describes the alternative and discusses whether the alternative meets the identified project objectives.

In compliance with CEQA, the Recirculated Draft EIR evaluates the comparative advantages and disadvantages of the following five alternatives:

1. (A) No Project/No Development Alternative
   (B) No Project/Existing Building Use Alternative

2. (A) Full Buildout Visitor-Serving Alternative
   (B) Visitor-Serving Alternative/Existing Buildings
3. Existing Zoning Alternative
4. Applicant's Modified Design Alternative
5. Reduced Density Alternative
6. Hybrid Residential Alternative: Applicant's Modified Design and Reduced Density Combination
7. Hybrid Visitor-Serving Alternative: Applicant's Modified Design and Reduced Density Combination
8. Hybrid Existing and High Density Zoning Alternative
9. Increased Percentage of Low and Moderate Income Units Alternative
10. Off-Site or In-Lieu Fee Affordable Housing Alternative

No Project (1A): The No Project/No Development Alternative consists of the environmental conditions that currently exist with no future development on the project site; this represents a "no development" scenario in which the site is left in its current condition (per CEQA Guidelines Section 15126.6(e)(3)). The project site would remain as currently described in the existing setting under each issue area discussed in this Draft EIR.

No Project/Existing Building Use Alternative (1B): CEQA Guidelines Section 15126.6(e)(3)(B) identifies that if disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed. The No Project/Existing Building Use Alternative considered a scenario that includes the restoration of the project site in order to provide use as a convalescent hospital under the existing entitlements.

Full Buildout Visitor-Serving Alternative (2A): The Full Buildout Visitor-Serving Alternative consists of expanding visitor serving development with the state's coastal zone. It could be reasonably assumed that a visitor serving development on the project site would consist of the establishment of a hotel complex on the property similar in density to the proposed project.

Visitor-Serving Alternative/Existing Buildings Alternative (2B): The Visitor-Serving Alternative/Existing Buildings would involve construction of a hotel facility on the project site as with the Full Buildout Visitor-Serving Alternative; however, the difference being that Alternative 2B would limit development on the project site to existing buildings.

Existing Zoning Alternative (3): The Existing Zoning Alternative consists of developing the project site with residential uses as proposed; however, under the existing zoning for the site of MDR/2. This alternative would result in the construction of 7 single-family residences consistent with the current land use plan and zoning designation for the project site.

Applicant's Modified Design Alternative (4): As proposed by the Project Applicant, the Modified Design Alternative for the Villas de Carmelo Project would consist of the development of 46 units with the same mix of affordable moderate income, workforce, and market rate. This alternative consists of modifying the project design to relocate Units 5-8 and 12-13, currently located in the southeast corner of the project site along Highway 1. These units would be placed within a building located in the northeast portion of the site, along Highway 1 in the area proposed under the existing site plan for Units 1-4.

Reduced Density (5): The Reduced Density Alternative consists of reducing development on the project site to avoid or lessen the proposed project's significant unmitigable visual impacts. The Reduced Project Alternative consists of reducing the project to a residential multi-family development of 37 units.

Hybrid Residential Alternative: Applicant's Modified Design and Reduced Density Combination (6): The Hybrid Residential Alternative: Applicant's Modified Design and Reduced Density Combination consists of a combination of the Applicant's Modified Design and the Reduced Density Alternatives previously identified in the Alternatives Section. Alternative 6 consists of the following design changes from the proposed project: 1) eliminating three units in the area of Units 24-28; 2) relocating Units 5-8 and Units, currently located in the southeast corner of the project site along Highway 1, to a building in the area proposed under the existing site plan for Units 1-4; and 3) eliminating Units 12, 13, 23, 30, 31, 32, 45, and 46. The overall proposed residential units under this alternative would be 35 units.

Hybrid Visitor-Serving Alternative: Applicant's Modified Design and Reduced Density Combination (7): The Hybrid Visitor-Serving Alternative: Applicant's Modified Design and Reduced Density Combination is identical to the other hybrid alternative, Alternative 6, in all elements except for the designation of visitor-serving units as opposed to residential units on the project site.

Hybrid Existing and High Density Zoning Alternative (8): The Hybrid Existing and High Density Zoning Alternative would rehabilitate the historic resource under a new High Density residential zoning and provide 7 single family residents on the remainder of the project site under the existing MDR/2 zoning.

The Increased Percentage of Low and Moderate Income Units Alternative (9): The Increased Percentage of Low and Moderate Income Units Alternative would increase the amount of low and moderate income units amongst the residential units proposed for construction on the project site. Alternative 9 would abide by the Ordinance by providing housing for low-income and very low-income as follows:

36 Units: Market rate units
4 Units: Affordable to moderate income, including workforce units
3 Units: Low-income
3 Units: Very low-income

Per approval by the County Housing Authority, a greater percentage of affordable to moderate income units, above the required amount stated in the Inclusionary Housing Ordinance, may be approved to offset the lack of low and very low-income units on the project site. An option evaluated under this alternative includes an increase of affordable to moderate income units to 35% of the total units provided, as follows:

30 Units: Market rate units
16 Units: Affordable to moderate income

Off-Site or In-Lieu Affordable Housing Alternative (10): The applicant proposed an alternative to provide the affordable housing units required by Monterey County Inclusionary Housing Ordinance at an alternate location or pay an in-lieu fee to Monterey County, both of which are considered as viable options to a proposed project's compliance with Monterey County's Inclusionary Housing Ordinance. The County requested that the Off-Site or In-Lieu Fee Affordable Housing Alternative be evaluated to determine if there would be a reduction in environmental impacts. The project, as proposed, does not include units for low-income and very low-income households. Under Alternative 10, the 46 units constructed at the project site, as proposed under the proposed project, would be designated as Market Rate units.

In the case of an Off-Site option in order comply with Monterey County's Inclusionary Housing Ordinance, the applicant would provide, at another location within the County, seven low-income and seven very-low income units. Under Alternative 10, the location for the low and very low-income units would be determined at a later date and could potentially result in the conversion of an existing building

from market rate units to the specified affordable income housing brackets, in order to reduce the likelihood of additional environmental impacts. In the case of a payment by the applicant to Monterey County of an in-lieu fee in order to comply with Monterey County's Inclusionary Housing Ordinance, the applicable payment amount would be utilized by Monterey County for its affordable housing program, which, perceivably would result in a similar amount of residential units designated within the County as would the Off-Site option of this alternative.

In addition to the six alternatives listed above, two other alternatives were considered but not analyzed in detail due to their infeasibility, and the alternatives were subsequently rejected from further consideration. These alternatives included an alternative location and development under an annexation to the city of Carmel-by-the-Sea.

2.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative to the proposed project be specified, if one is identified. In general, the environmentally superior alternative is supposed to minimize adverse impacts to the project site and surrounding environment while achieving the basic objectives of the project. The "No Project" alternative could be considered the environmentally superior alternative because all adverse impacts associated with project construction and operation would be avoided. However, CEQA Guidelines section 15126.6(e)(2) states: "If the environmentally superior alternative is the "no project" alternative, the Draft EIR shall also identify an environmentally superior alternative among the other alternatives.

Based on the analysis in the alternatives discussion, several design changes could reduce the environmental impacts of the project as proposed:

- The Full Buildout Visitor-Serving Alternative (2A) would involve the construction of a hotel facility on the project site. Alternative 2A would have similar impacts as the proposed project in all areas aside from its significant increase to traffic in the project site's vicinity. Alternative 2A would also be inconsistent with the surrounding land use of the project site while not meeting the primary project objective of establishing a condominium complex on the project site.

- The Visitor-Serving Alternative/Existing Buildings (2B) would involve construction of a hotel facility on the project site as with the Visitor-Serving Development Alternative; however, the difference being that Alternative 2B would limit development on the project site to existing buildings. Alternative 2B represents less potential impacts than the proposed project in all areas except traffic and land use. Alternative 2B would result in a comparable amount of traffic generation as the proposed project. Alternative 2B would also be inconsistent with the surrounding land uses of the project site while not meeting the primary project objective of establishing a condominium complex on the project site.

- The Existing Zoning Alternative (3) consists of developing the project site with residential uses as proposed, but under the existing zoning for the site of MDR/2. Alternative 3 would avoid the unmitigable impact of the proposed project to a scenic resource. However, this alternative would not be capable of meeting the majority of the project objectives, including a principal project objective of the adaptive reuse of a historic building and the establishment of a condominium complex on the project site.

- The Modified Design Alternative (4) would avoid the significant unavoidable impact associated with the development of buildings within the Highway 1 scenic corridor that would adversely impact this scenic resource. Alternative (4) would otherwise result in impacts similar to the project as proposed and would meet the applicant's project objectives of the adaptive reuse of a historic building and to develop a condominium complex on the project site.

- The Reduced Density Alternative (5) would not only avoid the unmitigable impact upon a scenic resource by reducing construction within the Highway 1 viewshed, but would also reduce impacts in most other areas by decreasing the development density and building footprint on the project site.

- The Hybrid Residential Alternative: Applicant's Modified Design and Reduced Density Combination (6) would avoid the significant unavoidable impact associated with the development of buildings within the Highway 1 scenic corridor that would adversely impact this scenic resource. Alternative 6 would also reduce impacts in most other areas by decreasing the development density and building footprint on the project site.

- Hybrid Visitor-Serving Alternative: Applicant's Modified Design and Reduced Density Combination (7) would avoid the significant unavoidable impact associated with the development of buildings within the Highway 1 scenic corridor that would adversely impact this scenic resource. Alternative 7 would also reduce impacts in most other areas by decreasing the development density and building footprint on the project site. However, Alternative 7 would not meet the primary project objective of the establishment of a larger condominium complex on the project site.

- The Hybrid Existing and High Density Zoning Alternative (8) would rehabilitate the historic resource under a new High Density residential zoning and provide 7 single family residents on the remainder of the project site under the existing MDR/2 zoning. Alternative 8 would avoid the significant and unavoidable impact of the proposed project to a scenic resource. Alternative 8 would lessen the overall impacts of the development by reducing the area of development and reducing the residential units. While on a smaller scale, the objectives of the proposed project would be met. Alternative 8 would rehabilitate and preserve a historic resource, establish a high quality residential community to house future residents of the County, provide market rate, affordable, and workforce housing stock to the Monterey Peninsula, and reuse vacated buildings on a site with infill development.

- The Increased Percentage of Low and Moderate Income Units Alternative (9) would increase the amount of low and moderate income units amongst the residential units proposed for construction on the project site; however, this alternative would otherwise result in the same impacts as the proposed project.

- The Off-Site or In-Lieu Fee Affordable Housing Alternative (10) would increase the overall amount of residential units associated with the proposed project through an off-site increase in low and very low-income housing. Impacts of Alternative 10 would result in equal or greater environmental impacts that the proposed project; however, those impacts are indeterminate at this time as the off-site unit location and project design details are unknown.

With this analysis, several alternatives would reduce environmental impact in relation to the proposed project, aside from the No Project Alternatives 1A and 1B. Potential environmentally superior alternatives to the proposed project include: Visitor-Serving Alternative/Existing Buildings (2B); Existing Zoning Alternative (3); the Reduced Density Alternative (5); and the three Hybrid Alternatives (6, 7, and 8). The analysis previously discussed in this section conclude that Alternatives 6 and 8 represent the alternatives that would meet most of the project objectives and policy objectives of Monterey County while still

significantly reducing project related impacts. Even though the majority of project objectives would not be fully met and there may be potential for further decline of the historic resource, Alternative 3, Existing Zoning Alternative, would reduce environmental impacts to the greatest degree in comparison. As such, Alternative 3, Existing Zoning Alternative would be considered the Environmentally Superior Alternative for the purposes of this document. For further discussion of alternatives to the proposed project see **Section 6-0 Alternatives**.

2.5 SUMMARY OF PROJECT IMPACTS

A summary of significant project impacts and mitigation measures are provided in **Table 2.5-1**. Mitigation measures have been identified to either avoid the impact or reduce the level of significance. The significance after mitigation implementation is also stated. Please note that the impacts and mitigation included in this Recirculated Draft EIR are included in the table, as well as the impacts and mitigation from the Draft EIR sections not included in this Recirculated Draft EIR. The impacts and mitigation presented from the Draft EIR have been shaded for clarification purposes. **Please limit public comments to the impacts and mitigation presented in this Recirculated Draft EIR, as comments on the additional sections from the previous Draft EIR circulation will be considered in the Final EIR.**

Table 2.5-1 **Summary of Significant Environmental Impacts and Mitigation**		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
4.1 Aesthetics		
Development of the proposed project would result in the removal of existing trees and alteration of the natural landscaping of the project site and the creation of new light sources, resulting in a potential impact to a scenic vista.	*4.1-1* In order to minimize potential aesthetic-related impacts due to the removal of existing trees and vegetation and the creation of light sources, the project proponent shall submit a detailed Replanting and Landscaping Plan that provides adequate screening along the borders of the project site prior to the issuance of any grading and/or building permit. The project site's historic landscaping shall be retained to the maximum extent feasible. The Replanting and Landscaping Plan shall be in accordance with mitigation measures 4.4-1 and 4.4-2 as defined in **Section 4.4 Biological Resources** of this Draft EIR. All replanting and landscaping shall be in conformance with the design and implementation measures contained in the Carmel Area Land Use Plan and the Monterey County Coastal Implementation Plan. The Replanting and Landscaping plan shall include specific planting recommendations (species, size, placement, etc.), prescribe care and maintenance for all plantings, require periodic monitoring of the site for a minimum of three years, and require annual reporting during the three year period on replanting success. The landscape architect shall submit bi-annual monitoring reports to the Monterey County Planning Department after each six months detailing the condition of the project site's landscaping. Adaptive management techniques and/or an extension of the monitoring period shall be required in the event that replanting is not successful during the initial (five year) monitoring period. If during the course of monitoring it is determined that re-planting has not been successful, the project applicant shall be required to provide replacement planting as deemed necessary by the Monterey County Planning Department. The Replanting and Landscaping Plan shall be subject to the approval of the Monterey County Planning Department. *4.1-2* In order to minimize tree removal and associated visual impacts, final design-level improvement plans shall retain existing trees to the greatest extent possible. Final design-level plans shall be prepared in consultation with a registered arborist/forester to minimize tree removal and ensure the health of remaining trees. In addition, final design plans for the proposed development shall utilize natural landforms and vegetation for screening structures, access roads, building foundations, cut and fill slopes, and exterior lighting. Roads, parking, and utilities shall be designed to minimize visual impacts. In order to further guarantee minimized alteration of the existing character of the project site, the applicant shall submit evidence (site plans, building elevations, landscape plans, etc.) demonstrating that landscaped buffers, setbacks, and screening will be provided along public roadways that border the project area.	Less than Significant.

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation	Level of Significance After Mitigation
	Prior to issuance of any grading and/or building permits, final plans shall be subject to the review and approval of the Monterey County Planning Department. If the removal of existing trees is required, the applicant shall submit evidence demonstrating that there are no feasible design alternatives to avoid tree removal. In the event that tree removal is required, the project applicant/project arborist shall prepare a tree removal and replacement plan for each phase of construction, subject to the review and approval of the Monterey County Planning Department. Any tree removal and/or tree replanting shall be in accordance with mitigation measures 4.4-1 and 4.4-2 as defined in **Section 4.4 Biological Resources** of this Draft EIR. The tree removal and replacement plan shall identify specific grading limits and building footprint siting that minimizes tree removal, as well as appropriate tree replacement ratios (minimum of 1:1 for trees > 12 inches DBH; 3:1 replacement for trees 6-11 inches DBH) and replanting locations. Buildings, roadway, parking areas, and other proposed structures shall be adjusted to the greatest extent possible to reduce tree removal. All ground disturbing activities shall be monitored by the project arborist/forester to ensure impacts to retained trees are minimized.	
The project would result in the removal of existing mature vegetation adjacent to Highway 1 to accommodate buildout of the project site into a residential condominium complex. Existing vegetation, particularly mature pine and oak trees, located west of Highway 1 is considered a scenic resource that is an important component of the visual integrity of the Highway 1 corridor. Removal of vegetation and construction of two buildings of the overall complex as close as 30 feet from the highway would impact views from Highway 1 looking west towards the project site.	*4.1-1* See mitigation regarding potential impacts to a Scenic Vista. *4.1-2* See mitigation regarding potential impacts to a Scenic Vista. *4.1-3* In order to assure that impacts to a scenic resource, the Highway 1 corridor, are minimized, the two buildings housing Units 1-8 located adjacent to Highway 1 on the proposed project site plan shall be constructed with a maximum elevation of 28 feet. This maximum elevation shall be uniform for both of the buildings and shall be recorded on the project's final map, subject to approval by the County of Monterey. *4.1-4* In order to assure that impacts to scenic resources as viewed from the Highway 1 corridor are minimized, the project applicant/developer shall ensure that at no time shall any development, including project signage, parking, or construction-related activities, be permitted within the 10' property-line setback. All existing mature trees within the 10' setback shall be retained to the extent possible consistent with mitigation measures 4.1-1 and 4.1-2. This measure shall be recorded on the project's final map, subject to approval by the County of Monterey.	Significant and Unavoidable.

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation	Level of Significance After Mitigation
Development of the proposed project would result in the rehabilitation and adaptive reuse of the existing hospital structure and garage/shop building and construction of 10 additional detached buildings on the project site, to accommodate a total of 46 condominium units. The proposed project would include common space for underground and surface parking, a recreation room, gym, and storage facilities. Implementation of the proposed project would have an overall impact of improving upon existing site conditions and would include landscape screening; the project would thus alter the existing visual character of the site through the introduction of new urban features.	*4.1-5* In order to minimize the contrast between built elements and the surrounding environment, all buildings shall be designed with colors and materials that effectively reflect the architectural style of the main hospital building, blending the structures with the on-site landscape. Building applications for new structures shall include color and material sample photo sheets and shall be approved by the Monterey County Planning Department prior to the issuance of building permits. Reflective building material shall not be allowed, unless otherwise approved by the County. *4.1-6* Prior to the issuance of any building permit for development within the project site area, the project applicant shall submit detailed plans, including elevations, site plans, and/or other documentation detailing compliance with applicable development standards, subject to the review and approval of the Monterey County Planning Department.	Less than Significant.
The project would create a new source of light or glare that would adversely affect day or nighttime views in the area.	*4.1-7* In order to minimize glare and lighting, the project proponent shall submit a detailed lighting plan subject to the review and approval of the Monterey County Planning Department prior to issuance of any grading and/or building permit. The lighting plan shall implement the following standards: ▪ Maximum Height: Outdoor street/road/parking light fixtures shall not exceed 12 feet in height or the height of the nearest structure, whichever is less. ▪ Energy-Efficiency: Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact fluorescent, or lighting technology that is of equal or greater efficiency) fixtures and lamps. ▪ Exterior building lights shall be installed with timers and/or sensors. ▪ Positioning: Fixtures shall be properly directed, recessed, and/or shielded (e.g., downward and	Less than Significant.

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation	Level of Significance After Mitigation
	away from adjoining properties) to reduce light bleed and glare onto adjacent properties or public rights-of-way, by: 1. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and 2. Confining glare and reflections within the boundaries of the subject site to the maximum extent feasible. ▪ Maximum Illumination: No lighting on private property shall produce an illumination level greater than one footcandle on any property within a residential zone except on the site of the light source. No flood lighting shall be allowed on the project site. ▪ No glare or lighting shall be directed towards Highway 1. ▪ No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Landscaping shall be designed to the maximum extent feasible in order to screen project site lighting.	
4.2 Agricultural Resources		
No impacts requiring mitigation.		
4.3 Air Quality		
Construction activities, including clearing, excavation and grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed ground would generate dust and particulate matter emissions that may exceed MBUAPCD thresholds.	*4.3-1* In order to reduce particulate matter emissions during construction, the project applicant or contractor shall submit a Construction Management Plan that includes a dust control plan to the Monterey County Planning and Building Inspection Department for review and approval prior to issuance of any grading permits. The dust control plan shall: 1) specify the methods of dust control to be utilized, 2) demonstrate the availability of needed equipment, materials, and personnel, 3) require the use reclaimed water for dust control, and 4) identify a responsible individual or individuals who can authorize and monitor implementation of the measures and any additional measures as needed. The plan shall be implemented by all relevant contractors at the site and shall be monitored daily by the Monterey County Planning and Building Inspection Department during demolition and grading activities at the site. The dust control plan shall, at a minimum, include the following measures: ▪ Water all active construction areas, including haul roads, at least twice daily and more often during windy periods. Active areas adjacent to existing businesses should be kept damp at all	Less than Significant.

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation	Level of Significance After Mitigation
	times. If necessary, during windy periods, watering is to occur on all days of the week regardless of onsite activities (reduces fugitive dust PM_{10} from wind blown dust from active areas and unpaved road sources by 55%). ▪ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (reduces PM_{10} from inactive areas of 84%). ▪ Limit traffic speeds on unpaved roads and areas to 15 mph (reduces PM_{10} from travel on unpaved haul roads by 44%). ▪ Cover all trucks hauling trucks or maintain at least two feet of freeboard. ▪ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Sweep daily all paved access roads, parking areas, and staging areas at construction sites. ▪ Sweep streets daily if visible soil material is deposited onto the adjacent roads. ▪ Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Suspend excavation and grading activity when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site. ▪ Residences within 300 feet of a construction area shall be notified of the construction schedule in writing prior to commencement of construction. The contractor and Monterey County Planning and Building Inspection Department shall designate an air quality disturbance coordinator who would be responsible for responding to complaints during construction. The coordinator shall determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact number for the air quality disturbance coordinator shall be conspicuously placed on the construction site and written into the construction notification schedule sent to nearby residences.	
Construction activities would involve use of the heavy-duty off-road equipment and large trucks that would generate diesel particulate exhaust and NOx emissions.	*4-3.2* Prior to the issuance of any grading permits, a diesel risk reduction plan (DRRP) shall be developed in consultation with the MBUAPCD submitted to the Monterey County Planning Department (MCPD). The DRRP shall demonstrate that adverse health effects are reduced to an acceptable level (i.e., below MBUAPCD thresholds) through the measures below or others to the satisfaction of the MCPD. The DRRP shall be implemented at the site throughout the construction period, during which diesel-fueled vehicles and equipment are utilized. MCPD shall monitor the implementation of the DRRP by	Less than Significant.

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation	Level of Significance After Mitigation
	conducting site inspections on a weekly basis throughout the construction period, during which diesel-fueled vehicles and equipment are utilized. Contractors shall maintain all records of purchases and maintenance of diesel oxidation catalysts, diesel particulate matter filters, and any other emission control measures implemented. MBUAPCD shall have the right to inspect the records and the construction and demolition equipment and vehicles throughout the construction period. The following guidelines shall be included in the DRRP: ▪ The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). ▪ Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite and staged away from residential areas. ▪ Properly tune and maintain equipment for low emissions. ▪ Stage large diesel powered equipment at least 200 feet from any active land uses (e.g., residences). ▪ Limit the pieces of equipment used at any one time. ▪ Minimize the use of diesel-powered equipment (i.e., wheeled tractor, wheeled loader, roller) by using gasoline-powered equipment. ▪ Limit the daily hours of operation for heavy-duty equipment. ▪ Use designated truck-haul routes to avoid sensitive receptors. *4.3-3* All of the following specifications shall be included in the DRRP referenced in mitigation measure 4.3-2 and implemented at the site subject to the inspection, monitoring, and records requirements in mitigation measure 4.3-2: No engines greater than 750 HP shall be used without control devices or additional mitigation measures. The following equipment may be used without control devices or additional mitigation measures: • Engines between 501 HP and 750 HP that are model years 2002 and newer; • Engines between 251 HP and 500 HP that are model years 1996 or newer; and	

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation			
Environmental Impact		**Mitigation**	**Level of Significance After Mitigation**
		• Engines between 175 HP and 250 HP that are model years 1985 or newer. The following equipment may be used, if retrofitted with a catalyzed diesel particulate filter: • Engines greater than 750 HP, if model year 2006 and newer; and • All engines less than 749 HP, regardless of model year. If construction equipment uses B99 biodiesel, the following could be utilized without control devices or additional mitigation measures: • Engines between 501 HP and 750 HP, if model years 2002 or newer; • Engines between 250 HP and 500 HP, if model years 1996 and newer; and • Any engine less than 250 HP. Alternatively, the project shall implement a combination of other emission reduction measures, if they can be demonstrated to reduce the acute and long-term cancer risk to below relevant MBUAPCD thresholds.	
Construction activities would involve earthmoving, use of the heavy-duty off-road equipment and large trucks that would generate diesel exhaust, volatile organic compounds, and particulate matter emissions that may result in unacceptable nuisances or odors to nearby sensitive receptors.		Implementation of mitigation measures 4.3-1, 4.3-2, and 4.3-3 above.	Less than Significant.
4.4 Biological Resources			
The proposed project would represent temporary and permanent impacts to on-site vegetation, and will result in the removal of 3 or	*4.4-1*	A Forest Management Plan was prepared for the site according to County standards contained in Title 20.146.00; all measures presented in the FMP for the protection of on-site trees shall be implemented as conditions of the project (see Sections 6.1 - 6.7 of FMP in **Appendix D**).	Less than Significant.

Table 2.5-1 **Summary of Significant Environmental Impacts and Mitigation**		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
more Monterey pine and/or Coast live oak trees. Temporary impacts to vegetation include grubbing and grading associated with development of the site; permanent impacts include the placement of structures, roads, driveways, etc.	*4.4-2* The applicant shall contract a qualified landscape architect to prepare a Replanting and Landscaping Plan for the site to be approved by Monterey County prior to issuance of a grading permit for the proposed project. The plan shall be reviewed by a qualified arborist/registered professional forester. All replanting and landscaping shall be in conformance with the design and implementation measures contained in the Carmel Area Land Use Plan and the Monterey County Coastal Implementation Plan. The landscaping plan shall utilize the native species palette presented in the FMP and/or other native species with the approval by Monterey County. The approved plan shall also specify the specific placement of replacement oaks and pines at the ratios prescribed in mitigation measure # 4.4-4 below. Seeds, seedlings, and/or relocated/transplanted Monterey pine and Coast live oak tree must be free of disease (i.e., pitch canker) and derived from native genetic stock. The plan shall include specific measures for the management and eradication of invasive/non-native species as recommended in the FMP, and shall include care/maintenance, monitoring requirements and duration, success criteria, reporting requirements, and adaptive management techniques (i.e., additional replanting, extension of monitoring, etc.) in the event that success is not achieved in the first monitoring period for all proposed replanting and landscaping. *4.4-3* Trees and vegetation not planned for removal shall be protected during construction to the maximum extent feasible. This shall include the use of exclusionary fencing of herbaceous and woody vegetation to prevent unauthorized access by personnel and equipment.	
The proposed construction of 46 new residences at the Carmel Convalescent Home site will 105 of 126 on-site trees >12 inches diameter at DBH (21 coast live oak, 76 Monterey pines, and eight miscellaneous species). The removal of native trees for development is subject to the policies contained within the Carmel Area LUP and CIP. Requirements for replacement are 1:1 for each native tree 12 inches DBH or larger that is removed.	*4.4-4* Each of the twenty-one (21) coast live oaks greater than twelve inches DBH proposed for removal will be replaced at a 1:1 ratio. Although most of the Monterey pines slated for removal appear to have been planted and therefore do not require mitigation, two (2) Monterey pines greater than twelve inches DBH scheduled for removal appear to have seeded in from adjacent native trees and shall be replaced at a 1:1 ratio (see FMP). In addition, 11 multi-stemmed trees (generally oaks) that have cumulative stem diameters equivalent to 12 inches DBH are proposed for removal; these trees will likewise be replaced at a 1:1 ratio (see FMP). All replacement trees shall be pitch canker free and derived from local genetic stock. Each of the Coast live oak and Monterey pine trees at the site between 6-11 inches DBH proposed for removal shall be replaced at a 3:1 ratio. All replacement trees shall be pitch canker free and derived from local genetic stock.	Less than Significant.

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation		Level of Significance After Mitigation
This also includes removal of 52 of 87 on-site trees between 6-11 inches diameter at DBH (33 Coast live oak, 5 Monterey pine, and 14 "others" (horticultural species including olive, acacia, pittosporum, cedar, etc.). Although the Carmel Area LUP does not require mitigation for native tree removals less than 12 inches DBH, removal of these trees will further degrade the site from a wildlife habitat perspective.			
The project would require grading, excavation, tree limbing and removal, and other activities that may result in the loss or abandonment of on-site raptor nests and/or other native/migratory bird species nests.	*4.4-5*	If project activities including grading, excavation, or tree-limbing/removal will initiate during the typical avian nesting season (February 15– August 1), a qualified biologist shall conduct preconstruction nesting avian surveys no more than 14 days prior to initiation of construction activities; surveys should be conducted in all areas that may provide suitable nesting habitat on-site or within 300 feet of proposed construction activities. If active nests are found, a suitable construction buffer shall be established by a qualified biologist, and no work shall occur within that buffer until August 1 when young are assumed fledged. Alternatively, a qualified biologist can conduct weekly nest checks to gauge nestling/fledgling status, and construction may proceed once fledglings have dispersed from the nest provided written concurrence from CDFG. No active nest shall be impacted or removed without a depredation permit from CDFG; a depredation permit will not be issued for impacts to Fully Protected Species. For activities that occur outside of the nesting season (generally August 2 - February 14), preconstruction surveys are not required. If construction is initiated outside of the nesting season and continues into the nesting season, preconstruction surveys are required if construction will occur in areas not previously accessed and/or disturbed (>300 feet from previous construction activities).	Less than Significant.
The project would require tree limbing and removal and modification of on-site buildings	*4.4-6*	A qualified bat specialist shall conduct site surveys to characterize bat utilization of the site and potential species present (techniques utilized to be determined by the biologist). Based on the results of these initial surveys, one or more of the following shall occur.	Less than Significant.

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation	Level of Significance After Mitigation
that may result in direct take of special status bats and/or bat roosting habitat. Bats and their roosts are protected under CDFG code and provided planning consideration under CEQA for any special status species.	▪ If it is determined that bats are not present at the site, no additional mitigation is required. ▪ If it is determined that bats are utilizing the site and may be impacted by the proposed project, preconstruction surveys shall be conducted no more than 30 days prior to modification, demolition, or removal of on-site buildings and/or limbing and removal of on-site trees (or any other occupied habitat). If according the to bat specialist no bats or bat sign are observed in the course of preconstruction surveys, demolition/removal of buildings and trees may proceed. If bats and/or bat sign are observed during the preconstruction surveys, the biologists shall determine if disturbance will jeopardize a maternity roost, or another type of roost (foraging, day, night). ▪ If a single bat and/or only adult bats are roosting, demolition or removal of the structure can proceed after the bats have been safely excluded from the roost. Exclusion techniques shall be determined by the biologist and depend on the roost type; the biologist shall prepare a mitigation plan for provision of alternative habitat to be approved by CDFG. ▪ If an active maternity roost is detected, avoidance is preferred. Work in the vicinity of the roost (buffer to be determined by bat specialist) shall be postponed until the qualified biologist monitoring the roost(s) determines that the young have fledged and are no longer dependent on the roost. The monitor shall ensure that all bats have left the building and or area of disturbance prior to initiation of construction and/or demolition activities. If disruption of a maternity roost cannot be avoided, a depredation permit would be required prior to "take" of the roost.	
The project proposes placement of new light sources throughout the site (see Conceptual Lighting Plan in Aesthetics section). New light sources may further reduce on-site habitat quality for any wildlife utilizing the site, including special status bats and raptors. Artificial light disrupts the natural habits of many indigenous wildlife species.	*4.4-7* Minimize outdoor lighting features (i.e., streetlights, directed flood lights, and/or decorative lights) which are directed away from on-site development. Floodlights, in particular, should avoid on-site trees and/or mature vegetation (also see lighting-related mitigation in the **Aesthetics Section** of this Draft EIR).	Less than Significant.

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
4.5 Cultural Resources		
Development of the project and the resulting rehabilitation and renovation of the two historic resources on the project site would cause a substantial, adverse change to a historical structure eligible for listing in the California Register on the site.	*4.5-1* In order to ensure continuation of historical integrity of the resources on site, rehabilitation activities shall be conducted in accordance with all applicable federal, state, and local regulations, including the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* and *the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* published by Weeks and Grimmer in 1995 for the National Park Service. All building modifications shall comply with these standards, and modifications shall be constructed in a manner similar yet distinguishable from the original structure. All activities regarding historical architectural resources and historic preservation carried out as part of this project shall be carried out by, or under the direct supervision of, persons meeting the Secretary of the Interior's professional qualifications standards (48 FR 44738-9) in these disciplines. Evidence of compliance shall be provided to Monterey County Planning Department upon completion of rehabilitation activities by the project applicant/developer. *4.5-2* Prior to the issuance of any permits, the project applicant/developer shall prepare a Preservation and Monitoring Plan (PMP) that will act as a work plan for the restoration of the historic resources on the site. In general, the PMP should identify changes to the property that could reasonably be expected to occur and detail protective actions so that the changes would not disrupt the historical integrity of the resource. The PMP would be prepared by a qualified professional, as required by Mitigation Measure 4.5-1, above. The purpose of the PMP is to provide practical guidance to the construction and restoration teams for the Villas de Carmelo project. The PMP shall contain the following features: • A detailed history of the Carmel Convalescent Hospital; • A discussion of the structures' historical significance (i.e., why the building is listed in the National Register); • A comprehensive list of both character-defining historic features and non-historic elements of the two historic buildings and surrounding landscaping that contribute to the structures' historical significance, as well as materials to be retained, preserved, salvaged, and/or reused; • A detailed description of the current condition of the buildings and their integrity relative to the National Register criteria; • A discussion of the Secretary of the Interior's Standards for the Treatment of Historic Properties, including relevant standards as outlined by the Secretary of Interior and the Secretary's guidelines	Less than Significant.

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
	in applying these standards; • Specific work to take place on during the implementation of the project, based on elevation-by-elevation architectural, demolition, and construction plans and to-scale drawings, and detail how that work will be conducted in accordance with the SOI Standards; • Specific preservation treatments, standards, and requirements for care during all aspects of the project, including, but not limited to, treatments for the following: historic windows and doors, fountain and landscaping features, modifications to the rear wing addition, modification of the garage/shop building, and excavation and modification activities for the underground parking garage addition; and • Specific use and applications of the extensive technical guidance available from the NPS regarding the rehabilitation and adaptive re-use of historic buildings. Preservation, repair, and appropriate replacement activities shall be consisted with SOI Standards and other National Park Service Technical Preservation Services guidance, including the following where appropriate: • "Inappropriate Replacement Doors," *ITS Bulletin No. 4*, by Anne Grimmer (July 1999) • "New Exterior Additions to Historic Buildings, Preservation Concerns," *Preservation Brief No. 14*, by Kay D. Weeks (1986) • "The Preservation and Repair of Historic Clay Tile Roofs," *Preservation Brief No. 30*, by Anne Grimmer and Paul Williams (1992) • "The Preservation and Repair of Historic Stucco," *Preservation Brief No. 22*, by Anne Grimmer (1990) • "Protecting a Historic Structure during Adjacent Construction," *Preservation Technical Note No. 3*, by Chad Randl (July 2001) • "Repair and Thermal Upgrading of Historic Steel Windows," *Preservation Brief No. 13*, by Sharon C. Park (1984) • "Selecting New Windows to Replace Non-Historic Windows," *ITS Bulletin No. 23*, by Claire Kelly (October 2001) The PMP shall be incorporated in the Mitigation Monitoring and Reporting Plan (MMRP) for the project. The Preservation Plan shall be subject to Monterey County Historic Resources Review Board and Monterey County Planning Department review and approval. *4.5-3* Prior to the start of any project work, the project applicant/developer shall ensure that the main	

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
	hospital building, its surrounding terraced landscaping, and the garage/shop building is recorded and documented in accordance with the Level II recordation standards of the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) program. This level of recordation shall include: • archival reproduction of any existing historic images of the resources; • archival reproduction of any existing maps, sketches, or drawings of the resources; • production of measured architectural plans and drawings of the resources; • production of large-format photographs of exterior and interior views of the resources, and views of the setting of the resources, including relationship to landscape features; • narrative history and description of the property based on the narrative included in the evaluation of the property (**Appendix F**), and the Monterey County survey(s) of similar properties, if any. The original archival set of recordation documents and photographic prints shall be submitted to the Monterey County Historical Society (or its designee), and archival quality photocopies of the documentation set shall be provided to the following interested parties and local repositories: Monterey County Libraries (Carmel and Monterey branches) and UC Santa Cruz Library Special Collections Department. The project proponent shall ensure that this recordation documentation is prepared prior to any construction activities or treatments and shall make the content of the document available for other mitigation measures, such as the preparation of interpretive material. *4.5-4* At least 30 days prior to commencing any work on the property, the project applicant/developer shall produce video documentation of the main hospital building with its surrounding landscaping, and the garage/shop building. This video documentation shall include footage of the exterior and interior of the building, as well as the grounds of the property. The video documentation shall be submitted to the Monterey County Historical Society (or its designee), and a copy of the video documentation shall be provided to interested parties upon request. The project proponent shall make the videography available for other mitigation measures described in this section. *4.5-5* The project applicant/developer shall develop and implement protective measures to safeguard the character-defining features of the main hospital building, its surrounding landscaping, and the garage/shop building from damage by the implementation of the project. The features include, but are not limited to tile roofing, decorative chimney tops, tower, arched window and passageway openings, the original footprint of the building, the fountain, the landmark oak tree, stone stairways, terrace, and retaining walls. The original fenestration and doors shall be retained, repaired, or replaced in kind.	

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
	Preservation, repair, and appropriate replacement activities shall be consisted with SOI Standards and other National Park Service Technical Preservation Services guidance, such as *ITS Bulletin No. 4*, "Inappropriate Replacement Doors," by Anne Grimmer (July 1999) and *Preservation Brief No. 13*, "Repair and Thermal Upgrading of Historic Steel Windows," by Sharon C. Park (1984). Replacement of non-historic windows and doors shall be sensitive to the appearance of the original fenestration design. Selection of new windows and doors shall be conducted in accordance with NPS guidance, such as *ITS Bulletin No. 23*, "Selecting New Windows to Replace Non- Historic Windows," by Claire Kelly (October 2001). Protective measures shall be conducted in accordance with NPS *Preservation Technical Note No. 3*, "Protecting a Historic Structure during Adjacent Construction," by Chad Randl (July 2001). *4.5-6* The project applicant/developer shall ensure that any inadvertent damage to the character-defining features of the main hospital building, garage/shop building, and historic landscaping resulting from the rehabilitation project was repaired in accordance with guidance listed above, as well as the *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* (U.S. Department of the Interior, National Park Service 1992), California Historical Building Code, and the MMRP for the project. The existing condition of the building as documented by HABS recordation prior to the initiation of the relocation scenario shall be the established the baseline condition for assessing and repairing inadvertent damage. A record of all inadvertent damage and the completed repairs shall be submitted to the Monterey County Historical Society (or its designee) and included into the historic record of the resources on site. *4.5-7* The project applicant/developer shall coordinate with and inform interested parties, including, but not limited to the Monterey County Historical Society, Monterey County Historical Advisory Commission, Monterey County Historic Resources Review Board, and Monterey County Historical Society, regarding the status of its compliance with the mitigation measures set forth in the MMRP, as necessary. *4.5-8* The project applicant/developer shall consult with interested parties concerning funding and creation of permanent or temporary interpretive exhibits describing the history of the metabolic clinic and the Peninsula Community Hospital. Interested parties to be consulted include, but are not limited to, Monterey County Historical Society, Monterey County Historical Advisory Commission, Monterey County Historic Resources Review Board, and Monterey County Historical Society. If consultation results in agreement between the project proponent and these parties concerning the nature and extent of the exhibits, the project proponent shall produce and install the exhibits. The interpretive exhibit	

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation		Level of Significance After Mitigation
		shall utilize the images, narrative history, drawings, video, or other material produced for the mitigation described above. The interpretive exhibits may be in the form of, but are not necessarily limited to the following: plaques or markers, interpretive display panels, and or printed material for dissemination to the public. If consultation does not result in agreement between the project proponent and the interested parties, the project proponent could seek an alternative Monterey County location for the interpretive exhibits. Appropriate alternative locations shall be determined at that time.	
Construction of the project may result in the discovery and disturbance of unknown archaeological resources and/or human remains.	*4.5-9*	The project applicant/developer shall monitor the construction site. If, during the course of construction, human remains or cultural, archaeological, historical, or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Resource Management Agency - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Less than Significant.
4.6 Geology, Soils, and Mineral Resources			
The project would be exposed to potential adverse effects from strong seismic ground shaking that may result in damage to proposed structures.	*4.6-1*	In order to minimize the potential effects from strong seismic ground shaking on project components, all recommendations from the project's Geotechnical Assessment Report prepared by O'Brien & Gere Engineers (November 2007), and subsequent peer review (September 2008), shall be incorporated by the project proponent into final design plans, subject to review by the Monterey County Planning Department prior to construction activities.	Less than Significant.
	4.6-2	The project engineer shall ensure that all structures are designed to the most current standards of the California Building Code, at a minimum. Adherence into final design plans shall be reviewed by the Monterey County Planning Department prior to construction activities.	
The historic hospital may be adversely affected by the grading on the project site.	*4.6-3*	In order to minimize the potential effects from grading on the project site, all recommendations from the project's Geotechnical Assessment Report prepared by O'Brien & Gere Engineers (November 2007) shall be incorporated by the project proponent into final grading and erosion control plans, subject to review by the Monterey County Planning Department prior to construction activities.	Less than Significant.
	4.6-4	In order to reduce on-site erosion due to project construction and operation, an Erosion Control Plan	

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation	Level of Significance After Mitigation
	and Storm Water Pollution Prevention Plan shall be prepared for site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The Erosion Control Plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System. The erosion component of the plan must at least meet the requirements of the Storm Water Pollution Prevention Plan required by the California State Water Resources Control Board. In order to minimize the potential effects from grading on the project site, all recommendations from the project's Erosion Control Plan shall be implemented into construction activities on the project site. This mitigation measure shall be placed as a note on the grading plans. Erosion control measures may include, but not be limited to, the following: a. Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment and run-off waters. All sediment shall be retained onsite. b. Native vegetation cover, temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as soon as possible through planting of native annual grasses and shrubs, appropriate non-native plants, or with approved landscaping practices. c. Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. On-site drainage devices shall be designed to accommodate increased run-off resulting from site modification. Where appropriate, on-site retention of storm water shall be required. *4.6-5* In order to minimize the potential effects from grading on the project site, all grading requiring a County permit, which would occur on slopes steeper than 15 percent, shall be restricted to the dry season of the year.	
4.7 Hazards and Hazardous Materials		
Development of the proposed project, including site grading, excavation, demolition, and other land-disturbing activities, may result in the exposure of construction personnel and site occupants to	*4.7-1* In order to reduce human health risks to construction personnel and future site occupants, the project proponent shall retain a qualified consultant to survey all buildings for asbestos under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to the issuance of any permit. If asbestos containing material is documented within existing on-site structures, all potentially friable asbestos shall be removed prior to building demolition in accordance with NESHAP guidelines. Prior to the issuance of a demolition permit, the project proponent shall submit written	Less than Significant.

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation			
Environmental Impact		**Mitigation**	**Level of Significance After Mitigation**
health and safety risks.		evidence to Monterey County Division of Environmental Health from a qualified consultant demonstrating that all asbestos containing material has been properly removed and demolition activities may proceed without exposing construction personnel to asbestos-related hazards.	
	4.7-2	In order to reduce human health risks to construction personnel and future site occupants, the project proponent shall retain a qualified consultant to conduct a lead-based paint and Title 22 metal surveys to evaluate the presence of lead-based paint, silver, or other toxic metals prior to the issuance of any permit. If lead-based paint is observed within existing buildings and the surrounding area, all peeling and flaking lead-based paint shall be removed and properly disposed of separately from building debris, in accordance with current Department of Toxic Substances Control policies and California Code of Regulation Title 8, Section 1532.1, which provides for exposure limits, exposure monitoring, respiratory protection, and mandates good worker practices by workers exposed to lead. All site soils contaminated by lead-based paint shall be removed and properly disposed of prior to any construction activities. Contractors performing lead-based paint removal shall provide evidence to Monterey County Division of Environmental Health of certified training for lead-related construction work. Prior to the issuance of a demolition permit, the project proponent shall submit written evidence to Monterey County Division of Environmental Health from a qualified consultant demonstrating that all lead-based paint has been properly removed and that no further health hazards related to lead-based paint exist on site.	
	4.7-3	An Operations, Maintenance, and Remediation Plan shall be prepared and implemented for asbestos, lead, and any other toxic material discovered on site to reduce contamination to acceptable levels, maintain the safety of construction workers and future site users, and assure proper management of contaminated materials in accordance with state and local regulatory requirements. This plan shall include, but not be limited to, a detailed accounting of contaminated materials found on site, standards and requirements for construction personnel for handling contaminated materials, and required procedures and industry standards for removal and remediation of contaminated materials. This plan shall be subject to review and approval by Monterey County Division of Environmental Health. Evidence shall be provided to Monterey County, prior to the issuance of any grading permit, demonstrating that all necessary remedial actions have been completed pursuant to the approved Remediation Plan.	
	4.7-4	If hazardous chemicals, such as paints, photo-processing wastes, chemical sterilants, disinfectants, paint-related chemicals, or cleaning chemicals are discovered on the site during the demolition of the outlying buildings, the restoration of the former hospital and garage, or construction of the proposed	

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
	residential structures, the applicant shall ensure that the chemicals shall be disposed of at an appropriate permitted facility. Once removed, any and all exposed surfaces shall be visually observed to confirm the presence/absence of staining. Should staining be observed, the stained surface, including concrete or asphalt, shall be removed and disposed of at an approved landfill and the underlying soils visually observed to confirm the vertical extent of contamination. If staining is observed, stained soils shall be tested to identify appropriate remedial activities. *4.7-5* In order to ensure that future construction personnel are not exposed to previously unknown environmental hazards or if suspected hazardous materials are discovered prior to or during construction, the contractor shall: 1. Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; 2. Notify the Project Engineer of the implementing agency; 3. Secure the area as directed by the Project Engineer; and 4. Notify the implementing agency's Hazardous Waste/Materials Coordinator. A qualified consultant shall then be retained to determine the nature of the potential hazards. The consultant findings shall be subject to review and approval by Monterey County Division of Environmental Health. Evidence shall be provided to Monterey County Division of Environmental Health, prior to continuation of demolition in the specified area, demonstrating that all necessary remedial actions have been completed pursuant to the approved recommendations of the qualified consultant. *4.7-6* In order to ensure that all existing boilers, generators, and fuel tanks are properly disposed of, the project proponent will administer a quality check for the propane tank and diesel generator located on the west end of the property prior to use or removal. If the proponent plans to retain any of the existing fuel tanks or generators on site, the project applicant shall properly register these items with Monterey County Division of Environmental Health. If the project proponent plans to remove any of these items, then the proponent and/or contractor shall properly dispose of any or all existing heating boilers, generators, and fuel tanks off site at an appropriate permitted landfill facility. All materials shall be removed in accordance with applicable local, state, and federal requirements and will be subject to review and approval of Monterey County Division of Environmental Health. Once the boilers and tanks are removed, a visual inspection of the areas beneath and around the removed boilers shall be performed by a qualified consultant. Any stained soils observed underneath the boilers shall	

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation		Level of Significance After Mitigation
		be sampled and removed in accordance with industry standards. Prior to the issuance of any permit, the project proponent shall submit evidence to Monterey County Division of Environmental Health demonstrating that all boilers, generators, and fuel tanks have been properly removed or recorded.	
4.8 Hydrology and Water Quality			
The proposed project has the potential to increase stormwater run-off from the project site.	*4.8-1*	In order to ensure that increased levels of stormwater run-off are detained onsite, the project's Geotechnical Engineer shall provide evidence to the Monterey County Planning Department that recommendations contained within the project's Preliminary Drainage Report have been adhered to regarding the project's proposed on-site drainage storage facility prior to the issuance of building permits.	Less than Significant.
Construction and operation of the proposed project could result in an impact to surface water quality.	*4.8-2*	In order to avoid potential impacts to water quality during construction activities, the applicant shall obtain a National Pollution Discharge Elimination System Program Construction General Permit from the State Water Resources Control Board and prepare an erosion control plan, prior to the issuance of a grading permit. Specific requirements regarding erosion control are detailed in mitigations 4.6-3, 4, and 5 in **Section 4.6 Geology, Soils, and Mineral Resources** of this Draft EIR.	Less than Significant.
4.9 Land Use			
No impacts requiring mitigation.			
4.10 Noise			
Residential uses developed at portions of the project site would be exposed to exterior noise levels exceeding the "normally acceptable" noise and land use compatibility standards presented in the County's General Plan for multiple-family residential land uses. Interior noise levels would exceed acceptable levels at portions of the project site without the	*4.10-1*	In order to reduce exterior noise levels to the applicable standards set forth by Monterey County, the project applicant/developer shall construct a minimum 10-foot noise barrier (relative to the finished floor elevations of Units 4 and 5) between Units 4 and 5 to maintain noise levels at private and common outdoor use areas to 60 dBA CNEL or less. The noise barrier shall be airtight over the surface and at the base. The minimum surface weight of the proposed noise barrier materials shall be 3 lbs/ft^2. Suitable construction materials include masonry block, concrete, and minimum one-inch thick wood boards. Evidence to demonstrate provisions for this measure shall be submitted by the project applicant/developer to the Monterey County Planning Department prior to building permit issuance.	Less than Significant.
	4.10-2	In order to reduce interior noise levels to applicable standards set forth by Monterey County of 45 dBA CNEL or lower within each unit on the project site, the project applicant/developer shall submit	

Table 2.5-1
Summary of Significant Environmental Impacts and Mitigation

Environmental Impact	Mitigation	Level of Significance After Mitigation
incorporation of noise insulation features into the project's design.	evidence to demonstrate provisions for following measures prior to building permit issuance from the Monterey County Planning Department: a. Installation of forced-air mechanical ventilation in each unit; b. Exterior wall finish of stucco or an approved acoustical equivalent ; c. Exterior doors, excluding glass doors, shall be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals; d. Acoustic baffles shall be installed on the interior side of roof vents that face (or partially face) Highway 1 in the first row of buildings along the roadway; and e. Project-specific acoustical analyses, as required by Chapter 12, Appendix Section 1207.11.2 of the California Building Code to determine each unit will meet interior noise levels as set forth by Monterey County. Further treatments may be needed to meet acceptable noise levels, treatments could include sound rated windows and doors, sound rated wall constructions, acoustical caulking, protected ventilation openings, etc.	
Noise generated by construction activities would substantially increase noise levels at adjacent residential land uses.	4-10.3 The project applicant/developer shall develop a construction noise reduction plan with the following listed plan controls, standards and actions. The Plan shall be developed in close coordination with adjacent noise-sensitive land uses so that construction activities can be scheduled to minimize noise disturbance. The plan shall be submitted to the Monterey County Planning Department for review and approval prior to the initiation of construction activities. The construction noise reduction plan shall incorporate the following controls with the goal of reducing construction noise levels to less-than-significant: • Noise-generating activities at the construction site or in areas adjacent to the construction site shall be restricted to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Construction shall be prohibited on weekends and holidays. • No individual device shall produce a noise level more than 85 dBA at a distance of 50 feet. • Solid plywood fences (minimum 8 feet in height) shall be constructed around the construction site to shield adjacent residences or other noise-sensitive land uses. • 'Quiet' models of air compressors and other stationary noise sources where technology exists shall be utilized. • All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.	Less than Significant.

Table 2.5-1 **Summary of Significant Environmental Impacts and Mitigation**		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
	• All stationary noise-generating equipment, such as air compressors and portable power generators, shall be located to maximize distances to residences/noise sensitive uses. • Staging areas and construction material shall be located to maximize distances to residences or noise-sensitive land uses. • All construction traffic shall be routed to and from the project site via designated truck routes where possible and prohibit construction related heavy truck traffic in residential areas where feasible. • Noise from construction workers' radios shall be controlled to a point that they are not audible at existing residences bordering the project site. • All unnecessary idling of internal combustion engines shall be prohibited. • All adjacent noise-sensitive receptors shall be notified of the construction schedule in writing prior to the initiation of construction activities; • The project contractor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The disturbance coordinator shall conspicuously post a sign that is publicly visible that specifies the project construction noise mitigation measures, the telephone number of the onsite contractor, and the telephone number of the person to contact (the disturbance coordinator) regarding noise complaints. The disturbance coordinator shall respond to complaints and take corrective action within 24 hours. • The plan shall be implemented by all relevant contractors at the site and shall be monitored by the Monterey County Planning and Building Inspection Department during demolition and grading activities at the site.	
4.11 Population & Housing		
No impacts requiring mitigation.		

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
4.12 Public Service and Recreation		
The project would result in an increased demand for educational services.	*4-12.1* In order to minimize impacts to educational services, the applicant/developer shall pay a school impact fee for multi-family residential development pursuant to the criteria set forth within California Government Code Section 65995, $1.93 per square foot assessable space. Assessable space shall be considered the entire square footage within the perimeter of a residential structure, not including carport, walkway, garage, overhand, patio, enclosed patio, detached accessory structure, or similar area. Prior to the issuance of building permits, the applicant shall pay required school mitigation fees to the Carmel Unified School District. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects [Government Code Section 65996(a)]. They are "deemed to provide full and complete school facilities mitigation" [Government Code Section 65996(b)].	Less than Significant.
4.13 Traffic and Circulation		
The proposed project would add an estimated 269 total daily trips to the local street system and Highway 1, which have been identified as deficient in LOS standards.	*4.13-1* Prior to recordation of the proposed project's Final Map, the project applicant/developer shall provide evidence to the appropriate responsible agency of the future costs of the following improvements to the Monterey County Planning Department: • Widening of the southbound shoulder at the Carpenter Street / Valley Way intersection to allow vehicles to pass other vehicles waiting to turn left onto Carpenter Street. • Provide intersection improvements at Highway 1 and Valley Way to include: [1] 1. Provision of additional pavement widening to increase the southbound right turn radius for better maneuverability; 2. Addition of a median and additional signage to reinforce the existing left turn prohibition from Valley Way. Median design shall be painted or raised depending on final design approval; 3. Removal and/or trimming of trees or shrubs on the triangular corner of Highway 1 / Valley Way that interfere with the sight distance from Valley Way to Highway 1 to be	Less than Significant.

[1] Conceptual Plan is shown in **Appendix Q**. Proposed improvements are conceptual and subject to the review and approval by the Monterey County Planning Department and Monterey County Public Works Department. All improvements must be coordinated with Caltrans and required encroachment permits granted.

Table 2.5-1 **Summary of Significant Environmental Impacts and Mitigation**		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
	subject to the approval of the Monterey County Planning Department to ensure that existing landscaped screening is maintained. 4. Provide an appropriate right-turn land for Highway 1 southbound approach to Valley Way for safe deceleration for vehicles turning right from Highway 1 to Valley Way.	
The project has the potential to result in unsafe conditions for immediate driveway access to Highway 1.	*4.13-2* Prior to issuance of any project-related permits, the applicant/developer shall submit to the Monterey County Planning Department evidence provided by the California Department of Transportation that access to the existing driveway on Highway 1 that serves the project site has been closed to vehicular traffic due to significant sight distance and traffic operational deficiencies.	Less than Significant.
The project would result in increased traffic loads in the project vicinity due to construction related traffic.	*4.13.3* Prior to commencement of construction activities, the project contractor will prepare a Construction Management Plan, which will include, but not be limited to, a traffic construction management plan with the following conditions and shall be subject to review and approval by Monterey County Public Works Department and California Department of Transportation prior to issuance of any encroachment permits. The traffic Construction Management Plan shall, at a minimum, include the following measures: • In order to minimize impacts from construction-related traffic, the project contractor shall ensure that the exportation of earth materials from the project site only occur between the hours of 7:30 AM and 3:30 PM. • The project contractor shall implement truck haul routes for construction trucks deemed acceptable by the County, designed to help mitigate traffic congestion during the peak traffic hours. The truck haul routes shall be limited to the roadways and accesses to the project site, which will avoid commuter and special event traffic to the maximum extent. • Additionally, signs shall be posted along roads identifying construction traffic access or flow limitations on one-way road or single lane conditions during periods of truck traffic during the peak hour. Signs shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 50 feet before such traffic access limitation as necessary during the hauling of materials. • Construction equipment shall be stored on the project site and construction vehicles shall not be allowed to park in front of residential homes within the residential neighborhood during the construction phase of the project. • The Construction Management Plan shall be implemented by all relevant contractors at the site	Less than Significant.

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation			
Environmental Impact		**Mitigation**	**Level of Significance After Mitigation**
		and shall be monitored by the Monterey County Planning Department and Building Services Department during demolition and grading activities at the site. •	
All of the study intersections and road segments would contribute an increase to the total trips generated by all cumulative projects, resulting in unacceptable LOS ratings for one study intersection and two road segments under cumulative plus project conditions.	*4.13-4*	The project applicant/developer shall pay the Transportation Agency of Monterey County (TAMC) Regional Development Fee in order to mitigate the proposed project's incremental contribution to cumulative impacts to the regional highway system. Payment of the TAMC fee is not intended to fund specific improvements but instead mitigates a proposed project's incremental contribution to cumulative impacts on the regional highway system. Evidence of payment shall be submitted to the Monterey County Planning Department prior to the issuance of any building permits.	Less than Significant.
4.14 Utilities and Service Systems			
The proposed project would use approximately 6.154 AF/Y of water from the existing water supply system for indoor fixtures without outdoor landscaping use and 7.154 AF/Y to account for water for irrigation needs. The proposed project will be using less water compared to defined baseline conditions for this project (8.226 AF/Y). Therefore, there will be a decrease in water demand in comparison to baseline conditions. The project would not exceed available water credits based upon previous documented use of water on the subject property, as there has been historic use on the project site and	*4.14-1*	All residential units shall be equipped with High Efficiency Toilets and High Efficiency appliances. A final review of the demand projection by the MPWMD shall be required prior to building permit approval. Each water permit application shall be conditioned to comply with MPWMD's water conservation requirements for new construction, the proposed low water consumption features, and shall be subject to the rules in effect at the time a complete Water Release and Water Permit application is received.	Less than Significant
	4.14-2	The project applicant/developer shall provide evidence to the Monterey County Planning Department and the Monterey County Water Resources Agency that the water credit to serve the proposed project is available for the site through the MPWMD and that the available water credit under Rule 25.5 has been obtained for the property. Documentation of the water use credits to be applied to the site shall also require verification by the MPWMD of permanent abandonment of use and final determination of the water use credit for the site. Evidence shall include written verification from the MPWMD that 8.226 AF/Y of water use credit is available.	
	4.14-3	The project applicant/developer shall provide evidence to the Monterey County Planning Department and the Monterey County Water Resources Agency that water use on the site reduces the water demand on the site in comparison with historic use of the Carmel Convalescent Hospital by 10% in accordance with Monterey County Ordinance 3310 (Code 18.46) requirements. Evidence of compliance shall be provided to the Monterey County Planning Director and Monterey County Water Resources Agency Director for review and approval prior to recordation of the proposed	

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
based upon MPWMD rules and regulations and the proposed project would use less than the historic allowed use for the project site.	project's final map. *4.14-4* The Monterey County Planning Department and the Monterey County Water Resources Agency shall confirm their independent review of the water meter records provided by the applicant. This information may then be used to satisfy Mitigation Measure 4.14-3, above.	
The resumption of water use would result in more water drawn from the Carmel River System since the convalescent hospital closure.	*4.14-5* The project site shall be restricted to water demand based upon 6.154 AF/Y for market-rate lots, inclusionary, and workforce units, as well as 1 AF/Y for landscaping and irrigation requirements for a total of 7.154 AF/Y. Prior to filing the final map (or if filed in phases, each final map), the applicant shall submit a Water Use Plan showing the proposed total fixture unit count based upon the Monterey Peninsula Water Management District Residential and/or Commercial Water Release Form. The plan shall be submitted to the Water Resources Agency and the Director of Planning for review and approval. Prior to filing the final map, the applicant shall also submit a complete Landscape Documentation Package to the Monterey Peninsula Water Management District for review and approval. *4.14-6* An annual water use report shall be submitted to the Water Resources Agency and Director of the Planning. If any report demonstrates that actual water use for the entire subdivision is within 10% of the maximum allowance, the applicants shall demonstrate compliance with the allowable water credits through development of further conservation measures including, gray water reuse for landscaping as needed. *4.14-7* The project site will maintain its water credits onsite and will not be allowed to reuse any residual credit under MPWMD Rule 28.8. A deed restriction recorded on the site shall be filed with the Monterey County recorders at the time of the issuance of the water credit under Rule 25.5 and permanent abandonment of use of the convalescent hospital on the site.	Less than Significant
The proposed project would use approximately 6.154 AF/Y of water from the existing water supply system (not including landscaping in this overall demand number, which is consistent with MPWMD rules and regulations for calculating on site water demand under Rule	*4.14-8* The project shall employ landscaping and water conservation measures, including rainwater catchments, subject to the approval of the Monterey County Water Resources Agency and in consultation with the MPWMD and Monterey County Division of Environmental Health.	Less than Significant

Table 2.5-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	**Mitigation**	**Level of Significance After Mitigation**
25.5). Assuming however, that additional water should be allocated for outdoor landscaping use, the 6.154 AF/Y demand for fixtures would be increased by 1.0 AF/Y to account for landscaping irrigation.		
5.0 CEQA Considerations		
Development of the proposed project would contribute to a potentially significant cumulative impact upon traffic and circulation within the vicinity of the project site.	*4.13-4* See mitigation regarding potential cumulative traffic impact.	Less than Significant.

4.13 TRAFFIC AND CIRCULATION

Introduction

The Recirculated Draft EIR **Traffic and Circulation** section replaces **Section 4.13** of the previously circulated Draft EIR in its entirety and evaluates the impacts of the proposed project on nearby roadways due to project implementation and operation. Discussions also include determinations of significance and corresponding mitigation. A Traffic Impact Analysis (TIA) was prepared for the proposed Villas de Carmelo project by Hatch Mott MacDonald (December 2007) and was submitted as part of the project application materials. Per Monterey County Planning Department request, Hexagon Transportation Consultants, the County's consulting traffic engineers for the Draft EIR, conducted a peer review of the TIA. Higgins Associates revised the TIA to include suggestions from the peer review (September 4, 2008). The revised TIA was again subject to peer review by Hexagon Transportation Consultants and subsequently circulated for public review as part of the Draft EIR for the project.

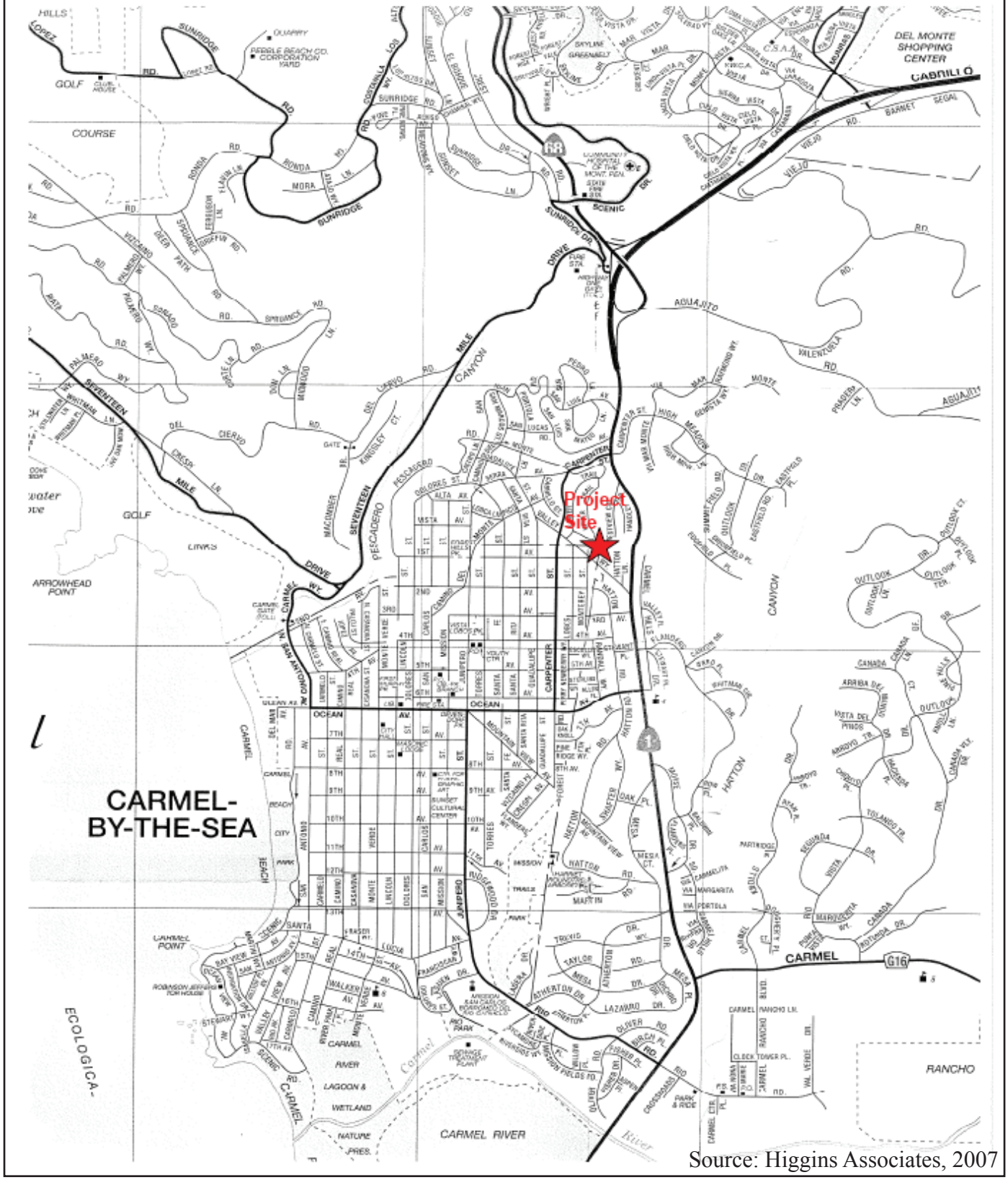
Hatch Mott MacDonald prepared an addendum to the September 2008 TIA in order to address specific comments received on the Draft EIR. The TIA addendum completed by Hatch Mott MacDonald, dated July 2010, is located in **Appendix O** of the Recirculated Draft EIR. The Hatch Mott MacDonald July 2010 addendum was subject to peer review by Hexagon Transportation Consultants for the Recirculated Draft EIR. Hatch Mott MacDonald also provided letters, dated January 5, 2010 and April 2, 2010, to address traffic trip generation after the close of the convalescent hospital and impacts to Highway 1; these letters are located in **Appendix P**. A memorandum regarding roadway segments, provided by Hexagon Transportation Consultants dated February 17, 2010, is located in **Appendix Q** of the Recirculated Draft EIR.

Appendix Q also contains a conceptual drawing of the Valley Way/Highway 1 intersection improvements, originally prepared by Hatch Mott MacDonald and revised by Hexagon Transportation Consultants, in coordination with Monterey County staff. The complete set of documents and their respective peer reviews are available for review at the Monterey County Planning Department. Hexagon Transportation Consultants as peer reviewers for the EIR, reviewed the conclusions and recommendations of the TIA and documentation provided by Hatch Mott MacDonald. The Monterey County Public Works Department also reviewed drawings and all supplemental information provided. The following incorporates information from the revised TIA (**Appendix K** of the Draft EIR), the Hatch Mott MacDonald TIA Addendum, the Hatch Mott MacDonald supplemental letters cited above, the supplemental analysis from Hexagon, and also incorporates this updated information prepared as a result of the public comments received on the Draft EIR.

Setting

Roadway Network

Key roadways near the study area are Highway 1, Carpenter Street, Ocean Avenue, Valley Way, and Flanders Drive. Other local streets within the study area are 1st, 2nd, and 3rd Avenues, Monterey Street, Lobos Street, Lower Trail, and Santa Fe Street. The project area roadway network is presented in **Figure 4.13-1** and summarized below. The intersections analyzed for the project are also summarized below with discussion of the responsible agencies.



Source: Higgins Associates, 2007

N

Roadway Network

Figure 4.13-1

Highway 1 has four travel lanes (2 lanes in each direction) north of the Ocean Avenue/Highway 1 intersection. Southbound Highway 1 transitions to one lane south of its intersection with Ocean Avenue. The posted speed limit is 65 miles per hour (mph) north of Carpenter Street and 40 mph south of Carpenter Street. Highway 1 south of Carpenter Road has a number of private driveways with traffic signals at its intersections with Carpenter, Ocean Avenue and Carmel Valley Road.

Carpenter Street is a two-lane collector street that extends northerly from Ocean Avenue to Highway 1, providing access to downtown Carmel. The posted speed limit on Carpenter Street is 30 mph north of Valley Way and 25 mph south of Valley Way.

Ocean Avenue is an east-west, two-lane arterial street that extends from Highway 1 to downtown Carmel and the coast. The posted speed limit on Ocean Avenue is 25 mph.

Valley Way is a local street that extends from Guadalupe Street to Highway 1. It primarily serves the surrounding residential neighborhoods. The posted speed limit along Valley Way is 25 mph. There is an unmarked bus stop at the intersection of Valley Way with 1st Avenue and Monterey Street.

Flanders Drive is a local street that provides access from Highway 1 to Carmel High School and surrounding residential neighborhoods. The posted speed limit on Flanders Drive is 25 mph.

1st Avenue is a local street that extends in an east-west direction between Junipero Street to the west and Valley Way to the east.

2nd Avenue is a local street that extends in an east-west direction between Junipero Street to the west and Monterey Street to the east.

3rd Avenue is a local street that extends in an east-west direction between Mission Street to the west and Highway 1 to the east. However, 3rd Avenue does not provide continuous access between these two points because the roadway dead ends at Carpenter Street. Vehicles traveling eastbound on 3rd Avenue west of Carpenter Street must turn either left or right at Carpenter Street. Similarly, vehicles traveling westbound on 3rd Avenue east of Carpenter Street must turn either left or right at Lobos Street to avoid the dead end. This roadway configuration was implemented in order to reduce cut-through traffic to and from Highway 1.

Monterey Street is a local street that extends in a north-south direction between Valley Way to the north and 3rd Avenue to the south.

Lobos Street is a local street that extends in a north-south direction between Valley Way to the north and 4th Avenue to the south.

Lower Trail is a local street that extends in a general north-south direction between Carpenter Street to the north and Valley Way to the south. Lower Trail provides access to the homes located on Lower Trail and Upper Trail.

Santa Fe Street is a local street that extends in a north-south direction between Pico Avenue to the north and 6th Avenue to the south.

The ***Highway 1/Carpenter Street*** intersection is a signalized four-leg intersection. Left-turn bays are provided on all approaches with dual left-turn lanes on the eastbound approach. Protected left-turn phasing is provided on the northbound and southbound approaches. The eastbound and westbound approaches provide split phase left turns. The westbound approach provides a permitted right-turn, as

well as right-turn overlap phasing. The southbound right-turn movement is a free movement with no stop control. The California Department of Transportation (Caltrans) has jurisdiction over this intersection.

The ***Carpenter Street/Valley Way*** intersection is a four-leg intersection with two-way stop control on the eastbound and westbound approaches. Although the westbound approach is not striped as two lanes, it is flared such that it operates as a right turn lane and shared through-left turn lane. The County of Monterey (Monterey County Department of Public Works) has jurisdiction over the intersection.

The ***Highway 1/Valley Way*** intersection is a three-leg intersection with stop control on the eastbound approach. Valley Way intersects Highway 1 at approximately a 20-degree angle measured from the north. There is currently no right turn lane provided on southbound Highway 1. A two-way left turn lane is provided on northbound Highway 1 at Valley Way. Eastbound left turns onto Highway 1 are not prohibited, but are discouraged by the existing intersection geometry. As such, they are rarely observed. The State of California agency that has jurisdiction over the intersection is Caltrans.

The ***Highway 1/Flanders Drive*** intersection is a three-leg intersection with stop control on the westbound approach. A left turn bay is provided on the southbound approach. The State of California agency that has jurisdiction over the intersection is Caltrans.

The ***Highway 1/Ocean Avenue*** intersection is a signalized four-leg intersection. Left turn bays are provided on all approaches. Protected left turn phasing is provided on the northbound and southbound approaches. The eastbound and westbound approaches provide split phase left turns. The southbound approach provides a permitted right turn, as well as right turn overlap phasing. Just south of the intersection, southbound Highway 1 transitions from two southbound through lanes to one southbound through lane. The State of California agency that has jurisdiction over the intersection is Caltrans.

The ***Lower Trail/Valley Way*** intersection is located immediately east (approximately 80 feet) of the Carpenter Street/Valley Way intersection. The southbound Lower Trail approach is stop-controlled. The Monterey County Department of Public Works has jurisdiction over the intersection.

The ***Lobos Street/Valley Way*** intersection is located approximately 175 feet east of the Lower Trail/Valley Way intersection and has stop-control on the northbound Lobos Street approach. The City of Carmel-by-the-Sea holds jurisdiction over the intersection.

The ***Monterey Street/1st Avenue/Valley Way*** intersection is a skewed four-leg intersection located approximately 350 feet east of the Lobos Street/Valley Way intersection. The northbound Monterey Street and eastbound 1st Avenue approaches are stop-controlled at this intersection. The City of Carmel-by-the-Sea has jurisdiction over the intersection.

The ***Monterey Street/2nd Avenue*** intersection is a three-leg intersection with stop control on the eastbound 2nd Avenue approach. This intersection is located approximately 460 feet south of the Monterey Street/1st Avenue/Valley Way intersection. The City of Carmel-by-the-Sea has jurisdiction over the intersection.

The ***Carpenter Street/1st Avenue*** intersection is a four-leg intersection located approximately 450 feet south of the Carpenter Street/Valley Way intersection. Stop control is provided on the eastbound and westbound 1st Avenue approaches. The City of Carmel-by-the-Sea has jurisdiction over the intersection.

The ***Carpenter Street/2nd Avenue*** intersection is a four-leg intersection located approximately 450 feet south of the Carpenter Street/1st Avenue intersection. This intersection is all-way stop controlled. It should also be noted that signage at this intersection directs southbound trucks to turn right at 2nd Avenue

to follow the truck route, rather than proceeding straight on Carpenter Street. A five-foot landscaped median is located on Carpenter Street just south of this intersection. The City of Carmel-by-the-Sea has jurisdiction over the intersection.

The ***Highway 1/3rd Avenue*** intersection is a three-leg intersection located approximately 140 feet south of the Highway 1/Valley Way intersection. The eastbound 3rd Avenue approach is stop-controlled. The State of California agency that has jurisdiction over the intersection is Caltrans.

The ***Santa Fe Street/3rd Avenue*** intersection is a four-leg intersection with stop control on the northbound Santa Fe Street and westbound 3rd Avenue approaches. The southbound Santa Fe Street and eastbound 3rd Avenue approaches are not stop-controlled and are part of the designated truck route. The City of Carmel-by-the-Sea holds jurisdiction over the intersection.

Traffic Impact Report

As mentioned previously, a TIA was prepared for the project by Hatch Mott MacDonald (refer to **Appendix K,** Draft EIR). Discussion from the report includes: 1) Traffic Methodology; 2) Identified Existing Conditions; 3) Intersection Operations; 4) Road Segment Analysis; 5) and Recommendations. The impacts identified in this report and the recommended mitigation measures have been integrated into the impacts and mitigation discussion of this recirculated section. The TIA also provided an analysis of indirect traffic impacts associated with the project, which has been included at the end of this section. The TIA analyzed traffic conditions under the following scenarios:

1. Existing Traffic Conditions (2008)
2. Existing Plus Project Traffic Conditions
3. Cumulative Without Project Traffic Conditions
4. Cumulative Plus Project Traffic Conditions

Traffic Methodology

The TIA analyzed traffic conditions for intersections and road segments based on level of service (LOS) evaluations. LOS is a measure of roadway quality of service. LOS describes traffic conditions on a scale of A to F, with LOS A indicating free flow conditions with minimum delay and LOS F representing severe congestion with major delay.

The project study area covers the jurisdiction of multiple public agencies. Each agency establishes acceptable LOS standards for roadway facilities within its jurisdiction. These standards are identified below.

- The City of Carmel-by-the-Sea has established LOS C as its LOS standard.
- The County of Monterey suggests LOS C as an acceptable LOS.
- The Caltrans level of service goal is the transition between LOS C and D.

Study intersections and roadway segments were selected based on the estimated addition of project traffic to the surrounding roadway network. Facilities were selected for study at which it is expected that the project will result in a significant increase in traffic volumes (10 trips or more) and a degradation of levels of service. The traffic impact analysis evaluated 13 intersections, and five road segments in the vicinity of the project site, as listed below by jurisdiction.

Caltrans Intersections

- Highway 1/Carpenter
- Highway 1/Valley Way
- Highway 1/Flanders Drive
- Highway 1/Ocean Avenue
- Highway 1/Third Avenue

Monterey County Intersections

- Carpenter Street/Valley Way
- Lower Trail/Valley Way

City of Carmel-by-the-Sea Intersections

- Lobos Street/Valley Way
- Monterey Street/1st Avenue/Valley Way
- Monterey Street/2nd Avenue
- Carpenter Street/1st Avenue
- Carpenter Street/2nd Avenue
- Santa Fe Street/3rd Avenue

Road Segments - Caltrans

- Highway 1 between Holman Highway and Carpenter Street (Additional)
- Highway 1 between Carpenter Street and Valley Way
- Highway 1 between Valley Way and Flanders Drive
- Highway 1 between Flanders Drive and Ocean Avenue
- Highway 1 between Ocean Avenue and Carmel Valley Road (Additional)

For both signalized and two-way stop controlled intersections, LOS calculations were performed using the SYNCHRO software program (version 7), based on technical procedures documented in the 2000 Highway Capacity Manual (2000 HCM). The 2000 HCM methodology is based on control delay per vehicle. Total control delay includes not only the actual time stopped but also time to slow down, accelerate, and travel at reduced speeds in queues. LOS for a two-way stop-controlled (TWSC) intersection is determined by the control delay for each minor movement, as per 2000 HCM methodology definition. The analysis also includes LOS for the unsignalized intersection as a whole. Overall intersection delays presented in this report are based on a weighted averaging of the control delay on each individual lane grouping on all intersection approaches.

