

Exhibit B

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EXHIBIT B

DISCUSSION

The subject parcels are located on Valley View Avenue in the Carmel Point residential neighborhood. The project proposals consist of development on two separate vacant lots. The applications are PLN170612, located at 26338 Valley View Avenue, (“PIETRO 1”), and PLN170613, located at 26346 Valley View Avenue, (“PIETRO 2”). During review of the proposed development, three potentially significant issues were identified on both parcels: Impacts to Archaeological (Cultural), Tribal Cultural Resources and Seismic Hazards.

- **Cultural/Tribal Cultural Resources.** The projects are located in a recorded archaeological site, CA-MNT-17. Significant archaeological resources have been found, including human remains at multiple sites in this neighborhood. As is the case, staff required Phase I and Phase II archaeological reports. The results of the archaeological reports were inconclusive. Based on the known sensitivity of this area and the potential impact of a basement, staff initially recommended denial of both basements as well as recommended two on-site monitors during the excavation phase for the proposed residences. Since this recommendation went forth on October 31, 2018, RMA-Planning staff has received a third archaeological report with further auger bore testing on the subject parcel. The third report found the parcel to be without significant cultural resources (i.e. negative report). Therefore, staff is now recommending approval of the project as proposed with enhanced mitigation.
- **Seismic hazards.** The potential seismic hazard was independently evaluated by registered and certified geologist and engineers within the context of the projects being proposed (including basement additions). Therefore, staff finds the seismic hazard is mitigated with adherence to the recommendations made in the Geologic and Geotechnical reports and the adoption of the proposed conditions of approval.

According to the CEQA Guidelines, “significant effect on the environment” means a substantial, or potentially substantial, adverse change in the environment. Staff found that the identified impacts could be mitigated to a less-than-significant level with the incorporation of eight (8) mitigation measures (four mitigation measures for each project) and therefore, in accordance with CEQA, a Draft Mitigated Negative Declaration (“MND”) was prepared and circulated for the subject development. In consultation with the retained archaeologist and the representative for OCEN, staff has modified certain mitigation measures so that they are equally or more effective in protecting the cultural and tribal cultural resources. Pursuant to Section 15074.1 of the CEQA Guidelines, the lead agency may conclude that certain mitigation measures identified in the mitigated negative declaration are infeasible or otherwise undesirable and may delete those mitigation measures and substitute for them other measures which the lead agency determines are equivalent or more effective; no recirculation of the proposed mitigated negative declaration is required where the new mitigation measures are made conditions of, or are otherwise incorporated into, project approval.s

Project History: On August 30, 2017, an application was received for the projects currently being considered. The subject vacant lots are adjacent to each other and will be developed by the

same owner. The project applications were deemed incomplete pending re-submittal of application materials. On January 11, 2018, the applicant re-submitted information for both projects and on February 8, 2018, they were deemed complete with the understanding that an environmental document would be needed to fully analyze the potential effects of the project and that a basement may not be supported based on the initial information provided in the archaeological reports. Specifically, the first archaeological report had positive surface-level evidence of cultural artifacts and the second report did not (within a 21-month time frame). Both reports, however, did conclude that based on the nine (9) previously recorded prehistoric or historic archaeological sites located within 1 kilometer of the subject parcel, the possibility of cultural resources being discovered during deep excavations is high. The report prepared by Breschini states: “However, based on previous studies in the area, we note the possibility of burial cultural resources being discovered during deep excavations.” Staff finds that the proposed projects could have a potentially significant effect on the environment when the context in which they are being proposed is considered and that a “no basement” alternative is feasible in this particular circumstance. Therefore, the projects could be supported and impacts found to be less-than-significant with the exclusion of the basements and the incorporation of the recommended mitigation measures. A Draft Mitigated Negative Declaration (“MND”) and recommended conditions of approval (including mitigation measures) for Pietro 1 and Pietro 2 were prepared in accordance with CEQA and circulated for public review from September 13, 2018 through October 15, 2018. Comments were received from the applicant’s legal counsel and from OCEN and are addressed in this report. Staff has detailed the intent of the mitigation measures and how staff arrived at these specific measures below.

