



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers

168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 21-147

August 24, 2021

Introduced: 8/9/2021

Current Status: Agenda Ready

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Matter Type: BoS Resolution

PLN180523 - ISABELLA 2 LLC

Public hearing to consider an appeal by The Open Monterey Project from the May 26, 2021, decision of the Monterey County Planning Commission to approve an application to allow: construction of a 2,100 square foot two-story single-family dwelling, with 318 square feet of decks; development within 750 feet of known archaeological resources; modification of parking standards; an increase to the allowed floor area from 45 percent to 58.4 percent; and relocation of 4 Coast Live oak trees.

Project Location: 26308 Isabella Avenue, Carmel, Carmel Area Land Use Plan, Coastal Zone

Proposed CEQA Action: Consider and adopt a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Plan.

RECOMMENDATIONS

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Deny the appeal of The Open Monterey Project from the Planning Commission's May 26, 2021 environmental determination and approval of a Combined Development Permit;
- b. Adopt a Mitigated Negative Declaration;
- c. Approve a Combined Development Permit consisting of:
 - (1) Coastal Administrative Permit and Design Approval to allow construction of a 2,100 square foot two-story single-family dwelling, with 318 square feet of deck area;
 - (2) Coastal Development Permit to allow development within 750 feet of known archaeological resources;
 - (3) Coastal Administrative Permit to allow the modification of parking standards, including no covered parking and authorization to allow parking within the front setback to count toward the required parking;
 - (4) Coastal Development Permit to allow relocation of 4 Coast Live oak trees; and
 - (5) Variance to allow an increase to the allowed floor area from 45 percent to 58.4 percent; and
- c. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

A draft resolution, including findings and evidence, is attached for consideration (**Attachment B**). Staff recommends approval subject to twenty-five conditions, including 4 mitigation measures.

PROJECT INFORMATION

Property Owner: Isabella 2 LLC

Agent: Anthony Lombardo & Associates

APN: 009-451-015-000

Zoning: Medium Density Residential, 2 units per acre, Design Control Overlay, 18-foot height limit (Coastal Zone) [MDR/2-D (18)(CZ)]

Flagged and Staked: YesSUMMARY

The Isabella 2 LLC project involves the construction of a 2,100 square foot two-story single-family dwelling, with 318 square feet of deck area. The project also involves development within an area of known archaeological resources, relocation of 4 Coast Live oak trees, modification of parking standards to permit both required parking spaces (2) to be uncovered and located within the front setback, an increase to the allowed floor area ratio maximum from 45 percent to 58.4 percent, and associated grading of approximately 300 cubic yards of cut and fill. The subject property is a vacant lot located on Isabella Avenue, near the intersection of Isabella Avenue and 16th Avenue in the unincorporated area of Carmel Point. The project site is within an established residential neighborhood (see Vicinity Map at **Attachment C**), and the surrounding residential properties are developed with dwellings and accessory structures similar to that proposed by the applicant.

A Variance is sought by the applicant to build a home at a size they believe is reasonable within the neighborhood while balancing archaeological preservation concerns. The history of this project plays a role in these considerations. In November 2018, the applicant applied for a new single-family home with a 1,250 square foot basement, and the County deemed this application complete in January 2019. After the project was deemed complete and prior to a County decision on the application, the California Coastal Commission, reviewed a separate but nearby project for a dwelling with a basement (Pietro). As part of their decision, the Coastal Commission found that the amount of grading associated with basement levels in the Carmel Point area was not consistent with applicable Land Use Plan policies regarding impacts to cultural resources. Consequently, the applicant revised the project from the original proposal to eliminate the basement. In exchange for removing the 1,250 square foot basement, the applicant requested Variances to site development standards including site coverage, floor area ration, front setbacks, and modified parking standards. Although the house would be smaller than originally proposed, the County Code exempts areas entirely below grade (basements) from floor area ratio calculations. The requested Variances would have accommodated an above-grade garage and an upper-level bedroom that were previously located in the basement level. Putting them above grade means they would be included in floor area ratio and coverage calculations.

On April 28, 2021, the Planning Commission considered the project, and continued the hearing to May 26, 2021, with direction to reduce the overall site coverage and square footage of the proposed development. On May 6, 2021, the applicant submitted revised plans incorporating the Planning Commission's direction. Since the original application submittal, the total net reduction of all project revisions amounts to 868 square feet of floor area (from 2,968 to 2,100 square feet). Because the applicant eliminated the garage, it now requests that the Board approve modified parking standards to allow two uncovered parking spaces within the front setback. Granting this request would also eliminate the need for variances authorizing a reduced front setback and increased site coverage.

