

City Council Agenda Item Summary

Name: Consideration of an Ordinance Calling and Fixing the Date of a Special Election to Submit to the City Electors the Question of Discontinuance and Abandonment of the Use of Public Park Land on Which Protests Were Overruled (Second Reading).

Description: This Ordinance will set a special election to allow the City electors to vote on the discontinuance and abandonment of the Flanders Mansion Property as Public Park Land.

Overall Cost:

City Funds: N/A

Grant Funds: N/A

Staff Recommendation: Adopt the Ordinance.

Important Considerations: If the protests are overridden, the Council may then adopt an Ordinance calling for a special election. The Ordinance identifies the property and specifies the date of the election.

Decision Record: City Council approved this Ordinance upon first reading at its special meeting held on June 16, 2009.

Reviewed by:

Rich Guillen, City Administrator

Date

CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

ORDINANCE 2009-6

**AN ORDINANCE OF THE CITY COUNCIL CALLING AND FIXING THE DATE OF
A SPECIAL ELECTION TO SUBMIT TO THE CITY ELECTORS THE QUESTION OF
DISCONTINUANCE AND ABANDONMENT OF THE USE OF PUBLIC PARK LAND
ON WHICH PROTESTS WERE OVERRULED**

WHEREAS, the City Council has determined that the parkland known as the Flanders Mansion property is no longer necessary for the City's use; and

WHEREAS, the public interest or convenience requires the discontinuance of the use of the Flanders Mansion Property as parkland; and

WHEREAS, in accordance with California State Statutes, discontinuance of public park land requires public notice, an opportunity for protests at a public hearing and a subsequent vote of the electorate if the protests are overruled; and

WHEREAS, the City scheduled a protest hearing for 16 June 2009 and provided public notice through publication twice in the Carmel Pine Cone on May 15 and 22, 2009, physical posting of the property a minimum of every 300 feet around the perimeter beginning May 14, 2009, and posting of notice at City Hall, the Harrison Memorial Library and the Post Office; and

WHEREAS, the City Council held a protest hearing on 16 June 2009 and has carefully considered all written and oral testimony received at, and prior to, the hearing; and

WHEREAS, the City Council has determined to overrule all protests by a two-thirds majority vote.

NOW, THEREFORE, the City Council of the City of Carmel-by-the-Sea does hereby ordain as follows:

Section One. Call Special Election. A special election is hereby called to put to a vote of the City's electors the question of whether the use of that specific public park land known as the Flanders Mansion Property should be discontinued and abandoned. The specific property subject to this action is an approximately 1.252 acre parcel located at 25800 Hatton Road in Carmel, Monterey County, California and situated within the Mission Trail Nature Preserve (APN 010-061-005).

Section Two. Date of Election. The election is hereby called, and will take place on 3 November 2009.

City Council Agenda Item Summary

Name: Consideration of a Resolution ordering an election, requesting county elections to conduct the election, and requesting consolidation of the election.

Description: This resolution will call for a special election to allow the City electors to vote on the discontinuance and abandonment of the Flanders Mansion Property as Public Park Land.

Overall Cost:

City Funds: Unknown at this time

Grant Funds: N/A

Staff Recommendation: Adopt the Resolution.

Important Considerations: This resolution is a legal requirement of the County for the City of Carmel-by-the-Sea to conduct an election.

Decision Record: N/A

Reviewed by:

Rich Guillen, City Administrator

Date

CITY OF CARMEL-BY-THE-SEA

STAFF REPORT

TO: MAYOR MCCLOUD AND CITY COUNCIL MEMBERS

FROM: RICH GUILLEN, CITY ADMINISTRATOR

DATE: 7 JULY 2009

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING AN ELECTION, REQUESTING THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION.

INTRODUCTION

On 16 June 2009, the City Council passed, on first reading, an ordinance calling for a special election to determine whether the Flanders Mansion Property should be discontinued and abandoned as public parkland, and sold with conservation easements and mitigations. The City Council will consider final adoption (second reading) of that ordinance earlier in this meeting. If the ordinance is adopted, the election would occur on the same date as the Statewide elections (3 November 2009).

