

**Final
ENVIRONMENTAL IMPACT REPORT
for the
SALE OF FLANDERS MANSION PROPERTY**

SCH #: 2005011108

April 2009

Prepared for:

City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Drawer G
Carmel-by-the-Sea, CA 93921

Prepared by:



Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

This page is intentionally blank.

TABLE OF CONTENTS

1.0 INTRODUCTION	1-1
1.1 Background	1-1
1.2 Project Overview.....	1-1
1.3 Public Participation	1-2
1.4 Report Organization	1-4
1.5 Master Response to Comments.....	1-4
2.0 LIST OF COMMENTS	2-1
2.1 Introduction	2-1
2.2 List of Comment Letters	2-1
3.0 MASTER RESPONSES TO COMMENTS	3-1
3.1 Introduction	3-1
3.2 Master Responses to Comments	3-1
4.0 COMMENTS AND RESPONSE ON THE RECIRCULATED DRAFT EIR	4-1
4.1 Introduction	4-1
4.2 Comment Letters and Responses to Comments	4-1
5.0 REVISIONS TO THE RECIRCULATED DRAFT EIR.....	5-1
Appendices	
A. Form Comment Letters	
B. Revised Figures	

This page is intentionally blank.

1.0 INTRODUCTION

1.1 BACKGROUND

In April 2005, the City of Carmel-by-the-Sea, as lead agency, circulated a Draft Environmental Impact Report (herein referred to as either “Draft EIR” or “DEIR”) prepared under the California Environmental Quality Act (CEQA), Public Resources Code §§21000 et seq. The Draft EIR was prepared to analyze the potential environmental impacts associated with the sale of the Flanders Mansion property (the “proposed project”). The Draft EIR was circulated for a 45-day public review period, between April 1, 2005 and May 16, 2005, and 54 public comments were received. In response to the comments received on the DEIR, a Final EIR (FEIR) was prepared in August 2005 as required pursuant to Public Resources Code §§21091(d)(2), 21092.5 and CEQA Guidelines §15088. After review and consideration of the FEIR, the City of Carmel-by-the-Sea certified the EIR and approved the project. The City Council’s decision to approve the project, and the adequacy of the previous EIR on which it was based, were litigated and found by the court to be inadequate. Pursuant to the Amended Judgment of the Monterey County Superior Court in The Flanders Foundation v. City of Carmel-by-the-Sea, et al. (Mont. Co. Super. Ct. Case No. M76728), the City of Carmel-by-the-Sea rescinded its September 2005 certification of the August 2005 FEIR for the proposed Flanders Mansion project.

Based on the Monterey County Superior Court’s judgment, the City of Carmel-by-the-Sea prepared a Recirculated Draft EIR (RDEIR) that presented revised and expanded analyses of the proposed project’s potential impacts on the environment consistent with the Superior Court’s judgment. The RDEIR was recirculated in its entirety to solicit meaningful comments from the public and interested parties. In accordance with CEQA Guidelines §15088.5(f)(1), when an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and are not required to respond to those comments received during the earlier circulation period. While the comments that were received on the previous DEIR were taken into consideration during the preparation of the RDEIR, the City of Carmel-by-the-Sea requested that reviewers submit new comments. Comments received on the previous DEIR are not included as part of this Final EIR. The RDEIR was circulated for public review between January 5, 2009, and February 18, 2009. 54 public comments were received during the review period.

The purpose of the public review process under CEQA includes sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals (CEQA Guidelines §15200). This Final EIR contains a list of the comments submitted on RDEIR, copies of the comment letters received on RDEIR, responses to the points raised in those comments, and limited revisions to the RDEIR made as a result of the public review process. In accordance with CEQA Guidelines Section 15132, this Final EIR has been prepared to address the comments received during the public review period and, together with the RDEIR, constitutes the Flanders Mansion Final EIR.

1.2 PROJECT OVERVIEW

The proposed project consists of the sale of the Flanders Mansion Property. The Flanders Mansion itself is recognized as a historic resource and is listed on the National Register of Historic Places. The 1.252-acre property is located within the City of Carmel-by-the-Sea, California. At this time a prospective buyer has not been identified and the future use of the Mansion is unknown. Accordingly, the RDEIR evaluated potential impacts associated with several types of uses, including single-family residential and

public/quasi-public, that are permitted uses under the P-2, Improved Parkland, zoning designation. The project site is considered parkland. A full project description is provided in Section 3.0 of the RDEIR.

The site is located within, and surrounded on all sides by, the Mission Trail Nature Preserve. Immediately east of the Flanders Mansion property is a part of the Preserve known as the Lester Rowntree Arboretum, a native plant garden/arboretum. Both the Mission Trail Nature Preserve and the Lester Rowntree Arboretum are zoned P-1 (Unimproved Parkland) and are designated ESHA according to the City's Coastal Land Use Plan. Land uses immediately adjacent to the Mission Trail Nature Preserve include single-family residential neighborhoods zoned R-1 and R-1-C-20 located within the City of Carmel-by-the-Sea to the west. A single family residential neighborhood, within the jurisdiction of Monterey County, known as Hatton Fields, is located to the east. The Carmel Mission is located immediately south of the Mission Trail Nature Preserve across Rio Road and land uses to the north consist predominantly of single family residential neighborhoods. The property is accessible by an approximately 350-foot long driveway from Hatton Road. Approximately 190 feet is included in the Flanders' property. The remaining 160-foot driveway easement provides public access to the Lester Rowntree Arboretum. The area at the end of the driveway is currently used to access the Mission Trail Nature Preserve.

1.3 PUBLIC PARTICIPATION

In accordance with CEQA Guidelines §15088.5(d) and 15088.5(f)(3), the City of Carmel-by-the-Sea notified all responsible and trustee agencies, interested groups, and individuals that the Recirculated Draft EIR had been completed and was available for public review and comment. The City used the following methods to solicit input during the preparation of the Draft EIR and RDEIR. The following is a list of the actions taken during the preparation, distribution, and review of the Draft EIR and RDEIR.

- In November 2004, a public scoping hearing for the sale of Flanders Mansion Property was held. The City determined the need to prepare an EIR because this sale would involve the sale of a parcel of land that (1) is zoned for park use, (2) adjacent to parklands and ESHA and (3) includes a historic resource.
- The Notice of Preparation (NOP) was filed with the State Clearinghouse on January 24, 2005. The proposed project was assigned a State Clearinghouse Number (SCH#2005011108). The NOP 30-day comment period closed on February 22, 2005. Seven NOP comments were received from the agencies and public on or before February 22, 2005.
- The Draft EIR was distributed to interested responsible and trustee agencies, interested groups, organizations, and individuals on April 1, 2005 for a 45-day public review period which ended on May 16, 2005. Fifty-four comment letters were received by the City within the public review period.
- On April 13, 2005 a public hearing was held before the Planning Commission to receive public comments on the Draft EIR.
- On May 12, 2005 a public hearing was held before the Forest and Beach Commission to advise the Planning Commission on potential impacts associated with the proposed project to the Mission Trail Nature Preserve.
- On July 28, 2005 the Planning Commission conducted an on-site tour of inspection of the Flanders Mansion property. The purpose of this meeting was to familiarize the Commission with

the property in preparation of their review of environmental documents associated with the project.

- In August 2005, a Final EIR was prepared including a copy of each comment received during the review period, and a response to each comment as required by Public Resources Code §§ 21091(d)(2), 21092.5, and CEQA Guidelines §15088.
- On August 15, 2005 a public hearing was held before the Historic Resources Board to advise the Planning Commission on the adequacy of the Final EIR regarding the effects of the proposed project on historic resources.
- On August 17, 2005 a public hearing was held before the Planning Commission to receive recommendations from the Historic Resources Board and consideration recommendations to the City Council regarding the Final EIR, including a determination regarding the adequacy of the document, a determination of consistency with the General Plan and recommendation regarding project alternatives.
- On September 7, 2005 a second public hearing was held before the Planning Commission.
- On September 22, 2005 a public hearing was held before the City Council to receive recommendations from the Planning Commission. The Council took the following actions: 1) certification of the EIR for the sale of the Flanders Mansion property, 2) adopted a project implementation, 3) made a determination that the Flanders Mansion property is not previously been used as a public park, 4) adopted a resolution of intent to sell, and 5) adopted a Mitigation and Monitoring and Reporting Program and Statements of Overriding Considerations for the sale of the Flanders Mansion.
- Based on the Superior Court's judgment, the City of Carmel-by-the-Sea determined it was necessary to prepare and circulate for public review a Recirculated Draft EIR, which was recirculated in its entirety. The RDEIR was distributed to responsible and trustee agencies, interested groups and individuals on January 5, 2009 and circulated for a 45-day public review period, which ended February 18, 2009. 54 comments were received during the public review period.
- On February 11, 2009 a public hearing was held before the Planning Commission to solicit public comments on the RDEIR.
- A public hearing before the Forest and Beach Commission is scheduled to occur on April 20, 2009 at 1:00 PM to advise the Planning Commission on the adequacy of the Final Recirculated EIR regarding the effects of the proposed project on the Mission Trail Nature Preserve.
- A public hearing before the Historic Resources Board is scheduled to occur on April 20, 2009 at 4:00 PM to advise the Planning Commission on the adequacy of the Final Recirculated EIR regarding the effects of the proposed project on historic resources.
- A public hearing before the Planning Commission is scheduled to occur on April 23, 2009 at 4:30 PM to advise the City Council on (1) the adequacy of the Recirculated Final Environmental Impact Report, and (2) consistency of the proposed project and alternatives with the General Plan.
- A public hearing before the City Council is scheduled to occur on April 28, 2009 at 4:30 PM to consider the Recirculated Final Environmental Impact Report, input from the above-named Board

and Commissions, public testimony and other relevant information and may take action on the proposed project.

1.4 REPORT ORGANIZATION

This Recirculated Final EIR (herein referred to as “RFEIR”) is organized into the following five sections:

- **Section 1.0, “Introduction,”** contains this introduction to the RFEIR, including a discussion of the background of the environmental review, a description of the contents of the Final EIR, a description of the master responses, and a summary of the project decision-making process.
- **Section 2.0, “List of Comments,”** contains a list of all written comments received on the RDEIR.
- **Section 3.0, “Master Responses to Comments,”** contains master responses to fourteen topics frequently raised by the commenters.
- **Section 4.0, “Comments and Responses on the Recirculated Draft EIR”** contains copies of all comment letters received on the RDEIR, and appropriate responses to each comment.
- **Section 5.0, “Revisions to the Recirculated Draft EIR,”** contains revisions to the text of the RDEIR in response to the public comments.

1.4 MASTER RESPONSE TO COMMENTS

As previously noted, this document contains “master” responses that address fourteen topics raised by the commenters. The master responses address comments related to the level of environmental analysis required under CEQA, additional information and responses concerning the project description, objectives, range of project alternatives, single-family residential use preference, traffic impacts, aesthetics, parks/recreation, handicap access/parking, economic feasibility, City of Carmel-by-the-Sea finances, cultural resources, and level of specificity of mitigation measures. The master responses are presented in **Section 3.0** of this document. The intent of a master response is to provide a comprehensive response to an issue so that all aspects of the issue can be addressed in a coordinated, organized manner in one location. This ensures that each topic is thoroughly addressed and reduces repetition of responses. When an individual comment raises an issue discussed in a master response, the response to the individual comment includes a cross-reference to the appropriate master response.

2.0 LIST OF COMMENTS

2.1 INTRODUCTION

This section provides responses to comments on the Draft EIR in accordance with CEQA Guidelines §15088. A total of 54 comment letters was received on the RDEIR during the public review process. A list of comment letters on the RDEIR is included below in **Section 2.2**.

2.2 LIST OF COMMENT LETTERS

The following list identifies all of the comment letters received during the course of the public review period on the Recirculated Draft EIR for the Flanders Mansion Project. Each of the comment letters have been assigned a comment letter and the dates these letters were received. :

State Agencies

Date

A. Governor's Office of Planning and Research State Clearinghouse February 19, 2009

Regional Agencies

B. Association of Monterey Bay Area Governments February 18, 2009

Organizations

C. Flanders Foundation February 18, 2009

Individuals/Public Meeting Comments

D. Alexander Crosby & Robert Morris	January 14, 2009
E. Hafliði & Nanna Jonsson	January 19, 2009
F. Richard & Barbara Hammond	January 11, 2009
G. Jeffrey & Suzanne Lehr	January 19, 2009
H. Benjamin & M. Maureen Richards	January 20, 2009
I. Benjamin & M. Maureen Richards	January 21, 2009
J. Dr. Janice Ross & Keith Bartel	January 27, 2009
K. Bob & Peggy Alspaugh	January 22, 2009
L. Roberta Buffett Bialek	January 28, 2009
M. Robert & Lynde Knight	January 23, 2009
N. Patricia Sandoval & Jon Kannegaard	January 26, 2009
O. William & Patricia Woska	January 19, 2009
P. William Dorey	January 29, 2009
Q. Marikay Morris	January 20, 2009
R. Francis (Skip) Lloyd	February 5, 2009
S. Ms. L.A. Paterson	February 9, 2009
T. Greg D'Ambrosio	February 10, 2009
U. Sue McCloud	February 18, 2009
V. Joyce Stevens, Architect,	February 18, 2009
W. Yoko Whitaker	February 18, 2009

X. Jean Ferreira, Botanist	February 18, 2009
Y. Michael & Michelle Raggett	January 29, 2009
Z. The Faia's	January 29, 2009
AA. Planning Commission Public Hearing	February 11, 2009
BB. Sample Form Letter (Joyce Moffatt)	January 26, 2009

Form Letters (Appendix A)

N. & C. Biegel	January 26, 2009
Barbara Buquet	January 18, 2009
Riane Eisler	January 19, 2009
Debra Heisel	January 25, 2009
David & Norma Jean Keyston	January 25, 2009
Linda Cosmero	January 19, 2009
Kenneth Low	January 20, 2009
Terrance & Lydia Moran	January 24, 2009
The Muddoux's	January 17, 2009
Benjamin & Maureen Richards	January 21, 2009
The Tibbitts	January 19, 2009
Midori Arima	January 26, 2009
Alexandra Forbes	January 27, 2009
Matthew Olin	January 30, 2009
James Pretzer. M.D.	January 28, 2009
Carolyn Snorf Akcan	February 1, 2009
Sandra Kasky Button	January 12, 2009
Joan Clancy	February 9, 2009
Gordon Clemens	January 30, 2009
Hildegunn Hawley	February 12, 2009
E. Hubbard dated	February 4, 2009
Gary & Judy Logan	January 29, 2009
Alton McEwen	February 8, 2009
V.J. Marasco	January 31, 2009
Dan & Jennifer Robinson	February 4, 2009
Doug & Linda Sunde	January 20, 2009

3.0 MASTER RESPONSES TO COMMENTS

3.1 INTRODUCTION

This section provides master responses to comments raised in multiple comment letters. The master responses address comments related to the level of environmental analysis required under CEQA, additional information and responses concerning the project description, objectives, range of project alternatives, single-family residential use preference, traffic impacts, aesthetics, parks/recreation, handicap access/parking, economic feasibility, City of Carmel-by-the-Sea finances, cultural resources, and level of specificity of mitigation measures. The intent of a master response is to provide a comprehensive response to an issue so that all aspects of the issue can be addressed in a coordinated, organized manner in one location. This ensures that each topic is thoroughly addressed and reduces repetition of responses. When an individual comment raises an issue discussed in a master response, the response to the individual comment includes a cross-reference to the appropriate master response. For example, if a comment identifies a preference that the Flanders Mansion is sold for the purposes of single-family residential use, the response will include the statement, “Please see **Section 3.2 Master Response 4: Single-Family Residential Use Preference.**” Individual responses to each comment are included in **Section 4.0, Comments and Responses on the RDEIR.**

3.2 MASTER RESPONSES TO COMMENTS

3.2.1 Master Response 1: Definition of Project Objectives and Alternatives.

Comment: A number of comments on the project description expressed concern that the City has too narrowly defined the project, objectives and proposed alternatives. In particular, comments indicated that the project should not be considered only as a revenue issue from the City's perspective and that other considerations such as the project's historic value and impacts to the neighborhood from potential uses should be addressed in the project objectives and the City's deliberations regarding the project.

Response: Pursuant to Public Resources Code § 21065 and CEQA Guidelines §15357, and 15378, the definition and objectives of the project are determined by the project proponent, in this case the City of Carmel-by-the-Sea, also the lead agency.

Under CEQA Guidelines §15124, Project Description: “The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact:

(b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid decision-makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.”

The City has identified the primary purpose of the project: “to divest the City of the Flanders Mansion Property which is in need of significant short-term and long-term repair and rehabilitation.” The City's project objectives identify divestment of the Flanders Mansion parcel, but do not focus solely on this objective. In addition to the primary objective, the City has identified six secondary objectives, identified below:

- “1) to ensure that the Flanders Mansion is preserved as a historic resource;
- 2) To ensure that the Flanders Mansion building and property are put to productive use;
- 3) To ensure that future use of the Flanders Mansion and property will not cause significant traffic, parking or noise impacts on the surrounding neighborhood;
- 4) To ensure that future use will not significantly disrupt the public’s enjoyment of the Mission Trail Nature Preserve or the Lester Rowntree Native Plant Garden;
- 5) To ensure that environmental resources of the park are protected; and
- 6) To ensure that the Flanders Mansion parcel continues to provide the public with as many park benefits as are practical.”

The City’s stated secondary objectives are concerned with preservation of the historic building, protecting the adjacent neighborhood from impacts, preserving environmental resources in the park and allowing the public to enjoy continued park benefits associated with the Mansion property to the extent practical given the nature of the proposed project. These objectives relate to concerns that would also arise if the property is sold or if the property were leased as a private residence. Through the environmental review process, the City will consider the project and its alternatives and determine their ability to achieve both the primary and secondary objectives.

Please see also Master Response 9 and 10 regarding economic feasibility and the City's budget and finances.

This response is applicable to the following portions of the following letters: AA-1, AA-3, AA-20; C-2, C-3, C-4; R-1, R-3, R-4, R-28.

3.2.2 Master Response 2: Secondary Project Objectives

Comment: During the course of the public review period, a number of comments were received regarding the development of the secondary project objectives. Certain members of the public also commented that the secondary objectives supported retaining the property in City ownership. Others questioned the secondary objectives and requested further explanation of specific wording of them.

Response: It is not the function of an EIR to question or modify the City’s project objectives. The objectives are a “given” that the EIR writers must use as a framework for developing a reasonable range of alternatives, and that decision makers must use in evaluating the feasibility of alternatives and mitigation measures (See CEQA Guidelines, §15124(b)).

Some of the comments express disagreement with the objectives adopted by the City. Such disagreements are policy matters to be resolved by the decision makers; they are not properly the subjects of an EIR.

In order to respond to these comments, it is first important to review the history of the development of the project objectives. During the public review period for the 2005 EIR, a large number of comment letters were received suggesting that the project objectives were too narrowly focused on the sale of the project. Comments requested that additional objectives be considered including those focused on preservation of the Mansion as well as the surrounding Mission Trail Nature Preserve and the residential character of the neighborhood. As part of the Final EIR for the 2005 EIR, the City added project objectives responsive to these comments. These revisions clarified that the City’s project purpose - beyond the sale of the property - is to ensure that the Flanders Mansion is preserved as an historic resource, to protect the surrounding neighborhoods from undue increases in traffic, parking, and noise while putting the property to productive use.

During the course of preparation of the RDEIR, the City retained the additional objectives added to the 2005 FEIR as a set of secondary project objectives. It is acknowledged that these secondary project objectives may be achieved to some degree by maintaining the property in City ownership and leasing it as a residence, or to some other low-impact use. In compliance with CEQA, the RDEIR evaluates the comparative advantages and disadvantages of a range of project alternatives. If a project or alternative for sale of the Flanders Mansion property is selected, the sale may achieve the secondary objectives to a similar degree as lease of the property or the no project alternative, through imposition of the mitigation measures, conditions of sale, and the recordation of covenants running with the land, which will make such conditions of sale and mitigation measures applicable to future owners. The primary difference in environmental impacts between lease and sale alternatives are those associated with the permanent loss of public parkland as discussed Sections 4.4 and 4.5 of the RDEIR and in Section 6.0 in the RDEIR.

The comment that the secondary objectives support the City retaining the property in City ownership is noted and referred to decision-makers. The City will consider all of the comments including the statement in some comments asserting that the secondary objectives support a specific alternative. However, the project is the *sale* of the property and presumes that the parkland could be used for another purpose than parkland (i.e., single family home, etc). The secondary objectives are sub-goals of ensuring protection of the resources if or when the property is sold and put to another use or owned by an entity other than the City. Alternatives presented in the RDEIR have the ability to meet most of the stated project objectives for the project. In compliance with CEQA, the City will evaluate each of the alternatives in the RDEIR to determine the ability of each alternative to satisfy the project objectives among other considerations. The City will ultimately determine whether and to what extent the project alternatives meet the project objectives, both primary and secondary.

Certain public comments stated that the project objectives did not explain the meaning of “productive use.” By “productive use,” the City means its goal and objective is to see the Mansion is used and rehabilitated rather than remaining vacant and unused or being leased intermittently. (See **Section 5.0 Revisions to the Recirculated Draft EIR.**)

This response is applicable to the following portions of the following letters: AA-4; C-3, C-5, C-6, C-7, C-8; V-2; W-2.

3.2.3 Master Response 3a: Range of Alternatives

Comment: Certain comment letters question the set of alternatives analyzed in the RDEIR and suggest that the City should consider a greater range of alternatives under CEQA, including retaining the property for other uses.

Response: The State CEQA Guidelines (see CEQA Guidelines §15126) require that an EIR describe and evaluate alternatives to the project or to the location of the project, which could eliminate significant adverse impacts of the project, or reduce them to a level that is less-than-significant. The CEQA Guidelines further state that the lead agency must evaluate alternatives that could feasibly attain most of the basic objectives of the project but avoid or substantially lessen significant effects of the project, and that the EIR must evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6 (a)).

According to CEQA Guidelines §15126.6(f), the range of alternatives required in an EIR is governed by the “rule of reason” and an EIR must contain sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. As discussed in the RDEIR, under the **Alternatives Section 6.0**, the RDEIR provides a full discussion of the following alternatives:

- No Project Alternative –Retention of the Site by the City
- Lease for Single-Family Residential Use
- Lease for Public/Quasi-Public Use
- Sale with Conservation Easements and Mitigations

The CEQA Guidelines state that an EIR need not consider every conceivable alternative to a project, and that an EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. However, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. On pages 6-1 through 6-19 of the RDEIR, under the Alternatives Section, each of the selected alternatives is described, evaluated, and compared to the proposed project. The RDEIR contains the proposed alternative followed by a full explanation of each alternative.

The RDEIR also discusses the alternatives eliminated from the detailed analysis, again providing a summary explaining why the alternatives were eliminated from further discussion and referencing the 2005 DEIR for a full explanation of the alternatives considered (see page 6-1 through 6-3). In addition, for those alternatives selected for further evaluation, the ability of each alternative to reduce potential impacts is discussed. The RDEIR identifies that the alternatives chosen for this analysis were developed to avoid or substantially reduce the significant impacts associated with the proposed project. The RDEIR provides a discussion on the comparison of the impacts for each alternative and further presents this comparison in a matrix format on Page 6-4 of the RDEIR, (Table 6-1). The use of a matrix format is expressly authorized by CEQA Guidelines § 15126.6, (d), which states “a matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison.” Section 6.0 of the RDEIR consists of a detailed analysis of the potential environmental impacts of each project alternative, including a separate discussion of each environmental issue area for each alternative, and provides sufficient information about each alternative to allow meaningful analysis in comparison with the proposed project. While an EIR must “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project” (See CEQA Guidelines § 15126.6, (d)), “[t]he discussion of alternatives need not be exhaustive . . .”

In accordance with the CEQA Guidelines, the alternatives considered in the Draft 2005 EIR and this document 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. The City action as part of consideration of this EIR and action on this project will determine whether to retain the property or to approve a sale or lease of the property. The 2005 Draft and this document assess impacts resulting from the sale, lease, or other action (i.e., no project action).

This response is applicable to the following portions of the following letters: R-1; R-5; R-7.

Master Response 3b: EIR Does Not Consider Other Uses Reasonable for the Property under the No Project Alternative

Comment: The comments state that the No Project alternative is not adequate as it does not fully explore all of the uses to which the property might be put under the No Project alternative, and the consequences of those uses. Comments state that the RDEIR should explore additional analysis specific to the No Project alternative, including use of the building for a storage facility, or other uses identified that commenters state could occur within the building under the No Project condition.

Response: CEQA Guidelines § 15126.6(e)(3)(B) requires 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. The Guidelines further 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."

Under the No Project alternative, the City may determine that it wishes to retain the property and provide for other uses of the building and/or site. It may also choose to negotiate with a party for the long-term maintenance responsibility for this parcel/building without a sale or lease of the building and/or property. The analysis in the RDEIR is adequate to assess the potential physical impacts for all of the uses suggested in the public comments, including use of the building as a storage facility, use of the building without the surrounding property or uses similar to those as have occurred in the past, such as the leasing of a portion of the building for offices.

As noted above, 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 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, legal or other factors.

The RDEIR is focused on the potential impacts of the project related to physical impacts on the environment which may result from the future actions of the City. The identified alternative uses presented by the comments would not materially change the assessment of impacts discussed in the RDEIR. Each of the uses identified is consistent with either the No Project or Lease alternative impact assessments identified in the RDEIR. The impacts of these various uses have been adequately addressed.

However, in response to comments on this issue, the RDEIR has been modified to identify the range of potential uses under the No Project Alternative. It now includes a number of uses identified in the comment letters as well as some of the historic uses of the building (office space, care-taker uses, and vacancy). The expanded discussion of possible uses under the No Project alternative is a clarification and amplification and has not changed the conclusions in this EIR. (See **Section 5.0 Revisions to the Recirculated Draft EIR.**)

This response is applicable to the following portions of the following letters: C-26, R-3; AA-13.

3.2.4 Master Response 4: Single-Family Residential Use Preference

Comment: During the course of the public review period, numerous comments were received expressing a preference that, if the Flanders Mansion property is sold or leased, it should be used for

single-family residential use only. Comments stated that any use besides a single-family residential use would represent an intensification of use that would impact the existing residential character of the surrounding neighborhood due to increased noise, traffic, and potential land use compatibility issues. Additionally, a series of letters was received indicating that the site has historically been used as a single-family residence and that the continued use of the Mansion as single-family would be consistent with the residential nature of the surrounding area and would reduce impacts or potential conflicts from other intense uses. These comment letters also state that the preservation of the residential character of the neighborhood should be the primary objective of the City given the greater potential for impacts if the Mansion is used for something other than a single-family residence.

Response: The preference for single-family residential use for the Flanders Mansion property as expressed by the comments is acknowledged and referred to decision-makers. The Flanders Mansion property may be sold or leased for single-family residential use or other uses dependent upon the actions of the decision-makers. The 2005 EIR and the RDEIR evaluated potential impacts associated with single-family residential use as well as public/quasi-public occupancies and other uses. The RDEIR considered the potential impacts from the sale and/or lease of the property as well as the secondary impacts from use of the site and provided mitigations for potential impacts to the surrounding neighborhood.

As noted in the comments, depending upon the type of use of the Flanders Mansion property, increased traffic level compared to traffic from a single family residence could occur. Increased impacts from traffic to the neighborhood was considered to be mitigated through the incorporation of Mitigation Measure 4.4-1, as modified in **Section 5.0 Revisions to the Recirculated Draft EIR**. Additionally, one of the secondary objectives of the project is to protect the surrounding neighborhood from undue increases in traffic, parking, and noise. Compliance with General Plan Policy P2-12, which limits land uses that increase levels of traffic beyond the capacity of the existing street system, would further ensure impacts are minimized. The location of the Mansion building away from the homes in the neighborhood was evaluated in the RDEIR, noting that the distance would serve to reduce impacts from other land use impacts such as noise from future Mansion use and was evaluated in the RDEIR. Therefore, noise was not considered to be a potentially significant impact in the RDEIR.

The City has developed specific Conditions of Sale that would be recorded with the property to further address impact issues raised in the comment letters. More intensive uses, such as a motel or similar use would require a conditional use permit and would represent an intensification of use as compared to the historical use of the property. This type of use would be inconsistent with several of the project objectives as well as City General Plan policy. Since they would generate significantly greater land use intensity, and were not evaluated in the RDEIR, such uses would require subsequent environmental review.

This response is applicable to the following portions of the following letters: D-2; E-1; F-1; G-1; H-1; J-1; K-1; L-1; M-1; N-1; O-1; P-1; Q-1; Y-1; Z-1; AA-18; AA-19; AA-22; AA-23; BB-1. See Appendix A for form letters.

3.2.5 Master Response 5: Transportation/Traffic

Comment: A number of public comments suggest that Hatton Road is inadequate to accommodate additional traffic from non-residential uses because it is narrow and winding. These comments suggest that the City should limit the use of the property to single-family residential to minimize transportation/traffic related impacts associated with increased traffic from non-residential uses. These letters also indicate that the site has historically been used as a single-family residence and that the

continued use of the Mansion as a single-family residence would be consistent with the residential nature of the surrounding area and would reduce impacts or potential conflicts from other more intensive uses.

Response: Access to the Flanders Mansion parcel is provided via Hatton Road, a County residential street with numerous driveways accessing the residences along the road. The RDEIR states that future use of the Flanders Mansion property has the potential to impact the existing residential character of the surrounding area as a result of increased traffic. This was identified as an indirect impact that would be contingent upon the type of future use. Table 4.6-1 of the RDEIR (see page 4.6-9), identifies the potential traffic trips of uses other than single-family residences. Because the future use of the property is currently unknown, the RDEIR evaluated potential traffic impacts associated with a range of foreseeable uses based on the site's zoning designation, P-2 (Improved Parkland).

In order to ensure that implementation of the proposed project would not result in an intensification of use, mitigation has been incorporated to limit the future use to low traffic generating uses. Moreover, it is important to recognize that if a future use is inconsistent with the analysis contained in the RDEIR, as modified in this RFEIR, and would result in potentially significant transportation/traffic impacts, additional CEQA review would be warranted. Finally, future use of the property would be required to comply with existing General Plan policies (see General Plan Policy P2-12), which limits land uses that increase levels of traffic beyond the capacity of the existing roadway system.

In response to concerns articulated in the comment letters, Mitigation Measure 4.4-1 has been amplified to ensure that any future use inconsistent with the analysis contained in this EIR would be subject to additional environmental review and applicable City permitting requirements. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

This response is applicable to the following portions of the following letters: D-1; E-1; F-1; G-1; H-1; J-1; K-1; L-1; M-1; N-1; O-1; P-1; Q-1; Y-1; Z-1; AA-18; AA-19; AA-22; AA-23; BB-1.

3.2.6 Master Response 6: Aesthetics

Comment: During the course of the public review period, a number of comments were received indicating that the level of analysis in the RDEIR concerning potential aesthetic impacts was inadequate. Specifically, comment letters noted that the RDEIR did not fully evaluate potential impacts associated with the loss of direct views from the Flanders Mansion property of the surrounding area and that loss of these views cannot be mitigated. Comment letters also stated that sale of the Flanders Mansion property would result in the loss of views of the Flanders Mansion from the surrounding area; some letters stating that loss of these views would represent a significant impact that could not be mitigated with mitigations proposed in the RDEIR.

Response: As identified in the RDEIR, implementation of the proposed project is anticipated to result in aesthetic-related effects associated with the future use of the Flanders Mansion. Specifically, a new owner may want to introduce new exterior features that would affect views of the Flanders Mansion as perceived from various locations within the Mission Trail Nature Preserve. The RDEIR also discussed the possibility that sale of the Flanders property also may result in the loss of public access to the Mansion property and thereby limit short-range views of the Flanders Mansion. The RDEIR also identified that the potential sale of the Flanders Mansion could preclude the public from enjoying views of the surrounding area from the Flanders property.

In an effort to fully evaluate potential visual effects, the RDEIR evaluated both the direct and indirect visual effects associated with the future use of the subject property. The RDEIR identified that the proposed project likely would result in potential effects related to scenic vistas, visual character of the

Mission Trail Nature Preserve, and lighting and glare. These effects were evaluated in accordance with the CEQA Thresholds provided in Appendix G of the CEQA Guidelines. Moreover, DD&A conducted a number of site assessments to evaluate the visual character of the project site and surrounding area as part of the impact analysis. Methodology for the impact assessment included evaluation of aerial photographs of the site and surrounding area, field investigation, and identification of key vantage points, mapping the identified vantage points and taking photographs from these points. The series of site visits served as the basis for the visual assessment conducted for the proposed project. Additionally, since the action of the project is the potential sale of the property and no specific development is proposed, the RDEIR based the future conditions analysis on a set of conservative assumptions. The RDEIR represents a conservative analysis in which a number of potential actions are assumed to occur upon the sale of the property (i.e. introduction of fencing, gates, hedges, or similar exterior features) and the physical affects of those actions are assessed. These effects were considered potential indirect impacts in the RDEIR.

Based on the extensive site visits and review of aerial and ground-level photographs of the project site, the RDEIR identified key public viewing areas and appropriately concluded that long-range views from the Flanders Mansion property to distant visual resources such as the Carmel Mission, Point Lobos, and Carmel Bay are limited and therefore do not constitute a “scenic vista.” As described in the RDEIR, a “scenic vista is considered an area of particular scenic quality and beauty that offers landscape-scale views of distant scenic resources, such as mountain ranges, the Pacific Ocean, or similar features...” (See **Aesthetics Section**, Page 4.1-5). Specifically, long range views to Carmel Mission, Point Lobos, and Carmel Bay from the Flanders Property viewing points are primarily obstructed by the Mansion building or by mature vegetation along the southwestern boundary of the parcel. Views of these features are available from a public viewing area in Martin Meadow immediately adjacent to the Flanders Mansion parcel and other areas of the Mission Trail Nature Preserve not within the project boundaries. In order to ensure the long-term preservation of existing viewing areas located adjacent to the project site, particularly the identified public viewing area in Martin Meadow immediately adjacent to the site, mitigation measures were included in the RDEIR. These mitigation measures have been strengthened and amplified to ensure that adequate facilities are provided for public use and enjoyment (see **Section 5.0 Revisions to the Recirculated Draft EIR**). The loss of views from the Flanders Mansion property is not considered significant because only limited views are available from the property grounds, alternate viewing locations are available immediately adjacent to the Flanders property and views available from the property area are inconsistent with the definition of a “scenic vista.”

The RDEIR identified that implementation of the proposed project would preclude public access to the property and result in the loss of direct (immediate to short-range) views of the Flanders Mansion. Both direct and indirect impacts to the visual character of the Mission Trails Nature Preserve are addressed within the RDEIR. Loss of short-range views of the Flanders Mansion from the property would not significantly affect the existing visual character of the Mission Trail Nature Preserve. While the public would no longer be able to access the property directly, the Flanders Mansion would continue to be visible from a number of locations within the Preserve, including portions of the driveway alignment, the Lester Rowntree Arboretum, and other locations. Mitigation measures identified in this RFEIR, as modified in **Section 5.0 Revisions to the Recirculated Draft EIR**, would ensure that the future use of the subject property would not significantly affect the existing visual character of the Mission Trail Nature Preserve.

The RDEIR incorporated a number of project-specific mitigation measures in order to ensure that aesthetic related impacts are minimized to less-than-significant levels. Pertinent mitigation measures in the RDEIR include: 1) the use of scenic deed restrictions or easements to protect visually sensitive areas of the Preserve adjacent to the site; 2) improved trail access to viewing areas; 3) preservation of the forested character of the site by limiting tree removal activities on the property; 4) fencing guidelines to ensure that fencing does not significantly obstruct existing views of the Mansion from within the Mission

Trail Nature Preserve; and 5) lighting standards to ensure compliance with applicable City standards. These mitigation measures, as modified in **Section 5.0 Revisions to the Recirculated Draft EIR**, have incorporated specific requirements so the City retains sufficient oversight capacity of future improvements and site modifications to ensure that visual impacts are minimized. Any future exterior improvements, such as fencing or gates, for instance, will be subject to the Design Review process described in Chapter 17.58. Any new fences, walls, gates, or similar elements intended to denote project boundaries will be required to comply with the guidelines identified in this RFEIR. Through a combination of preservation, trail improvements, and fencing guidelines, the City of Carmel-by-the-Sea can minimize the extent of project impacts. These mitigation measures are necessary to ensure that the future use of the Flanders Mansion does not significantly jeopardize the existing visual character of the Preserve.

This response is applicable to the following portions of the following letters: C-12; C-14; C-18; R-14; R-16; R-19; R-27; V-3; AA-2.

3.2.7 Master Response 7: Parks/Recreation

Comment: A number of public comments were received indicating that the proposed project would impact the existing character of the Mission Trail Nature Preserve by creating a private “in-holding” that would detract from the cohesive/integrated nature of the Preserve. In addition, comment letters also noted that sale of the property would impact recreational opportunities within the Preserve and the Lester Rowntree Arboretum.

Response: The RDEIR clearly states that the Flanders Mansion parcel is within the Mission Trail Nature Preserve and is considered parkland. The RDEIR also states that the Flanders Mansion is identified in the Mission Trail Nature Preserve Master Plan as an intrinsic part of the Preserve and the surrounding area. The RDEIR concludes that the sale of the Flanders Mansion property would result in the permanent loss of parkland and therefore would constitute a significant and unavoidable impact that is locally significant to the Mission Trail Nature Preserve. Loss of public access to the property would eliminate a number of park benefits that are derived from the property, including trail connections to other parts of the Preserve and other passive recreational activities that occur on-site. Accordingly, the RDEIR identifies that the proposed project would also result in additional impacts to the existing trail network within the Preserve. The RDEIR also recognizes that future use of the property could result in additional impacts to the Mission Trail Nature Preserve if higher intensity uses occurred on-site.

A private “in-holding,” is generally defined as the establishment of residential or other non-park use surrounded by parkland. Since the public is usually denied access to the in-holding, it can diminish public enjoyment of adjacent park resources. In-holdings are not prohibited by state law but they do reduce the amount of public parkland. The RDEIR recognizes that there would be reduced use of parkland as noted above. The conclusions in the RDEIR identify the permanent loss of parkland as a significant and unavoidable impact.

The Flanders Mansion property is fully surrounded by parkland. It is not adjacent to any other zoning districts or uses. It is unknown what type of land use will ultimately occupy the Flanders Mansion; single-family residence, non-profit offices, special events, and other uses have occupied the site in the past. These historical uses are consistent with the existing P-2 land use designation for the Flanders Mansion parcel which permits residential use and a variety of other occupancies. Approval of the proposed project, or one of the other alternatives studied in the RDEIR would be consistent with current zoning and would not be considered spot-zoning. However, the RDEIR still concludes that the proposed project or any sale or lease alternative that limits or denies public access to the property would detract

from the cohesive/integrated nature of the Preserve. Sale of the property would result in the loss of 1.252 acres of public parkland located entirely within the Mission Trail Nature Preserve that has historically been accessible by the general public. The RDEIR identifies this as a significant impact that cannot be fully mitigated.

While the RDEIR recognizes that the permanent loss of public parkland would represent a significant impact that cannot be mitigated it also identified a number of mitigation measures to ensure that project-impacts to the existing trail network and access to the Mission Trail Nature Preserve are minimized to a less-than-significant level (see Mitigation Measures 4.1-1 and 4.5-1, as modified in **Section 5.0 Revisions to the Recirculated Draft EIR**). These mitigation measures require that the City of Carmel-by-the-Sea provide adequate replacement trails to compensate for the loss of trail access to and through the Flanders Mansion property. Mitigation Measure 4.1-1 has been strengthened and amplified to ensure that adequate public amenities are available for public use. The location and placement of these replacement trails has been further reviewed to confirm the feasibility of this mitigation. In addition to these mitigation measures, access to the Preserve in the immediate vicinity of the Flanders Mansion property would still be available from Hatton Road and the eastern portion of the driveway. This part of the driveway would remain in public ownership and would provide trail access. The Hatton Road entry would continue to provide access to the top entrance of the Lester Rowntree Arboretum. Additional mitigation (see Mitigation Measure 4.4-1) has been incorporated to ensure that indirect impacts associated with the future use of the property are minimized.

This response is applicable to the following portions of the following letters: C-7; C-23; D-7; G-1; H-1; N-1; R-11; R-16; R-24; V-3; V-7.

3.2.8 Master Response 8: American with Disabilities Act of 1990 Requirements and Handicap Access to the Mission Trail Nature Preserve

Comment: Certain public comments stated the project site is not currently compliant with the federal Americans with Disabilities Act of 1990, Pub.L. 101-336, July 26, 1990, 104 Stat. 327 (42 U.S.C. Ch. 126, § 12101 et seq.) [“ADA”]. Other comments stated that the site could be or should be made ADA-compliant. Further comments stated that, in accomplishing ADA compliance, standards for preservation of historic buildings must also be observed. Finally, a number of public comments raised concerns that if the Flanders Mansion property were sold into private ownership access to the park from the driveway and parking area next to the Mansion building, which might be used by individuals with physical limitations, would be lost.

Response: The site and the building do not currently meet ADA standards for parking or building access. ADA standards will be applied where required by the provisions of the ADA, based upon the proposed use of the site. If used as a single-family residence the Mansion will not require disabled access for parking or for building entry. However, if the property is leased or sold as a single-family residence, the occupant still might make ADA improvements, depending on their needs. If the Mansion is used as a City facility, or any other use involving public or employee access to the building, compliance with the ADA is mandatory. Since the Mansion is an historic resource, the Building Codes (including the State Historical Building Code) provide certain, limited flexibility in meeting ADA requirements. The normal ADA requirements may be altered only if providing ADA access would threaten to destroy the historical significance of a property.

Sale or lease of the Mansion for any use that constrains public access to the property will result in the exclusion of disabled persons from the Mansion grounds. This would include the flat area at the bottom of the driveway that might be used for disabled access parking. The impacts on handicapped access could occur under any of the alternative uses considered, including the single-family residential lease or sale

alternative. Under existing conditions, disabled access beyond the paved area on the property to the interior of the Preserve is limited, particularly for wheelchair movement. The degree of disabled access to the interior of the Preserve for persons not requiring a wheelchair would depend on the nature of their disability. This is an existing condition which limits access with or without the project. The site does not currently provide, and has not provided in the past, access and parking compliant with ADA standards.

The proposed alternate parking in the mitigation measures shows the location of a potential visitor parking area on City-owned property at the beginning of the driveway entrance to the Flanders parcel (please refer see **Figure 4.6-2**). In addition, there are five possible locations where disabled access parking for entry to Mission Trails Nature Preserve could be accommodated in the future: (1) off the driveway near Hatton Road, (2) the entry at Martin Road, (3) the Mountain View Avenue entrance, (4) the entrance at Rio Road and (5) the entry at Eleventh Avenue. None of these entrances are currently improved for disabled access. Access to the interior of the Preserve from these potential parking areas, and within the interior of the Preserve generally, is limited. The degree of access within the Preserve would depend on the nature of the disability. Future development of access which may be proposed would be subject to review and approval by the City and subject to environmental review under CEQA. No such access is suggested or proposed as part of this project. This is considered an existing condition that is referred to decision-makers.

This response is applicable to the following portions of the following letters: C-11; R-3, R-4, AA-7; C-11; R-17.

3.2.9 Master Response 9: Economic Feasibility

Comment: Certain public comments stated that the RDEIR did not contain a discussion of the economic feasibility of the project alternatives studied, and indicated that the public desires an analysis of the economic feasibility of the project and alternatives to judge the appropriate action the City should take, if any.

Response: CEQA requires the decision makers to balance economic, legal, social, and technical benefits of a proposed project against its unavoidable environmental risks (CEQA Guidelines §15093(a)). While economic considerations will be an important part of the balancing process, they are not environmental issues and are not required in an EIR. The CEQA Guidelines and case law make clear that such economic information and analysis may be provided in some other manner than in the RDEIR (see CEQA Guidelines §15131) as the City has chosen to do in this case.

An environmental document should discuss the economic effects of a project only where such effects have the potential to cause a physical change in the environment. The environmental analysis here has not identified any physical change or potentially significant impacts to the physical environment that is anticipated or reasonably likely to result from any economic effects of the project or any project alternative. The RDEIR has been modified to clarify this point by expressly stating it. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

An economic feasibility analysis has been performed by consultants qualified in economics and in property and market valuation (CBRE Consulting, Economic Analysis of the Flanders Mansion Property, 2009). This study was presented to the City Council and made available to the public for its review and consideration at a public meeting of the City Council on March 25, 2009. The economic analysis may be reviewed at City Hall and is also available for review on the City's web site at the following address: <http://ci.carmel.ca.us/carmel/index.cfm?LinkServID=81D2C4CA-3048-7B3D-C551292A72738CE2&showMeta=0>.

The Economic Report by CBRE analyzed the economic feasibility of the City's disposition alternatives for Flanders Mansion. Members of the public with questions or comments about the economic report should direct those in writing to the City, using the following contact information: Sean Conroy, City of Carmel-by-the-Sea, Community Planning & Building Department, Post Office Drawer G, Carmel-by-the-Sea, CA 93921, or through facsimile at (831) 620-2014, or through email at sconroy@ci.carmel.ca.us.

This response is applicable to the following portions of the following letters: AA-3, AA-12, A-20; C-2, C-26; D-5; P-1 (last sentence of 2nd Paragraph); R-1, R-3, R-4, R-5, R-6, R-9, R-12, R-21; S-1; W-2.

3.2.10 Master Response 10: City Finances

Comment: Several of the comment letters state that the City has focused on the sale of Flanders Mansion, either as a means to raise funds for capital projects (2005 EIR), or to relieve short-term and future costs from rehabilitation and maintenance (2009 RDEIR). Comment letters also state that the project objectives are inappropriate because the City has substantial funds in its reserve accounts that are adequate to rehabilitate the Flanders Mansion Property and fund its long-term maintenance. Comments suggest that the City should retain the property, rehabilitate it, and open it to the public. Further comments have stated that since 2000 the City has inappropriately focused on Flanders to raise funds and to promote the idea that the property is a drain on City resources. Comments stated that, in reviewing City objectives, the public is led to believe that the City cannot afford to restore and maintain its parkland and historic assets; the comments state this is not demonstrated in the RDEIR. The comments also indicated that the City finished its last fiscal year (July 1, 2007-June 30, 2008) in the black and had over \$10 million in reserves.

Response: While economic considerations will be an important part of the decision making on the project, they are not environmental issues and are not appropriate topics for discussion in an EIR. CEQA requires the decision makers to balance economic, legal, social, and technological benefits of a proposed project against its unavoidable environmental risks (CEQA Guidelines § 15093(a)). If specific economic, social, or other conditions make infeasible certain project alternatives or mitigation measures which substantially lessen the significant environmental effects of the project, the City may approve the project in spite of one or more significant environmental effects. A decision to approve the project must be accompanied by written findings in accordance with CEQA Guidelines §15091, and if applicable, §15093. CEQA does not authorize an agency to proceed with a project that will have significant unmitigable effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible. Economic viability is one of the factors that may be taken into account in addressing the feasibility of an alternative. The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In order to approve a project or alternative that would have a significant, unmitigable environmental impact, the City will be required to make findings identifying the specific considerations that make infeasible the environmentally superior alternatives and the specific benefits of the project which outweigh the environmental harm.

The City Council has broad discretion to determine the appropriate public purposes for which to allocate City funds, whether annual funds or reserve funds, including deciding funding and expenditure priorities. The determination of what constitutes an appropriate public purpose on which to expend public funds is primarily a matter for the City Council, as the City's legislative body. Discretionary fiscal and budgetary decision-making includes questions of budgetary and fiscal policy, allocation of available resources in accordance with City priorities, and choices between competing plans for accomplishing

objectives. Ultimately, it is up to the City Council to set priorities for how public funds should be allocated to serve public purposes.

Please see also Response to Master Comment 9.

This response is applicable to the following portions of the following letters: AA-3, AA-4, AA-12, AA-20; C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-26, C-28; D-2; P-1; R-1, R-3, R-4, R-6, R-21, R-26; V-1; W-2.

3.2.11 Master Response 11: Cultural Resources/Preservation

Comment: A number of public comments expressed concern that implementation of the proposed project would impact a historic resource and the RDEIR failed to fully evaluate potential impacts to the Flanders Mansion. Specifically, several comment letters stated that the sale of the Flanders property would separate the Mansion from its historic setting and would therefore result in a significant and unavoidable impact to a historic resource. These comments are concerned that the sale or lease of the Flanders Mansion would destroy the integrity of the setting of the building by either removing it from its original setting or through the addition of exterior elements, such as fencing. Comment letters also identified that mitigation measures lack the necessary detail and enforcement provisions to ensure their successful implementation.

