

RECIRCULATED DRAFT

**ENVIRONMENTAL IMPACT REPORT
FOR THE
SALE OF FLANDERS MANSION PROPERTY**

SCH#2005011108

January 2009

Prepared for:

**THE CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING & 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**

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1.0 Introduction

1.1 INTRODUCTION

This Recirculated Draft Environmental Impact Report (EIR) is part of the ongoing environmental review process for the proposed Flanders Mansion Project, which entails the sale of City-owned property, specifically the Flanders Mansion Property, a listed historical resource on the National Register of Historic Places, in the City of Carmel, California.

Reason for Recirculated EIR for the Project

In 2005, the City Council of the City of Carmel-by-the-Sea certified an E.I.R. (SCH# No. 2005011108) and approved a project involving the sale of the Flanders Mansion property. 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 Case No. M76728), the City of Carmel-by-the-Sea rescinded its September 2005 certification of the August 2005 Final EIR (FEIR) for the proposed Flanders Mansion project.

This Revised Draft EIR is recirculated in its entirety to provide the public with a meaningful opportunity to comment on the additional data available as a result of modifications to the document based upon the court ruling. In accordance with Section 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. In conformance with this section, the City is not including in this RDEIR the responses to those comments received in response to the previous document and provided in the Final EIR dated August 2005. Instead, this Recirculated Draft Environmental Impact Report modifies and revises the text contained in the August 2005 document (the now-decertified FEIR).

The following document is considered a Recirculated Draft EIR because significant new information and analyses have been added or changed to portions of the Draft EIR since it was circulated for public review on April 1, 2005 as modified in the 2005 FEIR. For purposes of clarity, this document will be referred to as the Recirculated Draft EIR, or RDEIR, and the previously circulated Draft EIR as modified in the August 2005 FEIR will be collectively referred to as the 2005 DEIR. Please note that public comments received on the 2005 DEIR during the public review period were taken into consideration as part of this RDEIR. The analysis contained in this RDEIR includes information contained in the 2005 FEIR, plus new information and analysis where appropriate.

The Recirculated Draft EIR has been prepared in accordance with the California Environmental Quality Act, Public Resources Code §21000, et seq. (CEQA) and the State CEQA Guidelines, California Code of Regulations, Title 14, §15000, et seq. (CEQA Guidelines). This RDEIR will be used, in conjunction with other environmental documentation, to enable the City of Carmel-by-the-Sea and other interested parties to evaluate the environmental impacts associated with the proposed project. This RDEIR will be incorporated with the responses to comments on the RDEIR to comprise the Final EIR, which will be considered for certification by the City Council of the City of Carmel-by-the-Sea. In accordance with Section 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 this RDEIR, the City of Carmel-by-the-Sea requests that reviewers submit new comments. Comments received on the previous DEIR will not be responded to as part of the Final EIR.

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

1.2 AUTHORIZATION AND PURPOSE

The purpose of an EIR is to inform the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives that support the objectives of the project. As defined by the CEQA Guidelines, an EIR is an "informational document" with the intended purpose to: "inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project." Although the EIR does not control the ultimate decision on the project, the Lead Agency must consider the information in the EIR and respond to each significant effect identified in the EIR. As defined in the CEQA Guidelines, a "significant effect on the environment" is:

... a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."

This RDEIR has been prepared in accordance with CEQA and the CEQA Guidelines, as amended. This EIR has been prepared by Denise Duffy and Associates, Inc. (DD&A) for the City of Carmel-by-the-Sea as the "Lead Agency," in consultation with the appropriate local, regional and state agencies.

1.3 EIR PROCESS

CEQA Guidelines require the preparation of an EIR when a Lead Agency determines that there is evidence that a project may have a significant effect on the environment. This RDEIR has been prepared for the City of Carmel-by-the-Sea, the lead agency and project applicant. The following identifies the process employed by the City for the preparation, distribution, and review of the 2005 DEIR and FEIR.

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 Environmentally Sensitive Habitat Areas (ESHA) and (3) which includes a historic resource. In accordance with CEQA Guidelines §15082, a Notice of Preparation (NOP) was circulated on January 24, 2005 to Federal, State, regional, and local agencies and to interested community organizations and individuals. A 30-day comment period on the NOP provided agencies the opportunity to identify issues and/or concerns that should be addressed during the preparation of the Draft EIR. The City

received seven responses to the NOP from the agencies and public on or before February 22, 2005. The Draft EIR was prepared and 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. The Final EIR was prepared and included a copy of each comment received during the review period, and a response to each comment as required by CEQA Section 21091(d)(2), 21092.5, and CEQA Guidelines Section 15088. Subsequent to the preparation of the Final EIR, the Planning Commission and City Council of the City of Carmel-by-the-Sea held public hearings on the adequacy of the EIR and adopted findings for the project. The project, however, was successfully challenged by the Flanders Foundation. The action by the Council was set aside by the Monterey County Superior Court (The Flanders Foundation v. City of Carmel-by-the-Sea and City Council of the City of Carmel-by-the-Sea (Mont. Co. Super. Ct. Case No. M76728)). This Revised Draft EIR is recirculated in its entirety to provide the public with a meaningful opportunity to comment on the additional data available as a result of modifications to the document based upon the court ruling.

1.4 CEQA REQUIREMENTS FOR RECIRCULATION

Under CEQA, a lead agency is required to recirculate an EIR, or portions of an EIR, when significant new information is added to the EIR after notice is given of the availability of the Draft EIR for public review but before certification. As used in §15088.5 of the CEQA Guidelines, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effects of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponent has declined to implement.

According to CEQA Guidelines §15088.5, “significant new information” requiring recirculation includes, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (See, CEQA Guidelines §15088.5, subd. (a)(1)-(4).)

Recirculation of an EIR requires notice pursuant to CEQA Guidelines §15087, and consultation pursuant to CEQA Guidelines §15086. The 2005 certification of the Flanders EIR was set aside after the Court issued its decision in The Flanders Foundation v. City of Carmel-by-the-Sea and City Council of the City of Carmel-by-the-Sea (Mont. Co. Super. Ct. Case No. M76728).

1.5 FLANDERS MANSION PROJECT SUMMARY

The proposed project analyzed in both the 2005 DEIR and this RDEIR consists of the sale of City-owned property, specifically the Flanders Mansion Property, a listed historical resource on the National Register of Historic Places. The description of the proposed project has not substantially changed since the preparation of the 2005 DEIR with the exception of several modified project objectives. The project objectives for the project have been revised in this RDEIR to reflect changed circumstances associated with the project. In addition, revisions have been incorporated into this RDEIR to provide additional information concerning the status of the property as parkland. Where the previous project description was unclear additional language has been incorporated for clarification purposes. This RDEIR proposes the following changes relative to the 2005 DEIR:

- Proposed sale of City-owned property and a historic resource;
- Proposed sale consists of parkland zoned as P-2 (Improved Parkland); and
- Proposed sale shall comply with California Code §38440-38462 and §54220-54222, including but not limited to subjecting any proposed sale to a public vote.

1.6 ENVIRONMENTAL REVIEW PROCESS FOR THE RDEIR

The review process for this RDEIR will involve the following procedural steps:

Public Notice/Public Review

CEQA Guidelines §15088.5 describes the procedures for recirculation of an EIR. The procedures require simultaneous submittal of a public Notice of Availability of the RDEIR and a Notice of Completion to the State Clearinghouse. The RDEIR will be subject to public review and comment for a period of 45 days. City representatives request that reviewers submit new comments on this Recirculated Draft EIR only, consistent with the provisions of CEQA Guidelines §15088.5(f)(1).¹

In accordance with CEQA, the lead agency is required to evaluate and respond to written comments received on the RDEIR as provided in §15088. Since recirculation can result in multiple sets of comments from reviewers, CEQA Guidelines §15088.5(f) allows the lead agency to identify the set of comments to which it will respond. This is intended to avoid confusion associated with responding to duplicate comments received on the DEIR and RDEIR or comments that are no longer applicable due to revisions to the EIR.

CEQA Guidelines §15088.5(f)(1) allows the lead agency to require reviewers to submit new comments on the RDEIR when the EIR is substantially revised and the entire document is recirculated. In such cases, the lead agency need not respond to the comments received during the earlier circulation period. Although the comments on the previous DEIR are still part of the administrative record, these comments do not require a written response in the final EIR and new comments must be submitted for the RDEIR. The lead agency is only required to respond to those comments received in response to the RDEIR.

Portions of the EIR have been revised substantially and the entire EIR is being recirculated. In accordance with CEQA Guidelines § 15088.5(f)(1), the City of Carmel-by-the-Sea is requesting

¹ Please note that the comments received on the 2005 DEIR have been taken into consideration as part of the analysis contained in the RDEIR.

that reviewers submit new comments on the RDEIR. Thus, as stated above, agencies, organizations, and individuals that wish to comment on this RDEIR, should submit new comments on this RDEIR and the analyses contained herein. Although the comment letters submitted on the previously circulated 2005 DEIR were taken into consideration during the preparation of this RDEIR, these comment letters will not be addressed in the Final EIR. As a result, all reviewers should submit new comments consistent with the requirements of §15088.5(f)(1) of the CEQA Guidelines.

All comments concerning the adequacy of the RDEIR must be addressed to:

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

Responses to Comments/Final EIR

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

Certification of the EIR/Project Consideration

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

Pursuant to the policy stated in §21002 and §21002.1 of CEQA, no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects. Although the EIR does not control the lead agency's ultimate decision on the project, the City must consider the information in the EIR and respond to each significant effect identified in the EIR. If significant adverse environmental effects are identified in the EIR, approval of the project must be accompanied by written findings, as follows:

- A. Changes or alterations have been required in, or incorporated into, such project that mitigate or avoid the significant environmental effects thereof as identified in the completed EIR.
- B. Such changes or alterations are within the responsibility and jurisdictions of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- C. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

State law requires that a public agency adopt a monitoring program for mitigation measures that have been incorporated into the approved project to reduce or avoid significant effects on the environment. The purpose of the monitoring program is to ensure compliance with environmental mitigation during project implementation and operation. A Monitoring Program will be included in the Final EIR.

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

This Recirculated Draft EIR includes the following sections: Summary, Project Description, topical sections, CEQA Considerations (includes unavoidable adverse impacts, growth inducement and cumulative effects) and an Alternatives Analysis. Each topical section in this EIR presents information in three parts: *Introduction*, *Environmental Setting* and *Impacts and Mitigation Measures*. The Introduction identifies any technical studies or relevant background information which forms the basis for analysis. The *Environmental Setting* section provides a general overview of the conditions on and adjacent to the project site. Local, State, and Federal regulations are also identified and discussed, when relevant.

The *Environmental Impacts and Mitigation Measures* section provides a brief description of standards used to evaluate whether an impact is considered significant based on standards identified in CEQA. Mitigation measures that would reduce potentially significant impacts are identified. The significance of the impact after mitigation is also described. The CEQA considerations, alternatives and references sections follow the topical sections.

Consistent with the provisions of §15088.5(f)(1) of the CEQA Guidelines, portions of the 2005 DEIR have been revised substantially and the entire EIR is being recirculated. Although the EIR is being recirculated in its entirety, Section 4.3 Cultural Resources has only been revised in part to provide additional information related to the Superior Court's determination regarding the adequacy of mitigation measures. The existing analysis, mitigation measures, and significance determination have not changed, except where clarification was necessary to reflect the Superior Court's determination. In summary, the RDEIR is comprised of the following new information:

- Revised DEIR Section 1.0, Introduction (replacing in its entirety DEIR Section 1.0);
- Revised DEIR Section 2.0, Summary (replacing in its entirety the DEIR Summary Table);
- Revised DEIR Section 3.0, Project Description (replacing in its entirety DEIR Section 3.0);
- Revised Section 4.1, Aesthetics (replacing in its entirety DEIR Section 4.2);
- Revised Section 4.2, Biological Resources (replacing in its entirety DEIR Section 4.4);
- Revised Section 4.3, Cultural Resources (partially revised, replacing in its entirety DEIR Section 4.3)
- Revised Section 4.4, Land Use and Planning (replacing in its entirety DEIR Section 4.5);
- Revised Section 4.5, Parks and Recreation (replacing in its entirety DEIR Section 4.6);
- Revised Section 4.6, Transportation/Traffic (replacing in its entirety DEIR Section 4.1);
- Revised Section 5.0, CEQA Considerations (replacing in its entirety DEIR Section 5.0);
- Revised Section 6.0, Alternatives (replacing in its entirety DEIR Section 6.0); and
- Revised DEIR Mitigation Measures (revising certain DEIR mitigation measures), contained in each section and summarized in Section 2.0.

This RDEIR incorporates the previous technical reports and supporting documentation consistent with the previous DEIR. This RDEIR, however, contains additional technical reports or appendices that were not previously included as part of the 2005 DEIR. The new appendices, beginning with the next DEIR alphabetical appendix reference, are as follows:

- Appendix D: Biological Assessment Update (Denise Duffy & Associates, Inc., October 27, 2008)
Appendix E: Chapters 17.18 and 17.32 of the City of Carmel-by-the-Sea Municipal Code

1.8 INCORPORATION BY REFERENCE

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

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

The CEQA Guidelines set forth three methods that may be used to incorporate data from other sources into an EIR: (i) use of an EIR appendix (CEQA Guidelines §15147); (ii) citation to technical information (CEQA Guidelines §15148); and (iii) incorporation by reference (CEQA Guidelines §15150). Information in an EIR appendix may include summarized technical data, maps, plot plans, diagrams, and similar information in sufficient detail to permit the public and reviewing agencies to make a full assessment of the proposed project's significant environmental effects. To achieve a balance between the highly technical analysis referenced in an EIR and an EIR's public information function, the CEQA Guidelines allow technical analyses as appendices to the main body of the EIR. Appendices may be prepared in volumes separate from the body of the EIR, but must be readily available for public examination.

Source documents that are not project-specific have been cited in both the DEIR and RDEIR. To keep the EIR to a manageable length, such documents need not be included in the EIR or EIR appendices. All documents referenced in both the DEIR and RDEIR are hereby incorporated by reference and are available for public inspection and review at the location and address shown above.

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2.0 Summary

2.1 INTRODUCTION

This summary provides a description of the proposed project, project alternatives, significant impacts, and mitigation measures identified during the environmental analysis. Responsibility for implementation of mitigation measures lies with the project applicant unless otherwise noted. This summary is intended as an overview and should be used in conjunction with a thorough reading of the EIR. The text of this report, including figures, tables, and appendices, serves as the basis for this summary.

2.2 SUMMARY OF PROJECT DESCRIPTION

The proposed project consists of the sale of the Flanders Mansion Property, a 1.252 acre parcel located in the Mission Trails Nature Preserve. No specific land use has been identified as part of the project. The project site is considered parkland and is zoned P-2 (Improved Parkland). Surrounding the property is an Environmentally Sensitive Habitat Area (ESHA) zoned P-1. This area plus the project site are all part of the City's largest park, the Mission Trails Nature Preserve. The building on the property (the Flanders Mansion) is recognized as a historic resource and is listed on the National Register of Historic Places. A full project description is provided in Section 3.0 of this RDEIR.

An EIR was prepared in August of 2005 for the sale of the Flanders Mansion Property project. The EIR was adopted and certified by the City Council on September 22, 2005. This action was successfully challenged in Superior Court by the Flanders Foundation (Flanders Foundation vs. City of Carmel-by-the-Sea and the City Council of the City of Carmel-by-the-Sea (Mont. Co. Super. Ct. Case No. M76728.)). The City was ordered to de-certify the EIR and rescind all associated resolutions related to the EIR. In response to the Court's decision, this RDEIR has been prepared to include updates and revisions to the 2005 DEIR, as modified in the 2005 FEIR. This RDEIR has also been updated to provide an expanded impact analysis under CEQA, identify revised mitigation measures specific to project-related impacts, and provide additional information for clarification. A summary of the revisions is provided in each of the respective topical section as part of the introduction.

2.3 ALTERNATIVES EVALUATED IN THIS RDEIR

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. 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. 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. 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. 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 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.

2.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative to the proposed project be specified, if one is identified. In general, the environmentally superior alternative is intended to minimize adverse impacts to the project site and surrounding environment while achieving the basic objectives of the project. The "No Project" alternative could be considered the environmentally superior alternative because adverse impacts associated with project construction and operation would be avoided. Both the lease alternatives and the sale with easements and mitigation alternative would significantly reduce potential environmental impacts as compared to the proposed project. Although both lease alternatives and the sale with conservation

easements and mitigation alternative would significantly reduce the extent of impacts as compared to the proposed project, the lease alternatives would avoid significant impacts to 1) park and recreation, and 2) land use and planning by retaining the property. Consistent with the findings of the 2005 DEIR, as modified, the Lease Alternatives identified in this RDEIR are considered environmentally superior. If the City of Carmel-by-the-Sea determines that the lease alternatives are considered infeasible for specific economic, legal, social, technical, or other considerations, the sale with conservation easements and mitigations would therefore be considered the environmentally superior alternative that also meets the primary project objectives.

2.5 SUMMARY OF PROJECT IMPACTS

A summary of significant project impacts and mitigation measures are provided in Table 2-1. Mitigation measures have been identified to either avoid the impact or reduce the level of significance. The significance after mitigation implementation is also stated.

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 (e.g. benches, picnic tables, or similar), subject to the review by the 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	Less-than-significant

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	be incorporated as a future condition of sale or lease agreement and shall run with the land.	
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.	<p>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 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. This measure shall run with the land. 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 and Arboretum shall be discouraged; ▪ 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 the Lester Rowntree Arboretum (see Figure 4.1-6); ▪ Exterior elements shall avoid the removal of existing mature vegetation (i.e. trees), where feasible; ▪ 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. 	Less-than-significant
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>4.1-5 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</p>	Less-than-significant

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>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> <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		
<p>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>	<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>Less-than-significant</p>

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<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> <ul style="list-style-type: none"> 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). 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. 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>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</p>	

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>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 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</p>	

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>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		
<p>Sale of the Flanders 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</p>	<p>4.3-1 The terms of any sale shall be subject to Conditions of Sale, which shall run with the land, 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 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</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
	<p>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 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>It should be noted, that for this project, additional mitigation measures have been incorporated into the project which require that specific lease terms be implemented or that Conditions of Sale be recorded with the property that run with the land and mandate that the structure be maintained in a historic fashion per required standards.</p> <p>4.3-2 Prior to the sale of the Flanders Mansion, the City of Carmel-by-the-Sea shall document the Flanders Mansion so that a record of the property as it exists today is preserved. To accomplish this, the City shall hire a qualified cultural resources specialist to document the Flanders Mansion (house and grounds) with a historical narrative and large format photographs in a manner consistent with the Historic American Buildings Survey (HABS). Copies of the narrative and photographs shall be distributed to appropriate local repositories (libraries, planning department) and concerned groups (historical societies, preservation groups). The preparation of the HABS documentation shall follow standard National Park Service procedures. There would be three main tasks: gather data; prepare photographic documentation; and prepare written historic and</p>	

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	descriptive reports. The photographic documentation shall consist of large-format photography conforming to HABS standards. Photographic documentation shall include 4-by-5-inch negatives in labeled sleeves, 8-by-10-inch prints mounted on labeled photo cards, and an index to the photographs. In addition, the documentation shall include photographic reproduction of any building blueprints, if available.	
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 of artifacts associated with a buried site would constitute a significant impact to a potentially significant resource.	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 necessary, to develop appropriate treatment measures in consultation with the State Historic Preservation Office.	Less-than-significant
Construction of the project may result in the discovery and disturbance of unknown archaeological resources and/or human remains.	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: <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

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
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 Arboretum, and the Hatton Field residential area.	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. These restrictions shall run with the land and shall be legally binding.	Less-than-significant
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	4.6-1 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	Less-than-significant

TABLE 2-1 SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
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.	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. 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. All disturbed areas shall be replanted with appropriate native vegetation.	
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.	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.	Less-than-significant

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3.0 Project Description

This section presents the project description as required by CEQA Guidelines §15124. The proposed project consists of the sale of the Flanders Mansion property, a 1.252 acre parcel together with all improvements. The project site is considered parkland and is zoned P-2 (Improved Parkland). The grounds of the Flanders Mansion property have historically been used by the public for passive recreational activities and the property provides a number of park benefits. Surrounding the property is an Environmentally Sensitive Habitat Area (ESHA) zoned P-1. This area plus the project site are all part of the City's largest park, the Mission Trail Nature Preserve. The building on the property (the Flanders Mansion) is recognized as a historic resource and is listed on the National Register of Historic Places. No part of the Mission Trail Nature Preserve zoned P-1 is subject to sale and all of it would be retained as public parkland.

3.1 PROJECT LOCATION AND AREA

The project site is located in the City of Carmel-by-the-Sea, situated at the southernmost portion of the Monterey Peninsula in Monterey County, California (refer to Figure 3-1). The project site is known as the Flanders Mansion property (APN# 010-061-005). It 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. Figure 3-2 shows the project site and surrounding vicinity. 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 informally as public parking to access the Mission Trail Nature Preserve.

Mission Trail Nature Preserve includes 35 acres acquired by the City of Carmel-by-the-Sea in 1971 and was zoned as a passive use park (P-1) except for Flanders Mansion which was zoned Improved Parkland (P-2). All of the Mission Trail Nature Preserve is open to the public for passive recreational use. There are five entrances to the park: Mountain View Avenue, Rio Road, 11th Avenue, Martin Road, and Hatton Road (See Figure 4.2-1). These entrances lead to a network of hiking trails, over three miles in extent, which provide access throughout the 35-acre park. The Mission Trail Nature Preserve is recognized for its scenic qualities, including expansive views of Fish Ranch, Point Lobos, the Carmel Mission, and Carmel Bay.

3.2 PROJECT BACKGROUND

An EIR was prepared in August of 2005 for the sale of the Flanders Mansion Property project. The EIR was adopted and certified by the City Council on September 22, 2005. This action was successfully challenged in Superior Court by the Flanders Foundation (Flanders Foundation vs. City of Carmel-by-the Sea and the City Council of the City of Carmel-by-the-Sea (Mont. Co.

Super. Ct. Case No. M76728.)). The City was ordered to de-certify the EIR and rescind all associated resolutions related to the EIR. The City complied with this order on November 6, 2007. In response to the Court's decision, this RDEIR has been prepared to include updates and revisions to the 2005 DEIR. This RDEIR has also been updated to amplify and clarify the analysis, mitigation measures and project-related impacts. A summary of the revisions is provided in each of the respective topical section as part of the introduction. A Chronological history of the property and the project is discussed below.

Chronological History

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 Henry Higby Gutterson.

The Flanders Mansion has been described in historic preservation documents as a remarkable example of Gutterson's mature work. The English Cottage Tudor Revival building was designed both technically and aesthetically to meet the realities of Carmel's coastal climate. Gutterson sited the building into a slope in order to incorporate into his design the expansive views of the Carmel Valley, Santa Lucia Mountain Range, Carmel Bay, and the Pacific Ocean that were available from the property. The cement block building is a unique combination of English half-timbered, English country, and English cottage styles. The Flanders Mansion was fabricated of precast concrete units, (known as "Thermotite"), which was a new product at the time of the building's construction. Some residences had employed this new product before construction of the Flanders Mansion, however none in a cavity wall system. The Flanders Mansion continues to be the only known example of cavity wall construction in the region.

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, 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.

- 1924: Paul Flanders builds his residence on the property.
- 1968: Proposed subdivision of Flanders property into 65 townhouses is denied by City.
- 1969: Re-submittal of subdivision for 45 units is denied by City.
- 1971: City purchases 17.5-acre Doolittle property, adjacent to Flanders, for \$120,000.
- 1972: Proposed subdivision of Flanders property into 1-acre parcels is denied by City.
- 1972: City purchases 14.9-acre Flanders property for \$275,000 on 15 August 1972. According to the City, the sale of the house to offset the cost of the adjacent open space lands was first considered shortly after the purchase was completed.
- 1973: City begins planning for Flanders-Doolittle properties as parkland.
- 1975: City Council certifies EIR for creation of a park, drainage, fill, trails, etc.
- 1977: Town hall meeting discusses possible uses for the Mansion. Options discussed include residential lease, sale for residential use and lease to non-profit for public and/or non-profit use.

- 1977: City Council leases the Mansion to the City Administrator as single-family residence for \$400 per month.
- 1979: City Council adopts R-1 zone for 1.43 acres around the Mansion and adopts a rezone to P-1 for the surrounding parklands.
- 1980: City creates new P-2-A zoning district and zones the .83-acre area of land encompassing the Flanders Mansion and grounds as P-2-A.
- 1985: Planning Commission determines that sale of the Mansion would not conflict with the General Plan. (June)
- 1986: City Council adopts Resolution on sale of Flanders Mansion. (December)
- 1987: Negative Declaration prepared for sale of the Mansion, including General Plan amendment, rezone and re-subdivision.
- 1987: Planning Commission adopts Resolution No. 87-23 finding sale of the Mansion to be inconsistent with the General Plan. (April)
- 1987: City Council allows 6-months for Commissions, Committees and the public to develop a viable use for the Mansion.
- 1988: City Council adopts Resolution No. 88-97 finding sale of the Mansion inconsistent with the General Plan. (September)
- 1989: Mansion listed on the National Register of Historic Places.
- 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.)
- 1996: Task Force established to make recommendations for long-term use of the Mansion.
- 1996: City Council rejects conversion of Mansion into a youth hostel.
- 1996: City Council solicits proposals for use; submitted information for uses includes potential culinary institute, and/or use by CSUMB as well as other uses. Council allows 6-months to gather information.
- 1997: City Council directs the City Administrator to reject a proposal from Culinary Arts Institute because it would degrade the passive recreation environment in the Mission Trail Nature Preserve and the Lester Rowntree Arboretum.
- 1999: On December 7, the City Council considers proposal submitted by the Flanders Foundation and directs staff to prepare for the sale or lease of the Flanders Mansion as a single-family, historic residence and to formulate a lot line adjustment to ensure preservation of the Lester Rowntree Arboretum (Native Plant Garden).
- 2000: Planning Commission approves lot line adjustment creating 1.25-acre parcel under the Mansion subject to findings and conditions. On August 15, 2000, the City Council voted not to approve the concept to use the Flanders Mansion as a conference/cultural center. On September 19, 2000, City Council adopted Resolution No. 2000-115 authorizing the City Administrator to enter into contract for real estate services with Coldwell Banker/Del Monte Realty in connection with the Flanders Mansion.
- 2003: On June 3, 2003, the City Council directed staff to coordinate the sale or lease of the Flanders Mansion and prepare the legal documents for City Council ratification, including the state statute requirements.
- 2004: City Council adopts ordinance rezoning the 1.25-acre Mansion parcel to P-2 and all of the surrounding parklands to P-1 as part of the Local Coastal Program.
- 2004: (September) City Council initiates discussion of infrastructure and capital funding needs over the next ten years.
- 2004: (October) City Council, Planning Commission and Forest and Beach Commission meet in joint session to discuss potential sale of real property assets to meet a portion of the

- City's capital funding needs. Flanders Mansion is identified as the most likely candidate for sale.
- 2004 (November) City Council held a public scoping hearing for the sale of Flanders Mansion Property and determined the need to prepare an EIR because this sale would involve property zoned as Parkland (P-2), within and near existing parkland and an historic resource.
- 2005: (January) The City filed a Notice of Preparation (NOP) to interested agencies and organizations. 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.
- 2005: (August) The Final EIR was prepared and released for public review August 2005.
- 2005: (September) On September 22, 2005 the Carmel-by-the-Sea City Council approved the project, certified the EIR, adopted the Mitigation Monitoring Program and adopted a statement of overriding considerations for the sale of the Flanders Mansion property.
- 2007: (August) Amended Judgment Granting Petition for Writ of Mandamus for The 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 No. M76728), filed August 10, 2007 found the EIR to be inadequate because the City of Carmel-by-the-Sea failed to provide substantial evidence, in the form of an economic analysis, documenting that the environmentally superior alternative, lease of the Flanders Mansion, was considered infeasible. In addition, the city's certification and other resolutions failed to recognize the Flanders Mansion parcel had historically been considered part of the park. The petition for the Writ of Mandamus raised challenges under CEQA, the Carmel-by-the-Sea Municipal Code, and the California Government Code, all in connection with the proposed sale of the Flanders Mansion by its owner, the City of Carmel-by-the-Sea. .
- 2007: (November) As ordered in the Judgment, the City Council on November 6, 2007 adopted Resolution Number 2007-71 to rescind Resolutions Numbered 2005-55, 2005-56, 2005-57, 2005-58 to decertify the EIR for the Sale of the Flanders Mansion Property project and rescind resolutions related to project selection, overriding considerations, project implementation, mitigation measures and findings.
- 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.

3.3 PROJECT OBJECTIVES

In accordance with §15124 of the State CEQA Guidelines, an EIR must present a statement of objectives sought by the proposed project. A description of the project's objectives defines the project's intent and facilitates the formation of project alternatives. Specifically, §15124(b) of the State CEQA Guidelines states the following requirement: "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 the 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." Consistent with the requirements of CEQA Guidelines §15124(b), the following section presents both the primary and secondary project objectives associated with the sale of the Flanders Mansion Property.

During the public comment period for the 2005 DEIR, a number of comments on the project description expressed concern that the City had too narrowly defined the project objectives. 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 City's deliberations regarding the project. In response to this, the City updated the project objectives to reflect the public comments.

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.

3.4 PROJECT CHARACTERISTICS

As previously identified above, the proposed project consists of the sale of the Flanders Mansion Property. At this time, there is no known buyer and therefore the future use of the property is also unknown. Accordingly, this RDEIR evaluates both the direct impacts associated with the sale of the property and indirect impacts associated with a range of reasonably foreseeable future uses of the property. For instance, the sale of the Flanders Mansion would not directly result in physical changes to the property, building, or other exterior elements, but future uses of the site may result in physical changes to the property which would constitute an indirect impact. This RDEIR evaluates both direct and indirect impacts (formerly referred to as "secondary impacts") based upon a range of future uses of the subject property that are consistent with the zoning designation of the site. The site is zoned "P-2", Improved Parklands District.

According to Title 17 of the City's Municipal Code, the purpose of the P-2 Improved Parklands District is to provide appropriately located areas for recreation and associated facilities to meet the needs of City residents and the surrounding area. This District applies to properties that are considered parkland but are not in their full natural state and have been improved with buildings, recreational facilities or other built elements. Section 17.18.010(b) of the City's zoning ordinance limits permitted uses in the P-2 district as "those that are permitted in the P-1 district, in addition to facilities and structures devoted to public recreation, public use, governmental buildings and nonprofit buildings and uses." Allowable uses under the P-2 District are listed in Table 3.1 below.

Table 3.1 Public and Quasi-Public Districts P-2 (Improved Parkland) Use Regulations		
Type of Use	Allowable	Additional Regulations
Residential		
Single-Family	L-1	See CMC 17.08.050(g)
Senior Citizen Housing	L-1	
Small-Family	L-1	
Large-Family	L-1	See CMC 17.08.050(B)
Public, Semipublic and Service		
Clubs and Lodges	L-1	
Conference Facilities, Small	P-1	
Government Offices	L-1	
Museums, Galleries, Gardens (noncommercial)	P-2	
Parks and Recreation Facilities	P	
Parking Facilities (noncommercial)	C-2	See Chapter 17.64 CMC, Findings Required for Permits and Approvals
Commercial		
Hotels and Motels	C-1	See Chapter 17.56 CMC, Restricted Commercial Uses
Theater, Live Performance	C	
Theater, Motion Picture	C	
Transportation, Communication and Utilities		
Antennas and Transportation Towers	C	See Chapter 17.46 CMC
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required Specific Limitations and Conditions: L-1: Limited to the use and maintenance of existing buildings for nonprofit organizations, governmental buildings and uses, and residential use L-2: Limited to facilities serving only park visitors and/or tenants of park buildings. Source: Title 17, Section 17.18.030 of the City of Carmel-by-the-Sea Zoning Code		

In order to ensure that this RDEIR adequately evaluates reasonably foreseeable impacts associated with the sale of the Flanders Mansion, this RDEIR evaluates several potential use scenarios allowed under the existing P-2 zoning designation. For the purposes of this RDEIR, impacts related to the future use of the subject property are considered indirect or secondary to the sale of the Flanders Mansion. The following use scenarios are evaluated in this RDEIR:

- Single-Family Residential; and
- Public/Quasi-public (Museum/Office/Non-Profit/Events).

As noted above, these two land use classifications have historically occupied the Flanders Mansion at various times since its acquisition by the City. The previous DEIR, as modified in the 2005 FEIR, evaluated three potential use scenarios, including a commercial use (i.e. motel/bed and breakfast) since commercial uses are considered an allowable use under the site's zoning designation. This type of use, however, 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 has never historically occupied the Flanders Mansion and would be inconsistent with several of the project objectives associated with the proposed project. In addition, as previously noted by

the City in the 2005 DEIR and FEIR, no net new motel units can be created in the City of Carmel-by-the-Sea under the City's adopted General Plan/Coastal Land Use Plan. For these reasons, this RDEIR evaluates potential impacts associated with a commercial use, such as a motel or bed and breakfast type use in **Section 6.0 Alternatives**.¹

Assumptions

As part of the previous analysis contained in the 2005 DEIR, as modified, a range of assumptions were identified as a method to evaluate the type of reasonably foreseeable impacts that may occur as a result of a future use of the property. These assumptions have been used as part of this RDEIR in order to evaluate potential indirect impacts associated with the future use of the property and are discussed in greater detail below.²

As described in the 2005 DEIR, as modified, each of the potential uses described under the scenarios outlined above have a different mix of potential impacts. For example, single-family residential use generates fewer traffic trips on to the adjacent Hatton Fields neighborhood but would presumably propose exclusionary fencing. This RDEIR assumes that a residential use would likely include construction of exterior elements, such as fencing, to exclude the public from private property, ensure reasonable privacy and also limit liability exposure. It is also assumed that this type of use could also result in additional exterior changes to the Flanders property, such as changes to the landscaping, building exterior and an alteration of the existing circulation pattern that would limit public access to trails, views and enjoyment of the historic resource. In summary, compared to other uses, single-family residential use is assumed to result in fences, walls and other means of partitioning the parcel from the remainder of the Mission Trail Nature Preserve and the permanent loss of public access to the Flanders property.

In contrast, public/quasi-public uses could generate higher traffic or parking demands but may permit some public access to the property as part of its routine operations or on a limited basis as part of any receptions, public gatherings, events or similar activities that may be associated with a public/quasi-public use. In order to fully evaluate potential impacts associated with this type of use this RDEIR assumes that a public/quasi-public use would also result in exterior changes to the property. The extent of exterior changes would be contingent upon the type of public/quasi-public use. In order to fully evaluate potential project impacts the analysis in this RDEIR assumes that a public/quasi-public use would result in exterior changes to the property. Thus, the scenarios used in this RDEIR can be used to help identify the full range of reasonably foreseeable potential impacts as well as the mix of impacts from prospective uses.

3.5 REQUIRED PERMITS AND APPROVALS

This RDEIR is an informational document for both agency decision-makers and the public. The City of Carmel-by-the-Sea is the lead agency responsible for certification of the Final EIR and

¹ In the event that future use of the property would entail a hospitality oriented use, such as a motel or bed and breakfast, additional environmental review in accordance with CEQA would be required.

² An indirect impact is an impact that would occur as a result of the future use of the property. A direct impact, on the other hand, is an impact that would occur directly as a result of a change in ownership/title. For instance, the sale of the property, due to a change in title would result in the loss of publicly-owned parkland and thereby loss of public access to the Property. This is considered a direct impact. An indirect impact on the other hand would consist of physical changes to the property that may occur due to a future use. For instance, a future owner may wish to make exterior changes to the property (i.e. physical construction of fencing, gates, changes to landscaping, additional traffic on the site resulting from the use and resultant change in circulation pattern, etc.). These are considered indirect impacts.

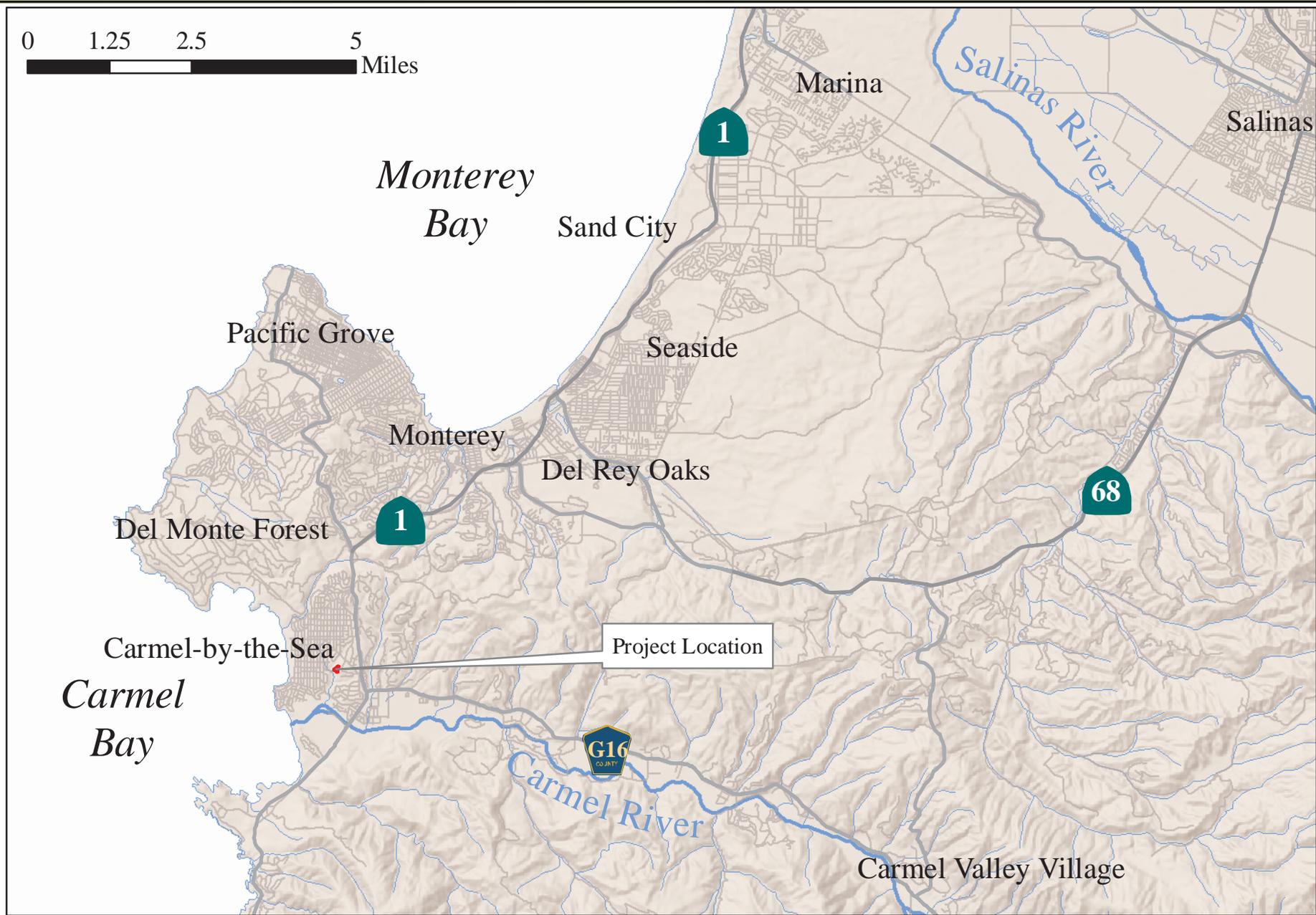
approval of potential future project permits. A summary of the anticipated entitlement and processing actions required to implement the project are as follows:

- Certification of the EIR and Mitigation Monitoring Program
- Resolution by City Council of intent to sell and dispose of parkland property
- Public election to authorize the sale of the property

In determining its recommendations on this project, the City of Carmel-by-the-Sea Planning Commission will review this RDEIR for adequacy and make a recommendation to the City Council regarding certification of the Final EIR. The Planning Commission will also consider the land use analysis in the Final EIR and the City's staff report and make a determination of consistency with the General Plan/Coastal Land Use Plan. The Planning Commission will also make a recommendation to the City Council on the project, ie., whether to sell and dispose of the property with the appropriate findings. The City Council will consider whether to certify the RDEIR, hold a public hearing, and consider taking action on the project. The City may consider a number of actions, including no action, whether to sell and dispose of the property, selection of another alternative or further study of other alternatives.

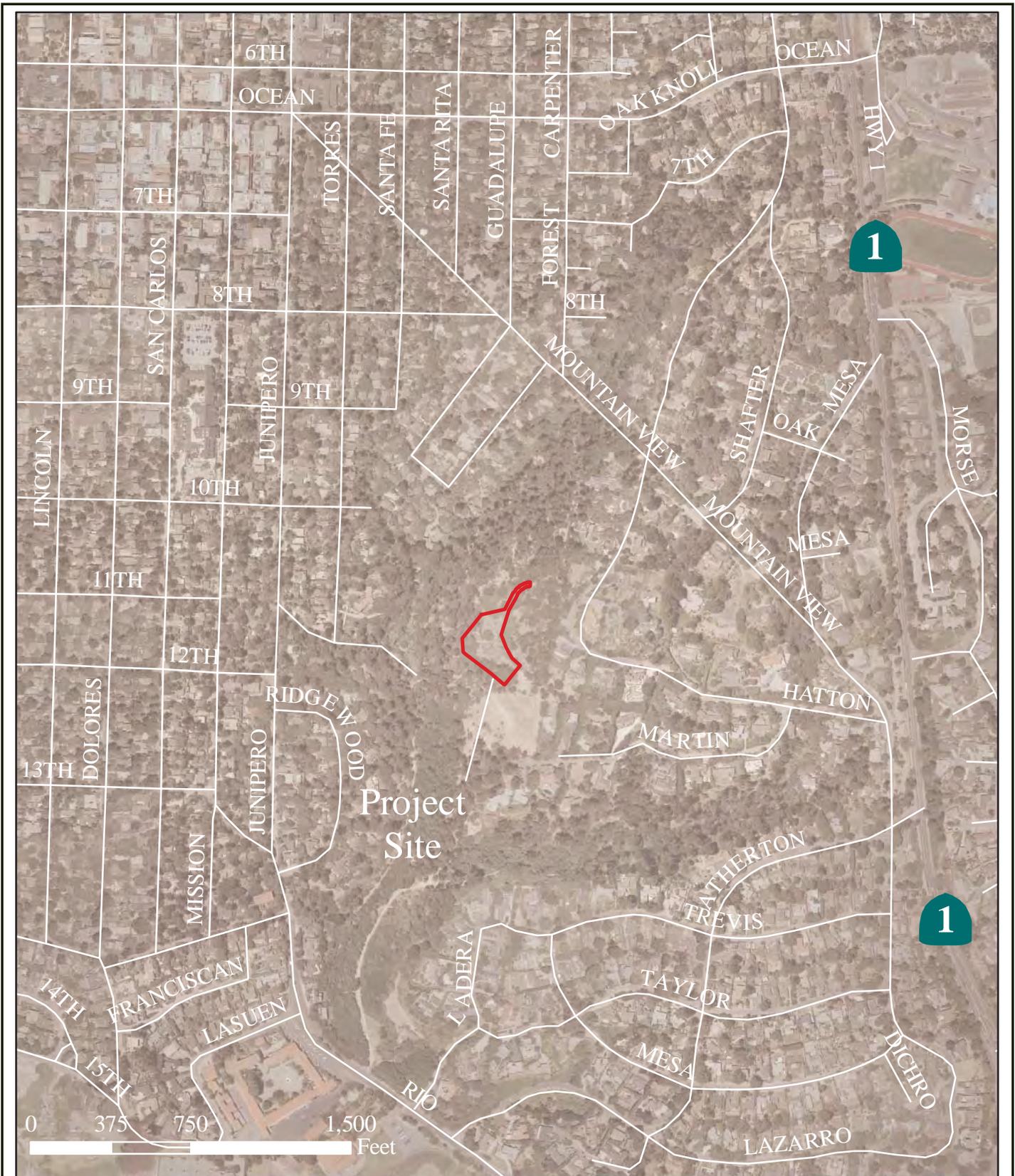
If the City determination is for sale, they must make findings and adopt a resolution of intent to dispose of parkland. There are specific procedural requirements associated with the sale of surplus City property, including notification and offering land for sale to various entities and requirements for an election. The City is subject to these requirements and mandatory provisions of Government Code §38440-38462 and §54220-54222 (See Amended Judgment Granting Petition for Writ of Mandamus for The 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 No. M76728)). In order to sell the Mansion, the City must comply with these Government Code sections, including but not limited to subjecting any proposed sale to public vote.

0 1.25 2.5 5 Miles



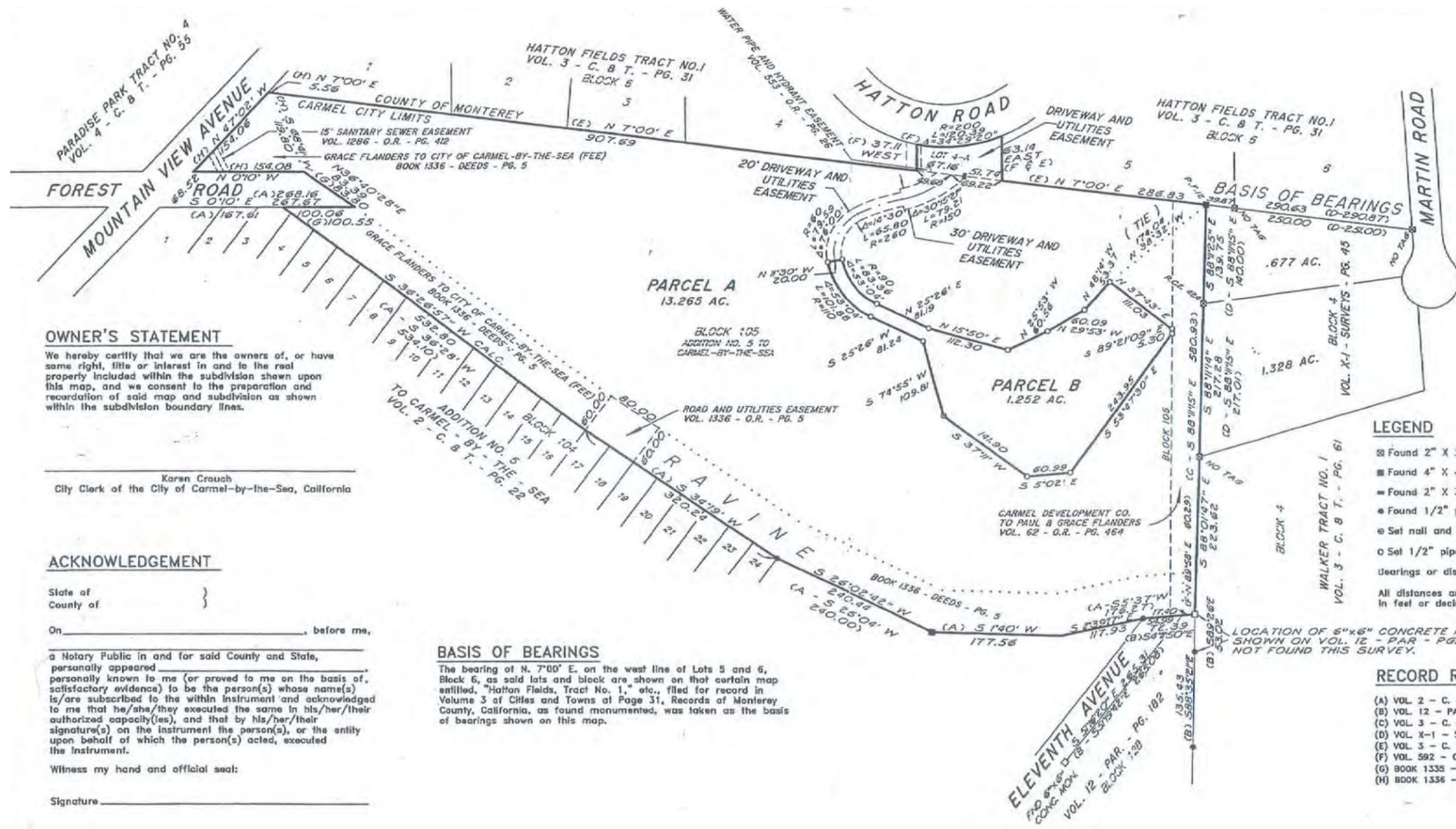
Regional Map

Figure
3-1



Project Vicinity

Figure
3-2



OWNER'S STATEMENT

We hereby certify that we are the owners of, or have some right, title or interest in and to the real property included within the subdivision shown upon this map, and we consent to the preparation and recording of said map and subdivision as shown within the subdivision boundary lines.

Karen Crouch
City Clerk of the City of Carmel-by-the-Sea, California

ACKNOWLEDGEMENT

State of _____ }
County of _____ }
On _____, before me,
a Notary Public in and for said County and State,
personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
Witness my hand and official seal:
Signature _____

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based on a field survey and record data in accordance with the requirements of the Subdivision Map Act and local ordinance at the request of the City of Carmel-by-the-Sea in April, 2000. I hereby state that this parcel map substantially conforms to the approved tentative map, if any.

Gary W. White
P.L.S. No. 4247
June 17, 2004

BASIS OF BEARINGS

The bearing of N. 7°00' E. on the west line of Lots 5 and 6, Block 6, as said lots and block are shown on that certain map entitled, "Hatton Fields, Tract No. 1," etc., filed for record in Volume 3 of Cities and Towns at Page 31, Records of Monterey County, California, as found monumented, was taken as the basis of bearings shown on this map.

CITY ENGINEER'S STATEMENT

I, Clayton B. Neill Jr., state that I have examined this map, that the Subdivision is substantially the same as it appeared on the Tentative Map, if required, and any approved alterations thereof, that all provisions of the Subdivision Map Act and local ordinances applicable at the time of approval of the Tentative Map, if required, have been complied with, and that this map is technically correct.

Clayton B. Neill Jr.
City Engineer
R.C.E. 12805
June 17, 2004

RECORDER'S STATEMENT

Filed this _____ day of _____, 200____,
at _____ M. In Volume _____ of Parcel Maps
at Page _____ of the request of the City of Carmel-by-the-Sea.

County Recorder
By _____ Deputy
Serial No. _____ Fee _____

LEGEND

- ⊠ Found 2" X 2" or 3" X 3" stake, tag as noted
- Found 4" X 4" stake
- Found 2" X 3" stake, no tag, on line—no record reference.
- Found 1/2" pipe, R.C.E. 424
- ⊙ Set nail and tag, P.L.S. 4247
- Set 1/2" pipe, P.L.S. 4247
- Bearings or distances in parentheses indicate record
- All distances and dimensions are expressed in feet or decimals thereof.

RECORD REFERENCES

- (A) VOL. 2 - C. & T. - PG. 22
- (B) VOL. 12 - PAR - PG. 182
- (C) VOL. 3 - C. & T. - PG. 61
- (D) VOL. X-1 - SURVEYS - PG. 45
- (E) VOL. 3 - C. & T. - PG. 31
- (F) VOL. 592 - O. R. - PG. 50
- (G) BOOK 1335 - DEEDS - PG. 230
- (H) BOOK 1336 - DEEDS - PG. 5

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

PARCEL MAP
REDIVISION OF FLANDERS PARCEL
BLOCK 105, ADDITION NO. 5 AND
PORTION OF BLOCK 6,
AMENDED MAP OF PARADISE PARK TRACT
CARMEL-BY-THE-SEA, CALIFORNIA
MARCH 2000 W.O. 5062 SCALE: 1" = 100'



Site Plan (Parcel B)

Figure 3-3

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4.0 Environmental Setting, Impacts and Mitigation Measures

This section describes each of the environmental categories affected by the proposed project. Each category consists of three parts: Introduction, Environmental Setting, and Impacts and Mitigation Measures. Environmental impacts can be described as follows: less-than-significant, potentially significant, significant adverse and significant unavoidable. The specific criteria for determining the significance of a particular impact are identified prior to the impact discussion in each issue section, and are consistent with significance criteria set forth in CEQA Guidelines and local, regional, state or federal standards.

A separate Mitigation Monitoring Program (as required by PRC §21081.6) will be developed in conjunction with the Final EIR, that outlines the mitigation measures and the monitoring and reporting methods that would be employed. The Mitigation Monitoring Program will be considered for adoption by the City Council at the time the Final EIR is certified.

Under CEQA, a significant impact is defined as a substantial, or potentially substantial, adverse change in the environment (Public Resources Code 21068). The guidelines implementing CEQA direct that this determination be based on scientific and factual data. The specific criteria for determining the significance of a particular impact are identified prior to the impact discussion in each section, and are consistent with significance criteria set forth in the guidelines implementing CEQA.

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4.1 AESTHETICS

Introduction

This section assesses the existing visual quality of the project site and potential changes to the visual and aesthetic environment that could result from the proposed project. The visual analysis is based on field surveys conducted by the EIR consultant, photos of the project site from various vantage points and circulation routes, and aerial photographs of the site and its surroundings. Prior to the site visit, aerial photographs and maps were studied and areas of special interest or potential scenic value were noted for assessment during the field survey. Photographs were taken from points that characterize the existing visual character of the Mansion and surrounding area. Figure 4.1-1 and 4.1-2 are representative site photographs of the Flanders Mansion and surrounding property, respectively. Figure 4.1-3 provides a graphical depiction of the surrounding trail network as well as two (2) viewing locations that can be accessed from these trails that are characteristic of scenic vistas. Figure 4.1-4 and 4.1-5 identify photographs from each of these locations that are representative of existing views.

During the course of the public review period for the 2005 DEIR the City received several comments regarding potential impacts to aesthetics. Specifically, comments reflected concerns due to the loss of views from the Flanders Mansion. This RDEIR has taken these comments into consideration. The following analysis has been updated to provide additional information concerning the existing visual environment, potential project impacts, and mitigation measures necessary to reduce the extent of project-related impacts. While the findings of this section have not changed substantially, this section has been revised to provide additional clarification where appropriate. In light of comments received on the 2005 DEIR, new mitigation measures have been incorporated to further minimize impacts. A more detailed analysis on the project's potential impacts related to scenic vistas and the existing visual character of the Mission Trail Nature Preserve, including the Lester Rowntree Arboretum, is also provided. For a detailed analysis concerning the project's consistency with the City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan goals, policies and objectives, please refer to **Section 4.4 Land Use and Planning**.

Methodology & Terminology

As part of the visual analysis, the visual character and quality of the project site and adjacent areas located in the Mission Trail Nature Preserve were characterized using the criteria for visual impact assessments developed by the Federal Highway Administration (FHWA). Although these criteria were developed to evaluate the potential visual impacts associated with individual highway projects, the terminology developed by FHWA to describe the existing visual quality and character of a particular area is still useful for the purposes of CEQA review. As a result, the following analysis uses specific terminology developed by FHWA to describe the existing visual environment of the project site and surrounding area. The following is a brief description of each of the respective visual criteria:

- Vividness is defined as the visual power of landscape components as they combine in striking or distinctive visual patterns. Typical characteristics representative of vividness include distinctive visual elements, such as trees, distant mountain ranges, scenic vistas, or other prominent visual landmarks.
- Intactness is defined as the visual integrity of the natural and human-built landscape and its freedom from encroaching elements; this factor can be present in well kept urban and rural landscapes, as well as natural settings.

- Unity is defined as the visual coherence and compositional harmony of the landscape considered as a whole; it frequently attests to the careful design of individual components in the artificial landscape.

According to the U.S. Forest Service and FHWA, these elements are the basic components used to describe visual character. In addition to the criteria described above, other important factors utilized as part of a visual assessment include the ability to determine the relative importance of existing views and scenic resources. Although the importance of an existing view may be subject to the perspective of the viewer, CEQA identifies that certain visual elements, such as scenic vistas, warrant consideration and impacts to these resources should be identified and mitigated where appropriate. As a result, it is important that a visual assessment also consider a project's potential to limit and/or otherwise obstruct existing views as perceived from the project site and surrounding area. Accordingly, the following visual analysis identifies the existing visual character of the site, as well as visually sensitive locations immediately adjacent to the project site.

Setting

The Flanders Mansion Property is located within the Mission Trail Nature Preserve, a 35-acre park located in the southeastern portion of the City of Carmel-by-the-Sea. Carmel-by-the-Sea is known for its scenic beauty and panoramic views of the Pacific Ocean, Del Monte Forest, Point Lobos, and other areas of the Monterey Region. Access to the City is provided via Highway 1, a state designated scenic highway. The project site is not located adjacent to, nor is it visible from, Highway 1.

According to the Land Use and Community Character Element of the City's adopted General Plan, the special character of the City is considered a "unique asset of statewide and national significance that should be maintained." Moreover, the City is considered a highly scenic area within the context of §30251 and §30253 of the California Coastal Act. Carmel-by-the-Sea is also known for its diversity of architectural themes and styles which also contribute to the overall scenic qualities of the City. In addition, the forested character of the City also contributes to the unique visual character of the area.

The 35-acre Mission Trail Nature Preserve includes a series of trails that provide passive recreational use for area residents. As described in **Section 4.2 Biological Resources**, the area has several different habitat types that contribute to the overall character of the area. This area is relatively undisturbed with the exception of the Flanders Mansion and provides an intact and cohesive visual experience to park visitors. Views of the Santa Lucia Mountain Range, the Pacific Ocean, Carmel Mission, Carmel Bay, Point Lobos, and the Flanders Mansion, contribute to the vivid and distinct nature of the visual quality of the Mission Trail Nature Preserve and its surrounding area. A small portion (~0.04 acres) of the Lester Rowntree Arboretum and Native Plant Garden (herein referred to as the "Lester Rowntree Arboretum" or "Arboretum"), is located within the boundaries of the project site. This RDEIR assumes impacts to the Arboretum due to the small portion of the site being within the boundaries of the Flanders Mansion Property and the Arboretum's general proximity to the Flanders Property. The Arboretum contributes to the visually distinctive nature of the Mission Trail Nature Preserve.

The Flanders Mansion is considered an integral part of the visual character of the area by providing a unique architectural element that is visually distinct and reflective of Carmel-by-the-

Sea's rich and diverse history. The Mansion represents an important visual landmark within the Mission Trail Nature Preserve.

Flanders Mansion was designed by noted San Francisco architect, Henry H. Gutterson. In 1924, Gutterson was hired by Paul and Grace Flanders to design their 5,559 square foot home and gardens within a park-like setting. The resulting building called "Outlands", an English cottage design, (a sub-style of the Tudor Revival), was one of the first structures in Carmel of this pictorial style of architecture. It is listed on the National Register of Historic Places.

Today, the Mansion Property is routinely used by park visitors as an informal gathering place for passive recreational uses. Although the interior of the Mansion itself is not generally accessible to the public, access to the grounds is unrestricted. Unrestricted access to the property allows park visitors to admire the architectural character of the Flanders Mansion and surrounding area. Views of the Mansion Property are available to park users from adjacent park areas and add a unique contrast to the natural environments of the park.

The primary views *from* the Flanders Property consist of existing mature trees and associated habitats located within the boundaries of the property to the south/southwest and the Lester Rowntree Arboretum to the north/northeast. Views to the east and west of the property consist predominantly of existing native habitat within the Mission Trail Nature Preserve. Partial views of the Pacific Ocean are also available from the Flanders Property; however, these views are limited by existing mature trees located on the southwesterly periphery of the site.

In summary, the Mission Trail Nature Preserve, which includes the Flanders Mansion Property and the Lester Rowntree Arboretum, represents an intact visual environment. The Flanders Mansion Property is recognized as an important park element. Its integration into the Mission Trail Nature Preserve significantly enhances the visual experience of park visitors. Views of the Mansion from the property and surrounding area directly contribute to the visual experience of park visitors by allowing them to admire the unique architectural characteristics of the building. The Mansion represents an important visual landmark. Existing public viewing areas within the Preserve provide vivid landscape scale views of the surrounding area. The Flanders Mansion is an integral component to the existing visual character of the Mission Trail Nature Preserve

Regulatory Environment

California State Scenic Highway Program. The California State Scenic Highway program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. The program includes a list of highways that are either designated or eligible for designation as a scenic highway. Portions of Highway 1 along the California coastline are both designated and eligible State Scenic Highways. The section of Highway 1 adjacent to the City is considered a state designated scenic highway. The project is neither adjacent to nor visible from Highway 1.

