County of Monterey
Planning Commission

Agenda Item No.2

Legistar File Number: PC 25-049

Item No.2

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

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PLN210061 - JOHNSON HAL W JR & ALLISON H

Continued from October 30, 2024 - Public hearing to consider allowing construction of a 3,525 square foot single-family residence, inclusive of a 244 square foot single-car garage and associated site improvements; approximately 3,095 square feet of development on slopes in excess of 30%, 500 square feet of which is for the residence and 2,611 for the associated site improvements; removal of four protected trees; development within 50 feet of a coastal bluff; and development within 750 feet of known archaeological resources. Site improvements include grading with approximately 700 cubic yards of cut and 390 cubic yards of fill, resulting in net cut of 310 cubic yards; driveway and flatwork; tiered retaining walls; an emergency fire access stairway; paving of the access road leading to the site; and utility improvements consisting of installation of a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and an approximately 400 lineal feet sewer line.
Project Location: 226 Highway 1, Carmel, Carmel Area Land Use Plan, Coastal Zone
Proposed CEQA action: Adopt a Mitigated Negative Declaration pursuant to section 15074 of the CEQA Guidelines and adopt a Mitigation Monitoring and Reporting Plan

RECOMMENDATION:

It is recommended that the Monterey County Planning Commission adopt a resolution:

1) Adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
2) Approving a Combined Development Permit consisting of a:
    a. Coastal Administrative Permit and Design Approval to allow construction of a 3,525 square foot single-family residence with an attached garage, and associated site improvements including an auto-court, access road improvements, patios, an emergency fire access stairway, tiered retaining walls, septic tank, installation of a centralized water quality treatment for the Highway 1 Water Distribution System #12, and approximately 400 lineal feet of sewer line;
    b. Coastal Development Permit to allow development within 50 feet of a coastal bluff;
    c. Coastal Development Permit to allow the removal of four trees, including three Monterey cypress and one Monterey pine;
    d. Coastal Development Permit to allow 3,095 square feet of development on slopes in excess of 30%;
    e. Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
3) Adopting a Condition of Approval and Mitigation Monitoring and Reporting Plan.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 28 conditions of approval.

PROJECT INFORMATION:
Owner: Johnson, Hal W Jr & Allison H
Agent: Carla Hashimoto, Eric Miller Architects, Inc.
APN: 241-182-003-000, 241-182-004-000 and 241-182-005-000, and 241-182-006-000
Zoning: Low Density Residential, 1 acre per unit, with a Design Control Overlay, in the Coastal Zone [LDR/1-D (CZ)]
Parcel Size: 0.63 acres (27,400 square feet)
Plan Area: Carmel Area Land Use Plan
Flagged and Staked: Previously, Flagging Removed and Photo-Simulations Provided
Planner: Phil Angelo, Senior Planner
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SUMMARY:
The project consists of the construction of a single-family residence and associated site improvements on a vacant, highly constrained lot in the Carmel Highlands, and was previously considered by the Planning Commission on October 30, 2024. After public testimony, the Planning Commission made a motion of intent to deny the project as it was proposed, continuing the hearing on the item to a date uncertain and directing staff to prepare a revised resolution with supporting denial findings. The primary issues raised at the hearing were the scale of development given the constrained nature of the site, particularly development on slopes; and whether the setback Variances requested for the project were appropriately justified. Additional questions raised at the hearing included whether the project was consistent with the Visual Resources policies of the Carmel Area Land Use Plan (LUP), the quantity of trees being removed for the project, and the geological hazards of developing in proximity to a coastal bluff.

The following day, the applicant's representatives requested the opportunity to redesign the project to address issues raised at the hearing before the item returned to the Planning Commission. Staff met with the applicant's agent's multiple times over the last several months to discuss redesign considerations. Staff communicated its understanding of the issues raised at the October 2024 Planning Commission hearing and informed the applicant that staff would only recommend approval to the Planning Commission if all previously raised concerns were substantially addressed.