The City Council has a choice of administering the election at the local level or requesting that the election be administered by the Monterey County Elections Department. Requesting County administration requires adoption of a Resolution requesting consolidation of the City's election with other elections and specifying what services to provide. The Resolution must be filed by no later than 7 August 2009. The attached Resolution accomplishes both requirements and uses standard language specified by the County Elections Department. The Resolution contains the following provisions:

- A calling of the election and a request for consolidation with other elections
- A request for County services and an acknowledgment that the City will pay all costs
- The text of the ballot question for the ballot card
- A statement of what percentage of the votes constitutes approval of the ballot measure
- A request that the full text of the ballot measure, as set forth in an attachment to the Resolution, appear in the voter information pamphlet.

The City also must submit an independent analysis of the ballot measure. This is due by 24 August 2009 and will be reproduced in the voter pamphlet. The Secretary of State begins mailing the voter pamphlets on 24 September 2009.

CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

RESOLUTION 2009-50

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA ORDERING AN ELECTION, REQUESTING COUNTY
ELECTIONS TO CONDUCT THE ELECTION, AND REQUESTING
CONSOLIDATION OF THE ELECTION**

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city or district shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on 3 November 2009.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT:

1. The governing body of the City of Carmel-by-the-Sea hereby orders an election be called and consolidated with any and all elections also called to be held on 3 November 2009 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Carmel-by-the-Sea and requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403.
2. The governing body of the City of Carmel-by-the-Sea hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and
3. The Monterey County Elections Department shall conduct the election for the following MEASURE to be voted on at the 3 November 2009 election:

Title:

APPROVE DISCONTINUANCE AND ABANDONMENT
AND SALE OF FLANDERS MANSION PROPERTY
PUBLIC PARKLAND

Question:

Shall discontinuance and abandonment of the Flanders Mansion Property (APN 010-061-005) as public parkland, and authorization to sell the Flanders Mansion Property "with Conservation Easements and Mitigation" as passed on May 12, 2009 by the City of Carmel-by-the-Sea City Council by Resolutions No. 2009-30 through 2009-33, be approved?

4. The Monterey County Elections Department is requested to print the attached measure text exactly as filed or indicated on the filed document in the Voter's Information Pamphlet section of the Sample Ballot for the 3 November 2009 election. Cost of printing and distribution of the measure text will be paid for by the City.
5. The Monterey County Elections Department is hereby advised that approval of this ballot measure requires a simple majority (at least 50% plus 1 vote) of those who vote in the election.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of July, 2009, by the following roll call vote:

AYES: COUNCIL MEMBERS: HAZDOVAC; ROSE; SHARP; TALMAGE & McCLOUD

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

SIGNED,

SUE McCLOUD, MAYOR

ATTEST:

Heidi Burch, City Clerk

CITY OF CARMEL-BY-THE-SEA

BALLOT MEASURE – TEXT

Majority Vote

CITY OF CARMEL-BY-THE-SEA

Special Election

Consolidated with Statewide General Election

Majority Vote

Title:

APPROVE DISCONTINUANCE AND ABANDONMENT OF, AND AUTHORIZATION TO SELL, FLANDERS MANSION PROPERTY PUBLIC PARKLAND

Question:

Shall discontinuance and abandonment of the Flanders Mansion Property (APN 010-061-005) as public parkland, and authorization to sell the Flanders Mansion Property "with Conservation Easements and Mitigation" as passed on May 12, 2009 by the City of Carmel-by-the-Sea City Council by Resolutions No. 2009-30 through 2009-33, be approved?

Text:

