



Monterey County Zoning Administrator

Agenda Item No. 4

Legistar File Number: ZA 18-056

168 West Alisal Street,
1st Floor
Salinas, CA 93901
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August 30, 2018

Introduced: 8/17/2018

Version: 1

Current Status: Agenda Ready

Matter Type: ZA

PLN170915 - MULLIN

Public hearing to consider the construction of a hillside tram (funicular), and retaining wall on slopes of 30 percent or greater, and the removal of one (1) Monterey pine tree.

Project Location: 53810 Highway 1, Big Sur, Big Sur Coast Land Use Plan

Proposed CEQA Action: Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a. Find that the project is a funicular, and retaining wall with associated tree removal, which qualify as a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- b. Approve: Combined Development Permit consisting of:
 1. Coastal Administrative Permit and Design Approval to allow the installation of a hill-side funicular of approximately 214 lineal feet, a soldier pile retaining wall of approximately 40 lineal feet with a maximum height of approximately eight (8) feet, and an ornamental pond and associated hydrological garden;
 2. Coastal Development Permit to allow for development on slopes of 30 percent or greater;
 3. Coastal Development Permit to allow the removal of one (1) 6-inch Monterey pine tree.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**).

Staff recommends approval subject to eighteen (18) conditions.

PROJECT INFORMATION:

Project Owner: Big Sur Investments/Peter Mullin

APN: 420-231-004-000, 420-231-005-000, and 420-231-006-000

Zoning: Watershed and Scenic Conservation, 40 acres per unit, Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)]

Parcel Size: 10 acres (435,600 square feet), 2.5 acres (108,900 square feet), and 6.47 acres (281,833 square feet), cumulative 18.97 acres (826,833 square feet).

Flagged and Staked: Yes

SUMMARY:

This project was initially scheduled for the June 28 Zoning Administrator hearing. At that hearing, the project was continued to the July 26 hearing to allow staff time to respond to public concerns. At the July 26 hearing, the applicant requested a second continuation to August 30 so that alternative

solutions could be further evaluated.

The project involves installation of a hillside tram (funicular), backup generator, retaining wall, and removal of one (1) Monterey pine, development on slopes in excess of 30 percent, and permitting an existing lined pond that feeds a hydroponic vegetable garden on site. The property is zoned for low density residential use, which allows development of single-family dwellings and non-habitable accessory structures as allowed uses pursuant to MCC Sections 20.17.040.A and E. The property is characterized by negative terrain sloping westerly toward the Pacific Ocean, in a rural residential portion of Big Sur. In addition to the existing structural development, the property contains areas of native vegetation and areas landscaped with non-native plants, turf, ponds, pathways, retaining walls, and a winding paved driveway that responds to the topography. The existing single-family dwelling and ADU are currently isolated on the site as a result of recent slope failure - a landslide - that claimed a section of the existing driveway. The funicular will provide for the movement of people and light loads up and down the slope and restore connectivity to the single-family dwelling and ADU. It resembles an inclined elevator riding on rails, pulled up the slope by a cable. It is comprised of a passenger car, an uncovered lower terminus landing or “pit”, and an upper landing or terminus with a gazebo-like structure sheltering the loading area. The project would re-establish access to the primary residential dwelling and caretaker’s unit (Accessory Dwelling Unit) in a manner that minimizes site disturbance and structural development, thus preserving the existing natural and manmade topography and vegetation. The project also includes removal of non-native plants and a modest restoration of native plants along portions of the funicular’s path of travel. The Design Control zoning overlay requires the granting of a Design Approval for the proposed development. Based on staff review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 Monterey County General Plan, Big Sur Coast Land Use Plan, and applicable sections of the Monterey County coastal zoning ordinance (Title 20). Given the unique circumstances of this parcel, and based on the specific facts of this case, Staff supports the installation of a funicular to restore access to the existing single family dwelling.

DISCUSSION:

Design Review

Pursuant to the development standards for the WSC zoning district, identified in MCC Section 20.17.060, and as proposed, the structures conform to all required setbacks. The structures are also within the corresponding maximum structure heights. The property is a cumulative 18.97 acres or 826,833 square feet, which would allow site coverage of 82,683 square feet. As proposed, the project would result in cumulative site coverage of 10,412 square feet or 1.26 percent.