Staff reviewed the revised application and found the project, as proposed, consistent with the Carmel Area Land Use Plan (LUP) and Coastal Implementation Plan (Part 4), provided that the variance is granted due to unique circumstances applicable to the site. The applicant seeks a Variance to increase the floor area, which would provide design flexibility. Note that the application originally included a basement, but this feature was removed given recent policy determinations regarding archaeological

resources on Carmel Point.

On May 26, 2021, at a duly-noticed public hearing at which all persons had the opportunity to be heard, the Planning Commission voted 8 - 0 to adopt a Mitigated Negative Declaration and approve the project, per the revised plans submitted by the applicant on May 6, 2021 (**Attachment K**).

The Appellant, The Open Monterey Project, timely appealed the May 26, 2021, Planning Commission decision (**Attachment D**). The Appellant challenges the Planning Commission's environmental determination and approval of the Combined Development Permit contending that the decision is not supported by either the evidence or applicable law.

In summary, the Appellant's contentions relate to the interior and exterior design of the proposed residence, neighborhood character, the amount of grading, tribal representative receipt of draft mitigation measure language, privacy of neighbors, the County's history regarding variances, the adequacy of the initial study and mitigated negative declaration, and comparable lots at Carmel Point. Staff reviewed the contentions and determined that the project is adequately designed and mitigated to minimize potential impacts to resources at the site. The specific contentions raised by the Appellant are addressed in more detail in the Project Discussion (**Attachment A**) and the Draft Resolution (**Attachment B**).

On June 23, 2021, both the Appellant and the Applicant agreed to postpone consideration of the appeal hearing beyond the 60-day timeframe required by Monterey County Code section 20.86.070.C. The postponement allowed sufficient time for County staff to evaluate the appeal contentions and prepare the staff report.

The Board hearing on this appeal is de novo.

DISCUSSION

An in-depth discussion covering project analysis and responses to appeal contentions has been included as **Attachment A**. Detailed responses to the contentions are also included in the Draft Resolution at **Attachment B**.

ENVIRONMENTAL REVIEW

Pursuant to Public Resources Code section 21083 and California Environmental Quality Act (CEQA) Guidelines sections 15063(a) and 15063(b)(2), Monterey County, as Lead Agency, reviewed the project to determine whether it would have a significant impact on the environment. The County prepared a draft initial study and mitigated negative declaration (IS/MND) for this project (**Attachment E**). County staff initially filed a draft IS/MND with the County Clerk on February 26, 2020, for public review. However, receipt of initial comments resulted in County staff revising and re-circulating the draft IS/MND on March 9, 2020. The revised draft IS/MND was filed with the County Clerk on March 9, 2020, and circulated for public review and comment from March 10 through April 9, 2020 (SCH No. 2020029094). This revised draft IS/MND is the document currently before the Board.

The draft IS and MND identified potentially significant impacts to biological resources (tree

relocation), cultural resources, geology and soils, land use and planning, and tribal cultural resources. Staff proposed mitigation measures to reduce identified impacts to a less-than-significant level. Mitigation Measure Nos. 1, 2, 3, and 4 would reduce potentially significant impacts by requiring tree replacement in case of tree mortality during relocation, the presence of an on-site archaeological monitor and a tribal monitor during all excavation activities, and sub-excavation and re-compaction of the building pad (as recommended by the geotechnical engineer) for building safety and design. These mitigation measures have been incorporated into the project as conditions of approval. Staff determined that all other standard topics of environmental analysis had either a less than significant impact or no impact.

During public review of the first IS/MND, the County received comments (**Attachment F**) from Save Carmel Point Cultural Resources (represented by Molly Erickson) and the California Native American Heritage Commission (NAHC). Ms. Erickson's comments addressed an elevator and roof deck, the chimney, scope of work, limits of disturbance, and the plan set. The applicant subsequently revised the plans to remove the proposed elevator and roof deck and reduce the proposed chimney width from 9 feet to 6 feet. Under the revised proposal, stairs and a retractable skylight provide maintenance access for solar panels that are proposed to be mounted on the roof. In response to Ms. Erickson's scope of work comment, the County revised (corrected) and re-circulated the draft Initial Study on March 9, 2020. County staff also uploaded revised plans to the County's permit database. Additionally, based upon Planning Commission direction given at its hearing on April 28, 2021, the applicant revised the project to eliminate the garage, which further reduced the overall floor area of the development by an additional 215 square feet. These revisions to the plan set, dated May 6, 2021, were uploaded to Accela, and are the plans currently before the Board. Staff has reviewed the revisions and concluded that they neither increase the severity of any previously identified impacts nor cause any new potentially significant impacts.