Response: With regard to historical resources, CEQA generally defines a substantial adverse change as demolition, destruction, relocation, or alteration that is not consistent with the Secretary of the Interior's Standards for Rehabilitation (CEQA Guidelines §15064.5(b); Public Resources Code § 5020.1). While the proposed sale or lease of the property would not have any direct impact on the historicity of the Flanders Mansion (i.e., it would not result directly in the physical demolition, destruction, relocation, or alteration of the buildings), a change in ownership or control of the property could *indirectly* lead to an impact.). Thus, to reiterate the conclusion in the RDEIR, the sale of the Flanders Mansion could result indirectly in the change in the historical significance of the resource depending on how the Mansion is used following the sale. The RDEIR concludes, however, that the City's existing historic preservation ordinance will avoid such impacts, and thus satisfy the requirements of CEQA because it will ensure that any future modification to the Flanders Mansion would adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties. Consequently, the current project – the sale of the property-- would result in a less-than-significant impact. In addition, as an extra level of protection that the City could pursue or require of potential buyers, mitigation is included to ensure the preservation of the property in ways above and beyond the preservation ordinance, even though that ordinance satisfies CEQA.

When discussing National Register properties, any discussion of setting and boundary necessarily must refer to the setting and boundary defined in the nomination forms. In general, an historic property's setting refers to the character of the physical environment of a historic property while the boundary is the geographical extent or area of a historic property. The nomination was prepared in 1988 and the property was listed in the National Register of Historic Places (NRHP) in 1989. During the preparation of the 2005 FEIR, Jones & Stokes, Consulting Historians, conducted a review of the pertinent sections of the Flanders Mansion NRHP nomination form that refer to the setting and the boundaries. In reviewing those areas of the nomination where boundary and setting are described, it was determined that, in general, the Mansion is significant under Criterion C because it embodies the distinctive characteristics of the English Cottage style and as realized in the mature work of architect Henry H. Gutterson. The nomination also makes several references to the Mansion's setting. Specifically, the document notes that Gutterson carefully sited the mansion to take full advantage of the viewshed while at the same time providing a degree of privacy and protection from the elements. In fact, the summary of significance expressly states that both the design of the house and the site planning possess the high artistic value that qualify the

house for listing in the NRHP. The description of the setting notwithstanding, the NRHP designation only extends to the parcel of land immediately surrounding the house. It might have been more appropriate to include the entire original boundary of the Flanders parcel which would have encompassed those features of the surrounding setting -- landscape, hills, and viewsheds -- as character-defining features of the property. However, in the strictest sense, the sale would include all of the property identified in the National Register listing. Furthermore, and more obviously, the sale would not result in the physical removal of the Flanders Mansion from its current location, and so in the strictest sense would not result in an impact.

With regard to comments concerning the addition of fences and similar exterior elements, any such additions to the property would be covered under the historic preservation ordinance and preservation plan as outlined in the RDEIR. Additionally, as identified above, the RDEIR mitigation proposes that the City provide for Conditions of Sale or a lease agreement that will require fencing to be in compliance with the historic setting as well as minimize impacts to neighboring parkland. In addition, mitigation measures were incorporated to require that any future exterior elements, such as fencing, walls, gates, or hedges, comply with the design guidelines and design review process provided in Mitigation Measure 4.1-4. In response to comments that Mitigation Measure 4.3-1 is not binding, it should be noted that Mitigation Measure 4.3-1 requires the terms of any sale to be subject to the recordation of deed restrictions, which shall run with the land and be binding upon successive owner and lessees. This mitigation requires adherence to a comprehensive Preservation Plan for the Flanders Mansion consistent with the Secretary's Standards and the Carmel-by-the-Sea Municipal Code historic preservation provisions. The mitigation calls for the Preservation Plan to be prepared by a qualified professional and to provide practical measures to assess potential changes to the property and make recommendations so that the changes would not disrupt the historic integrity or character defining features of the resource consistent with the Secretary's Standards. It should be noted, that for this project, additional mitigation measures have been incorporated into the project which to provide specific lease terms to be implemented or that deed restrictions be recorded with the property that run with the land and ensure that the structure be maintained in a historic fashion per required standards. Revisions have been made to Mitigation Measure 4.3-1 to state that the provisions of this mitigation are mandatory. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

This response is applicable to the following portions of the following letters: C-11; V-5; AA-5.

3.2.12 Master Response 12: Enforceability of Obligations of Owners, Lessees and City

Comment: Certain comments stated the belief that the City may enforce conditions imposed on a lessee more easily than they may be enforced upon an owner. Other comments stated the belief that the secondary objectives may better be achieved and enforced if the City were to retain the property or to lease the property. Some comments questioned whether the City would enforce the obligations of an owner, occupant, or lessee, or abide by its own obligations.

Response: The CEQA question raised here is whether the mitigation measures recommended by the EIR are feasible to mitigate the identified significant impacts of the project, i.e., the sale of the Flanders Mansion. CEQA requires that mitigation measures be feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social, and technological factors. (CEQA Guidelines §15364.) It is not the role of an EIR to determine feasibility of particular mitigation measures; only the decision makers can definitively determine the feasibility or infeasibility of proposed mitigation measures.

It is the opinion of the preparers of this EIR that the imposition of specific conditions of sale, together with recorded deed restrictions and covenants that run with the land, are effective measures to avoid or substantially lessen the identified impacts.

Conditions which could be imposed upon a lessee of the property through the terms and conditions of a lease, and remedies available against a lessee to require compliance with any such condition, may be imposed and enforced in an equivalent manner upon an owner of the property, through conditions of sale and covenants which are recorded and will “run with the land,” so that they are applicable to future property owners. A broad range of administrative, legal, and equitable remedies -- civil, quasi-criminal and criminal -- are available to enforce such restrictions, conditions, and covenants. Whether these measures are more or less effective than enforcement of terms of a lease is a complex legal question that is beyond the scope of this EIR, and must be weighed by the decision makers as part of their determinations of feasibility.

The need to enforce conditions and mitigation measures may arise under either a lease or sale. The City does not avoid the need to monitor compliance by electing to lease the property instead of selling it. The cost of any enforcement required is wholly speculative absent any specific information about the nature of future, hypothetical violations of sale or lease conditions, easements and covenants running with the land, or a Mitigation Monitoring and Reporting Program.

The City's direct legal obligations under a certified RFEIR, and mitigation measures, conditions of sale or lease, and covenants to be recorded to run with the land, are subject to enforcement by several administrative and judicial remedies. Likewise, any duty of the City to enforce obligations owed by a future owner, occupant, or lessee, under a Mitigation Monitoring and Reporting Program, conditions of sale or lease, recorded covenants running with the land and the historic preservation provisions of the City of Carmel-by-the-Sea Municipal Code may also be enforced through a variety of remedies. Lastly, the Superior Court in the action, Flanders Foundation vs. City of Carmel-by-the-Sea and City Council of the City of Carmel-by-the-Sea (Mont. Co. Super. Ct. Case M76728) found the City was bound by its Municipal Code Historic Preservation sections, and such obligations are also legally enforceable.

See also, response to comment C-13.

This Response is applicable to the following portions of the following letters: AA-4, AA-15; C-3, C-5, C-6, C-8, C-13, C-21, C-27; Q-1 (Page 2, last paragraph through p. 3, continuation of paragraph); R-26; V-2, V-6.

3.2.13 Master Response 13: Adequacy of EIR and Notification – General Comment

Comment: Certain comments stated the belief that the RDEIR was not adequate or prepared consistent with CEQA Guidelines and that the public was not provided adequate opportunity to review it.

Response: The Recirculated Draft EIR was prepared in accordance with the requirements of CEQA and its implementing guidelines. CEQA Guidelines Section 15151 requires that an EIR be prepared with a sufficient degree of analysis to foster informed public participation and to provide decision-makers with information which enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. CEQA does not require perfection in an EIR, but rather adequacy, completeness and a good faith effort at full disclosure. The Recirculated Draft EIR provides a factual and objective disclosure of the environmental impacts of the proposed project. The RFEIR represents a good faith, reasonable, and adequate effort to identify and

assess the environmental impacts of the project and to recommend feasible mitigation measures, based upon available information and assessment methods

In an effort to maximize public information and input, the City has met or exceeded CEQA requirements for the RDEIR process. The public was provided an opportunity to submit written comments during the public review period. The public also was given an opportunity to present oral comments on the RDEIR and the project at a Planning Commission hearing held in February during the review period. The City has scheduled three additional public hearings (Planning Commission, Forest & Beach Commission, & Historic Resources Board) that will take place prior to the City Council taking action on the proposed project. The public has had multiple opportunities to assess the project and make an informed judgment as to the validity of the environmental conclusions.

Consultation with agencies occurred throughout the 2005 DEIR process and in connection with the 2009 RDEIR. Monterey County was consulted during the 2005 and the current environmental review process in the development of specific information regarding area roadways. Additionally, the Counties of Monterey, Santa Cruz and San Benito, and the Cities of Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, and Seaside received notice at the initiation of the environmental review of this project, in 2005, via distribution directly to the County Administrative Officer and distribution through the Association of Monterey Bay Area Governments (AMBAG). The Carmel Area Wastewater District, Carmel Unified School District, National Trust for Historic Preservation, Monterey Peninsula Water Management District, Monterey County Planning Department, Monterey Regional Park District, and Monterey County Housing Authority also received notice at that time. Monterey County and these other agencies and local governments again received notice of the completion and availability of the RDEIR in January 2009. In addition, a copy of the RDEIR was sent directly to the Monterey County Public Works Department on March 13, 2009, who was given a further opportunity to submit comments. Monterey County did not submit any comment on the 2005 DEIR or on the current RDEIR to date. The State Clearinghouse (Office of Planning and Research ["OPR"]), California Department of Transportation District 5, California Coastal Commission, California Department of Fish & Game Region 4, California Department of Forestry and Fire Protection, California Department of Parks & Recreation, and the State Water Resources Control Board for Water Quality also received notice of the availability of the RDEIR in January 2009.

This Response is applicable to the following portions of the following letters: AA-4, AA-15; C-3, C-5, C-6, C-8, C-13, C-21, C-27; Q-1 (Page. 2, last paragraph through Page. 3, continuation of paragraph); R-26; V-2, V-6.

3.2.14 Master Response 14: Level of Specificity of Mitigation in the RDEIR

Comment: Certain comments stated the belief that the level of specificity in the RDEIR and its mitigation measures was not adequate or prepared consistent with CEQA.

Response: The level of specificity of the mitigations and analysis in this document are consistent with the level of specificity of the proposed project which is described in the EIR. In this case, the proposed project is the sale of the Flanders Mansion. None of the details of that proposed action- the identity of the purchaser, the use proposed to be made by the purchaser or the entitlements that may be sought for such use, the terms of the sale- are available at this time. Therefore, the level of detail in the impact analysis and the development of mitigation measures are consistent with the evaluation of a proposed sale of the property and are not specific to the detailed plans that would be available for a development project.

This Response is applicable to the following portions of the following letters: C-1; C-25; R-7; R-8; R-10.

4.0 COMMENTS AND RESPONSES ON THE RECIRCULATED DEIR

4.1 INTRODUCTION

This section provides responses to the comments received on the Recirculated Draft EIR (RDEIR). A list of the comment letters is presented in **Section 3.2**, and copies of each of the comment letters are included in this section, with responses to each comment provided following the letter.

4.2 COMMENT LETTERS AND RESPONSES TO COMMENTS

Each letter received on the RDEIR, as identified in **Section 3.2** above, is presented in this section. The individual comments within each letter are numbered, and numbered responses to each of the corresponding numbered comments are provided immediately following each comment letter. In those instances in which a comment states an agency position or opinion and does not comment on issues relevant to the environmental analysis presented in the RDEIR, the sentence "The comment is acknowledged" is provided. If the comment is directed at City of Carmel-by-the-Sea regarding the decision on the project, the sentence "The comment is referred to the decision-makers for their consideration" is provided; typically, these comments do not raise issues relevant to the environmental analysis. Where the response notes an addition or deletion to the text, tables, or figures in the RDEIR, a brief description of the change is provided, and the reader is directed to **Section 5.0, Revisions to the Recirculated Draft EIR**. The comments identified during the public review period have not raised any new significant information under CEQA; revisions have been incorporated to clarify and amplify the analysis contained in the RDEIR.



Letter A

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

February 19, 2009

Sean Conroy
City of Carmel-by-the-Sea
P.O. Box Drawer G
Carmel-by-the-Sea, CA 93921

Subject: Sale of Flanders Mansion Property
SCH#: 2005011108

Dear Sean Conroy:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on February 18, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

A-1

LETTER A: GOVERNOR'S OFFICE OF PLANNING AND RESEARCH STATE CLEARINGHOUSE

A1: The letter states the State Clearinghouse submitted the Recirculated Draft EIR to selected state agencies for review and no state agencies submitted comments during the public review period. This letter acknowledges that the City of Carmel-by-the-Sea has complied with the State Clearinghouse review requirements as required pursuant to CEQA. No response is required.



February 16, 2009

Mr. Sean Conroy
City of Carmel
Planning Department
P.O. Box CC
Carmel, CA 93921

**RE: MCH# 20090101 – Notice of Completion
Flanders Mansion Property**

Dear Mr. Conroy:

AMBAG's Regional Clearinghouse circulated a summary of notice of your environmental document to our member agencies and interested parties for review and comment.

The AMBAG Board of Directors considered the project on **February 11, 2009** and has no comments at this time.

Thank you for complying with the Clearinghouse process.

Sincerely,

A handwritten signature in blue ink, which appears to read "John Doughty". The signature is enclosed within a blue oval-shaped outline.

John Doughty
Executive Director

B-1

LETTER B: ASSOCIATION OF MONTEREY BAY GOVERNMENTS (AMBAG)

B1: The comment identifies that AMBAG's Regional Clearinghouse circulated a summary notice concerning the Flanders Mansion Recirculated Draft EIR to member agencies and interested parties for review and comment. AMBAG Board of Directors considered the project on February 11, 2009 and no comments were identified at that time. No response is necessary.

February 18, 2009

To: Sean Conroy and Consultants
City of Carmel-By-The-Sea
Re: Comments on the Recirculated Draft
EIR for the Sale of The Flanders
Mansion Property.



RECEIVED
FEB 18 2009
CITY OF
CARMEL-BY-THE-SEA

The Flanders Foundation appreciates the opportunity to comment on this (revised) RDEIR and to thank the Staff and Consultant for their fine work. Of course we have concerns which we will shortly discuss, however, we look forward to the same mutually cooperative effort that we enjoyed in 2004-2005 with Staff and the consultant in going through this process. During this important process, we would ask you to please notify us and our legal counsel, Susan Brandt Hawley, in a timely fashion of all public hearings and information etc. so that we may fulfill our functions and responsibilities in this process.

The Project and Objectives

From the outset of this process in 2005 with the Notice of Preparation Project Identification until today the city continues to narrowly define its project. There is very little specificity regarding uses which makes the discussion of mitigation measures too general and vague as to enable the public to grasp the full extent of potential impacts and the adequacy of the mitigations proposed by the consultants. The city must also comply with State Codes relative to the sale of Parkland which requires offering the property to other local and state agencies. This situation allows other public agencies to purchase or lease the Flanders Property. This has not been clearly articulated in the RDEIR analysis nor have potential uses by these agencies been fully discussed so as to give the public a clear idea of their potential impacts and mitigations.

C-1

We also continue to believe that since 2000 the city has inappropriately focused on the Flanders property to raise additional funds and to promote the idea that the Flanders Property is a drain on city resources and that it is in such poor condition as to warrant the necessity of a sale due to the cost of upgrading the property. This is not the case. Since 1998 the city has spent very little on the upkeep of Flanders. It is a real testament to the outstanding design and construction of the building that it has weathered the city's years

C-2

of neglect (this neglect is also true of many of the city's buildings and or properties, i.e. the Scout House, Forest Theater, Public Works Building, City Hall, Park Branch Library etc.). Our Foundation has repeatedly sought city cooperation and offered to raise money through grants and donations to refurbish the gardens and the Mansion and to open it for public use and enjoyment. Our requests have been categorically ignored and rejected through silence, no response, over the years. Also, in the past, until 2003, when the city decided on moving forward with the sale, caretakers have been living in the Mansion. Since then the Mansion has been vacant and the consequences for the Mansion Property have been very detrimental. Only through a lawsuit has the city been forced to begin to clean up and address items of deferred maintenance. The City has done some work on the Mansion pursuant to the Courts directive. However, drainage problems from the driveway, plumbing and exterior moisture barriers are items that need to be corrected in a timely fashion. It should also be noted that the City has not attempted to use the property for offices, museums or some city functions. It has only focused on a sale.

C-2
cont.

Secondary Objectives

In reviewing (Pg. 3-4 &5, 3.3) the city's secondary objectives, the public is lead to believe that the city cannot afford to restore and maintain its parkland and historic assets. This is nowhere discussed or demonstrated in the RDEIR. In fact, the city finished its last fiscal year (2008) in the black and has over \$10 Million in city reserves. How many cities on the Peninsula, the county or state are in such a solid financial condition? Why the city does not choose to maintain its public assets is a serious question that remains unclear. Our belief is that the city has not made its case that this project (the sale of Flanders Mansion, Parkland) is necessary or appropriate. If the city really needed cash, why has it continued to fail to attempt to explore or develop new long term sources of revenues to meet its deferred capital maintenance and properly maintained its assets? Also, it should be noted that the city has never sought grants or donations to assist with the deferred maintenance and upgrades for the park and its historic assets.

C-3

In reading the city's 6 Secondary objectives (Pg. 3-5, 3.3), we come to the conclusion that they are not reasons for sale, but rather the very reasons to retain the property in the public domain.

1. To ensure that the Flanders Mansion is preserved as an historic

resource. Who could guarantee this better than the city with its laws, policies, enforcement tools and the clout to obtain grants and donations in the public and private domains as it did with the work on Sunset Center?

C-3
cont.

2. To ensure that the Flanders Mansion building and property are put to "productive use". We have no concept of what the city means by "productive use." How does one measure this? How is one use determined to be more productive than another? Please explain. We believe that the most productive use would be to retain it as a park /open space, or a public use that is consistent with our Zoning Codes and the General Plan/Coastal Land Use Plan. Also, in the last 10 years the City has not tried to "productively use" the Mansion itself, it has only concentrated on sale.

C-4

3. To ensure that the future use of the property will not cause significant impacts on the adjacent neighborhood. We believe that only the city can best accomplish this by retaining the property outright and/or pursuing a longterm lease with very specific lease conditions to protect the neighborhood.

C-5

4. The City claims it wants to ensure that future use will not significantly disrupt the public's enjoyment of the park and arboretum. How better could the city ensure the public's longterm enjoyment of the park than by maintaining it in public ownership and cooperating with groups and individuals to maintain the park as a solid, integrated whole with no obstruction of views, trails and preserving its harmony and tranquility. This could be accomplished by carrying out the Mission Trail Park Master Plan and the General Plan/Coastal Land Use Plan

C-6

5. The best way to ensure the protection of the park's environmental resources is not to bisect the park and to begin to implement the city's own Mission Trails Park Master Plan. The RDEIR never addresses this.

C-7

6. The City says that it wants the Mansion property to continue to provide "as many" park benefits as "practical". What does this mean? How does one quantify this? This needs to be explained. It is hard to imagine any better way to ensure maximum public benefits other than selecting the No Project or Lease Option for a Public/or Quasi Public

C-8

Use. Why should the public be asked (forced) to accept only as many park benefits "as are practical" when city laws, goals and policies seek to protect, preserve and increase parkland/open space.

C-8
cont.

Environmental Impacts and Mitigations

We find the mitigation measures offered in the RDEIR often very weak and lacking in real solutions to significant adverse situations.

*** Impact - The sale of the Mansion and occupancy by new owners could result in changes that would affect the historic setting of the resource and physically separate it from its surroundings. This cannot be mitigated.

***Mitigation 4.3-1 is totally inadequate and fails to solve the major issue of a National Register structure being separated from its natural setting both in terms of the immediate surroundings (grounds) around the mansion and the 15 forested acres of the original Flanders holdings that was part of the mansion's overall setting when it was purchase by the City. The Flanders family specifically placed the Mansion in its current location rather than another spot on their extensive acreage because of the wonderful views and ambiance. This mitigation totally fails to address the Mansion's context (setting) and only discusses the Preservation Plan as including an archival history (page 4.3-10 to 4.3-13), the Secretary of Interiors Standards, structural alterations, and the structural conditions at the time of sale.

C-9

***The consultant presents an excellent discussion of the Secretary of Interior Guidelines and rightfully states that of the 4 treatment approaches, Preservation is the best/most appropriate for Flanders Mansion. We agree especially given its excellent structural condition. The needed repairs to the Mansion are those common to any building of its vintage and quite typical of the work needed for many older Carmel homes which involve new heating and plumbing.

***The RDEIR offers that a Preservation Plan "should" be developed and "should" include ----- (page 4.3-10). In order for preservation to truly be achieved and the mitigation achieved, we believe that the word "should" needs to be replaced with the word "shall" in this discussion. We are very concerned about a plan being developed and the strength of this plan to protect the Mansion.

C-10

*****Impacts - ADA**

Since Flanders Mansion is an historic structure, any work done to accomplish ADA compliance must utilize the State's Alternate Building Code for Historic Structures. The integrity of the structure can be easily maintained and still meet the ADA. Our group has examined this important issue and we believe that requirements can be met without major changes to the historic fabric of the Mansion.

C-11

Another one of our major concerns regarding ADA is that the driveway continues to be open to the disabled to park there in order that they can enjoy this special area of the park. For some people this is the only means of easy access to the park. This is still not discussed in the RDEIR.

*******The FDEIR states that if a single family use is chosen for the Mansion there will likely be fences and or walls. Walls should be prohibited in the park because they will be a total barrier to public's views of the house and the arboretum, destroying the ambiance of the park. Walls are urban elements and are totally inharmonious with the park's aesthetics and the very nature of this great open space environment. Solid fences should also not be allowed for the same reason. Both generally detract from public use and enjoyment. Visitors to the Park often comment on how they have such a wonderful feeling of discovery when they walk through the Park and happen upon Flanders Mansion, not knowing that it is there. Also, as the consultant points out, if there is a public or quasi public use, fences and walls would not perhaps be such an issue of access and views.

C-12

*******The consultant places a great reliance on the city's Historic Preservation Ordinance (Title 17, Chapter 17.32 of the Zoning Code) to protect and preserve Flanders as a mitigation measure in this RDEIR. It is difficult for the public to have confidence in the city given its poor past performance with respect to historic resources. The city ignored this very ordinance for years and failed to maintain Flanders until the court forced the city to carry out its responsibilities under the law to prevent Flanders demolition by neglect. How is one to assume based on past performance that the city will abide by and enforce this ordinance? How can the public have any confidence in the consultant's proposed mitigation?

C-13

Aesthetic Impacts and Mitigations

The RDEIR does an outstanding job of recognizing the special character of

Carmel as a "unique asset of statewide and national significant that should be maintained." (City's Land Use and Community Character Element of the General Plan.) The city is also considered highly scenic in the California Coastal Act (30251 & 30253). The forested character of the city including Mission Trails Park and its architecture are defining elements of Carmel's character (pg. 4.1-2). These elements are well represented in the Flanders property. The mitigation measures offered in the RDEIR do not : 1) reduce the significant adverse impacts to views to and from the house; 2) preserve the intact and cohesive visual experience of visitors to the park or 3) assist in maintaining the existing ambiance of the park. Allowing fences and walls cannot be mitigated. These elements divide the park and destroy the various visual amenities of the park. We believe that views are unique to a location and once lost cannot be replaced or substituted.

C-14

The proposed project is also in clear violation of 8 General Plan/Coastal Land Use Plan goals, objectives and policies related to aesthetics (P 4.1-4 RDEIR):

***Mitigation 4.1-4 (Pg. 4.1-15 & 16) allows solid masonry walls and fences, and says nothing about height limits, materials, colors, etc.. The document mentions that these elements should be discouraged but not prohibited. In the guidelines to preserve visual character, materials, color and height prohibitions would strengthen the mitigation measure.

It states that fencing should be "discouraged along the boundaries of the site above the circular portion of the driveway to the extent feasible."

C-15

This mitigation measure also states that exterior elements (fences, walls etc.), shall avoid the removal of natural vegetation where feasible. This statement shows a definite preference of fences and walls over trees, park character and ambiance. Both of these two statements using the word "feasible" seriously weaken the guidelines and thereby the entire mitigation leaving it with marginal value as a mitigation measure.

***Mitigations 4.1-1 & 4.1-2 are helpful. However, we strongly disagree that the loss of access to the Flanders Property can be reduced to a less than significant impact.

C-16

***No mention has been made of the loss of views from inside the Mansion which could be enjoyed by the public, if access to the Mansion were to be permitted in the future. At present and for years, contrary to the RDEIR, there has been no access to the Mansion by the public (groups or

C-17

individuals) for several years.

***The RDEIR recognizes (Pg 4.1-13) that the Mansion is considered an important scenic element in the park and that it adds to the richness of the park experience and enhances the public enjoyment of the park's visual character. If the Mansion is removed from view by fences and/or walls this experience cannot be duplicated, replaced or mitigated. The integral nature of park views with the Arboretum and the Flanders property views are not a cohesive whole, an uninterrupted experience. This will be lost if the project is allowed.

C-18

During the review of the FEIR in 2005, the city council removed the mitigation limiting walls to just 4 feet high and allowed walls up to 6 feet high. This is a major barrier to views and firmly sets the historic resource completely apart from the park. This causes major damage to the ambiance of the park. This must not be allowed to occur or the mitigation of aesthetic impacts is seriously compromised.

Land Use Impacts and Mitigations

The consultants have done an excellent job in discussing how the proposed project conflicts with policies intended on avoiding and/or minimizing impacts to parkland and ensuring that park benefits are maximized and preserved.

***We agree with the stated impacts (1&2 on Pg. 4.4-8&9) and with the mitigations.

***We question whether the Mission Trails Park Master Plan is not a "Habitat or Natural Community Conservation Plan." We would like to at least see it referenced here in the document because we firmly believe that it functions in the same way.

C-19

***This project is the first step that can lead to changes to other areas of the park. The sale of the Mansion property would set a dangerous precedent for the park. If the City can sell off this part of the park what about the arboretum and the Meadow/Martin Road properties. The City has also discussed recently moving the arboretum. The arboretum property has from

9-11 lots of record. These could be sold off and developed or included as part of a greater Flanders Mansion parcel. What would be left of the city council's dream in 1972 of creating Carmel's own future Golden Gate Park? What would be left of the park's integrity and cohesiveness and the public's enjoyment?

C-19
cont.

Parks and Recreation Impacts and Mitigations

The consultant has done an excellent job in this section. It should be emphasized that loss of public access and loss of public parkland cannot be mitigated. The recreational opportunities for the public will be seriously compromised, as will the integrity of the park as a whole. The project would create a permanent inholding in the center of the park. No amount of mitigation can remedy that impact.

C-20

Traffic and Circulation Impacts and Mitigations

***We would note that up to 8 or perhaps 10 cars can park in the driveway not 5 or 6.

***The driveway provides an important access for the disabled to enjoy this part of the park. Where will they park if this is taken away?

***Mitigation (4.6-1) is seriously flawed in that it fails to recognize the impact on the adjacent neighbors and that it creates a new paved site in the park which has its own impacts relating to construction and future use which are inadequately addressed.

C-21

***It should be noted that the city would have greater long term control over traffic if it retained the property. It could adequately address this and parking through signage or lease agreements as well, this is not discussed.

Biological Resources Impacts and Mitigation

In general the consultant has done an excellent job of discussing federal, state and local laws, regulations regarding Environmentally Sensitive Habitats and lands immediately adjacent (pg 4.2-8 to 10).

Our critique of this section was very extensive in the original DEIR (2005). The following are the new issues that we should like to cover:

1) The Mission Trails Nature Preserve is on the Pacific Flyway and thus is regularly frequented with many species of migratory birds. This needs to be discussed.

2) The Flanders property does not have a maintained lawn and gardens (pg 4.2-2), These have not existed for years.

3) Areas near future potential construction should not just be flagged, but should be marked off with bright colored netting for greater protection.

4) How will the management of the Park/ Open Space have to be changed with a change in use?

C-22

If a private home is located within the Park/Open Space, what about fire liability? How will this be handled vis a vie the environmentally sensitive plants and animals particularly? Fire prevention measures may directly damage or harm the habitat. Please comment.

CEQA Considerations

*****5.1 Significant Unavoidable Impacts**

The consultant should add a third impact to this list. The sale of the Flanders Mansion property will set a precedent for the sale of other areas of the park namely the adjacent Native Plant Garden/Arboretum and /or the Meadow/Martin Road property. This would be a serious compromise of the park's overall integrity, the public's passive and active recreational enjoyment, and the additional major loss of parkland and open space etc.

C-23

*****5.2 Irreversible Environmental Changes**

We believe that irreversible changes to the park/open space will result from the sale of the property because:

1) It will create an in holding in the park which will result in incompatible use R-1 with passive and active public recreational uses and enjoyment.

2) Sale to a single family ownership will result in walls and/or fences that destroy the integrity of the park, the park's ambiance and necessitate the development of new views, trail access and parking. These result in environmental changes and disruption.

C-24

3) The project will seriously impact the Native Plant Garden/Arboretum by:

--Creating an incompatible single family use next to a public garden within the park.

--The sale of Flanders has already created the belief and discussion at City Hall that the Arboretum could and should be moved to a different location in the Park. What then would the city do with this parkland-develop it (9-11 lots) separately or add it to the Flanders property for an enlarged estate.

***Cumulative Impacts

First, we believe that the cumulative impacts of this project are major and that the mitigations are not adequate to protect the Environmentally Sensitive Habitat surrounding the project or to protect and ensure the public's use and enjoyment of its largest, most diverse and unique park/open space. The areas of inadequate mitigation include aesthetics, biological, noise, recreational and land use and cultural resources. These incremental impacts are separately significant but are cumulatively disastrous for the park and the environment.

The consultants' list includes a number of historic resources but only 2 are on the National Register of Historic Places, namely Sunset Center and Flanders Mansion. The Mansion is the city's only National Register property that has never been altered. The project list in the RDEIR includes a property that is not in the city and which the city has virtually no control over its fate (Villas de Carmelo). The Scout House has not been a city priority to restore; in fact the city has wanted to sell it or move it (see DEIR Sale of Flanders Mansion 2005). The Forest Theater is a major community resource, however, current city plans for its refurbishing may well remove much of its past environmental charm (forest setting), its rustic nature and ambiance, if the final plans do not incorporate the public's comments and concerns.

C-25

The Flanders Mansion is unique because of its National Register Status and its context within the Park. Any visual changes or loss of future use would be a major aesthetic, cultural, recreational and environmental loss to the public not just locally but visitors as well.

We believe that the loss of this unique property for public passive or active

use would also be a major loss because the city has no plans to purchase new parkland. Land for new parks/open space is virtually unavailable and even if it were it would be prohibitively costly. Thus, none of this property should be sold to a private individual or family. Once it is lost to the public its gone forever---its simply irreplaceable.

C-25
cont.

PROJECT ALTERNATIVES

*** NO PROJECT - This alternative needs to explore what other uses the property could be put to by the city such as offices, archival storage, natural history and cultural museums, etc.

It also needs to explain how deferred maintenance could be paid for short of sale and what the costs of the deferred maintenance and on-going maintenance costs would be after rehabilitation.

C-26

Why does the consultant automatically assume that no additional facility upgrades will not occur beyond the courts mandate?

*** LEASE FOR PUBLIC/QUASI-PUBLIC USE

Why assume that full public access will be restricted? The city can require full access under its lease conditions.

The city would also have greater control of traffic and intensity of use via the lease conditions than if it is sold.

C-27

We disagree that this option and the project have the same impact on aesthetics. Please explain how and why. The lease option could also eliminate the impact on aesthetics and access by conditions of the lease and a prohibition of masonry walls and high solid fences..

This alternative would not eliminate or reduce existing park benefits if the lease is properly crafted to prevent this. All of this is within city control.

*** LEASE FOR SINGLE FAMILY USE

The RDEIR assumes that the city must make certain upgrades to ensure leasibility according to the RDEIR. This is not necessary so it's really up to

C-28

the city and the leasee to negotiate. The City has had offers in the past to upgrade this mansion as part of a life estate arrangement.

C-28
cont.

The city can control exterior elements (fences and walls) via conditions of the lease--height, color, materials etc.

*****SALE WITH CONSERVATION ELEMENTS**

This alternative, the RDEIR fails to mention that the Mansion would still be separated from the rest of the park and very isolated. Thus, it seriously compromises its historical integrity.

The overall integrity of the Park would also still be seriously compromised. The Mansion as a private residence would still have all of the previously stated impacts as well as also creating an in holding in the city's largest park/open space surrounded by an Environmentally Sensitive Habitat.

C-29

*** Under CEQA a long-term/long range look at a decision is required and viable adaptive reuse is required to be discussed. This has not been done in this document.

LETTER C: FLANDERS FOUNDATION

C1: The comment identifies that the City of Carmel-by-the-Sea has too narrowly defined the project and that the level of analysis is too general to solicit meaningful comments. In addition, this comment also suggests that it is difficult to ascertain the effectiveness of proposed mitigation due to the lack of detail surrounding the type of uses that may occupy the Flanders Mansion. Please refer to **Section 3.0 Master Responses to Comments, Master Response 1, Definition of Project Objectives and Alternatives** for further discussion. The comment also identifies that the RDEIR should include information related to the requirements of the Surplus Land Act. In response to this comment, the RDEIR has been revised. Please refer to **Section 5.0 Changes to the Recirculated Draft EIR**. The comment also identifies potential concerns regarding the level of specificity of proposed mitigation measures. Please refer to **Section 3.0 Master Responses to Comments, Master Response 14, Level of Specificity of Mitigations in the RDEIR**, for further discussion.

C2: The comment suggests that the City has inappropriately focused on the issue of economics for selling the Flanders Mansion property. These comments are concerned that the reason for the sale is to “divest itself of a property in need of significant funding for rehabilitation”. Specifically, this comment states that the City has failed to demonstrate that the costs of upgrading the Mansion warrant the sale of the property. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 9, Economic Feasibility, and Master Response 10, City Finances**.

In addition, this comment asserts that the City has spent very little on upkeep and has ignored requests by the Flanders Foundation to restore the property. The City responds to this assertion and states that it has been maintaining the City property in conformance with its Historic Preservation ordinance, and also in conformance with the court ruling (Judgment and Writ of Mandate in The Flanders Foundation v. City of Carmel-by-the-Sea (Mont. Co. Super. Ct. Case No. M76728)). The City has provided evidence of its conformance with the requirement to perform “reasonable interim measures necessary to avoid further significant deterioration” of the building. The City has performed the necessary maintenance and repairs in accordance with that mandate as disclosed by materials submitted to the Court on or about December 7, 2007, January 11, 2008, and October 30, 2008. These materials are all on file in the case files of the above-referenced action in the Superior Court and have been provided to counsel for The Flanders Foundation. In addition, members of The Flanders Foundation (Petitioner in the above-referenced action), along with their counsel of record in the above-referenced action, viewed the Flanders Mansion property inside and out. The Judgment and Writ of Mandate in the above-referenced action remain in full force and effect and continue to bind the City.

Comments from The Flanders Foundation also state that the Foundation has offered to raise the money for rehabilitation, maintenance and operational costs since 1999. They raise the concern that the City is not considering the offer or past offers of The Flanders Foundation to take over or fund the rehabilitation, maintenance and operational costs of the Flanders Mansion.

The Recirculated Draft EIR (on Page 3-3) identifies these actions. As confirmed by the City, a review of the records and past documentation, The Flanders Foundation has made offers, provided public testimony regarding these offers, met with the City, and submitted a business plan. According to the City, the City did review these materials and received public comment on the proposals. Additionally, the record shows that the City did not accept the proposal but did express their appreciation for the materials presented. According to City Council Minutes, the Council considered and rejected the Flanders Foundation proposal on 7 December 1999. Although no other formal submittals have been considered by the City since the deliberation noted above, it should be noted that the City has been in the environmental review process since 2005 and the Flanders Foundation has provided input into this process during this period, including correspondence dated August 8, 2008.

The City has held many public meetings at the Council level to consider potential uses of Flanders Mansion over the past 30+ years during the period when the City has owned the property. In nearly every case, objections have been raised about potential environmental impacts (e.g., traffic, parking, noise), especially on the Hatton Road neighborhood. The City also notes that it must always reserve the right to determine to whom it should lease a property like the Flanders Mansion.

The City could still revisit the Foundation's proposal and sell or lease to The Flanders Foundation as part of any project implementation action. The Flanders Foundation or another non-profit, government agency, or grant or funding source could also provide the funds for rehabilitation of the Flanders Mansion, which would meet the secondary objective to provide rehabilitation to the structure.

The ultimate City action on the project, following certification of this EIR, will determine whether to retain the property or to sell or lease of the property to an entity, foundation, or individual and whether to consider other actions. The City's consideration will be based on a number of factors, including the project objectives and the balancing of the economic, legal, social, technological and other benefits of the project against its unavoidable environmental risks. The City is ultimately responsible for determining what form of ownership is most appropriate and who should bear the financial and legal responsibility for the site, and for determinations regarding the feasibility of mitigation measures and project alternatives.

A portion of the comment states that the City should retain the property and/or consider the sale or lease of the property to a non-profit that would maintain the site in public use or ensure that the historic value of the resource is maintained. The EIR is focused on the potential impacts of the project primarily related to physical impacts on the environment from the potential actions of the City. This EIR considers these potential impacts and the potential for mitigation under a number of alternative scenarios compatible with the approach suggested by The Flanders Foundation. The City may determine to negotiate with a public or not-for-profit agency such as The Flanders Foundation or another public or not-for-profit agency for the sale, lease or long-term maintenance responsibility for this parcel and its building, if sale or lease for quasi-public or public use is approved. If sale or lease or a long-term maintenance agreement with The Flanders Foundation was the action resulting from this project, this EIR would be used as the environmental documentation for such an action.

C3: The comment contends that the City has sufficient financial resources to restore the Flanders Mansion and that divestment of the Flanders Mansion on the grounds that the Mansion is in need of significant short-term and long-term repairs is unjustified given the current fiscal status of the City. Please refer to **Section 3.0 Master Responses to Comments, Master Response 10, City Finances** for further discussion. The comment also asserts that the six secondary project objectives actually support retaining the property in City ownership rather than its sale. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 2, Secondary Project Objectives**.

C4: The comment identifies specific concerns regarding the language of secondary project objectives related to ensuring that the property is put to productive use and requests the meaning of the term "productive use". By "productive use", the City means its goal and objective is to see that the Mansion is used and rehabilitated, including long-term and major systems repairs, rather than remaining vacant and unused or being leased intermittently. In response to this comment, the meaning of "productive use" in the Project Objectives has been amplified. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

C5: The comment addresses concerns regarding the secondary project objectives, specifically stating that that most appropriate way to ensure that the Flanders Mansion property does not cause significant impacts on the adjacent neighborhood is to ensure that it remains in City ownership and is leased with very specific conditions. A portion of this comment is providing opinion on the merits of the project itself and

is therefore referred to decision makers. Please refer to **Section 3.0 Master Responses to Comments, Master Response 2, Secondary Project Objectives** for further discussion.

C6: The comment identifies additional concerns related to the secondary project objectives. The comment suggests that the best way to ensure that future use of the property would not significantly disrupt the public's enjoyment of the Mission Trail Nature Preserve is for the City to retain ownership of the property. Please refer to **Section 3.0 Master Responses to Comments, Master Response 2, Secondary Project Objectives** for further discussion.

C7: The comment contends that the best method to ensure the protection of the Preserve's resource is not to bisect the park and for the City to begin to implement the Mission Trail Nature Preserve Master Plan. The comment is providing opinion on the merits of the project itself and is therefore referred to decision makers. The comment further suggests that the RDEIR did not address these issues. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 2, Secondary Project Objectives**. The RDEIR clearly identifies (see Page 4.5-6) that the sale of the Flanders Mansion property would directly impact the cohesive nature of the Preserve as a result of the permanent loss of parkland located entirely within the Mission Trail Nature Preserve. Please refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities.

C8: The comment questions why the public should be required to accept only as many park benefits as practical. The comment states the property should be retained or leased for public or quasi-public use so the public may retain all park benefits. The City's proposed project is the sale of the Flanders Mansion parcel. As the property owner, the City determines the project to propose, and CEQA requires that the EIR analyze that project, together with a range of feasible alternatives. The City's primary project purpose is to divest the City of the Flanders Mansion property which is in need of significant funding for short-term and long-term repair and rehabilitation. The City and the RDEIR recognize that, by its inherent nature, sale of the Flanders Mansion parcel will likely remove a portion of the grounds the public has traditionally used as part of the park from public accessibility. Given the potential significance of this loss, a secondary objective was established to reduce this impact. Seeking to preserve "as many park benefits as is practical" allowed the RDEIR to identify park benefits and propose relevant mitigations in the context of the City-identified project.

This approach succeeded in identifying potential impacts on viewsheds, views of the Mansion, biological resources, cultural resources, trail connections and the Lester Rowntree Arboretum. For each of these impact categories, the RDEIR identified mitigation measures that would mitigate the impacts to insignificant levels and preserve maximum public benefits under the project as proposed.

The RDEIR also provided mitigation measures and a project alternative designed to reduce impacts on park benefits from the loss of a portion of the publicly-owned and accessible parkland. As the RDEIR states, and the City recognizes, it is not possible to mitigate to a less-than-significant level all loss of publicly-owned and -accessible parkland if the property is sold under the proposed project. It should be noted that a lease, particularly as a single-family residence, may also result in the same restriction of public access to the Flanders Mansion parcel. Selecting the No Project alternative or the Lease Option to a Public/Quasi-Public Use alternative would have a different mix of parkland impacts and associated mitigations. The No Project alternative would have no impacts relative to existing conditions. For some impact categories, leasing the property for a public or quasi-public use may have impacts similar to those anticipated from a single-family residential use. A public or quasi-public use may require that the public be excluded from all or part of the property (whether for liability, noise control, privacy or other reasons). Exterior improvements to define property boundaries and/or enable privacy also may be desired by some potential lessees.

Additionally, the proposed project involves the sale of parkland which is subject to a ballot measure under the Surplus Land Act process, as identified in the RDEIR. Please also refer to **Section 3.0 Master Responses to Comments, Master Response 2, Secondary Project Objectives.**

C9: The comment contends that the sale of the Flanders property would result in the property being separated from its historical setting and that this impact cannot be mitigated to a less-than-significant level. This comment also contends that the mitigation measures identified in the RDEIR are inadequate to address impacts to a property that is listed on the National Register of Historic Place.

Mitigation Measure 4.3-1 requires preparation of and adherence to a detailed preservation plan which is consistent with the U.S. Secretary of the Interior's Standards for the Preservation of Historical Resources ("Secretary of the Interior's Standards") and City ordinances. The preservation plan must be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards. The plan is required to document existing conditions, anticipate changes that could be reasonably be expected to occur and provide recommendations on how to preserve the character-defining features and integrity of the historic resource. The Mitigation Measure also sets forth specific standards and requirements for the plan.

The Preservation Plan would augment existing City ordinances regulating repair, maintenance and construction involving historic resources. If the Flanders Mansion property is sold into private ownership, the new owners would be subject to the procedural and substantive regulations in the Municipal Code as administered by the City. The RDEIR and 2005 Draft EIR found that the potential impacts of the sale of the Flanders Mansion could be reduced to less than significant with mitigation as detailed in the Cultural Resources Sections of these documents. Moreover, the Superior Court, in its ruling on the adequacy of the 2005 EIR, determined that this mitigation measure was consistent with the requirements of CEQA and determined it was legally adequate to mitigate project impacts. For further discussion regarding potential impacts related to the historical setting of the Flanders Mansion please refer to **Section 3.0 Master Responses to Comments, Master Response 11, Cultural Resources/Preservation.**

C10: The comment identifies specific concerns regarding the preparation of a preservation plan to mitigate project impacts. Please refer to the response above. In addition, this comment also identifies that Mitigation Measure 4.3-1 should be revised to require that the preservation plan shall be required. In response to this comment Mitigation Measure 4.3-1 has been revised. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

C11: The comment asserts that the Flanders Mansion property and associated driveway currently provide the only opportunity for handicap access to the Mission Trail Nature Preserve and that the loss of ADA access should be considered by the City. The comment also contends that any ADA improvements to the Mansion must utilize the State Historic Building Code. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 8, American with Disabilities Act of 1990 Requirements and Handicap Access to the Mission Trail Nature Preserve.**

C12: The comment identifies specific concerns related to aesthetics and potential visual impacts associated with the introduction of walls and/or fences. Specifically, this comment contends that potential visual impacts associated with the introduction of exterior elements (i.e. fencing) cannot be mitigated to a less-than-significant level and would impact the visual integrity of the Mission Trail Nature Preserve. Mitigation Measure 4.1-4 contains a series of guidelines to ensure that fencing and/or other exterior elements minimize visual impacts. Since a future use has not been identified at this time, these guidelines are necessary to ensure that the most visually sensitive areas of the Preserve that are adjacent to the site are protected. In addition, this mitigation measure contains a provision that any future exterior elements be subject to design review by the Historic Resources Board to ensure compliance with the general guidelines identified in Mitigation Measure 4.1-4. Incorporation of appropriate fencing in compliance

with these standards can minimize visual impacts by encouraging the use of vegetative screening and other mechanisms to preserve the visual integrity of the Mission Trail Nature Preserve. Please refer to **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics** for further discussion.

C13: The comment states that the RDEIR has placed great reliance on the City's Historic Preservation Ordinance to mitigate potential impacts to a historic resource. The comment questions how the public can have any confidence the City will enforce the proposed mitigation. Mitigation Measure 4.3-1 requires preparation of and adherence to a detailed preservation plan which is consistent with the U.S. Secretary of the Interior's Standards for the Preservation of Historical Resources ("Secretary of the Interior's Standards") and City ordinances. The preservation plan must be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards. The plan is required to document existing conditions, anticipate changes that could be reasonably be expected to occur and provide recommendations on how to preserve the character-defining features and integrity of the historic resource. The Mitigation Measure also sets forth specific standards and requirements for the plan.

The Preservation Plan would augment existing City ordinances regulating repair, maintenance and construction involving historic resources. If the Flanders Mansion property is sold into private ownership, the new owners would be subject to the procedural and substantive regulations in the Municipal Code as administered by the City, including review of exterior alterations to the site by the Historic Resources Board (see Mitigation Measure 4.1-4, as revised in **Section 5.0 Revisions to the Recirculated Draft EIR**). Please also refer to **Section 3.0 Master Responses to Comments, Master Response 12, Enforceability of Obligations of Owners, Lessees and City**.

C14: The comment contends that the mitigation measures identified in the RDEIR to minimize potential aesthetic related impacts do not 1) reduce the significant adverse impacts to views to and from the house; 2) preserve the intact and cohesive visual experience of visitors to the park; or 3) assist in maintaining the existing ambiance of the park. The comment further contends that allowing walls or fences cannot be mitigated and that these elements destroy the visual amenities of the park. See response **C12** above. Please refer to **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics** for further discussion.

C15: The comment identifies a number of suggestions to strengthen Mitigation Measure 4.1-4. In response to this comment revisions have been incorporated into the RDEIR to ensure that additional measures are incorporated to Mitigation Measure 4.1-4 to further reduce the extent of aesthetic-related impacts associated with the erection of new exterior elements (i.e. fencing). Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

C16: The comment contends that the loss of access to the Flanders Mansion Property cannot be reduced to a less-than-significant level. Nowhere does the RDEIR state that the loss of access to the Flanders property can be mitigated to a less-than-significant. Rather, the RDEIR clearly states that the loss of public access to a portion of the Preserve that has historically been accessible to the general public would constitute a significant and unavoidable impact that is locally significant to the Mission Trail Nature Preserve (see Page 4.5-6 of the RDEIR). The RDEIR does, however, conclude that the loss of views from the property would be less-than-significant since substantially better viewing areas are located off-site and views from the property are generally restricted by existing mature vegetation. Please refer to **Section 5.0 Revisions to the Draft EIR**.

C17: The comment asserts that the RDEIR did not evaluate potential impacts due to the loss of views from the interior of the Flanders Mansion. The views from within the building itself are limited to a few members of the public and were not considered in the EIR to be a significant impact. Rather the RDEIR determined that the area around the property is considered to provide ample viewing opportunities for the

public and that these areas offer substantially better views of the surrounding area than compared to views from the Flanders property itself. Please refer to **Section 5.0 Revisions to the Draft EIR.**

C18: The comment identifies additional concerns related to potential aesthetic impacts associated with the erection of fencing and/or walls. Specifically, this comment suggests that exterior elements, such as fencing, would detract from the visual character of the Preserve and that the height of any future elements should be restricted. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics.** In addition, Mitigation Measure 4.1-4 has been revised to further strengthen the mitigation. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

C19: The comment questions whether the Mission Trail Nature Preserve Master Plan constitutes a Habitat and Natural Community Conservation Plan. Natural Community Conservation Planning is a concept developed by the State of California Department of Fish and Game pursuant to a State Act adopted in 1991 (California Fish and Game Code § 2800-2835). Such plans are developed by a local jurisdiction, or multiple jurisdictions. The Department of Fish and Game plus the U. S. Fish and Wildlife Service work with the local jurisdiction(s) by providing support, direction and guidance. Typically, these Plans provide for the regional or area-wide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity.

