Introduced: 5/1/2025 **Current Status:** Agenda Ready

Version: 1 **Matter Type:** Zoning Administrator

PLN240072 - CAPPO REAL ESTATE HOLDINGS LLC

Public hearing to consider construction of a 173 square foot deck, reconstruction of a retaining wall, and installation of site improvements, including landscaping and a walkway within 750 feet of known archaeological resources.

Project Location: 26357 Scenic Road, Carmel, Carmel Area Land Use Plan

Proposed CEQA action: Find the project Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

a. Find the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA guidelines section 15301, and that there are no exceptions pursuant to Section 15300.2; and
b. Approve a Coastal Development Permit and Design Approval to allow construction of a 173 square foot deck, reconstruction of a retaining wall, construction of a landscaping path, and site improvements within 750 feet of known archaeological resources.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 7 conditions of approval.

PROJECT INFORMATION:

Agent: Tai Tang
Property Owner: Jeffrey Cappo
APN: 009-442-018-000
Parcel Size: .11 acres
Zoning: Medium Density Residential, 2 units per acre, with a Design Control overlay, and an 18 foot height limit in the Coastal Zone or "MDR/2-D(18)(CZ)"
Plan Area: Carmel Area Land Use Plan
Flagged and Staked: No
Planner: Joseph Alameda, Assistant Planner
alamedaj@countyofmonterey.gov, (831)783-7079

SUMMARY/DISCUSSION:

The subject property is located at 26357 Scenic Road in Carmel, within the Carmel Area Land Use Plan. The property is currently developed and used for residential purposes (existing single-family dwelling) and is surrounded by residences on all sides. The applicant proposes construction of a 173 square foot deck, reconstruction of a retaining wall, construction of a ramped landscaping path, and

site improvements within 750 feet of a positive archaeological site. The subject property will continue to be served potable water by California American Water (Cal Am) and sewer service by the Carmel Wastewater District. The existing exterior colors and materials are compatible with the surrounding environment and are consistent with the surrounding residential neighborhood character which will not be changed. The proposed development will not be visible from a scenic corridor or major common public viewing area due to location, topography, and intervening development and vegetation. The project meets all required development standards for Medium Density Residential or "MDR" zoning, which are identified in Title 20, Section 20.14.060.

Based on staff analysis, the proposed project is consistent with all rules and regulations pertaining to zoning uses and any other applicable provisions of the 1982 Monterey County General Plan, Carmel Area Land Use Plan (Carmel Area LUP), Monterey County Coastal Implementation Plan (CIP; Part 4), and Zoning Ordinance (Title 20).

Cultural Resources
According to county GIS records, the subject property is within 750 feet of a known archaeological resource. Pursuant to the Carmel Area Land Use Plan section 20.146.090.B.1, a Phase I and Phase II archaeological report (LIB240267) was prepared. The results of both the pedestrian survey and the subsurface evaluation determined that portions of the property were positive for pre-contact site indicators and intact midden associated with CA-MNT-17. The original project scope was sited within the known resource boundaries and would have resulted in direct impacts. Accordingly, the project archaeologist recommended a project redesign to avoid impacts to the resource and the establishment of a permanent conservation easement over the known resource boundaries. Following the archaeologist's recommendations, the project design was altered to protect the cultural resources. Although the deck extends over the cultural resource, it will be approximately 23 inches above grade and thus will not disturb the resource. Additionally, the proposed deck utilizes two surface pier footings that will be located outside of the mapped resource boundary. The permeable landscaping path continues to be within the resource boundaries. However, as recommended by the project archaeologist, the known cultural resource will be capped with landscaping fabric. To create the path, three inches of compacted aggregate and a layer of decomposed granite will be installed on top of the landscaping fabric. This design ensures there is no ground disturbance within the known cultural resource area. Invasive species exist within the cultural resource area. Carmel Area Land Use Plan Policy 2.3.5.4 encourages the removal of non-native and invasive plant species. To ensure impacts to the cultural resource are less than significant (Policy 2.8.3.4), a foliar herbicide shall be applied to the plants for four weeks prior to hand removal. Excavation and/or digging into the existing soil is not proposed. Native dune species restoration within the resource boundary shall be limited to hand seeding with plugs no larger than 1.5-inches in diameter and 5.5-inches deep.

Carmel Area Coastal Implementation Plan section 20.146.090.D(2) requires all recommendations of the project archaeologist to be incorporated as conditions of approval. As recommended by the archaeologist, an archaeological monitor and a Tribal Cultural monitor shall be retained to monitor all project-related ground disturbance, and a cultural resource sensitivity training shall be conducted prior to any ground-disturbing activities. These recommendations have been incorporated as conditions of approval and ensure compliance with Carmel Area Land Use Plan policies pertaining to the protection of archaeological resources.

CEQA:
California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts minor alterations of existing public or private structures involving negligible or no expansion of existing or former use. As proposed, the project involves the construction of a deck, reconstruction of a retaining wall, construction of a ramped landscaping path, and associated site improvements, which are accessory to and will not change the residential use of the property and existing dwelling. While there are known historical/cultural resources (archaeological) on-site, no structural development is proposed within these areas. The project archaeologist identified the on-site resources as being associated with CA-MNT-17, a significant resource under CEQA eligibility requirements. However, the project has been designed to ensure there will be no impacts to know archaeological resources by avoiding ground disturbing activities and capping the resource. Further, as required by the Carmel Area CIP, the Project Archaeologist's recommendations (monitoring and pre-construction sensitivity training) have been applied as standard conditions of approval and will ensure no inadvertent impacts to the significant cultural resource occurs. Therefore, there is no evidence that the project will result in a substantial adverse change of a historical resource, or result in a significant effect on the environment.

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

Environmental Health Bureau
HCD-Engineering Services
HCD-Environmental Services
Cypress Fire Protection District

Prepared by: Joseph Alameda, Assistant Planner, x7079
Reviewed and Approved by: Fionna Jensen, Principal Planner

The following attachments are on file with HCD:
Exhibit A - Draft Resolution including:

- Conditions of approval
- Site Plans

Exhibit B - Vicinity Map

cc: Front Counter Copy; California Coastal Commission; Cypress Fire Protection District; HCD-Environmental Services; HCD - Engineering Services; Environmental Health Bureau; Joseph Alameda, Project Planner; Fionna Jensen, Principal Planner; Jeffrey Cappo, Property Owner; Tai Tang, Agent/Architect; The Open Monterey Project (Molly Erickson); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; LandWatch; Project File PLN240072.