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# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

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**October 14, 2018**

**Revised on November 26, 2018**

Dear applicant,

The environmental document for Pietro Family Investments, LP (PLN170611) was circulated from September 6, 2018 to October 8, 2018. Pursuant to Section 15074 of the CEQA Guidelines, prior to approving a project, the decision-making body (i.e. Planning Commission) of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. As such, staff has included comments received on October 8, 2018 regarding the aforementioned project as an exhibit which will be presented to the Planning Commission on October 31, 2018 together with the Resolution.

Please find below a summary of the comments/concerns/observations made in your letter dated October 8, 2018 and staff's response.

1. Disagreement with staff's interpretation of statements made in the initial Albion archaeological report

On page 40 (not page 41) of the environmental document, staff does state "based on Albion's determination that additional testing was needed and its overall inconclusive results, a supplemental archaeological report was required to address the current project proposal." There is disagreement about whether or not additional testing (e.g. supplemental archaeological report) was needed. On page 24 of the Albion report, the concluding paragraph reads "Therefore, it is Albion's judgement that no additional archaeological testing is necessary; however, several protection measure (sic) should be implement (sic) for the proposed development project, in an effort to protect cultural resources." Importantly, on page 2, the authors of the Albion report make clear that at the time of the study, the maximum depth of ground disturbance was unknown. Secondly, the site(s) were found to have positive evidence of surface level materials associated with archaeological sites, such as shell fragments and refuse from stone tool production. On page 19, the Albion report indicates that "because the Phase I survey produced positive results, Albion commenced with the excavation of Shovel Probes to determine the presence/absence of subsurface constituents." They continue on page 23, by stating "subsurface investigations indicate that potentially significant cultural materials may be located within the Project Area, but the data are not conclusive." Pursuant to Section 20.146.090 of the Carmel CIP (Part 4), a report must clearly and adequately include the currently proposed development site within the scope of the survey. Therefore, the incomplete letter dated September 28, 2017, requested a supplemental archaeological survey that might include more definitive findings through additional testing.

2. Disagreement with staff's interpretation of statements made in the supplemental archaeological report

On page 41 of the Initial Study document, the following is said in relation to the archaeological investigations: “The subject property has yielded two (2) reports with differing and/or inconsistent findings (one clearly positive, the other negative with ‘see text’ for anything of archaeological significance).” There seems to be a disagreement with the latter observation: “We could find no reference to ‘see text’ in this report.” ‘See Text’ is checked off on the cover page of the Archaeological Consulting report dated December 7, 2017. The supplemental report does indicate that “the proposed project should not be delayed for archaeological reasons” -a point made clear in the Initial Study- but also recommends five (5) protection measures noting “the possibility of burial cultural resources being discovered during deep excavations.”

3. Clarification that “finds” discussed in Initial Study background are not on the subject parcel

Significant archaeological finds were not made on the subject parcel, however, there were positive/likely indicators of archaeological artifacts based on the surface level findings. OCEN considers all artifacts, even those considered archaeologically insignificant, as important and worth protecting.

4. Analysis ignores the requirements of the geologic and geotechnical studies relevant to the development of the project site

Staff is aware of the unstable topsoil but also notes the alternative, less invasive building techniques.

5. Contest the application of the HR zoning district overlay (premature and counterintuitive)

The Historic Resources re-zoning is codified in the Carmel Coastal Implementation Plan and other projects in Carmel Point have been conditioned to request an HR zoning overlay.

Under Section 20.146.090 (Archaeological Resources Development Standards), D (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.

**EDIT as of November 28, 2018: Staff has reconsidered the Historic Resources re-zoning as a mitigation measure. Given the second consecutive negative archaeological report for the subject parcels, staff has determined that any potential resources recovered from the site would be better protected through a conservation easement. HR Zoning District overlays should be reserved for parcels with indisputable evidence of cultural material.**