The Mission Trails Nature Preserve Master Plan is not equivalent to a Natural Community Conservation Plan. The level of documentation of species, ecosystems and threats within the Preserve is insufficient to support a comprehensive program for habitat sustainability management. The Master Plan does not include a monitoring program to assess the progress of its policies and requirements. Further, the Master Plan did not follow the procedures for initiation, development, public review or coordination with State agencies established in the Act. However, the Master Plan does provide an overview of the Preserve and sets forth policies that are used by the City for management of the Preserve and decision-making on issues involving the Preserve. The Master Plan and its relationship to the proposed project are discussed in **Section 4.4 Land Use and Planning** (see Page 4.4-2).

This comment also identifies specific concerns about the sale of the Flanders Mansion serving as a precedent for future sale of other areas of the Preserve. The proposed project does not include the sale of other areas of the Preserve. This comment is referred to decision-makers for further discussion.

C20: Comment acknowledged.

C21: The comment asserts that up to 8 or 10 vehicles could be accommodated within the existing driveway. The RDEIR conservatively estimated that at least 5 or 6 vehicles could be accommodated within the driveway area without impacting the driveway function. The comment also contends that the driveway provides important access for the disabled and that loss of this access should be considered. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 8, American with Disabilities Act of 1990 Requirements and Handicap Access to the Mission Trail Nature Preserve.**

The comment also contends that Mitigation Measure 4.6-1 is seriously flawed in that it fails to recognize the impacts on the adjacent neighbors and would create a new paved site which would result in additional environmental impacts. The comment incorrectly states that the replacement parking area would consist of paved materials. In fact, Mitigation Measure 4.6-1 contains provisions to ensure that appropriate surfacing, such as decomposed granite, wood chips or similar materials be utilized. Mitigation Measure 4.6-1 has been strengthened to clearly identify that paved surfaces, such as asphalt or similar, shall be prohibited. This mitigation also takes into account potential impacts to adjacent neighbors by requiring that appropriate vegetative screening is provided to reduce the visibility of the replacement parking area. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

C22: The comment contains a series of comments/concerns regarding the analysis contained in **Section 4.3 Biological Resources**. Specifically, this comment identifies specific concerns related to impacts to migratory birds, errors/omissions in the RDEIR, protective fencing requirements for future construction areas and park management.

The Pacific Flyway extends from Alaska to Patagonia, including virtually all coastal portions of California. While the Monterey Bay is an exceptionally notable stop-over location within the greater Pacific Flyway, migratory birds are present or potentially present within virtually every proposed development parcel in Monterey County. As such, standard mitigation to reduce or avoid impacts to all nesting avian species (regardless of migratory status and/or nativity) was included in the RDEIR as Mitigation Measure 4.2-5 on Page 4.2-13. DD&A does not concur that additional discussion is warranted.

In response to comments regarding characterization of the former lawn/garden area, DD&A concurs that the lawn area no longer appears to be maintained at the same level as previously. DD&A has revised the language for clarity. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

In response to comments regarding protective fencing during construction activities, Mitigation Measure 4.2-2, when read in its entirety, includes language specifying appropriate implementation of protective fencing (4.2-2b), protective wood barriers (4.2- 2b), erosion control measures (4.2-2c), and/or flagging (4.2-2, final paragraph).

The current project under review is the potential sale of the Flanders Mansion. As stated on Page 4.2-11 (second sentence under “Indirect Impacts” heading): “If an intensification of use beyond the historical use of the property threatens biological resources this would constitute a potentially significant indirect impact. Any future use at the Flanders Mansion shall be in accordance with CEQA, the Mission Trail Nature Preserve Master Plan, the City of Carmel-by-the-Sea Forest Management Plan, and the Coastal Act.” The guidelines of each of these documents (and the Coastal Commission) require careful consideration of any future project-related impacts, implementation of mitigation and avoidance measures, and ensure project consistency with local, regional, state, and federal law. Given the lengthy processes and analyses that will be required given any specified change of use, speculation regarding management (e.g., fire plan) would be premature and ill-informed. CEQA discourages speculation in EIRs. (CEQA Guidelines §15145.) If a specific change of use is proposed, a thorough analysis of potential effects will be completed, as required by law.

The comment also identifies specific concerns regarding fire liability. This issue is legal rather than environmental, and is therefore referred to decision makers for their consideration.

C23: The comment suggests that an additional significant and unavoidable impact should be included on Page 5-1 since the sale of parkland would set a precedent for the sale of other areas of the Mission Trail Nature Preserve. The RDEIR has identified significant impacts that are likely to result in direct or indirect impacts on the environment in accordance with the CEQA Guidelines. The analysis contained in the RDEIR is specific to the impacts associated with the sale of the Flanders Mansion. There is no substantial evidence that further sales of Preserve property are contemplated. It is therefore speculative and beyond the scope of this analysis to identify additional significant impacts related to the sale of other portions of the Mission Trail Nature Preserve or other park resources within the City of Carmel-by-the-Sea. Please refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities.

C24: This comment is addressed to the section of the RDEIR entitled Irreversible Environmental Changes (See CEQA Guidelines §15126.2[c]). The comment suggests that additional irreversible changes to the environment would occur under the proposed project. Specifically, this letter asserts that the property

would result in irreversible changes due to: 1) the creation of an in-holding; 2) sale to a single-family residential use could result in the introduction of exterior features which could impact the Preserve's integrated nature; and 3) the project would seriously impact the Lester Rowntree Arboretum. While the RDEIR is not in disagreement with inherent accuracy of these statements, this section of the RDEIR is required to address uses of nonrenewable resources such as oil, gas, mineral resources or electrical energy, that "may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely." (CEQA Guidelines §15126.2[c]). The proposed project does not involve the irreversible commitment of such resources..

C25: The comment reflects concerns regarding the level of analysis of potential cumulative impacts. Specifically, the comment contends that the cumulative impacts of the proposed project are major and that the mitigation measures are not adequate to protect the Environmentally Sensitive Habitat surrounding the project or to protect and ensure the public's use and enjoyment of its largest, most unique and diverse facility parks.

In terms of comments regarding the adequacy of the cumulative analysis, DD&A maintains that the analysis contained in the RDEIR is consistent with CEQA and industry practice. CEQA Guidelines § 15355 defines a cumulative impact as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355(b) further defines a cumulative impact as an impact from the "incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." The CEQA Guidelines state further that cumulative impacts "can result from individually minor but collectively significant projects taking place over a period of time." While sale of the Flanders Mansion property would result in significant and unavoidable direct project impacts due to the sale of parkland (see RDEIR Pages 4.4-8 and 4.5-6), there is no substantial evidence in the record to indicate that these direct project impacts interact with other past, present, and reasonably foreseeable probable future projects to create significant cumulative level impacts.

Mitigation measures have been recommended in the RDEIR to address both the direct and indirect impacts associated with the proposed project. As identified in the RDEIR, the project consists of the sale of property and no direct impacts to biological resources are identified as a result of sale. A number of indirect impacts would potentially occur as part of a future use of the property. The RDEIR contains numerous mitigation measures (see Mitigation Measure 4.2-1 through 4.2-6) to avoid and/or minimize potential indirect impacts to a level considered less-than-significant, including measures (Mitigation Measures 4.2.1 and 4.2.2) specifically addressing impacts on Environmentally Sensitive Habitat Areas.. Please refer to **Section 3.0 Master Responses to Comments, Master Response 14, Level of Specificity of Mitigations in the RDEIR**, for further discussion.

C26: The comment identifies concerns regarding the No Project Alternative. Specifically, this comment asserts that the No Project Alternative does not evaluate potential uses that could occupy the site under this alternative. This comment also contends that it is inappropriate to assume that no additional facility upgrades would be completed beyond those required by the Superior Court's order. Please refer to **Section 3.0 Master Responses to Comments, Master Response 3b, EIR Does Not Consider Other Uses Reasonable for the Property under the No Project Alternative** for further discussion. The Judgment and Writ of Mandate in The Flanders Foundation v. City of Carmel-by-the-Sea (Mont. Co. Super. Ct. Case No. M76728) require the City to make reasonable interim measures to avoid further significant deterioration of the Mansion. In response to this comment revisions to the RDEIR have been incorporated. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**. Also, please refer to the responses to C-2 (Page 2, last 2/3 of paragraph), C-13, & C-26.

C27: The comment identifies specific concerns with the Lease for Public/Quasi-Public Use Alternative. Specific concerns relate to the assumptions identified in the description of the alternative, namely the

assumption that full access to the site would be restricted. The comment also suggests that the City would be able to exert greater influence through conditions and other restrictions over the nature of the use and associated impacts if the property were to remain in City ownership. The RDEIR (see Page 6-10) assumes that exterior elements could be implemented under this alternative. The exact nature and extent of these features would ultimately be contingent upon the type of public/quasi-public use that would occupy the Flanders Mansion. The analysis in the RDEIR represents a conservative analysis that evaluates the worst-case scenario in which public access would be restricted as a result of exterior elements. The RDEIR does, however, recognize that some public/quasi-public uses could permit limited site access and thereby avoid impacts related to the exclusion of the public from a portion of the Preserve. The RDEIR also recognizes that the future terms of the lease would be determined at the time a prospective lessee is identified. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

C28: Comment acknowledged. No further response necessary.

C29: The comment contends that the Sale with Conservation Easements and Mitigation Alternative would still result in a significant and unavoidable impact due to the permanent loss of parkland. The RDEIR (see Page 6-18) clearly identifies that the Sale with Conservation Easements and Mitigation Alternative would result in the sale of parkland and would therefore still result in the permanent loss of parkland.

RECEIVED

JAN 14 2009

CITY OF

January 14, 2009 CARMEL-BY-THE-SEA

Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P O Drawer G
Carmel-by-the Sea, CA 93921

Re: Comments on Recirculated Draft Environmental Impact Report for the Sale of Flanders Mansion Property (RDEIR)

Dear Mr. Conroy,

Introduction. The referenced RDEIR takes the position that the sale of Flanders Mansion as proposed by the City is unacceptable under CEQA, and identifies actions in mitigation that produce, according the RDEIR, the following acceptable alternative uses:

1. Lease of Flanders Mansion under the terms of RDEIR mitigation actions, either as a single family residence or for public or quasi public use.
2. Sale of Flanders Mansion under the terms of RDEIR mitigation actions, also either as a single family residence or for public or quasi public use.

Public and Quasi Public Use is Unacceptable. For several reasons, as identified below, public or quasi public use should not be considered an acceptable alternative for the Flanders Mansion.

Traffic. As shown in the RDEIR, public or quasi public use would generate an estimated 61 trips a day (or some unknown lesser number of trips not specified in the RDEIR) between Flanders Mansion, which is in the City, and Hatton Road, which is a County road under County jurisdiction. That compares with 10 trips a day if the Mansion is used a single family residence. Hatton Road is simply not designed for anything more than single family residence traffic, and its use for public or quasi public use to and from the Mansion, whether for 61 trips or any number greater than single family residential use, can not be tolerated. In addition, the entrance to the Mansion driveway is located at a sharp bend in Hatton Road, where visibility is more limited than for the typical Hatton Road driveway; and presents a safety hazard that would be increased by public or quasi-public use. Also, many residents in the Hatton Fields area take walks on Hatton Road, which has no curbs or sidewalks. Additional traffic would represent an increased safety hazard for such walkers. Finally should the RDEIR preparer disagree with the contention that the additional traffic is unacceptable, a comment should be included in the RDEIR that requires the City to first check with the County to see if it will consent to use Hatton Road for public or quasi public ingress and egress, given that Hatton Road provides the only vehicular access to the Flanders Mansion, and is under the jurisdiction of the County, which is very concerned about safe use of its roads. Further, under CEQA, the County must be given notice and have an opportunity to review the expected traffic, as has previously been pointed out in comments made on the 2005 EIR.

D-1

Conflict with Good Land Use Practice. It is a well established land use principle that use of buildings in a residential neighborhood zoned for residential single family use should not be used for other purposes absent a strong overriding reason. See California Government Code, Title 7, Sections 65000 et seq., and related case law. While Title 7 of the Government Code gives considerable discretion to governmental units to prescribe land use and related zoning for the greater good of the public, with respect to residential areas the law advocates no change from residential use to non-residential purposes unless there is a clearly demonstrated need to allow a non-residential use, e.g., a school where no convenient school exists.

In this case, there simply is no demonstrated need to allow public or quasi public use of the Flanders Mansion, and the RDEIR does not suggest a specific use. In fact, the history of the Mansion depicted in the RDEIR on pages 3.2 through 3.4 shows that there have been many attempts to find acceptable uses for the Mansion, and the conclusion consistently and ultimately reached by the City Council is that there is no acceptable use other than single family residence. Introduction of permanent public or quasi public use for Flanders would represent a change where no known need to use the Mansion for public or quasi public use exists, and therefore conflicts mightily with good land use practice.

Buttressing the point for the need that good land use practices be followed for the Flanders Mansion are three important sets of facts:

First, the vast majority of the Mansion history shows that it was principally used for single family residential purposes, for which it was designed, and the fact that there has been occasional use by the City for public or quasi public use is not sufficient justification for making such use permanent. More specifically, the history of the Mansion, which runs from 1924 through 2009, shows the following uses according to pages 3.2 through 3.4 of the RDEIR:

D-2

1924-1979	single family residence	56 years
1980-1989	no use specified	10 years
1990-2003	public/quasi public and residential for caretaker	14 years (no specifics on division of use)*
2004-2009	no use specified	5 years

*It is our recollection that there wasn't much public/quasi public use. We can recall Carmel Heritage, as cited in the RDEIR, an art use, a very noisy wedding reception, and a few days of a decorator showcase, but there may have been other uses as well.

Except for 14 years which was a combination of public/quasi public use and residential use there has been no use except residential for the Flanders Mansion. Stated another way, for all but 14 years of its existence of 85 years, the Mansion was either residential or not used. Only some amount less than 14/85ths of the time, or 16.5%, was the Mansion used for other than single family residential purposes.

Second, it is a matter of record with the City that in 1999 and 2005, the majority of residents in Hatton Fields in close proximity to the Flanders Mansion emphatically took the position that the Flanders Mansion should be used only for single family residential purposes, for the very same reasons that are identified in this letter.

Third, the City of Carmel itself takes the position that one of its chief goals is to protect the residential character of the City, a point etched in a wooden hanging in the City Council Chambers behind the dais. The City has done a good job of doing so, as evidenced in Figure 4.4-3 of the RDEIR, which shows that most of the City's residential areas are strictly residential. The business areas are well confined so as not to disturb residential areas. The residents of Hatton Fields contend that the same courtesy should be accorded to Hatton Fields, so that there are no competing zoning designations adjacent to Hatton Fields' solely residential neighborhood, and that the City would be improper to so impose a competing zoning of public or quasi public use that is contrary to good land use practice and causes an unnecessary increase in traffic and a degradation of traffic safety.

Proposed new Parking Places on Flanders Mansion Driveway are Unacceptable and Unnecessary as a Mitigation Action. The RDEIR takes the position that to mitigate against loss of informal parking used by the general public in the lower driveway area of the Flanders Mansion driveway three additional parking spaces should be provided to facilitate visitor access. For the reasons identified below, this is both unacceptable and unnecessary. See Mitigation item 4.6-1.

Present Parking for Access to Flanders Mansion, the Arboretum, and All Areas of Mission Trail Nature Preserve is Adequate. As noted in the RDEIR, there are five locations for entrance to the Preserve and all its component parts, and all of them will continue to have parking. At the Flanders Mansion, there are three parallel parking spaces available at the top of the driveway near the iron gate entrance to the Arboretum, and although approximately three parking spaces at the lower portion of the driveway would not be available in the future, all areas of the Preserve can easily be accessed from the remaining four access points, where parking is also available in close proximity to the entrances. Parking is particularly plentiful at the Rio Road entrance. A about noon on January 11, ten cars were parallel parked in an unbroken line immediately adjacent to the Rio Road entrance to the Preserve. Many people use this spot to access the Preserve, and it is an easy walk to anywhere else in the Preserve from the Rio Road entrance, and for that matter, from any entrance to the Preserve to any other point in the Preserve. For this reason alone, we contend that the impact of losing the parking spaces at the lower portion of the Flanders Mansion Driveway is not significant, and the mitigation action is therefore unnecessary.

Proposed Creation of Three Additional Parking Places is Unacceptable. The RDEIR includes a suggested mitigation action of creating three new parking places off the north side of the Flanders Mansion Driveway as shown in Figure 4.6-2. The proposed action has two very undesirable effects in addition to the fact that the new parking spaces are unnecessary.

D-2
cont.

D-3

First, since the parking spaces would be shielded by vegetation so as to preclude the spaces from being visible by the neighboring residences, they would become a secluded area that could well attract undesirable or illicit activity by virtue of being a relatively private place. As the City Council of Carmel well knows, there was an instance of vandalism at the Flanders Mansion. There have been instances of other undesirable, if not illegal, activity in the proximity of the Flanders Mansion. Suffice it to say, the relatively private parking places could easily become a gathering place for unwanted activity of many possible forms. The City would be well advised, in my opinion, not to enable such activity by creating the three additional parking places proposed.

D-3
cont.

Second, the area proposed for the parking, notwithstanding the disturbed aspect of the land involved, would represent a degradation of a natural setting that fits nicely into the Preserve. Given that additional parking space is not needed, it would seem inexplicable to convert to parking spaces what is now a very natural setting. Related to this is the fact that the neighbors would probably have some view of the parking even though shielded, and there's no reason to do that.

Micellaneous Comments. In the following comments we speak from the perspective of long-term residents of Hatton Fields who know every trail in the Mission Trails Nature Preserve, including Flanders, the Arboretum and the field overlooking the Mission and Point Lobos. We use the trails in the Preserve at least four times a week, if not daily, and are intimately familiar with all usage of and beauty of this marvelous park. It is in that context that we offer the following comments.

Usage of the Preserve. The vast majority of the usage of the Preserve is for walking. The trails are beautiful, well maintained, and easy to use. Most of the walking is done on the main trail, which is covered with woodchips, that extends from a bridge near Mountain View at the north end to the Rio Road at the south end. Also well used is the Willow Trail which can be entered just north of the Rio Road entrance, and extends up to the 11th Avenue entrance. Some people use the informal trails which parallel much of the main trails, and which provide access to the meadow at the end of Martin Road. Use of those trails is the predominant use of the Preserve, and we believe, as expressed by many, that these people think, as do we, that the trails provide access to a beautiful wooded area that is truly enjoyed by all who enter it. It is a beautifully maintained park.

D-4

In addition, some people enter the Arboretum and enjoy the meadow overlooking the Mission and Point Lobos. Those are fewer in number than those using the main trails, although we have no statistics.

Very few spend much time at all at the Flanders Mansion property, mainly because the Mansion is not open to the public. However, occasionally the Flanders Foundation has organized tours that included views of the exterior of the Mansion, and this would be the exception to the statement that not much time is spent there as a general rule. It is important to note here that the area proposed for sale or lease as discussed in the RDEIR is but 3.58% of the Preserve property, being 1.252 acres out of

35 acres, a very small percentage of the Preserve space. Although the RDEIR conveys the idea that Flanders Mansion is a significant attraction in the Preserve, we beg to differ—the day after day use very strongly suggests otherwise.

D-4
cont.

Advantages of Single Family Residential Use. We suggest that pride of ownership or pride as a lessee in one's place of residence both offer significant advantages in terms of maintenance of the Flanders Mansion. The pride of which we speak is, we suggest, stronger than that which would be the case if the Mansion were to be sold or leased to a public or quasi public group. This offers one additional advantage of use as a single family residence. Also, we both believe that income from lease of Flanders to a public/quasi public group would be de minimus, and that sale to such a group would be virtually impossible, thereby making single family residential use much more advantageous to the City.

D-5

Zoning Changes for Flanders. As well documented in the RDEIR, the Flanders property has undergone several zoning changes by the City over time, including R1, P2A, and P2. Because the changes other than R1 could result in increased traffic on Hatton Road, which, as you know, is under the jurisdiction of Monterey County, all such changes should have been noticed to the County as required by CEQA, and subjected to their control insofar as use of Hatton Road was involved.

D-6

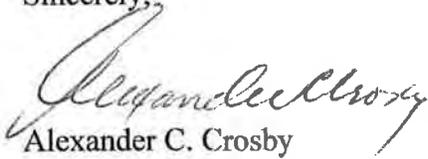
Erroneous Contention in RDEIR About Inaccessibility. In several places in the RDEIR, a contention is made that sale or lease of Flanders would render portions of the Preserve inaccessible, which would lead one to believe that places other than the Flanders property per se might not be accessible from certain entrances to the Preserve. Such contention is absolutely not true. In fact, except for the Flanders property, for which access presumably would be prohibited under sale or lease except for any easements that would be provided, 100% of the Preserve, including the Arboretum, the meadow that overlooks the Mission and Point Lobos, and the entire trail network would be easily accessible from any of the five entrances identified in the RDEIR whether or not any access easements are provided. It would be possible to walk completely around the Flanders parcel on areas allowed for access. It is strongly suggested that the erroneous contention be eliminated from the RDEIR in any place it is expressed.

D-7

General Comment on RDEIR. Notwithstanding the foregoing comments, we would like to express our satisfaction with the thoroughness of the job on preparation of the RDEIR. Without question, it does a good job of identifying the issues involved for consideration by the City of Carmel, and is consistent with the spirit and intent of CEQA. We recognize that it is impossible to prepare as lengthy a document as the RDEIR without some areas generating comment. In that context, our comments are provided sincerely and with the intent of providing full assessment of the relevant considerations that should be addressed under CEQA so that the public is completely provided with the protection that CEQA is intended to provide for them. We express our appreciation for the job done.

Conclusion. Our letter speaks quite clearly for itself.. However, we'd be happy to discuss it if desired.

Sincerely,



Alexander C. Crosby
3334 Martin Road
Carmel, CA 93923



Robert G. Morris
25874 Hatton Road
Carmel, CA 93923

LETTER D: ALEXANDER CROSBY & ROBERT MORRIS

D1: The comment specifically identifies that future use of the subject property for public/quasi-public purposes is not an acceptable alternative for the Flanders Mansion due to potential impacts associated with increased traffic. Please refer to **Section 3.0 Master Responses to Comments, Master Response 5, Transportation/Traffic** for further discussion. The comment further identifies that Monterey County should be consulted regarding public/quasi-public use of the property. The County of Monterey has been consulted concerning the proposed sale and did not provide any comments in regard to potential impacts to Hatton Road. In the event that future use of the subject property is inconsistent with the analysis contained in the RDEIR additional CEQA review would be required, including any necessary consultation with Monterey County. In response to this comment, Mitigation Measure 4.4-1 has been modified. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

D2: The comment identifies that, if sold or leased, the Flanders Mansion should only be used for single-family residential use. The comment specifically identifies that the Mansion has been predominately used for single-family residential use and that use for public/quasi-public purposes would impact the existing residential character of the neighborhood. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference**. These comments state that single-family residential use of the Flanders Mansion parcel should be required, as it is consistent with the R-1 residential zoning in the areas near the parcel and the surrounding Mission Trails Nature Preserve. If the City Council selects either a sale or lease of the property as a single-family residence, then the use would be consistent with R-1 residential zoning permitted uses. If the City Council selects sale or lease as a public or quasi-public use, the RDEIR contains Mitigation Measures to reduce the impact on the neighborhood to a less than significant level. As discussed in **Section 4.5 Parks and Recreation** and **4.6 Traffic and Circulation** of the RDEIR, after imposition of these Mitigation Measures, the environmental analysis does not find significant, unmitigated impacts on traffic or parking in the area.

D3: The comment identifies that the replacement parking proposed in Mitigation Measure 4.6-1 is unnecessary and unacceptable. The comment identifies that access to the Mission Trail Nature Preserve is provided at the five entrances and that parking will continue to be available at these locations. The RDEIR recognizes that parking is available at the five various Preserve entrances and acknowledges that the Mission Trail Nature Preserve does not have a comprehensive parking policy (see Page 4.6-3 though Page 4.6-4). Replacement parking is, however, necessary to avoid additional impacts to Hatton Road. Access to the Preserve would continue to be provided from Hatton Road and it is likely that increased parking along the Preserve entrance on Hatton Road would occur. Consistent with the mitigation recommended in the 2005 DEIR, the RDEIR identified replacement parking in an area that can accommodate a limited number of vehicles to ensure continued Preserve access and avoid further impacting the surrounding area. This has been clarified in **Section 5.0 Revisions to the Recirculated Draft EIR**.

The comment also suggests that the proposed parking would represent a degradation of the Preserve's natural setting and could attract undesirable or illicit activity by virtue of being relatively secluded. This response does not address comments related to illicit activity and defers all responses related to this item to the City. The RDEIR acknowledges that implementation of Mitigation Measure 4.6-1 would result in additional environmental impacts to the Mission Trail Nature Preserve. The area proposed for replacement parking, however, has historically been disturbed and minimal improvements were identified as necessary to accommodate limited parking. Moreover, Mitigation Measure 4.6-1 and 4.6-2 have incorporated measures to ensure that potential impacts to biological resources and the natural setting of the Preserve are minimized to a less-than-significant level.

D4: Comment acknowledged. The comment does not raise any environmental issues and no further response is necessary.

D5: Comment acknowledged. The comment does not raise any environmental issues and no further response is necessary.

D6: The comment identifies that the Flanders Mansion property has undergone a number of zoning changes by the City and that Monterey County should have received notice at the time these zoning changes occurred. The comment is not specific to the proposed project and does not relate to the environmental analysis contained in the RDEIR. Comment is acknowledged and no further response is necessary. Monterey County has, however, been notified concerning the proposed project in accordance with the requirements of CEQA. At this time, no comments have been received from the County.

D7: The comment contends that the RDEIR erroneously claims that sale or lease of the property would render portions of the Preserve inaccessible. Implementation of the proposed project would result in the permanent loss of parkland and would therefore result in the direct loss of access to a portion of the Preserve that has historically been accessible to the public. This has been clarified in **Section 5.0 Revisions to the Recirculated Draft EIR**. Please refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities.

RECEIVED
JAN 20 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning and Building Department
P.O Drawer G
Carmel, CA
sconroy@ci.carmel.ca.us

Re: RDEIR (Flanders Mansion)

Carmel, CA
19 January 2000

Dear Mr. Conroy;

With this letter we express our opposition to the possibility of a sale of the Flanders Mansion to an entity that might convert it into a public, or quasi-public, place. The Mansion is located in a neighborhood zoned for single family residential use, and its future use should conform to that. Hatton Road is the only access road to the Mansion. This road is a quiet, low volume, single lane road, which provides just adequate service to the residences in the area. It is also much used by pedestrians for recreational walks, or access to the Mission Trails. The increased traffic that unavoidably would be associated with public activities at the Flanders Mansion, would raise noise levels in the neighborhood and generate potentially serious hazard to the pedestrians. Disruption such as this of peoples' lives in this long established neighborhood would be shameful.

E-1

It must be assured that that the sale of the property guaranties the Future use of the Flandes Mansion as a single family residence. Only thus will it fit with the rest of the neighborhood. Only thus will it continue to contribute to the established blend of beautiful residences and the Mission Trails Nature Reserve. The 13 years we have lived in the neighborhood, this blend of beautiful homes, yards, and Nature Reserve has provided much joy and recreation to our lives, as it has done for many others. It should be made certain that this is not upset by the excessive traffic, noise, conversion of open areas to parking lots, trash, and pollution that unavoidably would be associated with public use of the Mansion.

Please include this letter in the "Comment " section of the RDEIR.

Hafidi H. Jonsson
Nanna L Jonsson
25875 Mesa Drive
Carmel, CA . 93923

LETTER E: HAFLIDI & NANNA JONSSON

E1: The comment identifies that the Flanders Mansion should only be used for single-family residential use. The comment specifically identifies that future use of the subject property for public/quasi-public purposes is not acceptable due to potential impacts associated with increased traffic. Moreover, this comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic**. Please refer to those Master Responses for further discussion.

Richard B. and Barbara H. Hammond
3274 Martin Rd.
Carmel CA 93923

RECEIVED
JAN 21 2009
CITY OF
CARMEL-BY-THE-SEA

19 January, 2009

Sean Conroy
City of Carmel by the Sea
PO Drawer G
Carmel CA 93921

Dear Mr. Conroy,

We live at the end of Martin Road, just below Flanders. We have lived here for just under 25 years and have followed with fascination the issue of the Flanders property. Early on, I (Richard) served on the Board of Carmel Heritage when Heritage negotiated a lease with the City. In fact, I was on the 3 man team representing Heritage. Our mandate was to attempt to find an acceptable community organization to lease the property. We worked diligently to find a suitable tenant for several years, but unsuccessfully. We could not locate any tenant whose use would not have a major impact on the surrounding residential community.

Since that time, there have been new community activists who have tried to impose their will on the neighbors. The City of Carmel has been very passive in facing this small minority dedicated to preserving City ownership of Flanders at all costs. Instead of facing the problem, the City has back pedaled and run away from the problem. Finally in 1999, in the face of a new threat from a newly organized Flanders Foundation, we and other members of Hatton Fields organized the Hatton Fields Residents Association. The vast majority of the residents of the area have supported the concept that Flanders be used as a private residence ONLY. Any other use would not be compatible with the residential character of Hatton Fields.

May we suggest, in certain terms that it is time to draw a line in the dirt. The City has paid a huge price for waffling on this issue. Thank you for your consideration.



Richard B. Hammond



Barbara H. Hammond

F-1

LETTER F: RICHARD & BARBARA HAMMOND

F1: The comment identifies that the Flanders Mansion should only be used for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood. Please refer to Section **3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference,** and **Master Response 5, Transportation/Traffic** for further discussion.

798 Cass Street, Suite 200
Monterey, California 93940

Telephone 831-649-4044
Fax 831-649-6340

Jeffrey Lehr, M.D.
Allergy & Immunology
F.A.C.A.I.
Diplomate A.B.I.M. & A.B.A.I.

RECEIVED
JAN 21 2009
CITY OF
CARMEL-BY-THE-SEA

January 19, 2009

Sean Conroy
Community Planning & Building Department
PO Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir,

We live in relatively close proximity to the Flanders Mansion, and strongly believe that the sale or lease of the mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

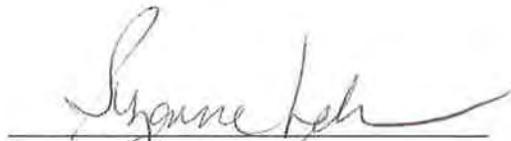
Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "comment" section of the RDEIR.

Sincerely,



Jeffrey Lehr, MD



Suzanne Lehr

25592 Hatton Road
Carmel, CA 93923

G-1

LETTER G: JEFFREY & SUZANNE LEHR

G1: The comment identifies that the Flanders Mansion should only be used for single-family residential use. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference,** and **Master Response 5, Transportation/Traffic,** and we direct your attention to those Master Responses. Moreover, this comment contends that use as a single-family residence would have a minimal impact on the Mission Trail Nature Preserve. The RDEIR identified that sale of the Flanders property, regardless of the type of use, would constitute a significant and unavoidable impact that cannot be mitigated due to the permanent loss of parkland (see Page 4.5-6). In order to ensure that future use of the property does not adversely impact the Mission Trail Nature Preserve, Mitigation Measure 4.4-1 was incorporated to limit future use of the property to those uses that have historically occupied the Mansion since being acquired by the City. Please refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities.

Letter H

Benjamin T. Richards, M. D.
3246 Martin Road
Carmel, CA 93923
(831) 624 - 5540

January 20, 2009

Sean Conroy
City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Drawer G
Carmel, CA 93921

RE: RDEIR (Flanders Mansion)

Dear Sir:

For the past 33 years my wife and I , the undersigned, have lived in Hatton Fields and look north across the field to the Flanders Mansion. We strongly believe that the **sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion.** It is located in a single family residential neighborhood, and single family use of the site is the most compatible use.

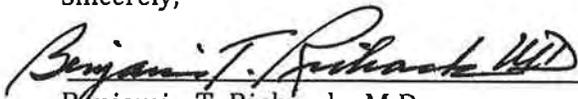
Not emphasized sufficiently is the fact that the **sole vehicular access to the Flanders Mansion is from Hatton Road precisely at a crucial blind curve** that completely changes direction.

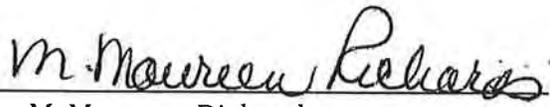
Hatton road is a narrow County road , no sidewalks, with active pedestrian use of the road by local residents and their dogs being a particular concern in the area of the blind curve. Especially because of this blind curve Public or quasi-public use of this entrance by groups of people with increase in noise and traffic would be inappropriate in this residential neighborhood.

With years of observation from living adjacent to the eastern border of the Mission Trails park , and direct observations of the field south of the Mansion leading to Arboretum, we feel that Sale or lease of Flanders Mansion for Single Family use would not interfere with continued enjoyment by the public of these adjacent areas.

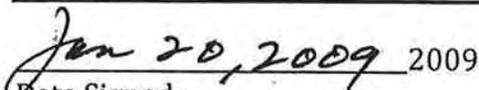
Please include this response to the "Comment" section of the RDEIR.

Sincerely,


Benjamin T. Richards, M.D.


M. Maureen Richards

3246 Martin Rd., Carmel, CA 93923


Date Signed: 2009

H-1

LETTER H: BENJAMIN & M. MAUREEN RICHARDS

H1: The comment identifies that the Flanders Mansion should only be used for single-family residential use due to potential traffic hazards associated with a public/quasi-public use. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference**, and **Master Response 5, Transportation/Traffic**, and we direct your attention to those Master Responses. Moreover, this comment contends that use as a single-family residence would have a minimal impact on the Mission Trail Nature Preserve. The RDEIR identified that sale of the Flanders property, regardless of the type of use, would constitute a significant and unavoidable direct impact that cannot be mitigated due to the permanent loss of parkland (see Page 4.5-6). In order to ensure that indirect impacts associated with the future use of the property do not adversely impact the Mission Trail Nature Preserve, Mitigation Measure 4.4-1 was incorporated to limit future use of the property to those low-impact uses that have historically occupied the Mansion since being acquired by the City. Please refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities.

Letter I

Benjamin T. Richards, M.D., FACS
3246 Martin Road
Carmel, CA 93940
(831) 624-5540

RECEIVED
JAN 27 2009
CITY OF
CARMEL-BY-THE-SEA

January 21, 2009

Sean Conroy
City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Drawer G
Carmel, CA 93921

RE: RDEIR (Flanders Mansion)
Serious Traffic Hazzard related to Flanders Estate Friday, January 16th, 2009

Dear Sir:

Since 1975 my wife and I have lived in the Hatton Fields area with immediate view North across the field to the Flanders Estate.

In a separate recent document we expressed our strong belief that the sale or lease of the Mansion should be restricted for use solely as a single family residence.

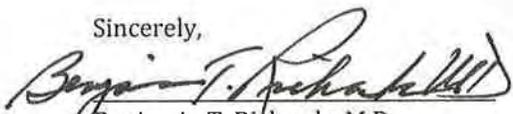
I direct your attention to the very hazardous, blind, more than right angle, turn of Hatton Road adjacent to the single entrance to the Flanders Estate. **A personal incidence occurring this past Friday, January 16th, 2009 illustrates the hazard of allowing public or quasi-public use of the Flanders Estate.**

At approximately 1:45 PM January 16th while traveling South on Hatton Rd, the driver of the car in which I was riding was forced to stop completely approximating the entrance to the Flanders Estate by the presence of **large yellow school bus, parked just south of the entrance at the blind curve** and with motor turned off, essentially occupying and blocking the South bound lane. Many childrens voices could be heard from the direction of the Flanders Estate. The only option for safe negotiation of the blind curve was to exit the car, walk perhaps 20 yards around the curve to indicate to my driver that safe negotiation of the blind curve was feasible using the north bound lane. This was the perfect scene for a potential head-on collision around that blind turn. **(See Exhibits A, B, and C)**

This is a residential area, and any members making decisions about allowing public or quasi public use of the Flanders Estate should visualize a yellow bus using this blind curve for parking.

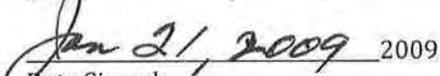
Please include this response to the "Comment" section of the RDEIR.

Sincerely,


Benjamin T. Richards, M.D.


M. Maureen Richards

3246 Martin Road, Carmel, CA 93923


Date Signed: 2009

I-1

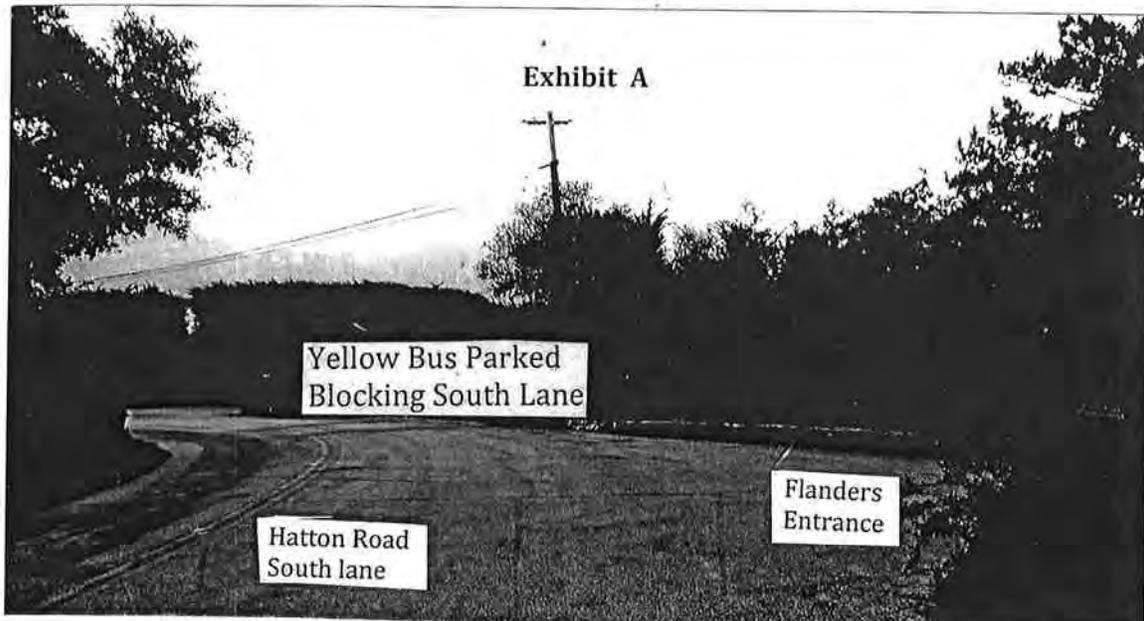
Benjamin T. Richards, M.D.
3246 Martin Road
Carmel, CA 93923
(831) 624 - 5540

page 2.

Exhibit A:

For Sean Conroy
City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Drawer G
Carmel, CA 93921

RE: RDEIR (Flanders Mansion)
Traffic Hazzard related to Hatton Road and Flanders Estate



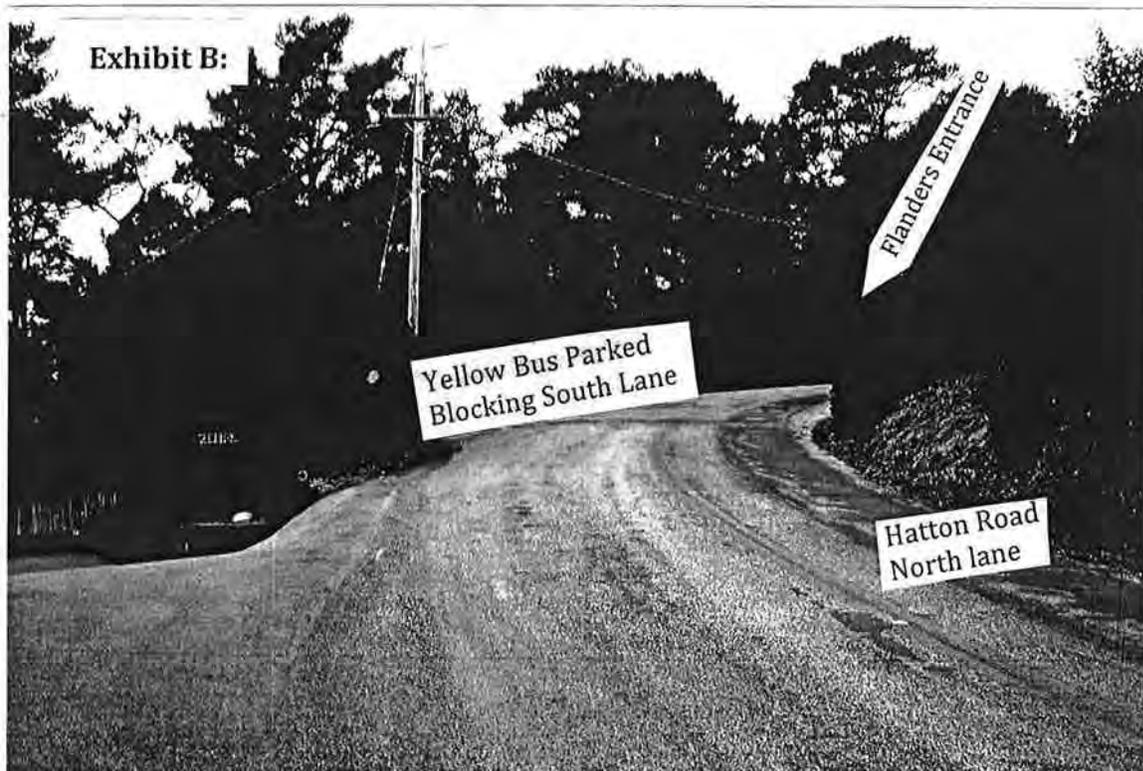
Benjamin T. Richards, M.D.
3246 Martin Road
Carmel, CA 93923
(831) 624 - 5540

page 3.

Exhibit B:

For Sean Conroy
City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Drawer G
Carmel, CA 93921

RE: RDEIR (Flanders Mansion)
Traffic Hazzard related to Hatton Road and Flanders Estate



Benjamin T. Richards, M. D.
3246 Martin Road
Carmel, CA 93923
(831) 624 - 5540

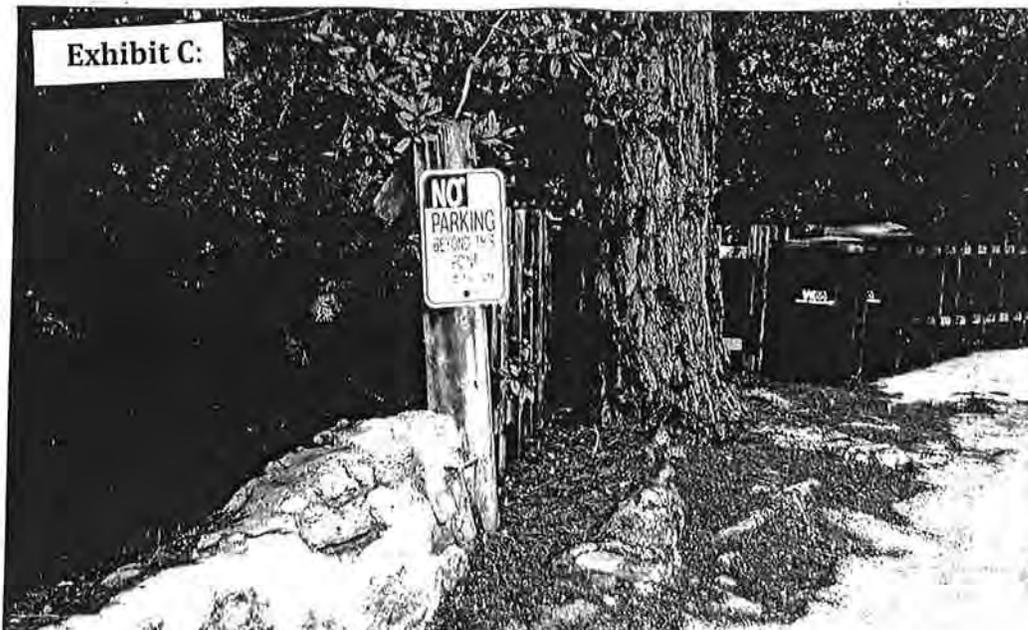
page 4.

Exhibit C:

For: Sean Conroy
City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Drawer G
Carmel, CA 93921

RE: RDEIR (Flanders Mansion)
Traffic Hazzard related to Hatton Road and Flanders Estate

No Parking Sign at Entrance to Flanders Mansion
Might encourage unreasonable use of Hatton Rd
For such injudicious parking



LETTER I: BENJAMIN & M. MAUREEN RICHARDS

I1: The comment identifies that a recent traffic incident on Hatton Road highlights the particular safety concerns and traffic hazards that could be worsened should the Flanders Mansion be used for more intensive uses, such as a public/quasi-public use, that would generate higher traffic volumes. Specifically, the comment letter mentions an incident involving a large school bus that was parked along the Hatton Road entrance to the Mission Trail Nature Preserve and obstructed views of oncoming traffic. Revisions have been incorporated into **Section 5.0 Revisions to the Recirculated Draft EIR** in response to this comment.

Letter J

3340 7th Place
Carmel, CA 93923
January 27, 2009

RECEIVED
JAN 28 2009
CITY OF
CARMEL-BY-THE-SEA

Sean Conroy
City of Carmel-by-the-Sea
Community Planning and Building Dept.
P.O. Box Drawer G

Re: RDEIR (Flanders Mansion)

Dear Mr. Conroy,

We are writing to express our strong sentiments that the sale or lease of the Flanders Mansion be limited to single family use exclusively. As residents of Hatton Fields, and living across the canyon from the Flanders Mansion, we are acutely aware of the fragility of this remarkable strip of pristine open space of the Mission Trails Nature Preserve in Carmel and its potential for being ruined should the Mansion be used as an event rental site or anything other than a single family residence.

The reasons are numerous - from the disruption of increased traffic, noise, sound and light pollution to this quiet residential area to the disruption it would cause for the many animal and bird species who live in the canyon, including endangered Nuttall Woodpeckers. There are foxes and deer - all of which add to the delight of residents and who would flee should the Mansion become a site for crowds of noisy people.

We who live in Hatton Fields know what a quiet residential street Hatton Road is and was designed to be - it is not appropriate to turn it into a public or quasi public access road for events traffic. Nor is it appropriate to take one of the quietest corners of Carmel and make it a noisy commercial zone.

We urge you with the strongest sentiments possible to please stand as a custodian for the land, nature and the identity and integrity of Carmel by designating the Flanders Mansion once and for all a lovely home for single family residence only!

Sincerely,

Dr. Janice Ross & Keith Bartel
3340 7th Place
Carmel, CA 93923

J-1

LETTER J: DR. JANICE ROSS & KEITH BARTEL

J1: The comment identifies that the Flanders Mansion should only be used for single-family residential use. Specifically, this comment suggests that the Mansion should only be used for single-family residential purposes to minimize impacts due to noise, lighting, and traffic that would be associated with higher intensity uses, such as a public/quasi-public use. Moreover, this comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood. Please refer to **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference**, and **Master Response 5, Transportation/Traffic** for further discussion.

1-22-2009

Mr. Sean Conroy
City of Carmel
PO Drawer G
Carmel, CA 93921

Dear Mr. Conroy

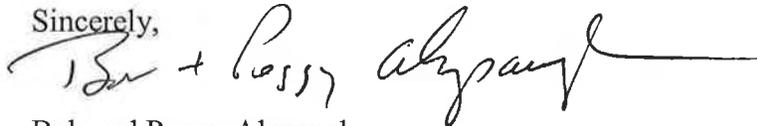
As residents on Hatton Road we live close to the Flanders Mansion and walk the road daily with our dog and frequently use the Mission Trail. The street and area is not designed for more than residential traffic. The Flanders Mansion is a lovely property, but its use for other than a single family residence would not be appropriate given the infrastructure that currently exists.

K-1

The Mission Trail is a beautiful natural experience that would be diminished by conversion of the Mansion to a public space and we urge you and the City of Carmel to only sell or lease the property as a single family residence.

Please include this response to "comment section" of RDEIR.

Sincerely,



Bob and Peggy Alspaugh
25588 Hatton Road

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

LETTER K: BOB & PEGGY ALSPAUGH

K1: The comment identifies that the Flanders Mansion should only be sold or leased for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference**, and **Master Response 5, Transportation/Traffic**. Please refer to that discussion for further information.

Roberta Buffett Bialek
25782 Hatton Road
Carmel, California 93923

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

January 28, 2009

Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel-by-the-Sea, CA 93921

Re: Comments on Re-Circulated Draft Environmental Impact Report for the Sale of Flanders Mansion Property (RDEIR)

Dear Mr. Conroy,

I live on Hatton Road immediately adjacent to the Flanders Mansion Driveway. I have lived here for almost 41 years.

