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## **A developer takes advantage of the builder's remedy law to plan 127 units outside of Carmel.**

Pam Marino  
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The proposed project would include adding apartments to the old hospital, seen at top left. Townhomes would line Valley Way, bottom of photo, and Highway 1, right.

Daniel Dreifuss

A now-vacant 94-year-old hospital building and a row of 12 occupied cottage apartments within unincorporated Carmel just off Highway 1 could become the site of Monterey County's first "builder's remedy" housing development, with construction of at least 127 units of very low-, low – and moderate-income apartments and townhomes.

While that might be good news for the County of Monterey – it would chip away at a state requirement to plan for over 3,300 new housing units between 2023 and 2031, nearly 2,200 in the very low to moderate categories – neighboring residents are not happy at the prospect, and fear that the Los Angeles developer, Jeff Damavandi of Carmel Assisted Living LLC, could take advantage of a density bonus to construct up to 180 units.

Residents are getting organized to oppose the plan known as the Carmel Vista Project, located on Valley Way, but there may not be a way to stop it under the builder's remedy law, from the Housing Accountability Act of 1990. The law makes it easier for developers to get housing projects built when a city or county fails to secure a state-certified housing plan, known as a housing element. The County of Monterey missed two deadlines in the past year to submit a housing element to the state – it finally submitted one on Aug. 19, but it's months away from certification.

Damavandi's company submitted an initial builder's remedy application in March, which appeared to propose 52 total units. In April an attorney for the company indicated 82 units in a letter to the county, while the application showed a possible density bonus of 78 units, which could allow up to 180 units. Of the 82 proposed, 20 were designated as extremely low-income, 16 as low-income and 32 as moderate-income.

More recent plans show 127 units, with 60 apartments going inside the hospital building that was the original site of the Community Hospital of the Monterey Peninsula, as well as adjacent existing buildings, and 67 units within new townhomes and apartments on adjacent parcels. At least three of the townhome buildings would replace the existing cottages that back up to Highway 1. It's not clear how many are proposed for each income category.

The Monterey architect who developed the plans for Damavandi, Eric Miller, did not return calls for comment, nor did Damavandi.

County records show \$28,000 in permit fees were paid to the Department of Housing and Community Development in June. Damavandi has until approximately the end of December to submit a final application in order to be considered under builder's remedy.

While the builder's remedy could make it easier for a developer to obtain approval, there's still a process to follow, says County HCD Director Craig Spencer. The law allows the county to deny the project should there be specific findings that meet objective written health and safety standards.

"It is somewhat important to note they have at least communicated to us that they are reusing the hospital building, not demolishing it," Spencer adds.

County records show the project would require a local coastal program amendment to the Carmel Area Land Use Plan for rezoning of some parcels involved.

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