



## Legislation Details (With Board Report)

<b>File #:</b>	20-228	<b>Name:</b>	PLN180339 - KONIG
<b>Type:</b>	Zoning Administrator	<b>Status:</b>	Agenda Ready
<b>File created:</b>	8/4/2020	<b>In control:</b>	Monterey County Zoning Administrator
<b>On agenda:</b>	8/13/2020	<b>Final action:</b>	
<b>Title:</b>	PLN180339 - KONIG Public hearing to consider the demolition of a one-story, 1,060 square foot single family dwelling and removal of 125 square foot tiny home, and construction of a two-level 3,515 square foot single-family dwelling inclusive of a and 573 square foot pool house and 641 square foot attached two-car garage on slopes in excess of 30%, and the removal of four (4) Oak trees and one (1) Bay tree. Project Location: 46199 Clear Ridge Road, Big Sur, Coastal Zone. Proposed CEQA Action: Categorically Exempt per §15303 (a) of the CEQA Guidelines		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Staff Report, 2. Exhibit A – Vicinity Map, 3. Exhibit B – Draft Resolution, 4. Exhibit C – LUAC Minutes, 5. Exhibit D – Forest Management Plan, 6. Exhibit E – Biological Assessment, 7. RESza\_20-034\_PLN180339\_081320

Date	Ver.	Action By	Action	Result
8/13/2020	1	Monterey County Zoning Administrator		

### PLN180339 - KONIG

Public hearing to consider the demolition of a one-story, 1,060 square foot single family dwelling and removal of 125 square foot tiny home, and construction of a two-level 3,515 square foot single-family dwelling inclusive of a and 573 square foot pool house and 641 square foot attached two-car garage on slopes in excess of 30%, and the removal of four (4) Oak trees and one (1) Bay tree.

**Project Location:** 46199 Clear Ridge Road, Big Sur, Coastal Zone.

**Proposed CEQA Action:** Categorically Exempt per §15303 (a) of the CEQA Guidelines

### RECOMMENDATION:

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

- a. Find that the project includes construction of a single-family dwelling which qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
- b. Approve a Combined Development Permit consisting of:
  - 1) A Coastal Administrative Permit and Design Approval to allow the demolition of a one-story, 1,060 square foot single family dwelling and construction of a two-story, 3,515 square foot single-family dwelling with an attached two-car garage;
  - 2) A Coastal Development Permit to allow 550 cubic yards of development on slopes greater than 30%; and
  - 3) A Coastal Development Permit to allow the removal of four (4) Oak trees and one (1) Bay tree.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to ten (10) conditions of approval.

### PROJECT INFORMATION:

**Agent:** Robert Carver  
**Property Owners:** Chadd Edward Konig  
**APN:** 419-221-004-000  
**Parcel Size:** 5 acres  
**Zoning:** WSC/40-D(CZ)  
**Plan Area:** Big Sur Coast Land Use Plan  
**Flagged and Staked:** Yes

SUMMARY:

The subject site is a 5-acre lot located at 46199 Clear Ridge Road in Big Sur. It is bound to the north and east by Highway 1, to the south by Cooper Point Road, and to the west by Clear Ridge Road. It is situated in a heavily forested area with some residential properties several acres apart from each other. The property is a sloped lot within a rural mountainous area and the applicant plans to develop a small portion of the lot with a modern style two-level single family home with an attached garage. The proposed development will be located within the Big Sur Coast community, which can be characterized as having an eclectic residential design.

The site slopes up from Clear Ridge Road (greater than 30% slopes), flattens slightly near the middle of the property, and then slopes steeply down towards the eastern portion of the property. Vegetation is a transitional area between native perennial grassland, redwood forestland and Coastal oak woodland. Surrounding forest conditions are fractured with trees surrounding residential development and a private road network.

