



Monterey County Zoning Administrator

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Agenda Item # 4

Legistar File Number: ZA 16-041

October 27, 2016

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Current Status: Agenda Ready

Version: 1

Matter Type: ZA

PLN150354/Ankle Crisper LLC (Continued from September 29, 2016)

Public hearing to consider Amending a Combined Development Permit (PLN100342/ PLN130912) that includes: 1) demolition of an existing single family dwelling and construction of a new residence, 2) development within 50 feet of a coastal bluff, 3) development within 750 feet of a known archaeological resource, and 4) a variance to reduce the side yard setback.

Proposed CEQA Action: Addendum to a Mitigated Negative Declaration
53150 Highway 1, Big Sur, Big Sur Coast Land Use Plan.

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**):

- a. Considering an addendum together with the Mitigated Negative Declaration; and
- b. Approving an Amendment to Combined Development Permit (PLN100342/ PLN130912) to allow:
 - 1) Demolition of an existing single family dwelling and accessory dwelling unit
 - 2) Construction of a new residence (approx. 8,400 square feet);
 - 3) Construction of a new accessory dwelling unit (1,170 square feet) on the east side of Highway One;
 - 4) Development within non-critical viewshed;
 - 5) Development within 50 feet of a coastal bluff;
 - 6) Development within 750 feet of a known archaeological resource; and
 - 7) Removal of two, non-native, cypress trees

PROJECT INFORMATION:

Property Owner: Ankle Crisper LLC

Applicant: Arden Handshy, Land Use Facilitator

Parcel size: 54 acres

APN: 420-021-039-000

Plan Area: Big Sur Coast Land Use Plan

Zoning: "WSC/40 (CZ) [Watershed and Scenic Conservation/40 acre minimum (Coastal Zone)]

Flagged and Staked: Yes

SUMMARY:

This item was continued from August 25 and September 29, 2016, Zoning Administrator hearings in order for staff to work with the applicant on a revised design.

In 2011, a Combined Development Permit (PLN100342) approved plans to replace an existing single family home located on the west side of Highway 1. An existing home extending 13.5 feet over the property line into State Parks was to be demolished and replaced with a new 2,106

square foot home within the same general footprint of the original house. Entitlements included a variance reducing the north side yard (abutting State Park) to three feet in order to keep development located outside of the critical viewshed and create the greatest set back from the coastal bluff. PLN130912 granted an extension through September 8, 2016.

Prior to the permit expiring (September 2016), new owners submitted an application to amend the project by increasing the single family dwelling to 8,396 square feet (an increase of 6,290 square feet) with an increase of 1,030 net cubic yards of grading to be removed from site. Originally the new structure proposed to maintain the 3-foot side yard setback, but proposed to expand the structure further south along the front Highway 1 right of way setback.

Staff determined that the proposed new structure would not be visible from Highway One and therefore would not impact the critical viewshed. However, since the structure could expand further south without impacting the viewshed, it was not restricted to the original footprint which was the basis for granting a variance. Therefore, staff consulted the applicant about designing a house without a side set back variance.

Revised plans were submitted that shift the main residence 20 feet to the south to conform to the side setback. In doing so, this will require the removal of two planted Monterey Cypress trees that are in poor health, and an existing caretaker unit currently in the Critical Viewshed and will be replaced with an accessory dwelling unit on the east side of Highway 1. The ADU is proposed in an area east of Highway One near a wood bridge.

The applicant agreed to stake the new ADU location and go back to the Big Sur LUAC for consideration. Staff determined that the new ADU location that can only be seen if walking on the bridge and looking down. Since there is no walkway along this bridge, staff finds recommends a determination that this be considered non-critical viewshed, pursuant to Section 20.145.030.C of the BS CIP).

The LUAC stated that they prefer the original project because they think this is exactly how variances are supposed to be used. However, if the project is revised they request the following:

- Remove a line of planted pine trees north of the bridge and replace these with a lower hedge that screen view of the structures/lighting while preserving (improving) coastal view; and
- Shorten and lower the existing driveway berm further.

The applicant indicated that they would work with the LUAC to find a resolution if the revised project is approved.

Although this project increases the development footprint, staff finds that environmental impacts were adequately addressed in the previous Initial Study. These impacts include aesthetics, archaeology and geology. The revised project has been adequately analyzed as well. An Addendum was prepared for this project as there are no new impacts that would change the analysis of the Initial Study.

DISCUSSION:

See **Exhibit B** for a more detailed discussion.

OTHER AGENCY INVOLVEMENT:

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

- √ RMA-Public Works Department
Cachagua Fire Protection District
- √ Environmental Health Bureau
RMA Environmental Services
Water Resources Agency

On April 12, 2016, The Big Sur Land Use Advisory Committee (LUAC) reviewed the proposed structure once it was re-staked and re-flagged and recommended approval (4-0 vote) with the proposed Variance. Their only concern was the removal of K-rails located on Highway 1 in front of the property that were left there in 2008, as temporary mitigation for the Basin Complex Fire. They have since been removed.

On October 11, 2016, the Big the Big Sur Land Use Advisory Committee (LUAC) reviewed the most recent revisions, again after re-staking and re-flagging. This also included the new accessory dwelling unit (ADU) on the east side of the property. The LUAC recommended approval (3-0) expressing preference for the original project because they think this is exactly how variances are supposed to be used. However, if the revised project is approved, the L:UAC requests conditions to: a) remove a line of planted pine trees north of the bridge and replace these with a lower, denser hedge; b) modify the existing driveway berm. The LUAC wants the applicants to consider shortening and lowering the berm further.

FINANCING:

Funding for staff time associated with this project is included in the FY2015-2016 Adopted Budget for RMA-Planning.

Prepared by: Elizabeth Gonzales, Associate Planner, Extension 5102

Reviewed by: John Guertin, RMA Deputy Director *JG*

Approved by: Carl Holm AICP, RMA Director *CH*

Attachments:

- Exhibit A - Project Data Sheet
- Exhibit B - Discussion
- Exhibit C - Draft Resolution, including:
 - Conditions of Approval
 - Site Plan, Floor Plan, and Elevations,
- Exhibit D - Addendum
- Exhibit E - MND for PLN100342
- Exhibit F - Vicinity Map

cc: Front Counter Copy; Zoning Administrator; John Ford, RMA Services Manager; Cachagua Fire Protection District; RMA Public Works; Environmental Health Bureau; Water Resources

Agency; Arden Handsby, Applicant; Aengus Jeffers, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); District 5 Board of Supervisors; Project File PLN150354