



County of Monterey

Item No.1

Board Report

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

Legistar File Number: ZA 25-012

February 27, 2025

Introduced: 2/18/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN210100 - AGARWAL PUNEET & AARTI NASTA TRS

Public hearing to consider demolition of an existing 3,264 square foot single family dwelling and construction of a 4,910 square foot two-story single-family dwelling with an attached garage within 750 feet of known archaeological resources, 50 feet of a coastal bluff, and 100 feet of Environmentally Sensitive Habitat Area, and less than 120 square feet of development on slopes in excess of 30 percent.

Project Location: 30950 Aurora Del Mar, Carmel

Proposed CEQA Action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15302, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATION

It is recommended that the Zoning Administrator:

- 1) Find the project Categorically Exempt pursuant to section 15302 of the CEQA Guidelines, and there are no exceptions pursuant to section 15300.2; and
- 2) Approve a Combined Development Permit consisting of:
 - a) Coastal Administrative Permit and Design Approval to allow demolition of an existing 3,264 square foot single family dwelling and construction of a 4,910 square foot two-story replacement single-family dwelling with an attached garage;
 - b) Coastal Administrative Permit to allow less than 120 square feet of development on slopes in excess of 30%;
 - c) Coastal Development Permit to allow development within 750 feet of known archaeological resources;
 - d) Coastal Development Permit to allow development within 100 feet of an Environmentally Sensitive Habitat Area; and
 - e) Coastal Development Permit to allow development within 50 feet of a coastal bluff.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**). Staff recommends approval subject to 14 conditions of approval.

PROJECT INFORMATION

Property Owner: Puneet Agarwal & Nasta Aarti Trust

Architect: Adam Bittle, Architecture Allure

APN: 243-351-005-000

Zoning: Rural Density Residential, 40 acres per unit, Design Control Overlay (Coastal Zone)
[RDR/40-D (CZ)]

Parcel Size: 1 acre

Flagged and Staked: Yes

SUMMARY

The proposed project involves the remodel of a 3,263.7 square foot single family, resulting in a 4,910.7 square foot two-story single-family dwelling within the Otter Cove residential subdivision in the unincorporated area of Monterey County south of the Carmel Highlands. Land uses in the immediate vicinity consist primarily of large, custom single-family residences and accessory structures. The remodel involves an expansion of the residence's first floor, construction of a second-story addition, construction of a replacement attached garage, and various interior alterations. The remodel involves alteration or demolition of more than 50% of the exterior walls. Thus, the project was noticed and described as a demolition and rebuild pursuant to Title 18 section 18.11.0303. The project site and the surrounding area are zoned and designated for rural residential use. The subject site is located within 50 feet of a coastal bluff adjacent to the Pacific Ocean, within 100 feet of Environmentally Sensitive Habitat Area, and within 750 feet of known archaeological resources. The project also involves less than 120 square feet of development on slopes in excess of 30% to allow installation of on-site stormwater runoff control devices and the construction of a proposed covered patio.

Potable water service is currently provided to the site by the Carmel Riviera Mutual Water Company, and the proposed development would continue to use this same connection. The proposed residence will also continue to utilize the existing an on-site wastewater treatment system, which has adequate capacity to support the replacement residence. The project will involve approximately 270 cubic yards of cut, 15 cubic yards of fill, with 255 cubic yards of cut to be hauled off-site.

DISCUSSION

Staff reviewed the application and found the project, as proposed, consistent with the Big Sur Coast Land Use Plan (LUP) and Coastal Implementation Plan (Part 3).

Legal Non-Conforming Setback & Site Development Standards

The existing single-family dwelling was constructed in 1980 and at that time was zoned One-Family Residence, Design Control, Building Site ("R-1-D-B-6"). The County's 1974 Zoning Ordinance established a 6-foot side setback for the R-1 zoning district. However, the B-6 zoning overlay required side setbacks to be 10 percent of the average lot width, to a maximum of 20 feet. In this case, a 12-foot 7-inch side setback was required by the B-6 overlay in 1980. A portion of the existing residence maintains a 12-foot 8-inch side setback, while the remainder of the residence maintains a setback greater than 20 feet.

Development standards for the RDR zoning district are identified in Title 20 section 20.16.060. Required setbacks in this RDR district are 30 feet (front), 30 feet (rear), and 20 feet (sides). Further, the residential subdivision map (Map of Tract No. 588) establishes a 100-foot front "building setback line" for the subject property.

The portion of the residence setback 12 feet 8 inches from the property line is legally non-conforming to current Zoning Ordinance requirements. Title 20 section 20.68.040 allows for the "enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations" provided the "enlargement, extension, reconstruction or structural

alteration conforms to all the regulations of the district in which they are located.” As illustrated on Sheets A3 and A4 of the attached plans, all structural alterations and additions conform to the required 20-foot side setback. Therefore, the proposed project meets the criteria of Title 20 section 20.68.040 (Legal nonconforming structure locations and height) and the portion of the residence within the 20-foot side setback may remain. The proposed main dwelling and attached garage would have a top ridge height of approximately 20.5 feet above average natural grade, which is below the maximum allowed of 30 feet.