The single-family dwelling and garage are proposed to be located upward from Clear Ridge Road near the eastern end of the property. Because it is a large parcel, the single-family dwelling meets setback requirements for the district in which it is located. Access to the proposed home would be from Clear Ridge Road on the southeastern part of the property. The driveway and proposed garage would be constructed on slopes greater than 30%. Construction of a driveway anywhere off Clear Ridge Road would require development on slopes. This project would require 1,135 cubic yards of cut and fill, with about half of it (550 cubic yards) on slopes in excess of 30%. In addition, an arborist assessment submitted with the application recommends removing three Coast Live Oak trees and one Bay tree in dead or poor condition, and one eight-inch Coast Live Oak tree in fair condition to accommodate development. Given the circumstances in this case, staff finds that the home and driveway have been appropriately sited on the lot.

DISCUSSION:

Staff has analyzed the proposed development for consistency with the Big Sur Coast Land Use Plan (LUP) and Coastal Implementation Plan (CIP) Parts 1 (Coastal Zoning, Title 20) and 3 (Regulations for Development in the Big Sur Coast). The site is zoned Watershed and Scenic Conservation, 40 acres per unit with a Design Control Overlay, in the Coastal Zone. The project includes construction of a two-level single-family dwelling, in a modern architectural style on a five-acre lot set in a mountainous secluded residential community in Big Sur. The WSC zoning allows development in more remote or mountainous areas in the Coastal Zone while protecting biological resources, so long as the development does not have an adverse effect to those resources. This project is consistent with the WSC zoning district because it does not significantly impact the project site's biological resources. The siting and design of the residential structure is subject to a Design Approval to ensure that the design will not detract from the character of the neighborhood or adversely affect views in the area, a Coastal Development Permit for development on slopes greater than 30%, and a Coastal Development for removal of trees to accommodate the new construction.

There is also an existing 125 square foot tiny home on the premises that will be removed upon completion of the project, and a condition of approval has been incorporated into this project to ensure its removal.

### *Design Review*

The surrounding residential homes may be described as eclectic in design, with Spanish-revival, California ranch, and modern style single-family dwellings. Colors and materials vary as much as the designs, with predominately natural materials and earth toned exterior finishes to blend in well with the natural topography the area. Most homes also have landscaping and retain the natural forested terrain. The proposed development is a two-level single family dwelling with an attached two car garage and pool house. It is a unique modern architectural design that combines different textures (such as glass, concrete, and wood) into an oval shaped single family dwelling. It incorporates a stainless steel multi-colored tile roof with cool-charcoal concrete and wooden exterior colors and materials. Concrete and stainless steel materials are important for fire safety in this Urban Woodland Interface area. The bulk and mass of the home is situated well within the slope of the property and given the forested area, is not visible outside its boundaries. The architect has designed the home, pool house, and garage to be built into the slope of the parcel to protect any potential view shed impacts from Highway 1 or from neighboring properties on the hillside. Although slightly more modern in design than neighboring properties, the colors, materials, and finishes are earth toned and match the eclectic neighborhood character.

The proposed project meets all development standards (height, setbacks, coverage, etc.) for this area:

<b><u>Required:</u></b>	<b><u>Proposed:</u></b>
<b>Front Setback:</b>	
30 feet (main structure)	65.92 feet
<b>Side Setback:</b>	
20 feet (minimum)	26.75 feet and 552 feet
<b>Rear Setback:</b>	
20 feet (minimum)	165 feet
<b>Maximum height:</b>	
24 feet	19 feet
<b>Building Site Coverage:</b>	
10% or 21,819 square feet (maximum)	2% or 4,567 square feet

The project as proposed meets site development standards under Title 20.17.060 of the Monterey County Code.

### *Slopes*

The Big Sur Coast LUP as well as Section 20.64.230 of the Monterey County Code regulate development on slopes greater than 30%. Development on slopes greater than 30% requires a Coastal Development Permit. The appropriate authority (here, the Zoning Administrator) must find there is no feasible alternative which would allow development to occur on slopes of less than 30% or that the proposed development better achieves the goals, policies, and objectives of the Monterey County Local Coastal Program than other development alternatives.