The NAHC comments discuss, among other things, legal requirements the County must observe in analyzing potential impacts to archaeological and cultural resources. In its comments, the NAHC questioned whether the draft mitigation measures had been discussed with and agreed upon during consultation. Monterey County Planning staff initiated tribal consultation with local Native American tribes on October 8, 2019, and met with a representative of the Ohlone/Costanoan-Esselen Nation (OCEN). County staff discussed the project with the tribal representative and identified potential impacts that may require mitigation. The tribal representative requested tribal monitoring during all excavation work on the site. Per this request, and due to the known presence of cultural resources within the area, the County required, as mitigation, the presence of a tribal monitor to observe all excavation and/or soil disturbing activities. Consultation on this specific project did not include review of draft mitigation measures with the tribal representative; however, mitigation language has been developed and discussed with OCEN in the past (unrelated to this specific permit) and similar mitigation language has been applied to other projects in the County. County staff reviewed all comments received on the IS/MND and determined that they do not alter the conclusions in the revised draft Initial Study, and no further revisions are necessary in response to the comments. The detailed County responses to the CEQA comments are attached as **Attachment G**.

Minor revisions to the draft initial study have been made to clarify and amplify mitigation measures. A minor revision was made to the draft mitigation measures to delete references to a basement level.

Additionally, the County added the following language to both Mitigation Measure Nos. 2 and 4 (Monitoring requirements): “at both 26308 Isabella Avenue and 26346 Valley View.” This added language clarifies and amplifies the County’s intent for archaeological and tribal monitoring to occur at both the project site and the tree replanting site. In the aggregate, the project description remains stable in that the scope involves development of a single-family dwelling on a residential lot within an established residential neighborhood. The changes to the draft initial study do not result in new effects, and the mitigation measures are more effective in reducing impacts to less than significant by extending the measures to the tree relocation site. Therefore, pursuant to section 15073.5(c) of the CEQA Guidelines, recirculation of the MND is not required.

OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- Public Works
- Environmental Services
- Cypress Fire Protection District

Land Use Advisory Committee (LUAC):

Staff referred the proposed project to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the originally-proposed project on December 2, 2019, and voted 5 - 0 (5 yes and 0 no; 1 absent) to support the project as proposed. This original proposal reviewed by the LUAC included a 1,250 square foot basement level. No concerns were raised by the LUAC or interested members of the public. See **Attachment H**.

Staff also referred the revised project to the LUAC for review. The LUAC reviewed the revised project on April 5, 2021, and voted 4 - 0 (4 yes, 0 no, and 2 absent) to support the project with a recommendation to revise the plans to reduce the number of proposed variances. The LUAC and interested members of the public raised concerns related to privacy, tree relocation, drainage, and neighborhood character. See **Attachment I**. As described in the summary above, the number of variances has been reduced (floor area ratio only). Other items including drainage and design have been reviewed and adequately addressed. See **Exhibit A** for more detail.

FINANCING

Funding for staff time associated with this project is included in the FY2021-22 Adopted Budget for HCD - Community Development General Fund 001 Unit 8543 Appropriation Unit HCD002.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES

This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

Administration
 Economic Development

Legistar File Number: RES 21-147

- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Joseph Sidor, Associate Planner, x5262

Reviewed by: Craig Spencer, HCD Planning Services Manager

Approved by: Erik V. Lundquist, AICP, Director of Housing and Community Development

DocuSigned by:
Erik Lundquist
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The following attachments are on file with the Clerk of the Board:

Attachment A - Discussion

Attachment B - Draft Resolution, including:

- Conditions of Approval
- Project Plans, dated May 6, 2021

Attachment C - Vicinity Map

Attachment D - Appeal Notice

Attachment E - Final Revised Initial Study/Mitigated Negative Declaration for PLN180523

Attachment F - CEQA Comments

Attachment G - County Responses to CEQA Comments

Attachment H - Carmel Highlands LUAC minutes for December 2, 2019

Attachment I - Carmel Highlands LUAC minutes for April 5, 2021 (revised plans)

Attachment J - Revised Initial Study/Mitigated Negative Declaration for PLN170613

Attachment K - Planning Commission Resolution No. 21-015 (Corrected), dated June 7, 2021

The staff report and all attachments are also available for review on the HCD-Planning public website at the following link:

<https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/committees-hearings-agendas>

cc: Front Counter Copy; California Coastal Commission; Erik V. Lundquist, HCD Director; Anna Quenga, Interim HCD Planning Services Manager; Craig Spencer, HCD Planning Services Manager; Joe Sidor, Project Planner; Public Works, Facilities, and Parks; Environmental Health Bureau; Environmental Services; Cypress Fire Protection District; Isabella 2 LLC, Applicant/Owner; Anthony Lombardo and Associates, Agent; Studio Carver Architects, Agent; The Open Monterey Project (represented by Molly Erickson), Appellant; LandWatch (Director); Native American Heritage Commission; Project File PLN180523