The existing signal timing information for the Highway 1/Carpenter Street and Highway 1/Ocean Avenue intersections was obtained from the Caltrans District 5 office and was used as the basis for the SYNCHRO analyses. LOS for road segments were determined based upon threshold volumes for the appropriate roadway type. It was assumed that the study segments along Highway 1 operate as a four-lane expressway. Additionally, the impact of the project on the regional roadway network is evaluated in the 2005 Monterey County Regional Transportation Plan prepared by the Transportation Agency for Monterey County (TAMC).

After review of the Highway 1 analysis, the roadway facilities are considered to be more appropriately categorized as a two-lane highway. [1] Highway 1 is more often analyzed as a Class II two-lane highway due to its lower speeds and scenic appeal. Portions of Highway 1 in this area directly traverse an urban area with a high frequency of private driveway access, greater pedestrian concentration, and signal spacing of less than 2 miles. Because of these characteristics, the Urban Streets methodology is an appropriate project-level analysis. The 2010 Hatch Mott MacDonald TIA addendum letter analyzed the road segment of Highway 1 from Ocean Avenue to Carmel Valley Road using this methodology and determined a LOS E. The April 2009 PRDSEIR for the Carmel Valley Traffic Improvement Program, a more conservative programmatic document, used the Two-Lane and Multilane Highways methodologies for the same segment and determined LOS F. It is common professional practice for planning level documents to utilize broader assumptions that yield more conservative results because the goal is to consider a "wide range" scenario. (Monterey County Public Works, Personal Communication, April 14, 2010; also see Caltrans correspondence**, Appendix P**).

Identified Existing Conditions

To establish existing traffic flow conditions, traffic counts were performed during the weekday on Wednesday, August 6 and Thursday, August 7, 2008, from 7:00 to 9:00 AM and 4:00 to 6:00 PM and on Saturday, August 9, 2008, from 1:00 to 3:00 PM at all 13 study intersections.

Since the counts were performed in August, when schools were not in session, adjustments were made to the existing condition AM peak hour volumes to account for this decrease in vehicle volumes. Adjustments were made only to weekday AM peak hour volumes because the start of the school day occurs during the AM peak period (7:00 to 9:00 AM), while the end of the school day occurs prior to the PM peak period (4:00 to 6:00 PM). Counts were also performed in November 2006 at five of the study intersections while school was in session, and these were used to determine appropriate adjustment factors for the existing condition AM peak hour volumes collected in August 2008. The ratio between the 2006 AM and PM peak hour volumes for each intersection movement was determined and applied to the 2008 PM peak hour volumes to calculate the adjusted AM peak hour volumes.

In addition to the adjustments made to the existing AM peak hour volumes to account for school traffic, a seasonal adjustment was made to existing weekday AM and PM and Saturday peak hour volumes to adjust for seasonal fluctuation in the area. The average of the 2003, 2004, 2005, 2006, and 2007 Average Annual Daily Traffic (AADT) volumes along Highway 1, as published by Caltrans, were used to determine an appropriate seasonal adjustment factor between the August volumes and an average month. This adjustment factor was then applied to the traffic volumes collected during the August counts.

Table 4.13-1 presents the raw and adjusted traffic volumes. As can be seen in Table 4.13-1, the volumes used in the analysis are in most cases considerably higher than the raw counts, whether they were conducted during the summer or during the school year.

[1] Per the Caltrans communication with Julie Oates of Hatch Mott MacDonald included in **Appendix P**, Caltrans confirmed analysis of Highway 1 as a Class II two-lane highway in this area. Due to specific characteristics of Highway 1, such as high frequency of private driveway access, greater pedestrian concentration, signal spacing of less than 2 miles, scenic views and other specifics noted above, Caltrans has confirmed that the Urban Streets methodology is an appropriate methodology for this project-level analysis. Therefore, this approach is used in the 2010 Hatch Mott MacDonald TIA addendum, and has been confirmed by Hexagon Transportation Consultants, County of Monterey Public Works and Caltrans (See **Appendix P).**

Table 4.13-1
Raw and Adjusted Traffic Volumes*
*Raw Count Adjustments to Account for Seasonal, School and Tourist Related Traffic Variation

	Intersection	Total Volume Entering Intersection (Raw Counts)								Total Volume Entering Intersection (Adjusted)		Percent Increase over August 2005		Percent Increase over Nov. 2006		Percent Increase over March 2008		Percent Increase over August 2008	
		August 2005		Nov. 2006		March 2008		August 2008		Analyzed Volumes									
		A		B		C		D		E		F		G		H		I	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
1	Highway 1/Carpenter St.	-	-	3,774	4,742	-	-	3,688	4,913	4,341	5,303	-	-	15%	12%	-	-	18%	8%
2	Carpenter St./Valley Way	-	-	583	727	-	-	533	838	724	995	-	-	24%	37%	-	-	36%	19%
3	Highway 1/Valley Way	-	-	2,497	3,036	-	-	2,585	3,425	3,164	3,806	-	-	27%	25%	-	-	22%	11%
4	Highway 1/Flanders	2,404	3,006	2,404	3,257	-	-	2,438	3,264	3,174	3,791	32%	26%	32%	26%	-	-	30%	16%
5	Highway 1/Ocean Ave.	3,122	3,958	3,122	3,528	3,205	3,543	2,701	3,654	3,592	4,174	15%	5%	15%	18%	12%	18%	33%	14%
6	Lower Trail/Valley Way	-	-	-	-	-	-	28	80	62	80	-	-	-	--	-	-	121%	0%
7	Lobos St./Valley Way	-	-	-	-	-	-	13	56	38	58	-	-	-	-	-	-	192%	4%
8	Valley Way/1st Ave./Monterey St.	-	-	-	-	-	-	11	61	26	61	-	-	-	-	-	-	136%	0%
9	Monterey St./2nd Ave.	-	-	-	-	-	-	9	42	16	42	-	-	-	-	-	-	78%	0%
10	Carpenter St./1st Ave.	-	-	-	-	-	-	523	886	666	946	-	-	-	-	-	-	27%	7%
11	Carpenter St./2nd Ave.	-	-	-	-	-	-	531	905	689	964	-	-	-	-	-	-	30%	7%
12	Highway 1/3rd Ave.	-	-	-	-	-	-	2,586	3,424	3,174	3,809	-	-	-	-	-	-	23%	11%
13	Santa Fe St./3rd Ave.	-	-	-	-	-	-	278	467	361	497	-	-	-	-	-	-	30%	6%

Notes: Columns A, B, C, and D provide raw traffic counts with no seasonal or school adjustments. Columns A, B, and C present data from previous counts conducted in August 2005, November 2006, and March 2008, respectively. The counts in columns A and C were conducted for other projects in the area, while the counts in column B were conducted for an earlier draft of the Villas de Carmelo traffic study. Column D provides the most recent (August 2008) raw traffic counts that were conducted for the final Villas de Carmelo traffic study. Column E provides the adjusted data, which are the volumes that were used in the analysis. The data in column E includes the adjustments made for seasonal variations and for school not being in session during the August 2008 counts. **Source: Hatch Mott MacDonald TIA and Addendum 2010 (Appendix O, RDEIR). The methods used to adjust the counts to account for school traffic and seasonal variations are discussed on page 7 of the traffic study (Appendix K of the DEIR).**

Intersection Operations

All of the study intersections operate acceptably during the weekday AM peak hour under existing conditions. During the weekday PM peak hour, all of the study intersections operate acceptably, except for the Highway 1/Carpenter Street intersection, which operates at a deficient LOS D. All of the study intersections operate acceptably during the Saturday afternoon peak hour, except for the Highway 1/Ocean Avenue intersection, which operates at a deficient LOS D. The summary of the existing LOS for study intersections is shown in **Figure 4.13-2**.

The Monterey County left-turn warrant is met during both the AM and PM peak hours at the Carpenter Street/Valley Way intersection under existing conditions. The Monterey County left-turn lane warrant methodology can be discounted in this application for several reasons. First, the posted speed limit on Carpenter Street is only 30 miles per hour north of Valley Way and 25 miles per hour south of Valley Way. The County warrants are primarily used for high speed roadways, where left turning vehicles require longer gaps in traffic to complete a left turn movement and the severity of accidents is far higher than at low speed locations such as Carpenter Street. Secondly, volumes at this intersection are far below warrants that have been adopted by other agencies including the United States Transportation Research Board, Federal Highway Administration and Caltrans. Therefore, although desirable, a left turn lane is not essential at this location.

Constraints exist on both sides of Carpenter Street at its intersection with Valley Way, making the installation of a southbound left-turn lane potentially infeasible. Therefore, the County should consider widening the southbound shoulder to provide additional pavement for vehicles to more easily pass vehicles waiting to turn left onto Valley Way in lieu of a full left turn lane. A second alternative the County could consider is changing the Carpenter Street/Valley Way intersection into an all-way stop controlled intersection. Although the all-way stop control warrant is not met at this location, due to the relatively low minor street volumes, the change to all-way stop control would eliminate the need for the southbound left-turn lane. It should be noted that because the Monterey County left-turn lane warrant is met at the Carpenter Street/Valley Way intersection under existing conditions, the County is responsible for implementing an improvement at this location.

The Highway 1/Valley Way intersection does not currently experience capacity-related problems; however, the existing intersection geometry at the Highway 1/Valley Way intersection is such that Valley Way intersects Highway 1 at approximately a 20-degree angle measured from the north. Due to the existing geometry, it is difficult for vehicles to make the right turn from Highway 1 onto Valley Way without encroaching into the opposing lane of traffic on Valley Way. In addition, there is not currently a right turn lane at the southbound Highway 1 approach at Valley Way. Vehicles on southbound Highway 1 must decelerate substantially in the through lane in order to maneuver the sharp right turn at Valley Way. Furthermore, sight distance from Valley Way to Highway 1 is currently hindered by landscaping (cypress/juniper trees and shrubs) located on a narrow strip to the north of Valley Way, which impedes visibility for vehicles making the eastbound right turn from Valley Way onto Highway 1.

The Hatch Mott MacDonald TIA proposed improvements at the Highway 1/Valley Way intersection to improve safety at the intersection. Recommended improvements to the intersection include increasing the radius at the northwest triangular 'corner' of the intersection to improve maneuverability for the southbound right turns from Highway 1 onto Valley Way and trimming/cutting trees and shrubs on this corner to provide sufficient sight distance from Valley Way to Highway 1. Also extension of the pavement on the west side of southbound Highway 1 just before Valley Way was proposed by Hatch Mott MacDonald to provide a "flare" for deceleration for vehicles making the right turn from Highway 1 onto Valley Way. County of Monterey staff and Hexagon Transportation Consultants reviewed the proposed improvements to Valley Way and Highway 1 in coordination with this RDEIR. The

improvements proposed by the Applicant were revised in order to better conform to County and Coastal policy requirements. Refer to **Appendix Q** for the conceptual drawing and County revisions.[2]

Road Segment Analysis

Under existing conditions, one of the five study road segments Highway 1 from Ocean Avenue to Carmel Valley Road operates at an unacceptable LOS F during the weekday AM peak hour. During the weekday PM and Saturday afternoon peak hours, four study road segments operate at a deficient LOS D or worse. A summary of the existing LOS for study road segments is provided in **Figure 4.13-3**.

TIA Recommendations

The TIA identified several recommended improvements discussed in the 2005 Monterey County Regional Transportation Plan (RTP), prepared by TAMC, which would affect the project vicinity. The report also included several additional recommendations in their analysis to improve existing conditions. Planned improvements and additional recommendations are discussed below.

The 2005 Monterey County RTP includes capacity improvements along the Highway 1 corridor in Carmel between the Carmel River Bridge and Carpenter Street on its Unconstrained Regional Project List. These improvements include, but are not limited to, widening Highway 1 in this area to add two more lanes with at-grade or grade-separated interchange improvements. This improvement corridor includes three of the study intersections analyzed in this report, namely the Highway 1/Carpenter Street, Highway 1/Flanders Drive, and Highway 1/Ocean Avenue intersections.

As a component to the corridor-wide improvements, the RTP Unconstrained Regional Project List recommends that northbound Highway 1 be widened to accommodate three northbound lanes. This widening would begin south of the Highway 1/Carpenter Street intersection and continue through the intersection as an auxiliary lane north of the intersection. The auxiliary lane would end at the Highway 1/Highway 68 interchange. In addition, it is recommended that the eastbound approach at the Highway 1/Carpenter Street intersection be widened to accommodate two left-turn lanes, a shared left-through lane, and a dedicated right-turn lane. Additional RTP improvements also include widening of the eastbound and westbound approaches of the Highway 1/Ocean Avenue intersection to accommodate a left-turn lane, a shared left-through lane, and a dedicated right-turn lane.

In addition to the planned improvements in the RTP, the following improvements are recommended in the Hatch Mott MacDonald TIA and its peer review to improve existing conditions:

1. Consider either widening the southbound shoulder at the Carpenter Street/Valley Way intersection to allow vehicles to pass vehicles waiting to turn left onto Valley Way, or consider changing this intersection to all-way stop control to eliminate the need for left-turn channelization on the southbound approach.
2. Increase the radius at the northwest triangular "corner" of the Highway 1/Valley Way intersection to improve maneuverability for the southbound right turns onto Valley Way.
3. Remove and/or trim any trees or shrubs remaining on this corner that interfere with sight distance from Valley Way to Highway 1.
4. Provide a right-turn flare on the southbound Highway 1 approach to Valley Way to provide deceleration for vehicles turning right from Highway 1 to Valley Way.

[2] Per May 27 and June 7, 2010, conference calls to discuss safety improvement for the Valley Way/Highway1 intersection with Hexagon Transportation Consultants, Monterey County Planning Department and Monterey County Public Works Department. Revised plan is shown in **Appendix Q;** See also Mitigation Measure 4.13-2.

	N S Street	E W Street	Existing Operational Lane Configuration	Existing Intersection Control	Overall LOS Standard	Existing Conditions									Existing + Project Conditions									
						AM Peak Hr			PM Peak Hr			Saturday Peak Hr			AM Peak Hr			PM Peak Hr			Saturday Peak Hr			
						Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	
1	Highway 1	Carpenter Street	NB 1 L, 1 T, 1 T/R SB 1 L, 2 T, 1 R EB 2 L, 1 T, 1 R WB 1 L, 1 T/L, 1 R	Signal	C/D	**22.4**	**C**	**0.74**	**53.7**	**D**	**1.05**	**31.3**	**C**	**0.86**	**22.5**	**C**	**0.74**	**54.2**	**D**	**1.05**	**31.4**	**C**	**0.86**
				Mitigation [9]		*18 3*	*B*	*0 68*	*24 8*	*C*	*0 79*	*21 0*	*C*	*0 79*	*18 4*	*B*	*0 68*	*25 1*	*C*	*0 79*	*21 2*	*C*	*0 80*
2	Carpenter Street	Valley Way	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T, 1 R	Stop Sign (EB/WB) WA (WB)	C	**1.2** 15 9	**A** C		**1.2** 23 1	**A** C		**1.0** 15 6	**A** C		**1.4** 16 1	**A** C		**1.4** 23 7	**A** C		**1.2** 16 0	**A** C	
3	Highway 1	Valley Way	NB 1 L, 2 T SB 2 T EB 1 T/R	Stop Sign (EB) WA (EB)	C/D	**0.2** 19 3	**A** C		**0.1** 18 6	**A** C		**0.2** 21 0	**A** C		**0.2** 19 6	**A** C		**0.2** 18 7	**A** C		**0.2** 21 1	**A** C	
4	Highway 1	Flanders Drive	NB 1 T, 1 T/R SB 1 L, 2 T WB 1 L/T/R	Stop Sign (WB) WA (WB)	C/D	**0.3** 11 3	**A** B		**0.5** 14 1	**A** B		**0.2** 10 2	**A** B		**0.3** 11 3	**A** B		**0.5** 14 1	**A** B		**0.2** 10 2	**A** B	
5	Highway 1	Ocean Avenue	NB 1 L, 1 T, 1 T/R SB 1 L, 2 T, 1 R EB 1 L, 1 L/T/R WB 1 L, 1 L/T/R	Signal	C/D	**25.3**	**C**	**0.85**	**33.2**	**C**	**0.93**	**36.6**	**D**	**0.94**	**25.4**	**C**	**0.85**	**33.5**	**C**	**0.93**	**36.9**	**D**	**0.94**
				Mitigation [9]		*22 6*	*C*	*0 78*	*26 6*	*C*	*0 84*	*27 5*	*C*	*0 85*	*22 6*	*C*	*0 79*	*26 7*	*C*	*0 84*	*27 6*	*C*	*0 85*
6	Lower Tra l	Valley Way	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (SB) WA (SB)	C	**3.2** 8 6	**A** A		**2.8** 8 6	**A** A		**2.2** 8 6	**A** A		**2.7** 8 6	**A** A		**2.3** 8 6	**A** A		**1.8** 8 6	**A** A	
7	Lobos Street	Valley Way	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Yield (NB) WA (NB)	D	**0.0** 0 0	**A** A		**0.7** 8 7	**A** A		**0.5** 8 8	**A** A		**0.0** 0 0	**A** A		**0.6** 8 7	**A** A		**0.4** 8 8	**A** A	
8	Valley Way Monterey Street	First Avenue Monterey Street	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (NB & SB) WA (SB)	D	**2.2** 8 7	**A** A		**2.9** 8 8	**A** A		**2.8** 8 8	**A** A		**1.8** 8 8	**A** A		**2.7** 9 0	**A** A		**2.6** 8 8	**A** A	
9	Monterey Street	Second Avenue	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (WB) WA (WB)	D	**5.6** 8 3	**A** A		**3.7** 8 5	**A** A		**5.2** 8 5	**A** A		**5.3** 8 3	**A** A		**3.8** 8 5	**A** A		**5.0** 8 5	**A** A	
10	Carpenter Street	First Avenue	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (EB & WB) WA (EB)	D	**0.4** 15 2	**A** C		**0.4** 19 8	**A** C		**0.5** 14 3	**A** B		**0.4** 15 2	**A** C		**0.4** 19 8	**A** C		**0.5** 14 3	**A** B	
11	Carpenter Street	Second Avenue	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	All way Stop	D	**11.6**	**B**		**15.2**	**C**		**10.9**	**B**		**11.6**	**B**		**15.5**	**C**		**11.0**	**B**	
12	Highway 1	Third Avenue	NB 1 L, 2 T SB 1 T, 1 T/R EB 1 L/T/R	Stop Sign (WB) WA (WB)	C/D	**0.1** 26 0	**A** D		**0.1** 31 3	**A** D		**0.1** 21 4	**A** C		**0.1** 26 1	**A** D		**0.1** 31 4	**A** D		**0.1** 21 4	**A** C	
13	Santa Fe Street	Third Avenue	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (NB & EB) [10] WA (EB)	D	**8.2**	**A**		**9.8**	**A**		**8.1**	**A**		**8.2**	**A**		**9.9**	**A**		**8.2**	**A**	

	N S Street	E W Street	Existing Operational Lane Configuration	Existing Intersection Control	Overall LOS Standard	Cumulative Conditions									Cumulative + Project Conditions								
						AM Peak Hr			PM Peak Hr			Saturday Peak Hr			AM Peak Hr			PM Peak Hr			Saturday Peak Hr		
						Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c	Delay (sec)	LOS	v/c
1	Highway 1	Carpenter Street	NB 1 L, 1 T, 1 T/R SB 1 L, 2 T, 1 R EB 2 L, 1 T, 1 R WB 1 L, 1 T/L, 1 R	Signal	C/D	**34.9**	**C**	**0.87**	**76.0**	**E**	**1.13**	**69.7**	**E**	**0.98**	**35.3**	**D**	**0.87**	**76.4**	**E**	**1.13**	**69.8**	**E**	**0.98**
				Mitigation [9]		*20 7*	*C*	*0 73*	*30 8*	*C*	*0 89*	*27 6*	*C*	*0 89*	*20 8*	*C*	*0 73*	*31 3*	*C*	*0 87*	*27 7*	*C*	*0 89*
2	Carpenter Street	Valley Way	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T, 1 R	Stop Sign (EB/WB) WA (WB)	C	**1.2** 15 9	**A** C		**1.2** 23 3	**A** C		**1.0** 15 7	**A** C		**1.4** 16 2	**A** C		**1.4** 24 0	**A** C		**1.2** 16 1	**A** C	
3	Highway 1	Valley Way	NB 1 L, 2 T SB 2 T EB 1 T/R	Stop Sign (EB) WA (EB)	C/D	**0.2** 21 2	**A** C		**0.1** 23 7	**A** C		**0.2** 27 1	**A** D		**0.2** 21 6	**A** C		**0.2** 24 0	**A** C		**0.2** 27 4	**A** D	
4	Highway 1	Flanders Drive	NB 1 T, 1 T/R SB 1 L, 2 T WB 1 L/T/R	Stop Sign (WB) WA (WB)	C/D	**0.3** 13 3	**A** B		**0.6** 15 6	**A** C		**0.2** 11 4	**A** B		**0.3** 13 3	**A** B		**0.6** 15 6	**A** C		**0.2** 11 4	**A** B	
5	Highway 1	Ocean Avenue	NB 1 L, 1 T, 1 T/R SB 1 L, 2 T, 1 R EB 1 L, 1 L/T/R WB 1 L, 1 L/T/R	Signal	C/D	**29.1**	**C**	**0.90**	**47.3**	**D**	**0.97**	**55.0**	**D**	**1.04**	**29.3**	**C**	**0.90**	**47.7**	**D**	**0.97**	**55.6**	**E**	**1.04**
				Mitigation [9]		*25 0*	*C*	*0 83*	*33 4*	*C*	*0 87*	*38 3*	*D*	*0 95*	*25 2*	*C*	*0 83*	*33 6*	*C*	*0 87*	*38 5*	*D*	*0 95*
6	Lower Tra l	Valley Way	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (SB) WA (SB)	C	**3.2** 8 6	**A** A		**2.8** 8 6	**A** A		**2.2** 8 6	**A** A		**2.7** 8 6	**A** A		**2.3** 8 6	**A** A		**1.8** 8 6	**A** A	
7	Lobos Street	Valley Way	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Yield (NB) WA (NB)	D	**0.0** 0 0	**A** A		**0.7** 8 7	**A** A		**0.5** 8 8	**A** A		**0.0** 0 0	**A** A		**0.6** 8 7	**A** A		**0.4** 8 8	**A** A	
8	Valley Way Monterey Street	First Avenue Monterey Street	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (NB & SB) WA (SB)	D	**2.2** 8 7	**A** A		**2.9** 8 8	**A** A		**2.8** 8 8	**A** A		**1.8** 8 8	**A** A		**2.7** 9 0	**A** A		**2.6** 8 8	**A** A	
9	Monterey Street	Second Avenue	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (WB) WA (WB)	D	**5.6** 8 3	**A** A		**3.7** 8 5	**A** A		**5.2** 8 5	**A** A		**5.3** 8 3	**A** A		**3.8** 8 5	**A** A		**5.0** 8 5	**A** A	
10	Carpenter Street	First Avenue	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (EB & WB) WA (EB)	D	**0.4** 15 3	**A** C		**0.4** 19 9	**A** C		**0.5** 14 4	**A** B		**0.4** 15 3	**A** C		**0.4** 20 0	**A** C		**0.5** 14 4	**A** B	
11	Carpenter Street	Second Avenue	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	All way Stop	D	**11.6**	**B**		**15.5**	**C**		**11.5**	**B**		**11.7**	**B**		**15.7**	**C**		**11.1**	**B**	
12	Highway 1	Third Avenue	NB 1 L, 2 T SB 1 T, 1 T/R EB 1 L/T/R	Stop Sign (WB) WA (WB)	C/D	**0.1** 29 8	**A** D		**0.1** 47 2	**A** E		**0.1** 27 6	**A** D		**0.1** 29 9	**A** D		**0.1** 47 4	**A** E		**0.1** 27 7	**A** D	
13	Santa Fe Street	Third Avenue	NB 1 L/T/R SB 1 L/T/R EB 1 L/T/R WB 1 L/T/R	Stop Sign (NB & EB) [10] WA (EB)	D	**8.2**	**A**		**9.9**	**A**		**8.2**	**A**		**8.3**	**A**		**9.9**	**A**		**8.2**	**A**	

NOTES
1 L, T, R Left, Through, Right
2 NB, SB, EB, WB Northbound, Southbound, Eastbound, Westbound
3 WA Worst Approach
4 Level of service calculated using 2000 Highway Capacity Manual methodologies
5 Overall Monterey County level of service standard is LOS C
6 Overall Caltrans level of service standard is LOS C/D
7 Overall City of Carmel level of service standard is LOS D
8 Worst approach level of service standard is generally LOS E Level of service "F" is the level of service at which improvements would be required
9 These improvements could be implemented as a component to the corridor wide improvements to Highway 1 in the vicinity of Carmel, as included in the 2005 Monterey County Regional Transportation Plan Unconstrained Regional Projects List
10 Synchro is unable to model the acutal configuration of this intersection (stop control on NB and EB approaches) Therefore, this intersection was analyzed as all way stop, as a worst case

Source: Higgins Associates, 2008

Intersection Levels of Service Summary Table

Figure 4.13-2

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Segment	Direction	HCM Classification	Number of Lanes	Existing Conditions						Existing + Project Conditions						Cumulative Conditions						Cumulative + Project Conditions					
				AM Peak Hr		PM Peak Hr		Sat Peak Hr		AM Peak Hr		PM Peak Hr		Sat Peak Hr		AM Peak Hr		PM Peak Hr		Sat Peak Hr		AM Peak Hr		PM Peak Hr		Sat Peak Hr	
				Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS
Highway 1 btw Holman Highway and Carpenter Street /a/	Both	4E	4-lane Freeway	4,160	C	5,188	C	4,760	C	4,171	C	5,201	C	4,818	C	4,601	C	5,786	D	5,358	C	4,612	C	5,799	D	5,416	C
Highway 1 btw Carpenter Street and Valley Way /b/	Both	4E	4-lane Expressway	3,132	C	3,777	D	3,658	D	3,133	C	3,779	D	3,660	D	3,569	C	4,042	D	4,249	D	3,570	C	4,370	D	4,251	D
Highway 1 btw Valley Way and Flanders Drive /b/	Both	4E	4-lane Expressway	3,160	C	3,799	D	3,689	D	3,165	C	3,804	D	3,694	D	3,597	C	4,390	D	4,280	D	3,602	D	4,395	D	4,285	D
Highway 1 btw Flanders Drive and Ocean Avenue /b/	Both	4E	4-lane Expressway	3,099	C	3,693	D	3,618	D	3,104	C	3,697	D	3,622	D	3,536	C	4,284	D	4,209	D	3,541	C	4,288	D	4,213	D
Highway 1 btw Ocean Avenue and Carmel Valley Road /a/	NB	2R	2-lane Rural Highway	1,387	D	1,899	E	1,647	D	1,388	D	1,903	E	1,651	D	1,688	D	2,125	E	1,873	E	1,689	D	2,129	E	1,877	E
	SB		1 lane /c/	1,625	F	1,582	F	1,631	F	1,628	F	1,584	F	1,633	F	1,756	F	1,940	F	1,989	F	1,759	F	1,952	F	1,991	F

Source: Villas De Carmelo Traffic Impact Analysis, September 4, 2008, by Higgins Associates
/a/ Additional roadway segments analyzed by Hexagon.
/b/ Roadway segments included in the Villas De Carmelo traffic impact analysis.
/c/ Assumes capacity of 1,500 vehicles per hour (vph) per HCM 2000.

Source: Higgins Associates, 2007
(Updated by Hexagon Transportation Consultants, 2010)

Road Segment Levels of Service Table

Figure 4.13-3

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Construction Traffic

Construction of the proposed project is anticipated to occur over approximately nineteen months. Construction would primarily be accomplished using diesel-powered heavy equipment. A variety of project construction activities would include clearing, excavation, and grading operations, import/export of fill material, and construction vehicle travel. The proposed project would be constructed in two phases. Phase 1 would include all planned demolition and grading activities on the project site, as well as all utility access infrastructure extensions. Phase 1 would involve construction of thirty of the proposed forty-six units on the project site (units 1-13 and units 30-46). Phase 2 would involve construction of the remaining proposed sixteen units on the project site (units 14-29). The project will require extensive grading on the site to facilitate construction of proposed uses. The site would be graded to utilize the existing topography including grading of slopes for parking garages and to minimize the height and visibility of the buildings. Proposed grading would occur throughout most of the site and would involve approximately 13,242 cubic yards (CY) of cut/fill. The grading will be subject to grading plan approval by the County of Monterey.

There are typically two different periods of grading: a "rough" or "mass" grading phase that requires excavators and dozers and then a "fine" grading phase that may include motor graders, rollers, scrapers, and loaders. This equipment is typically used from four to eight hours per day. Other phases of construction use smaller sized equipment (e.g., some loaders, forklifts), but include numerous heavy-duty truck deliveries for cement, asphalt, building materials, and landscaping materials.

Total earth disturbance has been estimated to be approximately 13,242 cubic yards (CY) with 9,589 CY of cut and 3,653 CY of fill. Therefore, the net amount of cut, which would be exported from the project site, would be 5,936 CY. Additional material would be imported to the site. This would include base rock, select soil/gravel for trenches and building pads, concrete, and asphalt for paving. Building materials would also be imported to the site. Net cut would be exported from the project site to the Monterey Peninsula Landfill north of Marina or another appropriate disposal site. As such, traffic from these various activities would be ongoing throughout the demolition, building, and rehabilitation processes for the project site. The contractor is required to prepare a Construction Traffic Management Plan and obtain approval from the Monterey County Public Works Department, Monterey County Planning Department, and the California Department of Transportation; the contractor must also adhere to their specific requirements regarding traffic from construction vehicles. Construction hours as well as parking will be restricted; construction vehicles are permitted only between 7:30 a.m. and 3:30 p.m.

Regulatory Framework

Monterey County General Plan. The traffic element of the General Plan provides policies that promote a safe, effective, and economical transportation system that will service the existing and future land uses of the county. The following traffic goals apply to development in the project area:

37.2.1 Transportation demands of proposed development shall not exceed an acceptable level of service for existing transportation facilities, unless appropriate increases in capacities are provided for.

37.4.1 The County shall encourage overall land use patterns which reduce the need to travel.

37.5.1 The design and location of new development shall consider and incorporate provisions for appropriate transportation modes.

38.1.2 The effects of road noise on County roads and highways shall be mitigated to comply with all noise control policies of this General Plan.

38.1.5 Adequate traffic capacity shall be a criterion for development consideration.

39.1.1 All available public and private sources shall be used for the funding of road and highway development, improvement, and maintenance.

39.1.2 The cost of new roads shall be borne as equitably as possible among benefiting property owners and/or users.

39.1.3 Rights-of-way needed for new roads or expansion of existing roads shall be planned for; land uses that would preclude the timely development of such rights-of-way shall be prohibited.

39.1.4 New development shall be located where there is existing road and highway capacity or where adequate road and highway capacity will be provided.

39.2.1 All new road and interior circulation systems shall be designed, developed, and maintained according to adopted County standards.

39.2.5 Driveways, mid-block access points, intersections, and on-street parking shall be limited along major roads and highways, where possible.

40.2 Employ a cooperative planning effort among all public and private interests to implement appropriate land use techniques and controls for maintaining the scenic beauty and atmosphere of the scenic corridor.

40.2.1 Additional sensitive treatment provisions shall be employed within the scenic corridor, including placement of utilities underground, where feasible; architectural and landscape controls; outdoor advertising restrictions; encouragement of area native plants, especially on public lands and dedicated open spaces; and cooperative landscape programs with adjoining public and private open space lands.

40.2.2 Land use controls shall be applied or retained to protect the scenic corridor and to encourage sensitive selection of sites and open space preservation. Where land is designated for development at a density which, should maximum permissible development occur, would diminish scenic quality, the landowner shall be encouraged to voluntarily dedicate a scenic easement to protect the scenic corridor.

Carmel Area Land Use Plan/Local Coastal Program. The Carmel Area Land Use Plan includes policies regarding traffic and circulation in the Carmel Area. Relevant, project-specific, polices are listed below.

3.1.3.7 The number of private roads and recreational access road entrances off Highway 1 should be limited whenever possible for traffic safety and management purposes.

3.1.3.9 Major development projects - both residential and recreation and visitor-serving, including significant expansion of existing facilities - should be required to contribute their "fair-share" towards improvements of Highway 1 required as a result of traffic generated by the particular project.

Evaluation for project consistency with applicable Monterey County General Plan and Carmel Area Land Use Plan policies is provided in **Table 4.9-1** within **Section 4.9 Land Use and Planning.**

Thresholds of Significance

Significance criteria are used to establish what constitutes a project impact. For this analysis, the significance criteria are based on the Monterey County Public Works Department "Guide for the Preparation of Traffic Impact Studies," April 2003 for County roadways and the Caltrans level of service standard[3]. The following summarized the significance criteria:

County of Monterey. The County of Monterey's significance criteria for signalized intersections states that if a signalized intersection currently operates at LOS D or LOS E, a significant impact occurs if the critical movements' volume to capacity (v/c) ratio is increased by 1% (0.01) with the addition of project trips. If a signalized intersection currently operates at LOS F, the addition of a single project trip is considered significant. The County's significance criteria for unsignalized intersections states that a significant impact occurs if any traffic movement has LOS F or if any traffic signal warrant is met. The County's significance criteria for County roadway segments states that a significant impact occurs if any County roadway segment operating at LOS A through C degrades to a lower LOS of D, E, or F with the addition of project trips. If the segment is already operating at LOS F, the addition of a single trip is considered significant.

Caltrans. The standard from Caltrans for freeway facilities is stated as the transition between LOS C and D. Though there are no published Caltrans significance criteria, based upon standard industry practice as confirmed by the peer review traffic consultant for this EIR and as used historically, the addition of traffic equivalent to 1% or more of a freeway segment capacity already operating at LOS F has been considered a potentially significant impact.

CEQA Guidelines. In accordance with CEQA Guidelines, a project impact would be considered significant if the project would:

- cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections);
- exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways;
- result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- result in inadequate emergency access;

[3] Per Hexagon, traffic increases could occur at intersections and on roadways currently operating at undesirable levels of service without creating a significant impact. CEQA and other state law establish that new development cannot be required to correct existing deficiencies. In addition, a proposed development is also only responsible for mitigating its own impacts or paying its proportional share of cumulative impacts. This means that project mitigation does not have to result in an acceptable level of service. It only has to result in conditions equal to the pre-project condition. The determinations made in the traffic study regarding significance and mitigations are in accordance with these standards.

- result in inadequate parking capacity; or
- conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Impacts and Mitigation

Increase in Traffic Load

Existing Plus Project Conditions

The project trips were combined with existing condition volumes to develop existing plus project volumes for peak AM and PM conditions.

Intersection Operations

Under existing plus project conditions, all of the study intersections operate acceptably during the AM peak hour. During the PM peak hour, all of the study intersections operate acceptably, except the Highway 1/Carpenter Street intersection, which is expected to continue to operate deficiently at LOS D. The intersection already operates deficiently during the weekday PM peak hour under existing conditions. The addition of project trips will not result in a significant impact at this intersection, because the critical movement volume to capacity (v/c) ratio does not increase at the intersection with the addition of project trips.

All of the study intersections are expected to continue operating acceptably during the Saturday afternoon peak hour under existing plus project conditions, except for the Highway 1/Ocean Avenue intersection, which is expected to continue to operate deficiently at LOS D. The addition of project trips will not result in a noticeable increase in delay at this intersection, which already operates deficiently during the Saturday afternoon peak hour under existing conditions.

As defined by the Monterey County significance criteria, and the analysis contained herein, the project does not create a significant impact on any of the selected intersections. A summary of the existing intersection LOS is provided in **Figure 4.13-2.**

Road Segment Operations

Under existing plus project conditions, one of the study road segments is shown to operate at an unacceptable LOS F during the AM peak hour (Highway 1 from Ocean Avenue to Carmel Valley Road). Four of the five study segments will continue to operate at an unacceptable LOS D or worse during the weekday PM and Saturday afternoon peak hours. Highway 1 from Ocean Avenue to Carmel Valley Road additional discussion is presented below. For all other study segments, the project does not create a significant impact on any of the segments identified to operate deficiently as defined by the Monterey County significance criteria, because the addition of project trips does not cause the LOS on any of the segments to degrade.

Highway 1 from Ocean Avenue to Carmel Valley Road. The addition of project traffic to the Highway 1 segment from Ocean Avenue to Carmel Valley Road during each of the peak hours represents a potentially significant project impact. Based on the criteria for significant project impacts, the project would not have an unavoidable significant impact on this road segment, as it would not degrade the

existing LOS E to a lower level of service based upon the HCM 2000 most appropriate classification of Highway 1 as a two lane highway. [4]

A summary of the existing road segment LOS is provided in **Figure 4.13-3.**

The effect of project traffic on the roadway segments is based on the gross estimated trips to be generated by the proposed project. The analysis does not apply any credit/discount to the estimated trips for existing uses of the site. As identified, the existing uses are ongoing and not related to historic use of the site (previous and permitted use of the convalescent hospital). Assuming the traffic from existing uses of the facilities operating on site, and that these uses will be eliminated with the implementation of the project, reduces the estimated trip generation for the project. In this scenario, the net added trips to the Highway 1 southbound segment between Ocean Avenue and Carmel Valley Road would be less than one trip. The addition of project traffic would not result in an impact to the identified segment based upon County of Monterey significance criteria, if it were to be applied to this highway segment.

Additionally, per the February 17, 2010 Hexagon memorandum included as Appendix Q, the roadway segment analysis utilizes County of Monterey significance criteria for a Caltrans facility. The Caltrans level of service standard for freeway facilities is stated as the transition between LOS C and D. Based upon standard industry practice as confirmed by the peer review traffic consultant for this EIR, the addition of traffic equivalent to 1% or more of a highway segment capacity already operating at LOS F is considered a potentially significant impact.

The addition of one or more peak trips to the Highway 1 segment from Ocean Avenue to Carmel Valley Road during each of the peak hours adds traffic to an already impacted road segment. However, the project would not degrade the existing LOS E to a lower level of service based upon the HCM 2000 most appropriate classification of Highway 1 as a two-lane highway and therefore would not be considered a significant impact. This conclusion is consistent with the analysis identified by Hexagon (**Appendix P**), discussed above.

Impact : The proposed project would add one or more peak hour trips to the Highway 1 roadway segment between Ocean Avenue and Carmel Valley Road that is operating at unacceptable LOS conditions under existing conditions. This is a potentially significant impact based upon County of Monterey significance criteria under LOS F conditions for Highway 1 segment, although is not considered a significant impact based upon typical highway criteria, or under the LOS E existing condition.

The effect of project traffic on the analyzed roadway segments is also based on the gross estimated trips to be generated by the proposed project. The roadway segment analysis is based upon Caltrans Highway classification and significance criteria for a Caltrans facility (Highway 1) indicates an E LOS. Additionally, the proposed project will add an estimated 1-2 trips to the Highway 1/Ocean Avenue Southbound roadway segment during the peak hour. This equates to approximately one additional vehicle every 30 to 60 minutes and is not therefore considered a significant impact.

[4] Highway 1 between Rio Road and Carpenter Street has four signals over its 1.9 mile length, resulting in an average signal spacing of about 0.6 miles with a speed limit of 40 miles per hour, multiple driveways and pedestrian crossings at Highway 1 and Ocean. HCM 2000 classifications for determining level of service include Class II two lane highway which assumes a higher free flow speed. According to the Hatch Mott MacDonald TIA addendum, as summarized in **Appendix O and Appendix P**, Highway 1 south of Ocean Avenue operates at LOS E in the southbound direction.

Mitigation: None proposed. No funding program or improvement has been identified for this road segment for capacity improvements. Applicant shall pay required TAMC Regional Impact Fee.

There are no adopted funding programs for capacity improvements to traffic operations along Highway 1 southbound between Ocean Avenue and Rio Road in this section of Highway 1 in the TAMC regional impact fee program. However, there is a project and improvement that is identified in the 2005 Monterey County Regional Transportation Plan, Item CT007. While it is an unconstrained project, the description does include capacity improvements and widening of Highway 1 (2005 Regional Transportation Plan, Unconstrained Item CT007 Caltrans SR 1 - Carmel Corridor Capacity Improvements (MON-1-72.9/74.56) widen to add two more lanes with at-grade or grade separated interchange improvements, between Carmel River Bridge and Carpenter Street).

Physical mitigation of the impacted roadway segment is not likely, as it would require the widening of the identified segment to two travel lanes in the southbound direction. The roadway widening may require acquisition of right-of-way and cause adverse environmental effects such as increases in noise and air pollution due to the additional roadway segment capacity. Per CEQA Guidelines § 15130(a)(3), payment of fees is an equitable and typical method for collecting the necessary funds to implement transportation improvements. Monterey County has had a history of collecting the Carmel Valley Traffic Impact Fee (CVTIF), which has been used for funding the planned improvements along Carmel Valley Road. However, in this area of Highway 1, there are no identified specific improvements that are proposed other than the capacity improvements identified in the 2005 RTP, which are not currently funded.

Currently, Caltrans is also proposing safety improvements through construction of an extended northbound right turn lane on Highway 1 from Carmel Valley Road to Rio Road and to provide intersection improvements at both Carmel Valley Road and Rio Road as well as southbound Highway 1 pedestrian and bicycle improvements.

Project Trip Generation

The Traffic Impact Analysis (TIA) evaluated the trip generation that would result from the implementation of the proposed project. The recommended trip generation rates for use in the County of Monterey are those contained in the Institute of Transportation Engineers (ITE) trip generation manual. The TIA used the ITE *Trip Generation* 7th edition rates for Residential Condominium/Townhouse (land use code 230) for the market rate condominiums, affordable housing units, and workforce housing units to estimate the trips that will be generated by the proposed project. It is reasonable to assume that the ITE trip generation rates for the condominium/townhouse land use used to estimate the proposed project will closely resemble the actual trip generation of the proposed project because the ITE condominium/townhouse land use is similar to the proposed condominium/affordable housing/workforce units. Since the completion of the TIA, the ITE has published a more recent trip generation handbook. The daily trip generation rate for the Residential Condominium/Townhouse land use in the 8th Edition (2008) has been reduced to 5.81 daily trips per unit. Thus, the use of the 7th edition rates yields a more conservative estimate of project-generated trips. Exhibit 10 of **Appendix K** shows a summary of the AM and PM peak hour, trip generation characteristics for the proposed project.

Historic Trip Generation

Although the site has been predominantly vacant for three years with limited traffic generation, the site has historically generated traffic on the surrounding street network. The site of the proposed project was home to the Community Hospital of the Monterey Peninsula (CHOMP) from about 1934 until 1961.

More recently, the site was home to a convalescent hospital, Alzheimer's Clinic, Montessori school and pre-school until 2005. Additionally, a counseling group known as "Breakthrough" currently occupies a portion of the site and has been meeting at the site for approximately two to three years. Below are the trip generation estimates for the hospital, clinic, and preschool uses, as estimated using standard trip generation rates for each use as cited from Trip Generation, 7th Edition, published by the Institute of Transportation Engineers (ITE) in 2003. A summary of the trip generation rates for the historic uses and for the proposed uses is provided in **Figure 4.13-4** and discussed below.

As a 35-bed hospital, it is estimated that the project site generated approximately 413 daily trips, with 40 trips during the weekday AM peak hour (28 in, 12 out) and 46 trips during the weekday PM peak hour (17 in, 29 out). As a 78-bed convalescent hospital, Alzheimer's clinic, and pre-school, it is estimated that the project site generated approximately 306 daily trips, with 34 trips during the AM weekday peak hour (21 in, 13 out) and 39 trips during the PM weekday peak hour (16 in, 23 out).[5]

Project Trip Distribution

The distribution of trips generated by the project was developed based upon existing traffic patterns and land uses in the vicinity of the project. **Figure 4.13-5** displays the distribution of project trips for the proposed project and the trip assignment for the new project trips. The following distribution was used for the trips:

To/from North (via Highway 1) 50%
- via Valley Way 20%
- via Carpenter St. 30%

To/from South (via Highway 1) 30%
- via east Ocean Ave. 5%
- via Highway 1 south of Ocean Ave. 25%

To/from the West..... 20%
- via Valley Way west of Carpenter St. 5%
- via Ocean Ave. to Carpenter St. 15%

TOTAL: 100%

Based on the ITE rates, the project would generate an estimated maximum of 269 total daily trips, with 21 trips during the weekday AM peak hour (4 in, 17 out), and 25 trips during the weekday PM peak hour (16

[5] A comparison of the trip generation estimates for the proposed project and those of the site's historical uses indicates that the proposed project will generate less traffic than the allowable hospital, clinic, and preschool uses on a daily basis as well as during the AM and PM peak hours. Although the convalescent hospital is not currently active, its use permit is still valid. Regardless, the proposed project's trip generation estimates used in this traffic impact analysis did not apply any trip generation credit for the historical or current allowable uses on the site. Therefore, a conservative analysis of the effects of project traffic on the surrounding roadway network is evaluated.

	ITE LAND USE CODE	PROJECT SIZE	DAILY TR PS	WEEKDAY AM PEAK HOUR					WEEKDAY PM PEAK HOUR				
				TOTAL PEAK HOUR	% OF ADT	IN	/	OUT	TOTAL PEAK HOUR	% OF ADT	IN	/	OUT
TRIP GENERATION RATES[1]													
Residential Condominium/Townhouse (per unit)	230		5 86	0.44	8%	17%	/	83%	0.52	9%	67%	/	33%
Pre-School (Day Care Center) (per student)[2]	565		4.48	0.80	18%	53%	/	47%	0.82	18%	47%	/	53%
Hospital (per bed)	610		11.81	1.13	10%	70%	/	30%	1.30	11%	36%	/	64%
Nursing Home (per bed)	620		2 37	0.17	7%	69%	/	31%	0.22	9%	33%	/	67%
Alzheimer's Clinic (Nursing Home)[3]	620		2 37	0.17	7%	69%	/	31%	0.22	9%	33%	/	67%
PROPOSED USE													
Market Rate Condominiums	230	33 Units	193	15	8%	3	/	12	18	9%	12	/	6
Affordable Housing Units	230	9 Units	53	4	8%	1	/	3	5	9%	3	/	2
Workforce Housing Units	230	4 Units	23	2	9%	0	/	2	2	9%	1	/	1
TOTAL PROPOSED PROJECT TRIP GENERATION		**46 Units**	**269**	**21**	**8%**	**4**	**/**	**17**	**25**	**9%**	**16**		**9**
HISTORIC USES													
Convalescent Hospital	620	78 Beds	185	13	7%	9	/	4	17	9%	6	/	11
Alzheimer's Clinic	620	4 Beds	9	1	11%	1	/	0	1	11%	0	/	1
Pre-School	565	25 Students	112	20	18%	11	/	9	21	19%	10	/	11
Total Historic Trip Generation			306	34	11%	21	/	13	39	13%	16	/	23
NET PROJECT TRIP GENERATION (proposed use minus historic use)			**-37**	**-13**	**35%**	**-17**	**/**	**4**	**-14**	**38%**	**0**		**-14**
Hospital	610	35 Beds	413	40	10%	28	/	12	46	11%	17	/	29
NET PROJECT TRIP GENERATION (proposed use minus historic use)			**-144**	**-19**	**13%**	**-24**	**/**	**5**	**-21**	**15%**	**-1**		**-20**

Notes:

1. Trip generation rates published by Institute of Transportation Engineers, "Trip Generation," 7th Edition, 2003, unless otherwise noted.
2. ITE does not have published rates for a pre-school land use. Rates used here are for a day care land use.
3. ITE does not have published rates for a an Alzheimer's clinic. Rates used here are for a nursing home land use.

Historic Site Trip Generation

Figure 4.13-4

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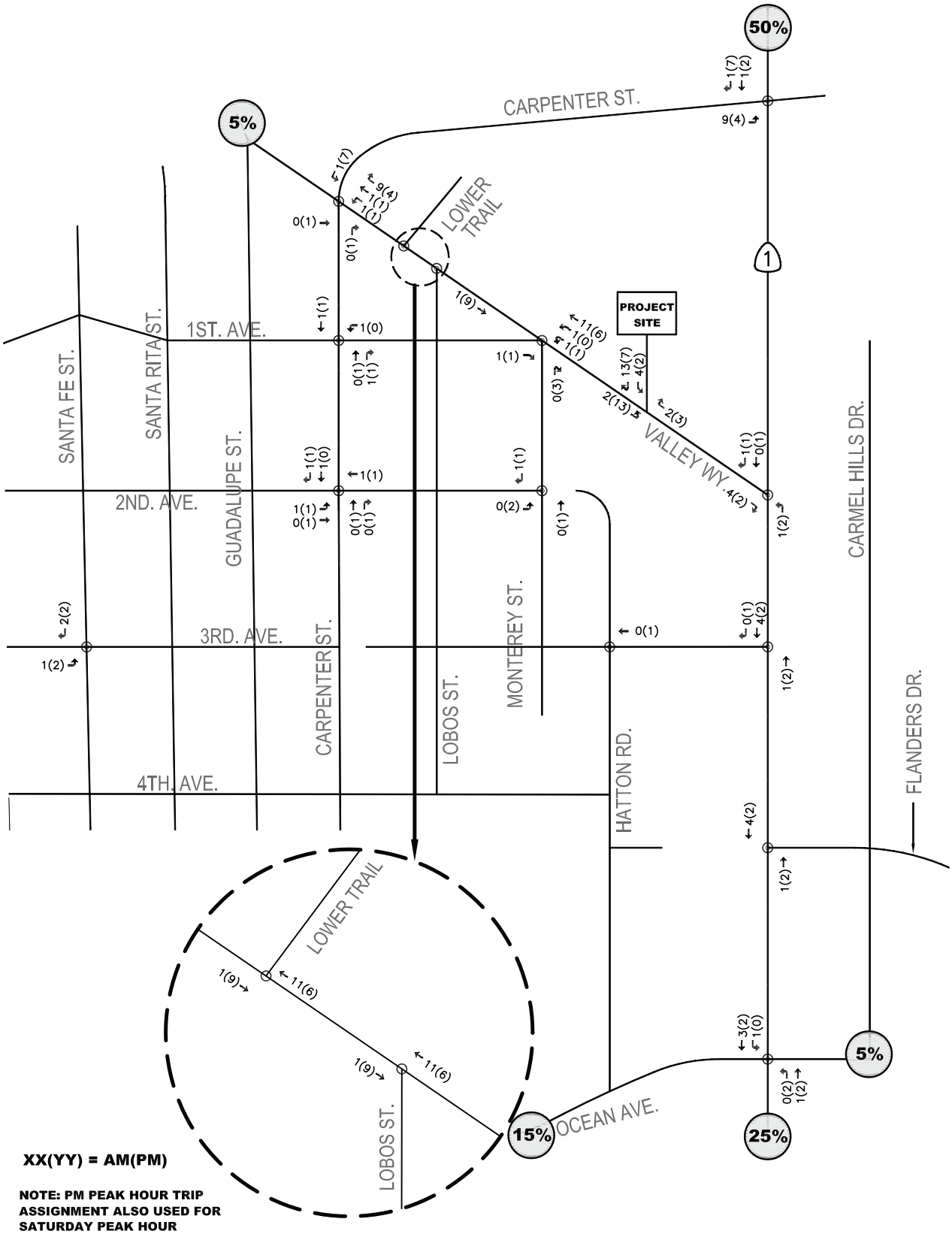

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Project Trip Distribution and Assignment

Figure 4.13-5

in, 9 out). *As deficiencies have been identified under existing conditions for these areas, the addition of 269 trips would represent a potentially significant impact that can be reduced to less-than-significant with incorporation of the following mitigation measures as a condition of the project's approval.* Implementation of the following mitigation would not result in any new environmental impact beyond those identified in this Draft EIR.

Impact **The proposed project would add an estimated 269 total daily trips to the local street system and Highway 1, which have been identified as deficient in LOS standards. *This is a potentially significant impact that can be reduced to a less-than-significant level with the following mitigation measure.***

Mitigation

4.13-1 Prior to recordation of the proposed project's Final Map, the project applicant/developer shall provide evidence to the appropriate responsible agency of the future costs of the following improvements to the Monterey County Planning Department:

a. Widening of the southbound shoulder at the Carpenter Street / Valley Way intersection to allow vehicles to pass other vehicles waiting to turn left onto Carpenter Street.

b. Provide intersection improvements at Highway 1 and Valley Way to include: [6]
   1. Provision of additional pavement widening to increase the southbound right turn radius for better maneuverability;
   2. Addition of a median and additional signage to reinforce the existing left turn prohibition from Valley Way. Median design shall be painted or raised depending on final design approval;
   3. Removal and/or trimming of trees or shrubs on the triangular corner of Highway 1 / Valley Way that interfere with the sight distance from Valley Way to Highway 1 to be subject to the approval of the Monterey County Planning Department to ensure that existing landscaping is maintained.
   4. Provide an appropriate right-turn lane for Highway 1 southbound approach to Valley Way for safe deceleration for vehicles turning right from Highway 1 to Valley Way.

Note: Mitigation 4.13-1 identifies the applicant shall pay a pro-rata share of the costs of proposed safety improvements to the appropriate responsible agency. Responsible agencies identified for these improvements include Monterey County and Caltrans for Highway 1 improvements. Additionally, though the applicant is considered responsible for only their fair share of the proposed safety improvements, the applicant has volunteered to perform all of the proposal safety improvements as a condition of the project's approval.

Project Access and Circulation

Access to the project site is currently provided via a driveway on Highway 1 and a second driveway on Valley Way. The existing access driveway on Highway 1 will be closed as described below and required by Caltrans, thus no direct access to Highway 1 from the proposed project site will be provided. A new driveway on Valley Way will provide primary access to and from the project site. This proposed driveway is located southeast of the existing driveway. Emergency access will be provided to the site via a landscaped "driveway" in the approximate location of the existing driveway on Valley Way. The

[6] Conceptual Plan is shown in **Appendix Q**. Proposed improvements are conceptual and subject to the review and approval by the Monterey County Planning Department and Monterey County Public Works Department. All improvements must be coordinated with Caltrans and required encroachment permits granted.

Source: Higgins Associates, 2007

N

Project Site Plan

Figure 4.13-6

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driveway will be gated to restrict its use to emergency vehicles only. Additionally, one of the proposed residential units (Unit 23) will be served by a driveway directly from Valley Way. Valley Way is a local street with its primary function to provide access to the adjoining properties. It is aligned with single-family residential driveways and has a 25-mile per hour speed limit. A driveway, serving Unit 23, is similar in nature to the other driveways along this roadway and will not represent a hazardous condition. **Figure 4.13-6** shows the proposed project site plan. The width of all internal roadways is 20 feet, which is considered adequate for two-way traffic. Additionally, Monterey Salinas Transit (MST) offers bus service from Carmel to the Edgewater Transit Exchange in Sand City (Route 11). Bus stops are located on Carpenter Street near Valley Way.

Sight distance analysis was performed for the existing driveway access to the project site from Highway 1 to determine if the existing sight distance is adequate for both the left and right turn movements out of the driveway given the geometric design of Highway 1 and the prevailing vehicle speeds on Highway 1.

Highway 1 is a four-lane undivided highway in the vicinity of the project. The posted speed limit on Highway 1 is 40 mph and the highway descends at an approximate 2% grade from north to south along the project frontage. The existing driveway is located on the outside of a curve on Highway 1 and is stop-controlled.

There are existing operational problems associated with the right and left turns entering and exiting the existing driveway. This driveway is currently deficient for use by even one vehicle. As such, additional use of this deficient driveway generated by any additional development (1 single family home, 7 single-family homes, or 46 condominiums) would exacerbate the existing unsafe conditions created by the deficient sight distance at this driveway. The extensive improvements required to allow them would require excessive grading and possible right-of-way acquisition. Even then, less-than-desirable operational problems would remain due to the very high traffic volumes and relatively high speeds on this section of Highway 1. It is expected that the improvements needed to provide the required sight distance from this driveway and to provide necessary channelization on Highway 1 might be completely infeasible due to physical constraints. As the project would result in unsafe conditions for immediate access to Highway 1 and improvements are infeasible, there would be potentially significant impacts related to project access. *This represents a potentially significant impact that can be reduced to less-than-significant with incorporation of the following mitigation measure*. Implementation of the following mitigation would not result in any new environmental impact beyond those identified in this Draft EIR.

The intersections of Carpenter Street and Highway 1 with Valley Way were identified as having operational/safety problems under existing conditions. The operational/safety problems are primarily due to inadequate existing roadway capacity and sub-standard design of the roadway system. Improvements were recommended to improve existing operational problems at each of the intersections in the TIA and are also identified in **Mitigation Measure 4.13-1**, above.

The Carpenter Street and Highway 1 intersections with Valley Way essentially serve as project access points since there are no other means of access to the project site and the addition of project traffic will contribute to the existing operational problems at the intersections. Each of the identified improvements would improve access to the project site. As such, the project should contribute a fair-share towards the cost of the identified improvements.

Impact **The project has the potential to result in unsafe conditions for immediate driveway access to Highway 1.** ***This is a potentially significant impact that can be reduced to a less-than-significant level with the following mitigation measure.***

Mitigation

4.13-2 Prior to issuance of any project-related permits, the applicant/developer shall submit to the Monterey County Planning Department evidence provided by the California Department of Transportation that access to the existing driveway on Highway 1 that serves the project site has been closed to vehicular traffic due to significant sight distance and traffic operational deficiencies.

Construction Related Traffic

The project would require extensive grading on the site to facilitate construction of proposed uses. Construction related traffic would occur due to the movement of 13,242 cubic yards (CY) of cut/fill, the movement of heavy machinery and supplies, and the removal of construction and demolition materials for disposal. Traffic related to the importation of additional material to the site would also increase. These materials would include base rock, select soil/gravel for trenches and building pads, concrete, and asphalt for paving. Construction related truck traffic of the proposed project would result in approximately 59 truck trips during project grading to remove 5,936 cubic yards of earth materials. Each truck will haul approximately 100 cubic yards of cut from the project site to the Monterey Peninsula Landfill. A proposed routing plan for the delivery of earth materials to be exported from the project site to the landfill is included as **Figure 4.13-7.**

As such, there is potential for traffic-related impacts to occur from construction activities at the site. *Although construction related traffic impacts are temporary in duration, a significant impact could occur without appropriate mitigation in order to reduce impacts to a less-than-significant level.* Implementation of the following mitigation would not result in any new environmental impact beyond those identified in this Draft EIR.

Impact **The project would result in increased traffic loads in the project vicinity due to construction related traffic.** ***This would represent a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation measure.***

Mitigation

4.13-3 Prior to commencement of construction activities, the project contractor will prepare a Construction Management Plan, which will include, but not be limited to, a traffic construction management plan with the following conditions and shall be subject to review and approval by Monterey County Public Works Department and California Department of Transportation prior to issuance of any encroachment permits. The traffic Construction Management Plan shall, at a minimum, include the following measures:

- In order to minimize impacts from construction-related traffic, the project contractor shall ensure that the exportation of earth materials from the project site only occur between the hours of 7:30 AM and 3:30 PM.
- The project contractor shall implement truck haul routes for construction trucks deemed acceptable by the County, designed to help mitigate traffic congestion during the peak traffic

hours. The truck haul routes shall be limited to the roadways and accesses to the project site, which will avoid commuter and special event traffic to the maximum extent.

- Additionally, signs shall be posted along roads identifying construction traffic access or flow limitations on one-way road or single lane conditions during periods of truck traffic during the peak hour. Signs shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 50 feet before such traffic access limitation as necessary during the hauling of materials.
- Construction equipment shall be stored on the project site and construction vehicles shall not be allowed to park in front of residential homes within the residential neighborhood during the construction phase of the project.
- The Construction Management Plan shall be implemented by all relevant contractors at the site and shall be monitored by the Monterey County Planning Department and Building Services Department during demolition and grading activities at the site.

Project Parking Analysis

Monterey County Zoning Ordinance Section 20.58.040 provides requirements for adequate parking for proposed projects. The following calculations identify the project's parking requirements, based on condominium standards.

27 2-bed units @ 2 per unit	54 stalls
19 3-bed units @ 2.2 per unit	42 stalls
1 stall every 4 units	12 stalls
Total required	108 stalls

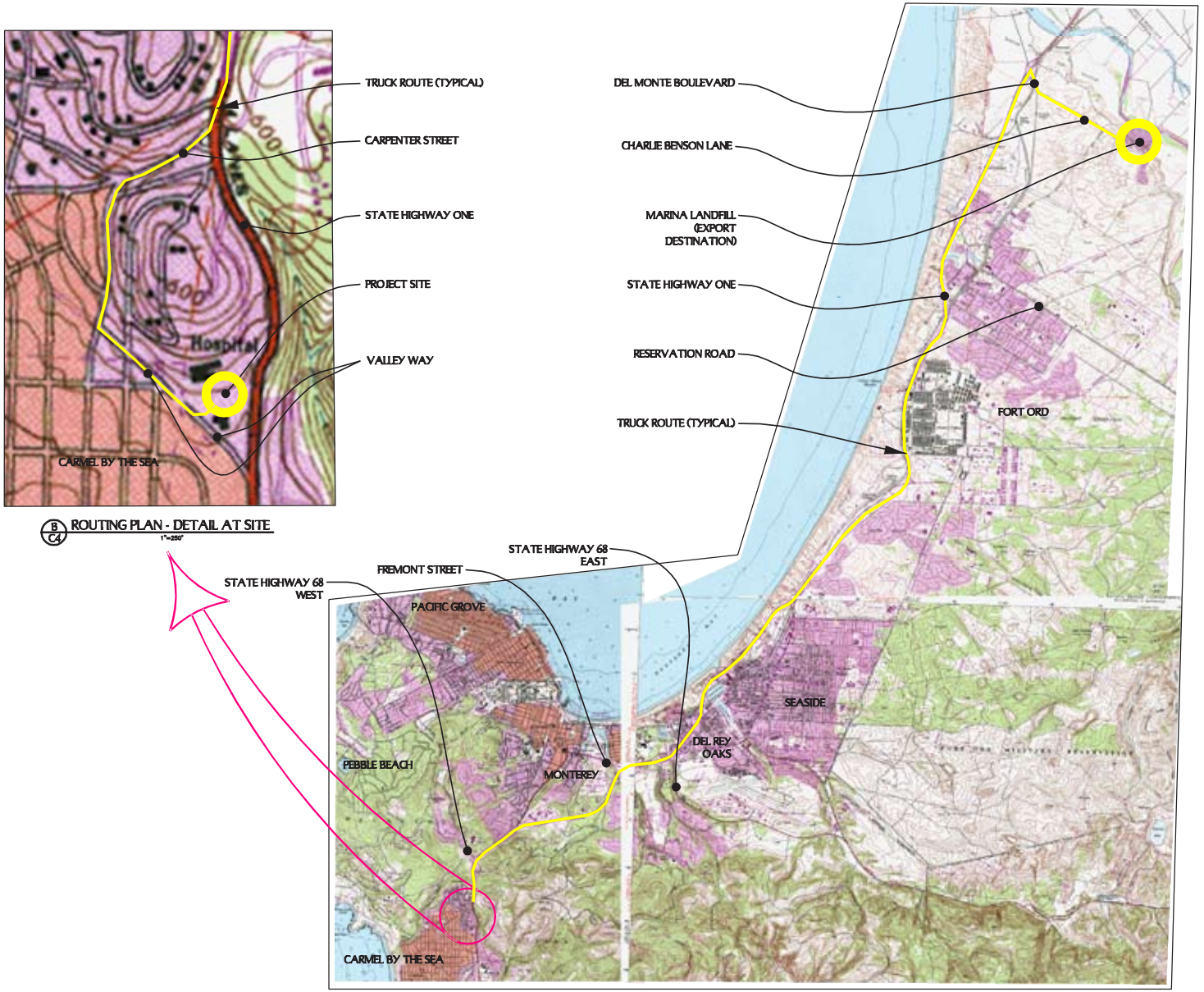
The project proposes to make the following parking available for the project:

38 2-car garages	76 stalls
Underground parking garage	14 stalls (includes 2-handicapped)
Surface parking	18 stalls (includes 1-handicapped)
Total provided	108 stalls

Per the project site plan (Figure 4.13-6 in the DEIR), 38 of the 46 units will have their own 2-car garage. The underground parking garage will contain 14 stalls and an additional 18 stalls will be provided as surface parking. Based on these calculations, the project's parking supply for residents and guests meets the requirements of the Monterey County Zoning Ordinance Section 20.58.040. ***As such, no impacts related to parking availability would result from project implementation.***

Indirect Traffic Impacts

The TIA also conducted an analysis of the indirect traffic related impacts. Unlike the level of service and roadway analysis methodology, which has established impact thresholds, the analyses contained in this section are based on professional judgment in accordance with the standards and methods employed by the traffic engineering community. Several studies have been made regarding the indirect impacts of traffic on the residential neighborhoods. The variables affecting these impacts include traffic volumes, type, or makeup, of traffic (i.e. passenger cars, trucks, motorcycles, emergency vehicles, etc.), traffic speed, perception of through traffic as a percentage of total traffic, adequacy of street alignment (i.e., horizontal and vertical curvature), accident experience, on-street parking, residential dwelling set backs from the street, pedestrian traffic, and street pavement conditions (which would add to traffic noise as the pavement deteriorates). Other factors that may be a contributor to neighborhood nuisance levels include



Source: WWD, 2008

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Routing Plan

Figure 4.13-7

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socio-economic status of the neighborhood, and expectations of the residents regarding traffic volumes; however, these are beyond the purview of CEQA and are provided here for informational purposes only.

Residential Street Traffic

General guidelines regarding threshold volumes pertaining to local streets have been recommended within several studies and reference material including the Highway Capacity Manual (HCM). There is variation in these accepted threshold volumes, but in general, it is recommended that residential streets carry no more than 2,000 to 4,000 ADT (Average Daily Traffic). The accepted level of service standard for roadways within the Monterey County is LOS C. The HCM recommended maximum ADT range for level of service C on local streets is 1,500-1,600 vehicles. The existing ADT on Valley Way east of Carpenter Way is 740 vehicles. The addition of the estimated 269 daily trips from the proposed project to Valley Way would result in daily volumes along the roadway that will be well below the accepted LOS C volume range. If all the project traffic were to occur during a 12-hour period (6:00 am – 6:00 pm) rather than a 24-hour period, the daily project trips would equate to one project trip every three minutes. Similarly, along 3rd Avenue, the daily project trips would equate to one project trip every 60 minutes. The effect of project traffic on surrounding residential streets is insignificant when evaluating the magnitude of traffic that will be added to surrounding roadways.

Neighborhood Quality of Life Evaluation

The Traffic Infusion on Residential Environment (TIRE) index is a measure of the impact of traffic on residents along a street. The TIRE index scale ranges from 0 to 5 depending on daily traffic volume. An index of 0 represents the least infusion of traffic and 5 the greatest, and thereby, the poorest residential environment. Typical street types associated with the various index levels are shown on the TIRE index chart.

TIRE INDEX CHART

TIRE Index	Daily Traffic Volume	Residential Environment Typical of:
0	1	A cul-de-sac street with one home.
1	10	A cul-de-sac street with 2 to 15 homes.
2	100	A 2-lane minor street.
3	1,000	A 2-lane collector or arterial street.
4	10,000	A 2 to 6-lane arterial street.
5	100,000	

The TIRE index is based on the theory that a given increase in traffic volume has a greater impact on residential environment along a residential street with a low traffic volume than along a street with a high pre-existing volume. TIRE effects are separate from noise and air pollution impacts. TIRE represents the effect of traffic on the safety and comfort of human activities, such as walking, cycling, and playing on or near a street and on the freedom to maneuver vehicles in and out of residential driveways.

The TIRE Index Table gives values associated with various daily traffic volume ranges. A street with a TIRE value of three or greater is considered to function primarily as a traffic street and exhibit significantly impaired residential environment. The projected difference between a pre and post project TIRE value is the predicted impact of the project on residential environment. Any projected change of 0.1 or greater would be noticeable to residents.

Valley Way

The neighborhood quality of life under existing, existing plus project, cumulative, and cumulative plus project conditions using the TIRE index was analyzed for the following three street segments:

1. Valley Way between Highway 1 and the Project Driveway
2. Valley Way between the Project Driveway and Carpenter Street
3. Valley Way between Carpenter Street and Guadalupe Street

The ADT volumes were estimated based on the PM peak hour volumes, assuming that the PM peak hour volumes account for 10% of the daily traffic volume. Under existing plus project conditions, the TIRE index for all three study segments remain unchanged from that under existing conditions. Therefore, using the TIRE index method of analysis, the addition of project traffic along Valley Way under existing plus project conditions, would not be noticeable to the residents. Additionally, the number of new trips per 24-hour period would not be noticeable to the residents, per the TIRE index method of analysis.

Under cumulative conditions, no additional traffic is routed along Valley Way. The ADT's and TIRE index for all study segments would remain unchanged and the addition of project traffic along Valley Way under cumulative plus project conditions would not be noticeable to the residents, nor would the number of new trips per 24-hour period, estimated to be 1 trip, be noticeable. ***Therefore, indirect traffic impacts would be considered less-than-significant.***

Valley Way Accident Analysis

The accident history along Highway 1 in the vicinity of Valley Way was evaluated and compared with statewide reported average accident rates for similar roadways. The accident data along Highway 1 in the vicinity of Valley Way was obtained from Caltrans and covers a period of three years between December 1, 2005 and November 30, 2008.

A review of accident data along the corridor received from the Caltrans indicates eight accidents involving two injuries and no fatalities, over the three-year span. The recorded accidents equate to an accident rate of 0.14 accidents per million vehicle miles (MVM). The calculated accident rate is lower than the statewide average of 0.30 per MVM for similar roadways. Based on the provided data and accident rate calculations, there does not appear to be an issue with traffic accidents along Highway 1 in the vicinity of Valley Way. A speed survey also was completed along Valley Way between Carpenter Street and Highway 1. The posted speed limit on Valley Way is 25 mph. The survey found that average recorded speed was only 15 mph.

The proposed project will add an estimated 6 trips during the AM and PM peak hour to the intersection of Valley Way and Highway 1. Mitigation 4.13-1 identifies proposed safety improvements to this intersection and requires a pro-rata share payment by the applicant. The applicant has proposed to fully fund these improvements. The addition of project trips is insignificant considering that the addition of project trips to the intersection equates to one vehicle every ten minutes and also the required safety improvements. ***Therefore, these traffic impacts would be considered less-than-significant.***

Valley Way Pavement Structure

A traffic index assessment was conducted to determine the required pavement structure on Valley Way and the effects that project traffic will have on the pavement structure. Traffic Index (TI) is the traffic measure used to determine the minimum pavement thickness in the design of roadway pavements. The Traffic Index is determined using Equivalent Single Axle Load (ESAL) constants that represent the

estimated total accumulated traffic loading during the pavement design life. Standard Caltrans methodology was used to calculate the traffic index.

It is estimated that the highest daily volume of traffic on Valley Way occurs immediately east of Carpenter Street. The daily traffic volume at this location is estimated to be 740 vehicles per day based on the existing PM peak hour volume of 74 vehicles. With the project developed, the daily volume would increase to 89 vehicles during the PM peak hour and 890 vehicles per day on Valley Way east of Carpenter Street. The Equivalent Single Axle Load of the existing traffic on Valley Way immediately east of Carpenter Street is 68,228 and the existing Traffic Index is 6.5. The project will increase the ESAL on Valley Way west of Carpenter Street to 82,058 and the Traffic Index will remain at 6.5. Because the Traffic Index will not change under Existing Plus Project Conditions, the project impact to the road structure is not significant. ***Therefore, these traffic impacts would be considered less-than-significant.***

Cumulative Impacts

The following discussion describes the potential, traffic-related impacts on a cumulative level that may result from the implementation and operation of the proposed project. The TIA prepared by Higgins Associates and peer-reviewed by the traffic engineers for the Draft EIR analyzed cumulative traffic conditions without the proposed project and the cumulative conditions with the proposed project. The geographic scope for this analysis is the project site's local vicinity and the Carmel Land Use Planning Area as designated by the Monterey County LCP.

Cumulative without Project Traffic Conditions

Intersection Operations

Under cumulative conditions, all of the study intersections are expected to operate acceptably during the weekday AM peak hour. During the weekday PM peak hour, the Highway 1/Carpenter Street intersection is expected to operate at a deficient overall LOS E, which is a decline from the existing LOS D. The Highway 1/Ocean Avenue intersection is expected to continue operating deficiently at an overall LOS D during the weekday PM peak hour under cumulative conditions. The Highway 1/Carpenter Street intersection is expected to operate at an overall LOS E during the Saturday afternoon peak hour under cumulative conditions, which is a decline from the existing LOS C. The Highway 1/Ocean Avenue intersection is expected to continue operating at LOS D during the Saturday afternoon peak hour under cumulative conditions. A summary of the existing intersection LOS is provided in **Figure 4.13-2.**

Road Segment Operation

Under cumulative conditions, one of the study road segments is expected to continue operating at an unacceptable LOS F during the AM peak hour (Highway 1 from Ocean Avenue to Carmel Valley Road). All five segments will operate at an unacceptable LOS D or worse during the weekday PM peak hour, and four segments will operate at an unacceptable LOS D or worse during the Saturday afternoon peak hour. A summary of the existing road segment LOS is provided in **Figure 4.13-3.**

Trip Distribution, Generation, and Assignment

Figure 4.13-8 shows the location of the known pending and approved development projects that may contribute traffic to the studied intersections and roadways. The projects are listed on **Figure 4.13-9** with their traffic generation.

The cumulative projects would generate 13,162 daily trips, with 877 trips during the AM peak hour (266 in, 611 out) and 1,193 trips during the PM peak hour (730 in, 462 out). The peak hour trips generated by the cumulative projects were assigned to the road network based upon existing network patterns, the location of complementary land uses, and previous analyses of the projects. Based upon review of the traffic studies for two of the largest pending projects in the area (i.e., September Ranch and Rancho Canada), it was assumed that 50% of all the cumulative trips would travel to/from Highway 1 north of Carpenter Street. The September Ranch study estimated 33% and the Rancho Canada study estimated 40% during the AM peak hour and 50% during the PM peak hour. These cumulative trips were added to the existing condition traffic volumes to determine cumulative condition traffic volumes, as shown on **Figure 4.13-10A – 4.13-10C**.

Cumulative Plus Project Conditions

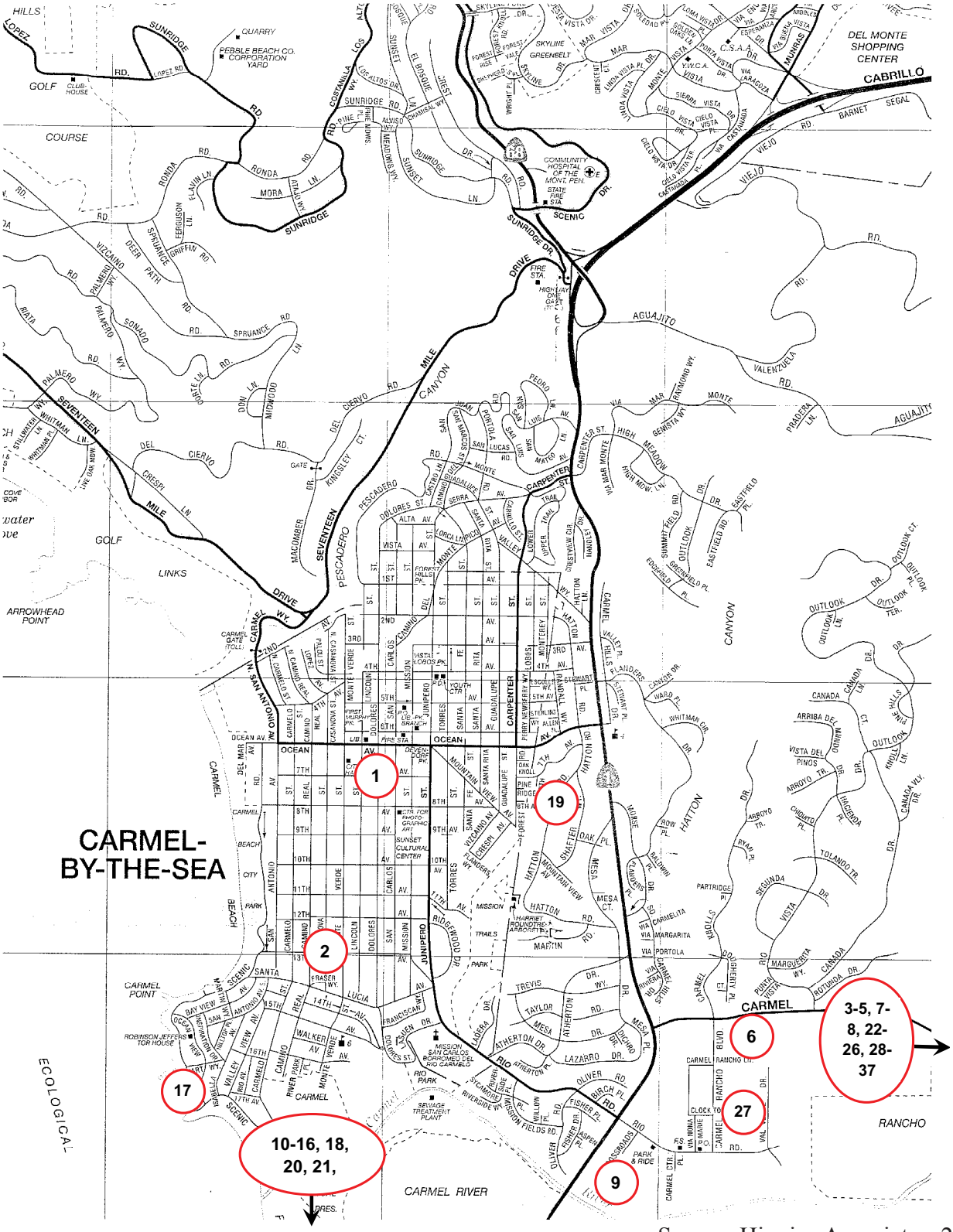
This section describes traffic conditions with cumulative projects developed and full buildout of the study project. Cumulative plus project condition traffic volumes were developed by adding the project trip assignment to the cumulative condition volumes.