City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan. The Coastal Management Element and the Open Space, Conservation, and Scenic Highways Element of the City's General Plan identify goals, objectives and policies related to the preservation and enhancement of the existing visual character of the City. The City's General Plan goals, objectives and policies related to aesthetics include the following:

- G5-3* Protect, conserve and enhance the unique natural beauty and irreplaceable natural resources of Carmel and its Sphere of Influence, including its biological resources, water resources, and scenic routes and corridors. (LUP)
- P5-46* Preserve and protect areas within the City's jurisdiction, which due to their outstanding aesthetic quality, historical value, wildlife habitats or scenic viewsheds, should be maintained in permanent open space to enhance the quality of life. Such acquired areas would be left in a natural state or restored for aesthetic and/or wildlife purposes. (LUP)
- G5-13* Develop, preserve and enhance areas of scenic interest and determine methods to protect key scenic corridors and routes.
- O5-41* Encourage increased use of open space areas for such uses as pedestrian paths and scenic viewpoints that would provide for public enjoyment of these areas.
- P6-8* Maintain the City's beach, park, and open space in a manner to encourage use and enjoyment by residents and visitors.
- G7-1* To protect, conservation, and enhance the unique natural beauty and irreplaceable natural resources of Carmel and its Sphere of Influence; to conserve Carmel's available water sources; and to protect scenic routes and corridors.
- O7-2* Develop, preserve and enhance areas of scenic interest and determine methods to protect key scenic corridors and routes.
- P7-3* Encourage the full utilization and opportunities within permanent open space areas for such uses as pedestrian paths and scenic viewpoints that would provide for public enjoyment of these areas.

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA) Guidelines, a project impact would be considered significant if the project would:

- have a substantial adverse effect on a scenic vista;
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view from a state scenic highway;
- substantially degrade the existing visual character or quality of the site and its surroundings;
- or
- create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impacts and Mitigation

The following impact analysis focuses on both the direct and indirect impacts associated with the proposed project, the sale of the Flanders Mansion Property. For the purposes of this analysis, direct impacts would be certain to occur as a result of the sale of the property and subsequent change in ownership, whereas an indirect impact (previously referred to as "secondary impacts") would occur due to a reasonably foreseeable impact that may occur as a result of the future use of the property. 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. An indirect impact, on the other hand, is a secondary impact from the sale and would entail *physical changes* to the property, such as fencing, due to a future use.

Scenic Vista

For the purposes of CEQA, 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. A scenic vista is an important visual element that contributes to the vividness of a particular area or region. In general, a project would impact a scenic vista if the project would obstruct and/or otherwise degrade existing views as perceived from a vista.

A visual reconnaissance of the project site and surrounding area identified two (2) existing locations within the Mission Trail Nature Preserve, immediately adjacent to the Flanders property, that are representative of a scenic vista. Existing views from these locations consist primarily of the Santa Lucia Mountain Range, the Pacific Ocean, the Carmel Mission, and Carmel Valley. Figure 4.1-3 identifies the locations of these viewing areas relative to the Flanders property. Limited views of the Flanders Mansion are available from these locations looking north/northeast, but views of the Mansion in that direction are generally restricted due to existing mature vegetation. Figure 4.1-4 provides representative photos from each of the identified locations.

For the purposes of this analysis, obstruction of distant views of the Santa Lucia Mountain Range, the Pacific Ocean, Point Lobos, the Carmel Mission, and Carmel Valley, and/or the obstruction of existing trail access to these location, would constitute a potentially significant impact to a scenic vista. Please note that the following analysis is specific to impacts related to the adjacent viewing locations, which are considered scenic vistas. This RDEIR recognizes that Flanders Mansion is visible from other areas located within the Mission Trail Nature Preserve, including the Lester Rowntree Arboretum and adjacent trails. Impacts to these areas are addressed separately under the subsection entitled “Visual Character.”

Direct Impact (formerly Primary Impacts)

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. 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. 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*.”

The loss of public access to the Flanders property would directly impact a scenic vista by restricting access to public viewing locations in the Missions Trail Nature Preserve. This

represents a potentially significant impact that can be mitigated to a less-than-significant impact through the incorporation of mitigation measures requiring that the City of Carmel-by-the-Sea provide additional trail access to the existing public viewing locations located immediately adjacent to the Flanders property. Existing informal access to these locations from the Mesa or Doolittle trails could be improved to ensure that adequate access is provided thereby ensuring that project impacts are reduced to a less-than-significant level. Figure 4.1-3 identifies an existing informal trail (i.e. not officially designated) that could be upgraded with minor improvements to provide additional access to existing viewing areas. This alignment has been previously disturbed and improvements to this trail, such as new signage, limited clearing, and similar alterations would not substantially impact the physical environment such that a new environmental impact beyond those identified in this RDEIR would occur. An additional mitigation requiring the preservation of the existing scenic vistas adjacent to the Flanders Mansion property through a scenic deed restriction or easement would further minimize project impacts. This easement covers the Martin Meadow area located south/southwest of the Property. This easement would ensure that continued access to these scenic vistas would be preserved regardless of any future City actions concerning the Flanders Property and this area of the Preserve. Figure 4.1-5 identifies the approximate location of the suggested area to be incorporated as part of a deed or easement. The following mitigation measures are not anticipated to result in any new environmental impacts beyond those analyzed in this RDEIR.

Impact **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. This is considered a potentially significant impact that can be reduced to a less-than-significant level through the incorporation of the following mitigation measure.**

Mitigation

- 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 (e.g. benches, picnic tables, or similar), subject to the review by the Forest and Beach Commission.
- 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.



Photo 1. Front of Flanders Mansion.



Photo 2. North side of Flanders Mansion.



Photo 3. South side of Flanders Mansion.



Photo 4. View From Lester Rowntree Aboretum.

Representative Photos of the Flanders Mansion

Figure
4.1-1



Photo 1. View of northern boundary



Photo 2. View of Southern Boundary.



Photo 3. Monterey Pine Forest Edge (backyard).



Photo 4. Backyard transition to "Monterey Pine Forest Edge".

Representative Photos of the Flanders Property

Figure
4.1-2

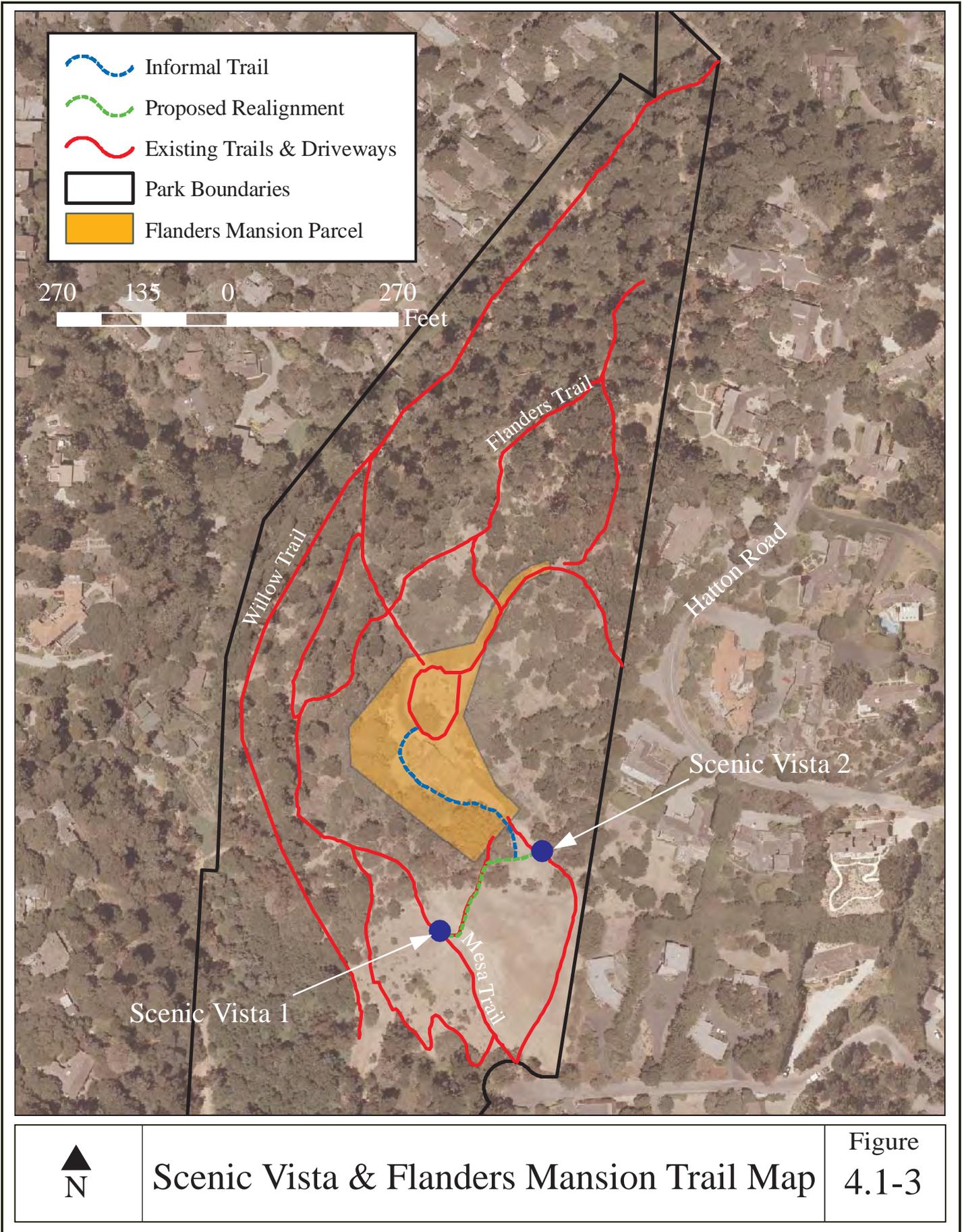




Photo 1. View of Carmel Mission, Carmel Bay and Point Lobos from Scenic Vista One.



Photo 2. Alternative view of Carmel Mission, Carmel Bay and Point Lobos from Scenic Vista One.



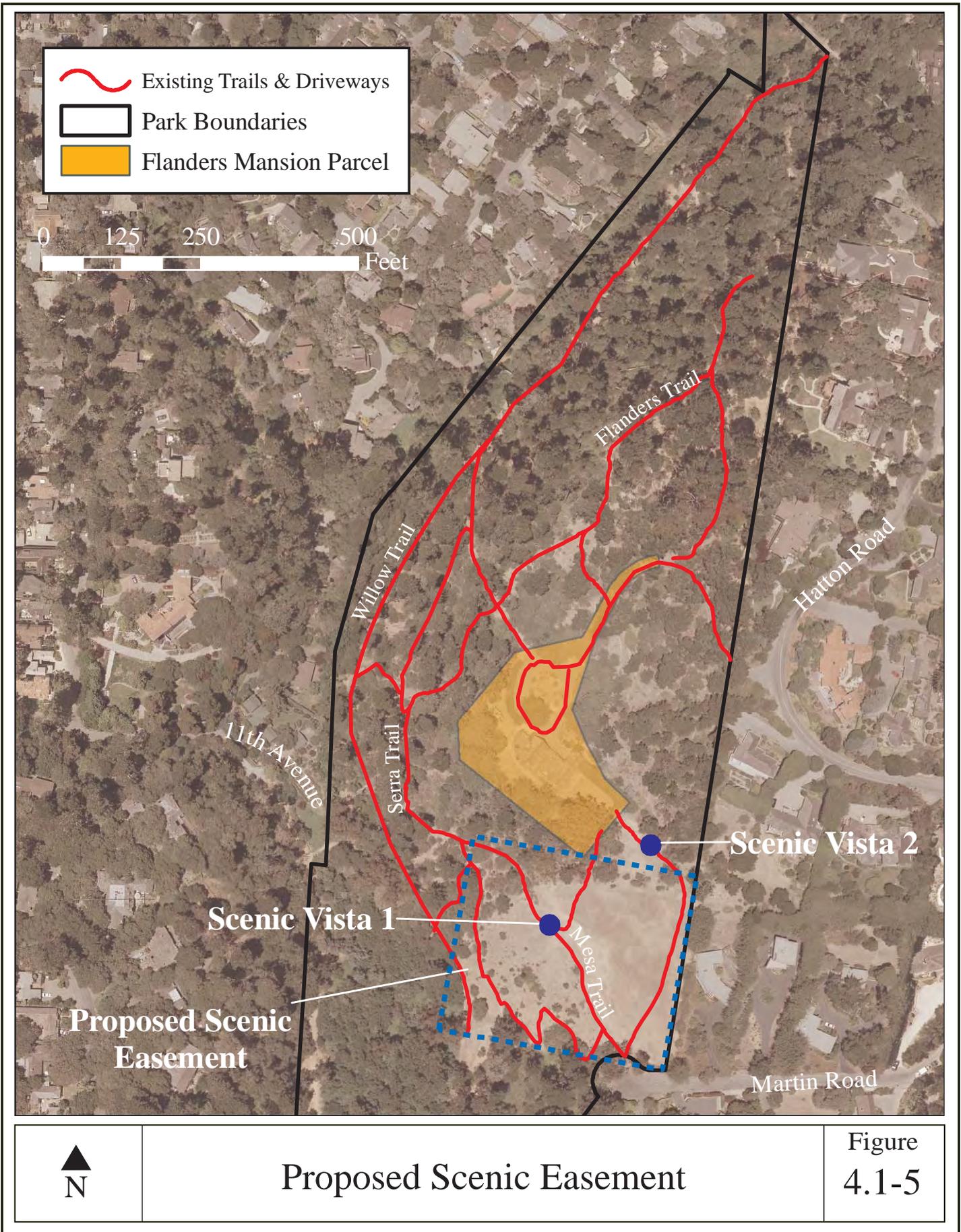
Photo 3. View of Santa Lucia Range and open meadow from Scenic Vista Two.



Photo 4. Partial view of Carmel Bay and point Lobos from Scenic Vista Two.

Scenic Vista Photos

Figure
4.1-4



Proposed Scenic Easement

Figure 4.1-5

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.

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. 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**.

Impact **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. This is considered a potentially significant impact that can be reduced to a less-than-significant level through the incorporation of the following mitigation measure.**

Mitigation

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

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.

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.

Scenic Resources

Many state highways are located in areas of outstanding natural beauty. California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. Portions of Highway 1 along the California coast are both designated and eligible State Scenic Highways. The portion of Highway 1 located in the project vicinity is designated a State Scenic Highway. The project site is located .5 miles from Highway 1 and no portion of the Flanders Mansion or surrounding property is visible from Highway 1. Therefore, the proposed project would not substantially impact a scenic resource within view of a state designated scenic highway. **The proposed project would not impact a scenic resource within view of a state designated scenic highway.**

Visual Character

The existing visual character of the Mission Trail Nature Preserve, which includes the project site, consists predominately of undeveloped open space, nature trails, native vegetation, the Flanders Mansion, and the Lester Rowntree Arboretum. Although access to the interior of the Flanders Mansion has generally been limited, the Flanders Mansion exterior and grounds are recognized as an integral part of the Mission Trail Nature Preserve and the building's architectural character contributes to the existing visual character of the site and surrounding area. The Flanders Mansion is considered an important scenic element of the park because it adds a man-made, historical point of contrast from the surrounding natural habitats. This contributes to the richness of the park experience and enhances the public's enjoyment of the park's visual character. The juxtaposition of vivid landscape-scale views of distant natural resources and intermediate views of historically important man-made features of Carmel-by-the-Sea, such as the Carmel Mission further add to this visual contrast.

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. 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.

For the purposes of the following analysis, an impact is considered to be potentially significant if the project would impact the visual integrity of the Mission Trail Nature Preserve by physically separating it from the remainder of the park, result in physical changes to the Flanders Mansion or property that may be inconsistent with its historical character and surrounding park setting, or impact existing views of the Flanders Mansion from the Lester Rowntree Arboretum and adjacent trails.

Direct Impact (formerly Primary Impacts)

The sale of the Flanders Mansion has the potential to directly impact the existing visual character of the Mission Trails Nature Preserve due to the loss of direct views of the Flanders Mansion from the property. Currently, short range views of the Mansion are provided from most locations on the property and all of these locations are accessible to the general public. Although the sale of the Mansion would not directly result in physical changes to the property, this RDEIR, in an effort to fully analyze potential project-related impacts, assumes that the sale of the property would prevent and/or limit the general public from accessing the Flanders Mansion Property. As a result, this would impact views of the Flanders Mansion from the Flanders property. This is considered a direct impact.²

Loss of access to the Mansion Property and thereby direct close-up views of the Flanders Mansion, a visually significant resource, however, is not anticipated to significantly impact the existing visual character of the Mission Trail Nature Preserve. Although views of the Mansion from the Property would no longer be available from the property grounds, the Mansion would continue to be visible from other locations within the Mission Trail Nature Preserve. In addition, implementation of additional mitigation identified below under the subsection entitled “*Indirect Impact*” would ensure that any future physical changes to the property would not create a visual barrier that would substantially impact existing views of the Mansion. As a result, the Flanders Mansion would continue to be visible by the public from other areas within the Mission Trail Nature Preserve. **This is considered a less-than-significant impact.**

Indirect Impact (formerly Secondary Impacts)

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.³ As a result, new exterior elements associated with a future use have the potential to impact existing views of the Mansion from the Lester Rowntree Arboretum 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 views from the Lester Rowntree Arboretum and adjacent trails as well as physically

² Although the sale of the subject Property would not directly impact views of the Flanders Mansion from the Lester Rowntree Arboretum and adjacent trails, future use of the property could result in exterior changes such as fences, walls, hedges, or similar features that could impact views from adjacent portions of the Mission Trails Nature Preserve. These impacts are addressed under the subsection entitled “*Indirect Impacts.*”

³ 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.

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.

Exterior changes, such as fences, walls, hedges, or similar features intended to provide privacy or denote the boundaries of the property would impact the visual character of the Flanders property, the Mission Trail Nature Preserve and the Lester Rowntree Arboretum. As identified previously, a small portion of the Lester Rowntree Arboretum (~0.04 acres) is located within the boundaries of the project site and the eastern/northeastern boundary of the property abuts the Arboretum. The Arboretum, particularly the area within the project boundaries, is especially sensitive to impacts from future alterations to the project site. The Arboretum has an open character that would be partially impacted if fencing were installed along the eastern boundary of the Flanders parcel. The erection of fencing would impact the existing visual integrity of the park, including the Lester Rowntree Arboretum, by creating a visual barrier surrounding the property, physically separating the parcel from the remainder of the Preserve, and causing physical changes to the property. This could detract from the existing visual experience of park visitors particularly from areas immediately adjacent to the project site. This is considered a potentially significant impact that can be reduced to a less-than-significant level.

In order to ensure that project impacts to the visual character of the Mission Trail Nature Preserve and the Flanders Mansion are minimized, mitigation measures are warranted. More specifically, mitigation is necessary to ensure that any future exterior improvements, such as fencing, walls, gates, hedges, or similar features do not create a visual barrier between the project site and surrounding parklands. The following mitigation measures are in addition to mitigation measures 4.3-1 through 4.3-4 related to protecting historical integrity (see **Section 4.3 Cultural Resources**). This mitigation measure is also in addition to existing requirements identified in Chapters 17.18 and 17.32 of the Municipal Code. The following mitigation measure would not result in any additional impacts beyond those identified in this RDEIR.

Impact **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. This is considered a potentially significant impact that can be reduced to a less-than-significant level through the incorporation of the following mitigation measure.**

Mitigation

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 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. This measure shall run with the land. 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 Arboretum shall be discouraged;
- 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 the Lester Rowntree Arboretum (see Figure 4.1-6);
- Exterior elements shall avoid the removal of existing mature vegetation (i.e. trees), where feasible;
- 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.

Light and Glare

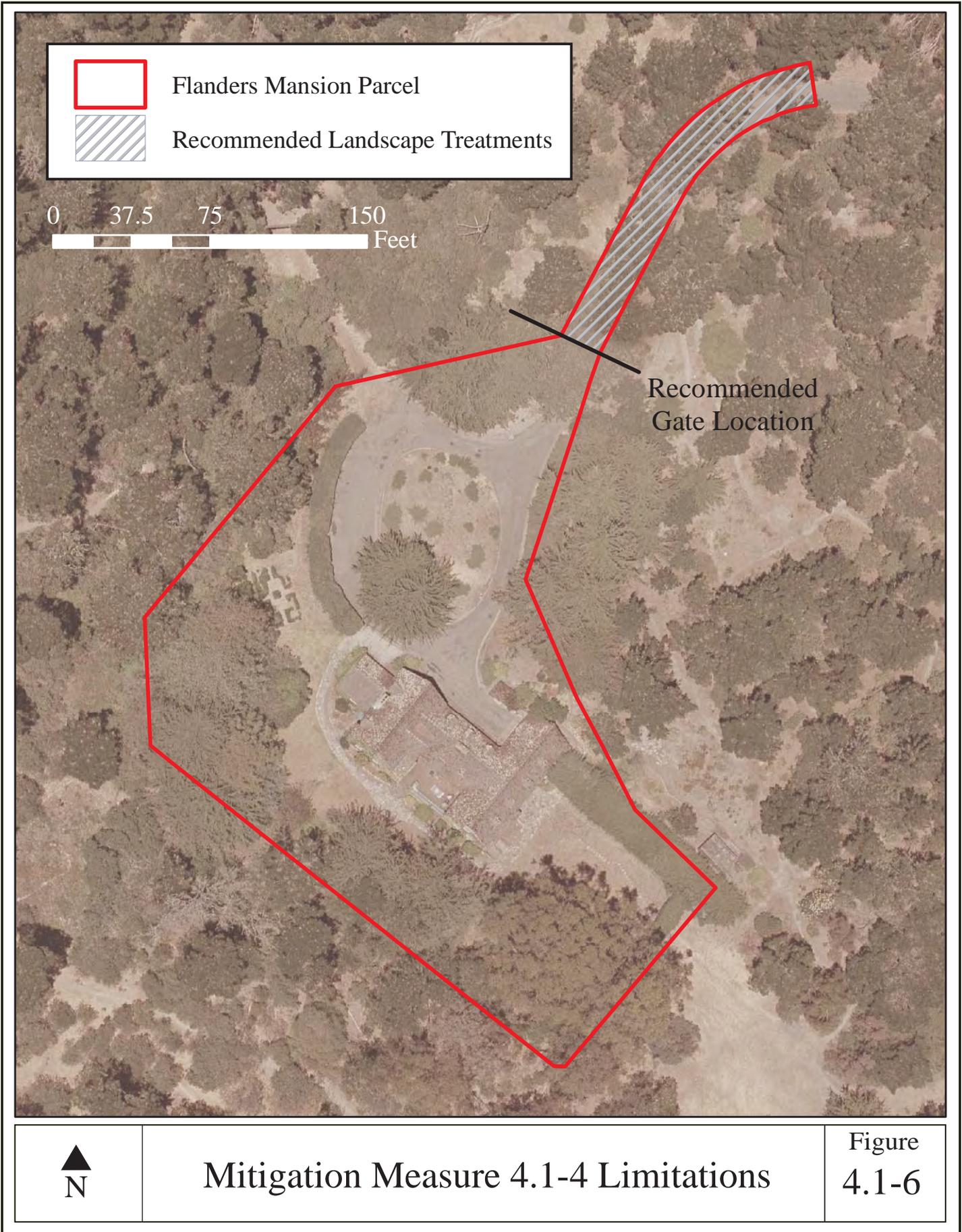
Sale of the Flanders Mansion would not directly create a new source of light or glare such that daytime or nighttime views in the area would be significantly impacted. Although no new sources of lighting are proposed as part of the project, future use of the property could result in additional sources of light, such as exterior lighting for parking or security purposes. Exterior light could impact the existing visual integrity of the Mission Trail Nature Preserve and Lester Rowntree Arboretum due to excess lighting or glare spilling over onto adjacent parkland. In order to reduce potential project-related impacts, mitigation is necessary. Implementation of the following mitigation measure would not result in any additional environmental impacts.

Impact **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. *This is considered a potentially significant impact that can be reduced to a less-than-significant level through the incorporation of the following mitigation measure.***

Mitigation

4.1-5 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:

- 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:
 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.



	Flanders Mansion Parcel
	Recommended Landscape Treatments

0 37.5 75 150 Feet

Recommended Gate Location



Mitigation Measure 4.1-4 Limitations

Figure 4.1-6

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4.2 BIOLOGICAL RESOURCES

Introduction

This section analyzes the project's impacts on biological resources. During the course of the public review period of the previous DEIR several comments were submitted concerning biological resources and the Environmentally Sensitive Habitat Areas (ESHA) that surround the Flanders Mansion Property, which is designated as a ESHA Buffer. These comments were taken into consideration during the preparation of this RDEIR and mitigation measures have been incorporated to minimize these impacts, where appropriate.

In the Superior Court's ruling concerning the adequacy of the analysis contained in the 2005 FEIR, no aspects of the biological analysis were challenged. Therefore, the impact analysis for this section has not been changed substantially. Mitigation measures have been consolidated where appropriate and other mitigation measures have been eliminated that were not directly related to project-impacts. This section is based upon a Biological Assessment completed by Denise Duffy and Associates in 2005 that was conducted within and immediately adjacent to the Flanders Mansion Property. An update to this Biological Assessment was prepared in October 2008 that confirmed the findings of the 2005 Biological Assessment. The Biological Assessment prepared in 2008 found no significant changes onsite or in the project vicinity since the last assessment was prepared. These findings are documented in a memo dated October 27, 2008 prepared by Denise Duffy and Associates. The 2005 Biological Assessment is included as Appendix C and 2008 Update is attached to this document as Appendix D.

Setting

Coastal Land Use Plan and Environmentally Sensitive Habitat Area

The Mission Trail Nature Preserve (except for the area within the Flanders Mansion Property boundary) is designated and mapped as an Environmentally Sensitive Habitat Area (ESHA) in the Coastal Land Use Plan for the City-of-Carmel-by-the-Sea. The ESHA surrounding the Flanders Mansion Property was designated because of the presence of special-status plant and animal species, including the dusky footed woodrat and native Monterey Pines growing on semi-rare soil types. The Monterey Pine forest along the western property boundary within the Flanders Mansion Property is considered ESHA (albeit disturbed), as this habitat may potentially be utilized by a variety of special-status species, and is known to support an active Monterey dusky-footed woodrat nest. For a detailed explanation of the specific ESHA designations within the greater Mission Trail Nature Preserve, please refer to the 1995 report prepared by JSA titled: Final Results of the Environmentally Sensitive Habitat Area Study Conducted for the City of Carmel-by-the-Sea.

Survey Methodology

Reconnaissance-level wildlife, botanical and sensitive habitat surveys, as well as a wetland evaluation, were conducted in December 2004 and January 2005 by Denise Duffy and Associates. These biological surveys assessed the environmental conditions of the site and its surroundings, evaluated the general habitat features and environmental constraints at the site and vicinity, and provided a basis for recommendations to avoid or minimize impacts. These biological surveys consisted of a review of the CDFG California Natural Diversity Data Base (CNDDB) and identification of all plant and wildlife species found on the site to the intraspecific taxon necessary to exclude it as being a special-status species. Habitats within the project site

were characterized in the field to assess any potential for project-related impacts to wildlife and wildlife habitats, and for potential occurrences of special-status wildlife species.

For this RDEIR, field investigations and a Biological Update were prepared in October 2008 to confirm the findings of the previous Biological Assessment. Field investigations consisted of reconnaissance-level plant, wildlife and sensitive habitat surveys of the project site. The 2008 field surveys also included review of the CNDDDB within a mile buffer of the project site to determine special-status plant and wildlife species occurrences within and adjacent to the Flanders Mansion Property.

Special-Status Species

Special-status species are those plants and animals that have been formally Listed or Proposed as Endangered or Threatened, or are Candidates for such listing under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA). Listed and Proposed species are afforded protection under these Acts. Plants on the California Native Plant Society (CNPS) Lists 1A, 1B, and 2 are also treated as special-status species, as well as CDFG species of special concern. Species of special concern are those that could face extirpation in California if current trends continue. Although they have no special legal status, these species are given management consideration whenever possible. Impacts to these species may be considered significant according to the CEQA.

Appendix A of the 2008 Update lists the plant and wildlife species reported by the CNDDDB as potentially present in the project vicinity (within 1 mile), along with their status and a brief habitat description. The 2008 Update and 2005 Biological Assessment also lists the identified plant and animal species that were observed during the field surveys.

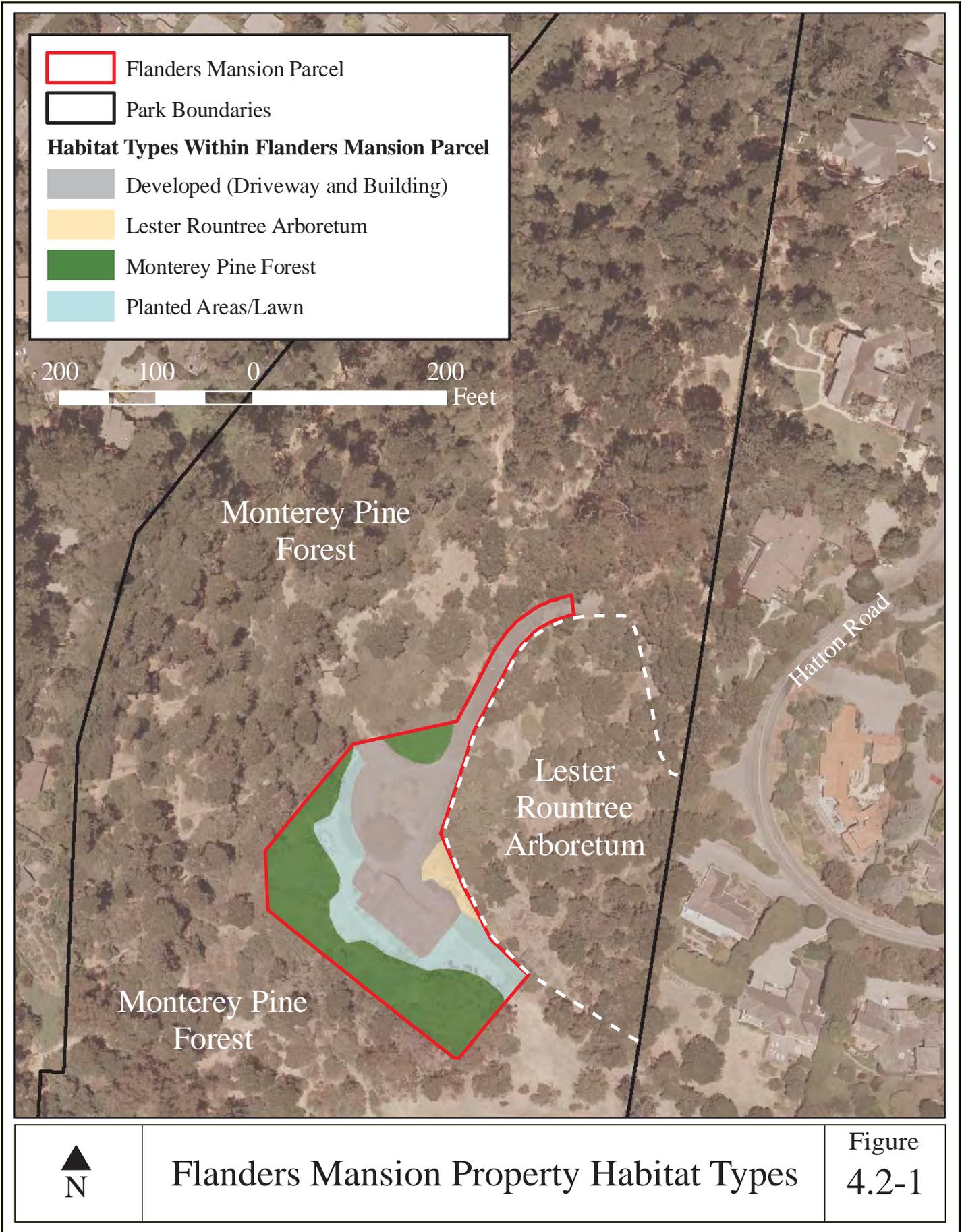
Sensitive Habitats

The project site was surveyed for sensitive habitats. Sensitive habitats include riparian corridors, wetlands, habitats for legally protected species, areas of high biological diversity, areas supporting rare or special-status wildlife habitat, and unusual or regionally restricted habitat types. Habitat types considered sensitive include those listed on the CNDDDB's working list of high priority and rare natural communities habitats (i.e., those habitats that are Rare or Endangered within the borders of California, CDFG, 2003), those that are critical habitat in accordance with the Endangered Species Act, and those that are defined as ESHA under the Coastal Act.

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).

The property boundary between the Flanders Mansion Property and the Lester Rowntree Arboretum is dominated by a mix of native and planted species. Toyon and coast live oak dominate the canopy of the Arboretum in this zone and intersect with planted non-native species



including *Leptospermum* and lemonade berry (*Rhus integrifolia*). The understory of this transition zone supports a mixture of native shrubs such as currant (*Ribes* sp.) and non-native/invasive species such as Himalayan blackberry (*Rubus discolor*). In addition, there is an area between the Flanders Mansion Property and the Arboretum that supports a variety of planted succulents (not identified) along this property boundary.

Monterey Pine Forest. Monterey Pine forest can support a variety of plant species. Onsite conditions range between areas where the Monterey Pine crown cover is relatively dense, and the ground cover consists entirely of Periwinkle, to areas where the canopy is less dense, and the understory is better developed, dominated by non-native/invasive species such as French broom (*Genista monspessulana*) and panic veldt grass (*Erharta erecta*). Directly behind the Flanders Mansion, the Oak Woodland Forest/Edge is typical of the periwinkle ground-cover described above, while southwestern portions of the property support the more complex understory (including broom and veldt grass).

At the interface between the maintained lawn portion of the Flanders Mansion Property and the Monterey Pine Forest Edge along the western boundary of the site, several large Coastal redwoods (*Sequoia sempervirens*) occur which were likely planted many years ago, but as these are remnant, they are included in the “Monterey Pine Forest/Edge” generalized habitat type. Monterey Pine Forest/Edge represents the western and northern boundaries of the Flanders Mansion Property.

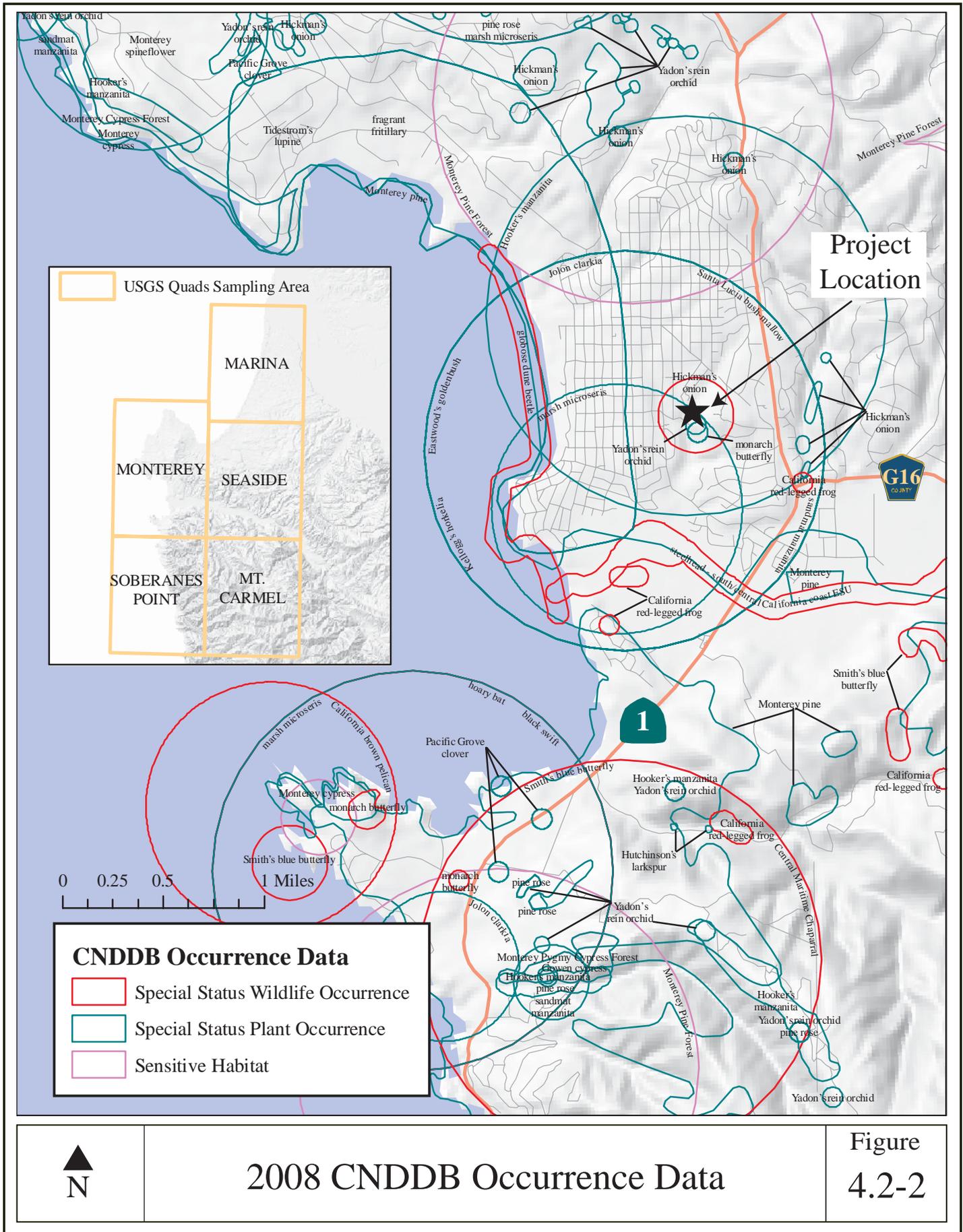
Monterey Pine forest is relatively common within the Mission Trail Nature Preserve and the greater City of Carmel-by-the-Sea, but is increasingly rare when compared to the historic distribution of this habitat type for a variety of reasons (loss to development, disease, and genetic contamination.). It should be noted that the Monterey pine forest present within and along the northern and western boundaries of the property have been substantially degraded, but are still categorized as ESHA within the Coastal Land Use Plan. Monterey Pine forest is known to support a variety of common and special-status plant and animal species which are, in turn, being affected by the loss and conversion of this habitat type. As a result, native Monterey Pine forest is currently listed as a “high priority or rare” habitat type by the California Natural Diversity Database (managed by the California Department of Fish and Game), and intact, native stands of forest are considered ESHA by the Coastal Land Use Plan of the City (*based on the 1995 JSA report, especially when found on rare or semi-rare soil types).

Special-Status Species

Hickman’s Onion. Hickman’s onion is a California Native Plant Society (CNPS) List 1B species, which are afforded planning consideration under CEQA. Hickman’s onion is typically associated with closed-cone coniferous forests, maritime chaparral, coastal scrub, and valley and foothill grassland habitats.

The CNDDDB reports a population of Hickmans’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 a demonstration garden setting. No reports of special-status species occurrence *within* the Flanders Mansion Property are on record.

During DD&A’s site assessments, DD&A confirmed the data listed on the CNDDDB for Hickman’s onion in the mesic field adjacent to the Flanders Mansion Property and mapped by the



1995 JSA report. The onion population was determined to be in the approximate location originally described (JSA 1995), but some shift in the size and location of this population has occurred, as is typical over time. While the onion population was readily apparent in the adjacent mesic meadow it was not possible to identify the onion to the species-level (based on the lack of an inflorescence). However, the location of this population is consistent with the occurrence in the CNDDDB, and it is assumed that these are in fact Hickman's onion. Unlike the mesic meadow, however, no portion of the actual Flanders Mansion Property was observed to support any onion and it is highly unlikely that this species occurs within the project area. While DD&A biologists did not observe any special-status species within the study area, site visits were not conducted during the flowering period of a number of the species presented in Appendix A of the 2008 Update (see species-specific likelihood of occurrence), and a Spring-time survey is therefore recommended to eliminate their potential presence within the site.

Monarch Butterfly. Monarch butterflies (*Danaus plexippus*) are listed by the CDFG as a "species of special concern" and therefore require consideration for construction related impacts. Monarch butterflies are the only known insect in the world which makes an annual, back-and-forth, long-distance migration. Each fall the monarchs fly west and south to the same overwintering sites, and frequently to the same trees. In California, the butterflies cluster in these sites from approximately October to February. In the spring they depart, flying north and east to search for milkweed plants on which the females lay their eggs. Because so much monarch habitat in California and Mexico has been (and is continuing to be) destroyed or degraded, they are now afforded some protection as a CDFG "species of concern." The CNDDDB reports a possible overwintering population of Monarch butterflies (*Danaus plexippus*) reported by Dr. Walter Sakai (Ph.D. lepidopterist) in the adjacent Lester Rowntree Arboretum in 1989 (as shown on Figure 4.2-2).

A dwindling number of groves along the California coast have the characteristics necessary to support overwintering butterflies. Overwintering groves generally have more stable temperatures (i.e. less variation between day and night temperatures) than one would find in exposed areas. Overwintering groves also have less direct sunlight, less wind, and more moisture in the air than groves where the butterflies choose not to cluster. The forest serves to insulate the butterflies from freezing temperatures and to protect them from prolonged exposure to direct sunlight. Monarchs generally overwinter in stands of eucalyptus or Monterey pine. Selected groves are often in a canyon or drainage where butterflies have a source of water. Other clues to look for in the topography when assessing an area for potential monarch occurrence include groves in the prevailing winter wind, dense stands of trees providing protection from gusty storm winds, presence of dense lower ground vegetation, and edge vegetation. Edge vegetation may be low bushes around the border of a grove, or smaller trees or tree shoots which prevent wind from sweeping through tree trunks.

Monterey dusky-footed woodrat. The Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*) is a federal species of concern and CDFG species of special concern. This is a subspecies of the dusky-footed woodrat (*Neotoma fuscipes*), which is common to oak woodlands throughout California. This species is frequently found in forest habitats with moderate canopy cover and a moderate to dense understory; however, they may also be found in chaparral communities.

This species is known to occur within Monterey pine forest habitat in the greater Mission Trail Nature Preserve (1995 JSA), and DD&A biologists observed one active woodrat nest very near the western property boundary of the Flanders Mansion Property (described as "Monterey Pine Forest Edge" above). For this reason, it is assumed that woodrats can and do utilize the northern

and western-most portions of the property. Any potential project impacts to these portions of the property, determined by DD&A to be ESHA based on the criteria established in the 1995 JSA report, will require compliance with a variety of policies and ordinances (Coastal Act, Mission Trail Nature Preserve Master Plan, CEQA, and City of Carmel-by-the-Sea Forest Management Plan). Please see the “Impacts and Mitigation Measures” section below.

Bats. Bat species with the potential to occur in Monterey County which may potentially utilize the habitat within and/or adjacent to the Flanders Mansion Property as either maternity roosts, migratory roosts or foraging roosts may include the protected species listed in Appendix A of the Biological Update.

Several locally occurring bat species (Townsend’s big-eared bat, pallid bat, and western mastiff bat) are designated by CDFG as species of special concern, and are considered potentially present within and/or adjacent to the Flanders Mansion Property. Given the mixed availability of meadow, riparian, and wooded habitat (pine, eucalyptus, oak, redwood) in the greater Mission Trail Nature Preserve, including several old snags north of the site, it is likely that bats are present, or occasionally present, in the Monterey Pine Forest portions of the Flanders Mansion Property. Please see the “Impacts and Mitigation Measures” section below.

Raptors. Raptors and their nests (including hawks, eagles, falcons, kestrels, and owls) are protected under the Migratory Bird Treaty Act of 1918 and CDFG Code Sections 3503 and 3503.5. All active nests are protected from “take” by CDFG Code Sections 3503 and 3503.5. Take, as defined by Endangered Species Act (ESA), is “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Harm is defined as “any act that kills or injures the species, including significant habitat modification.” Potential nesting trees appropriate for many avian species occur within 90 meters (300 feet) of the Area of Potential Impact (API). API is considered the footprint in which all impacts would occur.

Several raptors were observed flying over or immediately adjacent to the Flanders Mansion Property during the DD&A site evaluations. One red-tail hawk (*Buteo jamaicensis*) was observed to repeatedly roost in a mature Monterey Pine snag located offsite and to the north of the Flanders Mansion Property, but no active nests were detected (site assessments were conducted either very early in the nesting season, or before initiation of the nesting season for several raptor species) within or adjacent to the property. Given the availability of nesting sites in the vicinity of the Flanders Mansion Property (and to a lesser degree along the western border of the site), and a habitat mosaic capable of supporting an abundance of prey species (including woodrats), it is likely that raptors are present (both nesting and foraging) in the vicinity of the Flanders Mansion Property. Please note that while no nests were observed, any future project at the Flanders Mansion Property would need to avoid potential impacts to nesting raptors within 300-500 feet of the property. Please see the “Impacts and Mitigation Measures” section below.

Regulatory Environment

There are several laws protecting special-status species. These operate at Federal, State and local levels and will be described in more detail in this Section:

- The Federal Endangered Species Act of 1973
- The Migratory Bird Treaty Act of 1918
- The California Endangered Species Act of 1984
- The California Native Plant Protection Act of 1977

- The Carmel-by-the-Sea Coastal Land Use Plan/General Plan
- The Carmel-by-the-Sea Coastal Implementation Plan/Zoning Code

Federal Laws and Regulations

Provisions of the federal Endangered Species Act (ESA) of 1973 (16 U.S.C., §1532 *et seq.*, as amended) protects federally listed threatened or endangered species and their habitats from unlawful take. Listed species include those for which proposed and final rules have been published in the Federal Register U.S. Fish and Wildlife Service or NOAA Fisheries (formerly known as the National Marine Fisheries Service). The ESA is administered by the USFWS and NOAA Fisheries. In general, NOAA Fisheries is responsible for the protection of ESA-listed marine species and anadromous fish, whereas other listed species are under USFWS jurisdiction.

Federal Candidate species are “taxa for which (USFWS) has on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded.” Federal Candidate species are not afforded formal protection, although USFWS encourages other federal agencies to give consideration to Candidate species in environmental planning. In 1996, the USFWS discontinued the Category 3 and 4 classifications for federal Candidate species (USFWS, 1996). Species either are identified as Candidate species with a listing priority classification, designated as federal “species of concern,” or are no longer given any federal status.

Section 9 of ESA prohibits the take of any fish or wildlife species listed under ESA as endangered. Take, as defined by ESA, is “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Harm is defined as “any act that kills or injures the species, including significant habitat modification.” In addition, Section 9 prohibits removing, digging up, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction. Section 9 does not prohibit take of federally listed plants on sites not under federal jurisdiction. If there is the potential for take of a federally listed species, a Section 7 (federal agency) or Section 10 (private land owner) USFWS Incidental Take Permit may be required to authorize the “incidental take” of that species. Federal agency actions include activities that are on federal land, conducted by a federal agency, funded by a federal agency, or authorized by a federal agency (including issuance of federal permits).

The Migratory Bird Treaty Act (MBTA) of 1918 prohibits killing, possessing, or trading migratory birds except in accordance with regulation prescribed by the Secretary of the Interior. Most actions that result in taking or in permanent or temporary possession of a protected species constitute violations of the MBTA. The USFWS is responsible for overseeing compliance with the MBTA.

State Laws and Regulation

The California Endangered Species Act (CESA) was enacted in 1984. The California Code of Regulations (Title 14, Section 670.5) lists animal species considered endangered or threatened by the state. Section 2090 of CESA requires state agencies to comply with endangered species protection and recovery and to promote conservation of these species. Section 2080 of the Fish and Game Code prohibits "take" of any species that the commission determines to be an endangered species or a threatened species. “Take” is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." It does not include habitat destruction in the definition of take. A Section 2081 Incidental Take Permit from the CDFG is required to “take” any state listed species.

The California Native Plant Protection Act (NPPA) of 1977 directed the CDFG to carry out the legislature's intent to "preserve, protect and enhance rare and endangered plants in the state." The Act prohibits importing rare and endangered plants into California, taking rare and endangered plants, and selling rare and endangered plants. The CESA and NPPA authorized the California Fish and Game Commission to designate endangered, threatened and rare species and to regulate the taking of these species (§2050-2098, Fish and Game Code). Plants listed as rare under the NPPA are not protected under CESA.

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. Section 3503 of the CDFG Code prohibits the killing, possession, or destruction of bird eggs or bird nests. Section 3503.5 and 3513 prohibit the killing, possession, or destruction of all nesting birds (including raptors and passerines). Section 3503.5 states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird except otherwise provided by this code or any regulation adopted pursuant thereto." Section 3513 prohibits the take or possession of any migratory nongame birds designated under the federal MBTA. Section 3800 prohibits take of nongame birds.

CDFG also maintains a list of animal "species of special concern," most of which are species whose breeding populations in California may face extirpation if current population trends continue. Although these species have no legal status, the CDFG recommends considering these species during analysis of project impacts to protect declining populations and avoid the need to list them as endangered in the future.

The Natural Heritage Division of the CDFG administers the state Rare Species Program. CDFG maintains lists of designated endangered, threatened, and rare plant and animal species. Listed species either were designated under the NPPA or designated by the Fish and Game Commission. In addition to recognizing three levels of endangerment, the CDFG can afford interim protection to Candidate species while they are being reviewed by the CDFG Commission.

Under provisions of Section 15380(d) of CEQA, the project lead agency and CDFG, in making a determination of significance, must treat non-listed plant and animal species as equivalent to listed species if such species satisfy the minimum biological criteria for listing. In general, the CDFG considers plant species on List 1 or 2 of the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (Tibor 2001) as qualifying for legal protection under this CEQA provision. Species on CNPS List 3 or 4 may, but generally do not, qualify for protection under this provision.

Local Requirements

Carmel-by-the-Sea General Plan/Coastal Land Use Plan. The Mission Trail Nature Preserve (not including the Flanders Mansion Property) is designated as an Environmentally Sensitive Habitat Area (ESHA) in the Coastal Land Use Plan for the City-of-Carmel-by-the-Sea. For areas within the coastal zone, the definition of ESHA is found in §30107.5 of the Public Resources Code. The Coastal Act (§30240) protects ESHA's from degradation by development. Sub-section (b) of §30240 states the policy for areas adjacent to ESHA's:

"(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of the habitat area."

The City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan contains provisions for the protection of biological resources through proper planning and environmental review. The following policies from the City's General Plan are applicable to the proposed project:

- G5-12* Identify, protect and manage Environmental Sensitive Habitat Areas (ESHAS) to ensure their long-term integrity and the biological productivity of these habitats.
- O5-36* Monitor, study and develop effective management programs for the City's parks and ESHAs. Endeavor to reduce conflicts between environmental protection and use of public and private property within ESHAs.
- P5-157* Support public ownership of sensitive habitats and encourage public-private partnerships for the long-term management of habitats.
- P5-159* Maintain and enhance the resource value of environmentally sensitive habitat areas in consultation with a qualified biologist and in coordination with the California Department of Fish and Game. Remove any non-native, invasive vegetation from sensitive habitats.
- P5-163* Prepare and distribute an information pamphlet about the Stewardship Program to educate landowners on the importance of maintaining and enhancing ESHAs and other important habitats that cross over park boundaries and into residential neighborhoods.
- P5-164* Compile and maintain a mailing list of all property owners adjacent to each ESHA. Send periodic mailings or information sheets to property owners concerning various topics, such as maintenance of fire buffers, use of native plants in landscaping to enhance habitats, not feeding feral animals, and removal techniques for common invasive species (e.g. French broom, Cape ivy, etc.).
- G5-13* Develop, preserve and enhance areas of scenic interest and determine methods to protect key scenic corridors and routes.
- O5-41* Encourage increased use of open space areas for such uses as pedestrian paths and scenic viewpoints that would provide for public enjoyment of these areas.

City of Carmel-by-the-Sea Forest Management Plan establishes criteria for the preservation of the health of all City owned trees and foliage within Carmel and includes specific techniques for cutting, planting and other aspects of proper management. It also contains regulations for removal and replacement of trees within the City.

Carmel-by-the-Sea Municipal Code Chapter 12.48 – Trees and Shrubs. Chapter 12.48 of the City of Carmel-by-the-Sea Municipal Code outlines the policies regarding tree removal and alteration. No trees are proposed to be removed as part of this project. Any trees proposed to be removed as part of future development or uses would be subject to the requirements of Chapter 12.48 of the City of Carmel-by-the-Sea Tree and Shrubs Ordinance.

Thresholds of Significance

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

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service; or
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service; or
- have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance; or
- conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan; or
- impede the use of native wildlife nursery sites or directly harm nesting species protected under the provisions of the Migratory Bird Treaty Act.

Impacts and Mitigation

No direct biological impacts would occur as a result of the project and the following analysis only addresses potential impacts associated with a future use. As previously described in **Section 3.0 Project Description**, the future use of the Flanders Mansion is currently unknown and therefore this RDEIR evaluates a range of potential uses to address indirect project impacts associated with the use of the property. This RDEIR assumes that the property could be used for either residential (single-family) or public/quasi-public (museum, non-profit, office, and some limited public events) uses.

Indirect Impacts

Future uses may warrant the construction of exclusionary fencing or new structures and may result in higher intensity uses which could be incompatible with the surrounding Mission Trail Nature Preserve and the adjacent Lester Rowntree Arboretum. 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 applicability of these laws, ordinances, and policies to any future use of the Flanders Mansion Property is contingent on the potential for impacts to the ESHA Monterey Pine Forest/Edge habitat within and adjacent to the Flanders Mansion Parcel, impacts to the sensitive species documented above, and the actual impacts associated with this future use.

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 the Flanders Mansion. Adherence to existing City requirements contained in Title 15 of the Municipal Code would ensure that impacts related to drainage and erosion would be minimized. In addition, mitigation identified in **Section 4.4 Land Use & Planning** requiring that future use of the property be limited to low-impact uses would further ensure that potential biological impacts would be minimized. The following mitigation measures are necessary to ensure that impacts to biological resources are further minimized to a less-than-significant level. Implementation of these mitigations would not result any new environmental impacts beyond those identified in this RDEIR.

Impacts to Special-Status Plant and Wildlife Species

Impact **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. This is considered a potentially significant impact that can be reduced to a less-than-significant level through the incorporation of the following mitigation measures.**

Mitigation

- 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).
- 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
- 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).
 - 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.
 - 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.

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.

- 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.
- 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 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.
- 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.
- 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.

Consistency with Local Policies/Ordinances Protecting Biological Resources

The project is consistent with local policies and ordinances intended to provide protection for biological resources. 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.

Conflict with the Provisions of an Adopted Habitat Conservation Plan

The project site is not located within the boundaries of an adopted Habitat Conservation Plan (HCP).

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4.3 CULTURAL RESOURCES

Introduction

This section summarizes potential impacts to cultural resources that would occur as a result of the proposed project. The analysis in this section is based primarily on work prepared by Jones & Stokes Associates (historic resources) and Archaeological Consulting (history prior to construction of the mansion) as part of the 2005 DEIR and FEIR. This section analyzes the potential for the proposed project to affect cultural resources.¹ It summarizes the general history of the project area; describes the existing conditions pertaining to cultural resources; identifies the impacts to cultural resources that would result from the proposed project; and suggests mitigation measures for impacts determined to be significant.

During the course of the public review period on the 2005 DEIR numerous comments were received concerning the preservation of historic resources, enforcement of existing City requirements related to historical preservation, and the adequacy of mitigation measures. In response to these comments revisions were incorporated into the 2005 FEIR. The adequacy of the mitigation requiring the preparation of a Preservation Plan, however, was contested in Court by the Flanders Foundation in The 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 No. M76728)). The Superior Court determined that the preparation of a comprehensive preservation plan as a condition of sale did not violate the requirements of CEQA. Specifically, the Court determined that the petitioner, the Flanders Foundation, failed to establish that the preparation of a comprehensive preservation plan as a condition of sale would be a deferral of mitigation. Accordingly, the following analysis is reflective of the previous analysis contained in the 2005 FEIR. Minor revisions have been incorporated to provide additional clarity, where appropriate. In addition, the analysis contained in this RDEIR has also taken into consideration the initial public comments received on the previous DEIR. Finally, existing mitigation identified in the 2005 DEIR and FEIR requiring the documentation of the Flanders property has also been strengthened.

The proposed action includes the sale of the Flanders Mansion. The Flanders Mansion is listed in the NRHP, CRHR, and the Carmel Register of Historic Resources (Carmel Register). Consequently, this building is considered an *historical resource* for the purposes of CEQA.

Setting

Prehistoric and Ethnographic Setting

In 1987, Archaeological Consulting prepared a preliminary archaeological reconnaissance of the Flanders Estate Property for the City of Carmel-by-the-Sea. As part of their efforts, Archaeological Consulting performed background research and a field reconnaissance study.

¹ Cultural resource refers to several different types of properties: prehistoric and historical archaeological sites, as well as architectural properties, such as buildings, bridges, and infrastructure. Federal regulations (36 CFR 800) define a historic property as any prehistoric or historic district, site, building, structure, or object included or eligible for inclusion in the National Register of Historic Places (NRHP). Historical resource is a CEQA term that includes buildings, sites, structures, objects, or districts that may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance, and is listed or eligible for listing in the California Register of Historical Resources (CRHR).

Archaeological Consulting examined their records as well as files at the Northwest Regional Information Center of the California Archaeological Inventory. No previously recorded archaeological sites were located in the general vicinity of the project parcel. However, their research concluded that the project area lies within the ethnographic territory of the Costanoan (Ohlone) linguistic group.

The history of the Carmel area begins in the centuries preceding the discovery of California by Europeans, when there were some 300,000 Native Americans in the state. These early inhabitants were divided into more than 100 tribes who typically shared cultural, linguistic, dress, housing, and other traits according to the regions of California in which they lived: southern, central (where Carmel is located), northwestern, or northeastern. The Coastanoans (coast people) were the indigenous peoples of Carmel. They are also sometimes referred to as the Ohlones. These Native Americans foraged for seeds and nuts, hunted small animals, and fished from boats. Archaeological evidence has placed Ohlone settlements near the present Mission and at the mouth of San Jose Creek. Villages were made up of 10 to 12 rounded dwellings of tule grass lashed to willow poles, each with a central fire pit. Other structures included sweat houses used for purification in times of illness and before a hunt.

Historic Overview

The Ohlones may have come into contact with Europeans as early as 1542, when the Spanish explorer, Juan Rodriguez Cabrillo, journeyed to Alta, California. Sebastian Vizcaino, who had been commissioned to map the coast of Alta, California, first reported contact with the Ohlone in 1602. Despite the sixteenth and seventeenth century Spanish explorations of Alta, California, occupation and settlement of the Carmel area did not begin until the eighteenth century. Fearful that the Russians or the English might try to expand their territory in North America, the king of Spain ordered Gaspar de Portola to set out on an overland expedition from San Diego in 1769 to establish missions, presidios, and pueblos. Franciscan friars led by Father Junipero Serra accompanied him on his journey. The missions played two critical roles in the occupation process: the pacification of the Native Americans through conversion and Hispanicization and the establishment of an agricultural base.

Gradually, the Ohlone as well as neighboring tribes were converted to Christianity and incorporated into mission life. They were trained to perform a variety of tasks at the mission including raising livestock, cultivating crops, and building construction. By 1783, the mission was self-sufficient and supported a population of 700. Construction of the church at Mission San Carlos de Borromeo near the Carmel River was begun in 1793. Dedication took place in 1797 under the direction of Father Lasuen, who took over as padre presidente after Serra died on August 28, 1784. The construction of other buildings school, dormitories, shops, and granaries proceeded until 1815, when the completion of the mission quadrangle was celebrated with thanksgiving services.

With the change of governmental control from Spain to Mexico in 1822 and the secularization of the missions, new land utilization and ownership patterns began to evolve. In 1824, Mexico passed a law for the settlement of vacant lands in an effort to stimulate further colonization. Any citizen, whether foreign or native, could select a tract of unoccupied land so long as it was a specific distance away from the lands held by missions, pueblos, and Indians. A number of ranchos were created around Mission San Carlos.

Monterey County was one of the original 27 counties created following California's admittance to the Union in 1850. The City of Monterey was the original county seat, however, the county

government moved to Salinas in 1873 (Hoover & Rensch 1990, 213). (Grimes and Huemann, Laffey 1997).

Following conquest by the United States in 1848 and statehood in 1850, many of the ranchos in California began to break up as Mexican families lost control over their lands in court cases because of unclear titles or were forced to sell portions to pay taxes and other fees. This pattern occurred statewide, including within the Carmel region of Monterey County (Grimes and Huemann, Laffey 1997).

In 1888, Santiago J. Duckworth purchased 324 acres of land and subdivided it as Carmel City. Inspired by the number of tourists to the nearby mission, Duckworth intended his new settlement to be a summer resort for Roman Catholics, similar to the Methodist retreat previously established at Pacific Grove. The settlement thrived for a few years, yet began to fail during the depression of the 1890s. In 1902, James F. Devendorf, with the backing of San Francisco lawyer Frank H. Powers, bought up the unsold land in Carmel City from Duckworth. Devendorf and Powers then formed the Carmel Development Company and resubdivided the land as Carmel-by-the-Sea and began to promote the new town as a family oriented community, encouraging people with artistic temperaments (Grimes and Huemann, Laffey 1997).