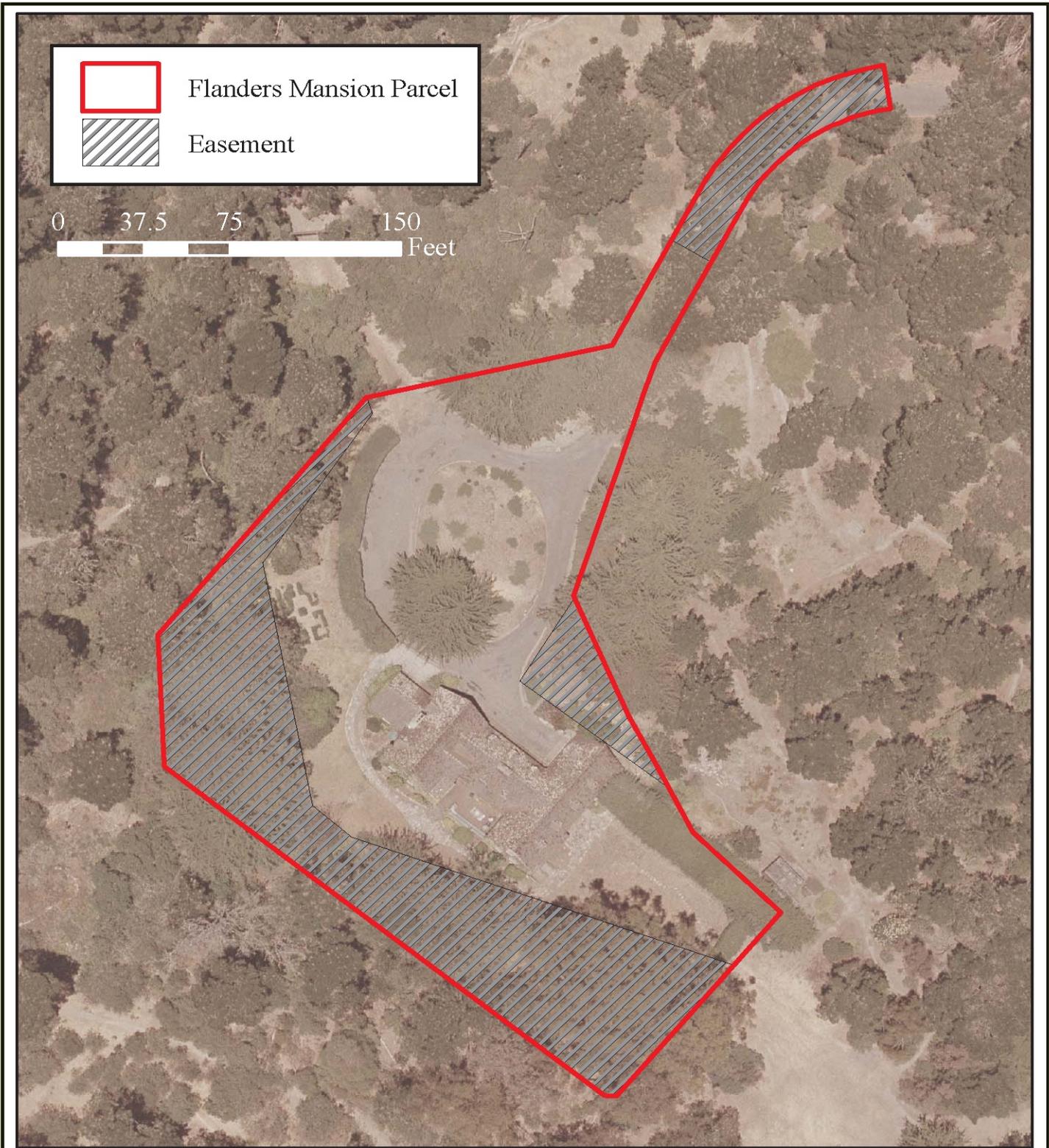
The Flanders Mansion Property (APN 010-061-005) is an approximately 1.252 acre parcel located at 25800 Hatton Road in Carmel, Monterey County, California and situated within the Mission Trail Nature Preserve. This Ballot Measure approves the discontinuance and abandonment of the Flanders Mansion Property as public parkland and authorizes sale of the property with Conservation Easements and Mitigation. The City Council of the City of Carmel-by-the-Sea approved these actions on May 12, 2009 by adopting Resolutions No. 2009-30 through 2009-33. Before the City Council's authorization to discontinue, abandon and sell the Flanders Mansion property with Conservation Easements and Mitigation becomes effective, this ballot measure must be approved by a majority of voters in an election.

