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Received
Jan. 14, 2019
Clerk of the Board
JL, Deputy



NOTICE OF APPEAL

Monterey County Code
Title 19 (Subdivisions)
Title 20 (Zoning)
Title 21 (Zoning)

No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before _____ (10 days after written notice of the decision has been mailed to the applicant). Date of decision see attached.

1. Please give the following information:

- a) Your name See attached
- b) Phone Number See attached
- c) Address _____ City _____ Zip _____
- d) Appellant's name (if different) The Open Monterey Project; Save Carmel Point Cultural Resources

2. Indicate the appellant's interest in the decision by checking the appropriate box:

- Applicant
- Neighbor
- Other (please state) Public Interest

3. If you are not the applicant, please give the applicant's name:

Pietro Family Investments LP

4. Indicate the file number of the application that is the subject of the appeal and the decision making body.

- | | File Number | Type of Application | Area |
|---------------------------|---------------------------------|---------------------|--------------------------------|
| a) Planning Commission: | PLN170611, PLN170612, PLN170613 | | Carmel Point |
| b) Zoning Administrator: | | | Carmel Area LUP (coastal zone) |
| c) Subdivision Committee: | | | |
| d) Administrative Permit: | | | |

5. What is the nature of the appeal?

a) Is the appellant appealing the approval or the denial of an application? (Check appropriate box)

b) If the appellant is appealing one or more conditions of approval, list the condition number and state the condition(s) being appealed. (Attach extra sheets if necessary).

See attached

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for the appeal:

- There was a lack of fair or impartial hearing; or
- The findings or decision or conditions are not supported by the evidence; or
- The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Board of Supervisors will not accept an application for appeal that is stated in generalities, legal or otherwise. If the appellant is appealing specific conditions, you must list the number of each condition and the basis for the appeal. (Attach extra sheets if necessary).

See attached.

7. As part of the application approval or denial process, findings were made by the decision making body (Planning Commission, Zoning Administrator, Subdivision Committee or Director of Planning). In order to file a valid appeal, you must give specific reasons why the appellant disagrees with the findings made. (Attach extra sheets if necessary).

See attached.

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Resource Management Agency - Planning will provide you with a mailing list. This requirement is not authorized by the CIP/Board of Supervisors. It is an illegal fee and TOMP and SCPCR challenge it and request a fee waiver.

9. Your appeal is accepted when the Clerk of the Board's Office accepts the appeal as complete on its face, receives the filing fee (Refer to the most current adopted Monterey County Land Use Fees document posted on the RMA Planning website at http://www.co.monterey.ca.us/planning/fees/fee_plan.htm) and stamped addressed envelopes. No fee for coastal zone appeals. See above.

This appeal substantially complies with the County requirements.

APPELLANT SIGNATURE Misty 12th, authorized rep. DATE 14 Jan 2019

ACCEPTED _____ DATE _____
(Clerk to the Board)

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January 14, 2019

John Phillips, Chair
Board of Supervisors
County of Monterey
Salinas CA 93901

Re: Appeal of PLN170611, PLN170612, PLN170613 – Pietro Family
Investments LP large house projects on Carmel Point, extensive below-
grade excavation in sensitive archaeological area

Chair Phillips and members of the Board of Supervisors:

I represent The Open Monterey Project and Save Carmel Point Cultural Resources in this matter. My clients hereby appeal the decisions of the County Planning Commission on a split vote, five to three, to approve the three projects stated above. This appeal encompasses all actions of the commission on the projects including approvals of environmental documents. References to commission approvals and actions are to each and all of the three projects, and these comments are intended to apply to each and every one of the projects.

The position of my clients is as follows:

An EIR is required for these projects due to potential impacts on cultural resources.

The evidence shows that the impacts to cultural resources can be mitigated by removal of the basements. That is a feasible mitigation and was recommended. The commission approvals did not adopt that feasible mitigation. The approvals contain muddled mitigations that have not been reviewed in a circulated CEQA document and are not enforceable and do not mitigate the potential impacts to less than significant. That is inconsistent with CEQA and the LUP requirements. The Carmel Area LUP section 2.8 on archaeological resources states as follows:

2.8.1 Overview

The Carmel area experienced intensive prehistoric use.

The Carmel area shoreline from Carmel Point to Point Lobos Reserve contains one of the densest remaining concentrations of shellfish gathering activities in central California. Point Lobos Reserve supports one site considered to be a permanent village. These archaeological

deposits have been identified as a highly significant and sensitive resource.

The Carmel Area LUP requires specific action to protect these resources.

2.8.2 Key Policy

Carmel is archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. New land uses, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources.

General Policy 2.8.3.3.

All available measures, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, etc., shall be explored to avoid development on sensitive prehistoric or archaeological sites.

The Carmel Point is a significant historic resource. It is eligible for the National Register of Historic Places and the California Register of Historical Resources. The County approvals have not protected the project sites, which are areas considered to be archaeologically sensitive. The proposed excavation below grade does not comply with this LUP policy and objective. The County approvals have not incorporated all site planning and design features necessary to minimize or avoid impacts to archaeological resources. For example, the County could require the houses to be at grade, with no excavation for large basements.

There is a fair argument based on substantial evidence in the record, including site-specific archeological reports and a rich array of evidence as to the Carmel Point, that each and all of the projects may have a potentially significant impact on cultural resources. An EIR is required.

The County approvals ignore "OCEN's request for no disturbance." The County rejected the tribal request out of hand. The archaeological evidence shows there is a likelihood of Native American artifacts and human remains. The County improperly considered three reports from three different applicant-hired archeologists, then selected the information the County wanted to consider. The County approach is to pick two out of three. This approach is improper under CEQA and the LUP. Where

there is disagreement among experts, an EIR is required. That exists here. The question is whether there is substantial evidence to support a fair argument that there may be potentially significant impacts, and thus an EIR should be prepared. The project-specific archeological reports and other Carmel Point evidence in the County files are substantial evidence to support a fair argument here.

The County staff argued is that there is "enough evidence" to proceed based on the applicant's report. Wrong. It is basic CEQA law that the existence of contrary evidence does not controvert the evidence that triggers the requirement to prepare an EIR. Here, there was a positive archeological report. That is substantial evidence of potential impacts.

The initial study uncovered "substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment," and the County must prepare an EIR. (CEQA Guidelines, § 15063, subd. (b)(1).) An EIR is required whenever "substantial evidence in the record supports a "fair argument" significant impacts or effects may occur" In the CEQA context, substantial evidence "means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (CEQA Guidelines, § 15384, subd. (a).) Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts" (*id.*, subd. (b)). The Sixth District Court of Appeal has reviewed the standards in its decision *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714. The County should review that decision carefully before proceeding.

The County approvals do not comply with the CEQA directive:

"[I]n marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR."

(CEQA Guidelines, § 15064, subd. (g).) The County approvals use the wrong CEQA standard and do not properly apply CEQA. The County's fragmented, one-off approach to projects is harming the resources in steps, and the effect is the same as a wholesale destruction. The harm is occurring on a project-by-project basis because the County is not protecting the overall resource in a responsible and required manner.

Here, the County has failed to consider the cumulative impacts of these three projects. There is no map that coherently presents all three projects and their location and relationship to each other. This lack of information makes it difficult for my clients and decision makers to understand the combined and overall impacts of the projects.

The projects are three houses on three lots. Two of the lots share a boundary, and one of these lots shares a corner with the third lot. All three houses would have at least three bedrooms and 2.5 bathrooms on the ground level. Some are even larger: PLN170613 has four full bathrooms on the ground floor. The applications include excavation for even more bedrooms and bathrooms below grade. The applications for below-grade development also include underground gym, wine storage, bar, dens. For that, the cultural resources will be destroyed under the County approvals.

The total finished construction below grade would include 5,466 square feet, according to the County. The excavation foot prints are significantly larger than that because the walls have to be excavated and supported, and large light wells and escape wells are features of all three projects.

The estimated cut for the projects would be 2,720 CY, based on County records. That is a very significant amount of cut. The approvals for PLN170611 fails to identify the 640 CY of cut for that project, which is an informational failure.

The County documents fail to adequately show the cumulative effect and total impacts of the three Pietro projects. My clients have reviewed County documents and have not seen any map that shows all three proposed project on a single map, clearly showing the proposed development and excavations of all three. As a result, my clients and the decision makers have not been adequately informed of the potential impacts, the potential excavation, and the potential effectiveness of the mitigations.

The adopted mitigations are difficult to understand, are vague on matters essential to enforceability, are inadequate under CEQA, do not contain adequate and enforceable performance criteria and performance objectives, and are ineffective to reduce the impacts to cultural resources to a less than significant level. We address several of these in this letter. Furthermore, the County's bare conclusions that impacts to cultural resources would be "mitigated to a less-than-significant level" does not quantify the impacts or the claims reduction and is not supported by facts or analysis.