I am writing to strongly endorse the proposition that the only suitable use for the Flanders Mansion is a single family residence, be it a sale or lease.

This neighborhood has an ongoing tradition of owner-occupied homes, many of which have belonged to the owners for decades. Families generally know each other. There are several instances of three generations of family members having homes near each other in this neighborhood.

Hatton Road is a narrow, winding road but it is used extensively by the residents to walk alone, with their friends and family, and with their dogs.

The increase of traffic and noise brought by public or quasi-public use would truly disrupt the sense of a quiet, long-settled neighborhood and also threaten the safety of those who enjoy their peaceful walks.

I also wish to comment on the addition of public parking spaces off the Flanders Driveway. I am concerned that the seclusion of these parking places might prove to be an attraction for activities that don't easily occur where the parking places are more public, such as teenagers smoking, campfires etc. In the past, there have been fires started in the canyon that luckily were put out before there was any property damage. Fire is always a concern to those of us that live along the park.

Sincerely,



Roberta Buffett Bialek

LETTER L: ROBERTA BUFFETT BIALEK

L1: The comment identifies that the Flanders Mansion should only be sold or leased for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference**, and **Master Response 5, Transportation/Traffic**.

The comment also identifies potential concerns associated with the replacement parking identified in Mitigation Measure 4.6-1. Specifically, this comment expresses concern that the parking area could attract undesirable or illicit activity by virtue of being relatively secluded. This comment also identifies specific concerns about potential fire hazards that may occur due to potential illicit activity at the proposed replacement parking location. This response does not address comments related to illicit activity and defers all responses related to this item to the City. Comment acknowledged.

Letter M

Robert and Lynde Knight
PO Box 4103
25524 Hatton Road
Carmel, CA 93921

01/23/09

To: Carmel City Council and
Carmel Planning Commission

RE: Flanders Mansion

Dear Council Members and Commissioners:

We live on Hatton road close to the Flanders Mansion. We very much believe that the Mansion should be sold for the purpose for which it was built; a single-family residence.

We chose to purchase a home in this neighborhood largely because of the quiet residential setting, which we considered ideal for raising our family. On a daily basis, my wife and I walk with our newborn son and dog along Hatton Road.

Additionally, we have observed children walking to and from Carmel High School, neighbors with scooters, families with dogs all walking regularly along Hatton Road.

Having an intimate understanding of the neighborhood and its narrow curving roads, we can say with certainty that any public or quasi-public at Flanders Mansion would create a dangerous level of traffic putting people at serious risk.

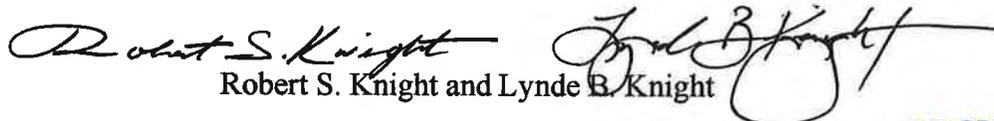
Furthermore, any public or quasi-public use of Flanders would alter the peaceful quality of the surrounding Mission Trail Preserve, which the larger Carmel community enjoys and the resident wildlife requires.

Our position is one of preservation. Preserving the quality of life for the people and wildlife of a significant surrounding residential community is the only responsible action.

Selling Flanders Mansion exclusively as a private residence, while allowing walking access to the adjacent land would be the most advantageous solution for everyone in the community.

Thank you.

Sincerely yours,


Robert S. Knight and Lynde B. Knight

Cc: Hatton Fields Residents Association

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

M-1

LETTER M: ROBERT & LYNDE KNIGHT

M1: The comment identifies that the Flanders Mansion should only be sold or leased for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. Please refer to **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference,** and **Master Response 5, Transportation/Traffic** for further discussion

To Sean Conroy
City of Carmel by the Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, Ca. 93921

Re: RDEIR (Flanders Mansion)

Dear Sir,

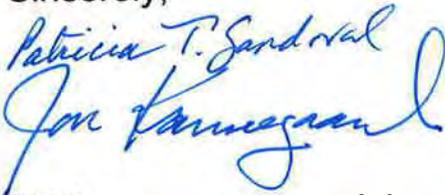
My husband and I own our home four houses away from the entrance to the Flanders Mansion. We have owned our home for almost ten years now, and love our home, our neighborhood, and our beautiful environment. Protecting our environment on a global and a local level is very important to us. We would be remiss in our responsibility to protect our neighborhood if we did not support the sale of the Flanders Mansion for use solely as a single family home.

Increased traffic would make Hatton Road more dangerous than it already is. Hatton Road is a narrow, winding, county road with a significant down grade. It is very easy for cars to travel faster than the 25 mph. speed limit. There are places where it is very unsafe for pedestrians to walk. When we walk our dog, or walk to town, it is obvious that Hatton Road can only accommodate local traffic. Any increase in traffic due to public or semipublic use of the Mansion would degrade the road and the safety of local residents.

The sale or lease of the Flanders Mansion with appropriate conditions of use that is limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum, which represent less than 5% of the entire Preserve.

Please include our letter to the "Comment" section of the RDEIR.
Thank you.

Sincerely,



Patricia Sandoval and Jon Kannegaard
258324 Hatton Road
January 26, 2009

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

LETTER N: PATRICIA SANDOVAL & JON KANNEGAARD

N1: The comment identifies that the Flanders Mansion should only be sold or leased for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference**, and **Master Response 5, Transportation/Traffic**.

The comment also notes that use as a single-family residence would have a minimal impact on the Mission Trail Nature Preserve. The RDEIR identified that sale of the Flanders property, regardless of the type of use, would constitute a significant and unavoidable direct impact due to the permanent loss of parkland. In order to ensure that indirect impacts associated with the future use of the property do not adversely impact the Mission Trail Nature Preserve, Mitigation Measure 4.4-1 was incorporated to limit future use of the property to those low-impact uses that have historically occupied the Mansion since being acquired by the City. Comment acknowledged. No further response is necessary.

*William J. & Patricia L. Woska
25884 Hatton Road
Carmel, California 93923*

January 19, 2009

Mr. Sean Conroy
Planning and Building Services Manager
City of Carmel-by-the-Sea
P.O. Drawer G
Carmel, California 93921

Re: RDEIR (Flanders Mansion)

Dear Mr. Conroy,

We have a home on Hatton Road several houses east of the Flanders Mansion (FM). The purpose of this letter is to place on record our position that the sale or lease of the FM should be solely as a single family residence.

The FM is located in an unincorporated section of Monterey County known as Hatton Fields. It is next to the Mission Trail Nature Preserve and a part of Carmel-by-the-Sea. The only vehicle entry to the FM is from Hatton Road. Traffic to and from the FM has an impact on residents living on and intersecting Hatton Road. The sale or lease of the FM for other than a single family residence would have a significant impact on vehicular use of Hatton Road.

Although Hatton Fields is adjacent to Carmel-by-the-Sea, it is significantly different with respect to the social and cultural conditions that influence the incorporated community. Several reasons for the differences include:

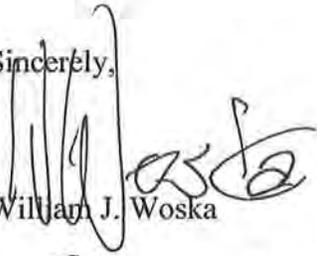
- Hatton Fields is a single family residential neighborhood with greater than 90 percent of the residents living on a full-time basis in their homes.
- There are no hotels, inns, schools, museums, churches, restaurants, grocery stores, or other commercial establishments in Hatton Fields.
- With the exception of residents of Hatton Fields, the neighborhood is void of tourists and others who frequent the incorporated area.

Please include this letter as a part of the record with respect to the RDEIR for the Sale of the Flanders Mansion Property.

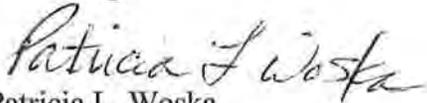
RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

January 19, 2009
Page 2

Sincerely,



William J. Voska



Patricia L. Voska

LETTER O: WILLIAM & PATRICIA WOSKA

O1: The comment identifies that the Flanders Mansion should only be sold or leased for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic and that single-family residential use would be consistent with the existing residential character of the area. Please refer to **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic** for further discussion.

RECEIVED
JAN 30 2009
CITY OF
CARMEL-BY-THE-SEA



William G. Dorey

*President
Chief Executive Officer*

January 29, 2009

Mr. Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Dept.
P.O. Box G
Carmel-by-the-Sea, CA 93921

Dear Mr. Conroy,

I would like to express my support for the sale of the Flanders mansion. I am a resident on Shafter Way, immediately outside Carmel city limits and adjacent to the Mission Trails Park. I walk the park regularly and am quite familiar with the environmental sensitivity of the canyon. I have been watching with great interest over the last several years the debate regarding whether or not the City should dispose of the Flanders Mansion.

Truthfully, I am stunned that there seems to be so much emotion around this subject. The Flanders Mansion is a single family home in a residential area and I strongly support the sale of this real estate. The prospect of turning the Flanders Mansion into some sort of community event center, in my opinion, makes very little sense. I suspect it would never pay for itself and would continue to use City resources that could be put to much better use elsewhere.

I do not believe that the sale of the mansion would impact Mission Trails at all. I am hopeful you will consider my point of view in your final decision.

Very truly yours,

A handwritten signature in black ink, appearing to read "William G. Dorey".

William G. Dorey
President & CEO

cc: Hatton Fields Resident Association

P-1

LETTER P: WILLIAM DOREY

P1: The comment identifies that the Flanders Mansion should only be sold or leased for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. The comment also suggests that the City's financial resources could be better spent elsewhere in the community. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, Master Response 5, Transportation/Traffic, and Master Response 10, City Finances.**

Marikay Morris
25874 Hatton Road
Carmel, Ca. 93923

RECEIVED
FEB 02 2009
CITY OF
CARMEL-BY-THE-SEA

January 20, 2009

Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel-by-the-Sea, Ca. 93921

Re: Comments on (RDEIR) for the Sale of the Flanders Mansion Property.

Dear Mr. Conroy,

This Comment Letter will include the four following reference documents:

- 1) Response G-10 and G-11 (FEIR) August 2005.
- 2) Page 21 CEQA Deskbook.
- 3) Page 119 CEQA Deskbook.
- 4) Page 212 CEQA Deskbook.

This Comment Letter will primarily address the following:

- A) The historical pattern of the zoning designation of R-1 to P-1 to P-2- A and back to P-2.
- B) Land Use.
- C) Traffic and Circulation.

Q-1

Enclosure (1) G-10 and G-11 and the time line on page 3-3 (RDEIR) shows the evolution of the zoning change with the adoption of R-1 zoning for 1.43 acres around the mansion and an adoption of a rezone to P-1 for the surrounding parklands. Subsequently, with good intentions, in 1980 a new P-2-A Zoning District is established and the .83 acre parcel of land encompassing Flanders Mansion and grounds is zoned P-2-A. In 2004 an ordinance rezoned the 1.25 acre Mansion parcel to P-2 and all of the surrounding parklands to P-1.

The P-2 zoning is the current zoning of the Flanders Mansion parcel, subject to the Use Regulations described on Page 3-6 and Table 3.1. This will now be discussed within the overriding framework of CEQA. CEQA was enacted in 1970. Implementation has been a slow and steady progress within the court system.

Enclosure (2) (Reference CEQA Deskbook 1999 Second Edition May 2004 Fourth Printing) on

Page 21 describes the Definition of a Project. “An activity directly undertaken by a public agency, including:

—Enactment and amendment of zoning ordinances”

The City of Carmel is and has been the Lead Agency in the Project. The County of Monterey is and has been the Responsible Agency regarding Hatton Road due to its location in Monterey County. Hatton Road at this time is the only road providing vehicle access to Flanders. At this time Carmel provides no roads in its jurisdiction for vehicle access to Flanders.

The questions to be addressed involve (B) Land Use and (C) Traffic and Circulation. During the above evolution of zoning changes, I do not see any record of coordination between the Lead Agency (Carmel) and the Responsible Agency (Monterey County).

Enclosure (3) Page 119, Enclosure (4), Page 212, Article 4, 15051.

It would appear that compliance with CEQA regarding Land Use and Traffic and Circulation would involve Monterey County. This is referred to in the above references.

Page 3-1 , Paragraph 3.1 Project Location and Area describes the nature of the area and confirms the above historical background as follows:

“Land uses immediately adjacent to the Mission Trail Nature Preserve include single-family residential neighborhoods zoned R-1 and R-1-C-20 located within the City of Carmel-by-the-Sea to the west. A single family residential neighborhood, within the jurisdiction of Monterey County, known as Hatton Fields, is located to the east. The property is accessible by an approximately 350-foot long driveway from Hatton Road.”

The escalation of zoning from R-1 to P-2 (Page 3-6 RDEIR) results in an oxymoron of uses from low intensity passive parkland and single family residential consistent with historical use, to high intensity commercial uses (hotels, motels, theaters, antennas, towers, communication and utilities), not consistent with historical use. It is noted that this RDEIR has qualified this study to evaluation of Single family residential and Public/Quasi Public (Museum/Office/Non-Profit/Events).

Please note on Page 4.6-9, Table 4.6-1 Projected Future Trip Generation the significant traffic increase assigned to Public/Quasi-Public use. As noted at the bottom of Page 4.6-9, “Increases in traffic would conflict with secondary project objective related to the preservation of the existing residential character of the surrounding neighborhood.. Use of the Flanders Mansion for residential purposes on the other hand would result in substantially less traffic than a public/quasi-public use and is not anticipated to substantially impact the surrounding residential character of the area.”

Carmel, the Lead Agency, may consider the placement of conditions which run with the land on lease or sale consistent with single family residential and in doing so be in harmony with the existing surrounding residential areas, and in addition maintain consistency with the zoning

Q-1
cont.

designation of R-1 of Monterey County (Hatton Road).

This information has been reviewed with the Department of Public Works County of Monterey. Monterey County, which confirmed that uses that impacted Traffic and Circulation on Hatton Road above single family residential historical use may trigger an EIR regarding Traffic and Circulation. This would be also confirmed on Page 6-3 (REIDR) Alternative Uses by the following statement:

“For these reasons, the use of Flanders Property as a commercial use is considered an alternative design for the purposes of CEQA that was considered, but ultimately rejected for further analysis. Should this type of use be requested in the future, additional environmental documentation would be required to assess the potential impacts, including impacts related to transportation/traffic, water supply, and land use and planning.”

In summary, single family residential use is consistent with Land Use and Traffic and Circulation policies for this project. Uses of higher intensity, including Public/Quasi Public are not consistent and would require additional environmental documentation including participation by the Responsible Agency, Monterey County, regarding Hatton Road, which is located in Monterey County.

Sincerely,



Marikay Morris

Q-1
cont.

4.0 Comments and Responses

residential use. Second, there is very little evidence of damage from invasive plants even though the Mansion has been primarily occupied as a single-family residence for most of its life. Even so, several General Plan policies (referenced in response to comment #54-7, above) were added to the Plan to address this potential impact.

Finally, the policies in the General Plan support creation of a transfer of development rights for properties located within designated ESHA. The comment also cites the Coastal Plan requirement that only uses dependent on ESHA resources can be located within an ESHA. In response, it first must be noted that the Flanders Mansion parcel is not part of the designated ESHA. The City's ESHA areas are carefully mapped in the General Plan/Local Coastal Land Use Plan. The transfer of development rights (TDR) program supported in the General Plan is intended to avoid new development on vacant ESHA land in private ownership or to prevent additional development on such lands if already partially developed. This TDR concept was used successfully by the City to prevent development of private lands in Pescadero Canyon without producing a "takings" claim. Incorporation of this policy into the General Plan/Coastal Land Use Plan was the City's response to the Coastal Act requirement to limit uses within ESHA to those dependent on ESHA resources. Since the property is not ESHA, and because it is already developed, these General Plan policies are inapplicable to the Flanders Mansion property.

Comment G-10: Zoning. These comments are concerned that the property would need to be rezoned to allow for a sale because P-2-A zoning applies only to land that is publicly owned. This comment suggests that occupancy by a lessee would allow for maximum public access and public use of the property.

Response G-10: In response to this comment the following zoning history has been provided by the City:

When Paul and Grace Flanders owned the property it was zoned R-1 (Single-Family Residential). After City acquisition, the area around the mansion was retained in R-1 while the bulk of the property was rezoned into the P-1 District. This was done because a use for the Mansion had not yet been found and rezoning the Mansion to P-1 would have created a non-conformity. Later, the City created a new zoning district known as P-2-A, expressly for the Flanders Mansion property. The first of the zones applied to the Flanders Estate (P-1) was for the preservation of park and open space lands in their natural state. The only allowed improvements were those which were incidental to the support of public, passive recreation. The P-2-A zone was adopted "to preserve public owned lands and buildings and to provide uses which would be compatible to and not infringe on park use while at the same time preserving existing public buildings". In addition to uses allowed in the P-1 zone, the P-2-A zone also allowed for "the use and maintenance of existing buildings for non-profit organizations, governmental buildings and uses, and residential use". In 2004, the City reorganized the zoning code consolidating the older P-2 and P-2-A zones into a single new category (P-2). The new P-2 zone allows a much broader list of uses and does not specify that property or buildings with this designation must be in public ownership. This change was consistent with policies P5-141, P5-142 and P5-143 in the General Plan/Coastal Land Use Plan. Throughout all these zoning changes, single-family residential use has been allowed at

①

4.0 Comments and Responses

the Flanders Mansion (City Staff records, and personal communication, Brian Roseth, City of Carmel by the Sea).

In 2000 the City approved a lot line adjustment to establish lot boundaries around the Flanders Mansion. This lot line adjustment did not follow the original P-2-A zoning boundary; the new Flanders Mansion lot was slightly larger than the zoning boundary. This discrepancy between lot boundary and zoning boundary was resolved in the Local Coastal Program. The Implementation ordinances and zoning map now both reference the 1.25 acre Flanders Mansion lot as being located within the new P-2 District. Based on this history, the entire property is properly zoned and no rezoning would be necessary for permanent residential occupancy.

The City has already subdivided this parcel and it remains separate and distinct from the adjacent parklands. The public has enjoyed the surrounding park resources for more than three decades since the City acquired the property. The Flanders Mansion has been occupied as a residence during most of this period, and there has also been a limited history of non-profit use by various organizations. Public access throughout Mission Trails Nature Preserve is proposed to be maintained using existing trails and fire roads with some limited variation, as described in the EIR. The major category of public access that will be lost will be direct, physical access to the Mansion itself and to the 1.25 acres constituting the immediate grounds surrounding the Mansion. It should be noted however, that this property has been limited to public access in the past, during the periods of time when the Mansion was occupied by single-family uses.

Comment G-11: Improved Parkland vs. Passive Parkland. These comments ask if the entire 1.25 acre site is designated Improved Parkland or are there portions of the new parcel that are zoned P-1 – Passive Parkland and if the P-2-A zone applies only to public land.

Response G-11: The 1980 rezone was not from P-1 to R-1. Until 1980 the land immediately surrounding Flanders Mansion was always zoned R-1. In 1980 the City created a special new zone called P-2-A intended for public-owned land. Between 1980 and 2004, the P-2-A zone (which applied to the Flanders Mansion property) applied only to public property. In 2004, the Zoning Code was updated and the P-2-A zone was consolidated with a newly revised P-2 zone. This new P-2 zone can apply to both public and private property. This is consistent with the 1993 General Plan/Coastal Land Use Plan.

This new zoning district does not mandate that the City's intended use of the Mansion is for public purposes. If it did, residential use would not be one of the allowed uses. The spot zoning question is an existing condition, created in 1979 when all the land surrounding the Flanders Mansion was rezoned from R-1 to P-1, leaving an island of R-1 where the Mansion is located. It has been perpetuated in all subsequent rezones of the Mansion because they have all allowed residential use, non-profit uses and governmental uses.

Definition of a Project. CEQA applies only to discretionary government activities that are defined as “projects.” A project is defined as the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Guidelines sec. 15378(a); Pub. Res. Code sec. 21065.

A “project” under CEQA is considered to be an activity directly undertaken by a public agency, an activity that is supported, in whole or in part, through public agency contracts, grants, subsidies, loans, or other assistance from a public agency, or an activity involving the public agency issuance of a lease, permit, license, certificate, or other entitlement for use by a public agency. As used in CEQA, the term “project” is very broad. In considering whether an activity is a “project” an agency must look at all of the parts, components, and phases of the activity.

Project Segmenting Not Permitted. An agency is generally not permitted to “segment” or “piecemeal” a project into small parts if the effect is to avoid full disclosure of environmental impacts. This rule arises from the definition of “project” under CEQA which includes the phrase “whole of the action.” This phrase has been interpreted by the California Supreme Court to mean that it is generally inappropriate to chop a project into small segments to avoid preparing an EIR. See *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263. Therefore, an agency may not treat each separate permit or approval as a separate project for purposes of

Definition of a Project

- An activity directly undertaken by a public agency, including:
 - Public works construction activities
 - Clearing or grading of land
 - Improvements to existing public structures
 - Enactment and amendment of zoning ordinances
 - Adoption and amendment of local general plans
- An activity that is supported, in whole or in part, through public agency contracts, grants, subsidies, loans, or other assistance from a public agency
- An activity involving the public agency issuance of a lease, permit, license, certificate, or other entitlement for use by a public agency

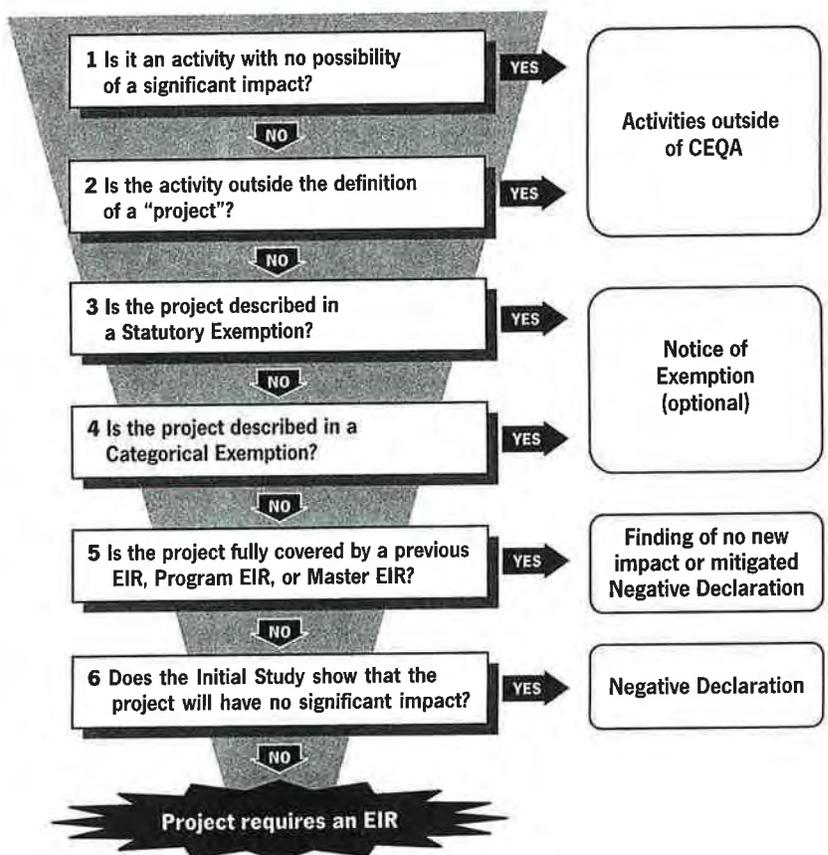


Figure 2-2
Screening Projects
for CEQA Applicability

Trigger	<ul style="list-style-type: none"> • Agency adopts a Mitigated Negative Declaration • Agency makes finding after adopting an EIR
CEQA Requirement	<ul style="list-style-type: none"> • Agency must adopt a "reporting or monitoring" program for changes in the project adopted or made as conditions of approval to mitigate or avoid significant effects
Provisions for Mitigation Measures	<ul style="list-style-type: none"> • Mitigation measures must be made express conditions of project approval • Agencies with jurisdiction by law over natural resources must provide the Lead Agency with performance standards for mitigation measures • Agencies with jurisdiction by law over natural resources may be required to prepare monitoring programs if their recommended mitigation measures are adopted by the Lead Agency • Responsible agencies and agencies with jurisdiction over natural resources must identify mitigation performance objectives
Payment for Monitoring Program	<ul style="list-style-type: none"> • CEQA authorizes levy fees to pay for monitoring program

**Figure 5-9
Mitigation Monitoring and Reporting Requirements**

careful implementation to assure compliance. Wetland restoration or archaeological recovery activities are examples of such mitigation measures. Guidelines sec. 15097(c)(2).

Coordination between Lead and Responsible Agencies

Generally, Lead and Responsible Agencies will adopt separate and different monitoring and reporting programs for the same project. This often occurs because the agencies have adopted and are responsible for different mitigation measures, have made their decision on the project at different times or have their own expertise. Although Lead and Responsible Agencies have the discretion to choose their own approach to monitoring and reporting, they should coordinate their mitigation monitoring programs where possible. Guidelines sec. 15097(d).

Role of Responsible Agencies and Agencies with Jurisdiction over Natural Resources

Before the close of the public review period for the Draft EIR (or Mitigated Negative Declaration), a Responsible Agency, or agencies with jurisdiction by law over natural resources, must provide the Lead Agency with detailed performance standards for mitigation measures subject to their jurisdiction. Any mitigation measures submitted to the Lead Agency must be limited to those that mitigate impacts subject to that agency's jurisdiction. Pub. Res. Code sec. 21080.6(c). That agency may be required to prepare a monitoring program for the recommended mitigation measures that are adopted by the Lead Agency. Guidelines sec. 15097(f).



Mitigation monitoring requirements were added to CEQA in 1989.

Public Policy Objectives Served by Monitoring

- To ensure implementation of mitigation measures during project implementation
- To provide feedback to agency staff and decision makers about the effectiveness of their actions
- To provide learning opportunities for improving mitigation measures on future projects
- To identify the need for enforcement action before irreversible environmental damage occurs

concept for clarity of this article. While the bulk of this article deals with identifying the appropriate Lead Agency, a summary of the Lead Agency concept is appropriate because the concept is fundamental to the CEQA process as a whole.

15051 Criteria for Identifying the Lead Agency

Where two or more public agencies will be involved with a project, the determination of which agency will be the lead agency shall be governed by the following criteria:

- (a) If the project will be carried out by a public agency, that agency shall be the lead agency even if the project would be located within the jurisdiction of another public agency.
- (b) If the project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.
 - (1) The lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.
 - (2) Where a city rezones an area, the city will be the appropriate lead agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the rezoning. The local agency formation commission shall act as a responsible agency.
- (c) Where more than one public agency equally meet the criteria in subsection (b), the agency which will act first on the project in question shall be the lead agency.
- (d) Where the provisions of subsections (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21165, Public Resources Code.

Discussion: The purpose of this section is to provide the criteria for identifying which of several competing agencies shall be the

Lead Agency for a project. By providing these criteria, the Guidelines will enable most agencies to determine for themselves which agency is the appropriate Lead Agency in any given circumstance. Thus, most projects will be spared the additional time and cost involved in submitting a Lead Agency dispute for resolution by the Office of Planning and Research.

15052 Shift in Lead Agency Designation

- (a) Where a responsible agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate lead agency, the responsible agency shall assume the role of the lead agency when any of the following conditions occur:
 - (1) The lead agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate lead agency.
 - (2) The lead agency prepared environmental documents for the project, but the following conditions occur:
 - (A) A subsequent EIR is required pursuant to Section 15162,
 - (B) The lead agency has granted a final approval for the project, and
 - (C) The statute of limitations for challenging the lead agency's action under CEQA has expired.
 - (3) The lead agency prepared inadequate environmental documents without consulting with the responsible agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate lead agency.
- (b) When a responsible agency assumes the duties of a lead agency under this section, the time limits applicable to a lead agency shall apply to the actions of the agency assuming the lead agency duties.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21165, Public Resources Code.

Discussion: The purpose of this section is to explain how Responsible Agencies shall deal with the problem they encounter when the appropriate Lead Agency failed to comply with CEQA. As a general rule, Responsible Agencies must use the EIR or Negative Declaration prepared by the Lead Agency even if the Responsible Agency believes that the document is inadequate. The purpose for this general rule is to require Responsible Agencies to work through the normal CEQA

consultation and review process to obtain adequate documents from the Lead Agency. If the Responsible Agency is dissatisfied with the end product, the Responsible Agency's only relief is to litigate the adequacy of the document within 30 days.

Section 15052 deals with the situation where the normal CEQA process broke down. The section provides three exceptions to the general rule. These are (1) where the Lead Agency prepared no document for the project, (2) where a subsequent EIR would be required, and (3) where the Lead Agency failed to consult with the Responsible Agencies as required by CEQA. If any of these situations occurs and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency, then the Responsible Agency would be required to assume the role of the Lead Agency. These exceptions are narrowly drawn in order to require Responsible Agencies to work within the normal CEQA process to the maximum extent possible. Where the normal process breaks down in any of these three ways, the Responsible Agency could not get an adequate document from the Lead Agency due to no fault of its own. This section provides an interpretation necessary to allow the Responsible Agency to obtain an adequate analysis of the environmental problems.

Subsection (b) is added to provide an interpretation as to which set of time limits would apply to the agency when it shifts roles. There has been confusion on this point because the agency could be viewed as either a Lead or a Responsible Agency. The section provides that when the agency acts in the Lead Agency role, the time limits involved will be those that apply to a Lead Agency.

15053 Designation of Lead Agency by Office of Planning and Research

- (a) If there is a dispute over which of several agencies should be the lead agency for a project, the disputing agencies should consult with each other in an effort to resolve the dispute prior to submitting it to OPR. If an agreement cannot be reached, any public agency, or the applicant if a private project is involved, may submit the dispute to OPR for resolution.
- (b) OPR shall designate a lead agency within 21 days after receiving a completed request to resolve a dispute.
- (c) Regulations adopted by OPR for resolving lead agency disputes may be found in Title 14, California Administrative Code, Sections 16000 et seq.

LETTER Q: MARIKAY MORRIS

Q1: The comment identifies that the Flanders Mansion should only be sold or leased for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. Please refer to **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic** for further discussion.

The comment identifies that Monterey County is a Responsible Agency under CEQA and should be consulted concerning potential impacts to Hatton Road, which is under the jurisdiction of Monterey County. CEQA Guidelines § 15381 defines a Responsible Agency as a “public agency other than the Lead Agency which has discretionary approval powers over the project.” The County of Monterey does not have discretionary approval powers over the proposed project and is not considered a Responsible Agency under CEQA. The County of Monterey, however, has received notice concerning the availability of the Recirculated Draft EIR through direct distribution to the County Administrative Officer and the AMBAG Clearinghouse and has been consulted with concerning potential impacts resulting from the sale of the Flanders Mansion. “The Monterey County Planning Department also received notice at that time. Monterey County and these other agencies and local governments again received notice of the availability of the Recirculated Draft EIR (“RDEIR”) in January 2009. In addition, a copy of the RDEIR was sent directly to Monterey County Public Works Department on March 13, 2009, who was given a further opportunity to submit comments. Monterey County did not submit any comment on the 2005 DEIR, or on the current RDEIR to date. The State Clearinghouse (Office of Planning and Research [“OPR”], California Department of Transportation District 5, California Coastal Commission, California Department of Fish & Game Region 4, California Department of Forestry and Fire Protection, California Department of Parks & Recreation, and the State Water Resources Control Board for Water Quality also received notice of the availability of the RDEIR in January 2009. Notice was also provided in accordance with CEQA Guidelines §15088.5(f)(3).

The comment also identifies that the Flanders Mansion property has undergone a number of zoning changes by the City and that Monterey County should have received notice at the time these zoning changes occurred. The comment is not specific to the proposed project and does not relate to the environmental analysis contained in the RDEIR. Comment is acknowledged and no further response is necessary.

Francis P. ("Skip") Lloyd
25785 Hatton Road
Carmel, California 93923

RECEIVED
FEB 06 2009
CITY OF
CARMEL-BY-THE-SEA

February 5, 2009

Sean Conroy
City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Drawer G
Carmel, California 93921

Re: Comments Regarding Draft Environmental Impact Report re: Flanders Mansion Property

Dear Sean:

The re-circulated DEIR for the sale of the Flanders Mansion Property, dated January 2009 re-examines many issues in light of the always obvious fact that the proposed sale (the "project") is a sale of parkland. While many aspects and alternatives are analyzed in the DEIR, there remain deficiencies in the analysis. Some of these are the following:

1. Analysis of "no project" alternative: The "primary purpose" of the project is to "divest" the City of the property because of (1) need of short term rehabilitation of the "Mansion" structure and (2) need of long-term repair and rehabilitation of the structure. In itself, this purpose does not justify sale of the acreage surrounding the Mansion. No analysis is made of an alternative of "divesting" the structure without divesting the acreage of parkland which surrounds it.

The impacts of this project cannot be analyzed because there is no showing of the magnitude of the cost of the two needs (1) and (2) above). For example, if the costs of (1) and (2) above were \$10,000, clearly there would be no reasonable need for "divestment" and the no project alternative would clearly be superior, as, in light of the state of city finances, the property would not be a significant burden to the city. Therefore, the costs of the needs (1) and (2) must be quantified in the DEIR, so the alternatives to divestment can be analyzed.

R-1

Further, if the costs of (1) and (2) above were, say \$100,000, sale of the property would be unnecessary because the property clearly could be leased for enough to defray that expense, over a relatively short time period or amortized easily. In that case, the lease alternative would clearly be preferable to the sale alternative, as the City would retain ownership of the property.

Essential elements of an EIR cannot be left to a later stage and must be addressed in the EIR.

2. As the EIR correctly notes, the Government Code provides that any proposed sale must go through a process which includes offering the property to other agencies before it is offered to the general public. (i.e. to open space/park agencies, school districts and affordable housing providers.) No analysis is made in the DEIR of any impacts of these potential uses, which are foreseeable. The EIR must analyze the impacts of all possible alternatives.

R-2

3. The DEIR does not fully analyze the alternative to the project of the City putting the property to uses for which the City otherwise will have to expend funds. For example, the building could be put to a number of acceptable passive city uses, to meet city needs, now and in the future, including such things as (a) place for storage of archives, (b) library storage, etc. In order to analyze the no project alternative, there needs to be an analysis made of all building facilities which, foreseeably, the City may need in the reasonable future and the costs to the City of acquiring property or rehabilitating the property to meet such needs. Then, the ability of the Flanders property to meet these needs must be analyzed. Without this analysis and analysis of the cost thereof, it cannot be determined if the no project alternative may meet the City's other needs, the costs, which allegedly are driving the proposal, would no longer be a motivation justifying sale or lease (i.e. the property then also is "productive"). "Divestment" for the reasons (1) and (2) above imply that the sale is just to relieve the City of costs. In fact, it is entirely possible that not divesting the property is a more reasonable alternative in meeting the ends which the City intends to accomplish by divestment. The concept of "divestment", in the vacuum which exists without the above analyses, make it impossible for the public and decision makers to assess the superiority, environmentally, of the no project alternative.

R-3

4. Stating the deficiency stated in No. 3 above another way, without an analysis of the uses to which the City could reasonably and foreseeably put the property without selling or leasing it, the no project alternative cannot be analyzed, as the project purpose may be met by the City putting the building to "productive" use, which would offset the supposed burden of not "divesting" itself of the property.

R-4

5. No analysis is made of an alternative of leasing only the building on the property, not the 1.252 acres, plus access rights to and from it for a passive use which is no more burdensome, environmentally, to the Mission Trails Nature Preserve ("MTNP"), than is a no project alternative. Historically, these types of uses have been the uses to which the property has been put since the City acquired it 36 years ago (leased for residential use, leased for art school, etc.) This financial analysis cannot be deferred until after the EIR and must be included within it.

R-5

6. The DEIR does not analyze the lease alternative adequately, as no analysis is provided regarding the feasibility of leasing the property and the feasibility of various types of lease alternatives. Empirically, it seems obvious that the building easily could produce sufficient lease income to meet "short term rehabilitation" costs from current rentals, or, over a reasonable amortization period, even long term costs. However, without figures for (1) short term and (2) long term costs of rehabilitation and repairs, and without any analysis of the financial prospect from leasing the building alone, or the building and the property, this alternative cannot be evaluated adequately. Such analysis cannot be left until after the EIR process.

R-6

7. The mitigation possibilities are not analyzed sufficiently. A reduction in the size of the parcel to be sold or a conservation easement on a portion of the property are suggested as potential mitigation. The following mitigations which would substantially reduce the impacts are not analyzed: (1) a conservation easement covering the entire property for which "divestment" is proposed, by which the City retains complete, enforceable control over all uses of the property, (2) a facade easement covering the building itself, so that the views of the building and property are preserved. The nature and extent of these easements need to be spelled out in the EIR, not left for future city action, as, without specificity as to the terms of these easements, it is not possible to evaluate the extent of mitigation which could reduce adverse impacts. Such easements could specify plantings, height of hedges, regulate fences, etc.

R-7

8. The sale or leasing alternatives of the property without permitting fences, walls, gates, etc.

R-8

is not analyzed. There is no need for assuming that such would be required by all buyers or lessees. Historically, the property has been used, ever since its original acquisition since the City acquired it 36 years ago, without any fences or walls being erected. The only fences have been very minimum, ranch style, fencing at the perimeter of MTNP itself.

R-8
cont.

9. The project purpose simply is “divestment” for the stated purposes. A lease which would remove the burden of the costs of repair and rehabilitation would be feasible without parting with the house and 1.252 acres, because these burdens could be met with a modest rent. It is only the structure itself which is an alleged burden, not the 1.252 acres. The financial analysis of all possible leasing alternatives is required in the EIR.

R-9

10. In order to analyze the impacts of lease or sale, the nature of any fences, gates and walls which are contemplated in the transaction need to be determined: i.e. what will the City allow? Without this determination as part of the project at this time, reflected in the EIR, the public and decision makers cannot evaluate the impacts of “fencing, walls, etc.”, as the variety of such improvements is very broad (i.e. masonry, barbed wire, wood, grape stake, etc.)

R-10

11. The impacts, in general, upon the preserve are not sufficiently analyzed: None of the impacts has been analyzed by an expert regarding management of public parkland, who is qualified to assess the impacts of sale or lease, or the effectiveness of particular mitigation, to preserve important amenities of MTNP and the public uses of it. Absent such an analysis from this point of view, analyses of many potential impacts of “divestment” of the property are uninformed speculation and the efficacy of conservation easements to protect these amenities cannot be evaluated adequately.

R-11

12. The selection of the lease alternative as the environmentally superior alternative that also meets the primary project objectives cannot be evaluated without input regarding the feasibility of that alternative. The EIR in paragraph 2.4 states that a sale with conservation easements and mitigations would be considered the environmentally superior alternative to the lease alternative. The lease alternative is insufficiently analyzed in the draft EIR. The City has commissioned a consultant to review the issue of feasibility of leasing the subject property. The report of that consultant has not yet been produced. An EIR without inclusion of that report deprives the public of the ability to assess the lease alternative.

R-12

13. The analysis of the impact of the project on the recreation facilities, including loss of access to the project property, is not analyzed completely. The analysis of the impacts to the surrounding trail access of Mission Trails Nature Preserve and the loss of access to the property itself and loss of the park land itself is incomplete. The analysis is based upon the historical use of the property described in the DEIR as “routinely used by the general public for passive recreational purposes” and, further under “direct impact” on page 4.5-5. This analysis is not sufficiently broad in its scope. The Carmel General Plan/Coastal Land Use Policies provide that the City shall undertake to not only preserve but “enhance” the park, including the parcel which is proposed for sale (see General Plan Goals, Objectives, and Policies G5-13, O5-41, P6-8, Paragraph G7-1, O7-1, O7-2, P7-3.) It is well recognized that the City has failed to maintain and enhance Mission Trails Nature Preserve for many years, and the subject 1.252 acre property, in particular, in spite of these General Plan/LUP policies and the Mission Trail Nature Preserve Master Plan. The impacts to the public of a sale of the Flanders parcel should be evaluated in view of the benefits to the public which should have occurred as a result of proper implementation of the said objectives and policies. Had the City carried out its obligations under the General Plan/LUP, it would have “preserved” and “enhanced” the public benefits from ownership of the Flanders parcel through removal of visual and physical barriers which are unnatural and are not part of the historical aspect of the Flanders property. For example, the City has allowed non-natural eucalyptus trees, as well as other trees, both large and small,

R-13

in the last 36 years, to grow up in front of the “Outlands” building in such a manner that the view from “Outlands” is obstructed, as well as is the view from the back yard of “Outlands”. These are the premier views. In addition, cypress tree hedges to the east of the building have been allowed to grow up, far taller than historic or needed for privacy for the building surroundings, into the view shed from the Rowntree Garden and across the Flanders property all around its perimeter. This hedge is some 20' tall and unsightly, when all that is reasonably required is a height of 6', at which height for City should have maintained it. This height would preserve the views across the 1.252 acre parcel from MTNP. This hedge, as it has been left, completely blocks the views across the 1.252 acre parcel to Pt. Lobos and the mountains and Carmel Bay from the Rowntree Garden. The City thus has impeded the enjoyment by the public of the view shed and open space of Mission Trails Nature Preserve. Failure to maintain these trees as a hedge at the height at which they were originally intended, assuming that they have any historicity at all, has degraded the enjoyment of the preserve and the Outlands property itself. Proper evaluation of the loss to the public from the sale of the parcel, or its lease, should be evaluated according to the loss to the public of the property, as it would be if properly maintained and enhanced by the City as required by its general plan. Any conservation easement as a mitigation should provide for the uses and activities which restore and preserve these views.

R-13
cont.

14. In analyzing the impact of loss of views associated with a sale/lease of the Flanders parcel, the draft EIR fails to analyze the loss of views from the parcel itself. Extensive analysis is made of two viewpoints which are off the parcel proposed to be sold, as if they provide views equal to any from the 1.252 acre parcel itself. It would seem to be obvious that Paul Flanders, who developed the upper Hatton Fields area and built the Flanders “Mansion”, would have chosen the best property for himself and have selected the best site for his own house, in light of all relevant factors, including view shed, facing of the slope and other aesthetic factors, and then, in building his house, provided the very best opportunities for enjoying the view and the property itself, as well as the most attractive, engaging and convenient access to that site. It is obvious from visits to the property that this is the case. The draft EIR does not analyze the impacts to the public of loss of the very best amenities of MTNP in this respect. In effect, it fails to analyze the loss of amenities of and from the valuable “diamond” (the 1.252 acres and the house) in the “ring” (MTNP). The loss of this site has impacts which cannot be mitigated, because there is no other site like it. A full analysis of the extent of this loss, in view of how the City should have maintained and enhanced the Flanders property, as required by its General Plan, is a glaring insufficiency in the draft DEIR.

R-14

15. The DEIR fails to analyze the impacts of “divestment” of the property in another respect: The drive to the “Outlands” building and its circular driveway, with available parking for, it appears, at least seven to ten automobiles at the location near the building, which allows convenient access to the Preserve, is a very important amenity of the public enjoyment of MTNP. This driveway allows visitors to the park to enter along the long, scenic, driveway and park in an area which is secluded from other activity, including Hatton Road. The views from and enjoyment of this access provide an irreplaceable, scenic and sublime access to MTNP that would be lost by divestment. This access allows visitors to disembark along the driveway in front of the house which is the area with the most convenient access to the upper regions of MTNP. The parking which exists along the circular driveway of the Flanders parcel near the house is a far superior benefit to the public than the proposed alternate parking area up near Hatton Road.

R-15

16. Insufficient analyses is made of the potential loss of use of the existing driveway and pathways, which are part of the parcel, are important amenities to the public, and are developed, as opposed to “undeveloped” trails. Off of the driveway, an improved walkway, south facing lawn and porch of the building itself in the “backyard” of the parcel exist, all of which offer a fully developed and

R-16

extremely aesthetically valuable area of the Preserve and irreplaceable viewpoints. The loss of the ability to drive down the driveway, park in front of the building and unload people and dogs for walks, or even supplies for picnics to be held on the lawn areas in the “backyard” or on the porch of the building, to have those picnics, or to enjoy quiet, sublime, moments enjoying the superior aspects of viewpoints of the 1.252 acres cannot be mitigated and should be fully analyzed in the EIR.

R-16
cont.

17. The draft EIR does not analyze adverse impacts associated with loss of use for handicapped persons of the existing driveway and existing walkway around the house and the lawn, which allow the only handicapped access for such people to MTNP in that area and handicapped access to the “Outlands” property itself. Losing this access would deny the enjoyment of MTNP itself and the view sheds from the upper areas of MTNP to handicapped persons, which can only be enjoyed by handicapped persons from the improved viewpoints on the 1.252 acres and driveway, which are the only areas in this part of MTNP which are accessible by wheelchairs and walkers. This is an impact which is not capable of mitigation and would deny handicapped persons, particularly those in wheelchairs, from full enjoyment of MTNP.

R-17

18. The DEIR does not analyze impacts of loss of the aesthetic enjoyment of approaching the park by driving or walking down the curved driveway, which introduces the park visitor, even when on foot, to the grandeur and serenity of MTNP. No other area of the Preserve offers this amenity and its loss cannot be mitigated, whether the property is sold or leased, given the restricted access, assumed fences, etc. which are envisioned as part of the sale or use of the property.

R-18

19. The DEIR does not analyze the views which would be lost from the 1.242 acres Flanders parcel itself of the coast line, of the mountains and of MTNP canyon from a point and in a manner which is irreplaceable and therefore are not subject to mitigation. (See above re: superior location of this parcel.) Loss of this view shed would be the loss of an important coastal amenity, given the unique views of the coastline which are offered.

R-19

20. The impacts from the loss of the parking at the foot of the driveway in front of the “Outlands” building are not thoroughly analyzed. For example, more than five cars (i.e. seven or more, perhaps 10) can be accommodated in the space, along the driveway, in front of the building and in the building’s driveway to its garage. The DEIR proposes to mitigate this loss by the introduction of only three new parking spaces toward the upper end of the driveway, very close to its entrance off Hatton Road. There are several impacts which will result from this plan which are not sufficiently analyzed in the DEIR: The introduction of parking spaces at the proposed location will have a direct adverse impact on one residential property which adjoins the driveway to the parcel at its north boundary as well as in the Rowntree Garden. People driving in, parking their cars and leaving the parking spaces, embarking and disembarking in that location, will have an unavoidable adverse visual impact and noise impact upon that area of the Preserve, the Rowntree garden on that specific neighboring property. Furthermore, the reduction in parking, from five to seven (or more) spaces to three spaces, will necessarily force parking onto Hatton Road itself. This impact is not analyzed at all in the DEIR. Hatton Road, at the location of the driveway entrance to the Preserve, is off of the outside of a narrow 90 degree curve, with reduced visibility which occurs on Hatton Road at that point. Increasing parking on Hatton Road, at that point, will increase congestion as a result of cars moving in and from the new parking spaces, which may result in adverse impacts to the surrounding neighboring residential properties, not to speak of inducing a traffic hazard into that area. Hatton Road is very frequently used by people for walking, which would be impeded at this point and danger to pedestrians could result. No analysis is made of these factors, nor the impact of that change in the parking situation upon the Lester Rowntree Native Plan Garden which was “created to provide a quiet nature study area.” Unavoidably, parking would be forced onto the upper reaches of the driveway, in the immediate vicinity of the Rowntree Garden, causing severe impacts upon its serenity.

R-20

21. The project purpose of “divestment” of the property is not fully analyzed in the analysis of the no project alternative. The primary project objective is defined as “divestment” of the property (page 2.1). Page 3.5 amplifies that purpose because the property “is in need of significant short term and long term repair and rehabilitation”. This implies that there is a financial aspect to the purpose, as divestment would accomplish the removal of the requirement that the City repair and rehabilitate the structure. These activities are only a matter of funding. Therefore, by implication, the purpose of “divestment” is to remove a financial impact upon the city. In turn, this assumes that the City is in need of funds which would justify its sale of city parkland, a valuable and irreplaceable resource, and that it cannot afford to pay for maintenance of its parkland. The adverse results of the no project alternative would be that the City would not divest itself of the property and, if it is to follow its general plan, would be required to rehabilitate the property to some level and maintain it as some level. The impact of the no project alternative would be negligible on the city, from a fiscal standpoint. This is illustrated by the fact that the City has already expended over \$550,000, to date, in its effort to “divest” itself of the property, roughly equivalent to the sum which would be necessary to rehabilitate the property, or at least maintain it very well. Furthermore, without erection of any fences or barriers to the property, the building itself could easily be rented for a sum which would more than cover the cost of its maintenance. Even with public access being allowed to the Preserve as is allowed at present, this would be the case. As a case in point, the building was leased for a number of years to a family with five children, with no change in the physical aspects of the surrounding property at all. Thus the no project alternative could result in no adverse impacts, could meet the primary purpose of relieving the financial burden of “short term repair and rehabilitation” and the City is in a fiscal position where the rehabilitation of the property (long term) would have a negligible financial impact upon the city, which currently has reserves of over \$9,000,000. These impacts should be analyzed in terms of the General Plan/LUP objectives and policies adopted by the city, which recognize that ownership of parkland is not to be considered as a bank of fungible assets for sale by the City when it is inconvenient for the City to retain the park land which, by admission, is a unique and irreplaceable amenity of its citizens.