While lots did sell, a significant number of early buyers were not interested in making Carmel their permanent home. Rather, professors from the University of California, Berkeley and Stanford University developed many of the first lots sold as weekend cottages or summer homes. Although Carmel-by-the-Sea did not develop exactly as Devendorf and Powers anticipated, the community flourished and continued to grow nonetheless (Grimes and Huemann, Laffey 1997).

By 1904, the commercial core of Carmel had begun to develop along Ocean Avenue and included a few one- and two-story wood-frame buildings. Around 1907, Devendorf hired Michael J. Murphy to design and construct residential and commercial buildings in the village. Working primarily in redwood and Carmel stone, Murphy's work over the next decade established a carpenter/builder vernacular look for the village. In 1916, Carmel-by-the-Sea incorporated as a city to assure local control of growth. The look of Carmel began to change in the early 1920s as variety of European Revival styles of architecture became popular (Seavey 1988).

In 1923, real estate developer Paul Flanders moved to Carmel to establish a business and a home. For his 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 -- outside professional architects to do design work in Carmel. Flanders architect was noted San Francisco draftsman Henry Higby Gutterson. Trained at the University of California, Berkeley, and the Ecole de Beaux Arts in Paris, Gutterson worked under Daniel Burnham, Willis Polk, and John Galen Howard before establishing his own firm in 1913.

The Flanders Mansion is a remarkable example of architect Henry Higby Gutterson's mature work. The building was designed both technically and aesthetically to meet the realities of Carmel's coastal climate. Gutterson sited the building into a slope of hill in order to incorporate a view of the Carmel Valley, Santa Lucia Mountain Range, Carmel Bay, and the Pacific Ocean into the design of the building. In general, the cement block building is a unique combination of English half-timbered, English country, and English cottage styles. The choice to use cement masonry construction was predicated in part by a disastrous fire in the area north of the University of California Berkeley, campus in 1923 that destroyed many of the areas finest homes. The Flanders Mansion was fabricated of precast concrete units, which was a new product at the

time of the building's construction. Some residences had employed this new product before construction of the Flanders Mansion, however none in a cavity wall system. The Flanders Mansion continues to be the only known example of cavity wall construction in the region. In 1972, the City of Carmel-by-the-Sea acquired the mansion for \$275,000. Since that time, the house has been used variously as an art institute, offices for the Carmel Preservation Foundation, offices and library for the Lester Rowntree Botanical Garden, 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.

Existing Conditions

The assessment presented in this chapter is based on a review of existing information, consultation with interested parties, and field surveys of the project area.

Archaeological and Architectural Surveys

Field research performed by Archaeological Consulting concluded, "none of the materials frequently associated with prehistoric archaeological resources in the area... were noted during the survey." Also, "no evidence of potentially significant historic period resources was noted in the project area." Despite falling within the Costanoan linguistic group's range, Archaeological Consulting's preliminary report concludes that the project area does not contain surface or subsurface evidence of potentially significant cultural resources. Although no archaeological resources were observed during field and background research, the Flanders Estate is located within an "area of known archaeological significance" (City of Carmel-by-the-Sea General Plan, 1988). Consequently, there is the potential for discovery of buried sites during excavation or other ground-disturbing activities.

The Flanders Mansion was listed in the NRHP in 1989 based on a nomination submitted the previous year. Jones & Stokes architectural historians, who meet the Secretary of the Interior professional standards, visited the Flanders Mansion on December 21, 2004. The building was assessed to determine its condition relative to the documentation that established the significance of the building. The site visit revealed nothing to indicate that the historical significance of the building has been in any way diminished since the findings were prepared. The condition of the building is described below.

Flanders Mansion: [This description of the Flanders Mansion is adapted in part from the National Register of Historic Places Registration Form prepared by Kent Seavey in 1988.] The Flanders Mansion is a two-story Tudor Revival English Cottage located at 25800 Hatton Road in Carmel-by-the-Sea. Irregular in plan, the gable roof residence includes a one-story entrance wing, oriented generally north-south, abutting the main two-story mass of the building. The entry wing adjoins an east-west oriented wing that contains much of the general living space of the house. A hyphen, oriented east-west with a south facing open entry court, connects the residential wing to a parallel wing that includes the kitchen, garage, and servants quarter.

Designed in 1924 by noted San Francisco architect Henry Higby Guttersen, the house employs a cavity-walled building system of pre-cast, interlocking, "fireproof, waterproof, and practically everlasting" concrete blocks locally manufactured by the Carmel Thermotite Company. These so-called "Thermotite" units are laid flush in an American bond. The steeply pitched, intersecting gabled roofs are clad with Gladding McBean & Company's "Berkeley" small trough ceramic tile. Redwood rafter tails support redwood gutters at the eave line throughout the roof system. A series of small, tile capped gable roof dormers with either 4-light casement or 6/6 double-hung

wood sash windows pierce the roof plane on all elevations except the single-story entrance wing. An end wall chimney is located between two dormers on the west elevation of the residential wing. It is secured to the main roof by a pair of metal tie rods. A second chimney pierces the south facing roof plane of the entry court elevation at the ridgeline. Both chimneys are constructed of Thermotite blocks to the eave line and faced with light colored standard bricks in the stacks. The stacks are topped with multiple undecorated chimney pots.

The house has two principal entries. One is located on the north elevation of the single-story west wing and faces the circular asphalt driveway. The second entry is located midway along the south elevation of the central wing or hyphen. It is accessed through a raised, open entry court enclosed by a low concrete wall. Other secondary entrances are found in the garage, kitchen, and servants quarters wing. Fenestration includes a variety of wood sash windows including 3/6, 6/6, and 6/9 double-hung windows as well as tall, slender 6-light casements. All exterior window and door casings are of pre-cast concrete.

The Flanders Mansion was determined eligible for the NRHP under Criterion C as one of architect, Henry Higby Gutterson's master works. The building is historically significant because of its unique masonry construction system. The Flanders Mansion retains high artistic value because of Gutterson's distinctive design and site planning. Listed in the NRHP in 1989, the boundary of the historic property includes the house and the surrounding 1.43 acres that comprise the Register-listed parcel. This includes the circular driveway with rock walls, rock pathways, lawns, and mature plantings.

The Lester Rowntree Arboretum also referred to as the Lester Rowntree Native Plant Garden is located at 25600 Hatton Drive on land adjacent to the Flanders Mansion. It is a one-acre hillside garden of mature native California plants, with meandering paths and benches at scenic outlooks. Established in 1981, the garden is dedicated to Lester Rowntree, a local environmentalist, botanist, and feminist who devoted much of her life to studying and writing about native plants and the environment. The Rowntree Arboretum is less than 50 years old and is not directly associated with the life or work of Lester Rowntree, but rather it is a memorial to her. Although NRHP guidelines do allow for the inclusion of commemorative properties, said properties must be over 50 and must possess significance based on their own value, not on the value of the person being memorialized. CRHR guidelines provide similar restrictions with regard to properties less than 50 years old. Consequently, the Lester Rowntree Arboretum and Native Garden does not appear to be eligible for listing in the NRHP or the CRHR and is therefore not a historical resource for the purposes of CEQA.

Regulatory Environment

Federal Regulations

National Register of Historic Places: NHPA Section 106 and its implementing regulations (36 CFR 800) require federal agencies, or those they fund or permit, to consider the effects of their actions on the properties that may be eligible for listing or are listed in the NRHP. To determine whether an undertaking could affect NRHP-eligible properties, cultural resources (including archaeological, historical, and architectural properties) must be inventoried and evaluated for listing in the NRHP. Although compliance with Section 106 is the responsibility of the lead federal agency, the work necessary to comply can be undertaken by others.

The Section 106 review process involves a four-step procedure, as outlined below:

1. Initiate the Section 106 process by establishing the undertaking, developing a plan for public involvement, and identifying other consulting parties.
2. Identify historic properties by determining the scope of efforts, identifying cultural resources, and evaluating their eligibility for inclusion in the NRHP.
3. Assess adverse effects by applying the criteria of adverse effect to historic properties (resources that are eligible for inclusion in the NRHP).
4. Resolve adverse effects by consulting with the State Historic Preservation Officer and other consulting agencies, including the Advisory Council on Historic Preservation if necessary, to develop an agreement that addresses the treatment of historic properties.

For federal undertakings, cultural resource significance is evaluated in terms of eligibility for listing in the NRHP. NRHP criteria applied to evaluate the significance of cultural resources are defined in 36 CFR 60.4 as follows:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or
- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important in prehistory or history.

A property can be eligible for listing in the NRHP under these criteria as being significant at a national, state, regional, or local level depending on the historic context in which it is being evaluated. A historic context establishes the framework from which decisions about significance of properties can be made.

Integrity refers to a property's ability to convey its historical significance (National Park Service 1991). There are seven aspects or qualities of integrity: location, design, setting, materials, workmanship, feeling, and association. The importance and applicability of these qualities depend on the significance of the property and the nature of the character-defining features that convey that significance.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for listing in the NRHP. However, such properties will be considered eligible if a property that achieved significance within the past 50 years is of exceptional importance.

State Regulations

California Register of Historical Resources: CEQA requires that public or private projects financed or approved by public agencies be assessed to determine the effects of on historical resources. CEQA uses the term “historical resources” to include buildings, sites, structures, objects, or districts that may have historical, pre-historical, architectural, archaeological, cultural, or scientific importance.

CEQA states that if implementation of a project results in significant effects on historical resources, then alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed (14 C.C.R. §§ 15064.5, 15126.4). Therefore, before impacts and mitigation measures can be identified, the significance of historical resources must be determined. CEQA guidelines define three ways that a property may qualify as a historical resource for the purposes of CEQA review:

- the resource is listed in or determined eligible for listing in the CRHR;
- the resource is included in a local register of historical resources, as defined in Public Resources Code (PRC) Section 5020.1(k), or identified as significant in an historical resource survey meeting the requirements of PRC 5024.1(g) unless the preponderance of evidence demonstrates that it is not historically or culturally significant, or
- the lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (14 C.C.R. § 15064.5(a)).

Each of these ways of qualifying as an historical resource for the purpose of CEQA is related to the eligibility criteria for inclusion in the CRHR (Pub. Res. Code §§ 5020.1(k), 5024.1, 5024.1(g)). A historical resource may be eligible for inclusion in the CRHR if it:

1. is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage,
2. is associated with the lives of persons important in our past;
3. embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. has yielded, or may be likely to yield, information important in prehistory or history.

Properties that are listed in or eligible for listing in the NRHP are considered eligible for listing in the CRHR and therefore significant historical resources for the purpose of CEQA (Pub. Res. Code § 5024.1(d)(1)).

Local Regulations

Carmel Historic Preservation Program: Title 17, Chapter 17.32 of the Carmel by-the-Sea Municipal Code codifies the City’s historic preservation program. In general the chapter establishes standards, procedures, and regulations to promote the identification, preservation, and enhancement of historic resources in the City by:

1. Establishing a Historic Resources Board with powers and duties to administer the City's Historic Preservation Program.
2. Maintaining an inventory of historic resources (Carmel Inventory of Historic Resources).
3. Identifying and protecting archaeological resources.
4. Protecting the design character and context of the residential and commercial areas by maintenance of an appropriate setting for historic resources.
5. Participating in Federal and State preservation processes and programs.
6. Becoming a certified local government.
7. Incorporating historic preservation principles into the City's project review process, consistent with State and Federal standards, criteria, and practices.
8. Avoiding and minimizing potential impacts on historic resources when developing and enforcing land use, design review, zoning, fire code, environmental review and other City regulations.
9. Pursuing and supporting the use of appropriate capital, Federal, State and local private grants, loans, tax credits and tax relief.
10. Providing financial, technical and legal assistance programs to encourage and assist with rehabilitation and maintenance of historic resources. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

Under the ordinance, the Carmel Inventory of Historic Resources is the ongoing collection of information for buildings, structures, objects, sites and districts surveyed by qualified professionals for the City and found to meet the criteria established in the City's GP/LUP. Properties included in the inventory have been surveyed in accordance with the requirements of California Public Resources Code (PRC) Section 5024.1(g), are recognized as historically significant as established in PRC Section 5024.1(k) and therefore meet the CEQA standard for a historical resource per CEQA Section 21084.1 and Guidelines Section 15064.5(a) (2). Resources in the Carmel Inventory include individual properties, historic districts, and archeological resources. Historic districts may consist of multiple properties that are united geographically and located with a defined boundary, or isolated properties that do not share a geographic boundary but are united by a common theme (also known as a "thematic grouping").

To be eligible for the Carmel Inventory, historic resources:

- A. Should be representative of at least one theme included in the Carmel-by-the-Sea Historic Context Statement.
- B. Shall retain substantial integrity.
- C. Should be a minimum of 50 years of age and shall meet at least one of the four criteria for listing in the California Register at a national or Statewide level of

significance (primary resource) or at a regional or local level of significance (local resource) per CEQA Guidelines Section 15064.5(a)(3).

D. To qualify for the Carmel Inventory, an historic resource eligible under California Register criteria No. 3 (subsection (C)(3) of this section) only, should:

1. Have been designed and/or constructed by an architect, designer/builder or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; or
2. Have been designed and/or constructed by a previously unrecognized architect, designer/builder or contractor if there is substantial, factual evidence that the architect, designer/builder or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement; or
3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or
4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

Historic resources included in the Carmel Inventory are eligible for listing in the Carmel Register of Historic Resources (Carmel Register). The Carmel Register designates those resources for public recognition and benefits. All surveyed historic resources that are significant at the national or State level are listed on the Carmel Register. All surveyed historic resources that are significant at the local or regional level may be listed on the Carmel Register upon request of the property owner and designation by the City. Properties included in the register are also part of the Carmel Inventory and meet the CEQA standard for historical resources per CEQA, Pub. Res. Code §21084.1 and Guidelines §15064.5(a)(2). The Flanders Mansion is recognized as a locally significant historic resource and is included in the Carmel Inventory.

Thresholds of Significance

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

- cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5;
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- disturb any human remains, including those interred outside of formal cemeteries.

As a general guide, physical changes that conflict with the Secretary of the Interior's Standards for the Treatment of Historic Properties are considered significant impacts.

Impacts and Mitigation

Historic Resources

Sale of the Flanders 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 would largely depend on how the property is used. If it is occupied as a single-family residence, it is probable that the new owners may desire to erect perimeter fences or walls to protect their privacy and reduce their exposure to liability. Conversely, if the property is used for offices, motel, museum, or similar uses, there may be much more tolerance for public access to and across the property for passive recreation such as hiking and bird watching. Because the City's historic preservation ordinance provides a sufficient mechanism to protect the integrity of the historic resource (i.e. any future project would need to adhere to the Secretary's Standards), this impact is not considered significant. However, since future ownership and uses are unknown at this time, the RDEIR recommends the following mitigation measure to ensure that any future owner/lessee of the Flanders Mansion preserves and protects the historic nature of the resource.

Impact **Sale of the Flanders 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 represents a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation measures.***

Mitigation

4.3-1 The terms of any sale shall be subject to Conditions of Sale, which shall run with the land, 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 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 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 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.

It should be noted, that for this project, additional mitigation measures have been incorporated into the project which require that specific lease terms be implemented or that Conditions of Sale be recorded with the property that run with the land and mandate that the structure be maintained in a historic fashion per required standards.

4.3-2 Prior to the sale of the Flanders Mansion, the City of Carmel-by-the-Sea shall document the Flanders Mansion so that a record of the property as it exists today is preserved. To accomplish this, the City shall hire a qualified cultural resources specialist to document the Flanders Mansion (house and grounds) with a historical narrative and large format photographs in a manner consistent with the Historic American Buildings Survey (HABS). Copies of the narrative and photographs shall be distributed to appropriate local repositories (libraries, planning department) and concerned groups (historical societies, preservation groups). The preparation of the HABS documentation shall follow standard National Park Service procedures. There would be three main tasks: gather data; prepare photographic documentation; and prepare written historic and descriptive reports. The photographic documentation shall consist of large-format photography conforming to HABS standards. Photographic documentation shall include 4-by-5-inch negatives in labeled sleeves, 8-by-10-inch prints mounted on labeled photo cards, and an index to the photographs. In addition, the documentation shall include photographic reproduction of any building blueprints, if available.

The Mission Trail Nature Preserve Master Plan indicates that the Flanders Mansion is an intrinsic part of the preserve and the surrounding area. The loss of the Flanders Mansion from City control may have the effect of removing the property from public use even if it retains the parkland zoning. This would largely depend on who buys the property and how the property is used.

Based upon the existing zoning ordinance and allowed uses, it is reasonable to assume the sale of the Flanders Mansion would result in the property being utilized for Residential Use (single family residence), Public/Service Use (historic site/museum with some public events), or Commercial Use (bed & breakfast inn or office). Any of these use scenarios has the potential to result in impacts to the building and/or the surrounding property. Reasonably anticipated impacts include (but are certainly not limited to): the repair and replacement of damaged or failing original architectural elements (windows, roof tiles, gutters, and so forth; additions to the existing building or construction of new buildings or structures on the property; the removal and replacement of existing landscape elements; the realignment and replacement of existing or addition of new circulation patterns (driveways, paths, and such). Sale for Public/Service use would likely require renovation to the building and grounds in order to comply with the requirements of the American with Disabilities Act of 1990 (ADA).

When designing the house, architect Gutterson carefully sited the Flanders Mansion to take full advantage of the viewshed while at the same time providing a degree of privacy and protection from the elements. Consequently, although it is not included within the boundaries of the NRHP property listing, the surrounding Mission Trail Preserve is important to understanding the original

context of the Flanders Mansion. Any intrusive visual or physical separation of the house from the park would be a substantive adverse change.

The sale of the Flanders Mansion would not result in a significant impact to the historic property under CEQA because the City of Carmel has an existing historic preservation ordinance (Title 17, Chapter 17.32) that clearly protects historic resources. In brief, the ordinance assures that any change to the property by future owners would need to be consistent with the Secretary of the Interiors Guidelines for the Treatment of Historic Properties (Secretary's Standards). Failure to meet these standards would require a new EIR.

In general, the Secretary's Standards are intended to promote responsible preservation practices to protect important cultural resources and may be applied to all properties identified as historic resources including buildings, sites, structures, objects, and districts. The Secretary's Standards include four treatment approaches: Preservation, Rehabilitation, Restoration, and Reconstruction.

The first treatment, Preservation, emphasizes the retention of all original historic materials through conservation, maintenance and repair. This would be the most appropriate treatment for the Flanders Mansion. Rehabilitation emphasizes the retention and repair of historic materials, but provides more latitude for replacement because it is assumed the property is more deteriorated. This treatment would also likely be suitable for any work done on the Flanders Mansion.

Restoration focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods. Reconstruction establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials. Neither of these last two treatments would be required for the Flanders Mansion.

An essential, practical question to ask when applying a treatment is: Will the building be used as it was historically or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character. For example, the adaptation of the Flanders Mansion as a museum or as a cultural center could easily be done without a resulting loss of historic character or integrity.

Regardless of the treatment, code requirements will need to be taken into consideration. However, a series of hastily or poorly designed code-required actions can jeopardize a property's historic material as well as its historic character. Consequently, if a building needs a seismic or similar upgrade, modifications to the historic appearance should be minimal. Lead paint and asbestos abatement within historic buildings requires particular care if important historic finishes are not to be adversely affected. Finally, alterations and new construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designed to minimize material loss and visual change to a historic building. Adherence to the Secretary's Standards typically is central to in any mitigation requirement or -- as in the case with Carmel -- in historic preservation programs and ordinances.

In general, the Carmel historic preservation ordinance (CMC 17.32) requires that any action that would directly or indirectly alter, remodel, demolish, grade, relocate, reconstruct or restore any historic resource would need: 1) a determination of consistency with the Secretary's Standards; 2) to comply with the requirements of the CEQA; and 3) a building permit or other applicable permit from the City. Demolition of structures identified as historic resources on the Carmel Inventory is prohibited except under special circumstances such as an immediate need to address

a public health and safety emergency or when there are no feasible alternatives consistent with the Secretary's Standards (CMC 17.64.050)

To determine consistency with the Secretary's Standards, all major alterations require an evaluation by a qualified professional and review and approval by the Historic Resources Board (CMC 17.32.140). Under the ordinance, any minor alteration not in compliance with the Secretary's Standards, any visual change, exterior design modification or addition to a building, structure, or site design, including, but not limited to changes in architectural style or details, or changes in exterior materials, paving or decks, additions exceeding two percent of existing floor area or volume, relocation on the same site and with the same setting or context, and demolitions constitute major alterations.

If a proposed major alteration is found by the qualified professional to be consistent with the Secretary's Standards, the project shall be presumed to be consistent for purposes of making a preliminary determination regarding any required environmental documentation and staff shall forward the application and evaluation to the Historic Resources Board (Board) for action (CMC 17.32.160; Chapter 17.70). If the Board concurs with the evaluation, the Board shall issue a determination of consistency and adopt any appropriate conditions of approval. If the Board does not concur, the Board may request additional information prior to issuance of a determination of consistency, or may issue a finding of noncompliance with the Secretary's Standards. If an evaluation concludes that a proposed alteration is not consistent with the Secretary's Standards, the report shall list aspects of the project that are not consistent along with guidance for modifying the project to comply with the Secretary's Standards.

A project that is not consistent with the Secretary's Standards shall constitute evidence of substantial adverse impact to an historic resource. If the applicant does not choose to modify the proposed alteration to comply with the Secretary's Standards, the Department shall require preparation of an EIR as part of the environmental review process prior to review issuance of any permits for the project. If the applicant chooses to work to modify the proposed project to comply with the Secretary's Standards, City Staff, may require the qualified professional to recommend conditions of approval that, if adopted and implemented, would cause the project to comply with the Secretary's Standards (CMC 17.32.160)

No permit authorizing significant adverse impacts to an historic resource inconsistent with the Secretary's Standards shall be issued unless necessary to address a public health and safety emergency as provided in CMC 17.30.010 or until completion of the environmental impact report (EIR) process. Preparation of an EIR for such projects shall include a review of project alternatives and/or mitigation measures that would achieve consistency with the Secretary's Standards, including consideration of the "no project" alternative. The EIR also shall include an analysis of the feasibility of each alternative. Documentation may be required for any resource in the inventory to be demolished and/or for the property as a whole; Design review for compliance with the Secretary's Standards may be required for any subsequent development on the property.

Any person who violates a requirement of the Historic Preservation ordinance or fails to obey an order issued by the City or comply with conditions of approval of any certificate or permits issued under this section shall be guilty of a misdemeanor and shall be subject to an administrative penalty of up to \$250,000 for each violation. As part of any enforcement proceeding, violators may be required to reasonably restore the historic resource to its appearance, condition or setting prior to the violation, or shall be subject to other limitations on the use of the property (CMC 17.32.190).

In the event that the City or a new owner elects to lease the property, the same ordinance would apply to any actions by a lessee.

For example, one character-defining feature of the Flanders Mansion is the original windows throughout the house. The Preservation Plan would describe the existing condition of each window and then recommend the protection and maintenance of the wood and architectural metals which comprise the window frame, sash, muntins, and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems. Other maintenance would include making windows weathertight by re-caulking and replacing or installing weatherstripping. The Preservation Plan would also identify the character defining features of landscape and make recommendations for preservation and maintenance of mature landscaping features as well as appropriate new plantings.

The Preservation Plan would also be an appropriate document for making recommendations to guide future owners to the appropriate treatments for defining the edge of the property (fencing) and for new construction on the property (additions to the existing building or new buildings). Preservation principles recognize that historic buildings often need to be modified or adapted into order to continue to be viable working structures. However, modifications need not destroy the historic values of the building and it is possible to modify the Flanders Mansion to meet changing needs without causing major harm to its historic fabric. In general, all future additions would need to be sympathetic with the design of the mansion and its surroundings.

For example, if a future owner wished to expand the interior living space, they could do this by renovating the interior of the existing garage or the second story spaces, so long as the work did not damage the exterior elevations or the building.

Similarly, for nonresidential uses it may be possible to construct new buildings on the grounds without affecting the historic resource. This could be done by siting them away from the main building. For example, it may be possible to place a new garage near the turnout at the north end of the circular drive. Generally speaking, in scale and massing, any new construction would need to be sympathetic to the Mansion. It would not be appropriate to construct a three-story Italianate Villa adjacent to the historic building, however a small, single-story cottage of a similar Tudoresque idiom may be appropriate. Although the new work must be sympathetic, it must not exactly imitate the current structure or create a sense of false history. Once again, the Preservation Plan would be an appropriate document to carefully consider site planning and to provide guidance for future development.

Archaeological Resources

Impact **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 of artifacts associated with a buried site would constitute a significant impact to a potentially significant resource. *This impact can be reduced to a less-than-significant level with implementation of the following mitigation.***

Mitigation

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 necessary, to develop appropriate treatment measures in consultation with the State Historic Preservation Office.

Impact **Construction of the project may result in the discovery and disturbance of unknown archaeological resources and/or human remains. *This represents a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation measures.***

Mitigation

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:

- 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.

Paleontological Resources

No paleontological resources are known to exist in the project area; therefore, project development would not result in direct or indirect impacts on any unique paleontological resources. **The project would have no impact on paleontological resources.**

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4.4 LAND USE AND PLANNING

Introduction

This section analyzes the project's land use effects, specifically its potential to conflict with those parts of applicable plans and zoning ordinances, including the City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan Land Use Element and Zoning Code, that are intended to avoid or minimize potential environmental impacts. During the course of the public review period on the 2005 DEIR, numerous comments were received by the City concerning the project site's existing zoning designation, applicable General Plan/Coastal Land Use Plan policies related to Open Space/Parkland/Zoning, and past resolutions concerning the Flanders Mansion Property. This RDEIR has taken these comments into consideration and appropriate revisions/clarifications have been incorporated, where applicable. The analysis contained in this section has also been revised and updated to reflect the Superior Court's determination regarding the 2005 FEIR.

In the Superior Court's ruling concerning the adequacy of the analysis contained in the 2005 FEIR and the City's determination that the sale of the Flanders Mansion was considered generally consistent with the City's adopted General Plan/Coastal Land Use Plan, the Court found that the City acted within its discretionary authority in terms of the project's consistency. Moreover, the Court also found that the General Plan consistency analysis did not violate the requirements of CEQA. Although the Superior Court confirmed that the City acted within its discretionary authority in terms of determining project consistency, the Court also ruled that the project site is considered parkland. Accordingly, this RDEIR has been updated to accurately reflect the parkland status of the parcel to ensure consistency with the Court's ruling.

Minor modifications for clarification purposes have been made and an expanded discussion regarding the project's setting, relevant regulatory environment and analysis of project impacts is provided. Please note, however, that the impacts analysis has not changed substantially from the analysis contained in the 2005 DEIR and FEIR; most changes to this analysis are related to the status of the parcel as parkland. This information has been provided in support of the impact determination. In instances where the previous analysis was unclear, revisions have also been incorporated.

Setting

The 1.252-acre project site, which is accessible from Hatton Road, is located entirely within the Mission Trail Nature Preserve in the City of Carmel-by-the-Sea. The Flanders Mansion Property is considered an integral part of the Missions Trail Nature Preserve because it provides park benefits and also facilitates the use of other areas of the 35-acre preserve. Although access to the Flanders Mansion building has been limited, the property and building are recognized as an important component of the Mission Trail Nature Preserve. According to the General Plan Land Use Map, the project site is designated as Open Space/Recreation/Cultural (see Figure 4.4-1). According to Title 17 of the City of Carmel-by-the-Sea Municipal Code, the project site is zoned P-2, Improved Parklands. The remaining 33.74-acres of the Mission Trail Nature Preserve are zoned P-1, Natural Parklands and Preserves. No physical boundaries separate the Flanders Mansion Property from the remaining portion of the Mission Trail Nature Preserve. The grounds of the Flanders Mansion Property are directly accessible from several trails within the Preserve and it is easily accessed by the general public.

The Flanders Mansion Property is entirely surrounded by the Mission Trail Nature Preserve. 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. Land uses to the north consist predominantly of single family residential neighborhoods.

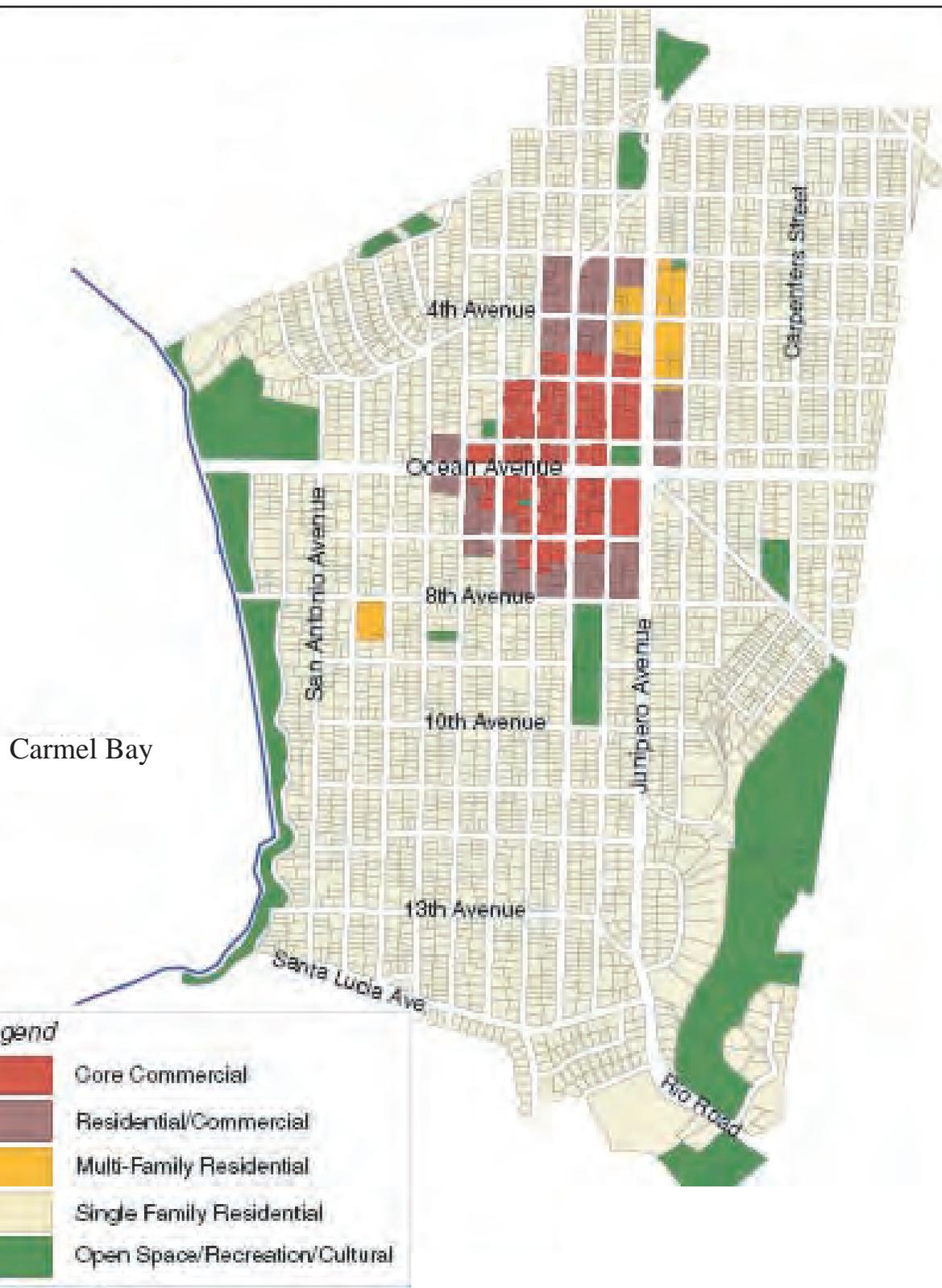
Regulatory Environment

Mission Trail Nature Preserve Master Plan. The purpose of the Missions Trail Nature Preserve Master Plan (herein referred to as “Master Plan”) is to 1) establish and maintain long-range goals for the preservation and use of the Mission Trail Nature Preserve; and 2) guide the City in its decision making process concerning the management of the Mission Trail Nature Preserve. According to the Master Plan, the Preserve consists of approximately 35-acres of land classified as Environmentally Sensitive Habitat Areas (ESHA) according to §30107.5 of the California Coastal Act of 1976, as amended. §30107.5 defines ESHA as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities...” The City’s adopted General Plan/Coastal Land Use Plan recognizes that the Flanders Mansion site is not within ESHA, but is within an area designated as an ESHA buffer (see Figure 4.4-2).

The Master Plan identifies specific goals, objectives and policies consistent with the City’s adopted General Plan. According to the Master Plan, the Flanders Mansion is an intrinsic part of the Mission Trail Nature Preserve and the surrounding area. At the time the Master Plan was prepared it was unclear whether the City would retain the Flanders Mansion or seek to divest itself of the property. Accordingly, the Master Plan repeats several policies in the City’s General Plan concerning management of the Flanders Mansion Property (commonly referred to as “Outlands” in City planning documents) should the City decide to retain the property. In addition to identifying specific policies pertaining to the Flanders Mansion Property, the Master Plan also identifies policies related to the Lester Rowntree Arboretum, sensitive resources, including wetlands and riparian areas, drainage features, and parking. Applicable Master Plan policies are identified in Table 4.4-1. As noted in the Master Plan, there are no formally designated parking areas for park visitors. Currently, limited parking is available adjacent to the Flanders Mansion. This RDEIR assumes that the sale of the Flanders Mansion would result in the permanent loss of this parking area if future owners installed a gated entry for security or privacy purposes.

City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan. Pursuant to California Government Code Section 65300, each city is required to adopt a comprehensive General Plan. The City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan, adopted in 2003, includes goals, objectives and policies for the physical development of the City. The City’s General Plan was combined with its Coastal Land Use Plan to ensure consistency with applicable California Coastal Act requirements.

According to the City’s General Plan Land Use Map (see Figure 4.4-1), the Mission Trail Nature Preserve, including the project site, is designated as Open Space/Recreation/Cultural. This designation is “intended to provide for public open space, beach and recreation lands available for public use, and public and quasi-public facilities created to promote cultural and senior-citizen activities.” The General Plan identifies allowable uses within this designation as uses that promote access to public recreation, cultural activities, or senior-related activities and are compatible with on-site natural resources. General Plan Figure 7.1 identifies the Mission Trail Nature Preserve as “Parks and Open Space” and specifically identifies the project site as being within an ESHA buffer.



Source: City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan



General Plan Land Use Map

Figure
4.4-1

Carmel Bay

Legend

-  ESHA
-  ESHA Buffer
-  City Boundary

Source: City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan



General Plan ESHA Map

Figure
4.4-2

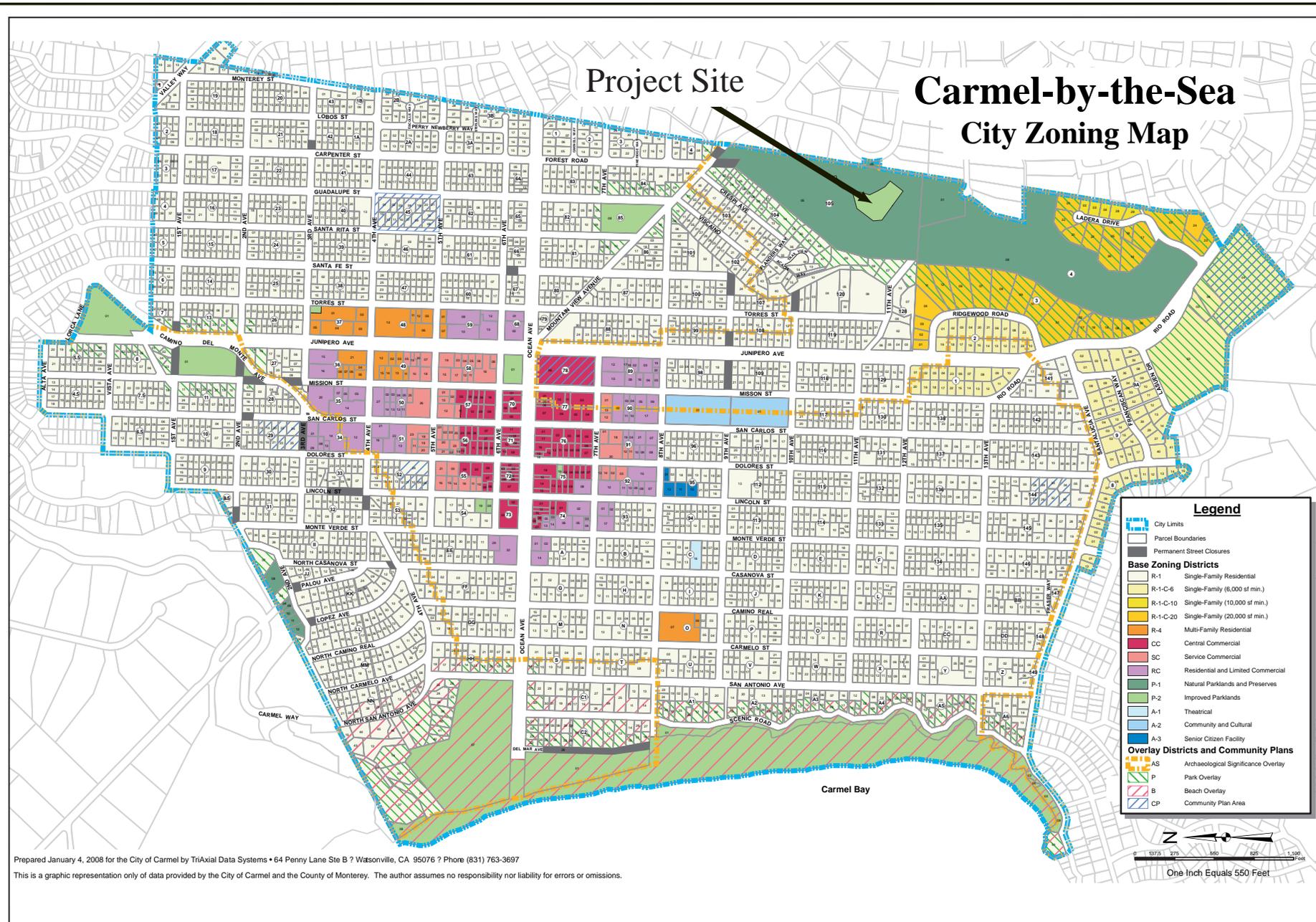
The Mission Trail Nature Preserve is described in the General Plan as consisting of four discrete planning units, including the Martin Road Parcel, Park Proper, Flanders Mansion/Rowntree Native Plan Garden and Outlet Meadow. As one of these planning units the Flanders Mansion Property is recognized as an integral part of the 35-acre Mission Trail Nature Preserve that provides a number of park benefits to the general public. Although access to the interior of the Flanders Mansion building has been limited, the property and building are recognized as an important element of the Mission Trail Nature Preserve. Based on information contained in the General Plan and the Superior Court's ruling concerning the 2005 FEIR, the Flanders Mansion Parcel is considered parkland. Table 4.4-1 summarizes the applicable City of Carmel-by-the-Sea land use policies that would apply to decisions regarding the proposed project.

City of Carmel-by-the-Sea Municipal Code, Title 17. According to Title 17 (Zoning) Chapter 17.18, the project site is zoned as P-2, Improved Parkland (see Figure 4.4-3). The P-2 zoning classification is considered a Public/Quasi-Public District. According to §17.04.050, the purpose of a Public/Quasi-Public district is to “preserve and protect the predominantly residential character of the City, provide community services, parks and open spaces and protect environmental resources in accordance with the General Plan/Local Coastal Program Land Use Plan.” §17.18.010 further defines the purpose of the P-2 designation. Specifically, “the purpose of the improved parklands district is to provide appropriately located areas for recreation and recreational facilities needed by the residents of the City and the surrounding area.” Permitted uses in the P-2 district are those permitted in the P-1 district, plus facilities and structures devoted to public recreation, public use, government buildings and nonprofit buildings and uses. Future use of the Flanders Mansion Property would be subject to the requirements described in §17.18.030 which identify specific land use regulations related to the P-2 zoning district (see table 3.1 in **Section 3.0 Project Description**). In addition to requirements specified in §17.18.010 of the zoning ordinance, Chapter 17.32, Historical Preservation, would also apply to any future use of the subject property to any future use of the subject property. Any future owner of the property would be required to properly maintain the Flanders Mansion in accordance with City requirements. The requirements identified in Chapter 17.18 and 17.32 of the Municipal Code are included as Appendix E.

Thresholds of Significance

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

- physically divide an established community;
- conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- conflict with any applicable habitat conservation plan or natural community conservation plan; or
- displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.



Zoning Map

Figure
4.4-3

Impacts and Mitigation

Physically Divide an Established Community/Displacement of Housing or People

No established community would be physically divided as a result of the project. The division of an established community typically involves actions that would create physical barriers separating portions of a built community, such as the construction of a new road or freeway through an established neighborhood. The sale of the Flanders Mansion property would not displace existing housing or persons such that the construction of replacement housing would be necessary. **The project would have no impact on an existing established community or displace a substantial amount of existing housing or people.**

Conflict with Any Applicable Land Use Plan, Policy, or Regulation

As identified elsewhere in this RDEIR, the proposed project may result in potential land use impacts associated with aesthetics, biological resources, cultural resources, and parks and recreation. These impacts are addressed within their respective sections of this RDEIR and mitigation measures have been identified to reduce the extent of these impacts, where feasible. The following analysis addresses the conformance of the project with applicable land use policies and regulations, identified in the City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan, Zoning Ordinance (Title 17), and the Mission Trail Nature Preserve Master Plan.

As identified above, the Superior Court determined that the City of Carmel-by-the-Sea acted within its discretionary authority when the City determined in 2005 that the sale of the Flanders Mansion was considered to be generally consistent with the City's General Plan/Coastal Land Use Plan. While the City may ultimately determine that the project is consistent with the adopted General Plan/Coastal Land Use Plan, the 2005 DEIR did identify a number of potential policy conflicts. Specifically, the 2005 DEIR, as amended, recognized potential conflicts with several policies intended to avoid impacts to parkland. Consistent with the determination of 2005 DEIR, as amended, this RDEIR evaluates potential impacts associated with the implementation of the proposed project in terms of potential conflicts with policies intended to reduce and/or avoid a potential impact. While the City's General Plan/Coastal Land Use Plan recognizes that the City may determine to divest itself of the Flanders Mansion Property and the City may determine that the project is generally consistent with the City's General Plan/Coastal Land Use Plan, CEQA requires that an EIR evaluate and identify potential impacts that may conflict with land use policies that have been adopted to avoid and/or minimize potential environmental impacts. In this instance, the proposed project may conflict with policies intended on avoiding and/or minimizing impacts to parkland.

The following analysis evaluates the potential direct and indirect impacts associated with the proposed project consistent with the findings of the 2005 DEIR and the Superior Court's ruling. For the purposes of the following analysis, a direct impact would occur due to a change in ownership/title, whereas an indirect impact may occur as a result of a future use of the property. The analysis contained in this RDEIR specifically focuses on potential conflicts that may arise with policies intended to avoid impacts to parkland.

Direct Impact

The sale of the Flanders Mansion Property may result in potential land use conflicts with several General Plan/Coastal Land Use Plan goals, objectives and policies that are intended to avoid impacts to parkland and ensure that park benefits are maximized and preserved. The project site is

considered parkland. This RDEIR, consistent with the analysis contained in the 2005 DEIR and FEIR, has determined that the project would result in the permanent loss of parkland and associated park benefits (see **Section 4.6 Parks and Recreation**). This is identified as an unavoidable impact that is locally significant to the Mission Trail Nature Preserve.

As identified in the 2005 DEIR and FEIR, the proposed project may conflict with the following goals, objectives and policies: P5-46, P5-139, P5-107, P6-8, P7-3, O5-21, O5-32, O5-41, G5-6, G5-8 and G5-13. These goals, objectives and policies are intended to promote public use of parklands, provide enhanced trail access within the Mission Trail Nature Preserve, provide public access to City-owned parks, preserve open space and parks, preserve the aesthetic characteristics of the City, and preserve the tranquil and forested character of the Mission Trail Nature Preserve. Implementation of the proposed project would result in the permanent loss of parkland and associated park benefits. The permanent loss of parkland is considered a significant and unavoidable impact. The permanent loss of parkland would conflict with goals, objectives and policies intended on avoiding and/or minimizing impacts to parkland. The proposed project would conflict with policies intended to promote the use and preservation of parkland. Table 4.4-1 summarizes the project's consistency with applicable goals, objectives and policies identified in the General Plan/Coastal Land Use Plan.¹ This is considered a significant impact.

Although the City's General Plan/Coastal Land Use Plan recognizes that the City may decide to divest itself of the Flanders Mansion property, sale of the Mansion would result in a significant and unavoidable impact due to the loss of parkland and associated park benefits. This impact would result in potential land use conflicts with several policies that are intended to avoid impacts to parkland. While mitigation measures have been incorporated into this RDEIR to ensure potential project-related impacts are minimized, the permanent loss of parkland would nevertheless represent a significant and unavoidable impact that would conflict with policies that are intended to avoid and/or minimize potential impacts to parkland.

Impact **Sale of the Flanders Mansion Property would result in the permanent loss of parkland and therefore has the potential to conflict with several 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. Specifically, the proposed project would conflict with the following goals and policies: G5-6, O5-21, P5-46, and P5-107. This is considered a potentially significant impact that cannot be reduced to a less-than-significant level.**

Mitigation

None identified.

¹ It is important to note that these policy statements are intended to provide general guidance on protecting and enhancing the City's parks, open spaces and related resources for the benefit of residents, visitors and the environment. These statements are nonspecific regarding the sale or retention of the Flanders Mansion and the City's General Plan/Coastal Land Use Plan recognizes that the City may determine to divest itself of Flanders Mansion Property (see policies P5-141, P5-142 and P5-143).

Indirect Impact

Consistent with the findings of the 2005 DEIR and FEIR, the sale of the Flanders Mansion Property may result in incompatible uses with adjacent passive parklands designated as ESHA and the Hatton Field single-family residential neighborhood. As previously described in **Section 3.0 Project Description**, the future use of the Flanders Mansion is currently unknown and therefore this RDEIR evaluates a range of potential uses to address indirect project impacts associated with the use of the property. Based on this information, this RDEIR assumes that the property could be utilized for residential (single-family) or public/quasi-public (museum, non-profit, office, and some limited public events) uses. Some potential future uses may warrant the construction of exclusionary fencing or new structures or may result in a higher land use intensity which could be incompatible with the surrounding Mission Trail Nature Preserve and the adjacent Lester Rowntree Arboretum. In addition, higher intensity land uses may also be incompatible with the adjacent residential neighborhoods due to increased traffic and noise. These potential impacts could be found inconsistent with General Plan policies G5-8 and O5-32. The intensification of use beyond the historical use of the property could conflict with the General Plan and therefore constitute a significant impact.

In order to ensure that the proposed project would not result in potential conflicts due to incompatible land uses, mitigation is necessary. This impact can be reduced to a less-than-significant level through the incorporation of mitigation that restricts the future use of the property to a low-intensity land use that is consistent with the historical use of the property (i.e. residential or public/quasi-public). Implementation of the following mitigation measures is necessary to ensure that project-related impacts are reduced to a less-than-significant level. This mitigation measure would not result in any new impacts beyond those analyzed in this RDEIR.

Impact **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 Arboretum, and the Hatton Field residential area. This is considered a potentially significant impact that can be reduced to a less-than-significant level.**

Mitigation

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. These restrictions shall run with the land and shall be legally binding.

Conflict With Any Applicable Habitat or Natural Community Conservation Plan

There are no habitat or natural community conservation plans that apply to the project site. Therefore, the project would not conflict with any applicable Habitat or Natural Community Conservation Plans. **The project would not adversely impact any habitat or natural community conservation plans.**

Table 4.4-1 General Plan/Coastal Land Use Plan Policies		
Number	Goal, Objective, Policy	Consistency
Land Use		
P1-104	Prohibit the demolition of all historic resources and prohibit changes to historic resources that are inconsistent with the Secretary of Interior's Standards and Guidelines unless it is determined through environmental review that alternatives consistent with the Secretary of Interior Standards are not feasible. When completing environmental review of any project affecting an historic resource, require exploration of one or more alternative designs that would be consistent with the Secretary of the Interior's Standards and Guidelines Standards. (LUP)	Project consistent. The project if approved with mitigation would be consistent with this policy. Mitigation measures have been incorporated into this RDEIR to ensure that future uses of the Flanders Mansion and any associated exterior changes are in compliance with the Secretary of the Interior's Standards and Guidelines. This RDEIR evaluates a reasonable range of project alternatives, including those intended to minimize and/or avoid impacts related to cultural resources. Please refer to Section 4.3 Cultural Resources for more information.
Circulation Element		
P2-12	Limit the distribution, character and intensity of land uses that generate increased levels of traffic beyond the capacity of the existing street system	Project consistent. The proposed project would not result in an increase in traffic levels beyond the capacity of the existing street system (see Section 4.6 Traffic/Transportation). In addition, mitigation measures have been incorporated to ensure that future use of the Flanders Mansion is consistent with the historical use of the property.
Housing Element		
O3-13	Promote the development of housing for seniors.	This policy is a City directive that is not applicable to environmental review or CEQA considerations, but would be relevant to City deliberations regarding property disposition.
P3-35	Consider surplus public land for opportunities to develop low-cost senior housing	This policy is a City directive that is not applicable to environmental review or CEQA considerations, but would be relevant to City deliberations regarding property disposition.
Urban Forest, Parks and Open Space		
G5-3	Protect, conserve and enhance the unique natural beauty and irreplaceable natural resources of Carmel and its Sphere of Influence, including its biological resources, water resources, and scenic routes and corridors. (LUP)	Project consistent. The project if approved with mitigation would be consistent with this policy. Mitigation measures have been incorporated into this RDEIR to ensure that the proposed project would not adversely impact existing biological resources located in the Mission Trail Nature Preserve (see Section 4.2 Biological Resources).
P5-46	Preserve and protect areas within the City's jurisdiction, which due to their outstanding aesthetic quality, historical value, wildlife habitats or scenic viewsheds, should be maintained in permanent open space to enhance the quality of life. Such acquired areas would be left in a natural state or restored for aesthetic and/or wildlife purposes. (LUP)	Potentially inconsistent. The proposed project appears to be inconsistent with this policy since the project would result in the sale of the Flanders Mansion to a private entity and the City would therefore no longer retain ownership. Nevertheless, the City's General Plan recognizes that the City may determine to divest itself of the Flanders Property and mitigation

Table 4.4-1 General Plan/Coastal Land Use Plan Policies		
Number	Goal, Objective, Policy	Consistency
		measures have been incorporated into this RDEIR to ensure that the Mansion is preserved.
G5-4	Preserve and enhance the City's legacy of an urbanized forest of predominately Monterey pine, coast live oak and Monterey Cypress. (LUP)	Project consistent. The proposed project is not anticipated to conflict with this policy. Mitigation measures have been identified in this EIR to ensure that the proposed project does not adversely impact the existing forested character of the surrounding area. See Section 4.2 Biological Resources.
General Plan/Coastal Land Use Plan Coastal Resource Management Element		
G5-6	Preserve and acquire open space and parks. (LUP)	Potentially inconsistent. The proposed project appears to be inconsistent with this goal. The project would result in the sale of parkland (~2%). Mitigation measures have been incorporated into this RDEIR to ensure that the proposed project minimizes potential impacts to the Mission Trail Nature Preserve and the Lester Rowntree Arboretum to the greatest extent feasible. The project would, nevertheless, conflict with this goal, which is intended to promote and enhance public use of open space and parks See Section 4.1 Aesthetics and 4.5 Parks and Recreation.
O5-21	Optimize public use of City parks.	Potentially inconsistent. The project appears to be inconsistent with this objective. The Flanders Mansion Property is currently used for a variety of park-related activities and the sale would result in the permanent loss of park benefits associated with the property. Although the extent of these impacts may be contingent upon the type of future use, this RDEIR assumes that sale would permanently result in the loss of public use of the property grounds. Because the property provides access to other areas of the park and links between several park trails, it facilitates their optimal use. A sale of the property could diminish optimal public use of these other areas. Mitigation measures have been incorporated to minimize impacts to adjacent trails and other areas of the Mission Trail Nature Preserve (see mitigations identified in Section 4.1 Aesthetics and 4.5 Parks and Recreation). While mitigation has been identified in this RDEIR to minimize impacts due to the loss of trail access and use of the property, the sale of the property would result in the permanent loss of publicly-owned parkland.
P5-107	Provide for public access and passive enjoyment of City parks and open space.	Potentially inconsistent. Implementation of the proposed project would

**Table 4.4-1
General Plan/Coastal Land Use Plan Policies**

Number	Goal, Objective, Policy	Consistency
		result in the loss of publicly owned parkland and would therefore conflict with this policy. In order to ensure that project-related impacts due to the loss of public access to existing trails are minimized, mitigation measures have been incorporated into this RDEIR (see Sections 4.1 Aesthetics, 4.5 Parks and Recreation, and 4.6 Traffic/Transportation). The loss of 1.252 acres of parkland within the Mission Trail Nature Preserve is considered an unavoidable impact that is locally significant to the Preserve. The proposed project would result in the loss of access and passive enjoyment of a portion of the Preserve that has been historically used by the public.
P5-105	Implement the recommendations of all existing Master Plans considering prioritized needs and available funding: <ul style="list-style-type: none"> a. Mission Trail Nature Preserve Master Plan b. Shoreline Management Plan c. Forest Hill Park Master Plan 	See discussion below concerning the Mission Trail Nature Preserve Master Plan.
P5-108	Provide and maintain informal trails if there is public demand.	Project consistent. The project if approved with mitigation would be consistent with this policy. As identified in Section 4.1 Aesthetics and 4.5 Parks and Recreation mitigation measures have been incorporated into this EIR that requires that adequate replacement trails be provided in conjunction with the proposed project.
Mission Trail Nature Preserve Master Plan		
G5-8	Preserve the forested tranquil atmosphere of Mission Trail Nature Preserve.	Project consistent. The project if approved with mitigation would be consistent with this goal. Mitigation measures have been identified to ensure that the forested character of the Mission Trail Nature Preserve is protected (see Section 4.1 Aesthetics).
P5-124	Consider removal of both intentionally introduced plants and invasives by instituting an annual program through joint efforts of contract workers and volunteers.	Not applicable. This is a City directive that is not related to environmental review or CEQA considerations.
O5-32	Provide reasonable low-impact uses of the Mission Trail Nature Preserve for the enjoyment of its natural surroundings and plant and wildlife inhabitants.	Project consistent. The project if approved with mitigation would be consistent with this objective. Mitigation measures have been incorporated into this RDEIR to ensure that future use of the Flanders Mansion is consistent with the historical use of the property since being acquired by the City. Moreover, additional mitigation measures have been

Table 4.4-1 General Plan/Coastal Land Use Plan Policies		
Number	Goal, Objective, Policy	Consistency
		incorporated to ensure that potential impacts to biological resources are minimized (see Section 4.2 Biological Resources).
P5-139	Provide maximum public access to and within Mission Trail Nature Preserve that is easy to maintain and protects environmental resources.	Project consistent. The project if approved with mitigation would be consistent with this policy. Mitigation measures identified in Section 4.1 Aesthetics and 4.5 Parks and Recreation are intended to ensure that adequate park access would be provided.
P5-141	If retained by the City, preserve the Outlands property and grounds at Mission Trail Nature Preserve consistent with its status as a nationally registered historical resource.	Not applicable. This is a City directive that would apply should the City decide to retain the Flanders Mansion.
P5-142	If retained by the City, utilize the Outlands property at Mission Trail Nature Preserve in a manner beneficial to the residents of Carmel-by-the-Sea while minimizing its expense to the City.	Not applicable. This is a City directive that would apply should the City decide to retain the Flanders Mansion.
P5-143	If retained by the City, support uses at the Outlands property that are compatible with its location in Mission Trail Nature Preserve and adjacent to the Rowntree Native Plant Garden and Hatton Road neighborhood.	Not applicable. This is a City directive that would apply should the City decide to retain the Flanders Mansion.
O5-33	Maintain the Rowntree Native Plant Garden within Mission Trail Nature Preserve as an area where the general public can view and study native California plants and trees. The goal is that the knowledge gained will lead to an expanded use of California native plants in private landscapes.	Project consistent. The project if approved with mitigation would be consistent with this objective. Mitigation measures have been incorporated into this RDEIR to ensure that potential project-related impacts to the Lester Rowntree Arboretum are minimized (see Section 4.5 Parks and Recreation). In addition, the proposed project would not preclude the public from studying native plants.
Environmentally Sensitive Habitat Areas		
G5-12	Identify, protect and manage Environmental Sensitive Habitat Areas (ESHAS) to ensure their long-term integrity and the biological productivity of these habitats.	Project consistent. The project site is located within an ESHA buffer and mitigation measures have been incorporated to ensure that the future use of the Mansion would not adversely impact adjacent lands classified as ESHA (see Section 4.2 Biological Resources).
O5-36	Monitor, study and develop effective management programs for the City's parks and ESHAs. Endeavor to reduce conflicts between environmental protection and use of public and private property within ESHAs.	Not applicable. This is a City directive that is not related to environmental review or CEQA considerations.
P5-157	Support public ownership of sensitive habitats and encourage public-private partnerships for the long-term management of habitats.	Not applicable. This is a City directive that is not related to environmental review or CEQA considerations.
P5-159	Maintain and enhance the resource value of environmentally sensitive habitat areas in consultation with a qualified biologist and in coordination with the	Project consistent. Consistent with the intent of this policy, a qualified biologist was retained to conduct a biological evaluation of the site and

**Table 4.4-1
General Plan/Coastal Land Use Plan Policies**

Number	Goal, Objective, Policy	Consistency
	California Department of Fish and Game. Remove any non-native, invasive vegetation from sensitive habitats.	surrounding area. Mitigation measures have been identified in this RDEIR to ensure that future use of the property will not adversely impact biological resources located within the Mission Trail Nature Preserve.
P5-163	Prepare and distribute an information pamphlet about the Stewardship Program to educate landowners on the importance of maintaining and enhancing ESHAs and other important habitats that cross over park boundaries and into residential neighborhoods.	Not applicable. This is a City directive that is not applicable to environmental review or CEQA consideration.
P5-164	Compile and maintain a mailing list of all property owners adjacent to each ESHA. Send periodic mailings or information sheets to property owners concerning various topics, such as maintenance of fire buffers, use of native plants in landscaping to enhance habitats, not feeding feral animals, and removal techniques for common invasive species (e.g. French broom, Cape ivy, etc.).	Not applicable. This is a City directive that is not applicable to environmental review or CEQA consideration.
G5-13	Develop, preserve and enhance areas of scenic interest and determine methods to protect key scenic corridors and routes.	Project consistent. The project if approved with mitigation would be consistent with this goal. Mitigation measures have been incorporated into this RDEIR to ensure that areas of scenic interest adjacent to the Flanders Property are preserved and enhanced (see Section 4.1 Aesthetics).
O5-41	Encourage increased use of open space areas for such uses as pedestrian paths and scenic viewpoints that would provide for public enjoyment of these areas.	Project consistent. The project if approved with mitigation would be consistent with this objective.. Mitigation measures identified in Section 4.1 Aesthetics ensure that park benefits are maximized and that the proposed project would adequately mitigate its impacts related to loss of trail access (see Section 4.5 Parks and Recreation).
Public Facilities and Service Element		
P6-8	Maintain the City's beach, park, and open space in a manner to encourage use and enjoyment by residents and visitors.	Project consistent. The project if approved with mitigation would be consistent with this policy. Mitigation measures have been incorporated into this RDEIR to ensure that the Mission Trail Nature Preserve is maintained in such a manner to encourage use and enjoyment by residents and visitors. Please refer to Section 4.1 Aesthetics and Section 4.5 Parks and Recreation .
O6-5	Establish and maintain a five-year Capital Improvement Program as required by State law.	Not applicable. This is a City directive that is not applicable to environmental review or CEQA consideration.