As to mitigation measures requiring an archaeological monitor to be "present during soil disturbing activities" the mitigation is inadequate. There is no requirement that the monitor be watching the activities. As written, the applicant could have a single monitor in the general area who is generally available but not actually observing the active soil disturbance at the site. The performance standards and criteria are inadequate under the circumstances, including the three adjacent projects by the same

applicant, the record of the site already being used as an illegal construction staging area, and the illegal grading at the site. Each project site should have a skilled observer dedicated to that site who is actively observing all soil disturbing activities. The sites should not share observers on any given day. The potential for site disturbing activities to take place outside of the direct view of the "observer" is significant.

The mitigations inconsistently use the terms "qualified archaeological monitor," "principal Archaeologist," "qualified professional Archeologist," and "qualified Archaeologist." It is not clear if those are different people or the same person. The mitigations do not adequately define "qualified archaeological monitor" and their expertise and experience and role, which does not meet required performance criteria and standards. It is not clear whether the archeologist under contract with the developer has to be the same as the one consulted when remains and artifacts are found.

The mitigations limit the scope of the mitigations to "potentially significant archaeological resources." This is overly limited and does not protect all resources. The scope should include all archaeological resources uncovered, unless and until they are determined not to be potentially significant.

The mitigations place responsibility on "the OCEN Monitor or other appropriately NAHC-recognized representative." The mitigations fail to define what is a "NAHC-recognized representative." Given the demonstrated controversies within the tribal groups as to who is the true representative, the County's failure to establish criteria and standards is significant. There would be no reliable or predictable way to resolve disputes as to who or what is qualified.

The mitigations refer to "a tribal monitor," which does not include objectives and criteria. It is not clear whether that is the same person or different from "the OCEN Monitor or other appropriately NAHC-recognized representative."

The mitigations allow halting the soil disturbance only if the find is "determined to be significant." This fails to allow for work to be stopped for *potentially* significant finds, and fails to set clear, objective and enforceable standards for significance. A small artifact may not be significant in and of itself, but could be indicative of additional nearby resources.

The mitigations allow halting work only if "intact features" are discovered. (E.g., MM 1.) This is overly limited in scope and does not adequately protect the resources. A feature that has been bashed by a backhoe is not likely to be "intact." And the mitigation is moral hazard because it provides an incentive to smash or destroy the resource in part so that it is not "intact" and thus does not come within the scope of the mitigation language. A mitigation should protect any and all archaeological features,

regardless of whether they are "intact." And there should be mitigations to prevent harm to artifacts and resources in the first instance. The County has not adopted any. By allowing excavation, the County would allow harm to occur to existing resources at the sites.

The mitigations are materially flawed because they do not address the foreseeable circumstance that the tribal monitor believes that a find is significant and the archeologist does not so believe. These potential conflicts are foreseeable, especially in light of the lack of clear standards for significance, as discussed above. The mitigations are inadequate because they do not address what happens in the event of a dispute, and how the County would resolve that.

The same problem is presented by the mitigations' statements about how if human remains are determined to be Native American, that certain steps would take place only if the MLD and "a qualified archaeologist" concur. It is foreseeable that the two will not concur, or that two different archaeologists have two different conclusions, one of which agrees with the MLD and one of which does not.

The mitigations use internally inconsistent language – in the same mitigation that uses "concurrence" between the MLD and the archeologist, another part of the mitigation says that the tribal monitor will make a determination "in consultation" with the archaeologist is used, which sound like no concurrence is necessary so long as consultation has occurred.

The mitigation action 1b does not include performance standards or criteria for the responsibilities and involvement of the archaeological monitor. There are no standards to guide the applicant, its paid consultant, and no standards on which the County is required to rely as a basis to accept or reject a proposed contract. There also is no requirement for accountability by the archaeologist to the County, as there should be. There is no requirement as to who at the County should review the proposed contracts, and what expertise that person should have. This is important, given the County's demonstrated lack of expertise in specific environmental issues, including biological and archaeological and contracts.

The tribal monitor should be a different person from the MLD. The MLD should not be the paid tribal monitor, in order to avoid the potential for a conflict of interest.

The County mitigations require removal from the site of historic artifacts and human remains. Removal is contrary to the desires of the tribal groups, who want items preserved in place. The initial study improperly ignores the adverse impacts of the removal of the remains and artifacts. A delay by a year for a final technical report is far too long and would mean that additional projects could be approved during that time at that location without the benefit of the important information about the discovery. In light

of the facts around Native American customs, the discovery of cultural artifacts makes it likely that human remains could be found. The County recites but evidently does not understand "OCEN's request for no disturbance." "No disturbance" means no grading and no excavation, which means no basement.

In mitigation measure 2, the bullets, sub-bullets, indented paragraphs, combine to make the mitigation very confusing, and ambiguous as to what applies and where. The descriptions are vague. There are inconsistent periods and semicolons – it is not clear whether all bullets apply, or only some of them. Indentations are confusing so the hierarchy and sequence is not clear.

The mitigation for the discovery of human remains contains the following proposed language:

- "If the remains are determined to be Native American, and the most likely descendant, in concurrence with a qualified archaeologist, determines that:
 - a. The remains are evidence of a larger burial of human remains, which would qualify as a "unique archaeological resource", as defined in Public Resources Code Section 21083.2(g) that would be disturbed by further excavation; or
 - b. There is no acceptable location on the parcel to re-bury the remains which would not be affected by excavation"

The mitigation is not clear on what happens next. It is not clear whether the subsequent bullet point is dependent on the preceding bullet points, or is a standalone requirement. The precedence is not clear and the roles and authority of the various players is not clear and enforceable. It is not established who would determine whether there is an "acceptable location on the parcel to re-bury the remains" and on what basis that decision would be made. No objectives and standards are provided in the mitigation. The proposal of reburial elsewhere is repugnant to the tribal wishes, the LCP, CEQA, and the right thing to do. It is not clear whether in determining what is an "acceptable location" whether the most likely descendant (MLD) could be outvoted by the archaeologist or the property owner or the County. There is no support for the requirement that the reburial must be in an area "which would not be affected by excavation."

The County can and should impose a mitigation requiring preservation of the remains in place, and requiring the development to be redesigned to avoid the resources. The developer is on plenty of notice that the property may have cultural resources. The mitigation does not establish meaningful standards that would be used

to determine the remains are “evidence of a larger burial of human remains.” The mitigations do not establish whether the County would choose the archeologist or the developer would be allowed to select the archeologist.

MM-2 fails to address the foreseeable event that bone is uncovered and it cannot be immediately determined whether the bone is human. The mitigation should require immediate cessation of all soil disturbance within 50 meters on all parcels in the area. That should be a standard condition of approvals in areas of high archaeological sensitivity.

MM-2 purports to bind the coroner to acting in specific ways “within 24 hours” but the County cannot bind an independent elected official.

The County claims its approvals will “identify and manage recovered human remains and artifacts.” but that County action does not comply with the LUP standard that requires minimizing and voiding impacts to archaeological resources.

MM-2 merely allows that the MLD “may make a recommendation” to the handling of the human remains but nothing in the County approvals requires to project applicant or owner to respect that recommendation or the OCEN wish that remains not be disturbed. The County approvals allow the landowner to throw out the human remains in the trash or at the County dump.

The mitigation measures proposes to halt soil disturbance only “on the parcel” where something is found, and not on the adjacent parcels that are also proposed for development by the same applicant, Pietro Family Investments LP. The applicant has control over all the parcels and the County mitigation should require halting of excavation and soil disturbing activities on all Pietro parcels within at least a 50-meter range. 50 meters is 164 feet. That could include construction on all three Pietro parcels, which are within 164 feet of each other. The excavation on the two adjacent parcels are within 10 feet of each other, and the excavation on the Isabella parcel is within 164 feet of the two Valley View parcels. The mitigation as written is largely ineffective because it would allow soil disturbance/mechanical grading to proceed on two props even if artifacts/human remains were found ten feet away on an adjacent property.

The commission approvals improperly rejected much more effective and feasible mitigation, such as eliminating the basement elements of the projects. A portion of a revised mitigation requires merely as follows:

“The Owner/Applicant/Contractor will work with RMA
Planning to move/shrink/modify/redesign the basement

portions of the project which will have further impact on those areas of the site containing remains.”

This is not an effective mitigation. The County proposes to allow maximum flexibility to the property owner and to tie the County's hands. The mitigation says “The redesign should be done in a way that allows for maximum use of the property” which would prematurely commit the County to an unidentified future redesign, in violation of the California Supreme Court decision in *Save Tara v City of West Hollywood*. The redesign could have unanalyzed and unmitigated environmental impacts of its own. The mitigation does not require that the redesign have any public review or notice, or that the redesign would be a project not exempt from CEQA. The Chief of Planning would have unfettered discretion to approve revisions.

The proposed County mitigations do not adequately address the foreseeable situation where a reburial location would prohibit a basement, or that other parts of the development must be redesigned in order to respect the artifacts or remains. There is no guidance and performance standards in the event that no “reburial” location fits the proposed vague County mitigation. Nor do the proposed mitigations contemplate the foreseeable scenario that there are multiple sets of remains needing reburials on the site, and not adequate room at the site for the reburials. The mitigations provide inadequate direction as to what happens then. Or the foreseeable scenario that there are multiple sets of artifacts unearthed at the site(s), and multiple impacts on one or more of the Pietro projects that could be avoided by redesigning the approved project development, including the basements. The County's failure to do an adequate analysis in the initial study has led to inadequate mitigations and unanalyzed potentially significant impacts that have not been adequately mitigated.

