



County of Monterey Planning Commission

Item No.4

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

Agenda Item No. 4

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PLN230064 - ROBERTS BRYAN & ADRIENNE D TRS

Public hearing to consider a lot line adjustment to merge two parcels resulting in one 4.01 acre parcel; the remodel, partial demolition and minor addition of a 12,176 square foot single family residence resulting in a 12,636 square foot single family residence; demolition of 397 square foot detached guest house and replacement with a 424 square foot detached guest house; demolition of a 644 square foot attached garage and construction of a 941 square foot detached garage; and associated site improvements including approximately 800 cubic yards of grading with 750 cubic yards of cut and 50 cubic yards of fill, repaving an existing driveway, installing an auto court, pathways, post-construction drainage improvements, a pool deck, and a pool. The project includes development within the Critical Viewshed, 50 feet of a bluff, on slopes in excess of 30%, and within 100 feet of environmentally sensitive habitat area (coastal bluff scrub and coastal sage scrub).

Project Location: 37600 Hwy 1, Big Sur

Proposed CEQA action: Find that the project qualifies for Class 1 and 5 Categorical Exemptions pursuant to CEQA Guidelines sections 15301 and 15305, and that none of the exceptions from CEQA Guidelines 15300.2 apply.

RECOMMENDATION:

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

- 1) Finding that the project qualifies for Class 1 and 5 Categorical Exemptions pursuant to CEQA Guidelines sections 15301 and 15305, and that none of the exceptions from CEQA Guidelines 15300.2 apply; and
- 2) Approving a Combined Development Permit consisting of a:
 - a. Coastal Development Permit to allow a Lot Line Adjustment to merge two parcels resulting in a single 4.15 acre parcel;
 - b. Coastal Administrative Permit and Design Approval to allow:
 - i. the remodel, partial demolition and minor of an existing 12,176 square foot single family residence, resulting in a 12,636 square foot single family residence;
 - ii. demolition of existing 397 square foot detached guest house and replacement with a 424 square foot detached guest house;
 - iii. demolition of a 644 square foot attached garage and construction of a 941 square foot detached garage; and
 - iv. associated site improvements including approximately 800 cubic yards of grading with 750 cubic yards of cut and 50 cubic yards of fill, repaving an existing driveway, installing an auto court, pathways, post-construction drainage improvements, a pool deck, and a pool;

- c. Coastal Development Permit to allow development within the Critical Viewshed;
- d. Coastal Development Permit to allow development within 50 feet of a bluff;
- e. Coastal Development Permit to allow development on slopes in excess of 30%; and
- f. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 15 conditions of approval.

PROJECT INFORMATION:

Owner: Bryan and Adrienne Roberts

Agent: David Stocker, Stocker & Allaire General Contractors, Inc.; Dale Ellis, Anthony Lombardo & Associates

APN: 418-111-012-000

Zoning: Watershed and Scenic Conservation with a Density of 40 acres a unit and a Design Control Overlay in the Coastal Zone or “WSC/40-D (CZ)”

Parcel Sizes: 1.59 Acres (Parcel A), 2.56 Acres (Parcel B); resulting Parcel would be 4.15 Acres

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: Yes

Planner: Phil Angelo, Associate Planner

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SUMMARY:

The Roberts property consists of two legal lots of record, one being 1.59 acres, and the other being 2.56 acres. The site contains a 12,176 square foot single family residence, with a 644 square foot attached garage (making the total size of the structure 12,820 square feet), and a 397 square foot detached guest house). Site improvements, including the driveway, decks, and a lawn area are between the existing buildings and Highway 1. The site is situated on a coastal bluff. Remnants of environmentally sensitive habitat area, coastal bluff and coastal sage scrub, are present on the north/northwest steep coastal bluffs. Many screening Monterey cypress trees have been planted around the site. The site is visible from Highway 1 in Big Sur, which is one of, if not the most, visually sensitive areas in the County.

The project proposes an extensive remodel, with a partial demolition and addition, of an existing single-family residence; demolition and replacement of a new guest house; demolition of an attached and replacement with a detached garage; a new auto court area; replacement of the existing driveway and site improvements east of the residence; and replacement of the residence’s indoor pool with a new outdoor pool east of the residence. The physical alterations to the structures and site improvements are extensive. The guest house and majority of site improvements east of the existing residence are being demolished/removed and replaced. For the residence, approximately 40% of the exterior walls on the main level and 24% of the exterior walls on the lower level are being replaced, as well as most of the interior walls on both levels. The entire residence will be re-clad/re-skinned with new finishes (siding and roofing) and structural alterations will be made to change windows on the entire façade. At the same time, the resulting distribution of uses and structures on the site will be

functionally identical after completion of the project: a large single-family residence with a pool (now outdoors instead of indoors), a garage (now detached instead of attached), and site improvements including decks and a driveway.