The Sale of the Flanders Mansion Property "with Conservation Easements and Mitigation" is described in the Recirculated Draft Environmental Impact Report for the Sale of Flanders Mansion Property (SCH # 2005011108), dated January 2009, certified as revised in the Recirculated Final Environmental Impact Report, dated April 2009, by the City of Carmel-by-the-Sea City Council, by Resolution No. 2009-29 passed on May 12, 2009, as follows:

"This alternative would consist of recording conservation easements on certain portions of the Flanders Mansion Property in order to minimize potential impacts to the Lester Rowntree Arboretum and a number of existing trails that would need to be reconfigured as a result of the proposed project. Specifically, this alternative consists of applying a conservation easement (or reducing the parcel size) over portions of the Lester Rowntree Arboretum that are located within the boundaries of the Flanders Mansion parcel. This alternative would also consist of recording an easement or reducing the size along the eastern portion of the driveway to

preserve existing trail access to the Mission Trail Nature Preserve (Serra Trail) and the Lester Rowntree Arboretum. A scenic/conservation easement covering the westerly/southwesterly boundary of the site to include areas bordering ESHA would be recorded to minimize potential biological impacts. The purpose of these easements would be to prevent a future property owner from erecting exterior elements or causing changes to the property within areas that are particularly sensitive, provide access to the Lester Rowntree Arboretum, and provide areas of the site that provide park benefits. These easements would restrict future development activities within portions of the site covered by the easement in order to reduce biological and aesthetic related impacts. Specifically, fencing, walls or other man-made features would be prohibited within the boundaries of the easements. These easements would run with the land and would be legally binding on any subsequent property owner. These easements are intended to reduce and/or avoid significant impacts due to the permanent loss of parkland, ensure that park benefits associated with the Property are preserved, provide continued public use of certain portions of the property, and protect environmental resources. The total land area covered by the easements would be approximately 0.5 acres. The total remaining area of the property under this alternative would be approximately 0.752 acres, and it is assumed that all conditions and mitigations identified in this RDEIR would be applicable. Figure 6-1 provides a graphical representation of the alternative parcel configuration and easements. Implementation of this alternative would retain existing park benefits associated with the Flanders Mansion Property, while still allowing the City to divest itself of the property. This alternative assumes that impacted trails would also be reconfigured and additional trail connections would be provided to address project impacts. This alternative is not use-specific; therefore, it is assumed that either a single family or low-intensity public/quasi-public use could occupy the property."

Areas to be subject to conservation easements are further shown on Figure 6-1 from the Recirculated Draft Environmental Impact Report, certified by the City of Carmel-by-the-Sea City Council as modified by the Recirculated Final Environmental Impact Report by Resolution Number 29 passed on May 12, 2009. Figure 6-1 appears below.



	Flanders Mansion Parcel
	Easement

0 37.5 75 150 Feet

 N	Sale with Conservation Easements and Mitigation Alternative	Figure 6-1
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DENISE DUFFY & ASSOCIATES, INC.

The mitigation measures included in the Sale with Conservation Easements and Mitigation are provided in the Mitigation Monitoring and Reporting Program approved by the City of Carmel-by-the-Sea City Council on May 12, 2009 by Resolution Number 2009-30. The Mitigation Monitoring and Reporting Program is to be recorded against the Flanders Mansion Property and will run with the land, binding future owners of the property, and provides as set forth below.

Mitigation Monitoring Program Sale of the Flanders Mansion Project

Section 21081.6 of the Public Resources Code requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon an Environmental Impact Report (EIR). (See also Title 14, Cal. Code of Regs., § 15091, subd. (d), which also requires adoption of a program for reporting on or monitoring the changes or alternations made to the approved project in order to avoid or substantially lessen the significant environmental effects of the approved project.) The purpose of the monitoring or reporting program is to ensure implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified in the EIR.