PROJECT ISSUES:

CULTURAL AND TRIBAL CULTURAL RESOURCES. According to the Carmel Coastal Implementation Plan (CIP) (Part 4), the subject parcels are located in a high archaeological sensitivity zone. In the CIP, a “high sensitivity zone” is defined as an area where archaeological sites are identified with a strong possibility of prehistoric/historic Native American occupation. 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 (Breschini, 2009). 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. The trinomials take the form “CA-MNT-17,” where the first two letters designate the state: California (CA), the next three the county: Monterey (MNT); the numbers at the end are sequential: 17 and represent the order in which the site was recorded within each county (Breschini and Haversat, 2012). 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.

Carmel Point has been the center of recent examination, specifically with the development of basements relative to the 1982 General Plan, the Carmel Area Land Use Plan (LUP) and the Monterey County Coastal Implementation Plan, Part 4 - Regulations for Development in the Carmel Area Land Use Plan Area (Chapter 20.146). In just the past year, RMA-Planning has

received six requests for basement approvals on the Point. The Carmel Area's LUP key policy (2.8.2) on Archaeological Resources 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.**”*

CEQA puts the onus on the lead agency to determine whether a project may have a significant effect on archaeological resources (CEQA, Section 21083.2 Archaeological Resources: Determination of the effect of a project; EIR or Negative Declaration; Mitigation Measures). Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

In the case of the subject developments, an Extended Phase 1 report prepared by Albion Environmental, Inc. dated March 2016 on July 18, 2017 was submitted with the application materials. This report included analyses for four parcels (called out as ‘Project Area’), including the two subject parcels. At the time the report was prepared, the maximum depth of excavation was unknown. The field methods included an intensive pedestrian survey and excavation using shovel probes (SPs); two units (probes) per individual parcel for a total of eight. These shovel probes were used to collect surface and subsurface cultural material(s) and then transferred to a laboratory for processing. The Albion consultants developed a system to categorize findings from the shovel probes with the overarching goal of determining whether the findings had integrity. Findings were determined to have integrity or be “intact,” if it met the following criteria: 1) lacked any evidence of redeposition or disturbance; and 2) produced prehistoric or historic-age materials in densities greater than 6 items per 0.12 cubic meters. The subject parcels were identified as Lots #1 (Pietro 2/PLN170613) and #2 (Pietro 1/PLN170612) in the report and correspond to findings in SPs 1 and 2; and SPs 3 and 4, respectively. The project archaeologists utilized these shovel probes to conduct subsurface testing to a depth of 80 centimeters below surface (cmbs) level (approx. 31 inches or 2.5 feet) on the eastern, northern and western portions of the lot. It was reported that the units contained cultural materials down to the 80 cmbs level consisting of lithic debitage, marine shell, modern trash, and modern organics such as seeds and roots. The report concluded that the Project Area, which included both subject parcels, was a partially disturbed area with limited cultural material where no anthropogenic soils were observed and no intact archaeological deposits were found; however, because of positive surface-level identification of cultural materials, significant archaeological/cultural materials may be located within the Project Area. Oxford Dictionary defines anthropogenic as environmental pollution and pollutants chiefly originating in human activity. A suite of protection measures were included in the report for both parcels with the impression that subsurface investigation confirmed the presence of artifacts associated with CA-MNT-17: “Albion’s research indicates that the current study area is located within and in close proximity to important archaeological sites and human burials. Additionally, Albion’s subsurface investigation confirmed the presence of artifacts associated with CA-MNT-17 in the Project Area. Since there is still potential for intact archaeological deposits associated with CA-MNT-17

to exist within the four subject parcels, Albion recommends adopt[ing]...protection measures for the Project.”