Pursuant to MCC Chapter 20.44, the proposed project site 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 the public viewshed and neighborhood character. The proposed finishes are non-reflective with a “matte” finish and would blend with the surrounding environment, are consistent with the surrounding residential character, and are consistent with other dwellings in the area. The primary colors and materials include light-medium green steel elements (rails and the two tower elements) and a concrete footing for the top landing structure, a light-medium blue for the wood elements (railing and top landing gazebo structural elements), opaque acrylic railing in-fill panels, medium grey shake roof, dark grey “Trex” composite

decking connecting the terminal with the automotive parking area. The bottom landing includes safety railing in light-medium blue with acrylic panels to match the architectural style of the upper terminal. The retaining wall features visible structural elements painted or stained a light-medium, muted green that matches the steel elements of the funicular discussed above. The proposed finishes would blend with the surrounding environment and are consistent with the surrounding rural coastal environment. As proposed, the project assures protection of the public viewshed, and is consistent with the rural coastal character.

The property is located in an area where the Local Coastal Program requires visual public access (Chapter 3.2, Scenic Resources, Big Sur Coast Land Use Plan). The property is located on the west or seaward side of Highway 1. However, topography, and screening by trees and a security fence, makes the project invisible from Highway 1 or any public viewing points along Highway 1; the project will not interfere with visual access along Highway 1. The proposed development is consistent with Big Sur Coast Land Use Plan Policies 3.2.1, 3.2.3.A.2, and 5.4.2.13, and will not block significant public views toward the ocean and will not adversely impact the public viewshed or scenic character in the project vicinity. The design and siting of the proposed funicular and retaining wall does not increase the bulk and mass of the existing development on site, and would not increase the visual impacts over the existing baseline. The proposed funicular installation would utilize portions of the existing driveway for the placement of the lower terminus feature and two intermediate steel lattice support towers, thus minimizing site disturbance. There are only two towers (6 feet and 19 feet tall), each placed in portions of the path where the grade drops away, and requires additional support that the ground cannot provide. The towers are completely out of site from Highway 1, as they are midway down the slope, and only slightly wider than the track itself. The towers will also be painted the same green color as the track to blend into the surrounding vegetation. Sheet C-05 of Exhibit B-2 shows an elevation view of how the support towers will be installed. The upper terminus is located on a level portion of the site, in the vicinity of the upper portions of the existing driveway. The proposed funicular, backup generator, and retaining wall would not intensify visual impacts over the existing residential use of the site, and would be visually compatible with other structures in the vicinity.

The as-built landscape pond is at grade but includes hydroponic planters that double as stabilizers for the mild slope below the pond. The pond and garden troughs are lined to prevent seepage and water loss; any water loss can be attributed to evaporation and consumption by the garden.

This portion of the site did not have any trees or natural vegetation, but did include dense kikuyu grass, an invasive, non-native grass. No trees were removed to install the pond and garden features. Approximately 200 cubic yards of grading were required to create the pond, with the cut being removed from the site. Most of the kikuyu grass was removed to accommodate the pond and garden component, however, there is some remaining segments of the grass that act as ground cover and to check erosion.

Staff would, under normal circumstances, support the pond and hydroponic garden. The pond and hydroponic garden serves as a landscape feature that compliments the existing development of the site and is subordinate to the overall development found on the site. This landscape feature is not visible

from Highway 1 or any public viewing points. Impacts to the site were negligible; the hydroponic gardens were sited such that they are terraced to follow the contour of the land, thus adding stability to the terrace where the pond is located. Furthermore, landscape features, such as a pond or gardens, are often found in estate type development.

The alternative would be to remove this aquaponic feature, fill the void with engineered soils, remove the hydroponic gardens, stabilize the slope with engineered soils, and revegetate the area to ward off possible erosion. Importing approximately 200 cubic yards of soil would create numerous traffic trips over the base line traffic loads of Highway 1, creating additional but short-term negative air quality impacts, in addition to additional short-term negative air quality impacts in removing the pond, hydroponic gardens, and the follow-up restorative efforts. Staff feels that removal and restoration of this portion of the site would be more impactful than leaving in place. Staff would not support the alternative in this case because the efforts would not offer a more desirable outcome. Leaving the aquaponic feature in situ, as it is, is the preferable, least disruptive choice.