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project					
Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
4.1 Aesthetics					
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 shall also be provided (e.g. benches, picnic tables, or similar), subject to the review and approval of the Forest and Beach Commission.	Prepare and record scenic deed restrictions, easements and/or Covenants, Conditions and Restrictions Construct new trail and provide other signage and/or amenities	City of Carmel-by-the-Sea City Attorney Public Works and/or Building Official	City of Carmel-by-the-Sea Review and approval by the Forest and Beach Commission	Prior to the sale or lease of the Flanders Mansion
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.	Prepare and record scenic deed restrictions, easements and/or Covenants, Conditions and Restrictions	City of Carmel-by-the-Sea City Attorney	City of Carmel-by-the-Sea	Prior to the sale or lease of the Flanders Mansion

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project

Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
4.1-3	In order to minimize potential indirect impacts to the two (2) public viewing areas located adjacent to the Flanders Property, future exterior changes shall preserve the existing tree line surrounding the Flanders property. Prior to any tree removal and/or the issuance of any building permit associated with future use of the Mansion, the owner shall submit detailed plans, including elevations, site plans, tree removal plans, and similar documentation, to the City of Carmel-by-the-Sea for review and approval. All tree removals shall be in accordance with the City's existing tree removal ordinance and standards. Any exterior architectural changes shall also be in conformance with Mitigation Measures 4.3-1. This mitigation measure shall be incorporated as a future condition of sale or lease agreement and shall run with the land.	Submit plans Review and approve plans, and tree trimming/removal permits	Owner or Lessee as Applicant	City of Carmel-by-the-Sea City Forester and Forest and Beach Commission	Prior to any tree removal &/or issuance of any building permit

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project

Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
4.1-4	<p>In order to minimize potential indirect impacts associated with future use of the Flanders property, no new walls, fences, gates, or hedges shall be constructed, erected, or established without the prior approval of the City of Carmel-by-the-Sea. All exterior changes shall be subject to the Design Review process described in Chapter 17.58 (Design Review) and Chapter 17.32 (Historic Preservation) of the City’s Municipal Code. The primary purpose of such exterior elements shall be to delineate the property boundaries and not create a visual barrier between the site and surrounding parklands. Prior to the approval of any such exterior element, the property owner shall submit detailed drawings of proposed exterior elements to the City of Carmel-by-the-Sea. This measure shall be incorporated as a condition of sale or lease agreement; this measure shall also be recorded to run with the land and be binding upon successor owners. Any such exterior element shall comply with the following guidelines:</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 driveway shall be discouraged. Solid masonry walls shall be prohibited along portions of the property that abut the Lester Rowntree Arboretum; • All fences/walls shall be of natural earth tones and shall not block views of the Mansion from the driveway; • Fencing shall be discouraged along the boundaries of the site above the circular portion of the driveway to the extent feasible (see Figure 4.1-6); • If a gate is installed along the driveway it shall be placed in the approximate location identified in Figure 4.1-6; • Landscape screening shall be encouraged along portions of the driveway that abut existing trails. Landscape treatments and screening shall be required for portions of the site abutting the Lester Rowntree Arboretum (see Figure 4.1-6); • Exterior elements shall avoid the removal of existing mature vegetation (i.e. trees), where feasible. In the event tree removal is required, it shall be done in accordance with Mitigation Measure 4.1-3; • Exterior elements shall protect and preserve public views of the site, building and across the property; • Exterior elements shall be subordinate in design character to the historic context of the site. 	<p>Prepare and record scenic deed restrictions, easements and/or Covenants, Conditions and Restrictions</p> <p>Submit drawings</p> <p>Design Review Permits</p> <p>Monitor and inspect implementation</p>	<p>City Attorney</p> <p>Owner or Lessee as Applicant</p> <p>Planning Commission, Historic Resources Board, and/or Forest and Beach Commission</p> <p>Owner or Lessee as Applicant</p> <p>and/or</p> <p>Planning Commission, Historic Resources Board, and/or Forest and Beach Commission</p>	<p>City of Carmel-by-the-Sea</p>	<p>Prior to the approval of any exterior changes</p>

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project

Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
4.2-2	<p>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"> • 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). • 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. • 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 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>Submit plans for revegetation, erosion control, timing and ESHA protection</p> <p>Review and approve plans for revegetation, erosion control, timing and ESHA protection</p> <p>Inspect site for construction fencing</p> <p>Inspect fencing and/or barriers</p>	<p>Owner or Lessee as Applicant using Contractor</p> <p>City Forester, Principal Planner, and/or Building Official</p>	<p>City of Carmel-by-the-Sea</p>	<p>Prior to the issuance of any building permit and following construction, demolition activities and/or vegetation removal along ESHA interface</p>