Upon review of the Extended Phase 1 report, staff required a Phase II archaeological report given the inconclusive information of the first report. On December 12, 2017, staff received a second archaeological report dated December 7, 2017 for Pietro 1 and on December 18, 2017, staff received a second archaeological report dated December 7, 2017 for Pietro 2. This time, the applicant retained a different consultant and the results for surface evidence of archaeological materials was negative. Field methods in this report included a general surface reconnaissance, no auger boring testing was conducted in either survey. In the field survey for PLN70613 (Pietro 2), the archaeologist noted some soil disturbance in the form of what appeared to be recent demolition and the presence of a large mound of imported soil and gravel. For both parcels, this archaeologist concluded that the projects should not be delayed for archaeological reasons; however, recommendations to manage cultural resources were included, noting the possibility of finding deeply buried cultural resources.

Architectural plans dated May 19, 2017 (Exhibit D.2) for PLN170612, show the proposed basement and garage following the floor plan of the main floor (T-shaped) and sited closer to the northernmost edge of the parcel with the center extending out to the point just before the side setback (5 feet); the proposed basement would require up to 15-feet of excavation and grading would involve over 800 cubic yards.

Architectural plans dated December 1, 2017 (Exhibit D.2) for PLN170613, show the proposed basement and garage in an H-shaped layout with arms extending on the south and north ends of the lot; the proposed basement would require up to 13-feet of excavation and grading would involve over 1,250 cubic yards. These plans reflect revised floor plans where the massing would have originally been more concentrated on the southern end of the parcel. Presumably, the revisions were made because this lot was determined to be closest to the Cypress Point Fault.

In the near vicinity of the subject parcel, a significant number of artifacts were found at a considerable depth during basement and cistern excavations (9 feet). According to Morley (2015), archaeological sites are most often discrete entities. In other words, close proximity to known sites does not mean that cultural resources will be encountered on the project; however, this cannot be ruled out either. With respect to CA-MNT-17, some archaeologists have found that previous studies indicate that portions of the site may remain intact and thus retain integrity especially where midden in the interstitial areas between residential structures has not been disturbed (Albion, 2016). The subject vacant lots are situated between fully developed lots but one (PLN170612) shares a common corner (north) with another vacant lot which is also being proposed for development by the same applicant.

A third archaeological report was made available by the applicant on November 20, 2018. The retained archaeologist, Susan Morley (M.A.), provided a brief review of the record and conducted auger testing. On the subject parcels, two shovel test pits were excavated for each parcel and analyzed to a depth of 305 cm (10 feet); no cultural or shell material was encountered. Morley concludes by stating: “As a result of these findings it is recommended that there is no

reason to delay the project due to concerns about cultural resources.” The report then lists recommendations and mitigation measures.

Since the implementation of the California Environmental Quality Act (CEQA) along with the passage of Assembly Bill 52 (AB 52) which amended Section 5097.94 of the Public Resources Code, onsite monitors have been used in Monterey County in an attempt to mitigate impacts to cultural and tribal cultural resources to a less than significant level. The earlier law proved to be ineffective because it purported to protect Native American cultural resources but did not explicitly require the involvement of tribes in the consultation process regarding projects affecting their cultural resources and sacred sites. Whereas, the previous law covered archaeological resources which have more scientific value, the new added layers now include more intangible values such as historic, cultural and spiritual values. One of the sections added, Section 21080.3.2 (a), states that as part of the consultation process, the parties may propose mitigation measures, including, but not limited to, those recommended mitigation measures capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. Further, any mitigation measures agreed upon in the consultation shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact and shall be fully enforceable (AB 52, Section 21082.3). The State of California has more than 100 Federally-recognized Indian tribes. In Monterey County, staff consult with a couple of tribes, including the Ohlone Costanoan Essalen Nation (OCEN)- a State-recognized tribe covered under AB 52. Consultation with OCEN took place on September 12, 2017 for the subject projects. OCEN objects to all excavation in known cultural lands, even when they are described as previously disturbed and of no significant archaeological value. OCEN’s priority is that their ancestors’ remains be protected, undisturbed and the site be preserved. OCEN was not in support of the proposed basements and requested an onsite monitor appointed by their tribe be present during soil disturbance; artifacts to be returned to tribe and remains to be reburied onsite with the proper burial ceremonies. These requests and recommendations have been taken into consideration and are incorporated to the extent feasible.