The County should impose a mitigation to eliminate the basement element(s) if human remains are found at the site. That is a feasible and meaningful mitigation. Again, there are a minimum of three bedrooms and 2.5 bathrooms on the ground level of each of the houses. Eliminating the below-grade elements simply means the houses would not have fourth and fifth bedrooms and third, fourth, fifth and sixth bathrooms.

The idea of limiting a protective easement to only the exact area where human remains is found is not meaningful and is not mitigation for harm already done to the remains. The damage to the skeleton would likely have been done. It is known that the local Native Americans buried their dead with possessions and household items, so the area to be protected would be much larger than the skeleton itself.

MM action no 2c is inadequate, confusing, and overly limited in scope in some respects and overly invasive in others. The mitigation requiring hand shoveling would be triggered only by a determination that there is a “significant” artifact but there is no requirement for making that determination immediately or after time has passed and

more harm has occurred to the resource. Shovels can cause harm in themselves. If excavation uncovers something at a depth of 12 feet, there should be no need to excavate another 3.3 feet to 15.3 feet depth, as the mitigation requires. That would cause additional disturbance where none is necessary or appropriate.

Some of the mitigations confusingly refers to themselves as a “condition of approval” instead of a mitigation, perhaps in an effort to avoid accountability under CEQA. If resources are found, there is no requirement to delimit the perimeter with unmistakable and enforceable markings that are communicated to all persons on site. The finding of archeological resources that are determined on the fly, as proposed, to be “insignificant” likely would mean there are more significant resources buried nearby, according to the information in the initial study.

The County has available other options to investigate and evaluate the sites, as presented to the Planning Commission at its November 2018 meeting. I refer you to all that information which I incorporate here by reference as if fully presented herein. It was presented to the Commission and is in County files, and apparently was prompted by the Pietro developments. If you want me to provide the information (again) to you let me know and I will happily email it all to you.

The adopted mitigations are confusing, vague, incomprehensible and unenforceable, and they do not contain adequate performance standards, and the information and new conclusions were not recirculated. They do not reduce the mitigations to less than significant in any event. The applicant provided three archaeological reports to the County from three different archaeologists.

- The first report did not look significantly below grade and concluded that due to positive surface-level identification of cultural materials, “significant archaeological/cultural materials may be located with in the Project Area.”
- The second positive arch report found resources that the archeologist claimed are not significant, and so the County has called it as a “negative” report. This is not consistent with the information in the County files for this project that shows that “insignificant” items were buried with humans. It is also not consistent with the circles showing the protected known cultural sites that center on Carmel Point and the parcels at issue here. Additionally, the County approvals fail to adequately credit the importance of the second report’s recommendations and statements about “the possibility of finding deeply buried cultural resources.”
- The third report, also provided by the applicant, was based on auger testing and, reportedly for PLN170612 and -13, a shovel test pit of unknown width and only 10 feet deep. It is not clear if that was two test

Board of Supervisors

Re: Appeal of PLN170611, PLN170612, PLN170613

January 14, 2019

Page 11

pits or only one, and where on the site the test pit was dug relative to the proposed excavation. That is three feet short of the proposed excavation of up to 13 feet of excavation. The third report revealed that a Franciscan chert biface was discovered at PLN170611 at up to 6 feet in depth. The auger did not go deeper than 3 feet in one location and 6 feet in another. The locations are unknown relative to the areas proposed to be excavated. The third report's recommendation is more concerned about "delay" to the applicant than about analyzing and mitigating the potential impacts to cultural resources at the sites. Delay is not a proper subject for an archaeological consultant to opine on, and the County's deference to the opinion is not appropriate.

Chert is a sedimentary rock type commonly used for chipped-stone toolmaking by California tribes. Bifaces are high-input stone tools. Native Californians traditionally used a variety of natural materials for making tools, clothing, jewelry, and other items: stone, bone, shell, wood, plant fibers, sinew, feathers, and the like. Most of these items are highly perishable and do not survive well in the archaeological record. The exceptions are bone, shell, and stone. Stone – flaked, ground, battered, and otherwise modified – makes up more than 90% of most archaeological assemblages in California. There is no support in the record for the claim that the chert biface was an "isolate." Given the known use of Carmel Point by Native Americans and the richness of the cultural resources at Carmel Point the claim should be rejected.

The County has not published the reports and has controlled the information. Appellants understand the confidentiality of the underlying information but under the circumstances are concerned about the expertise and independence of County staff. Key questions remain about the adequacy of the testing. There are other more accurate methods of testing and investigation available, as shown in the County records and the LUAC discussion where the LUAC voted against the projects. The County did not require the alternative methods. As a separate concern, the shovel test pit may have been in the area where the "large mound of imported sand and gravel" was found on the site – evidence of illegal grading without benefit of permit by the applicant. This would skew the results. The applicant should not be rewarded by illegally changing the baseline at the site through unpermitted grading, but that is what the County has done. The County is accommodating the applicant's argument that the top 6 feet are unstable and must be replaced and compacted. It is an open question as to the factual basis for the contractor's claim about the top 6 feet on the two Valley View parcels, what kind of excavation was done to support this claim, and whether archaeologists were on site to review the excavation, and whether all results were reported to the County.

The County has an open code enforcement file due to evidence of demolition, evidence of major removal of indigenous vegetation, and the "large mound of imported sand and gravel" was found on the PLN170613 site – evidence of illegal grading without

benefit of permit by the applicant. The County agenda items fail to disclose that the project approvals are in part to clear the code enforcement violation.

The reliance on three applicant-paid consultants calls into question the independence of the County. The County can and should retain an independent archaeologist, paid for by the applicant, to investigate the three sites in detail and make independent recommendations free from the influence of the applicant, who has a vested interest in wanting the projects to be approved.

The County has not consider the harm to the resources, as compared to the minor burden on the applicant of following the law and protecting the resources.

- The permanent impact to the cultural resources would be very significant, and the harm could not be undone.
- The impact of effective mitigations on the property owner would still be able to develop the properties, and merely would mean no basements with gyms, wine storage, fourth and fifth bedrooms, and extra bathrooms.

The answer should be clear. Another agenda item at the Planning Commission special December 2017 meeting was to consider historic designation of the Carmel Point. The County should not approve these three projects with basements before the area has been protected. There is no prejudice in taking the time to do it right and follow the law. The applicants have been on full notice of the laws and the rich resources of Carmel Point, and they chose to proceed and take the risk.

The mitigation for an easement (MM-4) has no specific performance standards, criteria, and objectives. It is ambiguous and ineffective. For example, a "conservation and scenic easement deed" would not necessarily prevent all excavation and all development as defined in the Coastal Act. Easements can vary widely in scope and protections. It would not necessarily be in perpetuity, which conflicts with the commission "evidence"; there are no objectives or standards that state when protection in perpetuity would be "necessary" as the a future County body could remove the protection.

The timing of "prior to final building permits" is vague and unenforceable. It cannot be objectively determined. A "final building permit" is not defined and is not an understandable term. If an easement is to be effective, it must be in place before any building permits are issued. Another problem is that there is no requirement that the applicant/owner fund the easement. Responsible agencies and organizations do not accept easements unless they are adequately funded so the recipient can enforce the easement.

MM#3 states that the tribal monitor shall have the authority to halt work but does not give that authority to the archaeologist. That is a serious omission.

As to MM action 4c, the County approval states that action shall take place by a third party. The County cannot bind a third party and thus the mitigation is ineffective and unenforceable. There is no statement as to whom a letter shall be submitted, nothing about the accuracy of the letter, or that it shall be submitted under penalty of perjury. The timing is "Prior to final" which is vague and ambiguous because it does not say to what "final" refers. Many building permits are never finalized, so this is not enforceable. The County should impose a definite and enforceable date, such as perhaps prior to allowing occupancy. The County approvals proposed to enforce Mitigation Measure 3 by "action 4a," "4b" and "4c." The mixed-up numbers are confusing and likely to hamper effective administration and enforcement.

Nothing protects the sites in perpetuity from further excavation.

The proposed metal roofs are not consistent with the LUP requirement for structures blending into the environment. Metal does not blend into the wooded, rocky coastal environment. Merely because other examples were found by the applicant does not support a finding that metal roofs are appropriate here. There is no evidence that the metal roofs on other houses went through a design review process by the County, or even if they did, that metal roofs are subordinate to the area.

Condition 16 refers to a measurement "on the building permit." This is unwise. The condition should be based on what the County decision makers approved, not what is on the ministerial building permit. All references to "final building inspection" should be clarified to be "until approval of final building inspection."

The various conditions referencing inspection (e.g., 21, 22, 23) have inadequate compliance actions. The action should require the site to pass the inspection, not merely to "schedule" an inspection as the language states.