Intersection Operations

The Highway 1/Carpenter Street intersection is expected to degrade from LOS D under cumulative conditions to LOS E under cumulative plus project conditions, during the weekday AM peak hour. This represents a significant project impact. The Highway 1/Carpenter Street intersection is expected to continue operating deficiently with an overall LOS E during the weekday PM and Saturday afternoon peak hours. The Highway 1/Ocean Avenue intersection is expected to continue operating deficiently at an overall LOS D during the weekday PM peak hour and an overall LOS E during the Saturday afternoon peak hour. The remaining study intersections are expected to continue operating acceptably under cumulative plus project conditions. A summary of the existing LOS is provided in **Figure 4.13-2**.

Road Segment Operations

Under cumulative plus project conditions, one study road segment of Highway 1 between Ocean Avenue and Carmel Valley Road will continue to operate at an unacceptable LOS F during the AM peak hour. The study road segment of Highway 1 between Valley Way Road and Flanders Drive will degrade from an acceptable LOS C to an unacceptable LOS D during the AM peak hour. This represents significant project impact. All five of the study road segments will continue to operate at an unacceptable LOS D or worse during the weekday PM peak hour and four segments will operate at an unacceptable LOS D or worse during the Saturday afternoon peak hour. The addition of project traffic to the Highway 1 segment between Ocean Avenue and Carmel Valley Road during each of the peak hours represents a significant project impact. A summary of the existing LOS is provided in **Figure 4.13-3**.



Source: Higgins Associates, 2008

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Cumulative Projects

Figure
4.13-8

	ITE LAND USE CODE	PROJECT SIZE	WEEKDAY DAILY TRIPS	AM PEAK HOUR				PM PEAK HOUR			
				TOTAL PEAK HOUR	% OF ADT	IN	OUT	TOTAL PEAK HOUR	% OF ADT	IN	OUT
TRIP GENERATION RATES[1]											
Single Family Detached Housing (per unit)	210		9.57	0.75	8%	0.25	0.75	1.01	11%	0.64	0.36
Apartment (per unit)	220		6.63	0.51	8%	0.16	0.84	0.62	9%	0.67	0.33
Residential Condominium/Townhouse (per un t)	230		5.86	0.44	8%	0.17	0.83	0.52	9%	0.67	0.33
Specialty Retail (per 1,000 SQ. FT)	(814)		40.00	1.20	3%	0.60	0.40	3.60	9%	0.50	0.50
Resort Hotel (per occupied room)[2]	330		8.00	0.37	5%	0.72	0.28	0.49	6%	0.43	0.57
Motel	320		5.63	0.45	8%	0.37	0.63	0.47	8%	0.54	0.46
TRIPS											
City of Carmel-by-the-Sea:											
APPROVED											
1. Mixed Use SE corner Dolores & 7th											
Condominiums/Apartments		8 Units	53	4	8%	1	3	5	9%	3	2
Commercial Retail		3,000 SQ. FT.	120	4	3%	2	2	11	9%	6	5
PROPOSED											
2. Carmel Sands Lodge Redevlopment[3]		16 Rooms	128	6	5%	2	4	8	6%	4	4
County of Monterey:											
APPROVED											
3. Quail Meadows[4]		mixed use	463	14	3%	10	4	30	6%	16	14
4. Canada Woods[5]											
Single Family Units		44 Units	421	33	8%	8	25	44	10%	28	16
Home Improvement Center		18,000 SQ. FT.	631	27	4%	14	13	52	8%	24	27
5. Rancho San Carlos (Santa Lucia Preserve)		338 Units	3,235	254	8%	64	190	341	11%	218	123
6. Sunrise Assisted Living[6]		64 Units	112	0	0%	0	0	0	0%	0	0
7. September Ranch[7]		110 Units	1,053	83	8%	21	62	111	11%	71	40
8. Rancho San Carlos - Potrero Creek Area		29 Units	278	22	8%	6	16	29	10%	19	10
9. Crossroads Shopping Center Expansion[8]		20,260 SQ. FT.	2,070	80	4%	48	32	101	5%	45	56
10. 195 Spindrift Road		1 Unit	10	1	10%	0	1	1	10%	1	0
PROPOSED											
11. Regan Bed & Breakfast		10 Rooms	56	5	9%	2	3	5	9%	3	2
12. 2973 Cuesta Way		1 Unit	10	1	10%	0	1	1	10%	1	0
13. 176 Spindrift Drive		1 Unit	10	1	10%	0	1	1	10%	1	0
14. 300 Corona Road		1 Unit	10	1	10%	0	1	1	10%	1	0
15. 74 Corona Road		1 Unit	10	1	10%	0	1	1	10%	1	0
16. 340 Corona Road		1 Unit	10	1	10%	0	1	1	10%	1	0
17. 26327 Scenic Road		1 Unit	10	1	10%	0	1	1	10%	1	0
18. New SFD West of Hwy 1 btwn. Hwy 1 & Spindrift		1 Unit	10	1	10%	0	1	1	10%	1	0
19. 25498 Hatton Road		1 Unit	10	1	10%	0	1	1	10%	1	0
20. 30780 San Remo Drive		1 Unit	10	1	10%	0	1	1	10%	1	0
21. 244 San Remo Drive		1 Unit	10	1	10%	0	1	1	10%	1	0
22. 12 Rancho San Carlos Road		3 Units	29	2	7%	1	1	3	10%	2	1
23. 15 Oak Meadow Lane		1 Unit	10	1	10%	0	1	1	10%	1	0
24. Rosie's Cracker Barrel[9]		3,821 SQ. FT.	153	5	3%	3	2	14	9%	7	7
25. 701 Country Club Drive		1 Unit	10	1	10%	0	1	1	10%	1	0
26. 3 Valley Hills Lane		1 Unit	10	1	10%	0	1	1	10%	1	0
27. Val Verde Affordable Housing		89 Units	590	45	8%	7	38	55	9%	37	18
28. 16 Vista Ladera		1 Unit	10	1	10%	0	1	1	10%	1	0
29. 32829 Carmel Valley Road Micro Winery[10]		-	10	1	10%	0	1	1	10%	1	0
30. 350 Via Los Tulares		1 Unit	10	1	10%	0	1	1	10%	1	0
31. 14345 Hitchcock Canyon Road		1 Unit	10	1	10%	0	1	1	10%	1	0
32. Holman Ranch Winery[11]		1,200 SQ. FT.	4	0	0%	0	0	0	0%	0	0
33. Carmel Valley Village Park and Commons[12]		39 Units	374	37	10%	9	28	46	12%	29	17
34. Rancho Canada[13]		281 Units	2,689	211	8%	53	158	284	11%	182	102
35. Carmel Valley Ranch[14]		12 Units	115	9	8%	2	7	12	10%	8	4
36. Robles Del Rio Lodge[15]		35 Units	280	13	5%	9	4	17	6%	7	10
37. Bernardus Lodge Expansion[16]		16 Rooms	128	5	4%	4	1	7	5%	3	4
TOTAL											
TOTAL CITY OF CARMEL-BY-THE-SEA TRIPS			301	14	5%	5	9	24	8%	13	11
TOTAL COUNTY OF MONTEREY TRIPS			12,861	863	7%	261	602	1,169	9%	717	451
TOTAL CUMULATIVE TRIPS			**13,162**	**877**	**7%**	**266**	**611**	**1,193**	**9%**	**730**	**462**

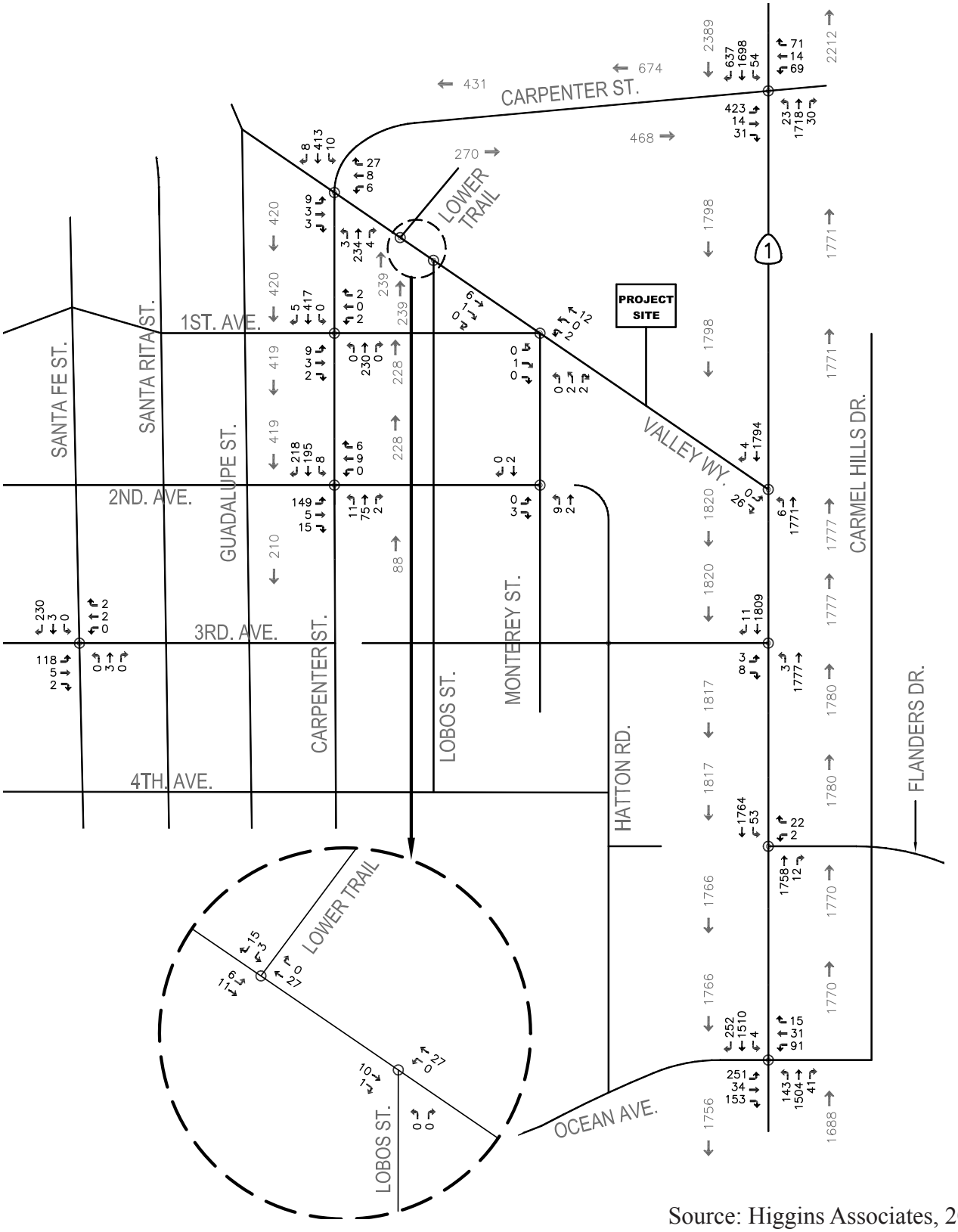
Notes:

1. Trip generation rates published by Institute of Transportation Engineers, "Trip Generation," 6th Edition, 1997 & 7th Edition, 2003, unless otherwise noted.
2. ITE does not have published rates for weekday daily trips for the Resort Hotel use. Rates used here were taken from the San Diego Association of Governments, *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, April 2002.
3. Trip generation for the Carmel Sands Lodge Redevelopment Project is based on the additional 16 rooms at the resort as a result of the revelopment.
4. Quail Meadows trip generation from *Quail Meadow Study*, Higgins Associates, 2001.
5. Canada Woods trip generation information obtained from *Canada Woods Traffic Analysis Report,* Higgins Associates, July 1992.
6. Sunrise Assisted Living trip generation is based on *Sunrise Assisted Living Project Traffic and Parking Evaluation*., Higgins Associates, December 2000.
7. The September Ranch project was approved at only 94 units. The number of units shown here is the number of units included in the *Traffic Impact Study for the September Ranch Subdivision*, TJKM Tansportation Consultants, October 2004.
8. Crossroads Shopping Center Expansion trip generation obtained from *Carmel River Inn Master Plan Traffic Impact Report,* Higgins Associates, May 2004.
9. No specific information regarding the rehabilitation of Rosie's Cracker Barrel was available. Trip generation rates for the Specialty Retail land use were used toestimate the project trip generation based upon the building square footage.
10. 32829 Carmel Valley Road Micro Winery trip generation obtained from "Monterey County Planning Commission Findings & Decision" dated January 10, 2001.
11. Holman Ranch Winery trip generation obtained from Monterey County Planning Commission minutes from meeting on July 30, 2003.
12. Carmel Valley Village Park and Commons trip generation obtained from *Carmel Valley Village Park and Commons Traffic Impact Analysis*, Higgins Associates, November 20, 2006.
13. Rancho Canada trip generation obtained from *Rancho Canada Residential Development Draft Traffic Study*, Hexagon Transportation Consultants, Inc., April 7, 2004.
14. Carmel Valley Ranch trip generation obtained from *Carmel River Inn Master Plan Traffic Impact Report,* Higgins Associates, May 2004.
15. Robles Del Rio Lodge trip generation obtained from *Robles Del Rio Lodge Draft Traffic Impact Report,* Higgins Associates, May 2008.
16. Bernardus Lodge Expansion trip generation obtained from *Bernardus Lodge Expansion Traffic Impact Analysis*,Higgins Associates, March 13, 2003.

Source: Higgins Associates, 2008

Cumulative Trip Generation

Figure 4.13-9

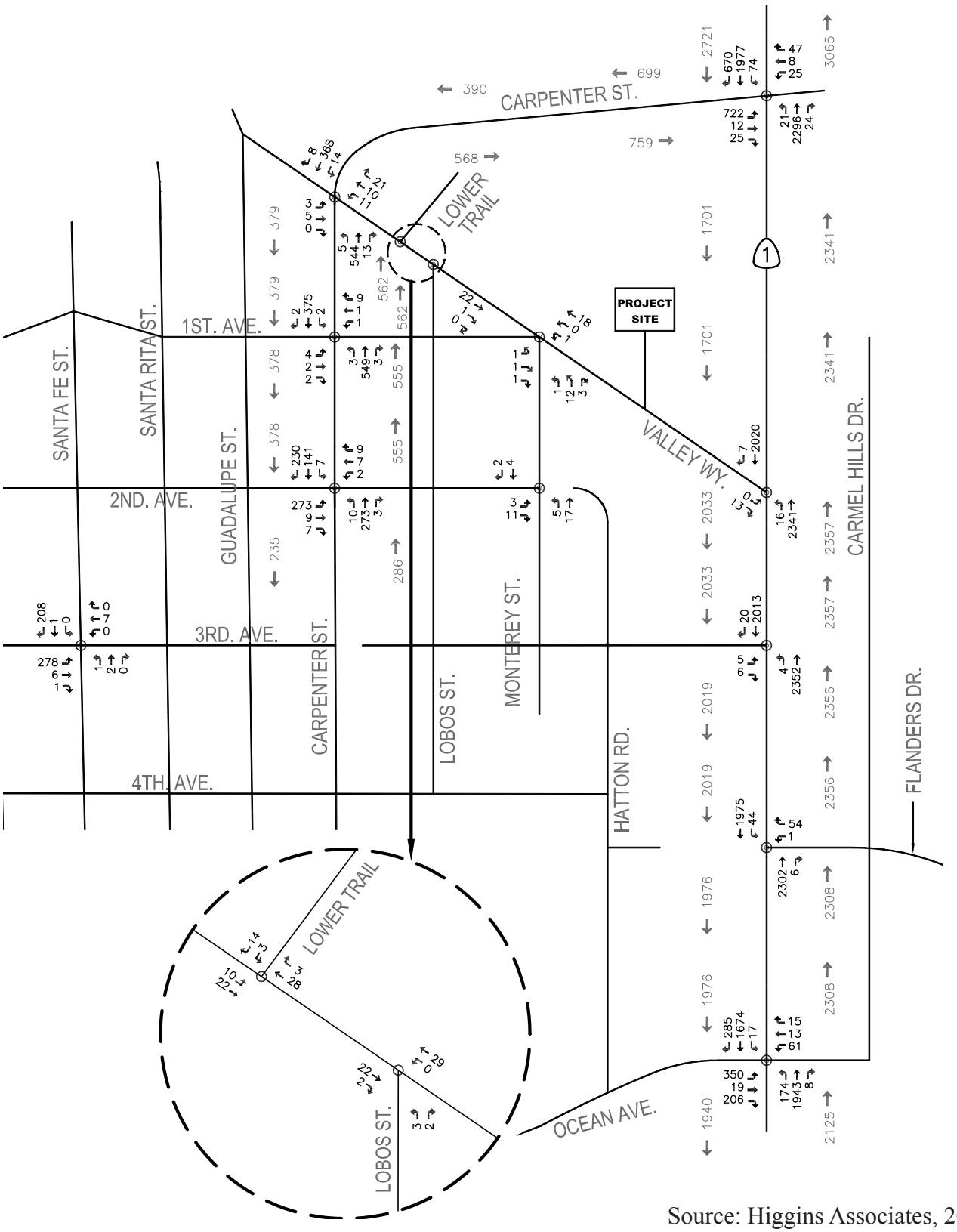


Source: Higgins Associates, 2007

N

Cumulative Conditions

Figure 4.13-10A

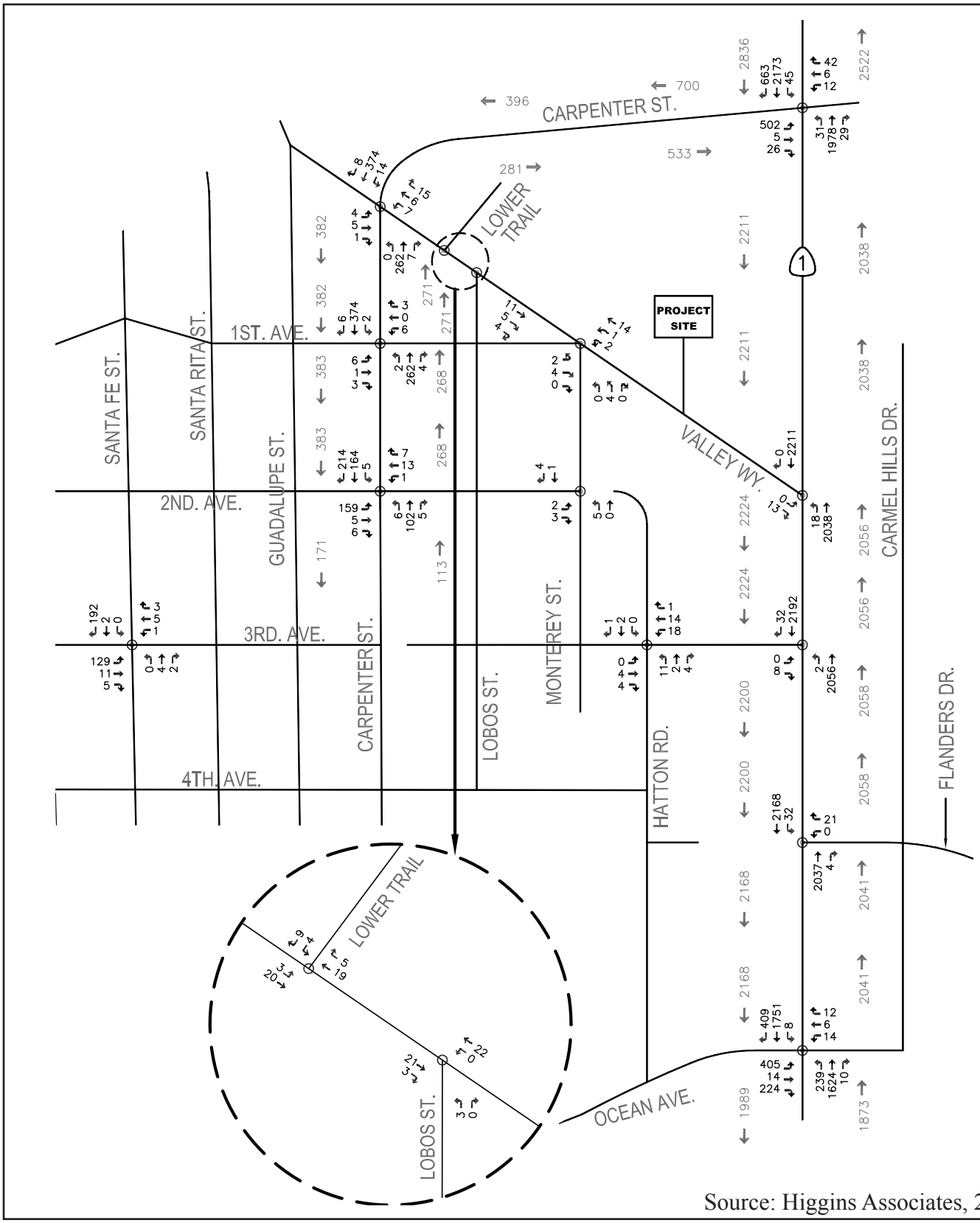


Source: Higgins Associates, 2007

N

Cumulative Conditions

Figure 4.13-10B



Source: Higgins Associates, 2007

N

Cumulative Conditions

Figure 4.13-10C

As the project would cause the LOS to degrade to an unacceptable level on one segment and add one or more trips to a segment operating at an unacceptable LOS, this represents a potentially significant project impact. TAMC has developed a Nexus Study for a Regional Development Impact Fee to provide a basis for the adoption of a countywide impact fee program for transportation. As a policy, Monterey County and TAMC charge the TAMC fee to individual projects in order to fully mitigate the cumulative impacts to the regional highway system, based upon their incremental contribution to the total trips generated by all cumulative projects. As such, cumulative traffic impacts can be reduced to a less-than-significant level with the implementation of TAMC Regional Development Fee payment. Implementation of the following mitigation would not result in any new environmental impact beyond those identified in this Draft EIR.

Impact **All of the study intersections and road segments would contribute an increase to the total trips generated by all cumulative projects, resulting in unacceptable LOS ratings for one study intersection and two road segments under cumulative plus project conditions.** ***These are significant impacts that can be reduced to a less-than-significant impacts with the following mitigation measure.***

Mitigation

4.13-4 The project applicant/developer shall pay the Transportation Agency of Monterey County (TAMC) Regional Development Fee in order to mitigate the proposed project's incremental contribution to cumulative impacts to the regional highway system. Payment of the TAMC fee is not intended to fund specific improvements but instead mitigates a proposed project's incremental contribution to cumulative impacts on the regional highway system. Evidence of payment shall be submitted to the Monterey County Planning Department prior to the issuance of any building permits.

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4.14 UTILITIES AND SERVICE SYSTEMS

Introduction

The Recirculated Draft EIR **Utilities and Service Systems** section replaces **Section 4.14** of the previously circulated Draft EIR in its entirety and evaluates the impacts of the proposed project on: water supply and distribution facilities; wastewater collection, treatment, and disposal facilities; solid waste collection; and, natural gas/electricity supply and infrastructure. The revisions in this section update the water demand and property water consumption data for the proposed project and include a revised analysis of the potential impacts associated with water supply for the project. Local and regional information related to the Order WR 95-10 and regional water supply planning is also updated in this section, and background data on water resources is included. Impacts related to water quality and stormwater/drainage infrastructure are addressed in **Section 4.8 Hydrology and Water Quality.**

Although the project area is already developed, the proposed project would increase the developed floor area and revise the use to residential, as described in Chapter 3.0, Project Description. The proposed project site is currently serviced by utilities with existing public utility infrastructure. In order to obtain regulatory information regarding water service on the property, DD&A contacted service providers and relevant regulatory agencies, including the Monterey Peninsula Water Management District (MPWMD or the District) and Monterey County Water Resources Agency. MPWMD is the regional water management agency for the greater Monterey Peninsula area and has regulatory authority over the California-American Water Company (Cal-Am) and other water distribution systems. The communication included regular communication via conference calls as well as coordination of information with Monterey County Resource Management Agency staff, MPWMD staff, and MCWRA staff in order to allow these bodies to provide comments on the proposed project. DD&A also contacted public utility providers, including applicable water, wastewater, solid waste collection, and natural gas/electricity utility operators. Utility providers include: California-American Water Company (Cal-Am); Carmel Area Wastewater District (CAWD); Waste Management Inc.; and Pacific Gas and Electric Company (PG&E), respectively. Information received from public providers is used to evaluate existing capacity, projected capacity, and existing and projected future use of that capacity.

Primary Sources of Information for this Section

The primary resources used for this analysis include State Water Resources Board Order WR 95-10; Monterey County's Ordinance No. 3310; and MPWMD's Rule 25.5, MPWMD Ordinance 141, and Rules and Regulations, as amended. Additional sources include MPWMD data on the Carmel River system, background information on the MPWMD, the correspondence and water demand documentation provided to the Monterey County Resource Management Agency and MPWMD regarding historic water records, and communication and correspondence with service and utility providers.

Comments Raised/Areas of Controversy

Comments raised in letters received on the Notice of Preparation and made during the public review period on the Draft EIR raised significant issues related to water service delivery, lack of documentation of actual historic use, and potential impacts of water delivery in light of a Cease and Desist Order issued per Order WR 95-10 by the State Water Resources Control Board (SWRCB). Additionally the baseline assumptions for water and associated analyses were questioned. The Draft EIR defined the baseline in terms of the current environmental setting "on the ground" at the time of the release of the NOP, but the document also recognized the historic use at the site under MPWMD regulations in effect (i.e., Rule 25.5 of the MPWMD which allows for water credits use on a site with an historic record of use). At the time

of Draft EIR and NOP circulation, the Draft EIR had identified the existence of a water credit based on an estimated use provided by the MPWMD under Rule 25.5, termed the "water credit." Several comment letters cited the water credit as "hypothetical" water use on the site and questioned the validity of the MPWMD water use credit to determine past water use on the site. The Draft EIR also recognized a range of baselines – and a number of comment letters on the Draft EIR commented that this was confusing or inaccurate and called for actual water records to be provided to assist in baseline determination.

New Information Available Since the Draft EIR

Since the release of the Draft EIR, the MPWMD and the County of Monterey obtained historic records at the site identifying actual historic water use, and the MPWMD updated their correspondence on the property's water use credit. Additionally, the County of Monterey established that the property's existing use permit is still valid. As discussed below, a Cease and Desist Order was issued per State Order 95-10 by the SWRCB.

Setting

Water

Overview of Water Supplies

Water is provided to the site by the Cal-Am, a privately owned, franchised water purveyor. Cal-Am draws water from wells in the Carmel Valley alluvial aquifer and the Seaside coastal groundwater sub-basin. Surface water sources have historically included the San Clemente Dam and the Los Padres Dam, located on the Carmel River. The San Clemente dam was built in 1921, and the Los Padres Dam was constructed in 1948. Over time, the storage capacity in both facilities has largely been lost due to siltation of their reservoirs. Existing water system infrastructure on the project site is connected to a Cal-Am water main located within Valley Way.

The project site is within the boundaries of the MPWMD. Although Cal-Am is a privately owned and operated water company and serves as the applicable water purveyor for the area, both MPWMD and the State regulate water delivery by Cal-Am and other Cal-Am activities related to the Carmel River system. The District is responsible for issuing water connection permits for development within their District boundaries, and managing and regulating the use, reuse, reclamation, and conservation of water within its boundaries on the Monterey Peninsula. About 80% of the water collected, stored, and distributed within the MPWMD boundaries is managed by Cal-Am, which serves approximately 95% of Monterey Peninsula residents and businesses including the project site.

Overview of Water Supply Constraints and Regulatory Authority

Regionally, available water supplies and meeting water demand are under close scrutiny. Currently, the key constraints on available water supplies in the Monterey Peninsula are legal and relate to SWRCB Order No. WR 95-10, which limits Cal-Am's production from the Carmel River and underlying alluvial aquifer, and the decision in the Seaside Groundwater Basin adjudication that limits Cal-Am's production from the coastal subareas of the Seaside Basin.

State Water Resources Control Board Order No. WR 95-10 and Restrictions on Seaside Basin

Regulations set forth by the SWRCB and the MPWMD limit the amount of water that Cal-Am can draw from the Carmel River Basin and/or Seaside Basin to serve Cal-Am's Monterey Peninsula area customers. Details of these regulations are further discussed below.

SWRCB Order WR 95-10: On July 6, 1995, the SWRCB ruled that Cal-Am was diverting up to 10,730 acre-feet per year (AF/Y) of Carmel River water without legal right (SWRCB Decision 95-10). Order 95-10 was issued in response to complaints filed against Cal-Am and its diversions from the Carmel River and underlying alluvial aquifer. In Order WR 95-10, it was determined that the water in the Carmel Valley Alluvial Aquifer is water flowing in a "subterranean stream" and subject to the jurisdiction of the SWRCB. According to Order 95-10, Cal-Am provided service to about 105,000 persons and supplied a total of approximately 17,000 acre feet (AF) in an average normal year. Of this, approximately 2,700 AF/Y came from the Seaside Basin (i.e., 2,700 AF/Y was from the Seaside Basin and 14,106 AF/Y was from the Carmel River, for a total of 16,806, or approximately 17,000 AF/Y) (SWRCB 1995). Based on its review of Cal-Am's water right claims, the SWRCB determined that Cal-Am was diverting 10,730 AF/Y of water from the Carmel River and underlying alluvial aquifer without a valid basis of right and that these diversions were having an adverse affect on the riparian corridor along the river below San Clemente Dam, wildlife that depend on in-stream flow and riparian habitat, and steelhead that spawn in the Carmel River. Cal-Am was ordered to reduce its average production from the Carmel River and underlying alluvial aquifer by 15% in Water Year 1996 and 20% in each subsequent water year. The "base" for this reduction was set at 14,106 AF/Y, which represents the average of Cal-Am's annual diversions from the Carmel River and underlying alluvial aquifer during the ten-year period from 1979 through 1988. As a result of this Order, Cal-Am was limited to 11,990 AF/Y from the Carmel River basin in 1996 and 11,285 AF/Y thereafter.

Seaside Basin: The Seaside Groundwater Basin has been operated as a component of the Cal-Am system and has assumed a larger portion of the annual production following SWRCB Order WR 95-10. The required reduction from the pre-1995 average in diversions was achieved through a combination of conservation and increased pumping of the Seaside Groundwater Basin. However, the Seaside Groundwater Basin was unable to sustain the increased level of pumping. With saltwater intrusion becoming an increasingly serious threat, water rights to the Basin were adjudicated by the courts in 2006 requiring Cal-Am to reduce its pumping there. The 2006 Seaside Adjudication Decision has impacted the amount of production that can be extracted from the Seaside Basin, further lowering the available production numbers of the Cal-Am system.

State Water Board Order WR 2009-0060: On October 20, 2009, the State Water Board adopted Order WR 2009-0060, a cease and desist order (CDO). The CDO found that Cal-Am is illegally diverting water from the Carmel River in violation of Water Code section 1052 and State Water Board Order 95-10. Order WR 95-10 required Cal-Am to diligently implement actions to terminate its unlawful diversions from the river. In Order WR 2009-0060, the State Water Board found that Cal-Am had not been diligent in complying with Order WR 95-10 (Order 2009-0060, pp. 34-37). The recently adopted CDO against Cal-Am prohibits Cal-Am from diverting water from the Carmel River for new service connections or for any increased water use at existing service addresses resulting from a change in zoning or use until Cal-Am's ceases all unauthorized diversions from the Carmel River. The CDO is currently being challenged by the MPWMD and Cal-Am in the Santa Clara County Superior Court, and the Court has stayed implementation of the CDO pending the result of the lawsuit.

MPWMD Regulatory Authority

Though Cal-Am is the water service purveyor to the project site and its surrounding area and owns and maintains the water system infrastructure in its service area, MPWMD also serves as a regulatory body for Cal-Am's operations in Monterey County. MPWMD was created by State Legislature in 1977 as a special-purpose district to provide water resource management in the Monterey Peninsula area. The District has the principal purposes of augmenting water supplies to meet existing and future needs of the Monterey Peninsula; avoid impacts of droughts; preserving and protecting the public trust

(environmental) resources of the Carmel River, and integrating water development and natural resource management. The District's authority includes setting annual water production limits and approving requests to create, expand or amend water distribution systems. The District has adopted over time a variety of ordinances, rules, and regulations governing the use of water within its boundaries.

MPWMD Allocation Program and Monitoring: Due to limited water resources on the Monterey Peninsula, the MPWMD adopted a "Water Allocation Program" in 1981 that established an annual water supply capacity limit and a formula for allocating water to jurisdictions within the Cal-Am service area. If a jurisdiction's water usage exceeded its allocated amount, the District would cease granting new water connection permits in that jurisdiction. The allocations were adjusted over time to more accurately reflect actual water use and incorporate projected water demands; however, these water allocations assigned to each jurisdiction are still valid today.

MPWMD monitors the allocations by jurisdiction and also by individual properties for sites subject to permit review. All properties that modify or add water fixtures on a property within the MPWMD must obtain written authorization from the District prior to taking action. MPWMD tracks and debits a jurisdiction's or property's allocation or entitlement for every new or modified water use on a property and maintains information about annual jurisdictional use and individual properties. MPWMD also requires application for each change in water use and verifies, through its inspection process, that water fixtures or uses on a site have been accounted for and debited from any available allocation, credit or entitlement. Enforcement can include debiting a jurisdiction's allocation or entitlement for non-permitted uses, recording deed restrictions, and collecting fees due on the local property tax bills.

MPWMD Water Conservation Programs: The MPWMD has had a long history of water conservation programs. The District's Water Conservation Ordinance (30) was originally adopted in 1987 and mandated specified requirements for low flow fixtures for all new development upon transfer of ownership or change or expansion in use. The ordinance, which has been amended over time, and subsequent ordinances mandate all uses must retrofit toilets and fixtures at the time a property changes ownership, or the change in ownership or results in a change or an expansion of use. Additional programs related to the District's mandate for water conservation include recently adopted Ordinance 141, which updates conservation requirements to comply with state and federal flow rate standards, related to landscaping and restrictions on outdoor water use in an effort to conserve water.

Wastewater

The Carmel Area Wastewater District (CAWD) provides wastewater collection, treatment and disposal services to the areas within the Carmel Land Use Planning area, Carmel-by-the-Sea, Carmel Valley, and Carmel Highlands, including the project site. CAWD is also responsible for the maintenance and operation of the sewer system within its wastewater management district borders. Existing sewer trunk lines are connected to the project site. As proposed, residential buildout of the project site would require installation of additional sewer lines within the private drive proposed on Via Carmelo (See **Figure 4.14-1 Utility Plan**).

Wastewater is carried by the CAWD collection system to CAWD pump stations. The wastewater is subsequently conveyed from these pump facilities to the CAWD wastewater treatment facility located approximately 1.6 miles south of the project site on Highway 1.

The CAWD wastewater treatment facility has a permitted average dry weather treatment capacity of 3 million gallons per day (MGD) and is currently operating at 1.8 MGD (email correspondence, Sanford Veile, August 6, 2008), thus a remaining 1.2 MGD (3 million gallons per day – 1.8 million gallons per day = 1.2 million gallons per day) remains as capacity. The CAWD wastewater treatment facility is a

Source: WWD, 2008

N

Utility Plan

Figure
4.14-1

DENISE DUFFY & ASSOCIATES, INC.

tertiary plant that provides reclaimed water for landscape irrigation to the Pebble Beach area during the dry season and at times when irrigation demand is low during the wet season. Treated effluent is discharged into the Pacific Ocean via an existing permitted outfall. The plant has 1.2 MGD of capacity available to meet future demands, and expansion of the treatment plant is not anticipated in the near future.

The project site has existing access to the CAWD sewer system. The nearest pump station and force main to the project site are located approximately one mile from the project site near the intersection of 8th Street and Scenic Avenue. Existing wastewater system infrastructure on the project site maintains a connection with a 6-inch sewer pipeline located within Valley Way.

Solid Waste

Solid waste collection and disposal services in the unincorporated Carmel Land Use Use Plan area, including the project site, are provided by Waste Management, Inc., on an operational agreement with the Monterey Regional Waste Management District (MRWMD). Waste is transported to the Monterey Peninsula Landfill and Recycling Facility in the City of Marina, which is operated by the MRWMD. This facility serves the solid waste and recycling needs of an estimated 170,000 residents. The facility accepts basic solid waste, liquid waste and sewage sludge (biosolids), wood waste, yard waste, concrete, brick, rock, asphalt, tires, appliances, furniture, plastics, and boats, and a variety of other materials. In addition to typical waste management, the MRWMD also operates a Materials Recovery Facility (MRF), which targets materials brought in from self-haul loads and commercial wastes, construction and demolition debris, wood waste, and yard waste. The facility also has off-site local recycling centers that collect household recyclables (glass, aluminum, paper, and plastics).

According to MRWMD's 2004 Landfill Site Master Plan, the remaining landfill site waste capacity is approximately 40 million tons or 74 million cubic yards. The remaining site life assumes a maximum site elevation of 284 feet (above sea level), the use of alternative daily cover (ADC), a waste-to-soil ratio of 10:1, and an in-place waste density of 1,080 pounds per cubic yard. Assuming MRWMD continues to achieve the State-mandated 50% recycling goal, the landfill will continue to serve the present service area through the year 2107. If needed, the use of tarps for landfill cover and the export of surplus fill sand could help to increase the permitted capacity of the landfill. The MRWMD Landfill and Recycling Facility received approximately 370,000 tons of solid waste throughout the 2004-2005 fiscal years. Of this amount, approximately 140,000 tons (39% of the year's solid waste) were recycled from the landfill. Solid waste removal service is not currently provided for the project site, although the project site's surrounding neighborhood receives solid waste removal service.

Electricity and Natural Gas

PG&E provides gas and electric service to the project site. Natural gas is measured in British thermal units (Btu), the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit. Electricity is measured in kilowatt hours (kWh). A kilowatt (kW) is a measure of power produced through sources of generation at 3,413 Btu/kW-hour. Most electricity is produced by consuming other primary energy sources and converting them into electricity. PG&E operates a grid distribution system that transmits electricity with a vast network of transmission and distribution lines throughout the service area to the users. Most of the electricity that PG&E distributes throughout Monterey County is obtained from the Moss Landing Power Plant. The Moss Landing Plant generates over 1,500 megawatts. The project site is currently served by PG&E's gas and electric under their current distribution and transmission systems.

Regulatory Environment

Monterey County Policies

The following identifies applicable policies from the Carmel Area Land Use Plan applicable to the proposed project site. The County has determined that the Local Coastal Plan LUP is the applicable governing policy document for the property. Evaluation for project consistency with applicable Carmel Area Land Use Plan policies is provided in **Table 4.9-1** within **Section 4.9 Land Use and Planning.**

Carmel Area Land Use Plan/Local Coastal Program. The Carmel Area Land Use Plan provides policies for protection of access to public utilities. The following policies are applicable to the project site and its access to public utilities:

Policy 2.4.4.A.1 New development shall be approved only where it can be demonstrated by the applicant that adequate water is available from a water utility or community system or an acceptable surface water diversion, spring, or well. At the County's discretion, applicants may be required to submit a hydrologic report certifying sustained yield of the water source to serve new development outside of existing water utility service areas.

Policy 2.4.4.A.2 As part of the permit process, the applicant must also demonstrate that the proposed new water use or use intensification will not adversely affect both the natural supply necessary to maintain the environment, including wildlife, fish, and plant communities, and the supply available to meet the minimum needs of existing users during the driest year. At the County's discretion, the applicant may be required to support his application through certification by a consultant deemed qualified by the County to make such determinations. The County will request that the Department of Fish and Game provide a written recommendation on each application.

Policy 2.4.4.A.5 Any diversion of surface sources of water shall be required to submit an approved water appropriation permit from the State Water Resources Control Board prior to approval of any coastal development permit except where such water appropriation permit is not required by applicable State law.

Policy 2.4.4.A.6 Water conservation devices shall be required in conjunction with new development. Drought tolerant landscaping should be required where appropriate. Construction of roads and driveways with pervious surfaces shall be encouraged where appropriate.

Policy 3.2.3.1 The County shall reserve adequate water supply from its fair share allotment of Cal-Am water as approved by the Monterey Peninsula Water Management District to supply expansion of existing and development of new visitor-serving facilities permitted by the plan. Water must be first assured for coastal-priority visitor-serving facilities before allowing any new residential development other than infilling of existing vacant lots. In addition, 0.056 acre-feet/year of water is reserved for each visitor-serving unit permissible under this Plan.

Policy 3.2.3.2 The County should reserve from its allotment an additional supply through 1988 to serve residential development of existing vacant lots affected by the water connection moratorium of 1975-78.

Policy 3.2.3.3 The County should require new development in the Cal-Am service area to employ water conservation techniques to the greatest possible extent. This would include, among other things, use of water-saving fixtures, retention of native vegetation, and use of drought-tolerant landscaping.

Monterey County Ordinances: In addition, the project lies within an area of Cal-Am that is subject to Monterey County Ordinance 3310 whereby projects must comply with uniform regulations to control

intensification of water consumption (*Regulations to Control Intensification of Water Consumption in the California-American Water Company Service Area*, Monterey County Ordinance 3310, 1988).

Monterey County Municipal Code Title 18 Buildings and Construction- Chapter 18.46 Regulations to Control Intensification of Water Consumption in the California-American Water Company Service Area. In areas within the Cal-Am Service Area and subject to Monterey County Ordinance 3310 (codified into County code as Monterey County Code Chapter 18.46), projects must also comply with this ordinance which applies uniform regulations to control intensification of water consumption. This ordinance requires that the proposed project property must also result in a reduction of water use by 10% from the historic use. Specific conditions of the Code follow.

Monterey County Municipal Code Title 18 Buildings and Construction- Chapter 18.46 Regulations to Control Intensification of Water Consumption in the California-American Water Company Service Area.

It is the purpose and intent of this Chapter to reduce the excessive use of water within the California-American Water Service Company service area and to protect and insure the availability of water for domestic, development, and other purposes, for present as well as for future use, by establishing uniform regulations to control intensification of water consumption in said area (County Ordinance 3310, 1988).

A. No person, firm or corporate shall hereinafter, within those portions of the unincorporated area of the County of Monterey which are set forth and specified in Section 18.46.030 of this Chapter, intensify land use over that existing at the time the provisions of this Chapter become effective, except as otherwise provided in this Chapter. For the purpose of this Chapter "intensify land use" means new development resulting in an increase in the use of water on a building site over that level of use of water existing at the time this Chapter was applied to the property. Applications for new development that would intensify land use shall not be considered, except as otherwise provided in this Chapter.

B. This Chapter shall not apply to or prohibit the following:

6. Development projects including subdivision, where an applicant demonstrates to the satisfaction of the Planning Director that water conservation measure proposed on or off the affected building site will, in combination with the project for which approval is sought, result in a minimum of ten (10) percent overall decrease in the use of water.

Monterey Peninsula Water Management District Authority, Rules and Regulations

Proposed Project Applicability to MPWMD Rules: As part of its oversight of water allocation and distribution, the MPWMD established a program whereby a water customer may obtain and reuse water credits when water use on a particular property is reduced or discontinued (Rule 25.5). The applicants are proposing to use water credits under Rule 25.5 that allows the property to retain a credit for the existing buildings and former use on the site, in accordance with the regulations of the MPWMD (see text box below). Enacted in 1992, Rule 25.5 allows for receipt of a "Water Use Credit" for the permanent abandonment of some or all of the prior water use on a site. Under this rule, any excess savings would be available as a water credit on the site.

In accordance with the requirements of MPWMD Rule 25.5, a property may obtain a water credit that may be used later on the same site; water credits are obtained by changing to a less intensive use, retrofitting equipment with water conserving devices, and/or by abandoning a use or demolishing a building. The property owner applies to the Water District for the water credit, and the Water District calculates the amount of the credit using the current use factors for the non-residential uses and upon the number and types of water-using fixtures that will be discontinued. Under Rule 25.5, a documented water

credit obtained from the Water District may be applied to and shall allow future water use on that site at any time within a period of 60 months. The owner may apply for one extension of the 60-month period. However, after this time, remaining unused water use credits expire according to the Rule. There are no provisions for further extensions.

Monterey Peninsula Water Management District Rule 25.5:

MPWMD Rule 25.5 stipulates how the District determines the water use credit allocations for its management area, as identified in the following excerpts from the Rule:

A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may receive a Water Use Credit for the permanent abandonment of some or all of the prior water use on that Site by one of the methods set forth in this Rule. Water Use Credits shall be documented by written correspondence between the District and the property owner, and shall remain valid unless prohibited by this Rule. Water Use Credits shall not be documented by notice on a property title, except as specified in Rule 25.5-G. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site.

B. Water savings resulting from mandatory District programs, including water savings resulting from the installation of Low Water Use Plumbing Fixtures Mandated by the District, shall not result in a Water Use Credit. Such savings shall be set aside as permanent water conservation savings essential to the District's 15 percent conservation goal approved by the Board in March 1984.

C. A Water Use Credit may be applied to and shall allow future water use on that Site at any time within a period of 60 months. After the 60th month, the General Manager shall allow renewal of this Water Use Credit only upon verification that some or all water savings represented by that credit are current (i.e. no Water Permit or other use or transfer of the Water Use Credit has occurred). If all savings are not current, a pro-rata reduction shall occur. A single renewal period of 60 months shall be allowed; thereafter any remaining unused Water Use Credit shall expire.

D. A Water Use Credit on a Redevelopment Project site may, in addition to the time limits and in the manner set forth above, have its expiration date extended for two (2) additional periods of sixty (60) months each, to afford any such Redevelopment Project a maximum period of two hundred forty (240) months to use that credit.

E. The following types of Permanent Abandonment of Capacity shall qualify for aWater Use Credit under this Rule:
1. Demolition of a building or use that has been recognized by the District as being a lawful water use;
2. Permanent disconnection of a lawful water use from a Water Distribution System;
3. Residential removal of water fixtures;
4. Permanent installation of non-Mandated water fixtures or appliances.

F. To determine a Water Use Credit, the General Manager shall:
1. Verify that the reduction is one which is permanent (i.e. Permanent Abandonment of Use).
2. Quantify the Water Use Capacity of the Site using the water use factors from Rule 24, Tables 1 and/or 2. If no factor is available on Table 2 or if the use is substantially different than any of the uses shown on Table 2, the General Manager may make an estimate based upon water records showing the average use over a minimum of ten years.
3. Grant a Water Use Credit for the permanent removal of water using fixtures providing that the fixture was properly and lawfully installed. Credit for fixtures listed in Rule 24-A-2 shall only receive a Water Use Credit upon evidence of a Water Permit showing a debit to a Jurisdiction's Allocation and payment of related Connection Charges.
a. Water Use Credits for multiple Showerheads shall be limited to a maximum of four (4) fixture units per Separate Stall Shower or Bathtub. A Shower System shall be considered a component of a Separate Stall Shower or Bathtub for purposes of this Rule.

b. Credit shall not be given for any reduction which occurs as the result of the removal of Landscaping installed without a Water Permit or installed pursuant to a Water Permit for New Construction. An exception to this limitation shall be made for Non-Residential Landscaping that was specifically identified, quantified, and permitted by the District. Any Water Use Credit granted under this subdivision shall be determined using the Estimated Applied Water for the increment of Landscaping being permanently abandoned.
4. Quantify the water use reduction (the abandoned Capacity) using the following methods:
a. Residential Water Use Credit for demolitions, permanent disconnection of water service, and permanent removal of water fixtures shall be determined using the Fixture Unit Values from Rule 24, Table 1: Residential Fixture Unit Count Values.
b. Residential Water Use Credits shall only be granted for installation of ultra-low consumption appliances. Table 4: Ultra-Low Consumption Appliance Credits shall list the ultra-low consumption appliances and the quantity of Water Use Credit available for the permanent installation of the appliance. This table shall be amended by Resolution of the Board of Directors.
c. Non-Residential Water Use Credit for demolition and for permanent disconnection of water service shall be determined using Table 2: Non-Residential Water Use Factors.
d. Non-Residential Water Use Credit for retrofits with Ultra-Low Consumption Technology shall be documented under the following circumstances and shall be granted for the increment of water savings beyond the water savings anticipated from the installation of Low Water Use Plumbing Fixtures and other District mandates:
(1) Application for Water Use Credit Post-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of ten (10) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) along with two or more years of post-retrofit water history for the use (i.e. bills or correspondence from the Water Distribution System Operator). When ten years of water history for a use is unavailable or when less than two years of post-retrofit water history is available, the Applicant shall obtain an independent third party's review of the projected water savings. The District shall maintain a list of Persons qualified to prepare a third party water conservation analysis. In all cases, the District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.
(2) Application for Water Use Credit Pre-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of ten (10) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) to establish a baseline consumption level. When ten years of pre-retrofit water history for a use is unavailable, the factor from Rule 24, Table 2: Non-Residential Water Use Factors shall be used as the historic use baseline. To substantiate projected water savings resulting from the proposed retrofit(s), the Applicant shall submit additional documentation to support the estimated water savings. Finally, the Applicant shall obtain an independent third party's review of the projected water savings. The District shall maintain a list of Persons qualified to prepare a third party water conservation analysis. In all cases, the District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.
(3) When a Non-Residential Water Use Credit is requested for a Site that cannot demonstrate that the Site was equipped with Low Water Use Plumbing Fixtures for the full period of the water records used, there shall be a 15 percent reduction of the final calculated Water Use Credit.
(4) In the event that the General Manager disagrees with the amount of water savings resulting from the installation of Ultra-Low Consumption Technology, the complete Water Use Credit application shall be presented to the Board for further consideration.
5. Written notification of the quantity and expiration of a Water Use Credit shall be provided to the Applicant and to the property owner.

G. A valid Water Use Credit may provide the basis for the General Manager to issue a Water Permit for new, modified, or Intensified Water Use on that Site.
1. There shall be no Connection Charge assessed for any Water Use Credit. Connection Charges, however, shall apply to the Capacity for water use which exceeds the Water Use Credit, or for any Expansion of Use following the expiration of the Water Use Credit.
2. Use of a documented Water Use Credit to offset an Expansion of Use shall cause recordation of a Notice and Deed Restriction Regarding Limitation on Use of Water on a Property.
3. No Connection Charge refund shall accrue by reason of a water use reduction or abandonment of Capacity, whether or not reflected by a Water Use Credit.
4. Issuance of a Water Use Credit shall not result in any change to a Jurisdiction's Allocation or to any Water Entitlement. Use of any Water Use Credit shall similarly not result in a change to a Jurisdiction's Allocation or any Water Entitlement.
5. When a Water Use Credit or On-Site Credit applied to a Water Permit originates from a Qualifying Device for which a Rebate has been issued, the District shall collect the amount of the Rebate as a Water Permit fee surcharge, in addition to any other fee that may apply to that Water Permit. This fee surcharge shall be deposited in the Rebate Account.

Thresholds of Significance as Cited from the Draft EIR

In accordance with CEQA Guidelines, a project impact would be considered significant if the project would:

- Have insufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements;
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects;
- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs, or
- Not comply with federal, state, and local statutes and regulations related to solid waste.

Significance Thresholds Regarding Water Supply and Availability

The Recirculated Draft REIR adopts significance thresholds for water supply and availability that are designed to evaluate how the proposed use of water affects environmental resources such as groundwater recharge and water supplies available to meet demand, consistent with CEQA Guidelines.

- A project impact would be considered significant if the project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Specifically, the Recirculated Draft REIR provides that the proposed project would have a significant impact on water supply and availability if the project would substantially degrade or deplete groundwater resources in the Carmel Valley Alluvial Aquifer (CVAA) and the Monterey Peninsula Water Resource System, components of the Cal-Am distribution system (referred to as Carmel River system), interfere with groundwater recharge, or cause an increase in pumping or demand on the Carmel River system as compared to historical use resulting in a reduced overall supply of Cal-Am water to existing customers.

The Recirculated Draft REIR also adopts a significance threshold to evaluate how the proposed use of water affects environmental resources, such as fish and wildlife populations and aquatic and riparian habitat, per CEQA Guidelines section 15065 (Mandatory findings of significance), as follows:

- Does "[t]he project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause population to drop below self

sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species ....” (Guidelines, §15065(a)[1]).

Background on Significance Criteria Comments on the Draft EIR

Certain comments received on the Draft EIR and the NOP state that the County must adopt a significance threshold for the EIR where any use of water above documented historical use (i.e., as a result of water demand for the project) within the Carmel River system would constitute a significant unavoidable impact without reference to the timing, nature, or magnitude of those impacts and their effects on other resources. Comments reference that this significance threshold is required based on the findings of Order WR 95-10 of the SWRCB and the October 2009 Cease and Desist Order to Cal-Am. The comments suggest that these documents indicate that environmental conditions on the Carmel River are so severe that any additional water use must constitute a significant unavoidable impact. Although these comments were considered in developing the EIR significance criteria identified in the Recirculated Draft EIR, the significance impact analysis does consider the background timing, nature, or magnitude of potential impacts and their effects on other resources in evaluation of the level of significance as discussed under “Impacts and Mitigation” and “Baseline Assumptions.”

Impacts and Mitigation

Water Demand

The project proposes the redevelopment of a former convalescent hospital site into 33 market rate residential units and 13 affordable and workforce units, as well as development of a 2,100 square foot gym. All properties that modify or add water fixtures on a property within the MPWMD must obtain written authorization from the District prior to taking action. Additionally, provisions of District Rule 142 Water Efficiency Standards, as amended by District Rule 142, would apply. MPWMD has reviewed the proposed project with regards to water demand and have provided input into the water demand numbers used and included within this Recirculated Draft EIR. Based on the proposed project and the applicable water demand factors for fixture counts per the MPWMD Residential Water Release Form, the estimated water demand for the proposed residential project is approximately 6.154 AF/Y. See **Table 4.14-1** for a summary of demand projections and **Table 4.14-2** for the calculated water demand factors based upon number of fixtures and square footage of gym. (The tables are summaries of the full set of the water demand projections for the proposed project included as part of **Appendix R** of this Recirculated Draft EIR**.)**

Water demand estimates were evaluated and confirmed with MPWMD in accordance with a letter from Stephanie Pintar, MPWMD dated August 10, 2009[1]. As part of the District project evaluation, District staff conducted a review of the water demand estimates for the Villas de Carmelo Project. Based upon the detailed breakdown of the number and type of water fixtures for the proposed residential units, along with the square-footage of the recreation room, District staff confirmed the water demand estimates shown in **Table 4.14-2 Post Project Demand**. As indicated in their letter, “District staff concurs with the water demand estimates of 6.164 FY in the attached spreadsheet for eight one-bath residential units, eighteen two-baths residential units, and 20 two and one-half bathroom residential units and 4,450 square feet of Group I uses.” (The revised August 5, 2009 spreadsheet reviewed by the District and submitted by the applicants is included in **Appendix R** of this Recirculated Draft EIR).

[1] Correspondence from Stephanie Pintar, Monterey Peninsula Water Management District dated August 10, 2009 addressed to Monterey County Resource Management Agency regarding "Villas de Carmelo Project, Hwy One & Valley Way, Carmel - Draft Environmental Impact Report dated April 2009, County's File Number: PLN070497, State Clearinghouse #2002111038, APNs: 009-061-002, 003, and 005." Please refer to Appendix R.

Table 4.14-1 **Water Demand Projections for Housing and Gym**	
Unit Number	**Total # Units/AF/Y**
Affordable	
Affordable* - SUBTOTAL	57.4 Units/ **0.574 AF/Y**
Workforce	
Workforce* - SUBTOTAL	63.0 Units/ **0.63 AF/Y**
Market Rate	
Market Rate* - SUBTOTAL	463.8 Units/ **4.63 AF/Y**
Gym	
Gym - SUBTOTAL**	31.15 Units/**0.147 AF/Y**
TOTAL DEMAND PROJECTED	615.4 Units/**6.154 AF/Y**

*Source: Based upon applicant submittal of Residential Water Release Form and Water Permit Application as reviewed by Monterey County Water Resourced Agency, Monterey County Planning, and MPWMD (Fixtures and Water Demand Factors are shown in Table 4.14.2, below.)

**Source: Based upon applicant submittal of Non-Residential Water Release Form and Water Permit Application and independent review as noted above. All water demand factors and water credits will be subject to final approval by MPWMD (Fixtures and Water Demand Factors are shown in Table 4.14.2, below.)

*** Per personal communication with MPWMD staff, the proposed project would not involve a new connection, thus there would be no inclusion of the project's estimated landscaping water demand included within the project's application in accordance with Rules and Regulations of the MPWMD. Additionally, separate water meters would be required for installation for each residential unit, the gym, and irrigation. See discussion of landscaping in Recirculated Draft EIR below.

Table 4.14-2
Post Project Demand Based upon MPWMD Fixture

(All fixtures after project)	**Proposed Unit Type**							
Type of Fixture	Affordables	Work Force	Market	Existing Hospital Bldg (dn)	Existing Hospital Bldg (up)	**Fixtures**	**Value**	**Count**
Wash Basin - each	7	10	68	6	12	103	x 1.0 units =	103
Wash Basin 2nd in Master Bath	0	5	24	3	6	38	x 0.0 units =	0
Toilet, high efficiency-1.0gallons-per flush*	8	10	68	6	12	104	x 1.3 units =	135.2
Master Bath - Tub with separate shower stall	0	5	24	3	6	38	x 3.0 units =	114
Standard bathtub (may have showerhead above)	8	0	0	0	0	8	x 2.0 units =	16
Shower, separate stall (one showerhead)	0	5	24	3	6	38	x 2.0 units =	76
Kitchen sink and high efficiency dishwasher*	8	5	24	3	6	46	x 1.5 units =	69
Laundry/utility sink (sink (1 only per residential site)	0	0	0	1	0	1	x 2.0 units =	2
ULF Washing Machine-up to 28 gallons per cycle*	8	5	24	3	6	46	x 1.5 units =	69
Gym/Lounge area Commercial use Type I @ .0007 AF/SF (100 units = 1 AF)						4450	x .007units/sf=	31.15
Subtotal proposed fixtures	39	45	256	28	54	422	=	615.4

*DEED RESTRICTION REQUIRED

**Credit for hot water system not available for new houses

ASSIGNED CREDIT		**Project Total**	**615.4**	unit
		=	**6.1535**	**AF**
Existing Credit Available				
65 bed skilled nurses facility	65	x .12AF/bed =	**7.8**	
Alzheimer's clinic	6080	x.00007AF/SF=	**0.426**	
		Total Credit Available	**8.226**	**AF**
		Total Project Demand	**6.154**	**AF**
		MPWMD Water Credit	**8.226**	**AF**
		Difference Between MPWMD Assigned Credit and Demand	**2.07**	**AF**

Due to long-term water supply concerns and existing regulations within the MPWMD and the County, new and rehabilitative developments are required to implement water conservation measures consistent with local ordinances and regulations. This project will therefore be required to comply with the rules and requirements of MPWMD Regulations II, XIV, and XV and water conservation measures consistent with Monterey County Municipal Code, including Monterey County Municipal Code 18.46 (Ordinance 3310) and MPWMD Ordinance 141. Additionally, the District intends to add a requirement that project residential units must be equipped with "High Efficiency Toilets and High Efficiency appliances" and that final review of the demand projection will be required prior to building permit approval. Final approval of this District requirement is expected to occur prior to County or District consideration of this project. Mitigation in this Recirculated Draft EIR requires that "Each water permit application will be conditioned to comply with MPWMD's water conservation requirements for new construction, the proposed low water consumption features, and will be subject to the rules in effect at the time a complete Water Release and Water Permit application is received."

Landscaping and Irrigation

The staff of the MPWMD reviewed the Draft EIR and the water demand calculations for the project site as shown in **Appendix R.** The project water demand under Rule 25.5 does not specify a water demand for outdoor landscaping since the assumption inherent in the Rule is that landscaping would be within the available water use credit.[2] Therefore, there was no estimate of the project's proposed landscaping water demand included within the project's application to the MPWMD or a demand factor identified in the Draft EIR. However, a number of comments were received on the Draft EIR that requested landscape/outdoor use be estimated and considered as future water demand. The following addresses these comments and estimates outdoor/landscape water use for the project; the methodology uses available water factors and the adopted approach from the MPWMD Model Ordinance.

Strict application of the MPWMD Rules provides for a total water demand of the proposed project of 6.154 AF/Y for indoor use exclusive of an amount projected for outdoor use for landscaping. In review of the project plans, landscaping is proposed for a portion of the 1.58 acres of open space and common area throughout the site. Conceptual landscaping plans do not provide the square footage of common area requiring irrigation. In order to provide a basis for assumptions for water demand for landscaping, it is estimated that approximately 0.68 acres (30,000 square feet)of the common area would be landscaped.

In order to calculate the maximum allowable outdoor water use for a proposed project, MPWMD uses a standard formula, the Model Water Efficient Landscape formula, of the Water Conservation in Landscaping Act of 1990, which was amended by the Department of Water Resources in Assembly Bill 1881. This Maximum Applied Water Allowance (MAWA) formula is listed in the MPWMD Water Budget Requirements and uses a formula for landscaped area, evapotranspiration based upon geographic areas and common conversion factors.[3] In this case, calculations for applied exterior water are based

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[2] Under the Rules of the MPWMD (Rule 25.5), in applying water credit for existing parcels, the District does not require an additional increment of water for exterior water usage for existing parcels with existing uses; however the District would require a separate water meter for landscaping irrigation purposes.

[3] The Maximum Applied Water Allowance (MAWA) formula is expressed as MAWA = ETo x ETadj x LA x 0.62, where Eto= evapotranspiration rate; ETadj= evapotranspiration adjustment factor (0.7); LA= landscaped area in square feet and 0.62= conversion factor. The resulting figure of this equation is in gallons per year, which in order to be converted into acre-feet per year must be divided by 325,851. Evapotranspiration zones are defined by the Department of Water Resources and local agencies, such as MPWMD, in order to estimate evaporation and transpiration rates in locations around the state. The Villas de Carmelo project site is located in ETo Zone 1, which has an average annual ETo of 33.

upon an estimated 0.68 acres (30,000 square feet) of landscaped area (LA) of the total 1.58 acres (68,825 square feet) of open space of the project site. The MAWA for sustaining 0.68 acres of landscaped area pursuant to the Model Water Efficient Landscape formula would be 1.32 AF/Y.[4]

As noted earlier, per existing regulations within the MPWMD and the County, new and rehabilitative developments are required to implement water conservation measures consistent with local ordinances and regulations for landscaping, including compliance with MPWMD Regulation XIV and Rule 142 Water Efficiency Standards, as amended by Rule 141. Mitigation measures have been identified in this Recirculated Draft EIR to address landscaping irrigation, including the requirement for drought tolerant landscaping.

However, applying requirements for drought tolerant landscaping vegetation and water conserving methods for irrigation, as would be required by mitigation proposed as well as by State of California and MPWMD provisions for model water efficient landscaping, a reduction in outdoor water use for the project site would occur, reducing water usage for landscaping purposes to 1 AF/Y. As shown in **Table 4.14-2, above,** based upon the detailed breakdown of the number and type of water fixtures for the proposed project, District staff confirmed an interior water demand 6.164 AF. Adding the estimate of outdoor water use (1AFY) with the interior water demand (6.164 AF) would be less than the MPWMD assigned water credit of 8.226 AF for the site.

Water Supply and Availability

Water would be supplied by Cal-Am (the primary water purveyor in the Carmel area). The sources of supply for the subject parcel are the Carmel Valley Alluvial Aquifer (CVAA) and the Monterey Peninsula Water Resource System, components of the Cal-Am distribution system. In accordance with the regulations of the MPWMD, the applicants are proposing to use water credits under Rule 25.5 that allows the property to use their property water credit for the existing buildings and former use on the site. Therefore, the applicants propose to abandon use as a convalescent hospital under the regulations set forth by MPWMD Rule 25.5 and use their property credits assigned under Rule 25.5. Project application components and consistency with the rules and regulations under both Rule 25.5 and Monterey County Code are discussed below.

Application and Consistency with MPWMD Rule 25.5

Table 4.14-3 displays the water use credit for the project site as estimated by MPWMD under current MPWMD Rules and Regulations, Rule 25.5. The calculations of Water Use Credits (Rule 25.5) will require verification by the District of permanent abandonment of use and final determination of the water use credit for the site.

The proposed project would not be considered a new connection by MPWMD; the project site has been developed since the 1930s and retains existing water service. Additionally Monterey County has determined that the existing use permit for the convalescent hospital is still valid, and in this case, the operations of the convalescent hospital could be reinstituted without additional entitlements to reuse the property's water credit. As the project site has not been considered to be abandoned under MPWMD's Rule 25.5, the project site has retained the estimated 8.226 AF/Y water credit based upon its previous use as a convalescent hospital as identified in **Table 4.14-3**, below.

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[4] MAWA = ETo x ETadj x LA x 0.62 or (33)(0.62)(0.7 x 30,000) = 429,660 gallons per year, where 429,660 / 325,851 = 1.32 AF/Y

Table 4.14-3
Available Water Use Credit for Convalescent Hospital Site Estimated by MPWMD under Rule 25.5

Category of Previous Use	Unit Count	Demand Factor	Acre-feet/Year (AF/Y)
Main Building, Skilled nursing beds	65 beds	0.12000	7.80 AF/Y*
Ancillary Building(s)	6,080 square feet	0.00007	0.426 AF/Y**
Total			**8.226 AF/Y**

*Based upon water demand factor of 0.120 per skilled nursing bed per MPWMD

**Based upon 0.00007 water demand factor for Group 1 Non-Residential Uses per MPWMD

Source: MPWMD Rule 25.5, MPWMD Letter dated February 5, 2008, and MPWMD Demand Factors; Refer to **Appendix L-1** and **L-2** of the Draft EIR.

After a final determination has been made by MPWMD regarding the abandonment of an approved-use with water use credits available, those credits may be allowed for future use or renewed at any point within 60 months. The Rules allow the General Manager of MPWMD to approve a renewal of the water use credit only upon verification that some or all water savings represented by that credit are current (i.e., no water permit or other use or transfer of the water use credit has occurred). Only one renewal period of 60 months is provided in Rule 25.5, for a total of ten years allowable use of water credits. As such, under application of the rules for water credits, the property maintains water credits on the site for up to ten years after abandonment of use.

Consistency with MPWMD Rule 25.5. The water credit under Rule 25.5 and demand calculations identified above has been reviewed by Monterey County Water Resource Agency, Monterey County Planning, and MPWMD. The District has determined that upon application for water credits (based upon demolition of building use or removal of the Property's water meters), the District rules allow for the issuance of 8.226 AF/Y of on-site water credits (Letter from MPWMD dated February 5, 2008). The project water demand estimates of 6.154 AF/Y for residential and gymnasium uses would be reduced from the site's existing water credit of 8.226 AF/Y with formal application and processing by the District. Upon application, the MPWMD Rules and Regulations, including the process for calculating Water Use Credits (Rule 25.5), will be used to verify the final water use credit for the site. The District will also require verification by the District of permanent abandonment of use and final determination of the water use credit for the site. The project is considered consistent with the applicable regulations under MPWMD Rule 25.5 based on the proposed project's application (MPWMD letter dated February 5, 2008); however, final consistency with Rule 25.5 must be verified by the MPWMD per the regulations of the District.

Water Use History of the Site

In the Draft EIR, the above discussion identified the existence of a water credit based on an estimated use provided by the MPWMD under Rule 25.5, termed the "water credit." Some Draft EIR comment letters cited this as "hypothetical" water use on the site, and commenters questioned the validity of the MPWMD water factors used to determine the water credit as a way to determine past water use on the site. Additional documentation is provided below on the historical use of the site, validity of the existing use permit to operate the convalescent hospital, and water consumption records for the property.

The application to Monterey County identifies that the convalescent hospital use at the project site was an ongoing operation since the 1930s. The property's operations as a convalescent hospital ceased in 2005

(Historical data contained in **Draft EIR Appendix F, Historical Resource Documents).** An existing use permit authorizing the operation of a convalescent hospital on the property was issued in 1963 and remains valid today (Use Permit #863, on file with Monterey County Planning Department; copy of which is included as **Appendix S**). The County of Monterey has opined that process requesting removal of the water fixtures and/or water meters from the property for purposes of obtaining a water district "on site water credit" will not impact the validity of the existing permit. (Refer to September 2, 2009 Letter from Carl Holm to Aengus Jeffers, included as **Appendix T** of this Recirculated Draft EIR). The letter states "Thus, it is the determination of the Monterey County Planning Department that securing Water Credits pursuant to either action 2 or 3 described above does not constitute an abandonment of Use Permit No. 863. So long as reasonable efforts are made to either amend Use Permit No. 863 or permit another use of the Property, securing Water Credits pursuant to either actions 2 or 3 above will not impair the Property owner's existing right to reintroduce a convalescent hospital on the Property to Use Permit No. 863."

In response to the request for additional information on the actual records of historical use, documentation was obtained from actual Cal-Am production records based upon metering at the property site (this data is included as **Appendix U** of this Recirculated Draft EIR). The records show the amount of consumption based upon the two meters operating at the site and records released by Cal-Am at the request of the property owners. **Table 4.14-4** provides the summary of these available records.

As shown, the water use varied during operation of the hospital, and if all years were averaged from Water Years 2001 to 2007, the average water demand during this period is 8.3 AF/Y. During the four year period of operations at the site (Water Year 2001 to WY 2004), the property's water use averaged 13.68 AF/Y of consumption based upon available Cal-Am records. During the four year period when the hospital ceased operations at the site (WY 2005 to WY 2008), only nominal water use was recorded (ranging from a low of 0.18 AF/Y for WY 2008 to 2.90 AF/Y for WY 2005).

Table 4.14-4
Hospital Property Water Use History

Water Year	Meter	Units	Gallons	Acre Feet
2001	Hospital	5,835[(1)]	4,364,580	**13.39**
	Als. Ward	514[(2)]	384,472	1.18
	2001 Total	**6,349**	**4,749,052**	**14.57**
2002	Hospital	4,809	3,597,132	11.04
	Als. Ward	703	525,844	1.61
	2002 Total	**5,512**	**4,122,976**	**12.65**
2003	Hospital	4,858	3,633,784	11.15
	Als. Ward	744	556,512	1.71
	2004 Total	**5,602**	**4,190,296**	**12.86**
2004	Hospital	5,956	4,455,088	13.67
	Als. Ward	433	323,884	0.99
	2004 Total	**6,389**	**4,778,972**	**14.67**
2005	Hospital	1,054[(3)]	788,392	2.42
	Als. Ward	210[(4)]	157,080	0.48
	2005 Total	**1,264**	**945,472**	**2.90**
2006	Hospital	35[(5)]	26,180	0.08
	Als. Ward	4	2,992	0.01
	2006 Total	**39**	**29,172**	**0.09**
2007	Hospital	368	275,264	0.84
	Als. Ward	64	47,872	0.15
	2007 Total	**432**	**323,136**	**0.99**
2008	Hospital	0	0	0.00
	Als. Ward	78	58,344	0.18
	2008 Total	**78**	**58,344**	**0.18**

Notes: (1) Water Year Units Extrapolated Jan to Oct Data (1.2 x 4,863 units).

(2) Water Year Units Extrapolated Jan to Oct Data (1.2 x 428 units).

(3) Carmel Convalescent Hospital from 1/05 to 4/05 using 381 units; La Sorella from 5/05 to 9/05 using 106 units; Rigoulette from 10/05 using 0 units.

(4) Carmel Convalescent Hospital from 1/05 to 4/05 using 105 units; La Sorella from 5/05 to 9/05 using 1 units; Rigoulette from 10/05 using 0 units.

(5) 8/06 meter reading subtracts 10 units by mistake.

Source: Provided to Monterey County by Property Owner Representative; adapted from Cal-Am water meter records. Reviewed by Monterey County Resource Management Department prior to inclusion in this Recirculated Draft EIR.

Application and Consistency with Monterey County Ordinance 3310 (Municipal Code 18.46)

Under Monterey County Ordinance 3310 (Municipal Code 18.46), new subdivisions must provide for a 10% reduction in water demand from uses at the time the ordinance took effect. Application of the required reduction in water demand per County Ordinance is shown in **Table 4.14-5.** As the ordinance took effect during the time the hospital was in operation, the following table identifies historical average use based upon actual Cal-Am metered records. (Note: **Table 4.14-5** also evaluates whether the project would meet a 10% reduction if MPWMD water use credit of 8.226 AF/Y were applied and demand for irrigation were added.)

Table 4.14-5
Consistency with Monterey County Ordinance 3310 (County Municipal Code 18.46)

	Acre-feet/Year (AF/Y)
Historical Use Based Upon Cal-Am Records Per Ordinance	
Using Four Year Average	13.68 AF/Y
Inclusion of Monterey County Ordinance 3310 (13.68 AF/Y -10%)*	1.368 AF/Y
Residual available to meet project demand	**12.312 AF/Y**
Historical Use Based Upon Rule 25.5 (Alternative Approach)**	
MPWMD Rules and Factors	8.226 AF/Y
Inclusion of Monterey County Ordinance 3310 (8.226-10%)	0.8226 AF/Y
Residual available to meet project demand	7.4034 AF/Y
The proposed project would be considered consistent with the Monterey County Municipal Code 18.46 Regulations (Ordinance 3310).	

* Per requirements of Chapter 18.46 of Title 18 Monterey County Buildings & Construction Code.

** Using the water use credit of 8.226 AF/Y as an alternative base number and the projected demand of 6.154 AF/Y, there is 1.249 AF/Y unused credits with application of Ordinance 3310 10% reduction (7.4034-6.154=1.294). Irrigation demand is projected to be approximately 1 AF/Y. Therefore, project meets requirements of Chapter 18.46 under both historical and MPWMD conditions, and allows for use of applied water for landscaping, as shown above. The 6.154 water demand does not include irrigation. Therefore, the project is consistent with requirements of Chapter 18.46 under both historical and MPWMD conditions. As the ordinance took effect during the time the hospital was in operation, the table identifies historical average use based upon actual Cal-Am metered records as the appropriate method for consistency with this County ordinance.

Consistency with Monterey County Municipal Code 18.46 Regulations (Ordinance 3310): The applicant will be required to comply with Monterey County Municipal Code 18.46 Regulations (Ordinance 3310) as part of the conditions of approval for the project; these regulations require demonstration to the satisfaction of the Planning Director that water conservation measures proposed on or off the affected building site will, in combination with the project for which approval is sought, result in a minimum of 10% overall decrease in the use of water. As identified above in **Table 4.14-5**, the project is consistent with the requirements of Chapter 18.46.

Establishment of Baseline Conditions for Water Use: Current use of the site is limited to use of the former nurses' quarters building; operation of the convalescent hospital building and garage/shop building ceased in 2005. **Table 4-14.4** identifies water use under the current site conditions (0.99 AF/Y, Water Year 2007, above). The table also presents the water meter records of use from Water 2001 to 2008. A general rule is that the existing environmental setting starts at the time of the NOP release that would

normally constitute the baseline against which agencies assess the significance of project impacts.[5] However, CEQA and applicable case law allows the Lead Agency to use discretion to deviate from the time-of-review baseline if the decision is supported by substantial evidence. The County as lead agency may determine that there is substantial evidence that supports a variation from typical CEQA baseline, including the documented records of water use and the available water use credits under MPWMD Rule 25.5 that substantially exceed the strict allowance of a water use if it were to be applied at release date of NOP. The baseline description and associated analyses has been modified since the release of the Draft EIR, as discussed below.

Recirculated Draft EIR Baseline Analysis. The Draft EIR defined the baseline in terms of the current environmental setting at the time of the release of the NOP, but also recognized the historic use at the site and regulations in effect under MPWMD Rule 25.5, which allows for water credits for use. Since the release of the Draft EIR, the MPWMD and the County of Monterey obtained additional documentation on water use. The following addressed the primary items:

- The Cal-Am water records provided above in **Table 4.14-4** established the documented water demand on the site for the convalescent hospital during its most recent period of operation.
- The MPWMD updated their correspondence on the property's water use credit and confirmed calculated demand on August 10, 2009.
- The property's existing use permit remains valid.
- No additional water from Monterey County allocation would need to be allocated to the subject property to meet project demands.
- Monterey County established the property owner has the right to resume historical operations.
- Monterey County established that the environmental processing for this project site was initiated before the July, 2008 NOP release date.[6]

Similarly, as the convalescent operations can resume in one configuration or another, the EIR's baseline description and accompanying analysis should reflect a baseline that considers some portion of the historic operations and water use.[7]

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[5] However, in exceptional circumstances a "past" or "future" baseline may be appropriate. For example, where an applicant proposes a project that modifies an existing project, the baseline should consider any normal historical fluctuations in the existing project operations (Amador County v. El Dorado County Water Agency (1999) 76 Cal App. 4th 931). See also Fairview Neighbors v. County of Ventura ((1999) 70 Cal App. 4th 238), where the court held that historical mining operations were an appropriate baseline despite the fact that the original use permit had expired.

[6] The project site has been undergoing consideration for development for some time. An early effort included a request for annexation into the City of Carmel-by-the-Sea (**Appendix D,** Initial Study for Carmel Convalescent Hospital Annexation, 2006). Subsequently, a project application to Monterey County was initiated for the current project to the County (2007).

[7] The County has reviewed the application timeline and project history and determined that the time of the commencement of the environmental review for this property began prior to the issuance of the NOP (July 2008). At the time of the NOP issuance, the application processing and environmental review process has already spanned approximately two to two and a half years (See **Appendix V,** Timeline of Development Processing). During that time, the applicant's petitioned and received information from the MPWMD regarding the applicability of MPWMD Rule 25.5 water use credit program (See **Appendix W in Draft EIR,** Correspondence from MPWMD, dated from

Based on correspondence with MPWMD, the project site has approximately 8.226 AF/Y of water credits available. MPWMD rules, as described above, permit the transfer of water credits. Although the historical use of the site shows an operation demand greater than the 8.226 AF/Y assigned water use credit, and the property retains a valid and current use permit the convalescent hospital, Monterey County has determined the appropriate baseline water use is established at 8.226 AF/Y. Based on the analysis contained in this EIR, the project site's existing water credits are sufficient to accommodate project generated demand.