Table 4.4-1 General Plan/Coastal Land Use Plan Policies		
Number	Goal, Objective, Policy	Consistency
P6-14	Based on identified housing, parking, recreation, public and cultural facilities, parks and open space needs, consistent with the General Plan, develop, maintain and periodically review a list of property within the City and its Sphere of Influence suitable for acquisition by the City. Establish priorities for potential actions.	This policy is a City directive that is not applicable to environmental review or CEQA considerations, but would be relevant to City deliberations regarding property disposition.
P6-16	Establish priorities as needed for sale or trade of City property to implement this Element.	This policy is a City directive that is not applicable to environmental review or CEQA considerations, but would be relevant to City deliberations regarding property disposition.
Open Space, Conservation and Scenic Highway Element		
G7-1	To protect, conserve and enhance the unique beauty and irreplaceable natural resources of Carmel and its Sphere of Influence; to conserve Carmel's available water sources, and to protect scenic routes and corridors.	Project consistent. The project if approved with mitigation would be consistent with this policy. Mitigation measures have been incorporated into this RDEIR to ensure that the proposed project would not adversely impact biological resources located in the Mission Trail Nature Preserve (see Section 4.2 Biological Resources).
O7-1	To meet the needs that have been identified, utilize acquired parcels within the community for the benefit of Carmel residents	This policy is a City directive that is not applicable to environmental review or CEQA considerations, but would be relevant to City deliberations regarding property disposition.
P7-1	Conduct a periodic review on at least a bi-annual basis of City owned lands. Such review shall be a joint public hearing of the Planning Commission and City Council; the review shall be to evaluate uses and needs and then consider the desirability of acquisitions and/or dispositions of land.	This policy is a City directive that is not applicable to environmental review or CEQA considerations, but would be relevant to City deliberations regarding property disposition.
O7-2	Develop, preserve and enhance areas of scenic interest and determine methods to protect key scenic corridors and routes.	Project consistent. The project if approved with mitigation would be consistent with this objective. Mitigation measures have been incorporated into this RDEIR to ensure that areas of scenic interest adjacent to the Flanders Property are preserved and enhanced (see Section 4.1 Aesthetics).
P7-3	Encourage the full utilization and opportunities within permanent open space areas for such uses as pedestrian paths and scenic viewpoints that would provide for public enjoyment of these areas.	Project consistent. See response above.

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4.5 PARKS AND RECREATION

Introduction

This section analyzes the project's impacts to recreation facilities, specifically the project's impact due to the loss of trail access to the surrounding Mission Trail Nature Preserve, as well as impacts related to the loss of parkland and park benefits associated with the Flanders Property. This section also addresses impacts to the integrity of the Mission Trail Nature Preserve due to the sale of parkland.

During the course of the public review period on the 2005 DEIR the City of Carmel-by-the-Sea received numerous comments concerning the parkland status of the Property. This RDEIR section has taken these comments into consideration and revisions have been made, where appropriate. Moreover, this section has also been revised to incorporate applicable revisions that were contained in the 2005 FEIR. As part of the Superior Court's ruling regarding the adequacy of the 2005 FEIR, the Court determined that the project site is considered parkland. Consistent with the findings of the Superior Court's ruling, this RDEIR recognizes that the proposed project site is considered parkland.

The following section has been revised and updated to reflect the Court's determination. In addition, this section has also been substantially revised to provide an expanded impact analysis of the project's potential direct and indirect impacts to parkland and existing trails. Changes have also been incorporated to provide clarification and to respond to comments received on the 2005 DEIR. The final determination of the following impact analysis, however, has not changed substantially from the initial analysis contained in the 2005 DEIR and FEIR. This RDEIR recognizes that the sale of the proposed project would result in the permanent loss of parkland that is currently accessible to the general public. Mitigation measures have been modified to more accurately reflect the potential impacts of the project. This section has also been revised to provide additional clarification where appropriate. For a detailed analysis regarding the project's consistency with the applicable City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan, please refer to **Section 4.4 Land Use**.

Setting

The City maintains nine designated parks encompassing 65.5 acres or 10.25% of the total City land area. The City also provides forested open space along the margins of most streets throughout the residential district forming attractive space for daily walks for its residents and visitors. As a popular visitor destination, the City is recognized for its abundance of recreational and cultural amenities. Throughout each year the City either hosts or supports events providing recreational opportunities to all age groups and a wide variety of interests.

The Flanders Mansion Property is located within the boundaries of, and surrounded by, the largest of the City's parks: the 35-acre Mission Trail Nature Preserve. The Mission Trail Nature Preserve was acquired by the City of Carmel-by-the-Sea in 1971. Most of it was zoned as a passive use park (P-1). The area around Flanders Mansion was zoned Improved Parkland (P-2), parkland with existing improvements/buildings. In the Coastal Land Use Plan, the City describes the Mission Trail Nature Preserve as having four planning units: 1) Martin Road Parcel, 2) Park Proper, 3) Flanders Mansion/Arboretum, and 4) Outlet Meadow. Each designation recognizes different physiographic and/or biological resources found in the preserve. Most of the Mission

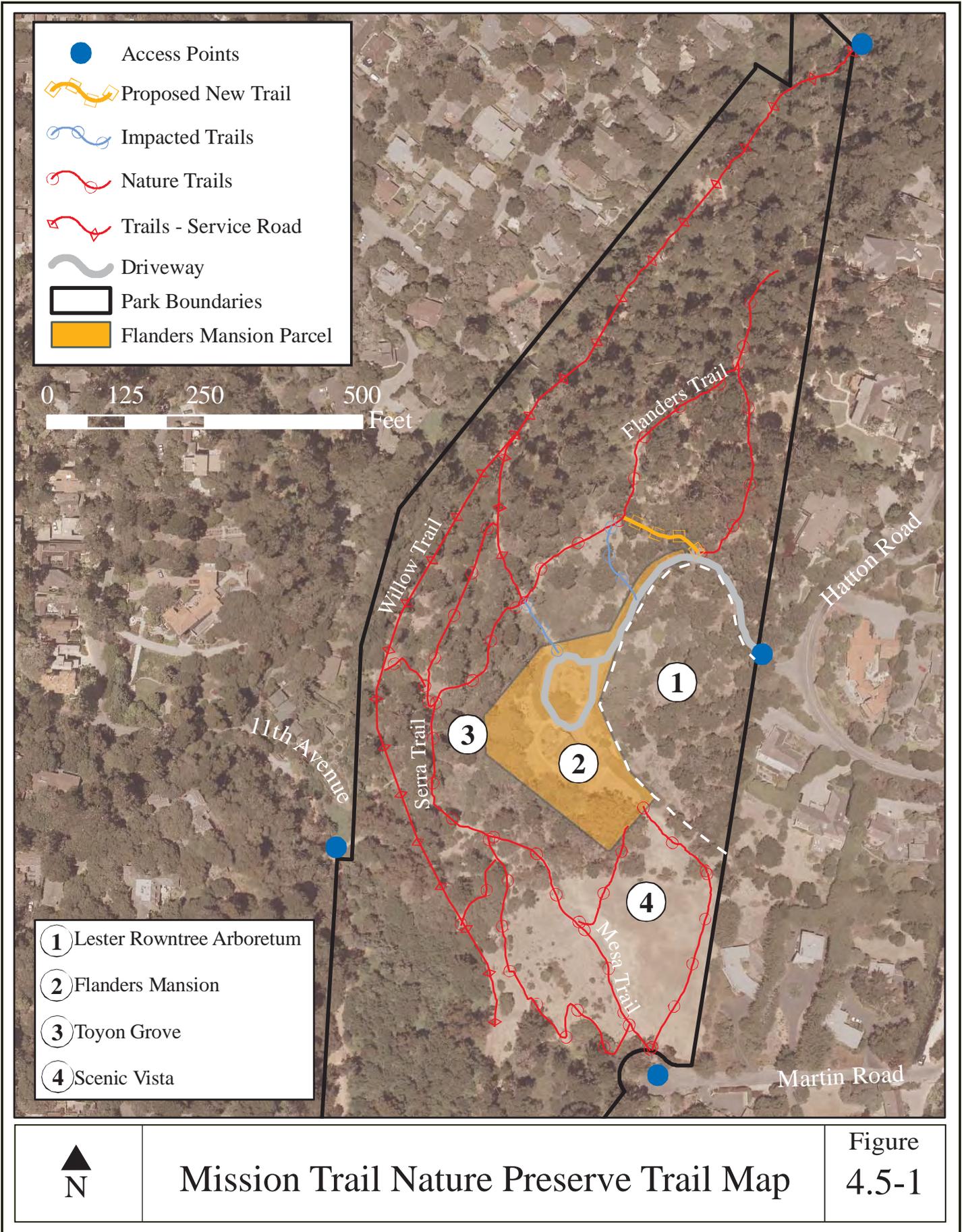
Trail Nature Preserve is designated as an Environmentally Sensitive Habitat Area (ESHA). The project site (the Flanders Mansion Property) is not a designated ESHA.

Mission Trail Nature Preserve is open to the public for passive recreational use. There are five entrances to the park: Mountain View Avenue, Rio Road, 11th Avenue, Martin Road, and Hatton Road. These entrances lead to a series of trails meandering throughout the Preserve. Figure 4.5-1 shows the existing Mission Trail Nature Preserve trail system surrounding the Flanders Mansion Property. This entire series of trails exceeds three miles in length and is intended for foot traffic only. The boundary between the Flanders Mansion Property and the remainder of the park is unfenced and park users can freely pass through the Mansion Property to access surrounding parkland areas, including the Lester Rowntree Arboretum. Some trail connections are possible only by passing through the Mansion Property. Approximately 0.04 acres of the Arboretum is located within the boundaries of the project site. The Arboretum was created to provide a quiet nature study area where native California trees, shrubs and plants are grown for exhibition and study and displayed to enhance the natural beauty of the area.

Regulatory Environment

City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan. The City of Carmel-by-the-Sea General Plan provides policies for protection of recreational facilities and parks/open space. The following policies from the City of Carmel-by-the-Sea General Plan are applicable to the project site:

- G5-3* Protect, conserve and enhance the unique natural beauty and irreplaceable natural resources of Carmel and its Sphere of Influence, including its biological resources, water resources, and scenic routes and corridors.
- G5-4* Preserve and enhance the City's legacy of an urbanized forest of predominately Monterey Pine, Coast Live Oak and Monterey Cypress.
- G5-6* Preserve and acquire open space and parks.
- O5-21* Optimize public use of City parks.
- P5-46* Preserve and protect areas within the City's jurisdiction, which due to their outstanding aesthetic quality, historical value, wildlife habitats or scenic viewsheds, should be maintained in permanent open space to enhance the quality of life. Such acquired areas would be left in a natural state or restored for aesthetic and/or wildlife purposes.
- P5-105* Implement the recommendations of all existing Master Plans considering prioritized needs and available funding:
 - Mission Trail Nature Preserve Master Plan
 - Shoreline Management Plan
 - Forest Hill Park Master Plan
- P5-107* Provide for public access and passive enjoyment of City parks and open space.
- P5-108* Provide and maintain informal trails if there is public demand.



Mission Trail Nature Preserve Master Plan. The Mission Trail Nature Preserve Master Plan was approved by the City of Carmel-by-the-Sea Forest and Beach Commission and adopted by the City Council in 1979. This document was updated as part of the Coastal Land Use Plan. The purpose of the Master Plan is twofold:

1. To establish and maintain long-range goals for preservation and use of the Mission Trail Nature Preserve.
2. To guide the City in its decision making process concerning the management of the Mission Trail Nature Preserve.

The Master Plan sometimes calls the Flanders Mansion Property “Outlands” and is referenced as such in Master Plan policies. The following policies from the Mission Trail Nature Preserve Master Plan are applicable to the project site:

P5-139 Provide maximum public access to and within Mission Trail Nature Preserve that is easy to maintain and protects environmental resources.

P5-141 If retained by the City, preserve the Outlands property and grounds at Mission Trail Nature Preserve consistent with its status as a nationally registered historical resource.

P5-142 If retained by the City, utilize the Outlands property at Mission Trail Nature Preserve in a manner beneficial to the residents of Carmel-by-the-Sea while minimizing its expense to the City.

P5-143 If retained by the City, support uses at the Outlands property that are compatible with its location in Mission Trail Nature Preserve and adjacent to the Rowntree Native Plant Garden and Hatton Road neighborhood.

G5-8 Preserve the forested tranquil atmosphere of Mission Trail Nature Preserve.

P5-124 Consider removal of both intentionally introduced plants and invasives by instituting an annual program through joint efforts of contract workers and volunteers.

O5-32 Provide reasonable low-impact uses of the Mission Trail Nature Preserve for the enjoyment of its natural surroundings and plant and wildlife inhabitants.

O5-33 Maintain the Rowntree Native Plant Garden within Mission Trail Nature Preserve as an area where the general public can view and study native California plants and trees. The goal is that the knowledge gained will lead to an expanded use of California native plants in private landscapes.

Thresholds of Significance

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

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or

- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impacts and Mitigation

The following impact analysis focuses on both the direct and indirect impacts associated with the proposed project, the sale of the Flanders Mansion Property. For the purposes of this analysis, direct impacts would occur directly as a result of the sale of the property, whereas an indirect impact (previously referred to as “secondary impacts”) is a reasonably foreseeable impact that may occur as a result of the future use of the property.

Parkland

The sale of the Flanders Mansion Property is anticipated to result in direct impacts related to the loss of parkland and park benefits associated with the Property. For the purposes of the following analysis, this RDEIR assumes that the sale of publicly-owned parkland would directly result in the loss of public access to parkland. This would therefore represent a loss of parkland that is currently accessible to the public. This is considered a direct impact resulting from a change in ownership.¹ The proposed project may also result in potential indirect impacts due to physical changes to the property or higher intensity land uses occupying the Flanders Property. For instance, the proposed project could result in indirect impacts if a future use of the property would result in an intensification of use that may be inconsistent with the existing park setting. The following analysis focuses on these impacts and appropriate mitigation measures. For the purpose of this analysis, an impact would be considered potentially significant if it would result in the loss of an area of parkland that provides a wide variety of park benefits and that is integrated into the Mission Trail Nature Preserve in a manner that facilitates or substantially enhances the use and enjoyment of other areas of the Preserve.

Direct Impact

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 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).

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

¹ This RDEIR recognizes that for future public/quasi-public uses some limited public access may be allowed on a daily basis as part of normal operations or may be permitted only for limited public events, such as receptions, public gatherings, open houses or similar activities. Given the speculative nature of determining the future use, this RDEIR assumes that public access to the property would be eliminated and/or significantly reduced as part of a public/quasi-public use in order to fully identify potential impacts.

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.

Based on the CEQA standards of significance, the potential loss of 1.252 acres of parkland would not necessarily be considered a significant impact given the large amount of other parks and recreational opportunities within the City. For the purposes of this RDEIR, however, a change in ownership would directly impact the integrity of the Mission Trail Nature Preserve by eliminating access to and certain views of a portion of the park currently used by park visitors. Moreover, the Flanders Mansion and property are recognized in the Mission Trail Nature Preserve Master Plan as being an integral component of the Preserve. The sale of the Flanders Mansion to a private person or organization would remove 1.252 acres of parkland currently accessible by the public from the surrounding park setting. The sale of the Flanders Mansion is considered significant due to 1) the property's location entirely within the Mission Trail Nature Preserve; 2) the property's role in providing park benefits; 3) the presence of the Flanders Mansion, which adds significantly to the public experience of the park; and 4) the proximity of the property to the Lester Rowntree Arboretum.

Impact **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. *Since this loss of parkland is locally significant, this is considered a significant unavoidable impact that can not be reduced to a less-than-significant level.***

Mitigation

None identified.

Indirect Impact

Sale of the Flanders Mansion and its subsequent use has the potential to result in indirect impacts to parkland. As identified elsewhere in this RDEIR, future use of the property is unknown and this analysis assumes that the property could be used for either residential or public/quasi-public uses. The proposed project could result in indirect impacts if a future use of the property would result in an intensification of use that may be inconsistent with the existing park setting. More specifically, higher intensity uses could result in increased use of the Mission Trail Nature Preserve that could result in additional physical impacts to parkland. In addition, future use of the property could result in the introduction of exterior elements, such as fencing, walls, hedges, gates or similar features that would physically separate the property from its park setting. These impacts are addressed in **Section 4.4 Land Use and Planning** and **Section 4.1 Aesthetics**, respectively. The analysis contained in this RDEIR determined that these impacts could be reduced to a less-than-significant level through the incorporation of mitigation. Specifically, mitigation has been incorporated to ensure that the future use of the property is consistent with the historical use (i.e. residential or low-intensity public/quasi-public). In addition, mitigation

measures have also been incorporated to ensure that exterior elements, such as fencing, are designed to be consistent with the historical setting of the property and its surroundings. For further discussion regarding these impacts, please refer to **Section 4.4 Land Use and Planning** and **Section 4.1 Aesthetics**, respectively.

Trails

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. 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.

Direct Impact

The Flanders Mansion Property and driveway are used by the general public as one of the primary access points to the Mission Trail Nature Preserve. The sale of the Flanders Mansion Property would result in the loss of public access to portions of the driveway, through the Property and, in turn, to portions of the trail network in the Mission Trail Nature Preserve and Lester Rowntree Arboretum for the reasons provided above. As a result, this is considered a direct impact.

The Flanders Mansion Property serves as one of the five access points to the Mission Trail Nature Preserve. Figure 4.5-1 provides a map of the trails adjacent to the Flanders Mansion Property and access points to the Mission Trail Nature Preserve. The sale of the Flanders Mansion Property would reduce the public's ability to access a limited portion of the trail system located immediately adjacent to the project site. Sale of the Flanders Mansion Property would prevent and/or restrict access to two (2) trails. Refer to Figure 4.5-1 for locations of these trails.

The first trail impacted is the fire road/trail that leads from the Serra trail, crosses the Flanders Trail, and terminates at the turn-around near the house. This trail also is used by the City for maintenance and potential fire access. City access for emergency vehicles would still be available from this road through the use of a required lock-box on any future gates erected on the Flanders property. Public access to this trail would be eliminated from the top of this trail to the area of the Flanders Mansion Property along the paved driveway.

The second trail that would be impacted is the spur trail that intersects the driveway about 87 feet downhill from the property's eastern extent. This trail crosses the driveway at this point and leads to the northern entry of the Arboretum. The Lester Rowntree Arboretum has access points at its northern, southern and western boundaries. This RDEIR assumes that implementation of the proposed project would result in the closure of this point of entry for this trail and thus closure of one of the three (3) access points to the Lester Rowntree Arboretum.

The sale of the Flanders Mansion Property would result in loss of public access to and through the Flanders Mansion Property and compromise access to the Preserve's trail system. This is considered a potentially significant impact that can be reduced to a less-than-significant level. Figure 4.5-1 identifies the approximate alignment of recommended replacement trails. These areas have been previously disturbed and have been used as informal trails. Potential impacts due

to the loss of access to viewing locations adjacent to the Flanders Mansion Property are addressed elsewhere in this RDEIR (see **Section 4.1 Aesthetics**). The following mitigation measure is in addition to mitigation already identified in **Section 4.1 Aesthetics**. The following mitigation measures are not anticipated to result in any new environmental impacts beyond those analyzed in this RDEIR.

Impact **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 Park's trail system. This is a potentially significant impact that can be mitigated to a less-than-significant level with the implementation of the following mitigation measure.**

Mitigation

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.

Indirect Impact

Sale of the Flanders Mansion and its subsequent use has the potential to result in indirect impacts to the existing trail network. As identified elsewhere in this RDEIR, future use of the property is unknown and this analysis assumes that the property could be used for either a residential or public/quasi public use. Direct impacts associated with loss of trail access have been identified above. Indirect impacts could occur from intensified use of the Flanders property and resulting limitation of access to nearby trails within the Mission Trail Nature Preserve trail network. The proposed project could also result in indirect impacts if a future use of the property would result in an intensification of use that may be inconsistent with the existing park setting. This is considered an indirect impact. Potential impacts to trails, however, are not anticipated to be significant since mitigation has been incorporated into this RDEIR that restricts the future use of the property to those low-intensity uses that are consistent with the historical use since the property was acquired by the City. Please refer to **Section 4.4 Land Use and Planning** for further information.

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4.6 TRAFFIC AND CIRCULATION

Introduction

This section is based on the existing road network that serves the project site, the Institute of Transportation Engineers, *Trip Generation*, 7th Edition, 2003, and the City of Carmel General Plan/Coastal Land Use Plan Circulation Element.

During the course of the public review period on the 2005 DEIR, numerous comments were submitted concerning the potential traffic related-impacts that may result due to a future use of the Flanders Mansion. Specific concerns related to increased traffic volumes due to a future use that may adversely impact the residential character of the area. In response to these comments, the Final EIR identified mitigation to limit the type of future use of the property to those uses that are consistent with the historical use of the property since being acquired by the City (i.e. residential or public/quasi-public). This RDEIR recognizes that increases in traffic volumes beyond the historical traffic associated with the use of the property would constitute a potentially significant impact. Mitigation measures have been incorporated into this RDEIR to ensure that the use of the property is consistent with the historical use (please refer to **Section 4.4 Land Use and Planning**).

In the Superior Court's case concerning the adequacy of the analysis contained in the 2005 FEIR, no aspects of the traffic analysis were challenged. Therefore, the impact analysis for this section has not substantially changed. Mitigation measures that were duplicative or not directly related to potential project impacts have been eliminated and additional mitigation has been incorporated in order to ensure that impacts related to the implementation of mitigation measures are avoided and/or minimized to a less-than-significant level. An expanded impact analysis has been incorporated to appropriately reflect potential project-related impacts and provide additional information concerning potential project trip generation rates.

Setting

Roadway Network

The project site is located in the City of Carmel-by-the-Sea. It is located within, and surrounded on all sides by, the Mission Trail Nature Preserve. All of the Mission Trail Nature Preserve is open to the public for passive recreational use. There are five entrances to the park: Mountain View Avenue, Rio Road, 11th Avenue, Martin Road, and Hatton Road. These entrances lead to a network of hiking trails, over three miles in extent, which provide access throughout the 35-acre park. Immediately east of the Flanders Mansion property is a part of the Preserve known as the Lester Rowntree Arboretum, a native plant garden/arboretum. Beyond the Lester Rowntree Arboretum is a single-family residential neighborhood known as Hatton Fields. Figure 3-2 of the Project Description shows the project site and surrounding vicinity.

Access to Flanders Mansion is provided by a driveway from Hatton Road. Hatton Road is a paved local road, with little or no shoulder. Other local roads within Monterey County's single-family residential subdivision commonly known as Hatton Fields, access the site from North Mesa Drive and Atherton Drive. The Hatton Fields subdivision generally consists of narrow winding roads with numerous driveway encroachments. Some of the subdivision roads, such as Atherton Drive, Hatton Road, Shafter Way, and North Mesa Drive are used during commute hours as alternative routes for vehicles traveling south on State Highway 1. Regional roadways

near the project site include Carmel Valley Road from the east and State Highway 1 from the north and south.

State Highway 1, from its intersection with Carmel Valley Road to its intersection with Ocean Avenue, has recently been widened to improve circulation and safety on the roadway. It is from this section of State Highway 1 that vehicles would access Hatton Fields, and ultimately the project site. The additional northbound turn lane on State Highway 1 has improved traffic safety for vehicles turning left onto Atherton Drive. Traffic is no longer stalled as vehicles wait to turn across State Highway 1. The traffic light at the intersection of State Highway 1 and Carmel Valley Road also provides a delay in northbound traffic that allows vehicles to turn north on Highway 1 from Atherton Drive. Figure 3-1 of the Project Description shows the existing roadway network.

Existing Conditions

Parking

Space is available for parking near Flanders Mansion for a limited number of vehicles. Approximately five or six vehicles can park in the driveway depending upon the area of the driveway that is used. The Mission Trail Nature Preserve Master Plan identifies that no official parking has been designated for the Preserve.

Transit

Residents of the City of Carmel who wish to use transit are served by the Monterey-Salinas Transit (MST). Transit stops are located at the intersection of Rio Road and Atherton Drive and at the intersection of Ocean Avenue and State Highway 1. A transit station is located in downtown Carmel, at the intersection of 6th and Mission.

Regulatory Environment

Federal and State. No state or federal transportation regulations pertain specifically to the proposed project.

City of Carmel-by-the-Sea General Plan. The City of Carmel General Plan Circulation Element has one policy that relates to the proposed project. The policy is as follows:

P2-12 Limit the distribution, character and intensity of land uses that generate increased levels of traffic beyond the capacity of the existing street system.

Thresholds of Significance

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

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

- substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- result in inadequate emergency access;
- result in inadequate parking capacity; or
- conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Impacts and Mitigation

The following impact analysis focuses on both the direct and indirect impacts associated with the proposed project. For the purposes of this analysis, direct impacts constitute impacts that would occur directly as a result of the sale of the property. For instance, the sale of the Flanders Mansion Parcel would directly result in the loss of public access to existing parking areas located along the driveway due to the change of ownership. An indirect impact (previously referred to as “secondary impacts”), on the other hand, would constitute a reasonably foreseeable impact as a result of the future use of the property. For instance, the sale of the Flanders Mansion Parcel may result in indirect impacts due to increased traffic volumes associated with a future uses.

Direct Impact

The analysis contained in this RDEIR assumes that the sale of the Flanders Mansion Property would result in the loss of parking used by park visitors accessing the Flanders Mansion Property, Mission Trail Nature Preserve and the Lester Rowntree Arboretum. This is considered a direct impact since public access to the existing informal parking area located on the driveway may be eliminated due to a change in ownership.

Parking

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. This is considered a potentially significant impact.

According to the Mission Trail Nature Preserve Master Plan, the City has considered several parking alternatives for the Preserve, but no consensus on an appropriate location for parking has been determined. As a result, the sale of the Flanders Mansion Property could result in the permanent loss of an existing informal parking area used by the general public. The Mission Trail Nature Preserve Master Plan contains a policy to formalize a trail through Martin Meadow. Establishing formal trail access from Martin Road would implement this policy and also could provide additional parking opportunities for park visitors. Martin Road dead-ends at a cul-de-sac at the southeastern edge of the Mission Trail Nature Preserve. Space for up to 4 vehicles is available in this area of the Martin Road cul-de-sac. Adherence to this policy in the Mission Trail Nature Preserve Master Plan would promote visitor parking at the Martin Road access point and reduce impacts from the elimination of the parking currently available at the Flanders Mansion Property.

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. 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.

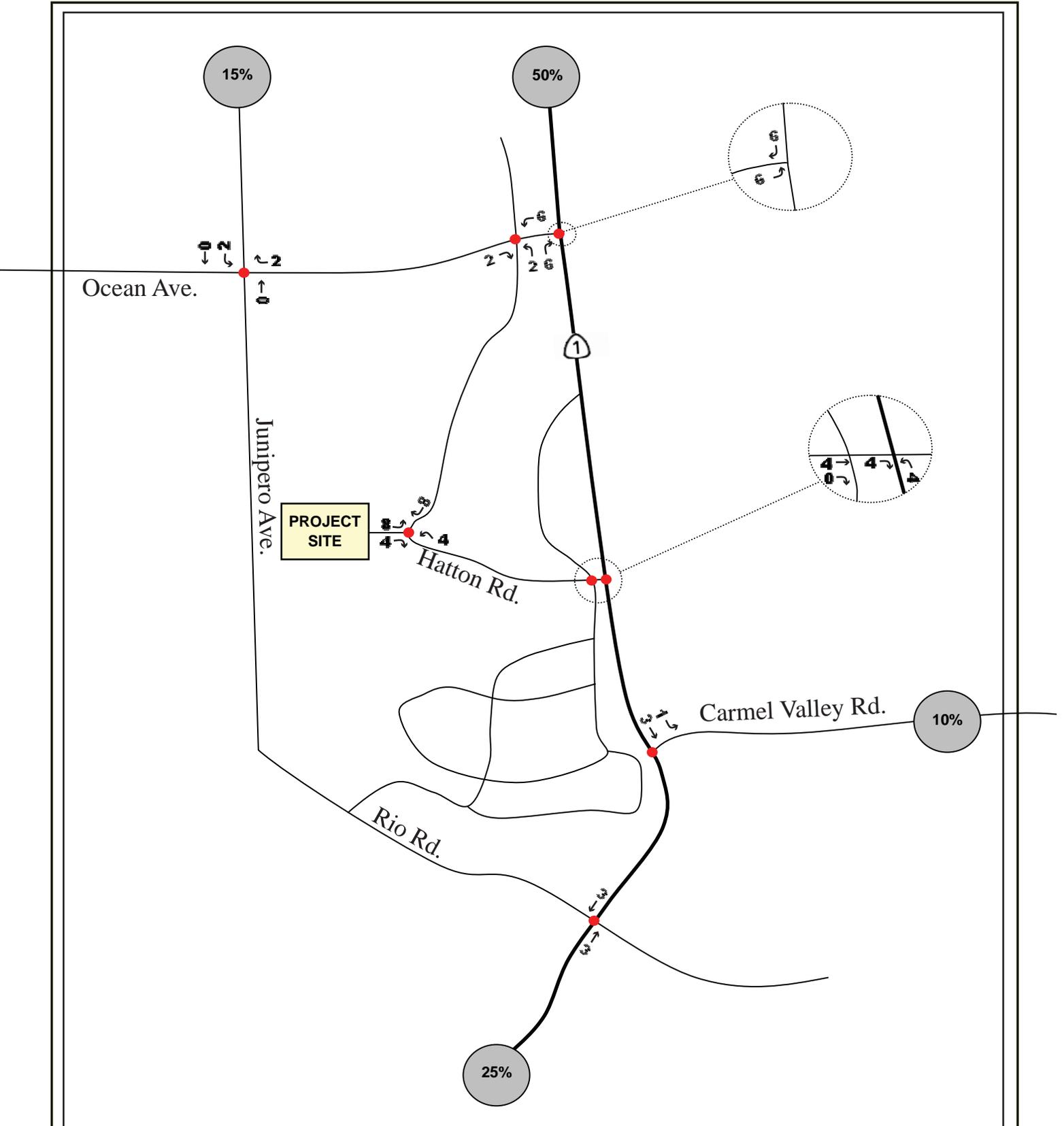
Impact: **The sale of the property may result in the loss of an informal parking area currently used by the general public to access the Mission Trail Nature Preserve and the Lester Rowntree Arboretum. Although not designated as public parking currently, parking in the lower driveway area of the Flanders Mansion Property would be eliminated from public access upon sale of the property. This is a significant impact that can be mitigated to a less-than-significant level with implementation of the following mitigation measure.**

Mitigation

4.6-1 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. 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. All disturbed areas shall be replanted with appropriate native vegetation.

Impacts from Mitigation Measure

The construction of additional parking consistent with Mitigation Measure 4.6-1 could result in additional impacts to biological resources due to its location within the Mission Trail Nature Preserve. Based on site visits conducted by the EIR Consultant, the conceptual parking location depicted in Figure 4.6-2 contains a variety of native and non-native herbaceous species, but is not densely vegetated and is generally considered disturbed. The ground vegetation (herbaceous layer) is dominated by quaking grass (*Briza maxima*), a common non-native species prevalent in disturbed areas. Other ground species include poison oak (*Toxicodendron diversilobum*) and rancher's fireweed (*Amsinckia menziesii*). No special-status plant or wildlife species were observed. The surrounding habitats, particularly mature Monterey Pine, are representative of sensitive habitats and may meet the criteria for ESHA as defined by JSA and the Coastal Land Use Plan. Figure 4.6-3 provides site photos of the proposed project area.



Trip Generation

Figure
4.6-1





Photo 1. View of recommended parking area as viewed from driveway.



Photo 2. Alternative view of recommended parking area as viewed from driveway.



Photo 3. View of entrance of parking area from driveway.

Parking Mitigation Site Photos

Figure
4.6-3

Construction of additional parking in the area depicted in Figure 4.6-2 would not result in the removal of any trees and is not anticipated to result in any substantial impacts to biological resources provided that adjacent sensitive resources are avoided. Mitigation Measure 4.6-2, which requires that pre-construction wildlife surveys are conducted, would further ensure that no additional environmental impacts would occur due to the construction of additional parking. In the event that any special-status wildlife species are observed within or immediately adjacent to the site during the course of these preconstruction surveys, additional planning consideration (including avoidance, construction delays and establishment of buffers) may be required by the associated regulatory agency (USFWS or CDFG). Adherence to these requirements would ensure impacts from the proposed parking area to biological resources will be reduced to a less-than-significant level.

Impact: **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. This impact can be mitigated to a less-than-significant level with implementation of the following mitigation measure.**

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.

Indirect Impact

Indirect impacts consist of reasonably foreseeable impacts that may occur as a result of a future use. As identified in this RDEIR, a prospective buyer has not been identified at this time. Therefore, this RDEIR analyzes a range of indirect impacts that could be associated with potential future uses. Indirect impacts associated with transportation/traffic would entail increased traffic trips associated with a future use. Depending on the future use of the project site there is the potential for increased traffic on local roadways due to the proposed project.

Project Trip Generation and Assignment

Future uses of the Flanders Mansion Property have the potential to impact the existing residential character of the surrounding area through increased traffic. Any impacts associated with the sale of the property would be dependent upon the proposed use of the site. Table 4.6-1 provides trip generation for the potential future uses that are evaluated in this RDEIR and are permitted in the P-2 zoning district. This RDEIR does not evaluate uses other than residential and public/quasi-public (i.e. museum/office/non-profit/events) uses. Information regarding potential traffic trips associated with recreational uses is provided as a reference.

Table 4.6-1 Projected Future Trip Generation			
Land Use	Unit of Measurement	Avg. Daily Trip Rate (Typical Weekday)	Projected Avg. Daily Trips (Typical Weekday)
<u>Park Recreation:</u>			
City Park	Acres	1.59/acre	2
<u>Residential:</u>			
Single-Family Detached	Dwelling Unit	9.57/unit	10
<u>Public/Quasi-public</u>			
General Office	Per 1000 square feet (SF) of Gross Floor Area (GFA)	11.01 per 1000 SF of GFA	61
Notes:			
<ol style="list-style-type: none"> 1. Average trip generation rates have been quoted from the Institute of Transportation Engineers (ITE), <i>Trip Generation</i>, 7th Edition, 2003. These rates are intended for the use in estimating the average number of trips that may be generated by a specific land use during a typical weekday. The trip generation rates are representative of weighted averages from studies conducted throughout the United States and Canada since 1960. In some cases, the statistics may not be truly representative of the trip generation characteristics of a particular land use. This table is only for comparison purposes. 2. For the Public/Quasi Public Use, the General Office category for ITE was utilized. It should be noted that reduced use of the building would result in reduction in the estimate of daily trips. For example, if half of the floor area were utilized for offices, the projected daily trips would be reduced to approximately 30 vehicle trips per day. 			

Based on the uses evaluated in this RDEIR, a public/quasi public use (i.e. municipal/ non-profit) would generate the highest volume of traffic as compared to a residential land use. Traffic estimates for a public/quasi-public use were based on trip generation rates for office uses since there are no public/quasi-public uses identified in the Institute of Transportation Engineers, *Trip Generation*, 7th Edition, 2003; therefore, the average trip generation rate for an office use was used, based upon the assumption that public/quasi-public uses, would have comparable trip generation rates. In addition, since no actual use-specific information, such as number of employees, is currently available, the trip generation estimates identified in Table 4.6-1 were based on total square feet of gross floor area. The Flanders Mansion is approximately 5,500 square feet. Although it is unlikely that the entire Mansion would be used as part of a public/quasi-public use, this RDEIR is based on the information currently available and therefore is considered conservative. Actual traffic volumes associated with a public/quasi-public use of the Flanders Mansion are likely to be significantly less depending on the number of employees, type of public/quasi-public use, and other factors.

Based on the analysis contained above, a public/quasi-public use of the property could have the potential to impact the existing roadway capacity due to increases in traffic volumes. In addition, this type of use could also result in increased traffic that may impact the local residential character of the surrounding area. Increases in traffic would conflict with secondary project objectives 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. As a result, single-family residential use of the property is not anticipated to generate additional traffic such that the existing roadway capacity would be exceeded. While both uses analyzed in this RDEIR are consistent with the historical use of the property, public/quasi-public uses have the potential to result in additional traffic. This is considered a potentially significant impact.

In order to ensure that the proposed project would not adversely impact the existing residential character of the surrounding area or result in increased traffic beyond historical levels, mitigation measures are warranted. Specifically, mitigation restricting the future use of the property to either residential or a low-intensity public/quasi-public uses would ensure that traffic-related impacts would be reduced to a less-than-significant level. Consistent with General Plan Policy P2-12, which limits land uses that result in traffic impacts that exceed local road capacity, mitigation has been incorporated into this RDEIR to ensure if the property is sold and subsequently used as a public/quasi-public use, that those uses are restricted to low-intensity uses that are consistent with the historical use of the property. Mitigation measures have been identified in this RDEIR to ensure that potential land use conflicts are minimized, including potential traffic-related impacts. Refer to Mitigation Measure 4.4-1 in **Section 4.4 Land Use and Planning** which requires that the future use of the project site is restricted to low-intensity uses that are consistent with the historical uses of the property. Moreover, the proposed project would also be required to adhere to the City's standards and requirements identified in Title 10 of the City of Carmel-by-the-Sea Municipal Code. Implementation of mitigation identified in this RDEIR would ensure that traffic related impacts would not exceed historical traffic volumes associated with the Flanders Mansion since it was acquired by the City. Traffic related impacts would be reduced to a less-than-significant level through the adherence to mitigation measure identified in this RDEIR. Uses inconsistent with this analysis may result in additional traffic impacts and additional environmental review would be warranted under the requirements of CEQA.

Impact: **The sale of the property may result in future uses that may cause significant impacts to local traffic. This is a significant impact that can be mitigated to a less-than-significant level with implementation of the following mitigation measure.**

Mitigation

Refer to Mitigation Measure 4.4-1 of **Section 4.4 Land Use** of this EIR.

Air Traffic

The project site is not located within an airport land use plan. The nearest airport is the Monterey County Airport, located about six miles east of the site. The proposed project would not change air traffic patterns or in any way create safety risks associated with flights or airport operations. **The project would not impact air traffic.**

Traffic Hazards

The project would not introduce any features that would substantially increase traffic hazards in the area (e.g., dangerous intersections or sharp curves), nor would it introduce uses that are incompatible with existing roadway conditions (e.g., farm equipment). **The project would not result in any impacts associated with traffic hazards.**

5.0 CEQA Considerations

CEQA Guidelines §15126 requires that an EIR discuss the significant environmental effects associated with the project, significant environmental effects which cannot be avoided, significant irreversible environmental change, potential growth inducing impacts, mitigation measures intended to minimize significant impacts, and alternatives to the proposed project. CEQA Guidelines §15128 further states that an EIR shall briefly indicate the reasons that various possible significant effects were determined not to be significant. CEQA Guidelines §15130 also requires that an EIR discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable.

In accordance with these requirements, the following section addresses the significant environmental effects that cannot be avoided, significant irreversible environmental change associated with the project, potential growth inducing impacts, effects found not to be significant, and cumulative impacts. A summary of the environmental effects associated with the proposed project and corresponding mitigation measures can be found in **Section 2.0 Summary**. The alternative analysis is located in **Section 6.0 Alternatives**. The following section is consistent with the analysis contained in the 2005 DEIR, as modified. Where the previous EIR was unclear, minor modifications and clarifications have been incorporated. An expanded cumulative impact analysis has also been incorporated into this section. This section has also been updated to reflect the findings of the Superior Court's ruling regarding the 2005 EIR.

5.1 SIGNIFICANT UNAVOIDABLE IMPACTS

CEQA Guidelines §15126.2(b) requires that an EIR describe any significant impacts that cannot be mitigated or reduced to a level of less-than-significant. Since a prospective buyer has not been identified and therefore the actual use of the subject property may vary, the following significant unavoidable impacts are considered "potential." Actual impacts will vary according to the future use; however, as a conservative approach to fully evaluate potential project-induced impacts, this EIR evaluated a range of potential uses. The following impacts were identified as significant and unavoidable:

- Sale of the Flanders Mansion Property would result in sale of publicly owned parkland and would therefore conflict with several goals, objectives and policies identified in the City of Carmel-by-the-Sea General Plan/Coastal Land Use Plan; and
- Sale of the Flanders Mansion Property would result in the loss of an area of parkland available to the public that provides a wide variety of park benefits and is integrated into the Mission Trails Nature Preserve in a manner that facilitates or significantly enhances the use and enjoyment of other areas of the Preserve.

A substantive discussion of each of the significant and unavoidable project-induced impacts identified above is provided in each of their respective sections

5.2 IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines §15126.2(c) requires that an EIR discuss potential significant irreversible environmental changes that could occur as a result of a proposed project. CEQA Guidelines §15126.2(c) states:

“uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal of nonuse

thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

Implementation of the proposed project, the sale of the Flanders Mansion and surrounding property, would not result in the permanent commitment of nonrenewable resources. As described elsewhere in this EIR, a prospective buyer has not been identified and therefore the future use of the property is unknown. In order to fully evaluate potential direct and indirect impacts associated with the project, this EIR evaluates a range of potential uses, including residential, public/quasi-public and commercial. It is reasonable to assume that future use of the Flanders Mansion could result in physical changes to the property, such as fencing or changes to exterior architectural elements, provided they are consistent with the mitigation measures identified in this EIR, and thereby result in the use of nonrenewable resources, such as energy. In addition, other nonrenewable resources, such as water, natural gas and fossil fuels would be permanently consumed as part of a future use. The commitment of nonrenewable resources, however, is unlikely to exceed the historical uses associated with the Flanders Property. Moreover, the amount and rate of consumption of these resources would not result in the unnecessary, inefficient, or wasteful use of resources.

5.3 GROWTH INDUCEMENT

CEQA requires that an EIR discuss the ways in which the proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA §15126.2(d).) Included in this evaluation are elements of the project that would remove obstacles to population growth, such as the availability of major utility capacity or infrastructure. Recognizing the inherent difficulties involved in forecasting the extent and type of development that might be fostered by a particular project, CEQA calls for a general assessment of possible growth-inducing impacts rather than a detailed analysis of a project’s specific impacts on growth. Growth inducement may be considered detrimental, beneficial, or insignificant under CEQA. Typically, induced growth is considered a significant impact if it:

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

The proposed project consists of the sale of the Flanders Mansion Property, which is designated as P-2 (Improved Parklands). The project site, which is considered parkland, is located within the Mission Trails Nature Preserve and is adjacent to the Lester Rowntree Arboretum, also part of the Mission Trails Nature Preserve. The Mission Trails Nature Preserve is adjacent to single-family residential neighborhoods located within the City of Carmel-by-the-Sea and unincorporated areas of Monterey County. As described elsewhere in this EIR, the Flanders Mansion has historically been used for single-family residential and public/quasi-public purposes since the City acquired the property. As a result, the sale of the property is

not anticipated to directly contribute to regional population growth or result in growth-inducing effects since the proposed project would not result in an increased demand for new housing or introduce public services to an area outside of current urban services. Moreover, mitigation has been incorporated into this EIR to ensure that the future use of the subject property be consistent with the historical use. As a result, implementation of the proposed project would not result in an intensification of use. **Based upon the above discussion, the project would not result in significant growth-inducing impacts.**

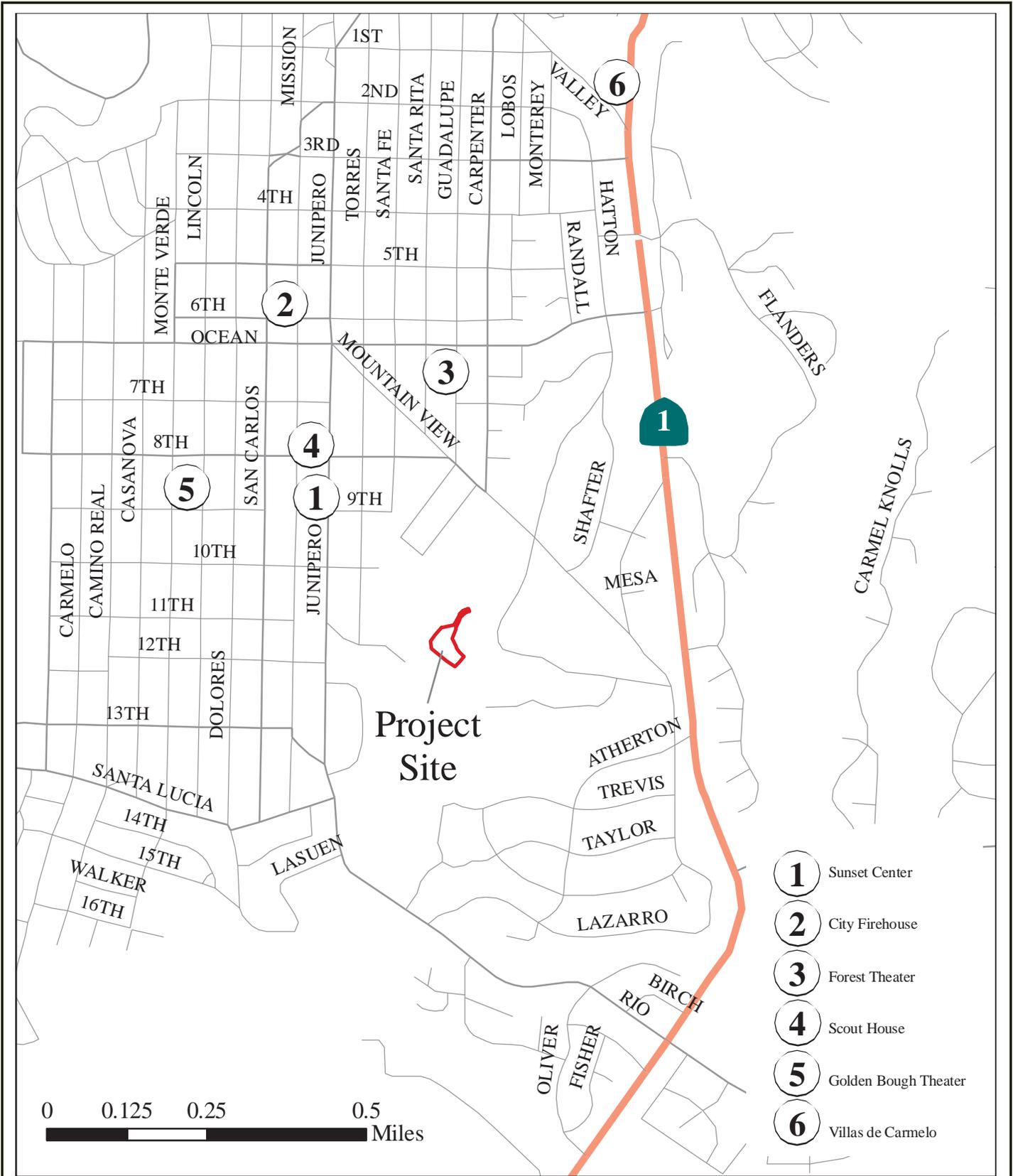
5.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

Pursuant to the requirements of CEQA Guidelines §15128 an EIR is required to “contain a statement that briefly indicates the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” Effects associated with the proposed project that were found not to be significant include impacts to agricultural resources, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, population and housing, public services, and utilities and service systems. CEQA Guidelines §15128 further stipulates that such a statement may be contained in an attached copy of an Initial Study. Accordingly, a copy of the Environmental Checklist prepared for the proposed project is attached as Appendix B. Although these effects are not discussed in detail in this EIR, the following cumulative impact analysis evaluates potential impacts in accordance with Appendix G of the CEQA Guidelines.

5.5 CUMULATIVE IMPACTS

CEQA Guidelines §15130 requires an EIR to discuss cumulative impacts of a proposed project when the project’s incremental effect is cumulatively considerable. 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.” According to CEQA Guidelines §15065(a)3 cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” The purpose of the cumulative impact analysis is to identify and summarize the environmental impacts of the proposed project in conjunction with approved and anticipated development in the project area. CEQA Guidelines §15130(a)(2) further states that when the incremental effects of a project combined with other projects is not significant an EIR shall briefly indicate why the impact is not significant. The CEQA Guidelines stipulate that the discussion of cumulative impact “shall reflect the severity of the impacts, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone” (CEQA Guidelines §15130(b)).

In order for a cumulative analysis to be considered adequate, the analysis must employ one of two approaches described in CEQA Guidelines §15130(b)(1). The first method, the list method, consists of preparing a list of past, present, and reasonably anticipated future projects that have produced, or are likely to produce, cumulative impacts. The list is to be followed by a summary of such individual projects' expected environmental effects and an analysis of all the projects' cumulative impacts, with an examination of reasonable options for mitigating or avoiding such effects. The second method uses "...a summary of projects contained in an adopted general plan or related document that is designed to evaluate regional or area-wide conditions, provided that such documents are referenced and made available for public inspection at a specified location." The following cumulative impact analysis relies on the list approach. Table 5-1 identifies past, present and future projects located within the project vicinity that involve historic resources. Figure 5-1 identifies the locations of the cumulative projects.



Cumulative Project Map

Figure
5-1

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.
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.
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 (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.

Aesthetics

Implementation of the proposed project in conjunction with other past, present and reasonably foreseeable projects would result in potential impacts to the aesthetic character of the surrounding area. As described in this EIR, the proposed project could result in potential impacts, albeit indirectly, to the visual character of the Mission Trails Nature Preserve as a result of potential future use of the property. As identified in **Section 4.1 Aesthetics**, this EIR assumes that the future use of the property could result in the introduction of exterior elements, such as fencing, that would visually separate the property from the remainder of the Mission Trails Nature Preserve. These impacts are specific to the Mission Trails Nature Preserve and therefore would not contribute to an impact considered to be cumulatively considerable. Moreover, changes to exterior architectural elements of historic structures could result in additional aesthetic-related impacts, but any future exterior architectural changes associated with future use of the proposed project would need to be in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Buildings. Mitigation measures identified in this EIR would be adequate to ensure that the proposed project would not incrementally contribute to a cumulatively considerable impact.

Air Quality

As described above, implementation of the proposed project is not anticipated to result in significant air quality-related impacts. Due to the nature of the proposed project and the analysis contained in this RDEIR, potential air quality-related impacts would generally be restricted to vehicle emissions associated with potential traffic associated with potential future uses (please refer to Appendix B). The project, as mitigated, would not result in an intensification of use beyond the historical use of the Flanders Mansion and the proposed project would not result in an incremental increase to a cumulatively considerable impact.

Biological Resources

According to the City of Carmel-by-the-Sea's General Plan/Coastal Land Use Plan, the Mission Trails Nature Preserve with the exception of the project site is designated as Environmentally Sensitive Habitat Areas (ESHA). The project site is designated as an ESHA buffer. As discussed in **Section 4.2 Biological**

Resources, potential future use of the Flanders Mansion could result in impacts to ESHA. In order to ensure that future uses would not significantly impact biological resources, mitigation measures were incorporated. Implementation of the proposed project, in conjunction with cumulative projects, is not anticipated to result in a cumulatively considerable impact under CEQA. Policies identified in the City's General Plan/Coastal Land Use Plan, in addition to County of Monterey ordinances protecting sensitive habitat types are adequate to ensure that potential cumulative impacts would be considered less-than-significant.

Cultural Resources

Implementation of the proposed project, in conjunction with cumulative projects, would not result in a cumulatively considerable impact in regards to archaeological resources. As demonstrated in **Section 4.3 Cultural Resources**, no archaeological resources were documented on-site. In addition, no ground disturbing activities are associated with the sale of the Flanders Mansion Property. In order to ensure that future use of the subject property does not result in the inadvertent damage to unknown or buried archaeological resources, mitigation measures have been incorporated into this EIR. Therefore, there would be no cumulative impact in regard to archaeological resources.

Development under the cumulative project scenario could result in a cumulative level impact related to historic resources. The project list identified in Table 5-1 is representative of projects within the Carmel area that involve historic resources or sites that are recognized as historic. Impacts associated with cumulative development would not however result in a cumulatively considerable impact for two reasons. All projects must comply with the requirements in Chapter 17.32 of the City's Zoning Ordinance. This ordinance mandates 1) that historical buildings be adequately maintained, 2) that improvements to historical resources meet the Secretary of the Interior's Standards for the Treatment of Historic Buildings and 3) that significant alterations be reviewed by the Historic Resources Board. Moreover, additional mitigation measures have been incorporated into this EIR to ensure that the City retains an oversight capacity for any changes to the structure. Based on this information, the project would not contribute to a cumulative level impact to a historic resource.

Geology and Soils

Development under the cumulative project scenario could result in additional people and/or structures being exposed to seismically induced hazards, such as earthquakes, soil failure, liquefaction, and lateral spreading. In order to minimize the potential impacts associated with these hazards, all projects are required to be built in conformance with a design-level geotechnical investigation, in addition to complying with the Uniform Building Code. Compliance with the Uniform Building Code, in addition to site specific geotechnical investigations, would ensure that there would not be a cumulative impact in regard to geotechnical hazards. Furthermore, a number of the projects identified in the cumulative project list are necessary to ensure that existing buildings are seismically retrofitted to prevent future exposure of individuals and structures to seismic hazards.

Cumulative development could result in additional grading and/or vegetation removal that could result in an incremental increase in erosion. Increased erosion has the potential to result in fugitive dust emissions and increased sedimentation. Potential impacts associated with increased erosion would be minimized through compliance with City of Carmel-by-the-Sea erosion control requirements. Although no grading is proposed as part of this project, future use of the subject property could result in ground disturbing activities that could result in localized erosion. This RDEIR, however, found this impact was found not to be significant (see Appendix B) This would not represent a cumulatively considerable impact under CEQA. Based on the preceding analysis, the proposed project would not contribute to a cumulative impact.

Hydrology/Water Quality

As identified in this RDEIR (see Appendix B), the proposed project would not violate any water quality standards, substantially deplete groundwater supplies, alter existing drainage patterns surrounding the project area, result in additional runoff, or result in the exposure of persons and/or structures to flooding related hazards. The proposed project, as mitigated, would not result in an intensification of use beyond the historical uses associated with the Flanders Mansion since its acquisition by the City and no physical changes are proposed as part of the project. The proposed project would therefore not contribute to potential cumulative impacts related to hydrology or water quality.

Land Use

Development of the proposed project has the potential to result in conflicts with several goals, objectives and policies contained in the City's adopted General Plan/Coastal Land Use Plan that are intended to minimize and/or avoid impacts to parkland. While it is ultimately up to the discretion of the City of Carmel-by-the-Sea to determine whether the proposed project is consistent with the General Plan/Coastal Land Use Plan, this RDEIR determined that the proposed project would result in additional the permanent loss of parkland and therefore has the potential to conflict with the following goals, objectives and policies of the General Plan/Coastal Land Use Plan related to parkland: G5-6, O5-21, P5-46, and P5-107. Accordingly, this RDEIR determined that this would represent a significant and unavoidable impact. This impact, however, is locally significant and would not contribute to a cumulatively considerable impact. The cumulative projects identified above are generally consistent with the land uses designations and intended development projections identified in the General Plan/Coastal Land Use Plan. For these reasons, the proposed project would not contribute to a cumulatively considerable impact.

Noise

Development under the cumulative project scenario is not anticipated to result in significant cumulative level impacts related to noise. The projects identified in Table 5-1 generally relate to required ADA upgrades, seismic retrofits, and facility maintenance upgrades. A number of these projects have been completed and noise related impacts were temporary in nature and related to construction activities. Implementation of the proposed project is not anticipated to result in noise in excess of historical noise levels associated with the use of the property since the property was acquired by the City. Noise associated with project generated traffic is not anticipated to result in excess noise above historical levels. As identified in this RDEIR (see Appendix B), impacts in regard to the proposed project were found not to be significant. The proposed project, therefore, would not contribute to a cumulative level noise impact.

Public Services

Development under the cumulative project scenario identified in Table 5-1 would not result in a significant increase in demand for public services, such as water, sewer, police and fire protection, schools and solid waste. The projects identified above generally relate to necessary ADA improvements, seismic retrofits, and facility maintenance/upgrades with the exception of one high density residential project. Increased demands for public services would be associated with the construction of new residential units within the project area. Although the proposed residential development is located outside of the City, increased demands for public services, such as water, could exacerbate existing water supply conditions. Given the limited availability of a long-term reliable water supply, increased demands for water supply would represent a cumulatively considerable impact. As identified in this RDEIR, the

proposed project would not result in an increased demand for public services beyond the historical demand associated with the Flanders Mansion (See Appendix B). Future use of the subject property would be required to be consistent with historical use and would therefore not contribute to a cumulatively considerable impact.

Recreation

Development in accordance with the cumulative project list would not significantly impact the use of existing park or recreational facilities such that physical impacts to the environment would occur. While this RDEIR determined that the proposed project would represent a significant and unavoidable impact due to the loss of public parkland, this impact is individually significant and would not constitute a cumulative level impact as no projects identified in the cumulative project list would impact existing park or recreational facilities (see **Section 4.5 Parks and Recreation**).

Transportation/Traffic

According to the analysis contained in this RDEIR (see **Section 4.6 Transportation/Traffic**), implementation of the proposed project would result in less-than-significant impacts in regards to transportation/traffic. While this EIR evaluated a range of potential future uses in accordance with the existing zoning designation (P-2 Improved Parkland), mitigation has been incorporated 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, use of the property would be restricted to those low-intensity land uses that are consistent with the historical use of the property. The proposed project, in conjunction with other cumulative developments, would therefore not contribute to a potentially significant cumulative level impact. According to the Sunset Center EIR (City of Carmel-by-the-Sea, October 1995 and August 1996), potential cumulative level impacts associated with the Sunset Center project were deemed to be less-than-significant. Although additional residential development would likely contribute new sources of traffic due to new residential uses, the proposed project would not represent an intensification of use and would therefore not contribute to cumulative traffic impacts.

The RDEIR Revised Alternative Section is hereby replaced by the June 2012 Recirculated Draft.