R-21

22. Impacts upon the Martin Road residential area from the development of additional parking for access to the parcel, because of loss of the parking spaces on the driveway, are not sufficiently analyzed, so that the impacts upon the owners of residential parcels on Martin Road can be evaluated.

R-22

23. No census of the use of the parcel proposed to be sold, or of the use of the existing parking for automobile trips to and from MTNP have been made. Without this, no reasonable conclusion can be reached regarding the traffic and parking impacts attendant to “divestment” of the property.

R-23

24. The impact of loss of the parcel is not sufficiently analyzed from the standpoint of “historical use”. Although the property has, on occasion, been used as a residence and for an art institute, the primary use of the parcel and of the building since its acquisition in 1972 (36 years ago) has been for park use only.

R-24

25. There is incomplete analysis of the positive environmental impacts associated with the no project alternative. These would include compliance by the City with its General Plan in the particulars mentioned in the DEIR, which state that the City is to preserve and enhance the parcel for the enjoyment of the public, from the perspective of integration of the parcel fully into a plan for MTNP itself, as envisioned by the General Plan/LUP. Analyzing the no project alternative from the viewpoint of the parcel as it should be, if the City had not neglected it, would reveal additional very significant and irreplaceable amenities which would be lost if the property is sold or leased.

R-25

26. The alternative of a sale or lease with conservation easements is not analyzed from the

R-26

standpoint of the burden and cost to the City of policing the conservation easement and enforcing compliance with it. Retention of the ownership of the property is superior to the sale of a parcel subject to conservation easements, as, if ownership were retained, the City would not be burdened with the contractual issues of inspection and enforcing maintenance of conservation easements. A lease alternative would also provide much more legal control, with proper lease terms, than a sale with conservation easements.

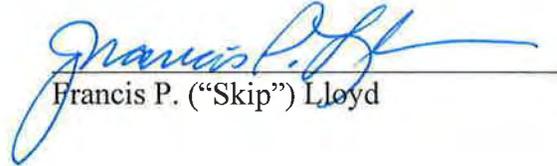
R-26
cont.

27. In analyzing the loss of view shed, the DEIR (page 4.1-5) analyzes the loss of the property as though the property serves only to offer access to adjacent trails in MTNP. This analysis fails to recognize the fact that the driveway, walkways, lawn and other areas of the property are, in themselves, of a level of improvement at least equal to or exceeding the viewing areas and trails in MTNP which are off the site itself. This narrow approach results in a failure to fully analyze the very significant loss to the public of the unique 1.252 parcel itself, with its developed pathways, lawn, driveway and porch.

R-27

28. The DEIR does not specify what the secondary objective of putting the property to a “productive use” means. This objective is so vague as to defy analysis, from an environmental standpoint, or otherwise. The property is “productive” as is, in providing many public amenities. If financial “productivity” is meant, when has it ever been the case that an object of a city’s ownership of parkland is for the purpose of financial productivity of the parkland. The exact opposite normally is true.

R-28



Francis P. (“Skip”) Lloyd

LETTER R: FRANCIS (SKIP) LLOYD

R1: The comment identifies concerns related to the level of analysis of alternatives contained in the RDEIR. Specifically, this comment suggests that the RDEIR should evaluate an alternative that consists of divesting of the Mansion structure only, but not the land beneath the structure. Please refer to **Section 3.0 Master Responses to Comments, Master Response 3a, Range of Alternatives** for further discussion regarding the range of alternatives. The comment also further contends that essential elements of an EIR, in this case an analysis of the economic feasibility of alternatives, must be included as part of the environmental document. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 9, Economic Feasibility** and, **Master Response 10, City Finances**.

The City of Carmel-by-the-Sea has determined that sale of the building with no land is not considered viable. Specifically, in light of the size of the building, the City considers it impractical, untenable and unreasonable that any potential purchaser would buy a home of this size without owning the land on which it is situated. The City has further concluded that a purchaser would reasonably expect that home or building of this scope would be accompanied by some land, including a driveway and parking area, and at least a small yard area of some kind. In view of these considerations, this alternative was not included for analysis in the RDEIR

R2: The comment states that the proposed project will be subject to the requirements of the Surplus Land Act. As a result, this comment suggests that the RDEIR must analyze all potential uses, which the commenter identifies as foreseeable, that may occur on-site as a result of being offered to the various agencies as part of the Surplus Land Act. A number of public agencies will be offered the opportunity to purchase the Flanders Mansion property in accordance with the Surplus Land Act. Irrespective of who the ultimate purchaser may be, the future use of the property will be subject to the mitigation measures identified in this RDEIR, in addition to specific conditions of sale, which limit the future use of the property to those low-intensity uses that have historically occupied the Flanders Mansion site. Additionally, analysis of alternatives of the 2005 DEIR and the RDEIR consider uses consistent with the categories of agencies that are listed in the Act. Beyond that, any analysis of the full array of potential uses that might otherwise be sought by agencies listed in the Surplus Land Act would involve a high degree of conjecture and speculation which is inappropriate in an EIR. However, in response to this comment, additional text has been added to amplify the discussion and process for the potential sale of the property through the Surplus Land Act. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

R3: The comment suggests that the level of analysis of the No Project Alternative is inadequate because the No Project Alternative does not evaluate alternative uses, such as use of the building for a storage retention facility, or other uses that could occur within the building itself. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 3b, EIR Does Not Consider Other Use Reasonable for the Property Under the No Project Alternative**. Moreover, such uses are included in the “No Project” alternative, because at times in the past the property has been used for City offices and the City would be able to use the Mansion as City offices if the building were retained, with modifications for ADA compliance. In response to this comment revisions have been incorporated in the RDEIR. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**. Please also refer to **Section 3.0 Master Responses to Comments, Master Response 8, American with Disabilities Act of 1990 Requirements and Handicap Access to the Mission Trail Nature Preserve, Master Response 9, Economic Feasibility, and Master Response 10, City Finances**.

R4: See response R3 above.

R5: The comment asserts that the alternatives analysis should consider a project alternative that consists of leasing only the Mansion itself. Essentially, such alternative use is included in the “No Project”

alternative, because when the property has been rented in the recent past, it has been rented without any right to exclude the public from the grounds. Also, please refer to Response R1 above, and **Section 3.0 Master Responses to Comments, Master Response 3a, Range of Alternatives** for further discussion.

The comment also contends that the financial analysis of this alternative cannot be deferred until after the RDEIR and must be included as part of the environmental document. Please refer to **Section 3.0 Master Responses to Comments, Master Response 3a, Range of Alternatives and Section 3.0 Master Response Comments, Master Response 9, Economic Feasibility**.

R6: See **Section 3.0 Master Response Comments, Master Response 9, Economic Feasibility, and Master Response 10, City Finances**.

R7: These comments suggest extending the conservation easements in the “Sale with Conservation Easements and Mitigation” Alternative to cover the entire Flanders Mansion parcel, and adding a “facade” easement, which the commenter contends would substantially reduce visual impacts. The comments also state that the Alternative should further define the conservation easements. Moreover, the comment also states that mitigation proposed in the RDEIR lacks the required specificity.

The CEQA Guidelines require an EIR to identify the potential impacts of a proposed project and to identify mitigation measures that could reduce the significance of impacts. The RDEIR identified potential impacts on aesthetics (visual effects) that could result from the addition of new exterior elements to the property such as fences, hedges or walls. These effects were identified as potentially significant. Mitigations were identified that would reduce the impacts to a less-than-significant level. Section 6.5 describes the conservation easements and mitigation to be imposed in this alternative to the proposed project. (See Page 6-13) Figure 6-1 shows the areas of the Flanders Mansion parcel to be subject to the conservation easements. Placing a conservation easement over the entire property is the functional equivalent of selling the building with no land. Please see response **R-1**. Please also refer to **Section 3.0 Master Responses to Comments, Master Response 3a, Range of Alternatives**.

The mitigation measures in the RDEIR for the proposed project provide for methods to reduce the impact on views of the Mansion and the parcel property to a less-than-significant level. In addition, modifications to the facade of the building are subject to the provisions of certain historic preservation statutes and regulations, including the U.S. Secretary of the Interior's Standards and the Carmel-by-the-Sea Municipal Code Historic Preservation provisions (see Muni. Code Ch. 17.32.) The mitigation measures also provide for restrictions on fencing, hedging, etc. These mitigation measures have been modified in response to this comment. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**. Please refer to **Section 3.0 Master Responses to Comments, Master Response 14, Level of Specificity of Mitigations in the RDEIR**, for further discussion.

R8: The comment suggests that the alternatives analyzed in the RDEIR should consider alternatives to the project without permitting fences, walls, gates, etc. In order to conservatively analyze potential impacts, the RDEIR assumed that fences may be allowed under the various project alternatives. It is reasonable to assume that sale of the property would result in the erection of exterior elements, such as fencing, for liability and privacy purposes. The extent and nature of fencing would ultimately be contingent upon the type of use and the RDEIR recognizes that some public/quasi-public uses may not require fencing. The RDEIR also recognizes that a lease for the purposes of public/quasi-public uses may not exclude public access to the property, but for conservative purposes the RDEIR assumes that some fencing may be required in order to fully evaluate potential impacts. As identified in the RDEIR, the future terms of a lease agreement would be determined at the time a lessee was identified and fencing may or may not be required depending on the use. In response to this comment the alternatives analysis has been revised to provide additional clarity. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

The comment further states that mitigation proposed in the RDEIR lack the required specificity. Please refer to **Section 3.0 Master Responses to Comments, Master Response 14, Level of Specificity of Mitigations in the RDEIR**, for further discussion.

R9: The comment identifies that the financial analysis of all possible lease alternatives must be included in the RDEIR. A detailed response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 9, Economic Feasibility**.

R10: The comment contends specific concerns related to exterior elements, including fencing, gates and walls. The comment suggests that additional detail should be included in project mitigation measures to ensure that the impacts of these exterior elements are analyzed. Mitigation Measure 4.1-4, as revised in **Section 5.0 Revisions to the Recirculated Draft EIR**, contains specific guidelines for fencing in order to ensure that impacts are minimized. In addition, this mitigation measure requires that any exterior elements, including fencing, must be subject to a Design Review process to ensure that the City has additional oversight regarding the nature and extent of future fencing. In response to this comment, this mitigation measure has been revised and strengthened. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**. Please refer to **Section 3.0 Master Responses to Comments, Master Response 14, Level of Specificity of Mitigations in the RDEIR**, for further discussion.

R11: The comment identifies that the potential impacts to the Mission Trail Nature Preserve are not sufficiently analyzed in detail in the RDEIR and that none of the impacts have been analyzed by an expert regarding the management of public parkland. The RDEIR contains a full and complete discussion of the impacts of the potential sale of the property to the Mission Trail Nature Preserve. The EIR consultants conducted professional biological surveys of the areas of the Preserve that may be impacted, analyzed impacts of views from the Preserve based upon accepted methodology for visual assessments, as well as reviewed the potential impacts to the existing trail network surrounding the Flanders Mansion parcel. The EIR consultants also contacted City responsible for the management and maintenance of the Preserve during the environmental review process. The impacts of the project on the Preserve were fully evaluated and mitigation measures have been proposed, where appropriate, to reduce the extent of these impacts.

CEQA does not require the use of experts; lead agencies may rely on the expertise of their staff and consultants. Specifically, there is no substantial evidence presented in the record contradicting the analysis of the City staff and the preparers of the RDEIR relative to the management of the City's parkland. The City of Carmel-by-the-Sea manages its parkland with its own professional staff, and DD&A consulted with the City's staff concerning potential impacts during the environmental review process. Moreover, the impacts were limited to a portion of the Preserve and mitigation requiring that replacement trails be provided will minimize impacts associated with the loss of small segments of trails in the area. Additional language is added to the FDEIR to provide a discussion of how sale of the property, as conditioned and mitigated would not impact park operation from a park management perspective. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

An EIR is an informational document that is intended to inform decision-making regarding the potential environmental impacts associated with a particular project, in this instance the sale of property. An EIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to increase beneficial effects. As a result of information in the RDEIR, the City is provided with mitigation and requirements or conditions on the project that will serve to protect the park environment. This document sufficiently analyzes the potential impacts to the Mission Trail Nature Preserve and identifies feasible mitigation measures to reduce the extent of those impacts. The Flanders Mansion has been historically utilized for single-family residential and limited public/quasi-public use.

R12: The comment contends that the lease alternative cannot be fully evaluated without input regarding the feasibility of that alternative. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 9, Economic Feasibility**. The comment also incorrectly suggests that the Sale with Conservation Easements and Mitigation is considered the environmentally superior alternative to the lease alternative. In fact, the RDEIR identifies that should the lease alternatives be considered infeasible due to the specific economic, legal, social or other considerations then the Sale with Conservation Easements and Mitigation would be considered the environmentally superior alternative (see Page 6-18 through 6-19).

R13: This comment states that the RDEIR fails to completely analyze the impact of the project on recreation facilities because, the comment contends that the RDEIR does not analyze the project property in the condition it would have been in had it been maintained, preserved and enhanced consistent with various identified General Plan and Coastal Land Use Plan policies. An EIR must provide a description of the existing physical conditions on the property at the start of the environmental review process to ensure meaningful assessment of a proposed project's significant environmental impacts and the consideration of mitigation measures. (CEQA Guidelines §15125' "The impacts of the project must be measured against the 'real conditions on the ground.'" *Save Our Peninsula Committee v. Monterey County* [2001] 87 CA4th 99, 121.) The initiation of the environmental review process was in 2005; existing conditions identified in the 2005 DEIR, as modified in the FEIR, and RDEIR are consistent with this CEQA requirement. As such, it would not be proper, for purposes of assessing the environmental impacts of the proposed project and the alternatives, to treat the property as if the property were in a condition other than it is actually in or as if it had been used in ways other than it has actually been used. Moreover, this level of analysis would be considered highly speculative and inconsistent with the requirements of CEQA.

R14: The comment contends that the RDEIR fails to fully evaluate potential aesthetic related impacts due to the loss of views from the Flanders Mansion property. Please refer to **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics** for further discussion. The comment also contends that the RDEIR should have evaluated potential aesthetic impacts based on how the property should have been maintained. This level of analysis would be considered highly speculative and inconsistent with the requirements of CEQA. See also response **R-13**, above.

R15: The comment suggests that the RDEIR fails to analyze impacts associated with the loss of views from the driveway. The RDEIR identifies that the Flanders Mansion property is visible from a number of locations within the Mission Trail Nature Preserve and that implementation of the proposed project has the potential to impact views of the Mansion from the surrounding Preserve. The RDEIR has identified mitigation to ensure that viewing areas from the park are maintained and enhanced. It should be noted that views from the driveway to areas beyond the parcel are limited due to tree coverage within and on the boundaries of the parcel. There are only very limited points of view to areas beyond the building and the parcel to the Carmel Bay beyond. The driveway view contains views of the trees and plantings on either side of the driveway and views of the Flanders Mansion building. Those traversing the driveway have a primary view of the building as they enter the top of the circular portion of the driveway. Partial views of the building are located within other viewing areas off-site of the parcel from viewing areas within Mission Trails Park and the Lester Rowntree Arboretum. The RDEIR has been revised for clarification. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

The comment also contends that the proposed replacement parking area is inadequate. The RDEIR evaluated potential impacts associated with the proposed project and clearly identified that the project would result in the loss of an informal parking area. It is important to note that formal public parking does not currently exist at the Flanders Mansion property and both sale and lease would presumably result in the loss of this informal parking area. The RDEIR has identified mitigation to ensure that replacement parking is provided to accommodate a limited number of park visitors. This area is close to trail access and is located in a previously disturbed area. In addition, replacement parking has been identified to

reduce the propensity for parking along Hatton Road to avoid potential traffic hazards. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

R16: The comment asserts that the loss of access to the property and the use of the property grounds cannot be mitigated. The RDEIR clearly identifies that the sale of the Flanders Mansion property would result in the permanent loss of parkland (see RDEIR, Pages 4.5-5 through 4.5-6). This was identified as a significant and unavoidable impact that is locally significant to the Mission Trail Nature Preserve. Please refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities. The comment further contends that the loss of viewpoints from the Property is also significant and cannot be mitigated. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics**. The comment also contends that the loss of “developed” pathways and other amenities are not fully evaluated in the RDEIR. It is important to note that there are no formally designated trails through the Flanders Mansion property. The analysis contained in the RDEIR was specific to potential impacts to the existing trail network in the Mission Trail Nature Preserve as identified on base mapping of the trail network of the Preserve and numerous field investigations on the parcel and surrounding trail network starting in 2005 and continuing through April 2009. The existing trail network surrounding the parcel was also subject to field investigation and was documented by the EIR consultant using a Trimble Pro-XH Global Positioning System (GPS). This GPS unit has the ability to record position data with sub-meter accuracy. The existing trail network was documented by a DD&A GPS technician during October and November of 2008. This is identified in the RDEIR on Page 4.5-7 and amplified in **Section 5.0 Revisions to the Recirculated Draft EIR**. The RDEIR also recognizes that the property is used informally to connect with other areas of the Preserve and mitigation measures have been identified to ensure that adequate replacement trails are provided. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

R17: The comment states that the Flanders Mansion property is currently the only location in the Mission Trail Nature Preserve that allows for handicap access and that loss of this area would preclude handicap persons from enjoying the Preserve. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 8, American with Disabilities Act of 1990 Requirements and Handicap Access to the Mission Trail Nature Preserve**.

R18: The comment contends that the RDEIR does not evaluate the loss of aesthetic enjoyment of approaching the Preserve by driving or walking down the curved driveway. In response to this comment revisions have been incorporated into the RDEIR for clarification. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

R19: The comment contends that the RDEIR fails to fully evaluate potential aesthetic related impacts due to the loss of views from the Flanders Mansion property. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics**.

R20: The comment suggests that the RDEIR has not fully evaluated potential impacts associated with the replacement parking identified in Mitigation Measure 4.6-1. Specifically, this comment contends that the proposed replacement parking would result in potential noise and aesthetic-related impacts to adjacent residences and the Preserve. The comment also contends that the proposed replacement parking would also impact the Lester Rowntree Arboretum. The proposed area of replacement parking is not located within the boundaries of Lester Rowntree Arboretum. However, the RDEIR considered potential impacts to the Mission Trail Nature Preserve, including the Arboretum and adjoining residential areas, and identified specific measures as part of Mitigation Measure 4.6-1 to minimize the extent of these impacts. Applicable measures include providing adequate vegetative screening to minimize views of the proposed parking area, as well as measures to ensure that biological resources are protected during the course of construction. Mitigation Measure 4.6-1, as modified in **Section 5.0 Revisions to the Recirculated Draft**

EIR, also contains provisions to prohibit the use of paved surfaces, such as asphalt, for parking purposes to further reduce impacts. Mitigation Measure 4.6-1 has been strengthened to clearly identify that paved surfaces, such as asphalt or similar, shall be prohibited. Additionally, DD&A Biologists reviewed the proposed replacement parking area during the 2005 biological investigation of the project area and during the 2008 biological evaluation for the RDEIR. Conclusions of the biologists stated the area of the replacement parking had minimal habitat value due to its disturbed nature. Additional mitigation measures (see Mitigation Measure 4.6-2) were incorporated to further ensure that impacts are avoided and reduced to a less-than-significant level. The comment also claims that the parking area is inadequate to accommodate parking demands and that additional impacts could be realized on Hatton Road as a result of increased street parking. The comments do not consider that there are other access areas not on Hatton Road providing easy park entrance for those traveling in vehicles to the Mission Trails Nature Preserve. Also refer to response **R-15** and **R-22**. Additionally, as noted above, in response to this comment, revisions have been incorporated. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

R21: The comment suggests that the project purpose of divestment is not fully analyzed in the No Project Alternative. Specifically, this comment asserts that the No Project Alternative would have a negligible impact on the City from a financial perspective and that lease of the Flanders Mansion property could provide sufficient revenue to cover the cost of its maintenance. The comment further identifies that the property has historically been leased for the purposes of single-family residential without the erection of exterior elements, such as fencing, and that the City could meet its obligations towards preserving the Mission Trail Nature Preserve without divesting of the property. An economic feasibility analysis has been prepared under separate cover and is currently available for public review. This economic feasibility analysis details the costs associated with rehabilitating the Flanders Mansion and evaluates the economic feasibility of each of the project alternatives. Please refer to **Section 3.0 Master Responses to Comments, Master Response 9, Economic Feasibility** for more information concerning the availability of this report. In response to the comments on the City's fiscal reserves and its financial obligations, please refer to **Section 3.0 Master Responses to Comments, Master Response 10 City Finances**.

R22: The comment contends that the RDEIR fails to evaluate potential impacts to Martin Road as a result of the development of additional parking due to the loss of access to the Flanders property. Martin Road is identified as one of the five entrances to the Preserve and parking is available at the end of the cul-de-sac to access the site. The RDEIR recognizes that the Martin Road entrance has space available to accommodate limited parking. This area is currently used for park access to the Martin Meadow area. Continued use as a park access would not result in any new environmental impacts. Implementation of Mitigation 4.6-1, as modified in **Section 5.0 Revisions to the Recirculated Draft EIR**, would ensure that adequate replacement parking is available to accommodate visitors at the Hatton Road entrance. Access and associated parking would continue to be available at the other entrances.

R23: The comment contends that the extent of project impacts related to transportation/traffic can not be ascertained in the absence of additional detail regarding the type of future use. At this time a prospective buyer has not been identified and the RDEIR, in an effort to fully evaluate potential impacts, evaluated a range of uses in accordance with the P-2, Improved Parkland, zoning designation. Beyond that, any analysis of the full array of potential future uses would involve a high degree of conjecture and speculation which is inappropriate in an EIR. The RDEIR correctly identifies that the level and extent of potential traffic-related impacts are contingent upon the type of use. Mitigation has been proposed to minimize the extent of traffic impacts (please see Mitigation Measure 4.4-1, as modified in **Section 5.0 Revisions to the Recirculated Draft EIR**).

R24: The comment contends that the loss of the parcel is not sufficiently analyzed from the standpoint of "historical use." Specifically, this comment contends that the RDEIR has not sufficiently analyzed the loss of this parcel from the standpoint of its primary use, which is parkland. The RDEIR clearly identifies that the proposed project would result in the permanent loss of parkland and would constitute a significant

and unavoidable impact that is locally significant to the Mission Trail Nature Preserve (see RDEIR Pages 4.5-5 through 4.5-7). Moreover, the RDEIR also identifies that the proposed project would result in the loss of public access to the property and associated park benefits. Please refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities.

R25: The comment suggests the RDEIR should identify the positive environmental impacts associated with the No Project Alternative. Additionally, this comment suggests that the RDEIR should analyze the No Project Alternative from the viewpoint of the parcel as it should be. The general purpose of CEQA is to disclose the significant environmental impacts associated with carrying out a proposed project. In this case, the RDEIR has identified several significant and unavoidable impacts associated with the permanent loss of parkland. The RDEIR also recognizes that the No Project Alternative would avoid these impacts, although it would not achieve the primary project objective. Regarding analysis from the perspective of what the site “should be,” see Response R13 above.

R26: The comment contends that the RDEIR has not evaluated the financial burden associated with enforcing mitigation measures and conservation easements associated with the Sale with Conservation Easements and Mitigation Alternative. There is no substantial evidence in the record suggesting that the cost of inspection and enforcement would be significantly different if the property were leased rather than sold subject to conservation easements. In any event, such fiscal considerations are appropriate for consideration by decision makers rather than for EIR analysis. Please refer to **Section 3.0 Master Responses to Comments, Master Response 12, Enforceability of Obligations of Owners, Lessees and City** for further discussion.

R27: The comment contends that the RDEIR fails to fully evaluate potential aesthetic related impacts due to the loss of views from the Flanders Mansion property. More specifically, this comment contends that the views from the Flanders property are equal to or superior to the viewing areas adjacent to the project site. The comment considers the viewing points from the Flanders Mansion as described in the RDEIR to be superior or equal to views from the location points detailed in the RDEIR on Pages 4.1-5 through 4.1-12. The comment underlies an important aspect of viewshed analysis in EIRs in that the analysis is subjective and subject to the interpretation of the viewing parties. The RDEIR fully evaluates the potential aesthetic related impacts due to the loss of views from the Flanders Mansion property and details what the relative views are from the surrounding property. The views from the Mansion that are available to public access (i.e., exterior of the Flanders Property) do not provide comparable views of the distant scenic resources as those from the viewing areas adjacent to the project site. Resolution of subjective disagreements is not the function of an EIR; rather the EIR should point out the differences, as is done here, and refer them to the decision makers for resolution. Please refer to **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics** for further discussion.

R28: The comment identifies specific concerns with secondary project objectives related to ensuring that the property is put to productive use. By “productive use”, the City means its goal and objective is to see that the Mansion is used and rehabilitated, including long-term and major systems repairs, rather than remaining vacant and unused or being leased intermittently. In response to this comment, the meaning of “productive use” in the Project Objectives has been amplified. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

Letter S

L. A. Paterson
P.O. Box 1654
Carmel-by-the-Sea, CA. 93921

RECEIVED
FEB 10 2009
CITY OF
CARMEL-BY-THE-SEA

9 February 2009

Sean Conroy, Planning & Building Services Manager
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel-by-the-Sea, CA. 93921

Dear Sean Conroy:

CEQA further states that a public agency shall not decide to approve a project unless the agency has "determined that any remaining significant effects on the environment found to be unavoidable...are acceptable due to overriding concerns." (CEQA Guidelines §15092(b)(2)(B)). Overriding concerns may include specific economic, legal, social, technological, or other aspects of the project that outweigh the adverse environmental effects (CEQA Guidelines §15093(a)).

3.2 PROJECT BACKGROUND

Chronological History:

2008: City Council directs staff to initiate preparation of a Recirculated Draft EIR for the sale of Flanders Mansion Property consistent with the Superior Court's ruling. Staff is also directed to authorize Architectural Resources Group (ARG) to prepare a cost estimate for necessary repairs to the Flanders Mansion. Staff is also directed to authorize CBRE, Inc., to prepare an economic feasibility analysis.

(Source: RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SALE OF FLANDERS MANSION PROPERTY, January 2009, DENISE DUFFY & ASSOCIATES, INC.)

Unlike most other Environmental Impact Reports, this Recirculated Draft Environmental Impact Report for the Sale of Flanders Mansion Property (RDEIR) is subject to both the California Environmental Quality Act (CEQA) and a Monterey County Superior Court's order. As such, the City of Carmel-by-the-Sea's decision to exclude the Economic Feasibility Analysis and the Site Evaluation and Construction Cost Estimates from the RDEIR for public review and comment arguably renders this RDEIR a legally inadequate document. Moreover, the City's omission of these two critical documents contradicts CEQA's informational purpose of ensuring that the public has adequate time to review all the information central to the City Council's decision on the proposed project.

Sincerely,



Ms. L. A. Paterson

S-1

LETTER S: L.A. PATERSON

S1: The comment letter suggests that the City of Carmel-by-the-Sea's decision to exclude information related to the economic feasibility of project alternatives renders the RDEIR legally inadequate. Please refer to **Section 3.0 Master Responses to Comments, Master Response 9, Economic Feasibility** for further discussion.

Letter T

Original Message

From: Greg D'Ambrosio [<mailto:gregdambrosio@gmail.com>]
Sent: Tuesday, February 10, 2009 8:05 PM
To: Sean Conroy
Subject: RDEIR Document For Sale of the Flanders Mansion Property

Dear Sean:

I would like to raise several points concerning the RDEIR as it impacts the Rowntree Native Plant Garden; its use, operations and benefits to the community. I am a member of the Board of Directors of the Rowntree Native Plant Garden, an officially recognized city volunteer support group. I am representing and expressing the sentiments of our membership with this correspondence.

In 2006, the City Administrator approached the Board and asked us to consider moving the garden to another location; either to land adjacent to the Rio Road entrance to the Preserve, the undeveloped Rio Park property or possibly Forest Hill Park. The membership rejected this proposal and sent the City Administrator a written response expressing our views.

In 2007, the Rowntree Board of Directors submitted an application for a City of Carmel Recycle Program Grant to improve and add new plants to the demonstration garden and to retrofit the manual watering system to an automatic drip irrigation system. We also proposed dismantling the lath potting shed and rebuilding a new improved "potting cottage" to the center of the garden substantially away from the mansion. The grant application was rejected in a letter from the City Clerk citing potential environmental concerns, lack of available grant funds and pending litigation.

Two Board members met with the City Administrator about the grant application and convinced him to reconsider our request. He agreed to take a fresh look and felt our explanations had merit. He also said that if we could obtain other funding we could proceed with our projects provided we were in compliance with planning guidelines. The Board submitted a grant application to the Monterey Peninsula Regional Park District and we were awarded a \$13,500 grant to install a drip irrigation system and construction of a "potting cottage".

The first phase of a three-phased drip irrigation system has been installed. Plans and specifications for the new "potting cottage" were prepared and story polls were erected as instructed by city planning staff in late spring of 2007. We recently began the review process by submitting our application packet to the Planning Department for review by the Planning Commission. Our application was halted and our documents were returned as directed by the City Administrator no explanation provided.

With that background in hand, I am providing you with 3 comments:

1. The experiences the Board of Directors of the Rowntree Native Plant Garden have gone through over the past few years tells us that the City of Carmel would prefer that the garden be relocated to another site to make the Flanders Mansion Property more marketable. This action would effectively remove any activity of this nature from the Preserve within

T-1

close proximity to the Mansion grounds again making it more marketable. The city's efforts clearly would reduce the public's use of these park lands and their public benefits.

T-1
cont.

2. Rejecting our design review/planning application for a potting shed also demonstrates the city's intent and devalues the Preserve lands for the public's use and benefit.

T-2

The RDEIR does not review or comment on these potential impacts on the Rowntree Native Plant Garden.

3. Our Board of Directors Rejects the statement under 4.2 Biological Resources, page 4.2 4 under heading Special Status Species, paragraph 2 in which Denise Duffy and Associates states " The CNDDDB reports a population of Hickman's onion (*Allium hickmanii*) in the mesic meadow immediately south of the Flanders Mansion Property (Figure 4.2 2). No other CNDDDB reports of special status species in natural habitats exist for the areas immediately adjacent to the Flanders Mansion Property. It should be noted that several special status species have been planted in the Lester Rowntree Arboretum and are therefore present in the demonstration garden setting. No reports of special status species occurrence within the Flanders Mansion Property are on record".

T-3

Jean Ferreira, a professional Botanist and member of the Board of Directors of the Rowntree Native Plant Garden discovered a native population of five clusters Yadon's orchid on the garden site. These are native stands. They were not planted or cultivated as part of the garden's plant palate. The Board submitted a letter to the Brian Roseth, Principal Planner, for the City of Carmel on February 28, 2006 informing of our findings. Copies were sent to the City Administrator as well. The RDEIR author statement is not accurate.

Thank you.
Greg D'Ambrosio

LETTER T: GREG D'AMBROSIO

The introduction portion of this comment letter identifies specific comments related to past City actions. These comments are not environmentally related, but the City has prepared the following response in an effort to directly address the concerns identified in the letter. These comments state that the Board of Directors of the Lester Rowntree Native Plant Garden submitted a grant application for dismantling the “potting shed” and replacing it with a newly-built “potting cottage”. The comments further state that plans and specifications were prepared for the new potting cottage, storey poles were erected, and an application was submitted to the City's Planning Department, but the application packet was return. The City determined to delay any other proposals for alterations to the Flanders Mansion parcel and the nearby surroundings in the park, other than ongoing repairs and maintenance, until after the action in superior court entitled The Flanders Foundation v. City of Carmel-by-the-Sea, et al. (Mont. Co. Super. Ct. Case No. M76728) and the current further environmental review were completed. The above-referenced superior court action was decided by judgment and issuance of a writ of mandate in the summer of 2007, and thereafter the City determined to undertake the pending further environmental review process, which is not yet complete.

T1: These comments state that the City has in the past few years considered relocating the Lester Rowntree Arboretum to an area of the Mission Trial Nature Preserve not in close proximity to the Flanders Mansion property. The comment is concerned that moving the Arboretum would reduce the public's use of “these” park lands and their benefits. Neither the proposed project nor any of the alternatives to the project analyzed by the REIR, nor the mitigations measures contemplate moving the Arboretum to a different location in the park or replacing the existing “potting shed” structure.

T2: The comment states that the RDEIR does not review or comment on how City actions related to the rejection of the Lester Rowntree Arboretum design review/planning application impact the Arboretum. The analysis in the RDEIR considers impacts from the potential sale of the Flanders Mansion property to the surrounding property, including the Lester Rowntree Arboretum. Project impacts related to potential traffic, noise, biological, aesthetics and other issues areas are adequately discussed and evaluated based upon the proposed project. The 2005 DEIR, as modified in the 2005 FEIR, identified specific considerations regarding the possible encroachment of the existing parcel into the Arboretum. The Flanders Mansion property lines were staked on July 18, 2005. The Planning Commission and Historic Resources Board (July 28, 2005) and the City Council (August 1, 2005) conducted field trips to the site. Refer to **Section 4.5 Parks and Recreation** of the RDEIR for a discussion of this issue (See also Page 4.5-5 of the RDEIR and response **U-24**). Additionally, refer to Section 6.6 in the current Recirculated Draft EIR, the “Sale with Conservation Easements and Mitigation” alternative, which reduces the portions of the Flanders Mansion parcel from which the public could be excluded, including a portion adjacent to the Arboretum area, as well as a map of the portion of the Flanders Mansion parcel next to the Arboretum. Under the “Sale with Conservation Easements and Mitigation” Alternative, the area identified would be subject to a conservation easement which would prevent an owner or lessee from excluding the public from that portion of the parcel (See Figure 6-1). Accordingly, the RDEIR evaluates potential direct and indirect impacts associated with the proposed project. Please also refer to the response above.

T3: The comment identifies that a native population of Yadon's orchid are present within the Lester Rowntree Arboretum and that the RDEIR incorrectly identifies that no other special-status species, besides a population of Hickman's onion in the Martin Meadow area, are present in the immediately project vicinity. In response to this comment, revisions have been incorporated to identify the presence of Yadon's orchid within the Lester Rowntree Arboretum. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

February 18, 2009

Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
Drawer G
Carmel, California 93921

RECEIVED
FEB 18 2009
CITY OF
CARMEL-BY-THE-SEA

Sean: Following are my comments, questions on the Flanders RDEIR:

GENERAL COMMENTS:

1. Flanders is described in considerable detail, but not the Arboretum which was added in 1980. The Flanders property is stated to be 1.252 acres and the Arboretum 1 acre but Figure 4.5-1 makes Flanders look the smaller of the two while Figure 4.2-1 doesn't look the same as the former. In all the years that my family has walked the park, we have never seen more than 2 people in the Arboretum (and they were gardening. This has been verified with others as well.) The way the Arboretum is discussed, one would think it equal to the Chicago Botanical Garden. Further the Arboretum is fenced the length of the driveway, with three openings. No dogs are permitted. The main decorative gate is at the top of the driveway. The condition of the Arboretum itself is poor at best.

U-1

2. Flanders is discussed as parkland but should be more specifically referred to as "improved parkland" which is what P-2 is, to do otherwise suggests that it is open space. There is no mention I could find as to the size of the footprint of the home on the 1.252 acres—although it is stated that the house is almost 6,000 sq. ft. It is not clear if that includes the garage and storage building along the garage driveway.

U-2

3. At the most there are 3 or 4 cars parked on the roundabout at the foot of the drive at any one time and these are most often dog walkers who usually go down the fire road or cross in front of the west side of the house to get to the Martin Way lots, since they can't go through the Arboretum. There is a hedge where most people park. Continuing around the property counter clockwise, there is an overgrown hill directly in front of the Mansion, a dense cypress hedge to the south and east.

U-3

4. Currently there is no way down the west hill from the roundabout over to the dense cypress hedge separating the house from the Martin lots. You would descend by the fire road or go through the cypress hedge.

U-4

5. Historically this was built as a single family home so reference to lights and traffic relative to the sale or lease options is moot. Further, when the property was in the Flanders' hands, it was not accessible to the public, only after it was

U-5

purchased by the City. In fact, growing up here I had never heard of the Flanders or their home until I returned in 1994. | U-5 cont.

6. There is no mention of the fact that the property east of MTNP is in Carmel's sphere of influence. | U-6

7. There is no mention of the fact that there have been 5 task forces which have studied possible use of Flanders without concrete results. | U-7

8. Over its history, Flanders has been zoned R-1, P-2-A and now P-2. | U-8

9. 4-1-3 "Mansion represents important visual landmark within MTNP"—only if you are right on top of it. | U-9

10. Page 6-7 Summary. Mansion can't be used periodically by the City as it is not ADA accessible. | U-10

11. Frequent reference is made to the impact the sale would have on "numerous trails". The only affected area would be the connection from the driveway roundabout to the Martin way lots by way of the front of the Mansion. The fire road nearest the house will still be available as will the secondary fire road further up the entrance road. | U-11

12. For whatever relevance it has, a decorators' showcase was staged there in the mid-90's. A lot of work was done on the house at that time, including a new kitchen. | U-12

13. While Flanders is on the National Register of Historic Places, it is because of its local significance, not state or national. | U-13

14. Page 4-1-16 last two bullets of Mitigation—we have ordinances to cover these points. | U-14

15. Page 4.5-5 "site considered parkland based on its historic use". The house was built in 1926 and the City purchased it in 1972, so it was a single family home for almost 50 years. | U-15

FACTUAL ERRORS:

1. Page 3-1 says that MTNP includes 35 acres acquired by the City in 1971. The actual Park consists of two parcels, 17.5 from Bill Doolittle in 1971 and 14.9 from the Flanders purchased by the City in 1972 which includes the home for a total of 32.4 acres. The DPR says that Flanders is on 1.43 acres. | U-16

2. Figure 3-2 Project Vicinity is incorrect in that Ladera Drive does not connect with Trevis or Taylor. Additionally Mountain View does not connect Forest and Hatton Road. | U-17 cont.

3. Photo 4 of Figure 4.1-1 is of western façade or front of house, NOT from Arboretum. Photo 1 is the rear of the house from driveway. | U-19

4. Figure 5-1 and its table refer to Villas de Carmelo which is the name given to it by a developer for a project currently under discussion and also outside the City. To include it, it should be called the Grace Deere Veile Clinic (1930) or the Monterey Peninsula Hospital (1934) or its most recent name, Carmel Convalescent Home. | U-19

5. In the same table, #1 Sunset was completed in 2003. #3 should add "in the planning stages for renovation". | U-20

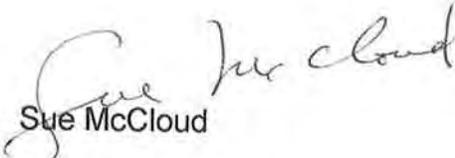
6. Page 4.3-4 "Flanders is the only known example of cavity wall construction in the region". The Seven Arts Building on the SW corner of Lincoln and Ocean was one of the first to employ thermotite, a locally produced cement block. | U-21

QUERY:

1. What relevance does Proposed Scenic Easement in Figure 4.1-5 have to the project since the proposed easement is outside of the project? | U-22

2. Table 4.4-1 on page 4.4-11, under 05-21, please describe the "Variety" of park related activities? A few people work the Arboretum. The vast majority of visitors are walkers or dog walkers who have some net 31 acres to choose from. | U-23

3. Page 4.5-5 "the project would directly impact the Arboretum, a portion of which is located on the property". Is there a defined legal boundary of the Arboretum? | U-24


Sue McCloud

LETTER U: SUE MCCLLOUD

U1: The comment questions the size of the Arboretum and notes that its size appears to be different on two Figures in the RDEIR. The size of the Arboretum site was not measured for this RDEIR and City staff could not find a record of the precise boundaries. Please see also response **U-24** below. The primary discrepancy between Figures 4.5-1 and 4.2-1 is a result of different scales. Vegetation also obscures the driveway and the two figures rely on different estimates of its location. The remainder of the comment is based on personal experience and observations. Comments are acknowledged and no additional response is necessary.

U2: These comments state that the Flanders Mansion parcel is discussed as “parkland and that the property should be described as “Improved Parkland” based on the P-2 zoning of the parcel. The comment is concerned that to describe the property as parkland would suggest that it is considered open space. The comment also states that the Mansion was used as a single family residence for approximately 50 years.

The RDEIR notes the P-2 zoning of the parcel, as well as its former R-1 and P-2-A zoning designations; the RDEIR also recognizes the P-1, “Natural Parklands and Preserves” zoning of the surrounding Mission Trail Nature Preserve and the residential zoning designations of the nearby neighborhoods. (See, e.g., Pages 1-4, 3-1, 4.1-12, 4.4-1 to 4.4-2, 4.5-1, 5-2; see Carmel-by-the-Sea Muni. Code, § 17.18.020 [where the Flanders Mansion parcel is referenced as the “Outlands”].) The City's Municipal Code entitles P-2 zoning, “Improved Parkland”. (See Muni. Code, § 17.18.010, subd. (B); see also § 17.04.050, 17.18.030, Schedule II-C.) The EIR discusses the uses permitted under this zoning definition. (See, e.g. pp. 3-5 to 3-6 and Appendix E.)

However, the Intended Decision and Amended Judgment of the Monterey County Superior Court in The Flanders Foundation v. City of Carmel-by-the-Sea, et al. (Mont. Co. Super. Ct. Case No. M76728) found the Flanders Mansion and its grounds to be parkland. Thus, pursuant to the Judgment and Writ of Mandate, the City may not treat the parcel as other than parkland in the current environmental review process for the proposed project.

Moreover, an EIR must consider the existing physical conditions on the property at the start of the environmental review process to ensure meaningful assessment of a proposed project's significant environmental impacts and the consideration of mitigation measures. It would not be proper for the RDEIR to assess the environmental impacts of the proposed project based on the Flanders Mansion parcel's historical use 1926 and 1972 (36 to 82 years earlier), or as if the Flanders Mansion parcel is currently purely a single-family residence. The RDEIR contains a chronology which recognizes the property's historical use as a single-family residence prior to its 1972 purchase by the City, as well as the fact the City has at times during its ownership rented or leased the property to a single person, single family and also rented or leased portions of the building to a non-profit for office space and other uses.

U3: Comment acknowledged. No further response necessary.

U4: Comment acknowledged. No further response necessary.

U5: The comment identifies that the site was historically built for single-family residential purposes and that references to lighting requirements and traffic relative to the sale or lease options is moot. The P-2 District has no standards for lighting. The RDEIR references applicable City standards for the R-1 district related to lighting to ensure that any future exterior changes that may occur as part of a future use of the property comply existing City lighting standards already adopted for single-family residences. In addition, the RDEIR also identifies that the traffic projections identified in the traffic analysis for single-family use are consistent with the historical use of the property and would not constitute an intensification of traffic beyond historical conditions.

U6: Comment acknowledged. No further response necessary.

U7: Comment acknowledged. No further response necessary.

U8: Comment acknowledged. No further response necessary.

U9: The commenter notes that a viewer must be in close proximity to the Mansion for it to be seen and questions whether it acts as an important visual landmark within the Preserve. The comment identifies that the Mansion is well-screened from view from most areas of the Preserve and that visitors must be in close proximity to the building for it to be viewed. Comment is acknowledged; this information has been clarified (see **Section 5.0 Revision to the Recirculated Draft EIR**. This RDEIR considers the Mansion structure to be an important visual feature within the Preserve for a number of reasons. When it comes into view it is visually distinct from the natural parklands around it. For many viewers this adds to its uniqueness and to the enjoyment of the historic Mansion as a different aspect of the park experience. Park users that know its location use it as a point of reference in relation to trails. For many, these features establish it as a landmark; however, the opinion of the commenter is noted.

U10: The comment notes that in the summary paragraph for the No Project alternative there is a statement that the City can use the building periodically. The comment correctly notes that the Mansion is not ADA accessible and if used by the City, it would need to accommodate disabled individuals. For further discussion concerning ADA requirements please refer to **Section 3.0 Master Responses to Comment, Master Response 8, American with Disabilities Act of 1990 Requirements and Handicap Access to the Mission Trail Nature Preserve**.

U11: The comment questions the number of trails that might be impacted if the public was excluded from the Mansion property. Figure 4.5-1 shows two existing trails/fire roads intersecting the driveway. If the public was excluded from crossing the property, access to both of these trails would be impacted (see Page 4.5-7). Mitigation Measure 4.5-1 proposes construction of a new trail from the driveway just east of the Flanders property boundary to the Flanders Trail. This is shown on Figure 4.5-1.

U12: Comment acknowledged. No further response necessary.

U13: Comment acknowledged. No further response necessary.

U14: City standards address both landscaping and structural lighting requirements. City standards for building lighting require lights be no higher than 10 feet, no more than 25 watts per fixture and specifically disallow flood lights. Landscape lighting standards require that lighting must be no higher than 18 inches, no more than 15 watts per fixture and no closer than 10 feet apart. No flood lights are allowed for landscape lighting. Basing light intensity on watts does not take into account the actual light output of a fixture. Various lighting technologies (e.g. incandescent, fluorescent, halogen, sodium) have a wide variation in light output per watt. City codes also do not address issues of flashing lights, except for signs. Upon reviewing the Carmel Municipal Code, the lighting standards currently applicable to the Flanders property would not achieve the same level of protection as the proposed mitigation measure.

U15: See response **U2** above.

U16: The Flanders Mansion parcel was reduced in size to approximately 1.252 acres by lot line adjustment approved in 2000, as reflected in the EIR's chronological history. No further response necessary.

U17: Comment acknowledged. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

U18: Comment acknowledged. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

U19: Comment acknowledged. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

U20: Comment acknowledged. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

U21: Comment acknowledged. No further response necessary.

U22: The comment questions the relevance of proposed off-site conservation easements that are intended to protect scenic vistas located adjacent to the project site. As identified in the RDEIR, implementation of the proposed project has the potential to affect adjacent viewing areas which are considered scenic vistas. Conservation easements are recommended in order to ensure that these areas are preserved in perpetuity and ensure that future activities at the Flanders Mansion site do not adversely impact these resources.

U23: As documented in the public comments received on the 2005 DEIR, the general public uses the Flanders Mansion for a variety of passive recreational activities, including dog walking, birding, hiking, and picnicking among other activities.

U24: This comment refers to defining the project boundaries, especially around the Lester Rowntree Arboretum. The Flanders Mansion property lines were staked on July 18, 2005. The Planning Commission and Historic Resources Board (July 28, 2005) and the City Council (August 1, 2005) conducted field trips to the site. The staking of the property provided a visual delineation of the specific boundaries of the site for the public and clarified specifics regarding the site itself, in relation to the analysis in the 2005 DEIR.

The 2005 DEIR identified specific considerations regarding the possible encroachment of the existing parcel into the existing Lester Rowntree Arboretum. These were more specifically clarified through a field trip with a representative of the Arboretum Committee and City staff. Based on the identified boundaries of the Flanders Mansion parcel, an approximately 1,200 square foot area located on the Flanders Mansion parcel next to the existing garage and extending toward the driveway appeared to be in a portion of the Lester Rowntree Arboretum, however, upon further inspection, this area was not considered part of the Arboretum as it does not include any area of the native garden, per Brian Roseth, and Gary Girard, representing the Board of Directors of the Lester Rowntree Native Plan Garden City volunteer support group. This area is identified as included in the Flanders Mansion Parcel adjacent to the garage and next to the driveway. Refer to **Section 4.5 Parks and Recreation** of the RDEIR for a discussion of this issue (See also Page 4.5-5.). Additionally, refer to Section 6.6 in the current Recirculated Draft EIR, the “Sale with Conservation Easements and Mitigation” alternative, which reduces the portions of the Flanders Mansion parcel from which the public could be excluded, including a portion adjacent to the Arboretum area, as well as a map of the portion of the Flanders Mansion parcel next to the Arboretum which is proposed, under the “Sale with Conservation Easements and Mitigation” Alternative, to be subject to a conservation easement which would prevent an owner or lessee from excluding the public from that portion of the parcel (See Figure 6-1).

JOYCE STEVENS, Architect A.I.A-E
P.O. Box 2116
Carmel-by-the-Sea, California 93921

RECEIVED
FEB 18 2009
CITY OF
CARMEL-BY-THE-SEA

City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Drawer G
Carmel-by-the-Sea, California 93921

February 18, 2009

ATTENTION: Sean Conroy

Dear Mr. Conroy:

I am submitting the following comments on the Recirculated Draft Environmental Impact Report (RDEIR) for the Sale of Flanders Mansion Property:

- (1) The Final EIR for the Sale of Flanders Mansion Property, dated August 2005, stated that the main purpose for the sale was to “generate funds for needed city capital improvements involving a number of municipal facilities.” However, finances for the city have changed since 2005 and recent city financial reports indicate that a funding surplus now exists which negates that reason for selling the Mansion.