Impact Analysis

Per CEQA's defined thresholds of significance regarding potential impacts to water supply, a project impact would be considered significant if: the project would have insufficient water supplies available to serve the project from existing entitlements and resources; it required new or expanded entitlements; it required or resulted in the construction of new water treatment facility (or facilities) or the expansion of existing facilities; and/or construction may cause significant environmental effects. These are discussed below:

- The water would be supplied by Cal-Am (the primary water purveyor in the Carmel area). The sources of supply for the subject parcel are the Carmel Valley Alluvial Aquifer (CVAA) and the Monterey Peninsula Water Resource System, components of the Cal-Am distribution system.

- The project site retains an existing water credit based upon MPWMD rules and a valid use permit. The proposed project would not require a new or expanded water credit, nor would it require construction of new water treatment facilities or the expansion of existing facilities.

- The source of supply is within the jurisdiction of the SWRCB. The application does not entail an increase in the total Cal-Am production limit from the Carmel River or Seaside Basins, which are controlled by SWRCB Order 95-10; nor does it require a change in Monterey County's allocation under MPWMD.

- Existing water credits are available to accommodate project generated demand, which is less than historic use on the site. Specifically, the project site has available existing water credits amounting to 8.226 AF/Y and there would be no increase in allowed water or water demand compared to historic use.

- The project would not result in the development of new wells. There would also be no change to current Cal-Am production limits, and no net increase in allowed water use compared to historic uses on the property per **Table 4.14-4**.

The project would not exceed available water supplies and resources; supplies and resources to serve the project are available to the site; it would not result in construction of new water treatment facility (or facilities) or cause an expansion of existing facilities or construction of facilities that may cause significant environmental effects. **The project will not result in a new or expanded entitlement for water; the project will use water within available water use credit from the MPWMD and within historic water use. The project will use water through the water use credit program (Rule 25.5) requiring that water use on the site be within MPWMD demand factors. Implementation of the mitigation measures identified below would constitute a less-than-significant impact for this use.**

2006). Additionally, there was a separate and earlier Initial Study/Negative Declaration released in December 2006/January 2007 for an earlier entitlement request for annexation to the City to allow development on this site.

Per CEQA's defined thresholds of significance, a project impact would be considered significant if the project would "substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)." These are discussed below:

- The water would be supplied by Cal-Am (the primary water purveyor in the Carmel area). The sources of supply for the subject parcel are the Carmel Valley Alluvial Aquifer (CVAA) and the Monterey Peninsula Water Resource System, components of the Cal-Am distribution system. Sources for the Carmel River system include surface water diversions from the Carmel River at San Clemente Dam, groundwater extractions from the Upper Carmel Valley Alluvial Aquifer, and groundwater extractions from the Lower Carmel Valley Alluvial Aquifer.
- During 2008 Water Year, Cal-Am production from the Carmel River system was 10,660 AF. The source of supply is within the jurisdiction of the SWRCB. The application does not entail an increase in the total Cal-Am production limit from the Carmel River or Seaside Basins, which are controlled by SWRCB Order 95-10; nor does it require a change in Monterey County's allocation under MPWMD.

The project's water demand will not cause a substantial depletion of the groundwater supplies or substantial interference with recharge. The property has accessed the groundwater supplies of the Carmel River system for its water deliveries since the 1930s. Water demand is a small fraction of aquifer volume and water use for the site. There would be no increase in water demand from the proposed project compared to average water use based on actual records on the site over the applicable water years of record (2001-2007), which had an average use of 8.3 AF/Y. **Through the mitigation measures identified below, potential impacts would be reduced to less-than-significant impact.**

Impact **The proposed project would use approximately 6.154 AF/Y of water from the existing water supply system for indoor fixtures without outdoor landscaping use and 7.154 AF/Y to account for water for irrigation needs. The proposed project will be using less water compared to defined baseline conditions for this project (8.226 AF/Y). Therefore, there will be a decrease in water demand in comparison to baseline conditions.** ***The project would not exceed available water credits based upon previous documented use of water on the subject property, as there has been historic use on the project site and based upon MPWMD rules and regulations and the proposed project would use less than the historic allowed use for the project site. This would represent a less-than-significant impact that can be further reduced with application of existing rules and regulations of the MPWMD, Monterey County Code as identified above, and the implementation of the following mitigation measures.***

Implementation of the following mitigation measure as a project condition of approval would ensure that water conservation measures are implemented in conjunction with the proposed project, and would reduce project level impacts to a less-than-significant level. **The implementation of this mitigation measure would not result in any new impacts beyond those identified in this Draft EIR.**

Mitigation

4.14-1 All residential units shall be equipped with High Efficiency Toilets and High Efficiency appliances. A final review of the demand projection by the MPWMD shall be required prior to building permit approval. Each water permit application shall be conditioned to comply with MPWMD's water conservation requirements for new construction, the proposed low water

consumption features, and shall be subject to the rules in effect at the time a complete Water Release and Water Permit application is received.

4.14-2 The project applicant/developer shall provide evidence to the Monterey County Planning Department and the Monterey County Water Resources Agency that the water credit to serve the proposed project is available for the site through the MPWMD and that the available water credit under Rule 25.5 has been obtained for the property. Documentation of the water use credits to be applied to the site shall also require verification by the MPWMD of permanent abandonment of use and final determination of the water use credit for the site. Evidence shall include written verification from the MPWMD that 8.226 AF/Y of water use credit is available.

4.14-3 The project applicant/developer shall provide evidence to the Monterey County Planning Department and the Monterey County Water Resources Agency that water use on the site reduces the water demand on the site in comparison with historic use of the Carmel Convalescent Hospital by 10% in accordance with Monterey County Ordinance 3310 (Code 18.46) requirements. Evidence of compliance shall be provided to the Monterey County Planning Director and Monterey County Water Resources Agency Director for review and approval prior to recordation of the proposed project's final map.

4.14-4 The Monterey County Planning Department and the Monterey County Water Resources Agency shall confirm their independent review of the water meter records provided by the applicant. This information may then be used to satisfy Mitigation Measure 4.14-3, above.

Temporary Water Impacts

The proposed project site has not utilized its water credit in its full capacity since Water Year 2004. This has resulted in less water being drawn from the Carmel River System during this period. The project would resume water usage on site as compared to the last three of water records (WY 2007, 2006 and 2005). However, the project has sufficient water credits, as evidence by correspondence from MPWMD, to support project demand. No additional water would need to be allocated to the subject property to meet project demands. **This resumption of water use is not considered a significant impact due to the temporal nature of the impact.** In addition, additional mitigation is provided to maintain a decrease in water use in comparison to historical demand on the site, as well as to reduce water use due to new uses of the site.

Impact **The resumption of water use would result in a temporal change in water needs (i.e. more water will be drawn from the Carmel River System since the years of the convalescent hospital operation and since closure.** ***This would represent a less-than-significant impact that is further reduced with application of existing rules and regulations of the MPWMD, Monterey County Code as identified above, and the implementation of the following mitigation measures.***

Mitigation

4.14-5 The project site shall be restricted to water demand based upon 6.154 AF/Y for market-rate lots, inclusionary, and workforce units, as well as 1 AF/Y for landscaping and irrigation requirements for a total of 7.154 AF/Y. Prior to filing the final map (or if filed in phases, each final map), the applicant shall submit a Water Use Plan showing the proposed total fixture unit count based upon the Monterey Peninsula Water Management District Residential and/or Commercial Water Release Form. The plan shall be submitted to the Water Resources Agency and the Director of Planning for review and approval. Prior to filing the final map, the applicant shall also submit a

complete Landscape Documentation Package to the Monterey Peninsula Water Management District for review and approval.

4.14-6 An annual water use report shall be submitted to the Water Resources Agency and Director of the Planning. If any report demonstrates that actual water use for the entire subdivision is within 10% of the maximum allowance, the applicants shall demonstrate compliance with the allowable water credits through development of further conservation measures including, gray water reuse for landscaping as needed.

4.14-7 The project site will maintain its water credits onsite and will not be allowed to reuse any residual credit under MPWMD Rule 28.8. A deed restriction recorded on the site shall be filed with the Monterey County Recorder at the time of the issuance of the water credit under Rule 25.5 and permanent abandonment of use of the convalescent hospital on the site.

Irrigation Water Demand

Existing water credits are available to accommodate project generated demand (8.226 AF/Y). Adjusting demand to account for landscaping, there would be an increase in demand from 6.154 AF/Y to 7.154 AF/Y to account for water for irrigation needs. Even with this adjustment, the project is within available water credits of 8.226 AF/Y. **This is a less-than-significant impact that can be further reduced with the application of proposed mitigation measures.**

Impact **The proposed project would use approximately 6.154 AF/Y of water from the existing water supply system (not including landscaping in this overall demand number, which is consistent with MPWMD rules and regulations for calculating on site water demand under Rule 25.5). Assuming however, that additional water should be allocated for outdoor landscaping use, the 6.154 AF/Y demand for fixtures would be increased by 1.0 AF/Y to account for landscaping irrigation. *This is a less-than-significant impact that can further reduced with the application of mitigation measures.***

Mitigation

4.14-8 The project shall employ landscaping and water conservation measures, including rainwater catchments, mulching, use of drought tolerant plants, etc., subject to the approval of the Monterey County Water Resources Agency and in consultation with the MPWMD and Monterey County Division of Environmental Health.

Groundwater and Biological Resources Impacts from Water Demand for the Project

Comments were submitted as part of the Draft EIR that the EIR must find that the project's impacts from any increased water demand results in a significant unavoidable impact on biological resources (in this case, the resources of the Carmel River system). CEQA Guidelines section 15065 identifies a mandatory finding of significance if "[t]he project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species...." (Guidelines, § 15065(a)[1]). Guidelines section 15380 defines the terms "species," "endangered," "threatened," and "rare."

The SWRCB found in Order WR 95-10 that Cal-Am had legal rights to only 3,376 AF/Y in the Carmel River system, whereas Cal-Am was diverting 14,106 AF/Y, and that such diversions were having an

adverse impact on the in-stream beneficial uses of the Carmel River, including the riparian corridor and riparian habitat, wildlife resources, and fishery resources (Steelhead). As a consequence, the SWRCB in Order WR 95-10 limited production by Cal-Am from the Carmel River system and ordered Cal-Am to implement actions to terminate its unlawful diversions from the Carmel River and to maximize its production from the Seaside Groundwater Basin. Subsequently, production from the Seaside Groundwater Basin (the large majority of which is Cal-Am production) was found to be exceeding on an annual basis the annual recharge, thus exceeding the "safe yield" of the Seaside Groundwater Basin. In addition, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service have, respectively, listed the Red-legged frog and Steelhead as "threatened" species under the ESA. The Carmel River system provides habitat for both the Red-legged frog and Steelhead.

The convalescent care facility ceased its operation in 2005. The cessation of this use on the site has lasted approximately 3-4 years and has the effect of temporarily reducing water demand from the Cal-Am system. The property's reduction of demand occurred subsequent to Order No. WR 95-10. As such, the temporary cessation of the previous use has contributed to reducing consumption during this period. Upon resumption of either the previous use or the new proposed use, water production requirements for this site will be between 7.154 AF/Y (under water demand for the proposed use) or revert to the historical demand averaging 13.68 AF/Y.

Table 4.14-6 provides a comparison of water years and use from the Carmel River system. Also provided are the estimated and actual water use figures by Water Year for the project site during the same period. Since actual water records are not available for Water Years before 2001, an estimate based upon an average of water data is provided, considered reasonable since the hospital was operational during this period. As shown, the hospital site was operational at the time of the issuance of WR 95-10 and was a part of the annual production during this initial production year and subsequent years.

The **Table 4.14-6** illustrates the temporal nature of the water use reduction when compared to the annual withdrawal from the Carmel River system from Cal-Am sources. Although the project site was not fully operational during periods from 2005 through the present, the property was drawing from the Cal-Am system for decades as a part of the annual production limit and diversion prior to the inception of the WR Order 95-10, as evidenced by historical information (See Historical Report, Draft EIR, **Appendix T**). If the project site is approved for the new use, the site will continue to draw water from the Carmel River system. The same would also be the case should the site revert to a use consistent with its existing valid use permit

Both the preceding years of reduced water use at the site and the current period of time for entitlements and environmental review represent a temporary cessation of full use of the property and a water demand reduction from Cal-Am diversions on the Carmel River system. The temporal impacts of this period are not considered significant. Carmel River fluctuates based upon water levels, Cal-Am production, weather patterns, and various other forces. As shown in **Table 4.14-6**, the fluctuation of the river system varies.

As **Table 4.14-4** indicates, the annual Cal-Am production from Carmel River sources met the diversion limits set from Order 95-10 for Water Years 1996 through 2007 for all years but 1997. The project property's actual water use during these years was a fraction of the Cal-Am production, even at its highest water production of 14.67 AF/Yr.

The property was considered a part of the Cal-Am water production limit when Order 95-10 was put in place and figured into the production periods from WY 1995 until WY 2005 when its full operational use was reduced (at the start of the applicant's consideration for a new use for the property and initiation of early technical reports and environmental review).

Table 4.14-6
Cal-Am Water Annual Production and Project Site Actual and Water Use Estimates (1996-2007)

Water Year	SWRCB Limit (AF)	Cal-Am Production (AF)[1]	Difference between SWRCB Limit and Cal-Am System Use		Class of Water Year Per MPWMD	Project Site	
			(AF)	(%)		Cal-Am Water Use and Estimates (AF)[2]	Operational as Convalescent Hospital (Y/N)
1995 - Order 95-10 initiated by SWRCB							
1996	11,990	11,701	-289	-2.4%	Above Normal	**Est. 13.68**	**Y**
1997	11,285	12,847	1,562	13.8%	Above Normal	**Est. 13.68**	**Y**
1998	11,285	10,133	-1,152	-10.2%	Extremely Wet	**Est. 13.68**	**Y**
1999	11,285	10,384	-901	-8.0%	Normal	**Est. 13.68**	**Y**
2000	11,285	11,179	-106	-0.9%	Normal	**Est. 13.68**	**Y**
2001	11,285	10,721	-564	-5.0%	Normal	**14.57**	**Y**
2002	11,285	10,759	-526	-4.7%	Below Normal	**12.65**	**Y**
2003	11,285	11,131	-154	-1.4%	Normal	**12.86**	**Y**
2004	11,285	11,094	-191	-1.7%	Below Normal	**14.67**	**Y**
2005[3]	11,285	10,675	-610	-5.4%	Wet	**2.90**	**N**
2006	11,285	10,542	-743	-6.6%	Wet	**0.09**	**N**
2007	11,285	10,443	-842	-7.5%	Critically-Dry	**0.99**	**N**
Average:		**10,967**	**-376**	**-3.3%**			

Notes: 1) Production values adjusted by MPWMD to exclude diversions that were made for injection into the coastal subareas of the Seaside Groundwater Basin.

2) Cal-Am's records of actual water use are provided where available. For Water years prior to 2001, estimates ("Estimated") are provided based upon a rough approximation of average usage over the four year reporting period. (WYs 2001-2004)

3) In 2005, operations for the convalescent hospital at the site ceased. Water Year 2008 water use per Cal-Am records was 0.18 AF.

Source: California American Water, Monthly Production Reports, produced as MPWMD Table and amended to include Carmel Villas Project Site Water data from actual Cal-Am records provided to the County for Monterey.

The question is whether the resumption of a use at the site will cause a significant impact. In accordance with CEQA standards, while the baseline is normally considered at the time of the NOP for a project, CEQA and courts have ruled that an alternative baseline is appropriate under certain circumstances. Assuming the baseline of water use at 8.226 AF/Y in accordance with the established water production accepted by the MPWMD (and less than the history of previous water use on the site averaging 13.68 AF/Y), **the proposed project will not create a significant impact on the resources of the Carmel River system or a significant adverse impact on the in-stream beneficial uses of the Carmel River.**

Water System Distribution

Extensions of water supply pipeline on the project site in order to accommodate residential buildout would extend from pipeline along Valley Way, a County road, as indicated by the project's Utility Plan **(**See **Figure 4.14-1 Utility Plan**). Implementation of the proposed project would involve installation of 6" and 8" plastic pipe for water mains and 2" plastic pipe would be used for service stubs to the water meters located at each unit and common area. Approximately 1000' of main and 850' of service stubs would be installed on the project site in accordance with Cal-Am Water Company Standards and American Water Works Association Standards.

Development of the proposed project would not require the construction of new water system infrastructure in order to address existing infrastructure deficiencies. **Implementation of the proposed project would therefore represent a less-than-significant impact on the existing water system infrastructure.**

Wastewater

Extensions of sewer pipeline on the project site in order to accommodate residential buildout would occur as indicated by the project's Utility Plan (See **Figure 4.14-1 Utility Plan**). Based upon CAWD factors used to estimate residential wastewater production of 100 gallons per day per capita and 3.15 residents (based upon the 2000 US Census) per each of the 46 units of the proposed project, the increase in wastewater generation from project buildout can be estimated as 14,490 GPD (100 gallons per day x 3.15 x 46 units = 14,490 gallons per day) or 0.01 MGD (14,490 gallons per day / 1 million = 0.01 million gallons per day). As this is a conservative estimate used for design purposes, actual usage would likely be more in the range of 50 to 75 GPD per capita; this revised estimate represents at maximum of approximately 0.8% (0.01 million gallons per day / 1.2 million gallons per day unused capacity = 0.8%) of the remaining permitted capacity, and would not constitute a significant impact on CAWD's wastewater treatment facility considering the remaining entitled capacity. Based upon regional population forecasts for the CAWD service area, the treatment facility has sufficient capacity to serve proposed uses and new development for at least the next 10 to 15 years. The adequacy of the collection systems are evaluated intermittently through the periodic preparation of a Sewer System Master Plan by CAWD and infrastructure improvements are implemented as necessary to meet the required demand of existing and new wastewater generators.

On-site expansion of wastewater infrastructure would include installation of 6" and 8" plastic pipe for laterals, mains, and connection to the district main in Valley Way. Two connections are planned for the proposed project. Approximately 1150' of mains and 800' of laterals would be installed on the project site. Based on the anticipated wastewater flow associated with the proposed project per CAWD factors, 100 gallons per day per capita and 3.15 residents per unit which would result in an increase in wastewater generation as 14,490 GPD or 0.01 MGD, wastewater treatment of the Carmel Area Wastewater District would not be significantly impacted by buildout of the proposed project.

Solid Waste

The project would generate additional solid waste related to the construction and implementation of the proposed project. All solid waste generated by project construction and operation would be disposed of at the Monterey Peninsula Landfill and Recycling Facility. According to the MRWMD website, this facility has capacity to serve its current service area for the next 100 years.

The California Integrated Waste Management Board has calculated that for multi-family units a residential waste disposal rate of 2.5 daily pounds per person should be used to estimate the solid waste

potential of proposed projects. Considering the 2000 US Census designation of 3.15 average persons per household within Monterey County and the 46 units of the proposed project, project operation would be anticipated to generate 362.3 pounds of solid waste per day (2.5 daily pounds x 3.15 person per household x 46 units = 362.3 pounds solid waste per day), or 66.1 tons annually (362.3 pounds solid waste per day x 365 days per year = 132,239.5 pounds solid waste and 132,239.5 pounds solid waste / 2,000 pounds= 66.1 tons).

The project would represent a 1.79% (66.1 tons / 370,000 tons = 1.79%) increase in solid waste received at the landfill annually. The project's solid waste generation of 362.3 pounds of solid waste per day, or 66.1 tons annually, thus represents an incremental increase in the yearly receipt of solid waste by Monterey Peninsula Landfill that could be accommodated by existing landfill facilities. **The project would result in a less-than-significant impact on solid waste disposal systems.**

Electricity and Natural Gas

The project site would be constructed with residential uses that would increase demands on electricity and natural gas supplies. Extensions of gas and electric transmission connections on the project site in order to accommodate residential buildout would be constructed as indicated on the project's Utility Plan (See **Figure 4.14-1 Utility Plan**). Development of the proposed project would result in both direct and indirect energy consumption. Indirect energy consumption includes: 1) energy consumed by construction vehicles; 2) energy consumed in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials, such as lumber and metal, and; 3) energy consumption related to project land uses (i.e., vehicular traffic generated by residence owners).

Direct energy consumption relates to the ongoing operation of the project site. According to the California Energy Commission (CEC), total energy consumption in California in 2005 was approximately 272,464 M kWh.[8] Monterey County's average annual energy consumption in 2005 was approximately 2,539 M kWh, which represents less than 1% of total electricity consumption in California. According to the U.S., Energy Information Administration (EIA), in 2006 the average consumer in California consumed 590 kWh per month, resulting in an average residential consumption of 7,080 kWh per year per residence. Utilizing this factor, the estimated electricity consumption for the condominium complex would be an estimated 332,760 kWh per year. This is a conservative estimate given the limited need for air conditioning during summer months in the Monterey Peninsula area compared to the rest of the State of California. The additional demands associated with the implementation of the proposed project would result in an incremental, albeit insignificant, increase in the demand for electricity. PG&E had indicated that sufficient capacity would be available to serve anticipated project demand (personal communication, Sr. New Business Representative, Kevin Kennelly, PG&E, August 26, 2008). On-site expansion of infrastructure related to the provision of electricity would be installed in accordance with Pacific Gas and Electric Company standards and would be located in a shared joint underground utility trench. It is expected that 1000' of joint trench would be required on the project site.

According to the CEC, total natural gas consumption in California in 2005 was approximately 2,092 T Btu per year.[9] At the time of report preparation, data regarding Monterey County's average natural gas consumption was not readily available. Project demand has been estimated at 14,337,020 Btu per year, which converted to T Btu equals 0.014 T Btu per year. The additional demands associated with the implementation of the proposed project would result in an incremental increase in the demand for natural gas, and the project would not adversely impact PG&E's ability to provide natural gas services. PG&E has indicated that adequate capacity exists to serve the proposed project (personal communication, Sr.

[8] Please note that "M" refers to the International System of Units prefix representing "mega," which represents 10^6.
[9] Please note that "T" refers to the International System of Units prefix representing "tera," which represents 10^{12}.

New Business Representative, Kevin Kennelly, PG&E, August 26, 2008). On-site expansion of infrastructure related to the provision of natural gas would be installed in accordance with PG&E standards and would be located in a shared joint underground utility trench. It is expected that 1000' of joint trench would be required on the project site.

Additionally increased demand for energy and natural gas would also result in additional greenhouse gas emissions as identified in **Section 4.3 Air Quality** of this EIR. While project-induced impacts associated with greenhouse gas emissions are addressed elsewhere in this EIR, it is important to acknowledge the relationship between energy consumption and greenhouse gas emissions. According to the CEC, approximately 20% of greenhouse gas emissions are associated with the energy sector in California. As a result, increased energy demands associated with the construction and operation of the proposed project would contribute toward climate change. However, as identified in **Section 4.3 Air Quality**, the project's contribution towards climate change is considered incremental, and thus not significant.

Cumulative Impacts

Section 15130 of the CEQA Guidelines requires an EIR to discuss cumulative impacts of a proposed project when the project's incremental effect is cumulatively considerable. Cumulative impacts refer to two or more individual effects that, when combined, are considerable or that compound or increase other environmental impacts. The following provides a cumulative discussion of the Wastewater, Solid Waste and Public utility services in a separate discussion from the Water Services cumulative assessment.

Wastewater, Solid Waste Disposal, and Public Utility Services

The geographic area of the cumulative analysis is the Carmel Area Land Use Planning Area as defined by the Monterey County General Plan. Development under this cumulative scenario would increase the demand for wastewater collection, treatment and disposal, solid waste disposal, and public utility services including telephone, gas and electric, and television cable. The development of the proposed project and other projects occurring within the region would result in an increased demand for utilities services; however, each project would be required to contribute its proportionate share towards the provision of these services. Several other development projects in the immediate vicinity of the project site may be considered to result in the intensification of the development; these present or probable future construction projects are listed in **Table 5.2-1, Section 5.0 CEQA Considerations.** Pursuant to CEQA Guidelines Sections 15064 and 15130, a project's incremental contribution to a cumulative impact is not cumulatively considerable if the project would comply with the requirements of a previously approved plan or mitigation program that provides specific requirements that would substantially lessen the cumulative problem, or if the project would contribute its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.

Project's Contribution to Cumulative Utility Impacts. The proposed project's contribution to cumulative utility impacts is not cumulatively considerable since the increase in demand associated with implementation of the proposed project for any particular utility service would be less-than-significant. The project, as conditioned, would not significantly impact water supply, wastewater collection, treatment and disposal, solid waste disposal, and public utility services including telephone, gas and electric, and television cable. Additionally while the development of the proposed project and other projects occurring within the region would result in an increased demand for public services, each project would be required to contribute its proportionate share towards the provision of these services and capacity to serve proposed development is currently available as discussed above. Cumulative development in the Carmel Area would be served primarily by the CAWD wastewater treatment facility which has a permitted average dry weather treatment capacity of 3 million gallons per day (MGD) and a remaining 1.2 MGD of capacity. Solid waste generated by cumulative project construction and operation would be disposed of at

the Monterey Peninsula Landfill and Recycling Facility. The MRWMD facility has capacity to serve its service area for the next 100 years. Impacts to water supplies are discussed in greater detail below.

Water

The geographic area of the cumulative analysis is the Cal-Am service area. The project's proposed water use would represent a minimal percentage total amount that Cal-Am currently accesses from the Carmel River watershed and Cal-Am's overall usage. During the 2008 reporting period (Water Year 2008), Cal-Am production from the Carmel River was 10,660 AF. Proposed project demand represents 0.0006% of the total amount that Cal-Am currently accesses from the Carmel River watershed under WY 2008. Thus, the proposed project's water usage is considered to be less-than-significant in regards to its project-level impact upon groundwater supplies and groundwater recharge.

Further, implementation of the proposed project would access an established water credit that has been evidenced to have a valid history of use on the site. The analysis in this EIR determined that there would be no significant impact from an increase in allowed water use because water credited under MPWMD Rule 25.5 will be used (after verification and documentation requirements of the use are met) and water usage will actually decrease compared to historic use.

Monterey County Code 18.46 stipulates that water conservation measures proposed on or off the affected building site will, in combination with the project for which approval is sought, result in a minimum of 10% overall decrease in the use of water. As stated previously, the proposed project documented water use for Water Years 2001-2005 indicates an average use of 13.68 AF/Y, with consumption ranging from a 12.65 AF/y to 14.67 AF/Y. Under any of these scenarios, water use will be reduced upon project development compared to historical demand by approximately 50%. Mitigation is provided in order to ensure a permanent reduction in proposed water usage compared to historic use by the proposed project, as well as water conservation measures for fixtures and irrigation for landscaping.

The proposed project application does not entail an increase in the total Cal-Am production limit from the Carmel River or Seaside Basins, controlled by SWRCB Order WR 95-10; nor does it require a change in Monterey County's allocation under MPWMD. Considering the data and information provided above, the conditions and requirements of Monterey County Code 18.46, and the water restrictions and supply planning for the area, **the impacts of the proposed project would represent a less-than-significant impact on cumulative water supply, and an overall less-than-significant impact on the service of utilities.**

Water Demand

Under Order WR 95-10, Cal-Am was found to have a legal water right to use 3,376 AF/Y, and the SWRCB estimated that the utility would need to develop 10,730 AF/Y in replacement supplies. According to Order WR 95-10, Cal-Am provided service to about 105,000 persons and supplied a total of approximately 17,000 AF in an average normal year. Of this, approximately 2,700 AF/Y was from the Seaside Basin and 14,106 AF/Y was from the Carmel River, for a total of 16,806, or approximately 17,000 AF/Y (SWRCB, 1995). On average, from water year 1995/96 through water year 2006/07, Cal-Am illegally diverted 7,632 AF/Y from the river, according to the SWRCB.

Cal-Am's application to the California Public Utilities Commission (CPUC) for the proposed Coastal Water project specify that 10,730 AF/Y would be needed to replace supply from the Carmel River system in compliance with Order WR 95-10, and that approximately 1,000 AF/Y would be needed to replace supply currently drawn from the Seaside Basin.

The proposed project application does not entail an increase in the total Cal-Am production limit from the Carmel River or Seaside Basins, controlled by SWRCB Order WR 95-10; nor does it require a change in Monterey County's allocation under MPWMD.

Water Supply Planning and Conservation Programs

Water planning in response to Cal-Am's production limit and Order WR 95-10 has been in development for some time, and Cal-Am and MPWMD have pursued a number of projects to secure additional water supplies and water rights.

The CPUC's effort to identify alternate supplies became known as "Plan B." Plan B is intended to provide 10,730 AF/Y of legal water supply to Cal-Am's Monterey Division service area. Cal-Am has also been working on planning and designing the "Coastal Water Project" (CWP) to provide the required water supply to Cal-Am's Monterey Division service area. The CWP EIR was recently certified by the CPUC. The CWP considered in the EIR would supply 12,500 AF/Y for urban users within its service area, as well as for injection into the Seaside Groundwater Basin. The CWP also includes the construction and operation of a seawater desalination plant including intake and discharge facilities, water transmission pipelines, storage reservoirs, pump stations, and aquifer storage and recovery facilities.

Since additional development is severely constrained until regulatory approval of, and investment in, additional water sources, possible new water sources are being explored. On January 30, 2009, CPUC issued a Draft EIR on Cal-Am's proposed CWP. The CWP EIR analyzes three primary alternatives: the CWP (proposed project); North Marina Project Alternative; and a Regional Water Supply Project –Phase 1 and Phase 2 as described below:

1. **Coastal Water Project** – a 10 million-gallon-per-day (MGD) seawater desalination project located at the Moss Landing Power Plant combined with an Aquifer Storage and Recovery (ASR) project diverting water from the Carmel River system and injecting and storing it in the Seaside Groundwater Basin. The CWP project would provide 12,500 AF/Y to the Monterey Peninsula area to make up shortfalls in the Carmel River System and the Seaside Groundwater Basin.
2. **North Marina Project** – an 11 MGD desalination project with subsurface intake system in the vicinity of the Marina Coast Water District (MCWD) office at the west end of Reservation Road, combined with Seaside Groundwater Basin ASR project. This project would provide 12,500 AF/Y to the Monterey Peninsula area.
3. **Regional Water Supply Project** – a combination of several water supply components, including: a desalination project with subsurface intakes located north of Marina between Highway 1 and the coastal dunes; recycled water for non-potable uses; Seaside Groundwater ASR project; diversion and treatment of Salinas River water at the Salinas River Diversion Facility (currently under construction); and injection of highly-purified wastewater from the Monterey Regional Water Pollution Control Agency (MRWPCA) treatment plant into the Seaside Groundwater Basin for groundwater recharge and later recovery for potable uses. The regional project is separated into two phases. Phase 1 would provide 12,500 AF/Y to the Monterey Peninsula area and 2,700 AF/Y to the MCWD, including the former Fort Ord area, for a total of 15,200 AF/Y. Phase 2 would provide additional water supplies of up to 10,400 AF/Y, including 4,500 AF/Y for growth on the Monterey Peninsula and 5,900 AF/Y for North County areas (Source: http://www.mpwmd.dst.ca.us/asd/board/boardpacket/2009/20090316/02/item2.htm).

The MPWMD and Cal-Am were issued a permit for the Aquifer Storage and Recovery (ASR) Project. The ASR project provides permanent rights to divert water from the Carmel River during high flows, to be stored and used in the summer when the river is dry. As such, Cal-Am and MPWMD would be allowed to divert up to 2,426 AF/Y from the Carmel River during wet months of the year and only when

there is adequate rainfall to do so. The average yield of the project is estimated to be 920 AF/Y. The water is diverted from wells in Carmel Valley, treated, and routed through the distribution system, and then injected into the two wells in former Fort Ord. Water pumped from these wells during the summer/dry months of the year is delivered to Cal-Am customers and offsets the amount that would otherwise be pumped from Carmel River sources.

Updates to Water Supply Projects

Since the circulation of the Draft EIR, the CWP EIR was certified by the CPUC with a Regional Water Project Alternative that included the following components:

- A collection of project components that would comprise Phase One of the Regional Water Project. Specifically, phase one would be composed of conservation measures, a 300 AF/Y Sand City desalination facility, the Regional Urban Water Augmentation Project, Seaside Basin Aquifer Storage and Recovery, and a regional desalination facility potentially powered by renewable energy from the adjacent landfill.

- The Sand City desalination plant will be operated by Cal-Am for the first 15 years and will provide water to address the Carmel River overdraft and Seaside Basin adjudication.

- The Regional Urban Water Augmentation Project, a joint effort of MCWD and the Monterey Regional Water Pollution Control Agency (MRWPCA), will provide 1,000 AF of recycled water annually for non-potable uses to urban users at Fort Ord from the Agency's tertiary treatment plant.

- The MPWMD's Seaside Basin project, which stores excess winter flows from the Carmel River and the Carmel Valley aquifer for use in peak demand periods, will provide an average of 920 AF/Y.

- The regional desalination facility, a joint effort of the Monterey County Water Resources Agency, MCWD, and the MRWPCA, will use six brackish water wells along Highway 1 to annually produce up to 10,900 AF of treated, potable water and safely dispose of brine using the existing pollution control agency outfall.

Ongoing Monitoring Programs by the MPWMD: In addition to the ongoing water supply projects being considered, there are a number of management programs and regulations governing groundwater withdrawal and Carmel River management. The MPWMD has historically implemented an annual program of projects in the Carmel River addressing objectives, as such bank stabilization and fisheries habitat protection. These actions are to be incorporated in the Integrated Regional Water Management Plan (IRWMP). The IRWMP seeks to integrate many previous plans and strategies addressing environmental resources in the region, as well as comprehensively address the future management of water resources. Areas covered by the IRWMP include: habitat conservation and restoration; Critical Coastal Areas Program (storm water planning); water supply planning; groundwater management; flood management; water conservation; recycling and treated wastewater; wetlands; recreation; desalinization; conjunctive water use; and Carmel River watershed planning. The IRWMP seeks to coordinate the actions of more than 30 stakeholder entities involved in water resource protection, enhancement, and management in the planning region. IRWMP objectives address local and regional water supply planning, management of surface water and groundwater, augmentation of water supply, ecosystem restoration, water quality improvement, recreation/public access opportunities, conflict resolution, and flood control. The plan includes the action items from the Carmel River Watershed Assessment and Action Plan and the 1984 Carmel River Management Plan. The IRWMP was finalized in November

2007 and is currently posted on the MPWMD website. The IRWMP is intended to improve the Carmel River watershed environment.

Policies of the Carmel Area Land Use Plan, City of Carmel-by-the-Sea, and Monterey County: In addition to the ongoing water supply projects being considered, there are a number of policies and programs of local plans, including the Monterey County General Plan, the Carmel Area Land Use Plan, and the City of Carmel-by-the-Sea General Plan. The plans require the provision of an adequate water supply prior to project approval. In the MPWMD and Cal-Am service area, development approval is subject to the availability of adequate water supplies and verification to ensure reduction in historical use at the site. Additional development that cannot document previous water use is constrained until regulatory approval of, and investment in, additional water sources. Possible new water sources are being explored as discussed above. Projects in the area are also subject to requirements for site-specific water assessment, incorporation of site-specific mitigation measures, and applicable County and MPWMD regulations and monitoring to reduce project level impacts to a less-than-significant level. Given the shortage of water supply in the Carmel River system, the buildout of the Carmel Area Land Use Plan would result in an unavoidable significant cumulative impact until adequate water becomes available. However, buildout in this planning area is currently constrained in accordance with policies and programs and regulations of the Monterey County General Plan, the Carmel Area Land Use Plan, as well as MPWMD regulations.

Regional Cumulative Impacts to Groundwater and Water Supply

Long-term cumulative impacts concerning groundwater resources and water supply would be associated with the water supply for the development and buildout of the Carmel Area Land Use Plan, including projects in the planning area listed in **Table 5-2.1** in the Cumulative Section of this EIR. Many of these projects are already approved, under construction, or the environmental documentation for these projects is in progress (or has been completed). For those projects under consideration, as with the proposed Project, each related project requiring discretionary approval would be subject not only to environmental review and application of appropriate water conservation requirements and mitigation measures, but also the requirements of the MPWMD's rules and regulations and Monterey County's allocation under MPWMD. It should be noted that the District's rules also require issuance of a permit to create or amend a water distribution system (WDS). Issuance of a permit for WDS requires findings supported by written evidence, compliance with minimum standards of approval, and mandatory Conditions of Approval, pursuant to MPWMD Rules 22-B, C, and D. The applicant must show that the source of supply can reliably meet the water needs of the project, would not adversely impact existing systems, and would not adversely impact the environment.

Additionally in areas within the Cal-Am service area and subject to Monterey County Ordinance 3310, projects must also comply with uniform regulations to control intensification of water consumption. This ordinance requires that the proposed project property, and similar projects applying for subdivision within the Cal-Am service area, must result in a reduction of water use. In accordance Ordinance 3310, projects proposing intensification of water consumption must demonstrate a reduction of water use by 10% from the historic use. Further, Conditions in the CDO (see below) as do not allow Cal-Am to divert water from the Carmel River for new service connections or for any increased use of water at existing service connections resulting from a change in zoning or use.

Update to SWRCB Order WR 95-10

Since release of the Draft EIR, specifically on October 20, 2009, the State Water Board adopted Order WR 2009-0060, a CDO against Cal-Am. The CDO found that Cal-Am is illegally diverting water from the Carmel River in violation of Water Code section 1052 and State Water Board Order WR 95-10 and

ordered Cal-Am to reduce pumping from the Carmel River aquifer. When the State Board adopted Order 95-10 fourteen years ago, finding that Cal-Am was diverting about 10,730 AF/Y from the river without a valid basis of right, it required Cal-Am to diligently implement actions to terminate its unlawful diversions from the river. In Order WR 2009-0060, the Board found that Cal-Am had not been diligent in complying with Order 95-10 (Order 2009-0060, pp. 34-37).

The CDO states that Cal-Am's diversions continue to have adverse effects on the public trust resources of the river and should be reduced and that the ongoing diversion is a violation of Water Code Section 1052 prohibiting the unauthorized diversion or use of water. The CDO seeks to compel Cal-Am to reduce the unauthorized diversions by specified amounts each year, starting in water year 2008-09 and continuing through water year 2014.

Effect of CDO against Cal-Am on Water Credit Program: The adopted CDO prohibits Cal-Am from providing new service connections and increasing use at existing service addresses that were not provided a "will serve commitment" (or similar commitment) before October 20, 2009.

> Conditions in the CDO state that:
> "1. Cal-Am shall diligently implement actions to terminate its unlawful diversions from the Carmel River and shall terminate all unlawful diversions from the river no later than December 31, 2016.
> 2. Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service connections resulting from a change in zoning or use.
> 3. Cal-Am may supply water from the river for new service connections or for any increased use at existing service addresses resulting from a change in zoning or use after October 20, 2009, provided that any such service had obtained all necessary written approvals required for project construction and connection to Cal-Am's water system prior to that date."

As part of the Draft State Water Board WR 2009-0060, a response was prepared to the contention by property owners who claimed a valid water credit by MPWMD that CDO Condition 2 improperly deprives them of vested water credits obtained from MPWMD. The Draft Order states, "The CDO does not deprive the above named petitioners of water credits."…As discussed in Section 4.2, credits allocated by MPWMD do not provide Cal-Am with the right to supply water illegally diverted from the river. Nor does Order WR 2009-0060 extinguish the credits. It simply recognizes, consistent with California water right law, that agreements entitling a party to receive deliveries from Cal-Am do not authorize Cal-Am to divert any more water than it has valid water rights to divert, and requires Cal-Am to curtail its illegal diversions accordingly. We conclude, therefore, that Order WR 2009-0060 does not deprive petitioners of the water credits received from MPWMD (Reference, "Draft Order Cease And Desist Order WR 2009-0060," dated December 16, 2009.)[10]. The CDO was challenged by the MPWMD and Cal-Am in the Monterey Superior Court and the Court previously stayed implementation of the CDO pending the result of the lawsuit. However, recently the District Court ruled in favor of the State and the CDO will likely be enforced in the upcoming months.

Cumulative Impact Analysis for Use of Rule 25.5

Background

MPWMD adopted Ordinance 60 establishing a program whereby a water customer may obtain and reuse water use credits when water use on a particular property is reduced or discontinued. A reduction of

[10] Available at http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/caw_cdo/index.shtml.

water use, whether by changing to a less-intensive use, by retrofitting equipment with water conserving devices, or by demolishing a building, results in a water use credit that may be used later on the same site. When a residential property owner applies to MPWMD for the water use credit, MPWMD calculates the amount of the credit based upon the number and types of water-using fixtures that will be discontinued. When a commercial property owner applies to the MPWMD for a water use credit, the MPWMD will determine credits based upon the commercial water use factor associated with the historical use(s) multiplied by the amount of floor area the use(s) occupy. Water use credits have a limit for applicability. After a 60-month period, any remaining unused water use credit expires unless a one 60-month extension is granted under Rule 25.5.

Monitoring of Water Use Credit by MPWMD

For approximately the past 25 years, the MPWMD has strictly regulated and limited the "intensification" of water use on all properties within the Monterey District service area of California American Water. Specifically, MPWMD rules require that a water permit must first be obtained in order to install a new water (plumbing) fixture in an existing residence, or expand the space occupied by a non-residential structure if such action would result in an increase in water demand in that home or business. MPWMD rules authorize the issuance of a water permit only where demand calculated for the existing use has been shown to fully off-set the proposed added demand. MPWMD grants "On-site Water Credits" to document this demand off-set through the mandatory installation of water-conserving plumbing fixtures and appliances (e.g., dual-flush toilets, high efficiency dishwashers, etc.). "Intensification" is a defined term in MPWMD Rules and Regulations; see MPWMD Water Permit Rule 20.B, Onsite Water Credit Rule 25.5, and other applicable rules.

Cumulative Projects under Water Credit Programs under Rule 25.5 MPWMD

A listing and brief evaluation of potential projects under Rule 25.5 follows. The project list is based upon review of potential projects with MPWMD staff, review of available records including contact with City of Monterey staff regarding the "City of Monterey Water Unit Credit Transfer Project Draft Initial Study", December, 2009. The potential cumulative impacts are discussed below based upon the listed projects.

Pending Project

- **City of Seaside, Waterfall Day Spa Credit Transfer Rule 25.5**. No application is pending; however, the staff of the MPWMD identified this potential project as a project under Rule 25.5 Water Use Credit. The water credit indicated was 0.60 AF/Y, and the project is located within the jurisdiction of the City of Seaside within the MPWMD boundaries.

Approved Projects under Rule 25.5

- **Bernardus Lodge**, on Carmel Valley Road within the unincorporated area of Monterey County and the boundaries of MPWMD, is currently served water by Cal-Am. In 2008, Bernardus Lodge obtained a 3.74 AF/Y water credit from MPWMD in exchange for the removal of an onsite laundry facility. The Monterey County Planning Commission has approved an application for the proposed project, which expand the existing facilities and would use 3.41 AF/Y of the water credit leaving a remaining credit of approximately .33 AF/Y subject to MPWMD approval.

- **Carmel Valley Ranch (Past Use of County Allocation),** located within the unincorporated area of Monterey County and the boundaries of the MPWMD, is currently served water by Cal-Am. Carmel Valley Ranch has approved, unused water credits totaling 8.807 AF/Y for an approved subdivision 212 acres into 12 parcels. The unused water was transferred to another area of

Carmel Valley Ranch to retire approved building lots for the "new" 12 parcels. This project was the subject of an Initial Study, a certified Negative Declaration, and an unsuccessful challenge to the project approval and use of the Negative Declaration).

- **Quail Lodge,** has no application pending; however, MPWMD staff identified this past approved water credit program under Rule 25.5. Quail Lodge consists of a lodge, dining facilities, health and recreational facilities, and an 18-hole golf course within the MPWMD; water is served by Cal-Am. There is a potential water credit totaling 8.575 AF/Y obtained from MPWMD by the permanent reduction of restaurant seating capacity and the permanent reduction of landscaped areas. Additionally, based upon previous approved subdivision subject to an EIR, the Quail Meadows Subdivision EIR, there is an approved 40-room hotel and seminar center at the subdivision. However, future development will hinge on the availability of water to supply the project from MPWMD.

Pending Projects under Rule 28

Rule 28, "Transfer of Water Use Credits for Commercial and Industrial Uses," was originally enacted in 1993, and this rule allows water use credits that have been allowed on or after January 1, 1985, to be transferred from one property to another for commercial and industrial uses, but specifically prohibits open space and residential water use credits from being transferred to another property. The rule allows commercial water use credit transfers to occur within a single jurisdiction and only for intensified uses, and not for new uses. Pending projects include:

- **City of Monterey Convalescent Hospital Property, Credit Transfer**. A Property to Jurisdiction Water Use Credit Transfer from 735 Pacific Street, Monterey, (donor site) to the City of Monterey Water Allocation of 4.54 AF/Y water use credits is proposed under MPWMD Rule 25.5, Water Use Credits and On-Site Water Credits, and Rule 28, Permit and Water Use Credit Transfers. The water use credits became available as a result of the change of use of a 52-bed, 12,880 square-foot convalescent hospital in operation since 1964 (donor site). On January 2, 2007, the City of Monterey acquired the donor site, and the convalescent hospital use ceased. On April 27, 2007, MPWMD issued the City a Water Permit to allow the remodel of the building for office use. The Water Permit documented that the Water Use Capacity at the donor site was 6.24 AF/Y. The estimate calculation was based upon the number of skilled nursing beds and the MPWMD Water Use Factor of 0.120 AF/Y per bed (0.120 AF/Y x 52 beds = 6.24 AF/Y). Once transferred, the 4.54 AF/Y water use credits would be available for allocation or held in reserve as determined by the Monterey City Council *(Draft Negative Declaration for the Property to Jurisdiction Water Use Credit Transfer, from 735 Pacific Street, Monterey (donor site) to the City of Monterey Water Allocation, December 2009).*

Cumulative Impact from Pending Projects under the Water Credit Use Program and Water Credit Transfer Program

There are only a limited number of properties that hold the potential for reuse of water credits under Rule 25.5. Of these, the property water use credit has already been established. Analysis identified even fewer properties that could apply for water transfer and use of water credits under Rule 28; jurisdiction-owned properties exist that supported a documented change in use resulting in an excess of Water Unit Credits that could potentially be transferred to the jurisdiction's allocation. Under the Water Use Credit Transfer Program (Rule 28b), the MPWMD Board may only approve water transfers that will not have an adverse impact on the water supply. In exercising its discretion, the MPWMD Board is required to consider the impacts of the application under consideration, as well as the cumulative impacts of other transfers, on the water supply.

The specific regulations surrounding water use credits require a reduction of water use, whether by changing to a less-intensive use, by retrofitting equipment with water conserving devices, or by demolishing a building, in order to qualify for a water use credit that may be used later on the same site. Due to the limited nature of these properties, the reduction of water use inherent in the action and the fact that they have been documented already by the action of the MPWMD to have reduced their water use, no cumulative impact is anticipated with the implementation of the proposed project.

5.0 CEQA Considerations

5.1 CARMEL AREA LAND USE PLAN AMENDMENT

The project, as proposed, requires an amendment to the adopted Local Coastal Plan (LCP), the Carmel Area Land Use Plan (herein referred to as "Carmel Area LUP" or "LUP"), and an amendment the Carmel Area Coastal Implementation Plan (CIP). The proposed project requires an amendment to the LUP to allow high-density development within the LUP since a high-density land use designation does not exist in the LUP. The amendment would result in the creation of a new land use designation, which would subsequently be applied to the project site. This new land use classification would change the current LUP land use designation from Medium-Density Residential (MDR) to the newly established designation termed "High-Density Residential (HDR)". The County of Monterey Resource Management Agency prepared draft language for a density amendment to address the new high density designation. The proposed amendment text is provided below:

> "High Density Residential (HDR): High Density Residential areas are appropriate for a broad range of higher intensity residential uses (5-20 units/acre) and a blend of housing types. Recreational, public/quasi-public, and other uses are incidental and subordinate to the residential use and character of the area. High density use is allowed in accordance with the site-specific evaluation of resource and public facility constraints, and where urban services - i.e., public water, sewer, roads, public transit, fire protection - are available. New development in these areas is designated at densities to allow a mix of housing types, including moderate to low income housing, in order to facilitate a comprehensively-planned project. Direct access from Highway One shall not be allowed where alternative access is possible."[1]

The new density designation proposed by the project would allow high-density residential development on the project site, which, if approved would be the sole site with a high-density residential designation within the Carmel Area Land Use Planning Area. In addition to the proposed LUP amendment, the project also requires an accompanying action to rezone the project site from Medium-Density Residential/2 units per acre (MDR/2) to High-Density Residential/12.5 units per acre (HDR/12.5). As a result, the Carmel Area Coastal Implementation Plan would also need to be amended to create a new zoning district, High-Density Residential. Although the HDR land use classification permits a maximum allowable density of 20 units/acre, the proposed project is only applying for a site-specific density of 12.5 units/acre. The proposed land use actions are briefly summarized below.

> Carmel Area LUP Amendment: 1) Creation of a new land use designation to allow High-Density Residential (HDR) uses in the Carmel Area LUP; and 2) Reclassification of the project site's land use designation from MDR to HDR.
>
> Carmel Area CIP (Zoning Code) Amendment: Rezoning of project site from existing zoning of MDR/2 to HDR/12.5.

A number of comments received during the Draft EIR public review period identified specific concerns regarding the environmental and land use implications of establishing an entirely new land use classification, particularly in light of the fact that future applicants could propose other HDR developments elsewhere in the Carmel Area LUP. In addition, certain public comments also requested additional analysis of the proposed LUP/CIP amendments in regard to compliance with the California

[1] County Resource Management Agency, Description of the proposed zoning language for the proposed zoning district (High Density Residential Zoning District "HDR (CZ))", email correspondence from County Staff to DD&A, October, 2008.

Coastal Act of 1970 and existing policies contained in the Carmel Area LUP. The Draft EIR specifies that an LUP amendment and rezoning of the 3.68 acres of the site are required and the LUP amendment language and rezoning are included as part of the project description for the development. Additionally, the specific physical impacts of the development of the site, including the post-project impacts of development of the site with approval of LUP amendment and rezoning, are the focus of the environmental analysis. As such, the Draft EIR contains descriptions and analysis of the potential direct and indirect environmental impacts of the proposed project, including the proposed LUP/CIP amendments. While the Draft EIR contained a detailed analysis of the proposed project, including the various land use elements described above, as required under CEQA, the following analysis has been included in this Recirculated Draft EIR in an effort to provide additional detail regarding the environmental implications of proposed land use amendments, since future projects could conceivably include applications for rezoning to the new HDR designation.

LUP/CIP AMENDMENT EXPANDED ENVIRONMENTAL ANALYSIS

Aesthetics

The maximum density under the proposed HDR designation would allow up to 20 units per acre and additional high-density residential development could potentially be realized elsewhere in the Carmel Area LUP due to the proposed project. Although the specific contents of the proposed project limit maximum density at the project-site to HDR/12.5 units per acre, this proposed LUP amendment would permit additional HDR development in the Carmel Area LUP. Please note, however, that the proposed project is only proposing that the project site be designated as HDR; no other properties would be zoned HDR as part of the proposed project. Additionally,, any future applications requesting LUP/CIP amendments to permit HDR use would be subject to discretionary review by the County of Monterey, California Coastal Commission, and would be subject to CEQA review. Nevertheless, additional high-density developments could be proposed in the future and therefore could result in adverse environmental effects in regard to aesthetics.

At this time the proposed project-site is the only site currently being considered for HDR uses and no additional sites have been identified as suitable to accommodate additional development at this scale and intensity. Nevertheless, it is possible that future applicants may seek such uses and thereby additional aesthetic-related effects could be realized due to the proposed LUP/CIP amendments. While the environmental effects of unknown future projects are considered remote and speculative, additional high-density development within the Carmel Area LUP would presumably result in similar aesthetic-related impacts as the proposed project. The exact nature and extent of these effects, however, are largely the function of site-specific characteristics, such as project siting, location, building mass, architectural features and screening. As a result, while it is reasonable to assume that other HDR developments may have comparable environmental effects, the extent and significance of those effects can only be determined on a project-by-project basis. Therefore, any mitigation and defined level of impact would be highly dependent on site-specific circumstances.

Although the proposed LUP/CIP amendments would potentially allow additional HDR development in the Carmel Area LUP, the environmental effects of the proposed LUP/CIP amendments are not anticipated to exceed the extent of impacts previously identified in the Draft EIR. Additionally,, the County of Monterey has conducted an extensive review of the planning area and based on their independent review, no other properties have been identified in the planning area that have the unique attributes necessary to accommodate HDR development. Nevertheless, should future circumstances change, any and all proposed LUP amendments on other sites in the Carmel Area LUP would be subject to additional discretionary review and would be subject to stringent mitigation and screening

requirements to mitigate for potential aesthetic-related effects. This permit review and resultant project conditions would be expected to constrain aesthetic impacts, although it is not assured that the impacts would be reduced to a less-than-significant level since the significance of impacts are dependent on site-specific features.

Air Quality

Consistent with the analysis above, the proposed LUP/CIP amendments could result in increased HDR developments within the planning area. The nature and extent of these impacts would be contingent upon the nature of the proposed project. Other future increases in residential density in the planning area would generate additional vehicular emissions and construction-related PM_{10} and diesel emissions. Vehicular emissions of residential uses at the scale of the proposed project are likely to be less than Monterey Bay Unified Air Pollution Control District's (MBUAPCD's) thresholds for project operations and would not result in any significant impacts. Construction emissions for residences are likely to be less than MBUAPCD thresholds for PM_{10}; however development of multifamily residences could result in significant impacts depending on the pace and scale of construction activity. Air quality impacts can be addressed through permit review, environmental review, application of LCP policies and standards, development of mitigation measures, and imposition of conditions of approval similar to those included herein for the proposed project. In addition, any future LUP/CIP amendments to allow HDR uses at additional sites in the planning area would be subject to discretionary review, California Coastal Commission Review, and compliance with CEQA. As a result, such proposal would be subject to extensive public review. Since no other sites are currently being contemplated for HDR use, the proposed amendments would not result in any additional quantifiable air quality effects besides those already disclosed in the Draft EIR. The approval of the proposed project and the LUP/CIP amendments would, therefore, not result in additional air quality impacts.

Biological Resources

In general, additional HDR development in the Carmel Area LUP could affect the following types of resources: Environmentally Sensitive Habitat Areas (ESHAs); sensitive vegetation communities (such as wetlands and Monterey pine forest); endangered, threatened, and rare plant species; endangered, threatened, and rare wildlife species; common wildlife species; and native trees (such as Coast live oak and Monterey pine). The detailed Biological Report in **Appendix E** of the Draft EIR describes most of the potentially affected biological resources found in the Carmel Area LUP. Biological resource impacts for future residential development can only be addressed through site-specific permit review; associated CEQA review, compliance with applicable LCP policies and standards; County, state, and federal environmental regulations protecting species and habitat from impacts (such as take, and habitat modifications); development of project-specific mitigation measures; and imposition of conditions of approval. As identified previously, the only site currently being considered for HDR development is the proposed project-site. Although applications for additional HDR development could be considered in the future, the County of Monterey has determined that there are limited, if any, sites in the planning area that would be suitable for additional HDR development. As a result, the proposed LUP/CIP amendments, while permitting increased development density on the project site and potentially additional HDR development in the planning area, the extent of biological impacts are limited to those identified for the proposed project. Whether or not additional HDR development would adversely impact biological resources cannot be quantifiably ascertained in the absence of a site-specific assessment. Since no other sites have been identified at this time, it would be highly speculative to determine the extent of biological impacts. Approval of the proposed project and the LUP Amendment would, therefore, not result in any additional impacts to biological resources beyond those already identified in the Draft EIR since the proposed LUP/CIP amendments solely concerns the project site. Any proposed future LUP/CIP amendments concerning other sites in the Carmel Area LUP may impact biological resources, but the

extent of those impacts would be based on site-specific circumstances and would be subject to additional discretionary review.

Cultural Resources

Cultural resources are known to exist in the Carmel Area LUP. These resources could be adversely affected by additional HDR uses if properties containing such resources are considered for HDR development in the future. While the proposed LUP/CIP amendments would allow HDR use in the Carmel Area LUP, the only site being considered for such uses is the proposed project-site. Nevertheless, applicants could apply to have properties in the Carmel Area LUP rezoned to allow HDR uses. This could impact cultural resources. The extent of these impacts would, however, be dependent on the nature of the project, site-specific constraints, and other factors. Since no other sites have been identified as suitable to accommodate HDR density, it is unlikely that other uses may occur within the planning area. Should circumstances change in the future, any and all applications for LUP/CIP amendments to permit HDR uses on other sites in the planning area would be subject to extensive review by the County, California Coastal Commission, and subject to CEQA compliance. As a result, cultural resource impacts can be addressed through permit review, associated CEQA review, application of LCP policies and standards, development of mitigation measures, and imposition of conditions of approval similar to that developed for the proposed project. Although the proposed LUP/CIP amendments could conceivably adversely affect a cultural resource, approval of the proposed project and the LUP/CIP amendment would not result in potential impacts to cultural resources beyond those identified in the Draft EIR since the only site being considered for HDR use at this time is the proposed project-site.

Geology & Soils

Development of new HDR uses in the Carmel Area LUP would potentially expose persons or structures to hazards related to seismic activity, landslides and slope stability, erosion, and soil constraints. Potential effects related to geology and soils would be based on site-specific characteristics and would be addressed at the time that a formal application would be submitted to the County of Monterey. Potential impacts would presumably be addressed through the discretionary review process and associated CEQA review. The proposed LUP/CIP amendments, aside from the project site itself, would not result in any adverse effects related to geology and soils. If and when an application is submitted to consider additional HDR uses, potential impacts would be addressed through application of Carmel Area LUP policies, zoning, grading and building codes, development of mitigation measures, and imposition of conditions of approval similar to that developed for the proposed project. Approval of the proposed project and the LUP/CIP amendments would not result in potential impacts to geology or soils beyond those identified in the Draft EIR since the only site being considered for HDR use at this time is the proposed project-site.

Hydrology & Water Quality

The qualitative impact assessments for the project demonstrate that there would be no significant adverse hydrology impacts associated with the project (inclusive of surface drainage, facility capacity, flooding, and erosion and sedimentation issues). The project would not contribute considerably to water quality impacts because (1) all impacts would be less-than-significant with incorporation of project design features and (2) the project is within a subarea watershed that is already essentially built out. Additional HDR development in the Carmel Area LUP could incrementally add to the total amount of impervious surface in the Carmel Area LUP, resulting in increased stormwater runoff. Buildout of residential projects may also increase pesticide, herbicide, and fertilizer use in the planning area, primarily in relation to residential landscaping. The construction of additional HDR developments would include grading, paving, and use of fuels and construction materials that may result in sedimentation or other contamination of stormwater runoff.

As previously identified, the only site currently being considered for HDR uses is the proposed project-site. No other sites have been identified that are considered suitable for HDR uses by the County of Monterey. Nevertheless, should circumstances change in the future, additional HDR uses could be realized. These uses could lead to a variety of impacts as identified above. It is considered remote and speculative to attempt to ascertain the extent of these impacts in the absence of project details. Potential impacts could, however, be addressed through the permit review and any associated environmental review through application of LCP policies and standards, Monterey County codes, State and federal water quality regulations (See Section 4.8), development/implementation of mitigation measures, and imposition of conditions of approval similar to those applicable to the proposed project. Since the proposed project is the only site being considered for HDR uses, any potential hydrology and water quality impacts associated with the LUP/CIP amendments are limited to the project site only. This does not preclude additional impacts from being realized in conjunction with future proposed HDR development projects should circumstances regarding available sites change, but these impacts would be addressed on a project-by-project basis. Approval of the LUP/CIP amendments would not, therefore, result in additional hydrology and water quality impacts beyond those already identified in the Draft EIR since the proposed LUP/CIP amendments are only applicable to the project-site. Any future proposal to amend the LUP to allow additional HDR uses elsewhere in the LUP would be subject to discretionary review and approval.

Land Use/Planning

The development of the property as proposed would require amendments to the Carmel Area LUP and CIP to allow for the density as proposed. In order to accommodate the proposed density, the Carmel Area LUP and CIP must be amended to include a new land use classification that would allow high-density residential uses. The project-site would subsequently be rezoned to High-Density Residential/12.5 units per acre (HDR/12.5). The LUP/CIP amendment to allow HDR uses would, however, permit a maximum residential density for HDR at 20 units/acre.

While the proposed HDR classification would only be applicable to the proposed project-site, other properties within the planning area could conceivably be designated for HDR uses, provided project applicants received appropriate approval from the County of Monterey and California Coastal Commission. Future HDR zoned development could perceivably result in greater scale and intensity residential development in the area, effectively expanding the high-density compared to the neighboring County and City's primarily single-family residential neighborhood areas, which could result in potential land use conflicts. However, approval of the LUP/CIP amendments would not directly result in new development aside from the proposed project. Additionally, any proposed future development in the Carmel Area LUP would be required to comply with existing coastal development permits, building, and grading permit requirements included in the existing Carmel Area LUP. Permit review and project-specific environmental review, as required, would provide the forum in which project-specific land use conflicts and potential LUP inconsistencies would be assessed and mitigation for adverse land use effects would be identified at that time. While additional HDR development would be possible as a result of the proposed project, it is unlikely that additional HDR uses would occur within the Carmel Area LUP due to existing environmental and planning factors (i.e. biological resources, water supply, infrastructure capacity, etc.) Additionally,, the County has extensively reviewed the planning area and determined that there are no other suitable sites within the LUP to accommodate such higher intensity uses. Nevertheless if circumstances change in the future, it is reasonable to assume that other HDR development within the LUP may occur provided future development does not exceed residential capacity limits and other planning and environmental limitations identified in the LUP.

During the public review period, the California Coastal Commission submitted detailed comments on the proposed LUP/CIP amendments and identified specific concerns regarding the potential environmental and land use ramifications of the project's land use components. While the Draft EIR and Recirculated Draft EIR have extensively evaluated the potential environmental and land use effects of the proposed project, including the proposed LUP/CIP amendments, the following analysis is intended to provide additional detail regarding the proposed project's consistency with Chapter 3.0 of the California Coastal Act and the Carmel Area LUP.

California Coastal Act/Carmel Area LUP Consistency Analysis

The proposed LUP/CIP amendments are required to be consistent with the plans, policies, requirements, and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area LUP, Carmel Area CIP (Part 4), and Part 1 of the CIP (Title 20 Zoning Ordinance). **Table 4.9-1** of the Draft EIR summarizes the project's consistency with the Carmel Area LUP policies. Since the proposed project entails amending the Carmel Area LUP/CIP to allow HDR land uses, an evaluation of the proposed amendments with the applicable portions of Chapter 3 of the California Coastal Act is necessary. The following Coastal Act policies are considered to be relevant, or potentially relevant, to the proposed project.[2]

Coastal Act Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

> *Consistent:* The proposed LUP/CIP amendments to create a new land use classification would not, in and of themselves, directly affect coastal access, access to recreational opportunities, or result in the overuse of natural resources. The impacts of the proposed amendments on coastal access are limited in scope to only those properties that may request a re-zoning to HDR in the future. The impacts on coastal access can only be evaluated on an individual basis since access is largely a function of site-specific characteristics and other factors. While other properties located in the LUP could seek a future re-zoning to HDR, issues related to coastal access and consistency with Section 30210 can only be evaluated on a project-by-project basis. Additionally, the County has determined that no other sites within the Carmel Area LUP exhibit the attributes necessary to accommodate HDR development. The proposed amendments directly pertaining to the project-site would not impact coastal access and are therefore considered consistent with the requirements of Section 30210 of the Coastal Act. At this time, the only property currently being considered for HDR use is the proposed project site. The physical development of the project, in addition to the proposed LUP/CIP amendments, would not affect coastal access or other considerations contained in Section 30210. The project site is private property and does not provide access to any coastal resources. The project is consistent with the requirements of Section 30210.

Coastal Act Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beach to the first line of terrestrial vegetation.

[2] The following evaluation is included in this Recirculated Draft EIR to provide additional analysis of the project's potential land use effects, it is important to recognize, however, that it is ultimately up the discretion of the County of Monterey and California Coastal Commission to determine project consistency. This analysis represents a good faith effort to provide a preliminary review of the project's consistency with the Coastal Act.

Consistent: Please see response above. Amending the LUP/CIP to allow HDR uses would not directly affect the public's right of access. Potential issues associated with coastal access would be evaluated on a project-by-project basis based on site-specific considerations. The proposed land use elements associated with the project and the physical buildout of the project-site would not affect the public's right to access the coast or other factors considered in Section 30211. The project site is private property and it not located within the immediate proximity of the ocean or coastal resources.

Coastal Act Section 30212a: Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Consistent: See response above.

Coastal Act Section 30214a: The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; or (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Consistent: See previous responses above.

Coastal Act Section 30214b: It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

Consistent: See previous responses above.

Coastal Act Section 30214c: In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations, which would minimize management costs and encourage the use of volunteer programs.

Consistent: See previous responses above.

Coastal Act Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Consistent: The proposed LUP/CIP amendments to establish a new land use designation would not directly affect coastal areas suited for water-oriented recreational activities. The proposed amendments would not affect coastal areas that are suited for water-oriented recreational activities. The effects of the proposed amendments are limited in scope and are only applicable to

those properties that may request a re-zoning to HDR in the future. The effects of which must be evaluated on an individual basis. As such, the proposed LUP amendment does not constitute an inconsistency with this provision of the Coastal Act. The physical development of the proposed project, in addition to the site-specific re-zoning to HDR/12.5, would not affect water-oriented recreational uses. The site is not located in close proximity to the ocean and/or any other area that is considered suitable for water-oriented recreational uses. As a result, the proposed project is consistent with the provision of Coastal Act Section 30220.

Coastal Act Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodate on the property is already adequately provided for in the area.

Consistent: Amending the LUP/CIP to include a new land use designation would not directly affect and/or otherwise conflict with the provisions of this section of the Coastal Act. The only property currently being considered for HDR uses is the proposed project site, which is not located on oceanfront land that is suitable for recreational use. Additionally, any future applications for re-zoning of property within the Carmel Area LUP would be subject to a Coastal Act consistency determination. The merits of that action can only be evaluated on an individual basis. The physical development of the proposed project, in addition to the site-specific re-zoning to HDR/12.5 would not conflict with this section. The project site is not located adjacent to or in close proximity to the ocean and is not considered an adequate location for commercial recreational activities. As a result, the proposed project is consistent with this policy.

Coastal Act Section 30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal dependent industry.

Consistent: Amending the LUP/CIP to create a new land use designation would not directly affect the use of private land for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal access. The only property currently being considered for HDR uses is the proposed project site, which is not considered suitable for visitor-serving commercial recreational facilities given the residential character of the area. Additionally, any future applications for re-zoning of property within the Carmel Area LUP would be subject to a Coastal Act consistency determination. As discussed above, future applications to re-zone existing property within the LUP would be required to comply with the applicable provisions of the Coastal Act and the merits of that action would be evaluated on an individual basis. The physical development of the proposed project, in addition to the site-specific re-zoning to HDR/12.5 would not conflict with this section. The project site is not considered a suitable location for visitor-serving coastal recreational facilities given the surrounding residential character of the area and the location of the site relative to the Pacific Ocean. As a result, the proposed project is consistent with this policy.

Coastal Act Section 30222.5: Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Consistent: Amending the LUP/CIP to create a new land use designation would not directly affect ocean front lands that are suitable for coastal dependent aquaculture. The only property currently being considered for HDR uses is the proposed project site, which is not located on oceanfront

land that is suitable for aquaculture. Any future applications for re-zoning of property within the Carmel Area LUP would be subject to a Coastal Act consistency determination at the time the project is being considered by the Coastal Commission. If, in the future, an application is submitted to the County of Monterey to rezone property within the Carmel Area LUP to HDR, the merits of that project would be evaluated at that time. In addition, the physical development of the proposed project, in addition to the site-specific re-zoning to HDR/12.5, would not conflict with this section. The project site is not considered adequate for coastal dependent aquaculture. The project site is not located within close proximity to the Pacific Ocean and the re-zoning of the property to HDR/12.5 would not conflict with this provision. As a result, the proposed project is consistent with this policy.

Coastal Act Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Consistent: Amending the LUP/CIP to create a new land use designation would not directly affect upland areas necessary to support coastal recreational uses. The only property currently being considered for HDR uses is the proposed project site, which is not located in an area that is considered suitable for residential uses given the residential character of the surrounding area. Any future applications for re-zoning of property within the Carmel Area LUP would be subject to a Coastal Act consistency determination at the time the project is being considered by the Coastal Commission. The merits of that action can only be evaluated on an individual basis. The physical development of the proposed project, in addition to the site-specific re-zoning to HDR/12.5 would not conflict with this section. The project site is not considered suitable to support coastal recreational uses. The project site is not located within close proximity to the coast and the re-zoning of the property to HDR/12.5 would not conflict with this provision. As a result, the proposed project is consistent with this policy.

Coastal Act Section 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alterations of natural streams.

Consistent: Amending the LUP/CIP to create a new land use designation would not directly impact the biological productivity and quality of coastal waters. The only property currently being considered for HDR uses is the proposed project site. Any future applications for re-zoning of property within the Carmel Area LUP would be subject to a Coastal Act consistency determination at the time the project is being considered by the Coastal Commission. The merits of that action can only be evaluated on an individual basis. Additionally, a change in land use would not constitute a physical impact to biological productivity or the quality of coastal waters. Physical development activities could, however, conflict with the provisions of this section in the absence of mitigation. Mitigation measures have been incorporated into the proposed project's Draft EIR to ensure that potential environmental effects associated with increased wastewater disposal, runoff, and increased demands for ground water supplies are property mitigated; please see Mitigation Measures 4.6-4, 4.8-1, 4.8-2, and 4.14-1, as amended. Increased water demand associated with development of the proposed project could impact the biological productivity of the Carmel River as discussed in the Draft EIR and this Recirculated Draft EIR. These impacts would be de minimis since project generated water demand would not exceed historical water use associated with the property. Additional mitigation measures have been incorporated to ensure

that impacts are further reduced to acceptable levels by implementing water conservation measures. The proposed project would not impact riparian areas or result in the alteration of natural streams. Therefore, the project is considered consistent with this policy through the incorporation of mitigation.

Coastal Act Section 30240a: Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Consistent: Amending the LUP/CIP to create a new land use designation would not directly affect environmentally sensitive habitat areas. Although amending the LUP to create a new land use designation would allow other property owners within the Carmel Area LUP to apply for their properties to be rezoned to HDR, the only property currently being considered for HDR uses is the proposed project site, which does not contain any environmentally sensitive habitat areas. Any future applications for re-zoning of property within the Carmel Area LUP would be subject to a Coastal Act consistency determination. The merits of that action can only be evaluated on an individual basis. If, in the future, an application is submitted to the County of Monterey to rezone a property within the Carmel Area LUP to HDR and environmentally sensitive habitat areas are located on site then that project would be required to comply with the requirements of Section 30240(a). The creation of a new land use classification would not directly impact environmentally sensitive habitat areas and is therefore considered consistent with the provisions of this policy. The physical development of the proposed project, in addition to the site-specific re-zoning to HDR/12.5, would not conflict with this section. Based on the analysis contained in this EIR and site-specific biological investigations (see Section 4.4 Biological Resources for further discussion), no environmentally sensitive habitat areas are located on-site. As a result, the proposed project is consistent with this policy.

Coastal Act Section 30240b: Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Consistent: See response above.

Coastal Act Section 30244: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Consistent: Amending the LUP/CIP to create a new land use designation would not directly adversely affect archaeological or paleontological resources. Any future applications for re-zoning of property within the Carmel Area LUP would be subject to a Coastal Act consistency determination at the time the project is being considered by the Coastal Commission. The merits of that action can only be evaluated on an individual basis. If, in the future, an application is submitted to the County of Monterey to rezone a property within the Carmel Area LUP to HDR and archaeological or paleontological resources are located on site then mitigation measures would be identified consistent with the requirements of CEQA and the provision of this policy. Although no archaeological or paleontological resources were documented on-site, the physical development of the proposed project could unearth buried or previously unknown resources. As a result, mitigation measures have been incorporated into the EIR to ensure that impacts are avoided and reduced to a less-than-significant level (see Mitigation Measure 4.5-9). The proposed project is consistent with this policy.

Coastal Act Section 30250a: New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be not smaller than the average size of surrounding parcels.

> *Consistent:* Amending the LUP/CIP to create a new land use designation would not directly conflict with this policy. If, in the future, an application is submitted to the County of Monterey to rezone a property within the Carmel Area LUP to HDR, the merits of that project would be evaluated at that time and the project would be required to adhere to applicable Coastal Act policies. The physical development of the proposed project, in addition to the site-specific re-zoning to HDR/12.5 would not conflict with this section. The proposed project is located within an existing residential neighborhood and adequate public services are available or will be available to serve the proposed project. Mitigation measures have also been incorporated in order to ensure that existing infrastructure will be expanded and/or upgraded to meet project demands (please see Mitigation Measures 4.8-1, 4.13-1 through 4.13-4, and 4.14-1). As a result, the proposed project is consistent with this policy.

Coastal Act Section 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

> *Inconsistent:* Amending the LUP/CIP to create a new land use designation would not directly conflict with this policy. While future HDR uses could affect the existing visual character of the surrounding area, the impacts of future developments can only be analyzed at the time of a formal application submittal since aesthetic impacts are highly contingent upon site-specific factors and project-design. In addition, any future development within the Carmel Area LUP would be required to comply with the Coastal Act and would be subject to a coastal consistency analysis. The proposed amendments, for the purposes of this analysis, are therefore considered consistent with this policy. The physical elements of the proposed project, however, are considered inconsistent with this policy. As a result, the project is considered to be inconsistent with Section 30251. As identified in the Draft EIR, the physical development of the proposed project would result in significant aesthetic-related impacts. The physical development of the project site would result in a significant impact to a scenic resource within the Carmel Area LUP and therefore is considered inconsistent with this policy. In order to ensure that the visual effects of the proposed project are minimized, project-specific mitigation measures have been incorporated into the Draft EIR; please refer to Mitigation Measures 4.1-1 through 4.1-7. These mitigations will ensure that adequate landscaping and replacement trees are incorporated into the project design and that visual impacts are minimized to the extent feasible. The proposed project, however, is located in an area that is considered visually sensitive and the Draft EIR identified a significant impact that cannot be reduced to a less-than-significant level. The physical elements of the project, as proposed, are inconsistent with the requirements of this policy. The selection of a project alternative that minimizes impacts to the scenic nature of the Highway 1 corridor would be consistent with this policy.

Coastal Act Section 30252: The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Consistent: Amending the LUP/CIP to create a new land use designation would not directly conflict with this policy. While HDR uses could affect public access to the coast, the impacts of future developments can only be analyzed at the time of a formal application submittal. It is considered remote and speculative to determine the potential effects of other HDR developments in the absence of project-level details. If, in the future, an application is submitted to the County of Monterey to rezone a property within the Carmel Area LUP to HDR, the merits of that project would be evaluated at that time. The physical development of the proposed project would not directly impact coastal access. Please refer to previous responses regarding coastal access for more information. In order to ensure that adequate facilities will be available to serve the proposed project, mitigation measures have been incorporated into the Draft EIR (please see Mitigation Measures 4.8-1, 4.13-1 through 4.13-4, and 4.14-1). Additionally, the physical development of the proposed project would not result in additional impacts to recreational facilities such that the proposed would contribute to their physical deterioration and/or otherwise adversely impact existing recreational facilities. As a result, the proposed project, as mitigated, is consistent with this policy.

Coastal Act Section 30253: New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development; (4) Minimize energy consumption and vehicle miles traveled; or (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Consistent: The proposed amendments would not directly conflict with this policy. The proposed land use amendments would not result in a physical impact to the environment and therefore would not conflict with this policy. While the proposed amendments would create an entirely new land use classification within the Carmel Area LUP and future applicants may apply to have their property re-zoned to HDR, all new developments would be required to comply with this policy. In addition, any future new development would also be subject to a Coastal Act consistency determination and the merits of the project would be evaluated at that time.

The physical development of the proposed project, in addition to the site-specific re-zoning to HDR/12.5, would not conflict with the requirements of this policy. Mitigation measures have been incorporated into the Draft EIR in order to ensure that erosion and geologic hazards (see Mitigation Measures 4.6-1 through 4.6-5) are mitigated. In addition, standard Monterey County conditions of approval and mitigation contained in the Draft EIR require that the proposed project be built in conformance with the recommendations contained in both the preliminary geotechnical

investigation and a final design-level geotechnical report. Compliance with standard engineering practices would also ensure that the proposed project would be structurally stable and thereby in compliance with the requirements of this policy. As described in Section 4.3 Air Quality, the proposed project would not conflict with any applicable air quality management plans and mitigation measures have been incorporated to ensure that air quality impacts are reduced to a less-than-significant level; please refer to Mitigation Measures 4.3-1 through 4.3-3. In addition, the proposed project would not result in a substantial increase in the consumption of energy or vehicle miles traveled. The proposed project represents an infill development that consists of the restoration and rehabilitation of an existing historical resource. The project is located in proximity to commercial uses and public transportation, which would provide other opportunities for alternative transportation. Effective reuse would also reduce the number of traffic trips generated by the project since a proportion of those trips are accommodated as part of the historical use.

Coastal Act Section 30255: Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Consistent: The proposed land use amendments to create a new land use designation would not directly conflict with this policy. While the proposed amendments would create an entirely new land use classification within the Carmel Area LUP and future applicants may apply to have their properties re-zoned to HDR, all new developments would be required to comply with this policy. In addition, any future new development would also be subject to a Coastal Act consistency determination and the merits of the project would be evaluated at that time. The physical development of the proposed project, in addition to the site-specific re-zoning, would not conflict with this policy. The proposed project site is not located on or near the shoreline and therefore is not suitable for coastal-dependent developments. As a result, the project is consistent with this policy.