Condition 26 requires an action by "RMA-Development" but no such RMA department is listed on the County website.

Condition 27 refers to "construction" permit, while others refer to building or grading permits. The County should define the terms or use consistent terms.

Carmel Point is located in County supervisorial District 5. The two planning commissioners from District 5, Keith Vandevere and Martha Diehl, both voted against the projects. They have by far the most experience on the Planning Commission, of some 20 years or so each. They have the most familiarity with the issues and legal standards applicable to this project. All other commissioners are significantly newer.

Board of Supervisors
Re: Appeal of PLN170611, PLN170612, PLN170613
January 14, 2019
Page 14

The November 30, 2018 memorandum from RMA official Brandon Swanson to the Commission claimed it attached two revised initial studies. It did not. The memo attached only the materially revised initial study for PLN170612/PLN170613. The initial study for PLN170611 was not attached.

The County processes are procedurally incorrect and improper. County staff purported to sign the commission resolutions on December 20, 2018, mail the resolutions on January 2, 2019, and revise and mail them on January 3, 2019. Each revised document states "REVISED January 3, 2019 (This resolution supersedes the previous resolution mailed on January 2, 2019)." The County did not sign the revised version; the County revised a document signed two weeks earlier. The County claims it mailed a document on January 2 that was revised and mailed on January 3. I notified the County (Holm, Dugan, Swanson) of these problems last week and asked them to take corrective actions and extend the appeal period. The County did not respond.

Offer to Meet

We offered to meet with the County to discuss the issues before the County acted. The County refused. The County controls the schedule. My clients do not.

Conclusion

For each of the reasons described here and in the record, there is substantial evidence that the projects may have potentially significant impacts. An EIR is required. The Board should either (1) require an EIR for the projects, or (2) deny the projects on the basis of potential impacts to cultural resources. The applicant could easily get approval of houses at each of the three sites for houses at grade containing 3 to 4 bedrooms and 3 to 4 bathrooms with no or very limited excavation. This is a very reasonable alternative that should be considered.

Very truly yours,

STAMP | ERICKSON

/s/ Molly Erickson

Molly Erickson

cc: Carl Holm and Brandon Swanson, County Resource Management Agency
Wendy Strimling, Charles McKee, County Counsel
Coastal Commission Central Coast staff

Attachments: Report to Planning Commission, Oct. 2018 – Carmel Point
preservation issues; Fee waiver request

Monterey County

*Monterey County Planning Commission
Monterey County Government Center - Board of Supervisors Chambers
168 W. Alisal St.
Salinas, CA 93901*



Meeting Agenda - Final

Wednesday, October 31, 2018

9:00 AM

Monterey County Planning Commission

*Keith Vandevere, Chair
Paul Getzelman, Vice-Chair
Jacqueline R. Onciano, Secretary*

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Planning Commission's alternative actions on any matter before it.

BREAKS will be taken approximately at 10:15 a.m. and 3:00 p.m.

DOCUMENT DISTRIBUTION: Documents relating to agenda items that are distributed to the Planning Commission less than 72 hours prior to the meeting are available for public inspection at the front counter of the Resource Management Agency, Monterey County Government Center – Schilling Campus, 1441 Schilling Place – South, 2nd Floor, Salinas, CA. Documents distributed by County staff at the meeting of the Planning Commission will be available at the meeting.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the Monterey County Resource Management Agency at (831) 755-5025.

All documents submitted by the public on the day of the hearing should have no fewer than 16 copies.

The Planning Commission Clerk must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Wednesday Planning Commission meeting in order for the materials to be included in the agenda packet distributed in advance to the Commission.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report.

9:00 A.M. – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Ana Ambriz	Ernesto G. Gonzalez
Richard Coffelt	Francisco Javier Mendoza
Melissa Dufflock	Amy Roberts
Martha Diehl	Keith Vandevere
Paul C. Getzelman	Jon Wizard

PUBLIC COMMENTS

This is a time set aside for the public to comment on a matter that is not on the agenda.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Commission Clerk will announce agenda corrections, deletions and proposed additions, which may be acted on by the Planning Commission as provided in Sections 54954.2 of the California Government Code.

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

This is a time set aside for the Commissioners to comment, request, or refer a matter that is on or not on the agenda.

APPROVAL/ACCEPTANCE OF MINUTES

9:00 A.M. – SCHEDULED MATTERS

1.

PLN170423 - CEA DEVELOPMENT LLC

Public hearing to consider commercial cannabis operations totaling approximately 178,080 square feet of greenhouse area for cannabis cultivation, and nursery operations, and approximately 6,600 square feet of indoor processing building area for manufacturing and distribution.

Project Location: 2274 Alisal Road, Salinas, Greater Salinas Area Plan

Proposed CEQA action: Categorically Exempt per Section 15301 of the CEQA Guidelines

Attachments: [Staff Report](#)
[Exhibit A - Project Data Sheet](#)
[Exhibit B - Vicinity Map](#)
[Exhibit C - Draft Resolution](#)

2. **PLN180449 - DEL MESA CARMEL COMMUNITY ASSOCIATION**
Public hearing to consider the construction of a maintenance storage building (Approximately 960 s.f.).
Project Location: 500 Del Mesa Drive, Carmel, Carmel Valley Master Plan
Proposed CEQA action: Categorically Exempt per Section 15303(e) of the CEQA Guidelines

Attachments: [Staff Report](#)
[Exhibit A - Project Data Sheet](#)
[Exhibit B - Draft Resolution](#)
[Exhibit C - Vicinity Map](#)
[Exhibit D - PC Resolution No. 5756](#)

3. **PLN160851 - MORGENRATH (BLAZE ENGINEERING)**
Public hearing to consider establishment of a commercial operation and the construction of an office, workshop, storage area, and formal parking area with associated site improvements and tree removal within environmentally sensitive habitat areas (Total of 16 trees, consisting of Bay laurel (14), cypress (1), and Coast Redwood (1), ranging in size from 13 to 60 inches).
Project Location: 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan area (APN: 419-201-007-000)
Proposed CEQA action: Adopt a Mitigated Negative Declaration

Attachments: [Staff Report](#)
[Exhibit A - Project Data Sheet](#)
[Exhibit B - Discussion](#)
[Exhibit C - Draft Resolution](#)
[Exhibit D - Initial Study-Negative Declaration](#)
[Exhibit E - CEQA Comments](#)
[Exhibit F - LUAC Minutes](#)
[Exhibit G - Vicinity Map](#)

4. **REF180041 - REPORT ON THE STATUS OF ARCHAEOLOGICAL RESOURCES ON CARMEL POINT**
Overview regarding the archeological resources status on Carmel Point (the Point), in response to Planning Commission Referral No. 18.09

Project Location: Unincorporated portions of Carmel under Monterey County jurisdiction, Coastal Zone, Carmel Area Land Use Plan.
Proposed CEQA action: N/A

Attachments: [Staff Report](#)
[Exhibit A - Carmel Point Discussion](#)

5. PLN170611 - PIETRO

Consider an application for the construction of a split-level single family dwelling and an attached garage (Approx. 5,200 sq. ft.) within 750 feet of a known archaeological resource on Carmel Point. Carmel Area Land Use Plan, Coastal Zone

Project Location: 26307 Isabella Avenue, Coastal Zone, Carmel Area Land Use Plan

Proposed CEQA action: Adopt a Mitigated Negative Declaration

Attachments: Staff Report

Exhibit A - Project Data Sheet and Vicinity Map

Exhibit B - Discussion

Exhibit C - Mitigated Negative Declaration and Initial Study

Exhibit D - Draft Resolution

Exhibit E - Carmel Highlands LUAC meeting minutes (January 16, 2018)

Exhibit F - Comments

Exhibit G - Staff's response to comments

6. PLN170612 - PIETRO FAMILY INVESTMENTS, LP.

Consider applications to construct two projects on adjacent parcels located within 750 feet of a known archaeological resource located on Carmel Point in the Coastal Zone, Carmel Area Land Use Plan:

1. A single-family dwelling with basement and attached garage (approx. 4,900 -square feet) at 26338 Valley View Avenue. APN: 009-463-017-000 (PLN170612); and
2. A split-level single family dwelling with basement and attached garage (approx. 5,880-square feet) at 26346 Valley View Avenue, APN: 009-463-003-000 (PLN170613).

Proposed CEQA action: Adopt Mitigated Negative Declaration

Attachments: Staff Report

Exhibit A - Project Data Sheet

Exhibit B - Discussion Final

Exhibit C - MND and Initial Study

Exhibit D - Draft Resolution

Exhibit E- MINUTES LUAC CARMEL 011618

Exhibit F - Comments

Exhibit G- Staff's response to comments

Exhibit H - Letter from neighbors

7. PLN170613 - PIETRO FAMILY INVESTMENTS, LP.

Consider applications to construct two projects on adjacent parcels located within 750 feet of a known archaeological resource located on Carmel Point in the Coastal

Zone, Carmel Area Land Use Plan:

1. A single-family dwelling with basement and attached garage (approx. 4,900 -square feet) at 26338 Valley View Avenue. APN: 009-463-017-000 (PLN170612); and
2. A split-level single family dwelling with basement and attached garage (approx. 5,880-square feet) at 26346 Valley View Avenue, APN: 009-463-003-000 (PLN170613).