The current Recirculated Draft EIR, in search of a new reason for selling Flanders, now states that the primary purpose of the sale is to “divest the City of the Flanders Mansion property which is in need of significant short-term and long-term repair and rehabilitation.” Since the city now has surplus finances, it can afford to undertake these repairs and rehabilitation as required by the “Mission Trail Nature Preserve (MTNP) Master Plan” which states that the city should “preserve the Outlands (Flanders) property.....consistent with its status as a nationally registered historic resource.” The new primary reason that the city has now adopted for selling Flanders is not valid since they already have the funds to meet their obligations to the Mansion.

V-1

There is another long-standing source of funds for financing the “short-term and long-term repair and rehabilitation” of the Flanders Mansion: the Transient Occupancy Tax (TOT) authorizes that part of the TOT funds can go to pay for “parks, public facilities and municipal structures.” Flanders Mansion qualifies for these funds.

- (2) 3.3 PROJECT OBJECTIVES: The 6 secondary project objectives are perfect justifications for NOT selling Flanders Mansion rather than justifications for selling Flanders as claimed by the EIR. To review the 6 points: (1) Retaining Flanders Mansion in city ownership would ensure preservation as an historic resource by being able to control what happens and doesn't happen to it. (2)

V-2

City ownership would ensure that it is put to productive use by allowing all residents and visitors to have access to it. (3) Public ownership would ensure that traffic, parking and noise impacts can have controlled hours of use and types of activities. (4) Public ownership will not disrupt public access to trails and Arboretum because public will have access to all park areas. (5) Public ownership will protect environmental resources because there will be no private in-holding to interfere with natural habitats. (6) Park benefits can continue to be provided if owned by the city because no private ownership activities will conflict with public use.

V-2
cont.

- (3) 4.1 AESTHETICS (Summary Table 2-1): The Flanders Mansion is an integral part of the park experience. It is a visual focus that, presently, is available to park visitors to enjoy from the outside only, since the city does not allow any public use of this publicly owned property. If the Mansion were sold, the public would be separated from even the limited visual use that they currently enjoy. Creation of a private in-holding in the center of the only sizeable inland open space that the city owns would deprive visitors of visual and recreational access to one of the Preserve's premier vista points. This is a significant and unavoidable impact that should be listed as such in the RDEIR.

V-3

The Flanders Mansion and the 1¼ acres, designated by the city as the sale property, abuts the Lester Rountree Arboretum. The Arboretum is a major and unique asset belonging to the citizens of the city and also enjoyed by visitors and residents of the Monterey Peninsula. Creating private property adjacent to such a valuable asset forever diminishes the visual quality and aesthetic experience of the resource. Although not mentioned in the RDEIR, this impact is significant and unavoidable.

One of the best vistas in the MTNP is from the west side of Flanders Mansion at the edge of the cliff - this would be unavailable to the public if the Mansion is sold to a private party. The RDEIR suggests "additional trail access" for more vistas - but additional westward vistas are not available because of a steep drop-off. Loss of the main vista would be a significant and unavoidable impact if the Mansion were sold. Mitigations proposed in the RDEIR are not possible and additionally violate General Plan G5-13, O5-41, O7-2 and P7-3.

- (4) 4.2 BIOLOGICAL RESOURCES: The EIR states that biological assessments were only conducted "within and immediately adjacent to the Flanders Mansion Property" which ignores the biological impacts on the rest of the MTNP. Local bird experts report that the pine forest and oak savanna in the MTNP are home to acorn woodpeckers, Stellar's jay, pygmy nuthatch, chestnut backed chickadee, oak titmouse, brown creeper and many more. To name a few raptors, red-shouldered hawks nest in the MTNP and American kestrel, sharp-shinned hawks, Cooper's hawks and red-tail hawks use the entire habitat. According to birders, status quo is the best protection for birds in the Preserve. MTNP has been called an "ecological oasis" by a prominent

V-4

biologist who counted 56 bird species in a winter bird population count. The birds (and other wildlife) do not just use the habitat around the mansion, but survive in the larger preserve area that will be greatly affected by an intensity of use if Flanders is sold. Lack of consideration of these impacts is an EIR deficiency.

Appendix C, Biological Assessment, suggests that construction or demolition could take place, in which case raptors' trees, wood rats' nests or Monterey pine, etc. can be removed as mitigation. This possible habitat destruction, besides being unacceptable mitigation, points up the lack of biological control resulting from the sale of Flanders Mansion, and violates General Plan GS-12 and P5-157. Having a private in-holding within a designated parkland will require management policies for fire protection, privacy, pet control, weed control and vehicular access, all of which require close and continuous monitoring by the city. The long-term management of the preserve and its special habitats will have to be modified in order to accommodate the private residential use of an in-holding. This is a potentially significant and unavoidable impact.

V-4
cont.

(5)4.3 CULTURAL RESOURCES: (Summary Table 2-1) Sale of this property, that is listed on the National Register of Historic Places, will deprive the city of Carmel-by-the-Sea of a priceless heritage, a significant and unavoidable impact, not less-than-significant as the RDEIR indicates. The Mansion has been an integral and treasured part of the Carmel community since its construction in 1924 and subsequent purchase by the city in 1972. It could be an even greater cultural asset if approved by the city administration for a community use such as a museum to house city collections and as a park center for activities. At present it cannot be occupied because of serious deficiencies that are the responsibility of the city to repair.

V-5

Sale of the property will also seriously degrade another Carmel-by-the-Sea treasure: the Lester Rowntree Arboretum, a significant cultural asset created to honor renowned botanist, Lester Rowntree who founded the California Native Plant Society, is a cooperative project between the city and the Monterey Bay Chapter of the California Native Plant Society and volunteers from the community. The presence of private property abutting the Arboretum deprives visitors of its solitude and uninterrupted natural setting. Potential construction of structures such as fences and intrusive noise would degrade the experience. Introduction of non-native plant species could contaminate the native plants of the Arboretum and the use of pesticides could do untold damage, significant and unavoidable impacts.

(6)4.4 LAND USE: Table 2-1 shows that the sale of Flanders would cause significant and unavoidable because of loss of parkland. However, the EIR identified "higher intensity land uses" as "less than significant." Proposed mitigation measures consisting of conditions and restrictions on the private

V-6

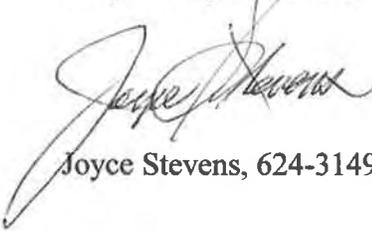
owners of the Mansion are voluntary and therefore are non-enforceable and unrealistic. Lack of mitigations would result in a higher intensity of land use and land use conflicts. This would diminish the viability of the park as a recreation asset in a major way thereby creating another significant and unavoidable impact.

V-6
cont.

(7)4.5 PARKS AND RECREATION: Table 2-1 states, correctly, that the sale of Flanders would result in the loss of significant parkland, resulting in significant and unavoidable impacts. However, the RDEIR identifies the creation of an in-holding in the middle of the city's only large open space as only "less than significance" and only offers an alternate trail as mitigation. All users of the park entering or leaving from Hatton Road would have to detour around the Flanders property. The fact is that private property in the middle of a critical part of the park changes the whole function of the northern half of a major city recreation area, easily qualifying as a significant and unavoidable impact.

V-7

Respectfully submitted,



Joyce Stevens, 624-3149

LETTER V: JOYCE STEVENS

V1: The comment suggests that the City has sufficient finances to meet its current obligations in addition to meeting its responsibilities to the Flanders Mansion. Specifically, this comment suggests that the City has too narrowly defined the project objectives and that the City has sufficient resources to restore the Mansion consistent with the Mission Trail Nature Preserve Master Plan. Please refer to **Section 3.0 Master Responses to Comments, Master Response 1, Project Description, Master Response 2, Project Objectives,** and **Master Response 10, City Finances** for further discussion.

V2: The comment identifies that six secondary project objectives are sufficient to justify the City retaining the Flanders Mansion property. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 1, Project Description,** and **Master Response 2, Project Objectives.** Please refer to those responses for further information. This comment also implies that the RDEIR and associated analysis are promoting the sale of the Flanders Mansion property. It is important to note that the RDEIR evaluates potential impacts based on the project, as proposed by the project proponent, in this instance the City of Carmel-by-the-Sea. The RDEIR does not promote the sale of the Flanders Mansion and is only intended to inform decision-makers of the potential environmental impacts associated with the project.

V3: The comment identifies that the creation of a private in-holding would impact the aesthetic character of the Mission Trail Nature Preserve, including the Lester Rowntree Arboretum. The comment contends that the sale of the Flanders Mansion would constitute a significant and unavoidable visual impact that cannot be mitigated to a less-than-significant level. The comment also identifies that the RDEIR failed to evaluate potential impacts associated with the loss of access to vista areas located on the westward boundary of the project site. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics.** Please also refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities. In addition, mitigation measures in the RDEIR contained measures to ensure that fencing and other elements abutting the Arboretum are limited. Mitigation Measure 4.1-4 has been strengthened to prohibit fencing adjacent to areas abutting the Arboretum. Please refer to that response for further information.

The comment also contends that the proposed project would violate a number of General Plan policies, goals and objectives, including G5-13, O5-41, O7-2 and P7-3. As identified in the RDEIR, it is ultimately up to the discretion of the City of Carmel-by-the-Sea to determine General Plan consistency. Inconsistency with a General Plan policy itself does not constitute a significant environmental impact, unless that policy was specifically adopted to avoid and/or reduce an environmental impact. In this case, these policies were adopted to ensure that areas of scenic value are preserved and protected. These policies are intended to provide general guidance for protecting areas of scenic value and are not specific to the Flanders Mansion. The RDEIR found that the proposed project would result in the permanent loss of parkland and therefore has the potential to conflict with these General Plan policies. This was identified as a significant and unavoidable impact.

V4: The comment identifies a number of concerns related to biological mitigation measures proposed as part of the RDEIR and that the RDEIR fails to fully evaluate potential project biological impacts to the Mission Trail Nature Preserve. No impacts to the greater MTNP are currently proposed. The current project under review is the potential sale of the Flanders Mansion, not any subsequent redevelopment or change of use. As stated on Page 4.2-11 of the RDEIR (second sentence under the “Indirect Impacts” heading), “If an intensification of use beyond the historical use of the property threatens biological resources this would constitute a potentially significant indirect impact. Any future use at the Flanders Mansion shall be in accordance with CEQA, the Mission Trail Nature Preserve Master Plan, the City of Carmel-by-the-Sea Forest Management Plan, and the Coastal Act.”

DD&A considered potential impacts to onsite and adjacent nesting birds through sale of the Flanders property. Mitigation to reduce impacts to onsite and adjacent nesting avian species was presented on as the first bullet on Page 20 of the 2005 BA. As stated on Page 6 of the 2008 revised BA (final sentence): “No additional special status wildlife species were observed or reported within the Flanders Mansion or in the immediate vicinity of the site during the preparation of this updated letter report, therefore, the mitigation techniques included in the 2005 DD&A BA are applicable and sufficient.”

The field methodology utilized for each BA is consistent with industry standards, Monterey County biological report requirements, and CEQA. DD&A’s methodology was included in the original biological report and did not solicit any public or regulatory agency comments. Furthermore, in the Superior Court’s ruling concerning the adequacy of the analysis contained in the 2005 FEIR, no aspects of the original biological analysis was challenged. DD&A is confident that our methodology is sound and defensible.

The final portion of the comment (second paragraph) demonstrates a fundamental misunderstanding of mitigation. In all cases under CEQA, avoidance of impacts is preferred. If an impact cannot be avoided (or avoidance is unlikely), mitigation is proposed to *reduce* an identified impact to a less-than-significant level, when possible (some types of impacts cannot be mitigated). If mitigation can not reduce an identified impact to a less-than-significant level, a “significant and unavoidable impact” would be identified. As stated on Page 4.2-11 of the RDER: “Consistent with the findings of the 2005 DEIR, as modified in the FEIR, the sale of the Flanders Mansion Property may result in incompatible uses with adjacent passive parklands designated as ESHA. If the project is approved and the Mansion is sold this may result in indirect biological impacts due to increased use, changes to access, removal of native trees and vegetation, and changes to on-site drainage. Although the future use of the property is not known at this time, potential impacts after sale of the Flanders Mansion can be anticipated and mitigations are provided in this RDEIR to lessen these impacts. Potential future impacts could occur during construction when activities such as vegetation removal or site disturbance would occur. These impacts are considered secondary because there are no direct impacts from the sale of Flanders Mansion. ...The following mitigation measures are necessary to ensure that impacts to biological resources are further minimized to a less-than-significant level...” The specified mitigation measures *do not* encourage or endorse removal of trees and/or special status nests to facilitate construction, but rather, *reduce* impacts associated with construction *if* avoidance cannot be accomplished. To reiterate, the project currently being considered is the *sale* of the Flanders property (see previous responses).

The project is consistent with policy GS-12. Onsite and adjacent ESHA are clearly identified in the biological section of the RDEIR and supporting biological documents, and measures to avoid and/or reduce impacts to this resource as much as feasible are identified. Please refer to first portion of this response regarding proposed intensification of use. The project is also consistent with policy PS-157. Any future use of the Flanders Mansion property will be subject to policies and requirements of the City of Carmel-by-the-Sea General Plan, Coastal Land Use Plan, and the Mission Trail Nature Preserve Master Plan.

V5: The comment contends that the proposed project would result in a significant and unavoidable impact to a historic resource that cannot be mitigated to less-than-significant level. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 11, Cultural Resources/Preservation**. Please refer to that response for further information.

V6: The comment claims that the RDEIR identified that higher intensity uses within the Mission Trail Nature Preserve would result in a less-than-significant land use impact. In fact, the RDEIR appropriately identified that higher intensity uses would result in potential indirect impacts that could result in land use conflicts due to incompatible land uses. Mitigation Measure 4.4-1, as modified in **Section 5.0 Revisions**

to the Recirculated Draft EIR, requires that any future use of the subject property be consistent with the low-impact uses that have historically occupied the Flanders Mansion in order to reduce project impacts to a less-than-significant level. This measure is necessary in order to guarantee that high intensity land uses, such as a motel, would not be permitted on the property. In the event that a future use should be proposed that is inconsistent with the analysis contained in the RDEIR, additional CEQA review would be required. In addition, higher intensity uses would also be required to comply with applicable City permitting requirements.

The comment also incorrectly identifies that mitigation measures in the RDEIR are voluntary, non-enforceable and unrealistic. As identified above, Mitigation Measure 4.4-1, as modified, restricts the future use of the property to those low-impact uses (i.e. single-family residential and low-impact public/quasi-public uses) that have historically occupied the Flanders Mansion. This measure, through conditions of sale, deed restriction, or other instrument will be legally binding and enforceable. Please refer to **Section 3.0 Master Responses to Comments, Master Response 12, Enforceability of Obligations of Owners, Lessees and City** for further discussion.

V7: The comment incorrectly contends that the RDEIR determined that the proposed project would result in a less-than-significant impact due to the loss of parkland within the Mission Trail Nature Preserve. In fact, the RDEIR identifies that the sale of the 1.252 acres of parkland located entirely within the Mission Trail Nature Preserve would constitute a significant and unavoidable impact that is locally significant to the Preserve that cannot be mitigated to a less-than-significant level (see Page 4.5-5 through 4.5-6). The RDEIR also identified that the proposed project would result in direct impacts to the existing trail network since public access to and through the Flanders Mansion property would no longer be possible. A number of impacted trails were identified in the RDEIR and suitable mitigation measures were identified to ensure that adequate replacement trails are provided to ensure continued use and access to the trail system from the Hatton Road entrance. The mitigation provided reduces potential impacts to the trail system within the Mission Trail Nature Preserve. Please refer to **Section 3.0 Master Responses to Comments, Master Response 7, Parks/Recreation** for further discussion regarding potential impacts to park and recreational facilities.

RECEIVED

FEB 18 2009

CITY OF
CARMEL-BY-THE-SEAYoko Whitaker
P.O. Box 724
Carmel, California 93921

18. February. 2009

Mr. Sean Conroy & E.I.R. Consultants
Community Planning & Building Dept.
P.O. Drawer G
Carmel-By-The-Sea, California 93921RE: Recirculated Draft Environmental Impact Report for the
Sale of Flanders Mansion Property

Throughout the R.D.E.I.R., whether examining Aesthetics, Biological Resources, Cultural Resources, Land Use, Parks & Recreation, or Traffic & Circulation it is implied that the sale of the Flanders Mansion Property would go to a single-family. There is no reference to how the sale of parkland to the Monterey County or California State Parks Departments could protect public access to the Flanders Mansion Property. On Page 4.1-4, under Impacts and Mitigation, it states "As an example of a direct impact, the sale of the Flanders Mansion Property would result in the loss of publicly owned parkland and would result in the loss of public access to and through the property." There would be no loss of parkland or public access if the new owner is a county or state parks entity. The potential uses of this property under one of these agencies needs to be examined in the E.I.R.

W-1

Under Project Objectives on Page 3-5, it states that the City's primary purpose of the proposed sale is to divest itself of the Flanders Mansion Property "which is in need of significant short-term and long-term repair and rehabilitation" as if to imply that there is a shortage of funds when the opposite is true. The six Secondary Objectives demonstrate why the property should remain in the public domain. None of this shows that the Project is appropriate or necessary. Leasing the Flanders Mansion Property to a non-profit organization who would rehabilitate the house and gardens through grants and donations, caretake the property, and create sustainable revenue generating programs for the City of Carmel would meet the Project's six Secondary Objectives as outlined under 3.3 Project Objectives, Page 3-5. Instead of the City of Carmel-By-The-Sea divesting itself of the Flanders Mansion Property for a one time gain, it can retain this valuable real estate which will only increase in value and receive revenue. This is the environmentally and fiscally responsible alternative to protect assets and generate revenue from those assets.

W-2

(continued)

Page Two

Yoko Whitaker/R.D.E.I.R. Flanders

If a single-family required perimeter fencing for privacy it would damage the integrity of the historical setting, disrupt pedestrian and animal circulation, and affect views of and from the Flanders Mansion property, creating historical, recreational, and aesthetic issues. Under Aesthetics, 4.1-4 Mitigation where solid walls are referenced and the measure says "shall be discouraged" should read "shall be prohibited."

W-3

Under Chronological History, Page 3-2 and Cultural Resources 4.3-4, refers to Henry Higby Gutterson as a draftsman, when in fact he was an architect-this was called out to you in the original D.E.I.R.. It is also stated that the house was used by the Carmel Preservation Foundation when in fact it was Carmel Heritage. In the Chronology dated 1924-2008, it does not mention the 1995 Alliance on Aging Decorator Showcase event that took place there. This is significant because it demonstrated that a non-profit can hold an event that promotes the Flanders Mansion while generating revenue from hundreds of attendees whom were all shuttled to the site from outside the City. There were no problems with traffic or noise to the neighborhood during this event.

W-4

Sincerely,



Yoko Whitaker

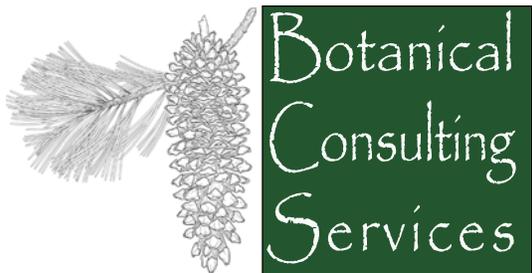
LETTER W: YOKO WHITAKER

W1: The comment identifies that the RDEIR did not discuss or evaluate how public access could be preserved through the sale of the Flanders Mansion to Monterey County or the California State Parks Department or another park entity. As identified previously, the RDEIR identified that sale to a public/quasi-public use could avoid potential impacts due to the loss of access to the property. Under this scenario, public access would be preserved. In response to this comment revisions have been incorporated. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

W2: The comment suggests that the City has sufficient finances to meet its current obligations in addition to meeting its responsibilities to the Flanders Mansion. Specifically, this comment suggests that the City has too narrowly defined the project objectives and that the City has sufficient resources to restore the Mansion consistent with the Mission Trail Nature Preserve Master Plan. This comment also identifies that the six secondary project objectives support retaining the Flanders Mansion under City ownership. Please refer to **Section 3.0 Master Responses to Comments, Master Response 1, Project Description, Master Response 2, Project Objectives, and Master Response 10, City Finances** for further discussion.

W3: The comment identifies that the erection of exterior elements (i.e. fencing) would result in aesthetic, recreational and historical impacts and would thereby impact the integrity of the property. In addition, this comment also identifies that Mitigation Measure 4.1-4 should be revised to prohibit the erection of solid walls. In order to reduce the extent of visual impacts associated with exterior elements, Mitigation Measure 4.1-4 contains a number of guidelines to ensure the landscape screening is promoted to avoid the creation of visual barriers that would detract from the overall visual integrity of Mission Trail Nature Preserve. This mitigation measure also requires that future exterior changes, including fencing, be subject to a design review process to ensure that the City has additional oversight capacity to ensure that any future fencing is consistent with the intent of this mitigation measure. Mitigation Measure 4.1-4 has been revised to provide additional clarification. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

W4: Comment acknowledged. Please refer to **Section 5.0 Revisions to the Draft EIR.**



pobox 5506, carmel, ca 93921 • p & f: 831-626-3814

Restoration Plans • Biological Surveys • Monitoring & Reporting • Native Landscape Design

February 18, 2009

Mr. Sean Conroy
City of Carmel
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: Comments on the RDEIR for the Sale of Flanders Mansion Property, Dated January 2009

Dear Mr. Conroy,

I have reviewed the RDEIR for the Sale of the Flanders Mansion and would like to submit to you the following comments.

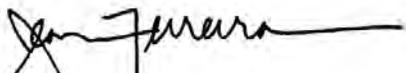
The biological resource section of the study failed to identify or discuss potential impact to *Piperia yadonii*, a Federally listed endangered species. Only a fleeting mention was made of a "report of the presence" of the plant in the Rowntree Native Plant Garden in the resource section appendix. Otherwise the RDEIR did not adequately explore the possibility of it being present on the Flander's Mansion parcel and possible project impacts.

The surveys conducted for the studies, both for the first DEIR and this RDEIR were performed at the wrong time of year to see *Piperia yadonii*. It is visible above ground less than six months per year and can only be identified to species while in bloom during the summer months.

Piperia species are member's of the orchid family, and persist year to year as underground bulbs. Because of their underground retreat during much of the year, *Piperia* has survived landscaping planting and a change in native plant cover at other sites. It can not be concluded that *Piperia yadonii* is not present due to extensive landscape and non-native plant coverage at the mansion site without surveys conducted at the correct time of year.

The *Piperia yadonii* population that I have been monitoring for numerous years in the Rowntree Native Plant Garden is a naturally-occurring population. Individuals of *Piperia* are growing within 15 ft of the boundary shared with the Flander's Mansion. This proximity of ESHA to the project site deserves more study and consideration before drawing conclusions that ESHA will not be impacted by this project.

Sincerely,


Jean Ferreira
Botanist, jf.bcs@sbcglobal.net

LETTER X: JEAN FERREIRA

X1: The comment identifies that the RDEIR failed to analyze potential impacts to *Piperia yadonii*. More specifically, this comment identifies the presence of Yadon's rein orchid in the Lester Rowntree Arboretum. This occurrence of Yadon's rein orchid, however, was located within the Lester Rowntree Arboretum and would not be disturbed during any future projects associated with the Flanders Mansion property. The proposed project consists of the sale of the Flanders Mansion project and no direct physical impacts to biological resources are anticipated to occur. Nevertheless, the RDEIR evaluates potential indirect impacts that may occur as a result of a future use and mitigation measures have been incorporated to ensure that reasonably foreseeable impacts associated with the future use of the property are reduced to a less-than-significant level. Specifically, Mitigation Measure 4.2-1 requires that spring-time floristic surveys be conducted to determine the presence/absence of those plant species identified as having either an unlikely or medium likely of occurrence. These surveys are required to be completed prior to the issuance of any building permit associated with future construction activities that may occur on-site as a result of a future use. Existing mitigation measures identified in the RDEIR are sufficient to ensure that indirect impacts are reduced to a less-than-significant level.

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Michelle Y. Reggett
Name(s) and signature(s)

Michael M. Reggett

25200 Hatton Road
Address

01.26 2009
Date signed:

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

Y-1

I frequently walk on Hatton Road and in Mission Trails Park. Rarely, if ever, do I pass by or even see the Flanders Mansion. Selling the mansion (which I think is clearly the best option) would in NO way affect my enjoyment of Mission Trails Park.

(OVER)



LETTER Y: MICHAEL & MICHELLE RAGGETT

Y1: The comment identifies that the Flanders Mansion should only be sold for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. The comment also identifies that single-family residential use would have virtually no impact on the public use of the Mission Trail Nature Preserve and the Lester Rowntree Arboretum. A detailed response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference,** and **Master Response 5, Transportation/Traffic.** The comment is also referred to the decision-makers for their consideration.

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

RECEIVED
JAN 30 2009
CITY OF
CARMEL-BY-THE-SEA

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (s) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Z-1

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely, *Robert W. Fava*

Susan Fava
Name(s) and signature(s) SUSAN FAVA

25545 HATTON ROAD
Address CARMEL, CA 93923

1/29/09 2009
Date signed:

Ms. It is time for the City of Carmel to sell this property to save money when the economy is so down and return the use of this fine old mansion to its original use. The people behind the Flanders Foundation do not live in this neighborhood and their opinions on this property are less relevant.
RMFava

LETTER Z: THE FAIA'S

Z1: The comment identifies that the Flanders Mansion should only be sold for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. The comment also identifies that single-family residential use would have virtually no impact on the public use of the Mission Trail Nature Preserve and the Lester Rowntree Arboretum. The comment letter also identifies that the City should sell the Flanders Mansion due to the current state of the economy and costs associated with restoring and maintaining the property. A detailed response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic**. The comment is also referred to the decision-makers for their consideration.

**Planning Commission
February 11, 2009
Public Comments**

Chairman Strid: OK, City of Carmel-by-the-Sea Flanders Mansion consideration of a revised Draft Environmental Impact Report for the sale of Flanders Mansion. This item is to receive public comments regarding the adequacy of the RDEIR. Is there going to be a staff report or are we just going to receive comment?

Sean Conroy: I can give a brief staff report.

Chairman Strid: I have a couple of things I'll say after the staff report.

Sean Conroy: Thank you Chairman, members of the Commission. Just as a brief summary the Recirculated Draft Environmental Impact Report began circulation for the public comment period on July, excuse me, January 5th of this year. It was a 45 day comment period and that will end on February 18th. Tonight is an opportunity for the public to provide verbal comment as well as any comments you would like to submit. Tonight is not the final opportunity. You can continue to submit written comments up until that February deadline for the public comments. Once those have been received we will take them back and those comments will be addressed and made part of the Final EIR. Once that is prepared it will go back through the public hearings process and will include hearings with Historic Resources Board, Forest & Beach Commission, Planning Commission and ultimately City Council.

The goal tonight is for the public to have opportunity to discuss the adequacy of the document. It is not to state your opinion on whether or not the City should sell it or which alternative should be taken. Just an opportunity to provide guidance on the document itself.

Chairman Strid: OK, I'm just going to restate a couple of things he said because I recognize everyone would like to be heard on this and I'm pretty sure quite a few people are here for this. Limit your comments to the adequacy of the document before us, whether it is complete or accurate. It's not going to be a question and answer period. There's not going to be discussion and please take what Sean said quite literally, we're not here to have a vote whether you are in favor of selling, in favor of leasing or in favor of doing anything else with Flanders Mansion. We are just here to only discuss the adequacy of the document before us. So, if you can do that great and I won't have my three minute limit like we never do but if you go too long I'm going to raise my hand and ask you to cut it a little shorter. And if you have written something and presented that to us that's as good as being spoken into the microphone, you don't have to get up and re-state, we may save a little time there.

Having said that, I've taken up more time than you did. I will now open the public hearing and take any input with regard to the revised EIR.

Melanie Billig: Hello, Commissioners, Melanie Billig, president of Flanders Foundation. Nice to be here with you this evening. The Flanders Foundation appreciates this opportunity to comment on the re-circulated draft EIR. I want to thank staff and the consultant for basically a pretty good job. That being said, that doesn't mean that we don't have some

concerns and some questions about what's being presented. But we'd also like to, at this point, acknowledge the City for having done some very good work up at Flanders as a result of the Court's mandate, and we thank the City very much for that. I know those of you who frequent the park often have probably noticed that it's not always as visible to the average public because many of the things have been done on the inside, and you're aren't allowed access to the inside.

During this very important process, I'd like to ask staff to please keep us notified of any public hearings, any meetings, or any information so that we can fulfill our function. Not only would we ask you to notify us, but also our counsel, Susan Brant Hawley.

First of all, I'd like to talk to you about the project and the objectives. We simply believe that the City has not made the case that the sale of the Flanders property is necessary. From the outset of this process in 2005, with the notice of preparation, project identification, our foundation, up until today, still contends that the City continues to narrowly define its project. There is very little specificity regarding uses, which make the discussion of mitigation measures too general and vague, in many cases, to adequately assess impacts and the adequacy of those basic mitigation measures.

The City also must comply with various State Codes regarding the sale of parkland, which the Commission is aware of, but we feel that in this document the consultant has not explained those to the public. Our foundation members understand them, our board members understand them, but the general public would not understand that before the City can put the property up for sale, it has to offer it to a variety of state and local agencies, and they can offer uses for that property. That's not adequately explained in this document, and so we would like to ask that be done.

We also continue to believe that since 2000, the City has inappropriately focused simply on raising the issue of Flanders in terms of economics. Basically to raise funds for the City, to promote the idea that the Flanders property is a drain on City resources, and that it is in such poor condition as to warrant the necessity of sale due to the cost of upgrading the property. None of this is true. And none of this case has been made for any of these three things in this document.

Since 1998, the City has spent very little on the upkeep of Flanders. It's a real testament to the outstanding design and construction of the building that it has weathered the years of City neglect. Our foundation has repeatedly sought City cooperation and offered to raise money through grants and donations to restore this house, to refurbish this house and upgrade it. Our request has been absolutely ignored, met with silence. So it's very hard for us to understand when the City hasn't gone out for grants itself, and it doesn't want grants from a main body of the public who would like to see it protected and preserved, that it can make the case, that there's no money there to do these things.

Also, the secondary objectives that are in the draft EIR, I'm sure all of you have read them, our contention is that these objectives really lead to one conclusion and that is that the City should not be selling the property. They fail, again, like I said, to make the case. Our belief is that the City has not made its case in this project as being necessary or appropriate. And I'd like to go through, just real briefly, because most of these people here may not have read this, but the City actually says that it wants to sell the property because it wants to insure that the mansion is preserved as a historic resource. So that's why we're selling it. Our contention is, and they don't prove it in this document, that it can be better protected, our contention is that it absolutely cannot be better protected than if the City has it, and if it's either kept in the public domain however it is best preserved as a historic resource. And also they, secondly, say that the mansion

AA-1

AA-2

AA-3

AA-4

building and property are to be put to productive use, and that somebody else can put it to more productive use than the City can. Well, our contention is the City hasn't really looked to see how it can put it to productive use, it simply looks at it as a cash cow. And we have no concept and it's not explained in the document what productive use really means. How do you describe that? It's not really described, "productive use," I mean what is productive use to one person may or may not be productive use to another, but we believe that the most productive use is to keep it in the public domain, and that's consistent both with the zoning codes and with the general plan and local land use plan.

It also talks about insuring that the future use of the property will not cause significant impacts on the adjacent neighborhood. Well, how could we better protect the adjacent neighborhood than to have it under City control where the City is monitoring and managing it?

Also, it talks about the best way to insure in the future that the use will not significantly disrupt the public's enjoyment of the park and the arboretum is to sell it. That makes absolutely no sense at all. It's not explained in here how that is the best solution and why it works.

Then, under their fifth objectives, the best way to insure the park's environmental resources is to sell it. The park's environmental resources can best be protected if the City follows the Mission Trail's Master Plan, and if the City retains the property itself and allows other people to assist in the financial aspect of it.

And then the City says that it wants the mansion property to continue to provide "as many park benefits as practical." That's not really explained either. And so we want to know, what does that really mean, and who's going to decide what is most practical, and we can look at, obviously, that alternatives and figure out maybe what some of those options might be. But why should the public be asked to or forced to accept only as many park benefits as are practical?

In terms of the environmental impacts and mitigations, the sale of the Flanders Mansion and occupancy by new owners could result in changes that affect the historic setting of the resource. This cannot be mitigated. There's no way that you can actually mitigate this, especially if it's physically separated from its surroundings, because historic national register properties, the context in which those properties are placed, is a very basic aspect of its historicity. So we have a huge problem with that, and we think that the mitigation measures offered are totally inadequate, and fail to solve the very major issue of this national register property, because once you take it out of its basic context as an open space, a house placed in a park-like, forested setting, and all of the sudden you start allowing single-family residence there, all of the sudden it doesn't become the same place for the people who enjoy the park.

Also, we're very much concerned about the preservation plan that's offered in this document. We mentioned before that we felt that it was inadequate; we still continue to think that it's inadequate. To simply say a preservation plan is to provide an archival history, a summary of what the current structural setting is for it, or standards or situation, and then say that if you have the Secretary of the Interior's guidelines, well, that's a preservation plan. We just don't find that this is adequate at all. Plus, we have no concept of what that plan is going to be, what's it's actually going to look like, because it's not going to be done until after the property is sold, if the City has its way. So how are we ever going to assess proper preservation?

Also, the EIR discusses what the preservation plan, it uses words like, "should be developed," it doesn't say, "must be developed," or, "shall be developed," and I need not tell any one of you how important the difference is between should and shall or must. And so it makes it a very brief document to be sure. So those are some comments on the specific language in there

AA-4
cont.

AA-5

AA-6

that really needs to be looked at very carefully by the staff and consultant. AA-6 cont.

Also, one of our major concerns about what the ADA requirements are, have any of you thought about the fact that for disabled people, one of the few ways that they can get to a spot in the park that they can enjoy is to come down that driveway and to park and have at least the surroundings of the mansion and what used to be its gardens, and a fairly flat spot where they can sit and relax and enjoy the park, at least from that vantage point. And so if we start taking the driveway away, that's a really important access area for disabled people. AA-7

Another thing they discuss in the impacts, they talk about the single family house, and they're talking, of course, about walls and fences. And walls and fences are simply not mitigatable. I mean once you start putting walls and fences in the middle of a park, then you really start to destroy the ambiance and the feeling of the park. The EIR does a very good job, actually, of talking about the importance of views and scenic vistas, and access to the trails. AA-8 Well, maybe you can move the trails around a little bit, which causes potentially more environmental damage, but you can't change views and vistas. I mean you don't just paint them in another spot, and so talking about mitigation measures, where you go to a different location and you're going to have the same view, that's just not how it works.

The other thing that the EIR doesn't talk about is if the property remained in public hands, and it were restored, people could go inside, and there are some lovely views from inside that house. Most of you probably haven't really had a chance to see them, but they're there. AA-9 And if the invasive plants were cleaned up around there, they would make magnificent views all the way around.

Another thing I should mention is that in the EIR some of the pictures are incorrectly noted as to location. The front of the house is not where the driveway is. The front of the house is the southerly part of the house, where the patio is on the front, and that's how the house was designed, and that type of thing needs to be corrected. Also, Gutterson was an architect and in the . . . these are just coming to mind, in the draft EIR we asked last time that they please correct their mistakes. They've got him as a draftsman, and then they've got him as an architect, and then they've got him as a draftsman architect, there's no consistency about who Henry Gutterson is except that he's a very important architect in California. AA-10

Let's see.

Male Voice: Are we just about wrapping up?

Melanie Billig: I just want to say that for your purposes, I think that we all, and for the public's purposes, that the proposed project is a clear violation of eight General Plan goals, policies, or objectives. And if for no other reason, this project should be denied, because there's no overwhelming evidence that the City doesn't have the money to take care of this place or restore it, and that other people would not help the City. It simply can't make its case monetarily. And that alone may be enough to just right there simply stop it. I would just mention to you that the City of Carmel is in very good financial shape. Last fiscal year was over \$1.2, \$1.4 million in the black. It has over \$10 million in reserves. I venture to say there are not many communities on the peninsula, or in the state, that are in, for the population or our size, or even if you carry that out and magnify it to whatever their population that has that kind of solid footing. So to say that there isn't money there to do any of these things is not true. AA-11

Just to wrap up, in terms of the alternatives that are offered, the project alternatives, no project alternatives has a lot of problems with it, because it's not adequately discussed. AA-12

Basically, it doesn't discuss what uses the City could put to the property and we intend in our written comments, that we're going to turn in and show them to you, that we will go over that. And it automatically assumes that facility upgrades are not going to occur to the property, and we ask absolutely why would there be no upgrades to the facility? That's ridiculous. There could be community groups who would do this, such as ours, there could be individuals, but those things need to be discussed and explored, just not dismissed out of hand and say, "Well, nothing is going to happen if you go with the no project. It's just going to sit there and rot." Well, that's simply not the case.

AA-13

And, I will just close and say that again we intend to follow up with our written comments and we thank you very much for your kind attention, and we'll be seeing you in the next round. Thank you very much.

Chairman Strid: Thank you.

Yoko Whittaker: Good evening. Chairman Strid, Planning Commissioners, I'm Yoko Whittaker and I'm a resident of Carmel-by-the-Sea. I have lots of comments and I'm going to say after your introduction I realize that some of these are not applicable to this particular question tonight. And I really don't have much to add to what Melanie Billig said, because she covered things very well, but I just have a couple of things to add to that.

I question the assessment that leasing the Flanders Mansion property for single-family residential use would generate the lowest level of traffic and trips. There could be more than two adults in residence, as there could be adult relatives and household staff and residents. Add to this the possibility of teenaged or adult children. The traffic generated will be taking place at all hours of the day and night, whereas a nonprofit organization would have a controlled number of staff, would operate during daylight hours, and if there was an evening or day event, parking would take place offsite, away from the neighborhood, and groups would be shuttled in a single vehicle. The noise that could be generated by a family is unpredictable and could easily reach a volume that could disturb neighbors and wildlife.

AA-14

A single family could not be regulated like a nonprofit organization can. If a single family required perimeter fencing for privacy, it would damage the integrity of the historical setting, disrupt pedestrian and animal circulation, and affect views of and from the Flanders Mansion property, creating historical, recreational, and aesthetic issues. It is disturbing to see multiple references in the re-circulated draft EIR to the possibility of "walls" being required by single family as Carmel-by-the-Sea has always encouraged residents to construct fences with openings between boards to allow visibility. Under Aesthetics, 4.1-4, Mitigation, where solid walls are referenced and the measure says, "shall be discouraged," should read, "shall be prohibited."

AA-15

And there were just a couple of corrections, Melanie mentioned one of them about Henry H. Gutterson being referred to as a draftsman instead of an architect. And it is also stated that the house was used by the Carmel Preservation Foundation when in fact it was Carmel Heritage. In the chronology that's dated 1924 to 2008, it does not mention the 1995 Alliance on Aging Decorator Showcase event that took place there. This is significant because it demonstrated that a nonprofit can hold an event that promotes the Flanders Mansion while generating revenue from hundreds of attendees who were all shuttled to the site from outside the city. There were no problems with traffic or noise to the neighborhood during this event.

AA-16

Now, Melanie mentioned about the photograph of the house, the front of the house versus the back of the house, now, based on the way that the house was identified where east and west and north and south were, the way I read it is that in Figure 4.1-4, photo number one incorrectly identifies the east side of the house, facing the driveway, as the front of Flanders Mansion, when in fact it is the back. There should be a representative photograph of the west side of the house which is the front of Flanders Mansion with its raised open-entry court. Thank you very much.

AA-17

Chairman Strid: Thank you.

Robert Knight: Good evening. I'll keep my comment brief. I would have kept it briefer but I was asked to respond if anyone spoke regarding Flanders Mansion. My name is Robert Knight and my family and I live at 25524 Hatton Road in Carmel. I'm speaking on behalf of the Hatton Fields Resident's Association. A few of the members who normally speak are on vacation so I was elected to do this tonight. We're a large group of residents in neighborhoods in Carmel located near Flanders Mansion, and we are an association based on preservation. Preservation of the people and the residence, the quality of life and the safety of the community around the mansion. We have submitted already 30 letters, so I'll keep it brief, but I think there's a number of other ones on the way before the deadline submission date.

Our position is that the Flanders Mansion should be sold for the purpose for which it was built: single-family residence. No public or quasi public use should be permitted. Our position is that Flanders . . . that it is historical use of Flanders Mansion built in 1924 and the impact, as stated in the EIR, would impact traffic and congestion considerably in the area. Just to put a human face on it, my wife and I walk with our little baby son around the block many times every day and we encounter a lot of other residents that do the same. It's a narrow country road and the entry where it's proposed for Flanders is probably the worst turn on the road. I've seen a lot of near misses there ourselves, in fact we don't even go around that corner because it's bad enough right now, we turn the other way. So any impact on the neighborhood would really affect the demeanor of the neighborhood and the safety of the people. So, our premise is that there's still a lot of land there to be enjoyed, a lot of parkland that can still be accessed by a lot of people, and that the only responsible action is to sell it as a private residence only. No public or semi-quasi public use.

AA-18

Also, as far as impact goes, to think that one family is going to make more noise than events is just hard to consider. And so, again, we believe that's the only responsible action, so I'll keep it brief, I won't go into detail, but I think you have the 30+ letters that the residents . . . and like I said, those letters represent families, so it's not just the 30 people, but it's residents on both sides of the canyon, all throughout Carmel-by-the-Sea, as well as just our local neighborhood. So, the Residents Association has grown in size considerably and I believe strongly that it would preserve the quality of life for everybody who lives here. If you look at a map, there's not one commercial usage anywhere around the Flanders Mansion. It's concentrated downtown. And we think that's appropriate. So, anyway, thanks very much.

Chairman Strid: Thank you.

Female Voice: Chairman Strid, Commissioners, and staff, I've been asked by Francis Skip Lloyd, a resident of Hatton Road, who lives very near the Flanders Mansion and is supportive of retaining the mansion in City ownership, has asked me to submit, for the record,

his lengthy comments. They are way too long for me to read into the record, and I will give them to Leslie for that purpose. Thank you very much.

Chairman Strid: Very good. Thank you.

Suzanne Lehr: I'm Suzanne Lehr, and I, too, am representing the neighbors of Hatton Road. There are 38 letters so far that have been submitted. You did a wonderful job on the EIR and we are very pleased with it. What we have to remember is this is a residential neighborhood. Every single one of these 38 families, and there are many more coming in, feel very strongly that we should not be impacted by commercial use.

Number two, I've been here in 2000 when this all began, and truly if the Flanders Association is as strong as it is, and is as good a fundraiser as they are, why haven't they even tended the gardens in the last nine years? Why haven't they raised some of the money that could be used for this project? It's just a shame to see the shambles that have gone on in the Flanders Mansion. It's being used by skateboarders going down that driveway. I've been kids smoking dope there; I've even called the City Hall about it. And, as I say, 38 letters have come in, there are many, many more people who feel as I do. This is residential housing. Flanders was a residential house, and that's how it should remain.

AA-19

Chairman Strid: Thank you.

Joyce Stevens: Good afternoon, Chairman Strid and Planning Commissioners, I'm Joyce Stevens. I live in Carmel Woods and the good news is I don't have time to read all my EIR comments, so I'm just going to hit a few highlights. I'm going to make two main points. One is the EIR has really not shown that there's a valid reason to sell Flanders, and the second point is that there is significant and unavoidable impacts on the parkland itself.

So, the first obvious point is that the City has not presented a valid reason to sell Flanders Mansion. The original EIR stated that the sale was to generate funds, this is in quotes now, "to generate funds for needed City capital improvements." However the City has recently announced that there is a financial surplus which could be used for capital improvements, therefore, that sale reason had to be changed. I would like to add here that reasonable City policy would not be to decide to sell a City treasure to fill the equivalent of potholes.

Now, in this current EIR, the reason for the sale has changed to, and I quote, "divest the City of the Flanders property which is in need of significant short term and long term repair and rehabilitation." However, since the City now has adequate funds to do this, this new reason also doesn't work. Beyond that, there has always been funds to maintain Flanders Mansion. The transient occupancy tax, the TOT, has always authorized that part of the TOT would go to fund, and I quote, "parks, public facilities, and municipal structures," unquote. So after two tries, the City has still not justified the sale of Flanders. Finally, it goes without saying that the \$500,000+ that the City has spent on unnecessary consultants, environmental documents, and legal fees could have been spent fixing up Flanders.

AA-20

Okay, my second major point is that the significant and unavoidable loss in degradation of the parkland. And I hope that all of you have been up there to walk through the Mission Trails Nature Preserve in the steps of the good father, and if you haven't, maybe we can arrange a really nice field trip some day. But, anyway, I want to say, because I've been there many times, and led many hikes through it, the Mission Trails is by far the largest inland open space in

AA-21

Carmel. It's a wildlife haven, a native plant showcase, and has got six separate habitats up there in that small 35 acres. It's wonderful. It's got an arboretum, and some people think that native plants look sloppy, but that's a native plant arboretum which was planted in honor of Lester Rowntree who lived to be 100 years old, founded the California Native Plant Society, and so it has these somewhat untidy native plants there in her honor. It's a hiking paradise. It's got this wonderful network of trails, and it's a perfect picnic place for everybody, and not to mention that it's a historic trail.

The sale of Flanders cuts a hole right out of the heart of the Mission Trails. It creates an inholding. Now creating an inholding is one of the worst things you can do to public space, because the state parks, national parks, they buy up inholdings to get rid of inholdings, so creating an inholding is just the worst thing you can do to a park. And also, an inholding will present insurmountable management problems. All of this was mentioned in the RDEIR. The sale would also create other serious impacts on the aesthetics, the biological resources, the cultural resources, and the land use. And I will discuss those in my written comments. So I urge you to reject the EIR when it finally comes before you, and I really support retaining Flanders Mansion. Thank you so much for your attention.

AA-21

Chairman Strid: Thank you.

Anne Bell: I'm Anne Bell, Carmel resident, and I'm going to save you some time, because I've written out my comments and I'll give them to Leslie.

Chairman Strid: Thank you.

Caroline Snarf Akan: Hi, I'm Caroline Snarf Akan, and I'm a neighbor of Flanders Mansion, and I actually moved in as a neighbor right next door when I was seven years old. And that place was empty, and the City did not own it at that time, and it was just an empty mansion, and there was all that land back there that was completely wild, there were no trails or anything. Anyway, and then we thought maybe that they'd build condos back there on that land, but thankfully the City bought the land, so there was no development. And you also bought the Flanders Estate. So that seemed to me, as a child, kind of odd that the City would buy the Flanders because what would a City want with a big, empty house. And actually it was very hard for the City to find a use for that house. And I've had some friends that, you know, the Dowd's lived there for a while, back in the 70s, and the janitor from Carmel High School lived there for a while with his family, but it was always sort of a misfit use for the Flanders. And then there was this time in the 80s and 90s when there was trying to be more public stuff, and that didn't quite work out either, and then the neighbors started thinking, "We don't want public use for the Flanders Estate." And it turns out that my mom lives right next door, and she started telling me how she didn't think it was a good idea that the City should use it for public use because of the traffic issues. And so I tended to agree with her on that, and then as years went by, I bought a house up the street on Hatton Road, because I loved the neighborhood, and I hike in those trails almost every day with my dog, and I have two small children, and we have a lot of traffic on that road from when houses are being built, like right now there's a huge house being built on Mountain View and Hatton. Tons of construction trucks for a year now, and we like to have a really quiet neighborhood on Hatton Road, and you can tell by some of the comments by the people that live there that that's why we bought that land, and it's expensive property up

AA-22

there. So my thoughts are just consistent with my mother's thoughts, which is we need to keep it in the public, I mean the private property domain, because a family can care for a home like no city can, and that's just the way humans are, they care for their own property. So I just want you to keep that in mind, because that's about all I know about the situation. Thanks.

AA-22
cont.

Chairman Strid: Thank you. Anyone else?

Dr. Faia: I'm a newcomer to this, standing in front of the Commission like this. I grew up on Hatton Road, and I went to Carmel High School, and graduated in 1960. My name is Dr. Ron Faia, and my father built a house there. And, oh gosh, in the 70s, I bought a lot there. There are more neighbors now. And it was always a private residence when I was a kid. And a classmate of mine was Eric Norberg, and his father was the mayor of Carmel, he was the one who was, I think, partially responsible for buying the Flanders Estate for the City, and then he got married there, a second wife, and so he had a lot of feeling for the house, and of course, most of us that were living in the neighborhood, we thought that was kind of unusual to see. I watched the transgression of this house go from a beautiful estate to a dilapidated building. And I personally feel that a private residence in that area is what it really needs to be again. And, so it sounds like the reports that were made point that direction. The City wants to divest itself with it, and it seems like the right thing to do. So I hope that you give it a lot of thought and progress in that direction. Thank you.