Coastal Act Consistency Conclusion

Based on the analysis above, the proposed land use amendments are considered to be generally consistent with the requirements of Chapter 3 of the Coastal Act. Although the approval of the proposed project, namely the LUP/CIP amendments, would conceivably allow additional HDR development in the Carmel Area LUP since applicants could apply for HDR uses, the County of Monterey has determined that there is a lack of suitable properties within the planning area to accommodate such higher intensity uses. As a result, the County has determined that it is highly unlikely that such uses could be accommodated in the LUP. Regardless, any additional HDR development would be subject to extensive review by the County and Coastal Commission and a Coastal Act consistency determination. While the possibility of additional HDR development is considered remote, such projects can only be evaluated on an individual basis. Accordingly, amending the LUP/CIP to permit HDR uses would not directly conflict with the Coastal Act. As a result, the proposed LUP/CIP amendments are considered consistent with the Coastal Act.

The physical development of the project site would, however, conflict with certain provisions of the Coastal Act. In that instance, the physical elements of the proposed project, not the land use amendments, would conflict with Section 30251 of the Coastal Act, which contains standards to limit new development in visually sensitive areas in the Coastal Zone. Accordingly to Section 30251, new development shall be sited and designed to protect scenic resources. The proposed project, however, would result in significant and unavoidable impacts to a scenic resource. As a result, the physical attributes of the project would be inconsistent with this policy. This conflict, however, would not constitute a new significant and unavoidable impact. The Draft EIR has already disclosed the extent of aesthetic related impacts and an

inconsistency with land use policies do not directly constitute a significant and unavoidable impact under CEQA unless said conflict would result in a new significant physical impact to the environment. In this case, a significant impact has already been disclosed and the project's aesthetic impacts would make the project inconsistent with this policy. The selection of a project alternative that would avoid impacts to a scenic resource or significantly reduce the extent of impacts could make the project consistent with this policy. Alternatives are discussed in Section 6.0 of this RDEIR.

Public Services

The proposed LUP/CIP amendments could result in additional impacts to public service providers in the event of additional HDR development in the Carmel Area LUP. Potential impacts to public services can be addressed through the discretionary review process and associated CEQA review through the application of LUP policies and standards, development of mitigation measures, and imposition of conditions of approval similar to that developed for the proposed project. Although the proposed LUP/CIP amendments would allow HDR development within the Carmel LUP, the County of Monterey has determined that there is a lack of suitable properties within the LUP to accommodate HDR development. Should, however, circumstances change and applications are submitted to amend the LUP/CIP to allow additional HDR developments in the planning area, these applications would be the subject to extensive review by the County, California Coastal Commission, and CEQA. The only place currently being considered for HDR use is the project site and no other sites have been identified that can accommodate higher-density uses. The project would therefore not result in additional impacts to public services beyond those already identified in the Draft EIR since the LUP/CIP amendments are solely applicable to the project site. This, however, does not preclude additional impacts to public services if other properties and applications are submitted to consider HDR use elsewhere in the LUP. The impacts of those projects can only be evaluated at the time an application is submitted to the County of Monterey. In the absence of this detail, it would be remote and speculative to try and ascertain the extent of impacts since environmental effects are largely dependent on specific site characteristics and project-specific elements.

Fire and Police Services

Other future increases in residential density in the planning area would contribute to an increased demand for fire, police, and first-responder emergency medical services. HDR uses could increase demand for police and fire services and thereby impact average response time to emergencies. The level of impacts, however, would be dependent upon the location, size, and other relevant features of the project. Impacts could presumably be reduced to a less-than-significant level through the implementation of standard mitigation for service provision. Since the LUP/CIP amendments would only establish HDR uses on the project site, potential impacts associated with the amendments are limited to the project site only, although additional HDR uses could conceivably be realized elsewhere in the LUP assuming a suitable site could be identified. The County, however, has determined that there are no suitable sites in the planning area to accommodate such higher-density uses. Therefore, impacts associated with the proposed LUP/CIP amendments would not result in additional demands for police and fire services beyond those identified in the Draft EIR.

School Enrollment

Other future increases in HDR development in the planning area would result in increased demand on schools in the Carmel Area LUP; however, as discussed previously, rezoning and LUP amendments related to future development is unlikely given the County's determination of a lack of suitable properties. Additionally, any such proposal would be subject to additional review and compliance with any applicable mitigation and/or conditions of approval.

Noise

Short-term, construction-related noise impacts of other future increases in residential density in the planning area may be significant, depending on timing of construction and proximity to other receptors. Noise impacts can be addressed through the permit review and any associated environmental review by application of LCP policies and standards, development of mitigation measures, and imposition of conditions of approval similar to that developed for the proposed project. Approval of the proposed project and the LUP/CIP amendments would not result in additional noise impacts beyond those identified in the Draft EIR since the project is only proposing HDR uses on the project-site. While a future applicant may submit an application to the County to consider HDR uses elsewhere in the LUP, determining the potential noise effects associated with additional HDR development would be speculative in the absence of actual project-level detail. Nevertheless, any proposed future LUP amendments concerning other sites in the Carmel Area LUP would be subject to project-level and site-specific discretionary review.

Transportation and Circulation

The proposed amendments to the LUP would allow a high-density residential development at the project site and potentially other properties within the Carmel Area LUP, although no suitable properties where HDR zoning would be allowable have been identified by the County of Monterey. The traffic impact analysis completed and peer-reviewed for the Draft EIR evaluated the increase in trip generation for this area, including the amendments to the LUP and cumulative impacts. The traffic analysis discloses that there are no significant unavoidable impacts that would result from the proposed development. If other HDR uses were to be considered in the Carmel Area LUP those uses would presumably contribute additional traffic and would contribute to the decrease of level of service at various intersections. Future projects would, however, be subject to the discretionary review process, including compliance with CEQA. Any such project would therefore be subject to project-specific mitigation and conditions of approval. The proposed LUP/CIP amendments would not, however, directly result in additional traffic beyond that analyzed in the Draft EIR and Recirculated Draft EIR since the only site being considered for HDR use is the project-site. In addition, the County has determined that there are no other suitable sites for such uses in the LUP. In the event that future circumstances change, any and all development projects within the planning area would be subject to additional review.

Utilities

Water Supply

The proposed LUP/CIP amendments would not directly result in additional impacts to water supply or availability beyond those identified in the Recirculated Draft EIR. Although the project would establish a new residential land use designation that could conceivably be applied elsewhere in the LUP, the project only proposes such uses on the project-site. Any future consideration of high-density uses in the LUP would be based on site-specific information and project detail. Additionally, the County has determined that there are no suitable sites that have the infrastructural capacity and available water credits to accommodate higher-density uses. In addition, no other project sites have been identified where such higher-intensity uses may be considered. Moreover, there are a number of significant constraints in place that would restrict other properties from pursuing an increase in density similar to the proposed project, chief among them, the issue of water supply and availability.[3] Nevertheless, should circumstances change

[3] A cease and desist order (CDO) was issued against California American Water on October 20, 2009 by the State Water Resources Control Board (State Water Board). Refer to discussion in Chapter 4.14 of this Recirculated Draft EIR. The adopted

in the future and a suitable site is identified that has the infrastructural capacity and available water supply to accommodate such uses, additional impacts could be realized. The extent of these impacts can only be determined based on project-specific information, including project baseline, historical water credits, water supply availability, and similarly related features. A review of the LUP map and discussions with County Planning staff have not identified any sites which have the available land, existing water credits and infrastructure to accommodate additional residential density under the HDR. If future applications are presented, these projects would be subject to review at the time of application. The proposed LUP/CIP amendments, would not, directly contribute to additional water supply impacts within the planning area beyond those identified in the Recirculated Draft EIR.

Wastewater Treatment

Other future increases in residential density in the planning area would result in increased demand from the CAWD; however, as discussed previously, LUP/CIP amendments related to the proposed project are specific to the project site only. While future applicants may seek a LUP/CIP amendment to permit HDR development elsewhere in the LUP, the extent of impacts would be contingent upon the size, location, and nature of the proposal. Any such proposal would be subject to extensive review by the County. In the absence of detailed project information and lack of suitable properties to accommodate HDR uses, it would be considered remote and speculative to ascertain the extent of such impacts.

5.2 GROWTH INDUCEMENT

CEQA requires an EIR to discuss the ways in which the proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Section 15126.2(d). For example, new population from residential development represents a direct form of growth. A project may indirectly induce population growth as a result of new economic activity or the removal/change of an existing regulatory obstacle (i.e. zoning ordinance, General Plan, etc.).

According to the State CEQA Guidelines Section 15126.2(d), a project would have potential to induce growth if it would:

- directly encourage population growth, through the construction of additional housing in the surrounding environment;
- result in the economic expansion either through the addition of substantial commercial space or by providing longer-term jobs (including construction) that could induce people to move to the area;
- remove obstacles to growth, such as by building a road in a formerly inaccessible area, or through the provision of infrastructure or service capacity that would accommodate population growth beyond the levels currently anticipated by local or regional plans and polices;
- increase population such that existing community facilities and services are inadequate and the expansion of existing facilities or the construction of new facilities is required, which may significantly impact the environment; or
- facilitate other activities that would either individually or cumulatively, significantly affect the environment.

CDO prohibits Cal-Am from providing new service connections and increasing use at existing service addresses that were not provided a "will-serve commitment" (or similar commitment) before October 20, 2009 and that "Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service connections resulting from a change in zoning or use."

The following evaluation consists of a detailed account of the project elements that would remove physical and /or regulatory obstacles (i.e. limited infrastructure and/or utility capacity, zoning ordinances, and similar) to population growth. This analysis focuses on both the potential direct growth inducing effects of the project that are associated with the physical aspects of the project and the indirect effects related to the proposed LUP/CIP amendments. Recognizing the inherent difficulties involved in forecasting the extent and type of development that might be fostered by a particular project, CEQA calls for a general assessment of possible growth-inducing impacts rather than a detailed analysis of a project's specific impacts on growth.

According to CEQA Guidelines Section 15126.2(d), "it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." Typically, a project may induce growth if it:

- Provides infrastructure or capacity to accommodate growth beyond the levels currently permitted in applicable local and regional plans and policies;
- Encourages growth or a concentration of population in excess of what is planned for in the applicable general plan or other land use plan, or in projections made by regional planning agencies such as the Association of Monterey Bay Area Governments (AMBAG);
- Adversely affects the ability of agencies to provide needed public services or infrastructure; and
- In some other way significantly affects the environment, such as through a substantial increase in traffic congestion or deterioration of air quality.

Direct Growth-Inducing Effects

The proposed project would result in the addition of 46 residential units within the project area and would accommodate an estimated maximum of 145 persons based on 3.15 persons/unit (U.S. Census, 2000). According to AMBAG, Monterey County is expected to experience a 20 percent growth increase between 2005 and 2030 (AMBAG 2008). Specifically, unincorporated Monterey County (which includes City of Carmel-by-the-Sea vicinity) is anticipated to experience a 7 percent growth increase (a population increase of 7,511) between the planning years of 2005 and 2030 (AMBAG 2008). The population growth attributed to implementation of the proposed project would account for approximately 2 percent of the projected growth for unincorporated area of the County.

The proposed addition of 46 new residential units would induce population growth by creating housing opportunities in excess of what is currently available. However, this increase would not be substantially above the level currently projected by AMBAG for the region. Additionally, the 46 units would be considered a portion of the potential future 148 residential units identified with the Carmel Area Land Use Plan (LUP) for future growth, thus would not exceed residential growth capacity in the planning area. Approval of the proposed project would not contribute a substantial portion of the future growth that is projected to occur within the County. This potential increase in population would be considered part of the future planned growth for the Carmel Area LUP because the project site, even with the proposed increase in density and revised zoning for residential, would not exceed residential growth capacity in the planning area per the LUP.

The project site is located within a developed area within the unincorporated portion of Monterey County. The property is already served by urban services and redevelopment on the site would not result in an expansion of urban services or the pressure to expand beyond the County's existing Sphere of Influence.

Existing utility services provided within the vicinity of the project site are discussed within **Section 4.12 Public Services** and **Section 4.14 Utilities and Service Systems**. Existing levels of traffic within the vicinity of the project site are discussed in **Section 4.13 Traffic & Circulation.**

As the property is surrounded by residential development, the project would not open additional undeveloped land to future growth or provide expanded utility capacity to serve future development. Instead, it would facilitate the infill of an existing site in an urban setting that is served by existing urban utilities and services.

Based upon the above discussion, the project would not directly result in significant growth-inducing impacts.

Indirect Growth-Inducing Effects

The Draft EIR and this Recirculated Draft EIR conclude that the physical elements of the project would not directly induce substantial growth since the project would not: 1) remove a physical obstacle to growth; 2) necessitate the construction or expansion of existing infrastructure such that additional growth could be realized; or 3) directly foster additional growth elsewhere in the surrounding area. The Draft EIR concluded that the growth inducement impacts would be less-than-significant since the physical aspects of the project are limited to the project site and the project would not exceed residential development capacities beyond those envisioned in the Monterey County General Plan, Carmel Area Land Use Plan, AMBAG forecasts, and other local and regional plans. The Draft EIR correctly determined that the physical attributes of the proposed project would have limited growth-inducing effects, none of which were determined to have potential significant adverse environmental effects. A number of public comments on the Draft EIR, however, requested that additional analysis be conducted regarding the potential growth-inducing effects of the proposed LUP/CIP amendments in particular. These comments contended that the regulatory changes (i.e. LUP/CIP amendment) would have an indirect effect by establishing a new land use classification that would permit higher-intensity residential uses. These comments further contended that this project would set a precedent for additional high-density development in the Carmel Area LUP and therefore would result in additional adverse environmental effects due to growth-inducement. The following analysis, therefore, is specific to the potential indirect effects of the proposed amendments as they relate to the topic of growth-inducement.

Both the Draft EIR and this Recirculated Draft EIR appropriately recognize that approval of the proposed project would result in HDR uses in the Carmel Area LUP for the first time. The project, by means of amending the LUP and CIP, could indirectly foster additional economic and residential growth since additional high-density uses could be pursued in the future. While numerous public comments contend that the project would set a precedent that would encourage growth, because it would encourage other landowners with similar or larger properties within in the Carmel Area LUP to request land use amendment for their properties and increase their density of development, the potential growth-inducing effects of the proposed amendments are severely limited. The proposed LUP/CIP amendments, although establishing a new land use designation that would allow high-density residential uses, would not substantially induce growth such that additional significant adverse environmental effects would occur. As discussed at length in both the Draft EIR and this Recirculated Draft EIR, the County of Monterey has conducted a review of the Carmel Area LUP to determine whether any properties have the attributes (i.e. infrastructure availability, water supply, etc.) necessary to accommodate additional high-density development. Based on this review the County determined that the project site is the only site in the Carmel Area LUP that has the unique characteristics to accommodate such uses. Additionally, no comment identifies any specific properties on which it is reasonably foreseeable that a land use plan amendment might be pursued. There are currently no high-density zoned parcels in the Carmel Area

LUP. Some medium-density zoned properties exist; however, there are no vacant or underutilized lots with comparable size that could be considered for high-density residential land uses.

Given existing land use/planning requirements, infrastructure capacity limitations, and other environmental factors discussed above, the potential effects of the proposed LUP/CIP amendments are severely constrained. According to the information currently available at this time, additional high-density development at the scale and intensity of the proposed project is considered unlikely. Although this project would establish high-density uses in the Carmel Area LUP for the first time, approval of the proposed project and recommended mitigation would not set a precedent for additional high-density development in the planning area. Approval of the proposed project would not predispose the County to approve similar projects in the future. Rather, the County has gone to extensive lengths to require language in the amendment that limits its application. The County has also researched available properties and found that a similar project of this scale and intensity would be unlikely elsewhere in the Carmel Area LUP given the site's unique characteristics (i.e. size, available water supply, existing developed nature, infrastructure, and other factors). In addition, the specific standards contained in the HDR land use designation would also limit the location and distribution of HDR uses in the Carmel Area LUP. While circumstances could change in the future and additional high-density could be realized, it would be remote and speculative to ascertain the extent of unknown changes at this time.

Based upon the above discussion, the project would not result in significant growth-inducing impacts.

Conclusion

When a land use plan is adopted or amended, the allowable growth pattern of an area is identified and the expansion or updating of various land uses is considered as a growth management practice. One of the principal methods of growth management is the use of zoning and land use tools, such as restricting certain types of land uses or encouraging other types of development that promote desirable land uses. In the absence of such growth management practices, the expansion or intensification of existing land uses could be considered growth-inducing and could result in uncontrolled growth that may have significant adverse environmental impacts. Generally, if proposed projects are considered to be generally consistent with local planning standards and programs, projects can be considered to be growth-accommodating as opposed to growth-inducing.

Approval of the project's proposed zoning and land use designation to allow for high-density residential development would not, in itself, directly induce additional high density residential zoning to be proposed for, or built on, other sites in the Carmel Area LUP. Any such proposal would be required to undergo separate discretionary review, including review by the California Coastal Commission. Additionally, no other current applications have been submitted to Monterey County for consideration of changes to land use designations and zoning amendments resulting in high density residential development. The proposed project, particularly the LUP and CIP amendments, could, however, indirectly induce additional growth by amending an existing regulatory document that excludes high-density residential developments within its planning area.

A number of public comments received on the Draft EIR suggested that the incorporation of a high-density land use classification would be precedent setting within the Carmel Area LUP and would thereby induce substantial additional population growth. A project or particular action may induce additional growth if it sets a precedent by removing restrictive zoning requirements or includes a land use amendment that would allow growth in new areas or at a higher density than previously planned. In this instance, the project includes a land use amendment to allow increased residential density within the Carmel Area LUP and specifically at the project-site.

The Draft EIR has appropriately recognized that this would be the first instance within the Carmel Area LUP where high-density land use is being considered. While this project may present the first instance of HDR development within the Carmel Area LUP, it doesn't predispose the County to approve similar projects in the future. Rather, the County has gone to extensive lengths to ensure that a similar project of this scale and intensity would be unlikely elsewhere in the Carmel Area LUP given the site's unique characteristics (i.e. size, available water supply, existing developed nature, infrastructure, and other factors). Moreover, the specific standards contained in the HDR land use designation would also limit the location and distribution of HDR uses in the Carmel Area LUP. While this project consists of HDR uses, any future application to rezone a property to HDR uses would be subject to an extensive public review process that would consider a variety of planning and environmental factors (see below for further discussion) as part of the deliberative process.

Although this project would create a new land use classification, this designation is only being proposed on the project site and would not directly result in higher density development elsewhere in the planning area. Therefore, any and all growth-inducing impacts would be limited to those associated with development of the project-site. Additionally, the proposed density of the project would not exceed the population capacity of the planning area as identified in the Carmel Area LUP and other applicable planning documents. Accordingly, project-specific impacts were previously identified as less-than-significant in the Draft EIR.

The introduction of a new high-density land use designation into the Plan could allow for others to request similar zoning for their properties. As a result, additional high-density development could be realized in the planning area due to this new land use classification. Any such proposal, however, would be subject to an extensive planning and environmental review process. Moreover, based on the County's independent review of the planning area, they determined that the development potential for high density uses in the Carmel Area LUP is severely limited. More specifically, County staff determined that there are no other parcels within the planning area that have the attributes (i.e. water supply, infrastructure capacity, etc) necessary to accommodate a high density development. Upon review of the Carmel Area Land Use Plan, and specific field review of the Amendment language proposed, there are limited areas which would be suitable or able to apply for increased density. Based on acreages of existing lots, location of existing utility connections, and lack of undeveloped and underutilized lots in the Carmel Area LUP, no known sites have been identified that would be considered suitable and available to accommodate high density residential development. There are very limited, if any, properties with the unique characteristics of this site, that have existing services and development on the site already and are accessible and would meet the parameters described in the Land Use Plan Amendment requirements for a high density site. Based on the above analysis, the proposed project (including the LUP amendment and rezoning) would not result in a significant growth inducing impacts. Nevertheless, should future circumstances change regarding the availability of water supply, infrastructure and roadway capacity, and other environmental/land use considerations, it is possible that future applicants may apply for and seek approval for the HDR designation. As a result, the proposed project's land use elements may indirectly induce growth. While the extent of this impact is anticipated to be negligible based on the analysis above, the following mitigation measure is recommended to ensure that the project's indirect growth-inducing impacts are limited to the project site only.

Impact **The proposed project would result in the establishment of a new land use designation, High-Density Residential (HDR), within the Carmel Area LUP that would allow a maximum density of 20 units/acre. This would represent the first instance of HDR development within planning area and may result in future applicants applying for HDR development. As a result, the project's land use**

elements have the potential to indirectly induce growth by amending a land use plan to allow higher intensity uses than proposed under the project and than previously planned for the area. ***In order to minimize the extent of this impact it is recommended that the following mitigation measure be adopted to ensure that the relatively insignificant growth-inducing impacts are further minimized to an acceptable level.***

Mitigation

5.1-1 In order to ensure that future high-density residential development does not exceed the density standards associated with the Villas de Carmelo project, the final LUP/CIP amendment language shall be revised to limit maximum allowable density to 12.5 units/acre. To ensure compliance with this mitigation, the following limitations shall be included in the final amendment language prior to project approval: "Maximum allowable density in the HDR District shall be limited to 12.5 units/acre. High-density residential uses shall not be permitted where such uses would cause existing services to exceed applicable level of service standards, cause service providers to fail to meet existing peak demand, require the expansion of public facilities such that significant growth-inducing impacts would occur, or in such instances where said uses would significantly and permanently alter the existing character of an area due to increase levels of noise, traffic, and air quality impacts that cannot reasonably be mitigated through the environmental review process or standard conditions of approval."

5.3 CUMULATIVE IMPACTS

Section 15130 of the CEQA Guidelines requires an EIR to discuss cumulative impacts of a proposed project when the project's incremental effect is cumulatively considerable. Cumulative impacts refer to two or more individual effects that, when combined, are considerable or that compound or increase other environmental impacts. The purpose of the cumulative impact analysis is to identify and summarize the environmental impacts of the proposed project in conjunction with existing, approved, and anticipated development in the project area.

The following assumptions were used in the analysis of cumulative impacts.

- A cumulatively-considerable impact occurs only if the proposed project would contribute something to the total effect. A cumulatively-considerable impact is more likely to occur if either the project's contribution or the prevailing negative conditions are substantial.
- Pursuant to CEQA Guidelines Sections 15064 and 15130, a project's incremental contribution to a cumulative impact is not cumulatively considerable if the project would comply with the requirements of a previously-approved plan or mitigation program that provides specific requirements that would substantially lessen the cumulative problem, or if the project would contribute its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.
- All direct effects of the proposed project have the potential to contribute to cumulatively considerable impacts, even if they are individually less-than-significant.
- The geographic area considered in the cumulative impact analysis for construction and local operational impacts (in the areas of construction air quality, construction noise, geology and soils, and hydrology) is the local vicinity of the proposed project site. Consistent with CEQA Guidelines Section 15130(b)(1)(A), this Draft EIR is using a list approach for the cumulative analysis of local vicinity impacts. The present and probable future projects shown in **Table 5.2-1** were considered in the analyses of cumulative impacts contained in the Draft EIR.
- In the case of agricultural resources, air quality, biological resources, cultural resources, hazards and hazardous waste, land use, public services, traffic and utilities, the geographic area considered is the Carmel Area Land Use Planning area of Monterey County, and those cumulative analyses rely upon assumptions within the Monterey County General Plan and the Carmel Area Land Use Plan.
- In the case of aesthetics, the geographic area considered is the Carmel Area Land Use Planning area of Monterey County, specifically the area of Highway 1 viewshed.
- The analysis incorporates past and present projects by hereby acknowledging their contribution to existing negative or sensitive conditions.

As mentioned above, consistent with CEQA Guidelines Section 15130(b)(1)(A), this Draft EIR is using a list approach for the cumulative analysis of local vicinity impacts in the areas of construction air quality, construction noise, geology and soils, and hydrology. The present and probable future projects shown in **Table 5.2-1** were considered in the analyses of cumulative impacts contained in the Draft EIR.

Table 5.2-1
Probable Future Projects Located in the Project Vicinity to be Considered in the Cumulative Analysis

Projects	Project Status	Project Size
City of Carmel-by-the-Sea		
APPROVED		
1. Mixed Use SE corner Dolores & 7th	Awaiting Final Entitlements and Permits/ unknown timing	
Condominiums/Apartments		8 Units
Commercial Retail		3,000 SQ. FT.
PROPOSED		
2. Carmel Sands Lodge Redevelopment San Carlos & 5th	Final Entitlements and Permits / unknown timing	16 Rooms
County of Monterey		
APPROVED		
3. Quail Meadows	Condition compliance working towards pulling final permits	mixed use
4. Canada Woods	Condition Compliance	
Single Family Units		44 Units
Home Improvement Center		18,000 SQ. FT.
5. Rancho San Carlos (Santa Lucia Preserve)	Final Entitlements ongoing construction	338 Units
6. Rancho San Carlos - Potrero Creek Area	Final Entitlements ongoing	29 Units
7. Crossroads Shopping Center Expansion – Highway 1 and Rio Road (Safeway)	Construction Completed; project occupied	20,260 SQ. FT.
PROPOSED		
8. Regan Bed & Breakfast – Riley Road	Incomplete application 3/09; awaiting approval from departments	10 Rooms
9. Val Verde Affordable Housing – Val Verde Road & Carmel Valley Road, Carmel Valley	Condition Compliance	89 units
10. Rancho Cañada Village – Carmel Valley Road, Carmel Valley	Awaiting Re-Circulated Draft EIR	281 Units
11. Carmel Mission Inn Expansion, including parking lot improvements	Awaiting Final Entitlements / unknown timing	Unknown
12. Carmel Hill and River Bicycle Trail Project	Construction On-going	Approx. 1.7 miles
13. Highway 1 Climbing Lane (Widening) Project – Addition of another lane along Highway 1 Carmel Valley Road to Rio Road	Environmental Review/Construction during 2010	Approx. ½ mile
14. Carmel Valley Bike Trail - The Class I Bicycle Trail parallels the Carmel River beginning at the east end boundary of Quail Lodge Property and extends to the west boundary of Monterey Peninsula Regional Park District. The project length is 5,825 feet, approximately 1.1 miles. The second phase of the trail would begin at the Parks District boundary westbound to State Highway 1.	Design for the first phase will begin in 2010.	1.1-mile Class I bicycle trail
15. South Extension Trail Project, east of Highway 1 from Rio Road south to the Carmel River, including a bridge across Carmel River	Construction Initiated	Approx. 1½ mile
16. Potential Palo Corona Parking Lot near Carmel River east of proposed project Site	Pre-planning / unknown timing review	Site location and size are unknown; therefore it is not shown in figures.

Note 1: This cumulative analysis does not consider the construction or remodel of single-family residences as probable future projects pursuant to recent case law. The list above includes only projects for which it is assumed that the applicant has devoted significant time and financial resources in a regulatory review process (pursuant to Gray v. County of Madera (2008) which stated "only probable future projects must be analyzed under cumulative impacts analysis, any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for the purposes of cumulative impact.)"

Source: Personal communication with Hatch-Mott (formerly, Higgins Associates, Inc.), City of Carmel-by-the-Sea, and County of Monterey, January 2009 and Elizabeth Gonzales, Monterey County Resource Management Agency, February 2010; Updated May, 2010.

Potential cumulative impacts associated with the project are addressed within the respective sections of this Draft EIR. Potential cumulative impacts from the project would be in the areas of aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use and planning, public services, traffic, and utilities, as discussed in **Section 4.1 Aesthetics**, **Section 4.3 Air Quality**, **Section 4.4 Biological Resources**, **Section 4.5 Cultural Resources**, **Section 4.8 Hydrology and Water Quality**, **Section 4.12 Public Services**, **Section 4.13 Traffic & Circulation** and **Section 4.14 Utilities and Service Systems**. These potential cumulative impacts would be either less-than-significant or reduced to a less-than-significant level with mitigation as identified in the sections.

Due to the nature of the proposed project's potential cumulative impacts in regards to land use and planning under the auspices of CEQA, an expanded discussion of these potential cumulative impacts is provided below in this CEQA Considerations section. As identified in the **Section 4.9 Land Use and Planning**, under CEQA, the proposed project includes not only the physical project, but also the land use, zoning, and policy changes that would be necessary to allow for the proposed development. These elements are addressed in Section 4.9; however, a discussion of the potential cumulative impacts of the proposed project is included within this section below.

The project, as proposed, would require a Local Coastal Plan (LCP) amendment for a land use and zoning designation change from medium density residential to high density residential, as well as for changes to Monterey County's inclusionary housing ordinance. The geographic scope of this analysis is the local project vicinity as well as the Carmel Area Land Use Planning Area as designated by the Monterey County General Plan. If approved as it has been proposed, the project does not have the potential to result in conflicts with adopted land uses policies and regulations that are intended to avoid and/or mitigate an adverse environmental impacts and it would not result in any cumulative impacts to land use policies. Analysis of the proposed project's LCP amendment and its potential to impact policies of Chapter 3 of the Coastal Act are addressed in **Section 4.9 Land Use and Planning**. Potential cumulative impacts associated with the project are addressed within the respective sections of this Draft EIR.

There are no other planned development projects in the project site's immediate vicinity within the Carmel Area Land Use Planning Area or within the City of Carmel-by-the-Sea that would, in consideration with the Villas de Carmelo Project, result in the intensification of development in the area. The Carmel Area Land Use Plan identified residential housing capacity of 148 units, at 2 units per acre on 656 acres, in the City of Carmel Vicinity and Carmel Meadows. The project proposes a land use plan amendment resulting in a higher density designation than what is currently allowed, resulting in increases of residential units and population for the project site. If other parcels in the Carmel Land Use Plan area are proposed for plan amendments or re-zoning related to a change to higher density, those actions would be subject to discretionary review and approvals.

Pending projects will require review under the appropriate regulatory authority for conflicts with respective plans prior to project approval. As shown on the referenced **Table 5.2-1,** there are no projects within the geographic scope of this analysis that propose land use plan amendments to increase residential density or residential development amendments to the Carmel Area Land Use Planning Area that would be considered cumulatively considerable. Further discussion of potential cumulative impacts related to water use and traffic are included in **Section 4.14 Utilities and Service Systems** and **Section 4.13 Traffic & Circulation**, respectively.

Therefore, implementation of the proposed project would have a less-than-significant cumulative impacts.

5.3 SIGNIFICANT UNAVOIDABLE IMPACTS

The proposed project would result in significant impacts in the following categories, as described in this Draft EIR: aesthetics, air quality, biological resources, cultural resources, geology, hazards, hydrology, noise, public services, and traffic. All project impacts can be reduced to a less-than-significant level with implementation of mitigation identified in this Draft EIR, with the exception of the following:

- A significant unavoidable impact due to development in the Highway 1 viewshed which would impact a scenic resource.

5.4 IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126(f) of the State CEQA Guidelines requires EIRs to include a discussion of significant, irreversible environmental changes that would result from project implementation. CEQA Section 15126.2(c) identifies irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

The project would develop residential uses on the project site. Development of the project would result in irreversible changes to the environment in the following areas:

- The use of nonrenewable resources during construction, including building materials (such as concrete, glass, some types of plastic) and use of petroleum products.
- The permanent removal of 156 trees located on the project site.
- The permanent infill of the project site.
- A permanent impact to a scenic resource.
- The use of natural gas and electricity for lighting, cooling, and heating of buildings on the project site.

Although the mitigation measures contained in the Draft and Recirculated Draft EIR are intended to minimize the effects of these changes on the environment, the project would, nevertheless, result in the permanent commitment nonrenewable resources. The effects of which will remain permanent and adverse when compared to current conditions.

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6.0 Alternatives

6.1 INTRODUCTION

CEQA Guidelines section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed project. The purpose of the alternative analysis, according to CEQA Guidelines Section 15126.6(a), is to describe a range of reasonable alternative projects that could feasibly attain most of the objectives of the proposed project and to evaluate the comparative merits of the alternatives. The Guidelines further require that the discussion focus on alternatives capable of eliminating significant adverse impacts of the project or reducing them to a less-than-significant level, even if the alternative would not fully attain the project objectives or would be more costly.

The range of alternatives evaluated in an EIR is governed by a "rule of reason," which requires the evaluation of alternatives "necessary to permit a reasoned choice." An EIR need not consider alternatives that have effects that cannot be reasonably ascertained and/or are remote and speculative. Alternatives considered must include those that offer substantial environmental advantages over the proposed project and may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors. In accordance with the CEQA Guidelines, the alternatives considered in this Recirculated Draft EIR include those that 1) could accomplish most of the basic objectives of the project and 2) could avoid or substantially lessen one or more of the significant effects of the project.

6.2 SUMMARY OF PROJECT OBJECTIVES AND SIGNIFICANT IMPACTS

Proposed Project Characteristics

The proposed project includes a subdivision and a combined development permit to allow the construction of 46 residential units on a 3.68-acre site. The following are project components:

- a Local Coastal Plan (LCP) amendment to change land use designation from medium density residential to high density residential;
- rezoning from MDR/2 to HDR/12.5 in the coastal zone;
- a Coastal Development Permit and standard subdivision vesting tentative map to convert a 10,350-square foot former convalescent hospital site into nine condominium units and develop 37 additional condominium units for a total of 46 units;
- a Coastal Administrative Permit to demolish one existing structure and construct 12 buildings for a total of 46 condominium units;
- a Coastal Development Permit to allow development on slopes of 30% or greater;
- a Coastal Development Permit to allow the removal of approximately 97 trees over 12" in diameter (21 Coast Live Oak, 76 Monterey Pines); and
- Design Approval.

Objectives

The primary objectives of the project, as described in **3.0 Project Description** of the Draft EIR and as identified by the applicant, are as follows:

- Rehabilitate and preserve a historic community institution;
- Establish a high quality residential community to house future residents within the County;

- Provide market rate, affordable, and workforce housing stock to the Monterey Peninsula with 20% designated as affordable and workforce housing; and
- Reuse vacated buildings on a site with infill development.

Significant Impacts

The proposed project would result in potentially significant impacts in the following categories, as described in the Draft and Recirculated Draft EIR: aesthetics, air quality, biological resources, cultural resources, geology, hazards, hydrology, noise, public services, population/housing, traffic, and utilities. All project impacts can be reduced to a less-than-significant level with implementation of mitigation identified in the Draft and Recirculated Draft EIR, with the exception of the following:

- A significant unavoidable project impact upon aesthetics, associated with the proposed project's impact upon a scenic resource (Highway 1).

6.3 ANALYSIS OF EXCLUDED ALTERNATIVES

Alternatives Not Analyzed in Detail

The following discussion addresses alternatives that were considered but not selected for detailed analysis. In addition to the alternatives evaluated in **Section 6.3** below, an off-site alternative and variations in the proposed project have been considered for their potential to reduce the environmental impacts of the proposed project. These alternatives were preliminarily considered, but eventually excluded from full comparative analysis within the Draft EIR because they were determined to be infeasible, they were unable to meet the objectives of the proposed project, and/or they were not likely to reduce significant environmental impacts of the proposed project. Alternatives considered, but rejected, are briefly discussed below.

6.3.1 Alternative Location

Many development projects can be relocated to a variety of locations and still meet the stated objectives of the project. However, the proposed project is explicitly tied to the former Carmel Convalescent Hospital site as it involves the rehabilitation and renovation of this historic property. For water to be available to this site, the use of the existing water credits from the previous use of the building is needed. There are few single sites remaining within the area that could accommodate the project in terms of water availability due to the restrictions on new development within the MPWMD area. Additionally, the project site contains previously disturbed habitat. Most sites in the area are either developed or already committed to existing or planned development. Moreover, development of the proposed project in another area would have similar impacts related to traffic, air quality, noise, and other issues. For these reasons, the Recirculated Draft EIR does not examine in detail an alternative location for the proposed project, and further evaluation of an alternative site was eliminated from additional consideration.

6.3.2 Alternative Density and Development under Annexation to City of Carmel-by-the-Sea

The City of Carmel-by-the-Sea previously considered a submittal for development of the site under the City's General Plan and zoning. The proposal included annexation of this site to the City, rezoning to R-4 under City designation, and potential development of a multi-family residential project. The City of Carmel-by-the-Sea prepared a Draft Initial Study/Negative Declaration for this proposed project, included as **Appendix M** of the Draft EIR. The project site is within the City's Sphere of Influence boundary as

determined by the Monterey County Local Agency Formation Commission (LAFCO). As this was a previous proposal, this was considered as a possible alternative to the proposed project.

The project was identified in the Initial Study (IS) as the "Leidig/Carmel Hospital Annexation," and the IS considered three potential development scenarios under a City R-4 zoning. The City's R-4 District zoning district allows up to 44 dwelling units per acre. Calculating the maximum capacity for residential construction in the R-4 districts in very rough terms can allow for a maximum potential of up to 162 multi-family units based upon the City's zoning ordinance. The Initial Study assumed development of one of three development densities under the R-4 zoning:

1) Condominium project of a maximum of 65 residential units;
2) Buildout at 33 units/acre for a maximum of 122 residential units; and
3) Maximum buildout at 44 units/acre resulting in 162 residential units. (These units were assumed to be low-income units in the Initial Study.)

This alternative, given its increased scale, would result in greater light and glare impacts as compared to those associated with the proposed project. The perceived change of the site from vacant, partially developed land to highly dense residential uses would be more significant than the proposed project due to the increased density/intensity of this alternative. This alternative also would generate greater project traffic volumes than the proposed project due to the increased number of residential units. According to the Initial Study prepared for the City of Carmel-by-the-Sea for the Carmel Convalescent Hospital property annexation request, potential impacts from traffic under the R-4 densities described above would result in daily traffic trips on the street system over 1,000 vehicle trips per day.

The construction of a maximum of 162 residential units would result in greater short-term air quality impacts than those generated by the proposed project due to additional trucks and construction vehicle traffic. The additional units developed through this alternative would generate traffic volumes and noise greater than those generated by the proposed project, thereby increasing long-term mobile source emissions. Further, the alternative could potentially result in an increase in surface water runoff due to the additional impermeable structures and surfaces, and this alternative would require expanded storm drainage improvements in comparison to the proposed project. The development of this alternative would still be required to take into consideration significant cultural/historic resources located on site similar to the proposed project; however, the additional development and density proposed on the site may cause development to be located closer to the designated historic resource in comparison to the proposed by the project. Although this alternative would allow a high-density residential development consistent with project objectives and result in a residential infill site, the development at this density would be at a much higher intensity than the surrounding neighborhood, resulting in greater impacts than the proposed project.[1] Additionally, the significant unavoidable project impact upon aesthetics associated with impacts to a scenic resource would be worsened under this alternative, due to increased density on the site.

The project proposal for annexation and development under the City of Carmel by the Sea was withdrawn by the project proponents. Therefore, expanded evaluation of this alternative was eliminated from further consideration in this document.

[1] Although the City of Carmel-by-the-Sea City Council did not take action on the project, the Planning Commission voted unanimously (3-0) to recommend the Carmel Convalescent Hospital property annexation request be denied in the April 2007 meeting. Subsequently, the project application to the City was withdrawn, and the project application under consideration in this Draft EIR was filed with the County of Monterey.

6.4 ANALYSIS OF ALTERNATIVES SELECTED FOR FURTHER REVIEW

The following section discusses the alternatives evaluated in this Draft EIR and the comparative environmental effects of each. The alternatives considered in this analysis are as follows:

1. (A) No Project/No Development Alternative
   (B) No Project/Existing Building Use Alternative
2. (A) Full Buildout Visitor-Serving Alternative
   (B) Visitor-Serving Alternative/Existing Buildings
3. Existing Zoning Alternative
4. Applicant's Modified Design Alternative
5. Reduced Density Alternative
6. Hybrid Residential Alternative: Applicant's Modified Design and Reduced Density Combination
7. Hybrid Visitor-Serving Alternative: Applicant's Modified Design and Reduced Density Combination
8. Hybrid Existing and High Density Zoning Alternative
9. Increased Percentage of Low and Moderate Income Units Alternative
10. Off-Site or In-Lieu Fee Affordable Housing Alternative

The alternatives chosen for this analysis, beyond those mandated by CEQA, were developed to avoid or substantially reduce the significant impacts of the project.

6.4.1 No Project Alternatives

As required by CEQA Guidelines Section 15126.6(e), a No Project Alternative has been evaluated. CEQA requires the discussion of the No Project Alternative "to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." According to the CEQA Guidelines Section 15126.6(e)(2), the No Project Alternative shall discuss what would reasonably be expected to occur in the *foreseeable future* if the project were not approved. CEQA Guidelines Section 15126.6(e)(3)(B) identifies that for a project other than a land use or regulatory plan, the no project alternative is the circumstance under which the project does not proceed, going on to state that the discussion should address "the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved." If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed." Therefore, this analysis discusses both the existing conditions as a No Project/No Development Alternative and the use of the current buildings on the site as a No Project/Existing Building Use Alternative as discussed below.

Description - No Project/No Development Alternative (1A)

The No Project/No Development Alternative (hereafter referred to as Alternative 1A) consists of the environmental conditions that currently exist with no future development on the project site, representing a "no development" scenario in which the site is left in its current condition (per CEQA Guidelines Section 15126.6(e)(3)). In accordance with the CEQA Guidelines, Section 15126.6(e)(3)(B), Alternative 1A assumes that the proposed project would not be approved, and no new development would occur within the project site. Thus, the physical conditions of the project site, including the existing surface parking areas adjacent to the existing buildings, would remain as they are today. None of the existing facilities would be expanded or rehabilitated, the existing buildings would continue to function as they currently do, and the existing on-site associated surface parking would remain unchanged. Additionally, the road access from Highway 1 would remain open.

Impacts

Alternative 1A would avoid both the adverse and beneficial effects of the proposed project. The existing setting as described in the Draft EIR would continue on the project site under Alternative 1A. Under Alternative 1A, impacts associated with the construction and operation of the proposed project would be negated as compared to the proposed project. Impacts associated with the proposed project due to traffic increases, air quality emissions, and increased public services and utilities needs would be reduced to a no impact level with this alternative. Traffic improvements proposed for the project area would not be implemented with Alternative 1A, as the traffic improvements would not be required with this alternative. Further, the proposed landscaping, including the mature landscaping proposed for Highway 1 screening, would not be implemented for the project site under this alternative.

The biological and cultural setting, as described in the Draft EIR, would remain as they exist currently on the project site under this alternative. No impacts to biological resources on the site or cultural impacts resulting from the inadvertent discovery of significant cultural resources or human remains would occur under this alternative. Further, permanent impacts associated with an impact to a scenic resource would be avoided, and the alternative would avoid all aesthetics/light and glare impacts associated with the proposed project. A significant historic resource currently exists on the project site, and the historic resource would not be rehabilitated or adapted to another use under Alternative 1A. Since the project site would remain in its current vacant state, potential impacts related to land use compatibility associated with the proposed project would not occur. The building would continue to deteriorate without intervention or reuse of the vacated buildings.

Alternative 1A would avoid the significant or potentially significant environmental impacts of the project in the following areas: aesthetics, air quality, biological resources, cultural resources, geological resources, hazards, hydrology and water quality, noise, public services, and traffic. This includes the avoidance of an unmitigable impact upon a scenic resource. However, this alternative is inconsistent with the stated goals of the project application that call for the project to rehabilitate and preserve a historic building while establishing multi-family residential housing on the project site.

Description - No Project/Existing Building Use Alternative (1B)

As previously stated, another No Project Alternative scenario could also consider the restoration of the project site in order to provide use as a convalescent hospital under the existing entitlements. With the No Project/Existing Building Use Alternative (hereafter referred to as Alternative 1B), the physical conditions of the project site, including the existing surface parking areas adjacent to the existing buildings, would remain as they are today. The property buildings currently in use (previous Nurse's Facility) would continue their existing use, and the buildings used for the convalescent hospital would be restored to function as a convalescent hospital. It is assumed that the existing surface parking would remain unchanged. Additionally, the road access from Highway 1 would remain open. No demolition activities would occur on the project site, and no permitting or project approval would occur in order to change the use designation of the project site. Therefore, conditions such as the project site's existing water allocation and potential for traffic impacts are considered to be valid for consideration of Alternative 1B. As such, the potential impacts of the operation of the hospital would be those that were originally approved for use of the project site, including historic trip generation rates, such as 306 daily trips as described in **Section 4.13 Traffic and Circulation** and historic water usage of 8.226 AF/Y based upon MPWMD Rule 25.5 as described in **Section 4.14 Utilities and Service Systems**.

Impacts

Aesthetics. The implementation of Alternative 1B would re-establish a convalescent hospital on the project site within its existing buildings. Without new building construction on the project site, the proposed project's significant and unavoidable visual impact to the Highway l corridor would be avoided.

Air Quality. It is reasonable to assume that Alternative 1B would have some air quality impacts due to reuse activities and related vehicle trips; however, the resulting emissions would be less than those of the proposed project.

Biological Resources. Minimal impacts to biological resource impacts located on the project site could result from reuse activities; however, impacts would be less than those of the proposed project.

Cultural Resources. Alternative 1B would reuse existing buildings on the project site, resulting in less, if any, potential impacts to undiscovered archaeological resources comparable to the proposed project. The reuse of the hospital buildings comprising the historic resource would follow all preservation requirements as necessitated as a listed historic resource. Therefore, the potential impacts to cultural resources would be less than those of the proposed project.

Geology/Soils. No impacts associated with geology or soils would be expected to occur with implementation of Alternative 1B.

Hazards and Hazardous Materials. Reuse of the project site as a convalescent hospital could involve periodic transportation of hazardous materials related and medical wastes to and from the project site, as well as potential rehabilitation for asbestos and lead paint flaking instances. As these impacts would be minor compared to the proposed project, the potential impacts due to hazards and hazardous materials would be less than those of the proposed project.

Hydrology/Water Quality. Minimal impacts associate with hydrology and water quality would be expected to occur with implementation of Alternative 1B. Development under this alternative would be subject to Monterey County regulations related drainage impacts. Potential water quality impacts would be minimized through onsite drainage facilities and implementation of required BMPs.

Land Use. Development of Alternative 1B would be consistent with allowable land uses for the site since an existing use permit for a convalescent hospital exists for the project site.

Noise. Impacts associated with noise from reuse activities would be expected to occur with implementation of Alternative 1B. The resulting increase in overall ambient noise levels in the project vicinity would be expected with reuse of a site that has been vacant; however, noise impacts would be less than those of the proposed project.

Public Services & Utilities. The project site's existing water use credit, which has not been used since the previous convalescent hospital's closure, would be accessed for the hospital's reuse. Therefore, Alternative 1B would result in a similar demand for water as the proposed project. As there would be no additional development, resulting in a smaller footprint on the project site, it is likely that overall public services and utilities impacts, besides water use, would be less than those of the proposed project.

Traffic. Alternative 1B would reintroduce non-residential traffic into an existing residential neighborhood with the reuse of the convalescent hospital, as described in Recirculated Draft EIR **Section 4.13 Traffic and Circulation**, which results in an impact of a lesser extent than that of the proposed project. It is

assumed that the access to Highway 1 from the project site would remain open as there would be no additional permits needed to reuse the existing buildings under the existing use permits.

Summary

Under Alternative 1B, rehabilitation of the project site for use as a convalescent hospital would involve minor environmental impacts; however, this alternative would re-introduce vehicle trips and water usage that have been essentially dormant since the closing of the convalescent hospital. Alternative 1B would avoid most of the significant or potentially significant environmental impacts of the proposed project, including the avoidance of an unmitigable impact upon a scenic resource. However, this alternative is inconsistent with the stated goals of the project application, which includes establishing a multi-family residential housing development on the project site and providing affordable housing to the Monterey Peninsula.

6.4.2 Visitor-Serving Land Use Alternatives

Per the request of the California Coastal Commission, several alternatives with visitor-serving land uses, as opposed to residential land uses, are presented for analysis. The goal of these alternatives is to present alternatives that would be consistent with California Coastal Commission goals of expanding visitor-serving development within the state's coastal zone. It could be reasonably assumed that a visitor-serving development on the project site would consist of the establishment of a hotel complex on the property. The two visitor-serving land use alternatives presented include a full buildout alternative and an alternative with buildout for only existing buildings on site.

Description – Full Buildout Visitor-Serving Alternative (2A)

The Full Buildout Visitor-Serving Alternative (hereafter referred to as Alternative 2A) would include reuse of the existing hospital buildings through conversion into hotel suites and/or rooms and the placing of additional detached hotel buildings primarily on the periphery of the property. Although exact building mass and specifications are not known, Alternative 2A assumes that the design would have a similar configuration and general layout as the proposed project with buildings, common areas, major access points, and roadways located in the same areas. Under the assumption that a visitor-serving alternative with a similar water demand as that of the proposed project is to be implemented, water use factors for hotel units would determine the maximum amount of hotel rooms that could be located on the project site. Accordingly, it was determined that this alternative could accommodate sixty-seven (67) units, assuming a gym would remain within project design. It can be reasonably assumed that the square footage of the individual hotel units would be greater than the square footage of an average hotel room, but less than the residential units of the proposed project. As such, it can be assumed that implementation of a visitor-serving alternative would result in an overall square footage and density on the project site similar to that of the proposed project.

Impacts

Aesthetics. Although actual site design cannot be determined without site plans of Alternative 2A, it is reasonable to assume that the proposed project's significant and unavoidable visual impact to the Highway l corridor would not be reduced or avoided with the implementation of this alternative.

Air Quality. Alternative 2A would have similar construction-related air pollution emissions and would have a higher amount of air pollution emissions, including greenhouse gases (GHG), from vehicle trips associated with the development. Overall, the air quality impacts of this alternative would be greater than those of the proposed project due to an increase in vehicle trips.

Biological Resources. Alternative 2A would involve development on the majority of the site, comparable to the proposed project, resulting in similar impacts on trees, special status species, and other biotic resources. The impacts to biological resources would be equal to those of the proposed project.

Cultural Resources. Alternative 2A would involve development on the majority of the site, resulting in potential impacts to undiscovered archaeological resources comparable to the proposed project. The impacts to cultural resources, including the historical resource on site, generally would be equal to those of the proposed project.

Geology/Soils. Due to the fact that the building footprint would likely be unchanged, the impacts related to geology and soils generally would be equal to those of the proposed project.

Hazards and Hazardous Materials. As the building footprint would be unchanged, the impacts related to hazardous materials would be equal to those of the proposed project.

Hydrology/Water Quality. Development under Alternative 2A would be subject to Monterey County regulations related to drainage impacts. For both the proposed project and this alternative, water quality impacts would be minimized through onsite drainage facilities and implementation of required BMPs. The hydrology and water quality impacts generally would be equal to those of the proposed project.

Land Use. Development of an alternative land use, such as visitor-serving commercial, would be inconsistent with the allowable land uses for the site, and it would be foreseeable that a similar LCP Amendment, as required for the proposed project, would be necessary to accommodate future development as envisioned in this alternative. Additionally, installation of visitor-serving facilities on the project site would meet California Coastal Commission goals of expanding visitor-serving facilities within the coastal zone.

Noise. The construction period for Alternative 2A would be assumed to occur over a similar period, thus the noise impacts associated with the proposed project would not be reduced or lessened.

Public Services & Utilities. Alternative 2A would result in a similar demand for services and utilities comparable to the proposed project. Due to water use factors designed for hotel units, this alternative assumes that 67 hotel units would be the maximum allowable units that could be installed on the project site in keeping with the water demand of the proposed project. Based upon MPWMD non-residential water use factors, these hotel rooms would require 0.100 AF/Y per room, thus 6.7 AF/Y total, as compared to 6.718 AF/Y of the proposed project. Overall, impacts to public services and utilities generally would be equal to the proposed project.

Traffic. Alternative 2A would introduce additional non-residential traffic into an existing residential neighborhood. As previously stated, this alternative assumes that the maximum amount of hotel units allowable on the project site would be 67 hotel rooms (units). By utilizing Institute of Transportation Engineers (ITE) trip generation rates applied to the proposed project within the traffic study, Alternative 2A would generate approximately 598 trips during a typical weekday and 704 trips during at typical weekend day (ITE 2003). Alternative 2A would be expected to generate 55% more daily vehicle trips during a weekday and 73% more daily vehicle trips during a weekend day than the total daily trips estimated for the proposed project. As such, expected traffic impacts would be greater than those anticipated for the proposed project.

Summary

As visitor-serving commercial development on the project site, Alternative 2A would be inconsistent with existing land use and planning requirements, although it would satisfy the California Coastal Commission's goal of promoting visitor-serving uses in the Coastal Zone. More specifically, the Carmel Area LUP and Coastal Implementation Plan would need to be amended to rezone the project site to permit visitor-serving uses on the project site. Residential development, such as the proposed project, is generally considered a preferred land use for an area surrounded by residential properties or an infill site. Under Alternative 2A, the primary project objectives of the project would not be met, which include developing a condominium complex on the project site that would include affordable housing. Moreover, this alternative would result in greater or comparable impacts to the proposed project.

Description – Visitor-Serving Alternative/Existing Buildings (2B)

The Visitor-Serving Alternative/Existing Buildings (hereafter referred to as Alternative 2B) assumes that a visitor-serving development on the project site would consist of the establishment of a hotel on the property; however, Alternative 2B would limit construction activities to existing buildings on the project site. Although exact building mass and specifications are not known, it could also be reasonably assumed that the overall buildout on the project site would resemble the proposed project's reuse of the existing hospital building and could also be expanded to include reuse of the former nurses' quarters building through conversion into hotel rooms and/or a hotel service area on the property.

Alternative 2B assumes that the design would accommodate a hotel through the same methods of adaptive reuse and rehabilitation as those of the proposed project. It is assumed under this alternative that the proposed inner roadway would not be included, and the existing project site access via Valley Way would be retained and would be the sole site access point since the Highway 1 entrance would be closed as with the proposed project. It can be reasonably assumed that the square footage of the individual hotel units would be greater than the square footage of an average hotel room, but less than the residential units of the proposed project. If a visitor-serving alternative were to be implemented with development restriction applied to the existing buildings on the project site, the estimated total amount of hotel units that could be constructed would be 22 to 25 units, assuming a gym would remain within the project's design. It is assumed that the overall appearance of the hotel considered in this alternative would be that of a 'boutique' hotel.

Impacts

Aesthetics. Although actual site design cannot be determined without site plans of Alternative 2B, the proposed project's significant and unavoidable visual impact to the Highway l corridor would be avoided, and the proposed project's other potential aesthetic-related impacts would be greatly avoided since development would only occur within the existing buildings located on the project site. However, any proposed landscaping or additional lighting that can be reasonably assumed as part of this alternative would have the potential to cause aesthetic-related impacts. Overall, the aesthetic-related impacts of this alternative would be less than those of the proposed project.

Air Quality. Alternative 2B would have far less construction-related air pollution emissions, but the alternative would still have a roughly equal amount of air pollution emissions from vehicle trips associated with the development. Overall, the air quality impacts of this Alternative would be less than those of the proposed project.

Biological Resources. Alternative 2B would restrict development to existing buildings on the project site, as opposed to the proposed project, resulting in less potential impacts on trees, special status species, and

other biotic resources; however, proposed landscaping as a component of this alternative could impact trees. Nevertheless, the potential impacts to biological resources would be less than those of the proposed project.

Cultural Resources. As with the proposed project, Alternative 2B would involve the rehabilitation and reuse of the hospital building on the project site. Alternative 2B would restrict development to existing buildings on the project site, resulting in less, if any, potential impacts to undiscovered archaeological resources comparable to the proposed project; however, the rehabilitation and reuse of the hospital buildings would still be required to comply with mitigation required to protect the historic resource located on the project site. Therefore, the potential impacts to cultural resources would be slightly less or comparable to those of the proposed project.

Geology/Soils. Due to the fact that the building footprint would be drastically reduced under Alternative 2B, the potential impacts related to geology and soils would be less to those of the proposed project.

Hazards and Hazardous Materials. With the building footprint reduction and no demolition requirements in Alternative 2B, the potential for impacts relating to hazards and hazardous materials would be reduced from those of the proposed project. However, there is still the possibility of potential impacts associated with undiscovered contamination and asbestos and lead-based paint exposure from the rehabilitation of the existing buildings. Implementation of mitigation recommended for the proposed project would be required to reduce the levels of impacts associated with this alternative. Due to the fact that the building footprint would be drastically reduced under Alternative 2B, potential impacts related to hazardous materials would be less than those of the proposed project.

Hydrology/Water Quality. As with the proposed project, development under Alternative 2B would be subject to Monterey County regulation of drainage impacts. For both the proposed project and this alternative, water quality impacts would be minimized through onsite drainage facilities and implementation of required BMPs. However, as this alternative proposes a much-reduced building footprint, the hydrology and water quality impacts would be less than those of the proposed project.

Land Use. Development of an alternative land use, such as visitor-serving commercial, would be inconsistent with the allowable land uses for the site, and it would be foreseeable that a similar LCP Amendment, as required for the proposed project would be proposed for any such development. However, installation of visitor-serving facilities on the project site would meet California Coastal Commission goals of expanding visitor-serving facilities within the coastal zone.

Noise. The construction period for Alternative 2B can be assumed to be less than that of the proposed project due to the reduced development on the project site under this Alternative. As such, the noise impacts associated with this Alternative would be less than the proposed project.

Public Services & Utilities. Alternative 2B would result in a demand for services and utilities to a lessened extent than the proposed project. Alternative 2B assumes that 22 to 25 hotel units would be constructed within the existing buildings on the project site. Based upon MPWMD non-residential water use factors, these hotel rooms would require 0.100 AF/Y per room, thus an estimated 2.5 AF/Y of water total, as compared to 6.718 AF/Y of the proposed project. Overall public services and utilities impacts would be less than the proposed project.

Traffic. Alternative 2B would introduce non-residential traffic into an existing residential neighborhood. As previously stated, this alternative assumes that the maximum amount of hotel units on the project site would be up to 25 hotel rooms (units). By utilizing ITE trip generation rates for a hotel, Alternative 2B would generate approximately 223 typical weekday trips and approximately 263 typical weekend trips,

assuming full occupancy of the hotel (ITE 2003). Alternative 2B would be expected to generate a comparable amount of traffic as the proposed project, assuming full occupancy of the hotel.

Summary

Comparable with the Full Buildout Visitor-Serving Alternative outlined in 6.4.2 above, Alternative 2B on the project site would be inconsistent existing land use and planning requirements, although it would satisfy the California Coastal Commission's goal of promoting visitor-serving uses in the Coastal Zone. Consistent with the previous alternative, this alternative would require appropriate land use amendments to accommodate visitor-serving uses on the site. Residential development, such as the proposed project, is generally considered a preferred land use for an area surrounded by residential properties or an infill site. Considering that the implementation of Alternative 2B would result in a reduced overall square footage and density on the project site than the proposed project, potential impacts would be less than those of the proposed project. However, under Alternative 2B, the primary project objectives of the project would not be met, conflicting with the applicant's project objectives to develop a condominium complex on the project site that would include affordable housing.

6.4.3 Existing Zoning Alternative (3)

Description

The Existing Zoning Alternative (hereafter referred to as Alternative 3) consists of developing the project site with residential uses as proposed, but under the existing zoning for the site of MDR/2. As such, Alternative 3 would result in the construction of 7 single-family residences consistent with the current land use plan and zoning designation for the project site. Alternative 3 assumes that the residential lots would be created through a subdivision with the majority of the new lots developed along Valley Way and the remainder within the interior of the project site. No structures are assumed to be located immediately adjacent to the project site's boundary with the Highway 1 corridor. Building mass and design for residential structures is unknown; however, the residential homes are assumed to have a scale and mass similar to the larger homes in the project vicinity with small lots. As a component of Alternative 3, 4 units would be designated as market rate units, 1 unit would be designated as an affordable to moderate-income unit, 1 unit would be designated as a low-income unit, and 1 unit would be designated as a very low-income unit, per Monterey County's Inclusionary Housing Ordinance.

Impacts

Aesthetics. Alternative 3 could avoid a significant impact of the proposed project by removing the majority of the development of the residential units along Highway 1 and potentially retaining more trees on the project site. The effects from new light and glare sources would be less than under the proposed project, particularly on the east side of the project site where the proposed eight units of low-income housing are currently located in the project layout plans (Units 1-8). The impacts of Alternative 3 on aesthetics would be less than those of the proposed project.

Air Quality. Based on URBEMIS modeling conducted for this alternative, Alternative 3 would result a reduction of emission-generated impacts with creation of 7 residential units as opposed to the proposed project. Construction emissions would be reduced from those estimated for the proposed project since a smaller number of units would be constructed and less area of the project site would be affected by grading activities and construction. Alternative 3 would result in reduced mobile source emissions including PM_{10}, ozone precursors, and GHGs as the result of reduced vehicle trip generation. Implementation of mitigation measures recommended for the proposed project would also reduce the

level of air quality impacts associated with this alternative. Under both scenarios, air quality impacts would be less-than-significant.

Biological Resources. Alternative 3 would reduce the proposed project's impacts to biological resources because of its reduced footprint. Depending on design, impacts associated with tree removal and effects to sensitive species would be reduced. Mitigation measures recommended for the proposed project would also reduce the biological impacts associated with this alternative to a less than significant level. The impacts of Alternative 3 to biological resources would be less than those of the proposed project.

Cultural Resources. Because of its reduced footprint, Alternative 3 could reduce potential impacts to undiscovered cultural resources and archaeological impacts. In relation to the historical building on the site, the impacts under this alternative could be similar if this alternative also included rehabilitation of the existing historic building, perhaps as a community center, through the development of the site. Any rehabilitation efforts would need to implement similar mitigation to the proposed project as required for listed historic resource. If rehabilitation of the historic buildings located on the project site did not occur as part of this alternative, Alternative 3 would have greater impacts in terms of potential impacts to the existing historical resources on the site due to potential deterioration of an existing identified historic resource.

Geology/Soils. Under Alternative 3, development would be decreased, which would decrease grading on the site by reducing the size of the overall development. Short-term construction impacts associated with the potential for erosion, accelerated runoff, and sedimentation are expected to be less than those anticipated for the proposed project given that the project area affected by grading activities during construction would be decreased. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The site would be subject to the same soil, geologic, and seismic hazards for both the proposed project and this alternative. Under Alternative 3, impacts associated with seismicity and soil stability would likewise be similar to the proposed project. With mitigation, the impacts related to geology and soils from Alternative 3 would be less than those of the proposed project.

Hazards and Hazardous Materials. Alternative 3 would decrease overall disturbance on the site, which could lessen possible remediation efforts if required. As such, grading and excavation activities associated with construction of Alternative 3 would be reduced in comparison to the proposed project. However, there is still the possibility for potential impacts associated with undiscovered contamination, hazardous materials involvement, asbestos and lead based paint exposure, and the demolition of buildings. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The impacts related to hazardous materials from Alternative 3 may be somewhat less than those of the proposed project.

Hydrology/Water Quality. Alternative 3 would reduce impervious surfaces compared to the proposed project. Short-term construction impacts to water quality associated with the potential for erosion and sediment discharge into the storm drainage system would be less than the proposed project. Alternative 3 would be required to provide onsite drainage facilities and implement BMPs to avoid significant water quality impacts. The hydrology and water quality impacts of this alternative would be somewhat less than those of the proposed project.

Land Use. Alternative 3 consists of developing the project site with residential uses as proposed, but under the existing zoning for the site of MDR/2. As such, Alternative 3 would be consistent with County and Coastal land use planning documents and land use designations to provide medium density residential on the site at the allowable density. Alternative 3 is considered more consistent with specific policies in the Coastal Plan for the site and the surrounding neighborhood, although less development is included

than envisioned by the project objectives. Ultimate consistency with scenic policies would be dependent upon future residence design and subdivision layout; however, assuming there would be less development within the viewshed of the Highway 1 scenic corridor, this alternative would avoid the significant and unavoidable impact of the proposed project.

Noise. Construction noise impacts from Alternative 3 would be reduced in accordance with the decrease in site development and traffic generated by the project. During project operations, traffic noise impacts along nearby streets would be reduced from the generation of fewer vehicle trips, resulting in reduced cumulative noise effects of the project. Alternative 3 would presumably reduce the construction schedule, lessening impacts to the sensitive receptors adjacent to the site. Further, less intensive development on the project site could result in greater setback from Highway 1 in general, which would lessen noise impacts upon the project site from the highway. The noise impacts of Alternative 3 would be less than those of the proposed project.

Public Services & Utilities. Alternative 3 would reduce the overall demand on services and utilities by decreasing the amount of development on the project site by 39 residential units. Reduced demand on services would include police and fire services, parks, water, sanitary sewer, and solid waste disposal services, as well as energy. Based upon MPWMD residential water use factors, it is estimated that water demand under this alternative would be 1.50 AF/Y, 5.82 AF/Y less than estimated demand of the proposed project. The public services and utilities impacts of Alternative 3 would be significantly less than those of the proposed project.

Traffic. By utilizing ITE trip generation rates applied to the proposed project within the traffic study, Alternative 3 is expected to generate approximately 70 daily vehicle trips, compared to the 269 total daily trips estimated for the proposed project (ITE 2003). As such, implementing Alternative 3 would significantly reduce traffic impacts at some of the studied intersections and roadway sections, but would not avoid traffic impacts reported for the project on the intersections and roadway segments analyzed. The same is also true for the regional cumulative impacts. For both the proposed project and this alternative, local traffic impacts would be mitigable to less-than-significant levels. The traffic impacts of Alternative 3 would be less than those of the proposed project.

Summary

Alternative 3 would lessen the overall impacts of the development by reducing the area of development and reducing the residential units from 46 units to the 7 units allowed under the existing land use plan. Presumably, Alternative 3 would avoid the proposed project's significant unavoidable impact upon a scenic resource. However, under this alternative, the primary objectives of the proposed project would not be met. Alternative 3 would conflict with the Applicant's project objectives to develop a larger condominium complex on the site, including affordable housing, and could also potentially conflict with the goal of rehabilitation of the existing historic resource on the site.

6.4.4 Applicant's Modified Design Alternative (4)

Description

As proposed by the project applicant, the Modified Design Alternative for the Villas de Carmelo Project (hereafter referred to as Alternative 4) would consist of the development of 46 units with the same designation of affordable moderate income, workforce, and market rate as proposed under the project, however, the project layout would change to avoid impacts to scenic resources on Highway 1. Specifically, Alternative 4 consists of modifying the project design to relocate Units 5-8 and 12-13 from the southeast corner of the project site along Highway 1 to a building located in the northeast portion of

the site, along Highway 1 in the area proposed under the existing site plan for Units 1-4. The new two-story structure would be approximately 35 feet high and would be approximately 120 feet in length. A site plan for the Modified Design Project is included within **Appendix N**. The applicant's purpose in proposing this alternative design is to avoid the significant impacts of the project on aesthetics from the development of the building housing Units 5-8, as this building in the proposed project would be the most visible structure from Highway 1. The proposed location for Units 5-8 and 12-13 in the proposed project would be replaced with a parking area and additional landscaping in Alternative 4. Further, this alternative consists of adapting the storm water detention facility and providing additional piping to allow recycled water use for irrigation purposes, thus decreasing the need for potable water for irrigation on site by an estimated 0.173 AF/Y. This alternative also includes the use of water cisterns to collect gray water for localized irrigation purpose. For further discussion on the gray water irrigation proposal, please refer to Recirculated Draft EIR **Appendix X**.

Alternative 4 would also require a LUP amendment for applicable County and Coastal planning documents. The applicant submitted the following language for the amendment to the Carmel Area Land Use Plan (proposed text amendments are presented as underlined text):

"2.2.4 *Specific Policies*

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

<u>Policy 4.4.3.E.15</u>

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

<u>Policy 4.4.3.E.2</u>

E. *Residential*

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

F. *Special Treatment*

The "Special Treatment" overlay is intended to be used in conjunction with the underlying land use designation. Its purpose is to facilitate a comprehensive planned approach for specifically designated properties where a mix of uses are permitted and/or where there are unique natural and scenic resources of significant recreational/visitor-serving opportunities. Particular attention is to be given towards siting and planning development to be compatible with existing resources and adjacent land uses. Properties designated for "Special Treatment" are shown on the map following the proposed land use map. These are the Mission Ranch property, the Odello property, the frontal slopes of Palo Corona Ranch comprising of 388 acres, the Sawyer property consisting of 466 acres, the Point Lobos Ranch which covers roughly 1,600 acres, <u>and the 3.68 acre Carmel Convalescent Hospital property</u>. Policies governing the type and intensity of uses and the location of development for each property

are contained in the preceding sections of this chapter, but are provided in greater detail as follows:

4.4.3.F.6 **CARMEL CONVALESCENT HOSPITAL SITE**

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

Policy 4.5.H

H. Medium/High – Density Residential

Medium-density residential development is the primary use. The density for new subdivision is 2 units per acre, except on the Mission Ranch property where a density of 4 units per acre may be allowed subject to section 4.4.3.F.1 ~~and~~, Odello (162 units) subject to section 4.4.3.F.4 and the Carmel Convalescent Hospital site where (46) residential units are allowed. Minimal parcel size will be determined upon application review. The designation is applied to the City of Carmel vicinity and the Carmel Meadows. Public/quasi-public uses (5.5.1) and densities of overnight accommodations currently in operation are permitted.

4.6 **RESIDENTIAL DEVELOPMENT DENSITY**

Land Use Category	***Location***	***Approx. Acreage (Acres)***	***Density for New Subdivision***	***Est. Max New Res. Dev. # of Units***
Watershed and Scenic Conservation				
High Density Residential	*Carmel Convalescent Hospital*	3.68	12.5 units Per acre	46 max
ESTIMATED TOTAL NEW RESIDENTIAL DEVELOPMENT				***755 (units max)***

"

Alternative 4 would be consistent with the Applicant's objectives to rehabilitate and preserve a historic building, establish the condominium complex, and provide market rate, affordable, and work force housing stock, as well as meet the objective of reuse of vacated buildings on a site with infill development. As a component of the Applicant's Modified Design Project Alternative, 36 units would be designated as market rate units, 4 units would be designated as moderate-income units, 3 units would be designated as low-income units, and 3 units would be designated as very low-income units, per the Monterey County's Inclusionary Housing Ordinance.

Impacts

Aesthetics. Alternative 4 would avoid the project's significant impact upon a scenic resource by removing two buildings: 1) one 28-foot high, approximately 45 x 100 foot building containing Units 5-8, located on the southeast border of the project and fronting on Highway 1; and 2) one 28-foot high, approximately 3,000 square foot building containing Units 12 and 13. The area would then be used for parking and landscaping in the Alternative 4 design. The units would be housed in a building located to the north along Highway 1. Alternative 4 would avoid the unmitigable aesthetic project impacts on a scenic resource; therefore, the impacts of this alternative on aesthetics would be less than those of the proposed project.

Air Quality. Alternative 4 assumes similar development levels as the proposed project, thus Alternative 4 likely would result in similar impacts from the generation of regional emissions to the proposed project since vehicle trips would be the same as a result of either. The potential construction related impacts would only be slightly reduced due to the reduction of the buildings; however, earth movement and grading would still be required for the proposed parking in these areas. All other air quality impacts would be comparable to the project. The impacts of the Alternative 4 to air quality generally would be equal to those of the proposed project.

Biological Resources. Alternative 4 would involve development on the majority of the site, comparable to the proposed project. This would result in similar impacts on trees, special status species, and other biotic resources, thus the impacts to biological resources resulting from implementation of Alternative 4 generally would be equal to those of the proposed project.

Cultural Resources. Although the building mass would be slightly reduced, this alternative would involve development on the majority of the site, resulting in potential impacts to undiscovered archaeological resources and the historic resource comparable to the proposed project. The cultural impacts of Alternative 4 generally would be equal to those of the proposed project.

Geology/Soils. Although the building mass would be slightly reduced, the impacts related to geology and soils from Alternative 4 would be similar to the proposed project in the areas of seismicity and exposure to seismic hazards; therefore, impacts of Alternative 4 to geology/soils resources generally would be equal to those of the proposed project.

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

Hydrology/Water Quality. Development under this alternative would be subject to Monterey County drainage requirements. For both the proposed project and Alternative 4, water quality impacts would be minimized through onsite drainage facilities and implementation of required BMPs. Further, with the proposed alteration to the storm water detention facilities to allow storm water to be used for irrigation purposes, impacts from runoff would be less than the proposed project. The hydrology and water quality impacts of Alternative 4 generally would be slightly less than or equal to those of the proposed project. A Preliminary Drainage Report, dated October 20, 2008, was prepared for the Alternative 4 that has been included within **Appendix N**.

Land Use. Alternative 4 would be inconsistent with County and Coastal land use planning documents and land use designations to provide medium density residential on the site, and amendments to the planning documents would be required. As mentioned previously, the applicant provided proposed language to the County to designate the project site as a Special Treatment Zone in the Carmel Area LUP. The County Resource Management staff reviewed the proposal for the Special Treatment Zone designation for the project site, but did not propose this language for the LUP amendment. However, use of a special treatment approach would effectively limit the high density designation to this property as opposed to creating a new designation which would be applicable to the LUP. For further discussion regarding growth inducement, please refer to Recirculated Draft EIR **Section 5.0, CEQA Considerations**.

The Carmel Area LUP defines the Special Treatment Zoning Overlay as being "intended to be used in conjunction with the underlying land use designation. Its purpose is to facilitate a comprehensive planned approach for specifically designated properties where a mix of uses are permitted and/or where there are unique natural and scenic resources or significant recreational/visitor-serving opportunities. Particular

attention is to be given towards siting and planning development to be compatible with existing resources and adjacent land uses."

The County and Coastal Commission will consider the applicability of the Special Treatment zone as part of the review process for the amendment request for both the proposed project and Alternative 4. As the purpose is to facilitate a comprehensive planned approach for specifically designated properties, the property should qualify for this designation. As a first consideration, the Agencies will consider whether the land uses proposed meet the definition of the Special Treatment zone. Unlike the definition in the LUP, the proposed project and Alternative 4 does not propose mixed uses. The definition also identifies other language as qualifying as a Special Treatment Zone ("if the property contains unique natural and scenic resources or significant recreational/visitor-serving opportunities"). The unique aspect of this property is the historical resource; however, it is not considered to be a scenic or natural resource. The County and Coastal Commission will be responsible for any final amendment language if approved.

While amendments to applicable County and Coastal planning documents are still required, Alternative 4 places a limit on density at 12.5 units/acre for the Carmel Area Land Use Plan planning area. In that sense, it would reduce potential impacts from creation of a high density designation allowing between 5 and 20 units to the acre and would be more consistent with the policies related to scenic resources in the Carmel Area Land Use Plan. Alternative 4 would still conflict with specific policies in the Coastal Plan and other planning documents for the project site, although less in comparison to the proposed project. The project as proposed would require a Local Coastal Plan (LCP) amendment for a land use and zoning designation change from medium density residential to special treatment as discussed above and amendment to the Carmel Area Coastal Implementation Plan (CIP) to add the provisions of the special treatment to the CIP (Title 20 Zoning Ordinance). Alternative 4 also requires revisions to Monterey County's inclusionary housing ordinance.

Noise. Alternative 4 would result in the similar construction and operational noise sources associated with the proposed project. Traffic noise impacts generally would be comparable to the project since traffic generated under this alternative would be the same as the proposed project. The noise impacts of Alternative 4 generally would equal to those of the proposed project.

Public Services & Utilities. Alternative 4 would result in the demand for services and utilities that is consistent with the proposed project. With the implementation of the proposed storm water/irrigation proposal, demand for potable water for irrigation purposes would be less than the proposed project, depending on yearly rainfall. Based on preliminary estimates the use of recycled water could account for a 0.173 AFY reduction in water use as compared to the proposed project. Given this information estimated water use for this alternative is projected to be 6.55 AFY. The public services and utilities impacts of Alternative 4 would be slightly less than or equal to those of the proposed project.

Traffic. As the proposed project, Alternative 4 proposes 46 residential units. Traffic generated under this alternative generally would be equal to the proposed project and would result in the same traffic impacts.

Summary

Alternative 4 would avoid the project's significant impact upon a scenic resource by removing two large buildings of the proposed project's design from within the public viewshed of Highway 1. Alternative 4 may also reduce impacts to hydrology and water quality depending on design. Impacts related to traffic and demands on public services would be equal when compared to the proposed project. Due to its similar development intensity, this alternative would result in environmental impacts comparable to the proposed project. Alternative 4 would be consistent with the Applicant's objectives to rehabilitate and preserve a historic building, establish the condominium complex and provide market rate, affordable and

work force housing stock, as well as meet the objective of reuse of vacated buildings on a site with infill development.

6.4.5 Reduced Density Alternative (5)

Description

The Reduced Density Alternative (hereafter referred to as Alternative 5) consists of reducing the number of residential units on the project site to 37 units in order to avoid or lessen the majority of the proposed project's impacts. As a component of Alternative 5, 28 units would be designated as market rate units, 3 units would be designated as affordable to Moderate-income units, 3 units would be designated as low-income units, and 3 units would be designated as very low-income units, per the Monterey County's Inclusionary Housing Ordinance.

Alternative 5 would: 1) remove four of the units in the area proposed for Units 1-8 along Highway 1; 2) remove three units in the area of Units 24-28 in order to address neighborhood concerns regarding viewshed along Valley Way; 3) remove Units 23 and 32 in order to further reduce the impacts from density of development and construction on areas exceeding 30% slope; and 4) reconfigure the site plan in order to provide parking and landscaping in the area of the project site where the proposed project located Units 1-8.

Impacts

Aesthetics. Alternative 5 would avoid the project's significant unavoidable impact to a scenic resource by lessening development within the majority of Highway l corridor viewshed. Alternative 5 also includes less overall development, which would in turn reduce the visual effects of the project. Implementation of this alternative would result in retention of more trees on the project site and offer the opportunity for increased set back and landscaping on the project site's border with Highway 1. The effects from new light and glare sources would be less than under the proposed project, particularly on the east side of the project site where the eight units of low-income housing are currently proposed in project site plans (Units 1-8). The impacts of this alternative on aesthetics would be less than those of the proposed project.

Air Quality. Based on URBEMIS modeling conducted for this alternative, Alternative 5 would result in a slight reduction of emission-generated impacts with the creation of 37 residential units in comparison to the 46 units of the proposed project. Construction emissions will be reduced from those estimated for the proposed project given the reduction of 9 units and the correlated reduction of grading activities and construction. Alternative 5 would result in a decrease of mobile source emissions, including PM_{10}, ozone precursors, and GHGs, due to reduced vehicle trip generation. Implementation of mitigation measures recommended for the proposed project would also reduce the level of air quality impacts associated with this alternative. Under both scenarios, air quality impacts would be less-than-significant.

