

**City of Carmel-by-the-Sea
Community Planning & Building
P.O. Drawer G
Carmel-by-the-Sea, California 93921
Phone: (831) 620-2010 Fax: (831) 620-2014**



Date: 14 June 2012

Notice of Availability for the
Recirculated Draft Environmental Impact Report (RDEIR)
for the Sale of the Flanders Mansion Property (SCH #2005011108)

Background

In 2005, the City of Carmel-by-the-Sea prepared and certified an Environmental Impact Report for the Sale of the Flanders Mansion Property (2005 EIR). The Project would sell the historic Flanders Mansion on a 1.252 acre parcel located within Mission Trails Nature Preserve (25800 Hatton Road, Carmel, CA). A significant impact of the Project would be the loss of public parkland. The City Council's decision to approve the Project, and the adequacy of the EIR on which it was based, were litigated and found by the Superior Court to be inadequate. In response, the City prepared and certified a Revised EIR in 2009 (2009 EIR) and approved an alternative to the Project. The adopted alternative was to sell the Flanders Mansion property with conservation easements and other mitigation measures to reduce environmental impacts.

The City's decision to certify the 2009 EIR was challenged in court (The Flanders Foundation v. City of Carmel-by-the-Sea, et al. (Mont. Co. Super. Ct. Case No. M99437)). The Superior Court determined that the 2009 EIR did not adequately: 1) consider potential environmental effects associated with compliance with the Surplus Land Act, and 2) respond to a comment suggesting an alternative of selling the Mansion with less land. The City appealed the Superior Court's decision on the basis that the City had addressed these issues in the 2009 EIR. The 6th District Court of Appeal reversed the lower court's ruling relating to the Surplus Lands Act, but affirmed that the 2009 RFEIR was inadequate in its analysis of a smaller parcel alternative. Based on the Court's decision, the City rescinded its certification of the 2009 EIR.

Notice

NOTICE IS HEREBY GIVEN that the City of Carmel-by-the-Sea has prepared a Recirculated Draft Environmental Impact Report (RDEIR) for the Sale of the Flanders Mansion Property. The RDEIR provides additional information, including an updated analysis of alternatives, consistent with the Court of Appeal decision. In accordance with CEQA Guidelines §15088.5(c), the RDEIR contains only those portions of the 2009 RFEIR that have been modified. Therefore, the only section recirculated for public review and comment is Section 6.0, Alternatives. The additional alternatives analyzed are intended to minimize and/or substantially lessen potential impacts due to the loss of parkland.

The RDEIR will be subject to public review and comment for a period of 45 days. **The City of Carmel-by-the-Sea requests that reviewers limit their comments to only those portions that are being recirculated, consistent with the provisions of CEQA Guidelines §15088.5(f)(2).** Written comments on the 2012 RDEIR will be accepted from Thursday, 14 June 2012 through Monday, 30 July 2012. **The Planning Commission will hold a public hearing on Wednesday, 11 July 2012** to receive comments on the RDEIR. The hearing will begin at 4:00 p.m. in the City Hall Council Chambers located on the east side of Monte Verde Street between Ocean and Seventh avenues.

Submit Written Comments to:

Mr. Sean Conroy, Planning & Building Services Manager
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Obtain Copies of the RDEIR at:

Harrison Memorial Library
N/E corner of Ocean Ave. & Lincoln St., Carmel, CA
-or-
Copies-by-the-Sea,
N/W corner of Dolores St. & 5th Ave, Carmel, CA.