AA-23

Chairman Strid: Thank you. Anyone else? Okay. Thank you all for coming and making your comments this evening, and those will be looked at and become a part of the record of the EIR as having been revised several times. Yes Steven (Commissioner Hillyard)

Commissioner Hillyard: Is it totally inappropriate if I make a couple comments?

Commissioner Strid: No, that is what we are here for.

Commissioner Hillyard: This is very general and it goes not to the issue whether is should be sold or used by but the way the EIR was written. As I read it through, and I'm still contemplating it. I felt that a lot of the impacts stated there were social impacts as opposed to physical impacts. EIR's are supposed to be limited to physical impacts. I also felt that a lot of the indirect impacts stated in there were speculative in nature and EIR's are supposed to be, the indirect impacts must be reasonably foreseeable and not speculative. I won't go into details, but I felt that was a pattern all the way thru it. I also felt that if you read it and see where they quote the CEQA guidelines as to how an impact should be considered, as to whether it is an impact or a substantial impact they stated the guidelines and then ignored them in many, many, many cases. They didn't follow the guidelines and didn't attempt to in certain areas. Finally, it ignores the fact that it's the impact of a sale of piece of property, but it ignores the fact that if the City keeps it, it would be put to the same use as if it were sold. So, are these secondary impacts really an impact on the sale of property or the fact that it has to be used in some fashion. That's all I have to say.

AA-24

AA-25

AA-26

Chairman Strid: Does anyone else want to put anything else in at this time? Ok, as I said once again thank you very much for coming and giving your comments.

Sean Conroy: The only thing I would add is just a reminder that the comment period runs until February 18th.

LETTER AA: PLANNING COMMISSION PUBLIC HEARING

AA1: The comment identifies that the City of Carmel-by-the-Sea has too narrowly defined the project and that the level of analysis is too general to solicit meaningful comments. In addition, this comment also suggests it is difficult to ascertain the effectiveness of proposed mitigation due to the lack of detail surrounding the type of uses that may occupy the Flanders Mansion. Please refer to **Section 3.0 Master Responses to Comments, Master Response 1, Definition of Project Objectives and Alternatives** for further discussion.

AA2: The comment identifies that the RDEIR should include information related to the requirements of the Surplus Land Act. In response to this comment, the RDEIR has been revised. Please refer to **Section 5.0 Changes to the Recirculated Draft EIR.**

AA3: The comment suggests that the City has inappropriately focused on the issue of economics as a rationale for selling the Flanders Mansion property. Specifically, this comment states that the City has failed to demonstrate that the costs of upgrading the Mansion warrant the sale of the property. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 9, Economic Feasibility, and Master Response 10, City Finances.** In addition, this comment also identifies that the City has spent very little on upkeep and has repeatedly ignored requests by the Flanders Foundation to work on efforts to restore the property through grants and fund-raising efforts. Please also refer to response **C-2** for further discussion.

AA4: The comment contends that the secondary objectives identified in the RDEIR support retaining the property in City ownership, rather than supporting its sale. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 2, Secondary Project Objectives.** The comment also identifies specific concerns with secondary project objectives related to ensuring that the property is put to productive use. By “productive use”, the City means its goal and objective is to see that the Mansion is used and rehabilitated, including long-term and major systems repairs, rather than remaining vacant and unused or being leased intermittently. In response to this comment, the meaning of “productive use” in the Project Objectives has been amplified. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

AA5: The comment identifies that the sale of the Flanders property would result in the property being separated from its historical setting and that this impact cannot be mitigated to a less-than-significant level. Moreover, this comment contends that the mitigation measures identified in the RDEIR are inadequate to address impacts to a property that is listed on the National Register of Historic Place. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 11, Cultural Resources/Preservation.**

AA6: The comment identifies specific concerns regarding the preparation of a preservation plan to mitigate project impacts. Mitigation Measure 4.3-1 requires preparation of and adherence to a detailed preservation plan which is consistent with the U.S. Secretary of the Interior’s Standards for the Preservation of Historical Resources (“Secretary of the Interior’s Standards”) and City ordinances. The preservation plan must be prepared by a qualified professional who meets the Secretary of the Interior’s Professional Qualification Standards. The plan is required to document existing conditions, anticipate changes that could be reasonably be expected to occur and provide recommendations on how to preserve the character-defining features and integrity of the historic resource. The Mitigation Measure also sets forth specific standards and requirements for the plan.

The Preservation Plan would augment existing City ordinances regulating repair, maintenance and construction involving historic resources. If the Flanders Mansion property is sold into private

ownership, the new owners would be subject to the procedural and substantive regulations in the Municipal Code as administered by the City. Moreover, the Superior Court, in its ruling on the adequacy of the 2005 DEIR, as modified in the FEIR, determined that this mitigation measure was consistent with the requirements of CEQA and determined it was legally adequate to mitigate project impacts. For further discussion concerning potential impacts to a historic resource, please refer to **Section 3.0 Master Responses to Comments, Master Response 11, Cultural Resources/Preservation**. In addition, this comment also identifies that Mitigation Measure 4.3-1 should be revised to require that the preservation plan shall be required. In response to this comment Mitigation Measure 4.3-1 has been revised. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

AA7: The comment identifies that the Flanders Mansion property and associated driveway currently provide the only opportunity for handicap access to the Mission Trail Nature Preserve and that the loss of ADA access should be considered by the City. Please refer to **Section 3.0 Master Responses to Comments, Master Response 8, American with Disabilities Act of 1990 Requirements and Handicap Access to the Mission Trail Nature Preserve** for further discussion.

AA8: The comment identifies specific concerns related to aesthetics and potential visual impacts associated with the introduction of walls and/or fences. Specifically, this comment identifies that potential visual impacts associated with introduction of exterior elements (i.e. fencing) cannot be mitigated to a less-than-significant level and would impact the visual integrity of the Mission Trail Nature Preserve Mitigation Measure 4.1-4 contains a series of guidelines to ensure that fencing and/or other exterior elements minimize visual impacts. Since a future use has not been identified at this time, these guidelines are necessary to ensure that the most visually sensitive areas of the Preserve that are adjacent to the site are protected. In addition, this mitigation measure also contains a provision that any future exterior elements be subject to a design review process to ensure compliance with the general guidelines identified in Mitigation Measure 4.1-4. Incorporation of appropriate fencing in compliance with these standards can minimize visual impacts by encouraging the use of vegetative screening and other mechanisms to preserve the visual integrity of the Mission Trail Nature Preserve. For further discussion regarding aesthetic impacts, please refer to **Section 3.0 Master Responses to Comments, Master Response 6, Aesthetics**.

AA9: The comment identifies that the RDEIR did not evaluate potential impacts due to the loss of views of and from the interior of the Flanders Mansion. The views from within the building itself are limited to a few members of the public who might have interior access and were not considered in the EIR to be a significant impact. Rather the RDEIR determined that, the area around the property is considered to provide ample viewing opportunities for the public and that these areas offer substantially better views of the surrounding area than compared to views from the Flanders property itself.

AA10: The comment identifies several errors in the RDEIR related to the location of certain aspects of the Flanders Mansion. The RDEIR has been revised in response to this comment. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR**.

AA11: The comment identifies that the project is in violation with several General Plan policies and the project should therefore be denied. As identified in the RDEIR, it is ultimately up to the discretion of the City of Carmel-by-the-Sea to determine whether the project is consistent with the General Plan. The City's General Plan contains several policies applicable to the proposed project. Some of these policies anticipate the sale of the Flanders Mansion, while others do not. The RDEIR specifically evaluated whether the proposed project would conflict with any policies identified in the General Plan that are intended to reduce and/or avoid a potential environmental impact. In the Superior Court's ruling concerning the adequacy of the 2005 FEIR, the Court determined that the City acted within its discretionary authority when it determined that the project is generally consistent with the General Plan.

Nevertheless, the RDEIR took a conservative approach and identified that the proposed project would result in the sale of parkland and would therefore could potentially conflict with provisions of the General Plan. This was identified as a significant and unavoidable impact.

AA12: The comment contends that the City has sufficient financial resources to restore the Flanders Mansion. Moreover, this comment further identifies that divestment of the Flanders Mansion on the grounds that the Mansion is in need of significant short-term and long-term repairs is unjustified given the current fiscal status of the City. A detailed response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 10, City Finances.**

AA13: The comment identifies specific concerns regarding the No Project Alternative. Specifically, this comment identifies that the No Project Alternative does not evaluate potential uses that could occupy the site under this alternative. Please refer to **Section 3.0 Responses to Master Comments, Master Response 3b, EIR Does Not Consider Other Use Reasonable for the Property under the No Project Alternative** for further discussion. Moreover, this comment contends that it is inappropriate to assume that no additional facility upgrades would be completed beyond those required by the Superior Court's order. In response to this comment revisions to the RDEIR have been incorporated. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

AA14: The comment identifies concerns that sale or lease for the purposes of single-family residential use could result in additional traffic trips beyond those identified in the RDEIR. The comment specifically identifies that the size and number of occupants could influence total traffic volumes. The traffic analysis contained in the RDEIR was prepared in accordance with industry standards. Traffic estimates were estimated using the Institute of Transportation Engineers (ITE), *Trip Generation*, 7th Edition, 2003 single-family residential factors. The comment also identifies that noise related impacts associated with single-family residential use could impact the existing neighborhood and wildlife in the Mission Trail Nature Preserve. As identified in Appendix B of the RDEIR, noise related impacts are not anticipated to exceed historical levels and were therefore considered less-than-significant.

AA15: The comment identifies that the erection of exterior elements (i.e. fencing) would result in aesthetic, recreational and historical impacts and would thereby impact the integrity of the property. In addition, this comment also identifies that Mitigation Measure 4.1-4 should be revised to prohibit the erection of solid walls. In order to reduce the extent of visual impacts associated with exterior elements, Mitigation Measure 4.1-4 contains a number of guidelines to ensure that landscape screening is provided to avoid the creation of visual barriers that would detract from the overall visual integrity of Mission Trail Nature Preserve. This mitigation measure also requires that future exterior changes, including fencing, be subject to a design review process administered by the Historic Resources Board to ensure that the City has additional oversight capacity to ensure that any future fencing is consistent with the intent of this mitigation measure. Mitigation Measure 4.1-4 has been revised to provide additional clarification. Mitigation Measure 4.3-1 and 4.3-2 also further reduce the extent of this impact. Please refer to **Section 5.0 Revisions to the Recirculated Draft EIR.**

AA16: Comment acknowledged. Please refer to **Section 5.0 Revisions to the Draft EIR.**

AA17: Comment acknowledged. Please refer to **Section 5.0 Revisions to the Draft EIR.**

AA18: The comment identifies that the Flanders Mansion should only be sold for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. The comment also identifies that single-family residential use would have virtually no impact on the public use of the Mission Trail Nature Preserve and the Lester Rowntree Arboretum. A response to this comment is

provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic.**

AA19: The comment identifies that the Flanders Mansion should only be sold for single-family residential use. Please refer to **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic** for further discussion.

AA20: The comment suggests that the City has sufficient finances to meet its current obligations in addition to meeting its responsibilities to the Flanders Mansion. Specifically, this suggests that the City has inappropriately focused on divestment when a number of other mechanisms are available to generate additional funding. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 10, City Finances.**

AA21: Comment acknowledged. No further response necessary.

AA22: The comment identifies that the Flanders Mansion should only be sold for single-family residential use due to the potential for additional transportation/traffic impacts associated with a public/quasi-public use. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic.**

AA23: The comment identifies that the Flanders Mansion should only be sold for single-family residential use. A response to this comment is provided in **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic.**

AA24: Comment acknowledged. No further response necessary.

AA25: Comment acknowledged. No further response necessary.

AA26: Comment acknowledged. No further response necessary.

SAMPLE FORM LETTER

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

RECEIVED
JAN 27 2009
CITY OF
CARMEL-BY-THE-SEA

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

BB-1

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Joyce Moffatt

Name(s) and signature(s)

25216 Hatton Rd, Carmel, CA 93923

Address

Jan. 26 _____ 2009
Date signed:

**NOTE: There were a total of 27 form letters received with no additional comments. Form Letter BB is identical to and representative of the form letters received. The following page identifies the senders' names and dates received for these letters.

LETTER BB: SAMPLE FORM LETTER

BB1: The comment identifies that the Flanders Mansion should only be sold for single-family residential use. The comment identifies that use for public/quasi-public purposes would impact the existing residential character of the neighborhood as a result of increased traffic. The comment also identifies that single-family residential use would have virtually no impact on the public use of the Mission Trail Nature Preserve and the Lester Rowntree Arboretum. Please refer to **Section 3.0 Master Responses to Comments, Master Response 4, Single-Family Residential Use Preference, and Master Response 5, Transportation/Traffic** for further discussion.

5.0 REVISIONS TO THE RECIRCULATED DRAFT EIR

The following section provides revisions to the text of the Recirculated Draft EIR, in amendment form. The revisions are listed by page number. All additions to the text are presented in underline, and all deletions are shown in ~~strikeout~~.

Under Introduction, Section 1.0, Page 1-7, is revised to include the following discussion information related to the Surplus Land Act:

1.9 Surplus Land Act

The property must only be offered for sale to certain agencies under the Surplus Land Act only if the City Council selects the project or a sale alternative and the voters have approved sale of the property at a special election. The agencies which must receive notice of the intent to sell the property are:

1. any local public entity as defined in Section 50079 of the Health and Safety Code (that is, “any county, city, city and county, the duly constituted governing body of an Indian reservation or rancheria, redevelopment agency organized pursuant to Part 1 (commencing with Section 33000) of Division 24 [of the Health and Safety Code], or housing authority organized pursuant to Part 2 (commencing with Section 34200) of Division 24 [of the Health and Safety Code], and also includes any state agency, public district or other political subdivision of the state, and any instrumentality thereof, which is authorized to engage in or assist in the development or operation of housing for persons and families of low or moderate income” and two or more of such entities acting jointly), within whose jurisdiction the land is located;
2. upon written request, housing sponsors, as defined by Section 50074 of the Health and Safety Code (that is, “any individual, joint venture, partnership, limited partnership, trust, corporation, limited equity housing cooperative, cooperative, local public entity, duly constituted governing body of an Indian reservation or rancheria, or other legal entity, or any combination thereof, certified by the [state housing] agency pursuant to rules and regulations of the [state housing] agency as qualified to either own, construct, acquire or rehabilitate a housing development, whether for profit, nonprofit, or organized for limited profit, and subject to the regulatory powers of the agency”, and “persons and families of low or moderate income who are approved by the agency as eligible to own and occupy a housing development and individuals and legal entities receiving property improvement loans through the agency”), for the purpose of developing low- and moderate-income housing;
3. any park or recreation department of any city in which the land is located;
4. any park or recreation department of the county in which the land is located;
5. any regional park authority having jurisdiction in the area in which the land is located;
6. the State Resources Agency or any agency which may succeed to its powers; and
7. any school district in whose jurisdiction the land is located.

Whether any such agency will request to negotiate for purchase of the property or be able to purchase the property at fair market value, is unknown and speculative at this time. Likewise, whether any such agency will be able to comply with the mitigation measures, conditions of sale and covenants to be recorded to run with the land, and the use to which any such agency might put the property are also unknown and speculative at this time.

As stated in this EIR, should any future use be proposed which presents potentially-significant environmental impacts which have not been analyzed in this EIR, additional environmental review in accordance with CEQA would be required. This requirement would apply to the above-listed agencies if any of them were to purchase the property and propose such a use.

Under Summary, Section 2.0, Page 2-1 through 2-2, under the heading “Alternatives Evaluated in this RDEIR,” is revised as follows:

In compliance with CEQA, this RDEIR evaluates the comparative advantages and disadvantages of a range of project alternatives. The alternatives considered in the RDEIR are summarized below.

No Project: The No Project Alternative consists of retaining the site in its present condition. This would avoid all of the environmental impacts of the proposed project but would fail to meet the primary project objective of divestment of the Flanders Mansion property by the City.

Lease for Single-Family Residential Use: This alternative would consist of the City of Carmel-by-the-Sea retaining ownership of the Flanders Mansion property and leasing the property as a single-family residence. This alternative assumes that the City of Carmel-by-the-Sea would implement some facility upgrades and maintenance requirements in order to comply with the Superior Court’s ruling. In addition, this alternative also assumes that the City, prior to the lease of the building, would implement additional facility upgrades to ensure that the Flanders Mansion is leasable. This alternative also assumes that exterior features, such as fencing, hedges, walls, gates, circulation patterns, and landscaping patterns may be made on the property to provide privacy to the future lessee and/or exclude the public from the property. Although some restrictions could be imposed by the City regarding the nature of fencing, this EIR assumes that some fencing would be required, in order to fully evaluate potential impacts. Impacts from exterior elements are considered reasonably foreseeable in the absence of a specific lessee and associate lease terms. Future terms of the lease agreement would be determined at the time a lessee was identified. This alternative assumes that the various conditions and mitigation measures identified in this RDEIR would be applicable to the future use of the property.

Lease for Public/Quasi-Public Use: This alternative would consist of the City retaining ownership of the Flanders Mansion property and subsequently leasing the facility to a low-intensity public/quasi-public use. The City of Carmel-by-the-Sea would still be responsible for implementing necessary facility upgrades and maintenance requirements in accordance with the findings of the Superior Court. Moreover, this alternative assumes that the City would be required to implement additional facility upgrades in order for the building to be leasable. Alternative arrangements could occur where the lessee would be responsible for making some limited facility upgrades, however, the nature of upgrades and associated costs would ultimately influence who would be responsible for the upgrades and under what terms these upgrades would be completed. Similar to the single-family lease alternative, this analysis assumes that some exterior improvements may be made depending on the type of public/quasi-public use. As a result, this alternative assumes that public access to and through the site could be restricted or significantly restricted. This alternative assumes that exterior changes, such as fencing or other exterior elements may be made as part of this alternative to accommodate the needs of a future lessee. The exact nature and extent of exterior elements would ultimately be contingent upon the type of public/quasi-public use. Some public/quasi-public uses may not require fencing and may permit access to the site. While some limited

public access may be permitted as part of daily operations or on a more limited basis such as special events, this analysis assumes access would be restricted under this alternative in order to fully evaluate potential impacts associated with this alternative. Since a specific type of public/quasi-public use has not been identified at this time, the following analysis is considered conservative as the scope of potential impacts is largely attributable to the type of use. Future terms of the lease agreement would be determined at the time a lessee was identified. A number of the mitigation measure that would be applied to the single-family residential use lease alternative would be applicable.

Sale with Conservation Easements and Mitigations: This alternative would consist of recording conservation easements on certain portions of the Flanders Mansion Property in order to minimize potential impacts to the Lester Rowntree Arboretum and a number of existing trails that would need to be reconfigured as a result of the proposed project. Specifically, this alternative consists of applying a conservation easement (or reducing the parcel size) over portions of the Lester Rowntree Arboretum that are located within the boundaries of the Flanders Mansion parcel. This alternative would also consist of recording an easement or reducing the parcel size along the eastern portion of the driveway to preserve existing trail access to the Mission Trail Nature Preserve (Serra Trail) and the Lester Rowntree Arboretum. A scenic/conservation easement covering the westerly/southwesterly boundary of the site to include areas bordering ESHA would be recorded to minimize potential biological impacts. The purpose of these easements would be to prevent a future property owner from erecting exterior elements or causing changes to the property within areas that are particularly sensitive, provide access to the Lester Rowntree Arboretum, and feasibly retain park benefits. These easements would restrict future development activities within portions of the site covered by the easement in order to reduce biological and aesthetic related impacts. Specifically, fencing, walls or other man-made features would be prohibited within the boundaries of the easements. These easements be recorded to would run with the land and would be legally binding on any subsequent property owner or lessee. These easements are intended to reduce and/or avoid significant impacts due to the permanent loss of parkland, ensure that park benefits associated with the Property are preserved, provide continued public use of certain portions of the property and protect environmental resources. The total land area covered by the easements would be approximately 0.5 acres. The total remaining area of the property under this alternative would be approximately 0.752 acres and it is assumed that all conditions and mitigation identified in this RDEIR would be applicable. **Figure 6.1-1** provides a graphical representation of the alternative parcel configuration and easements. Implementation of this alternative would retain existing park benefits associated with the Flanders Mansion Property to the maximum extent feasible, while still allowing the City to divest itself of the property. This alternative is not use-specific and therefore it is assumed that either a single family or low-intensity public/quasi-public use could occupy the property.

Under Summary, Section 2.0, Table is revised as follows:

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
4.1 Aesthetics		
Sale of the Flanders Mansion Property would obstruct public access to two (2) public viewing locations, which are considered scenic vistas, adjacent to the Flanders Property.	4.1-1 In order to minimize potential impacts to the two (2) public viewing areas located adjacent to the Flanders Property, the City of Carmel-by-the-Sea, prior to the sale of the Flanders Property, shall provide additional trail access to these viewing locations from either the Doolittle or Mesa Trails. Appropriate trail signage and public amenities should be considered <u>shall also be provided</u> (e.g. benches, picnic tables, or similar), subject to the review by the <u>and approval of the</u> Forest and Beach Commission.	Less-than-significant
	4.1-2 In order to ensure the long-term preservation of existing scenic vistas within the Mission Trail Nature Preserve and adjacent to the Flanders Mansion parcel, the City of Carmel-by-the-Sea shall permanently preserve these locations through scenic deed restrictions or easement, prior to the sale of the Flanders Mansion. The area of the scenic easement shall include the adjacent meadow area located south/southwesterly from the Flanders property as well as the two (2) viewing areas identified in Figure 4.1-5.	
Sale of the Flanders Mansion Property could result in indirect impacts to two (2) public viewing locations, considered scenic vistas, due to exterior changes, tree removal, perimeter fencing, and similar.	4.1-3 In order to minimize potential indirect impacts to the two (2) public viewing areas located adjacent to the Flanders Property, future exterior changes shall preserve the existing tree line surrounding the Flanders property. Prior to any tree removal and/or the issuance of any building permit associated with future use of the Mansion, the owner shall submit detailed plans, including elevations, site plans, tree removal plans, and similar documentation, to the City of Carmel-by-the-Sea for review and approval. All tree removals shall be in accordance with the City's existing tree removal ordinance and standards. Any exterior architectural changes shall also be in conformance with Mitigation Measures 4.3-1. This mitigation measure shall be incorporated as a future condition of sale or lease agreement and shall run with the land.	Less-than-significant
Sale of the Flanders Mansion Property could result in indirect impacts to the existing visual character of the Mission Trail Nature Preserve, the Lester Rowntree Arboretum, and the Flanders Property itself due to exterior changes to the property.	4.1-4 In order to minimize potential indirect impacts associated with future use of the Flanders property, no new walls, fences, gates, or hedges shall be constructed, erected, or established without the prior approval of the City of Carmel-by-the-Sea. All exterior changes shall be subject to the Design Review process described in Chapter 17.58 (<u>Design Review</u>) and Chapter 17.32 (<u>Historic Preservation</u>) of the City's Municipal Code. The primary purpose of such exterior elements shall be to delineate the property boundaries and not create a visual barrier between the	Less-than-significant

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>site and surrounding parklands. Prior to the approval of any such exterior element, the property owner shall submit detailed drawings of proposed exterior elements to the City of Carmel-by-the-Sea. This measure shall be incorporated as a condition of sale or lease agreement; †This measure shall <u>also be recorded to run with the land and be binding upon successor owners</u>. Any such exterior element shall comply with the following guidelines:</p> <ul style="list-style-type: none"> ▪ Solid masonry walls or fences that substantially block existing views of the Flanders Mansion from adjacent trails <u>and driveway and Arboretum</u> shall be discouraged. <u>Solid masonry walls shall be prohibited along portions of the property that abut the Lester Rowntree Arboretum;</u> ▪ <u>All fences/walls shall be of natural earth tones and shall not block views of the Mansion from the driveway.</u> ▪ Fencing shall be discouraged along the boundaries of the site above the circular portion of the driveway to the extent feasible (see Figure 4.1-6); ▪ If a gate is installed along the driveway it shall be placed in the approximate location identified in Figure 4.1-6; ▪ Landscape screening shall be encouraged along portions of the driveway that abut existing trails, and <u>Landscape treatments and screening shall be required for portions of the site abutting the Lester Rowntree Arboretum (see Figure 4.1-6);</u> ▪ Exterior elements shall avoid the removal of existing mature vegetation (i.e. trees), where feasible. <u>In the event tree removal is required, it shall be done in accordance with Mitigation Measure 4.1-3;</u> ▪ Exterior elements shall protect and preserve public views of the site, building and across the property; ▪ Exterior elements shall be subordinate in design character to the historic context of the site. 	
<p>Future use of the Flanders Mansion could create additional sources of light or glare beyond the historical use of the property. Increased sources of light and glare could impact adjacent parkland.</p>	<p>4.1-4 In order to minimize potential excess glare and lighting, no new exterior lighting associated with the future use of the Flanders Mansion and property shall be permitted until the future owner submits a detailed lighting plan to the City of Carmel-by-the-Sea for review and approval. The lighting plan shall, at a minimum, comply with the exterior lighting standards for the R-1 District and the following standards:</p>	<p>Less-than-significant</p>

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<ul style="list-style-type: none"> ▪ Fixtures shall be properly directed, recessed, and/or shielded (e.g., downward and away from adjoining properties) to reduce light bleed and glare onto adjacent properties or public rights-of-way, by: <ol style="list-style-type: none"> 1. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site to the maximum extent feasible; and 2. Confining glare and reflections within the boundaries of the subject site to the maximum extent feasible. ▪ 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 permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. 	
4.2 Biological Resources		
Due to the proximity of the Flanders Mansion Property to ESHA, the proposed project may result in future uses that may impact special-status plant and wildlife resources due to construction activities, such as vegetation removal or ground disturbance.	<p>4.2-1 In order to ensure that impacts to special-status plant species are less-than-significant, spring-time floristic surveys of the project site shall be conducted to determine the presence/absence of those plant species identified in Appendix A (Biological Assessment of the Flanders Mansion Property prepared by Denise Duffy & Associates, October 27, 2008) as having either an “unlikely” or “medium” likelihood of occurrence. Multiple surveys would likely be required to identify early and late blooming plant species, the blooming periods of each plant species is listed in the plant species list of Appendix A of the 2008 Biological Assessment. All surveys should be completed prior to issuance of building permits. In the event that any special-status plant species is identified within project boundaries, these individuals/populations will require special planning consideration under CEQA, with avoidance being the preferable option to mitigation. If it is determined that impacts to these individuals/populations are unavoidable, further mitigation may be required (as determined by the lead agency).</p> <p>4.2-2 In order to ensure that the ESHA are not impacted as a result of the proposed project, following any proposed construction and/or demolition, disturbed areas in proximity to ESHA shall be</p> <p>a) revegetated using appropriate native species and erosion control grass seed; in consultation with a qualified botanist (this type of mitigation may be included within the conditions of a Coastal Development Permit).</p>	Less-than-significant

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>b) provided protective fencing. placed to keep construction vehicles and personnel from impacting any vegetation adjacent to the project site (i.e. Lester Rowntree Arboretum to the east, mesic-meadow to the south). Any trees or vegetation within the API not required for removal shall be provided appropriate protection from impacts of construction activity. This includes fencing off shrubby vegetation and protective wood barriers for trees.</p> <p>c) provided erosion-control measures, implemented to assure that disturbed areas do not erode (potentially impacting off-site resources). These erosion control measures shall be presented as a component of a larger Mitigation Monitoring and Restoration Plan, specific to the project to be implemented. The plan shall specify that no land clearing or grading shall occur on the project site between October 15 and April 15 unless protection to resources is demonstrated, subject to the approval of the Community Planning & Building Department. Any areas near construction that are identified as ESHA shall be provided protection from construction impacts through approved erosion-control measures; protection shall be demonstrated prior to issuance of building permits, subject to the review and approval of the Community Planning & Building Department.</p> <p>Any areas near construction that are identified as ESHA, including trees which are located close to any construction site(s) shall be protected from inadvertent damage from construction equipment by protective flagging to avoid the site. In particular, for trees, requirements shall include wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Community Planning & Building Department.</p> <p>4.2-3 Monarch butterfly: In order to avoid potential impacts to Monarch butterfly, vegetation removal in the vicinity of the Lester Rowntree Arboretum (eastern portion of the site) shall be limited. No vegetation shall be removed during the overwintering period (October-February) until a lepidopterist or qualified biologist determine the presence/absence of an overwintering population of Monarch butterflies at the place of occurrence reported to the CNDDDB.</p> <p>4.2-4 Monterey dusky-footed woodrat: Prior to the initiation of any construction-related activities, pre-construction woodrat surveys shall be conducted. The survey shall</p>	

**TABLE 2-1
SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION**

Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>be conducted no more than 30-days prior to construction. If woodrat nests are documented as being present within the construction area, the appropriate authority (i.e. CDFG) shall be contacted. No activities on the project site shall impact the stick-nest observed behind the Flanders Mansion Property within an ESHA, unless prior authorization is obtained from the appropriate authority (i.e. CDFG). If permitted, the removal of the known woodrat nest shall be conducted according to the steps outlined in the attached Biological Assessment.</p> <p>4.2-5 Nesting raptors (and other avian species): Pre-construction surveys shall be conducted for nesting avian species (including raptors), if any construction (or demolition) is to be initiated after mid-March (March 15 to August 1). If nesting raptors (or any other nesting birds) are identified during pre-construction surveys, the appropriate steps shall be taken as outlined in the attached Biological Assessment. If project activities cannot avoid the nesting season (generally March 1 – August 31), the applicant shall retain a qualified biologist to conduct focused pre-construction surveys for nesting birds within 30 days of the commencement of construction activities to avoid impacts to any nesting birds present. The pre-construction surveys shall be conducted in all areas that may provide suitable nesting habitat within 300 feet of the construction area. If active nests are found, the biologist shall establish a suitable construction buffer until the young have fledged. For construction activities that occur outside of the nesting season (generally September 1 through February 28), pre-construction surveys are not required.</p> <p>4.2-6 Bats: In the event that tree limbing and/or removal is authorized for any future project (after sale of the property), bat surveys shall be conducted by a qualified biologist to assess the potential for the actual impact area to support the bat species discussed in the Biological Assessment. If it is determined that potential bat habitat may be negatively impacted, steps shall be taken as outlined in the Biological Survey. This should be done prior to any tree removal on the project site.</p>	
4.3 Cultural Resources		
Sale of the Flanders Mansion and occupancy by new owners could result in <u>alterations to the building or site that would diminish the historic</u>	4.3-1 The terms of any sale shall be subject to Conditions of Sale <u>requiring recordation of a deed restriction</u> , which shall run with the land <u>and be binding upon successive owners</u> , requiring the adherence to a comprehensive Preservation Plan for the	Less-than-significant

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
<p><u>integrity of the resource, changes that would affect the historic setting of the resource and/or physically separate it from its surroundings.</u></p>	<p>Flanders Mansion consistent with the Secretary’s Standards and the Carmel-by-the-Sea Municipal Code historic preservation provisions. In general, the Preservation Plan should <u>shall</u> identify changes to the property that could reasonably be expected to occur and make recommendations so that the changes would not disrupt the historic integrity of the resource. The Preservation Plan shall be prepared by a qualified professional and would provide practical guidance to the new owners of the Flanders Mansion. Said Preservation Plan shall include: 1) a history of the Flanders Mansion; 2) an assessment of the current condition of the property (building and grounds) and detailed descriptions of the character-defining features; and 3) recommendations following the Secretary’s Standards for the appropriate treatment of these features. Specific standards and requirements of the plan follow:</p> <p>A qualified specialist who meets the Secretary of the Interior’s Professional Qualification Standards should prepare the preservation plan that should <u>shall, at a minimum,</u> include the following information:</p> <ul style="list-style-type: none"> • A detailed history of the Flanders Mansion; • A discussion of its historical significance (i.e. why the building is listed in the National Register); • A comprehensive list of the features of the building that contribute to its historical significance; • A detailed description of the current condition of the building and its integrity relative to the National Register criteria; • A discussion of the Secretary of the Interior's Standards for the Treatment of Historic Properties; • Specific standards and recommendations for the care and treatment of the Flanders Mansion. These standards in this section of the plan should <u>shall</u> be based on the identified character-defining features and include relevant standards outlined by the Secretary of the Interior, and the Secretary’s guidelines in applying these standards. 	
<p>Since the project site lies within the City's known archaeological sensitivity zone, there is the potential that buried cultural resources may be discovered during project staging or construction activities. Disturbance or removal</p>	<p>4.3-3 If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the following steps must be followed: stop work in that area and within 50 meters of the find; notify the City of Carmel Building Official; and retain a qualified archaeologist to assess the significance of the find and, if</p>	<p>Less-than-significant</p>

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
of artifacts associated with a buried site would constitute a significant impact to a potentially significant resource.	necessary, to develop appropriate treatment measures in consultation with the State Historic Preservation Office.	
Construction of the project may result in the discovery and disturbance of unknown archaeological resources and/or human remains.	<p>4.3-4 If human remains of Native American origin are discovered during ground-disturbing activities, it is necessary to comply with state laws relating to the disposition of Native American burials, which falls within the jurisdiction of NAHC (Pub. Res. Code §5097). If human remains of any origin are discovered or recognized in any location other than a burial site, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> • the county coroner has been informed and has determined that no investigation of the cause of death is required; and • if the remains are of Native American origin, the descendants from the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98, or • NAHC was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by NAHC. 	Less-than-significant
4.4 Land Use		
Sale of the Flanders Mansion Property would result in environmental impacts due to the permanent loss of parkland that have the potential to conflict with certain goals, objectives and policies identified in the City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan intended on minimizing impacts to parkland and promoting public use of publicly owned parkland.	Mitigation measures have been incorporated into this EIR as part of each topical CEQA section. No additional measures have been identified.	Significant and Unavoidable
Sale of the Flanders Mansion Property could result in higher intensity land uses that could be incompatible with the surrounding Mission Trail Nature Preserve, Lester Rowntree	4.4-1 In order to minimize potential land use conflicts associated with potential future use of the Flanders Mansion Property, the City of Carmel-by-the-Sea shall require through conditions of sale, deed restriction, or similar legally-binding mechanism, that any future use and subsequent sale of the Property be restricted to those low-	Less-than-significant

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
Arboretum, and the Hatton Field residential area.	intensity uses that are consistent with the historical use of the property. <u>Any future use of the Flanders Mansion that is inconsistent with the analysis contained in this RDEIR shall be subject to additional environmental review in accordance with CEQA. Any intensification of use shall require the preparation of a Traffic Impact Analysis, which shall be provided to the County of Monterey Public Works Department for review and comment.</u> These restrictions shall run with the land and shall be legally binding on successor owners/lessees.	
4.5 Parks and Recreation		
Sale of the Flanders Mansion Property would result in the loss locally significant parkland that is considered an integral component of the Mission Trail Nature Preserve.	Mitigation measures have been incorporated into this EIR to minimize impacts due to the sale of parkland. No additional measures have been identified.	Significant and Unavoidable
The sale of the Flanders Mansion Property may result in loss of public access to and through the Flanders Property and compromise access to the Preserve’s trail system.	4.5-1 In order to ensure trail access between the Lester Rowntree Arboretum and the Mission Trail Nature Preserve is preserved, the City shall provide additional trails as shown on Figure 4.5-1 to mitigate the loss of trail access as a result of the project. Prior to the sale of the Flanders Mansion, the City of Carmel-by-the-Sea shall set aside additional trails within the Mission Trail Nature Preserve as depicted in Figure 4.5-1.	Less-than-significant
4.6 Traffic and Circulation		
The sale of the property may result in the loss of an informal parking area currently used by the general public to access the Mission Trails Nature Preserve and the Lester Rowntree Arboretum. Although not designated as public parking currently, parking in the lower driveway area of the Flanders Mansion Property would be eliminated from public access upon sale of the property.	4.6-2 In order to ensure that adequate public parking is provided, the City of Carmel-by-the-Sea shall provide additional public parking to facilitate visitor access to the surrounding Preserve and Arboretum consistent with the policies of the Mission Trail Nature Preserve Master Plan, prior to the sale of the Flanders Mansion Property. Prior to the sale of the Flanders Mansion, the City shall develop a parking plan to provide at least 3–parking spaces along the existing driveway within the Mission Trail Nature Preserve as demonstrated in Figure 4.6-2. This site shall be surfaced with appropriate materials such as decomposed granite , wood chips or similar. <u>Paved surfaces, such as asphalt or similar, shall be prohibited.</u> Construction of replacement parking shall provide for minimal disturbance to the natural surroundings and appropriate landscape treatments shall be provided to minimize views of parking from the Hatton Fields neighborhood. In the event that grading and/or vegetation-removal activities are required use of non-impervious materials shall be required. Landscape screening shall also be provided to minimize visibility from surrounding residences. <u>Native vegetation</u>	Less-than-significant

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p><u>screening shall be provided along the area of the parking edge that is within close proximity to adjacent residences.</u> All disturbed areas shall be replanted with appropriate native vegetation.</p>	
<p>Implementation of Mitigation Measure 4.6-1 has the potential to result in additional impacts to biological resources due to the construction of replacement parking.</p>	<p>4.6-2 In order to ensure that potential impacts to biological resources are avoided during the construction of additional parking, the City of Carmel-by-the-Sea shall arrange for pre-construction wildlife surveys (raptors, bats, and woodrats) to be conducted by a qualified biological professional, prior to the initiation of any construction-related activities. In the event that any special-status species are observed within the construction area or within the immediate vicinity, the proper resource agency (i.e., CDFG or USFWS) shall be contacted. No work shall commence until such time that CDFG or USFWS have been contacted and appropriate removal or protective measures have been identified.</p>	<p>Less-than-significant</p>

Under Project Description, Section 3.0, Page 3-2, first full paragraph, is revised as follows:

In 1923, real estate developer Paul Flanders moved to Carmel to establish a business and a home. Flanders selected a site just inside the City limits and adjacent to the “Hatton Fields”, land he had purchased with his partners in the Carmel Realty Company to develop for residential use. To design his house, Flanders hired one of the first -- if not the first -- professional architects to work in Carmel. Flanders’ architect was noted San Francisco draftsman architect Henry Higby Gutterson.

Under Project Description, Section 3.0, Page 3-2, third full paragraph, is revised as follows:

In 1972, the City of Carmel-by-the-Sea acquired the mansion and the adjoining parcel for \$275,000. Since that time, the house has been used as an art institute, offices for the ~~Carmel Preservation Foundation~~ Carmel Heritage Society, offices and library for the Lester Rowntree Arboretum, and housing for various city employees and caretakers. In 1989, the Flanders Mansion was listed in the National Register of Historic Places for its significance in architecture. It has been vacant since 2003. The following is a chronological history of the Flanders Mansion Property, associated uses, and relevant information related to the Superior Court’s decision concerning the sale of the Flanders Mansion.

Page 3-3, 22nd line, is revised as follows:

- 1990: City leases Mansion to Carmel Heritage for \$1.00 per year.
(Note: Other uses by non-profit groups such as the Lester Rowntree Arboretum Committee continued for portions of the Flanders Mansion for several years. Following this, a caretaker occupied the Mansion until approximately 2003. The Mansion has been vacant since this occupancy was terminated.)
- 1995: Alliance on Aging Decorator Showcase.
- 1996: Task Force established to make recommendations for long-term use of the Mansion.

Under Project Description, Section 3.0, Page 3-5, 2nd paragraph, is revised as follows:

The City of Carmel-by-the-Sea has identified the primary purpose of the proposed sale is to divest the City of the Flanders Mansion Property which is in need of significant short-term and long-term repair and rehabilitation. In addition to the primary purpose above, there are six secondary objectives:

- 1) To ensure that the Flanders Mansion is preserved as a historic resource;
- 2) To ensure that the Flanders Mansion building and property are put to productive use*;
- 3) To ensure that future use of the Flanders Mansion and property will not cause significant traffic, parking or noise impacts on the surrounding neighborhood;
- 4) To ensure that future use will not significantly disrupt the public’s enjoyment of the Mission Trail Nature Preserve or the Lester Rowntree Native Plant Garden;
- 5) To ensure that environmental resources of the park are protected; and
- 6) To ensure that the Flanders Mansion parcel continues to provide the public with as many park benefits as are practical.

* By “productive use”, the City means its goal and objective is to see the Mansion is used and rehabilitated rather than remaining vacant and unused or being leased intermittently.

Under Aesthetics, Section 4.1, Page 4.1-5, fourth full paragraph, is revised as follows:

Currently, the Flanders Property is used by park visitors for a variety of passive recreational activities, including walking, hiking, bird watching, and dog walking among other activities. Although no formal

trails are designated within the property boundaries, visitors routinely use the Property to access adjacent trails and viewing locations in the Mission Trail Nature Preserve located to the east of the Property. In addition, limited views of surrounding resources are also available from the western portion of the property. Views of the Mansion and Mission Trail Nature Preserve are also enjoyed by park visitors approaching the Preserve from the existing driveway. Neither the views from the western portion of the property nor the views of the Mansion and Preserve from the existing driveway are considered scenic vistas. As identified elsewhere in this section, “a scenic vista is considered an area of particular scenic quality and beauty that offers landscape-scale views of distant scenic resources, such as mountain ranges, the Pacific Ocean, or similar features.”

As identified in **Section 3.0 Project Description**, this RDEIR assumes that future access to and through the property would be eliminated and/or significantly restricted due to a change in ownership and subsequent occupancy as a residential or public/quasi-public use. As a result, the sale of the Flanders Mansion Property would eliminate unrestricted access and would therefore result in impacts to adjacent viewing areas. The proposed project would also result in the loss of views of the surrounding area from the western portion of the Flanders property. These views, however, are severely limited and substantially better views are available from the viewing areas located in Martin Meadow. **Figure 4.1-4A** provides representative photos from the western portion of the Flanders property. This portion of the Flanders Mansion property does not constitute a scenic vista because the views are close-range, limited by the surrounding trees and shrubs and do not offer landscape-scale views of distant scenic resources. Implementation of the proposed project would also result in the loss of views of the Flanders Mansion and a portion of the Mission Trail Nature Preserve from the portion of the driveway located on the Flanders property. Views approaching the Flanders property and Mission Trail Nature Preserve would, however, still be available from the portion of the driveway located outside of the project site. For the purposes of this analysis, it is assumed that access through the existing landscaped area to the south/southwest of the Mansion would be prohibited once the property is no longer publicly owned. This would reduce opportunities for the public to conveniently access adjacent viewing areas, which are considered scenic vistas. This is considered a direct impact that would occur as a result of the sale of the property. Potential impacts that may occur due to *physical changes* to the property are contingent upon the type of future use associated with the Flanders Property. These impacts are addressed separately under the subsection entitled “*Indirect Impact*.”

Under Aesthetics, Section 4.1, Page 4.1-12, starting with the first paragraph, is revised as follows:

Indirect Impact (formerly Secondary Impacts)

The sale of the Flanders Mansion Property has the potential to result in indirect impacts associated with the future use of the property. At this time, a prospective buyer has not been identified and the future use of the property is unknown. Therefore, the analysis contained in this RDEIR evaluates potential future uses in accordance with allowable uses under the existing zoning designation of P-2, Improved Parkland, as described in **Section 3.0 Project Description**.¹ Specifically, this RDEIR evaluates potential impacts associated with residential and public/quasi-public uses. For the purposes of the following analysis, a potentially significant indirect impact would occur if exterior changes to the property, such as the removal of existing trees, construction of perimeter fencing, or similar exterior improvements associated with a future use would obstruct and/or otherwise degrade existing views of the Flanders Mansion as perceived from the two (2) scenic vista locations adjacent to the site. Exterior elements would also potentially affect existing views of the subject property and Mission Trail Nature Preserve as perceived from portions of the

¹ Future uses inconsistent with the analysis contained in this RDEIR would be subject to additional environmental review in accordance with the requirements of CEQA.

existing driveway although these views are not considered “scenic vistas” per the definition presented above.

Future use of the property for either residential or public/quasi-public could result in the introduction of new exterior elements, such as fencing, that could impact views from existing viewing locations adjacent to the project site through the removal of existing vegetation or other site disturbance activities. As noted above, views of the Flanders Mansion looking north/northeast from the two (2) viewing locations identified in **Figure 4.1-3** are limited due to existing mature vegetation. Although views of the Mansion itself are limited from these locations, construction of fencing or tree removal would further impact existing views as perceived from these locations. Moreover, exterior elements (i.e. fencing) could also impact existing views of the Flanders Mansion and Mission Trail Nature Preserve as perceived while approach the property from the driveway. While a limited portion of the driveway would no longer be accessible, portions of the Preserve and Mansion would continue to be visible from the remaining portion of the driveway. Impacts associated with the loss of views from the portion of driveway are not considered significant since: 1) portions of the property would continue to be visible from other locations within the Preserve and the driveway, and 2) these areas are not considered to be “scenic vistas.” Implementation of Mitigation Measure 4.1-7 (see discussion regarding “Visual Character”) would ensure that future exterior elements would not create a visual barrier and thereby obstruct views of the Mansion from the Preserve and existing driveway. In order to ensure that potential indirect impacts associated with the future use of the Flanders Mansion are reduced to a less-than-significant level, mitigation measures are warranted. Preservation of the existing tree line and visual character of the southwestern portion of the property, which consist predominately of existing mature vegetation, would minimize indirect project-related impacts. In addition to the following mitigation measure, any tree removal proposed by a future owner would be subject to existing City ordinances and standards. Additional mitigation measures, including Mitigation Measure 4.3-1, identified in **Section 4.3 Cultural Resources** would further reduce indirect project-related impacts to a less-than-significant level. In addition, implementation of Mitigation Measure 4.1-4 (see discussion regarding “Visual Character”), as well as other mitigation measures identified in this section would ensure that potential impacts to adjacent viewing areas are minimized to a less-than-significant level. Implementation of the following mitigation measure would not result in any new environmental impacts beyond those identified in this RDEIR and are in addition to mitigation identified in **Section 4.3 Cultural Resources**.

Under Aesthetics, Section 4.1, Page 4.1-13, third full paragraph is revised as follows:

This RDEIR assumes that future use of the property for either residential or public/quasi-public use may result in the introduction of new exterior elements (i.e. fencing, hedges, walls, gates, etc.), changes to existing circulation patterns, and landscape patterns. The introduction of new exterior elements has the potential to impact the existing visual character of the Mission Trail Nature Preserve and surrounding area. Specifically, the introduction of new exterior features has the potential to impact the visual character of the Mission Trail Nature Preserve by creating a physical barrier that would affect the visual integrity of the Preserve as perceived from the surrounding area, including the driveway, Lester Rowntree Arboretum, and adjacent trails. This is considered an indirect impact. The proposed project is also anticipated to result in direct impacts to the visual character of the Mission Trail Nature Preserve as a result of the loss of City ownership of the property and corresponding loss of public access to the site.

Under Aesthetics, Section 4.1, Page 4.1-14, starting with the third paragraph, is revised as follows:

As noted previously, the sale of the Flanders Mansion Property has the potential to result in indirect impacts associated with the future use of the property. Although a prospective buyer has not been identified, it is reasonable to assume that a future use could result in exterior changes to the Mansion and property. For instance, future owners may make exterior changes to the property (e.g. fencing, gates, or

similar), building, landscaping and/or circulation patterns.² As a result, new exterior elements associated with a future use have the potential to ~~impact~~ affect existing views of the Mansion from the Lester Rowntree Arboretum, existing driveway and adjacent trails, physically separate the property from the Mission Trail Nature Preserve and result in physical changes that may be inconsistent with the Mansion's historical setting. Exterior changes have the potential to impact the existing visual character of the Mission Trails Nature Preserve.

The Flanders Mansion is viewable from various locations outside the boundaries of the Property, but still within the boundaries of the Preserve. These locations include trails near the periphery of the Property and from the Lester Rowntree Arboretum. Exterior changes, such as fences, walls, hedges, or similar features intended to provide privacy or denote property boundaries would impact the existing visual character of the Flanders property and the Mission Trail Nature Preserve. Specifically, these types of exterior elements could create a visual barrier that would ~~impact~~ affect views from the Lester Rowntree Arboretum, existing driveway and adjacent trails as well as physically separate the Flanders Property from the Mission Trail Nature Preserve. These features would detract from the intact nature of the Preserve and thereby impact the Preserve's existing visual integrity. Moreover, exterior alterations to the Mansion could also adversely affect its visual character as an architectural resource. Changes to the exterior architectural elements could be inconsistent with the historical context of the building. This is considered a potentially significant impact that can be reduced to less-than-significant with implementation of the following mitigation measures:

Under Aesthetics, Section 4.1, Page 4.1-6, Mitigation Measure 4.1-1 is revised as follows:

4.1-1 In order to minimize potential impacts to the two (2) public viewing areas located adjacent to the Flanders Property, the City of Carmel-by-the-Sea, prior to the sale of the Flanders Property, shall provide additional trail access to these viewing locations from either the Doolittle or Mesa Trails. Appropriate trail signage and public amenities ~~should be considered~~ shall also be provided (e.g. benches, picnic tables, or similar), subject to the review ~~by the~~ and approval of the Forest and Beach Commission.