The project was reviewed for compliance with the resource protection policies in the Big Sur Land Use Plan and their implementing regulations in the Monterey County Coastal Implementing Plan and the Zoning Ordinance (Title 20). The most relevant issues to the project are scenic resources, environmentally sensitive habitat areas, and hazardous areas (due to the development in proximity to a coastal bluff). It is unlikely that if the existing residence were proposed today, that it would be found consistent with these resource protection policies and regulations. It's a large residence directly visible in the Big Sur Critical Viewshed, situated close to a bluff (partially in an area that the geologist has designated in a bluff setback), and it doesn't comply with building site coverage, setback, or density regulations established in the zoning ordinance. The biological report states that the habitat that was native to the site is coastal bluff and sage scrub, and that the neighboring property is a continuous swath of sage scrub, so it's also reasonable to assume that these habitats were removed with the initial construction of the residence circa 1960, prior to adoption of the Coastal Act.

Nevertheless, the project does not increase any of these non-conformities, and in most cases somewhat reduces the non-conformities with these policies and regulations. The existing structures are being reduced in visibility and designed more in line with the rural character of Big Sur, the home is being pulled partially away from the bluff, and the merging of the two lots would eliminate the non-conformities to coverage and setback regulations, and reduce the non-conformity to density. These plans and regulations have specific requirements that address alterations or replacement of existing structures, which the project is fully consistent with. Staff are also recommending conditions that would require managed retreat of the existing structures should they ever be threatened by coastal hazards, and placement of conservation and scenic easements over the sensitive habitat areas and those visible from the Critical Viewshed, which would ensure greater resource protection going forward.

DISCUSSION:

Detailed discussion of the site, project scope, Critical Viewshed, and bluff development are included in **Exhibit A**. Detailed discussion of these and other resource protection policies is in **Exhibit B**, the draft resolution.

CEQA:

The project qualifies for Class 1 and 5 Categorical Exemptions pursuant to CEQA Guidelines sections 5301 and 15305. CEQA Guidelines section 15301, existing facilities, exempts the repair or minor alteration of existing structures, facilities, or topographical features. The key consideration of this exemption is that the project involves negligible or no expansion of use. The site would go from being a single site with two lots that contains a single-family residence with a pool in the residence, attached garage, and detached guest house to a single-family residence with a detached garage and detached guesthouse. The primary and accessory uses of the site will remain essentially the same after the project, and the overall floor area (inclusive of the residence, garage, and guest house) would increase 784 feet from 13,217 square feet to 14,001 square feet. This represents a negligible expansion of use, consistent with the intent of this exemption. CEQA Guidelines section 15305, minor alterations in land

use limitations, exempts alterations in land use limitations that do not result in changes in land use or density, including minor lot line adjustments and reversion to acreage in accordance with the Subdivision Map Act. The County's subdivision processes merger applications in the same manner as lot line adjustments. The merger of two legal lots of record into a single property is consistent with the intent of this exemption.

None of the exceptions from CEQA Guidelines 15300.2 apply to the project:

- Class 1 categorical exemptions apply regardless of their location. The project is also not located in an area where an environmental resource of hazardous or critical concern has been designated by a local, state, or federal agency and precisely mapped.
- The project consists of alterations to an existing single-family residence, replacement of an existing guest house, construction of a detached garage, associated site improvements, and merging of two legal lots of record. The proposed land use is not being altered and there is a negligible expansion of existing use, and there are no potentially significant impacts associated with the project, therefore the project would not cause or contribute to a cumulative environmental impact.
- There are no unusual circumstances associated with the undertaking of the project that would create the reasonable possibility for a potentially significant environmental effect.
- The project is in view of Highway 1, a designated state Scenic Highway. However, as detailed in the draft resolution (**Exhibit B**), the project would not adversely affect scenic resources in view of the scenic highway.
- The project is not located on a hazardous waste site included on any list compiled by Section 65962.5 of the Government Code.
- A phase I historical report (LIB230115) was prepared for the project which assess the existing structures and determined that the existing residence was not a historical resource and that the detached guest house was not old enough to be considered a historical resource. Therefore, the project would, not impact any historical resources.

