



County of Monterey

Item No.5

Zoning Administrator

Legistar File Number: ZA 25-058

November 13, 2025

Introduced: 10/23/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN240042 - HAIN JOHN R & JENNIFER ALLEN TRS

Public Hearing to consider the construction of a 1,200 square foot accessory dwelling unit and associated site improvements, including a new septic system and the removal of two Coast live oak trees.

Project Location: 38042 Palo Colorado Road, Big Sur.

Proposed CEQA action: Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and there are no exceptions pursuant to section 15300.2.

RECOMMENDATIONS

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

- a. Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and that none of the exceptions set forth in CEQA Guidelines section 15300.2 apply; and
- b. Approve a Combined Development Permit consisting of:
 1. Coastal Administrative Permit and Design Approval for the construction of a 1,200 square foot accessory dwelling unit and associated site improvements, including a septic system; and
 2. Coastal Development Permit for the removal of two Coast live oak trees.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 11 conditions of approval.

PROJECT INFORMATION

Agent: Chris Gourlay

Property Owners: John Hain and Jennifer Allen

APN: 418-132-005-000

Parcel Size: 70.01 acres

Zoning: Rural Density Residential, 40 acres per unit with a Design Control zoning overlay district in the coastal zone or "RDR/40-D(CZ)"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: Yes

Planner: Fionna Jensen, Principal Planner

SUMMARY/DISCUSSION

The proposed project is the construction of a 1,200 square foot accessory dwelling unit (ADU) on a developed parcel that includes an existing 3,950 square foot single family dwelling with a detached garage. Site improvements include a new septic system and the removal of three Coast live oak trees, however only two of these trees are protected by County Code.

Development Standards

The subject parcel is zoned Rural Density Residential, one unit per 40 acre, with a Design Control Overlay in the Coastal Zone, or “RDR/40-D(CZ)”. The proposed ADU meets all of the development standards for setback requirements and the maximum allowed height above average natural grade of 15 feet.

Design and Visual Resources

The subject parcel and surrounding area are designated as a Design Control Zoning District (“D” zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of neighborhood character. Due to location and topography, the subject property is not visible from Highway 1 and is not within the Critical Viewshed. Proposed colors and materials include a matte brown standing seam metal roof, natural tan stucco siding, with brown decking. In accordance with the Big Sur Coast LUP Policy 3.2.4.A.3 and CIP section 20.145.030.C.2.c, the proposed colors and materials give the general appearance of natural materials. Associated site improvements include a new driveway and paver motor court with natural stone veneer retaining walls to match the single-family dwelling, and a new metal picket fence to surround the property.

Biological Resources

A Biological Assessment was conducted by Thomson Wildlife Management to identify the presence or absence of environmentally sensitive habitat areas (ESHA) and biological resources. Two separate reconnaissance site visits were conducted at the project site on April 3 and June 19, 2024, with the purpose of observing plant communities and identifying potential special status species. The surveys yielded no results for special status species or actively nesting birds. The surveys were also conducted to identify ESHA. A mix of both Oak woodland and Redwood Forest habitats were observed within the parcel; however, the project site was identified to be approximately 120 feet from a dominant redwood forest habitat. Recommendations were included in the biological assessment to further reduce potential impacts to redwood trees. These measures include the following and shall be implemented through the County’s standard conditions that require protective fencing around native trees, invasive species eradication, native landscaping, and placement of excavated materials shall only be deposited within approved staging locations. No impacts to ESHA would occur, and the project is designed to ensure the adjacent ESHA’s long-term maintenance in accordance with Big Sur Coast Land Use Plan policies.

Geological Hazards

GIS records indicate that the Palo Colorado Fault and an unnamed fault are both within proximity of the proposed development. A Geotechnical Report was provided with the project application and identified that the project site is approximately 850 feet from the Palo Colorado Fault. The project site

is 400 feet from an unnamed fault; however, the unnamed fault is not active. Neither faults pose a threat to the proposed development. The Environmental Impact Report prepared for the subdivision that created the subject lot found that this property's geological and geotechnical conditions are suitable for development (**Exhibit C**). No significant changes have been observed on the site since the EIR. HCD - Environmental Services has reviewed the project application and found it acceptable.

Tree Removal

An Arborist Report (**Exhibit B**) identified three Coast live oak trees that would be impacted by this project. However, only two of these trees are protected under the BSC LUP due to their size being equal to or greater than 12 inches in diameter. Tree #1 is a 21-inch Oak that is senescing and in poor condition. This tree is adjacent to the proposed ADU, within the exterior patio area. Tree #2 is a 10-inch Oak and has been assessed as being in poor physiological health and structural condition. Tree #2 is within the footprint of the ADU. Tree #3 is a 12-inch Oak and is in generally fair health; however, the tree is located directly adjacent to the proposed development footprint and would be impacted during construction. The removal of trees does not impact visual resources. There are no landmark trees proposed for removal. In accordance with CIP section 20.145.060.A.1 and Monterey County Code Title 20 section 20.70.025, a Coastal Development Permit is required for the proposed tree removal. The Arborist Report recommends a one-to-one replacement ratio for a total of three trees to be replanted. Standard conditions of approval have been applied to ensure the protection of nearby native trees, replanting efforts, and tree removal timing.

OTHER AGENCY INVOLVEMENT

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

- HCD-Engineering Services
- Environmental Health Bureau
- HCD-Environmental Services
- CalFire Big Sur (Fire Protection District)

LAND USE ADVISORY COMMITTEE

Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project requires Design Approval subject to review by the Zoning Administrator. The project was referred to the Big Sur Coast LUAC for review and scheduled for a duly noticed LUAC meeting on May 27, 2025. The LUAC voted 5-0 to support the project with the recommendation to use a darker color for the ADU, as it may blend in better with the landscaping of the area. Rather than matching the existing light tan of the residence, the ADU includes a darker tan exterior color per the LUAC's recommendation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

California Environmental Quality Act Guidelines Section 15303, categorically exempts new construction of residential accessory structures within a residential zoned area. Accordingly, the proposed project qualifies for a Class 3 Categorical Exemption, and none of the exceptions listed in Section 15300.2 apply in this case.

Prepared by: Fionna Jensen, Principal Planner

Reviewed and Approved by: Jacquelyn M. Nickerson, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans, Floor Plans and Elevations
- Colors and Materials

Exhibit B - Arborist Report

Exhibit C - EIR Geology Excerpt

Exhibit D - Big Sur Coast LUAC Meeting Minutes

Exhibit E - Vicinity Map

cc: Front Counter Copy; CalFire Big Sur; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Hya Honorato, Planner; Jacqueline M. Nickerson, AICP, Principal Planner; John Hain and Jennifer Allen, Property Owners; Chris Gourlay, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN240042