Biological Resources

The site is currently developed with a single-family residence, various hardscapes, and ornamental landscaping. The project site is located within 50 feet of a coastal bluff adjacent to the Pacific Ocean, approximately half a mile south of Malpaso Creek and the Point Lobos State Marine Reserve. According to the project specific Biological Report (County of Monterey Library No. LIB220279; **Exhibit C**) The site consists of two habitat types, degraded Coastal bluff scrub overgrown with landscaped/ruderal plants, comprised primarily of ice plant, nonnative annual grasses, ornamental species, and naturalized Monterey cypress trees with low biological value. Although fragmented, the Coastal bluff scrub is considered Environmentally Sensitive Habitat Area by the Big Sur Coast Land Use Plan. No special-status plant species were observed or have potential to occur within the project site. A few Seacliff buckwheat plants, the host plant for the federally threatened Smith’s blue butterfly, were observed within the project parcel. However, given the limited quantity and low density, the prepared Biological Report concluded that the individual Seacliff buckwheat plants do not constitute suitable breeding habitat for the endangered Smith’s blue butterfly.

No construction would occur on the bluff slope or within the aquatic marine habitat. The existing bluff terrace and associated retaining wall would remain in place. However, potential indirect impacts to the bluff, its sensitive habitat, or the below aquatic marine habitat could occur during construction via erosion and debris. Condition No. 4 (Construction Management Plan) would require that habitat and bluff protective fencing be installed along the top of the existing terrace, and erosion control measures be installed according to the approved Erosion Control Plan.

In 1994, a Biological Report was prepared for a Coastal Development Permit application proposing an addition to the existing 1980 single-family dwelling (File No. PC94129). This biological report found that the property supported Smith Blue Butterfly habitat, Coastal Prairie plant community, and Coastal Sage Scrub vegetation. It is not clear whether the recommendations of this report (replanting of specific species) were ever successfully implemented, as required by Planning Commission Resolution No. 94173. The Project Biologist (Pat Regan) reviewed the 1994 Biological Report and prepared a supplemental letter (**Exhibit C**) recommending planting of Seacliff buckwheat and other native plant species to re-establish the property’s previous Coastal sage scrub and Coastal bluff scrub habitat in areas where restoration was previously slated (Condition No. 9). Adherence to this condition is consistent with Big Sur Coast LUP Policies 3.3.3.A.10 and 3.3.2.9, which encourage removal of invasives, and requires use of native landscaping species.

Cultural Resources

The project site is in a documented area of high archaeological sensitivity. A culturally significant archaeological resource is just northwest of the existing residence on a neighboring property. The

prepared Phase 1 Archaeological Report identified scattered archaeological resources west of the existing residence, on the subject property, in the form of dark grey midden soils, abalone and mussel shell fragments, and lithic debris. A Coastal Development Permit is required to allow development within 750 feet of known archaeological resources. Although located in an area of high sensitivity and known resources, the proposed project would only disturb areas previously developed (hardscape and/or landscaping) and no development along the bluff would occur. The report concluded that the project would have a less than significant impact on cultural resources, provided the report's recommendations were implemented. Recommendations of the Phase 1 Archaeological Report include retaining an on-site archaeological monitor during excavation, demolition, removal of existing hardscape, and construction or alteration of the first floor of the residence. In accordance with Big Sur Coastal Implementation Plan section 20.145.120.B(2), this recommendation has been applied as Condition No. 3. Further, an archaeological easement shall be conveyed over those portions of the property containing culturally significant resources (Condition No. 11). As conditioned, project work would have a less than significant impact on cultural resources (Big Sur Coast LUP Policy 3.11.2.2).

Development on Slopes

As illustrated on the site plan, the proposed development abuts slopes in excess of 30%, which generally conform to the bluff to the west and southwest. The proposed project includes expansion of the first floor (including a covered patio), construction of a replacement garage, and a second-story addition. The foundation associated with the proposed covered patio requires 51 square feet of development on slopes in excess of 30%. In addition, the proposed project includes the installation of erosion control and stormwater management devices (i.e., a stormwater level spreader) south of the proposed replacement residence. As designed, the level spreader and piping will impact approximately 41 square feet of slopes in excess of 30%. The area of slope impacted by development would be less than 120 square feet (total of 93 square feet) and limited to small areas near the front of the remodeled single-family dwelling.

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
- Carmel Highlands Fire Protection District

LAND USE ADVISORY COMMITTEE

The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review on February 13, 2024 (**Exhibit D**). The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the proposed project and voted 4 - 0 (4 yes and 0 no) to support the project as proposed. No concerns were raised by the LUAC and no public members commented on the project.

Prepared by: Fionna Jensen, Senior Planner, 796-6407

Reviewed and Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution, including:

- Conditions of Approval
- Project Plans

Exhibit B - Vicinity Map

Exhibit C - Biological Report and Supplemental Letter

Exhibit D - Big Sur LUAC minutes

cc: Front Counter Copy; California Coastal Commission; Fionna Jensen, Senior Planner; HCD-Engineering Services; Environmental Health Bureau; HCD-Environmental Services; Carmel Highlands Fire Protection District; Puneet Agarwal & Nasta Aarti Trust, Applicant/Owner; Adam Bittle, Agent/Architect; Christina McGinnis, Keep Big Sur Wild; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project (Molly Erickson); Christina McGinnis, Keep Big Sur Wild; LandWatch; Project File PLN210100