Staff has reviewed the permit history of all eighteen parcels bordered by Isabella Avenue, Scenic Road, Valley View Avenue, and 16th Avenue. Eight of the eighteen (44%) parcels yielded archaeological reports with positive identification of cultural material; staff found information for three parcels where a basement was approved. In one of these instances an Initial Study and Mitigated Negative Declaration were filed and artifacts were recovered at a considerable depth, an archaeologist was present but not a tribal monitor. It has been RMA-Planning’s practice to process projects on a case-by-case basis which has meant that, in some cases, projects on parcels with negative findings for cultural/archaeological material have been approved with categorical exemptions. In cases where an environmental document was prepared, mitigation measures were incorporated to mitigate impacts of development to a less than significant level. But these mitigation measures can only extend so far when the threshold of significance for tribal cultural resources is less clear. Where unique and non-unique categories are assigned and defined for archaeological resources, the definition for tribal cultural resources is more inclusive and flexible. Therefore, understanding the cumulative impacts of basement development on the Point is not without challenge. Excavation for basements is significant and may have potentially significant impacts on archaeological and tribal cultural resources.

On August 8, 2018, RMA-Planning recommended approval of a 1,369-square foot basement on Isabella Avenue in the Carmel Point neighborhood (Resolution No. 18-032). This project involved the demolition and re-construction of a single-family dwelling and the addition of a basement. Through the receipt and review of two negative archaeological reports (utilizing 3 auger bores to depths between 3.75 feet and 9.5 feet) and staff's analysis of the independent parcel, staff was able to prepare a Mitigated Negative Declaration ('MND') and recommend approval of the project, subject to two onsite monitors for the depth of the basement or until bedrock was encountered. Since the approval of said project, staff was tasked through referral by the Planning Commission with determining whether the mitigation measures being employed related to cultural resources were sufficient in protecting the archaeological/cultural resources on Carmel Point. Through this referral, staff was directed to start looking at the greater context of impacts on cultural resources on the entire Carmel Point, instead of continuing the parcel-by-parcel approach as had been done in the past. Further research into the matter revealed that of the total number of parcels on the Point (512), there are 220 archaeological reports that have been generated in this area, 25% of which had negative archaeological reports and 17% of which reported positive cultural finds. In addition to the recent approval of the 1,369-square foot basement on Isabella Avenue, there are three other basements which staff could verify approvals for among the eighteen developed parcels bordered by Isabella Avenue, Scenic Road, Valley View Avenue, and 16th Avenue. Staff could only find mitigation measures that were applied in one instance (for a project with a basement component). The project, also located on Isabella Avenue, involved deep excavation for a basement and was approved with a Mitigated Negative Declaration. In this case, the archaeological report, similar to the subject parcels, found that "the project area contains (surface) evidence of potentially significant archaeological resources associated with prehistoric site CA-MNT-17" but a supplemental letter stated that "boring logs do not note the presence of any shell, rock or darker colored soil." Part of the Mitigation and Monitoring Reporting Program for the project described included a Data Recovery of Cultural Resources component. An active archaeological monitor was to be onsite implementing the program, but no Tribal Cultural Monitor was enlisted since this was prior to the State requirement for tribal consultation. Again, AB 52 now requires the Lead Agency to consult the designated tribe to confirm whether they want to participate in the CEQA process because they had been largely ignored prior to its adoption. The text of the Data Recovery mitigation measure explicitly reads: "If data recovery screening produces adequate amounts of cultural materials, such as beads, obsidian, or lithic debitage, professional analysis by a qualified archaeologist shall be performed. If the archaeologist identifies further mitigation, a report shall be submitted to the RMA-Planning Department." The applicant complied with their condition and submitted a Final Technical Report where a summary of the findings during archaeological monitoring and data recovery were included. The following includes snippets of the report: The monitoring commenced with the excavation of a deep cistern (8'x16'x12'). During this part of the excavation, several lithic artifacts were recovered, including a granitic pestle, three battered cobbles and two grinding slab fragments in addition mammal bone. The 60'x45' basement excavation was also monitored and the top 4-5' of soil was removed first in order to install shoring for the 12' sidewalls of the full basement (a likely scenario for the subject parcels). At this point (+/- 5 feet below surface), a small rock feature was uncovered; various types of grinding and pounding tools were noted. After cleaning, twenty additional artifacts from the rock feature, including a mano, grinding slab fragments, battered cobble and pebble tools, and

choppers. According to the Final Technical Report, because no datable shells were found, radiocarbon dating was not feasible.

