



Monterey County Planning Commission

Agenda Item No. 1

Legistar File Number: PC 18-129

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Current Status: Agenda Ready

Matter Type: Planning Item

PLN170611 - PIETRO (Continued from October 31, 2018)

Consider an application for the construction of a split-level single family dwelling (approximately 5,200 sq. ft.) inclusive of a basement, and an attached garage 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

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- 1) Adopt the Mitigated Negative Declaration
- 2) Approve a Combined Development Permit consisting of:
 - a. A Coastal Administrative Permit and Design Approval for the construction of a 3,834-sq. ft., split-level single family dwelling inclusive of an attached 437-sq. ft. garage and a 1,366-sq. ft. basement component with associated grading of 600 cubic yards hauled offsite; and
 - b. A Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and
- 3) Adopt a Mitigation Monitoring and Reporting Program.

The attached draft resolution includes findings and evidence for consideration (**Exhibit D**). Staff recommends approval subject to 26 conditions of approval, including 4 mitigation measures.

PROJECT INFORMATION:

Agent: Anthony Lombardo, Esq.

Applicant: Chris Adamski

Property Owners: Pietro Family Investments, LP

APN: 009-463-012-000

Parcel Size: .19 acres (8,438-sq. ft.)

Zoning: MDR/2(18)-D (CZ)

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

SUMMARY:

On October 31, 2018, RMA-Planning staff presented the subject project to the Planning Commission with a recommendation of denial for the basement portion of the project. The project was continued by the Planning Commission for further clarification regarding inclusion of the basement in the initial study and complete analysis on the full scope of the project. Upon further review, staff determined that

the analysis for the basement was included in the environmental document and that the deletion of the basement was an implied mitigation measure under the Cultural Resources and Tribal Cultural Resources sections. At the time the Initial Study was published and circulated, there were inconsistent expert findings on the subject parcel with respect to cultural material identification. Mitigation measures, including the deletion of the basement, were crafted with the intention of mitigating potential impacts to resources. RMA-Planning staff has since received a third archaeological report which was prepared at the direction of the applicant that is being relied upon by staff to recommend equally or more effective mitigation measures. These revised mitigation measures allow for the basement to be excavated, but impose specific requirements for how to proceed if/when cultural or archaeological resources are found, including hand digging, and potential redesign of the basement portions of the project. The report also provides the basis for amplification and clarification to the environmental document. 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.

The property is located on Isabella Avenue in the Carmel Point residential neighborhood, the project consists of the construction of a 5,200-sq. ft., split-level, single family dwelling, inclusive of a 1,366-sq. ft. basement on a vacant lot. During review of the proposed development, three primary issues were identified: Impacts to Archaeological (Cultural), Tribal Cultural Resources and Seismic hazards.

DISCUSSION:

See attached **Exhibit B**.

CEQA

As the lead agency, Monterey County RMA-Planning prepared an Initial Study pursuant to Section 15063 of the CEQA Guidelines. A Draft Mitigated Negative Declaration ("MND") for PLN170611 was prepared in accordance with CEQA and was circulated for public review from September 6, 2018 through October 8, 2018.

Potential impacts analyzed in the Mitigated Negative Declaration included: aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, noise, transportation/traffic and tribal cultural resources.

Of the potential impacts analyzed, staff only identified impacts related to Cultural Resources and Tribal Cultural Resources, as discussed above. Mitigations have been incorporated to reduce these impacts to a less than significant level. Staff has made the necessary findings to approve the project subject to twenty-six (26) conditions, which includes four (4) mitigation measures (**Exhibit D.1**).

OTHER AGENCY INVOLVEMENT:

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

RMA-Public Works
Environmental Health Bureau
RMA-Environmental Services
Water Resources Agency
Cypress FPD
Carmel Highlands Land Use Advisory Committee

The subject project was reviewed by the Unincorporated Carmel Highlands Land Use Advisory Committee (LUAC) on January 16, 2018 and was not given a recommendation of approval based on a number of factors, including the proposed aesthetic. A motion to not support the project was made with members voting: 3 ayes, 1 no, and 1 absent. The following reasons were cited in the minutes for not supporting the project as proposed:

- Removal of large quantities of soil for construction of a large 1,366-sq. ft. basement could disturb possible archaeological resources in an archaeologically sensitive area.
- The structure in design and materials should better reflect the more rural character of the surrounding neighborhood.
- The development's landscaping plan should be a rural design and not an urban design. It should more naturally relate to its surroundings using indigenous plants and upper canopy trees.
- Exterior lighting should be designed to stay onsite per County regulations.

Prepared by: Maira Blanco, Associate Planner, x5052
Reviewed by: Jacqueline R. Onciano, RMA Chief of Planning &
Brandon Swanson, RMA Services Manager
Approved by: John M Dugan, FAICP, RMA Deputy Director of Land Use and Community
Development

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet and Vicinity Map
Exhibit B - Discussion
Exhibit C - Mitigated Negative Declaration, Initial Study
Exhibit D - Draft Resolution, includes:

- D1 - Conditions of approval
- D2 - Plans
- D3 - Colors and Materials

Exhibit E - Carmel Highlands LUAC meeting minutes (January 16, 2018)
Exhibit F - Comments
Exhibit G - Staff's response to comments

cc: Front Counter Copy; Planning Commission; John Dugan, RMA Deputy Director, Land Use & Community Development; Brandon Swanson, RMA Services Manager; Maira Blanco, RMA Associate Planner; Chris Adamski, applicant; Anthony Lombardo, agent; Pietro Family Investments,

property owners; Louise Miranda Ramirez, OCEN Tribal Chairwoman; Mike Watson, California Coastal Commission; Robert Carver, interested party; Barbara Rainer, interested party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File Nos. PLN170611.