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project

Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
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 CNDDB.	Conduct survey and implement recommendations	Owner or Lessee as Applicant using Qualified Biologist	City of Carmel-by-the-Sea	Prior to any vegetation removal during the overwintering period (October-February)
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.	Conduct survey and implement recommendations	Owner or Lessee as Applicant using Qualified Biologist	City of Carmel-by-the-Sea and City Forester	Prior to initiation of any construction-related activities
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.	Conduct survey and implement recommendations	Owner or Lessee as Applicant using Qualified Biologist	City of Carmel-by-the-Sea and City Forester	Prior to initiation of any construction activities if construction is to occur between March 15 to August 1

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project

Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
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.	Conduct survey and implement recommendations	Owner or Lessee as Applicant using Qualified Biologist	City of Carmel-by-the-Sea and City Forester	If tree limbing &/or removal is necessary

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project

Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
4.3 Cultural Resources					

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project

Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
4.3-1	<p>The terms of any sale shall be subject to Conditions of Sale requiring recordation of a deed restriction, which shall run with the land and be binding upon successive owners, requiring the adherence to a comprehensive Preservation Plan for the Flanders Mansion consistent with the Secretary’s Standards and the Carmel-by-the-Sea Municipal Code historic preservation provisions. In general, the Preservation Plan shall identify changes to the property that could reasonably be expected to occur and make recommendations so that the changes would not disrupt the historic integrity of the resource. The Preservation Plan shall be prepared by a qualified professional and would provide practical guidance to the new owners of the Flanders Mansion. Said Preservation Plan shall include: 1) a history of the Flanders Mansion; 2) an assessment of the current condition of the property (building and grounds) and detailed descriptions of the character-defining features; and 3) recommendations following the Secretary’s Standards for the appropriate treatment of these features. Specific standards and requirements of the plan follow:</p> <p>A qualified specialist who meets the Secretary of the Interior’s Professional Qualification Standards should prepare the preservation plan that shall, at a minimum, 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 shall be based on the identified character-defining features and include relevant standards outlined by the Secretary of the Interior, and the Secretary’s guidelines in applying these standards. <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>Prepare Conditions of Sale and Conditions of Lease</p> <p>Prepare and record and/or Covenants, Conditions and Restrictions</p> <p>Prepare and submit to City Preservation Plan</p> <p>Review and approve Preservation Plan.</p> <p>Implement Preservation Plan</p> <p>Monitor and inspect construction activity</p>	<p>City Attorney</p> <p>Owner or Lessee as Applicant using Qualified Professional</p> <p>Approval by Historic Resources Board</p> <p>Owner or Lessee as Applicant using Qualified Professional</p> <p>Qualified Professional</p>	<p>City of Carmel-by-the-Sea</p> <p>and</p> <p>Historic Resources Board</p>	<p>Prior to the sale or lease of the Flanders Mansion</p> <p>Within 12 months of the close of escrow</p> <p>Complete rehabilitation within 48 months after City approval.</p> <p>Through life of Building Permit</p>

Mitigation Monitoring Program: City of Carmel-by-the-Sea -- Sale of Flanders Mansion Project

Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
4.3-2	<p>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.</p>	<p>Documentation, survey and written historic and descriptive reports</p> <p>File copy Documentation, survey and written historic and descriptive reports with City of Carmel-by-the-Sea</p> <p>and</p> <p>Provide copies of narrative to local repositories</p>	<p>Owner or Lessee as Applicant using Qualified Cultural Resource Specialist</p>	<p>City of Carmel-by-the-Sea</p>	<p>Prior to the close of escrow for the sale of the Flanders Mansion</p>
4.3-3	<p>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.</p>	<p>Stop work.</p> <p>Evaluate find.</p>	<p>Owner or Lessee as Applicant using Qualified Archaeologist</p>	<p>City of Carmel-by-the-Sea</p>	<p>Ongoing</p>