OTHER DEPARTMENT/AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- The Environmental Health Bureau (EHB)
- HCD-Engineering Services
- Calfire
- HCD-Environmental Services

HCD-Engineering Services recommended inclusion of a construction management plan condition (Condition No. 15), which is included in staff's recommended conditions of approval. None of the other departments/agencies had comments or recommended conditions for the project.

LUAC REVIEW:

The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review and recommendation in accordance with Board of Supervisors Resolution No. 15-103, as it involves a design approval subject to a public hearing and a Lot Line Adjustment (in this case a merger) in the Coastal Zone. On September 26, 2023, the LUAC conducted a site visit and then a meeting, where they voted 2-1 to recommend approval of the project with changes. The LUAC were concerned with the proposed garage and replacement guest house, which would be viewable in the Big Sur Critical

Viewshed. BSC LUP Key Policy 3.2.1 prohibits all future public and private development visible from Highway 1 and major public viewing areas (the Critical Viewshed). To address this the LUAC recommended both the proposed garage and guest house be removed from the project. The LUAC also had concerns regarding the increase in night time lighting viewable from the Critical Viewshed due to the quantity of glass on the single-family residence, and that limbing of the cypress trees onsite had made the existing residence more visible from the Critical Viewshed. To address these issues they recommended shading the windows at night, having downcast interior and exterior lighting, and incorporating some vegetative landscaping screening.

The applicant re-designed the project and submitted supplemental information in order to address the LUAC's concerns. They reduced the height of the proposed guest house by 3 feet 3 inches (from 14 feet 9 inches to 11 feet and 6 inches). The proposed guest house is to replace an existing guest house that would be demolished as part of the application, and while BSC LUP Policy 3.2.3.A.7 encourages resiting or redesign to conform to Key Policy 3.2.1, it does allow replacement of structures in the Critical Viewshed provided that the replacement does not increase the visibility of the structure. The applicant also reduced the proposed detached garage by 6 feet and 9 inches (from 7 feet and 6 inches above average natural grade to 9 inches above average natural grade). They are also proposing to fill the artificially flattened lawn area with to incorporate the garage into the topography of the site and render the garage not visible from the Critical Viewshed. The applicant is proposing automatic shading that will drop at sunset, preventing night interior lighting from spilling out or causing a "lanterning" effect, and included a concept landscaping plan as part of their planning submittal.

Staff referred the re-designed project back to the LUAC, who conducted a subsequent site visit and meeting on February 27, 2024. The LUAC recommended approval of the re-designed project as proposed 5-0. Areas of concern mentioned in the meeting minutes for the February 27, 2024, meeting the lighting visibility in the critical viewshed and landscaping, similar to the discussions at the September 26, 2023 meeting. Condition No. 6 is recommended to ensure that low-lying landscaping screening is installed and maintained. Condition No. 7 requiring an exterior lighting plan is also recommended to prevent light pollution. Due to the specific concern expressed by the LUAC regarding light from the interior of the structure, a provision is included in this condition that requires installation of the proposed automatic shades.

Prepared by: Phil Angelo, Associate Planner x5731
Reviewed by: Anna Ginette Quenga, AICP, Principal Planner
Approved by: Melanie Beretti, AICP, Acting 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 - Big Sur LUAC Meeting Minutes

Exhibit D - Vicinity Map

Exhibit E - Site Photos

Exhibit F - Tree Assessment and Forest Management Plan (LIB230083)

Exhibit G - Geological Report (LIB230086)

Exhibit H - Geotechnical Design Memo (Addendum to LIB230087)

cc: Front Counter Copy; Calfire; HCD-Engineering Services; HCD-Environmental Services; Environmental Health Bureau; Phil Angelo, Associate Planner; Anna Ginette Quenga, AICP, Principal Planner; Melanie Beretti, AICP, Acting Chief of planning; Roberts Bryan & Adrienne D Trs, Applicant; David Stocker, Stocker & Allaire General Contractors, Inc., Agent; Dale Ellis, Anthony Lombardo & Associates, Agent; Joe Gibbs, Ken Linsteadt Architects, Agent; Ken Linsteadt, Ken Linsteadt Architects, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Lozeau Drury LLP; Project File PLN230064.