Proposed CEQA action: Adopt Mitigated Negative Declaration

Attachments: Staff Report
Exhibit A - Project Data Sheet and Vicinity Map
Exhibit B - Discussion
Exhibit C - Mitigated Negative and Initial Study
Exhibit D - Draft Resolution
Exhibit E - Carmel Highlands LUAC Minutes
Exhibit F - Comments
Exhibit G - Staff's response to comments
Exhibit H - Letter from neighbors

OTHER MATTERS

8. Accept the resignation of Jerry Provost from the South Coast Land Use Advisory Committee.

DEPARTMENT REPORT

ADJOURNMENT



Monterey County Planning Commission

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831 755 5066

Agenda Item No. 4

Legistar File Number: PC 18-122

October 31, 2018

Introduced: 10/24/2018

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

REF180041 - REPORT ON THE STATUS OF ARCHAEOLOGICAL RESOURCES ON CARMEL POINT

Overview regarding the archeological resources status on Carmel Point (the Point), in response to Planning Commission Referral No. 18.09

Project Location: Unincorporated portions of Carmel under Monterey County jurisdiction, Coastal Zone, Carmel Area Land Use Plan.

Proposed CEQA action: N/A

RECOMMENDATION:

It is recommended that the Planning Commission review the Carmel Point report, consider staff recommendations and provide direction regarding the suite of options presented.

PROJECT INFORMATION: N/A

SUMMARY:

In August 2018, the RMA received a referral from the Planning Commission, Referral No. 18.09. The question to be addressed is whether the applied conditions of approval and mitigation measures have protected and preserved the Archaeological Resources at the Point in accordance with the existing policies of the Carmel Area Land Use Plan and state law. The attached report provides an overview on the status of the Point as it relates to archaeological resources and after a systematic review of the land use entitlements that have been granted staff has found that applied mitigations have not minimized, protected or avoided the archaeological resources, and has been reactive in nature. In 1982, the Monterey County Board of Supervisors adopted the Carmel Area Land Use Plan (LUP) and in 1983 it was certified by the California Coastal Commission. Land Use Plans establishes policies to balance the protection of resources with development. According to the Carmel Area Land Use Plan, key policy 2.8.2 states:

"Carmel's archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. New land uses, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources."

After over three decades of processing land use entitlements associated with archeological investigations, information analyzed has yielded information that has solidified the archaeological and tribal significance of the area. The Carmel Point area is documented to be an Ohlone settlement dating to at least 4,000 years ago and has produced the oldest known archaeological artifact in Monterey County. Carmel Point has a rich archaeological history- there are three recorded archaeological sites on Carmel Point: CA-MNT-17, CA-MNT-16, and CA-MNT-1286. Cultural resources which have been formally recorded with the Regional Information Center of the California Historic Resources Information System are referenced by this trinomial designation: CA-MNT-17, which extends well beyond the current project area. has been characterized as an expansive and moderately dense accumulation of marine shell, mammal bone, flaked and ground stone tools. The Carmel Area Land Use Plan recognizes the intensive prehistoric use of the Carmel area. According to the Carmel Coastal Implementation Plan (Part 4), the Point is considered a "high sensitivity zone"- an area where archaeological sites are already identified with a strong possibility of prehistoric/historic Native American occupation.

This report generally summarizes the archeological research received by the County to date for individual projects located at or near the Point, and provides information regarding relevant existing policies applicable to the area that require archeological resource protection. Additionally, it introduces new technology and provides a suite of options that would assist in determining the status of the area and preventing further unintended disturbance to the resource.

Several projects on the Point have recently proposed development of basements for new homes. In just the past year, RMA-Planning has received six requests for basement approvals on the Point. Carmel's key policy on Archaeological Resources is such that when development is proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. The key components of this and other relevant and applicable policies include the following:

Coastal Implementation Plan (CIP)

- All avoidable measures, including purchase of archaeological easements, dedication to the County; tax relief and purchase of development rights shall be explored to avoid development on sensitive prehistoric or archaeological sites.
- When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required to avoid impacts to such cultural sites.

Carmel Area Land Use Plan

- "... emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance".
- ALL available measures, including purchase of archaeological easements, dedication to the

County, tax relief, purchase of development rights, consideration of reasonable project alternatives, etc., shall be explored to avoid development on sensitive archaeological sites.

A comprehensive list of all relevant policies is contained in Exhibit A.

The key questions addressed via the information contained in the report include:

- How can currently available archaeological methodologies used to identify the presence of deeply buried cultural resources help to better inform decisionmakers and RMA planning staff regarding proposed projects located on the Point?
- Given the documented archaeological importance of the Point, should Monterey County proceed with potentially pursuing a comprehensive Historic Resources (HR) site overlay, and/or consider the larger neighborhood eligible for listing on the California Register of Historic Resources as well as the National Register of Historic Places as an archaeological district? Monterey County has not made a determination on whether the Point, as a whole is an "historic resource" as described by CEQA Guidelines Section 15064.5, and has not pursued elevated official status of the Point. Instead, the County's practice has been to analyze the potential effects of proposals on archaeological resources on a case-by-case project basis.
- Should other policy issues be considered, such as requiring all projects located on the Point to conduct more intensive Extended Phase 1 archaeological investigations (e.g., Geoprobos), when deeper excavations are proposed?

There are several options available to help protect the resources at the Point, and staff awaits direction from the Commission on how to proceed.

DISCUSSION:

See attached Exhibit A.

OTHER AGENCY INVOLVEMENT: N/A

Prepared by: Christina McGinnis, Interim Long Range Planning Services Manager, x6733

Reviewed by: Jacqueline R. Onciano, RMA Chief of Planning

Approved by: John Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Carmel Point Discussion

cc: Front Counter Copy; Planning Commission, Brandon Swanson, RMA Services Manager; Christina McGinnis, RMA Services Manager; California Coastal Commission; Carmel Area Land Use Advisory Committee; Luis J. Miranda Ramirez, Ohlone/Costanoan-Esselen Nation; Anthony

Lombardo, interested party; Chris Adamski, interested party; Monterey County List of Historical/Archaeological Consultants dated 11/24/2018; State Historic Preservation Office, Pietro Family Investments, property owners; Robert Carver, interested party; Barbara Rainer, interested party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File REF 180041.

Exhibit A

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EXHIBIT A DISCUSSION

The attached report provides an overview on the status of the Point as it relates to archaeological resources. After decades of archeological investigations, the Point has yielded information that clearly makes it archaeologically significant and deserving of comprehensive protection. The Carmel Point area is presumed to be an Ohlone settlement dating to at least 4,000 years ago and has produced the oldest known archaeological artifact in Monterey County. Carmel Point has a rich archaeological history- there are three, sometimes overlapping, recorded archaeological sites on the Point: CA-MNT-17, CA-MNT-16, and CA-MNT-1286. Cultural resources which have been formally recorded with the Regional Information Center of the California Historic Resources Information System are referenced by this trinomial designation. CA-MNT-17, which extends well beyond the current project area, has been characterized as an expansive and moderately dense accumulation of marine shell, mammal bone, flaked and ground stone tools. The Carmel Area Land Use Plan recognizes the intensive prehistoric use of the Carmel area. According to the Carmel Coastal Implementation Plan (Part 4), the Point is considered a “high sensitivity zone”- an area where archaeological sites are already identified with a strong possibility of prehistoric/historic Native American occupation.

The report summarizes archeological research received by the County to date for individual projects located at or near the Point, and provides information regarding relevant existing policies applicable to the area that require archeological resource protection. It also introduces a newer technology and provides a suite of options that would assist in determining the status of the area and preventing further unintended disturbance to the resource.

The recent slate of projects in this area proposing underground basements and other projects requiring excavation to depths that are not reachable using archaeological investigation methods present a policy challenge: *has the resource been protected using traditional approaches for cultural resource assessment and mitigation? The determination after a systematic review of projects on the Point as detailed in this report is that Monterey County has been applying mitigation that has not protected or avoided these resources, and has been reactive in nature.* Traditional mitigation requiring only a surface (Phase I) walkover, and even a Phase II with limited excavation, has not identified the more deeply buried resources that have been discovered, some including human remains. Unfortunately, this approach that has been incrementally destroying resources, even when an archaeological monitor is required to be present. Additional methods are available to assess the potential for the presence/absence of deeply buried archaeological resources (described in this report, called Geoprobos).

Several projects on the Point have recently proposed development of basements for new homes. In just the past year, RMA-Planning has received six requests for basement approvals on the Point. Carmel’s key policy on Archaeological Resources is such that when development is

proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. The key components of this and other relevant and applicable policies include the following:

Coastal Implementation Plan (CIP)

- All avoidable measures, including purchase of archaeological easements, dedication to the County; tax relief and purchase of development rights shall be explored to avoid development on sensitive prehistoric or archaeological sites.
- When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required to avoid impacts to such cultural sites.