As proposed, the project would not result in any visual impacts, and the project is consistent with the applicable visual resource and public access policies of the Big Sur Coast Land Use Plan.

Development Standards

Pursuant to the development standards for the WSC zoning district, identified in MCC Section 20.17.060, and as proposed, the structures meet or exceed all required setbacks, and are also within the corresponding maximum structure heights.

Accessory Structure (non-habitable) Setback and Height Requirements:

Front Setback: 50 feet (minimum)
Side Setback: 6 feet (minimum, front half of property)
Rear Setback: 1 foot (minimum)
Maximum Height: 15 feet (maximum)

Proposed Setback and Height:

	<u>APN 420-231-000</u>	<u>APN 420-231-006</u>
Front setback:	~180 feet	~ 180 feet
Side Setback:	~1050 feet	1 foot
Rear Setback:	12 feet	~350 feet
Maximum Height:	14 feet 11 inches	N/A

The allowed site coverage maximum in the WSC/40 zoning district is 10 percent. The property is approximately 19 acres or 827,640 square feet, which would allow site coverage of 82,764 square feet. As proposed, the project would result in site coverage of 10,412 square feet or 1.26 percent.

Development on Slopes Exceeding 30 Percent

The project includes an application for placement of portions of the funicular on slopes exceeding 30 percent through the path of travel. There is minor grading associated with preparing the path of travel:

grading to remove topographic irregularities along a 66 foot segment near the bottom of the path of travel, and a 23 foot segment near the top of the path of travel. The rail system will be a minimum of one (1) foot above the established grade with the rail system spanning an area over a segment of the existing driveway with a maximum vertical distance of 26 feet. The funicular alignment is such that it crosses natural slopes with gradients of 1-1/2:1 and historic cutslopes with gradients of 1:1. The geotechnical report (LIB180103) states that the immediate site of the proposed funicular will support the required structural components of the funicular. Grading activities account for 172 cubic yards of cut with the material being removed from the site. The existing driveway transects portions of the site characterized by slopes of 30 percent or greater.

County staff has reviewed the project plans and visited the site to analyze possible development alternatives. The project planner conducted a site inspection on April 10, 2018, to verify the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the applicable land use plan and zoning codes. Based on site topography and existing development/disturbed areas, the proposed project meets the goals and objectives of the Big Sur Coast Land Use Plan. Also, as proposed, the project adheres to required development standards.

FUNICULAR ALTERNATIVES

Consideration was given to restoring the destroyed portion of the driveway so as to preserve the driveway as the primary access to the existing residential dwellings located below. Consideration was also given to creating a new driveway utilizing an existing secondary entrance to the property. Restoring the missing portion of the driveway is problematic in that the driveway, as it exists, does not meet Fire Department standards; portions of the driveway traverse terrain with slopes in excess of 15 percent, include tight turns. The alternatives are discussed in detail below:

- A. Bypass: This alternative requires realigning the driveway, moving replacement segment of the driveway landward (easterly) to undisturbed but unstable soils. This option would require approximately 2,400 cubic yards of grading, coastal armoring at the base of the slide to provide stabilization of the existing slide, and retaining walls with maximum height reaching approximately 15 feet. This is a long-term but not permanent solution; geomorphological processes would eventually undermine the driveway over time. This option does not comply with the Big Sur Land Use Plan, section 2.1 in that the grading and retaining walls could not be considered subordinate to the land. This option is also inconsistent with the Big Sur Coast Implementation Plan (Part 3) section 20.145.140.3 in that the retaining walls and the amount of grading are not consistent with the character and scale of the Big Sur setting. Retaining walls and grading are engineering solutions with the aim of altering land to accommodate development. Staff does not support this alternative. Approximate cost for this alternative is \$1,000,000.
- B. Bridge: Construction of a bridge requires extensive engineering efforts, engineering soils to support piers at either end of the bridge and features a span of 130 feet. Grading for this alternative is approximately 2,400 cubic yards and requires retaining walls and shore armoring to stabilize the existing slide. This solution is permanent in that the slide would move around the piers, towards the ocean. This option does not comply with the Big Sur Land Use Plan,

section 2.1 or the Big Sur Coast Implementation Plan (20.145.140.3). Staff does not support this alternative. Approximate cost of this alternative is \$2,000,000.