Biological Resources. Alternative 5 would reduce the proposed project's impacts to biological resources, including trees, because of its reduced number of units and smaller footprint. Depending on final design, impacts associated with tree removal and effects to sensitive species would be reduced. Mitigation measures recommended for the proposed project would also reduce the biological impacts associated with this alternative to a less-than-significant level. The impacts of Alternative 5 to biological resources would be less than those of the proposed project.

Cultural Resources. Because of its reduced grading, Alternative 5 could reduce potential impacts to undiscovered cultural resources. The impacts of this alternative on cultural resources would be less than those of the proposed project in the area of archaeological impacts. In relation to the historical buildings

on the site, the impacts under this alternative would be similar since this alternative also includes full rehabilitation of the existing historic buildings through the development of the site.

Geology/Soils. Under Alternative 5, development would be decreased, which would decrease overall grading on the site by reducing the size of the overall development. Short-term construction impacts associated with the potential for erosion, accelerated runoff, and sedimentation are expected to be less than those anticipated for the proposed project since the project area that would be affected by grading activities during construction would be decreased. Additionally, this project alternative would remove Units 23 and 32 from the original site plan, which would greatly reduce the percentage of site development on areas exceeding 30% slope. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The site would be subject to the same soil, geologic, and seismic hazards for both the proposed project and this alternative. Under Alternative 5, impacts associated with seismicity and soil stability would likewise be similar to the proposed project. With mitigation and reduction of development on areas exceeding 30% slope, impacts related to geology and soils under this alternative would be less than those of the proposed project.

Hazards and Hazardous Materials. Even though construction activities would be reduced slightly with Alternative 5 in comparison to the proposed project, there is still the possibility of potential impacts associated with undiscovered contamination, hazardous materials involvement, asbestos and lead-based paint exposure, and the demolition of buildings. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The impacts related to hazardous materials from Alternative 5 may be equal to those of the proposed project.

Hydrology/Water Quality. Alternative 5 would reduce impervious surfaces compared to the proposed project. Short-term construction impacts to water quality associated with the potential for erosion and sediment discharge into the storm drainage system would be less than the proposed project. Alternative 5 would be required to provide onsite drainage facilities and implement BMPs to avoid significant water quality impacts. If Alternative 5 were to include the proposal for storm water drainage for use in irrigation, impacts from storm water runoff would be reduced from the proposed project. The hydrology and water quality impacts of this alternative would be somewhat less than those of the proposed project.

Land Use. Alternative 5 would not be consistent with County and Coastal land use planning documents and land use designations to provide medium density residential on the site at MDR/2. Alternative 5 is considered more consistent with specific policies in the Coastal Plan for the site, although less development is included than envisioned by the project objectives. Ultimate consistency with policies would be dependent upon future residence design and layout.

Noise. Construction noise impacts from Alternative 5 would be reduced in accordance with the decrease in site development and traffic generated by the project and due to the increased distance from construction activities and residences located immediately adjacent to the northwest portion of the project site. During project operations, traffic noise impacts along nearby streets would be reduced from the proposed project due to fewer vehicle trips, which would also reduce the cumulative noise effects of the project. Alternative 5 would presumably reduce the construction schedule slightly, lessening impacts to the sensitive receptors of the condominium complex adjacent to the site. The noise impacts of Alternative 5 would be less than those of the proposed project.

Public Services & Utilities. Alternative 5 would reduce the overall demand on services and utilities by decreasing the amount of development on the project site from 46 units to 37 units. Based upon MPWMD residential water use factors, the water demand of this alternative is estimated to be 5.697 AF/Y (5.55 AF/Y for the 37 units plus 0.147 AF/Y for the gym), which is 1.17 AF/Y less than that of the

proposed project. Further, if this alternative implemented the proposal for using captured storm water for irrigation, potable water demand would be reduced further, depending on yearly rainfall. Alternative 5 would reduce the demand on police and fire services, parks, water, sanitary sewer, and solid waste disposal services, as well as energy. Therefore, the public services and utilities impacts of Alternative 5 would be less than those of the proposed project.

Traffic. Alternative 5 is expected to reduce the 269 total daily trips estimated for the proposed project by up to twenty percent, reducing traffic impacts at some of the studied intersections and roadway sections. However, the reduction in trips would not avoid traffic impacts reported for the proposed project on the intersections and roadway segments analyzed. The same is also true for the regional cumulative impacts. For both the proposed project and this alternative, local traffic impacts would be mitigable to less-than-significant levels. The traffic impacts of Alternative 5 would be less than those of the proposed project, however, mitigation would still be warranted to ensure that impacts are minimized to the maximum extent possible.

Summary

Alternative 5, the Reduced Density Alternative, would lessen the overall impacts of the development by reducing the area of development and reducing the residential units from 46 units to 37 units. Alternative 5 would still require a land use plan amendment, but the alternative would avoid the project's significant unavoidable impact on a scenic resource since project development within the Highway 1 corridor viewshed would be reduced. Under Alternative 5, some, but not all, of the project objectives of the proposed project would be met. Alternative 5 would conflict with the applicant's project objectives to develop a larger condominium complex on the site; however, Alternative 5 would be consistent with the Applicant's objectives to rehabilitate and preserve a historic building, establish the condominium complex providing market rate, affordable, and work force housing stock, and meet the objective of reuse of vacated buildings on a site with infill development.

6.4.6 Hybrid Residential Alternative: Applicant's Modified Design and Reduced Density Alternatives (6)

Description

The Hybrid Residential Alternative: Applicant's Modified Design and Reduced Density Combination (hereafter referred to as Alternative 6) consists of a combination of the Applicant's Modified Design and the Reduced Density Alternatives (Alternatives 4 and 5 respectively) previously identified in the Alternatives Section. The overall proposed residential units under this alternative would be 35 units. As a component of Alternative 6, 28 units would be designated as market rate units, 3 units would be designated as affordable to Moderate-income units, 2 units would be designated as low-income units, and 2 units would be designated as very low-income units, per the Monterey County's Inclusionary Housing Ordinance.

Alternative 6 incorporates the Reduced Density Alternative's reduction in the number of units on the project site in order to avoid or lessen the majority of the proposed project's impacts by: 1) reconfiguring the site plan in order to provide parking and landscaping in the area of the project site where proposed Units 5-8 are currently located, 2) eliminating three units in the area of Units 24-28 in order to address neighborhood concerns regarding viewshed along Valley Way, and 3) eliminating Units 23 and 32 in order to further reduce the impacts from density of development and construction on areas exceeding 30% slope.

Additionally, Alternative 6 incorporates the Applicant's Modified Design Alternative by modifying the project design to relocate Units 5-8, currently located in the southeast corner of the project site along Highway 1. The relocated units would be placed within a building located in the northeast portion of the site, along Highway 1 in the area proposed under the existing site plan for Units 1-4. Further, Alternative 6 proposes the additional removal of Units 12, 13, 30, 31, 45, and 46.

Impacts

Aesthetics. Alternative 6 would avoid the project's significant unavoidable impact to a scenic resource by lessening development within the majority of the area of the Highway l corridor viewshed. Alternative 6 also includes less overall development, which would in turn reduce the visual effects of the project. Implementation of this alternative would result in retention of more trees on the project site and offer the opportunity for increased set back and landscaping on the project site's border with Highway 1. The effects from new light and glare sources would be less than under the proposed project on the east side of the project site where the eight units of low-income housing are currently located in project site plans (Units 1-8) and along Valley Way as the building mass would be reduced and separated. The impacts of this alternative on aesthetics would be less than those of the proposed project.

Air Quality. Based on URBEMIS modeling conducted for the Alternative 6, this hybrid alternative would result in a slight reduction of impacts from the generation of emissions from the creation of 35 residential units in comparison to the 46 units of the proposed project. Construction emissions will be reduced from those estimated for the proposed project given the reduction of 11 units and the correlated reduction of grading activities and construction. Alternative 6 would result in reduced mobile source emissions, including PM_{10}, ozone precursors, and GHGs, due to the reduced vehicle trip generation. Implementation of mitigation measures recommended for the proposed project would also reduce the level of air quality impacts associated with this Alternative. Under both scenarios, air quality impacts would be less-than-significant.

Biological Resources. Depending on the final Alternative 6 design, impacts to biological resources, including trees and sensitive species, would be reduced because of the reduced number of units and development footprint. Mitigation measures recommended for the proposed project would also reduce the biological impacts associated with this alternative to a less-than-significant level. The impacts of Alternative 6 to biological resources would be less than those of the proposed project.

Cultural Resources. Because of its reduced grading, Alternative 6 could reduce potential impacts to undiscovered cultural resources and archaeological impacts. In relation to the historical buildings on the site, the impacts under this alternative would be similar to the proposed project since this alternative also includes full rehabilitation of the existing historic buildings through the development of the site. Alternative 6 would have slightly less or equal impact on cultural resources.

Geology/Soils. Under Alternative 6, development would be decreased, which would decrease overall grading on the project site. Short-term construction impacts associated with the potential for erosion, accelerated runoff, and sedimentation are expected to be less than those anticipated for the proposed project, given that the project area that would be affected by grading activities during construction would be decreased. Additionally, this hybrid alternative would remove Units 30, 31, 32, 45, 46 and proposed parking along the project site's border with Valley Way from the original site plan, which would greatly reduce the percentage of site development on areas exceeding 30% slope. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The site would be subject to the same soil, geologic, and seismic hazards for both the proposed project and this alternative. Under Alternative 6, impacts associated with seismicity and soil stability would likewise be similar to the proposed project. With mitigation and reduction of

development on areas exceeding 30% slope, impacts related to geology and soils under this alternative would be less than those of the proposed project.

Hazards and Hazardous Materials. Even though construction activities would be reduced slightly with Alternative 6 in comparison to the proposed project, there is still the possibility of potential impacts associated with undiscovered contamination, hazardous materials involvement, asbestos and lead-based paint exposure, and the demolition of buildings. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The impacts related to hazardous materials from this hybrid alternative may be somewhat less than those of the proposed project due to the overall reduced development footprint on the project site.

Hydrology/Water Quality. Alternative 6 would reduce impervious surfaces compared to the proposed project. Short-term construction impacts to water quality associated with the potential for erosion and sediment discharge into the storm drainage system would be less than the proposed project. Alternative 6 would be required to provide onsite drainage facilities and implement BMPs to avoid significant water quality impacts. If this alternative would include the proposal for the use of storm water runoff for irrigation purposes, runoff impacts would be reduced further. The hydrology and water quality impacts of this alternative would be somewhat less than those of the proposed project due to the overall reduced development footprint on the project site.

Land Use. Alternative 6 would not be consistent with County and Coastal land use planning documents and land use designations to provide medium density residential on the site at MDR/2. Alternative 6 is considered more consistent with specific policies in the Coastal Plan for the site, although less development is included than envisioned by the project objectives. Ultimate consistency with policies would be dependent upon future residence design and layout.

Noise. Construction noise impacts from this hybrid alternative would be reduced due to the decrease in site development, decrease in traffic generated by the project, and an increase in distance from construction activities and residences located immediately adjacent to the northwest portion of the project site. During project operations, traffic noise impacts along nearby streets would be reduced from the generation of fewer vehicle trips, which would reduce the cumulative noise effects of the project, as well. Alternative 6 would presumably reduce the construction schedule slightly, lessening impacts to the sensitive receptors of the condominium complex adjacent to the site. Therefore, the noise impacts of this hybrid alternative would be less than those of the proposed project.

Public Services & Utilities. Alternative 6 would reduce the overall demand on services and utilities by decreasing the amount of development on the project site from 46 units to 35 units. Based upon MPWMD residential water use factors, the estimated water demand of this hybrid alternative would be less than that of the proposed project. Alternative 6 would reduce the demand on police and fire services, parks, water, sanitary sewer, and solid waste disposal services, as well as energy. If the alternative included the proposal to use storm water for irrigation purposes, water demand would be reduced further. The extent of the reduction in potable water demand would depend on yearly rainfall. Therefore, the public services and utilities impacts of Alternative 6 would be less than those of the proposed project.

Traffic. Alternative 6 is expected to reduce the total daily trips estimated for the proposed project with the overall reduction in proposed units. Initial daily trip estimates indicate that this alternative would generate approximately 205 daily trips. The reduction in trips would diminish some traffic impacts at the studied intersections and roadway sections, but would not avoid all identified traffic impacts on the intersections and roadway segments analyzed. The same is also true for the regional cumulative impacts. For both the proposed project and this hybrid alternative, local traffic impacts would be mitigable to less-

than-significant levels. Further, the traffic impacts of Alternative 6 would be less than those of the proposed project.

Summary

Alternative 6 would lessen the overall impacts of the development by reducing the area of development and reducing the residential units from 46 units to 35 units; however, this alternative would still require a land use plan amendment. Alternative 6 would avoid the project's significant unavoidable impact on a scenic resource since project development within the Highway 1 corridor viewshed would be reduced. Under this hybrid alternative, some, but not all, of the project objectives of the proposed project would be met. Alternative 6 would conflict with the applicant's project objectives to develop a larger condominium complex on the site; however, the alternative would be consistent with the applicant's objectives to rehabilitate and preserve a historic building, establish the condominium complex providing market rate, affordable, and work force housing stock, and meet the objective of reuse of vacated buildings on a site with infill development.

6.4.7 Hybrid Visitor-Serving Alternative: Applicant's Modified Design and Reduced Density Combination (7)

Description

The Hybrid Visitor-Serving Alternative: Applicant's Modified Design and Reduced Density Combination (hereafter referred to as Alternative 7) consists of a combination of the Applicant's Modified Design and the Reduced Density Alternatives (Alternatives 4 and 5, respectively) previously identified in the Alternatives Section. Alternative 7 is identical to the other hybrid alternative, Alternative 6, in all elements except for the designation of visitor-serving units as opposed to residential units on the project site. Alternative 7 incorporates the Reduced Density Alternative's reduction of the number of units on the project site in order to avoid or lessen the majority of the proposed project's impacts and includes: 1) reconfiguring the site plan to include parking and landscaping in the area of the project site where proposed Units 5-8 are currently located; 2) eliminating three units in the area of Units 24-28 in order to address neighborhood concerns regarding viewshed along Valley Way; and 3) eliminating Units 23 and 32 in order to further reduce the impacts from density of development and construction on areas exceeding 30% slope.

Alternative 7 incorporates the Applicant's Modified Design Alternative site plan for location of units by modifying of the project design to relocate Units 5-8 and 12-13, currently located in the southeast corner of the project site along Highway 1, within a building located in the northeast portion of the site, along Highway 1 in the area proposed under the existing site plan for Units 1-4. Further, Alternative 7 proposes the additional removal of Units 12, 13, 30, 31, 45, and 46.

Under the assumption that a visitor-serving alternative is to be implemented with a similar water demand as that of the previously discussed Hybrid Residential Alternative, water use factors for hotel units would determine the maximum amount of hotel rooms that could be located on the project site with the reduced density restrictions would be fifty (50) units, assuming a gym would remain within project design. It can be reasonably assumed that the square footage of the individual hotel units would be greater than the square footage of an average hotel room, but less than the residential units of the proposed project.

Impacts

Aesthetics. Alternative 7 would avoid the project's significant unavoidable impact to a scenic resource by lessening development within the majority of the area of the Highway l corridor viewshed. As this

alternative also includes less overall development, which would in turn reduce the visual effects of the project, implementation of Alternative 7 would result in retention of more trees on the project site and offer the opportunity for increased set back and landscaping on the project site's border with Highway 1. The effects from new light and glare sources would be less than under the proposed project on the east side of the project site where the existing eight units of low-income housing are currently located in project site plans (Units 1-8) and along Valley Way as the building mass would be reduced and separated. The impacts of Alternative 7 on aesthetics would be less than those of the proposed project.

Air Quality. Based on URBEMIS modeling conducted for Alternative 7, this hybrid alternative would result in a slight increase in emission-generated impacts from the creation of 50 visitor-serving units in comparison to the 46 units of the proposed project. Construction emissions will be relatively equal to those estimated for the proposed project given the reduction of units and the correlated reduction of grading activities and construction. Alternative 7 would, therefore, result in increased mobile source emissions, including PM_{10}, ozone precursors, and GHGs, due to the reduced vehicle trip generation. Implementation of mitigation measures recommended for the proposed project would reduce the level of air quality impacts associated with this alternative. Under both scenarios, air quality impacts would be less-than-significant.

Biological Resources. Alternative 7 would reduce the proposed project's impacts to biological resources because of its reduced development footprint. Depending on design, impacts associated with tree removal and effects to sensitive species would be reduced. Mitigation measures recommended for the proposed project would also reduce the biological impacts associated with this alternative to a less-than-significant level. The impacts of Alternative 7 to biological resources would be less than those of the proposed project.

Cultural Resources. Because of its reduced grading, Alternative 7 could reduce potential impacts to undiscovered cultural resources and archaeological impacts. In relation to the historical buildings on the site, the impacts under this alternative would be similar since this alternative also includes full rehabilitation of the existing historic buildings through the development of the site.

Geology/Soils. Under Alternative 7, development would be decreased, which would decrease overall grading on the project site. Short-term construction impacts associated with the potential for erosion, accelerated runoff, and sedimentation are expected to be less than those anticipated for the proposed project given the decrease in project area that would be affected by grading activities during construction. Additionally, Alternative 7 would remove Units 30, 31, 32, 45, 46, and proposed parking along the project site's border with Valley Way from the original site plan, which would greatly reduce the percentage of site development on areas exceeding 30% slope. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The site would be subject to the same soil, geologic, and seismic hazards for both the proposed project and this alternative. Under this hybrid alternative, impacts associated with seismicity and soil stability would likewise be similar to the proposed project. With mitigation and reduction of development on areas exceeding 30% slope, impacts related to geology and soils under Alternative 7 would be less than those of the proposed project.

Hazards and Hazardous Materials. Even though construction activities would be reduced slightly with Alternative 7 in comparison to the proposed project, there is still the possibility of potential impacts associated with undiscovered contamination, asbestos and lead-based paint exposure, and the demolition of buildings. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The impacts related to hazardous materials from Alternative 7 may be somewhat less than those of the proposed project due to the overall reduced development footprint on the project site.

Hydrology/Water Quality. Alternative 7 would reduce impervious surfaces compared to the proposed project. Short-term construction impacts to water quality associated with the potential for erosion and sediment discharge into the storm drainage system would be less than the proposed project, as well. Alternative 7 would be required to provide onsite drainage facilities and implement BMPs to avoid significant water quality impacts. If this alternative would include the proposal for the use of storm water runoff for irrigation purposes, runoff impacts would be reduced further. The hydrology and water quality impacts of this alternative would be somewhat less than those of the proposed project due to the overall reduced development footprint on the project site.

Land Use. Alternative 7 would not be consistent with County and Coastal land use planning documents and land use designations to provide medium density residential on the site at MDR/2. However, this visitor-serving, hybrid alternative is considered more consistent with the goals of the California Coastal Commission and the specific policies in the Coastal Plan for the site, although less development is included than envisioned by the project objectives. Ultimate consistency with policies would be dependent upon future residence design and layout.

Noise. Construction noise impacts from Alternative 7 would be reduced due to the decrease in site development, the decrease in construction traffic generated by the project, and an increase in distance from construction activities and residences located immediately adjacent to the northwest portion of the project site. During project operations, traffic noise impacts along nearby streets would be comparable to the proposed project from the generation of vehicle trips. Alternative 7 would presumably reduce the construction schedule slightly, lessening impacts to the sensitive receptors of the condominium complex adjacent to the site. Therefore, the construction noise impacts of Alternative 7 would be less than those of the proposed project, although operational noise may be comparable or greater than the proposed project due to increased traffic trips associated with the operation of this alternative.

Public Services & Utilities. Alternative 7 would reduce the overall demand on services and utilities by decreasing the amount of development on the project site from 46 residential units to 50 hotel rooms, the equivalent to 35 residential units. Based upon MPWMD non-residential water use factors, the hotel rooms would require 0.100 AF/Y per room plus an addition 0.147 AF/Y for the gym, thus an estimated 5.147 AF/Y of water total, as compared to 6.718 AF/Y of the proposed project. Due to the overall reduction in footprint, the estimated water demand of this hybrid alternative would be less than that of the proposed project. If the alternative included the proposal to use storm water for irrigation purposes, water demand would be reduced further. Alternative 7 would reduce the demand on police and fire services, parks, water, sanitary sewer, and solid waste disposal services, as well as energy. Therefore, the public services and utilities impacts of Alternative 7 would be less than those of the proposed project.

Traffic. Alternative 7 would introduce non-residential traffic into an existing residential neighborhood. As previously stated, this alternative assumes that the maximum amount of hotel units on the project site would be up to 50 hotel rooms (units). Utilizing ITE trip generation rates for a hotel, Alternative 7 would generate approximately 446 typical weekday trips and approximately 525 typical weekend trips, assuming full occupancy of the hotel (ITE 2003). Alternative 7 would be expected to generate a greater amount of traffic as the proposed project, assuming full occupancy of the hotel. The same is also true for regional cumulative impacts. Alternative 7 would result in greater traffic-related impacts than the proposed project.

Summary

Alternative 7 would lessen the overall impacts of the development by reducing the area of development. Alternative 7 would still require a land use plan amendment, especially for the visitor-serving uses;

however, Alternative 7 would avoid the project's significant unavoidable impact on a scenic resource since project development within the Highway 1 corridor viewshed would be reduced. Under this hybrid alternative, some but not all of the project objectives of the proposed project would be met. Alternative 7 would conflict with the applicant's project objectives to develop a larger condominium complex on the site and to provide market rate, affordable, and workforce housing stock. This alternative would be consistent with the Applicant's objectives to rehabilitate and preserve a historic building and reuse the vacated buildings on a site with infill development.

6.4.8 Hybrid Existing and High Density Zoning Alternative (8)

Description

Per public comment requests, the Hybrid Existing and High Density Zoning Alternative (hereafter referred to as Alternative 8) consists of a combination of the Existing Zoning Alternative and the rehabilitation of the historic structures from the proposed project. Under Alternative 8, the two existing buildings that comprise the historic resource would be rezoned for high density residential uses and converted into approximately 10 units. The remainder of the project site would include buildout at the existing medium density residential zoning (MDR/2), which would include the demolition of the nurses' quarters and the construction of 7 single-family residences as per the current land use plan and zoning designation for the project site. Building mass and design for residential structures is unknown; however, the residential homes are assumed to have a scale and mass similar to the larger homes in the project vicinity with small lots. As a component of Alternative 8, 13 units would be designated as market rate units, 2 units would be designated as affordable or moderate income units, 1 unit would be designated as a low-income unit, and 1 unit would be designated as a very low-income unit, per Monterey County's Inclusionary Housing Ordinance.

Impacts

Aesthetics. Alternative 8 could avoid a significant impact of the proposed project by removing the majority of the development of the residential units along Highway 1 and potentially retaining more trees on the project site. The effects from new light and glare sources would be less than under the proposed project, particularly on the east side of the project site where the proposed eight units of low-income housing are currently located in the project layout plans (Units 1-8). The impacts of Alternative 8 on aesthetics would be less than those of the proposed project.

Air Quality. Based on URBEMIS modeling conducted for this alternative, Alternative 8 would result in a reduction of emission-generated impacts with creation of 17 residential units as opposed to the proposed project. Construction emissions would be reduced from those estimated for the proposed project since a smaller number of units would be constructed and less area of the project site would be affected by grading activities and construction. Alternative 8 would result in reduced mobile source emissions including PM_{10}, ozone precursors, and GHGs as the result of reduced vehicle trip generation. Implementation of mitigation measures recommended for the proposed project would also reduce the level of air quality impacts associated with this alternative. Under both scenarios, air quality impacts would be less-than-significant.

Biological Resources. Alternative 8 would reduce the proposed project's impacts to biological resources because of its reduced footprint. Depending on design, impacts associated with tree removal and effects to sensitive species would be reduced. Mitigation measures recommended for the proposed project would also reduce the biological impacts associated with this alternative to a less than significant level. The impacts of Alternative 8 to biological resources would be less than those of the proposed project.

Cultural Resources. Although the building mass would be reduced, this alternative would involve development on the majority of the site, resulting in potential impacts to undiscovered archaeological resources and the historic resource comparable to the proposed project. Further, the rehabilitation of the historic resource would be similar to the proposed project. The cultural impacts of Alternative 8 generally would be equal to those of the proposed project.

Geology/Soils. Under Alternative 8, development would be decreased, which would decrease grading on the site by reducing the size of the overall development. Short-term construction impacts associated with the potential for erosion, accelerated runoff, and sedimentation are expected to be less than those anticipated for the proposed project given that the project area affected by grading activities during construction would be decreased. Implementation of mitigation recommended for the proposed project would also reduce the levels of impacts associated with this alternative. The site would be subject to the same soil, geologic, and seismic hazards for both the proposed project and this alternative. Under Alternative 8, impacts associated with seismicity and soil stability would likewise be similar to the proposed project. With mitigation, the impacts related to geology and soils from Alternative 8 would be less than those of the proposed project.

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

Hydrology/Water Quality. Alternative 8 would reduce impervious surfaces compared to the proposed project. Short-term construction impacts to water quality associated with the potential for erosion and sediment discharge into the storm drainage system would be less than the proposed project. Alternative 8 would be required to provide onsite drainage facilities and implement BMPs to avoid significant water quality impacts. The hydrology and water quality impacts of this alternative would be somewhat less than those of the proposed project.

Land Use. Alternative 8 consists of developing the project site with high density residential uses for the historic resource and with residential uses under the existing zoning for the site of MDR/2 on the remainder of the project site. As such, Alternative 8 would be more consistent with County and Coastal land use planning documents and land use designations than the proposed project; however a land use amendment would be required to allow the high density residential uses for the rehabilitated historic resource. Given the surrounding uses and the uniqueness of the historic resource, the land use amendment would likely qualify for a Special Treatment Zoning designation under the Carmel Area LUP. Alternative 8 is considered more consistent with specific policies in the Coastal Plan for the site and the surrounding neighborhood, although less development is included than envisioned by the project objectives. Ultimate consistency with scenic policies would be dependent upon future residence design and subdivision layout; however, assuming there would be less development within the viewshed of the Highway 1 scenic corridor, this alternative would avoid the significant and unavoidable impact of the proposed project.

Noise. Construction noise impacts from Alternative 8 would be reduced in accordance with the decrease in site development and traffic generated by the project. During project operations, traffic noise impacts along nearby streets would be reduced from the generation of fewer vehicle trips, resulting in reduced cumulative noise effects of the project. Alternative 8 would presumably reduce the construction schedule, lessening impacts to the sensitive receptors adjacent to the site. Further, less intensive development on the project site could result in greater setback from Highway 1 in general, which would lessen noise impacts upon the project site from the highway. The noise impacts of Alternative 8 would be less than those of the proposed project.

Public Services & Utilities. Alternative 8 would reduce the overall demand on services and utilities by decreasing the amount of development on the project site to 17 units, a reduction of 29 residential units compared to the proposed project. Reduced demand on services would include police and fire services, parks, water, sanitary sewer, and solid waste disposal services, as well as energy. Based upon MPWMD residential water use factors, it is estimated that water demand under this alternative would be 3.64 AF/Y, which would be significantly less than estimated demand of the proposed project. The public services and utilities impacts of Alternative 8 would be significantly less than those of the proposed project.

Traffic. By utilizing ITE trip generation rates applied to the proposed project within the traffic study, Alternative 8 is expected to generate approximately 100 daily vehicle trips, compared to the 269 total daily trips estimated for the proposed project (ITE 2003). As such, implementing Alternative 8 would significantly reduce traffic impacts at some of the studied intersections and roadway sections, but would not avoid traffic impacts reported for the project on the intersections and roadway segments analyzed. The same is also true for the regional cumulative impacts. For both the proposed project and this alternative, local traffic impacts would be mitigable to less-than-significant levels. The traffic impacts of Alternative 8 would be less than those of the proposed project.

Summary

Alternative 8 would lessen the overall impacts of the development by reducing the area of development and reducing the residential units from 46 units to 17 units, of which 7 units would be allowed under the existing land use plan. Presumably, Alternative 8 would avoid the proposed project's significant unavoidable impact upon a scenic resource. While on a smaller scale, the objectives of the proposed project would be met. Alternative 8 would rehabilitate and preserve a historic resource, establish a high quality residential community to house future residents of the County, provide market rate, affordable, and workforce housing stock to the Monterey Peninsula, and reuse vacated buildings on a site with infill development.

6.4.9 Increased Percentage of Low and Moderate Income Units Alternative (9)

Description

The Increased Percentage of Low and Moderate Income Units Alternative (hereafter referred to as Alternative 9) was proposed by the County in order to increase the project's low and very low-income housing unit allotment to meet the Monterey County Inclusionary Housing Ordinance requirements. As currently proposed, the project does not include any income restricted units for the low or very low income categories. The proposed project consists of 46 units, a mix of affordable moderate income, workforce, and market rate, as follows:

33 Units: Market rate units
9 Units: Affordable to moderate income units
4 Units: Workforce units

According to Monterey County's Inclusionary Housing Ordinance, the Ordinance requires that 8% be affordable to moderate-income households (3.68 units), 6% to low-income households (2.76 units), and 6% to very low-income households (2.76 units) "unless a modification to those requirements is determined to be appropriate for the specific project and approved as part of the project." As identified above, the project, as proposed, does not include units for low-income and very low-income households. Alternative 9, while increasing the overall number of available market rate units and decreasing the number of moderately affordable units, would abide by the Ordinance by providing housing for low-income and very low-income as follows:

36 Units: Market rate units
4 Units: Affordable to moderate income, including workforce units
3 Units: Low-income
3 Units: Very low-income

Per approval by the County Housing Authority, a greater percentage of affordable to moderate income units, above the required amount stated in the Inclusionary Housing Ordinance, may be approved to offset the lack of low and very low-income units on the project site. However, this option would require approval by the Monterey County Housing Authority. A likely acceptable breakdown of unit type is as follows and includes an increase of affordable to moderate income units to 35% of the total units provided:

30 Units: Market rate units
16 Units: Affordable to moderate income

Impacts

Aesthetics. Alternative 9 would not reduce or avoid the project's significant unavoidable impact to the scenic resource of the Highway l corridor.

Air Quality. Alternative 9 would have the same construction-related and other air pollution emissions from vehicle trips associated with the development. The air quality impacts of this alternative would be the same as with the proposed project.

Biological Resources. Alternative 9 would involve development on the majority of the site, comparable to the proposed project and result in similar impacts on trees, special status species, and other biotic resources. The impacts to biological resources would be the same as those of the proposed project.

Cultural Resources. Due to the fact that the building footprint would be unchanged, the impacts related to archaeological and cultural resources would be equal to those of the proposed project.

Geology/Soils. Due to the fact that the building footprint would be unchanged, the impacts related to geology and soils would be equal to those of the proposed project.

Hazards and Hazardous Materials. As the building footprint would be unchanged, the impacts related to hazardous materials would be equal to those of the proposed project.

Hydrology/Water Quality. Development under Alternative 9 would be subject to the County requirements. For both the proposed project and this alternative, water quality impacts would be minimized through onsite drainage facilities and implementation of required BMPs. The hydrology and water quality impacts would be equal to those of the proposed project.

Land Use. The project is subject to the County's Inclusionary Housing Ordinance that requires that 20% of the total number of units proposed be Inclusionary units. Of the 20% required, the Ordinance further requires that 8% be affordable to moderate-income households, 6% to low-income households, and 6% to very low-income households, unless a modification to those requirements is determined to be appropriate for the specific project and approved as part of the project. Thus, the proposed project would be required to supply 9.2 Inclusionary units, with 9 units constructed on the site and the 0.2 remaining requirement being in the form of an in-lieu fee. The project is proposing 9 moderate-income units and is requesting approval of a modification to the affordability levels required by the Inclusionary Ordinance. Under this alternative, the project would comply with the County's Inclusionary Housing Ordinance by providing

the required inclusionary units for each income level designation, as identified above, or the project would increase the percentage of inclusionary housing to be constructed on the project site at the proposed affordable to moderate income level. All other potential impacts associated with land use would be equal to the proposed project, including the requirement to amend the applicable County and Coastal land use planning documents.

Noise. Alternative 9 would have the same construction-related impacts and schedule; therefore, the noise impacts would be equal to those of the proposed project.

Public Services & Utilities. Alternative 9 would result in the demand for services and utilities comparable to the proposed project. The public services and utilities impacts of would be equal to those of the proposed project.

Traffic. The traffic under Alternative 9 would not trigger new impacts under existing plus project and short-term plus project conditions, nor would it trigger new impacts along the roadway or freeway segments. Alternative 9 would result in equal traffic impacts as the proposed project.

Summary

Due to its similar development intensity, Alternative 9 would result in environmental impacts equal to the proposed project for the impacts cited. The increase in affordable housing provided under this alternative is the only difference in terms of project components and impacts when compared to the proposed project.

Alternative 9 would be consistent with the applicant's objectives to rehabilitate and preserve a historic building, establish the condominium complex, and reuse the vacated buildings on a site with infill development. However, this Alternative would not fully meet the applicant's objectives of provision of market rate housing in the residential housing mix requested by the proposed project.

6.4.10 Off-Site or In-Lieu Fee Affordable Housing Alternative (10)

Description

The applicant proposed an alternative to provide the affordable housing units required by Monterey County Inclusionary Housing Ordinance at an alternate location or pay an in-lieu fee to Monterey County, both of which are considered as viable options to a proposed project's compliance with Monterey County's Inclusionary Housing Ordinance. The applicant's proposal, as well as correspondence between the applicant and Monterey County's Redevelopment and Housing Office, is located in **Appendix Y**. The County requested that the Off-Site or In-Lieu Fee Affordable Housing Alternative (hereafter referred to as Alternative 10) be evaluated to determine if there would be a reduction in environmental impacts. The project, as proposed, does not include units for low-income and very low-income households. Under Alternative 10, the 46 units constructed at the project site, as proposed under the proposed project, would be designated as Market Rate units.

In the case of an Off-Site option in order comply with Monterey County's Inclusionary Housing Ordinance, the applicant would provide, at another location within the County, seven low-income and seven very-low income units. Under Alternative 10, the location for the low and very low-income units would be determined at a later date and could potentially result in the conversion of an existing building from market rate units to the specified affordable income housing brackets, in order to reduce the likelihood of additional environmental impacts. In the case of a payment by the applicant to Monterey County of an in-lieu fee in order to comply with Monterey County's Inclusionary Housing Ordinance, the applicable payment amount would be utilized by Monterey County for its affordable housing program,

which, perceivably would result in a similar amount of residential units designated within the County as would the Off-Site option of this alternative.

On July 14th, 2010, the Housing Advisory Committee of Monterey County considered the applicant's proposal to comply with the Inclusionary Housing Ordinance for the proposed project through payment of an in-lieu fee. The Housing Advisory Committee unanimously approved the applicant's proposal for payment of the in-lieu fee with regards to the proposed project; however, this alternative of the Recirculated Draft EIR couples both options as it can be reasonably expected that either would result in similar actions and the Housing Advisory Committee serves as an advisory committee while final project approval would be conditioned by the Monterey County Board of Supervisors.

Impacts

Alternative 10 was proposed by the applicant to address the project's lack of low and very-low income housing. The project plans and location for the additional units is not known at this time; therefore, discussion of potential environmental impacts in relation to the additional units would be considered speculation and outside the realm of CEQA, as previously stated. Further, impacts resulting from the additional units off-site would be in addition to the environmental impacts resulting from the proposed project. While this alternative would meet the applicant's project objectives, the environmental impacts would be greater than the proposed project.

Comparison of Alternatives

The Alternative Section provides analysis of ten alternatives, some of which were proposed by the applicant. In summary, **Table 6.4-1** provides a brief comparison of the different characteristics of the alternatives, including number of units, proposed land use, and difference in design from the proposed project. Further **Table 6.4-2** provides an abbreviated summary of the impact analysis for the proposed alternatives.

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

Table 6.4-2
Comparison of Impacts – Project Alternatives

Impact	No Project/ No Dev. (1A)	No Project/ Existing Build. Use (1B)	Full Buildout Visitor-Serving (2A)	Visitor-Serving/ Existing Build. (2B)	Existing Zoning (3)	Applicant's Modified Design (4)	Reduced Density (5)	Hybrid Residential (6)	Hybrid Visitor-Serving (7)	Hybrid Existing/ High Density Zoning (8)	Increased % Percent Low/Mod. Income Units (9)	Off-Site or In-Lieu Fee Afford. Housing (10)
Aesthetics	<	<	=	<	<	<	<	<	<	<	=	>
Air Quality	<	<	=	<	<	=	<	<	<	<	=	>
Biological Resources	<	<	=	<	<	=	<	<	<	<	=	>
Cultural Resources	<	<	=	=	>	=	=	=	=	=	=	>
Geology/Soils	<	<	=	<	<	=	<	<	<	<	=	>
Hazards/Hazardous Materials	<	<	=	<	<	=	=	=	=	=	=	>
Hydrology & Water Quality	<	<	=	<	<	=	<	<	<	<	=	>
Land Use & Planning	<	<	=	=	<	=	<	=	=	<	<	>
Noise	<	<	=	<	<	=	<	<	<	<	=	>
Public Services & Utilities	<	<	=	<	<	=	<	<	<	<	=	>
Traffic	<	<	>	=	<	=	<	<	>	<	=	>
Overall Compared to Project	<	<	>	<	<	<	<	<	<	<	=	>

> Impact Greater than Project
= Impact Comparable to Project
< Impact Less than Project

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative to the proposed project be specified, if one is identified. In general, the environmentally superior alternative is supposed to minimize adverse impacts to the project site and surrounding environment while achieving the basic objectives of the project. The No Project/No Development Alternative (1A) could be considered the environmentally superior alternative because all adverse impacts associated with project construction and operation would be avoided. Additionally, the No Project/Existing Buildings Alternative (1B) could be considered the environmentally superior alternative as development would be restricted to existing structures on the project site. However, CEQA Guidelines section 15126.6(e)(2) states: "If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Based on the analysis in the alternatives discussion, several design changes could reduce the environmental impacts of the project as proposed:

- The Full Buildout Visitor-Serving Alternative (2A) would involve the construction of a hotel facility on the project site. Alternative 2A would have similar impacts as the proposed project in all areas aside from its significant increase to traffic in the project site's vicinity. Alternative 2A would also be inconsistent with the surrounding land use of the project site while not meeting the primary project objective of establishing a condominium complex on the project site.

- The Visitor-Serving Alternative/Existing Buildings (2B) would involve construction of a hotel facility on the project site as with the Visitor-Serving Development Alternative; however, the difference being that Alternative 2B would limit development on the project site to existing buildings. Alternative 2B represents less potential impacts than the proposed project in all areas except traffic and land use. Alternative 2B would result in a comparable amount of traffic generation as the proposed project. Alternative 2B would also be inconsistent with the surrounding land uses of the project site while not meeting the primary project objective of establishing a condominium complex on the project site.

- The Existing Zoning Alternative (3) consists of developing the project site with residential uses as proposed, but under the existing zoning for the site of MDR/2. Alternative 3 would avoid the unmitigable impact of the proposed project to a scenic resource and would significantly reduce impacts in comparison to the proposed project. This alternative would not be capable of meeting the majority of the project objectives, including a principal project objective of the adaptive reuse of a historic building and the establishment of a condominium complex on the project site.

- The Modified Design Alternative (4) would avoid the significant unavoidable impact associated with the development of buildings within the Highway 1 scenic corridor that would adversely impact this scenic resource. Alternative (4) would otherwise result in impacts similar to the project as proposed and would meet the applicant's project objectives of the adaptive reuse of a historic building and to develop a condominium complex on the project site.

- The Reduced Density Alternative (5) would avoid the unmitigable impact upon a scenic resource by reducing construction within the Highway 1 viewshed, and would also reduce impacts in most other areas by decreasing the development density and building footprint on the project site in specified areas.

- The Hybrid Residential Alternative: Applicant's Modified Design and Reduced Density Combination (6) would avoid the significant unavoidable impact associated with the development

of buildings within the Highway 1 scenic corridor that would adversely impact this scenic resource. Alternative 6 would also reduce impacts in most other areas by decreasing the development density and building footprint on the project site.

- Hybrid Visitor-Serving Alternative: Applicant's Modified Design and Reduced Density Combination (7) would avoid the significant unavoidable impact associated with the development of buildings within the Highway 1 scenic corridor that would adversely impact this scenic resource. Alternative 7 would also reduce impacts in most other areas by decreasing the development density and building footprint on the project site. This alternative would, however, result in increased operational air quality, noise, and transportation impacts due to projected increases in traffic trips. Alternative 7 would not meet the primary project objective of the establishment of a larger condominium complex on the project site.

- The Hybrid Existing and High Density Zoning Alternative (8) would rehabilitate the historic resource under a new High Density residential zoning and provide 7 single family residences on the remainder of the project site under the existing MDR/2 zoning. Alternative 8 would avoid the significant and unavoidable impact of the proposed project to a scenic resource. Alternative 8 would lessen the overall impacts of the development by reducing the area of development and reducing the residential units. While on a reduced scale, the objectives of the proposed project would be met. Alternative 8 would rehabilitate an preserve a historic resource, establish a high quality residential community to house future residents of the County, provide market rate, affordable, and workforce housing stock to the Monterey Peninsula, and reuse vacated buildings on a site with infill development.

- The Increased Percentage of Low and Moderate Income Units Alternative (9) would increase the amount of low and moderate income units amongst the residential units proposed for construction on the project site; however, this alternative would otherwise result in the same impacts as the proposed project.

- The Off-Site or In-Lieu Fee Affordable Housing Alternative (10) would increase the overall amount of residential units associated with the proposed project through an off-site increase in low and very low-income housing. Impacts of Alternative 10 would result in equal or greater environmental impacts that the proposed project; however, those impacts are indeterminate at this time as the off-site unit location and project design details are unknown.

With this analysis, several alternatives would reduce environmental impact as compared to the proposed project, aside from the No Project Alternatives 1A and 1B. Potential environmentally superior alternatives to the proposed project include: Visitor-Serving Alternative/Existing Buildings (2B); Existing Zoning Alternative (3); the Reduced Density Alternative (5); and the two of the three Hybrid Alternatives (6, and 8). As identified above, CEQA requires that an EIR identify a project alternative that is environmentally superior and meets most of the basic project objectives. An environmentally superior alternative, however, does not need to meet all of the project objectives. The analysis previously discussed in this section conclude that Alternatives 6 and 8 represent the alternatives that would meet most of the project objectives and policy objectives of Monterey County while still significantly reducing project related impacts. Even though the majority of project objectives would not be fully met and there may be potential for further decline of the historic resource, Alternative 3, Existing Zoning Alternative, would reduce environmental impacts to the greatest degree in comparison. As such, Alternative 3, Existing Zoning Alternative would be considered the Environmentally Superior Alternative for the purposes of this document.

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3.0 REFERENCES AND REPORT PREPARATION

3.1 RECIRCULATED DRAFT EIR REPORT PREPARATION

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APPENDICES

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APPENDIX O

VILLAS DE CARMELO TRAFFIC IMPACT ANALYSIS ADDENDUM, MONTEREY COUNTY, CALIFORNIA

Hatch Mott MacDonald

July 12, 2010

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Hatch Mott MacDonald

July 12, 2010

Widewaters Group
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Attention: Ed Shagen and Kevin Kane
408-402-5048 | eshagen@widewaters.com
315-445-8543 | kkane@widewaters.com

Re: Villas de Carmelo Traffic Impact Analysis Addendum, Monterey County, California

Dear Ed and Kevin,

As you know, Hatch Mott MacDonald (formerly Higgins Associates) prepared a traffic impact analysis for the proposed Villas de Carmelo residential development in Monterey County, California. The *Villas de Carmelo Traffic Impact Report*, dated September 4, 2008, was included as part of the Draft Environmental Impact Report (DEIR) for the proposed project. It is referred to herein as the "traffic study", "traffic impact analysis" or "TIA". As part of the public review process for the DEIR, the County of Monterey has received numerous letters with over 100 comments regarding the aforementioned traffic study.

This letter is intended to serve as an addendum to our original report addressing the comments that were provided on the DEIR that were specific to our report.

As an introductory consideration, many of the public comments relate to the determination of whether an impact is significant. There are very specific policies adopted by the Monterey County Public Works Department in the "Guide for the Preparation of Traffic Impact Studies," April 2003. They are summarized as follows, which is a quote from Section 3.6, "Significance Criteria," of the traffic study. Appendix F of the traffic study provides the complete text regarding significance criteria in the previously cited "Guide for the Preparation of Traffic Impact Studies."

The County of Monterey's significance criteria for signalized intersections states that if a signalized intersection currently operates at LOS D or LOS E, a significant impact occurs if the critical movements' volume to capacity (v/c) ratio is increased by 1% (0.01) with the addition of project trips. If a signalized intersection currently operates at LOS F, the addition of a single project trip is considered significant. The County's significance criteria for unsignalized intersections states that a significant impact occurs if any traffic movement has LOS F or if any traffic signal warrant is met. The County's significance criteria for roadway segments states that a significant impact occurs if any roadway segment operating at LOS A through E degrades to a lower Level of Service of D, E, or F with the addition of project trips. If the segment is already operating at LOS F, the addition of a single trip is considered significant. Appendix F of the TIA includes the Monterey County significance criteria.

Note that traffic increases can occur at intersections and on roadways currently operating at undesirable levels of service without creating a significant impact. CEQA and other state law establishes that new development cannot be required to correct existing deficiencies. Also, a proposed development is also only responsible for mitigating its own impacts or paying its proportional share of cumulative impacts. This means that a project mitigation does not have to result in an acceptable level of service. It only has to result in conditions equal to the pre-project condition. The determinations made in the traffic study regarding significance and mitigations are in accordance with these standards.

Due to the extensive number of comments that were related to the analysis and findings in the traffic report, we felt it necessary to provide additional explanation regarding the methodologies and conclusions contained in the traffic study. We will be available for any questions once the County's staff and traffic consultant have completed their review of the following.

CCC Letter

Feasibility of Recommended Improvements

The recommended improvements referred to in this letter are not mitigation for the proposed project. The improvements referred to are necessary for acceptable operations under existing conditions, regardless of the proposed project. Based on the criteria for significant project impacts, the project would not have a significant impact on the study intersections or road segments. As a result, the comments regarding LCP amendments, CDPs, and ESHA are not relevant to the proposed project.

Caltrans Letter

Existing Driveway Access

Existing driveway access to Highway 1 is already required to be closed by Caltrans. See Caltrans comment letter dated June 3, 2009.

Conroy, Carmel BTS Letter

Degradation of Level of Service

The project will not degrade the level of service on Carpenter Street or Valley Way. Geometric improvements for existing conditions have been identified. No project mitigations are necessary.

Impact to Road Structure

It is estimated that the highest daily volume of traffic on Valley Way occurs immediately east of Carpenter Street. The daily traffic volume at this location is estimated to be 740 vehicles per day based on the existing PM peak hour volume of 74 vehicles. With the project developed, the daily volume would increase to 89 vehicles during the PM peak hour and 890 vehicles per day on Valley Way east of Carpenter Street.

Traffic Index (TI) is the traffic measure used to determine the minimum pavement thickness in the design of roadway pavements. The Traffic Index is determined using Equivalent Single Axle

Load (ESAL) constants that represent the estimated total accumulated traffic loading during the pavement design life. The Equivalent Single Axle Load of the existing traffic on Valley Way immediately east of Carpenter Street is 68,228 and the existing Traffic Index is 6.5. The project will increase the ESAL on Valley Way west of Carpenter Street to 82,058 and the Traffic Index will remain at 6.5. Because the Traffic Index will not change under Existing Plus Project Conditions, the project impact to the road structure is not significant.

MPUAPCD Letter

Project Trip Generation

Per Monterey County's *Guide for the Preparation of Traffic Impact Studies* (Monterey County Public Works Department, April, 2003), the latest edition of the Institute of Transportation Engineer' (ITE) Trip Generation handbook should be used for forecasting trip generation for the traffic study. In addition, ITE's Trip Generation handbook is widely used as an industry standard.

The study project includes the development of 46 condominium units. ITE trip generation rates for the land use Residential Condominium / Townhouse (ITE land use code 230) were used from the latest edition (7th Edition, 2003) available at the time of the traffic study, which had a published rate of 5.86 daily trips per unit. Therefore, no modification was made for the project's trip generation rate. Since the time of the traffic study, the ITE has published a more recent trip generation handbook. The daily trip generation rate for the Residential Condominium / Townhouse land use in the 8th Edition (2008) has been lowered to 5.81 daily trips per unit.

The URBEMIS trip rate for the Condominiums/Townhouses land use is cited as 6.90 trips per dwelling unit and ITE Land Use Code 230 from the 7th Edition ITE manual is cited as the reference for this trip rate. However, the ITE Land Use Code 230 (Condominiums/Townhouses) trip generation rate is not 6.90, but is 5.86. (See Table 2, Software User's Guide: URBEMIS2007 for Windows, Version 9.2, Emissions Estimation for Land Use Development Projects, November 2007 and ITE Trip Generation Handbook, Land Use Code 230 trip generation rates. The County of Monterey recommends that ITE rates be used for traffic impact analyses, and that is what was used for the Villas de Carmelo traffic study.

Crawford Letter

Quality-of-Life

The level of service (LOS) concept is used to assess traffic impacts at intersections and on road segments. The existing Average Daily Traffic (ADT) volume on Valley Way is about 740 vehicles (east of Carpenter Way). Data obtained from the Institute of Transportation Engineers and the 2000 Highway Capacity Manual indicate a recommended maximum ADT of 1,500 to 1,600 vehicles for a local street to fall into a C level of service, which is considered acceptable by the Monterey County Department of Public Works. Based on this data, Valley Way currently operates at LOS A and would continue to operate at LOS A with the proposed project.

There are no established guidelines for determining quality-of-life impacts due to increases in traffic on residential streets. However, methods have been developed in an effort to quantify

these impacts. One such method is Traffic Infusion on Residential Environment (TIRE), which was used in the traffic study for the Villas de Carmelo project and is explained in detail in Appendix K of the traffic impact analysis (TIA). TIRE represents the effect of traffic on the safety and comfort of human activities such as walking, cycling, and playing on or near a street and on the freedom to maneuver personal autos in and out of residential driveways. Based on the TIRE methodology, the additional traffic added by the project to Valley Way would still be well within an acceptable quality of life level for a residential street.

In addition, as stated in the discussion regarding the Save Our Carmel Neighborhoods Coalition (SOCNC) letter, since the hospital closed the site has been occupied by a counseling group known as "Breakthrough Men's Community" which has been meeting at the site for approximately two years. The SOCNC has no objection to the temporary Breakthrough use, even though they say cars spill out of the hospital parking lot onto Valley Way one weekend day a month when the group holds introductory meetings.

Based on discussions with Breakthrough staff, regular meetings are held every Tuesday, Wednesday, and Thursday from 6:30 p.m. until 10:30 p.m. A range of 34 to 50 vehicles arrive at the site during these meetings, with the average being 42 vehicles. During a recent Breakthrough meeting (held on Thursday, October 1, 2009) a count was conducted of the vehicles parked in the hospital parking lot. A total of 44 vehicles were counted, which supports the information provided by Breakthrough staff.

As shown in the traffic impact analysis, the proposed project will generate an estimated 25 vehicle trips during the weekday PM peak hour. Therefore, on average, the proposed project will generate less traffic during the weekday PM peak hour than the existing use does three days a week. When considering Monday through Friday traffic, the proposed project will generate 125 PM peak hour weekday trips per week (5 days x 25 PM peak hour trips). During the same time period, the existing use generates an average of 126 PM peak hour weekday trips per week (3 days x 42 PM peak hour trips). Therefore, when considering weekday PM peak hour traffic, the proposed project will generate no more traffic on an average weekly basis than the existing use does.

In addition, the situation of cars spilling out onto Valley Way one weekend day a month would no longer occur with the proposed project. As a result, the proposed project would have no negative effect on traffic operations on Valley Way when compared to the existing use.

Based on the preceding information, implementation of the proposed project would not result in Valley Way becoming a "heavily-used thoroughfare". This is supported by the level of service concept, the TIRE method, and the consideration of the existing uses on the site. The recommendations for improvements at the northwest corner of the Highway 1/Valley Way intersection and the Valley Way/Carpenter Street intersection are to improve maneuverability and are based on existing traffic conditions and would be recommended regardless of the proposed project.

A community meeting was held on March 14, 2007 at the Robert Luis Stevenson School in the City of Carmel. In addition, the EIR process allows for community input with regards to the environmental analyses for the project.

Heinz Letter

Lower Trail / Valley Way Intersection

The Lower Trail / Valley Way intersection was analyzed for level of service in the TIA. This intersection currently operates at an overall LOS A, and the minor street approach (Lower Trail) also operates as LOS A. This would continue with the proposed project and would also continue under cumulative conditions with the proposed project. The proposed project would not add any traffic onto Lower Trail but would only increase through volumes on Valley Way by about 15 vehicles per hour during the peak hours (in both directions). This equates to approximately one additional vehicle every 4 minutes.

The County should consider trimming vegetation at this intersection or removing trees in order to provide improved sight distance. This is an existing situation that is not related to the proposed project. The TIA did not recommend providing a right-turn lane onto Carpenter Street at Valley Way. Facilitating southbound left turns from Carpenter Street onto Valley Way would not affect traffic operations at the Lower Trail / Valley Way intersection.

Right-Turns from Valley Way onto Highway 1

All study intersections, including the Highway 1/Valley Way intersection, were analyzed using 2000 Highway Capacity Manual (HCM) methodologies as prescribed by Caltrans and the County of Monterey. The level of service methodology analyzes operations of traffic movements from the minor street approach; in this case the Valley Way approach to Highway 1. According to the analysis, the Highway 1 / Valley Way intersection would operate at an acceptable overall LOS A, and the worst approach (eastbound Valley Way) would operate at an acceptable LOS C or LOS D during all study scenarios.

Based on the project's trip distribution and assignment, the project would add an estimated 4 vehicles per hour to the eastbound right-turn movement from Valley Way onto Highway 1. This equates to an average of one vehicle every 15 minutes.

The analysis does not indicate that the addition of project traffic would create a significant impact at this location. The TIA did recommend under existing traffic conditions that, in addition to other improvements at this intersection, any trees or shrubs that interfere with the sight distance at the corner of Valley Way and Highway 1 be trimmed or removed in order to enhance safety at this location.

Accident data for Highway 1 in the vicinity of Valley Way was obtained from Caltrans. The data covers a period of three years, from December 1, 2005 to November 30, 2008. During this time period, there were a combined total of 8 accidents involving 2 injuries and no fatalities at the Valley Way and 3rd Avenue intersections. The average accident rate at this location was 0.14 accidents per million vehicle miles (MVM). The statewide average accident rate for similar types of roads is 0.30 accidents per MVM. Therefore the accident rate on Highway 1 in the vicinity of Valley Way is less than one-half of the statewide average for similar types of roads.

LWV Letter

Regional Improvement Projects

For informational purposes, the TIA references improvements included in the *2005 Monterey County Regional Transportation Plan* (RTP) and recommends that further improvements should be added as components of the 2005 Monterey County RTP. These are based on existing traffic conditions and are not required due to the proposed project.

The following facilities are the only ones within the study area that operate at deficient levels of service under existing traffic conditions.

Intersections

1. Highway 1 / Carpenter Street (LOS D)
2. Highway 1 / Ocean Avenue (LOS D)

Road Segments

3. Highway 1 between Carpenter Street and Valley Way (LOS D)
4. Highway 1 between Valley Way and Flanders Drive (LOS D)
5. Highway 1 between Flanders Drive and Ocean Avenue (LOS D)

All five of these facilities are under Caltrans jurisdiction. According to the *Caltrans Guide for the Preparation of Traffic Impact Studies* booklet (December 2002), "Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE[1] should be maintained." For signalized intersections, the measure of effectiveness (MOE) is based on average control delay in seconds per vehicle, which is then correlated to a level of service. For road segments, the measure of effectiveness is based on average travel speed, which is then correlated to a level of service.

The addition of project traffic would not degrade the levels of service at these, or any, of the study intersections or road segments. As a result, the proposed project would not have a significant project-level impact on any of these facilities. Under cumulative conditions, cumulative project impacts are mitigated through payment of the TAMC fee.

Recommended Improvement Projects

The improvement projects referenced here are recommended based on existing traffic conditions. As previously stated, the project would not have a significant project-level impact on any of the study intersections or study road segments.

[1] MOE stands for "measures of effectiveness". MOEs describe the measures best suited for analyzing State highway facilities.

Payment of the TAMC fee is not intended to fund specific improvements but instead mitigates a proposed project's incremental contribution to cumulative impacts on the regional highway system.

Primrose Letter

See Crawford letter.

Land Watch Letter

Neighborhood Street System

Adequate capacity is provided on the neighborhood street system, so applicable policies are met.

Crossman Letter

Hatton Road

The results of the traffic analysis indicate that the presence of project traffic in the vicinity of the Hatton Road / Steward Place intersection will be extremely minimal. In addition, the termination of Hatton Road just east of 2nd Avenue discourages the use of Hatton Road to the project site, as it provides a circuitous route.

McDonald Letter

Previous Hospital Use

The TIA does not say that the project will generate the same amount of traffic as the previous hospital use. The traffic study provides a comparison of trip generation estimates that indicate the project will generate less daily traffic, and for the most part, less morning and evening peak hour traffic than the historic uses did. This comparison was made for informational purposes only, in order to provide the reader with a general idea of the magnitude of traffic that has been generated by the site in the past and that which would be generated by the proposed project.

Even though CEQA allows historical uses to be included to determine "baseline" conditions for a site, the TIA clearly states that the calculations performed as part of the study do not account for the historic uses and do not include any trip generation credits for past uses. As a result, it is irrelevant if the traffic generated by the former land uses on the site only used the Highway 1 gate. It should also be noted that the traffic study does not provide a credit for the existing "Breakthrough Men's Community" use on the project site (discussed in Crawford letter).

The developer is not asking the County to reconfigure the Valley Way / Carpenter Street intersection. That recommendation was made to enhance safety and is based on existing geometric deficiencies at the intersection (although from a level of service standpoint, the intersection operates at an acceptable level of service).

The TIA does not estimate 108 daily trips for the proposed project; it estimates a maximum of 269 daily trips. As the TIA states, the study assumed that all 46 units would be permanently occupied on a year-round basis, even though only about 60% of the population of Carmel is

comprised of permanent residents, and it is likely that the proposed project will generate fewer trips than estimated by the ITE rates. As a result, the trips generated by the project have not been underestimated, but have most likely been overestimated and are extremely conservative.

Carpenter Street between Highway 1 and Serra Avenue

The letter has identified the afternoon/evening peak hour as being the most problematic time of day on the segment of Carpenter Street between Highway 1 and Serra Avenue. The proposed project is estimated to generate an additional 9 vehicles per hour during the morning peak hour and 4 vehicles per hour during the evening peak hour at this location. An additional 4 vehicles per hour represents an average of one additional vehicle every 15 minutes. Another way to put the proposed project's impacts on Carpenter Street into perspective is to consider the percent increase in traffic the project would cause on Carpenter Street on a daily basis. According to the Monterey County Department of Public Works 2007 Annual Average Daily Traffic (AADT) booklet, the AADT on Carpenter Street between Highway 1 and Serra Avenue was 16,300 in 2006 (the County did not have counts for 2007). The project would add approximately 110 vehicles per day to this segment of Carpenter Street, which is about 0.67% of the total daily traffic.

The conditions described in the letter (i.e., traffic speeding up to access Highway 1, drivers not realizing that the resident is signaling to turn into their driveway, vehicles blocking their driveway in the afternoon, etc.) are the existing conditions and the County can not require the developer to mitigate existing problems. However, the recommendations in the TIA to improve existing deficiencies at the Highway 1 / Carpenter Street intersection would help to reduce the number of vehicles blocking the writer's driveway, as more vehicles would be able to turn left from Carpenter Street onto northbound Highway 1 per signal cycle (these improvements included an additional eastbound left-turn lane from Carpenter Street onto northbound Highway 1). Again, these TIA recommendations cannot be the burden of the developer as it is an existing condition.

Lower Trail

The analysis does not support the claim that the project would drastically change the flow of traffic in the community or that the project would result in drivers using Lower Trail as a shortcut to Carpenter Street (see discussion regarding Crawford letter and Heinz letter).

Valley Way

The analysis does not support the claim that the project would turn Valley Way into a "high traffic roadway" (see Crawford letter).

Johnson Letter

Travel Speeds on Valley Way

An engineering speed survey was conducted on Valley Way using 24-hour machine counters for a period of 16 days (March 25 to April 9, 2007). The posted speed limit on Valley Way is 25 mph. The average speed recorded during the speed survey was 15 mph.

Layton Letter

Project Trip Generation

The Institute of Transportation Engineers' trip generation rates used in the study are industry standards, and are prescribed by the County of Monterey Public Works Department. The trip generation rates published by ITE and used for this study are based on trip generation surveys conducted at residential condominium/townhouse developments by transportation professionals. This is the ITE land use category that is virtually identical to the proposed project. See discussion regarding MPUAPCD letter for more details about the project's trip generation.

Roadway Improvement Projects

The improvement projects referenced here are recommended to correct existing deficiencies and are not due to the proposed project. As previously stated, the project would not have a significant project-level impact on any of the study intersections or study road segments. While the TIA does identify 5 facilities within the study area that operate deficiently under existing conditions, based on the *Monterey County* and *Caltrans Guides for the Preparation of Traffic Impact Studies* booklet (December 2002), the proposed project would not have a significant effect on these facilities (see LWV letter for more details).

Wallin Letter

4th Avenue and Hatton Road

While the Hatton Road / Ocean Avenue and Hatton Road / 4th Avenue intersections were not analyzed in the traffic study, the trip generation, distribution, and assignment of project trips to the study road network indicate that the presence of project traffic on 4th Avenue and Hatton Road will be extremely minimal (i.e., approximately 2 vehicles per hour during the PM peak hour). This does not support the concern that traffic on 4th Avenue will be greatly increased by the project.

Sanders Letter

Highway 1 / Carmel Valley Road Intersection

The analysis does not support the claim that the project would impact Highway 1 at Carmel Valley Road or Carmel Valley (see LWV letter).

Traffic Operations of Vicinity Roadways

The table below addresses the traffic operations of road segments in the general neighborhood of the proposed project. It must be noted that the levels of service reported in the 2007 GP DEIR are very conservative and based on a very broad planning level of street classification and level of service analysis. This is because the 2007 GP DEIR addresses county issues at a program level. It should be pointed out that the road segments in question are in the Coastal Zone and therefore would not be subject to the policies proposed by the 2010 General Plan. They were analyzed in the 2007 GP DEIR for informational purposes only.

Discussion with Monterey County Public Works indicate that they will continue to use a more precise design level methodology for the traffic analysis of the more focused study areas for individual developments such as Villas de Carmelo. Each of the segments mentioned in the Sanders letter is listed with its corresponding 2007 GP Average Daily Traffic (ADT), capacity using the 2007 GP planning classification as well as its corresponding capacity, volume to capacity ratio and level of service, all quoted from the 2007 GP DEIR. A capacity, volume to capacity ratio and level of service is then provided based on actual field conditions. This typically results in a much better existing level of service. The project traffic assignment is also provided, with a determination whether the project represents a significant impact. Using the capacity based on actual field conditions, the project will not result in a significant impact on any road segment, even without any road improvements.

For example, the segment of Carpenter Street between Highway 1 and Serra Avenue is listed in the 2007 GP DEIR as a 2-lane arterial, but that segment is actually 3 to 4 lanes. In addition, the 2007 GP uses a very conservative capacity of 12,000 ADT for a 2-lane arterial, while Hatch Mott MacDonald (HMM) uses 18,000 ADT. The project is estimated to generate about 11 PM peak hour trips and 10 AM peak hour trips on Carpenter Street immediately west of Highway 1. This section of Carpenter Street operates at an E level of service and the addition of 11 peak hour trips is not considered to be significant.

Similarly, for the segment of Ocean Avenue between Highway 1 and the Carmel City Limits, the 2007 GP DEIR uses a very conservative capacity of 9,600 ADT for a 2-lane collector, while HMM uses 12,000 ADT. The project is conservatively estimated to generate about two PM peak hour trips and no AM peak hour trips on Ocean Avenue immediately west of Highway 1. This section of Ocean Avenue operates at an E level of service and the addition of two peak hour trips is not considered to be significant.

It is recognized that the 2007 GP DEIR that is currently being processed by Monterey County states that Carpenter Street operates at an F level of service between Highway 1 and Serra Avenue and that Ocean Avenue operates at an F level of service between Highway 1 and the Carmel City Limits. However, this is based upon conservatively low estimates of roadway capacity on both Carpenter Street and Ocean Avenue. The existing traffic volumes are stated to be at 35% and 23% above the roadway's theoretical capacities for Carpenter Street and Ocean Avenue, respectively. Any capacity constraints on these road segments are associated with the signalized intersections at Highway 1. Improvements to capacity at these locations are recommended in the report and would help improve traffic congestion on these roadways. However, these roadways do not operate above their theoretical capacities.

The planning level threshold volume capacities used by HMM are based on the 2000 Highway Capacity Manual (HCM 2000) and are provided in Appendix A. Based on these parameters, the segment operates at LOS E (worst-case), and the addition of project traffic will not result in a significant impact.

As previously stated, the project will not result in a significant impact on any road segment, with one exception. The only exception is Holman Highway (Highway 68 West), which currently operates at LOS F. However, it has a major capacity improvement included in the TAMC Fee. The payment of the TAMC fee will mitigate this impact.

Roadway	Segment	Description	As Reported in GPU5 DE R ADT	Capacity	V/C Ratio	LOS	Actual Based on Field Conditions or Programmed Improvements Capacity	V/C Ratio	LOS	Project Peak Hour Traffic	Project Impact Significant After Mitigation?	Comment
Holman Hwy	CHOMP - Hwy 1	2 Lane Rural Highway	26,700	16,300	1.64	F	25,000	1.07	F	4		
		4 Lane Divided Arterial					36,000	0.74	C		No	The Holman Highway widening is in the TAMC Fee. Payment of fee mitigates project and cumulative impacts. t was scheduled for completion in 2012. ts environmental study is complete. t is now expected to be completed by 2020.
Highway 1	Holman - Carpenter	4 Lane Freeway	61,500	69,100	0.89	D	74,000	0.83	D	13	No	No change in LOS from project. Insignificant impact.
Serra Ave.	Guadalupe - Carpenter	2 Lane Collector	6,400	9,600	0.67	D	12,000	0.53	B	1	No	Project will add insignificant traffic. No change in LOS from project. Insignificant impact
Carpenter St.	Serra - Hwy 1	2 Lane Arterial (Actually 3-4 Lanes)	16,250	12,000	1.35	F	18,000	0.90	E	11	No	No change in LOS from project. Insignificant impact.
Ocean Ave.	City Line - Hwy 1	2 Lane Collector	11,800	9,600	1.23	F	12,000	0.98	E	2	No	No change in LOS from project. Insignificant impact.
Rio Road	Carmel Rancho - Hwy 1	4 Lane Undivided Arterial	13,800	24,000	0.58	D	27,000	0.51	A	2	No	No change in LOS from project. Insignificant impact.
Rio Road	City Line - Hwy 1	2 Lane Arterial	11,150	9,600	1.16	F	18,000	0.62	B	0	No	No change in LOS from project. Insignificant impact.

Method of Traffic Analysis

The letter states that the actual distribution of project trips on the road network is not known, which is true, as it would be impossible for anyone to precisely predict the exact behavior of drivers who are not on the road yet.

The project's trip distribution was based on existing traffic patterns and land uses within the vicinity of the project site, as well as engineering judgment. This is standard practice in the industry. It is not standard practice to develop a range of trip distribution possibilities.

Barnes Letter

TIA Recommendations

The traffic study does not recommend a third left-turn lane on Carpenter Street at Valley Way. Perhaps the writer is referring to the recommendation in the traffic impact analysis for the Carpenter Street / Highway 1 intersection for the existing condition. The TIA recommends widening the eastbound Carpenter Street approach at Highway 1 to accommodate two left-turn lanes, a shared left-through lane, and a dedicated right-turn lane. This would reduce the existing delay on all approaches at the intersection and would also reduce queuing on the eastbound approach of Carpenter Street.

Sidewalks

While it is true that there are no sidewalks on Valley Way, this is also true of nearly all of the streets in the surrounding neighborhoods, as well as in the City of Carmel. Many carry more traffic and have higher pedestrian volumes than Valley Way. Pedestrian and vehicle traffic

volumes and travel speeds are very low on Valley Way, and this will not change with the implementation of the proposed project.

Existing Driveway Access

The existing driveway access to Highway 1 will be required to be closed by Caltrans, as indicated in their letter dated June 3, 2009.

Borgman Letter

Traffic Counts

Traffic counts on Valley Way are not available for the period of time that the convalescent hospital was in use. The study says it is *estimated* that the daily trips generated by the hospital was 413, and it is *estimated* that the daily trips generated by the convalescent hospital, Alzheimer's clinic, and pre-school was 306. These estimates are based on Institute of Transportation Engineer's trip generation rates, and not on actual counts.

Furthermore, as in the discussion regarding the Crawford letter, the existing use on the project site (Breakthrough Men's Community) generates more traffic during the weekday PM peak hour three days a week than the proposed project would. Even though the project would result in a reduction in traffic from that of Breakthrough during the weekday PM peak hour three days a week, the TIA assumed no use of the project site in its comparison of the proposed project to the existing baseline use.

Gated Control

Other gated communities and institutions in Monterey County include Del Mesa Carmel, Quail Meadows, Carmel Valley Ranch, Santa Lucia Preserve, Tehama, Monterra Ranch, Pasadera, the Defense Language Institute, and the Naval Postgraduate School, All of these have significantly more than 46 residential units or are larger developments than the proposed project. In addition, gated parking facilities (including structures) in Monterey and Salinas are essentially gated developments that have more residents/employees and generate far more traffic than the Villas de Carmelo project. These all function acceptably. Gated control is a routine component at this type of residential facility.

Bus Stop on Valley Way

Currently, there is about one vehicle every two minutes on Valley Way at the bus stop during the morning peak hour (23 vehicles per hour at the Monterey Street / Valley Way/ First Street intersection). The project will add one vehicle every four minutes at this location. This will not qualitatively change traffic conditions. Also see discussion on Barnes letter regarding pedestrian activities on Valley Way.

Pedestrian Access

When the north side of Valley Way is not passable, pedestrians can walk on the south side of Valley Way as they do now. The project would add less than one vehicle per minute to Valley Way. Also see discussion on Barnes letter regarding pedestrian activities on Valley Way.

Southbound Left-Turn Lane at Carpenter Street / Valley Way

The study did not recommend a southbound Valley Way left-turn lane at Carpenter Street. The traffic study explained that although the Monterey County left-turn warrant is met under existing conditions, there are several reasons for *not* recommending a left-turn lane at this location.

First, the Monterey County left-turn lane warrant is primarily intended for high-speed roadways. The posted speed limit on Carpenter Street is 30 mph north of Valley Way, and 25 mph south of Valley Way. This is not considered a high-speed roadway. Also, the volumes at this intersection are far below what have been adopted by other agencies, such as the United States Transportation Research Board, the Federal Highway Administration, and Caltrans, for warranting addition of a left-turn lane. Lastly, there are physical constraints on both sides of Carpenter Street at this intersection that would make adding a left-turn lane there virtually infeasible as has been confirmed by the Monterey County Public Works Department.

All-Way Stop Control at Carpenter Street / Valley Way

The report recommended that the County consider widening the southbound shoulder at the Carpenter Street / Valley Way intersection to provide more pavement to allow vehicles to pass vehicles waiting to turn left onto Valley Way, or to consider changing the intersection to all-way stop control, which would eliminate the need for left-turn channelization altogether. It should be noted that the traffic volumes are relatively low on the minor street approaches, and the all-way stop warrant is not met at this location with or without the proposed project.

The recommendations are based on existing conditions, in order to improve operations for the vehicles already making these movements. Therefore, these improvements are not project related and the County should therefore implement them. The proposed project would add very few trips to the southbound left-turn movement (i.e., about 7 vehicles during the PM peak hour, which equates to an average of one additional vehicle every 8 minutes).

With all-way stop control, the intersection would operate at LOS B during the weekday AM and Saturday peak hours, and LOS C during the weekday PM peak hour. Taking into consideration the acceptable levels of service, low posted speed limits and low traffic volumes on the side streets at this intersection, impacts would not be expected with the implementation of all-way stop control. The County has indicated that widening the southbound shoulder would be preferable to implementing a four-way stop at this location, notwithstanding that it is virtually infeasible.

Length of Left-Turn Lane from Carpenter Street to Valley Way

This is non-applicable as the study did not recommend a left-turn lane at Valley Way.

Southbound Right-Turn Lane from Highway 1 to Valley Way

The traffic study recommended a right-turn flare on the approach to Valley Way, not a right-turn lane. The right-turn flare would provide deceleration for vehicles making the right turn from Highway 1 onto Valley Way. The traffic study also recommended increasing the radius at the northwest triangular 'corner' of the Highway 1 / Valley Way intersection to improve maneuverability for the southbound right turns from Highway 1 onto Valley Way. All

improvements at this intersection must be coordinated with Caltrans. Caltrans has informally been advised during a site visit and seen a copy of a concept plan for improvements at this intersection. They have agreed to it in conception on more than one occasion.

It should be noted that these recommendations are based on existing geometric deficiencies at this intersection and are not the result of any project impacts. Implementation of these improvements by the project applicant would be voluntary.

Chapman Letter

See Borgman letter.

CRA Letter

See Crawford, Heinz, and McDonald letters.

Crawford Letter #2

See Crawford letter #1.

Stamp Law Office Letter

Emergency Access

The emergency access will be gated to prevent residents from using it for non-emergency access. Keys are available to emergency vehicles only.

First, access to Unit 23 would be approximately 400 feet from Highway 1. Minimum distance requirements are not even provided in the Highway Design Manual for roadways other than freeways. Highway 1 is a multi-lane highway. The location of the Unit 23 driveway is acceptable per Caltrans standards. Therefore, the driveway is located a sufficient distance from Highway 1 as to not represent a hazardous condition.

Second, Valley Way is a local street with its primary function to provide access to the adjoining properties, such as Unit 23. It is lined with single family residential driveways and has a 25 miles per hour speed limit. A driveway serving Unit 23 is similar in nature to the other driveways along this roadway and does not represent a hazardous condition.

Parking

Per the project site plan (Figure 4.13-6 in the DEIR), 38 of the 46 units will have their own 2-car garage. The underground parking garage will contain 14 stalls and an additional 18 stalls will be provided as surface parking. The project's parking supply for residents and guests meets the requirements of the Monterey County Zoning Ordinance Section 21.58.040.

Existing Access from Highway 1

As discussed on page 4.13-17 of the DEIR, the existing direct access driveway from Highway 1 will be required to be closed by Caltrans (per Caltrans letter dated June 3, 2009). A new

driveway on Valley Way will provide primary access to and from the project site. This proposed access will be located southeast of the existing driveway. Emergency access will be provided via a gated driveway in the approximate location of the existing driveway on Valley Way.

Public Transportation

There is reasonably available public transportation within walking distance to the project site. Monterey Salinas Transit (MST) offers bus service from Carmel to the Edgewater Transit Exchange in Sand City (Route 11). Bus stops are located on Carpenter Street near Valley Way, about a 4-minute walk from the project site.

Ewen Letter

Project Impacts

Based on the significance criteria discussed in the introduction to this letter, the project would not have a significant project-level impact on any of the study intersections or road segments. However, the project would contribute to the incremental increase in traffic volumes on the regional road network under cumulative traffic conditions. Payment of the TAMC fee for cumulative impacts on the regional road network is an acceptable mitigation under CEQA and the proposed project will be required to do so.

Project Trip Generation

The project includes 46 condominium units. The ITE daily trip generation rate for condominiums was 5.86 daily trips per unit (46 x 5.86 = 269.56) when the TIA was prepared; however, it has gone down to 5.81 as of the 8th Edition of the ITE Trip Generation handbook. The ITE daily trip generation rate for single family detached homes is 9.57 daily trips per unit (7 x 9.57 = 66.99).

French Letter

Historic Trip Generation of Site

No data is available on the actual trips generated by the historic uses of the site. However, the site was home to the Community Hospital of the Monterey Peninsula (CHOMP) from about 1934 until 1961, and was then a convalescent hospital until 2005. Therefore the site was in use well after the end of the Great Depression. With that said, the trip generation estimates for the previous land uses were provided only for comparison purposes, using trip generation rates from the Institute of Transportation Engineers. These figures were not used in the analysis to compare the proposed project to the baseline condition.

The study did not estimate 2.9 car trips per day. It estimated 5.86 car trips per unit per day. See discussion on PMUAPCD letter for more information about the project's daily trip generation estimate of 269 vehicles per day.

Funding of Improvement Projects

Based on the significance criteria discussed in the introduction to this letter, the proposed project would have no significant impacts on the study road network. As a result, the status of funding of the recommended improvements (which were recommended to improve existing deficiencies) is not relevant.

P. Gillooly Letter

See Borgman letter and Stamp Law Office letter.

B. Gillooly Letter

Proposed Site Access

Access to the site will be via a new driveway on Valley Way, located southeast of the existing driveway. Emergency gated access will be provided in the approximate location of the existing driveway on Valley Way and will be constructed per County Fire Department standards.

Iversen Letter

Impacts to Valley Way

A discussion regarding the method of determining the significance of project impacts is provided in the introduction to this letter. The increases in traffic from the Villas de Carmelo will not represent a significant impact on Valley Way. The permits for the previous Convalescent Hospital are still valid. Nevertheless, no credit was given for the potential traffic that would be generated if this use was reactivated. The traffic counts were conducted between August 6th and August 11th, 2008 and were seasonally adjusted.