The applicant's agents submitted revised plans with the redesign and supplemental materials in April 2025. The applicant has made substantial changes to their project, reducing the quantity of development on slopes, grading, and tree removal; re-designing the residence to further minimize its visibility from public viewing areas within the existing topography and vegetation; removing the requested Variances; and providing response letters from their geological and geotechnical engineers to address geologic hazard concerns raised before the previous hearing. Staff has thoroughly reviewed the redesign and supplemental materials and believes that the revised project appropriately and adequately addresses the concerns raised at the October 2024 hearing. In comparison to the previously considered project, the revised proposal aligns much better with the constrained nature of

the site and the underlying intent of the LUP and its implementing regulations (Coastal Implementation Plan; Part 4), which require subordinating development to its surrounding environment. The previous design, the proposed revisions, issues raised in the October hearing, and how they were addressed are described in detail in **Exhibit A** (Discussion**)**.

As revised, the project involves construction of a 3,525 square foot single-family residence, inclusive of a 244 square foot single-car garage, and associated site and utility improvements. Associated site improvement include a driveway and flatwork, tiered retaining walls, an emergency fire access stairway, paving of the access road leading to the site. Utility improvements consist of installation of a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and an approximately 400 lineal feet sewer line running along the access driveway leading to the site. The project also involves approximately 3,095 square feet of development on slopes in excess of 30% (500 square feet for the residence, and 2,095 for the associated site improvements), removal of four protected trees (three Monterey cypress and one Monterey pine), development within 50 feet of a coastal bluff, and development within 750 feet of known archaeological resources. The project involves approximately 700 cubic yards of cut and 390 cubic yards of fill.

Over the course of project review, the County has also received comments from neighbors expressing concern regarding the project, as well as comments from California Coastal Commission (CCC) staff. These comments were considered at the October 30, 2024 Planning Commission hearing, and are attached for reference as **Exhibit G**.

DISCUSSION:
A discussion of project changes, visual resources, development on slopes in excess of 30 percent, development within 50 feet of a bluff, forest resources, cultural resources, setbacks, and other agency involvement is included in **Exhibit A**.

CEQA:
Pursuant to Public Resources Code Section 21083, and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), the Lead Agency shall conduct environmental review in the form of an Initial Study to determine if the Project may have a significant effect on the environment, and shall prepare a Negative Declaration (in this case a Mitigated Negative Declaration) if there is no substantial evidence that the Project or any of its aspects may cause a significant effect on the environment.

The Initial Study and Mitigated Negative Declaration (**Exhibit C**) were prepared in accordance with the CEQA Guidelines; filed with the County Clerk on July 11, 2024; and circulated for public review from July 11, 2024 through August 12, 2024 (State Clearinghouse Number 2024070467). The Initial Study identified potential impacts to archaeological/tribal cultural resources which could be mitigated to a less than significant level with the imposition of Mitigation Measures, CUL-1 (Condition No. 18), CUL-2 (Condition No. 19), CUL-3 (Condition No. 20), CUL-4 (Condition No. 21), and TR-CUL-1 (Condition No. 22), and the County's standard positive archaeological stop work condition (Condition No. 3). These mitigations measures and condition all interlock and operate together:

- CUL-1 Cultural Resources Awareness Training would ensure that construction crews doing earthwork on the most archaeologically sensitive areas of the project be trained to identify resources so that work can be halted appropriately if anything is found;
- CUL-2 Archaeological Monitor would require that an archaeological monitor be present during the most archaeologically sensitive areas of the project to stop work and evaluate any finds, and that an on-call archaeologist be available for any activities not actively being monitored by an archaeologist;
- CUL-3 Cultural Resources Stop Work Steps and County standard condition PDP003(B) establish clear procedures on halting work and the required steps if any previously unknown resources or human remains are encountered;
- CUL-4 would require an archaeological mitigation plan be prepared if any resources are identified, as well as considering the input of the tribal cultural monitor in the disposition of any resources; and
- TR-CUL-1 shall require a tribal cultural monitor be present for earth work and ground disturbance.