Therefore, the significance of the recovered artifacts could not be determined (scientifically) and the prehistoric cultural materials were curated at the Monterey County Historical Society vault.

Decades of research and archaeological exploration of the Point, has cemented CA-MNT-17, as not only the oldest archaeological site in Monterey County, but also among the oldest on the central California coast (Breschini and Haversat, 2012). Archaeological finds have included human burials, significant archaeological artifacts (e.g. the earliest radiocarbon date from CA-MNT-17 is in excess of 9,400 years before present), bedrock mortars, and other cultural remains (e.g. midden, fire-affected rocks, chert, shells, bone fragments). This wealth of archaeological information has differentiated CA-MNT-17 from CA-MNT-16 and CA-MNT-1286 (two other recorded archaeological sites on the Point). Breschini and Haversat's (2012) working understanding of the Point is divided into three subareas: A, B, and C. The subject parcel would be considered to be part of CA-MNT-17B. According to Breschini "less is known about CA-MNT-17B because the deposit area is sparse" and there have been fewer projects requiring archaeological expertise. Therefore, it would be safe to assume that significant archaeological artifacts may be uncovered, especially given its reported depth: "like the eastern part of the site (i.e. CA-MNT-17C), the central portion (i.e. CA-MNT-17B) has a generally greater depth of cultural deposit."

In a separate project (not described above) but also bordered by Isabella Avenue, Scenic Road, 16th Avenue and Valley View Avenue, an archaeological monitor and tribal monitor were used to observe earth-moving activities for first and second story additions to an existing single-family dwelling based on the sensitivity of CA-MNT-17. The archaeological reports were also indeterminate in this case; however, monitoring was recommended. The field survey methods were similar to the ones utilized for the subject parcels: "The project parcel was methodically inspected for evidence of significant prehistoric or historic cultural remains. The surface reconnaissance did not reveal artifacts we expect for regional archaeology sites, such as marine shell, bone, and burnt cobbles, on the project parcel; although, soils appear to be midden soils." A Mitigated Negative Declaration was also filed for this project. The tribal monitor assigned to this project reported that cultural artifacts were recovered and the tribe had a say in the disposition of these artifacts.

On a specific project in CA-MNT-17C where staff recommended denial of a component of a project (given the known archaeological sensitivity of the site) and the Planning Commission decided against staff's recommendation, human remains have been uncovered and even with a Mitigation and Monitoring Reporting Program, the conditions have been taken as a mere suggestion and not a requirement.

At face value, the differences between the basement approvals in this immediate area and the subject parcels are minimal; however, they have prompted staff to make a different recommendation that departs from some past practices. In concurrence with direction given to staff by the Planning Commission to look at the greater context of the Carmel Point, staff has identified the following unique circumstances associated with the subject parcels: 1) Differing

surface-level findings in the archaeological reports; 2) Undeveloped lot; 3) No below-surface testing; and 4) Cumulative impacts given similar basement proposals being made by the applicant on contiguous (vacant) lots.

Because the subject projects are associated with similar development (same owner, same developer) on the Point, it becomes necessary to consider the context. The Carmel LUP'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. 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. To be clear, basements specifically have not been prohibited; however, in staff's opinion, they would not be considered to be part of a design where potential impacts to cultural resources are minimized. Staff considered both parcel-specific archaeological reports and the greater context of CA-MNT-17 and determined that in light of the whole evidence, a basement proposal cannot be mitigated to a less-than-significant level and therefore, staff is recommending denial of this portion of the project. The applicant is proposing to maximize the coverage (35%) and most of the floor area allowance (42%; 39%) for the subject lots and therefore, in staff's opinion, is not being unreasonably restricted from developing the lot or being deprived of the enjoyment of his property.