2012 Draft and Final EIR 6.0 Revised Alternatives Section.

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~~6.0 Alternatives~~

~~6.1 INTRODUCTION~~

~~CEQA Guidelines §15126.6 requires the consideration of a range of reasonable alternatives to the proposed project that could feasibly attain most of the basic objectives of the project. The CEQA Guidelines further require that the discussion focus on alternatives capable of eliminating significant adverse impacts of the project or reducing them to a less than significant level, even if the alternative would not fully attain the project objectives or would be more costly. The range of alternatives required in an EIR is governed by the “rule of reason,” which requires an EIR to evaluate only those alternatives necessary to permit a reasoned choice. An EIR need not consider alternatives that have effects that cannot be reasonably ascertained and/or are remote and speculative.~~

~~In compliance with CEQA, this section discusses the "No Project Alternative" as well as other alternatives and compares them to the proposed project. Through a comparative analysis of the environmental impacts and merits of the alternatives, this section is focused on those alternatives capable of eliminating significant adverse environmental impacts of the project, or reducing them to a less than significant level. This section has also been updated since the release of the 2005 DEIR and FEIR to reflect changes in project circumstances as well as the Superior Court’s ruling concerning the evaluation of project alternatives. The petition for the Writ of Mandamus raised challenges under CEQA, the Carmel by the Sea Municipal Code, and the California Government Code, all in connection with the proposed sale of the Flanders Mansion by its owner, the City of Carmel by the Sea. Specifically, the Court found that there was a lack of substantial evidence in the record documenting that the environmentally superior alternative, lease of the Flanders Mansion, was considered infeasible and directed that additional evidence be prepared in the form of an economic analysis. As stated in the project description, the City has engaged consultants to prepare an economic analysis evaluating the financial feasibility of the various project alternatives. This analysis will be used by the City in their deliberations during the project consideration.~~

~~Alternatives Not Analyzed in Detail~~

~~The following discussion has been prepared in accordance with the requirements of CEQA Guidelines §15126.6(e), which requires that an EIR identify alternatives that were considered by the lead agency but not considered for further evaluation. The following project alternatives were not considered for further evaluation because they failed to achieve the primary project objective, divestment of the Flanders Mansion, or would result in additional significant and unavoidable impacts. These alternatives were previously analyzed in the 2005 DEIR, as modified, because they would have achieved or partially achieved secondary objectives related to the raising of funds for capital improvements. Raising funds for capital improvements was eliminated by the City as a project purpose and therefore the following alternatives are not analyzed in detail in this RDEIR. However, these alternatives are part of the Administrative Record as they were included in the 2005 DEIR.~~

~~Alternative Properties/Locations~~

~~CEQA Guidelines §15126.6(f)(2) provides direction concerning when it is appropriate to analyze an alternative location project alternative. An alternative location should be analyzed when the significant effects of the proposed project would be avoided or substantially lessened if the~~

~~project was in another location. An alternative location is infeasible because the proposed project consists of the sale of the Flanders Mansion and surrounding property. The proposed project could not be undertaken on another site; therefore, this RDEIR does not examine in detail an alternative location.~~

~~**Rio Park Alternative.** As part of the previous alternatives analysis conducted in the 2005 DEIR, as modified, the sale of Rio Park was considered as a project alternative. This alternative consisted of the sale of the 6.24 acre Rio Park property (APNs 009 521 002 and 009 521 004), which is characterized as undeveloped open space located within the unincorporated areas of Monterey County. Although the site is commonly referred to as “Rio Park,” the site is not designated as parkland. The site, which consists of two separate parcels, is zoned “Medium Density Residential” (MDR/2)(CZ) and “Resource Conservation” (RC)(CZ). The 2005 DEIR and FEIR determined that the sale of this property could result in potentially significant impacts to biological resources due to on site resources and sensitive habitat types located within the immediate vicinity. In addition, the site is also located within a floodplain and would have the potential to result in additional significant environmental impacts beyond those associated with the proposed project. In addition, this alternative would fail to meet the primary project objective, divestment of the Flanders Mansion. For these reasons, this alternative is not evaluated in detail in this RDEIR.~~

~~**Relocate Scout House and Sell Parcel Alternative.** This alternative also was previously analyzed as part of the 2005 DEIR and FEIR and would consist of the sale of a 4,000 sq. ft. parcel located on the northeast corner of Mission and 8th (Block 89 Lot 20). The Scout House, considered a historic resource for the purposes of CEQA, is currently located on this site and would be relocated to the Vista Lobos property located on Torres Street and Fourth Avenue (Block 48). Upon relocation of the Scout House, the 4,000 sq. ft. parcel would be sold. However, implementation of this alternative would have the potential to result in additional significant impacts related to a historic resource. Specifically, the relocation of the Scout House would result in a potentially significant impact to a historic resource by relocating the resource out of its historical context. In addition, this alternative would also fail to meet the primary project objective associated with the proposed project. Therefore, this alternative is not evaluated in detail in this RDEIR.~~

~~**Sale of Scout House and Rio Park Property Alternative.** As with the previous alternatives identified above, this alternative was also analyzed as part of the 2005 DEIR and FEIR. This alternative would consist of the sale of the Scout House at its existing location on the northeast corner of Mission and 8th (Block 89 Lot 20). In addition, this alternative also included the sale of the Rio Park property (APN 009 521 002 and 009 521 004). This alternative would result in additional environmental impacts beyond those associated with the proposed project. Specifically, the sale of the Scout House could result in significant impacts to a historically significant resource. However, these impacts would likely be less than those associated with the relocation of the Scout House as described in the alternative above. Sale of the Rio Park property would also result in additional environmental impacts as described above. Specifically, future development of this parcel could result in significant impact to sensitive habitat, including ESHA, as well expose persons and/or structures to flood related hazards. Therefore, this alternative would not reduce potential impacts as compared to the proposed project and would also fail to meet the primary project objective associated with the proposed project. As a result, this alternative is not evaluated in detail in this RDEIR.~~

Alternative Uses

~~**Commercial Use Alternative.** The 2005 DEIR and FEIR evaluated the potential environmental impacts associated with the use of the Flanders Mansion Property as a commercial operation, specifically a motel or bed and breakfast. The 2005 DEIR, as modified, determined that a commercial operation, such as a motel or bed and breakfast, would represent an intensification of use as compared to the historical uses of the property (i.e., residential and public/quasi-public). In addition, this land use has never occupied the Flanders property. While motel/bed and breakfast-oriented uses are permitted in this zoning district, it was determined that this type use would be highly unlikely since the City's General Plan/Coastal Land Use Plan prohibits the net increase of hospitality units in the City. Additionally, mitigation measures were incorporated into the 2005 FEIR to restrict the use of the Flanders Mansion to those uses that are consistent with the historical use of the property (i.e., residential or low intensity public/quasi-public). Also, since a motel/bed and breakfast facility would constitute an intensification of use, additional long-term water supplies would need to be available to accommodate potential demands. A motel/bed and breakfast type use would likely exceed historical water use associated with the Flanders Mansion Property and the City water allocation is not available for intensification of uses. In addition to these reasons, commercial use of the Property would also be inconsistent with a number of the project objectives contained in this RDEIR. As a result, mitigation measures expressly prohibited the commercial use of the property. For these reasons, the use of the 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 potential impacts, including impacts related to transportation/traffic, water supply, and land use and planning.~~

Alternatives Selected for Further Analysis

~~According to CEQA Guidelines §15126.6(f), the ranges of alternatives required in an EIR is governed by the "rule of reason." Moreover, the alternatives analysis shall be limited to those that would avoid or substantially lessen any of the significant impacts associated with the proposed project. CEQA mandates that the alternatives analysis must contain a "no project alternative" in order to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the project (CEQA Guidelines §15126.6(e)(1)). Accordingly, the following alternatives were identified as warranting further analysis:~~

- ~~▪ No Project Alternative~~
- ~~▪ Lease for Single Family Residential Use~~
- ~~▪ Lease for Public/Quasi-Public Use~~
- ~~▪ Sale with Conservation Easements and Mitigations~~

~~In the proceeding alternatives analysis each of the selected alternatives are described, evaluated, and compared to the proposed project. In addition, the ability of each alternative to reduce potential impacts is also discussed. Where an alternative would result in approximately the same level of impacts as the proposed project or another alternative a substantive discussion of the impacts is not provided. The alternatives chosen for this analysis, beyond those mandated by CEQA, were developed to avoid or substantially reduce the significant impacts associated with the proposed project. A comparison of the impacts for each alternative is presented in Table 6-1. In the following analysis of alternatives, if impacts are not reduced or changed from those of the proposed project, the analysis is abbreviated. The following alternative analysis is specific to the impacts identified in this RDEIR.~~

Table 6-1 Project Alternatives Comparison of Impacts & Attainment of Objectives				
		Lease Alternatives		Sale Alternative
	No Project	Single-Family Residential Use	Public/Quasi-Public Use	Sale with Conservation Easements and Mitigations
Impact				
Aesthetics	-	=	=	-
Biological Resources	-	=	-	-
Cultural Resources	=	=	-	-
Land Use & Planning	-	-	-	-
Parks & Recreation	-	-	-	-
Traffic	-	-	+	=
Attainment of Objectives				
Primary	No	No	No	Yes
Secondary	Partial	Partial	Partial	Partial*
+ Impact Greater than Project = Impact Comparable to Project - Impact Less than Project * Contingent upon use				

6.2 SUMMARY OF PROJECT OBJECTIVES AND SIGNIFICANT IMPACTS

Objectives

As described in **Section 3.0 Project Description** of this RDEIR, the primary project objective associated with the proposed project is to divest the City of Carmel-by-the-Sea of the Flanders Mansion property, which is in need of significant short-term and long-term repair and rehabilitation. In addition to this primary objective, there are several secondary objectives as follows:

- To ensure that the Flanders Mansion is preserved as a historic resource;
- To ensure that the Flanders Mansion building and property are put to productive use;
- To ensure that future use of the Flanders Mansion and property will not cause significant traffic, parking, or noise impacts on the surrounding neighborhood;
- 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;
- To ensure that environmental resources of the park are protected; and
- To ensure that the Flanders Mansion parcel continues to provide the public with as many park benefits as are practical.

Significant Impacts

~~The alternatives analysis is intended to focus on eliminating, or reducing in significance, those project impacts identified in the RDEIR as significant and unavoidable. Significant and unavoidable impacts are those effects of the project that would affect either natural systems or other community resources and cannot be mitigated to a less than significant impact level.~~

~~The proposed project would result in potentially significant impacts in the following categories, as described in this RDEIR: aesthetics, biological resources, cultural resources, and transportation/traffic. All impacts associated with the proposed project can be reduced to a less-than-significant level with implementation of mitigations identified in this RDEIR, with the exception of impacts related to (1) land use and planning and (2) parks and recreation. The following significant, unavoidable impacts were identified for the sale of Flanders Mansion:~~

- ~~▪ Sale of the Flanders Mansion Property would conflict with certain goals, objectives, and policies identified in the City of Carmel by the Sea General Plan/Coastal Land Use Plan related to parkland, including G5-6, O5-21, P5-46, and P5-107, and~~
- ~~▪ Sale of the Flanders Mansion Property would result in the loss of an area of parkland available to the public that provides a wide variety of park benefits and is integrated into the Mission Trails Nature Preserve in a manner that facilitates or significantly enhances the use and enjoyment of other areas of the Preserve. This would represent a permanent loss of publicly owned parkland.~~

6.3 NO PROJECT ALTERNATIVE

Description

~~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. 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. Although limited use of the facility may occur under this alternative, the following analysis assumes that the property would remain vacant. 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.~~

Impacts

~~Implementation of the No Project Alternative is anticipated to substantially lessen and/or avoid significant impacts associated with the proposed project. Specifically, the No Project Alternative would avoid significant impacts associated with land use and planning and parks and recreation. The No Project Alternative would also reduce impacts to aesthetics, biological resources, cultural resources, and transportation/traffic. Mitigation measures intended to avoid and/or minimizing potential impacts would no longer be applicable.~~

~~The No Project Alternative would avoid significant project impacts related to land use and planning. As identified in this RDEIR, the sale of the Flanders Mansion property would result in the sale of public parkland and, therefore, has the potential to conflict with numerous goals, objectives, and policies contained in the City of Carmel by the Sea General Plan/Coastal Land Use Plan related to parkland. Under the No Project Alternative, the Mansion and surrounding property would be retained by the City. As a result, impacts would be avoided.~~

~~This alternative would also avoid significant project impacts related to parks and recreation. As identified in **Section 4.5 Parks and Recreation**, sale of the Flanders Mansion property would result in a significant impact due to the loss of parkland and park benefits associated with the Property. The sale of the project site would result in the loss of an area of parkland that provides several on-site benefits and also facilitates public enjoyment of other areas of the Mission Trail Nature Preserve. Under the No Project Alternative, the site would continue to be accessible to the general public. As a result, significant and unavoidable impacts due to the loss of parkland would be avoided.~~

~~The No Project Alternative would avoid potential project impacts due to changes to the existing visual character of the site. It is assumed that under this alternative that the property would continue to exist in its current state, and only ordinary maintenance and minor improvements would be implemented by the City to ensure compliance with the Superior Court's ruling. No new exterior elements, such as fencing, hedges, or similar features, intended to physically restrict access by park visitors or provide enhanced privacy would be implemented. The Flanders Mansion property would continue to be accessible to the general public and physical barriers would not disrupt the visual character of the Mission Trail Nature Preserve. In addition, the No Project Alternative would also avoid potential impacts to adjacent public viewing areas, considered scenic vistas for the purposes of this RDEIR, which would occur as a result of the proposed project. As identified in **Section 4.1 Aesthetics**, the proposed project would result in the loss of public access to and through the Flanders Mansion Property thereby impacting existing access to adjacent viewing areas. Implementation of this alternative would not restrict public access to the property and would avoid potential impacts to the adjacent scenic vistas.~~

~~This alternative would also avoid potential biological impacts associated with a potential future use of the property. No exterior features or physical changes to the Property would occur as part of this alternative. Therefore, no impacts to biological resources are anticipated.~~

~~The No Project Alternative would result in relatively the same level of impacts as compared to the proposed project in regard to cultural resources and ongoing required maintenance to the structure. In order to comply with the findings of the Superior Court ruling, the City would be responsible for ongoing maintenance and rehabilitation of the property as is also required per the City's historic preservation ordinance. Compliance with the ordinance would ensure that all future improvements to the Mansion as per the Superior Court's order would comply with applicable standards related to historical resources. However, this alternative would avoid potential impacts to buried archaeological remains since this alternative assumes that no ground disturbing activities would occur.~~

~~This alternative would reduce impacts related to transportation/traffic compared to the proposed project. Specifically, the site would remain vacant and would presumably continue to be used by the general public for park access. As such, this alternative would avoid potential traffic impacts related to the loss of parking and increased traffic associated with the future use of the Property.~~

~~Attainment of Project Objectives~~

~~The No Project Alternative would fail to meet the primary project objective of divestment of the Flanders Mansion property by the City of Carmel by the Sea. In addition to failing to meet the primary project objective, this alternative would only meet some of the secondary objectives identified by the City. This alternative would ensure that: 1) use of the property would not significantly disrupt the public's enjoyment of the Mission Trail Nature Preserve or the Lester Rowntree Arboretum; 2) environmental resources located within the Mission Trail Nature Preserve are protected; 3) the property would continue to provide a maximum benefit to the general public; and 4) the property would minimize impacts on the surrounding residential neighborhood. This alternative would fail to meet secondary objectives related to ensuring that the building is put to productive use. In addition, it is also assumed that this alternative would only partially achieve secondary objectives related to historic preservation.~~

~~Summary~~

~~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 vacant, although it could be periodically used by the City. 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.~~

~~6.4 LEASE ALTERNATIVES~~

~~The 2005 DEIR, as modified, evaluated the potential environmental impacts associated with a Lease Alternative (previously referred to as "Alternative 2" in the 2005 DEIR). The analysis contained in the 2005 DEIR, as modified, was not use specific. Rather, the analysis evaluated general impacts associated with the lease of the Property. In order to clearly disclose the potential environmental impacts associated with the lease of the property, this RDEIR evaluates two (2) use specific lease alternatives. Specifically, this RDEIR evaluates a Lease as a Single-Family Residential Use Alternative and a Lease as a Public/Quasi Public Use Alternative.~~

~~LEASE FOR SINGLE FAMILY RESIDENTIAL USE~~

~~Description~~

~~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. 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.~~

Impacts

~~This alternative is anticipated to result in approximately the same level of impacts as the proposed project with the exception of impacts associated with land use and planning, parks and recreation, and transportation/traffic. While mitigation and conditions would apply to the future lease of the property as a single family residence, this alternative would still result in impacts to aesthetics comparable to the proposed project. This alternative would not result in the permanent loss of parkland. While the project would avoid significant and unavoidable impacts due to the permanent loss of parkland, it is assumed that there would be physical changes to the property, such as new fencing, walls, gates, hedges, altered circulation patterns, changed landscaping patterns, and/or other alterations made to accommodate the needs of the lessee. The erection of exterior elements, such as fencing, would physically separate the Property from the remainder of the Mission Trail Nature Preserve and would restrict access to a portion of the Preserve that has historically been used for park purposes. Depending on the extent of these exterior elements, these changes would significantly reduce or eliminate park benefits associated with the property during the term of the lease. These results would substantially diminish the integration of the property into the remainder of the Preserve. Existing park benefits associated with the Flanders Property would be eliminated or significantly reduced due to the use of the Property for single-family purposes during the lease term.~~

~~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. This 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.~~

~~This alternative would also result in substantially the same level of impacts in regards to biological resources as the proposed project, and the mitigation measures identified in this RDEIR would still be applicable. Although the City would be able to exert more influence over exterior changes to the property since they would retain ownership, it is reasonable to assume that some level of impacts would occur due to the property being leased as a single family residence. For instance, it is assumed that limited land disturbing activities would likely occur during the construction of perimeter fencing or other exterior elements. This alternative would lessen the extent of impacts since the City would retain greater authority over changes implemented by a future lessee, but not such that mitigation measures or other conditions would no longer be applicable.~~

~~In addition to similar impacts in regard to biological resources and aesthetics, this alternative would also result in similar impacts related to cultural resources. As stated above, this alternative assumes that some limited ground disturbing activities would occur. As a result, the mitigation measures identified in this RDEIR would still be applicable as some limited ground disturbance and exterior changes may occur as a result of a future lease of the property. Compliance with~~

~~mitigation measures, as well as the City's historic preservation ordinance, would ensure impacts to cultural resources would not be significant. Impacts may be slightly less under this alternative since the City would retain ownership of the property, but the overall level of impact would be substantially the same.~~

~~This alternative would avoid significant and unavoidable impacts associated with potential conflicts with General Plan/Coastal Land Use Plan policies related to parkland. Although it is ultimately up to the discretion of the City to determine consistency, this RDEIR assumed a significant impact because the project would result in the sale of publicly owned parkland which would conflict with a number of goals, objectives, and policies related to parkland. Under this alternative, the City would retain ownership of the property, and no sale of parkland would occur. As a result, this alternative would avoid significant impacts due to the sale of parkland. Although this alternative would not result in the sale of parkland, use of the Property for single family residential purposes would eliminate existing park benefits associated with the property during the term of the lease. The primary difference is that the ownership would be retained by the City and, therefore, the City could receive the property and restore public access/use after the termination of the lease if the lease is not renewed.~~

~~Implementation of this alternative would substantially lessen impacts related to transportation/traffic since the future use of the property would be restricted to single family residential use. As identified in **Section 4.6 Transportation/Traffic**, the analysis contained in this RDEIR assumes that traffic impacts would be contingent upon the exact type of use. Since an actual use has not been identified, this RDEIR analyzed the maximum traffic impacts in accordance with allowable uses under the existing zoning designation. Single family residential uses generate the lowest level of traffic trips. Therefore, this alternative would generate substantially lower levels of traffic trips as compared to a public/quasi-public use.~~

~~Based on the assumptions identified above, this alternative would avoid impacts related to the permanent loss of parkland since the property would be retained by the City. However, existing park benefits associated with the property and public use of the property would be eliminated and or impacted under this alternative during the term of the lease. Also, this alternative would impact the existing integrated nature of the Property with the Mission Trail Nature Preserve through the introduction of fencing and similar exterior elements that would physically separate the Property from the remainder of the Mission Trail Nature Preserve during the term of the lease. While this alternative would not result in the permanent loss of parkland, thereby avoiding impacts from the permanent loss of parkland, it would result in approximately the same level of impacts as the proposed project in regard to parks and recreation during the lease term. This alternative would avoid significant impacts due to the permanent loss of parkland.~~

Attainment of Project Objectives

~~This alternative would not meet the primary project objective, divestment of the Flanders Mansion property. However, retention of the Flanders Mansion property by the City for the purposes of lease as a single family residence would achieve some of the secondary objectives associated with the proposed project. Specifically, through conditions of lease and applicable mitigation measures, this alternative would ensure the long term preservation of the Mansion as a historic resource, as well as the protection of natural resources located within the Mission Trail Nature Preserve. This alternative would also minimize potential traffic related impacts and would achieve secondary project objectives related to the minimization of traffic impacts on the surrounding residential neighborhoods. However, this alternative would fail to meet secondary objectives related to maintaining as many park benefits as possible. Despite being retained by the~~

~~City, the erection of fencing or other similar exterior elements would eliminate existing access to the Property by the general public during the term of the lease and, therefore, would eliminate or significantly reduce existing park benefits associated with the Flanders Mansion Property. Although failing to meet the primary project purpose, this alternative would achieve some of the secondary project objectives.~~

Summary

~~In summary, this alternative proposes the lease of the Flanders Mansion as a single family residence and would significantly lessen impacts associated with the proposed project in regard to land use and planning, parks and recreation, and transportation/traffic. This alternative would avoid impacts due to the permanent loss of parkland since the City would retain ownership of the property. Although this alternative would not result in the sale of parkland, this alternative would still result in the elimination of existing park benefits associated with the Property since public access would be restricted to the Property during the term of the lease. Exterior elements, such as fencing, would physically separate the Property from the remainder of the Preserve and essentially result in the same level of impacts as the proposed project during the term of the lease. This alternative would result in approximately the same level of impacts in regards to aesthetics, biological resources, and cultural resources as the proposed project. Mitigation measures would still be necessary in order to ensure that the future use of the Mansion as a single family residence would not result in additional impacts to the surrounding Mission Trail Nature Preserve and the adjacent Lester Rowntree Arboretum.~~

LEASE FOR PUBLIC/QUASI-PUBLIC USE

Description

~~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. 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. 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 full public access would be restricted under this alternative. 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.~~

Impacts

~~Based on the assumptions outlined above, implementation of this alternative would avoid significant land use and planning impacts associated with the proposed project and would also minimize impacts related to biological resources and cultural resources. This alternative would minimize the extent of impacts associated with parks and recreation because the property would be retained by the City. However, it is assumed that use as a public/quasi-public use would still~~

~~preclude unrestricted access to the property and restrict and/or eliminate existing park benefits associated with the property. This RDEIR evaluates potential impacts associated with both residential and public/quasi-public uses. Use of the facility for public/quasi-public purposes could result in an intensification of use as compared to single family residential or similar low-intensity land uses that have historically occurred on site and could result in additional traffic-related impacts. Potential traffic-related impacts associated with public/quasi-public uses could result in an intensification of the level of potential traffic (Refer to Table 4.6-1 of the Traffic Section in this RDEIR). A public/quasi-public use results in an intensification of use as compared to existing conditions or single-family use and thereby result in increased traffic-related impacts.~~

~~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. 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.~~

~~Impacts to biological resources would be lessened under this alternative. Under this alternative it is assumed that earth-disturbing activities, such as tree removal and other vegetation removal activities, would not be required as part of a public/quasi-public use. As identified in **Section 4.2 Biological Resources**, this RDEIR assumed that future use of the property could result in the removal of existing trees, landscaping, and other features as a result of exterior changes to the Property. While some limited physical changes may occur under this alternative, it is assumed that the extent of exterior improvements (i.e., fencing, landscaping) would be less under this alternative. As such, impacts to biological resources would be minimized.~~

~~Retention of the Flanders Mansion property by the City and the subsequent lease of the property to a public/quasi-public use would also avoid potential impacts to cultural resources associated with the proposed project. It is assumed that the extent of ground-disturbing activities would be limited under this scenario and therefore this alternative would avoid potential impacts to buried archaeological remains. As identified in **Section 4.3 Cultural Resources**, the sale of the Flanders Mansion would significantly reduce potential opportunities for the public to access the Mansion itself. This alternative assumes some limited public events would occur as part of a public/quasi-public use. This alternative assumes that some interior changes and upgrades would be necessary and any improvements would need to be completed in accordance with the City's historic preservation ordinance. Retaining the property would provide the City with an additional oversight capacity beyond those mandated in the historical preservation ordinance and would further ensure that impacts could be minimized and/or avoided. This alternative would also avoid potential impacts to a historic use since the City would continue to retain ownership.~~

~~Implementation of this alternative is anticipated to avoid significant and unavoidable impacts associated with land use and planning. As identified in **Section 4.4 Land Use and Planning**, implementation of the proposed project is anticipated to result in a significant impact due to the~~

~~sale of parkland, which may conflict with several goals, objectives, and policies contained in the City's General Plan/Coastal Land Use Plan related to parkland. This was considered a significant impact. This alternative would not result in the sale of parkland; therefore, this impact would be avoided. While this alternative would avoid significant impacts due to the sale of parkland, this alternative could conflict with additional General Plan/Coastal Land Use Plan policies related to the minimization of traffic impacts on neighboring residential neighborhoods. In addition, this alternative could also conflict with policies related to public access to parkland during the term of the lease agreement. This impact would be comparable to the proposed project.~~

~~This alternative is also anticipated to avoid significant impacts associated with parks and recreation due to the permanent loss of parkland since the City would still retain ownership of the Property. Although this alternative would not result in the sale of parkland, use of the Property for public/quasi-public purposes could minimize or significantly restrict park benefits associated with the property during the term of the lease. As a result, this alternative is assumed to result in similar impacts as compared to the proposed project. The primary difference is that the ownership would be retained by the City and, therefore, the City could receive the property after the termination of the lease. This analysis assumes that some restrictions and exterior elements may limit public access to the site depending on the type of use. Restrictions or exterior elements, such as fencing, could limit existing park benefits associated with the Property and preclude the public from accessing the site. In addition, this alternative may result in the loss of trail access from the existing driveway assuming that the driveway would be utilized for parking or similar purposes. This alternative may also result in impacts to the adjacent Lester Rowntree Arboretum. This alternative would avoid significant impacts due to the permanent loss of parkland, but could still result in additional impacts related to parks and recreation. Mitigation would still be warranted to reduce impacts associated with this alternative.~~

~~As noted above, use of the Mansion for public/quasi-public purposes could result in an intensification of use as compared to single-family residential or similar low-intensity land uses that have historically occurred on site and could result in additional traffic-related impacts. While this RDEIR identified potential traffic-related impacts associated with a public/quasi-public use and this alternative would result in comparable impacts as the proposed project, it is important to note that use as a public/quasi-public could result in increased traffic-related impacts. In order to ensure that traffic-related impacts are minimized, mitigation would be necessary. Specifically, mitigation would be necessary to ensure that the future use of the Property would be restricted to those low-intensity public/quasi-public uses that are consistent with the historical use of the Property since being acquired by the City. Although this alternative would result in similar impacts as the proposed project, it would generate more traffic than a single-family residence. This alternative would also result in the loss of parking since existing informal parking areas would be presumably used by the future lessee.~~

~~Attainment of Project Objectives~~

~~This alternative would fail to meet the primary project objective, divestment of the Flanders Mansion property. However, retention of the Flanders Mansion property for the purposes of lease as a low-intensity public/quasi-public use would achieve most of the secondary project objectives. Specifically, through conditions of lease and applicable mitigation measures, this alternative would ensure the long-term preservation of the Mansion as a historic resource, as well as the preservation of environmental resources located within the Mission Trail Nature Preserve. This alternative would also better achieve objectives related to minimizing impacts to the Mission Trail Nature Preserve and Lester Rowntree Arboretum. Based on the assumptions utilized for this analysis, this alternative would eliminate or reduce existing park benefits associated with the~~

~~property by introducing exterior elements that would result in physical changes to the Property. This alternative, while consistent 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. Mitigation would be necessary to restrict any future public/quasi-public use to those low-intensity land uses that are consistent with the historical use of the Property since being acquired by the City.~~

Summary

~~In summary, this alternative would significantly lessen impacts associated with aesthetics, biological resources, cultural resources, and land use and planning. This alternative would also avoid significant and unavoidable impacts related to parks and recreation since this alternative would not result in the permanent loss of parkland. Park benefits associated with the Property may be minimized depending on the extent of exterior improvements and nature of the public/quasi-public use. As identified above, this alternative has the potential to generate substantially more traffic than a single-family residential use and, therefore, has the potential to result in additional traffic-related impacts. The future lease agreement could still be subjected to certain conditions and mitigation measures identified in this RDEIR, but it is assumed that this alternative would avoid the majority of project impacts associated with biological resources and cultural resources. This alternative would not achieve the primary project objective or secondary objectives related to the minimization of traffic-related impacts. Park benefits may also be reduced under this alternative.~~

6.5 SALE WITH CONSERVATION EASEMENTS AND MITIGATIONS

Description

~~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 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.~~

Impacts

~~This alternative would reduce potential impacts associated with parks and recreation as well as reduce potential impacts to aesthetics and biological resources. Impacts related to cultural resources are also anticipated to be reduced due to the use of conservation easements, which would limit ground disturbing activities and preclude the erection of exterior elements within the boundaries of the easements. This alternative would effectively reduce usable portions of the Property. Impacts in regard to transportation/traffic are anticipated to be approximately the same as compared to the proposed project or reduced since the conditions of sale would provide for low intensity use at the site. This alternative would also substantially lessen potential impacts in regard to land use and planning.~~

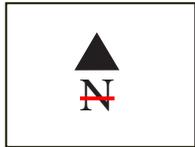
~~This alternative would minimize potential impacts associated with parks and recreation as compared to the proposed project. As identified in **Section 4.5 Parks and Recreation**, implementation of the proposed project would result in a significant and unavoidable impact due to the loss of parkland and associated park benefits. The proposed project would result in impacts to the existing trail network located in the Mission Trail Nature Preserve. The Flanders Mansion property and existing driveway are currently utilized by the general public as one of the primary access points to the Mission Trail Nature Preserve. The sale of the Flanders property would result in the loss of public access via the current driveway and property. A number of trails would also have to be reconfigured so as to permit continued use by the general public. This alternative, through the use of conservation easements and other mechanisms, would minimize areas on the parcel from which the public would be excluded to ensure that the parcel continues to provide the general public with as many park benefits as are practical, depending on the future use. Specifically, this alternative would minimize impacts to the Lester Rowntree Arboretum by conveying portions of the property adjacent to the Arboretum to the City of Carmel by the Sea for the purposes of permanent conservation and ensure continued public access to portions of the site that provide the park benefits to the public. Additional easements conveying portions of the site bordering ESHA as well as portions of the existing driveway would also ensure that the property would continue to provide the maximum amount of feasible park benefits. Easements allowing continued public access to the eastern part of the driveway would preserve access to the existing trails that intersect the driveway. As a result, this alternative would avoid impacting these trails and thereby ensure continued public access. Although the project would still result in the sale of parkland, the public would continue to derive park benefits from the property. In summary, the use of permanent easements (or similar legally binding instruments) on Flanders Property would prevent a future owner from preventing public access to certain portions of the site. In addition, this alternative would also limit the ability of a future owner from making exterior changes to the property in areas that are particularly sensitive (i.e., area adjacent to Lester Rowntree Arboretum and edge habitats). Although this alternative would still result in the sale of parkland, this alternative would substantially reduce the level of impacts by retaining existing park benefits associated with the property.~~

~~This project alternative would also minimize potential impacts to aesthetics and biological resources associated with a future use of the property by requiring that a scenic/conservation easement be recorded on the portion of the property (south/southwest) adjacent to land characteristic of ESHA. Future use of the property would be required to adhere to the stipulations contained in the easement regarding the preservation of existing biological features located on the~~



	Flanders Mansion Parcel
	Easement

~~0 37.5 75 150~~
Feet



~~Sale with Conservation Easements
and Mitigation Alternative~~

~~Figure
6-1~~

~~property and would prohibit the erection of exterior elements within the boundaries of the easement. As previously identified, the use of conservation easements would restrict ground disturbing activities in areas located within the boundaries of the easements. In addition, future use of the property would also be required to adhere to the mitigation measures identified in this RDEIR and final conditions of sale, which shall run with the land. As a result, this alternative would minimize potential impacts to biological resources and aesthetics.~~

~~Implementation of this alternative is anticipated to lessen the extent of potential impacts to cultural resources as compared to the proposed project by permanently conserving portions of the site through the use of conservation easements or similarly binding legal mechanisms. This would effectively reduce areas of the site that could be disturbed by a future owner. Mitigation measures identified in this RDEIR would still be applicable, but ground disturbing activities are assumed to be significantly lessened due to restrictions associated with the conservation easements. As a result, any exterior elements, such as fencing, would generally be restricted to existing developed areas of the parcel or landscaped areas immediately adjacent to the Mansion. Future improvements to the exterior of the Flanders Mansion would still be required to adhere to existing City of Carmel-by-the-Sea Municipal Code requirements, mitigation measures identified in this RDEIR, and any conditions of sale, which shall run with the land.~~

~~This alternative would also lessen land use and planning impacts as compared to the proposed project. As identified in **Section 4.4 Land Use and Planning**, the proposed project has the potential to conflict with policies related to the preservation of parkland due to the sale of the Flanders Mansion Property. However, this alternative has incorporated measures to ensure that portions of the site which provide park benefits are conserved and protected. This alternative would ensure that the general public would continue to derive park benefits from the Property. These easements would continue to allow certain portions of the site to be accessible to the general public, as well as preserve the existing forested character of the Mission Trail Nature Preserve. While this alternative would still result in the sale of parkland, impacts would be lessened and the Property would continue to provide park benefits to the general public as identified above.~~

~~This alternative would result in approximately the same level of impacts as the proposed project in terms of transportation/traffic. As identified in **Section 4.6 Transportation and Traffic**, the proposed project, depending on the type of future use, could result in traffic related impacts. Under this alternative, impacts are not anticipated to exceed the historical traffic associated with the Flanders Mansion since the future use of the Mansion is required to be consistent with the historical uses (e.g., single family residential or low impact public/quasi public).~~

~~Attainment of Project Objectives~~

~~Implementation of this alternative would achieve the primary project objective, in addition to the majority of the secondary project objectives associated with the proposed project. This alternative minimizes potential impacts due to loss of parkland, including park benefits associated with the Property, and impacts to biological resources. This alternative assumes that the Flanders Mansion property would be utilized for either single family residential purposes or a low-intensity public/quasi-public use, such as offices for a non-profit or similar. Depending on the future use of the subject property, this alternative would also partially meet project objectives related to minimizing impacts on the surrounding neighborhood. This alternative would satisfy secondary project objectives related to minimizing impacts to the Lester Rowntree Arboretum and the Mission Trail Nature Preserve, and it would ensure that the Property continues to provide park benefits to the general public.~~

Summary

~~This alternative would lessen potential impacts to parks and recreation due to the loss of parkland and associated park benefits. This alternative would minimize impacts to the adjacent Lester Rowntree Arboretum and reduce impacts to biological resources and aesthetics. This alternative would significantly lessen the extent of project impacts in terms of land use and planning and would also minimize potential impacts related to cultural resources. Although this alternative would still result in the sale of the Flanders Mansion Property, this alternative would retain existing park benefits associated with the Property by effectively restricting the usable area of the parcel in order to minimize impacts to the Mission Trail Nature Preserve. This alternative would minimize potential impacts as compared with the proposed project and would still achieve the majority of the project objectives.~~

6.6 DISCUSSION OF ALTERNATIVES FINDINGS

~~In the Superior Court's findings concerning the adequacy of the 2005 FEIR, the Superior Court found that the City "abused its discretion and violated CEQA because it failed to proceed in the manner required by law and approved the sale of the Flanders Mansion when the potential lease of the Mansion...is an alternative to sale that has not been shown to be infeasible." CEQA Guidelines §15091 specifically requires that "no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes" specific findings regarding each of the significant environmental impacts. CEQA Guidelines §15091(a)(3) further requires that a public agency must make findings of infeasibility regarding the rejection of an alternative that would avoid or substantially lessen the significant environmental effects identified in an EIR. CEQA Guidelines §15091(a)(3) states that specific economic, legal, social, technical, or other considerations may make an alternative infeasible. Findings of infeasibility must be supported by substantial evidence (CEQA Guidelines §15091(b)).~~

~~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 affects (CEQA Guidelines §15093(a)). The Superior Court found that the City "could not legally adopt a statement of overriding considerations without making supportable findings regarding the infeasibility of alternatives." The Court found that even if a particular alternative, in this case the lease alternative, "would be more costly to the City, absent substantial evidence in the form of an economic analysis... the project cannot be approved" because the City failed to demonstrate alternative infeasibility. The City of Carmel-by-the-Sea will consider evidence and findings during the project deliberations process in compliance with CEQA,~~

~~Based on the Superior Court's findings, the City of Carmel by the Sea is in the process of preparing 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.~~

~~6.7 Environmentally Superior Alternative~~

~~CEQA requires that an environmentally superior alternative to the proposed project be specified, if one is identified. In general, the environmentally superior alternative is supposed to minimize adverse impacts to the project site and surrounding environment while achieving the basic objectives of the project. The basic project objective associated with the proposed project is the divestment of the Flanders Mansion Property. The "No Project" alternative could be considered the environmentally superior alternative because all significant and unavoidable impacts associated with the proposed project would be avoided. However, this alternative does not achieve the basic project objective. CEQA Guidelines §15126.6(e)(2) states: "If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.~~

~~The 2005 DEIR, as modified, identified that the Lease Alternative (previously referred to as "Alternative 2" in the 2005 DEIR) would be the environmentally superior alternative because that alternative would reduce impacts to historic resources and park resources since the City would retain ownership. In addition, the 2005 DEIR also determined that the Lease Alternative would minimize potential impacts on adjacent parkland since the property would be retained by the City. Moreover, it was also determined that this alternative would avoid significant and unavoidable impacts related to 1) land use and planning, and 2) parks and recreation. The 2005 DEIR, as modified, also recognized that the Reduced Parcel Size/Mitigated Alternative (previously referred to as "Alternative 6" in the 2005 DEIR) would be the environmentally superior alternative if the Lease Alternative was determined to be infeasible. During the project deliberation process, the City of Carmel by the Sea rejected the Lease Alternative as infeasible. However, the Superior Court determined that the City violated CEQA because it did not adopt findings of infeasibility supported by substantial evidence.~~

~~Consistent with the findings of the 2005 DEIR, as modified, the Lease Alternatives identified in this RDEIR are considered environmentally superior. Both of the Lease Alternatives would significantly reduce potential environmental impacts as compared to the proposed project. While the Lease Alternatives (i.e., single family residential or public/quasi public) would avoid significant project impacts, these alternatives would fail to meet the primary project purpose, in addition to secondary project objectives. Depending on the type of use, lease of the property could result in additional impacts related to traffic and transportation. As identified elsewhere in this RDEIR, a public/quasi public use would generate additional daily traffic trips. Lease of the Flanders Mansion may also result in impacts due to the loss of park benefits during the term of the lease. However, these impacts would be limited to the duration of the lease agreement, and upon termination of the agreement public use of the property could resume.~~

~~The Sale with Conservation Easements and Mitigation Alternative would lessen potential impacts associated with the proposed project while achieving the primary project purpose. This alternative would also satisfy secondary objectives. The sale with Easements and Mitigations Alternative would result in the sale of parkland and, therefore, would still result in impacts related to the permanent loss of parkland. However, this alternative would ensure that park benefits associated with the Property would be maintained by conveying permanent easements to the City of Carmel by the Sea that provide continued trail access, minimize impacts to the Lester Rowntree Arboretum, and protect surrounding sensitive resources.~~

~~Both Lease Alternatives and the Sale with Conservation Easements and Mitigations Alternative would significantly reduce the extent of impacts as compared to the proposed project, and both~~

~~can be considered environmentally superior to the proposed project. However, the Lease Alternatives would retain City ownership of the Property and preserve flexibility on how the property is used in the future (i.e., after the term of the lease). If the City of Carmel-by-the-Sea determines that the Lease Alternatives are infeasible for specific economic, legal, social, technical, or other considerations, the Sale with Conservation Easements and Mitigations Alternative also would be considered the environmentally superior alternative.~~

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7.0 References

7.1 REPORT PREPARATION

CITY OF CARMEL-BY-THE-SEA

Lead Agency

Sean Conroy, Planning and Building Services Manager
Brian Roseth, Contract Planner

DENISE DUFFY & ASSOCIATES, INC.

EIR Preparers

Denise Duffy, President
Tyler Potter, Associate Planner/ Deputy Project Manager
Elizabeth Guzman, Associate Planner
Matt Johnson, Associate Environmental Scientist/Graphics
Cynthia Meyer, Administration

7.2 LITERATURE CITED

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3. Carmel-by-the-Sea, City of, Zoning Code (Title 12) and Map.
4. Carmel-by-the-Sea Local Coastal Program and Land Use Plan
5. Carmel-by-the-Sea, City of, Municipal Code accessed on December 1, 2008 online at <http://www.codepublishing.com/CA/carmel.html>
6. City of Carmel-by-the-Sea, Property File
7. Carmel-by-the-Sea, City of, General Plan Architectural, Cultural and Historic Resources Element, n.d.a.
8. Carmel-by-the-Sea, City of. 1993. Carmel Zoning Code, Chapter 17.41, Historic Preservation, February 5, 1993.
9. Carmel-by-the-Sea, City of. 1996. Computer printout of "Property Information" for Assessor's Parcel Number 101423. December 17, 1996.
10. Carmel Historic Survey, 1995
11. Grimes, T. and L. Heumann. 1994. Historic Context Statement, Carmel-by-the-Sea. Revised by Glory Anne Laffey, May 31, 1996. Carmel-by-the-Sea, California. Prepared for the City of Carmel-by-the-Sea.

12. Grimes, T. and L. Heumann, G.A. Laffey. 1997 Historic Context Statement: Carmel-by-the-Sea. Prepared for the City of Carmel-by-the-Sea.
13. Hoover, M.B, H.E. Rensch, E.G. Rensch, and W.N. Abeloe. 1990 *Historic Spots in California*. Revised by Douglas E. Kyle. Stanford University Press, Stanford.
14. Monterey Bay Unified Air Pollution Control District, CEQA Air Quality Guidelines, October 1995, as revised February 1997 and August 1998.
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16. Seavey, Kent. August 1988. National Register of Historic Places Registration Form, "Outlands in the Eighty-Acres; Flanders, Paul Mansion.
17. Seavey, Kent. 2001. California Department of Parks and Recreation Historic Resources Inventory Form (DPR 523), "Carmel Scout House."

APPENDIX A

Notice of Preparation for the Sale of Flanders Mansion Project

NOTICE OF PREPARATION

To: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95812-3044

From: Brian Roseth, Principal Planner
City of Carmel-by-the-Sea
Community Planning Dept.
P.O. Box Drawer G
Carmel-by-the-Sea, CA 93921

Subject: Notice of Preparation of a Draft Environmental Impact Report

The City of Carmel-by-the-Sea will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when commenting on the project or considering any permit or other approvals for the project.

The project description, location, and some potential environmental effects are contained in the attached materials. No Initial Study was prepared.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Brian Roseth at the address above. We will need the name for a contact person in your agency.

Project Title: Sale of Flanders Mansion Property

Project Proponent: City of Carmel-by-the-Sea

Date: January 14, 2005

Signature _____

Title: Principal Planner

Telephone: (831) 620-2010

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Section 15082(a), 15103, 15375

Sale of Flanders Mansion Property City of Carmel-by-the-Sea

PROJECT DESCRIPTION

An Environmental Impact Report (EIR) is being prepared pursuant to the California Environmental Quality Act (CEQA) for the sale of potential surplus property in the City, specifically the Flanders Mansion Property. The 1.25-acre property contains a historic building known locally as the Flanders Mansion, which is listed on the National Register of Historic Places and is also located within a greater Preserve area known as the Mission Trails Nature Preserve. The Preserve itself is designated as Environmentally Sensitive Habitat Area (ESHA) in the Local Coastal Program (LCP) and the property is zoned as Improved Parkland (P-2). The surrounding Preserve area is not subject to sale and will be retained as public parkland. The purpose of the sale of the Flanders Mansion Property is to generate funds for needed City capital improvements involving a number of municipal facilities. The sale of the Flanders Mansion Property and potential future uses may result in significant impacts in a number of areas, primarily historic, land use, natural resource, and aesthetic issues, in addition to other considerations.

The primary impacts of the sale of the property would be dependent upon the subsequent proposed uses of the site. The zoning designation for the site is P-2, which is for parkland properties that are not in their full natural state and which have been improved with buildings, recreational facilities or other artificial interventions. The potential future uses that are allowed in the P-2 zone include park and recreation uses, residential uses, parking, municipal facilities, nonprofit uses, conference facilities, visitor serving (motel use), day care facilities and other similar uses.

LOCATION

The project is located in Monterey County, California and is within the boundaries of the City of Carmel-by-the-Sea. The site (APN# 010-061-005) is accessible by Martin Road and is within the Mission Trails Nature Preserve.

EIR SCOPE

The primary issues for the EIR will be land use impacts, including aesthetic/viewshed impacts, impacts to parks and recreation and other land use compatibility factors, cultural resource impacts (focusing on historic resources), and natural resource impacts, focusing on ESHA.

CULTURAL RESOURCES

The EIR cultural resources section will include a description of the affected environment, the impacts assessment of the preferred project and project alternatives, a discussion of cumulative impacts, and proposed mitigations as appropriate. The property contains the Flanders Mansion (also known as the Outlands building) that is already qualified as a

historic resource listed at the local level of significance on the National Register. The EIR will analyze specific impacts to this locally significant historical resource and will also research the property based upon available data from the City Archives, the Carmel Preservation Foundation, Flanders Foundation, and the Department of Parks and Recreation form prepared by Kent Seavey, Architectural Historian. This data will be supplemented by historical and historical/architectural analysis to be performed by Jones & Stokes Associates. A discussion of potential impacts on archaeological resources on the property will also be conducted.

The City's LCP prohibits demolition of historic resources and requires compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Flanders Mansion is known to require significant rehabilitation and maintenance to return it to useful condition. Some members of the public have expressed concern that future rehabilitation/remodeling could damage historic integrity. Potential changes during rehabilitation of the residence will require full compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. An evaluation of the feasibility of rehabilitation in compliance with these standards will be discussed in the EIR.

LAND USE

This section of the EIR will address General Plan consistency issues as well as zoning implications, including a review of all the policies in the General Plan/Coastal Land Use Plan that may relate to the potential project. Surrounding land uses include the Nature Preserve, a native plant garden/arboretum and a single-family residential neighborhood. The zoning designation for the Flanders Mansion site is P-2, which includes parkland properties that are not in their fully natural state and which have been improved with buildings, recreational facilities or other artificial interventions. The uses allowed in the P-2 zone include park and recreation uses, single-family residential, parking, nonprofit uses, conference facilities, motel use, day care and others. In the past, the Outlands building has been occupied as a residence and as the office of a nonprofit organization. The potential for General Plan/LCP policy conflicts, conflicts with adjacent land uses and the need to balance competing objectives will be identified, including noise, access, recreation uses and other relevant policy topics.

Changes to the land use could result in impacts to the surrounding neighborhood and parklands relative to noise, access, compatibility of uses, recreational restrictions on the park uses and numerous surrounding trails. At present the boundary between the larger park and the Outlands property is unfenced and park users can freely pass across both parkland areas. The potential for the public to be excluded from the property either through signage or through fencing and corresponding impacts to the City's recreational resources will be addressed.

AESTHETICS

The site constitutes a special scenic resource within the Preserve area. This section will describe the existing visual setting of the project area in terms of physical attributes, aesthetics, vista, and color. The aesthetics section will evaluate the potential uses in relation to the City's existing zoning, including applicable Improved Parklands District and residential design standards, guidelines and requirements, and in relation to the Coastal Act. The analysis will include the potential visual impacts from the project to surrounding trails and parklands, as well as neighboring houses. Mitigation measures will be recommended to reduce visual/aesthetic impacts to a less-than-significant level, such as appropriate exterior rehabilitation, access control measures, and landscaping and design features.

BIOLOGICAL RESOURCES

The ESHA surrounding the Outlands property was designated because of the presence of special-status plant and animal species, including the dusky footed woodrat and native Monterey Pines growing on semi-rare soil types. For areas within the coastal zone, the definition of ESHA is found in §30107.5 of the Public Resources Code. The Coastal Act (§30240) protects ESHA's from degradation by development. Sub-section (b) of §30240 states the policy for areas adjacent to ESHA's:

“(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of the habitat area.”

The project may result in biological impacts due to increased use, changes to access, or changes to drainage on the property. The EIR will outline impacts to biological resources that may occur as a result of the project. The analysis will evaluate impacts (direct and indirect) on vegetation and wildlife and will recommend mitigation measures to reduce significant impacts to a less-than-significant level, as well as address Coastal Act policies.

CUMULATIVE IMPACTS

Any significant cumulative impacts of the proposed project will be discussed as required by CEQA. The discussion will describe the severity of the impacts and their likelihood of occurrence, but will not provide as much detail as the effects attributable to the project alone.

ALTERNATIVES

In accordance with CEQA Guidelines §15126.6, the EIR will address a reasonable range of alternatives to the proposed project. The discussion of alternatives shall focus on alternatives to the project *or its location* which are capable of avoiding or substantially

lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives (CEQA Guidelines §15126.6(b)). Two other alternative sites that could be considered for sale to meet the objectives of the project will also be evaluated. These include the Rio Park property or the relocation of the Scout House and sale of the underlying land. The EIR will also include a discussion of the no project alternative.

WRITTEN COMMENTS

The City of Carmel-by-the-Sea requests agency and public input on the scope of the EIR analysis and issues that should be evaluated in the EIR. CEQA requires that comments be submitted to the City of Carmel-by-the-Sea at the earliest possible date but no later than February 14, 2005. Comments should be sent to:

Brian Roseth, Principal Planner
City of Carmel-by-the-Sea
Community Planning Dept.
P.O. Box Drawer G
Carmel-by-the-Sea, CA 93921
Phone: (831) 620-2010

Documents and files related to the proposed project can be reviewed at Carmel City Hall, east side of Monte Verde between Ocean and Seventh Avenue, Carmel , California.

APPENDIX B

Environmental Checklist

**ENVIRONMENTAL CHECKLIST
FLANDERS MANSION**

- | | |
|--|--|
| 1. Project Title: | Sale of Flanders Mansion Property |
| 2. Lead Agency: | City of Carmel-by-the-Sea, Community
Planning and Building Department |
| 3. Contact Person and Phone Number: | Brian Roseth, (831) 620-2010 |
| 4. Project Location: | City of Carmel-by-the-Sea |
| 5. Project Sponsor's Name and Address: | City of Carmel-by-the-Sea
P.O. Drawer G
Carmel, CA 93021 |
| 6. General Plan Designation: | Improved Parkland |
| 7. Zoning: | P-2 |

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, and would involve at least one impact that is a "Potentially Significant Impact" or that is "Potentially Significant Unless Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Potentially Significant Impact Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analysis are discussed at the end of the checklist.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

1. AESTHETICS

Environmental Setting

Please refer to the Draft EIR for a complete discussion of Aesthetics.

Impact Evaluation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explanation

Please refer to the Draft EIR for a complete discussion of Aesthetics.

2. AGRICULTURE RESOURCES

Environmental Setting

Impact Evaluation

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

As Flanders Mansion is pre-existing and no agricultural resources are in the project area, there would be no environmental impacts to the agricultural resources in the area.

- 2.a) No agricultural uses will be converted to non-agricultural use as a part of the current project.
- 2.b) The project would not conflict with existing zoning for agricultural use or Williamson Act contract.
- 2.c) No changes to the environment will occur as part of this project that could result in the conversion of Farmland to non-agricultural use.

3. AIR QUALITY

Environmental Setting

Ambient Air Quality Standards: Both the U. S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels required to avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The federal and California state ambient air quality standards are summarized in Table 1. The federal and state ambient standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and PM₁₀ (particulate matter).

Baseline Air Quality: The project site is within the North Central Coast Air Basin, which is comprised of Santa Cruz, San Benito and Monterey Counties and is regulated by the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The MBUAPCD operates a network of monitoring sites throughout the District, including one in Carmel Valley (Ford Road) that measures two pollutants: ozone and PM₁₀. For the last three complete years of data (1996-1999 for ozone, 1995-1998 for PM₁₀), no violations of the state and federal ambient standards were recorded at the Carmel Valley monitoring site, with the exception of one day in 1999 when the state PM₁₀ standard was exceeded, most likely due to the Los Padres Forest fires. Within the North Central Coast Air Basin, there were three (3) exceedances of the state ozone standard in 1999, ten (10) in 1998, one (1) in 1997, and sixteen (16) in 1996. Exceedances of the state PM₁₀ standards were also recorded elsewhere in the MBUAPCD during that period. No violations of the federal one-hour ozone standard have been recorded anywhere in the District during that period. The air basin is classified as a Federal Maintenance Area for ozone and either unclassified or attainment for all other pollutants (Table 2). In 1997, the EPA adopted new federal standards for ozone, PM₁₀, and PM_{2.5}. The new eight-hour Federal ozone standard has been exceeded in the North Central Coast Air Basin in the same three year period, including one (1) time in 1999, six (6) times in 1998, and one (1) in 1997. Currently, both the one-hour and eight-hour federal ozone standards apply; however, due to a current lawsuit, regulation compliance cannot be enforced for the new ozone and PM_{2.5} standards.

Air Quality Planning: The MBUAPCD shares responsibility with the CARB and EPA for ensuring that the State and national ambient air quality standards are met within Monterey County. The District is responsible for developing regulations governing emissions of air pollution, permitting and inspecting stationary sources, monitoring air quality and air quality planning activities. Federal-mandated air quality planning is regulated by the Clean Air Act Amendments of 1990 (CAAA). The District adopted Air Quality Management Plans in 1991 and 1994 to address attainment of the state air quality standards. In 1997, the MBUAPCD published its 1997 Air Quality Management Plan, the most recent adopted plan.

Table 1 Federal and State Ambient Air Quality Standards			
Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	8-Hour 1-Hour	0.08 PPM 0.12 PPM	-- 0.09 PPM
Carbon Monoxide	8-Hour 1-Hour	9.0 PPM 35.0 PPM	9.0 PPM 20.0 PPM
Nitrogen Dioxide	Annual 1-Hour	0.05 PPM --	-- 0.25 PPM
Sulfur Dioxide	Annual 24-Hour 1-Hour	0.03 PPM 0.14 PPM --	-- 0.04 PPM 0.25 PPM
PM ₁₀	Annual Geometric Annual Arithmetic 24-Hour	-- 50 µg/m ³ 150 µg/m ³	30 µg/m ³ -- 50 µg/m ³
PM _{2.5}	Annual Arithmetic 24-Hour	15 µg/m ³ 65 µg/m ³	-- --
Lead	30-Day Avg. Calendar Quarter	-- 1.5 µg/m ³	1.5 µg/m ³ --
PPM = Parts per Million µg/m ³ = Micrograms per Cubic Meter			

Table 2 NCCAB Attainment Status		
Pollutant	Federal	State
Ozone - 1 hour	Maintenance	Moderate Non-attainment
Ozone - 8 hour	Attainment	N/A
Carbon Monoxide	Unclassified/Attainment	Monterey: Attainment San Benito: Unclassified Santa Cruz: Unclassified
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Unclassified	Attainment
PM ₁₀	Attainment	Non-attainment
PM _{2.5}	Unclassified	N/A

Impact Evaluation

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

- 3.a) Due to the nature of the project, it would not conflict with or obstruct the implementation of the applicable air quality plan.
- 3.b) The sale of the Flanders Mansion property would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- 3.c) The project would not cause any increase of criteria pollutants.
- 3.d) The sensitive receptors would not be exposed to substantial pollutant concentrations.
- 3.e) The project would not create objectionable odors.

4. BIOLOGICAL RESOURCES

Please refer to the Draft EIR for a complete discussion of Biological Resources.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explanation

Please refer to the Draft EIR for a complete discussion of Biological Resources.

5. CULTURAL RESOURCES

Environmental Setting

Please refer to the Draft EIR for a complete discussion of Cultural Resources.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation:

Please refer to the Draft EIR for a complete discussion of Cultural Resources.

6. GEOLOGY AND SOILS

Environmental Setting

The previously disturbed site is subject to hazards associated with the seismically-active Monterey Bay area. The project site, along with the surrounding region, would be subject to strong ground shaking in the event of an earthquake on any of the regional fault systems. No other geology or soils hazards, or unique or notable geologic features are on the site.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

The proposed project would not increase the risk of loss from geologic hazards because there is

no soil disturbance or construction involved.

- 6.a.i) Due to the nature of the project, it would not expose people or structures to potential substantial adverse effects due to rupture of a known earthquake fault.
- 6.a.ii) The project would not expose people or structures to potential substantial adverse effects due to strong seismic ground shaking.
- 6.a.iii) The project would not expose people or structures to potential substantial adverse effects due to seismic-related ground failure.
- 6.a.iv) The project would not expose people or structures to potential substantial adverse effects due to landslides.
- 6.b) The project would not cause soil erosion or the loss of topsoil.
- 6.c) The project would not cause soils to become unstable.
- 6.d) The project would not cause risks to life or property due to expansive soils.
- 6.e) The project does not involve the use of septic tanks or waste water disposal systems.

7. HAZARDS AND HAZARDOUS MATERIALS

Environmental Setting

The site does not currently contain hazardous waste and does not generate hazardous materials. The only hazardous materials present, or potentially present, are household hazardous materials and construction-related materials.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

Due to the fact that the proposed project involves no construction or soil disturbance of any type, there would be no impacts from hazardous materials.

- 7.a) The project does not involve the routine transport, use, or disposal of hazardous materials.
- 7.b) The project will not involve the release of hazardous materials.
- 7.c) The project does not involve hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or wastes.
- 7.d) The project would not create a significant hazard to the public or the environment due to the proximity of identified hazardous materials sites.
- 7.e) The Flanders Mansion does not lie within an airport land use plan or within two miles of any airport.
- 7.f) The project does not lie within the vicinity of a private airstrip.
- 7.g) The project would not impact implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- 7.h) The project would not increase the risk of exposing people or structures to wildland fires.

8. HYDROLOGY AND WATER QUALITY

Environmental Setting

Water is supplied throughout Monterey County by the California-American Water Company. The project site is located within the Carmel River watershed. Water supply in the County has historically been limited, which has made water conservation a major concern. The main source of surface water contamination is impervious surface runoff, or non-point source pollution. The proposed project does not include any increased demand on water supply and does not proposed an increase in impervious surfaces.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

- 8.a) Due to the nature of the project, it would not violate any water quality standards or waste discharge requirements.
- 8.b) The project would not deplete groundwater supplies or interfere with groundwater recharge.
- 8.c) The proposed project would not alter the course of a stream or river and would not alter the existing drainage patterns.
- 8.d) The proposed project would not increase the rate or amount of surface water or alter drainage such that flooding would result on or off-site. The proposed project would not add additional surface water runoff to existing conditions.
- 8.e) The project would not contribute runoff water.
- 8.f) The project would not degrade water quality.
- 8.g) The proposed project will not create new housing.
- 8.h) The project does not include the addition of any structures.

- 8.i) The project would not expose people or structures to a significant risk of loss, injury or death involving flooding.
- 8.j) The project would not expose people or structures to significant risk of inundation by seiche, tsunami, or mudflow.

9. LAND USE AND PLANNING

Environmental Setting

Please refer to the Draft EIR for a complete discussion of Land Use and Planning.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explanation

Please refer to the Draft EIR for a complete discussion of Land Use and Planning.

10. MINERAL RESOURCES

Environmental Setting

No significant mineral resources have been identified in the project area.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

- 10.a) The project would not result in a loss of availability of known mineral resources of value to the region and the residents of the state.
- 10.b) The project would not negatively affect any delineated mineral resources that are locally important.

11. NOISE

Environmental Setting

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is defined as unwanted sound. Environmental noise is frequently measured in decibels (dB). The A-weighted decibel (dBA) is used to reflect the human ear's sensitivity to sounds of different frequencies. On this scale, the sound level of normal talking is about 60 to 65 dBA. Because people are more sensitive to night time noise, sleep disturbance usually occurs at 40 to 45 dBA.

The most commonly used measurement scale used to account for a person's increased sensitivity to night time noise is the community noise equivalent level (CNEL). The CNEL is a noise scale used to describe the overall noise environment of a given area from a variety of sources. The CNEL applies a weighting factor to evening and night time values.

Excessive noise cannot only be undesirable, but may also cause physical and/or psychological damage. The amount and nature of the noise, and the amount of ambient noise present before the impacts may be categorized as auditory or non-auditory. Auditory effects include interference with communication and, in extreme circumstances, hearing loss. Non-auditory effects include physiological reactions such as a change in blood pressure or breathing rate,

interference with sleep, adverse effects on human performance, and annoyance.

Generally, noise levels diminish as distance from the noise source increases. Some land uses are more sensitive to noise than others. Noise sensitive land uses are generally defined as residences, transient lodging, schools, hospitals, nursing homes, churches, meeting halls, and office buildings.

Existing Noise Setting

Currently, no noise is generated from the project site.

Impact Evaluation

Would the project result in:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

- 11.a) Due to the nature of the project, it would not generate or expose persons to noise levels in excess of standards established in the local general plans and noise ordinances.
- 11.b) No long term or otherwise excessive ground borne vibration or noise impacts would occur with implementation of the project.
- 11.c) The allowed uses of the property could result in increased levels of ambient noise in the project vicinity above levels existing without the sale of the site. This is a less than significant impact
- 11.d) A new property owner may increase noise levels above the existing levels due to construction or potential future uses of the site.
- 11.e) The project would not expose people within the vicinity of any airports to excessive noise levels.
- 11.f) The project would not expose people within the vicinity of any private airstrips to excessive noise levels.

12. POPULATION AND HOUSING

Environmental Setting

The population of Carmel-by-the-Sea is approximately 4,630 based on AMBAG's July 2000 Directory Monterey Bay Region.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

Change in ownership of the Flanders Mansion Property will not cause any impacts to the population and housing issues of the area.

12.a) This project would not induce population growth.

12.b) As the project does not displace existing housing.

12.c) No people would be displaced by the project.

13. PUBLIC SERVICES

Environmental Setting

The City of Carmel-by-the-Sea public services include police protection, parks and recreation, drainage and library services. Fire protection, educational facilities, sewer and water services are provided by special districts.

There are two school districts in the City of Carmel-by-the-Sea. Most of these schools are currently running below capacity.

Impact Evaluation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

13.a) Because the project involves a transfer of ownership from public to private, and it has been used as a caretakers residence, City managers residence, and offices for a local non-profit group, it would not cause a change, or a need for change, in any of the public services available in the area. (2)

14. RECREATION

Environmental Setting

Please refer to the Draft EIR for a complete discussion of Parks and Recreation.

Impact Evaluation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

Please refer to the Draft EIR for a complete discussion of Parks and Recreation.

15. TRANSPORTATION AND TRAFFIC

Environmental Setting

Please refer to the Draft EIR for a complete discussion of Transportation and Circulation.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please refer to the Draft EIR for a complete discussion of Transportation and Circulation.

16. UTILITIES AND SERVICE SYSTEMS

Environmental Setting

There are two utility companies with facilities in the project area: Pacific Bell and Pacific Gas and Electric.

Impact Evaluation

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation

- 16.a) The project would not result in exceeding any wastewater treatment standards.
- 16.b) The project would not require the construction of new water or wastewater treatment facilities.
- 16.c) The project would not require or result in the construction of new storm water drainage facilities, nor will it change existing facilities.
- 16.d) No new entitlements for water would be required by the project.
- 16.e) The project would not impact existing wastewater treatment providers.
- 16.f) The project would not create new solid waste disposal needs.
- 16.g) The project complies with all federal, state and local statutes and regulations related to solid waste. (2)

XIII. LIST OF PREPARERS

DENISE DUFFY & ASSOCIATES, INC.