All other subject areas would either have no impact or a less than significant impact with the application of uniformly applicable regulations for development projects and standard conditions of approval. The County received one comment letter regarding the Initial Study during the circulation period, which is included in **Exhibit G**. Responses to the key contentions in the comment letter are included in the draft resolution **Exhibit B**. Additionally, in response to comments, staff clarified, amplified, and corrected specific sections of the Initial Study, which are indicated in strikethrough and underline in **Exhibit C**. However, none of the raised concerns or alterations trigger the requirement to recirculate the Initial Study and Mitigated Negative Declaration pursuant to CEQA Guidelines section 15073.5.

OTHER AGENCY/DEPARTMENT INVOLVEMENT:
The following County agencies or departments reviewed this project during the County's interdepartmental review process. There has been no indication from any of these agencies that the site is not suitable for the proposed project, and recommended conditions have been included in the draft conditions of approval attached to **Exhibit B**:

- HCD-Planning Services
- The Environmental Health Bureau (EHB)
- HCD-Engineering Services
- Carmel Highlands FPD
- HCD-Environmental Services

The project was also reviewed by Monterey Peninsula Water Management District, California Department of Transportation (Caltrans), and Carmel Area Wastewater District (CAWD). See **Exhibit A**.

LUAC REVIEW:
The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC), who reviewed the project at their December 5, 2022 meeting. The LUAC had questions

regarding site access, the Variance to reduce the front setback along Highway 1, the slope of the site, the water and sewer system, construction schedule, and roofing material. The architect was present and addressed the LUAC's questions, and the LUAC voted 6-0 with 1 absent to recommend approval as proposed (**Exhibit F**).

Prepared by: Phil Angelo, Senior Planner x5731
Reviewed by: Fionna Jensen, Principal Planner
Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD:
Exhibit A - Discussion
Exhibit B - Draft Resolution, including:

- Recommended Condition of Approval
- Coastal Hazards Deed Restriction Language
- Site Plans, Floor Plans, Elevations, and Colors and Materials

Exhibit C - Clarified and Amplified Initial Study and Mitigated Negative Declaration
Exhibit D - March 15, 2025, and January 17, 2021, Construction Impact Assessment and Tree Management Plans (LIB210215)
Exhibit E - Carmel Unincorporated/Highlands LUAC Meeting Minutes
Exhibit F - Public Comments
Exhibit G - Cornerstone Earth Group Comment Letter
Exhibit H - Architect, Geologist, and Geotechnical Engineer Letters
Exhibit I - Vicinity Maps, including Mutual Water System and Sewer System
Exhibit J - Site Photos

cc: Front Counter Copy; Carmel Highlands FPD; HCD-Engineering Services, HCD-Planning; HCD-Environmental Services; Environmental Health Bureau; Phil Angelo, Senior Planner; Anna Ginette Quenga, AICP, Principal Planner; Melanie Beretti, AICP, Chief of Planning; M Johnson Hal W Jr & Allison H, owner/applicant; Carla Hashimoto, Eric Miller Architects, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Lozeau Drury LLP; Keep Big Sur Wild, Christina McGinnis; Patrick Treanor, Carmel Area Wastewater District; Heather Roberts, Interested Party; Tom Oliveri, Interested Party; Tom "Little Bear" Nasan, Esselen Tribe of Monterey County; Alex J Lorca of Fenton & Keller, Interested Party; Stephanie Kister, Monterey Peninsula Water Management District; Matthew D Francois of Rutan & Tucker LLP, Interested Party; Kristie M Campbell of Fenton & Keller, Interested Party; Heide Cortapassi, Interested Party; Dennis Chambers, Interested Party; Jennifer Breitwischer, Interested Party; Eileen Stephens, California Department of Transportation District 5; Christina McGinnis, Keep Big Sur Wild; Project File PLN210061.