The CDF Monterey County Command Center was contacted by telephone. The representative said that there were no fires that would have affected traffic volumes on Highway 1 on or near the time of the traffic counts.

Highway 1 / Valley Way Intersection

See Borgman letter regarding southbound right-turn de-acceleration at Highway 1 / Valley Way.

3rd Avenue

The results of the traffic analysis indicate that the presence of project traffic in the vicinity of 3rd Avenue will have little impact. In addition, the closure of 3rd Avenue east of Carpenter Street would further discourage the use of 3rd Avenue to the project site, as it provides a circuitous route.

Karachale Letter

See Barnes and Borgman letters.

Kohler Letter

Lobos Street

The intersection was analyzed as if northbound Lobos Street traffic is stop controlled. The report should have indicated that the intersection is not stop controlled and that northbound Lobos Street traffic yields to traffic on Valley Way. If the intersection were analyzed with northbound Lobos Street traffic yielding to traffic on Valley Way, the results would have been identical. Therefore, it would not change the conclusions of the report.

Valley Way between Carpenter Street and Guadalupe Street

The report should have read "Valley Way between Carpenter Street and Guadalupe Street".

Southbound Left-Turn Lane at Carpenter Street / Valley Way Intersection

It would be desirable to have a southbound left-turn lane at the Carpenter Street / Valley Way intersection to remove vehicles waiting to make the left-turn from the stream of through traffic. Although the Monterey County left-turn warrant is met at this intersection under existing conditions, it is not applicable at this location because the Monterey County left-turn warrant is primarily used for high-speed roadways, where left-turning vehicles would require longer gaps in traffic to complete the left-turn movement. However, if the County determined that a left-turn lane should be implemented at this location regardless of the previous discussion, it would be based on existing conditions and would not be related to the proposed project. Therefore, the County would be responsible for implementing the improvement.

LePage Letter

Construction Impacts and Mitigations

Construction impacts and mitigations are described in Section 4.13 of the DEIR. Additional conditions are described in Monterey County Grading, Building, and Encroachment Permits. These will be imposed on the project as a routine part of the permitting process.

SEC.110-A of the Monterey County Encroachment Permit, item #6 states "In all cases where he or she has disturbed the existing surface of a County highway, replace, repair or restore such highway in accordance with the terms of his or her permit. In case his or her permit contains no such terms, then he or she shall do such replacing, repairing, or restoring at his or her own expense promptly upon completion of his or her permit work, in a good and workmanlike manner as directed by the applicable provisions of this Chapter, to as good condition as before the permit work started; provided, however, that if the surface which was disturbed was a bituminous-surfaced roadway, such surface shall be replaced, repaired or restored with not less than one and one-half inches, compacted in thickness, of asphaltic concrete surfacing, over a minimum of six inches, compacted, in depth, of aggregate base material of a type approved by the Public Works Director;"

Melendez Letter

Highway 1 / Valley Way Intersection

See the responses to the Heinz and Johnson letters. The proposed project will add an estimated 6 trips to the Highway 1 / Valley Way intersection during the AM and PM peak hours. This equates to approximately one additional vehicle every 10 minutes. This would represent an insignificant increase in traffic volumes at the intersection during the peak hours.

Highway 1 / Valley Way Intersection

The proposed project would add an estimated 54 daily trips to the Highway 1 / Valley Way intersection (i.e., about 20% of the project's total daily trips). Even if all the daily traffic were to occur between the hours of 6:00 AM and 6:00 PM (i.e., in 12 hours instead of 24 hours), this would equate to approximately one additional vehicle every 13 minutes. This would represent an insignificant increase in traffic volumes at the intersection on a daily basis.

Highway 1 / 3rd Avenue Intersection

The proposed project will add an estimated 5 trips to the Highway 1 / 3rd Avenue intersection during the AM and PM peak hours. This equates to approximately one additional vehicle every 12 minutes. This would represent an insignificant increase in traffic volumes at the intersection.

Messenger Letter

Existing Access

Per the Caltrans letter dated June 3, 2009, virtually any project at the site will necessitate the full closure and removal of the existing driveway access to Highway 1.

Peak Letter

Lower Trail

Project traffic is not expected to use Lower Trail. Traffic operations on Upper Trail and Lower Trail were not discussed because project traffic is not expected to use either roadway. Neither of these streets provides a reasonable travel route for project traffic to or from any destination. They are very circuitous and represent a longer travel time compared to either Highway 1 or Carpenter Street.

Monterey Street / 1st Avenue / Valley Way Intersection

The discussion regarding the north leg of Monterey Street / 1st Avenue / Valley Way intersection not being a private driveway has been noted. This intersection was analyzed and no project impacts were found. The corrected description of this leg does not change the results of the analysis.

Valley Way / Monterey Street / 1st Avenue Intersection

The traffic study analyzed the Valley Way / Monterey Street / 1st Avenue intersection accurately. No project impacts were identified at this location. Providing a larger scale map of the Upper Trail area and the northern leg of Monterey Street would not change the results of the analysis.

Highway 1 / Valley Way Intersection

The improvements recommended at the Highway 1 / Valley Way intersection would make it easier for vehicles to make the Highway 1 southbound right-turn and would improve safety as it would reduce the likelihood of vehicles encroaching into the opposing lane as they make the turn. These improvements were recommended based on existing conditions and are not related to the project. Caltrans implements projects through the State Transportation Improvement Program. Sometimes improvements are funded through a combination of state funds, federal funds as well as local matching funds. At this time the funding schedule is not determined. See the introductory statements at the beginning of this letter for a discussion of the fact that the project is not responsible to correct existing deficiencies.

Save Our Carmel Neighborhoods Coalition Letter

Scope and Method of Traffic Analysis

The study area was determined based on the amount of traffic expected to flow through the area. The proposed project would represent less than 0.2% and 0.3% of the total traffic on Highway 1 south of Ocean Avenue and north of Carpenter Street, respectively. The delay or level of service on these segments will not be altered because of a less than 0.2%t or 0.3% increase in traffic. Therefore the study area was not extended south of Ocean Avenue or north of Carpenter Street.

In addition, the writer cites the April 2009 PRDSEIR on the Carmel Valley Road Traffic Improvement Program (CVTIP) as reporting a level of service F on Highway 1 south of Ocean Avenue. The analysis of Highway 1 south of Ocean Avenue in the referenced report was based on a planning level methodology that used broader assumptions which yielded more conservative results.

According to the 2000 Highway Capacity Manual (HCM2000), the most appropriate classification of Highway 1 between Rio Road and Carpenter Street is an Urban Street. This is because it has four signals over its 1.9 mile length, resulting in an average signal spacing of about 0.6 miles. It also has a speed limit of 40 miles per hour. Alternative classifications in terms of determining level of service include multi-lane highway or two lane highway. Both of these assume much higher free flow speeds than Highway 1. The "Levels of Service" section of Chapter 10 of the HCM2000 states, "The average travel speed for through vehicles along an urban street is the determinant of the operating level of service (LOS)" and "Urban street LOS is based on average through-vehicle travel speed for the segment or for the entire street under consideration." Existing road segment and corridor traffic operations are effectively evaluated by performing travel time runs on the corridor. GPS (Geographical Positioning System) and GIS (Geographical Information System)-based technology provides an efficient method for collecting and evaluating arterial travel time data. The method involves the use of a test vehicle equipped with a global positioning device. As the test vehicle travels along the study corridor, the GPS

device records the position of the test vehicle in one to five second intervals. The collected data is used to determine the travel speed, travel time, and delays along the corridor.

GPS travel time runs were conducted on Highway 1 between Ocean Avenue and Carmel Valley Road on September 17th and October 1st, 2009. The results of the travel time runs are summarized in the table below. The results indicate that Highway 1 south of Ocean Avenue operates at LOS C in the northbound direction and LOS E in the southbound direction, not LOS F as stated in the April 2009 PRDSEIR. Based on the criteria for significant project impacts, the project would not have a significant impact on this road segment, as it would not degrade the existing LOS E to a lower level of service.

The proposed project will generate less pm peak hour traffic than the existing use on the project site three out of five weekdays, as discussed regarding the Crawford letter. Therefore, from an average daily traffic (ADT) perspective, the project will add less than one peak hour trip, thus representing a less than significant impact assuming any existing level of service.

GPS Travel Time Runs
Highway 1 Between Ocean Avenue and Carmel Valley Road

Northbound AM

Run No.	Distance (miles)	Time (sec)	Time (hours)	Speed (mph)	LOS
1	0.89	123	0.034	26.0	C
2	0.89	111	0.031	28.9	B
3	0.89	133	0.037	24.1	C
Average				26.3	C

Northbound PM

Run No.	Distance (miles)	Time (sec)	Time (hours)	Speed (mph)	LOS
1	0.89	102	0.028	31.4	B
2	0.89	146	0.041	21.9	D
3	0.89	114	0.032	28.1	B
Average				27.2	C

Southbound AM

Run No.	Distance (miles)	Time (sec)	Time (hours)	Speed (mph)	LOS
1	0.89	230	0.064	13.9	E
2	0.89	208	0.058	15.4	E
3	0.89	238	0.066	13.5	E
Average				14.3	E

Southbound PM

Run No.	Distance (miles)	Time (sec)	Time (hours)	Speed (mph)	LOS
1	0.89	190	0.053	16.9	E
2	0.89	192	0.053	16.7	E
3	0.89	193	0.054	16.6	E
Average				16.7	E

Urban Street LOS from HCM 2000 Exhibit 15-2

Speed (mph)	LOS
>35	A
>28 - 35	B
>22 - 28	C
>17 - 22	D
>13 - 17	E
≤13	F

Notes:
1. AM runs conducted on 9/17/09.
2. PM runs conducted on 10/1/09.
3. The following excerpt is from page 15-3 of the 2000 Highway Capacity Manual (HCM) describing the level of service methodology for urban streets. It states:

"This methodology provides the framework for the evaluation of urban streets. If field data on travel times are available, this framework can be used to determine the street's level of service (LOS). Also, the direct measurement of the travel speed along an urban street can provide an accurate estimate of LOS without using the computations presented in this chapter."

Adjustments to Account for Seasonal, School and Tourist Related Traffic

The methods used to adjust the counts to account for school traffic and seasonal variations are discussed on page 7 of the traffic study which is included as Appendix K of the DEIR. The table below presents the raw and adjusted traffic volumes. Columns A, B, C and D provide raw traffic counts with no seasonal or school adjustments. Columns A, B and C present data from previous counts conducted in August 2005, November 2006, and March 2008, respectively. The counts in columns A and C were conducted for other projects in the area, while the counts in column B were conducted for an earlier draft of the Villas de Carmelo traffic study.

Column D provides the most recent (August 2008) raw traffic counts that were conducted for the final Villas de Carmelo traffic study. Column E provides the adjusted data, which are the volumes that were used in the analysis. The data in column E includes the adjustments made for seasonal variations and for school not being in session during the August 2008 counts.

As can be seen in the table below, the volumes used in the analysis are in most cases considerably higher than the raw counts, whether they were conducted during the summer or during the school year. As a result, the analysis is conservative.

Raw Count Adjustments to Account for Seasonal, School and Tourist Related Traffic Variation

	Intersection	Total Volume Entering Intersection - **Raw Counts**								Total Volume Entering Intersection **Adjusted**		Percent Increase over August 2005		Percent Increase over Nov. 2006		Percent Increase over March 2008		Percent Increase over August 2008	
		August 2005		Nov. 2006		March 2008		August 2008		Analyzed Volumes									
		A		B		C		D		E		F		G		H		I	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
1	Highway 1 / Carpenter Street	-	-	3,774	4,742	-	-	3,688	4,913	4,341	5,303	-	-	15%	12%	-	-	18%	8%
2	Carpenter Street / Valley Way	-	-	583	727	-	-	533	838	724	995	-	-	24%	37%	-	-	36%	19%
3	Highway 1 / Valley Way	-	-	2,497	3,036	-	-	2,585	3,425	3,164	3,806	-	-	27%	25%	-	-	22%	11%
4	Highway 1 / Flanders	2,404	3,006	2,404	3,257	-	-	2,438	3,264	3,174	3,791	32%	26%	32%	16%	-	-	30%	16%
5	Highway 1 / Ocean Avenue	3,122	3,958	3,122	3,528	3,205	3,543	2,701	3,654	3,592	4,174	15%	5%	15%	18%	12%	18%	33%	14%
6	Lower Trail / Valley Way	-	-	-	-	-	-	28	80	62	80	-	-	-	-	-	-	121%	0%
7	Lobos Street / Valley Way	-	-	-	-	-	-	13	56	38	58	-	-	-	-	-	-	192%	4%
8	Valley Wy / 1st Ave. / Monterey St.	-	-	-	-	-	-	11	61	26	61	-	-	-	-	-	-	136%	0%
9	Monterey Street / 2nd Avenue	-	-	-	-	-	-	9	42	16	42	-	-	-	-	-	-	78%	0%
10	Carpenter Street / 1st Avenue	-	-	-	-	-	-	523	886	666	946	-	-	-	-	-	-	27%	7%
11	Carpenter Street / 2nd Avenue	-	-	-	-	-	-	531	905	689	964	-	-	-	-	-	-	30%	7%
12	Highway 1 / 3rd Avenue	-	-	-	-	-	-	2,586	3,424	3,174	3,809	-	-	-	-	-	-	23%	11%
13	Santa Fe Street / 3rd Avenue	-	-	-	-	-	-	278	467	361	497	-	-	-	-	-	-	30%	6%

Note: - = data not available

Method of Traffic Analysis

See Sanders letter and above. This study was conducted based on guidelines to satisfy CEQA requirements and Monterey County significance criteria as described in the introduction to this letter. The analysis performed under this study was using standard tools accepted by the local

agencies. We have adjusted the existing counts for seasonal variations and therefore we believe the results presented in this study are reliable.

Regional Traffic Studies

Both the Carmel Valley Traffic Improvement Program (CVTIP) and September Ranch traffic studies used broader, more conservative assumptions. For example, the peak hour factor for each intersection approach was used, rather than for the entire intersection in performing level of service calculations. The peak hour factor accounts for variations in traffic volumes within the peak hour, resulting in the level of service calculation actually only analyzing the peak 15 minutes within the peak hour. By using the peak hour factor for each intersection approach, it is not considering that the peak 15 minutes occurs at different times within the peak hour. It results in analyzing a condition that is much worse than actually exists. For example, at the Highway 1/Ocean Street intersection, the calculation used in the CVTIP traffic study used the peak east-west Ocean Street volumes that occurred from 7:30 to 7:45am with the peak northbound approach that occurred from 7:45 to 8:00am and the peak southbound approach that occurred from 8:15 to 8:30 am. The actual peak 15 minute period for all entering traffic occurred from 8:15 to 8:30 am. The above calculation overstates congestion. This same method of calculation occurred at all of the intersections in question.

A second issue is the inclusion of the right turn movement from southbound Highway 1 onto westbound Carpenter Street. Both the CVTIP and September Ranch traffic studies included the right turn volume as a permitted movement through the intersection. This movement actually occurs outside the intersection and is separated from the intersection by a larger triangular island. The Villas de Carmelo traffic study coded the right turn movement as a "free right," more accurately modeling it as a free flow movement that is not controlled by the traffic signal.

For the Highway 1 / Carpenter Street intersection, the LOS under cumulative conditions reported in this study were LOS C and LOS E for the AM and PM peak hours respectively. The CVTIP 2009 reports an LOS of C and D respectively for the same peak hours (Table 4-1). The marginal differences could be due to the project specific and focused analysis of the VdC study.

Traffic Counts

Traffic counts were conducted for 2 hours during the AM peak and 2 hours during the PM peak periods. The total vehicle counts during the PM peak were higher compared to the AM peak total volume counts for the 2 hour peak periods. This is reflected in the delay calculations. Also, the delay and volume are linear only at low volume to capacity ratios. At higher volume to capacity ratios, the delay is exponential. Therefore, for marginal increases of traffic volumes during the peak hour, the delay increase is exponentially higher.

Emergency Vehicle Operations

The proposed improvements for existing conditions at key intersections along Highway 1 would improve the traffic operations considerably. The average delay at each intersection will be virtually unchanged (one-tenth to one- half second increase) when the project traffic is added to the existing or cumulative conditions. Therefore the proposed project would not affect emergency vehicle operations.

Historic Data

Case law interpreting the CEQA Guidelines recognizes that historic uses can be considered in the determination of baseline conditions. Nevertheless, the traffic study in Appendix K of the DEIR clearly states that the calculations performed for this study do not account for the historic uses, that there was no credit applied for historic uses, and that the historic trip generation estimate was provided for comparison purposes only. Historic data is presented to give an indication that the trips generated by the proposed development are less than the trip generation of the developments in existence in the past. However, the analysis did not adjust or take credit for the reduction in traffic.

Also, see Crawford letter discussion regarding the existing use on the project site (Breakthrough Men's Community). As discussed, the proposed project would generate essentially the same average weekly PM peak hour traffic as the current uses on the site.

Project Traffic

As mentioned previously, this project traffic does not worsen the volume to capacity ratio of the Highway 1 corridor from the cumulative conditions, mainly because of the low number of trips that will be added to the Highway 1 traffic. The mitigation measures will be implemented as the funds become available through the local or state funds.

Project Trip Generation

The ITE trip generation rates provided include all trips using the facility including employee trips. ITE rates are the industry standard for CEQA documents. The use of an average Residential Condominium/Townhouse rate is also reasonable for this project.

Project Trip Generation

The trip generation rates used are based on overall aggregate use of the facility, including marginal changes in use such as subletting and student occupancy.

Project Trip Generation

The condominiums are two car garage dwelling units. The ITE studies were based on townhouses and condominiums and therefore the trip generation rates assumed are reasonable.

Project Trip Generation

The trip generation rate used was based on the number of dwelling units. The ITE rates were based on many studies of condominiums and therefore the rates are representative of the condominiums proposed.

Project Trip Generation

The study assumed full occupancy. Any lower occupancy will only reduce the impact.

Project Trip Generation

The study only mentions that the actual trip generation is likely to be lower because of the potential transit use. But the analysis in this study does not make any reduction in trip generation

for such transit use. Therefore any transit use has the potential to further reduce the already negligible traffic impacts.

Project Trip Generation

The trip generation rates used are for condominiums/townhouse types of development, which is the type that is proposed for development. Therefore the trip generation used will depict the potential population type.

Project Trip Generation

The basis of selecting this type of land use is the proposed development consists of condominiums, affordable housing and work-force housing units. It is reasonable to assume that the trip generation used will closely resemble the actual trip generation because the condominium/townhouse development is similar to condominium/affordable housing/workforce units.

Existing Conditions

The existing conditions analysis is sound. Information has been provided on the data used for the existing conditions. The trip generation rates used are conservative and the actual trip generation from the project is likely to be lower than the trip generation rates used for the analysis. Therefore this study satisfies the CEQA requirements.

LOS Analysis

The traffic impacts due to the project are quantified in sufficient detail as required by CEQA regulations. The details of Levels of Service and required mitigation measures are also provided. The mitigation measures have been evaluated and the resulting Levels of Service are also provided.

AADT-Based Analysis

The project analysis was conducted for peak hour conditions when the majority of the project trips will take place. During non peak hours, the trips generated by the project on an hourly basis are negligible. Those trips during non peak hours do not alter the volume to capacity ratios. Therefore an AADT based analysis is not necessary.

Mitigation Measures

The mitigations suggested were evaluated and found to mitigate the deficiencies as listed in the traffic study. The levels of service resulting from the mitigations proposed are found to be acceptable by the standards.

Construction Traffic Management Plan

Prior to the construction, the contractor is required to prepare a Construction Traffic Management Plan and obtain approval from the Monterey County Public Works Department and the California Department of Transportation. Both agencies have stringent requirements to avoid impacts to the traffic by the construction vehicles. Also, the construction vehicles are permitted only between 7:30 a.m. and 3:30 p.m. Parking is also restricted at residential streets.

Trip Distribution of Cumulative Projects

A review of the traffic studies for two of the largest pending projects in the area (i.e., September Ranch and Rancho Canada) indicates that the 50% assumption is conservative. The September Ranch study estimated 33% and the Rancho Canada study estimated 40% during the AM peak hour and 50% during the PM peak hour. These are consistent with the assumptions used in the Villas de Carmelo traffic study, especially given the fact that these projects are located in Carmel Valley and must use Highway 1 to access the major trip attractors on the Monterey Peninsula. Villas de Carmelo is located to the north of the segment of Highway 1 between Ocean and Carmel Valley Road, which is the opposite direction of the major attractors on the Peninsula.

Existing Conditions

All potential impacts have been quantified and mitigation measures have been developed for places where impacts are potentially significant. The supporting data for the existing conditions analysis is provided. Therefore the existing conditions analysis is sound. The cumulative conditions analysis is also quantified and mitigations measures have been developed where necessary. The existing and cumulative conditions analyses satisfy CEQA requirements.

Highway 1 Recommended Improvements

This project does not adversely impact the volume to capacity ratio of the Highway 1 corridor. The recommended improvements could happen in a phased manner as funds become available, which would reduce congestion. The payment of fees is an adequate mitigation according to CEQA.

CEQA Requirements

The study was performed complying with CEQA requirements and the impacts have been quantified and proper mitigation measures have been developed. The potential project trips are less than the trips generated by the historic land use of this property. The mitigation measures would adequately mitigate the potential impacts as evidenced by the analysis. Therefore the analysis fully satisfies CEQA requirements. Also, please see Crawford letter regarding the existing use on the project site (Breakthrough Men's Community).

Steele Letter

Recommended Improvements

The improvement is not a full right turn lane, but only a flare on the northwest corner. A conceptual plan is attached. This will not result in a loss of screening. The recommended flare will improve safety, rather than "heighten the danger of accidents" as described in discussion of Peak letter.

Stollorz Letter

Valley Way

There will be no physical change to Valley Way by the project other than improving the Highway 1 / Valley Way intersection as described in the discussions of the Peak and Steele letters.

Warren Letter

Method of Traffic Analysis

The traffic study followed industry standard procedures and methodologies. It was peer-reviewed by a third party and was found to adequately describe project impacts and mitigations.

Recommended Improvements

The recommended improvements are not mitigation for the proposed project. The improvements are recommended to improve operations under existing conditions, regardless of the proposed project. Based on the criteria for significant project impacts, the project would not have a significant impact on the study intersections or road segments.

Whitaker Letter

Method of Traffic Analysis

The standards used are appropriate for the area. Also see Warren letter.

HMNA Letter

Highway 1 / Carpenter Street-High Meadows Drive Intersection

The report did assess project impacts at the Highway 1 / Carpenter Street-High Meadows Drive intersection (study intersection #1 in the traffic study). Based on the significance criteria, the project would have no significant impacts at this intersection.

The recommendation to widen the shoulder on southbound Carpenter Street to allow through traffic to go around vehicles waiting to make the left-turn onto Valley Way would improve existing traffic operations. The County has indicated that widening the southbound shoulder would be preferable to implementing a four-way stop at this location.

Thank you for the opportunity to assist you with this project.

If you have any questions regarding the contents of this letter or need additional information, please do not hesitate to contact me at your convenience.

Respectfully submitted,

Keith B. Higgins, CE, TE
Vice President

kbh: jho

APPENDIX A
LEVEL OF SERVICE THRESHOLD VOLUMES FOR VARIOUS ROADWAY TYPES
TOTAL DAILY VOLUMES IN BOTH DIRECTIONS (ADT)

ROADWAY TYPE	CODE	LOS A	LOS B	LOS C	LOS D	LOS E
10-Lane Freeway	10F	71,000	110,000	154,000	178,000	202,000
8-Lane Freeway	8F	56,000	88,000	124,000	151,000	162,000
6-Lane Freeway	6F	43,000	66,000	94,000	113,000	122,000
8-Lane Expressway	8E	35,000	54,000	75,000	90,000	98,000
6-Lane Expressway	6E	28,000	42,000	56,000	67,000	74,000
4-Lane Freeway	4F	29,000	44,000	63,000	77,000	82,000
8-Lane Divided Arterial (w/ left-turn lane)	9	40,000	47,000	54,000	61,000	68,000
6-Lane Divided Arterial (w/ left-turn lane)	7	32,000	38,000	43,000	49,000	54,000
4-Lane Expressway	4E	18,000	27,000	36,000	45,000	50,000
4-Lane Divided Arterial (w/ left-turn lane)	5	22,000	25,000	29,000	32,500	36,000
4-Lane Undivided Arterial (no left-turn lane)	4	16,000	19,000	22,000	24,000	27,000
2-Lane Rural Highway	2R	4,000	8,000	12,000	17,000	25,000
2-Lane Arterial (w/ left-turn lane)	3	11,000	12,500	14,500	16,000	18,000
2-Lane Collector	2	6,000	7,500	9,000	10,500	12,000
2-Lane Local	1	1,200	1,400	1,600	1,800	2,000
1-Lane Freeway Diamond Ramp	1D	11,000	12,800	14,700	16,500	18,300
2-Lane Freeway Diamond Ramp	2D	22,000	25,600	29,400	33,000	36,600
1-Lane Freeway Loop Ramp	1L	9,000	10,500	12,000	13,500	15,000
2-Lane Freeway Loop Ramp	2L	16,000	18,700	21,300	24,000	26,700

Notes:

1. The above threshold volumes for preliminary planning purposes only. If available, the results of detailed level of service analyses will typically have priority over the levels of service derived from this table. In that case this table can be used by the analyst for providing additional considerations for recommending the appropriate general roadway type for the specific condition being analyzed.
2. All above facilities assume a 60%/40% peak hour directional split. All above facilities assume peak hour representing approximately 10% of the Average Daily Traffic (ADT), except for mainline freeway facilities, which assume peak hour representing 9% of the Average Daily Traffic (ADT).
3. Based on *Highway Capacity Manual*, Transportation Research Board, 2000.
4. Freeway thresholds are consistent with conditions utilizing a .95 peak hour factor, with 2% trucks and slightly over a one-mile average interchange spacing.
5. Expressways are consistent with the average of a multi-lane highway (with no signals) and Class 1 arterial (with an average signal spacing of 0.8 signals per mile and a .45 G/C ratio).
6. Arterial thresholds are consistent with the average of Class 1 and Class 2 arterials with an assumed signal density of two signals per mile. This assumes a divided arterial with left-turn lanes. Thresholds for four-lane undivided arterials assume approximately two-thirds the capacity of a four-lane divided arterial due to the impedance in traffic flow resulting from left-turning vehicles waiting in the inside through lane, thus significantly reducing the capacity of the roadway.
7. Rural highways are generally consistent with the *2000 Highway Capacity Manual* rural highway, assuming 8% trucks, 4% RV's, 20% no-passing, and level terrain. The greatest difference is that it assumes a maximum capacity (upper end of LOS E) of 25,000 rather than the 28,000 calculated using the new *Highway Capacity Manual*.
8. Two-lane collectors assume approximately three-fourths of the capacity of a two-lane arterial with left-turn lanes. This is based on the assumption that left-turn channelization is not provided on a two-lane collector.
9. Local street level of service thresholds are based upon "Neighborhood Traffic Related Quality-of-Life Considerations" which assumes a standard suburban neighborhood, 40-foot roadway width, and 25 mile per hour speed limit with normal speed violation rates.
10. Capacities for Diamond Ramps and Loop Ramps may be slightly higher or lower than the planning level capacities indicated above. The *2000 Highway Capacity Manual* (2000 HCM) states that the capacity of a one-lane diamond to be 2,200 vehicles per hour (vph), and 1,800 vph for a small radius loop ramp. Two-lane freeway ramp capacities are estimated in the 2000 HCM to be 4,400vph for a two-lane diamond, and 3,200vph 20 for a two-lane small radius loop. Varying intermediate capacities are provided for incremental conditions between these extremes. Capacities given for each service level assume the same level of service for the adjoining merging roadway as well as level of service being determined by volume-to-capacity and not attainable speed. Level of service will be controlled by freeway level of service if worse than ramp. Mitigations of level of service deficiencies may include the addition of a lane on the freeway ramp, the addition of an auxiliary lane on the freeway mainline, the addition of approach lanes at the ramp junction with the local intersecting street, and/or geometric modifications to improve the efficiency of the ramp itself or its termini. The appropriate mitigation should be determined on a case-by-case basis, considering freeway main line volumes and weaving, the extent that the freeway ramp volume exceeds the above planning thresholds, and the level of service of the ramp intersection with the local street.
11. All volumes are approximate and assume ideal roadway characteristics.

APPENDIX P-1

VILLAS DE CARMELO NET PROJECT TRIP GENERATION AND ASSIGNMENT, MONTEREY COUNTY, CALIFORNIA

Hatch Mott MacDonald

January 5, 2010

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Hatch Mott MacDonald

January 5, 2010

Widewaters Group
5786 Widewaters Parkway
P.O. Box 3
DeWitt, NY 13214

Attention: Kevin Kane
315-445-8543 | kkane@widewaters.com

Re: Villas de Carmelo Net Project Trip Generation and Assignment, Monterey County, California

Dear Kevin,

As you know, Hatch Mott MacDonald prepared the traffic impact analysis for the proposed Villas de Carmelo residential development in Monterey County, California. The *Villas de Carmelo Traffic Impact Report*, dated September 4, 2008, was included as part of the Draft Environmental Impact Report (DEIR) for the proposed project.

The site of the proposed project was home to the Community Hospital of the Monterey Peninsula (CHOMP) from about 1934 until 1961. More recently, the site was home to a convalescent hospital, Alzheimer's Clinic, Montessori school and pre-school until 2005. The site is currently occupied by a counseling group known as "Breakthrough Men's Community" which has been meeting at the site for approximately two years.

The proposed project's trip generation estimate used in the traffic impact analysis was conservative in that it did not apply any trip generation credit for the current allowable use on the site. Although the convalescent hospital is not active at the present time, its use permit is still valid. Therefore, the true net effect of the current proposal is the difference between the current proposal and the allowable use, not the current proposal and a vacant site.

The proposed project's net trip generation is shown in **Exhibit 1**. As can be seen in Exhibit 1, the proposed project will generate less traffic than the allowable convalescent hospital use on a daily basis as well as during the AM and PM peak hours.

Exhibit 2 shows the trip distribution and assignment for the previous land use (i.e., the convalescent hospital). The trip distribution and assignment were developed through consultation with the operator of the convalescent hospital.

The proposed project's trip distribution and assignment (which were obtained from the *Villas de Carmelo Traffic Impact Report*, dated September 4, 2008) are shown on **Exhibit 3**.

The difference between the current proposal and the allowable use (i.e., the "net" project trip assignment) is shown in **Exhibit 4**.

When compared to the allowable convalescent hospital land use, the proposed project will generate less traffic at virtually every intersection and every road segment in the study area. Based on the County of Monterey's significance criteria and the proposed project's net trip generation and assignment, the proposed project will not have a significant impact on the surrounding road network.

If you have any questions regarding the contents of this letter or need additional information, please do not hesitate to contact me at your convenience. Thank you for the opportunity to assist you with this project.

Respectfully submitted,

Keith B. Higgins, CE, TE
Vice President

kbh: jho

Convalescent Hospital vs. Villas de Carmelo Project Trip Generation

	ITE LAND USE CODE	PROJECT SIZE	DAILY TRIPS	WEEKDAY AM PEAK HOUR					WEEKDAY PM PEAK HOUR				
				TOTAL PEAK HOUR	% OF ADT	IN	/	OUT	TOTAL PEAK HOUR	% OF ADT	IN	/	OUT
TRIP GENERATION RATES [1]													
Residential Condominium/Townhouse (per unit)[2]	230		5.86	0.44	8%	17%	/	83%	0.52	9%	67%	/	33%
Pre-School (Day Care Center) (per student)[3]	565		4.48	0.80	18%	53%	/	47%	0.82	18%	47%	/	53%
Nursing Home (per bed)	620		2.37	0.17	7%	69%	/	31%	0.22	9%	33%	/	67%
Alzheimer's Clinic (Nursing Homel)[4]	620		2.37	0.17	7%	69%	/	31%	0.22	9%	33%	/	67%
PROPOSED USE													
Market Rate Condominiums	230	33 Units	193	15	8%	3	/	12	18	9%	12	/	6
Affordable Housing Units	230	9 Units	53	4	8%	1	/	3	5	9%	3	/	2
Workforce Housing Units	230	4 Units	23	2	9%	0	/	2	2	9%	1	/	1
Total Proposed Project Trip Genera ion		46 Units	269	21	8%	4	/	17	25	9%	16		9
ALLOWABLE USE													
Convalescent Hospital	620	78 Beds	185	13	7%	9	/	4	17	9%	6	/	11
Alzheimer's Clinic	620	4 Beds	9	1	11%	1	/	0	1	11%	0	/	1
Pre-School	565	25 Students	112	20	18%	11	/	9	21	19%	10	/	11
Total Allowable Use Trip Generation			306	34	11%	21	/	13	39	13%	16	/	23
NET PROJECT TRIP GENERATION (proposed use minus allowable use)			**-37**	**-13**		**-17**	**/**	**4**	**-14**		**0**		**-14**

Notes:

1. Trip genera ion rates published by Ins itute of Transportation Engineers, "Trip Generation", 7 h Edition, 2003, unless otherwise noted.
2. ITE Residential Condominium/Townhouse land use used for Market Rate Condominiums, Affordable Housing, and Workforce Housing land uses.
3. ITE does not have published rates for a pre-school land use. Rates used here are for a day care land use.
4. ITE does not have published rates for a an Alzheimer's clinic. Rates used here are for a nursing home land use.

Exhibit 1
Net Project Trip Generation

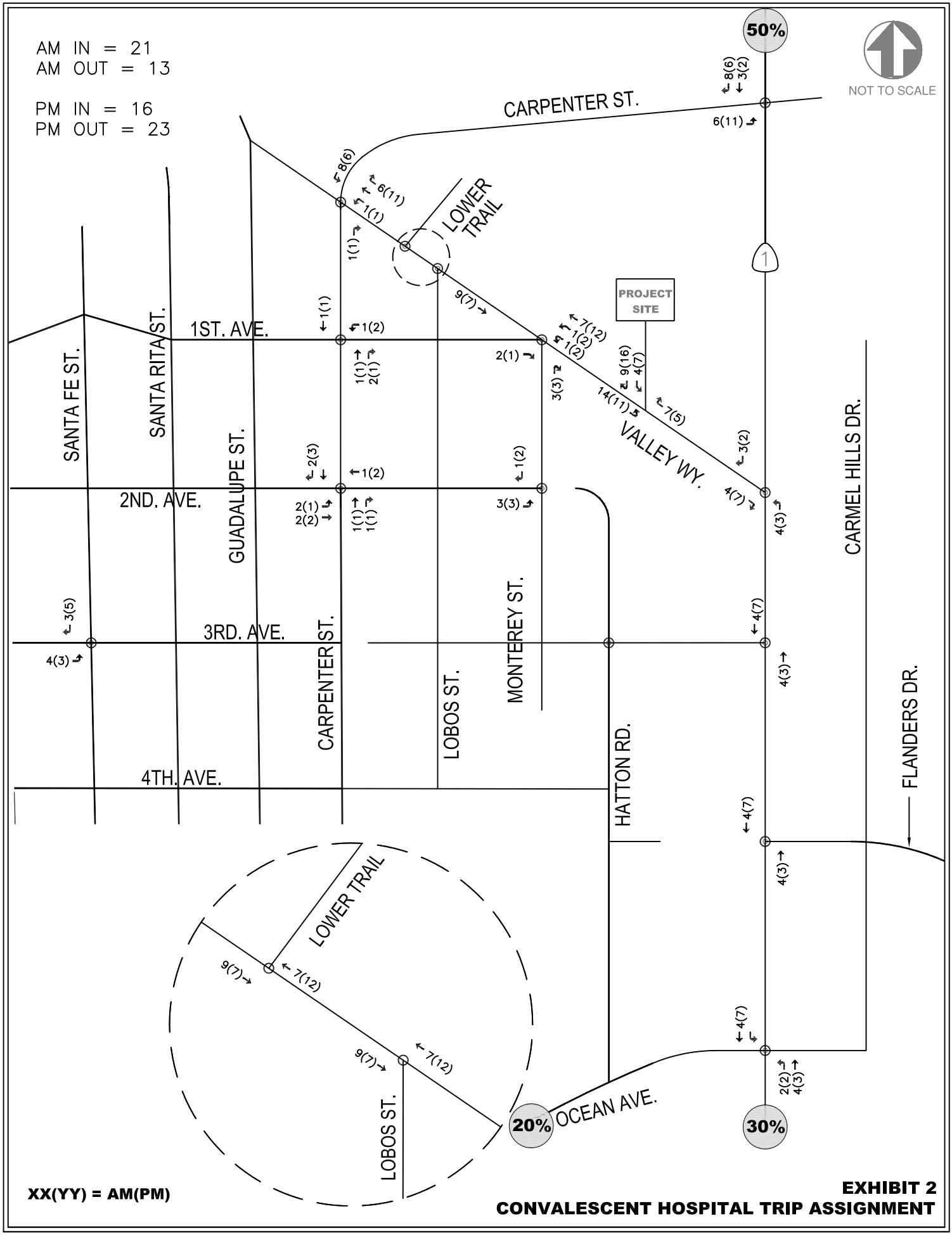

EXHIBIT 2
CONVALESCENT HOSPITAL TRIP ASSIGNMENT

Drawing: I:\2009\Jobs\266305 – Villas de Carmelo\266305.X0.01\266305 Volumes2.dwg
Layout: Convalescent Trip Assign Jan 05, 2010, 9:08am

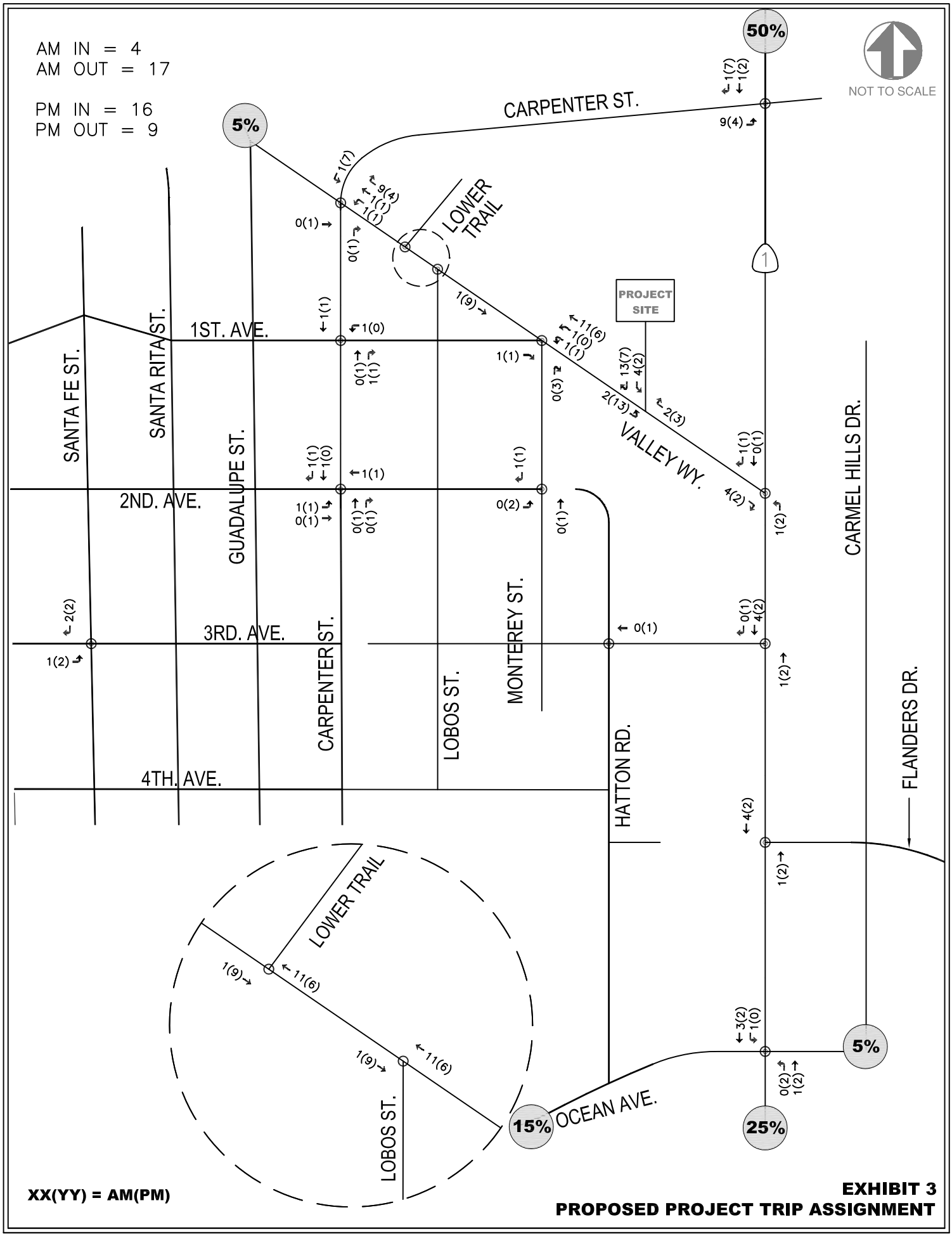

EXHIBIT 3
PROPOSED PROJECT TRIP ASSIGNMENT

Hatch Mott MacDonald

Drawing: I:\2009\Jobs\266305 – Villas de Carmelo\266305.X0.01\266305 Volumes2.dwg
Layout: Proposed Project Trip Assign Jan 05, 2010, 9:09am

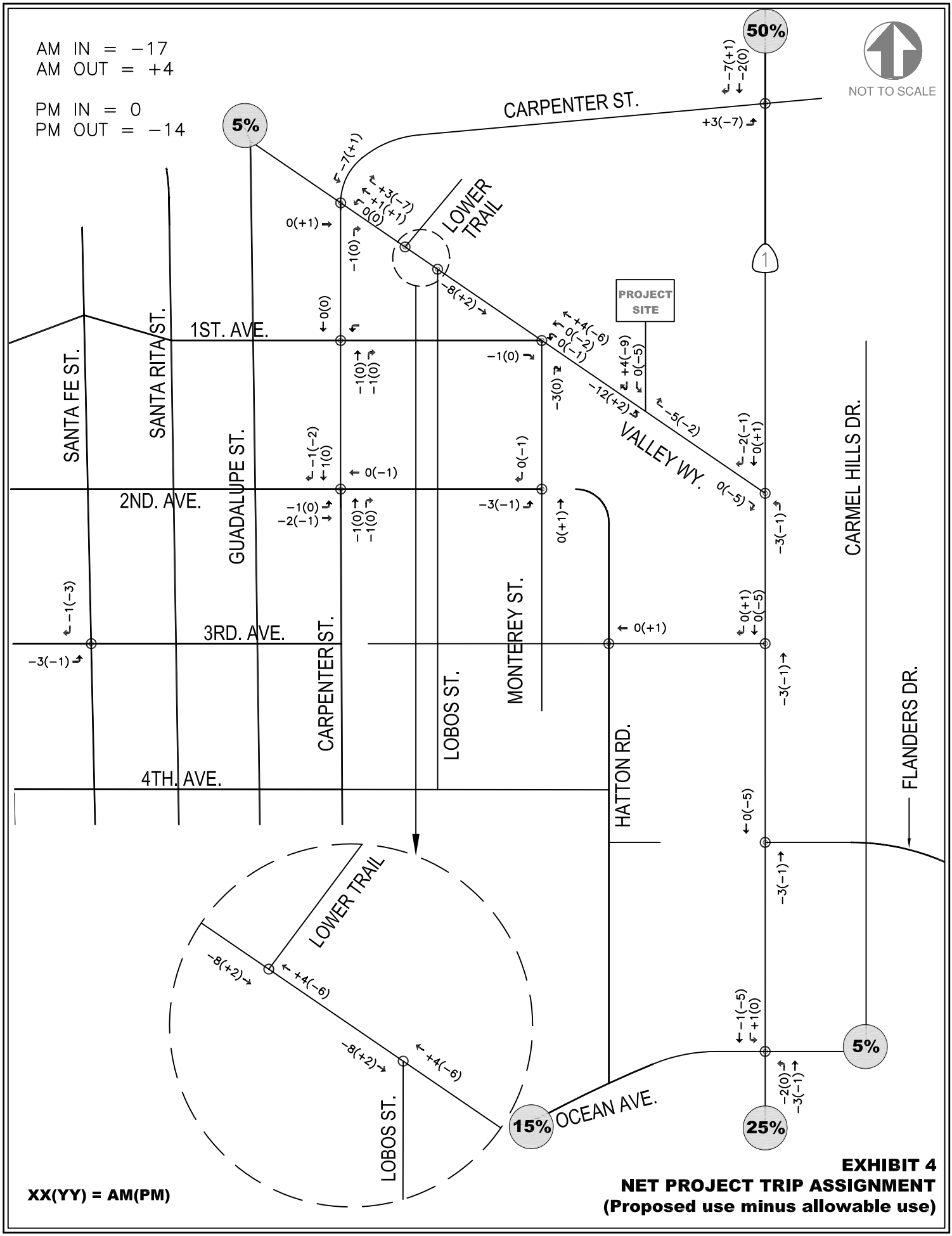

EXHIBIT 4
NET PROJECT TRIP ASSIGNMENT
(Proposed use minus allowable use)

Drawing: I:\2009\Jobs\266305 – Villas de Carmelo\266305.X0.01\266305 Volumes2.dwg
Layout: Net Project Trip Assign Jan 05, 2010, 9:09am

APPENDIX P-2

VILLAS DE CARMELO SUMMARY OF HIGHWAY 1

Hatch Mott MacDonald

April 2, 2010

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Hatch Mott MacDonald

1300-B First Street
Gilroy, CA 95020
T 408-848-3122 www.hatchmott.com

April 2, 2010

Widewaters Group
5786 Widewaters Parkway
P.O. Box 3
DeWitt, NY 13214

Attention: Kevin Kane
315-445-8543 | kkane@widewaters.com

Re: Villas de Carmelo – Summary of Issues Regarding Highway 1 South of Ocean Avenue

Dear Kevin,

As you know, Hatch Mott MacDonald prepared the traffic impact analysis for the proposed Villas de Carmelo residential development in Monterey County, California. The *Villas de Carmelo Traffic Impact Report*, dated September 4, 2008, was included as part of the Draft Environmental Impact Report (DEIR) for the proposed project. As you are also aware, there has been much discussion regarding possible impacts from the project on Highway 1, south of Ocean Avenue.

This letter serves as a brief summary of some of the issues surrounding this segment of Highway 1, and the conclusions we have drawn from a series of studies we've conducted pertaining to this road segment.

County Significance Criteria for Road Segments

The County's significance criteria for roadway segments states that a significant impact occurs if any roadway segment operating at LOS A through E degrades to a lower Level of Service of D, E, or F with the addition of project trips. If the segment is already operating at LOS F, the addition of a single trip is considered significant.

September 2008 Villas de Carmelo Traffic Impact Analysis

The September 2008 Villas de Carmelo traffic study analyzed 3 road segments:

1. Highway 1 between Carpenter Street and Valley Way (LOS C)
2. Highway 1 between Valley Way and Flanders Drive (LOS C)
3. Highway 1 between Flanders Drive and Ocean Avenue (LOS C)

These are all 4-lane segments that were analyzed as 4-lane expressway segments and all operate acceptably, as noted above.

November 2009 Addendum to Villas de Carmelo September 2008 Traffic Impact Analysis

Some of the public comments on the September 2008 traffic study were related to the segment of Highway 1, south of Ocean Avenue and made assertions that:

1. This segment should have been included in the analysis.

2. Based on other studies (i.e., Carmel Valley Traffic Improvement Program study) this segment operates at LOS F in the southbound.
3. Based on Monterey County significance criteria, the project would have a significant impact on this segment because it would add 3 AM peak hour trips and 2 PM peak hour trips to the segment in the southbound direction.

Our responses to these comments were:

1. It was not appropriate to include this segment in the analysis as the project would represent less than 0.3% of the total traffic on this segment.
2. We disagree with the methods that were used to analyze this segment in the Carmel Valley Traffic Improvement Program study. That study analyzed the segment as a rural highway, where we believe it should be analyzed as an urban street. Both Caltrans and County staff agree with us that it should be analyzed as an urban street. Our subsequent study of this segment (based on urban street methodology and GPS runs) indicates that it operates at LOS C in the northbound direction and LOS E in the southbound direction. Therefore;
3. Based on Monterey County significance criteria, the project would **NOT** have a significant impact on this segment because it would not cause the level of service E to degrade to a lower level of service.

January 2010 Net Trip Generation and Assignment Analysis

The September 2008 traffic study was very conservative and did not take into account the existing land uses on the project site. Our January 2010 analysis examined the existing and proposed uses on the site and concluded that, when compared to the existing use on the site, the proposed project would result in a net reduction (by one trip in the AM peak and five trips in the PM peak) in traffic on southbound Highway 1 south of Ocean Avenue.

Therefore, even if this segment should have been included in the analysis (which we don't agree), and even if it does operate at LOS F in the southbound direction (which we don't agree), the project still would not have a significant impact because the **net** trip generation would result in a **reduction** of traffic on this segment.

If you have any questions regarding the contents of this letter or need additional information, please do not hesitate to contact me at your convenience. Thank you for the opportunity to assist you with this project.

Very truly yours,

Hatch Mott MacDonald

Keith B. Higgins, PE, TE
Vice President
T 408.848.3122 F 408.848.2202
keith.higgins@hatchmott.com

kbh:jo

-----Original Message-----
From: Frank Boyle [mailto:frank_boyle@dot.ca.gov]
Sent: Monday, March 15, 2010 11:23 AM
To: Oates, Julie
Subject: Highway 001 Segment Analysis: Ocean Ave - Carmel Valley Rd

Dear Ms. Oates:

Highway 001 is more often analyzed as a Class II two-lane highway due to its lower speeds and scenic appeal. However the portion in question directly traverses an urban area with a high rate of incidence of private driveway access, has a pedestrian concentration, and a signal spacing of less than 2 miles. In light of the above mention characteristics Caltrans considers the Urban Streets methodology as valid for this application. The following figure depicts the segment in question relative to urban/rural designations.

Thank you for the opportunity to address this issue. Please contact me if you have any further questions.

(See attached file: 06p21.pdf)

Frank J. Boyle
Transportation Engineer
Caltrans, District 5
Phone: (805) 542-4760
Fax: (805) 549-3045
email: Frank_Boyle@dot.ca.gov

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APPENDIX Q-1

VILLAS DE CARMEL TRAFFIC IMPACT ANALYSIS – SUPPLEMENTAL ROADWAY SEGMENT ANALYSIS

Hexagon Traffic Consultants

February 17, 2010

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HEXAGON TRANSPORTATION CONSULTANTS, INC.

MEMORANDUM

To: Denise Duffy, Denise Duffy & Associates

From: Robert Del Rio

Date: February 17, 2010

Subject: *Villas De Carmelo Traffic Impact Analysis – Supplemental Roadway Segment Analysis*

This memorandum summarizes the roadway segment analysis as presented in the Villas De Carmelo traffic impact analysis report, dated September 4, 2008, by Higgins Associates and describes the new analysis of two additional roadway segments as a supplement to the original analysis. The analysis of the additional roadway segments was completed by Hexagon and is based on traffic volumes contained in the September 4 traffic study.

The traffic study report includes the analysis of three roadway segments along Highway 1, between Carpenter Street and Ocean Avenue. The two additional roadway segments included in this analysis are:

- Highway 1 between Holman Highway and Carpenter Street (north of the study segments included in the TIA), and
- Highway 1 between Ocean Avenue and Carmel Valley Road (south of the study segments included in the TIA).

The analysis of the two additional roadway segments on Highway 1 showed that the segment of Highway 1 between Holman Highway and Carpenter Street, described as a four-lane freeway, currently operates at LOS C during the AM, PM and Saturday peak hours and it is projected to continue operating at no worse than LOS D under cumulative conditions.

For the analysis of the second additional roadway segment, the segment of Highway 1 between Ocean Avenue and Carmel Valley Road, the level of service was evaluated based on the direction of travel since this roadway segment consists of two northbound lanes and one southbound lane. For the northbound direction, the northbound traffic volumes on this segment were compared to the level of service volume capacities for a two-lane rural highway. For the southbound direction, the southbound traffic volumes on this segment were compared to the capacities for a two-lane highway, as prescribed in the *Highway Capacity Manual* (HCM) 2000. The HCM 2000 (page 20-3) identifies a capacity of 1,700 passenger cars per hour per lane in each direction of travel. The conversion of passenger cars to volume results in a lane capacity of 1,500 vehicles per hour. Based on these assumptions, it was projected that the northbound direction of the segment of Highway 1 between Ocean Avenue and Carmel Valley Road currently operates at LOS D during the AM and Saturday peak hours, at LOS E during the PM peak hour, and it is projected to continue operating at no worse than LOS E under cumulative conditions. For the same roadway segment in the southbound direction, the existing level of service is shown to be LOS F during all three peak hours analyzed.

Based on the County of Monterey significance criteria for roadway segments, a significant impact occurs if any roadway segment operating at LOS A through E degrades to a lower level of service of D, E, or F with the addition of project trips. If the segment is already operating at LOS F, the addition of a single project trip to that segment is considered significant. Therefore, the project is projected to have a significant impact on the southbound segment of Highway 1 between Ocean Avenue and Carmel Valley Road.

7888 Wren Avenue, Suite B-121 • Gilroy, California 95020
phone 408.846.7410 • fax 408.846.7418 • www.hextrans.com

The effect of project traffic on the analyzed roadway segments is based on the gross estimated trips to be generated by the proposed project. The analysis does not apply any credit/discount to the estimated trips for historical/approved/existing uses of the site. Should the credit be applied to the estimated trip generation for the project, the net added trips to the Highway 1 southbound segment between Ocean Avenue and Carmel Valley Road would be less than one trip. Thus, the addition of project traffic would not result in an impact to the identified segment.

Additionally, the roadway segment analysis utilizes County of Monterey significance criteria for a Caltrans facility. The Caltrans level of service standard for freeway facilities is stated as the transition between LOS C and D. Though there are no established Caltrans significance criteria, historically the addition of traffic equivalent to 1% or more of a freeway segment capacity already operating at LOS F has been considered an impact. Therefore, utilizing the Caltrans and capacity thresholds, the project would not result in an impact to the identified segment

The results of the roadway segment level of service analysis are summarized in Table 1.

Table 1
Roadway Segment Level of Service Summary

Segment	Direction	HCM Classification	Number of Lanes	Existing Conditions						Existing + Project Conditions						Cumulative Conditions						Cumulative + Project Conditions					
				AM Peak Hr		PM Peak Hr		Sat Peak Hr		AM Peak Hr		PM Peak Hr		Sat Peak Hr		AM Peak Hr		PM Peak Hr		Sat Peak Hr		AM Peak Hr		PM Peak Hr		Sat Peak Hr	
				Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS	Volume (vph)	LOS
Highway 1 btw Holman Highway and Carpenter Street /a/	Both	4E	4-lane Freeway	4,160	C	5,188	C	4,760	C	4,171	C	5,201	C	4,818	C	4,601	C	5,786	D	5,358	C	4,612	C	5,799	D	5,416	C
Highway 1 btw Carpenter Street and Valley Way /b/	Both	4E	4-lane Expressway	3,132	C	3,777	D	3,658	D	3,133	C	3,779	D	3,660	D	3,569	C	4,042	D	4,249	D	3,570	C	4,370	D	4,251	D
Highway 1 btw Valley Way and Flanders Drive /b/	Both	4E	4-lane Expressway	3,160	C	3,799	D	3,689	D	3,165	C	3,804	D	3,694	D	3,597	C	4,390	D	4,280	D	3,602	D	4,395	D	4,285	D
Highway 1 btw Flanders Drive and Ocean Avenue /b/	Both	4E	4-lane Expressway	3,099	C	3,693	D	3,618	D	3,104	C	3,697	D	3,622	D	3,536	C	4,284	D	4,209	D	3,541	C	4,288	D	4,213	D
Highway 1 btw Ocean Avenue and Carmel Valley Road /a/	NB	2R	2-lane Rural Highway	1,387	D	1,899	E	1,647	D	1,388	D	1,903	E	1,651	D	1,688	D	2,125	E	1,873	E	1,689	D	2,129	E	1,877	E
	SB		1 lane /c/	1,625	F	1,582	F	1,631	F	1,628	F	1,584	F	1,633	F	1,756	F	1,940	F	1,989	F	1,759	F	1,952	F	1,991	F

Source: Villas De Carmelo Traffic Impact Analysis, September 4, 2008, by Higgins Associates
/a/ Additional roadway segments analyzed by Hexagon.
/b/ Roadway segments included in the Villas De Carmelo traffic impact analysis.
/c/ Assumes capacity of 1,500 vehicles per hour (vph) per HCM 2000.

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APPENDIX Q-2

VALLEY WAY CONCEPTUAL PLANS

Hatch Mott MacDonald (HMM)
Hexagon Traffic Consultants/Monterey County Public Works Revised HMM Plan

May 20, 2010

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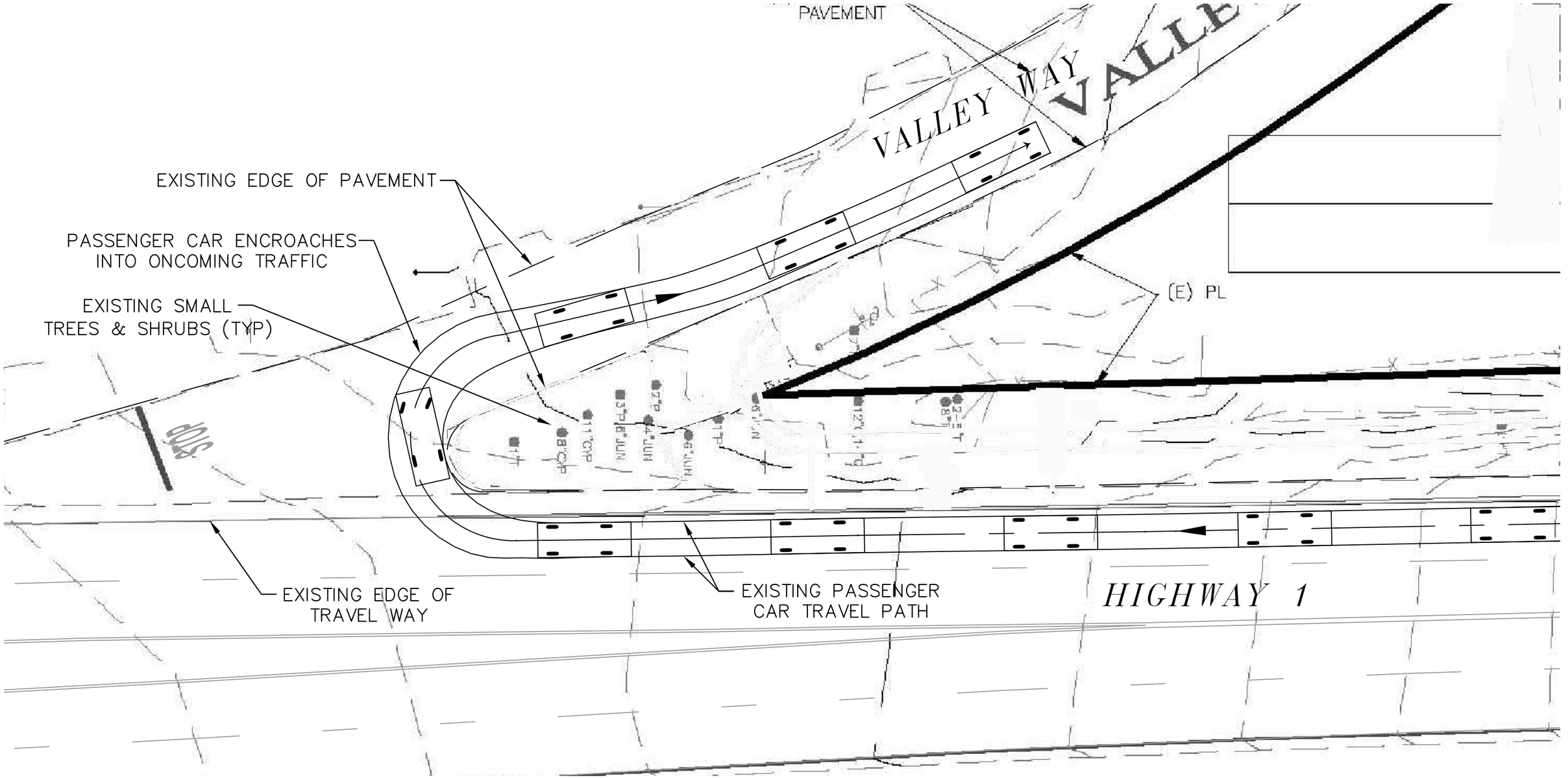

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)

1 inch = 20 ft.

CONCEPTUAL PLAN ONLY
NOT FOR CONSTRUCTION

Hatch Mott MacDonald
1300-B FIRST STREET
GILROY, CA 95020
(408)848-3122
WWW.HATCHMOTT.COM

HIGHWAY 1 / VALLEY WAY
VILLAS DE CARMELO

EXISTING CONDITIONS

DATE: 5-20-10
KEITH B. HIGGINS, P.E., T.E.

Designed By: KBH
Drawn By: JHO Checked By:

MONTEREY COUNTY
CALIFORNIA

EX-1
SHEET 1 OF 2

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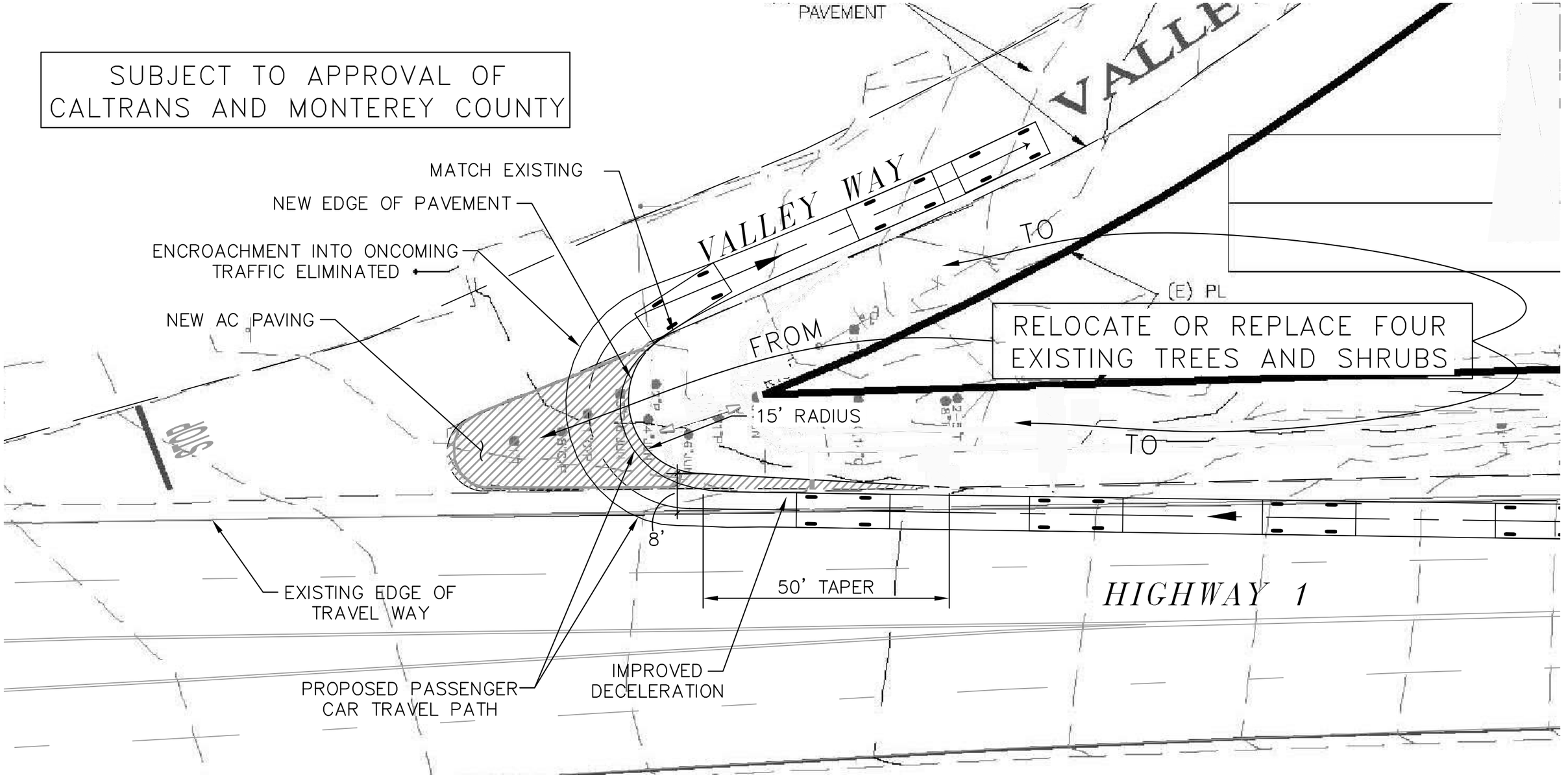
May 20, 2010, 11:10am

SUBJECT TO APPROVAL OF
CALTRANS AND MONTEREY COUNTY



GRAPHIC SCALE

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(IN FEET)

1 inch = 20 ft.

CONCEPTUAL PLAN ONLY
NOT FOR CONSTRUCTION

DATE: 5-20-10

KEITH B. HIGGINS, P.E., T.E.

Designed By: KBH
Drawn By: JHO Checked By:

Hatch Mott MacDonald
1300-B FIRST STREET
GILROY, CA 95020
(408)848-3122
WWW.HATCHMOTT.COM

HIGHWAY 1 / VALLEY WAY
VILLAS DE CARMELO

PROPOSED
IMPROVEMENTS

MONTEREY COUNTY
CALIFORNIA

L-1
SHEET 2 OF 2

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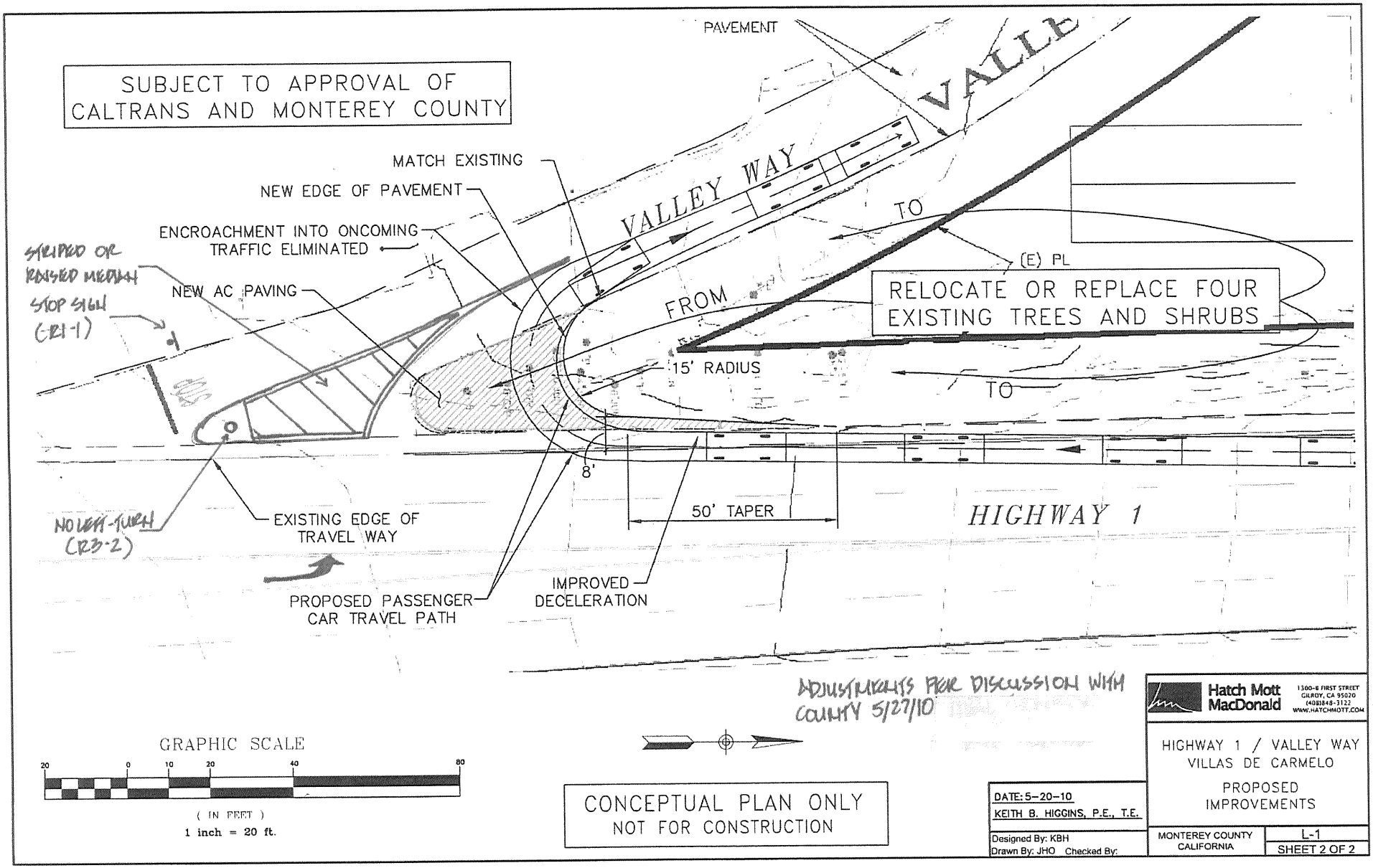
May 20, 2010, 11:11am



Per County Public Works Hexagon 2010

Valley Way Improvements May 27. 2010

As Revised from Applicants Submittal

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APPENDIX R

MPWMD CORRESPONDENCE AND WATER CALCULATIONS
RE: VILLAS DE CARMELO PROJECT, HWY ONE & VALLEY WAY, CARMEL – DRAFT ENVIRONMENTAL IMPACT REPORT DATED APRIL 2009, COUNTY'S FILE NUMBER: PLN070497

Stephanie Pintar

August 10, 2009

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MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5601
FAX (831) 644-9558 • http://www.mpwmd.dst.ca.us

August 10, 2009

Ms. Elizabeth Gonzales, Planner
County of Monterey Resource Management Agency
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901

Subject: Villas De Carmelo Project, Hwy One & Valley Way, Carmel – Draft Environmental Impact Report dated April 2009, County's File Number: PLN070497, State Clearinghouse #2002111038, APNs: 009-061-002, 003, and 005

Dear Ms. Gonzales:

The Monterey Peninsula Water Management District (MPWMD or District) has had the opportunity to review the water demand estimates for the Villas De Carmelo Project, Hwy One & Valley Way, Carmel. In our initial response dated June 3, 2009, the District indicated that the 6.856 AFY estimate included in the April 2009 Draft Environmental Impact Report may be low because of vague project description. On August 5, 2009, Mr. Edward G. Shagen, Director of Development for Widewaters provided the District with a spreadsheet showing the breakdown of the number and type of water fixtures for the proposed residential units, along with the square-footage of the recreation room for the District's review. Mr. Shagen requested District staff confirm the water demand estimates in the attached revised August 5, 2009 spreadsheet.

District staff concurs with Mr. Shagen's water demand estimates of 6.164 AFY in the attached spreadsheet for eight one-bath residential units, eighteen two-baths residential units, and 20 two and one-half bathroom residential units and 4,450 square feet of Group I uses. All residential units will be equiped with High Efficiency Toilets and High Efficiency appliances. A final review of the demand projection will be required prior to building permit approval. Each water permit application will be conditioned to comply with MPWMD's water conservation requirements for new construction, the proposed low water consumption features, and will be subject to the rules in effect at the time a complete Water Release and Water Permit application is received.

Thank you for the opportunity to review and provide feedback on the County of Monterey's Draft Environmental Impact Report dated April 22, 2009 for the Villas De Carmelo Project, Hwy One & Valley Way, Carmel. We trust that our comments will be addressed in the Final EIR for the project. If you have any questions or would like to discuss our comments, please contact me or Gabriela Ayala at 658-5601.