- C. New driveway: This alternative would utilize an existing secondary access point from Highway 1, south of the primary entrance and potentially utilize segments of the lower section of the existing driveway. This access point and much of the driveway alignment would be located on APN 420-231-006 and would traverse slopes in excess of 30 percent and must avoid a scenic easement. The easement forces the alignment of this alternative farther north to steeper and unstable terrain. Retaining walls would be required to protect and/or support portions of this alternative. This alternative is infeasible from an engineering standpoint and cannot meet Fire Department standards, thus a cost estimate was not prepared. Staff could not support this alternative.

LUAC

The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review (**Exhibit C**). The LUAC reviewed the project at a duly-noticed public meeting on April 10, 2018, at which all persons had the opportunity to be heard, and voted 4 - 0 (4 ayes) to support the project as proposed. The LUAC noted comments made by staff to consider a green paint color that blended better with the typical foliage found on the project site; the applicant subsequently is substituting a lighter, more “natural” green - Pantone 574 U (industry name)- in place of the seaweed green. This green was derived through various measurements using spectrophotometers to produce a color that blends with the natural setting and backdrop.

CEQA:

California Environmental Quality Act (CEQA) Guidelines Section 15303, Class 3, categorically exempts new construction of small structures, and the installation of small new equipment. The proposed project involves the installation of a funicular and backup generator, construction of a retaining wall, and removal of one (1) Monterey pine on a residentially-zoned parcel located on rural coastal parcel. As proposed, the funicular would be installed in a location that provides direct access to the primary dwelling and ADU while minimizing vegetation removal and grading. The funicular would utilize portions of the existing but unserviceable driveway for placement of the lower terminus, and supporting towers; the backup generator is located adjacent to the existing detached garage on the parcel that contains the primary dwelling unit. The upper terminus is located in close proximity to an upper segment of the paved driveway and is constructed in a way that minimizes grading. Thus, the project is utilizing previously disturbed and developed portions of the property, to the maximum extent feasible, while re-establishing access to the residential dwellings on the site. The retaining wall would be located on the outboard or seaward side of the upper reaches of the existing driveway and would restore and stabilize the terrain that supports the driveway. The proposed design of the development does not increase the bulk and mass of the existing site development. Therefore, the project qualifies as and is consistent with the parameters of the Class 3 categorical exemption. No evidence of significant adverse environmental effects were identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

RMA-Public Works
RMA-Environmental Services
Environmental Health Bureau
Big Sur Fire Brigade (Fire Protection District)
Water Resources Agency

The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on April 10, 2018, voted 4 - 0 to support the project as proposed.

Prepared by: R. Craig Smith, Associate Planner, x6408 
Reviewed by: Brandon Swanson, RMA Planning Services Manager
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Development Services 

The following attachments are on file with the RMA:

Exhibit A	Project Data Sheet
Exhibit B	Draft Resolution, including: <ul style="list-style-type: none">• B-1 Recommended Conditions of Approval• B-2 Site Plan, Floor Plans, Elevations, and Color/Material Finishes• B-3 Retaining Wall Plans
Exhibit C	Big Sur Coast LUAC Minutes (April 10, 2018)
Exhibit D	Vicinity Map
Exhibit E	Photo Simulations
Exhibit F	Letter from Applicant's attorney, Aengus L. Jeffers, dated August 3, 2018

cc: Front Counter Copy; Cal Fire Coastal (Fire Protection District); RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; R. Craig Smith, Associate Planner; Brandon Swanson, RMA Services Manager; Big Sur Investments/Peter Mullin, Property Owner; Aengus L. Jeffers, Agent; The Open Monterey Project (Molly Erickson); Land Watch; Project File PLN170915

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