Denise Duffy	Principal/ Project Manager
Mary Bilse	Assistant Project Manager
Dianne Rossi	Administration, Reproduction

APPENDIX C

2005 Biological Assessment

Biological Assessment of the Flanders Mansion Property

Prepared for:

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

Prepared by:

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

February 8, 2005



Denise Duffy & Associates, Inc.
PLANNING AND ENVIRONMENTAL CONSULTING

OVERVIEW

Denise Duffy & Associates, Inc. (DD&A) has been contracted by the City of Carmel-by-the-Sea to provide environmental services for the Flanders Mansion property (see Figures 1-3). This Biological Assessment updates and expands the description of on-site resources at the Flanders Mansion property, identifies any sensitive or special-status habitats, plants, or animals potentially present within project boundaries and documents and evaluate Environmentally Sensitive Habitat Areas within and immediately adjacent to the Flanders property. An Environmental Impact Report (EIR) is being prepared pursuant to the California Environmental Quality Act (CEQA) for the potential sale of the Flanders Mansion property in the City of Carmel-by-the-Sea. The 1.25-acre property (Parcel “B” on Figure 3) contains a historic building known locally as the Flanders Mansion, which is listed on the National Register of Historic Places and is also located within a greater Preserve area known as the Mission Trails Nature Preserve (Figure 2). The Preserve itself is designated as Environmentally Sensitive Habitat Area (ESHA) in the Local Coastal Program (LCP) and the property is zoned as Improved Parkland (P-2). The purpose of the sale of the property is to generate funds for needed City capital improvements involving a number of municipal facilities.

Any potential impacts associated with the sale of the property will be entirely dependent upon the proposed use of the site. The zoning designation for the site is P-2, which is for parkland properties that are not in their full natural state and which have been improved with buildings, recreational facilities or other artificial interventions. The potential future uses that are allowed in the P-2 zone include park and recreation uses, residential uses, parking, municipal facilities, nonprofit uses, conference facilities, visitor serving (motel use), day care facilities and other similar uses. The sale of the Flanders Mansion property (a.k.a. “Parcel B” as shown on Figure 3) and potential future uses may result in significant impacts in a number of areas, primarily historic, land use, natural resource (biology), and aesthetic issues, as identified in the associated EIR.

LOCATION

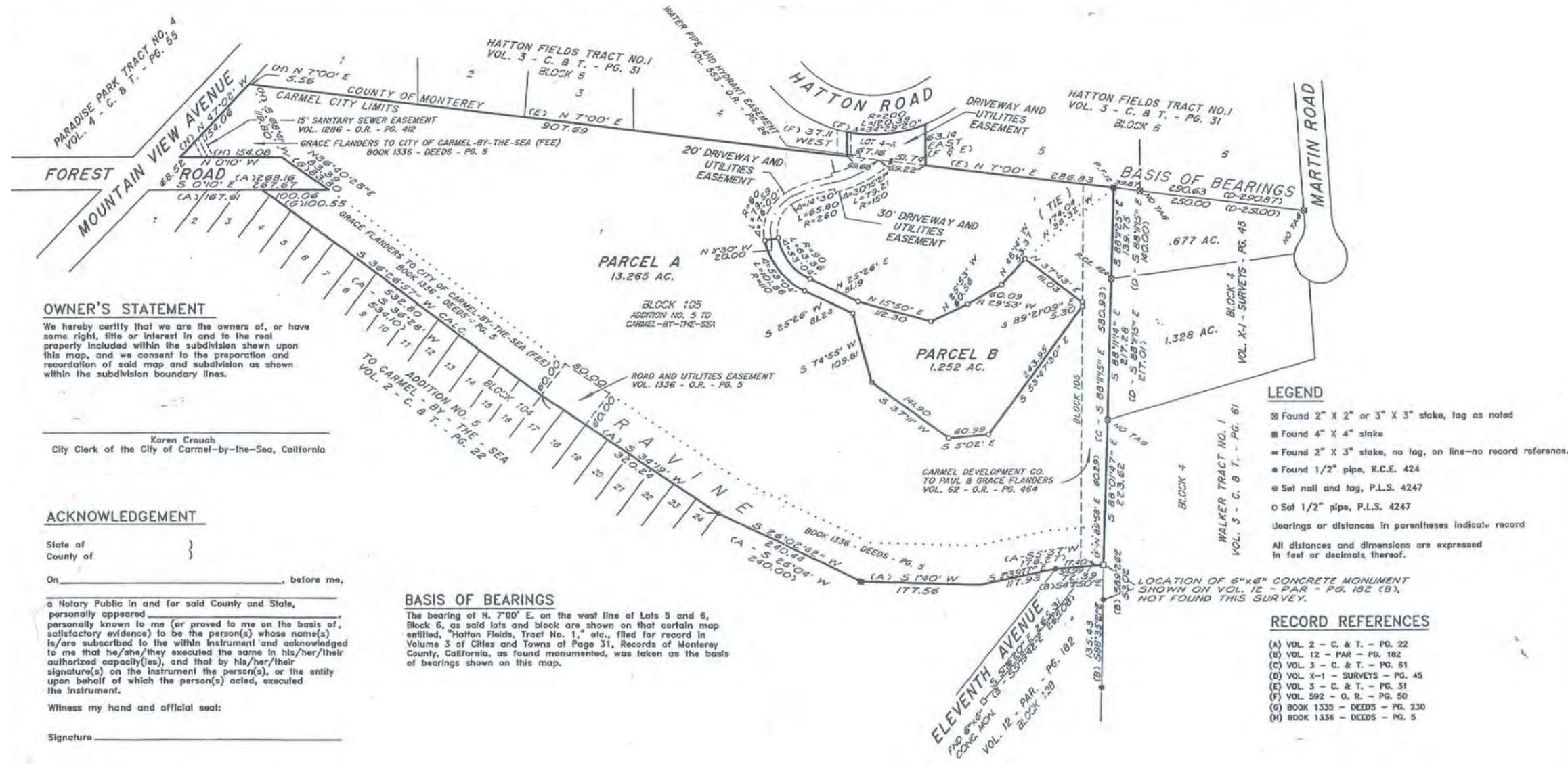
The project is located in Monterey County, California and is within the boundaries of the City of Carmel-by-the-Sea. The site (APN# 010-061-005) is accessible by Martin Road and is within the Mission Trails Nature Preserve (see Figures 1 & 2). The project being evaluated is the sale of “Parcel B”, as shown on Figure 3.

LAND USE

Surrounding land uses at the Flanders Mansion property include the Mission Trails Nature Preserve, the Lester Rountree Memorial Arboretum (immediately east of the site), and a single-family residential neighborhood. As mentioned, the zoning designation for the Flanders Mansion site is P-2 (see Overview for details). In the past, the Flanders Mansion building has been occupied as a residence and as the office of a nonprofit organization. At present the boundary between the larger park and the Flanders property is unfenced and park users (including pets) can freely pass across both parkland areas.

HABITAT DESIGNATION (ESHA)

The Mission Trails Nature Preserve is designated as an Environmentally Sensitive Habitat Area (ESHA) in the Local Coastal Plan (LCP) for the City-of-Carmel-by-the-Sea. For a detailed and thorough explanation of the specific ESHA designations within the greater Mission Trails Nature Preserve, please refer to the 1995 report prepared by Jones & Stokes Associates, Inc titled: *Final Results of the Environmentally*



OWNER'S STATEMENT

We hereby certify that we are the owners of, or have some right, title or interest in and to the real property included within the subdivision shown upon this map, and we consent to the preparation and recording of said map and subdivision as shown within the subdivision boundary lines.

Karen Crouch
City Clerk of the City of Carmel-by-the-Sea, California

ACKNOWLEDGEMENT

State of _____ }
County of _____ }
On _____, before me,
a Notary Public in and for said County and State, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
Witness my hand and official seal:
Signature _____

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based on a field survey and record data in accordance with the requirements of the Subdivision Map Act and local ordinances at the request of the City of Carmel-by-the-Sea in April, 2000. I hereby state that this parcel map substantially conforms to the approved tentative map, if any.

Gary W. White
P.L.S. No. 4247
June 17, 2004

BASIS OF BEARINGS

The bearing of N. 7°00' E. on the west line of Lots 5 and 6, Block 6, as said lots and block are shown on that certain map entitled, "Hatton Fields, Tract No. 1," etc., filed for record in Volume 3 of Cities and Towns at Page 31, Records of Monterey County, California, as found monumented, was taken as the basis of bearings shown on this map.

CITY ENGINEER'S STATEMENT

I, Clayton B. Neill Jr., state that I have examined this map, that the Subdivision is substantially the same as it appeared on the Tentative Map, if required, and any approved alterations thereof, that all provisions of the Subdivision Map Act and local ordinances applicable at the time of approval of the Tentative Map, if required, have been complied with, and that this map is technically correct.

Clayton B. Neill Jr.
City Engineer
R.C.E. 12805
June 17, 2004

RECORDER'S STATEMENT

Filed this _____ day of _____, 200____
at _____ M. In Volume _____ of Parcel Maps
at Page _____ at the request of the City of Carmel-by-the-Sea.
County Recorder
By _____ Deputy
Serial No. _____ Fee _____

LEGEND

- Found 2" X 2" or 3" X 3" stake, tag as noted
- Found 4" X 4" stake
- Found 2" X 3" stake, no tag, on line-no record reference.
- Found 1/2" pipe, R.C.E. 424
- Set nail and tag, P.L.S. 4247
- Set 1/2" pipe, P.L.S. 4247
- Bearings or distances in parentheses indicate record
- All distances and dimensions are expressed in feet or decimals thereof.

RECORD REFERENCES

- (A) VOL 2 - C. & T. - PG. 22
- (B) VOL 12 - PAR - PG. 182
- (C) VOL 3 - C. & T. - PG. 61
- (D) VOL X-1 - SURVEYS - PG. 45
- (E) VOL 3 - C. & T. - PG. 31
- (F) VOL 592 - O. R. - PG. 50
- (G) BOOK 1335 - DEEDS - PG. 230
- (H) BOOK 1336 - DEEDS - PG. 5

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA
PARCEL MAP
REDIVISION OF FLANDERS PARCEL
BLOCK 105, ADDITION NO. 5 AND
PORTION OF BLOCK 6,
AMENDED MAP OF PARADISE PARK TRACT
CARMEL-BY-THE-SEA, CALIFORNIA
MARCH 2000 W.O. 5062 SCALE: 1" = 100'

Site Plan (Parcel B)

Figure 2



Mission Trail Nature Preserve Aerial Photo

Figure
3

Sensitive Habitat Area Study Conducted for the City of Carmel-by-the-Sea. This DD&A Biological Assessment concurs wholly with the ESHA-designations identified within the 1995 JSA report immediately *adjacent* to the Flanders Mansion parcel, but also serves to update and expand the description of on-site resources, and identify any sensitive or special-status habitats, plants, or animals potentially present within project boundaries.

Please note that the 1995 JSA ESHA report identifies all Monterey Pine Forest on inland granitic bedrock and/or oldest dune formation within the Mission Trail Nature Preserve as ESHA, *except for portions contained within the Flanders Mansion Property*, due to the habitat value they provide for the Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*) and other local wildlife species. However, in this Biological Assessment, Monterey Pine forest and/or forest edge within the Flanders Mansion Property (particularly the western boundary) *is considered ESHA* (albeit disturbed), as this habitat may potentially be utilized by a variety of special-status species, and is known to support an active Monterey dusky-footed woodrat nest (see Wildlife section below).

The ESHA determined by JSA immediately *adjacent* to the Flanders Mansion property (within the surrounding Parcel A and/or the adjacent two lots on Figure 3) was designated as such because of the presence of special-status plant and animal species (including the dusky footed woodrat, Hickman's onion, etc.) and/or the presence of potentially sensitive and/or regulated habitats (jurisdictional wetlands, riparian habitat, and native Monterey Pines growing on semi-rare soil types). For areas within the coastal zone, the definition of ESHA is found in §30107.5 of the Public Resources Code. The Coastal Act (§30240) protects ESHA's from degradation by development. Sub-section (b) of §30240 states the policy for areas adjacent to ESHA's:

“(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of the habitat area.”

The project may result in biological impacts due to increased use, changes to access and/or onsite resources, removal of native trees and vegetation, and changes to drainage on the property.

REGULATORY BACKGROUND

The U.S. Army Corps of Engineers (ACOE) is responsible for the issuance of permits for the placement of dredged or fill material into waters of the U.S. pursuant to Section 404 of the Clean Water Act (33 USC 1344). Waters are areas that are currently used or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; tributaries and impoundments to such waters; all interstate waters including interstate wetlands; and territorial seas. Based on the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (2001), and guidance from the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency (2001), the federal government no longer asserts jurisdiction over isolated waters and wetlands under Section 404 of the Clean Water Act based on the “migratory bird rule.”

Under the ACOE and U.S. Environmental Protection Agency regulations, wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” In non-tidal waters, the lateral extent of ACOE jurisdiction is determined by the ordinary high water mark, which is defined as the “...line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.” (33 CFR 328[e]).

Section 9 of the federal Endangered Species Act prohibits the take of listed fish and wildlife species without special exemption. "Take" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in such actions. Harm is further defined to include significant habitat modification or degradation that results in the death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. Projects that would result in the take of a federally listed or proposed species require consultation with USFWS or NOAA Fisheries. Consultations are conducted under Sections 7 or 10 of FESA depending on the involvement of the government. Section 7 requires federal agencies to make a finding on all federal actions, including the approval by an agency of a public or private action, such as funding by the Federal Highways Administration (FHWA), or the potential to jeopardize the continued existence of any listed or proposed species impacted by the action. Section 10 is conducted when there is no federal involvement in a project except compliance with FESA. Under Section 7, the Service and NMFS are authorized to issue Incidental Take Permits for the take of a listed species that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by the federal agency. Depending on the type and extent of impact, one of three consultation methods is employed. First, if FHWA determines that no "take" will occur, it can notify the USFWS and/or NOAA Fisheries with a "no adverse effect determination". Second, "informal consultation" involves submission of a letter to USFWS and/or NOAA Fisheries indicating that the project is "not likely to adversely affect" a listed species. If the agency agrees, they will issue a concurrence letter to FHWA. The third type of consultation is "formal consultation". Formal consultation is conducted between FHWA and USFWS and/or NMFS when a "take" of a listed species will likely occur. The agency will issue a biological opinion letter that identifies the limits of acceptable "take" of the species and requires strict adherence to any specific conditions therein.

Under the California Fish and Game Code, activities resulting in the diversion or obstruction of the natural flow of a stream, or substantially change its bed, channel, or bank, or utilize any materials (including vegetation) from the streambed, require that the project applicant enter into a Streambed Alteration Agreement with CDFG.

The CDFG administers several laws and programs designed to protect fish and wildlife resources, including the California Endangered Species Act of 1984 (CESA- Fish and Game Code Section 2050). CESA regulates the listing and take of state endangered and threatened species. Under Section 2081 of CESA, CDFG may authorize the take of an endangered and/or threatened species, or candidate species by a permit or Memorandum of Understanding for scientific, educational or management purposes.

CDFG administers other state laws designed to protect wildlife and plants. Under Section 3511 of the Fish and Game Code, CDFG designates species that are afforded "fully protected" status. Under this protection, designated species can only be taken or possessed with a permit. Section 3503 of the Fish and Game Code protects all birds-of-prey, their eggs, and their nests. CDFG also manages the California Native Plant Protection Act of 1977 (Fish and Game Code Section 1900, *et. seq.*), which was enacted to identify, designate, and protect rare plants. In accordance with CDFG guidelines, California Native Plant Society (CNPS) 1B list plants are considered "rare" under the Act, and are evaluated in CEQA reports.

The CDFG maintains a list of animal "species of special concern," most of which are species whose breeding populations in California may face extirpation if current trends continue. Although these species have no legal status, the CDFG recommends considering these species during the analysis of proposed projects to protect declining populations and avoid the need to list them as endangered in the future.

PROJECT APPROACH AND METHODOLOGY

David Keegan, Associate Environmental Scientist of Denise Duffy & Associates, Inc., conducted reconnaissance-level wildlife and sensitive habitat surveys on December 21, January 27, and January 31, 2005. Josh Harwayne, Associate Environmental Scientist of Denise Duffy & Associates, Inc. conducted a botanical survey and wetland evaluation of the project site on January 31, 2005. This survey was dedicated to ground-checking past biological studies (including GIS mapping of habitats) and reports of

special-status species occurrences and distribution immediately adjacent to project boundaries, as well as walking throughout the site to identify any sensitive botanical resources and/or appropriate habitat for these species not previously identified. Please note that these surveys focused almost entirely on Parcel B (Figure 3). In addition, David Keegan and Josh Harwayne investigated portions of Parcel A that are within 50-100 feet of Parcel B, and “ground-proofed” JSA ESHA-designations nearest to Parcel B (Monterey Forest on oldest-dune soils immediately north of the site and reported Hickman’s onion and dusky-footed woodrat occurrences immediately south of the site).

The project site was traversed by meandering transects. Transect density (the number of passes through an area) varied with the biologist’s ability to observe all portions of the project site and to identify all species potentially present within a given habitat. Incidental observations of plant and wildlife species during our habitat assessments, along with known occurrences in the vicinity from previous studies (JSA 1995) are presented in this report and in Appendices A-C.

SPECIAL-STATUS SPECIES

Special-status species are those plants and animals that have been formally Listed or Proposed as Endangered or Threatened, or are Candidates for such listing under the federal ESA or the CESA. Listed and Proposed species are afforded protection under these acts. Plants on the California Native Plant Society (CNPS) Lists 1A, 1B, and 2 are also treated as special-status species, as well as CDFG species of special concern. Species of special concern are those that could face extirpation in California if current trends continue. Although they have no special legal status, these species are given management consideration whenever possible. Impacts to these species may be considered significant according to the California Environmental Quality Act (CEQA).

If there is the potential for a direct “incidental take” of a federally listed species in Appendix A during any future proposed construction (or deconstruction) activities, Section 10(a) permit (USFWS) for non-federally funded projects (or without a federal “nexus”) and Section 7 for projects with federal funding (or with a federal “nexus”), will be needed to authorize the “incidental take” of that species during the construction phase of the project. Indirect impacts resulting in adverse impacts to a species or the degradation of critical habitat is also considered a “take,” and therefore requires the aforementioned permits. Impacts are also considered substantial if they result in a “take” of any raptor or nesting habitat of raptors, as protected under the federal Migratory Bird Treaty Act of 1918 (as amended). A Memorandum of Understanding (MOU) with the CDFG is required to “take” any state Listed species (or its habitat) in Appendix A.

BOTANY

In order to determine which special-status plant species have potential to occur within and adjacent to the Flanders Mansion property, special-status plant species occurrence records by USGS quadrangle from the California Natural Diversity Data Base (CNDDDB), and County and USGS quadrangle occurrence records in the California Native Plant Society’s (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (Skinner and Pavlik 1994), were reviewed. The Monterey 7.5' quad was included in this review. In addition, all available published and unpublished biological reports specific to the project site were reviewed. Also reviewed were habitat and distribution information in local and state floras (Howitt and Howell 1964, 1973; Munz and Keck 1973; Hickman 1993; Matthews 1997). Current status information for species listed as Threatened or Endangered under the federal ESA, and federal Proposed and Candidate species, was obtained from USFWS (2005). Current status information was obtained from CDFG (2004) for State of California listed species, and from Skinner and Pavlik (1994) for CNPS-listed species, including species on CNPS Lists 1 and 2 that are legally protected under CEQA. Appendix A lists the plant species reported by the CNDDDB as potentially present in the project vicinity (within 1 mile), along with their status and a brief habitat description.

All individual plants occurring within the study area were identified to species or the lowest intraspecific taxon necessary to determine its status using keys and descriptions in Hickman (1993) and Matthews

(1997). Scientific nomenclature for plants in this report follows Hickman (1993); common names follow Mathews (1997) and Hickman (1993). Please note that site reviews conducted for the preparation of this report were done outside of the blooming period for some plants present within project boundaries, however, previous reports of the site were reviewed, and basic habitat features were assessed for the potential to support any special-status species.

The generalized vegetation classification schemes for California described by Holland (1986) and Sawyer and Keeler-Wolf (1995) were consulted in classifying the vegetation of the study area. The final classification and characterization of the vegetation of the study area is based on field observations and a review of pre-existing biological documentation of the project site (JSA 1995). A list of identifiable species observed during site visits for the preparation of this BA is presented in Appendix B.

Special-Status Plant Species

Habitats within the study area were characterized in the field and assessed for potential project related impacts to special-status plants, and for potential occurrences of protected species. A floristic inventory of identifiable species within project boundaries was conducted, and any previous reports of special-status plant observations were ground checked for current presence. The entire site was evaluated by “meandering” transects.

WILDLIFE

A focused review of literature and data sources was conducted in order to determine which special-status wildlife species have the potential to occur within the project study area. The California Natural Diversity Database (CNDDDB) records (RareFind Report 2005) were reviewed in order to identify known occurrences of special-status wildlife species and habitats in the study area region. A CNDDDB report was generated for the Monterey 7.5 degree quad. In addition, all available published and unpublished biological reports specific to the project site were reviewed (JSA 1995). Current agency status information was obtained from USFWS (2005) for species listed as Threatened or Endangered, as well as Proposed and Candidate species for listing, under the federal Endangered Species Act; and from CDFG (2005) for species listed as Threatened or Endangered by the state of California under the California Endangered Species Act, or listed as “species of special concern” by CDFG. In addition, the following literature and data sources are present in the DD&A library and are consistently reviewed: CDFG reports on special-status wildlife (Remsen 1978; Williams 1986; Jennings and Hayes 1994; Thelander 1994); California Wildlife Habitat Relationships Program (CWHRP) species-habitat models (Zeiner et al. 1988; Zeiner et al. 1990a; Zeiner et al. 1990b; Pisani 2000); as well as general wildlife references (Stebbins 2003, Sibley 2003). From the above sources, a list of special-status wildlife species with the potential to occur in the project area was generated (Appendix A). A list of wildlife heard or observed during site visits for the preparation of this BA is presented in Appendix C.

Special-Status Wildlife Species

Habitats within the study area were characterized in the field and assessed for potential project related impacts to special-status wildlife and wildlife habitats, and for potential occurrences of protected species.

SENSITIVE HABITS/WETLANDS

The study area was surveyed for sensitive habitats. Sensitive habitats include riparian corridors, wetlands, and habitats for legally protected species including CDFG species of special concern, areas of high biological diversity, areas providing important wildlife habitat, and unusual or regionally restricted habitat types. Habitat types considered sensitive include those listed on the CNDDDB working list of high priority and rare natural communities habitats (i.e., those habitats that are Rare or Endangered within the borders of California) (Holland 1986), and those that are critical habitat in accordance with the Endangered Species

Act. Characterization of the project site included a general site evaluation for the presence of jurisdictional wetlands and other waters of the United States (waters). Under Section 404 of the Clean Water Act, the Army Corps of Engineers has jurisdiction over wetlands and other waters of the U.S. Wetlands are defined as areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. The jurisdiction of the Corps includes the area below the Ordinary High Water (OHW) mark on each bank.

RESULTS/DESCRIPTION OF BIOLOGICAL RESOURCES

As previously mentioned, this report frequently references (and in some respects tiers off of) the 1995 JSA report titled: *Final Results of the Environmentally Sensitive Habitat Area Study Conducted for the City of Carmel-by-the-Sea*.

General Site Characteristics: The Flanders Mansion property currently supports a mix of native, non-native, and horticultural species, enveloped within the larger Mission Trails Nature Preserve (as described by the 1995 JSA report). 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) transitioning into Monterey Pine forest to the north and northwest (the border of which represents the northwestern property boundary), the Lester Roundtree Memorial Arboretum (also within historic Monterey Pine Forest, but located offsite) to the east, a cypress hedge-row creating a visual separation from an open mesic-meadow (off-site) immediately south of the property, and remnant Monterey Pine forest outside of these areas to the north, east, and west (Figure 4 a-c).

Habitat types within the Flanders Mansion Property (Parcel B) can be divided into one of two general habitat types: Planted Areas/Lawn and Monterey Pine Forest Edge.

Planted Areas/Lawn

As stated above, the majority of the property consists of the maintained lawn and gardens of the Flanders Mansion (Figure 4). Planted portions of the property support a mixed mosaic of horticultural shrubs, perennials, and annuals, intermixed with non-native/invasive species, including (but not limited to); Mexican sage (*Salvia leucantha*), yellow bush daisy (*Euryops hybrid*), chaparral honeysuckle (*Lonicera subspicata*), unidentified elm (*Ulmas* sp.), and Periwinkle (*Vinca major*).

The lawn of the Flanders Mansion is subject to frequent mowing and heavy disturbance, and is dominated by a mixture of non-native/invasive ruderal species such as English plantain (*Plantago lanceolata*), cut-leaved plantain (*Plantago coronopus*), and crabgrass (*Digitaria sanguinalis*).

Please note that the property boundary between the Flanders property and the Lester Rountree Arboretum is dominated by a mix of native and planted species. Toyon and coast live oak dominate the canopy of the Arboretum in this zone and intersect with planted non-native species including Leptospermum and lemonade berry (*Rhus integrifolia*). The understory of this transition zone supports a mixture of native shrubs such as currant (*Ribes* sp.) and non-native/invasive species such as Himalyan blackberry (*Rubus discolor*). In addition, the Flanders property supports a variety of planted succulents (not identified) along this property boundary.

Monterey Pine Forest/Edge:

At the interface between the maintained lawn portion of the Flanders property and the Monterey Pine Forest Edge along the western boundary of the site, several large Coastal redwoods (*Sequoia sempervirens*) occur which were likely planted many years ago, but as these are remnant, they are included in the



Front of Flanders Mansion



North Side of Flanders Mansion



View of Northern Boundary



View of Southern Boundary



Representative Site Photos

Figure
4A



South Side of Flanders Mansion



View From Lester Rountree Aboretum



Backyard transition to "Monterey Pine Forest Edge"



Representative Site Photos

Figure
4B



Monterey Pine Forest Edge (Backyard)



View of Mansion from Monterey Pine Forest Edge



Woodrat nest within Monterey Pine Forest Edge (western boundary)



Representative Site Photos

Figure
4C

“Monterey Pine Forest/Edge” generalized habitat type. As mentioned above, Monterey Pine Forest/Edge represents the western and northern boundaries of the Flanders Mansion property (Figures 4 a-c). Monterey Pine forest supports a variety of plant species, but onsite conditions range between areas in which the Monterey Pine crown cover is relatively dense, and the ground cover consists entirely of Periwinkle, to areas where the canopy is less dense, and the understory is better developed, dominated by non-native/invasive species such as French broom (*Genista monspessulana*) and panic veldt grass (*Erharta erecta*). Directly behind the Flanders Mansion, the Oak Woodland Forest/Edge is typical of the periwinkle ground-cover described above, while southwestern portions of the property support the more complex understory (including broom and veldt grass).

Botany

The CNDDDB reports a population of Hickman’s onion (*Allium hickmanii*) in the mesic-meadow parcel (lots) immediately south of the Flanders Mansion property (Figures 3 and 4). No other CNDDDB reports of special-status species exist for the areas *immediately adjacent to* the Flanders property (please note that several special-status species have been planted in the Lester Rountree Arboretum and are present), and no reports of special-status species occurrence *within* the Flanders property are on record. While DD&A biologists did not observe any special-status species within the study site, our site visits were not conducted during the flowering period of a number of the species presented in Appendix A (see species-specific likelihood of occurrence), and a Spring-time survey is therefore recommended to eliminate their potential presence within the site. Aside from the few exceptions noted in Appendix A (for which Spring surveys are specifically suggested), one species was considered potentially present within the Flanders property (all others are eliminated for the species-specific reasons presented in Appendix A):

Hickman’s Onion

Hickman’s onion is a California Native Plant Society (CNPS) List 1B species, which are afforded planning consideration under CEQA. Hickman’s onion is typically associated with closed-cone coniferous forests, maritime chaparral, coastal scrub, and valley and foothill grassland habitats. As previously mentioned, Hickman’s onion is known to occur in the mesic-meadow adjacent to the Flanders property, as first reported by JSA biologists in 1995.

Species potential presence within project boundaries:

During the DD&A site assessments, DD&A confirmed the data listed on the CNDDDB for Hickman’s onion in the mesic field adjacent to the Flanders parcel and mapped by the 1995 JSA report. Please note the onion population was determined to be in the approximate location originally described (JSA 1995), but some shift in the size and location of this population has occurred, as is typical over time. Please note that while it was not possible to identify the onion observed in the adjacent mesic-meadow to species (based on the lack of an inflorescence), the location of this population is consistent with the occurrence in the CNDDDB, and it is assumed that these are in fact Hickman’s onion. Unlike the mesic meadow, however, no portion of the actual Flanders property (“Parcel B” on Figure 3) was observed to support any onion (which was readily apparent in the mesic-meadow although not identifiable to species), and it is highly unlikely that this species occurs within the parcel being evaluated. Even so, spring-time surveys proposed for currently unidentifiable species presented in Appendix A would inevitably encounter Hickman’s onion if present.

Sensitive Habitats

Based on a review of the 1995 JSA report, and the DD&A site assessments, only one sensitive habitat is currently supported by the Flanders Mansion property (as identified in the 1995 JSA report); Monterey Pine Forest on inland Granitic Soils (described above as “Monterey Pine Forest/Edge”). The demarcation between the planted areas/lawn portion of the Flanders Mansion property and the “Monterey Pine Forest/Edge” is quite clear, with little or no transition between the two habitat “types” (the lawn extends directly to the forest edge, see Figure 4 a-c). Monterey Pine forest is relatively common within the

Mission Trails Nature Preserve and the greater City of Carmel-by-the-Sea, but is increasingly rare when compared to the historic distribution of this habitat type for a variety of reasons (loss to development, disease, and genetic contamination.). Please note that the Monterey pine forest present within and along the northern and western boundaries of the property have been substantially degraded, but are still proposed as ESHA by this Biological Assessment. Monterey Pine forest is known to support a variety of common and special-status plant and animal species which are, in turn, being affected by the loss and conversion of this habitat type. As a result, Monterey Pine forest is currently listed as a “high priority or rare” habitat type by the California Natural Diversity Database (managed by the California Department of Fish and Game). In addition, one active Monterey dusky-footed woodrat nest was observed very near (or beyond) the western property boundary of the Flanders Mansion parcel.

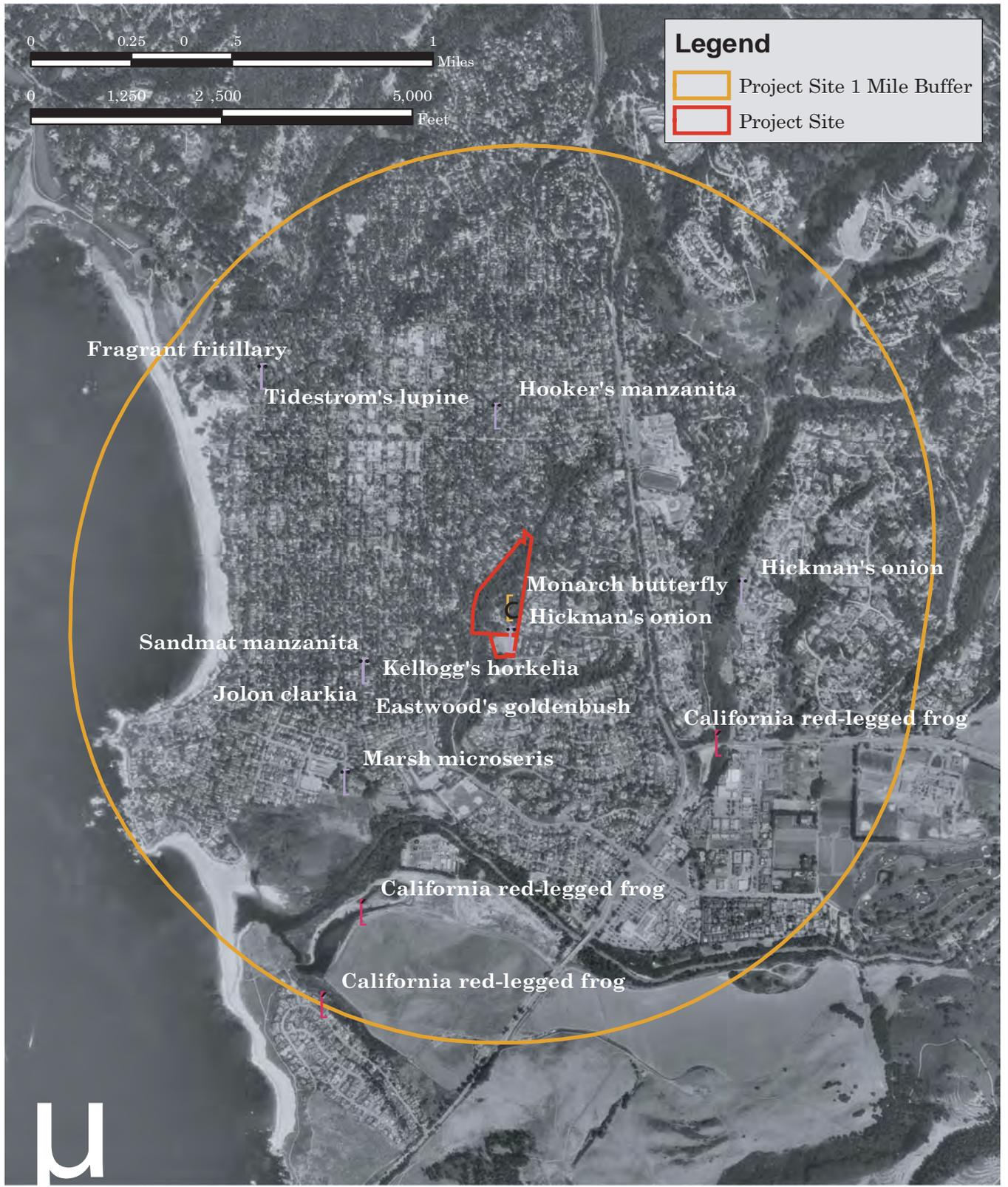
Wildlife

The CNDDDB reports a possible overwintering population of Monarch butterflies (*Danaus plexippus*) reported by Dr. Walter Sakai (Ph.D. lepidopterist) in the adjacent Lester Rountree Memorial Arboretum in 1989 (as shown on Figure 5). In addition to the CNDDDB report for this site, the 1995 JSA report states that a Monterey dusky-footed woodrat nest was observed in Monterey Pine forest edge *immediately adjacent to* (southeast of) the Flanders Mansion property (outside of “Parcel B”). Finally, while the Flanders Mansion property does not support an abundance of Monterey Pine forest, it is essentially surrounded this habitat type, and therefore provides some limited habitat value for a variety of bat and raptor species.

Monarch Butterfly

Monarch butterflies (*Danaus plexippus*) are listed by the CDFG as a “species of special concern”, and therefore require consideration for construction related impacts. Monarch butterflies are the only known insect in the world which makes an annual, back-and-forth, long-distance migration. Each fall the monarchs fly west and south to the same overwintering sites, and frequently to the same trees. In California, the butterflies cluster in these sites from approximately October to February. In the spring they depart, flying north and east to search for milkweed plants on which the females lay their eggs. The migrating butterflies die soon after they lay eggs, which will become the first generation of spring butterflies. Three or four short-lived generations arrive before fall, producing millions of monarchs throughout North America. In the fall, the butterflies that emerge as the last generation of the season become the new migrants who will make the journey to the overwintering habitats. Unfortunately, these overwintering habitats are profoundly endangered by land development, logging, and poor land management. Because so much monarch habitat in California and Mexico has been (and is continuing to be) destroyed or degraded, they are now afforded some protection as a CDFG “species of concern.”

A dwindling number of groves along the California coast have the characteristics necessary to support overwintering butterflies. Overwintering habitat characteristics include species composition and protection from wind and storms within the grove. Climatic conditions that scientists call the “microclimate” describes the specific temperatures, wind velocity, sunlight, and humidity inside the grove. Overwintering groves generally have more stable temperatures, i.e., less variation between day and night temperatures than one would find in exposed areas. Overwintering groves also have less direct sunlight, less wind, and more moisture in the air than groves where the butterflies choose not to cluster. The forest serves to insulate the butterflies from freezing temperatures and to protect them from prolonged exposure to direct sunlight. Monarchs generally overwinter in stands of eucalyptus or Monterey pine. Selected groves are often in a canyon or drainage where butterflies have a source of water. Other clues to look for in the topography when assessing an area for potential monarch occurrence include: groves in the lee of the prevailing winter wind, dense stands of trees providing protection from gusty storm winds, presence of dense lower ground vegetation, and edge vegetation. Edge vegetation may be low bushes around the border of a grove, or smaller trees or tree shoots which prevent wind from sweeping through tree trunks.



CNDDDB Occurrences Within 1 Mile of Project Site

Figure
5

Species potential presence within project boundaries:

As previously mentioned, the CNDDDB reports a “potential” overwintering population of Monarch butterflies utilizing a Monterey Pine “grove” in the adjacent Lester Rountree Memorial Arboretum observed 1989 (reported by lepidopterist Dr. Walter Sakai). No subsequent observations of this species are on record. While the DD&A site assessments were conducted rather late in the Monarch overwintering season (which varies from season to season but typically “peaks” in December), no Monarch butterflies were observed within the Flanders property despite repeated visits to the site, or at the actual reported site of occurrence in the adjacent (offsite) Lester Rountree Arboretum. Despite the rather degraded nature of the site (including ground clearing), it is possible that limited numbers of Monarchs continue to utilize on-site habitat at the Arboretum (as their site fidelity is well documented in appropriate habitat), but this is unsubstantiated at this time. Given this possibility, it is recommended that a lepidopterist or qualified biologist establish the presence or absence of this species in the adjacent Arboretum, and any potential associated use of the Flanders property [i.e. nectaring source, water source] during the next overwintering season (2005-2006), if limb or vegetation removal is to occur in the vicinity of this reported occurrence. To address this issue, please see the “Potential Impacts Evaluation and Avoidance/Mitigation Recommendations” below.

Monterey dusky-footed woodrat

The Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*) is a federal species of concern and CDFG species of special concern. This is a subspecies of the dusky-footed woodrat (*Neotoma fuscipes*), which is common to oak woodlands throughout California. This species is frequently found in forest habitats with moderate canopy cover and a moderate to dense understory; however, they may also be found in chaparral communities. Relatively large nests are constructed of grass, leaves, sticks, and feathers and are built in protected spots, such as rocky outcrops, oak woodland, or dense brambles of blackberry (*Rubus ursinus*) and/or poison oak (*Toxicodendron diversilobum*), often in riparian areas. Typical food sources for this species include: leaves, flowers, nuts, berries, and truffles. This species may be a significant food source for small- to medium-sized predators. Populations of this species are thought to be limited by the availability of nest material. Within suitable habitat, nests are often found in close proximity to each other.

Species potential presence within project boundaries:

This species is known to occur within Monterey pine forest habitat in the greater Mission Trails Nature Preserve (1995 JSA), and DD&A biologists observed one active woodrat nest very near the western property boundary of the Flanders property (described as “Monterey Pine Forest Edge” above). Given the difficulty of assessing exact property lines in the field using a parcel map, it is unclear if the woodrat nest observed was within or immediately adjacent to the Flanders property. However, for this reason, it is assumed that woodrats can and do utilize the northern and western-most portions of the property. Any potential project impacts to these portions of the property, determined by DD&A to be ESHA based on the criteria established in the 1995 JSA report, will require compliance with a variety of policies and ordinances (Coastal Act, Mission Trails Nature Preserve Master Plan, CEQA, City of Carmel-by-the-Sea Forest Management Plan).

Bats

Bat species with the potential to occur in Monterey County which may potentially utilize the habitat within and/or adjacent to the Flanders Mansion property as either maternity roosts, migratory roosts or foraging roosts may include the protected species listed in Appendix A. Bats are typically cryptic and elusive species that can utilize a variety of natural and man-made features as roosts (trees, snags, bridges, attics, etc.), and often associated with edge areas (ecotones) between open foraging grounds and wooded or riparian habitat. For species-specific life history narratives of each type of bat potentially present within and adjacent to the Flanders property (particularly the Monterey Pine forest portion), please refer to Appendix A.

Species potential presence within project boundaries:

Several locally occurring bat species (Townsend's big-eared bat, pallid bat, and western mastiff bat) are designated by CDFG as species of special concern, and are considered potentially present within and/or adjacent to the Flanders Mansion property. Given the mixed availability of meadow, riparian, and wooded habitat (pine, eucalyptus, oak, redwood) in the greater Mission Trails Nature Preserve, including several old snags north of the site, it is likely that bats are present, or occasionally present, in the Monterey Pine Forest portions of the Flanders property.

Raptors

Raptors and their nests (including hawks, eagles, falcons, kestrels, and owls) are protected under the Migratory Bird Treaty Act of 1918 and CDFG Code Sections 3503 and 3503.5. All active nests are protected from take by CDFG Code Sections 3503 and 3503.5. Potential nesting trees appropriate for many avian species occur within 90 meters (300 feet) of the Area of Potential Impact (API). Potential nesting habitat for a variety of common avian species (disturbance tolerant) is also present within and immediately adjacent to the Flanders Mansion parcel.

Most raptors are breeding residents throughout most of the wooded portions of the state. Raptors can be found from sea level to above 2700 meters (9000 feet). In general, stands of forested habitat (i.e. coast live oak, riparian forest, etc.) intermixed with open grasslands are the most frequently utilized habitats for these species. However, nesting may also occur in isolated stands of trees adjacent to foraging habitat. Most species nest in tree crotches three to 23 meters (10 to 80 feet), but usually six to 15 meters (20 to 50 feet), above ground. Breeding occurs between March and August, with peak activity may through July. Prey for these species include small birds (especially young during the nesting season), small mammals, and some reptiles and amphibians. Many raptor species hunt in open woodland and habitat edges, and often in agricultural fields. For species specific information on the types of raptors potentially present within and adjacent to the Flanders property, please refer to Appendix A.

Species potential presence within project boundaries:

Several raptors were observed flying over or immediately adjacent to the Flanders Mansion property during the DD&A site evaluations. One red-tail hawk (*Buteo jamaicensis*) was observed to repeatedly roost in a mature Monterey Pine snag located offsite and to the north of the Flanders property, but no active nests were detected (site assessments were conducted either very early in the nesting season, or before initiation of the nesting season for several raptor species) within or adjacent to the property. Given the availability of nesting sites in the vicinity of the Flanders property (and to a lesser degree along the western border of the site), and a habitat mosaic capable of supporting an abundance of prey species (including woodrats), it is likely that raptors are present (both nesting and foraging) in the vicinity of the Flanders property. Please note that while no nests were observed, any future project at the Flanders property will need to avoid potential impacts to nesting raptors within 300-500 feet of the property (see below).

POTENTIAL IMPACTS EVALUATION AND MITIGATION/AVOIDANCE RECOMMENDATIONS:

Any potential impacts associated with the sale of the property will be entirely dependent upon the proposed use of the site (*which is currently unknown). As previously noted, the zoning designation for the site is P-2, which is for parkland properties that are not in their full natural state and which have been improved with buildings, recreational facilities or other artificial interventions. The potential future uses that are allowed in the P-2 zone include park and recreation uses, residential uses, parking, municipal facilities, nonprofit uses, conference facilities, visitor serving (motel use), day care facilities and other similar uses.

Botany

As described above, the project site currently supports two generalized habitat types: lawn/gardens and Monterey Pine Forest/Edge. The actual sale of the Flanders property does not represent any impact to the botanical resources at the site, but future uses of the site (P-2 zoning) may impact these resources. The Monterey Pine Forest/Edge portions of the project site are considered ESHA (based partially on the 1995

JSA determination), and therefore require special consideration (see below), but the majority of the site is not considered ESHA. Below are some recommendations that may reduce potential impacts to the non-ESHA portions of the Flanders property (impacts to ESHA cannot be mitigated):

- Monterey Pine Forest/Edge habitat within and adjacent to the Flanders Mansion property is ESHA, and any potential impacts to this habitat type must comply with CEQA, the Mission Trail Nature Preserve Master Plan, the City of Carmel-by-the-Sea Forest Management Plan, and the Coastal Act. The degree to which applicability of these laws/ordinances/policies will apply to any future activity at the Flanders Mansion property site is dependent on the proposed use of the property, and the actual impacts associated with this future use.
- Spring-time floristic surveys of the project site are required to determine the presence/absence of those plant species identified in Appendix A as having either an “unlikely” or “medium” likelihood of occurrence. 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, mitigation may be required (as determined by the lead agency).
- Following any proposed construction or development, disturbed areas in proximity to ESHA should be 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 for any future project as needed).
- In any future on-site work, protective fencing should be placed so as to keep construction vehicles and personnel from impacting any vegetation adjacent to the project site (i.e. Lester Rountree Arboretum to the east, mesic-meadow to the south, pine forest to the west).
- Any trees or vegetation within the API not planned for removal should be provided appropriate protection from impacts of construction activity. This includes fencing off shrubby vegetation and protective wood barriers for trees.

Sensitive Habitats

As suggested within the 1995 JSA report for the Mission Trails Nature Preserve, onsite and adjacent Monterey Pine Forest on is considered ESHA. For areas within the coastal zone, the definition of ESHA is found in §30107.5 of the Public Resources Code, defined as: “any area in which plant or animal life or their habitats or either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activity and developments.” The Coastal Act (§30240) protects ESHA’s from any significant disruption of habitat values (i.e. degradation by development). As such, the Monterey Pine Forest/Edge portions of the Flanders property (clearly demarcated by the interface with the lawn/gardens portions of the Flanders property) cannot be substantially degraded by any potential use of the site, to be determined by a Coastal Commission hearing and regulated by the Coastal Act. Furthermore, sub-section (b) of §30240 states the policy for areas adjacent to ESHA’s: “(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of the habitat area.”

As such, no impacts to onsite and/or adjacent ESHA may occur as a result of any future project at the Flanders Mansion (i.e. tree trimming or removal, changes to the vegetation, hydrologic impacts from the addition of impermeable surfaces, etc.), unless specifically authorized by the Coastal Commission.

- Monterey Pine Forest/Edge habitat within and adjacent to the Flanders Mansion property is ESHA, and any potential impacts to this habitat type must comply with CEQA, the Mission Trail Nature Preserve Master Plan, the City of Carmel-by-the-Sea Forest Management Plan, and the

Coastal Act. The degree to which applicability of these laws/ordinances/policies will apply to any future activity at the Flanders Mansion property site is dependent on the proposed use of the property, and the actual impacts associated with this future use. Impacts to ESHA cannot be mitigated.

- In addition to the Botany recommendations above, in the event that grading and/or vegetation removal activities occur along the ESHA interface in the northern and western portions of the property, erosion control measures should be implemented to assure that disturbed areas do not erode (potentially impacting off-site resources). These erosion control measures could be presented as a component of a larger Mitigation Monitoring and Restoration Plan, specific to any future project to be implemented.
- In the event that construction or development activities will occur near onsite ESHA, appropriate analysis will be required to ensure no impacts to offsite resources (and will require authorization by the City, through a Coastal Development Permit).
- Any changes in the current property use that has the potential to introduce increased hydrology (runoff) or excess nutrients via irrigation and fertilization of the site should be restricted, and must be consistent with the policies in the General Plan/LCP. A qualified biologist should review and approve the landscaping plan of the parcel under its new use to ensure the adjacent sensitive habitats are not adversely impacted by onsite landscaping management.

Wildlife

As stated above, several special-status wildlife species are potentially present within and adjacent to the Flanders Mansion property (Monterey dusky-footed woodrat, Monarch butterfly, and a variety of raptor and bat species presented in Appendix A). No impacts to these species are associated with the sale of the Flanders Property, but any future project at the site should attempt to avoid impacts to these species, or mitigate any unavoidable impacts to these species. The following suggestions may be applicable to these future projects.

- Monarch butterfly: Before any vegetation planting and/or removal is authorized in the immediate vicinity of the Lester Rountree Arboretum (eastern portion of the site), it is recommended that 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. Monarch overwintering site utilization can be lost due to minor shifts in the microclimatic conditions within and adjacent to the roost location(s).
- Monterey dusky-footed woodrat: As the sticknest observed behind the Flanders property is within an ESHA, and ESHA cannot typically be impacted by development (as determined by the Coastal Commission), this area is not likely to be directly impacted by any future projects at the site (after the sale of the property). However, if future impacts are deemed acceptable, woodrats will require additional consideration. It is thought that woodrat populations are limited by the amount of nest building materials (generally sticks and understory vegetation) available to them within appropriate habitat. If the area supporting the known woodrat nest is to be cleared, and the nest cannot be avoided, it is recommended that all vegetation surrounding the nest be removed first, leaving the nest in tact temporarily. Next begin to disassemble the stick-nest by hand, watching for any woodrats that may escape into nearby vegetation. When it is believed that all woodrats have exited the nest, move any remaining nest materials into the nearest vegetation within appropriate habitat, and simply leave the materials onsite. Past studies have demonstrated that woodrats will often utilize these materials to initiate one or more new nests offsite (Dr. David Johnston presentation at the Western Section of the Wildlife Society Annual Meeting 2005).

- Nesting raptors (and other avian species): Given the availability of appropriate nesting habitat for several types of raptors (Appendix A) within and adjacent to the Flanders property, any future project may potentially impact these species. Pre-construction surveys should 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, an appropriate buffer should be imposed within which no construction activities or disturbance should take place (generally 300 feet in all directions for “raptors”, other avian species have specific requirements typically recommended by USFWS or CDFG). A qualified biological monitor shall be on-site during work re-initiation in the vicinity of the nest to ensure that the buffer is adequate and that the nest is not stressed abandoned. No work may proceed in the vicinity of an active nest until such time as all young are fledged, or until after August 1st (when young are assumed fledged). Work may only proceed prior to August 1st if a wildlife biologist conducts periodic nest checks and confirms that the nest is no longer active (i.e. the young have fledged) and work re-initiation has been specifically authorized by the appropriate regulatory agency (USFWS and/or CDFG depending on status of the species).

Alternatively, all trees and vegetation to be impacted in the course of project construction (or demolition) could be removed during the non-breeding season (August 1 to mid-March) to avoid disturbance of active nests (please note that such removal must comply with all related regulations, policies, and ordinances, including the Coastal Act and the City of Carmel-by-the-Sea Forest Management Plan). Provided that no potential nesting habitat remains, no additional mitigation would be required.

- Bats: In the event that tree limbing and/or removal is authorized for any future project (after sale of the property), bat surveys should be conducted by a qualified biologist to assess the potential for the actual impact area to support the bat species presented in Appendix A. If it is determined that potential bat habitat may be negatively impacted, surveys of the impact area should be conducted by a bat specialist in an effort to determine the type and frequency of habitat utilization (foraging, day-roost, maternity roosts). Mitigation for bat habitat loss is typically species specific, and often includes the placement of alternative habitat such as bat boxes.

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APPENDIX A. Special-status species reported to occur in the vicinity of the project site (Sources: USFWS County list, CNDDDB, personal knowledge of Monterey County).

Species	Status (USFWS/ CDFG/ CNPS)	General Habitat	Potential Occurrence within Project Vicinity
MAMMALS			
<i>Antrozous pallidus</i> Pallid bat	--/CSC	A wide variety of habitat are utilized, including grasslands, shrublands, woodlands, and forest from sea level up through mixed conifer forests. Most common in open, dry habitats with rocky areas for roosting.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB. Sign of this species was not observed during the site assessments.
<i>Corynorhinus townsendii townsendii</i> Townsend's western big-eared bat	FSC/ CSC	Humid coastal regions of northern and central California. Roost in limestone caves, lava tubes, mines, buildings, etc.	Low. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB. Sign of this species was not observed during the site assessments.
<i>Enhydra lutris nereis</i> southern sea-otter	FT/	Found in nearshore marine habitats environments of California from Ano Nuevo to Point Sal. Often associated with giant kelp and bull kelp, these opportunistic foragers eat mainly abalones, sea urchins, crabs, and clams.	Not Present. No permanent water source on-site.
<i>Eumops perotis californicus</i> western mastiff-bat	FSC/ CSC	Many open habitats including conifer and deciduous woodlands, coastal scrub, grassland, and chaparral. Roost in crevices in cliff faces, high buildings, trees, and tunnels.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB. Sign of this species was not observed during the site assessments.
<i>Myotis evotis</i> long-eared myotis bat	FSC/--	Found in brush, woodland, and forest habitats. Nursery colonies in buildings, crevices, spaces under bark, and snags; caves are used primarily as night roosts.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no

			reported occurrences of this species in the CNDDDB. Sign of this species was not observed during the site assessments.
<i>Myotis thysanodes</i> Fringed myotis	FSC/--	Associated with redwood forests in coastal and utilizes redwood hollows. Roosts in caves, mines, and buildings. Potential maternity roost habitat occurs in oak tree cavities (both mature and medium aged coast live oak).	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB. Sign of this species was not observed during the site assessments.
<i>Myotis volans</i> Long-legged myotis	FSC/--	Primarily a coniferous forest species but also occur in riparian and desert habitats. Roosts under bridges, in caves and mines, and in buildings. Also known to roost under bark (exfoliating) on dead limbs and snags of oaks and pines.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB. Sign of this species was not observed during the site assessments.
<i>Neotoma fuscipes luciana</i> Monterey dusky-footed woodrat	FSC/ CSC	Forest habitats of moderate canopy with moderate to dense understory. Also occurs in chaparral habitats.	High. This species is known to occur within the Mission Trail Nature Preserve, and an active nest was observed directly behind the Flanders Mansion (on the edge of the parcel).
<i>Vulpes macrotis mutica</i> San Joaquin Kit fox	FE/ ST	Open, level areas with loose-textured soils supporting scattered, shrubby vegetation with little human disturbance. Live in annual grasslands or grassy open stages dominated by scattered brush, shrubs, and scrub.	Not Present. No habitat.
BIRDS			
<i>Accipiter cooperii</i> Cooper's hawk	--/ CSC	Resident throughout most of the wooded portion of the state. Dense stands of live oak, riparian deciduous, or other forest habitats near water used most frequently. Seldom found in areas without dense tree stands, or patchy woodland habitats.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Accipiter striatus</i>	--/ CSC	Uses dense stands in close	Medium.

sharp-shinned hawk		proximity to open areas. Roosts in intermediate to high-canopy forest. Nests in dense, even-aged, single-layered forest canopy. Winters in woodlands.	Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Agelaius tricolor</i> tricolored blackbird	--/ CSC	Nest in colonies in dense riparian vegetation, along rivers, lagoons, lakes, and ponds. Forages over grassland or aquatic habitats.	Unlikely. No permanent water source on-site, and no riparian vegetation.
<i>Aquila chrysaetos</i> golden eagle	--/CSC	Use rolling foot-hills, mountain terrain, wide arid plateaus deeply cut by streams and canyons, open mountain slopes, cliffs, and rocky outcrops. Nest in secluded cliffs with overhanging ledges as well as large trees.	Unlikely. This species is not likely to nest in the vicinity of the project site, and any potential foraging habitat will be unaffected by the sale of the property.
<i>Athene cunicularia hypugea</i> western burrowing owl	FSC/ CSC	Burrows are protected. Require open grassland habitats with low-growing vegetation and abandoned burrows. Prefers these areas assoc. with some raised perches.	Unlikely. Very limited habitat availability and no reported occurrences of this species in the vicinity of the heavily utilized Mission Trail Nature Preserve.
<i>Brachyramphus marmoratus</i> marbled murrelet	FT/	Occur year-round in marine subtidal and pelagic habitats from the Oregon border to Point Sal. Partial to coastlines with stands of mature redwood and Douglas-fir. Requires dense mature forests of redwood and/or Douglas-fir for breeding and nesting.	Not Present. No permanent water source on-site. No appropriate "old-growth" habitat to support nesting.
<i>Circus cyaneus</i> Northern harrier	--/ CSC	Generally found in flat open areas with tall, dense grasses, shrubs, and edges for cover and breeding. Use tall grasses in wetlands or at wetland borders for nesting.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Charadrius alexandrinus nivosus</i> western snowy plover	FT/ CSC	Sandy beaches on marine and estuarine shores, also salt pond levees and the shores of large alkali lakes. Requires sandy, gravelly or friable soil substrate for nesting.	Not Present. No permanent water source on-site.
<i>Coccyzus americanus occidentalis</i> Western yellow-billed cuckoo	FC/SE	Inhabits extensive deciduous riparian thickets or forests with dense, low-level or understory foliage, slow-moving watercourses, backwaters, or	Unlikely. This species is not likely to nest in the vicinity of the project site.

		seeps. Willow almost always a dominant component of the vegetation.	
<i>Cypseloides niger</i> black swift	--/ CSC	Regularly nests in moist crevice or cave on sea cliffs above the surf, or on cliffs behind, or adjacent to, waterfalls in deep canyons. Forages widely over many habitats.	Unlikely. This species is not likely to nest in the vicinity of the project site.
<i>Eremophila alpestris actia</i> California horned lark	--/ CSC	Frequents grasslands and other open habitats with low, sparse vegetation	Unlikely. Limited habitat availability and no reported occurrences of this species in the vicinity of the heavily utilized Mission Trail Nature Preserve.
<i>Gymnogyps californianus</i> California condor	FE/	Rugged mountain ranges surrounding the southern San Joaquin Valley, including the coast Ranges from Santa Clara Co. south to Los Angeles Co., the Transverse Ranges, Tehachapi Mts., and Southern Sierra Nevada. Forages over wide areas of open rangeands, roosts on cliffs and in large trees and snags. Nests in caves crevices, behind rock slabs, or on large ledges on high sandstone cliffs.	Not Present. This species is well studied and consistently monitored within Monterey County. Condors do not occur in the immediate vicinity of the project site.
<i>Haliaeetus leucocephalus</i> bald eagle	FT/	Require large bodies of water, or free flowing rivers with abundant fish, and adjacent snags or other perches. Perches high in large, stoutly limbed trees, on snags or broken-topped trees, or on rocks near water.	Not Present. No permanent water source on-site.
<i>Pelecanus occidentalis</i> brown pelican	FE/	Estuarine, marine subtidal, and marine pelagic waters along the coast. Usually rests on water or inaccessible rocks, but also uses mudflats, sandy beaches, wharfs, and jetties.	Not Present. No permanent water source on-site.
<i>Rallus longirostris obsoletus</i> California clapper rail	FE/SE	Saltwater and brackish marshes supporting dense vegetation.	Not Present. No permanent water source on-site.
<i>Sterna antillarum browni</i> California least tern	FE/ SE	Sea beaches, bays; large rivers, bars.	Not Present. No permanent water source on-site.
REPTILES AND AMPHIBIANS			
<i>Ambystoma californiense</i> California tiger salamander	FC/ CSC	Annual grassland and grassy understory of valley-foothill hardwood habitats in central and northern California. Need	Unlikely. The project site is >1Km from the nearest known breeding

		underground refuges and vernal pools or other seasonal water sources.	location of CTS, and does not support appropriate breeding or upland habitat for this species.
<i>Ambystoma macrodactylum croceum</i> Santa Cruz long-toed salamander	--/ CSC	Preferred habitats include ponderosa pine, montane hardwood-conifer, mixed conifer, montane riparian, red fir and wet meadows. This is an isolated subspecies which occurs in a small number of localities in Santa Cruz and Monterey Counties. Adults spend the majority of the time in underground burrows and beneath objects. Larvae prefer shallow water with clumps of vegetation.	Unlikely. The project site is several miles from the nearest known breeding location of CTS, and does not support appropriate breeding or upland habitat for this species.
<i>Clemmys marmorata marmorata</i> northwestern pond turtle	--/ CSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Requires basking sites and suitable upland habitat for egg-laying.	Low. Appropriate habitat for this species is not present within project boundaries, but a creek located north and west of the project site may support this species.
<i>Clemmys marmorata pallida</i> southwestern pond turtle	--/ CSC	Inhabits permanent or nearly permanent bodies of water in many habitat types. Requires basking sites such as partially submerged logs, vegetation mats, or open mud banks.	Low. Appropriate habitat for this species is not present within project boundaries, but a creek located north and west of the project site may support this species.
<i>Phrynosoma coronatum frontale</i> California horned lizard	--/ CSC	Associated with open patches of sandy soils in washes, chaparral, scrub, and grasslands.	Medium. Marginally species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB, and it is not anticipated within the Flanders property.
<i>Rana drayonii</i> California red-legged frog	FT/ CSC	Lowlands and foothills in or near permanent or late-season sources of deep water with dense, shrubby, or emergent riparian vegetation. During late summer or fall adults are known to utilize a variety of upland habitats with leaf litter or mammal burrows.	Unlikely. Appropriate breeding habitat for this species is not present in the project vicinity (flashiness of nearby creek represents poor breeding habitat). This species is generally

			closely associated with breeding locations.
FISH			
<i>Eucyclogobius newberryi</i> tidewater goby	FE/ CSC	Brackish water habitats, found in shallow lagoons and lower stream reaches.	Not Present. No permanent water source on-site.
<i>Gila elegans</i> Bonytail chub	FE/	Swift channels of large, turbid rivers.	Not Present. No permanent water source on-site.
<i>Oncorhynchus mykiss</i> Steelhead-Central California Coast.	FT/ CSC	Coastal perennial and near perennial streams, with suitable spawning and rearing habitat and no major barriers.	Not Present. No permanent water source on-site.
INVERTEBRATES			
<i>Branchinecta conservatio</i> Conservancy fairy shrimp	FE/	Require ephemeral pools with no flow.	Not present.
<i>Branchinecta longiantenna</i> longhorn fairy shrimp	FE/ none	Require ephemeral pools with no flow.	Not present.
<i>Branchinecta lynchi</i> vernal pool fairy shrimp	FT/ --	Require ephemeral pools with no flow.	Not present.
<i>Danaus plexippus</i> Monarch butterfly	--/--	Overwinters in coastal California using colonial roosts generally found in Eucalyptus, pine and acacia trees. Overwintering habitat for this species within the Coastal Zone represents ESHA. Local ordinances often protect this species as well.	High. A possible overwintering population of Monarchs were observed in the Lester Rountree Arboretum reported in 1989 (Walter Sakai, Ph.D) . No occurrences have been reported since, and none were observed, but marginally appropriate habitat is present.
<i>Euphilotes enoptes smithi</i> Smith's blue butterfly	FE/--	Most commonly associated with coastal dunes and coastal sage scrub plant communities in Monterey and Santa Cruz Counties. Plant hosts are <i>Erigonum latifolium</i> and <i>E. Parvifolium</i> .	Unlikely. No buckwheat (obligate host plant) present within Flanders Mansion property.
PLANTS			
<i>Allium hickmanii</i> Hickman's onion	FSC/ 1B	Closed cone coniferous forests, chaparral, coastal prairie, coastal scrub, valley-foothill grasslands.	Not Present. This species is present in the adjacent mesic-meadow, but is not present within project boundaries.
<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i> Hooker's manzanita	FSC/ 1B	Closed-cone coniferous forest	Not Present.