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4.3-4	<p>If human remains of Native American origin are discovered during ground-disturbing activities, it is necessary to comply with state laws relating to the disposition of Native American burials, which falls within the jurisdiction of NAHC (Pub. Res. Code §5097). If human remains of any origin are discovered or recognized in any location other than a burial site, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> the county coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin, the descendants from the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98, or NAHC was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by NAHC. 	<p>Stop work.</p> <p>Evaluate Find.</p>	<p>Owner or Lessee as Applicant using Qualified Professional</p> <p>Building Official</p>	<p>City of Carmel-by-the-Sea</p>	<p>Ongoing</p>
4.4 Land Use					
4.4-1	<p>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 single-family residential or a low-impact public/quasi-public use consistent with the historical use of the property. Future use of the property that would represent an intensification of use shall be subject to additional environmental review in accordance with CEQA, including the provisions of CEQA Guidelines §15162 and §15163, as applicable and shall require the preparation of a Traffic Impact Analysis. The traffic analysis shall be provided to the County of Monterey Public Works Department for review and comment. These restrictions shall run with the land and shall be legally binding on successor owners/lessees.</p>	<p>Prepare and record deed restrictions, easements and/or Covenants, Conditions and Restrictions, and Conditions of Sale and Lease</p> <p>Prepare and provide any needed traffic analysis</p> <p>Monterey County Public Works Department</p>	<p>City of Carmel-by-the-Sea City Attorney</p> <p>City of Carmel-by-the-Sea</p>	<p>City of Carmel-by-the-Sea</p>	<p>Ongoing</p>
4.5 Parks and Recreation					
4.5-1	<p>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.</p>	<p>Construct new trails</p>	<p>City of Carmel-by-the-Sea</p>	<p>City of Carmel-by-the-Sea</p>	<p>Prior to the sale of the Flanders Mansion</p>

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Mitigation Measure Number	Mitigation Measure	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be approved.	Implementation Responsibility	Verification Responsibility	Timing
4.6 Traffic and Circulation					
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 wood chips or similar. Paved surfaces, such as asphalt or similar, shall be prohibited. Construction of replacement parking shall provide for minimal disturbance to the natural surroundings and appropriate landscape treatments shall be provided to minimize views of parking from the Hatton Fields neighborhood. In the event that grading and/or vegetation-removal activities are required, use of non-impervious materials shall be required. Landscape screening shall also be provided to minimize visibility from surrounding residences. Native vegetation screening shall be provided along the area of the parking edge that is within close proximity to adjacent residences. All disturbed areas shall be replanted with appropriate native vegetation.	Preparation of a plan. Approve Design Review and Required Permits. Installation and inspection.	City of Carmel-by-the-Sea	City of Carmel-by-the-Sea City Administrator Planning Department Staff or City Administrator Building Official and Principal Planner	Prior to the sale of the Flanders Mansion
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.	Pre-construction wildlife surveys Contact proper resource agency (if necessary)	City of Carmel-by-the-Sea using Qualified Biologist	City of Carmel-by-the-Sea, CDFG & USFWS (if necessary)	Prior to construction of replacement parking identified in Mitigation Measure 4.6-1
4.6-3	Mitigation Measure 4.4-1 of Section 4.4 Land Use .	See requirements under Mitigation Measure 4.4-1	City of Carmel-by-the-Sea and City Attorney	City of Carmel-by-the-Sea	Ongoing

Copies of Carmel-by-the-Sea City Council Resolutions Numbered 2009-29 through 2009-33 contain additional information concerning the subject of this Ballot Measure and are available at:

Copies of the full text of the Carmel-by-the-Sea City Council Resolutions Numbered 2009-29 through 2009-33 and the Recirculated Draft Environmental Impact Report and the Recirculated Final Environmental Impact Report, including Errata and supplemental responses to comments, which contain additional information concerning the subject of this Ballot Measure, are available on the City's website at: <http://ci.carmel.ca.us/carmel/index.cfm/government/staff-departments/community-planning-and-building/projects/>, and at:

Street Address:

City Hall
CITY OF CARMEL-BY-THE-SEA
East Side of Monte Verde Street
between Ocean and Seventh Avenues
Carmel-by-the-Sea, CA

HARRISON MEMORIAL LIBRARY
Northeast corner of
Ocean Avenue and Lincoln Street
Carmel-by-the-Sea, CA

Mailing Address:

City Hall
CITY OF CARMEL-BY-THE-SEA
P.O. Box CC
Carmel-by-the-Sea, CA. 93921