Sincerely,

Stephanie Pintar
Water Demand Manager

Enclosure: August 5, 2009 Water Demand Estimates Spreadsheet

cc: Henrietta Stern, MPWMD Project Manager
Edward G. Shagen, Widewaters Director of Development

Table No. 2 Post Project Fixture Count
(All fixtures after project)

Type of Fixture	Affordables								Work Force					Market							Fixtures		Value		Count
	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6	Unit 7	Unit 8	Unit 9	Unit 10	Unit 11	Unit 12	Unit 13	Unit 14	Unit 15	Unit 16	Unit 17	Unit 18	Unit 19	Unit 20					
Wash Basin - each	1	1	1	1	1	1	1	1	2	2	2	2	2	3	2	2	3	3	3	3	37	x 1.0 units =	37
Wash Basin 2nd in Master Bath									1	1	1	1	1	1	1	1	1	1	1	1	12	x 0.0 units =	0
Toilet, ultra-low flow-1.6 gallons-per flush																					0	x 1.7 units =	0
Toilet, ultra-low flow-1.0 gallons-per flush*	1	1	1	1	1	1	1	1	2	2	2	2	2	3	2	2	3	3	3	3	37	x 1.3 units =	48.1
Toilet, ultra-low flow-half gallon-per flush*																					0	x 1.0*units =	0
Urinal (0.5) gallon-per-flush)																					0	x 1.0 units =	0
Urinal (1.0) gallon-per-flush)																					0	x 0.5 units =	0
Waterless Urinal*																					0	x 0.0 units =	0
Large bathtub (over 55 gallons capacity to overflow																					0	x 3.0 units =	0
Master Bath - Tub with separate shower stall									1	1	1	1	1	1	1	1	1	1	1	1	12	x 3.0 units =	36
Standard bathtub (may have showerhead above	1	1	1	1	1	1	1	1													8	x 2.0 units =	16
Shower, separate stall (one showerhead)									1	1	1	1	1	1	1	1	1	1	1	1	12	x 2.0 units =	24
Shower, (additional head, 2 max per shower)																					0	x 2.0 units =	0
Shower system or custom shower (per specs.)																					0	x _____ =	
Kitchen sink and dishwasher																					0	x 2.0 units =	0
Kitchen sink and ULF dishwasher*	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	x 1.5 units =	30
Dishwasher (each additional)																					0	x 2.0 units =	0
Laundry/utility sink (sink (1 only per residential site)																					0	x 2.0 units =	0
Washing Machine																					0	x 2.0 units =	0
ULF Washing Machine-up to 28 gallons per cycle*	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	x 1.5 units =	30
ULF Washing Machine-less than 18 gallons per cycle*																					0	x 1.0 units =	0
Bidet																					0	x 2.0 units =	0
Bar Sink																					0	x 1.0 units =	0
Entertainment sink																					0	x 1.0 units =	0
Vegetable sink																					0	x 1.0 units =	0
Instant Access Hot Water System (fixture credit)																					0	x (.5) units =	0
Other_____																					0	x _____ =	0
(credit for hot water system not available for new houses)																							
Subtotal proposed fixtures	5	5	5	5	5	5	5	5	9	9	9	9	9	11	9	9	11	11	11	11		=	
																						=	
Swimming pool (ea. 100 sq. ft. of surface)																					_____	x 1.0 units =	0
PROPOSED FIXTURE UNIT COUNT																						**TOTAL** =	**221.1**

*DEED RESTRICTION REQUIRED

SUBMITTED BY APPLICANT

Table No. 2 Post Project Fixture Count
(All fixtures after project)

Market ---------- Hospital (dn) ---------- Hospital (up)----------

Type of Fixture	Unit 21	Unit 22	Unit 23	Unit 24	Unit 25	Unit 26	Unit 27	Unit 28	Unit 29	Unit 30	Unit 31	Unit 32	Unit 33	Unit 34	Unit 35	Unit 36	Unit 37	Unit 38	Unit 39	Unit 40	Fixtures	Value	Count
Wash Basin - each	3	3	3	3	3	2	2	3	3	3	3	3	3	2	2	2	2	2	2	2	51	x 1.0 units =	51
Wash Basin 2nd in Master Bath	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	x 0.0 units =	0
Toilet, ultra-low flow-1.6 gallons-per flush																					0	x 1.7 units =	0
Toilet, ultra-low flow-1.0 gallons-per flush*	3	3	3	3	3	2	2	3	3	3	3	3	3	2	2	2	2	2	2	2	51	x 1.3 units =	66.3
Toilet, ultra-low flow-half gallon-per flush*																					0	x 1.0 units =	0
Urinal (0.5) gallon-per-flush)																					0	x 1.0 units =	0
Urinal (1.0) gallon-per-flush)																					0	x 0.5 units =	0
Waterless Urinal*																					0	x 0.0 units =	0
Large bathtub (over 55 gallons capacity to overflow																					0	x 3.0 units =	0
Master Bath - Tub with separate shower stall	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	x 3.0 units =	60
Standard bathtub (may have showerhead above																					0	x 2.0 units =	0
Shower, separate stall (one showerhead)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	x 2.0 units =	40
Shower, (additional head, 2 max per shower)																					0	x 2.0 units =	0
Shower system or custom shower (per specs.)																					0	x _____ =	
Kitchen sink and dishwasher																					0	x 2.0 units =	0
Kitchen sink and ULF dishwasher*	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	x 1.5 units =	30
Dishwasher (each additional)																					0	x 2.0 units =	0
Laundry/utility sink (sink (1 only per residential site)															1						1	x 2.0 units =	2
Washing Machine																					0	x 2.0 units =	0
ULF Washing Machine-up to 28 gallons per cycle*	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	x 1.5 units =	30
ULF Washing Machine-less than 18 gallons per cycle*																					0	x 1.0 units =	0
Bidet																					0	x 2.0 units =	0
Bar Sink																					0	x 1.0 units =	0
Entertainment sink																					0	x 1.0 units =	0
Vegetable sink																					0	x 1.0 units =	0
Instant Access Hot Water System (fixture credit)																					0	x (.5) units =	0
Other_____																					0	x _____ =	0
(credit for hot water system not available for new houses)																						=	
Subtotal proposed fixtures	11	11	11	11	11	9	9	11	11	11	11	11	11	9	10	9	9	9	9	9		=	
Swimming pool (ea. 100 sq. ft. of surface)																					_____	x 1.0 units =	0
PROPOSED FIXTURE UNIT COUNT																						**TOTAL** =	279.3

*DEED RESTRICTION REQUIRED

SUBMITTED BY APPLICANT

Table No. 2 Post Project Fixture Count
(All fixtures after project)

Type of Fixture	Hosp.(up) Unit 41	Unit 42	Market---------- Unit 43	Unit 44	Unit 45	Unit 46	n/a---------- Unit 47	Unit 48	Unit 49	Gym	Fixtures	Value	Count	Fixture Total	Count Total
Wash Basin - each	2	2	3	3	3	3				0	16	x 1.0 units =	16	104	104
Wash Basin 2nd in Master Bath	1	1	1	1	1	1					6	x 0.0 units =	0	38	0
Toilet, ultra-low flow-1.6 gallons-per flush										0	0	x 1.7 units =	0	0	0
Toilet, ultra-low flow-1.0 gallons-per flush*	2	2	3	3	3	3					16	x 1.3 units =	20.8	104	135.2
Toilet, ultra-low flow-half gallon-per flush*											0	x 1.0 units =	0	0	0
Urinal (0.5) gallon-per-flush)											0	x 1.0 units =	0	0	0
Urinal (1.0) gallon-per-flush)										0	0	x 0.5 units =	0	0	0
Waterless Urinal*											0	x 0.0 units =	0	0	0
Large bathtub (over 55 gallons capacity to overflow											0	x 3.0 units =	0	0	0
Master Bath - Tub with separate shower stall	1	1	1	1	1	1					6	x 3.0 units =	18	38	114
Standard bathtub (may have showerhead above											0	x 2.0 units =	0	8	16
Shower, separate stall (one showerhead)	1	1	1	1	1	1				0	6	x 2.0 units =	12	38	76
Shower, (additional head, 2 max per shower)											0	x 2.0 units =	0	0	0
Shower system or custom shower (per specs.)											0	x _____ =		0	0
Kitchen sink and dishwasher											0	x 2.0 units =	0	0	0
Kitchen sink and ULF dishwasher*	1	1	1	1	1	1					6	x 1.5 units =	9	46	69
Dishwasher (each additional)											0	x 2.0 units =	0	0	0
Laundry/utility sink (sink (1 only per residential site)											0	x 2.0 units =	0	1	2
Washing Machine											0	x 2.0 units =	0	0	0
ULF Washing Machine-up to 28 gallons per cycle*	1	1	1	1	1	1					6	x 1.5 units =	9	46	69
ULF Washing Machine-less than 18 gallons per cycle*											0	x 1.0 units =	0	0	0
Bidet											0	x 2.0 units =	0	0	0
Bar Sink											0	x 1.0 units =	0	0	0
Entertainment sink											0	x 1.0 units =	0	0	0
Vegetable sink											0	x 1.0 units =	0	0	0
Instant Access Hot Water System (fixture credit)											0	x (.5) units =	0	0	0
Gym/Lounge area Commercial use Type I @ .0007/SF											4450	x .007units/sf=	31.15	0	0
(credit for hot water system not available for new houses)												=			
Subtotal proposed fixtures	9	9	11	11	11	11	0	0	0	0	423	=		423	585.2
												TOTAL =	115.95		

PROPOSED FIXTURE UNIT COUNT

*DEED RESTRICTION REQUIRED

	Project Total	**616.35**	unit
	=	**6.1635**	AF
Existing Allocation			
65 bed skilled nurses facility	65 x .12AF/bed =	**7.8**	
Alzheimers clinic	6080 x.00007AF/SF	**0.4256**	
		8.2256	AF
Project Total		**6.1635**	AF
Existing Allocation		**8.2256**	AF
Total Surplus		**2.0621**	AF

SUBMITTED BY APPLICANT

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APPENDIX S

MONTEREY COUNTY USE PERMIT #863

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RESOLUTION NO. 4638
MONTEREY COUNTY PLANNING COMMISSION
STATE OF CALIFORNIA

Granting Use
Permit #563

WHEREAS: The Planning Commission of the County of Monterey, State of California, has considered the application of Community Hospital for Use Permit No. 563, in accordance with Section 32 of Ordinance No. 911, the Zoning Ordinance of the County of Monterey, and,

WHEREAS: The said Planning Commission finds that the establishment or maintenance of the use for which application is made will not be injurious to property or improvements or detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of such use, now therefore, be it

RESOLVED: That said Planning Commission hereby grants said Use Permit, thereby allowing the establishment of a convalescent home on portion of Lot 4 and portion of Master Property in Canada de la Segunda Rancho, Carmel area,

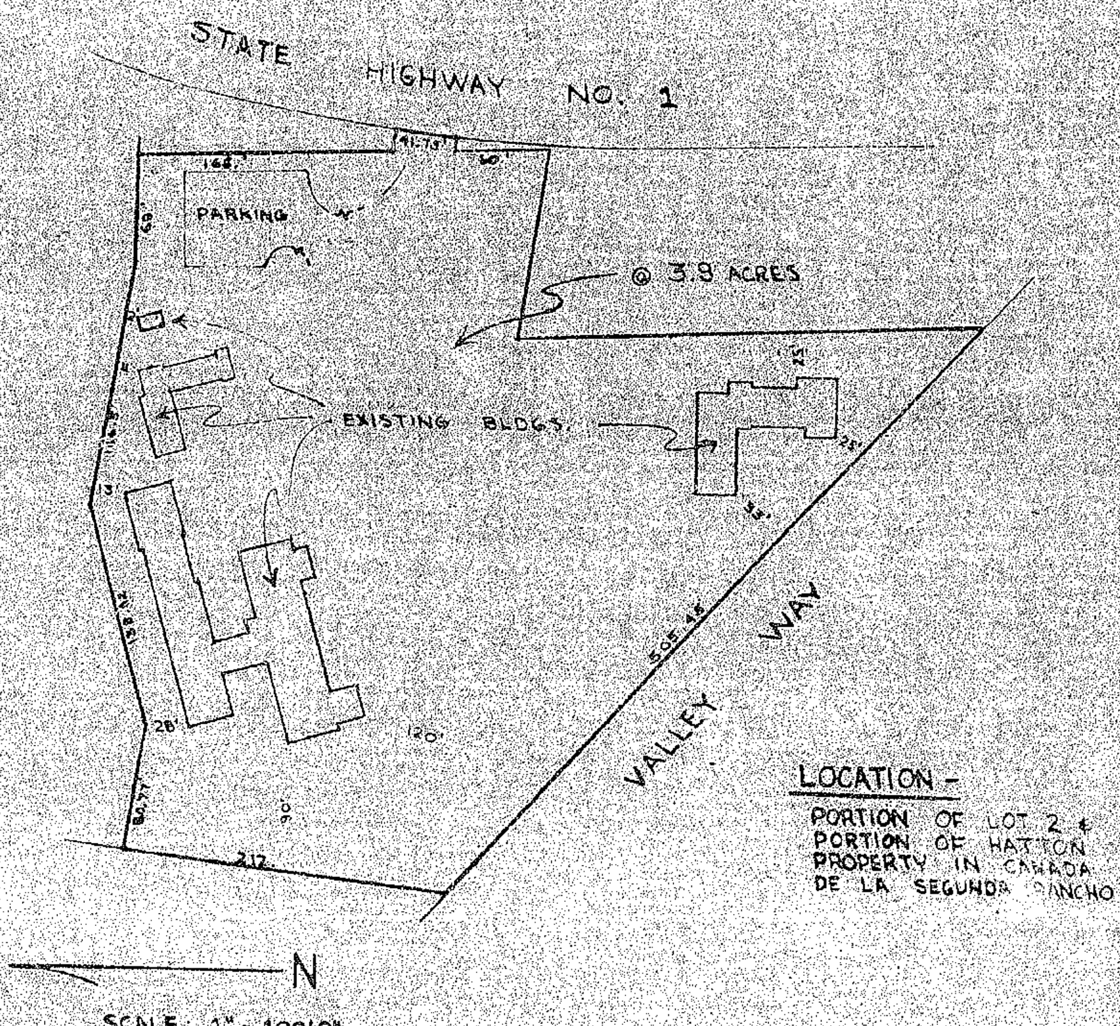
as shown on the attached sketch.

Regularly passed and adopted by the Planning Commission of the County of Monterey, State of California, on the 27th day of February, 1962, by the following vote:

Ayes: Commissioners Gallotto, Evans, Gordon, Krishon, Marcucci, Moore, Roberts, Wiley.
Noes: None
Absents: Commissioners Orr

RESOLUTION NO. 4658
ATTACHMENT
USE PERMIT

CONVALESCENT HOME (R-2 & R-2-D DIST.)



- COMM. HOSPITAL -

APPENDIX T

DETERMINATION THAT APPLICATION FOR ON-SITE WATER USE CREDITS FROM THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT WILL NOT IMPACT MONTEREY COUNTY USE PERMIT NO. 863

Carl Holm

September 2, 2009

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MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT, Mike Novo, Director

168 W. Alisal St., 2nd Floor
Salinas, CA 93901

(831) 755-5025
FAX (831) 757-9516

September 2, 2009

Aengus Jeffers, Esq.
Horan Lloyd Law Offices
499 Van Buren Street
Monterey CA 93940

Re: Determination that Application for On-Site Water Use Credits from the Monterey Peninsula Water Management District Will Not Impact Monterey County Use Permit No. 863

Dear Mr. Jeffers:

The purpose of this letter is to respond to your request for a determination whether securing on-site water use credits ("Water Credits") from the Monterey Peninsula Water Management District ("Water District") will impact existing Monterey County Use Permit No. 863, authorizing the operation of a convalescent hospital on the site of the proposed Villas de Carmelo subdivision (the "Property"). This request arises from Water District Rule 25.5 which requires that Water Credits may only be issued upon the "permanent abandonment of use" on the Property by either:

1. Demolition of a building or use that has been recognized by the Water District as being a lawful water use; or

2. Permanent disconnection of a lawful water use from a Water Distribution System (*in this case the Cal-Am water system);* or

3. Residential removal of water fixtures; or

4. Permanent installation of non-mandated water fixtures or appliances.

The regulations of the Water District define the actions enumerated above as a "permanent abandonment of capacity" and "permanent abandonment of some or all of the prior water use". The focus of these regulations is thus on water use, not land use. In addition, the Water District regulations allow water credits to be applied where disconnected water meters and water fixtures are sought to be replaced upon the request of a Property owner. Finally, the District has no jurisdiction over allowable land uses of property that is the pervue of the County. Thus, it is the determination of the Monterey County Planning Department that securing Water Credits pursuant to either action 2 or 3 described above does not constitute an abandonment of Use Permit No. 863. So

long as reasonable efforts are made to either amend Use Permit No. 863 or permit another use of the Property, securing Water Credits pursuant to either actions 2 or 3 above will not impair the Property owner's existing right to reintroduce a convalescent hospital on the Property pursuant to Use Permit No. 863.

Sincerely,

Carl P. Holm, AICP
Assistant Director of Planning

APPENDIX U

FORMER CARMEL CONVALESCENT HOSPITAL HISTORICAL WATER USE DATA AND TRANSMITTAL LETTER

Angus Jeffers

September 2, 2009

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LAURENCE P. HORAN
FRANCIS P. LLOYD
ANTHONY T. KARACHALE
STEPHEN W. DYER
GARY D. SCHWARTZ
MARK A. BLUM
MARK A. O'CONNOR
ROBERT E. ARNOLD III
ELIZABETH C. GIANOLA
AENGUS L. JEFFERS
PAMELA H. SILKWOOD
MICHAEL P. BURNS
AUSTIN C. BRADLEY

LAW OFFICES OF
HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ, LAW & COOK
INCORPORATED

P.O. BOX 3350, MONTEREY, CALIFORNIA 93942-3350

JAMES J. COOK
DENNIS M. LAW

TELEPHONE: (831) 373-4131
FROM SALINAS: (831) 757-4131
FACSIMILE: (831)373-8302

December 3, 2009

OUR FILE NO. 5254.10

VIA HAND DELIVERY

Les Girard, Esq.
Monterey County Counsel
168 West Alisal Street, Third Floor
Salinas, California 93901

Re: Former Carmel Convalescent Hospital Historical Water Use Data

Dear Les:

Enclosed with this letter is the historical water use data for the former Carmel Convalescent Hospital Property ("Property") provided to me by Cal-Am. I have also enclosed a table which summarizes annual water demand from the Cal-Am data. In short, the data demonstrates that prior to the sale of the Property to Rigoulette, LLC. ("Rigoulette") in 2005, water demand for the Property averaged 13.688 acre feet per annum ("AFA") well above the 8.226 AFA calculated under the Water District's water use factor methodology.

As you know, water demand on the Property decreased after patient services ceased in January of 2005 in order to market the Property to the broadest range of potential buyers. Rigoulette was in escrow for the Property from January 24, 2005 to September 15, 2005. Rigoulette sought to purchase the Property in order to facilitate the protection of the Hospital building designed by Gardner Dailey and the home of the original Community Hospital.

Upon entering escrow for the Property, Rigoulette examined available options to renovate and insure the protection of the Hospital building by providing it with a stable long term use. Although the current use permit for the Property allows the continuation of hospital operations, it was determined that residential use of the Property would be stabler given the surrounding residential neighborhoods. In the event sufficient residential entitlements cannot be secured to protect the Hospital building, Rigoulette reserves the right, confirmed by the County of Monterey, to continue convalescent hospital operations and exercise water rights associated with this permitted use which averaged 13.688 acre feet per annum.

Note, in the four years residential entitlements have been sought for the Property it has been impossible to attract tenants to operate a convalescent hospital on the Property on a short term basis.

Please note, while we requested twenty years of historical data, Joe DiMaggio at Cal-Am explained to me that the water company only has data going back to 2001.

Kind regards,

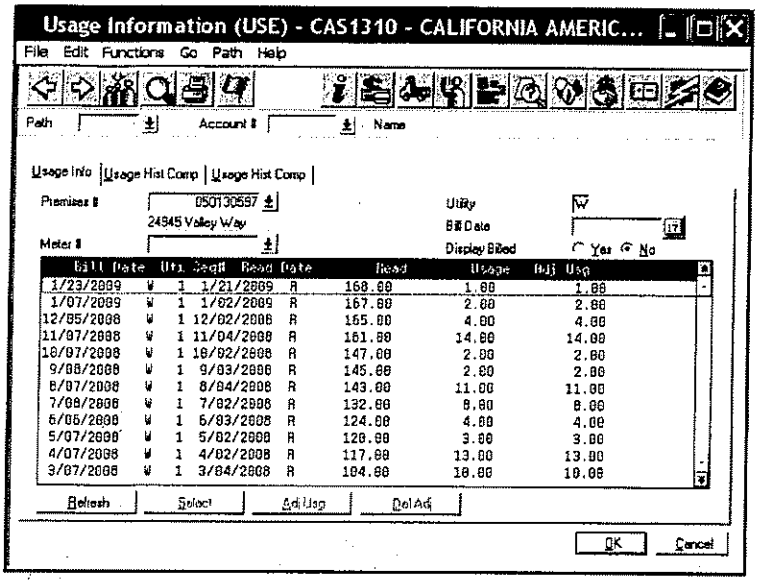
Aengus L. Jeffers

ALJ/ec
Enclosures

cc: Derinda Messenger
Wendy Elliot
Widewaters

Hospital Property Water Use History

Water Year	Meter	Units	Gallons	Acre Feet	Comments
2001	Hospital	5,835	4,364,580	13.39	Water Year Units Extrapolated Jan to Oct Data (1.2 X 4,863 units)
	Alz. Ward	514	384,472	1.18	Water Year Units Extrapolated Jan to Oct Data (1.2 X 428 units)
	Total	**6,349**	4,749,052	**14.57**	
2002	Hospital	4,809	3,597,132	11.04	
	Alz. Ward	703	525,844	1.61	
	Total	**5,512**	4,122,976	**12.65**	
2003	Hospital	4,858	3,633,784	11.15	
	Alz. Ward	744	556,512	1.71	
	Total	**5,602**	4,190,296	**12.86**	
2004	Hospital	5,956	4,455,088	13.67	
	Alz. Ward	433	323,884	0.99	
	Total	**6,389**	4,778,972	**14.67**	
2005	Hospital	1,054	788,392	2.42	Carmel Convalescent Hospital from 1/05 to 4/05 using 381 units; La Sorella from 5/05 to 9/05 using 106 units; Rigoulette from 10/05 using 0 units
	Alz. Ward	210	157,080	0.48	Carmel Convalescent Hospital from 1/05 to 4/05 using 105 units; La Sorella from 5/05 to 9/05 using 1 units; Rigoulette from 10/05 using 0 units
	Total	**1,264**	945,472	**2.90**	
2006	Hospital	35	26,180	0.08	Note: 8/06 meter reading subtracts 10 units by mistake
	Alz. Ward	4	2,992	0.01	
	Total	**39**	29,172	**0.09**	
2007	Hospital	368	275,264	0.84	
	Alz. Ward	64	47,872	0.15	
	Total	**432**	323,136	**0.99**	
2008	**Hospital**	0	0	0.00	
	Alz. Ward	78	58,344	0.18	
	Total	**78**	58,344	**0.18**	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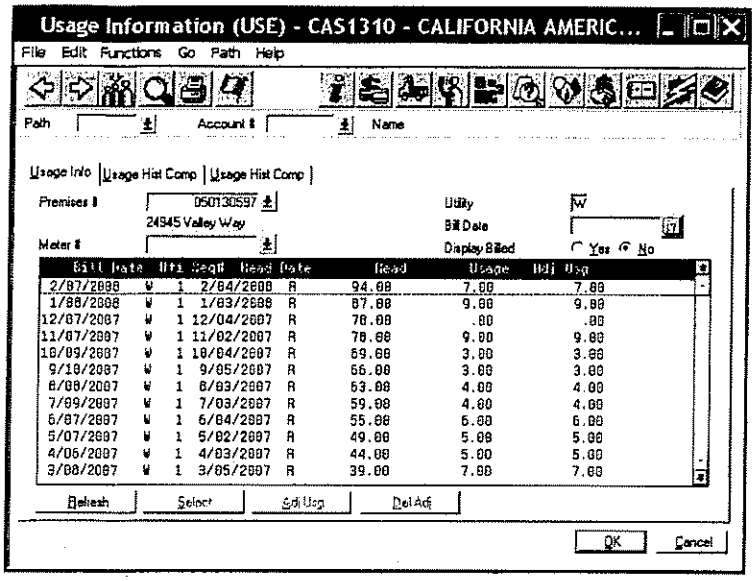
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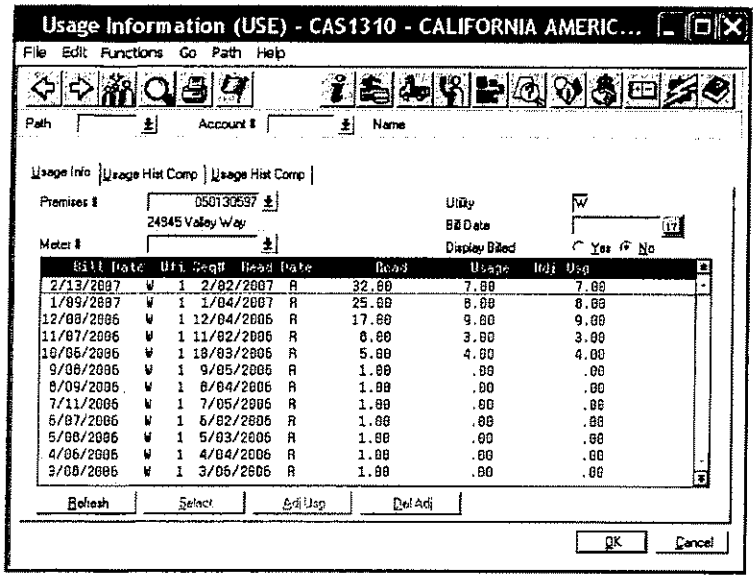
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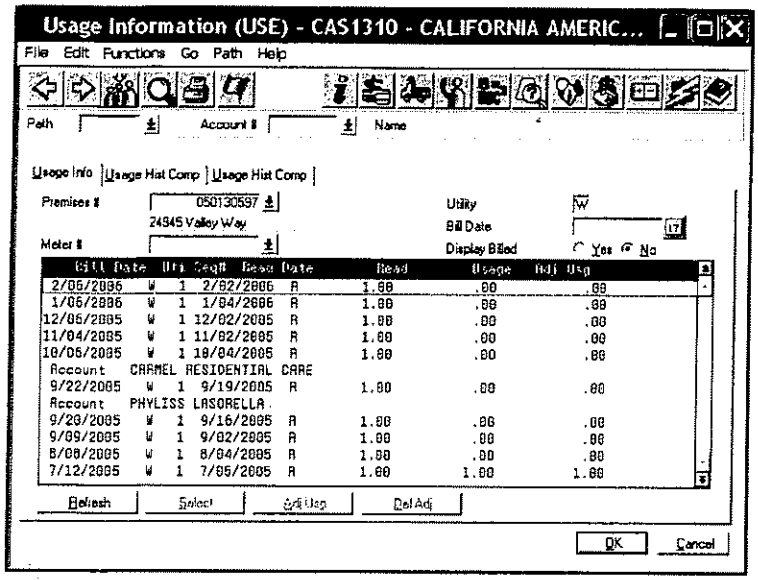
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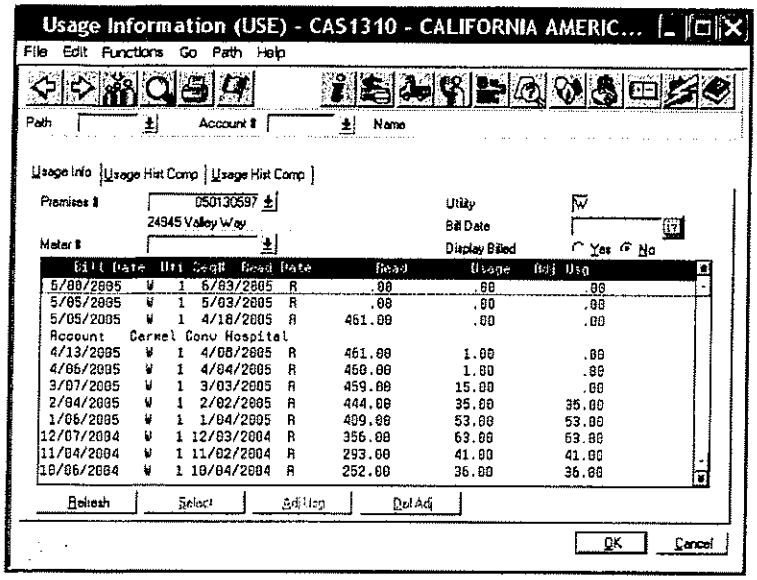
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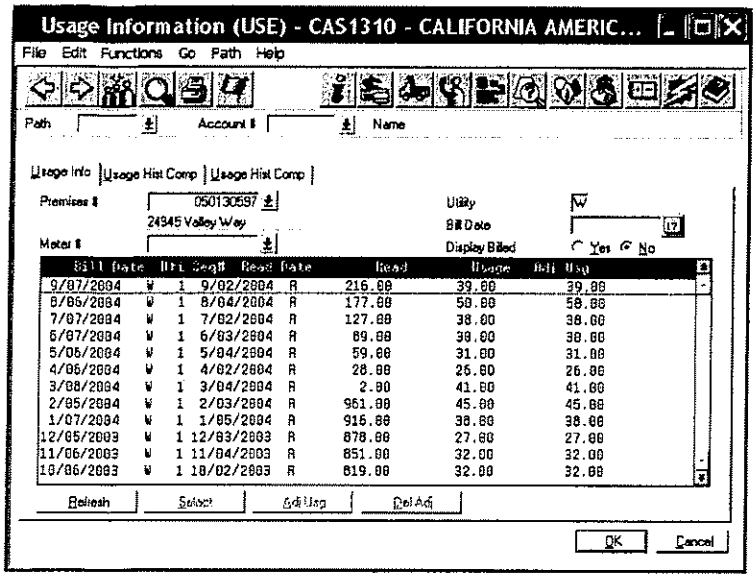
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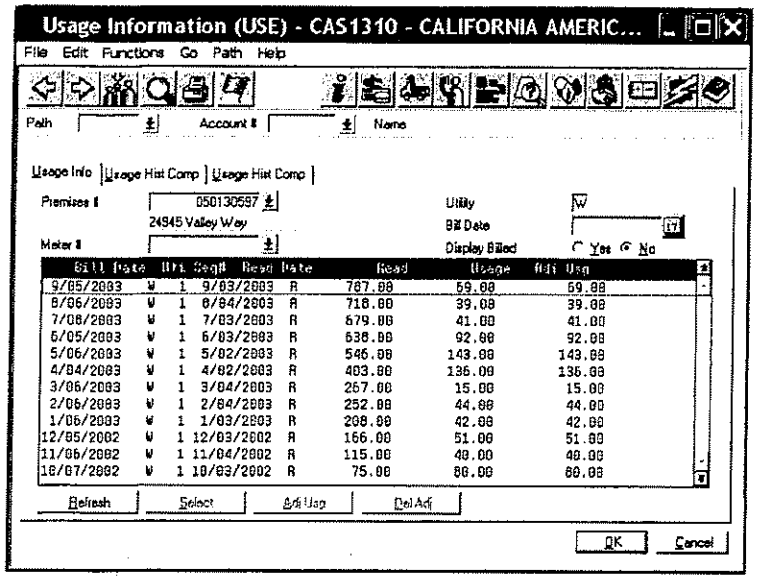
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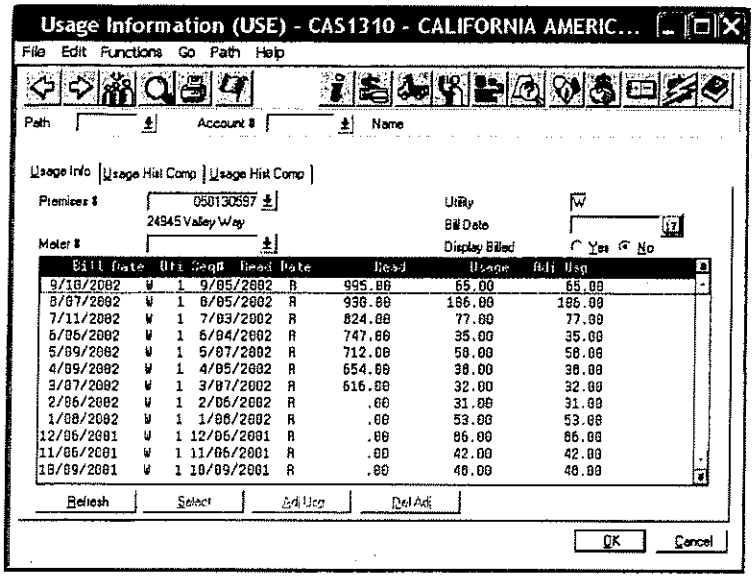
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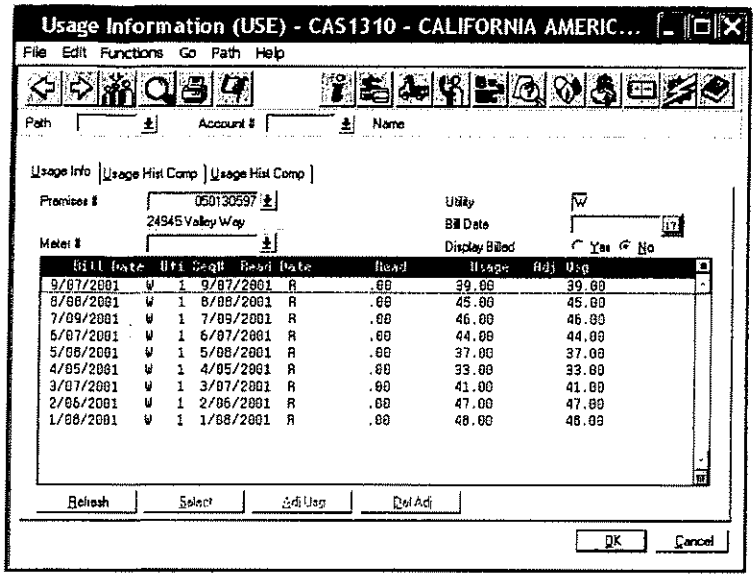
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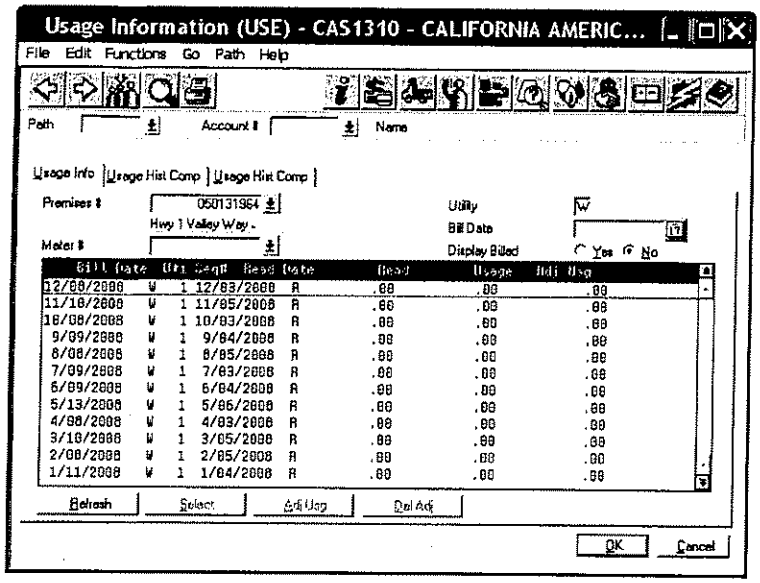
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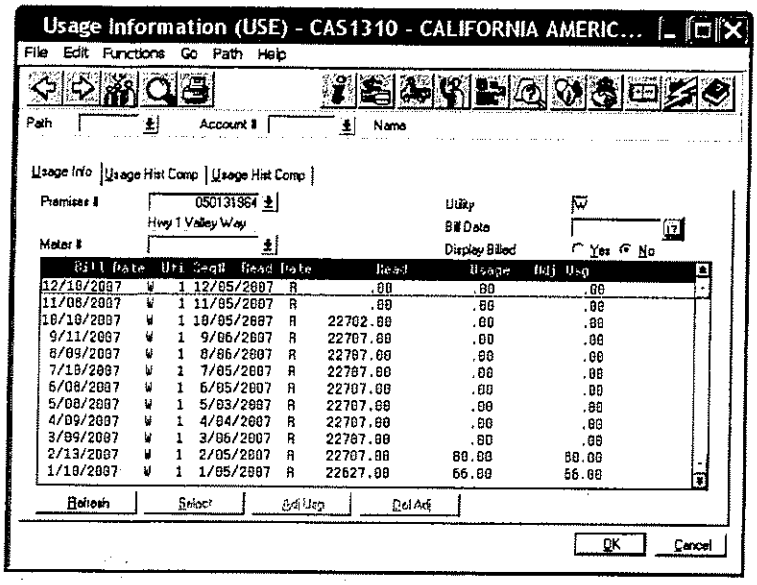
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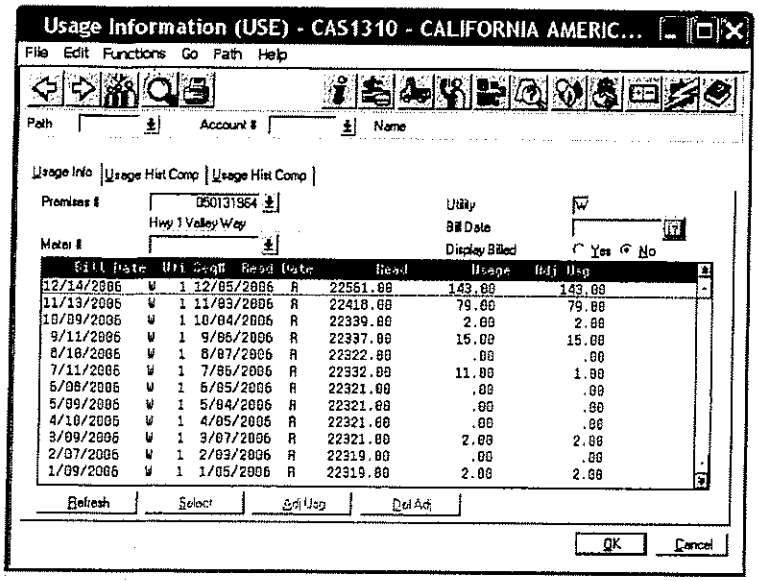
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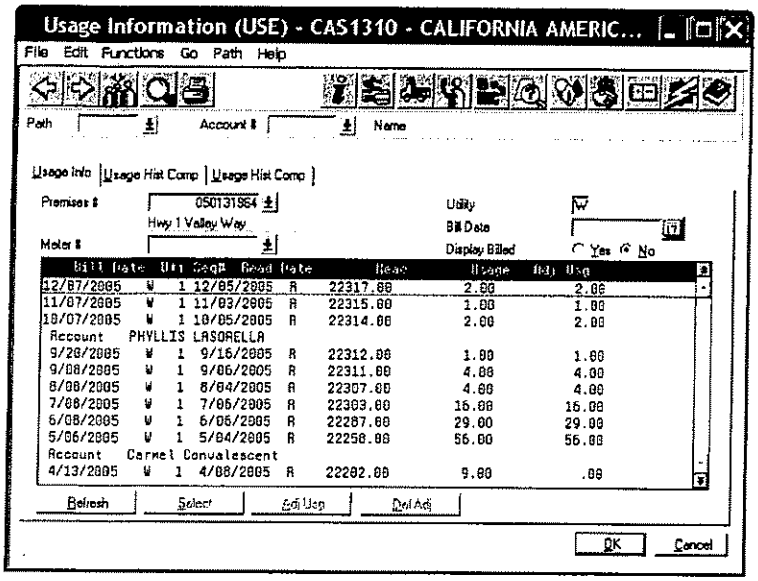
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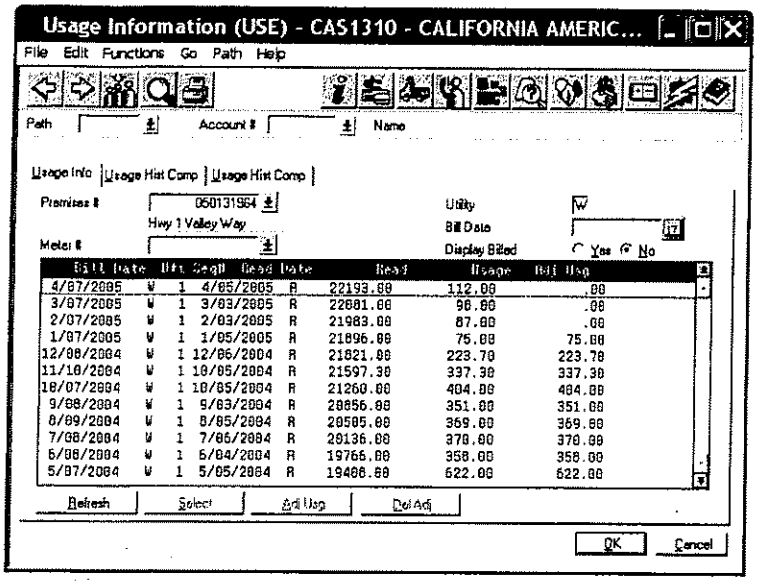
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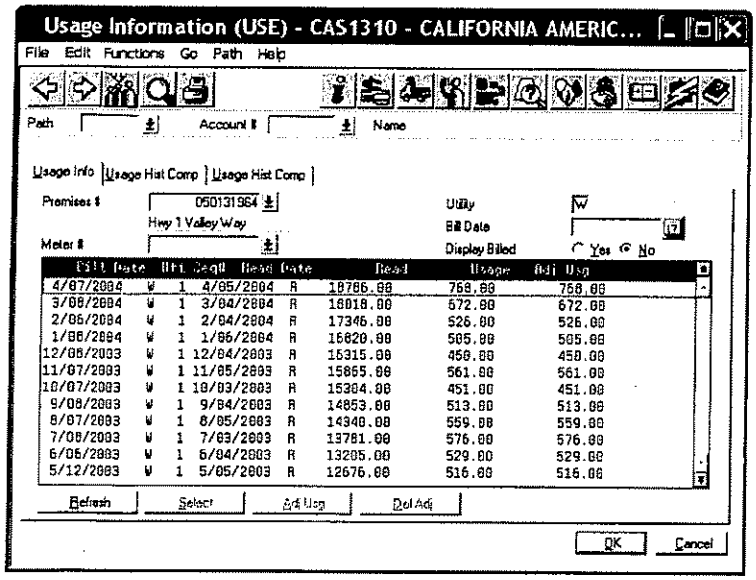
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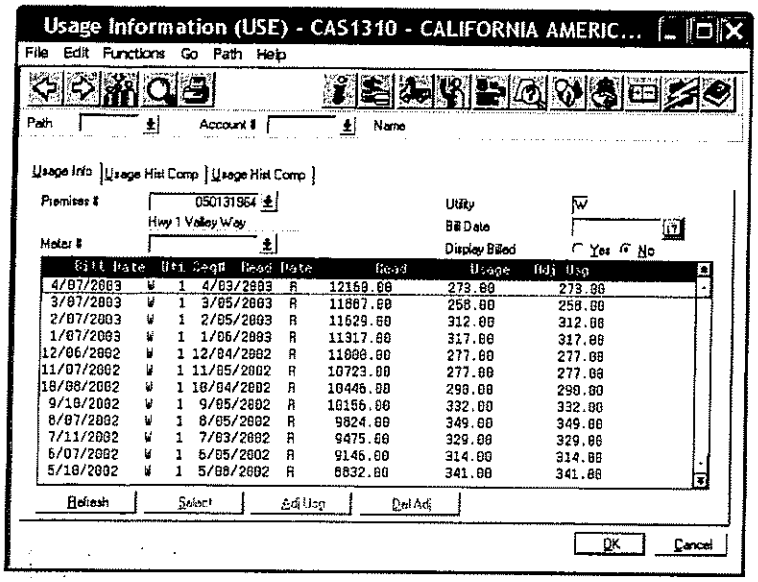
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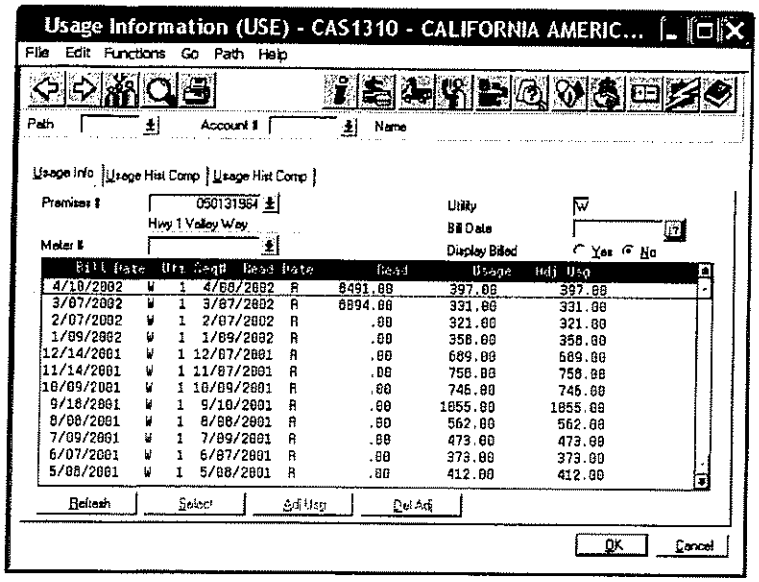
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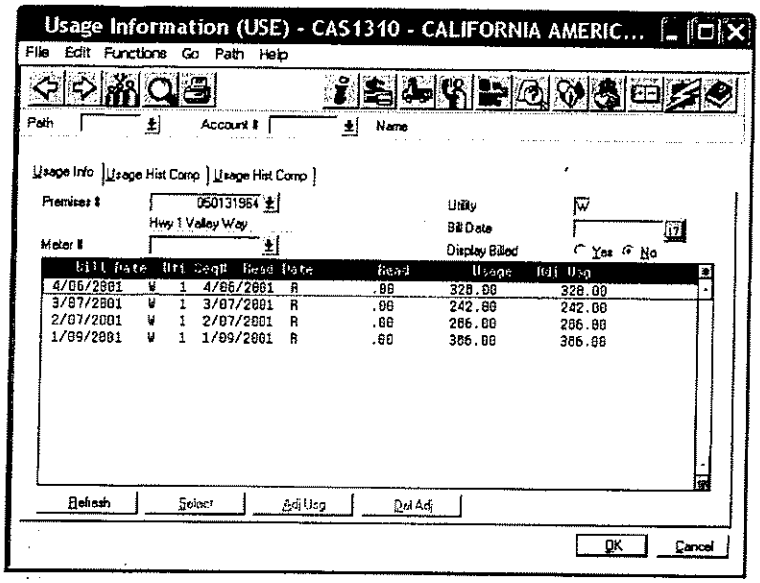
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APPENDIX V

TIMELINE OF DEVELOPMENT PROCESSING
County of Monterey

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Appendix V Timeline of Carmel Hospital Development Process	
Date	**Description**
11/04	Last 22 patients leave the Hospital Building.
1/05	Last 5 patients leave the Alzheimer's ward.
1/24/05	Rigoulette enters into contract to buy the Property.
2/05-8/05	Rigoulette actively sought out and negotiated with several developers to assign their right to buy the Property, so the developers could save the building by either continuing the hospital's operations or convert the Hospital building for use as medical offices or residential condos.
9/15/05	Rigoulette closed escrow on the Property.
1/06	Aengus Jeffers of Horan Lloyd law firm was brought on board and asked to evaluate the Property's land use options.
2/06	EMC Planning and Fletcher + Hardin were also brought on board to consider the Property's land use options. They spend the next 90 days evaluating alternatives.
5/8/06	Rigoulette went into contract with a local developer interested in converting the Property to residential uses. At this time, Rigoulette's efforts to develop the Property ceased.
8/06	Rigoulette terminated escrow with this local developer.
8/06	A second local real estate developer (Robert Leidig) begins to explore the feasibility of redeveloping the property and enters into discussions to acquire rights to the Hospital property.
11/7/06	Robert Leidig requested a preliminary application hearing at the Carmel City Council meeting. The application was submitted to annex the property into the City of Carmel and Pre-Zone the property for High Density Residential. The Council unanimously recommended that the request be reviewed by the Planning commission.
11/28/06	Rigoulette entered into an option agreement with Robert Leidig.
12/13/06	Carmel Planning Commission considered the request for annexation and pre-zoning of the property. After a vote of 5-0, the staff was directed to prepare an environmental and service plan review for R-4 zoning (60 units) and annexation of the property.
2/14/07	Planning Commission voted 4-0 to distribute the Planning Department's environmental impact report for public comment and have them review the impacts of forty five (45) units versus the sixty (60) units the Planning Department had recommended.
4/11/07	The Carmel Planning Commission voted 3-0 on April 11, 2007 to not recommend annexation of the property.
4/12/07-6/1/07	Robert Leidig transferred majority ownership to Carmel Hospital Development LLC. Newly formed development Joint Venture decides to cease further processing of the annexation and pre-zoning request through the City of Carmel. It is decided that a Development application will be prepared for submission to Monterey County for the Rezoning and project approval.

6/2/07-9/13/07	Carmel Hospital prepares the necessary development designs and environmental studies required for submission to the County of Monterey.
9/14/07	Application Request for the Re-zoning and project approval is submitted to Monterey County.
12/26/07	County Begins processing of Application.
1/22/08	LUAC reviews application. and again on 2/19/08
3/06/08	Historic Review Board recommends approval.
05/1408	Housing Advisory Committee hears proposal of housing components.
06/1708	County Deems application complete.
2/08-7/6/08	County prepares RFP for preparation of Environmental Impact Report and subsequent Funding agreement for Denise Duffy and Associates to prepare report.
7/8/08	County Board of Supervisors approves EIR funding agreement.
7/8/08-4/15/09	The County EIR preparers complete DEIR while Carmel Hospital Development LLC responds to County and County EIR preparers' questions and requests for additional studies.
6/5/09	Public Comment period on DEIR expires.
6/6/09	Present- County EIR preparers responds to Public comments and prepares Final EIR
Source: Applicant and Monterey County, County Records	

APPENDIX W

MISCELLANEOUS WATER CORRESPONDENCE BETWEEN MPWMD, MONTEREY COUNTY, AND PROJECT APPLICANTS

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APPENDIX W-1

Water Use Credits for Carmel Convalescent Hospital, Carmel Residential Care and Child's View Preschool (APNs: 009-061-002,003 and 005)

Stephanie Pintar

July 28, 2006

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MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5601
FAX (831) 644-9558 • http://www.mpwmd.dst.ca.us

July 28, 2006

Ms. Karen Monahan
Water Permit Solutions
Post Office Box 240
Pacific Grove, California 93950

Subject: Water Use Credits for Carmel Convalescent Hospital, Carmel Residential Care and A Child's View Preschool (APNs: 009-061-002,003, and 005)

Dear Karen:

This letter responds to the supplemental information you submitted to the District on July 17, 2006, regarding water uses on the subject properties.

The District is prepared to document a Water Use Credit for the former Carmel Convalescent Hospital (located in Building A in the map you submitted on July 17, 2006) with a capacity of 65 skilled nursing beds upon permanent abandonment of the former use. Evidence from the Department of Health Services confirmed licensing for the facility going back to 1982. Sixty-five skilled nursing beds equates to a Water Use Credit of 7.8 acre-feet annually (AFA) using the District's current water use factors.

There is no evidence submitted to date to support that Carmel Residential Care for the Elderly (Building B) predates the District's water permit requirements. As stated by Richard Langford, Licensing Program Analyst for the State of California Department of Social Services (June 5, 2006), "...the above facility operated a Residential Care Facility for the Elderly continuously from 2-7-89 until 2-17-05." A copy of the Facility Profile was provided and that profile indicates that the facility was first licensed February 2, 1989, with the application received on October 19, 1988. Without evidence that Building B was operating as a residential care facility on March 1, 1985, the District will consider the historic use to be Group I non-residential use.

Similarly, the District does not have sufficient evidence to confirm that the child care use (Building C) pre-existed the District's 1985 water permit requirement. On May 17, 2006, you submitted a copy of a 1999 Planning Commission staff report for consideration of an expansion of the child care facility, and there is no reference to the history of the business. There are no other documents in the file to substantiate the date the child care facility began operation or to substantiate that the facility was in operation in March 1985. Therefore, the District considers that building to be a Group I non-residential use. The factor for Group I use is 0.00007 acre-foot per square foot.

Finally, Building D on the map is labeled as a "garage." Generally, garage area is not considered to be "useable square-footage". As the District has not completed an inspection of the property, the final determination on any water credit for this 920 square-foot area has not been completed.

In the District's May 24, 2006 letter to you, Gabriella Ayala noted that the District's records indicate that the property transferred ownership in July 2004 and September 2005. As a result of the transfers of ownership, all toilets on the site must meet the District's ultra-low flow toilet requirements of 1.6 gallons-per-flush maximum, the showerheads must flow at 2.5 gallons-per-minute maximum, and all faucets must have 2.2 gallon-per-minute maximum aerators. An inspection of the property is required to verify compliance with the conservation requirements. Please call 658-5601 to schedule an appointment.

Sincerely,

Stephanie Pintar
Water Demand Manager

APPENDIX W-2

Carmel Convalescent Hospital Redevelopment Project (PLN070497)

Derinda Messenger for Applicant

January 17, 2008

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DERINDA L. MESSENGER & ASSOCIATES
A PROFESSIONAL CORPORATION

DERINDA L. MESSENGER
MIRIAM SCHAKAT
JACQUELINE M. ZISCHKE

File No.: 3715.000

January 17, 2008

VIA FACSIMILE

Liz Gonzales
Monterey County Planning
and Building Inspection Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: **Carmel Convalescent Hospital Redevelopment Project (PLN070497)**

Dear Liz:

I understand that your Department has questioned the available water supply for the restoration and redevelopment of the Carmel Convalescent Hospital property. As I understand it, your Department's concern is based on Monterey County Code Section 20.68.100, Abandonment of Legal Nonconforming Uses.

Irrespective of whether the legal nonconforming use of the property as a convalescent hospital in a Medium Density Residential zoning district has been abandoned, Section 20.68.100 only states that "any and all subsequent uses of the structure and land shall conform in all respects to the provision of this Title". There is absolutely no reference whatsoever to expiration or termination of any other rights, including water rights. In fact, it is the Monterey Peninsula Water Management District who determines whether the property has available water credits, and in this case has determined that there is at least 7.8 acre-feet available. As you can see from the enclosed letter from the District, they concluded that the property has a minimum of 7.8 acre-feet of water available to the site based on historical uses which have existed on the property.

Further, I understand that your Department is also analyzing conformance of this project with Ordinance 3310 with respect to intensification of water consumption in the Cal-Am Water Company's service area. Please note that the Carmel Convalescent Hospital property is not subject to Ordinance 3310 pursuant to Monterey County Code Section 20.96.010(A)(3).

450 LINCOLN AVENUE, SUITE 103 ■ P.O. BOX 1907 ■ SALINAS, CA 93902
831.754.4911 ■ 831.754.4915 FAX

Given the District's letter and limited application of the legal nonconforming use regulations, I request that you continue to process this application and prepare the scope of work for the EIR consultant as previously discussed.

Sincerely,

Derinda L. Messenger & Associates, PC

Derinda L. Messenger

DLM/lt

Enclosure

cc: Client
Mike Novo
Jeff Main
Dr. Lew Bauman

APPENDIX W-3

Potential Water Use Credit for Carmel Convalescent Hospital (APNs: 009-061-002,003 and 005)

Gabriela Ayala

February 5, 2008

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MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT

COPY

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5601
FAX (831) 644-9558 • http://www.mpwmd.dst.ca.us

February 5, 2008

Miriam Schakat, Esquire
Derinda L. Messenger & Associates
450 Lincoln Avenue, Suite 103
Salinas, California 93901

Subject: Potential Water Use Credit for Carmel Convalescent Hospital (APNs: 009-061-002,003, and 005)

Dear Miriam:

This letter responds to your email requesting an updated letter on the potential Water Use Credit for the former Carmel Convalescent Hospital in Carmel.

The District acknowledges that the Carmel Convalescent Hospital consisted of 65 skilled nursing beds. Under the current water use factors, the potential Water Use Credit for skilled nursing is 0.120 acre-feet/per bed (i.e. 65 x 0.120 = 7.80 acre-feet).

The other buildings on the site contain 6,080 square-feet (0.426 acre-feet of water credit). There has been no evidence submitted to support that "Carmel Residential Care for the Elderly," which occupied Building B or the child care use in Building C, predated the District's 1985 water permit requirements. Therefore, the District considers these buildings Group I Non-Residential uses. The factor for Group I is 0.00007 acre-foot per square foot, making the potential water credit 8.226 acre-feet using the District's current factors.

Documentation of the Water Use Credits will take place upon verification of permanent abandonment of use. Upon permanent abandonment, the District will make a final determination of the credit available and provide a documented Water Use Credit for the site.

Please note that the District's Rule and Regulations, including the non-residential water use factors (Rule 24) and the process for calculating Water Use Credits (Rule 25.5), are subject to change by action of the District's Board of Directors. Changes in the factor could reduce or increase the amount of water credits available, as the final determination of credit will be made when the use is permanently abandoned. The District will need notification when the convalescent hospital has been permanently removed.

If you have any questions, please call the Permit and Conservation Office at 658-5601.

Sincerely,

Gabriela Ayala
Conservation Representative

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APPENDIX W-4

Former Carmel Convalescent Hospital Site (APNs: 009-061-002,003 and 005)

Stephanie Pintar

December 9, 2008

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MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5601
FAX (831) 644-9558 • http://www.mpwmd.dst.ca.us

December 9, 2008

Ms. Liz Gonzales, Associate Planner
County of Monterey
Resource Management Agency – Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: Former Carmel Convalescent Hospital Site (APNs: 009-061-002, 003 and 005)

Dear Ms. Gonzales:

This letter is a follow-up to our December 2, 2008 telephone conversation with Denise Duffy & Associates and County Planning staff regarding Water Credits for the former Carmel Convalescent Hospital site in Carmel. During that meeting there was discussion about a possible 15 percent reduction in the water credit.

The District will not deduct 15 percent from any Water Credit on the site. I misspoke. The 15 percent deduction only occurs when credit is being transferred off site and the site has not been retrofitted. As this is not the case, there is no deduction to the credit.

Please let me know if there is anything else I can clarify. If you have any further questions, please contact the Permit and Conservation Office at 658-5601.

Sincerely,

Stephanie Pintar
Water Demand Manager

cc: Myrna Hampton, Save Our Carmel Neighborhoods Coalition
Mark Bayne, Save Our Carmel Neighborhoods Coalition
Miriam Schakat, Esq., Derinda L. Messenger & Associates

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APPENDIX W-5

Villas de Carmelo – Carmel Convalescent Hospital Redevelopment Project (PLN070497)

Derinda Messenger for Applicant

December 18, 2008

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DERINDA L. MESSENGER & ASSOCIATES
A PROFESSIONAL CORPORATION

DERINDA L. MESSENGER
JACQUELINE M. ZISCHKE

File No.: 3715.000

December 18, 2008

VIA HAND DELIVERY

Les Girard
Office of the County Counsel
County of Monterey
168 West Alisal Street, 3rd Floor
Salinas, CA 93901

Re: **Villas de Carmelo - Carmel Convalescent Hospital Redevelopment Project (PLN 070497)**

Dear Mr. Girard:

This letter follows up on your discussions last week with Derinda Messenger regarding water availability for the Villas de Carmelo project, and ensuring that the EIR consultant includes a detailed discussion of the legality and sufficiency of water for this project.

We also recently received a letter last week dated December 9, 2008 from Stephanie Pintar with the Monterey Peninsula Water Management District, in which Ms. Pintar wrote to the project planner clarifying a previous telephone conversation and explaining that the District does not deduct fifteen percent (15%) from the 8.226 AF water credit previously issued by the Water Management District pursuant to its Rules and Regulations governing onsite water credits. (A copy of this letter is attached hereto, **Attachment A.**) We are pleased to see the County and EIR consultant working with the District and undertaking a comprehensive review of the history and availability of water for this project.

We have also received a copy of the letter dated October 29, 2008 from Ms. Mollie Erickson with the law offices of Michael Stamp, in which Ms. Erickson wrote to the County challenging the availability of water for this project. Ms. Erickson's letter unfortunately contains a number of misstatements and incorrect legal conclusions regarding the appropriate CEQA review relating to the availability of water for the project and the water credit issued by the District. **(Attachment B)**

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We understand that the County staff and EIR consultant are working towards completing the preparation of the draft EIR for release to the public. For the record, we wish to address the points raised in Ms. Erickson's letter and provide the County with as much information as we can to move this process forward as soon as possible in hopes that the Draft EIR will be released as planned before the end of this year, and within the statutory timeline provided under CEQA.

The EIR Should Explain The History and Source Of Water For This Project From The 8.226 AF Onsite Water Credit That Was Issued By The Monterey Peninsula Water Management District.

a. Consultations with the Water Management District. Ms. Erickson states in her October 29, 2008 letter that "the County has not contacted the Monterey Peninsula Water Management District" and that the project applicant has asserted a water credit, which the County and EIR preparer have failed to investigate. Ms. Erickson cites to the case of Save Our Peninsula Committee v. Monterey County Bd. of Supervisors (2001) 87 Cal.App.4th 99 finding fault with the County and EIR preparer for relying on applicant representations without conducting further investigation. To the contrary, the County has not relied solely on the project applicant's representations, but rather had written confirmation from the Water Management District of the water credit supporting water for this project. (See attached letter from Ms. Messenger to the County dated January 17, 2008. (**Attachment C.**)

In the September Ranch case, the EIR established a baseline water use based on the applicants' statements that the land had been irrigated, The Court held that an EIR may not rely solely on information provided by the applicant when the information is disputed or requires objective analysis or verification. The court stated: "We have no objection to the EIR's methodology of estimating historical water use on property where no documentation is available to verify actual use. But estimating water used for irrigation where there was no substantial evidence to show that the property was in fact irrigated does not accurately reflect existing conditions." (*Ibid.*)

In contrast, here the pre-project use of the project site consist of the already developed care facilities for the Carmel Convalescent Hospital, Carmel Residential Care for the Elderly, and a child care center, which uses are undisputed. Similarly, the Water Management District also did not rely solely on the applicant's representations in issuing this water credit. Rather, the Water Management District obtained evidence from the Department of Health Services and the Department of Social Services to confirm the long standing care facility operations on the site. (See attached letter from the Water Management District dated July 28, 2006, **Attachment D.**) As evidenced by the District's December 9, 2008 letter, the County and EIR consultant have continued to work with the Water Management District to ensure the proper calculation of the water credit from which to measure the project's impacts under CEQA.

b. The Water Management District's Issuance Of An 8.226 AF Onsite Water Credit. Currently, the project holds an onsite water credit of 8.226 AF from the Monterey Peninsula Water Management District. (See Monterey Peninsula Water Management District letter dated February 5, 2008, **Attachment E.**) The District issued this on-site water credit pursuant to District Rule 25.5(j), which states:

> "An On-Site Water Credit resulting from the non-permanent removal of a lawful use that occurred on or after March 1, 1985, may be applied to, and shall allow, the future reuse of that increment of water on that Site. A Water Permit for reinstating the former use shall be required and allowed." (See District Rule 25.5(j))

The methodology for calculating the amount of water credit is set forth in District Rule 25.5F(2), which states : "To determine a Water Use Credit, the General Manager shall:... 2. Quantify the Water Use Capacity of the Site using the water use factors from Rule 24, Tables 1 and/or 2.

Here, the District applied the specific factor pertaining to skilled nursing facilities of 0.120 acre-feet per bed under the Tables specified in Rule 24. The Water Management District calculated this water credit to be 7.80 acre feet for the 65-bed facilities. (65 x 0.120 = 7.80 AF) The District staff also used a conservative commercial factor of.00007 acre-feet per square foot for the two other buildings located on the site, amounting to a total of .426 AFY. Thus, the total water credit issued for the care facilities on the project site currently totals 8.226 acre feet.

At such time as there is a permanent abandonment of the care facilities, the District will then render a final water credit determination based on the factors in place at such time under District Rule 25.5E. [1] As explained in the Water Management District's February 5, 2008 letter, the District's water use factors are subject to change by action of the District Board of Directors, and therefore any changes in the factors that occur prior to permanent abandonment would be applied (which could theoretically reduce or increase the amount of water credits available.) Based on our conversations with District staff, Stephanie Pintar, the District is currently reviewing its water use factors, however, the District staff does not have sufficient information to determine how these current factors may change, if at all.

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[1] Under District Rule 25.5 E. The following types of Permanent Abandonment of Capacity shall qualify for a Water Use Credit under this Rule:1. Demolition of a building or use that has been recognized by the District as being a lawful water use.

c. Use of The 8.226 AF Water Credit As A Baseline For CEQA Review.

Ms. Erickson states in her October 29, 2008 letter that "the existence of paper water credits through a Water District scheme is not relevant to the analysis of the project's water impacts under CEQA". (See page 1 of **Attachment B)** Ms. Erickson's firm unsuccessfully asserted this same argument for their clients opposing the Carmel Valley Ranch project.

Specifically, in the Carmel Valley Ranch case, Mr. Stamp's office argued that the County's reservation of a portion of its allocation amounting to approximately 8.0 acre feet constituted "paper water" that warranted review under an Environmental Impact Rport. The Court disagreed[2] and ultimately upheld the County's adoption of a negative declaration and conclusions in the initial study that the County did not deem water availability a factor causing a potential environmental impact based on the reserved water allocation. (See Responsible Planning Advocates v. County of Monterey, Monterey County Superior Court Case No. M71137, Court ruling **Attachment F**.) The Court's ruling recited the language in the initial study, which stated "potable water for the proposed lots would be provided from existing water credits from approved and undeveloped projects in other areas of the Carmel Valley Ranch...These credits are documented in correspondence from the Water Resources Agency to the applicant. The total credit for these projects amounts to 8.837 acre/feet of water which would be enough for the proposed lots". (See page 5 of Court's August 16, 2005 ruling; which water credit was subsequently corrected to 8.807 acre feet, **Attachment F**.)

Similar to how the project's water availability was shown through the County's allocation reserve under the District allocation program, here the project's water availability has been established by the Water Management District through the District's water credit program. The District has the authority to issue on-site water credits under District Rule 25.5(I), which states:

> I. A Water Use Credit shall enable reuse of saved water on the Site.
> 1. Water Use Credits may be moved between one or more structures on the same Site or may be used to construct new uses on the same Site.

The case law supports, and it only makes sense for the County to use the District's water credit as the baseline for the Villas de Carmelo project, similar to how the County used the County-reserved allocation as the baseline for the Carmel Valley Ranch project. In other words, just as in the Carmel Valley Ranch initial study in which the County concluded that water availability was not a factor causing a potential environmental impact based on the County Water Resources Agency's documented water allocation

[2] The Court had initially remanded the project back to the County to verify the amount of water reserved under the County's allocation, which the County confirmed in a recirculated Initial Study and Negative Declaration.

reserved to the project; similarly here District's documented water credit demands the same conclusion. The District's issuance of the water credit provides substantial evidence to support water availability and a finding that the project will not result in any potential environmental impact relating to water. (See Fat v. County of Sacramento (2002) 97 Cal.App.4th 1270, 1278; a lead agency's environmental baseline determination will be upheld as long as it is supported by substantial evidence in the record.)

One of the many flaws in Ms. Erickson's letter is that she misrepresents the onsite water credit issued by the District as a water credit *transfer,* under Rule 28-B.1[3], which this is not. Rather, the District issued an *onsite* water credit to the project site under the District's water credit program set forth in Rule 25.5. Thus, Ms. Erickson's citation to the case of Save Our Carmel River v. Monterey Peninsula Water Management District (2006) 141 Cal.App.4th 677and statement that "water credits are not available to transfer to this project without an Environmental Impact Report on the project-specific and cumulative impacts of such a transfer" simply has no application in this case.[4]

d. Setting The CEQA Baseline At The Time Of Issuance Of The Notice of Preparation. Guidelines Section 15125 sets forth the general rule that environmental conditions existing at the time environmental analysis is commenced "normally" constitutes the baseline for purposes of whether an impact is significant. However, the Legislature's use of the term "normally" gives an agency discretion to determine a baseline as appropriate under the circumstances. We understand that there has been some comment that the baseline should somehow be fixed in time to the date of the County's issuance of the Notice of Preparation ("NOP") of the project EIR.

The NOP was issued by the County in July 2008, at which time the onsite water credit had already been issued by the Water Management District. Thus, technically the County could use the NOP date to fix the baseline, and rely on the District's water credit.

However, it appears from Ms. Erickson's letter that she is demanding that the County consider only actual water use that occurred on the project site at the time of the

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[3] Rule 28-B.1 states that "Due to the District's ongoing concern about the viability of the available water supply and the possibility that water transfers may result in additional water usage, water transfers shall be approved by the Board of Directors, subject to other provisions of this Rule, if the transfer will not have an adverse impact on the water supply. In exercising its discretion, the Board of Directors shall consider the impacts of the application under consideration, as well as the cumulative impacts of other transfers, on the water supply.

[4] In *Save Our Carmel River, supra,* the court set aside the Water Management District's approval of a property-to-jurisdiction water credit *transfer,* which was sought to avoid the expiration of a property water credit by transferring that credit to the City of Monterey. The approved water credit transfer was the first time the Board had ever allowed a credit to be transferred to a jurisdiction to be held for future use in order to avoid the 10-year mandatory expiration date and thus the Court held that the District should not only have analyzed cumulative impacts as expressly required in the District's Rule 28-1, but the District should also have analyzed precedent setting impacts.

NOP, which Ms. Erickson speculates is between 1 and 1.5 acre feet. This approach to setting a baseline completely ignores the pre-project conditions onsite, and would distort project impacts (let alone the fact that Ms. Erickson's position is motivated by nothing more than her clients' seeking to frustrate the development of this project.)

The project site has for more than seventy years been developed and used for various care facilities including the Carmel Convalescent Hospital, Carmel Residential Care for the elderly, and childcare center. At the time of the NOP, these care facilities had been at the end of its winding down process that had occurred to allow the property owner to prepare the property to be sold; and to allow the project applicant (who has an option to purchase the property) to proceed with the pending entitlement process. The long established care facility uses constitutes the environmental setting, which is the appropriate baseline for this project.

Here, the District's water use factors for the skilled nursing facilities and commercial uses are conservative, and provide the best available information to use as the project baseline.[5]

e. Setting The CEQA Baseline That Reflects Prior Environmental Review.

It is also well established that projects that have been approved with prior environmental analysis should have a baseline that follows that approval. (See Temecula Band of Luiseno Mission Indians v. Rancho California Water Dist. (1996) 43 Cal.App.4th 425; since water district had issued a negative declaration as to 1984 program, "judicial review of the [proposed] project's potential environmental effects is limited to incremental effects of the project as compared to the 1984 Program". See also Benton v. Board of Supervisors (1991) 226 Cal.App.3d 1467, 1473; held impacts of a modified proposal for a winery should be measured against a winery that had already been approved and permitted.)

Ms. Erickson's letter dated October 29, 2008 characterized the Water District's water credit program as a "scheme" of "paper water", which are to be ignored under CEQA. To the contrary, prior to the District's adoption of its water credit program, the District undertook an environmental analysis under CEQA and adopted a negative declaration finding that the water credit program did not result in any significant environmental impacts. (See District's negative declaration attached hereto, **Attachment**

[5] Moreover, fixing the baseline to a certain date fails to account for fluctuations in business. The Carmel Convalescent Hospital, as with other care facilities, sometimes operated at full capacity and other times at less than full capacity depending upon the number of patients. (See Fairview Neighbors v. County of Ventura (1999) 70 Cal.App.4th 238; Court upheld EIR' consideration of traffic at peak capacity where actual traffic figures would have been misleading because the mining operation's traffic flow fluctuated greatly over time based on varying levels of demand, production and other factors.

G.) Ms. Erickson's arguments in effect constitute a challenge to the Monterey Peninsula Water Management District's water credit program and already approved negative declaration, which is barred by the statute of limitations. (See Public Resources Code Section 21167) For Ms. Erickson to argue that the water credit issued for the project site may not be considered under CEQA in analyzing the Villas de Carmello project would render the District's water credits meaningless and effectively disrupt the Water Management District's water credit program as it relates to any project pursued by commercial and residential property owners seeking a water credit through demolition or retrofitting in order to pursue other development on their property.

In addition, the permitting associated with the care facilities located on the project site also had corresponding environmental review. (See 1977 Negative Declaration adopted for care facilities associated with use permit on the project site, **Attachment H.**) Even the historical water use on the project site was considered in the Monterey Peninsula Water Management District's Allocation EIR within the pre-allocation existing water use.[6]

Overall, there has been ample environmental review conducted that supports the baseline for this project as calculated by the Water Management District.

CONCLUSION

We request that you adopt the predominant case law that supports the baseline water use in the amount of the water credit issued by the Monterey Peninsula Water Management District of 8.226 AF. The County should outright reject Mr. Stamp's attempts to frustrate the District's water credit program, as it had previously attempted to do with the County's water allocation system.

If you have any questions regarding the above, or need further information from the project applicant, please give me a call.

Sincerely,

Derinda L. Messenger & Associates, PC

Jacqueline M. Zischke

Jacqueline M. Zischke

[6] The Water Management District's Allocation EIR supports the District's Water Allocation Program, under which water was allocated to various jurisdictions, including the County of Monterey under which the reserved allocation for Carmel Valley Ranch and associated negative declaration was upheld by the Court as detailed above.

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APPENDIX X

USE OF STORM WATER FACILITIES FOR IRRIGATION PURPOSES FOR THE VILLAS DE CARMELO PROJECT

Jennifer Rudolph for Applicant

February 25, 2010

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February 25, 2010

Elizabeth Gonzales
Associate Planner
Monterey County Planning and Building Inspection
168 W. Alisal Street/2nd Floor
Salinas, CA 93901

(831)755-5102

RE: Use of Storm Water Facilities for irrigation purposes for the Villas de Carmelo Project

The preliminary storm drain design for the Villas de Carmelo Project incorporates the use of a storm water detention facility at the bottom of the hill near the eastern access driveway off Valley Way. The detention facility is an underground storage tank with a capacity of 56,250 gallons (0.173 acre-ft).

This detention facility and associated storm water piping can be utilized to collect and store rain water to supplement the irrigation system for the site landscaping. Additionally, if required, other cisterns can be added locally at each block of homes to collect gray water for localized irrigation which will further reduce the potable water demand for irrigation purposes. Please note that the use of gray water for irrigation purposes will require approvals from Monterey County.

According to weather data, Carmel can expect to see rain 7 months out of the year. These rain events will replenish the water that was used for irrigation purposes prior to the rain event. During the dry months, the potable water system will supplement the irrigation system. Conservatively, this will decrease the expected water usage of the Villas de Carmelo Project by 0.173 acre-feet.

The developer will pursue the most efficient and advantageous uses of storm water and if required, can utilize gray water to offset the need of potable water for irrigation purposes.

This change in use of storm water facilities and optional gray water containment is a supplement to the proposed design alternative previously submitted to the county.

If you should have any additional questions or concerns, please give me a call.

Sincerely,

Jennifer P. Rudolph
RCE 67625
WWD Corporation

2801 MONTEREY-SALINAS HIGHWAY, SUITE I MONTEREY, CA 93940
Phone: (831) 655-2723 Fax: (831) 655-3425 Web Site: WWDENGINEERING.COM E-Mail: MAIL@WWDENGINEERING.COM

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APPENDIX Y

VILLAS DE CARMELO AFFORDABLE HOUSING MODIFICATION PROPOSAL

Edward Shagen for Applicant

November 12, 2009

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November 12, 2009

County of Monterey
Redevelopment and Housing Office
168 West Alisal St., 3rd Floor
Salinas, CA 93901
Attn: Marti Noel
Assistant Director

Re: Villas De Carmelo
Affordable Housing Modification Proposal

Dear Marti,

As you know, we presented our proposal for inclusionary housing to the Housing Advisory Committee (HAC) last year; a plan that incorporated only moderate and workforce housing. We have considered the feedback received at that meeting and subsequently have prepared a new plan that we believe addresses all of their concerns. The HAC wanted to see very low and low income housing developed on the Peninsula so our new plan addresses that request.

Our project offers a unique opportunity to provide affordable housing on the Peninsula where it is desperately needed. We understand that the need for very low and low income rental housing is very high on the peninsula. Many workers in the hospitality industry cannot afford quality housing. Because this is a unique opportunity, it requires a unique approach to providing affordable housing in a market that has extremely difficult project constraints and a high cost of development. Our proposal will provide very low and low income housing in quantities exceeding what is required.

We are proposing our affordable housing be placed offsite in order to provide it in a manner that will maximize the quantity available for the community. Project development constraints would otherwise limit the production quantities of low and very low housing on site. Due to the extremely high cost of new development in Carmel, the fact that our project is a for sale only project and that the HOA fees will be excess of the rents mandated for low income housing, our ability to provide a large quantity of low income housing on site is limited. Additionally, the neighbor's opposition to density and the need to reduce water demand on the Peninsula has placed an increasing challenge on providing an adequate amount of affordable housing on site. The HAC recommended that we provide as much housing for these income groups as possible and we believe our proposal will exceed their expectations.

Our proposal outline is as follows:

- In lieu of the 20% inclusionary housing required, we will provide a minimum of 30% of our approved on site units as low and very low income units off site, located in the planning area, such as Pacific Grove or Monterey. This will result in a 50% increase in the County's required amount of affordable housing and 10% increase in the percentage of affordable units relative to market rate units.

- Due to the current cease and desist order, which essentially bans any new water connections we are proposing to fully renovate an existing market rate multifamily building and place a deed restriction on the units.
    - We propose to make 50% percent Very Low (50) income and 50% Low (80) units.
    - We also plan to make half of the Very Low income units available for the disabled including full kitchen and bath accessibility.
    - Since the subject property is not yet identified some flexibility on the unit mix will be required, however it will be our goal to provide varying bedroom mixes for all income classifications with a focus on providing at least 50% two bedroom units.
- We will identify the property after we have received final approval from the Board of Supervisors. We will work with staff to outline the appropriate development terms, constraints and milestones related to specific performance of the proposal.
- Under the current ordinance we are required to provide 2 very low units, 3 low units and 5 moderate units along with a .2 in-lieu fee. Thus if we are approved for 46 market rate units on site we will provide 14 very low and low units, increasing the amount units by 9.

We believe that this proposal is appropriate for this project and provides added benefit to the community. Please review this proposal and let us know if you recommend that we should present this proposal to the HAC for consideration.

Respectfully,

Edward G. Shagen
Director of Development

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MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

REDEVELOPMENT AND HOUSING OFFICE

Jim Cook
Director

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Salinas, CA 93901
(831) 755-5390
Fax: (831)755-5398
www.co.monterey.ca.us

June 3, 2010

Edward G. Shagen, Director of Development
The Widewaters Group
PO Box 3
DeWitt, NY 13214-0003

RE: Villas De Carmelo Affordable Housing Requirement

Dear Mr. Shagen:

Thank you for your revised proposal for complying with the County of Monterey's inclusionary housing requirements which you presented to the County's Housing Advisory Committee (HAC) at their December 2009 meeting.

Based on feedback provided by the HAC, the Redevelopment and Housing Office is prepared to recommend to the HAC that your project be conditioned to comply using one of the following options:

A. Provide, through either the acquisition and rehabilitation of existing units or construction of new units, 7 units for very-low income households and 7 units affordable to low-income households. All 14 units are to be located within the unincorporated area in the Monterey Peninsula Planning Area and have perpetual deed restrictions to ensure the units remain affordable. If you do not want to own and manage the units, the Redevelopment and Housing Office can work with you to identify a potential non-profit housing company that could do so on your behalf. This option would be implemented through an inclusionary housing agreement that will specify the timing relative to supplying the units. An agreement will need to be executed prior to your final map being recorded and will be recorded on the development property to ensure compliance.

B. Payment of an in-lieu fee currently estimated at $2,533,606 (9.2 unit requirement X $275,392/unit) but subject to the fees in place at the time the project application is deemed complete. The payment of the fee, plus interest, may be paid in full prior to the recordation of the final map or in three installments over five years from the date the final map is recorded. If you select this option, the first third of the fee will be due prior to the recordation of your final map. The remaining two thirds will be secured by a promissory note and a deed of trust recorded on the development project property. Payment will be tied to the phasing of the development project construction.

The HAC will need to take formal action to approve a final recommendation to Planning Commission and Board of Supervisors. This is your opportunity to review the options that are under consideration and discuss them with the County before they are forwarded to the HAC and then the Planning Commission. Please call Marti Noel or Jane Barr at (831) 755-5390 if you have any questions about the proposed condition of approval.

Sincerely,

Jim Cook,
Director, Redevelopment & Housing

WIDEWATERS

VIA EMAIL

June 23, 2010

Mr. Jim Cook
Director of Housing and Redevelopment
Monterey County Department of Resource Management
168 Alisal St, 3rd Floor
Salinas, CA 93901

RE: Housing Requirements –Villas De Carmelo

Dear Mr. Cook,

Thank you for your response to our presentation to the HAC in December of 2009. We have reviewed the Options presented in your letter dated June 3, 2010 and appreciate the time your staff spent in preparing the response. After extensive study of the options you have presented, we believe the terms stated in Option B are the most practical for both us and the County, and agree to move forward with that choice. Considering the time it will take for us to complete the entitlement process, Option B is the most straightforward and stable choice for both parties considering what could happen in the future.

We would like to confirm one aspect of Option B before we accept it. The item in question is the method by which the In Lieu fee is calculated. We want to ensure that the In Lieu fee be based on 20% of the actual number of units that ultimately get approved on the site. That would maintain the most equitable solution for all concerned and one that we interpret the Option to include. Can you let us know if that was intended in Option B? Otherwise, we are prepared to enter into a Memorandum of Understanding with Monterey County until such time as the County is prepared to formally approve the project and lock in this Option.

Please give me a call to discuss your suggested timeline and approach to presenting these terms to the Housing Advisory Committee. Thank you for your efforts on this matter.

Sincerely,

WIDEWATERS

Edward G. Shagen
Director of Development

EGS/les

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

REDEVELOPMENT AND HOUSING OFFICE

Jim Cook
Director

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June 24, 2010

Edward Shagen
The Widewaters Group
P.O. Box 3
DeWitt, New York 13214-0003

SUBJECT: VILLAS DE CARMELO

Dear Mr. Shagen;

We have received your letter dated June 23, 2010, which was a response to our previous letter to you outlining potential options for compliance with the County's Inclusionary Housing requirements for the Villas de Carmelo project. You indicated that your group would like to move forward with Option B which would be the payment of an In-Lieu Fee for compliance. The purpose of this letter is to clarify how this form of compliance would be implemented.

The Condition of Approval and relevant Finding for the project will specify the total number of units in the project and that the fee is based on the 20% Inclusionary requirement. The amount of the fee per Inclusionary Unit required will be based on the Fee Schedule that is in place at the time the project application is deemed complete by the Planning Department.

The Redevelopment and Housing Office is prepared to recommend to the Housing Advisory Committee that this form of compliance best serves the goals of the Inclusionary Housing Program based on the specific characteristics of the project and site location. The Housing Advisory Committee will consider the staff recommendation and the information provided about the project and be asked to forward a formal recommendation onto the Planning Commission and Board of Supervisors. The Board of Supervisors is the final decision making body for your project and therefore will approve the final condition of approval pertaining to compliance with the Inclusionary Ordinance, making appropriate findings.

I hope this addresses your questions. The next Housing Advisory Committee meeting is on July 14. If you would like them to consider a formal recommendation at that meeting please notify our office by July 1.

Sincerely,

Jim Cook, Director
Redevelopment and Housing Office

CC: Marti Noel, Assistant Director
Jane Barr, Housing Program Manager