Under Aesthetics, Section 4.1, Page 4.1-15 though 4.1-16, Mitigation Measure 4.1-4 is revised as follows:

4.1-4 In order to minimize potential indirect impacts associated with future use of the Flanders property, no new walls, fences, gates, or hedges shall be constructed, erected, or established without the prior approval of the City of Carmel-by-the-Sea. All exterior changes shall be subject to the Design Review process described in Chapter 17.58 (Design Review) and Chapter 17.32 (Historic Preservation) of the City's Municipal Code. The primary purpose of such exterior elements shall be to delineate the property boundaries and not create a visual barrier between the site and surrounding parklands. Prior to the approval of any such exterior element, the property owner shall submit detailed drawings of proposed exterior elements to the City of Carmel-by-the-Sea. This measure shall be incorporated as a condition of sale or lease agreement; ~~t~~his measure shall also be recorded to run with the land and be binding upon successor owners. Any such exterior element shall comply with the following guidelines:

- Solid masonry walls or fences that substantially block existing views of the Flanders Mansion from adjacent trails and driveway ~~and Arboretum~~ shall be discouraged.

² Please note that Chapter 17.18 of the Municipal Code specifies that the use of the building is limited to the use and maintenance of existing buildings for nonprofit organizations, governmental buildings and uses, and residential use. Please see Appendix E for more information.

Solid masonry walls shall be prohibited along portions of the property that abut the Lester Rowntree Arboretum;

- All fences/walls shall be of natural earth tones and shall not block views of the Mansion from the driveway.
- Fencing shall be discouraged along the boundaries of the site above the circular portion of the driveway to the extent feasible (see Figure 4.1-6);
- If a gate is installed along the driveway it shall be placed in the approximate location identified in Figure 4.1-6;
- Landscape screening shall be encouraged along portions of the driveway that abut existing trails, ~~and~~ Landscape treatments and screening shall be required for portions of the site abutting the Lester Rowntree Arboretum (see Figure 4.1-6);
- Exterior elements shall avoid the removal of existing mature vegetation (i.e. trees), where feasible. In the event tree removal is required, it shall be done in accordance with Mitigation Measure 4.1-3;
- Exterior elements shall protect and preserve public views of the site, building and across the property;
- Exterior elements shall be subordinate in design character to the historic context of the site.

Under Biological Resources, Section 4.2, Page 4.2-2, first sentence under heading “Habitat Types”

~~“**Planted Areas/Lawn.** The majority of the property consists of the maintained lawn and gardens of the Flanders Mansion (Figure 4.2-1). Planted portions of the property support a mixed mosaic of horticultural shrubs, perennials, and annuals, intermixed with non-native/invasive species. The majority of the vegetation immediately bordering the Mansion structure consists of remnant and recently planted horticultural species, including non-native and invasive species, such as English Ivy (*Hedera helix*) and Periwinkle (*Vinca major*). Outside of these planted areas, the property consists of mowed lawn (landscaping and ruderal vegetation).”~~

“**Planted Areas/Ruderal Grassland.** The majority of the property consists of the ruderal grasslands and gardens of the Flanders Mansion (Figure 4.2-1). Planted portions of the property support a mixed mosaic of horticultural shrubs, perennials, and annuals, intermixed with non-native/invasive species. The majority of the vegetation immediately bordering the Mansion structure consists of remnant and recently planted horticultural species, including non-native and invasive species, such as English Ivy (*Hedera helix*) and Periwinkle (*Vinca major*). Outside of these planted areas, the property consists of ruderal grassland.”

Under Biological Resources, Section 4.2, Page 4.2-4 under “Hickmans Onion” heading, second paragraph, 1st sentence is revised as follows:

~~“The CNDDDB reports a population of Hickman’s onion (*Allium hickmanii*) in the mesic meadow immediately south of the Flanders Mansion Property (Figure 4.2-2). No other CNDDDB reports of special-status species in natural habitats exist for areas immediately adjacent to the Flanders Mansion Property. It should be noted that several special status species have been planted in the Lester Rowntree Arboretum and are therefore present in the demonstration garden setting. No reports of special status species occurrence within the Flanders Mansion Property are on record.”~~

The CNDDDB reports a population of Hickman’s onion (*Allium hickmanii*) in the mesic-meadow immediately south of the Flanders Mansion Property (Figure 4.2-2). The CNDDDB also reports a population of Yadon’s rein orchid (*Piperia yadonii*) within the Lester Rowntree Arboretum. No other CNDDDB reports of special-status species in natural habitats exist for areas immediately adjacent to the

Flanders Mansion Property. Please note that several other special status plant species were planted in the Lester Rowntree Arboretum and are therefore present in the demonstration garden setting. No reports of special-status species occurrence within the Flanders Mansion Property are on record.

Under Cultural Resources, Section 4.3, Page 4.3-10, is revised as follows:

Impact **Sale of the Flanders Mansion and occupancy by new owners could result in alterations to the building or site that would diminish the historic integrity of the resource, changes that would affect the historic setting of the resource and/or physically separate it from its surroundings. *This represents a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation measures.***

4.3-1 The terms of any sale shall be subject to Conditions of Sale requiring recordation of a deed restriction, which shall run with the land and be binding upon successive owners, requiring the adherence to a comprehensive Preservation Plan for the Flanders Mansion consistent with the Secretary's Standards and the Carmel-by-the-Sea Municipal Code historic preservation provisions. In general, the Preservation Plan ~~should~~ shall identify changes to the property that could reasonably be expected to occur and make recommendations so that the changes would not disrupt the historic integrity of the resource. The Preservation Plan shall be prepared by a qualified professional and would provide practical guidance to the new owners of the Flanders Mansion. Said Preservation Plan shall include: 1) a history of the Flanders Mansion; 2) an assessment of the current condition of the property (building and grounds) and detailed descriptions of the character-defining features; and 3) recommendations following the Secretary's Standards for the appropriate treatment of these features. Specific standards and requirements of the plan follow:

A qualified specialist who meets the Secretary of the Interior's Professional Qualification Standards should prepare the preservation plan that ~~should~~ shall, at a minimum, include the following information:

- A detailed history of the Flanders Mansion;
- A discussion of its historical significance (i.e. why the building is listed in the National Register);
- A comprehensive list of the features of the building that contribute to its historical significance;
- A detailed description of the current condition of the building and its integrity relative to the National Register criteria;
- A discussion of the Secretary of the Interior's Standards for the Treatment of Historic Properties;
- Specific standards and recommendations for the care and treatment of the Flanders Mansion. These standards in this section of the plan ~~should~~ shall be based on the identified character-defining features and include relevant standards outlined by the Secretary of the Interior, and the Secretary's guidelines in applying these standards.

Under Land Use and Planning, Section 4.4, Page 4.4-9, Mitigation Measure 4.4-1 is revised as follows:

4.4-1 In order to minimize potential land use conflicts associated with potential future use of the Flanders Mansion Property, the City of Carmel-by-the-Sea shall require through conditions of sale, deed restriction, or similar legally-binding mechanism, that any future use and subsequent sale of the Property be restricted to those low- intensity uses that are consistent with the historical

use of the property. Any future use of the Flanders Mansion that is inconsistent with the analysis contained in this RDEIR shall be subject to additional environmental review in accordance with CEQA. Any intensification of use shall require the preparation of a Traffic Impact Analysis, which shall be provided to the County of Monterey Public Works Department for review and comment. These restrictions shall run with the land and shall be legally binding on successor owners/lessees.

Under Parks and Recreation, Section 4.5, Page 4.5-5, starting with the third paragraph, is revised as follows:

The Flanders Mansion Property provides a convenient place for the public to access adjacent parkland and the Arboretum for recreational activities. The boundary between Flanders Mansion and Mission Trail Nature Preserve is unfenced and park users can freely access the Flanders Mansion site. As a result, the property grounds are routinely used by the general public for passive recreational purposes. While access to the building interior has generally been limited, access to the exterior grounds is currently unrestricted. A change in ownership of the Flanders Mansion Property, while not directly affecting the parkland zoning designation, would result in the permanent loss of access to the site by the general public. In addition, the project would also directly impact the Lester Rowntree Arboretum, a portion of which is located on the property (~0.04 acres). Although the project would result in the loss of access to 1,252 acres of the Preserve, the remainder of the Preserve would continue to be accessible to the public. Implementation of mitigation measures identified in this RDEIR would ensure that access from the five Preserve entrances would still be available.

Implementation of the proposed project would preclude future recreational use of the property and would directly result in the loss of park benefits associated with the property. Although the Flanders Mansion and property is not dedicated exclusively for park purposes, the site is still considered parkland based on 1) its historic use by the public, 2) its zoning designation, and 3) the Superior Court's determination that the site is considered parkland as a matter of law. While the site would continue to retain its existing zoning designation as P-2 (Improved Parkland), its zoning designation as parkland would have only a minimal value because the public would be unable to derive park benefits from the Property. It should be noted, however, that the zoning designation does limit future uses and development of the property. Sale of the property would effectively result in the permanent loss of parkland located within the Mission Trail Nature Preserve. Although the sale of the Flanders Mansion Property would represent a relatively small reduction in the total amount of parkland (2% of all parkland) in the City of Carmel-by-the-Sea, the proposed project would significantly impact the Mission Trail Nature Preserve by directly impacting the cohesive nature of the Preserve. While the proposed project would constitute a significant impact due to the permanent loss of parkland, sale of the Flanders Mansion would not significantly impact existing park management. The Flanders Mansion has at various times been utilized for residential or public/quasi-public uses and these uses have not jeopardized existing park management. The Flanders Mansion represents a small portion of the Preserve and the remaining portions of the Preserve would continue to be accessible to the public.

Under Parks and Recreation, Section 4.5, Page 4.5-7, first full paragraph, is revised as follows:

The sale of the Flanders Mansion Property would directly impact existing trail access currently provided through the site. For the reasons stated above, a change in title is assumed to result in the elimination or reduction of public access to the site. As a result, the proposed project would directly impact existing trail access. During the course of preparing the RDEIR, DD&A conducted numerous field investigations on the project site and surrounding trail network in order to ascertain the extent of potential project-induced impacts. The existing trail network was documented by DD&A using a Trimble Pro-XH Global Position System (GPS), which is capable of recording to position data with sub-meter accuracy. The existing trail

network was documented by a DD&A GPS technician during October and November 2008. This information allowed the RDEIR to provide more specific and accurate depiction of the project's potential direct and indirect impacts to parkland and the existing trail network (see Figure 4.5-1) and identify mitigation for assigned impacts. The extent of these impacts would be contingent upon the ultimate use of the property. The proposed project also has the potential to indirectly impact existing trails due to the potential for higher intensity land uses to occupy the site. Higher intensity land uses could result in increased use of existing trails and thereby could result in additional impacts to the Mission Trail Nature Preserve and the Lester Rowntree Arboretum.

Under Traffic and Circulation, Section 4.6, Page 4.6-3, third paragraph is revised as follows:

Although the Mission Trail Nature Preserve Master Plan acknowledges that there is no private vehicle access to the Preserve proper, portions of the Flanders Mansion Property (i.e. driveway) have been used as an informal parking area by the general public. The existing parking area, on the circular portion of the driveway, is used to access the Flanders Mansion Property, the Lester Rowntree Arboretum (Native Plant Garden), and the Mission Trail Nature Preserve. The sale of the Flanders Mansion Property may exclude the general public from accessing the portions of the driveway used for informal parking. While the sale would not necessarily result in the erection of physical barriers preventing access, a change in ownership would presumably eliminate and/or restrict existing public access to this informal parking area. The loss of access to this parking area could also result in additional impacts to Hatton Road as a result of increased street parking. Increased parking along Hatton Road could result in additional traffic-related hazards. Parking would, however, continue to be available at the remaining Preserve entrances and limited parking would be available on the project driveway adjacent to the Lester Rowntree Arboretum entrance. Nevertheless, this is considered a potentially significant impact.

Under Traffic and Circulation, Section 4.6, Page 4.6-4, first paragraph is revised as follows:

Implementation of project-specific mitigation requiring that an additional formal parking area be provided along the existing driveway contour outside of the project boundaries would further minimize impacts due to the loss of parking. It is important to recognize, however, that there is currently existing parking areas located along the portion of the driveway adjacent to the Lester Rowntree Arboretum entrance, as well as a limited area along Hatton Road near the driveway to accommodate a limited number of vehicles. Moreover, Preserve access would continue to be available at the remaining Preserve entrances. Parking at these entrances would not be directly impacted as a result of the proposed project. Nevertheless, mitigation has been proposed in this RDEIR to ensure that adequate replacement parking is available., This mitigation measure will avoid potential impacts associated with increased parking along Hatton Road. Consistent with the findings of the 2005 DEIR and FEIR, the City of Carmel-by-the-Sea has identified a suitable location along the existing driveway that could be improved to provide additional parking opportunities off of the Hatton Road entrance. Implementation of the following mitigation measure would ensure that impacts due to the loss of public parking would be less-than-significant. The environmental impacts associated with this mitigation measure are discussed in greater detail below.

- 4.6-2 In order to ensure that adequate public parking is provided, the City of Carmel-by-the-Sea shall provide additional public parking to facilitate visitor access to the surrounding Preserve and Arboretum consistent with the policies of the Mission Trail Nature Preserve Master Plan, prior to the sale of the Flanders Mansion Property. Prior to the sale of the Flanders Mansion, the City shall develop a parking plan to provide at least 3-parking spaces along the existing driveway within the Mission Trail Nature Preserve as demonstrated in **Figure 4.6-2**. This site shall be surfaced with appropriate materials such as ~~decomposed granite~~, wood chips or similar. Paved surfaces, such as asphalt or similar, shall be prohibited. Construction of replacement parking shall provide for minimal disturbance to the natural surroundings and appropriate landscape treatments

The 2009 RDEIR Revised Alternative Section (noted by text deletion) is hereby replaced by the June 2012 Recirculated Final EIR 6.0 Revised Alternatives Section

shall be provided to minimize views of parking from the Hatton Fields neighborhood. In the event that grading and/or vegetation-removal activities are required use of non-impervious materials shall be required. Landscape screening shall also be provided to minimize visibility from surrounding residences. Native vegetation screening shall be provided along the area of the parking edge that is within close proximity to adjacent residences. All disturbed areas shall be replanted with appropriate native vegetation.

Under Cumulative, Section 5.0, Page 5-5, Table 5-1 is revised as follows:

Table 5 -1 Cumulative Projects Affecting Historic Resources	
1.	Sunset Center Community and Cultural Complex Adaptive Reuse Plan (historic resource, upgrading the acoustics and sight lines for modern theater and music performances, changing uses within the structure, adding patio areas, upgrading the HVAC, improving seismic safety). This project was completed in 2004 2003.
2.	City Firehouse (historic resource, earthquake upgrade, ADA upgrade, improve facility for firehouse materials and firehouse employees). This project was completed in 2007.
3.	Forest Theater (historic resource, ADA improvements, maintenance upgrades). This project is currently in the planning stages <u>for renovation.</u>
4.	Scout House (historic resource, ADA improvements, maintenance upgrades). This project also is identified as a priority project, but no funds have yet been allocated.
5.	Golden Bough Theater (demolition and reconstruction on a historic site). This project entails the demolition of the existing Golden Bough Theater, which is located on a historically significant site, and the subsequent reconstruction of the theater. Although the existing theater building is not considered a historic resource, the site is recognized as a historic resource.
6.	Villas de Carmelo, <u>formerly known as the Carmel Convalescent Home</u> (historic resource, high-density residential, 46 residential units). This project is currently in the planning stages and is located within the unincorporated area of Monterey County.

~~Under Alternatives, Section 6.0, Page 6-2, add the following text below “Alternative Uses”, following “Commercial Use Alternative:”~~

~~Alternative Uses Under Public Sale~~

~~Comments on the RDEIR requested an additional analysis of potential alternative uses specific to the sale of the property in accordance with the provisions of the Surplus Land Act (herein referred to as “Act”). Under the provisions of the Act, there is a requirement for the City to make specific notifications and offers of disposition of property to agencies involved in specific purposes such as housing, parks and recreation, and school districts. Under Government Code 54222(b), the agency disposing of the property, referred to as the “disposing agency” must first offer the property to the list of agencies identified below.~~

- ~~1. Any local public entity as defined in Section 50079 of the Health and Safety Code, within whose jurisdiction the surplus land is located;~~
- ~~2. Housing sponsors, as defined by Section 50074 of the Health and Safety Code;~~
- ~~3. Any park or recreation department of any city within which the land may be situated;~~
- ~~4. Any park or recreation department of the county within which the land is situated;~~
- ~~5. Any regional park authority having jurisdiction within the area in which the land is situated;~~
- ~~6. The State Resources Agency or any agency which may succeed to its powers;~~
- ~~7. Any school district in whose jurisdiction the land is located;~~

~~Per the Government Code section, after the disposing agency has received notice from the entity desiring to purchase or lease the land, the disposing agency and the entity shall enter into good faith negotiations to determine a mutually satisfactory sales price or lease terms. If the price or terms cannot be agreed upon after a good faith negotiation period of not less than 60 days, the land may be disposed of without further regard to this article (see Government Code 54223).~~

~~The 2009 RDEIR and the 2005 DEIR evaluated the potential environmental impacts associated with the use of the Flanders Mansion Property as a commercial operation and more intensified uses. Specifically, uses under the existing P-2 Zoning District (Improved Parklands) were evaluated and considered per the allowable uses in the Zoning Ordinance. The Ordinance discusses allowed P-2 uses in Schedule H-C and the corresponding footnotes. There are four uses allowed without any footnotes or limitations (Park/Recreation Facilities, Live Performance Theater, Motion Picture Theater and Communication Antennae/Towers). In addition, several uses are listed that have limits established: (Single Family Residential, Senior Citizen Housing, Day Care, Clubs/Lodges, Small Conference Facilities and Government Offices).~~

~~Based on Table 4.6.1 in the RDEIR, traffic generation rates and corresponding impacts were assigned for park/recreational, residential (single family detached) and public/quasi-public (general office). Estimates were based on the Institute of Transportation Engineers, *Trip Generation*, 7th Edition, 2003 which provides assumptions for traffic volumes associated with various uses depending on the number of employees, type of use, and other factors. Additionally, Table 3 of the 2005 Draft EIR on Page 4.4 identified various uses of the property assumed under allowable zoning and provided an impact summary of traffic under these uses. These included: Park and Recreation Use, Residential uses, Municipal Facilities, Non-profit Uses, Lodge and Motel and Day Care.~~

~~This RDEIR evaluated a range of potential future uses in accordance with the existing zoning designation (P-2 Improved Parkland). Potential uses identified of those agencies under the Surplus Land Act include parks and recreation, resource agencies or offices of school districts, housing sponsors such as those for senior citizen housing, or other uses which are similar in character or nature to the uses already specified and analyzed in the 2005 EIR and 2009 RDEIR.~~

~~Additionally, mitigation was incorporated in the RDEIR that restricts future use of the property to those uses that have historically occupied the Flanders Mansion Property since it was acquired by the City. Therefore, high traffic generating uses, such as commercial uses (e.g. a housing project, visitor serving facilities similar to a bed and breakfast or motel, or a school facility) would be prohibited from occupying the site through the conditions of sale or other legally binding method in order to avoid potential significant impacts due to land use conflicts with the Mission Trails Nature Preserve, including the Lester Rowntree Arboretum, and the surrounding single family residential neighborhoods.~~

~~The project site is within the MPWMD, which is responsible for issuing water connection permits for development within its boundaries. The MPWMD restricts the water allocation assigned for each jurisdiction and requires that all properties that modify or add water fixtures on a property within the MPWMD obtain District approval. The City has negligible amount of water to allocate to new uses in the area within the MPWMD. Water will be restricted to using the amount of water historically allocated for the buildings and use on the site, in accordance with the regulations of the MPWMD. Since the historical amount of water the project site has used is consistent with use as a low intensity use for single family home or limited office use, water is considered a severe constraint for development of a number of the uses identified under the Surplus Land Act.~~

~~Based on the assumed uses outlined above, this alternative would result in greater level of impacts than the proposed project in regard to aesthetics, biological resources, cultural resources, land use and~~

~~planning, parks and recreation, and transportation/traffic due to the potential intensity of use and would not avoid the significant unavoidable impact associated with the proposed project. Depending on the type of agency or owner, this alternative could still result in the permanent loss of publicly owned parkland due to a change in ownership consistent with the proposed project. This alternative would meet the primary project objective, divestment of the Flanders Mansion property. This alternative, if inconsistent with the historic uses associated with the Flanders Mansion, would not achieve objectives related to the minimization of traffic impacts on the surrounding residential neighborhoods. Additionally, depending on the type of use proposed, this Alternative may not be feasible due to the lack of available infrastructure (water) to serve the use.~~

~~Further, the process for offering the land for public sale to any of these agencies and future use of the property under this Act does not preclude the requirements of state law or the provisions of CEQA. Future use of the site would require City permits and processing under applicable City regulations and state statutes. If any uses were proposed that was not within the parameters of the uses considered under this environmental document that would trigger further environmental review, CEQA guidelines would require that the City conduct the appropriate additional environmental assessment and documentation. It should be noted that this site would not qualify for the CEQA affordable housing exemption (Guidelines §15191 et seq.) because, among other things, it is not in an “urbanized area” as defined in the Guidelines, and such a project could be inconsistent with the existing zoning.~~

Under Alternatives, Section 6.0, Page 6-5, third paragraph, is revised as follows:

~~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” (CEQA Guidelines §15126.6(e)(1)). Under the No Project Alternative, the Flanders Mansion Property would not be sold by the City of Carmel by the Sea and the property would continue to remain vacant in its current state or be occupied for limited use as described further below. This analysis assumes that the City of Carmel by the Sea would continue to implement necessary improvements to comply with the Superior Court’s ruling regarding deferred maintenance of the Mansion, requiring the City to implement reasonable interim measures as necessary to avoid further significant deterioration of the Mansion. This alternative assumes that no additional facility upgrades beyond those required by the Superior Court ruling would be implemented. Two potential scenarios may occur for this facility under the No Project Alternative for the use of the Mansion structure itself. The first scenario would assume vacancy of the structure. The second scenario assumes that limited use of the facility would occur under this alternative (similar to the past use of the property for office space or single family residential use within the facility). In accordance with CEQA Guidelines §15126.6(e)(3), the following analysis compares the environmental impacts of the property remaining in its existing state versus the potential environmental impacts that would occur as a result of the proposed project.~~

Under Alternatives, Section 6.0, Page 6-7, second paragraph, is revised as follows:

~~In summary, the No Project Alternative would significantly lessen and/or avoid project related impacts related to land use and planning and parks and recreation. This alternative would also significantly lessen or avoid impacts associated with aesthetics, biological resources, and transportation/traffic. However, this alternative would result in approximately the same level of impacts as the project in regard to cultural resources. The Mansion would continue to remain facility would have minimal use (either remain vacant or have limited use similar to previous arrangements of the City) vacant, although it could be periodically used by the City. The outlying site surrounding the structure would not be impacted in comparison to the assumption of the proposed project. Unlike the proposed project, this alternative would not be subject to conditions or mitigation measures identified in this RDEIR. Overall, this alternative would significantly avoid most of the identified significant impacts, would fail to meet the primary project objective of~~

~~divestment of the Flanders Mansion property, and would only meet some of the secondary objectives identified by the City.~~

~~Under Alternatives, Section 6.0, Page 6-7, fourth paragraph, is revised as follows:~~

~~This alternative would consist of the City of Carmel-by-the-Sea retaining ownership of the Flanders Mansion property and leasing the property as a single family residence. This alternative assumes that the City of Carmel-by-the-Sea would implement some facility upgrades and maintenance requirements in order to comply with the Superior Court's ruling. In addition, this alternative also assumes that the City, prior to the lease of the building, would implement additional facility upgrades to ensure that the Flanders Mansion is leasable. This alternative also assumes that exterior features, such as fencing, may be erected on the property to provide privacy to the future lessee. Although some restrictions could be imposed by the City regarding the nature of fencing, this RDEIR assumes that some fencing would be required in order to fully evaluate potential impacts. Impacts from exterior elements are considered reasonably foreseeable in the absence of a specific lessee and associated lease terms. Future terms of the lease agreement would be determined at the time a lessee was identified. This alternative assumes that the various conditions and mitigation measures identified in this RDEIR would be applicable to the future use of the property.~~

~~Under Alternatives, Section 6.0, Page 6-8, second full paragraph, is revised as follows:~~

~~Implementation of this alternative would also result in substantially the same level of impacts as the proposed project in regard to aesthetics. It is assumed that exterior changes to the property, such as fences and similar features, would be made by the lessee to provide additional security and privacy. Although some restrictions could be imposed by the City regarding the nature of fencing, this RDEIR assumes that fencing, in order to fully evaluate potential impacts, would be required. Impacts from exterior elements are considered reasonably foreseeable in the absence of a specific lessee and associated lease terms. This Exterior elements would interfere with public views and the enjoyment of unique features on the Flanders Mansion Property. This impact was considered a potentially significant impact to the existing visual character of the Mission Trail Nature Preserve that could be mitigated to a less than significant level. This alternative assumes that the mitigation identified in this RDEIR would be incorporated as part of any future lease agreement in order to ensure that any exterior features do not detract from the existing visual character of the Mission Trail Nature Preserve. This alternative is assumed to result in approximately the same level of impacts as the proposed project in regard to aesthetics during the term of the lease.~~

~~Under Alternatives, Section 6.0, Page 6-10, second full paragraph, is revised as follows:~~

~~This alternative would consist of the City retaining ownership of the Flanders Mansion property and subsequently leasing the facility to a low-intensity public/quasi-public use. The City of Carmel-by-the-Sea would still be responsible for implementing necessary facility upgrades and maintenance requirements in accordance with the findings of the Superior Court. Moreover, this alternative assumes that the City would be required to implement additional facility upgrades in order for the building to be leasable. Alternative arrangements could occur where the lessee would be responsible for making some limited facility upgrades, however, the nature of upgrades and associated costs would ultimately influence who and under what terms these upgrades would be completed. Similar to the single family lease alternative, this analysis assumes that some exterior improvements may be made depending on the type of public/quasi-public use. As a result, this alternative assumes that public access to and through the site could be restricted. This alternative assumes that exterior changes, such as fencing or other exterior elements, could be added as part of this alternative. The exact nature and extent of exterior elements would ultimately be contingent upon the type of public/quasi-public use. Some public/quasi-public uses~~

~~may not require fencing and may permit access to the site. While some limited public access may be permitted as part of daily operations or on a more limited basis such as special events, in order to fully evaluate potential impacts associated with this alternative, this analysis assumes full public access would be restricted under this alternative. Since a specific type of public/quasi public use has not been identified at this time, the following analysis is considered conservative as the scope of potential impacts is largely attributable to the type of use. Future terms of the lease agreement would be determined at the time a lessee was identified. A number of the mitigation measure that would be applied to the single family residential use lease alternative would be applicable.~~

~~Under Alternatives, Section 6.0, Page 6-11, first full paragraph, is revised as follows:~~

~~This alternative is assumed to result in approximately the same level of impacts as the proposed project in regard to aesthetics. This alternative is assumed to result in the introduction of some limited exterior elements. While the extent of these elements is contingent upon the type of future use and lease agreement with the City, this analysis is conservative and assumes fencing or similar features may be implemented by a public/quasi public use. Some public/quasi public use may permit public access to the property grounds and may not warrant fencing. At this time, however, a specific public/quasi public has not been identified and therefore this analysis conservatively assumes that some limited exterior elements may occur on site. According to the analysis contained in Section 4.1 Aesthetics, the proposed project would impact adjacent scenic vistas by eliminating access through the Flanders Mansion property and would also result in impacts to the existing visual character of the Mission Trail Nature Preserve through the introduction of exterior elements (i.e., fencing, walls, hedges, gates) which would result in physical changes to the property. Implementation of this alternative may result in the erection of exterior elements and thereby impact the existing visual character of the Mission Trail Nature Preserve. Mitigation identified in this RDEIR would be necessary to ensure impacts associated with this alternative are minimized.~~

~~Under Alternatives, Section 6.0, Page 6-13 continuing on 6-14, first full paragraph, is revised as follows:~~

~~This alternative would consist of recording conservation easements on certain portions of the Flanders Mansion Property in order to minimize potential impacts to the Lester Rowntree Arboretum and a number of existing trails that would need to be reconfigured as a result of the proposed project. Specifically, this alternative consists of applying a conservation easement (or reducing the parcel size) over portions of the Lester Rowntree Arboretum that are located within the boundaries of the Flanders Mansion parcel. This alternative would also consist of recording an easement or reducing the size along the eastern portion of the driveway to preserve existing trail access to the Mission Trail Nature Preserve (Serra Trail) and the Lester Rowntree Arboretum. A scenic/conservation easement covering the westerly/southwesterly boundary of the site to include areas bordering ESHA would be recorded to minimize potential biological impacts. The purpose of these easements would be to prevent a future property owner from erecting exterior elements or causing changes to the property within areas that are particularly sensitive, provide access to the Lester Rowntree Arboretum, and provide areas of the site that provide park benefits. These easements would restrict future development activities within portions of the site covered by the easement in order to reduce biological and aesthetic related impacts. Specifically, fencing, walls or other man-made features would be prohibited within the boundaries of the easements. These easements would run with the land and would be legally binding on any subsequent property owner. These easements are intended to reduce and/or avoid significant impacts due to the permanent loss of parkland, ensure that park benefits associated with the Property are preserved, provide continued public use of certain portions of the property, and protect environmental resources. The total land area covered by the easements would be approximately 0.5 acres. The total remaining area of the property under this alternative would be approximately 0.752 acres, and it is assumed that all conditions and mitigations identified in this RDEIR~~

would be applicable. ~~Figure 6-1 provides a graphical representation of the alternative parcel configuration and easements. Implementation of this alternative would retain existing park benefits associated with the Flanders Mansion Property, while still allowing the City to divest itself of the property. This alternative assumes that impacted trails would also be reconfigured and additional trail connections would be provided to address project impacts. This alternative is not use specific; therefore, it is assumed that either a single family or low-intensity public/quasi-public use could occupy the property.~~

Under Alternatives, Section 6.0, Page 6-17, Add the following text:

~~Based on the Superior Court's findings, the City of Carmel by the Sea is in the process of preparing ordered the preparation of an economic feasibility analysis that evaluates the feasibility of potential project alternatives vis à vis the relevant project objectives and various economic considerations. Findings of feasibility will ultimately be up to the discretion of the City of Carmel by the Sea as part of the project approval process required pursuant to CEQA Guidelines §15092.~~

~~An economic feasibility analysis has been performed by consultants qualified in economics and in property and market valuation (CBRE Consulting, Economic Analysis of the Flanders Mansion Property, 2009). This study was presented to the City Council and made available to the public for its review and consideration at a public meeting of the City Council on March 25, 2009. The economic analysis may be reviewed at City Hall and is also available for review at the City's web site at the following address: <http://ci.carmel.ca.us/carmel/index.cfm?LinkServID=81D2C4CA-3048-7B3D-C551292A72738CE2&showMeta=0>~~

~~Members of the public with questions or comments about the economic report should direct those in writing to the City, using the following contact information: Sean Conroy, City of Carmel by the Sea, Community Planning & Building Department, Post Office Drawer G, Carmel by the Sea, CA 93921, or through facsimile at (831) 620-2014, or through email at seanroy@ci.carmel.ca.us.~~

~~When considering whether to approve the project, the decision makers may weigh economic information about the feasibility of alternatives noted in the record, although such information is not required to be included in the RDEIR. The role of the City will be to review the final record for the project and make the ultimate the decision on feasibility.~~

~~Under CEQA, economic effects would only be considered in the context of a physical environmental change. According to Section 15131(a) of the CEQA Guidelines:~~

~~Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.~~

~~The environmental analysis has no identified any physical changes or potentially significant impacts to the physical environmental that is anticipated or reasonably likely to result from any economic effects of the project or any project alternatives.~~

APPENDIX A
FORM COMMENT LETTERS

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

RECEIVED
JAN 27 2009
CITY OF
CARMEL-BY-THE-SEA

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Joyce Moffatt

Name(s) and signature(s)

25216 Hatton Rd, Carmel, CA 93923

Address

Jan. 26 2009

Date signed:

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Hannah P. Biegel / Cristina A. Biegel

Name(s) and signature(s)

25683 Hatton Road, Carmel, CA 93923

Address

January 26 2009

Date signed:

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

(on my scooter)

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Barbara B. August
Name(s) and signature(s)

25690 Hatton Road
Address

1-18-09 2009
Date signed:

RECEIVED
JAN 23 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Riane Eisler Riane Eisler
Name(s) and signature(s)

25700 Shafter Way Carmel CA 93923
Address

1-19- 2009
Date signed:

RECEIVED
JAN 23 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Debra Heisel
Name(s) and signature(s)

3385 Hn ave, Carmel
Address

1-25-09 2009

Date signed:

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Ms - Mrs David Kayton (Norma Jean Hodges)
Name(s) and signature(s)

3367 7th Ave Carmel Ca
Address

1-25- 2009

Date signed:

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Janda CoAmoro
Name(s) and signature(s)

25865 Hatton RD Carmel Ca 93923
Address

1/19 2009
Date signed:

RECEIVED
JAN 23 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Kenneth Low
Name(s) and signature(s)

28 25865 Hatton Rd Carmel
Address

1/20 2009
Date signed:

RECEIVED
JAN 23 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Lydia Moran / Moran Terrance Moran
Name(s) and signature(s)

3410 Martin Rd Carmel Ca 93923
Address

1-24-09 2009
Date signed:

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Ann Medley MD Ann D. Medley
Name(s) and signature(s)

25434 Hatton Rd Carmel Ca 93923
Address

1-17 2009
Date signed:

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Benjamin T. Richards III & M. Maureen Richards
Name(s) and signature(s)

3246 Martin Rd, Carmel CA 93923
Address

Jan 21, 2009
Date signed:

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Vonda M. Richards
Name(s) and signature(s)

25835 Hatton Rd, Carmel, CA
Address

Jan 19, 2009
Date signed:

RECEIVED
JAN 29 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

RECEIVED
FEB 02 2009
CITY OF
CARMEL-BY-THE-SEA

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Micki Prima Micki Prima
Name(s) and signature(s)

3315 Martin Rd. Carmel, CA 93923
Address

02/26, 2009
Date signed:

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

RECEIVED
FEB 02 2009
CITY OF
CARMEL-BY-THE-SEA

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Alexandra G. Filben Alexandra G. Filben
Name(s) and signature(s)

25745 Hatton
Address

1/27/09 2009
Date signed:

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Matthew J. Olin MATTHEW J. OLIN (3 FAMILY)

Name(s) and signature(s)

25660 SHAFTER WAY

Address

JANUARY 30 2009

Date signed:

RECEIVED
FEB 02 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

RECEIVED
FEB 02 2009
CITY OF
CARMEL-BY-THE-SEA

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

James A. Puffy MS

Name(s) and signature(s)

25820 HATTON ROAD CARMEL

Address

1/28 2009

Date signed:

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Carolyn Anny Akcan W. Akcan
Name(s) and signature(s)

25593 Hatton Road Carmel
Address

2/1/ 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Sandra Kasly Button
Name(s) and signature(s)

25270 Hatton Road, Carmel, CA
Address

1/12 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Joan F. Clancy (Joan F. Clancy) (Mrs. John A.)
Name(s) and signature(s)

25525 Shafter Way Carmel, CA 93923
Address

Feb. 9 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Gordon L. Clemens
Gordon L. Clemens
Name(s) and signature(s)

3439 7th Ave, Carmel, Ca. 93923
Address

Jan 30 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Hildegunn Hawley, A. Lawteep
Name(s) and signature(s)

25845 Hatton Rd. CARMEL, CA. 93923
Address

Feb. 12th. 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Frank Hubbard and Tom Gibson
Name(s) and signature(s)

25826 Hatton Road, Carmel, California 93923
Address

February 4, 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Gary Logan
Judy Logan
GARY LOGAN, Judy Logan

Name(s) and signature(s)

25500 Shafter Way Corner of
Address Shafter
1/29/ 2009
Date signed: Hatton Rd

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Alton McEwen
Alton McEwen
ALTON MCEWEN

Name(s) and signature(s)

3452 MARTIN Rd CARMEL CA 93920
Address
Feb, 8 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

V J Mansueto
Name(s) and signature(s)

25815 Hatton Rd Carmel CA 93922
Address

1/31 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

- Dan Robinson [Signature]
- Jennifer Robinson [Signature]
Name(s) and signature(s)

25148 Hatton Rd. Carmel, Ca
Address

2/4/09 2009
Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

To: Sean Conroy
City of Carmel-by-the-Sea
Community Planning & Building Department
P.O. Drawer G
Carmel, CA 93921

Re: RDEIR (Flanders Mansion)

Dear Sir:

The undersigned live(s) in relatively close proximity to the Flanders Mansion, and strongly believe(s) that the sale or lease of the Mansion for use solely as a single family residence is the only appropriate use for the mansion. It is located in a single family residential neighborhood, and accordingly, single family use is the best use. Its sole vehicular access is via Hatton Road, a Monterey County road that is inadequate for more than residential traffic.

We (I) live here, use the road often in daily trips, and walk on it for recreational purposes. Public or quasi-public use would increase traffic on Hatton Road, which is not designed for such use. In addition, public or quasi-public use could also result in noise at a level that is inappropriate within a residential neighborhood.

Sale or lease of Flanders Mansion with appropriate conditions of use limited to single family residence would have virtually no impact on public use of the Mission Trails Nature Preserve and the arboretum included in it, except for the Flanders Mansion grounds, which represent less than 5% of the Mission Trails Nature Preserve.

Please include this response to the "Comment" section of the RDEIR.

Sincerely,

Doug & Linda Sunde DS Jordahl Sunde

Name(s) and signature(s)

25396 Hatton Rd. Carmel, Ca. 93923

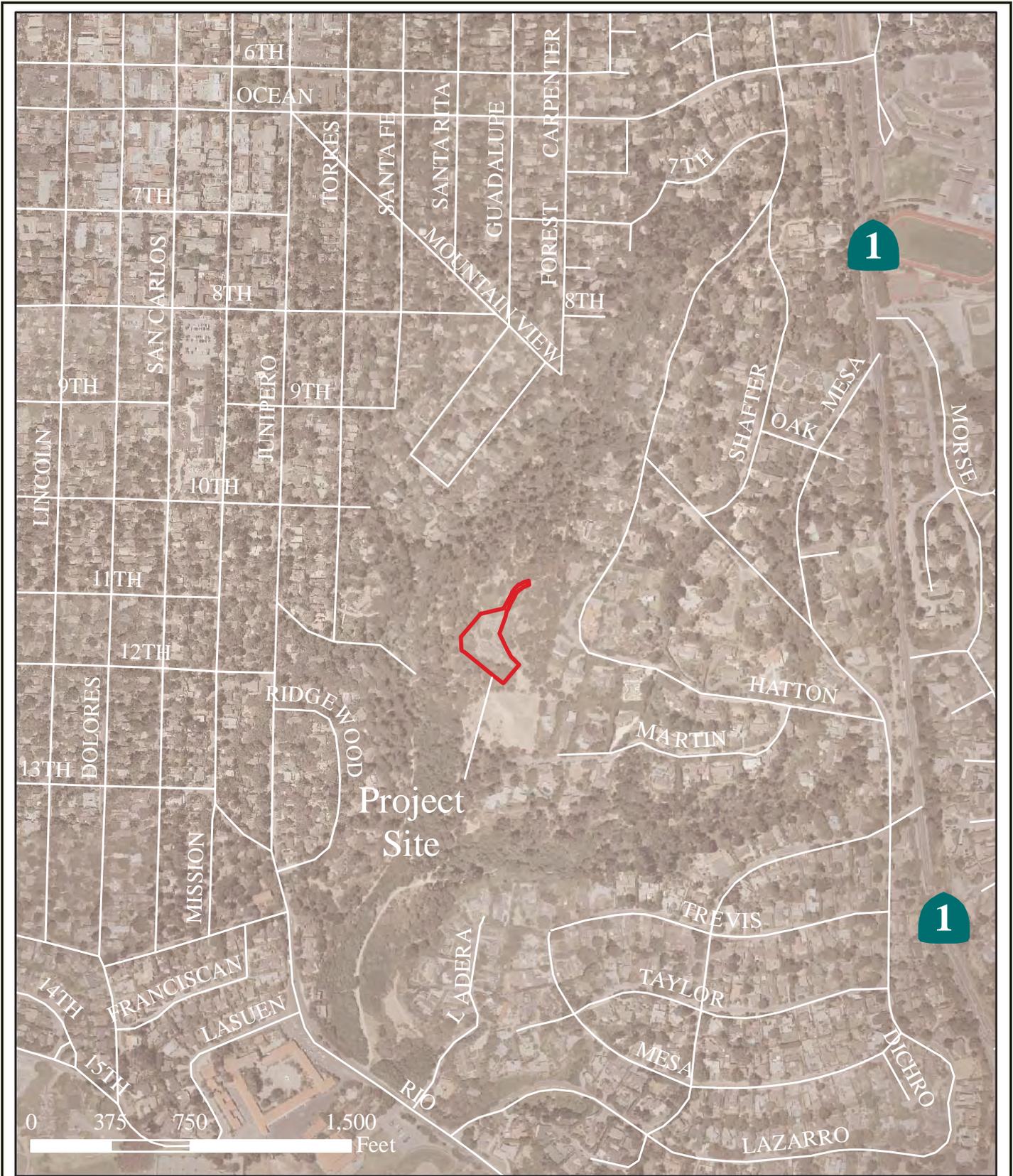
Address

1/20 2009

Date signed:

RECEIVED
FEB 17 2009
CITY OF
CARMEL-BY-THE-SEA

APPENDIX B
REVISED FIGURES



Project Vicinity

Figure
3-2



Photo 1. Front View of Flanders Mansion from driveway.



Photo 2. North side of Flanders Mansion.



Photo 3. South side of Flanders Mansion.



Photo 4. View From Lester Rowntree Arboretum southwestern/western portion of the property.

Representative Photos of the Flanders Mansion

Figure
4.1-1



Photo 1. View from southwestern portion of the Site looking towards Pacific Ocean.

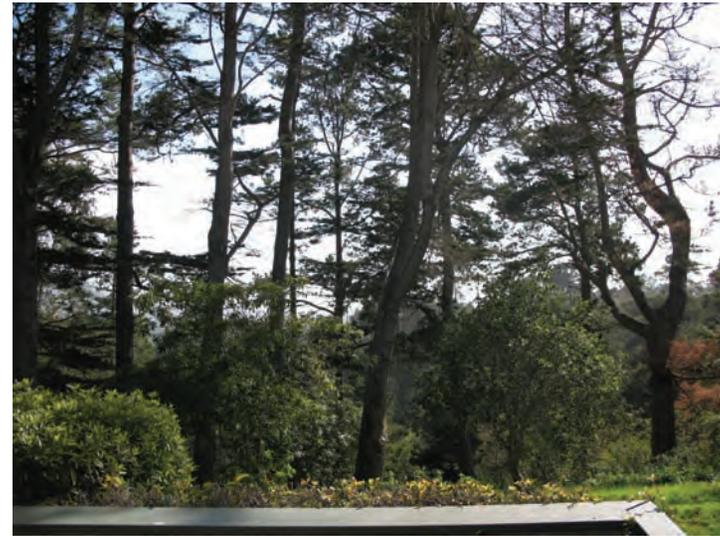


Photo 2. View from main entrance looking towards Pacific Ocean.

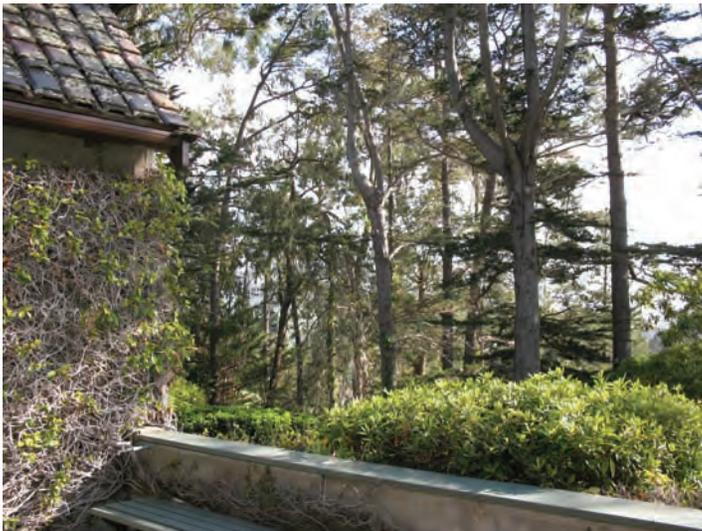


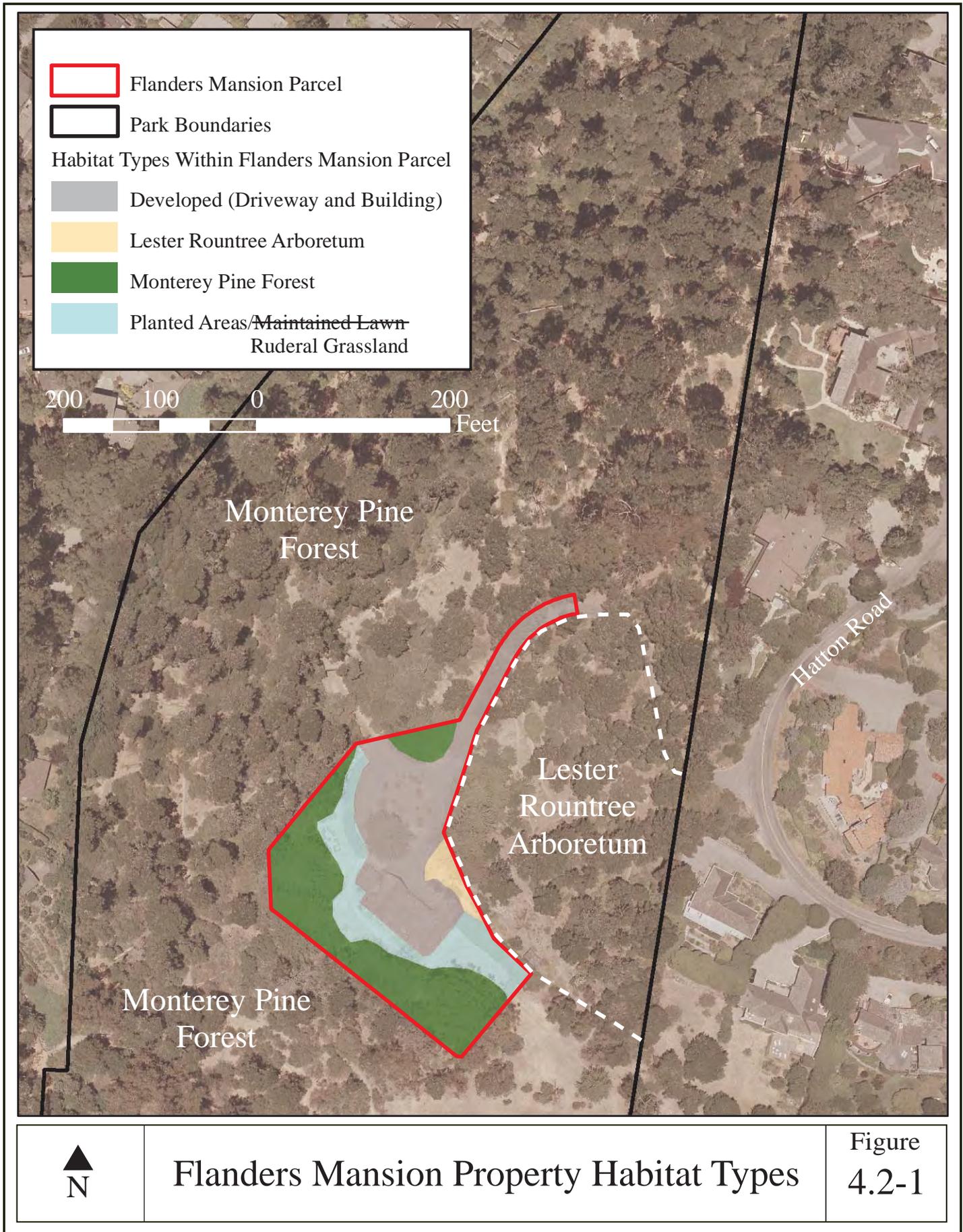
Photo 3. View from main entrance obstructed by existing, mature trees.



Photo 4. View from pathway obstructed by existing mature trees.

Representative Views from Western/Southwestern
Portion of the Site

Figure
4.1-4A



Flanders Mansion Property Habitat Types

Figure 4.2-1