



# Monterey County Planning Commission

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Agenda Item No. 2

Legistar File Number: PC 21-018

March 31, 2021

Introduced: 3/23/2021

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

### PLN200052 - 26195 SCENIC HOLDINGS LLC

Public hearing to consider construction of a single-story single family dwelling. Development would occur within 750 feet of a known archaeological resource.

**Project Location:** 26195 Scenic Road, Carmel, Carmel Area Land Use Plan

**Proposed CEQA Action:** Adopt Mitigated Negative Declaration

#### RECOMMENDATIONS:

Staff recommends the Planning Commission adopt a Resolution to:

1. Adopt a Mitigated Negative Declaration;
2. Approve a Combined Development Permit consisting of:
  - a) Coastal Administrative Permit and Design Approval for a new 1,035 sq. ft. single family dwelling, and
  - b) Coastal Administrative 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 C**)

Staff recommends approval subject to 9 conditions and 2 Mitigation Measures.

#### PROJECT INFORMATION:

**Agent:** Laura Lawrence, c/o Law Office of Aengus L. Jeffers

**Property Owner:** Jay and Ruthie Pak

**APN:** 009-422-023-000

**Parcel Size:** 6,671 sq. ft.

**Zoning:** "MDR/2-D(18)(CZ)" (Medium Density Residential in the Coastal Zone with a design control overlay, max. gross density 2 units/acre and 18-foot height limit)

**Plan Area:** Carmel Area Land Use Plan

**Flagged and Staked:** yes

#### SUMMARY:

The subject application is for construction of a one-story single family dwelling on a small parcel located on Scenic Road in the unincorporated Carmel area of Monterey County. Development on the parcel would be visible from the northeastern edge of Carmel City Beach; therefore, the residence is designed to integrate with the surrounding neighborhood and be subordinate to the visual environment.

The property is relatively flat and about five feet higher in elevation than Scenic Road. The property shares a driveway easement access with the adjacent parcel to the east and has a common southeast

boundary with the historic Kuster House property. An Initial Study was prepared analyzing the potential environmental affects resulting from the proposed project.

DISCUSSION:

Located on a 0.15-acre parcel in the unincorporated Carmel area west of Highway 1, the subject property is tucked into the surrounding residential parcels and shielded from public view by mature Cypress trees along the northern and northwestern boundaries. Access is from a shared paved driveway via Scenic Road. The pre-existing residence, built in 1956, was demolished with a 2013 permit while a 426 square foot legal non-conforming garage remained and will continue to remain in the same location on the parcel.

The coastal beach is about 20 feet across the street from the property to the north. Vegetation is a mix of Monterey cypress and ornamental landscaping. Estimated grading is 5 cubic yards of cut and 65 cubic yards of fill.

Carmel Area of Special Biological Significance (ASBS)

The site is within the Carmel Point Watershed Protection Area for the Carmel Bay Area of Special Biological Significance (ASBS), as designated by the California State Water Resources Control Board. No new or increased source of stormwater pollution would be generated from the project site, and the project would be covered by the County's permitted discharges into the Carmel Bay ASBS. A condition of approval is applied that requires submittal of a stormwater control plan to be reviewed and approved by HCD-Environmental Services prior to issuance of permits from Building Services.

Initial Study

Pursuant to Specific Policy 2.8.4.5 of the Carmel Area Land Use Plan, land use proposals in archaeologically sensitive areas shall not be exempt from environmental review. The subject parcel is in the archaeologically sensitive Carmel Point. Therefore, the proposed project is subject to provisions of CEQA that require environmental review of projects for identification of potentially significant environmental impacts and proposal of mitigations to reduce those potential impacts to less than significant. Staff prepared an initial study to assess the environmental impacts resulting from the project. The initial study identified potentially significant impacts to paleontological and tribal cultural resources. Mitigations are identified that would reduce these impacts to less than significant. Therefore, environmental review resulted in the need to adopt a mitigated negative declaration.

The mitigation measure identified in the initial study for paleontological resources is:

Geology/Soils

**Mitigation Measure (MM) No. 1:**

In the event a previously unknown fossil is uncovered during project-related ground disturbance, all work shall cease until a certified professional paleontologist can investigate the finds and make appropriate recommendations. Recommendations shall include fossil salvage, curation, and reporting requirements. Owner/applicant shall include a note on the construction plans (each of the demolition and grading sheets) encompassing the language contained in this mitigation measure, including all compliance actions.

**Mitigation Measure Action (MMA) No. 1**

Prior to the issuance of permits from HCD-Building Services, owner/applicant shall submit to HCD-Planning for review and approval construction plans containing the language of this mitigation measure.

The mitigation measure identified in the initial study for tribal cultural resources is:

**Potential Cultural Value to California Native American Tribe**

**Mitigation Measure (MM) No. 2:**

To ensure that Tribal Cultural Resources incur less than significant impacts, a Tribal Monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or another appropriately NAHC-recognized representative, shall be on-site during project-related grading and excavation to identify findings with tribal cultural significance. This Tribal Monitor shall have the authority to temporarily halt work to examine any potentially significant cultural materials or features. If resources are discovered, the owner/applicant/contractor shall contact a qualified professional archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists [RPA] or a Registered Archaeologist [RA] under the supervision of an RPA). This mitigation is not intended to alleviate responsibility of the owner or its agents from contacting the County Coroner and complying with State law if human remains are discovered.

Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal monitor and the qualified professional archaeologist. To facilitate data recovery of smaller midden components, such as beads or lithic debitage, the excavated soil from the project site shall be screened during monitoring. Once cataloged, the qualified professional archaeologist shall take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, all artifacts, at the discretion of the property owner, shall be returned within one year to a representative of the appropriate local tribe as recognized by the NAHC, or of the Monterey County Historical Society.

Mitigation Measure No. 2 shall include the following compliance actions:

**Mitigation Measure Action (MMA) No. 2.a**

Prior to the issuance of permits from HCD-Building Services, the owner/applicant shall include a note on the construction plans (each of the demolition and grading sheets) encompassing the language contained in Mitigation Measure No. 2, including all compliance actions. The owner/applicant shall submit said plans to HCD-Planning for review and approval.

**Mitigation Measure Action (MMA) No. 2.b**

Prior to the issuance of permits from HCD-Building Services, the applicant/owner shall submit evidence to the satisfaction of the Chief of HCD-Planning that a Tribal monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or another appropriately NAHC-recognized representative, has been retained to monitor the appropriate construction activities. This Tribal Monitor shall be retained for the duration of any project-related grading and excavation to a reasonable depth as requested by the Tribal monitor, and in consultation with HCD-Planning.

**Mitigation Measure Action (MMA) No. 2.c**

Prior to construction of the residence allowed under the permit issued by HCD-Building Services, the Tribal monitor or another appropriately NAHC-recognized representative shall submit a letter to HCD-Planning confirming participation in the monitoring and provide a summary of archaeological and/or cultural finds or no finds, as applicable.

**Mitigation Measure Action (MMA) No. 2.d**

Within one year following completion of the field work for uncovered resources, if any, a final technical report shall be submitted to HCD-Planning and the Northwest Information Center of the California Historical Resources Information System at Sonoma State University, that contains results of all analyses implemented throughout Mitigations Measure No. 2. Artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.

Design Review

The subject parcel is within the public viewshed as defined in Chapter 2.2 of the Carmel Area LUP. The area of most potential visibility is at the northern parcel boundary from Carmel City Beach. Siting and design control measures shall be applied in accordance with Policy 2.2.4.10 of the Carmel LUP that are implemented to ensure protection of Carmel Area scenic resources, including shoreline and ocean views. The residential structure would be 50 feet into the parcel from the property line at a modest 1,035 sq. ft and 15'-7" height. Colors and materials are chosen to match the residence to the east and to integrate with the historic Kuster House backdrop of the stone building in varied natural beige and gray tones. Staff considers the proposed project, as designed, to have less than significant impacts to aesthetic resources.

The design factors considered for protection of the public viewshed are also considered for consistency with the neighborhood character and to assure visual integrity. The proposed home is subordinate in height and roofline to the Kuster House backdrop. The project conforms to height, site coverage, and parking requirements of the Zoning Code. The earthtone color palette and natural textures provide visual integrity. Staff finds that colors and materials proposed are appropriate for assurance that design is consistent with the neighborhood character.

As of the time that this report was prepared, staff has received no public comment on the Initial Study. The public review period ends March 29, 2021. Comments received after the date of this staff report will be delivered to the Planning Commission prior to the hearing.

OTHER AGENCY INVOLVEMENT:

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

- Bureau of Environmental Health
- HCD-Development
- HCD-Environmental Services
- Cypress Fire Protection District
- Carmel Area/Higlands Land Use Advisory Committee

LUAC: The Carmel Area Land Use Advisory Committee (LUAC) voted 6 (ayes) - 1 (no) recommending approval of the project subject to height verification. The meeting took place on July

20, 2020.

Comments from the LUAC meeting pertain mostly to the potential that previously imported fill raised the elevation of the property and the average natural grade. The applicant responded to comments during the LUAC meeting.

Prepared by: Jaime Scott Guthrie, AICP, Associate Planner, ext. 6414

Reviewed by: Craig Spencer, Planning Services Manager

Approved by: Erik Lundquist, AICP, Chief of Planning *EL*

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Conditions of Approval
- Plan Set

Exhibit C - Vicinity Map

Exhibit D - Initial Study/Mitigated Negative Declaration

Exhibit E - Reports, including:

- E1 - Geological Report, Haro, Kasunich, and Assoc., Inc. (LIB200100)
- E2 - Geotechnical Report, LandSet Engineers Inc. (LIB170306)

Exhibit F - Carmel Area LUAC Minutes, 20 July 2020

cc: Front Counter Copy; Laura Lawrence c/o Law Office of Aengus L. Jeffers, Agent; Jay and Ruthie Pack, Applicants/Owners; Brittney Olsen c/o Holdren + Lietzke Archtitecture, Architects; M R Wolfe & Associates (John Farrow); The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN200052.