When staff conducted a site visit on November 21, 2017, there were active code enforcement violations on both parcels (17CE00360 and 17CE00140). Staff observed that the lots had been cleared of vegetation and that both project sites were being used as construction staging areas. Disturbance of the sites was also noted in the archaeological report and the biotic assessments. The approval of this Combined Development Permit would abate the violations.

Mitigation measures have been applied to mitigate the impacts of development for the first single family dwellings and attached garages (excluding the basements), with the following intentions: 1) mitigate impact(s) to archaeological and tribal cultural resources to a less than significant level; 2) properly identify and manage recovered human remains and artifacts, if any; and 3) establish process by which a conservation easement may protect resource in perpetuity, if necessary.

In sum, Cultural Resources and Tribal Cultural Resources are analyzed separately in an environmental document (i.e. Initial Study). For the subject projects, impacts to cultural resources (archaeology) are mitigated to a less-than-significant level with the incorporation of two (2) mitigation measures (each), which includes an onsite archaeological monitor:

- PDSP001- MITIGATION MEASURE #1: CULTURAL RESOURCES (ARCHAEOLOGICAL MONITOR)
- PDSP002- MITIGATION MEASURE #2: CULTURAL RESOURCES

Impacts to tribal cultural resources are mitigated to a less-than-significant level with the incorporation of one (1) mitigation measure; a separate mitigation measure (PDSP003) would cover both categories:

- PDSP004- MITIGATION MEASURE #3: PROTECTION OF TRIBAL CULTURAL RESOURCES AND SACRED PLACES (OCEN MONITOR)
- PDSP003- MITIGATION MEASURE #4: CONSERVATION EASEMENT

There are emerging technologies, such as geo probes and ground penetrating sonar, that may help staff better define what is or is not present on a lot. Of course, there may always be disagreement about what is significant and if it is worth protecting. These new technologies could provide the Planning Commission with additional tools to increase the efficacy of mitigations for protecting resources on Carmel Point. Individual projects could be conditioned to employ additional measures of subterranean research (e.g. geo probe) prior to obtaining grading permits to verify absence of potential resources. The outcome of these additional studies could drive the ultimate development scenario, including proceeding with a basement as proposed or a requirement to re-design a project based on the newly discovered information. Additional information obtained from geo probes could also be used to determine areas of a site which would need to be excavated more carefully than others to ensure that if cultural artifacts are found that appropriate measures could be taken (e.g. avoidance by re-designing project to avoid that portion of the site).

SEISMIC HAZARDS. The subject properties are located within 660 feet, or 1/8 mile, of a potentially active fault known as the Cypress Point Fault (CPF). Pursuant to Section 15.1.2 of the 1982 General Plan, faults classified as “potentially active” shall be treated the same as “active faults” until geotechnical information demonstrating that a fault is not “active” is accepted by the County. The CPF is described as a northwest striking slip fault extending from the City of Carmel-by-the-Sea to the Palo Corona Ranch on the south side of Carmel Valley. Due to the location of the project sites, Geotechnical Report and Geologic Evaluations were required. The scope of the Geotechnical Report explored the surface and subsurface soil conditions and included geotechnical recommendations; the Geologic Evaluation defined the geologic conditions and identified potential geologic hazards associated with the project sites. In geology, an “active” fault classification is given to faults causing surface displacement in the last 11,000 years. Based on the geologist’s evaluation, the CPF would not be considered an active fault. The geologist determined that the Cypress Point Fault crosses at the southwest of the Pietro 2 lot (PLN170613) and is approximately 80 feet southwest of the proposed residence pad at Pietro 1 (PLN170612). Pursuant to Section 20.146.080 (Hazardous Area Development Standards) in the CIP, all structures shall be sited a minimum of 50 feet from an identified active fault or potentially active fault unless, a geotechnical evaluation determines that the hazard is unlikely to lead to property damage or injury and the project is certified by a registered geologist/soils engineer [Section 20.146.080(f)]. According to the engineering geologist, given the very low level of hazard posed by the Cypress Point Fault, a reduced setback could be supported. It is the engineering geologist’s professional opinion that no geologic conditions or geologic hazards would preclude construction of the proposed residence as it is currently proposed and given its current adherence to the fault setback. Regarding the basement proposals specifically, the fault surface rupture is the same: “Fault surface rupture poses an equal level of hazard for the ground or main floor of the proposed residence as it does for the proposed basement (low).” Haro, Kasunich and Associates, Inc. have developed geotechnical recommendations for foundations, retaining walls, slabs-on-grade, subgrade preparation beneath flatwork, and site drainage. RMA-Environmental Services has reviewed the