Carmel Area Land Use Plan

- "... emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance".
- ALL available measures, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, consideration of reasonable project alternatives, etc., shall be explored to avoid development on sensitive archaeological sites.

In order to be fully compliant with these policies, all available measures should be taken to determine the presence/absence of resources, and where they are found, they must be avoided.

Background

The purpose of this report is to provide the Monterey County Planning Commission and the public with a briefing on the Carmel Point (Point) area. The Point has a well-documented history of containing numerous archaeological resources within three individually recorded sites and is considered an area with extremely high sensitivity and potential for continued discovery of unknown archaeological resources. The Point has been studied for its archaeological significance for decades. Notably, in 2012, Breschini and Haversat prepared a comprehensive report with an overview of archaeological investigations and a summary of findings for the Point. One of the three known archaeological sites located there is referenced in the Breschini and Haversat report: CA-MNT-17 is *the oldest archaeological site in Monterey County, among the oldest on the central California coast, and contains three subsections, A-C*. The earliest radiocarbon date from CA-MNT-17 is in excess of 9,400 years before present (BP); prehistoric occupation extended as late as 1807 A.D. after establishment of the Mission at Carmel. The Breschini report states that "*it is likely that additional dates obtained from that same general area would extend this age even farther into the past.*" The other two documented sites, CA-MNT-1286 and CA-MNT-16, discovered in the early 1950's, are in close proximity to CA-MNT-17. The exact boundaries of these archaeological resources have not been systematically

defined, as this requires intensive ground surface survey and subsurface boundary testing excavation. While the exact locations of these sites cannot be publically disclosed due to state law regarding their sensitivity and confidentiality, they collectively are extremely important for several reasons.

The information gleaned from these sites located in the Point area indicates that they meet the criteria for listing on the California Register of Historic Resources (CRHR) and the federal National Register of Historic Places (NRHP) as they are capable of “yielding information important in prehistory.” The Breschini and Haversat report considers that the Point area encompassing all of these sites is eligible for listing as an “historic district” per the NRHP definitions, given that prehistoric populations occupied this area for over 9,000 years.

Substantial evidence derived from 18 investigations associated with land use development as summarized by Breschini and Haversat (2012) conclude that a comprehensive synthesis of the data from various projects should be undertaken and all available methods should be used to determine the potential presence and avoidance of cultural deposits in the Point area. The archaeological investigations prepared for these relatively small residential projects on the Point have been modest in scope, have obtained relatively few radiocarbon dates, and have included only limited technical analyses of cultural resources recovered during excavations. As Breschini and Haversat state in their report, “most of these projects have not been able to support the levels of research needed to properly analyze the previous investigations and correlate the scattered information in order to more fully understand this site [CA-MNT-17]”. The report argues how unfortunate this is, given that CA-MNT-17 is a “multi-component site spanning almost all of the prehistoric occupation of the Monterey Peninsula”.

Systematic surveys currently required for all parcels within the Monterey County General Plan Archaeological Resources Moderate and High Sensitivity Zones should include adequate techniques to ensure the identification and whenever possible, and *avoidance* of deeply buried cultural deposits, so that the earliest periods of prehistoric occupation are identified and added to our understanding of local prehistory. There is evidence of prehistoric occupation of the Point area during the Middle Period of California prehistory (200 BC to 700 AD), which is scarce on the Monterey Peninsula, as well as evidence of some occupation during the preceding 1,000 years (1200 BC to 200 BC) when archaeologists have not recorded other evidence in the Point or vicinity. There is also evidence from the early Archaic (prior to 4000 BC), which is extremely rare in this portion of the California central coast. Breschini and Haversat state that any future projects in this area should be aware that there is the *potential for encountering Middle and Early (4000 BC to 1200 BC) Period cultural resources, and therefore should include provisions for addressing the unknown presence of older, sparse deposits in their research designs.*

After decades of archeological investigations, the Point has clearly yielded information that makes it archaeologically significant and deserving of comprehensive protection. Though the prehistoric archaeological occupational sequence is generally established, the reasons why local Native California populations increased or decreased over time are not understood. Possible explanations include climate change that affected food resource availability, population increases and resulting competition for available marine resources, and immigration of outside tribes that could have created competition for available resources. The changing geographic distribution of

archaeological sites over time is also not understood, though it was affected by sea levels that were much lower than today: approximately 200 feet lower 10,000 years ago, and 50-80 feet 7,000 years ago. Sea level reached its modern day elevation by about 3,000 years ago.

Monterey Bay region Native Californians were known Rumsen, Esselen/Excelen, Guacharrones/Wacharon, Ecclemachs, Sakhones, Sureños, and Carmeleños. Today, anthropologists continue to refer to these early inhabitants and their living descendants as ‘*Ohlone*,’ a name adapted from Latham in 1856 and first consistently applied by Levy in 1978. The tribe’s settlement patterns, as reflected by the distribution of archaeological sites over the landscape and ethnographers interviews of informants in the early 20th century is considered to have been “semi-sedentary”: larger village sites have been recorded most often at the confluence of streams and the Pacific Ocean coastline, other prominent landforms such as marine terraces and ridgelines adjacent to streams, or in the vicinity of permanent springs. Smaller, localized seasonal resource gathering and food processing areas and associated temporary campsites are frequently found on the coast and interior areas frequented when seasonal fishing resources were less plentiful.

There are two contemporary Native Californian tribes in the County’s jurisdiction identified by the state Native American Heritage Commission that are consulted when land use projects have the potential to impact their heritage issues: the Salinan Tribe, and the Ohlone/Costanoan-Esselen Nation (OCEN). Monterey County’s Native American Heritage representative for the Point, OCEN, has stated that their priority is to protect and preserve without disturbance their ancestors’ remains. If project excavation is unavoidable, OCEN requests all cultural and sacred items identified during these disturbances be left on site or where they are discovered, with their ancestors.

Information on cultural resources, particularly archaeological (historical) resources, can yield important environmental data, since past ecological conditions often are reflected in archaeological sites. Archeological sites may exhibit evidence of different occupations over different periods of time. These are qualities that address CEQA Guidelines Section 15064.5(3)(d) significance criteria:

Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:

(D) Has yielded, or may be likely to yield, information important in prehistory or history

At a local level, there has been a question about what constitutes a “unique archaeological resource,” especially when artifacts recovered from a site may seem “insignificant” or otherwise non-substantive. CEQA provides some guidance by definition, as described later in this report.

Research Methods

There are limitations with conventional archaeological excavation methods typically used in the past by archaeologists to access deeply buried cultural resources, which cannot identify soils below 6 feet, and that is only with extensive, expensive mitigation excavations. *However, a technique is available that is less invasive to the site and explore depths not possible using traditional methods to assist in the archaeologists' determination of whether a site may contain deeply buried archaeological deposits that can be avoided. This technique uses geoprobes or cores, a method conventionally used by geologists to evaluate soil characteristics to define structural foundation requirements.* The geoprobes can effectively identify soils that may contain habitation debris that can be dated (only one shell or other identified artifact is needed) to contribute to our understanding of archaeological site patterns over time. This technique allows for recovering systematic 2-inch to 6-inch diameter core samples to any depth desired (e.g., to the depth of any proposed over-excavation for a project for an underground garage or basement), and provides a stratigraphy that allows the archaeologist to evaluate if there are indicators of deeply buried resources to help identify sites and avoid them if discovered. The depth of some archaeological sites is up to 10 feet below surface. The deepest resources below surface are the oldest, and least understood.

The following overview provides a general discussion on how archeological investigations are undertaken, and describes some of their limitations.

Phase 1 Surface Survey. The ground surface survey only can identify what cultural resources may be on the ground surface. The results of these surveys are often limited by landscaping, paved surfaces, and the like. If the project site topography has been graded or terraced and the resulting cuts are exposed, then the Phase 1 can identify the presence of subsurface deposits within these soils. However, terraced surfaces are normally obscured by retaining walls. The Phase 1 survey can only verify the presence of archaeological remains in ideal survey conditions. If an archeologist is aware that he/she is conducting a survey in a recorded archaeological site, the Phase 1 investigation doesn't indicate the presence/absence and depth of subsurface deposits. The Phase 1 surface survey also cannot define the precise horizontal boundary of a recorded archaeological site. Thus, Phase 1 surface surveys do not adequately provide sufficient evidence of cultural presence/absence, given their limited scope.

Extended Phase 1 Excavation: When conducting a survey within a known archaeological site boundary or adjacent to one, excavation must be performed to determine the presence/absence of cultural resources and how deeply they may extend. Secondly, a determination of whether a site has been previously disturbed is also required, as this influences its significance (disturbance to archaeological artifacts can impair their ability to "yield information important in prehistory" if their horizontal and vertical relationships have been lost). There are several ways to conduct an Extended Phase I survey:

Hand augering. This is typically done with a 4- to 6-inch hand auger. It can reach perhaps a depth of 6 feet below surface, and has limited capability to provide an indication of whether the soils have been disturbed (if modern cultural debris such as construction materials are found with the prehistoric remains, then this is possible). The auger does not provide information on the stratigraphy of the soils, which is an important indicator of significance.