<i>Arctostaphylos pumila</i> sandmat manzanita	FSC/ 1B	Closed-cone coniferous forests, chaparral, coastal dunes, coastal scrub/ sandy.	Not Present.
<i>Astragalus tener</i> var. <i>titi</i> coastal dunes milk-vetch	FE/SE	Coastal bluff scrub (sandy), coastal dunes, coastal prairie (mesic); elevation 1-50 meters. Annual herb, blooms March-May.	Not Present. No appropriate habitat within project boundaries.
<i>Chlorogalum purpureum</i> var. <i>purpeum</i> purple amole	FT/ 1B	Cismontane woodlands, valley foothill grasslands.	Not Present. No appropriate habitat within project boundaries.
<i>Chorizanthe pungens</i> var. <i>pungens</i> Monterey spineflower	FT/ 1B	Chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland/ sandy; elevation 3-450 meters. Annual herb, blooms April-June.	Not Present. No appropriate habitat within project boundaries.
<i>Chorizanthe robusta</i> var. <i>robusta</i> robust spineflower	FE/ 1B	Cismontane woodland (openings), coastal dunes, coastal scrub/ sandy or gravelly; elevation 3-300 meters. Annual herb, blooms April-September.	Not Present. No appropriate habitat within project boundaries.
<i>Clarkia jalonensis</i> Lewis' clarkia	--/ 1B	Broad-leaved upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub; elevation 30-160 meters. Annual herb, blooms May-July	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential presence of this species.
<i>Collinsia multicolor</i> San Francisco collinsia	--/ 1B	Closed cone coniferous forest, coastal scrub/ sometimes serpentinite; elevation 30-250. Annual herb, blooms March-May.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Cupressus goveniana</i> ssp. <i>goveniana</i> gowen cypress	FT/ 1B	Closed cone coniferous forest, chaparral (maritime); elevation 30-300 meters. Tree (evergreen).	Not Present. This species is present in the adjacent Arboretum, but not within the Flanders

			property.
<i>Cupressus macrocarpa</i> Monterey cypress	FSC/ 1B	Closed cone coniferous forest. Tree (Evergreen).	Present.
<i>Delphinium hutchinsoniae</i> Hutchinsons' larkspur	FSC/ 1B	Broadleafed upland forest, chaparral, coastal scrub, coastal prairie; elevation 0-400 meters. Perennial herb, blooms March- June.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Ericameria fasciculata</i> Eastwood's goldenbush	--/ 1B	Closed cone coniferous forest, chaparral (maritime), coastal dunes, coastal scrub/sandy, openings; elevation 30-275 meters. Shurb (evergreen), blooms July- October.	Not present.
<i>Erysimum menziesii</i> ssp. <i>menziesii</i> Menzie's wallflower	FE/ SE/ 1B	Coastal dunes.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Erysimum menziesii</i> ssp. <i>yadonii</i> Yadon's wallflower	FE/ SE/ 1B	Coastal dunes; elevation 0-35 meters. Perennial herb, blooms March- June.	Not Present. No appropriate habitat within project boundaries.
<i>Fritillaria liliacea</i> fragrant fritillaria	FSC/ 1B	Coastal prairie, coastal scrub, valley and foothill grassland in heavy clay soil, often serpentinite; elevation 3-410 meters. Perennial herb (bulbiferous), blooms February-April.	Not Present.
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i> sand gilia	FE/ ST	Chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub/ sandy, openings; elevation 0-45 meters. Annual herb, blooms April-June.	Not Present. No appropriate habitat within project boundaries.
<i>Holocarpha macradenia</i> Santa Cruz tarplant	FSC/ 1B	Coastal prairies, valley foothill grasslands/ often clay.	Not Present. No appropriate habitat within project boundaries.
<i>Horkelia cuneata</i> ssp. <i>sericea</i> Kellogg's horkelia	FSC/ 1B	Closed cone coniferous forests, chaparral, (maritime), coastal scrubs/ sandy or gravelly,	Unlikely. Although unlikely based on habitat

		openings; elevation 10-200 meters. Perennial herb, blooms April-September.	present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Lasthenia conjugens</i> Contra Costa goldfields	FE/ 1B	Valley-foothill grasslands (mesic), vernal pools.	Not Present. No appropriate habitat within project boundaries.
<i>Layia carnosa</i> beach layia	FE/ SE/ 1B	Coastal dunes., coastal scrub (sandy; elevation 0-60 meters. Annual herb, blooms March-July.	Not Present. No appropriate habitat within project boundaries.
<i>Layia jonesii</i> Jones's layia	FSC/ 1B	Chenopod scrub, valley foothill grasslands/ clay or serpentinite.	Not Present. No appropriate habitat within project boundaries.
<i>Lembertia congdonii</i> San Joaquin woollythreads	FE/ 1B	Chenopod scrub, valley and foothill grassland (sandy); elevation 60-800 meters. Annual herb, blooms February-May	Not Present. No appropriate habitat within project boundaries.
<i>Lupinus tidestromii</i> Tidestrom's lupine	FE/SE	Coastal dunes; elevation 0-100 meters. Perennial herb (rhizomatous), blooms April-June.	Not Present. No appropriate habitat within project boundaries.
<i>Malacothamnus palmeri</i> var. <i>involutus</i> Carmel Valley bush mallow	FSC/ 1B	Chaparral, cismontane woodland, coastal scrub; elevation 30-1100 meters. Shrub (deciduous), blooms May-October.	Not Present.
<i>Microseris paludosa</i> Marsh microseris	--/1B	Closed cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland; elevation 5-300 meters. Perennial herb, blooms April-June.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Pinus radiata</i> Monterey pine	FSC/ 1B	Closed cone coniferous forest, cismontane woodland; elevation 25-185 meters. Tree (evergreen)	Present.
<i>Piperia yadonii</i> Yadon's rein orchid	FE/ 1B	Coastal bluff scrub, closed cone coniferous forests, chaparral/ sandy; elevation 10-415 meters Perennial herb, blooms May-August.	Medium. Marginally appropriate habitat is present on-site, but this species was not identifiable at the time of the survey. Spring surveys are

			required to eliminate the potential presence of this species.
<i>Potentilla hickmanii</i> Hickman's cinquefoil	FE/ SE/ 1B	Coastal bluff scrub, closed cone coniferous forests, meadows(vernally mesic), marshes and swamps (freshwater). Perennial herb, blooms April-August.	Medium. Marginally appropriate habitat is present on-site, but this species was not identifiable at the time of the survey. Spring surveys are required to eliminate the potential presence of this species.
<i>Rosa pinetorum</i> Pine rose	FSC/ 1B	Closed-cone coniferous forest.	Not Present.
<i>Sidalcea malachroides</i> maple-leaved checkerbloom	FSC/ 1B	Broad-leafed upland forest, coastal prairie, coastal scrub, north coast coniferous forest, often in disturbed areas; elevation 2-700 meters. Perennial herb, blooms April-August.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Trifolium polyodon</i> Pacific Grove clover	FSC/ 1B	Broad-leafed upland forest, cismontane woodland, coastal prairie, endangered margins; elevation 105-610 meters. Annual herb, blooms April-October.	Medium. Although relatively unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Trifolium trichocalyx</i> Monterey clover	--/ 1B	Closed-cone coniferous forest (sandy openings, burned areas); elevation 30-240 meters Annual herb, blooms April-June.	Medium. Marginally appropriate habitat is present on-site, but this species was not identifiable at the time of the survey. Spring surveys are required to eliminate the potential presence of this species.

- **Not Present.** No suitable habitat is present for a species. This category is generally reserved for species that appear in CNDDDB reports generated for quads bordering a project site (several miles away), but have an incredibly low likelihood of utilizing the project site (for example, sea otters).
- **Unlikely:** The project area and/or immediate vicinity do not provide suitable habitat for a particular species or the species was not identified during surveys of the project site or the project area is outside of the species range.
- **Low Potential:** Project area and/or immediate vicinity provides only limited habitat for a particular species. The known range for a particular species may be outside of the project area.
- **Medium Potential:** The project area and/or immediate vicinity provide suitable habitat for a particular species, though there are no known sightings in the area.
- **High potential:** The project area and/or immediate vicinity provide ideal habitat conditions for a particular species and/or the species is known to occur in the area.

Key to Status Codes

CSC	CDFG Species of concern
FSC	Federal Species of Concern (As of 1/2001, List no longer maintained by USFWS)
CFP	CDFG Fully Protected Animal
SE	State Endangered
ST	State Threatened
FE	Federal Endangered
FT	Federal Threatened
PT	Officially proposed as Threatened
PX	Proposed as critical habitat essential to species recovery
C	Candidate to be Proposed
1B	CNPS 1B List, Endangered, Threatened or Rare in California

Appendix B. Plant species identified within the Flanders Mansion Property during the site assessments.

<i>Family/Class</i>	<i>Scientific Name</i>	<i>Common Name</i>	<i>Native?</i>
<i>Dicotyledoneae</i>			
AMARANTHACEAE	<i>Rhus integrifolia</i>	Lemonadeberry	Yes
ANACARDIACEAE	<i>Toxicodendron diversilobum</i>	Poison oak	Yes
APOCYNACEAE	<i>Vinca major</i>	Periwinkle	No
ARALIACEAE	<i>Hedera helix</i>	English ivy	No
CAPRIFOLIACEAE	<i>Lonicera subspicata</i>	Chaparral honeysuckle	Yes
CUPRESSACEAE	<i>Cupressus macrocarpa</i>	Monterey cypress	Yes
FABACEAE	<i>Acacia sp.</i>	Acacia	No
	<i>Genista monspessulana</i>	French broom	No
	<i>Lotus corniculatus</i>	Bird's foot trefoil	No
FAGACEAE	<i>Quercus agrifolia</i>	Coast live oak	Yes
LAMIACEAE	<i>Stachys bullata</i>	Hedge nettle	Yes
	<i>Umbellifera californica</i>	California bay	Yes
MYRTACEAE	<i>Eucalyptus globulus</i>	Blue gum	No
	<i>Callistemon sp.</i>	Bottlebrush	No
OXALIDACEAE	<i>Oxalis pes-caprae</i>	Bermuda buttercup	No
PINACEAE	<i>Pinus radiata</i>	Monterey pine	Yes
PLANTAGINACEAE	<i>Plantago coronopus</i>	Cut-leaved plantain	No
	<i>Plantago lanceolata</i>	English Plantain	No
PORTULACACEAE	<i>Claytonia perfoliata</i>	Miner's lettuce	Yes
RHAMNUSACEAE	<i>Rhamnus californica</i>	California coffeeberry	Yes
ROSACEAE	<i>Rubus discolor</i>	Himalayan Blackberry	No
TAXODIACEAE	<i>Sequoia sempervirens</i>	Coast redwood	Yes
<i>Monocotyledoneae</i>			
POACEAE	<i>Digitaria sanguinalis</i>	Crabgrass	No
	<i>Ehrharta erecta</i>	Panic veldt grass	No

Appendix C. Wildlife species observed within the Flanders Mansion Property during the site assessments:

Common Name	Scientific Name
Mammals	
Black-tailed deer	<i>Odocoileus hemionus</i>
Birds	
Scrub jay	<i>Aphelocoma coerulescens</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
California quail	<i>Callipepla californica</i>
Anna's hummingbird	<i>Calypte anna</i>
American crow	<i>Corvus brachyrhynchos</i>
Acorn woodpecker	<i>Malanerpes formicivorus</i>
Chestnut-backed chickadee	<i>Parus rufescens</i>
California towhee	<i>Pipilo crissalis</i>
Amphibians	
Pacific chorus frog	<i>Pseudacris regilla</i>

APPENDIX D

2008 Biological Assessment Update



Denise Duffy & Associates, Inc.

PLANNING AND ENVIRONMENTAL CONSULTING

MEMORANDUM

Date: October 27, 2008
To: Elizabeth Guzman, Denise Duffy & Associates Associate Planner
From: Matt Johnson, Denise Duffy & Associates Associate Biologist
Subject: **Flanders Mansion Project – 2005 Biological Assessment Update and Review**

BIOLOGICAL ASSESSMENT REVIEW APPROACH AND METHODOLOGY

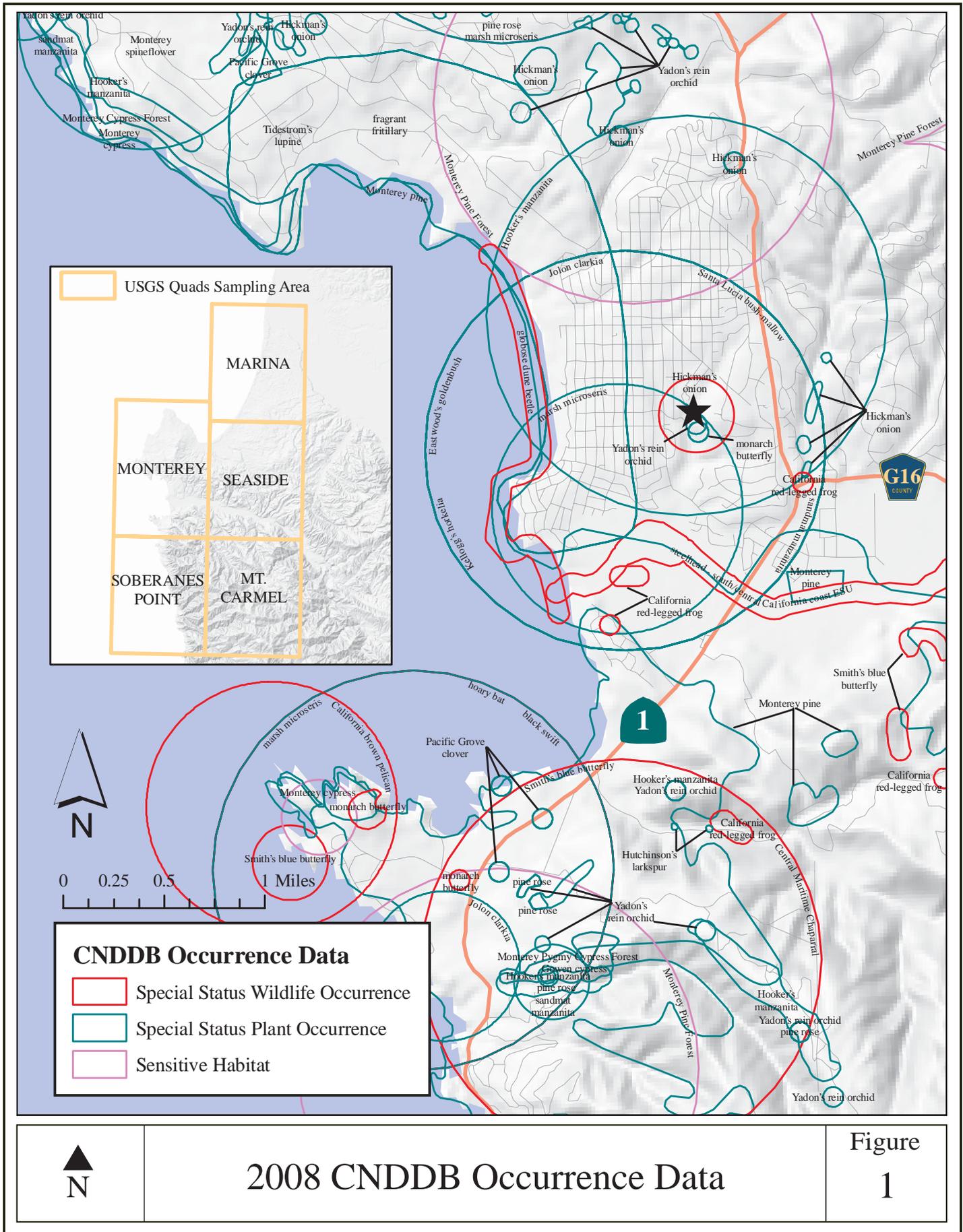
Matt Johnson, Associate Environmental Scientist, conducted reconnaissance-level plant, wildlife and sensitive habitat surveys at the Flanders Mansion site (Monterey, California) on September 18, 2008. This survey was conducted to update the original Biological Assessment (BA), *Biological Assessment of the Flanders Mansion Property*, prepared for the site by Denise Duffy and Associates (DD&A) in 2005.

BOTANY

In order to determine which special status plant species have the potential to occur within and adjacent to the Flanders Mansion property, special status plant species occurrence records by United States Geological Survey (USGS) quadrangle from the California Natural Diversity Data Base (CNDDDB) were reviewed (Figure 1). All records were updated from the 2005 BA and the area examined was expanded from a one-mile project site buffer to include the Monterey 7.5' quad along with the surrounding quads (Seaside, Mt. Carmel, Soberanes Point and Marina). Current agency status information was obtained from United States Fish and Wildlife Service (USFWS 2008) for species listed as Threatened or Endangered, as well as Proposed and Candidate species for listing, under the federal Endangered Species Act; and from California Department of Fish and Game (CDFG 2008) for species listed as Threatened or Endangered by the state of California under the California Endangered Species Act, or listed as "species of special concern" by CDFG. List 1 and 2 species from the California Native Plant Society (CNPS) were also consulted as they are given management consideration when possible under the California Environmental Quality Act (CEQA). Appendix A lists plant species reported by the CNDDDB as potentially present in the project vicinity (within the identified quads), along with their status, a brief habitat description and description of their likelihood to occur within the project site.

WILDLIFE

The CNDDDB records (CDFG 2008) were reviewed in order to identify known occurrences of special status wildlife species and habitats in the study area. A CNDDDB report was generated for the Monterey 7.5' quad as well as the surrounding quads (Seaside, Mt. Carmel, Soberanes Point and Marina), expanded from the one-mile buffer presented in the original 2005 BA. In addition,



all available published and unpublished biological reports specific to the project site were reviewed (JSA 1995, DD&A 2005). Current agency status information was obtained from USFWS (2008) for species listed as Threatened or Endangered, as well as Proposed and Candidate species for listing, under the federal Endangered Species Act; and from CDFG (2008) for species listed as Threatened or Endangered by the state of California under the California Endangered Species Act, or listed as “species of special concern” by CDFG. Appendix A lists wildlife species reported by the CNDDDB as potentially present in the project vicinity (within the identified quads), along with their status, a brief habitat description and description of their likelihood to occur within the project site.

RESULTS/DESCRIPTION OF BIOLOGICAL RESOURCES

General Site Characteristics: The Flanders Mansion property currently supports a mix of native, non-native, and horticultural species, enveloped within the larger Mission Trails Nature Preserve. 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) transitioning into Monterey Pine forest to the north and northwest (the border of which represents the northwestern property boundary), the Lester Rountree Memorial Arboretum (also within historic Monterey Pine Forest, but located offsite) to the east, a cypress hedge-row creating a visual separation from an open mesic-meadow (off-site) immediately south of the property, and remnant Monterey Pine forest outside of these areas to the north, east, and west. The general site characteristics have not changed substantially between the publishing date of the 2005 BA authored by DD&A and this updated letter report.

Habitat types within the Flanders Mansion Property can be divided into one of two general habitat types: Planted Areas/Lawn and Monterey Pine Forest Edge.

Planted Areas/Lawn

As stated above, the majority of the property consists of the maintained lawn and gardens of the Flanders Mansion (Figure 4). Planted portions of the property support a mixed mosaic of horticultural shrubs, perennials, and annuals, intermixed with non-native/invasive species, including (but not limited to); Mexican sage (*Salvia leucantha*), yellow bush daisy (*Euryops hybrid*), chaparral honeysuckle (*Lonicera subspicata*), unidentified elm (*Ulmas sp.*), and Periwinkle (*Vinca major*).

The lawn of the Flanders Mansion is subject to frequent mowing and heavy disturbance, and is dominated by a mixture of non-native/invasive ruderal species such as English plantain (*Plantago lanceolata*), cut-leaved plantain (*Plantago coronopus*), and crabgrass (*Digitaria sanguinalis*).

The property boundary between the Flanders property and the Lester Rountree Arboretum is dominated by a mix of native and planted species. Toyon (*Heteromeles arbutifolia*) and coast live oak (*Quercus agrifolia*) dominate the canopy of the Arboretum in this zone and intersect with planted non-native species including Australian tea tree (*Leptospermum laevigatum*) and lemonade berry (*Rhus integrifolia*). The understory of this transition zone supports a mixture of native shrubs such as currant (*Ribes sp.*) and non-native/invasive species such as Himalyan blackberry (*Rubus discolor*). In addition, the Flanders property supports a variety of planted succulents (not identified) along this property boundary.

Monterey Pine Forest/Edge:

At the interface between the maintained lawn portion of the Flanders property and the Monterey Pine Forest Edge along the western boundary of the site, several large Coastal redwoods (*Sequoia sempervirens*) occur which were likely planted many years ago, but as these are remnant they are included in the “Monterey Pine Forest/Edge” generalized habitat type. As mentioned above, Monterey Pine Forest/Edge represents the western and northern boundaries of the Flanders Mansion property. Monterey Pine forest supports a variety of plant species, but onsite conditions range between areas in which the Monterey Pine crown cover is relatively dense, and the ground cover consists entirely of Periwinkle, to areas where the canopy is less dense, and the understory is better developed. These areas are dominated by non-native/invasive species such as French broom (*Genista monspessulana*) and panic veldt grass (*Erharta erecta*). Directly behind the Flanders Mansion, the Oak Woodland Forest/Edge understory is dominated by periwinkle as described above, while southwestern portions of the property support the more complex understory (including broom and veldt grass).

The two major habitat types observed and documented above have not changed substantially between the publishing date of the 2005 BA and this updated letter report.

Special Status Plant Species

The 2005 DD&A BA reports the CNDDDB occurrence of Hickmans’s onion (*Allium hickmanii*) in the mesic-meadow parcel immediately south of the Flanders Mansion property as the only known CNDDDB occurrence of a special status species in the immediate vicinity of the Flanders Mansion property. An updated search of the CNDDDB reports one new occurrence of special status plant species, Yadon’s rein orchid (*Piperia yadonii*) within the Flanders Mansion property or the immediate vicinity. 13 additional plant species were reported within the expanded search area; little sur manzanita (*Arctostaphylos edmundsii*), Monterey manzanita (*Arctostaphylos montereyensis*), Pajaro manzanita (*Arctostaphylos pajaroensis*), Congdon’s tarplant (*Centromadia parryi ssp. congdonii*), seaside bird’s-beak (*Cordylanthus rigidus ssp. littoralis*), pinnacle buckwheat (*Eriogonum nortonii*), coast wallflower (*Erysimum ammophilum*), Santa Lucia bush-mallow (*Malacothamnus palmeri*), Carmel Valley malacothrix (*Malacothrix saxatilis var. arachnoidea*), hooked popcorn flower (*Plagiobothrys uncinatus*), Santa Cruz microseris (*Stebbinsoseris decipiens*), California screw-moss (*Tortula californica*) and Santa Cruz clover (*Trifolium buckwestiorum*). These 13 new species, along with the original species list presented in the 2005 BA, are presented with their likelihood to occur on the project site in Appendix A of this updated letter report. While DD&A biologists did not observe any special status species within the study site, our site visits were not conducted during the flowering period of a number of the species presented in Appendix A, and a Spring-time survey is therefore recommended to eliminate their potential presence within the site. Please note that several special status plant species were historically planted in the Lester Rountree Arboretum and persist within Arboretum boundaries.

Yadon’s rein orchid

Yadon’s rein orchid is a CNPS List 1B species, which are afforded planning consideration under CEQA. Yadon’s rein orchid is typically associated with closed-cone coniferous forests,

chaparral/sandy and coastal bluff scrub habitats within the elevation range of 10 to 415 meters. This species is a perennial herb that typically blooms from May to August.

Species potential presence within project boundaries:

The updated CNDDDB search reported an occurrence of Yadon's rein orchid along Hatton Road adjacent to the Flanders Mansion property. The occurrence was reported in July of 2005 by a Yadon's rein orchid field survey form. Further research into this occurrence revealed that the occurrence was located within the Lester Rountree Arboretum.

Sensitive Habitats

The 2005 DD&A BA reports one sensitive habitat within the boundaries of Flanders Mansion property and the immediate vicinity; Monterey Pine Forest. Site visits confirm the boundary for this sensitive habitat is generally the same (branches/trees have grown and increased the interface between forest and lawn habitat types) as described in the 1995 and 2005 BA's.

Special Status Wildlife Species

The 2005 DD&A BA presented CNDDDB occurrences of monarch butterfly and Monterey dusky-footed woodrat within the Flanders Mansion property or in the immediate vicinity of the site. The report also acknowledges that Monterey pine forest, which surrounds the Flanders Mansion property, provides some limited habitat value for a variety of bat and raptor species. An updated search of the CNDDDB does not report any new occurrences of special status wildlife species within the Flanders Mansion property or in the immediate vicinity of the site. However, eight additional special status wildlife species were reported within the expanded search area; hoary bat (*Lasiurus cinereus*), Salinas harvest mouse (*Reithrodontomys megalotis distichlis*), American badger (*Taxidea taxus*), ferruginous hawk (*Buteo regalis*), Ashy storm-petrel (*Oceanodroma homochroa*), black legless lizard (*Anniella pulchra nigra*), globose dune beetle (*Coelus globosus*) and California linderiella fairy shrimp (*Linderiella occidentalis*). These eight new species, along with the species presented in the original 2005 BA, are presented with their likelihood to occur on the project site in Appendix A of this updated letter report.. DD&A biologists did observe several dusky-footed woodrat nests while on-site in the immediate vicinity of the Flanders Mansion property.

POTENTIAL IMPACTS EVALUATION AND MITIGATION/AVOIDANCE RECOMMENDATIONS:

Special Status Plant Species

As described above, the project site currently supports two generalized habitat types: lawn/gardens and Monterey Pine Forest/Edge. The actual sale of the Flanders property does not represent any impact to the botanical resources at the site, but future uses of the site (P-2 zoning) may impact these resources. One additional special status plant species was found within the Flanders Mansion or within the immediate vicinity during the preparation of this updated letter report. However this occurrence of Yadon's rein orchid was located within the Lester Rountree Arboretum and would not be disturbed during any future projects associated with the Flanders Mansion property. As a result of the preceding information this updated letter report finds that the mitigation techniques included in the 2005 DD&A BA are applicable and sufficient.

Sensitive Habitats

As suggested within the 2005 DD&A report for the Mission Trails Nature Preserve, and within the LCP for the City of Carmel-by-the-Sea, onsite and adjacent Monterey Pine Forest is considered ESHA. For areas within the coastal zone, the definition of ESHA is found in §30107.5 of the Public Resources Code, defined as: “any area in which plant or animal life or their habitats or either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activity and developments.” The Coastal Act (§30240) protects ESHA’s from any significant disruption of habitat values (i.e. degradation by development). As such, the Monterey Pine Forest/Edge portions of the Flanders property (clearly demarcated by the interface with the lawn/gardens portions of the Flanders property) cannot be substantially degraded by any potential use of the site, to be determined by a Coastal Commission hearing and regulated by the Coastal Act. Furthermore, sub-section (b) of §30240 states the policy for areas adjacent to ESHA’s: “(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of the habitat area.”

This updated letter report agrees with the 2005 BA that the Flanders Mansion property should be included in the ESHA designation because of the utilization of this habitat by several special status species (Monterey dusky footed woodrats, bats, raptors, etc.). As such, no impacts to onsite and/or adjacent ESHA may occur as a result of any future project at the Flanders Mansion (i.e. tree trimming or removal, changes to the vegetation, hydrologic impacts from the addition impermeable surfaces, etc.), unless specifically authorized by the Coastal Commission. No additional sensitive habitats were observed or reported within the Flanders Mansion property or the immediate vicinity during the preparation of this updated letter report, therefore, the mitigation and avoidance techniques included in the 2005 DD&A BA are applicable and sufficient.

Special Status Wildlife Species

As stated above, several special status wildlife species are potentially present within and adjacent to the Flanders Mansion property; Monterey dusky-footed woodrat (Monterey pine forest), Monarch butterfly (Lester Rountree Arboretum), and a variety of raptor and bat species (Monterey pine forest) presented in Appendix A. No impacts to these species are associated with the sale of the Flanders Property, but any future project at the site should avoid or mitigate impacts to these species. 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.

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U.S. Geological Survey. Monterey, Seaside, Marina, Mt. Carmel and Soberanes Point quadrangles. 7.5 minute topographic map.

APPENDIX A. Special status species reported to occur within and in the vicinity of the project site (Sources: USFWS County list, CNDDDB, personal knowledge of Monterey County).

Species	Status (USFWS/ CDFG/ CNPS)	General Habitat	Potential Occurrence within Project Vicinity
MAMMALS			
<i>Antrozous pallidus</i> Pallid bat	-- / CSC	A wide variety of habitat are utilized, including grasslands, shrublands, woodlands, and forest from sea level up through mixed conifer forests. Most common in open, dry habitats with rocky areas for roosting.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Corynorhinus townsendii townsendii</i> Townsend's western big-eared bat	-- / CSC	Humid coastal regions of northern and central California. Roost in limestone caves, lava tubes, mines, buildings, etc.	Low. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Enhydra lutris nereis</i> southern sea-otter	FT / --	Found in nearshore marine habitats environments of California from Ano Nuevo to Point Sal. Often associated with giant kelp and bull kelp, these opportunistic foragers eat mainly abalones, sea urchins, crabs, and clams.	Not Present. No permanent water source on-site.
<i>Eumops perotis californicus</i> western mastiff-bat	-- / CSC	Many open habitats including conifer and deciduous woodlands, coastal scrub, grassland, and chaparral. Roost in crevices in cliff faces, high buildings, trees, and tunnels.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Lasiurus cinereus</i> hoary bat	-- / CSC	Prefers open habitats or habitat mosaics with access to trees for cover and open areas or edge for feeding. Generally roost in dense foliage of trees.	Medium. Species-appropriate habitat is present in the vicinity of the project site. There are two CNDDDB

			occurrences within 2.5 miles of the project site.
<i>Myotis evotis</i> long-eared myotis bat	-- / CSC	Found in brush, woodland, and forest habitats. Nursery colonies in buildings, crevices, spaces under bark, and snags; caves are used primarily as night roosts.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Myotis thysanodes</i> Fringed myotis	-- / CSC	Associated with redwood forests in coastal and utilizes redwood hollows. Roosts in caves, mines, and buildings. Potential maternity roost habitat occurs in oak tree cavities (both mature and medium aged coast live oak).	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Myotis volans</i> Long-legged myotis	-- / CSC	Primarily a coniferous forest species but also occur in riparian and desert habitats. Roosts under bridges, in caves and mines, and in buildings. Also known to roost under bark (exfoliating) on dead limbs and snags of oaks and pines.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Neotoma fuscipes luciana</i> Monterey dusky-footed woodrat	-- / CSC	Forest habitats of moderate canopy with moderate to dense understory. Also occurs in chaparral habitats.	Present This species is known to occur within the Mission Trail Nature Preserve, and an active nest was observed directly behind the Flanders Mansion (on the edge of the parcel).
<i>Reithrodontomys megalotis distichlis</i> Salinas harvest mouse	-- / CSC	Known only to occur from the Monterey Bay region. Occurs in fresh and brackish water wetlands and probably in the adjacent uplands around the mouth of the Salinas River.	Not Present Suitable habitat does not exist on the project site.
<i>Taxidea taxus</i> American badger	-- / CSC	dry, open grasslands, fields, and pastures	Not Present. Suitable habitat does

			not exist on the project site. No dens observed.
<i>Vulpes macrotis mutica</i> San Joaquin Kit fox	FE / ST	Open, level areas with loose-textured soils supporting scattered, shrubby vegetation with little human disturbance. Live in annual grasslands or grassy open stages dominated by scattered brush, shrubs, and scrub.	Not Present. Suitable habitat does not exist on the project site.
BIRDS			
<i>Accipiter cooperii</i> Cooper's hawk	-- / CSC	Resident throughout most of the wooded portion of the state. Dense stands of live oak, riparian deciduous, or other forest habitats near water used most frequently. Seldom found in areas without dense tree stands, or patchy woodland habitats.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Accipiter striatus</i> sharp-shinned hawk	-- / CSC	Uses dense stands in close proximity to open areas. Roosts in intermediate to high-canopy forest. Nests in dense, even-aged, single-layered forest canopy. Winters in woodlands.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Agelaius tricolor</i> tricolored blackbird	-- / CSC	Nest in colonies in dense riparian vegetation, along rivers, lagoons, lakes, and ponds. Forages over grassland or aquatic habitats.	Unlikely. No permanent water source on-site, and no riparian vegetation.
<i>Aquila chrysaetos</i> golden eagle	-- / CSC	Use rolling foot-hills, mountain terrain, wide arid plateaus deeply cut by streams and canyons, open mountain slopes, cliffs, and rocky outcrops. Nest in secluded cliffs with overhanging ledges as well as large trees.	Unlikely. This species is not likely to nest in the vicinity of the project site, and any potential foraging habitat will be unaffected by the sale of the property.
<i>Athene cunicularia hypugea</i> western burrowing owl	-- / CSC	Burrows are protected. Require open grassland habitats with low-growing vegetation and abandoned burrows. Prefers these areas	Not Present. Very limited habitat availability and no reported occurrences of this species in the

		assoc. with some raised perches.	vicinity of the heavily utilized Mission Trail Nature Preserve.
<i>Brachyramphus marmoratus</i> marbled murrelet	FT / --	Occur year-round in marine subtidal and pelagic habitats from the Oregon border to Point Sal. Partial to coastlines with stands of mature redwood and Douglas-fir. Requires dense mature forests of redwood and/or Douglas-fir for breeding and nesting.	Not Present. No permanent water source on-site. No appropriate “old-growth” habitat to support nesting.
<i>Buteo regalis</i> ferruginous hawk	-- / CSC	Found in plains and prairies.	Medium. Species-appropriate habitat is present in the vicinity of the project site. The closest CNDDDB occurrence is approximately 12 miles north of the project site.
<i>Circus cyaneus</i> Northern harrier	--/ CSC	Generally found in flat open areas with tall, dense grasses, shrubs, and edges for cover and breeding. Use tall grasses in wetlands or at wetland borders for nesting.	Medium. Species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB.
<i>Charadrius alexandrinus nivosus</i> western snowy plover	FT / SE	Sandy beaches on marine and estuarine shores, also salt pond levees and the shores of large alkali lakes. Requires sandy, gravelly or friable soil substrate for nesting.	Not Present. No permanent water source on-site.
<i>Coccyzus americanus occidentalis</i> Western yellow-billed cuckoo	FC / SE	Inhabits extensive deciduous riparian thickets or forests with dense, low-level or understory foliage, slow-moving watercourses, backwaters, or seeps. Willow almost always a dominant component of the vegetation.	Not Present. This species is not likely to nest in the vicinity of the project site.
<i>Cypseloides niger</i> black swift	--/ CSC	Regularly nests in moist crevice or cave on sea cliffs	Unlikely. This species is not

		above the surf, or on cliffs behind, or adjacent to, waterfalls in deep canyons. Forages widely over many habitats.	likely to nest in the vicinity of the project site.
<i>Eremophila alpestris actia</i> California horned lark	-- / CSC	Frequents grasslands and other open habitats with low, sparse vegetation	Unlikely. Limited habitat availability and no reported occurrences of this species in the vicinity of the heavily utilized Mission Trail Nature Preserve.
<i>Gymnogyps californianus</i> California condor	FE / SE	Rugged mountain ranges surrounding the southern San Joaquin Valley, including the coast Ranges from Santa Clara Co. south to Los Angeles Co., the Transverse Ranges, Tehachapi Mts., and Southern Sierra Nevada. Forages over wide areas of open rangelands, roosts on cliffs and in large trees and snags. Nests in caves crevices, behind rock slabs, or on large ledges on high sandstone cliffs.	Not Present. This species is well studied and consistently monitored within Monterey County. Condors do not occur in the immediate vicinity of the project site.
<i>Haliaeetus leucocephalus</i> bald eagle	FT / SE	Require large bodies of water, or free flowing rivers with abundant fish, and adjacent snags or other perches. Perches high in large, stoutly limbed trees, on snags or broken-topped trees, or on rocks near water.	Not Present. No permanent water source on-site.
<i>Oceanodroma homochroa</i> Ashy storm-petrel	-- / CSC	Tied to land only to nest, otherwise remains over open sea. Nests in natural cavities, sea caves, or rock crevices on offshore islands and prominent peninsulas of the mainland.	Not Present. This species is not likely to nest in the vicinity of the project site. Suitable habitat does not exist on the project site.
<i>Pelecanus occidentalis</i> brown pelican	FE / SE	Estuarine, marine subtidal, and marine pelagic waters along the coast. Usually rests on water or inaccessible rocks, but also uses mudflats,	Not Present. No permanent water source on-site.

		sandy beaches, wharfs, and jetties.	
<i>Rallus longirostris obsoletus</i> California clapper rail	FE / SE	Saltwater and brackish marshes supporting dense vegetation.	Not Present. No permanent water source on-site.
<i>Sterna antillarum browni</i> California least tern	FE / SE	Sea beaches, bays; large rivers, bars.	Not Present. No permanent water source on-site.
REPTILES AND AMPHIBIANS			
<i>Ambystoma californiense</i> California tiger salamander	FT / CSC	Annual grassland and grassy understory of valley-foothill hardwood habitats in central and northern California. Need underground refuges and vernal pools or other seasonal water sources.	Unlikely. The project site is 0.6 miles from the nearest known breeding location of CTS, and does not support appropriate breeding or upland habitat for this species.
<i>Ambystoma macrodactylum croceum</i> Santa Cruz long-toed salamander	FE / SE	Preferred habitats include ponderosa pine, montane hardwood-conifer, mixed conifer, montane riparian, red fir and wet meadows. This is an isolated subspecies which occurs in a small number of localities in Santa Cruz and Monterey Counties. Adults spend the majority of the time in underground burrows and beneath objects. Larvae prefer shallow water with clumps of vegetation.	Not Present. The project site is greater than 20 miles from the nearest known breeding location of SCLTS, and does not support appropriate breeding or upland habitat for this species.
<i>Anniella pulchra nigra</i> Black legless lizard	-- / CSC	Requires moist, warm habitats with loose soil for burrowing and prostrate plant cover, often forages in leaf litter at plant bases; may be found on beaches, sandy washes, and in woodland, chaparral, and riparian areas.	Unlikely. Soils on the project site are not ideal for this species.
<i>Clemmys marmorata pallida</i> southwestern pond turtle	--/ CSC	Inhabits permanent or nearly permanent bodies of water in many habitat types. Requires basking sites such as partially submerged logs, vegetation mats, or open mud banks.	Low. Appropriate habitat for this species is not present within project boundaries, but a creek located north and west of the project site may

			support this species.
<i>Phrynosoma coronatum frontale</i> California horned lizard	-- / CSC	Associated with open patches of sandy soils in washes, chaparral, scrub, and grasslands.	Low. Marginally species-appropriate habitat is present in the vicinity of the project site, but there are no reported occurrences of this species in the CNDDDB, and it is not anticipated within the Flanders property.
<i>Rana drayonii</i> California red-legged frog	FT / CSC	Lowlands and foothills in or near permanent or late-season sources of deep water with dense, shrubby, or emergent riparian vegetation. During late summer or fall adults are known to utilize a variety of upland habitats with leaf litter or mammal burrows.	Unlikely. Appropriate breeding habitat for this species is not present in the project vicinity (flashiness of nearby creek represents poor breeding habitat). This species is generally closely associated with breeding locations.
FISH			
<i>Eucyclogobius newberryi</i> tidewater goby	FE / CSC	Brackish water habitats, found in shallow lagoons and lower stream reaches.	Not Present. No permanent water source on-site.
<i>Gila elegans</i> Bonytail chub	FE / SE	Swift channels of large, turbid rivers.	Not Present. No permanent water source on-site.
<i>Oncorhynchus mykiss</i> Steelhead-Central California Coast.	FT / CSC	Coastal perennial and near perennial streams, with suitable spawning and rearing habitat and no major barriers.	Not Present. No permanent water source on-site.
INVERTEBRATES			
<i>Branchinecta conservatio</i> Conservancy fairy shrimp	FE / --	Require ephemeral pools with no flow.	Not present.
<i>Branchinecta longiantenna</i> longhorn fairy shrimp	FE / --	Require ephemeral pools with no flow.	Not present.
<i>Branchinecta lynchi</i> vernal pool fairy shrimp	FT / --	Require ephemeral pools with no flow.	Not present.
<i>Coelus globosus</i> Globose dune beetle	-- / --	Coastal dunes. These beetles are primarily subterranean, tunneling through sand underneath dune vegetation.	Not Present. Requires dune habitat which is not present within the

			project site or immediate vicinity.
<i>Danaus plexippus</i> Monarch butterfly	-- / --	Overwinters in coastal California using colonial roosts generally found in Eucalyptus, pine and acacia trees. Overwintering habitat for this species within the Coastal Zone represents ESHA. Local ordinances often protect this species as well.	High. A possible overwintering population of Monarchs was observed in the Lester Rountree Arboretum reported in 1989 (Walter Sakai, Ph.D). No occurrences have been reported since, and none were observed, but marginally appropriate habitat is present.
<i>Euphilotes enoptes smithi</i> Smith's blue butterfly	FE / --	Most commonly associated with coastal dunes and coastal sage scrub plant communities in Monterey and Santa Cruz Counties. Plant hosts are <i>Erigonum latifolium</i> and <i>E. Parvifolium</i> .	Unlikely. No buckwheat (obligate host plant) present within Flanders Mansion property.
<i>Linderiella occidentalis</i> California linderiella fairy shrimp	-- / --	Ephemeral ponds with no flow. Generally associated with hardpans.	Not Present. No permanent water source on-site.
PLANTS			
<i>Allium hickmanii</i> Hickman's onion	--/ --/ 1B	Closed cone coniferous forests, chaparral, coastal prairie, coastal scrub, valley-foothill grasslands.	Not Present. This species is present in the adjacent mesic-meadow, but is not present within project boundaries.
<i>Arctostaphylos edmundsii</i> Little Sur manzanita	-- / -- / 1B	Coastal bluff scrub, chaparral, sandy; elevation 30-105 meters Shrub. Blooms Nov-April.	Not Present. Large perennial not observed during site visits.
<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i> Hooker's manzanita	-- / -- / 1B	Closed-cone coniferous forest	Not Present. Large perennial not observed during site visits.

<i>Arctostaphylos montereyensis</i> Monterey manzanita	-- / -- / 1B	Chaparral, cismontane wilderness, coastal scrub/ sandy.	Not Present. Large perennial not observed during site visits.
<i>Arctostaphylos pajaroensis</i> Pajaro manzanita	-- / -- / 1B	Chaparral/ sandy.	Not Present. Large perennial not observed during site visits.
<i>Arctostaphylos pumila</i> sandmat manzanita	-- / -- / 1B	Closed-cone coniferous forests, chaparral, coastal dunes, coastal scrub/ sandy.	Not Present. Large perennial not observed during site visits.
<i>Astragalus tener</i> var. <i>titi</i> coastal dunes milk-vetch	FE / SE / 1B	Coastal bluff scrub (sandy), coastal dunes, coastal prairie (mesic); elevation 1-50 meters. Annual herb, blooms March-May.	Not Present. No appropriate habitat within project boundaries.
<i>Centromadia parryi</i> ssp. <i>congdonii</i> Congdon's tarplant	-- / -- / 1B	Valley and foothill grassland (alkaline); elevation 1-230 meters. Annual herb, blooms June-November	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential presence of this species.
<i>Chlorogalum purpureum</i> var. <i>purpeum</i> purple amole	FT / -- / 1B	Cismontane woodlands, valley foothill grasslands.	Not Present. No appropriate habitat within project boundaries.
<i>Chorizanthe pungens</i> var. <i>pungens</i> Monterey spineflower	FT / -- / 1B	Chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland/ sandy; elevation 3-450 meters. Annual herb, blooms April-June.	Not Present. No appropriate habitat within project boundaries.
<i>Chorizanthe robusta</i> var. <i>robusta</i> robust spineflower	FE / -- / 1B	Cismontane woodland (openings), coastal dunes, coastal scrub/ sandy or gravelly; elevation 3-300 meters.	Not Present. No appropriate habitat within project boundaries.

		Annual herb, blooms April-September.	
<i>Clarkia jalonensis</i> Lewis' clarkia	-- / -- / 1B	Broad-leaved upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub; elevation 30-160 meters. Annual herb, blooms May-July	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential presence of this species.
<i>Collinsia multicolor</i> San Francisco collinsia	-- / -- / 1B	Closed cone coniferous forest, coastal scrub/ sometimes serpentine; elevation 30-250. Annual herb, blooms March-May.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Cordylanthus rigidus ssp. littoralis</i> seaside bird's-beak	-- / SE / 1B	Closed-cone coniferous forests, chaparral, cismontane woodlands, coastal dunes, coastal scrub/ sandy, often disturbed sites; elevation 0-215 meters. Annual herb (hemiparasitic), blooms May-October	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential presence of this species.
<i>Cupressus goveniana ssp. goveniana</i> gowen cypress	FT / -- / 1B	Closed cone coniferous forest, chaparral (maritime); elevation 30-300 meters. Tree (evergreen).	Not Present. This species is present in the adjacent Arboretum, but not within the Flanders property.
<i>Cupressus macrocarpa</i> Monterey cypress	-- / -- / 1B	Closed cone coniferous forest. Tree (Evergreen).	Present.
<i>Delphinium hutchinsoniae</i> Hutchinsons' larkspur	-- / -- / 1B	Broadleaved upland forest, chaparral, coastal scrub, coastal prairie; elevation 0-400 meters. Perennial herb, blooms March-June.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is

			required to completely eliminate the potential presence of this species.
<i>Ericameria fasciculata</i> Eastwood's goldenbush	-- / -- / 1B	Closed cone coniferous forest, chaparral (maritime), coastal dunes, coastal scrub/sandy, openings; elevation 30-275 meters. Shrub (evergreen), blooms July-October.	Not present.
<i>Eriogonum nortonii</i> pinnacle buckwheat	-- / -- / 1B	Chaparral, valley and foothill grassland/ sandy, often on recent burns; elevation 300-975 meters. Annual herb, blooms May-June.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential presence of this species.
<i>Erysimum ammophilum</i> coast wallflower	-- / -- / 1B	Chaparral (maritime), coastal dunes, coastal scrub/ sandy, openings; elevation 0-60 meters. Perennial herb, blooms February-June.	Not Present. No appropriate habitat within project boundaries.
<i>Erysimum menziesii</i> ssp. <i>menziesii</i> Menzie's wallflower	FE / SE / 1B	Coastal dunes.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Erysimum menziesii</i> ssp. <i>yadonii</i> Yadon's wallflower	FE / SE / 1B	Coastal dunes; elevation 0-35 meters. Perennial herb, blooms March-June.	Not Present. No appropriate habitat within project boundaries.
<i>Fritillaria liliacea</i> fragrant fritillaria	-- / -- / 1B	Coastal prairie, coastal scrub, valley and foothill grassland in heavy clay soil, often serpentinite; elevation 3-410 meters. Perennial herb (bulbiferous), blooms	Not Present. No appropriate habitat within project boundaries.

		February-April.	
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i> sand gilia	FE / ST / 1B	Chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub/ sandy, openings; elevation 0-45 meters. Annual herb, blooms April-June.	Not Present. No appropriate habitat within project boundaries.
<i>Holocarpha macradenia</i> Santa Cruz tarplant	-- / -- / 1B	Coastal prairies, valley foothill grasslands/ often clay.	Not Present. No appropriate habitat within project boundaries.
<i>Horkelia cuneata</i> ssp. <i>sericea</i> Kellogg's horkelia	-- / -- / 1B	Closed cone coniferous forests, chaparral, (maritime), coastal scrubs/ sandy or gravelly, openings; elevation 10-200 meters. Perennial herb, blooms April-September.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Lasthenia conjugens</i> Contra Costa goldfields	FE / -- / 1B	Valley-foothill grasslands (mesic), vernal pools.	Not Present. No appropriate habitat within project boundaries.
<i>Layia carnosa</i> beach layia	FE / SE / 1B	Coastal dunes., coastal scrub (sandy; elevation 0-60 meters. Annual herb, blooms March-July.	Not Present. No appropriate habitat within project boundaries.
<i>Layia jonesii</i> Jones's layia	FSC/ 1B	Chenopod scrub, valley foothill grasslands/ clay or serpentinite.	Not Present. No appropriate habitat within project boundaries.
<i>Lembertia congdonii</i> San Joaquin woollythreads	FE / -- / 1B	Chenopod scrub, valley and foothill grassland (sandy); elevation 60-800 meters. Annual herb, blooms February-May	Not Present. No appropriate habitat within project boundaries.
<i>Lupinus tidestromii</i> Tidestrom's lupine	FE / SE / 1B	Coastal dunes; elevation 0-100 meters. Perennial herb (rhizomatous), blooms April-June.	Not Present. No appropriate habitat within project boundaries.
<i>Malacothamnus palmeri</i> var. <i>involutus</i> Carmel Valley bush-mallow	-- / -- / 1B	Chaparral, cismontane woodland, coastal scrub; elevation 30-1100 meters. Shrub (deciduous), blooms May-October.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a

			Spring survey would be required to completely eliminate the potential presence of this species.
<i>Malacothamnus palmeri</i> var. <i>palmeri</i> Santa Lucia bush-mallow	-- / -- / 1B	Chaparral.	Not Present. No appropriate habitat within project boundaries.
<i>Malacothrix saxatilis</i> var. <i>arachnoidea</i> Carmel Valley macrothrix	-- / -- / 1B	Chaparral (rocky); elevation 25-335 meters. Perennial herb (rhizomatous), blooms March-December.	Not Present. No appropriate habitat within project boundaries.
<i>Microseris paludosa</i> Marsh microseris	-- / -- / 1B	Closed cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland; elevation 5-300 meters. Perennial herb, blooms April-June.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Pinus radiata</i> Monterey pine	-- / -- / 1B	Closed cone coniferous forest, cismontane woodland; elevation 25-185 meters. Tree (evergreen)	Present.
<i>Plagiobothrys uncinatus</i> Hooked popcorn flower	-- / -- / 1B	Chaparral, Cismontane woodlands, Valley-foothill grasslands.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential presence of this species.
<i>Piperia yadonii</i> Yadon's rein orchid	FE / -- / 1B	Coastal bluff scrub, closed cone coniferous forests, chaparral/ sandy; elevation 10-415 meters Perennial herb, blooms May-August.	Medium. Marginally appropriate habitat is present on-site, but this species was not identifiable at the time of the survey. Spring surveys are

			required to eliminate the potential presence of this species.
<i>Potentilla hickmanii</i> Hickman's cinquefoil	FE / SE / 1B	Coastal bluff scrub, closed cone coniferous forests, meadows(vernally mesic), marshes and swamps (freshwater). Perennial herb, blooms April-August.	Medium. Marginally appropriate habitat is present on-site, but this species was not identifiable at the time of the survey. Spring surveys are required to eliminate the potential presence of this species.
<i>Rosa pinetorum</i> Pine rose	-- / -- / 1B	Closed-cone coniferous forest.	Not Present.
<i>Sidalcea malachroides</i> maple-leaved checkerbloom	-- / -- / 1B	Broad-leaved upland forest, coastal prairie, coastal scrub, north coast coniferous forest, often in disturbed areas; elevation 2-700 meters. Perennial herb, blooms April-August.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Stebbinsoseris decipiens</i> Santa Cruz microseris	-- / -- / 1B	Broad-leaved upland forest, close cone coniferous forests, chaparral, coastal prairies, coastal scrub/ open areas; elevation 10-500 meters. Annual herb, blooms April-May.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential presence of this species.
<i>Tortula californica</i> California screw-moss	-- / -- / 1B	Valley and foothill grassland, Chenopod scrub, sandy soil; elevation 10-1460.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential

			presence of this species.
<i>Trifolium buckwestriorum</i> Santa Cruz clover	-- / -- / 1B	Broad-leafed upland forest, cismontane woodland, coastal prairie, endangered margins; elevation 105-610 meters. Annual herb, blooms April-October.	Unlikely. Although unlikely based on habitat present at the Flanders Mansion, a Spring survey would be required to completely eliminate the potential presence of this species.
<i>Trifolium polyodon</i> Pacific Grove clover	-- / -- / 1B	Broad-leafed upland forest, cismontane woodland, coastal prairie, endangered margins; elevation 105-610 meters. Annual herb, blooms April-September.	Medium. Although relatively unlikely based on habitat present at the Flanders Mansion, a Spring survey is required to completely eliminate the potential presence of this species.
<i>Trifolium trichocalyx</i> Monterey clover	-- / -- / 1B	Closed-cone coniferous forest (sandy openings, burned areas); elevation 30-240 meters. Annual herb, blooms April-June.	Medium. Marginally appropriate habitat is present on-site, but this species was not identifiable at the time of the survey. Spring surveys are required to eliminate the potential presence of this species.

STATUS DEFINITIONS

Federal

- FE = listed as Endangered under the federal Endangered Species Act
- FT = listed as Threatened under the federal Endangered Species Act
- = no listing

State

- SE = listed as Endangered under the California Endangered Species Act
- ST = listed as Threatened under the California Endangered Species Act
- SR = listed as Rare under the California Endangered Species Act
- CSC = California Department of Fish and Game Species of Concern
- CFP = California Fully Protected Animal
- = no listing

California Native Plant Society

- 1B = List 1B species; rare, threatened or endangered in California and elsewhere
- = no listing

POTENTIAL TO OCCUR

Present = known occurrence of species within the site; presence of suitable habitat conditions; or observed during field surveys.

High = known occurrence of species in the vicinity from the CNDDDB or other documentation; presence of suitable habitat conditions.

Moderate = known occurrence of species in the vicinity from the CNDDDB or other documentation; presence of marginal habitat conditions within the site.

Low = species known to occur in the vicinity from the CNDDDB or other documentation; lack of suitable habitat or poor quality.

Unlikely = species not known to occur in the vicinity from the CNDDDB or other documentation, no suitable habitat is present within the site; species was not observed during surveys.

Not Present = No suitable habitat is present for this species. This category is generally reserved for species that appear in CNDDDB reports generated for quads bordering a project site (several miles away), but have an incredibly low likelihood of utilizing the project site.

APPENDIX E

**City of Carmel-by-the-Sea
Municipal Code Chapters 17.18 and 17.32**

Chapter 17.18

PUBLIC AND QUASI-PUBLIC DISTRICTS¹

Sections:

Article I. Park and Recreation Districts – P-1 and P-2

[17.18.010](#) Purpose.

[17.18.020](#) Districts Identified.

[17.18.030](#) Land Use Regulations.

[17.18.040](#) Prohibited Structures.

Article II. Cultural and Community Districts – A-1, A-2 and A-3

[17.18.050](#) Purpose.

[17.18.060](#) Districts Identified.

[17.18.070](#) Land Use Regulations.

[17.18.080](#) Additional Use Regulations.

[17.18.090](#) Regulations Applicable to the A-3 District.

[17.18.100](#) A-1 District Development Regulations.

[17.18.110](#) Reversion to R-1.

[17.18.120](#) A-3 District Development Regulations.

[17.18.130](#) Design Review.

Article I. Park and Recreation Districts – P-1 and P-2

17.18.010 Purpose.

A. Natural Parklands and Preserves (P-1). The purpose of the natural parklands and preserves district is to preserve publicly owned park and beachlands for the benefit and enjoyment of present and future generations, and to prevent inharmonious use of such lands and prevent the destruction of the City's beautiful natural open spaces through inappropriate development. Uses permitted shall be limited to those that maintain the property in its natural state.

B. Improved Parklands (P-2). The purpose of the improved parklands district is to provide appropriately located areas for recreation and recreational facilities needed by the residents of the City and the surrounding area. Uses permitted shall be limited to those that are permitted in the P-1 district, in addition to facilities and structures devoted to public recreation, public use, governmental buildings and nonprofit buildings and uses. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.020 Districts Identified.

Properties zoned P-1 and P-2 shall be designated by the official zoning map of the City and adopted by ordinance by the City Council.

Park	Zone	Block	Lots
Mission Trails Nature Preserve	P-1	See Map	
Pescadero Park	P-1	See Map	
Carmel Beach	P-2	See Map	
Forest Hill Park	P-2	12 + 155	All
Devendorf Park	P-2	6	All
Picadilly Park	P-2	75	18
First Murphy Park	P-2	73	15, 17, 19
Vista Lobos Park	P-2	37	3, 5, 7
Outlands	P-2	See Map	

(Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.030 Land Use Regulations.

Schedule II-C prescribes the land use regulations for the park and recreation districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted use classifications.

“L” designates use classifications that are permitted, subject to certain specific limitations noted by the number designations and listed at the end of Schedule II-C.

“C” designates use classifications permitted after review and approval of a conditional use permit by the Planning Commission. Conditions may apply to these uses, noted by the number designations and listed at the end of Schedule II-C.

These uses are subject to Division I, General Regulations, and may be subject to additional use regulations found in Division IV, Provisions Applying in All or Several Districts. Additional use regulations are also found in CMC [17.18.080](#) and are referenced in the schedule. Findings for specific uses may also be required and are found in Chapter [17.64](#) CMC, Findings Required for Permits and Approvals.

Use classifications are defined in Chapter [17.68](#) CMC, Use Classifications, and are based on the use classifications listed in the current edition of the North American Industry Classification System (NAICS). Questions as to the inclusion or exclusion of a particular proposed use in a particular category will be determined by the Director based on a NAICS Use Categories List, adopted by resolution by the City Council and held at the Department of Community Planning and Building counter. The Director shall make the decision according to the characteristics of the use, and upon the Director’s interpretation of the land use code, the NAICS Use Categories List and the current edition of the NAICS. The determination by the Director may be appealed to the Planning Commission

by anyone aggrieved by the decision following the procedures specified in Chapter [17.54](#) CMC, Appeals.

Schedule II-C: Public and Quasi-Public Districts: Use Regulations			
P = Permitted Use	Park and Recreation Districts		Additional Regulations
	L = Limitations Apply		
C = Conditional Use Permit Required	P-1	P-2	
Residential			
Single-Family	–	L-1	See CMC 17.08.050 (G)
Senior Citizen Housing	–	L-1	
Family Day Care			
Small Family	–	L-1	
Large Family	–	L-1	See CMC 17.08.050 (B)
Public, Semipublic and Service			
Clubs and Lodges	–	L-1	
Community Centers			
Conference Facilities, Small	–	P-1	
Government Offices	–	L-1	
Museums, Galleries, Gardens (noncommercial)	P	P-2	
Park and Recreation Facilities	P	P	
Parking Facilities, Noncommercial	–	C-2	See Chapter 17.64 CMC, Findings Required for Permits and Approvals
Commercial			
Hotels and Motels	–	C-1	See Chapter 17.56 CMC, Restricted Commercial Uses
Theater, Live Performance	–	C	
Theater, Motion Picture	–	C	
Transportation, Communication and Utilities			
Communication Facilities			
Antennas and Transmission Towers	–	C	See Chapter 17.46 CMC
Specific Limitations and Conditions:			
L-1: Limited to the use and maintenance of existing buildings for nonprofit organizations,			

governmental buildings and uses, and residential use.

