



Legislation Details (With Board Report)

File #: PC 18-130 **Name:**

Type: Planning Item **Status:** Agenda Ready

File created: 11/27/2018 **In control:** County of Monterey Planning Commission

On agenda: 12/5/2018 **Final action:**

Title: PLN170612 & PLN170613 - PIETRO FAMILY INVESTMENTS, LP.
Consider applications to construct two projects on adjacent parcels located within 750 feet of a known archaeological resource located on Carmel Point in the Coastal Zone, Carmel Area Land Use Plan:

1. A single-family dwelling with basement and attached garage (approx. 4,900-square feet) at 26338 Valley View Avenue. APN: 009-463-017-000 (PLN170612); and
2. A split-level single family dwelling with basement and attached garage (approx. 5,880-square feet) at 26346 Valley View Avenue, APN: 009-463-003-000 (PLN170613).

Proposed CEQA action: Adopt Mitigated Negative Declaration

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Revised Discussion, 4. Exhibit C - Revised Initial Study (MND) (Underlined & Strikethrough), 5. Exhibit D - Revised Draft Resolution PLN170612, 6. Exhibit E - Revised Draft Resolution PLN170613, 7. Exhibit F - Carmel Highlands LUAC Minutes 1-16-18, 8. Exhibit G - Comments, 9. Exhibit H - Revised Response to Comments, 10. Exhibit I - Letter from neighbors, 11. Hearing Submittal_PLN170611_PLN170612_PLN170613, 12. Hearing Submittal_Revised Initial Study_PLN170612_PLN170613, 13. Hearing Submittal_Staff-PLN170612_PLN170613, 14. RESpc_18-048_PLN170612_120518, 15. RESpc_18-049_PLN170613_120518

Date	Ver.	Action By	Action	Result
12/5/2018	1	County of Monterey Planning Commission		

PLN170612 & PLN170613 - PIETRO FAMILY INVESTMENTS, LP.

Consider applications to construct two projects on adjacent parcels located within 750 feet of a known archaeological resource located on Carmel Point in the Coastal Zone, Carmel Area Land Use Plan:

1. A single-family dwelling with basement and attached garage (approx. 4,900-square feet) at 26338 Valley View Avenue. APN: 009-463-017-000 (PLN170612); and
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Proposed CEQA action: Adopt Mitigated Negative Declaration

RECOMMENDATION:

It is recommended that the Planning Commission adopt resolutions to:

- a. Adopt the Mitigated Negative Declaration for both **PLN170612** and **PLN170613**;
- b. Approve a Combined Development Permit for **PLN170612** consisting of:
 - a. A Coastal Administrative Permit and Design Approval for the construction of a 3,112-square foot, single family dwelling inclusive of an attached garage, porch and 1,687-square foot basement with associated grading of 830 cubic yards hauled offsite;
 - b. A Coastal Development Permit to allow development within 750 feet of a known archaeological resource.

The approved permit would serve to correct an existing code enforcement violation, 17CE00360.

- c. Approve a Combined Development Permit for **PLN170613** consisting of:
- a. A Coastal Administrative Permit and Design Approval for the construction of a 3,468-square foot, single family dwelling inclusive of an attached garage and a 2,413-square foot basement with associated grading of 1,255 cubic yards hauled offsite;
 - b. A Coastal Development Permit to allow development within 750 feet of a known archaeological resource.
- The approved permit would serve to correct an existing code enforcement violation, 17CE00140.
- d. Adopt a Mitigation Monitoring and Reporting Program for **PLN170612**; and
- e. Adopt a Mitigation Monitoring and Reporting Program for **PLN170613**.

Two (2) draft resolutions that include findings and evidence for consideration are enclosed (**Exhibit E**). Staff recommends approval of PLN170612 subject to 26 conditions of approval, including 4 mitigation measures, and approval of PLN170613 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

APNs: 009-463-017-000 (PLN170612); 009-463-003-000 (PLN170613)

Parcel Size:

- PLN170612: .15 acres (6,420-square feet); and
- PLN170613: .20 acres (8,839-square feet)

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 projects to the Planning Commission with a recommendation of denial for the basement portion of the project. The projects were continued by the Planning Commission for further clarification regarding inclusion of the basements in the initial study and complete analysis on the full scope of the projects. Upon further review, staff determined that the analyses for the basements were included in the environmental document and that the deletion of the basements 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 parcels with respect to cultural material identification. Mitigation measures, including the deletion of the basements, were crafted with the intention of mitigating potential impacts to the resources. RMA-Planning staff has since received a third archaeological report which was prepared at the direction of the applicant and 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.