Shovel test pits. These are holes dug by archaeologists generally 12- to 16-inches in diameter. They can generally only reach 4-feet below surface. The archaeologist can normally determine the presence of past disturbance to soils, but the limited depth of the excavation technique is a severe drawback when needing to explore substantial proposed excavation areas such as underground garages.

Geoprobes. The probes penetrate through any surface, including pavement, and can reach as deeply as required. Instead of traditional hand-excavation, mechanically driven geoprobes (2- to 6-inches in diameter) are a less invasive method of identifying resources and can better characterize the extent and integrity of archeological resources. In a village site where there are burials, the artifact density is likely sufficiently high and the soils developed with a contrasting color and texture (much like a well-developed compost soil) that the geoprobe would be a very useful investigation technology. It is also quick to implement, since a truck can be ordered and the probes can be completed in one day, providing a solid core of the soils ideal for analyzing stratigraphy and to determine whether a site has been previously disturbed. At the time of this report preparation, the cost of renting a geoprobe rig averages about \$2000/day, and 6 to 8 cores can be dug in one day. The cores should be spaced no greater than 30 feet apart (ideally at shorter intervals) when they are conducted in a known village site or area of high archaeological sensitivity. As an example, if an applicant has a 1,000-square foot envelope, it would require one day of geoprobe core excavations to explore and assess the presence/absence of deeply buried cultural resources; then the archaeologist can assess the significance of the soils recovered in the probes. The cost may be on the higher range of \$5,000-10,000, but there is no other way to explore to the depth of a garage or basement using traditional archaeological survey methods. There is only one report that was found using this technology for the Point, from 2010 when the proposed project included a basement. The cores showed positive archeological results at depths of 10-11 feet. Thus, since this technology has already been utilized at the Point, and has proven to help determine the presence/absence of archaeological deposits, it should be considered for all proposed projects at the Point proposing underground excavation.

The County has received a number of positive archaeological reports (where archaeological deposits were identified) that recommended an archaeological monitor during grading as mitigation for the project after only limited research and excavation [if any], then ultimately found cultural resources and in some cases, human remains. To date, the County records for projects at the Point show that 220 archeological reports have been received for the Point related to individual projects, with a total of 512 parcels located there (note: CSA area 1 contains 380, and 30 are vacant lots). A total of 47 projects on the Point contained a basement, subterranean garage, or underground living space. There were 131 negative reports with no resources identified on the ground surface, and no further investigation conducted (22 of the negative reports contained a basement, subterranean garage, or underground living space). Conversely, there were 87 positive archaeological findings, some including human remains. Of these positive reports, 25 of them included a below-ground basement or garage/dwelling. Auger boring for these positive reports was conducted only 16% of the time, in combination with excavation test units. Excavation test units alone were done 16% of the time, and *the majority of positive reports (52%) were completed using only a surface visual assessment and conducting background research.*

There have been a few particularly controversial reports with positive results for archaeological resources, most of them located in the CA-MNT-17 area after a Phase I completed background research and a surface visual assessment to assess the project site. For example, an original report for CA-MNT-17C stated human remains and artifacts were found and retrieved during construction monitoring from a previous project on the property. The same report stated very little resources were left on site due to the on-going disturbance from past cumulative excavation on the property. *In addition, human remains were also found in one additional site (CA-MNT-17A) during construction monitoring.* Hence, recommending monitoring during construction as a mitigation measure did not achieve the policy requirement of avoiding and preserving the significant archaeological resources on site. In addition, two reports from the CA-MNT-17 area had recommended as mitigation collecting artifacts from the site as a way to “increase the body of knowledge already developing regarding the site”. Cultural materials recovered during monitoring should be curated in the public domain at a suitable research facility.” This recommendation is an example of an archaeological report that conflicts with existing policy directives (see “Applicable Policies” below) and the requests of OCEN.

The sites in and around the Point have been incrementally disturbed in numerous cases by the construction of individual single-family residential projects. The issue at hand is whether or not the current interpretation and application of the policy contained in the Carmel Plan and other Monterey County regulations that apply are adequately protecting Carmel Point archaeological resources. *The Carmel Land Use Plan’s Key Policy 2.8.2 states that Carmel’s archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values.* Furthermore, new land uses, both public and private, should be considered *compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources.* The policy requires avoidance; however, the practice has typically been to conduct Phase I ground surface surveys and when no initial indication of cultural materials is found, to simply require an archaeological monitor during construction. The issue with this approach is that deeper cultural deposits have been repeatedly found, even in light of a negative Phase I survey (as noted above), and even if a positive Phase I is prepared (e.g., discovery of surface indications that resources are likely present), the mitigation is to monitor during construction rather than conducting further significance excavation using all available technology to determine the vertical and horizontal extent of the cultural deposit, as well as understanding what important information it may have to “yield information important in prehistory.”

The key questions to be addressed via the information contained in this report include:

- How can currently available archaeological methodologies used to identify the presence of deeply buried cultural resources help to better inform decisionmakers and RMA planning staff regarding proposed projects located on the Point?
- Given the documented archaeological importance of the Point, should Monterey County proceed with potentially pursuing a comprehensive Historic Resources (HR) site overlay, and/or consider the larger neighborhood eligible for listing on the California Register of

Historic Resources as well as the National Register of Historic Places as an archaeological district? Monterey County has not made a determination on whether the Point, as a whole is an “historic resource” as described by CEQA Guidelines Section 15064.5, and has not pursued elevated official status of the Point. Instead, the County’s practice has been to analyze the potential effects of proposals on archaeological resources on a case-by-case project basis.

- Should other policy issues be considered, such as requiring all projects located on the Point to conduct more intensive Extended Phase 1 archaeological investigations (e.g., Geoprobings), when deeper excavations are proposed?

Applicable Policies

The area is governed by Monterey regulations and policies in the Carmel Coastal Implementation Plan (Part 4), Carmel Area Land Use Plan, 1982 General Plan, and the Monterey County Coastal Zoning Ordinance, Title 20, described briefly below. These policies all address the need to avoid known archaeological resources to the extent feasible through available measures, rather than allowing disturbance to sites with known sensitivity and/or resources. AB 52 is also applicable, and briefly described below.

Coastal Implementation Plan (CIP)

It should be noted that archaeological sensitivity zones are defined in the CIP as follows: A “Low” sensitivity zone is one in which there is limited probability of finding evidence of past Native American activity. A “Moderate” zone is one in which there is a probability that the area was used by Native Americans for hunting, gathering or collecting. *In a “High” sensitivity zone, there are archaeological sites already identified in the area with a strong possibility that Native Americans lived in and occupied that area. All of the Point is considered a HIGH SENSITIVITY zone, and there is ample evidence in the record to support this.*

In the CIP, Section 20.146.090, development on parcels with an archaeological site, as identified through an archaeological report prepared for the project, shall be subject to certain conditions of approval. The CIP includes the following General Development Standards (Section 20.146.090.D. 1-5) for development on, adjacent, or near archaeological resources [emphasis added in bold/italics where particularly relevant]:

1. ***All avoidable measures, including purchase of archaeological easements, dedication to the County; tax relief and purchase of development rights shall be explored to avoid development on sensitive prehistoric or archaeological sites.***
2. Development on parcels with an archaeological site as identified through an archaeological report prepared for the site, shall be subject to the following conditions of approval to be completed prior to the issuance of building or grading permits:

- a. The recommended mitigation measures contained in the archaeological survey report prepared for the site shall be made a condition of approval.
 - b. The applicant shall request to add the combining “HR” zoning district to the existing zoning on the parcel. The rezoning shall not necessitate an amendment to the Land Use Plan or this ordinance.
 - c. The archaeological site shall be placed in an archaeological easement. The easement shall be required pursuant to Section 20.142.130. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected from the County’s list of archaeological consultants or who is a member of the Society of Professional Archaeologists [now called the Register of Professional Archaeologists, or RPA].
3. ***When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required to avoid impacts to such cultural sites.***
 4. Where construction on or construction impacts to an identified archaeological or paleontological site cannot be avoided, as verified in the archaeological report prepared for the project, a mitigation plan shall be required for the project. This mitigation plan shall be required by, submitted to and approved by the County. The plan shall be prepared at the applicants’ expense. Included in the plan shall be recommended preservation measures in accordance with the guidelines of the State of Office of Historic Preservation and the State of California Native American Heritage Commission. The Consulting Archaeologist shall file the report with the State Office of Historic Preservation.
 5. Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:
 - a. The preservation measures shall be undertaken and completed prior to the issuance of building or grading permits; or,
 - b. Where appropriate, according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading and building permit; and,
 - c. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the County prior to the issuance of building or grading permits. Two copies of the report shall be submitted.