L-2: Limited to facilities serving only park visitors and/or tenants of park buildings.

(Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.040 Prohibited Structures.

It is unlawful to construct, erect or place any building, structure or improvement of any kind upon, over or under any part of the Carmel beach lands, as defined in this code except those determined by the City Council to be essential for public health, safety or welfare including those required for public access, public restrooms, seawalls, revetment, landscaping, irrigation systems, drainage facilities, water storage, public signage, trash containers, emergency telephones, parking facilities, recreation facilities and facilities for protecting environmental resources. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

Article II. Cultural and Community Districts – A-1, A-2 and A-3

17.18.050 Purpose.

A. Theatrical District (A-1). The purpose of this district is to provide appropriate zoning for existing theaters located amidst the R-1 land use district. Uses permitted in this district shall be limited to those associated with the theater and performing arts.

B. Community and Cultural Center District (A-2). The purpose of this district is to provide an appropriately located area for a community and cultural center. Uses permitted in this district shall be limited to those that provide cultural and community activities associated with the arts, education and recreation.

C. Senior Citizen Facility District (A-3). The purpose of this district is to provide education programs, social events, recreational activities, social services and entertainment for senior citizens. The land use regulations for the A-3 senior citizens land use district are intended to ensure that land uses, facilities and activities permitted within the A-3 senior citizens land use district are consistent with the residential character of the City of Carmel-by-the-Sea and with the environmental goals, objectives and policies contained in the General Plan. Uses permitted in this district shall be those primarily for the benefit of senior citizens. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.060 Districts Identified.

Table 17.18-A delineates all lots and blocks contained within the A-1, A-2 and A-3 districts.

Table 17.18-A: A-1, A-2 and A-3 District Blocks and Lots
A-1 District

Block 85	Lots: All
Block C, Addition No. 1	Lots 11 through 14
A-2 District	
Block 97	All
Block 110	All
*And that portion of Ninth Avenue lying between San Carlos and Mission Streets	
A-3 District	
Block 95	Lots 1, 2, 4, 6, 8, 10 and 12

(Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.070 Land Use Regulations.

Schedule II-D prescribes the land use regulations for the A-1, A-2 and A-3 districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted use classifications.

“L” designates use classifications that are permitted, subject to certain specific limitations noted by the number designations and listed at the end of Schedule II-D.

“C” designates use classifications permitted after review and approval of a conditional use permit by the Planning Commission. Conditions may apply to these uses, noted by the number designations and listed at the end of Schedule II-D.

These uses are subject to Division I, General Regulations, and may be subject to additional use regulations found in CMC [17.18.080](#) and referenced in the table. Special findings for specific uses may also be required and are found in Chapter [17.64](#) CMC, Findings Required for Permits and Approval.

Use classifications are defined in Chapter [17.68](#) CMC, Use Classifications, and are based on the use classifications listed in the current edition of the North American Industry Classification System (NAICS). Questions as to the inclusion or exclusion of a particular proposed use in a particular category will be determined by the Director based on a NAICS Use Categories List, adopted by resolution by the City Council and held at the Department of Community Planning and Building counter. The Director shall make the decision according to the characteristics of the use, and upon the Director’s interpretation of the land use code, the NAICS Use Categories List and the current edition of the NAICS. The determination by the Director may be appealed to the Planning Commission by anyone aggrieved by the decision following the procedures specified in the Chapter [17.54](#) CMC, Appeals.

Schedule II-D: A-1, A-2 and A-3 Districts: Use Regulations

P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	Other Public Districts			Additional Regulations
	A-1	A-2	A-3	
Residential				
Senior Citizen Housing	–	P	P	
Public, Semipublic and Service				
Clubs and Lodges	C	P	C	
Colleges and Trade Schools	L-1	P	–	
Community Care Facility	–	–	C	
Community Centers				
Conference Facilities, Small	P	P	C	
Community Social Service Facility	–	–	C	
Day Care Centers	–	–	C	
Government Offices	–	L-3	–	
Museums, Galleries, Gardens (Noncommercial)	–	P	C	
Park and Recreation Facilities	–	P	–	
Parking Facilities, Noncommercial	C	P	C	
Public Safety Facility	–	P	–	
Commercial				
Eating and Drinking Establishments	–	L-3	–	
Parking Facilities, Commercial	–	C	–	
Personal Improvement Services	–	L-2		
Retail Sales				
Arts and Crafts	–	P	–	
Vending Machines	–	L-3	–	
Theater, Live Performance	P	P	C	
Theater, Motion Picture	P	P	–	
Transportation, Communication and Utilities				
Communication Facilities				
Antennas and Transmission Towers	C	C	–	See Chapter 17.46 CMC
Other				
Accessory Use				See CMC 17.18.080(A)
Temporary Use				See CMC

			17.18.080(A)
<p>Specific Limitations and Conditions:</p> <p>L-1: Limited to schools for theater arts.</p> <p>L-2: Limited to workshops and classes connected with the arts.</p> <p>L-3: Only as an accessory use, when in connection with any other authorized use.</p>			

(Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.080 Additional Use Regulations.

A. Accessory and Temporary Uses. The following are types of accessory and temporary uses allowed, subject to the requirements and standards below.

1. A-1 District. The following uses may be allowed with the issuance of a use permit and provided that they are in accord with the general purposes of the district and have had prior approval of the Carmel Cultural Commission:

- a. Concessions for snacks and nonalcoholic beverages incidental to theater performances; and
- b. Displays connected with the arts.

2. A-2 District. The following uses are permitted:

- a. Concessions for the sale of books, prints, food and nonalcoholic beverages;
- b. Concessions for the sale and consumption of alcoholic beverages when located at, and associated with, events at the Sunset Community and Cultural Center only;
- c. Displays connected with the arts; and
- d. Occasional sales or rentals of paintings and art objects by approved users. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.090 Regulations Applicable to the A-3 District.

A. General Regulations.

1. Activities shall be limited to those that will not materially increase traffic, noise or parking demand in the surrounding area as determined by the Planning Commission.

2. No activity shall be allowed generating noise in excess of 60 decibels (8:00 a.m. to 6:00 p.m.) or 55 decibels (all other times) as measured at the property line of any site in the A-3 district using an A-weighted scale.

B. Prohibited Uses. Commercial uses including but not limited to retail sales, food service establishments and transient lodging facilities, but not including the serving of meals, the sale of crafts and other similar activities accessory and incidental to senior citizen facility use are prohibited in the A-3 district. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.100 A-1 District Development Regulations.

In order to maintain the residential character and design of any structures built within zone A-1, the regulations established for the R-1 land use district on driveway grades, site and height limitations, building coverage limitations, front yard, side yard and rear yard setbacks and design review shall apply within district A-1. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.110 Reversion to R-1.

Any property zoned A-1 shall revert to its original zoning of R-1 upon abandonment of its use. Discontinuance of a permitted use for a period of one year shall constitute abandonment for the purposes of this section. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.120 A-3 District Development Regulations.

Development standards applicable to the A-3 district are shown in Table 17.18-B.

Table 17.18-B: A-3 District Site Development Standards	
Site Area	
Minimum	10,000 square feet
Maximum	28,000 square feet
Floor Area Ratio	40 percent of site area
Maximum Height	24 feet from existing grade
Setbacks*	
Front yard	15 feet
Side yard (first story)	3 feet
Side yard (second story)	3 feet
Rear yard (first story)	3 feet
Rear yard (second story)	15 feet
Floor Area Ratio	40 percent of site area

Minimum Landscaping	20 percent of site area
*No setback adjacent to a public street shall be less than 10 feet. For sites fronting on more than one street and for irregularly shaped lots, the Planning Commission shall establish which property lines constitute the front, side, and rear for the purpose of defining setbacks.	

(Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.18.130 Design Review.

Design review shall be required as set forth in Chapter [17.58](#) CMC, Design Review.
 (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

¹ Prior legislation: Code 1975 §§ 1311, 1313, 1314, Ords. 158 C.S., 159 C.S., 313 C.S., Initiative Ord. 2, 1973, Ords. 75-1, 80-2, 97-3, 97-6 and 98-3.

Chapter 17.32

HISTORIC PRESERVATION

Sections:

- [17.32.010](#) Purpose.
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- [17.32.100](#) Benefits Available to Historic Resources on the Register.
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- [17.32.150](#) Historic Evaluation Process for Minor Alterations.
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- [17.32.210](#) Maintenance and Upkeep.
- [17.32.220](#) Telecommunications Facilities.
- [17.32.230](#) Definitions.

17.32.010 Purpose.

The purpose of the historic preservation ordinance is to establish standards, procedures and regulations to promote identification, and preservation, and enhancement of historic resources including buildings, structures, objects, sites, districts and archaeological resources that represent the unique architectural, cultural, historic and prehistoric identity of Carmel-by-the-Sea, by:

- A. Establishing a Historic Resources Board with powers and duties to administer the City's Historic Preservation Program.
- B. Maintaining an inventory of historic resources.
- C. Identifying and protecting archaeological resources.

D. Protecting the design character and context of the residential and commercial areas by maintenance of an appropriate setting for historic resources.

E. Participating in Federal and State preservation processes and programs.

F. Becoming a certified local government.

G. Incorporating historic preservation principles into the City's project review process, consistent with State and Federal standards, criteria, and practices.

H. Avoiding and minimizing potential impacts on historic resources when developing and enforcing land use, design review, zoning, fire code, environmental review and other City regulations.

I. Pursuing and supporting the use of appropriate capital, Federal, State and local private grants, loans, tax credits and tax relief.

J. Providing financial, technical and legal assistance programs to encourage and assist with rehabilitation and maintenance of historic resources. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.020 Historic Resources Board.

Recodified to CMC [2.74.010](#).

17.32.030 Duties and Powers of the Historic Resources Board.

Recodified to CMC [2.74.020](#).

17.32.040 Eligibility Criteria for the Carmel Inventory.

The following types of resources are to be included in the Carmel Inventory: individual properties, historic districts, and archeological resources. Historic districts may consist of multiple properties that are united geographically and located with a defined boundary, or isolated properties that do not share a geographic boundary but are united by a common theme (also known as a "thematic grouping"). The Director and the Historic Resources Board, based on recommendations of qualified professionals shall use the following criteria in making determinations on the eligibility of properties for the Carmel Inventory. To be eligible for the Carmel Inventory, historic resources:

A. Should be representative of at least one theme included in the Historic Context Statement.

B. Shall retain substantial integrity. Integrity (association, feeling, setting location, design, materials and workmanship) shall be documented by comparing the existing condition of the resource with the original building plans or early records and

photographs, or other substantial evidence (e.g., literature review, Sanborn maps, architectural files, land records) and/or by physical inspection by a qualified professional. Integrity shall be assessed by (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance, and (4) determining which aspects of integrity are vital if the property is to qualify as a resource (see National Register of Historic Resources, Bulletin #15).

C. Should be a minimum of 50 years of age and shall meet at least one of the four criteria for listing in the California Register at a national or Statewide level of significance (primary resource) or at a regional or local level of significance (local resource) per CEQA Guidelines Section 15064.5(a)(3):

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Is associated with the lives of persons important to local, California or national history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, an important creative individual, or possesses high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

D. To qualify for the Carmel Inventory, an historic resource eligible under California Register criteria No. 3 (subsection (C)(3) of this section) only, should:

1. Have been designed and/or constructed by an architect, designer/builder or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; or
2. Have been designed and/or constructed by a previously unrecognized architect, designer/builder or contractor if there is substantial, factual evidence that the architect, designer/builder or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement; or
3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or
4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed

by known architects, designer/builders or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

E. Districts designated as historic resources shall (1) have more than 50 percent of all properties within the district boundaries that contribute to the identifiable characteristics of the specific area or neighborhood; (2) represent a theme from the historic context of the early development of Carmel; (3) have a majority of all properties within the district boundaries that demonstrate the functions, styles, time period and lifestyles of the period of significance; (4) have a majority of all properties within the district boundaries that qualify as contributing resources that evidence a high level of integrity based on physical condition, retention of historical characteristics and relationship to the original site; and (5) represent or potentially represent historical information important locally, regionally, or to the State or nation.

F. All properties included in the inventory as of the date of final certification of the LCP, are hereby included in the Carmel Historic Resource Inventory unless removed by the Historic Resources Board pursuant to CMC [17.32.070\(D\)](#). Recordation and notice of the inclusion of these resources in the inventory shall be provided pursuant to CMC [17.32.070\(C\)](#). All subsequently identified Historic Resources shall be added to the Carmel Historic Resource Inventory and reported to the Historic Resources Board.

G. Any interested parties or organizations may submit to the City requests or applications for identification of historic resources to be included in the inventory. The City shall process such requests or applications within 60 days, consistent with the procedures established in this chapter.

H. A resource less than 50 years old may be eligible if it is of exceptional importance to the City, State, or nation based on its unusually strong contribution to history, architecture, engineering or culture, or because it is an integral part of an historic district. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.050 Alteration of Property.

A. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, relocate, reconstruct or restore any property without first determining if the property is eligible for the inventory.

B. No application for property development shall be deemed complete unless it includes a determination that the property is either eligible or ineligible for the Carmel Inventory. For properties where eligibility has not yet been established, the Department shall initiate the process for determining eligibility upon the filing of any application for property development.

C. A property owner may request a determination of eligibility prior to the filing of a development application by submitting a written request to the Department. The

Department shall establish the required content and form of such requests and/or applications. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.060 Determining Eligibility for the Carmel Inventory.

A. Historic Context Statement.

1. The City shall maintain an Historic Context Statement.
2. The purpose of the Historic Context Statement is to establish a baseline of information against which the potential historic significance of a property is evaluated. “The significance of an historic property can be judged and explained only when it is evaluated within its historic context. His-

toric contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear.” (National Register Bulletin: “How to Apply the National Register Criteria For Evaluation,” p. 7). However, exclusion of a resource type from the context statement shall not preclude a finding of historical significance by a qualified professional.

3. The Historic Context Statement shall be updated at least every five years. Updates shall be submitted to the California Coastal Commission as LCP amendments.
4. Staff may, as part of any updates to the Historic Context Statement, require that a reconnaissance survey be conducted by a qualified professional.

B. Initial Assessment of Historic Significance.

1. Upon the filing of a preliminary site assessment application, development application, property owner request for determination or as initiated by the Department, an initial assessment of historic significance shall be conducted to determine whether the property may have historic resource potential sufficient to warrant conducting an intensive survey.
2. The initial assessment shall include a records search and site visit. The records search shall include a review of building permits, plans, early photographs and other substantial evidence (i.e., literature review, architectural files, land records and Sanborn maps) in the City’s or County’s files, in order to determine the age and degree of prior modification to the property. The records search shall also identify whether or not the property is located within the boundaries of any archaeological overlay district or historic district, or was previously included in the Carmel Inventory or Carmel Register. During the site visit, staff shall identify the architectural style, period, and significant features of the structure or dwelling and examine the exterior of the building or structure and its setting in order to determine whether any significant alterations have occurred and/or whether sufficient integrity remains to warrant additional survey work. Staff shall also note the spatial

relationships to notable site features and adjacent properties. At staff's option, the initial assessment may be performed by a qualified professional retained by the City.

3. If, based on the initial assessment, the property is determined to be ineligible for the inventory, is outside the archaeological overlay zone, and no evidence of archaeological resources is present, then no further action is required except as otherwise stated below, and the Department shall issue a determination of ineligibility consistent with subsection (D) of this section.

4. If the property appears to meet the criteria for the inventory, the Department shall order that an intensive survey of the property be conducted. All intensive surveys shall be performed by a qualified professional under contract to the City.

5. If, based on the initial assessment, a definitive determination of eligibility or ineligibility cannot be made, the Department shall require an intensive survey by a qualified professional.

C. Intensive Survey.

1. If an intensive survey is required it shall include a review of original research outlining the details of the property's history, a determination of the relationship of the property to the Historic Context Statement, and a finding as to whether or not the property meets the criteria for inclusion in the inventory. All properties determined to be historic shall be documented on a standardized inventory form as established by the State Office of Historic Preservation and shall become part of the Carmel Inventory after an administrative determination.

2. If the intensive survey determines that the property is ineligible for the inventory, then all provisions of subsection (D) of this section shall apply.

3. If the intensive survey determines that the property qualifies as an historic resource and is therefore eligible for the inventory, the survey also shall specify whether the property is a local resource or a primary resource.

a. Primary resources include:

i. Resources previously listed in the National Register at the national or Statewide level of significance.

ii. Resources formally determined by the Keeper of the National Register or by SHPO as eligible for listing in the National Register at the national or Statewide level of significance.

iii. Resources identified in the survey as eligible for listing in the National Register at the national or Statewide level of significance.

b. Local resources include resources identified in the survey as eligible for listing in the California Register and/or for listing in the National Register at less than Statewide level of significance.

i. Regionally significant shall mean resources that are important to the history and development of the Monterey Peninsula.

ii. Locally significant shall mean resources that are only important to the history and development of the City.

4. The intensive survey shall identify to the degree practicable:

a. Primary, contributing, component and noncontributing features or resources.

b. Aspects of the setting important to retaining the qualities that make the property historically significant.

D. Determinations of Ineligibility.

1. Upon making a determination that a property does not qualify for the Carmel Inventory, the City shall issue a determination of ineligibility. Each determination of ineligibility shall include the street location, the block and lot identification, age of structure, and a statement as to why the property is not eligible for the Carmel Inventory.

2. All determinations of ineligibility shall be (a) provided to the property owner, (b) provided to anyone who has requested a copy of such determinations, (c) transmitted to members of the Historic Resources Board, and (d) made available for public review during normal business hours at City Hall for 10 days. Upon receipt, any member of the Historic Resources Board may call a determination of ineligibility up for review by the Board by filing a written request with the Department during the appeal period.

3. Determinations of ineligibility made by the Department may be appealed to the Historic Resources Board by any aggrieved person as established in CMC [17.32.180](#). Determinations of ineligibility shall not be final until all appeal processes have run. The appeal period for determinations of ineligibility shall be 10 days from the date the decision was circulated and made available for public review as established above.

4. Determinations of ineligibility shall be valid for a period of five years from the date of issuance except for properties developed less than 50 years prior to the determination, but more than 45 years prior to the determination, and which are ineligible for the Carmel Inventory primarily due to insufficient age. All such determinations of ineligibility shall be valid only until the building, structure or object reaches the age of 50 years.

E. If the property is (1) located within the archaeological overlay district, or (2) is located within a commercial or R-4 district, or (3) staff determines that the site may potentially contain archaeological resources, and the project involves excavation or grading then the

Department shall order that a Phase 1 Report (survey) of the property be conducted by a qualified professional to evaluate the potential for archaeological resources to be present on the property. All reports shall follow the Archeological Resources Management Report (ARMR) format.

1. Phase 1 Report: Archaeological Survey. A Phase I survey and report shall be prepared by a qualified professional and shall include a records search from the Northwest Regional Information Center, documentation of an on-site survey, and archival research on the history of the property. Native American consultation(s) may also be appropriate. As part of the Phase I survey process, the Department may require preparation of a California Archaeological Inventory form (DPR 422A) and/or a California Archaeological Isolated Artifact form (DPR 422H). If the Phase 1 Report concludes that the property clearly does not contain archaeological resources, then no further action or mitigation is required and the Department shall issue a determination of ineligibility for the inventory.

2. Phase II Report: Testing. If the Phase 1 Report concludes that the property does or may contain archeological resources, then a Phase II Report shall be prepared by a qualified professional, in consultation with appropriate Native American representative(s), in order to identify appropriate mitigation measures (e.g., monitoring, avoidance, capping, documentation, recovery, etc.).

3. Phase III Report: Recovery. If the Phase II Report concludes that recovery is the appropriate mitigation then a Phase III Report shall be prepared by a qualified professional in consultation with appropriate Native American representative(s).

4. A copy of each Archaeological Resources Management Report shall be forwarded to the Northwest Regional Information Center. The City shall keep confidential the specific location of archeological resources, where appropriate. A copy of any Archaeological Resources Management Report that does not identify the specific location of the resource on the property may be made public by the City.

5. Archaeological reports shall be conducted under contract to the City, at the property owner's expense. The property owner shall provide access to the site and interior of any building or structure thereupon at a mutually agreed time. All recovered artifacts shall become the property of the City for use in research, interpretation and/or transmittal to appropriate entities. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.070 Maintaining the Inventory.

A. Eligibility for the Carmel Inventory shall be established in conformance with the criteria and procedures in CMC [17.32.040](#), Eligibility Criteria for the Carmel Inventory, and 17.32.060, Determining Eligibility for the Carmel Inventory. Properties determined to be eligible by an administrative determination, or by the Historic Resources Board on appeal, shall become part of the inventory upon completion of an inventory form documenting the resource and issuance of an administrative determination finding by the

Department or adoption of a finding by the Board that the property meets the criteria for historic resources.

B. Resources included in the inventory shall be considered historic resources for purposes of CEQA.

C. Consistent with Public Resources Code Section 5029, staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record, the administrative determination that the property is an historic resource and document inclusion of the resource in the Carmel Inventory.

1. The resolution shall include the name of the current property owner, the designating entity (Department), the specific historical resources designation (inventory), and a legal description of the property.

2. A copy of the recorded resolution shall be mailed to the property owner.

3. The inclusion of a property in the inventory is not subject to appeal. Property owners that dispute the historic significance of their property shall follow the procedures for removal of a resource from the inventory.

D. Removal of Resources from the Inventory.

1. A property owner of a resource included in the inventory may apply to the City to have the resource removed from the inventory.

2. An historic resource in the Carmel Inventory shall be presumed historically significant and shall not be removed unless substantial evidence demonstrates that it is not an historic resource. Any decision to remove a resource from the inventory shall require a public hearing by the Historic Resources Board and shall be based on a recommendation by a qualified professional. Substantial evidence shall include, but is not limited to:

a. An intensive survey prepared by a qualified professional under contract to the City re-evaluating whether the property is eligible for the Carmel Inventory. If the new intensive survey provides substantial evidence that the property does not meet the historic resource criteria and recommends removal from the inventory, the survey shall document why prior survey documentation affirming that the property met the criteria for inclusion in the inventory was inaccurate or inappropriate or otherwise is no longer valid.

b. A finding supported by substantial evidence that any loss of integrity, from the level of integrity documented in prior survey(s), was not the result of unapproved alterations, neglect or property nuisance as established in CMC [8.64.010](#). If any documented losses of integrity are found to be due to unapproved alterations, neglect or property nuisance, the property owner shall be subject to the enforcement actions of this chapter.

3. The removal of a resource from the inventory shall require Board approval. Board actions regarding removal of a resource from the inventory (approvals or denials), may be appealed to the City Council.

4. If the final action on the application is to approve removal, staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record the administrative determination by the Department specifying that the property is not an historic resource and has been removed from the inventory.

a. The resolution shall include the name of the current property owner, the decision-making body, the specific action taken regarding historical resources designation (removal from inventory), and a legal description of the property.

b. A copy of the recorded resolution shall be mailed to the property owner.

5. Resources removed from the inventory shall not be considered historic resources for purposes of the California Environmental Quality Act upon final City approval of the removal. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.080 Qualifications of Professional Consultants.

A. City List of Pre-Approved Professional Consultants. The City shall maintain a list of State-certified, qualified professionals capable of performing surveys, evaluating projects for consistency with the Secretary's Standards, assisting staff and the Historic Resources Board with the preparation of determinations of consistency, evaluating the impact of projects on historic resources and developing mitigation measures, evaluating compliance with the State Historic Building Code, and preparing Historic Context Statement updates.

B. Work to Be Done Under City Contract. The work of the qualified professionals shall be conducted under contract to the City. If the need for the work is the result of an application, the work shall be performed at the applicant's expense. If the work is the result of a City project or general request of the public pursuant to CMC [17.32.040\(G\)](#), the work shall be performed at the City's expense.

C. Conflicts of Interest.

1. The qualified professional shall not have performed work under contract to the applicant for a period of one year prior to authorization to proceed with the work effort by the City.

2. Any additional work performed by the qualified professional related to the subject application shall be performed under contract to the City. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.090 Carmel Register of Historic Resources.

The City shall maintain a Register of Historic Resources designated by the City for public recognition and benefits. Only identified historic resources included in the Carmel Inventory are eligible for the register.

A. Individual Resources.

1. Resources, identified as significant at a State or national level in the inventory, shall be automatically listed in the register.
2. Resources, identified as significant at a local or regional level in the inventory, shall be eligible for listing in the register only at the request of the property owner. Listing of a local resource in the register shall be subject to approval by the Board.
3. All historic resources previously designated for listing under prior City ordinances shall remain on the register except as provided in subsection (C) of this section.

B. Historic Districts.

1. Historic districts may be considered for inclusion in the Carmel Register at the request of a property owner within the proposed district, or as initiated by the Historic Resources Board, or the City Council, if the district meets the criteria for inclusion in the Carmel Inventory. After preparation of explanatory and supporting material by the City or other interested party, the City shall notify owners of contributing properties within the proposed historic district of the request for consideration of listing and shall provide owners an opportunity and time frame in which to file a notice of objection to listing. Such objection shall take the form of a notarized letter certifying that (1) the party is the sole or partial owner of a contributing resource and (2) the party objects to listing on the register. No action on listing of a historic district in the register shall be taken if owners of more than 50 percent of the contributing resources within the district file an objection to listing.

C. Resources Not Currently in the Inventory.

1. A property not previously surveyed, or a property previously surveyed but not included in the inventory, may be evaluated or reevaluated to determine if it is eligible for the register at the property owner's request.
2. In order to determine eligibility, the initial assessment and survey requirements of CMC [17.32.040](#) shall be followed.
3. The property owner shall request in writing that the Department initiate an historic assessment of the property.
4. Upon completion of the survey the Department shall determine whether the property meets the criteria as an historic resource and is therefore included on the Carmel Inventory, consistent with CMC [17.32.040](#), Eligibility Criteria for Carmel Inventory, and

CMC [17.32.060](#), Determining Eligibility for the Carmel Inventory. Properties that are determined not to be historic shall not be eligible for the inventory or the register.

- a. Resources that qualify as primary resources shall be automatically listed in the register.
- b. Resources determined to be local resources shall be listed in the register, subject to Board approval.

D. Notification of Property Owners. Consistent with Public Resources Code Section 5029, staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record, a certified resolution by the Department establishing the listing in the register.

1. The resolution shall include the name of the current property owner, the designating entity (Department), the specific historical resources designation (inventory), and a legal description of the property.
2. A copy of the recorded resolution shall be mailed to the property owner.

E. Removal of Resources from the Register.

1. Primary Resources. A primary resource shall not be removed from the register unless it has been previously removed from the inventory. The removal of a primary resource from the register shall be subject to Board approval and may occur concurrent with removal from the inventory.

2. Local Resources. A local resource may be removed from the register at the request of the property owner. The removal of a resource from the register shall be subject to Board approval.

3. Appeals. Board actions regarding removal of a resource from the register (approvals or denials), may be appealed to the City Council.

4. Following final action approving removal, staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record, a certified resolution by the Department specifying that the property has been removed from the register.

a. The resolution shall include the name of the current property owner, the decision-making body, the specific action taken regarding historical resources designation (removal from the register), and a legal description of the property.

b. A copy of the recorded resolution shall be mailed to the property owner.

5. To the extent feasible, as determined by the Board, benefits received as a consequence of listing on the register shall be removed, terminated or returned to the City as

appropriate to the nature of the benefit. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.100 Benefits Available to Historic Resources on the Register.

The Board is authorized to develop and implement preservation incentive programs that are consistent with this chapter. The following preservation incentives are available to owners of resources listed in the Carmel Register:

A. Historic Plaque Program. Historic resources listed on the Carmel Register shall be provided with a brass plaque suitable for mounting on or near the resource. The plaque shall include the name of the resource, the date of construction, the City seal and other information appropriate for the resource as determined by the Board. In developing this program the Board shall establish criteria for uniform design, content and location.

B. Mills Act Historical Property Contracts.

1. Purpose. A Mills Act contract under State law is an agreement between the City of Carmel and a property owner of an historic building listed on the Carmel Register. The property owner benefits from a reduction in property taxes, and the City is assured that the historic building is rehabilitated, maintained and preserved. All Mills Act contracts shall be established, processed and approved in conformance with California law.

2. Applicability. Properties in the R-1 district that have been, and will be, preserved in their historic size, form and design without significant alterations or additions are eligible for Mills Act contracts. Mills Act contracts for properties in the R-4 and commercial districts shall be limited to those creating new low-, very low- or moderate-income housing through conversion of existing floor space occupied by market-rate housing or occupied by nonresidential uses. Properties that are not currently on the register shall not be eligible for a Mills Act contracts with the City.

3. Term of Contract. All Mills Act contracts shall have a term of 10 years and one year shall be added to this term annually upon each anniversary date of the contract unless one or both parties have taken action to terminate the contract. The City Administrator shall be authorized to initiate contract termination on behalf of the City based on recommendations of the Department. The contract rights and obligations are binding upon all successive owners of the property during the life of the contract. The property retains the lower Mills Act tax rate when the property is sold. To end a contract, either party may submit a notice of nonrenewal to the other party. Such notices shall cause the contract to terminate at the end of the then-current 10-year contract period. Cancellation of a contract by the City due to noncompliance requires a public hearing and, if cancelled, results in the immediate termination of the contract and a penalty equal to 12.5 percent of the assessed market value of the property.

4. Contract Requirements. The contract will require that the historic elements of the property are maintained in good condition. This will include a plan for maintenance and

may include a program to restore deteriorated elements. All recipients of Mills Act contracts are required to implement a maintenance plan prepared by a qualified professional and to submit an annual report to the Department specifying all work that has been done to maintain and preserve the historic resource over the year in compliance with the approved maintenance plan. All maintenance work shall be completed in conformance with the Secretary of Interior's Standards for Rehabilitation. All Mills Act contracts shall specify that the maintenance plan shall be updated at least every 10 years by a qualified professional and approved by both parties.

5. Applications.

a. Staff shall make available appropriate Mills Act application materials. Applications for contracts that will commence in the following calendar year shall be submitted no later than June 30th of each year. This annual schedule provides sufficient time from receipt of application materials for a recommendation by the Board, the City Council to approve and the City Clerk to cause to be recorded approved contracts within the calendar year in which application materials are received. The contract term would begin January 1st of the year following the application.

b. The following materials are required for a complete application:

i. A completed application form and all filing fees as established by resolution of the City Council.

ii. A full legal description of the property attached and labeled "Exhibit A."

iii. A maintenance plan for the historic resource prepared by a qualified professional together with a cost estimate of the work to be done attached and labeled as "Exhibit B."

iv. Photos of the exterior of the property attached as "Exhibit C."

6. Review Process.

a. Upon submittal of a complete application, staff will prepare a staff report for review by the Board. The Board shall consider each application for a Mills Act contract and make recommendations to the City Council to approve, approve with conditions or deny the application.

b. The City Council shall, in a public hearing, consider recommendations from the Board and resolve to approve, approve with conditions, or deny the proposed contract with sufficient time for action by the City Clerk so that recordation of approved contracts occurs prior to December 31st of the year in which the application is received.

c. To grant approval of a Mills Act contract, the Board and City Council shall make all of the following findings:

- i. The building is designated as an historic resource by the City and is listed on the Carmel Register.
 - ii. The proposed maintenance plan is appropriate in scope and sufficient in detail to guide long-term maintenance.
 - iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:
 - (A) Comply with the Secretary's Standards, and do not affect the basic form and design of the original historic resource, and
 - (B) Do not affect any primary elevation, and
 - (C) Do not alter, damage or diminish any character-defining feature, and
 - (D) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource, and
 - (E) Do not result in any second-story addition to a single-story historic resource, and
 - (F) Meet all zoning standards applicable to the location of the property.
 - iv. The Mills Act contract will aid in offsetting the costs of rehabilitating and/or maintaining the historic resource and/or will offset potential losses of income that might otherwise be achieved on the property.
 - v. Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.
- d. Upon approval of a contract by the City Council, the City Clerk shall transmit the contract, with the appropriate fee, to the County Recorder's Office. The property owner is responsible for all filing fees. After recordation, the recorded contract shall be transmitted to the County Assessor. The Assessor calculates the exact tax savings. Property owners are required to report to the State Office of Historic Preservation that a Mills Act contract has been completed.
- C. Parking Reductions. On-site parking requirements for any continued occupancy, change, or intensification in use for any register-listed resources may be waived by the Board. In granting such waivers, the Board may establish that the number of parking spaces required shall be the same as the number of spaces that exist on the property as of the effective date of listing in the register.
- D. Nonconformities. Existing structural nonconformities associated with a historic resource listed on the register (e.g., setback encroachments, excess height or insufficient parking, etc.) that are essential to maintaining the integrity of the resource shall be treated

as conforming for the purposes of applying CMC [17.36.030](#) and [17.36.040](#), in the review of maintenance, repair, alterations and additions. Design nonconformities shall be expanded or created only when this is found necessary to achieve consistency with the Secretary's Standards.

E. Tax Credits for Commercial Properties. Commercial properties listed on the Carmel Register and the National Register may be eligible for Federal rehabilitation tax credits.

F. Fee Reductions. When a property on the register is rehabilitated in conformance with the Secretary's Standards, the City will reduce the building permit fee, applicable to the specific area of the rehabilitation, by 25 percent. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.110 California Historical Building Code (SHBC).

A. The SHBC provides alternative regulations for the rehabilitation, preservation, restoration, or relocation of qualified historical buildings or properties. Resources in the inventory shall be treated as qualified historical buildings or properties.

B. The SHBC shall be used for any resource in the inventory. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.120 Alteration of Historic Resources.

A. Determination of Consistency. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, relocate, reconstruct or restore any historic resource without first obtaining a determination of consistency with the Secretary's Standards, complying with the requirements of the CEQA, and obtaining a building permit or other applicable permit from the City. Demolition of structures identified as historic resources on the Carmel Inventory is prohibited except as provided in CMC [17.30.010](#). The alteration of any structure identified as an historic resource on the Carmel Inventory in a manner that is inconsistent with the Secretary's Standards is prohibited unless one or more of the findings established in CMC [17.64.050](#) is adopted.

B. Routine Maintenance. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or any exterior architectural feature in or on any historic resource that does not involve a change in design, materials, or external appearance thereof, nor does this chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the Department certifies to the Historic Resources Board that such action is required for the public safety due to an unsafe or dangerous condition and cannot be remedied under the California Historical Building Code.

C. Duty to Keep in Good Repair. Duty to Keep in Good Repair. The owner, occupant or any other person in actual charge of a historic resource shall keep in good repair the

exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent the deterioration and decay of any exterior improvement or exterior architectural features.

D. Tax Credit Certifications. Alterations or relocations that are the subject of a tax credit certification application shall be submitted to the Board for informational purposes. The Board shall have the option to submit comments on the application to the appropriate State or Federal reviewing agency. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.130 Design Study, Building Permit or Other Application for Alteration of Property.

A. Upon submittal of a design study, building permit or other application for alteration of the property, the City shall determine if the subject property contains historic resources and is therefore eligible for the Carmel Inventory of Historic Resources.

1. Properties that are already known to contain historic resources are included in the inventory.
2. Properties that are known not to contain historic resources are those that have been subject to an initial assessment or intensive survey and received a determination of ineligibility pursuant to this chapter. A determination of ineligibility issued by the Department within five years of the date of the application shall constitute a showing that the property is not an historic resource. The Department shall have the discretion to accept determinations of ineligibility that are older than five years, if there have been no changes to the Historic Context Statement or other demonstrated changes in circumstance that are applicable to the subject property and if there is no substantial new evidence available that would affect the determination.
3. If a property is not included in the inventory and has not been subject to a previous site assessment or survey, the City shall require that the procedures for the identification of historic resources be followed, prior to determining whether a determination of consistency, pursuant to this chapter, is required for the project.

B. If the applicant has applied for, but has not completed the process of eligibility determination, the applicant may request that the property be treated as eligible for purposes of expediting the application review.

C. If it is determined that the subject property contains historic resources, the applicant shall be required to obtain a determination of consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties as part of the project review process. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.140 Determination of Consistency with the Secretary's Standards.

A. All major and minor alterations to historic resources shall require a determination of consistency with the Secretary's Standards. The Department shall make consistency determinations for minor alterations. Staff may shall retain a qualified professional, when necessary, to assist in making the determination.

B. Consistency determinations for major alterations shall require an evaluation by a qualified professional and review and approval by the Historic Resources Board. Qualified professionals retained by the City to evaluate proposed alterations to historic resources shall be at the applicant's expense. The Department shall determine whether the proposed project constitutes a minor or major alteration. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.150 Historic Evaluation Process for Minor Alterations.

A. For the purposes of evaluating alterations to historic resources, the following shall constitute minor alterations:

1. Any alteration that is not a major alteration.
2. Maintenance, repair, restoration or in-kind replacement of severely deteriorated component features.
3. Electrical and or plumbing work within buildings, limited to upgrading or in-kind replacement, with the exception of historic fixtures that shall be repaired.
4. Installation of mechanical equipment within a building, that does not affect the exterior of the building, visible elements of the interior, or require installation of new duct work throughout the interior.
5. Repair or partial replacement of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim when the repair or replacement is done in-kind to match existing material and form.
6. Replacement of severely damaged or deteriorated windows when the replacement is done in-kind to match the existing materials and form.
7. Replacement of window panes in-kind or with double or triple glazing so long as the glazing is clear and untinted and the window does not alter the existing window material and form. The replacement of existing archaic or decorative glass is not included in this exclusion.
8. Repair or replacement of roofing, gutters and downspouts when replacement is done in-kind to match existing materials and form.
9. Repair or replacement of roadways, driveways and walkways when work is done in-kind to match existing material and form.

10. Repair or replacement of fencing and freestanding exterior walls when work is done in-kind to match existing materials and form.

11. Repair or replacement of signs or awnings when work is done in-kind to match existing materials and form.

12. Repair or replacement of interior stairs when work is done in-kind to match existing materials and form.

B. Repair of interior walls including plaster and dry wall to match existing walls. This can include the repair of interior cracks up to one inch wide.

C. Temporary bracing or shoring as part of stabilization.

1. Anchoring of masonry walls to floor systems so long as anchors are embedded and concealed from exterior view.

2. Reconstruction or repair of parapets, chimneys, and cornices to match existing in all material and visual aspects. Bracing and reinforcing of chimneys and fireplaces as long as bracing and reinforcing are either concealed from exterior view or removable in the future.

3. Stabilization of foundations and the addition of foundation bolts.

4. The installation of the following seismic upgrades; provided, that such upgrades are not visible on the exterior or within character-defining historic interiors: cross bracing on pier and post foundations; metal fasteners; collar ties; gussets; tie-downs; strapping and anchoring of mechanical, electrical or plumbing equipment; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters and on roofs; and the addition of seismic automatic gas shut-off valves.

5. Installation of temporary, reversible barriers such as chain link fences, and polyethylene sheeting or tarps.

D. Staff shall issue a determination of consistency for minor alterations that comply with the Secretary's Standards. In approving minor alterations, staff shall ensure that integrity of the resource is maintained, that all character-defining features are maintained and that no change will be authorized that would diminish the historic resource's value or result in a subsequent determination that the resource is no longer eligible for the Carmel Inventory. Staff may prepare and process a categorical exemption for the proposed alteration. The Department shall then cause the processing of the permit application to continue pursuant to standard City practices. Minor alterations that are found not to comply with the Secretary's Standards shall be considered and processed as major alterations requiring an evaluation by a qualified professional and final action by the Historic Resources Board. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.160 Historic Evaluation Process for Major Alterations.

A. For the purposes of evaluating alterations to historic resources the following shall constitute major alterations:

1. Any minor alteration not in compliance with the Secretary's Standards.
2. Substantial alterations as defined in CMC [17.70.020](#).
3. Additions exceeding two percent of existing floor area or volume.
4. Relocation on the same site and with the same setting or context.
5. Demolitions as defined in CMC [17.70.020](#).

B. Determinations of consistency for major alterations shall be prepared by a qualified professional and shall be supported by written documentation that (1) identifies which of the Secretary's Standards are applicable to the project, (2) reviews the proposed project, and (3) explains the basis of the determination.

1. If a proposed major alteration is found by the qualified professional to be consistent with the Secretary's Standards, the project shall be presumed to be consistent for purposes of making a preliminary determination regarding any required environmental documentation and staff shall forward the application and evaluation to the Board for action.

a. If the Board concurs with the evaluation, the Board shall issue a determination of consistency and adopt any appropriate conditions of approval. Any finding of compliance by the Board shall be supported by substantial evidence.

b. If the Board does not concur, the Board may request additional information prior to issuance of a determination of consistency, or may issue a finding of noncompliance with the Secretary's Standards. Any finding of noncompliance by the Board shall be supported by substantial evidence.

C. If an evaluation concludes that a proposed alteration is not consistent with the Secretary's Standards, the report shall list aspects of the project that are not consistent along with guidance for modifying the project to comply with the Secretary's Standards. The applicant shall be required to elect in writing within 10 days of receipt of the evaluation whether they will (a) work with the City to modify the project to conform, (b) request a mediation process, or (c) request that processing of the application proceed without modification.

1. An evaluation that concludes that a project is not consistent with the Secretary's Standards shall constitute evidence of substantial adverse impact to an historic resource. If the applicant does not choose to modify the proposed alteration to comply with the

Secretary's Standards, the Department shall require preparation of an EIR as part of the environmental review process prior to review issuance of any permits for the project.

2. If the applicant chooses to work to modify the proposed project to comply with the Secretary's Standards, and the required revisions would be substantial, the Department may require that the applicant withdraw the current permit application and resubmit the revised project as a new application.

3. Staff, with the concurrence of the applicant, may authorize the qualified professional to work with the applicant to develop a revised plan that complies with the Secretary's Standards, or may require the qualified professional to recommend conditions of approval that, if adopted and implemented, would cause the project to comply with the Secretary's Standards. This additional work shall be performed under contract to the City, at the applicant's expense. The qualified professional upon completion of consultation shall submit to the Department a summary of the results of the process.

4. If the applicant requests a mediation process and staff concurs, the City shall retain, at the expense of the applicant, a second qualified professional to serve as an independent mediator. Parties to the mediation shall include (1) the applicant and their representatives, (2) the City as represented by the Director, and (3) the original qualified professional(s) that determined that the proposed alteration does not comply with the Secretary's Standards. The mediator shall be responsible for structuring the mediation process and facilitating negotiation among the parties. The mediator shall complete an independent evaluation of the project, determine if it complies with the Secretary's Standards and, if necessary, make recommendations for modifications to achieve compliance.

a. If all parties reach agreement that the proposed alteration is consistent with the Secretary's Standards, or reach agreement on modifications that will achieve consistency, staff shall forward the application, evaluation, and work products of the qualified professional, along with any conditions of approval to the Board for review and approval of a determination of consistency.

b. If all parties to the mediation do not reach agreement, then the original determination of inconsistency shall be considered evidence of substantial adverse impact and an Environmental Impact Report shall be prepared prior to any further action on project permits.

5. Staff shall forward the application, evaluation, and work products of the qualified professional(s), along with any conditions of approval to the Board for review and approval of a determination of consistency.

D. If the Board issues a determination of consistency, the Director shall determine whether the project is eligible for a categorical exemption consistent with the CEQA Guidelines. Further environmental review may still be required to address other aspects of the project. The Department shall cause to be prepared the appropriate environmental documentation for the project and shall cause the processing of the permit application to

continue pursuant to standard City practices. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.170 Projects That Adversely Impact Historic Resources.

A. No permit authorizing significant adverse impacts to an historic resource inconsistent with the Secretary's Standards shall be issued unless necessary to address a public health and safety emergency as provided in CMC [17.30.010](#) or until completion of the environmental impact report (EIR) process and adoption of one or more of the findings in CMC [17.64.050](#). Preparation of an EIR for such projects shall include a review of project alternatives and/or mitigation measures that would achieve consistency with the Secretary's Standards, including consideration of the "no project" alternative. The EIR also shall include an analysis of the feasibility of each alternative.

B. Approval of any permit that will authorize significant adverse impacts to any historic resource shall require adoption of the findings found in Chapter [17.64](#) CMC, Findings.

C. Except as authorized by the City Administrator consistent with CMC [17.30.010](#), approval of a permit to demolish or alter an historic resource that will cause significant adverse impacts to the resource shall incorporate conditions of approval deemed appropriate by the Historic Resources Board or Planning Commission which may include any of the following:

1. Documentation may be required of any resource in the inventory to be demolished and/or for the property as a whole;
2. Design review for compliance with the Secretary's Standards may be required for any subsequent development on the property. With respect to demolition of resources located within a district, the City shall take into account the importance of the affected resource to the integrity of the district, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to the district's character; require retention or reconstruction of one or more building features; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to or otherwise support the character and context of the district;
3. Suspension of the issuance of the demolition permit for 180 days to allow time to take such steps as the City deems necessary to preserve or rehabilitate the structure concerned. Such steps may include consultation with civic groups, public agencies and interested citizens, exploration of the possibility of moving the resource proposed for demolition, and exploration of the possible acquisition of the property by public and private agencies. In the case of purchase or relocation by a third party, demolition may be denied where a third party is willing and able to purchase the property or relocated the resource, and makes a bona fide offer to purchase the property or resource at fair market value, as determined by appraisal, within the time established by this section.

D. No permit to demolish an historic resource shall be issued without the concurrent issuance of a building permit for a replacement structure or project for the property involved unless necessary to address a public health and safety emergency.

E. Upon demolition of a resource the Department shall remove the resource from the inventory. Where adverse impacts result from substantial alterations, the Board shall determine if the resource retains historic integrity. If the resource has lost integrity, the Board shall direct that the resource be removed from the inventory. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.180 Appeals.

A. The issuance of a determination of ineligibility for the inventory may be appealed to the Historic Resources Board, in accordance with standard City appeals procedures as established in CMC [17.32.060\(D\)](#) and 17.54.040(B).

B. The denial of a determination of consistency for any minor alteration to an historic resource may be appealed to the Historic Resources Board, in accordance with standard City appeals procedures as established in CMC [17.54.040\(B\)](#).

C. Denials of determinations of consistency for major alteration of historic resources may be appealed to the City Council, in accordance with standard City appeals procedures as established in CMC [17.54.040\(B\)](#).

D. Denials of permits for the demolition, alteration, or relocation of a resource in the inventory or new construction on a property included in the inventory may be appealed to the City Council, in accordance with standard City appeals procedures as established in CMC [17.54.040\(B\)](#). (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.190 Enforcement and Penalties.

A. General. It shall be unlawful for any person to permit or maintain violations of any of the provisions of this title by undertaking the alteration, grading, removal, demolition or partial demolition of an historic resource without first obtaining the written approval of the City as provided in this code, or to defy any order or decision rendered by the Department, Board, Commission or Council.

B. Criminal Penalties. Any person who violates a requirement of this title or fails to obey an order issued by the City or comply with conditions of approval of any certificate or permits issued under this section shall be guilty of a misdemeanor.

C. Civil Penalties. Any person who alters, relocates, or demolishes an historic resource in violation of this title shall be subject to an administrative penalty of up to \$250,000 for each violation. As part of any enforcement proceeding, violators may be required to reasonably restore the historic resource to its appearance, condition or setting prior to the violation, or shall be subject to one of the following limitations on the use of the property.

1. All subsequent development shall be limited to floor area, volume, coverage and height limits equal to 75 percent of the limits applicable to the property prior to the violation; or
2. The property shall be ineligible for issuance of any building permits and shall be precluded from development for a period of up to 10 years.

D. Civil Remedies. Any action to enforce civil penalties may be brought by the City or any other interested party. These civil remedies shall be in addition to, and not in lieu of any criminal prosecution and penalty and any other remedy provided by law. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.200 Public Safety Exceptions.

A. Disasters and Emergencies.

1. In the event an historic resource is damaged as a result of a disaster or emergency, such that the historic resource is rendered uninhabitable, the City shall determine the level of risk associated with temporary retention of the historic resource in a deteriorated state. To the extent feasible, the deteriorated resource shall be fenced or otherwise secured to protect the public from the threat posed by the structure, until such time as the City can determine whether feasible alternatives to demolition exist.
2. In the event of a Federally declared disaster, the City shall consult with appropriate Federal and State agencies to determine if assistance is available to aid in the preservation of historical resources. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.210 Maintenance and Upkeep.

A. Minimum Maintenance.

1. All resources included in the inventory shall be preserved against decay and deterioration, kept in a state of good repair and free from structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating demolition of a historic resource by neglecting it and by permitting damage to it by weather and/or vandalism.
2. Consistent with all other State and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects.
 - a. Building elements so attached that they may fall and injure members of the public or property.
 - b. Deteriorated or inadequate foundation.

- c. Defective or deteriorated flooring.
- d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- e. Members of ceilings, roofs, ceilings or roof supports or other horizontal members which that sag, split or buckle due to defective materials or deterioration.
- f. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.
- g. Deteriorated, crumbling or loose exterior plaster.
- h. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- i. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- j. Any fault, defect or deterioration in the building which that renders it structurally unsafe or not properly watertight.

3. If the Building Official determines that a historic resource or any other property is being neglected and subject to damage from weather or vandalism, the Director and/or Building Official shall meet with the owner or other person having legal custody and control of the historic resource to discuss with them ways to improve the condition of the property. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Building Official may issue a notice to comply requiring the owner or other person having legal custody and control of the historic resource to take action to require corrections of defects in the subject property in order that such historic resource may be preserved in accordance with this section.

B. Protection of Deteriorated, Vacant and Vandalized Resources.

1. The Building Official shall have the authority to issue an order to comply to any owner of any property included in the inventory if the Building Official determines that the property has become subject to vandalism or constitutes a public nuisance. In such circumstances, the Building Official shall have the authority to issue any order deemed appropriate to keep the property from being further vandalized or from becoming a public nuisance including, but not limited to, ordering that the building be secured and fenced.
2. For the purposes of this provision, the property shall include the interiors and exteriors of any accessory building located on a property in the inventory.
3. Security measures that the Building Official may order shall include, but not be limited to, the following:

a. The installation of the maximum allowed height, under this code, chain-link perimeter fencing with at least one securely locked pedestrian gate and the posting of “No Trespassing” signs at regular intervals.

b. Steel or plywood closures, with one-inch diameter air holes, installed at all doors and windows. (Sandwich panel installation shall be used so as to avoid drilling into window frames and sashes, doors, ornament or masonry units.)

c. The removal of all debris from the premises, including but not limited to wood, paper, cans, bottles and fecal matter.

d. Any temporary modifications required to be made to secure the building shall be reversible.

4. Any plans or proposals for work required to be performed pursuant to an order to comply to secure any building from being further vandalized or from becoming a public nuisance must first be reviewed by the Department and the Building Official to ensure that any work done to secure the building will not damage or alter the historic character of the building. This review by the Department and the Building Official shall be completed within 10 working days from the date any request for review is submitted. If the work to be performed includes substantial alteration, the procedures set forth in this section shall be utilized for review.

5. Nothing herein shall be interpreted to prohibit an owner from taking immediate temporary measures to secure a building from unauthorized entry.

6. It shall be unlawful for any property owner to fail to comply with any order to comply issued by the Building Official under this provision.

7. Additional Remedies – Notice of Intention. In addition to the remedies provided by this code, should an owner fail to comply with an order to comply, the City may take the necessary measures, including those authorized under this code, to immediately secure the property against vandalism or prevent it from becoming a public nuisance. The City shall have the authority to assess the cost of performing this work as a lien against real property on which the building is located and take whatever additional action the City deems necessary to recover its costs and further secure the property and provide for its preservation. Prior to taking these measures, the City shall send a notice of intention to the owner. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.220 Telecommunications Facilities.

A. Proposals for telecommunications facilities shall be subject to review under this section if located within a district or within the boundaries of a property included in the inventory.

B. Co-location and use of stealth camouflaged equipment shall be required to the extent feasible for telecommunications facilities located within a district or within the boundaries of a property included in the inventory. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.230 Definitions.

A. “Archaeological Resources Management Report” (also “ARMR”) shall mean the standard report format established by the Department for documentation of archaeological resources and attached as Appendix G¹ to this title. A Phase I report, records search and on-site survey shall identify the nature of the archaeological resource (e.g., privy, foundations, midden, etc.) and its location on the property. A Phase II report shall identify appropriate mitigations and treatments (e.g., monitoring, avoidance, capping, documentation, recovery, etc.). A Phase III report addresses recovery of resources.

B. “Building” shall mean a construction created to shelter any form of human activity, use or occupancy.

C. “California Historical Building Code” (also “State Historical Building Code” or “SHBC”) shall mean Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

D. “California Register of Historical Resources” (also “California Register”) shall mean the inventory as required by the California Public Resources Code Section 5020.1 et seq. and regulations codified in the California Code of Regulations Section 4850 et seq.

E. “Carmel Inventory of Historic Resources” (also “Carmel Inventory” or “inventory”) shall mean the ongoing collection of information for buildings, structures, objects, sites and districts surveyed by qualified professionals for the City and found to meet the criteria established in the City’s GP/LUP. Properties included in the inventory have been surveyed in accordance with the requirements of California Public Resources Code (PRC) Section 5024.1(g), are recognized as historically significant as established in PRC Section 5024.1(k) and therefore meet the CEQA standard for a historical resource per CEQA Section 21084.1 and Guidelines Section 15064.5(a)(2).

F. “Carmel Register of Historic Resources” (also “Carmel Register”) shall mean the historic resources designated by the City for public recognition and benefits. All surveyed historic resources that are significant at the national or State level are listed on the Carmel Register. All surveyed historic resources that are significant at the local or regional level may be listed on the Carmel Register upon request of the property owner and designation by the City. Properties included in the register are part of the Carmel Inventory and meet the CEQA standard for historical resources per CEQA Section 21084.1 and Guidelines Section 15064.5(a)(2).

G. “Certified local government” (also “CLG”) shall mean the program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq., as amended) and the subsequent participatory agreement between the City and the California Office of Historic Preservation.

H. “Character-defining features” shall mean a prominent or distinctive aspect, quality, physical feature or characteristic that contributes significantly to the physical character of a resource. This may include the overall shape of the structure, building or property, its materials, craftsmanship, decorative details, as well as the various aspects of its site and environment.

I. “Conservation” shall mean allowing change and new construction as long as it is consistent with an established context or character. This approach is appropriate for new buildings, remodels, facade changes and public way improvements involving nonhistoric resources. (GP/LUP, 57.)

J. “Department” shall mean the Department of Community Planning and Building.

K. “Design review guidelines” shall mean the residential design guidelines, commercial design guidelines and public way guidelines of the City and the Secretary of Interior’s Standards and Guidelines.

L. “Determination of consistency” shall mean a finding adopted by the City that the proposed new construction, addition, alteration, and/or relocation complies with all of the provisions of this chapter and the Secretary’s Standards.

M. “Historic Context Statement” shall mean the adopted Historic Context Statement that documents the historic periods, themes, events, people, architects and builders who have contributed to the cultural and developmental history of the City.

N. “Historic resource” (also “historical resource”) shall mean a building, structure, object, site, or district that meets the criteria for the Carmel Inventory as established in the City’s GP/LUP. Historic resource types include, but are not limited to:

1. “Cultural landscape” shall mean a geographic area (including the cultural and natural resources as well as the flora and fauna therein – whether native or domestic) associated with a historic event, activity, or person exhibiting other cultural or aesthetic values. There are four general types of cultural landscapes not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes. (Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes, 4.)

2. “Historic district (also “district”) shall mean a group of buildings, structures, sites, and objects that are united historically or aesthetically by plan or physical development that meets the criteria for the Carmel Inventory as established in Policy P1-97 of the City’s GP/LUP.

3. “Local historic resource” shall mean an historic resource eligible for listing in the California Register due to its regional or local significance.

4. “Object” shall mean constructions that are primarily artistic in nature, relatively small in scale, and associated with a specific setting or environment. For example, the Memorial Arch at Ocean Avenue and San Carlos Street would constitute an object.

5. “Principal feature” shall mean the most significant element or feature of an historic resource. In the case of an historic district, the district itself is the principal feature of the historic resource.

6. “Primary historic resource” shall mean an historic resource eligible for listing in the California Register due to its national or Statewide significance. All primary resources are included in the Carmel Inventory and the Carmel Register of Historic Resources. For example, Carmel Mission, which is listed in the National Register at the Statewide level of significance, is a primary resource.

7. “Archaeological site” shall mean the location of a significant event, occupation, or activity, where the location itself possesses historic, cultural, or archaeological value, regardless of the value of any existing structures. A site may include landscape features that are significant in their own right, as well as landscape features, which contribute to the significance of adjoining resources.

O. “Imminent threat” shall mean any condition within or affecting a structure which, in the opinion of the Building Official, would qualify a building or structure as dangerous to the extent that the life, health, property or safety of the public, its occupants or those performing necessary repair, stabilization or shoring work are in immediate peril due to conditions affecting the building or structure. Potential hazards to persons using, or improvements within, the right-of-way may not be construed to be imminent threats solely for that reason if the hazard can be mitigated by shoring, stabilization, barricades or temporary fences.

P. “Initial assessment” shall mean a preliminary survey to identify whether potential historic resources exist on a property.

Q. “Integrity” shall mean the ability of an historic resource to convey its significance through retention of location, design, setting, materials, workmanship, feeling and association. (How to Apply National Register Criteria for Evaluation, 44.) Integrity is based on why a property is significant. Ultimately, the question is answered by whether or not the property retains the identity for which it is significant. The steps in assessing integrity are (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance, and (4) determining which aspects of integrity are vital if the property is to qualify as a resource. (GP/LUP)

R. “Intensive survey” shall mean a review of one or more potential historic resources by a qualified professional that includes a documented site assessment, original research outlining details of property history, a determination of the relationship of the property to the Historic Context Statement, and a finding as to whether or not the property meets the criteria for the Carmel Inventory.

S. “National Register of Historic Places” (also “National Register”) shall mean the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and culture which is maintained by the U.S. Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 CFR Part 60 et seq., as amended).

T. “Preconstruction consultation” shall mean a meeting among the applicant, project architect, contractor, City’s Building Official and Department prior to commencement of approved construction.

U. “Salvage and reuse plan” (also “implementation plan”) shall mean a detailed list of character-defining features and building materials with annotated plans and elevations that clearly identify a methodology and extent of proposed salvage and reuse of existing character-defining features and building materials consistent with the Secretary’s Standards.

V. “Qualified professional” shall mean a person meeting the qualifications established by the State Historic Preservation Office (i.e., Secretary of the Interior’s Professional Qualification Standards (48 FR 4716-01 and 36 CFR Part 61, Appendix A)) and approved by the Department. A qualified professional shall also be State-certified by OHP and meet the minimum requirements in history, archaeology, architectural history, or historic architecture for the type of potential historic resource being surveyed. For archaeological resources, a qualified professional shall mean a “registered professional archaeologist” (or “RPA”).

W. “Reconnaissance survey” shall mean a City-wide, district-wide or neighborhood review of sites to make a preliminary identification of potential historic resources. Reconnaissance surveys are typically performed after completing an update to the Historic Context Statement.

X. “Rehabilitation” shall mean the act or process of making possible a compatible use for a property, building or structure through repair, alterations and additions while preserving those portions or features which convey its historic, cultural or architectural values.

Y. “Secretary of the Interior’s Standards for Rehabilitation” (also “Secretary’s Standards”) shall mean the Secretary of the Interior’s Standards for Rehabilitation (1990, 36 CFR Section 67.7) and the publication of the National Park Service, Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, NPS) and the Secretary of the Interior’s Standard for the Treatment of Historic Properties with

Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, NPS), and any subsequent publication of the Secretary's Standards by the NPS.

Z. "Survey" shall mean the act of conducting a reconnaissance or intensive survey conducted by a qualified professional to evaluate eligibility for the Carmel Inventory of Historic Resources.

AA. "Substantial adverse change" (also "significant adverse impact or effect") in the significance of an historical resources shall mean "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" per CEQA Guidelines (2003) Section 15064.5(4)(b)(1) and any subsequent amendments thereto.

BB. "Demolition by neglect" shall mean when a property is not maintained and is allowed to fall into a state of disrepair or property nuisance.

CC. "In-kind replacement" is defined as the "replacement of existing deteriorated building elements in such a manner as to match the original design using identical materials, forms and finishes as used in the original design, to the extent feasible, consistent with the Secretary of Interior's Standards."

DD. "Feasible" shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

¹ Code reviser's note: The appendices to this title are published under separate cover and available for public review and examination in the office of the city clerk.