Two vacant parcels are located on Valley View Avenue in the Carmel Point residential neighborhood.

Applications were submitted to develop one single family home on each lot: 1) PLN170612, located at 26338

Valley View Avenue, (“PIETRO 1”), and 2) PLN170613, located at 26346 Valley View Avenue, (“PIETRO 2”). Due to common ownership and adjacent proximity, one environmental document was prepared to assess both projects.

DISCUSSION

See attached **Exhibit B**.

CEQA

As the lead agency, Monterey County RMA-Planning prepared an Initial Study pursuant to Section 15063 of the California Environmental Quality Act. A combined Draft Mitigated Negative Declaration (“MND”) for PLN170612 and PLN170613 was prepared in accordance with CEQA and was circulated for public review from September 13, 2018 through October 15, 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 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 projects subject to twenty-six (26) conditions each, which includes four (4) mitigation measures applied to each project (**Exhibit D.1 & E.1**).

Staff received two formal comments during the thirty-day public circulation period. These comments (**Exhibit G**) made the following arguments/observations.

- Commentary on the open code enforcement violations
- Disagreement with staff’s interpretation of statements made in the initial Albion archaeological report
- Disagreement with staff’s interpretation of statements made in the supplemental archaeological report
- Clarification that “finds” discussed in Initial Study background are not on the subject parcel
- Analysis ignores the requirements of the geologic and geotechnical studies relevant to the development of the project site
- Contest the application of the HR zoning district overlay (premature and counterintuitive)

In brief, staff became aware of the code enforcement violations and made the determination to keep them open until the hearing because the only other way to remedy the violation would be to restore the lots to their original state; no fees were incurred during this period. Staff stands by the statements identified in the archaeological reports and does disclose the fact that artifacts associated with CA-MNT-17 were discovered in the near vicinity of the subject parcels, although, as staff detailed above, there are three recorded archaeological sites on Carmel Point and a strong likelihood of continued finds in this area. The geologic and geotechnical studies do suggest that the topsoil is not adequate for a shallow slab foundation but the geotechnical report does offer alternatives. Staff has revised the HR re-zoning mitigation measure to reflect updated information. The mitigation measure has been replaced with equally or more effective language.

For a detailed explanation, see **Exhibit H**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the projects, 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 projects were reviewed by the Unincorporated Carmel Highlands Land Use Advisory Committee (LUAC) on January 16, 2018 and were not given a recommendation of approval based on a number of factors, including the proposed designs and overall aesthetic. A motion to not support the project was made with members voting: 4 ayes and 1 no. The following reasons were cited in the minutes for not supporting the project as proposed:

- Removal of large quantities of soil for construction of large basements could disturb possible archaeological resources in an archaeologically sensitive area.
- Metal roofs may not be appropriate for the area; neighborhood has a rural theme.
- 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.
- Recommend the Resource Management Agency (RMA) review building techniques on sites such as this one. The contractor stated that due to unstable topsoil extending at least 6 feet below ground level, he would need to excavate all 6 feet and replace and compact it over the entire footprint of the building. This could, in effect, probably remove most archaeological artifacts if there were any. A basement would require about 10 feet of gross excavation, so the effect on an archaeologically sensitive area could be essentially the same. There are, however, alternative structural systems that are far less intrusive than the proposed excavation solution. These are (a) Caissons and grade beams requiring 12-inch diameter holes; (b) Helical screw anchors and grade beams. Anchors are screwed into the soil requiring less excavation and are less intrusive than the caisson system.
- General recommendation to the Planning Commission to discuss whether to allow or restrict basements close to known archaeological sites and other sensitive areas on Carmel Point.

Several neighbors were also in attendance and voiced concerns regarding project construction management given their experience with previous development in the area (**Exhibit I**).

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 Land Use and Community Development

The following attachments are on file with the RMA:

- Exhibit A - Project Data Sheet
- Exhibit B - Revised Discussion
- Exhibit C - Revised Initial Study (MND) (Strikethrough & Underlined)
- Exhibit D - Revised Draft Resolution PLN170612
 - D1 - Revised Conditions of Approval
 - D2 - Plans
 - D3 - Colors and Materials
- Exhibit E - Revised Draft Resolution PLN170613
 - E1 - Revised Conditions of Approval
 - E2 - Plans
 - E3 - Colors and Materials
- Exhibit F - Carmel Highlands LUAC Minutes 1-16-18
- Exhibit G - Comments

Exhibit H - Revised Response
Exhibit I - Letter from neighbors

cc: 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; Rudy Rosales, OCENR Tribal member; 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. PLN170612 and PLN170613.