



## Legislation Details (With Board Report)

**File #:** PC 20-003      **Name:** PLN180434 HALEY  
**Type:** Planning Item      **Status:** Agenda Ready  
**File created:** 1/21/2020      **In control:** County of Monterey Planning Commission  
**On agenda:** 1/29/2020      **Final action:**  
**Title:** PLN180434 - HALEY  
Public hearing to consider a Lot Line Adjustment dividing three (3) lots totaling 17,956 square feet into two (2) lots resulting in a 9,369 square foot lot (Lot A) and a 8,587 square foot lot (Lot B); demolish an existing single-family dwelling; construct a new one-story single-family dwelling on resulting Lot A (approx.. 3,270 square feet total); and remodel an existing 1,090 square foot one-story single-family dwelling on resulting Lot B.  
Project Location: 26226 Isabella Avenue, Carmel, Carmel Area Land Use Plan, Coastal Zone  
Proposed CEQA Action: Consider and adopt a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Plan pursuant to Section 15074 of the CEQA Guidelines

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibit A - Draft Resolution, 3. Exhibit B - Vicinity Map, 4. Exhibit C - Carmel Highlands LUAC minutes for November 5, 2018, 5. Exhibit D - Final Initial Study-Mitigated Negative Declaration

Date	Ver.	Action By	Action	Result
1/29/2020	1	County of Monterey Planning Commission		
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**PLN180434 - HALEY**

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**Proposed CEQA Action:** Consider and adopt a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Plan pursuant to Section 15074 of the CEQA Guidelines

**RECOMMENDATION:**

It is recommended that the Planning Commission:

- a. Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines.
- b. Approve a Combined Development Permit consisting of:
  - (1) Coastal Development Permit to allow a Lot Line Adjustment, dividing three legal lots of record totaling 17,956 square feet into two lots of 9,369 square feet (Lot A) and 8,587 square feet (Lot B);
  - (2) Coastal Administrative Permit and Design Approval to demolish an existing one-story single-family dwelling (~ 815 square feet) and construct a new. one-story single-family dwelling (approx. 3,220 square feet), inclusive of an attached garage (approx. 560 square feet) on resulting Lot A;
  - (3) Coastal Administrative Permit and Design Approval to remodel an existing 865 square foot single-family dwelling and add a trellis carport (approx. 225 square feet) on resulting Lot B; and
  - (4) Coastal Development Permit to allow development within 750 feet of known archaeological resources

(on resulting Lots A and B).

c. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan (MMRP).

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**). Staff recommends approval subject to sixteen (16) conditions, including two (2) mitigation measures.

**PROJECT INFORMATION:**

**Property Owner:** Timothy Haley & Ethna McGourty Trust

**Agent:** Anthony Lombardo & Associates

**APN:** 009-451-013-000

**Zoning:** Medium Density Residential, 2 units per acre, Design Control Overlay, 18-foot height limit (Coastal Zone) [MDR/2-D (18)(CZ)]

**Flagged and Staked:** Yes

**SUMMARY:**

The Haley property is located at the intersection of Isabella Avenue and San Antonio Drive in the unincorporated area of Carmel Point. The property encompasses three original parcels created by a Cities and Towns map filed in 1908 for Carmel by the Sea, Addition No. 7. Two Tudor style cottages surrounded by ornamental landscaping are present on the site. One cottage was built circa 1930, and the other cottage was permitted and built in 2001 as a guesthouse. Both cottages have an architectural style that resembles English countryside cottages, a style made popular in Carmel by Hugh Comstock in the 1920's and 1930's; however, a historic report finds that the cottages were not designed or built by Comstock and do not qualify as historic resources. In addition, the home is taller in height (i.e., legal non-conforming) than current zoning allows. The proposed replacement residence will meet height limit standards for the Carmel Point area.

Staff has reviewed the application and found the project, as proposed, consistent with the Coastal Subdivision Ordinance (for the Lot Line Adjustment), the Carmel Area Land Use Plan, and the Coastal Implementation Plan (Parts 1 and 4; for the proposed development). The Lot Line Adjustment is between 3 existing lots, will result in one fewer lot than originally existed (2 lots total), and the resulting two lots will conform with adopted regulations for the district in which they are located. Archaeological reports (LIB180382, LIB180383, and LIB180401) prepared for the project determined that the potential for impacts to archaeological resources on this particular site is low; however, given the parcel's location in the archaeologically sensitive Carmel Point area, the reports recommend the presence of an archaeological monitor during all excavation activities. Therefore, consistent with the recommendations of the archaeologist, an Initial Study was prepared and mitigation measures were applied to minimize potential impacts to resources if discovered during construction, including tribal cultural resource monitoring.

**DISCUSSION:**

On October 9, 2018, an application was submitted on behalf of Mr. Haley and Ms. McGourty for a Lot Line Adjustment to merge three parcels into two parcels, to demolish an existing 815 square foot cottage (the original 1930's cottage), to build a new 3,218 square foot single-family dwelling on one of the resulting lots (Lot A), and to remodel a 865 square foot cottage (the guesthouse cottage) on the other lot (Lot B). The remodeled guesthouse would include installation of a kitchen, thereby making it the first single-family dwelling on the lot (Lot B).