Chapter 20.146 of the Carmel Coastal Implementation Plan defines ‘archaeological sensitivity zones’ and ‘archaeological site,’ in the following ways:

- B. **Archaeological Sensitivity Zones:** These categories describe the probability of finding archaeological resources throughout the County, as shown on County Archaeological sensitivity maps. In a “High” sensitivity zone, there are archaeological sites already identified in the area with a strong possibility that Native Americans lived in and occupied that area.

- C. Archaeological site: A site of known Native American remains or activity, as evidenced by shells, fire-cracked rocks, other lithic remains, charcoal, bedrock mortars, rock art, quarry sites, etc.

Additionally, the Coastal Development Permit requirement is established for projects within 750 feet of known archaeological resources (via an interpretation request regarding development within 750 feet of a known archaeological resource provided in 2010 by the Monterey County Planning Director).

Carmel Area Land Use Plan

The Carmel Area Land Use Plan recognizes the intensive prehistoric use of the Carmel area. According to the Carmel LUP, the Carmel area shoreline from Carmel Point to Point Lobos Reserve contains one of the densest remaining concentrations of shellfish gathering activities along the central California coast. These archaeological deposits have been identified as a highly significant and sensitive resource. Carmel Area Land Use Plan Key Policy 2.8.2 (Chapter 2.8 Archaeological Resources) requires the *maintenance and protection of archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped for their scientific and cultural heritage values*. Any proposed development should be considered compatible with the objective of this policy *only when all site planning and design features necessary to minimize or avoid impacts to archaeological resources have been incorporated*. This objective is furthered in General Policies, where Policy 2.8.3. 5 specifically states: *“to this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance”*.

1982 Monterey County General Plan

The project site is subject to the 1982 Monterey County General Plan (General Plan) which provides a regulatory framework, through goals and polices, for physical development. The goal of the Plan is to encourage the conservation and identification of the County’s archaeological resources, with the objective to identify and conserve important representative and unique archaeological sites and features. The policies state that the County shall take such action as necessary to compile information on the location and significance of its archaeological resources so this information may be incorporated into the environmental or development review process, among other policies that require that *ALL available measures*, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, consideration of reasonable project alternatives, etc., *shall be explored to avoid development on sensitive archaeological sites*.

AB 52

A recent addition to the California Environmental Quality Act ("CEQA") is the Native American Historic Resource Protection Act (Assembly Bill 52), which is intended to minimize conflict between Native American and development interests. AB 52 adds "tribal cultural resources"

("TCR") to the specific cultural resources protected under CEQA, and requires lead agencies to notify relevant tribes about development projects. It also mandates lead agencies to consult with tribes if requested, and sets the principles for conducting and concluding the required consultation process. After July 1, 2015, AB 52 applies to all projects for which a lead agency has issued a notice of preparation of an environmental impact report ("NOP") or notice of intent to adopt a negative declaration or mitigated negative declaration ("NOI"). As described above, our tribal representative for the Point is OCEN.

CEQA

CEQA (Section 15064.5) defines the term "historic resource" as the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, meeting the requirements of the Public Resources Code, shall be presumed to be historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant if the resource meets the criteria for listing on the CA Register of Historical Resources including the following:
 - a. Is associated with events that have made a significant contribution to the broad patterns of California history and cultural heritage.
 - b. Is associated with the lives of persons important in our past;
 - c. 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
 - d. Has yielded or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources of the Public Resources Code, or identified in an historical resources survey of the PRC, does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC sections 5020.1 or 50241.1.

Under Public Resources Code Section 21083.2 (g), a unique archaeological resource is defined as an archaeological artifact, object, or site where it is clear there is a high probability of the following:

- Has information needed to answer important scientific research questions and public interest exists for that information.
- Has special or particular quality (ex: oldest of its type, best available of its type, etc.)
- Directly associated with a scientifically recognized important prehistoric or historic event or person.

General Plan, 2010 Open Space and Conservation Element

The County has recognized the need to discover and identify places of historical and cultural significance and to preserve the physical evidence of its historic past. A countywide historic preservation ordinance is implemented by the Parks Department's Historical Coordinator and the Historic Resources Review Board. Policies of this ordinance stress incentives to preserve sites that have proven historical or cultural significance, including any identified as part of an adopted County Historic Preservation Plan.

Summary and Potential Options for Protection of the Archaeological Resources

Taken together, the body of evidence available on the Point clearly shows that it is appropriate to consider additional protection mechanisms for the resources. A range of options exist to achieve this goal, described below.

Option 1 – Staff recommendation

Historic Resource Overlay for the Entire Point

The first of these options is to create an historic resource, or “HR” overlay for the entire Point, as opposed to the piecemeal approach that has resulted in incremental destruction of these irreplaceable archaeological resources. The CIP currently requires a designation of each individual site to receive an HR overlay, however, this method has not effectively protected these resources from incremental disturbances and significant, adverse impacts. A comprehensive HR overlay would immediately alert all staff who may be reviewing projects at the Point as to their potential sensitivity and significance.

Option 2 – Staff recommendation

Setting forth more stringent requirements for archeological evaluation for development projects proposed on the Point

As described above, the Extended Phase 1 Geoprobe technology is available to assess the presence/absence of archaeological materials prior to any excavation extending beyond the 4 feet that can feasibly be evaluated by archaeological hand-excavation, or even the need for project design, to determine whether resources can be avoided, in accordance with policy requirements that already exist.

Option 3 - Staff recommendation

Develop conditions of approval that would protect and avoid the resources, including but not limited to the following:

- a. No Basements
- b. Partial basements
- c. Approve basements subject to a condition that if significant resources are found that the project has to be redesigned around those resources. This will require defining the threshold of significance.
- d. Approve basement. If resources are found, then they are removed and cataloged, or relocated (if human remains).

Option 4 – For consideration

Nomination of the Point in its entirety for listing on the State CRHR and Federal NRHP as an archaeological district

Staff can prepare an application to designate the Point as an archaeological district for listing on the State California Register of Historic Resources in accordance with the State Historic Preservation Office (SHPO), and if directed, for the federal listing on the National Register of

Historic Places. Staff believes that this process could be undertaken with the information currently available, and that receiving either of these designations at the state and federal levels would assist the County in protecting the Point. Such a designation does not preclude development within the historic resource, but would attribute additional importance to the resources that are likely to exist throughout this community.

Conclusion

Staff awaits direction from the Commission regarding the implementation of additional protection measures for the Point. *Cultural resources are nonrenewable, and this attribute cannot be overestimated when considering the importance of their protection.*



Aerial photo of the Point, and the unincorporated portion of Carmel within County jurisdiction.

Lorenzana, Julian x3077

From: Lorenzana, Julian x3077
Sent: Monday, January 14, 2019 4:55 PM
To: 112-Clerk of the Board Everyone-gp
Subject: FW: Appeal of Planning Commission approvals of Carmel Point projects in coastal zone (PLN170611, -612, -613)
Attachments: Appeal.TOMP.SCPCR.PC.approvals.pdf

Hello good afternoon everyone,

Molly Erickson called to confirm if we received the following e-mail. I didn't receive it and neither did Valerie, so I am forwarding to 112.

Thank you,
Julian Lorenzana
Board of Supervisors Clerk
County of Monterey Clerk of the Board
Government Center, 168 West Alisal Street, Salinas Ca. 93901
(831) 796-3077 lorenzana@co.monterey.ca.us

From: Molly Erickson <erickson@stamplaw.us>
Sent: Monday, January 14, 2019 4:43 PM
To: Lorenzana, Julian x3077 <LorenzanaJ@co.monterey.ca.us>
Subject: Fw: Appeal of Planning Commission approvals of Carmel Point projects in coastal zone (PLN170611, -612, -613)

Sending again per your request. Thank you.

Molly Erickson
STAMP | ERICKSON
479 Pacific Street, Suite One
Monterey, CA 93940
tel: 831-373-1214, x14

----- Forwarded Message -----

From: Molly Erickson <erickson@stamplaw.us>
To: Valerie Ralph <ralphv@co.monterey.ca.us>; Clerk To the Board <cttb@co.monterey.ca.us>; 112-Clerk of the Board Everyone <112-clerkoftheboardeveryone@co.monterey.ca.us>
Cc: Carl P. X5103 Holm <holmcp@co.monterey.ca.us>; Melissa X5146 McDougal <mcdougalm@co.monterey.ca.us>; Kevin Kahn <kevin.kahn@coastal.ca.gov>; Dan Carl <dan.carl@coastal.ca.gov>; "katie.butler@coastal.ca.gov" <katie.butler@coastal.ca.gov>; Michael Watson <michael.watson@coastal.ca.gov>; Maira X5052 Blanco <blancom@co.monterey.ca.us>
Sent: Monday, January 14, 2019 4:33 PM
Subject: Appeal of Planning Commission approvals of Carmel Point projects in coastal zone (PLN170611, -612, -613)

Ms. Ralph:

Please see attached appeal. Please advise me promptly if you have any questions. Thank you.

Molly Erickson

STAMP | ERICKSON

479 Pacific Street, Suite One

Monterey, CA 93940

tel: 831-373-1214, x14

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