Geologic and Geotechnical Reports and has recommended the following condition to ensure compliance: Geotechnical Certification. Additionally, the Carmel Area Land Use Plan does make a provision to deed restrict development proposed in locations determined to have significant hazards (Section 2.7.3). In accordance with this policy, two conditions were applied to each project: Deed Restriction and Notice of Report.

DESIGN:

The subject properties are zoned Medium Density Residential, with a maximum of two units per acre, a Design Control overlay, and are subject to an 18-foot height restriction [MDR/2-D (18)]. This height restriction follows an Ordinance (Ordinance No. 3275) adopted for the area by the Board of Supervisors in 1987 in order to provide for more visually compatible structures.

The proposed project sites and surrounding area are designated “D,” or Design Control Zoning District. Pursuant to the Monterey County Zoning Ordinance, Title 20, Chapter 20.44, the purpose of a Design Control Zoning District is to regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.

The conceptual plans for PLN170612, show T-shaped massing with the bedrooms and garage sited on the northern end of the parcel and offset on the east and west by a courtyard and terrace. The proposed residence has a split-level design with lower and upper levels separated from each other by a partial flight of stairs. This type of elevation has resulted in a raised California Ranch house style. The applicant proposes to maximize the lot coverage (35%) and height allowance (18 feet). A sunken driveway on the street-facing side is shown adjacent to the proposed courtyard. The courtyard consists of four large strawberry trees and a water feature. Colors and materials proposed for the residence include: cedar shake and stone veneer; dark slate roofing. It is staff’s understanding that slate roofing tile is known for its quality and durability and is similar to others in the neighborhood and would not deviate from the aesthetic in the neighborhood.

Architectural plans for PLN170613 reflect massing with an H-shape, where the massing on the north and south end are offset in the midsections by a courtyard and terrace. This proposed residence also has a split-level design with separate levels that are staggered and separated from each other by a partial flight of stairs. The applicant proposes to maximize the coverage (35%) of the lot and outfit the remaining areas with a low-planting landscape scheme. The project application indicates no tree removal will be necessary to achieve the proposed design. Colors and materials proposed for the residence include: natural cedar siding and windows; dark metal roofing. In the Carmel LUP, structures shall be subordinate to and blended into the environment, using appropriate materials to that effect. During staff’s site visit, staff did not find other examples of metal roofs in the immediate area. Staff was alerted to a similar style roof on the corner of Valley View Avenue and 16th Avenue; however, this project did not go through a design review. The applicant is open to changing the metal finishes. Therefore, RMA-Planning’s recommendation will be to have the applicant submit revisions to some of the materials proposed. Because the applicant is proposing to build up to the height allowed, staff also added a height verification condition for each project.

SETBACKS

Staff finds that the proposed projects comply with all development standards (height, setbacks,

coverage, etc.) for this area:

Main Structure Setback and Height Requirements in MDR/2(18) zoning:

Front Setback: 20 feet (minimum)

Side Setback: 5 feet (minimum)

Rear Setback: 10 feet (minimum)

Maximum height: 18 feet

The Pietro 1 project meets all standards as detailed below:

Front Setback: 20 feet

Side Setbacks: 5 feet

Rear Setback: 10 feet

Maximum Height: 18 feet

The Pietro 2 project meets all standards as detailed below:

Front Setback: 20 feet

Side Setbacks: 5 feet

Rear Setback: 10 feet

Maximum Height: 18 feet

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