Due to the date of construction and the architectural style of the cottages, a historic analysis was required for the proposed development (LIB180326, Kirk 2018). The historic analysis prepared for the project concluded that the 1930's cottage was not built by Hugh Comstock and does not qualify for listing at the local, state, or federal levels as a historic resource. The project review by the Carmel Highlands Land Use Advisory

Committee (LUAC) on November 5, 2018 included discussion about retaining the open park-like feel of the property, and some members' opinions that the current residence is aesthetically beautiful. The discussion resulted in a motion to recommend all lots be combined/merged, with a variance to the zoning code, and changes to the project application to remove the trellis carport (see the LUAC minutes at Exhibit C). The applicant did not alter the application in response to the LUAC recommendation.

In 2001, when the County granted a coastal development permit for the guesthouse, a Phase I preliminary archaeological investigation was prepared and Phase II archaeological testing was conducted (LIB180383, Breschini April 2001 and LIB180382, Doane and Haversat, September 2000). No significant archaeological resources were found during testing, but the potential for resources to be uncovered during construction could not be ruled out. Therefore, consistent with the recommendations of the archaeologist, an Initial Study was prepared and mitigation measures were suggested to minimize potential impacts to resources if discovered during construction including requirement for a monitor during construction. The guesthouse was constructed and the County was not made aware of any impacts to archaeological resources in that process.

For the proposed project, Cultural Resource Auger Testing was conducted on Lot A, where demolition and new construction for this project are proposed (LIB180401, Morley November 2018). No significant archaeological resources were found during testing, but again the potential for resources to be uncovered during construction could not be ruled out. Therefore, an Initial Study was again prepared and mitigation measures were recommended to minimize potential impacts to resources if discovered during construction, including a requirement for a monitor during construction. Formal notification was made to the Ohlone/Costanoan-Esselen Nation (OCEN) and the Esselen Tribe, pursuant to Public Resources Code Section 21080.3.1 *et seq.* Both OCEN and the Esselen Tribe provided responses that indicated they concurred with the recommendations of Morley to have a cultural monitor on-site during ground-disturbing activities. The Draft Mitigation Monitoring and Reporting Program reflects mitigations for cultural resources and tribal cultural resources.

#### ENVIRONMENTAL REVIEW:

Pursuant to Public Resources Code Section 21083 and California Environmental Quality Act (CEQA) Guidelines Section 15063(a), Monterey County as Lead Agency completed environmental review to determine if the project may have a significant effect on the environment. The County prepared a Draft Initial Study and Mitigated Negative Declaration (MND) for this project (**Exhibit D**). The MND was filed with the County Clerk on November 19, 2019, and circulated for public review and comment from November 20 to December 20, 2019 (SCH No. 2019119074). The County received only one comment from the Applicant's agent, requesting a one-word deletion from Mitigation Measure No. 2. The County considered the comment received, and it did not conflict with or challenge the analysis and conclusions of the Draft Initial Study or MND. Therefore, no further response is required.

The Draft Initial Study and MND identified potentially significant impacts to cultural resources and tribal cultural resources. Staff has proposed mitigation measures to reduce the identified impacts to a level of less than significant. Mitigation Measures Nos. 1 and 2 would reduce potential impacts by requiring the presence of an on-site archaeological monitor and an on-site tribal monitor, respectively, during all excavation activities. All other standard topics of environmental analysis were found less than significant or no impact. No unresolved issues remain.

#### OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services

Water Resources Agency  
Cypress Fire Protection District

The proposed project was reviewed by the Carmel Highlands Land Use Advisory Committee (LUAC) on November 5, 2018. The LUAC voted 4 - 1 to support the project with recommended alterations of the project proposal (**Exhibit C**). The LUAC recommended the lots be combined/merged into a single lot, and a variance granted to allow the second unit to remain as an accessory dwelling unit. The Applicant chose to move forward with the project as initially proposed, and did not revise the project per the LUAC's recommendations. Staff has addressed the LUAC's concerns in the Initial Study and recommended findings and conditions.

Prepared by: Mary Israel, Associate Planner, and Joseph Sidor, Associate Planner, x5262

Reviewed by: Craig Spencer, RMA Planning Services Manager

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

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution, including:

- Conditions of Approval
- Project Plans

Exhibit B - Vicinity Map

Exhibit C - Carmel Highlands LUAC minutes for November 5, 2018

Exhibit D - Final Initial Study/Mitigated Negative Declaration

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, Acting RMA Chief of Planning; Craig Spencer, RMA Services Manager; Joe Sidor, Project Planner; Mary Israel, Associate Planner; RMA Public Works and Facilities; Environmental Health Bureau; RMA Environmental Services; Cypress Fire Protection District; Timothy Haley, Applicant/Owner; Anthony Lombardo and Associates, Agent; Greg Klein, Interested Party; Lenore Thornton, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN180434