The project site is located mid-slope below the ridge with terraced flats, with slopes ranging from 2% to over 50%. The natural terrain of this property includes slope in excess of 30% along the northern and southern portions of the parcel. The residence has been situated to accommodate the proposed development to avoid the greatest impact to onsite trees, and development would require 550 cubic yards of grading on slopes over 30%. Moreover, the site location of the home accommodates the necessary septic leach fields needed to support it. Due to the nature of slopes on this lot and the thick vegetation of protected trees, this is the best location for the proposed single family dwelling. The project site is comparatively level in contrast to the rest of the parcel due to existing terracing, and it has been situated to avoid any visual impacts from Highway 1. Any development on this parcel would impact slopes and trees therefore the project has been sited to best avoid the maximum

impact to slopes and designed to achieve compliance with resource protection objectives.

### *Biological Resources*

A Biological Assessment (**Exhibit E**) has been prepared and submitted with the application to evaluate potential impacts to plants, habitats, and wildlife on the project site. The report also contains recommendations needed to reduce potential impacts which has been incorporated into this project as conditions of approval.

The biological assessment found the proposed development areas lie nearly exclusively within past terraced and fuel management areas lacking native natural communities in the development zone. Current ground cover plant material is dominated by imported native grass and wildflower seed utilized on site for erosion control after fuel loads were reduced to comply with local fire clearance mandates. There were no observed occurrences of listed native sensitive habitat or individual special status species within the proposed development area. The report found it is unlikely any sensitive spring flowering taxa occur within the proposed development area due to the past terracing of the site, lack of topsoils and vegetation clearance within the development zone. Impacts to native habitat constituents found outside the proposed development area is expected to be less than significant.

In accordance with the Big Sur Coast Land Use Plan Policies 3.3.2.4 and 3.3.2.7, the proposed residential project is sited and designed to minimize further site disturbance within the development area. Invasive Italian thistle was identified along the east slope surrounding the existing residential structure proposed for demolition and removal. Italian thistle is a species classified by the California Invasive Plant Council (Cal-IPC) as having adverse impacts to native habitats and should be managed to prevent migration to offsite natural communities that are found beyond the development area. The Big Sur LUP Policy 3.3.3.10 encourages Big Sur residents to undertake restoration of natural environments by removal of exotic, invasive plants.

With recommendations incorporated as conditions of approval, the impacts of the proposed project would be reduced to levels that sustain the biotic resources supported at the subject property and to natural communities and sensitive elements adjacent to the parcel. In addition, when the recommendations in this report are applied, no development activities associated with the proposed project will have long-term adverse impacts on the sensitive biological resources that occur on site or on adjacent areas.

### *Tree Removal/Forest Management*

The project site is a forested five-acre secluded lot in a mountainous area along a private road in Big Sur. The proposed development area lies in an oak woodland natural community dominated by coast live oak, Shreve's oak, and California bay trees. Native trees are protected in the Big Sur Coast Land Use Plan (LUP), and tree removal requires a Coastal Development Permit. Standards for granting a Coastal Development Permit for removal of trees are contained in the LUP and Coastal Implementation Plan (CIP) Part 3 (Regulations for Development in the Big Sur Coast Land Use Plan Area) and include minimizing removal of trees to the extent feasible. Three Coast Live Oak trees and one Bay tree in dead or poor condition are recommended for removal by the arborist, and one eight-inch Coast Live Oak tree in fair condition is recommended for removal to accommodate development.

In accordance with Section 20.146.060 of the CIP, a Forest Management Plan (FMP) was prepared for this project (**Exhibit D**). The FMP identifies the need to remove one eight-inch Coast Live Oak tree located within the building footprint to accommodate development of the driveway. According to the FMP, the arborist conducted a site visit on April 11, 2019, to site the best location for the proposed development against the protected trees. During the visit, the proposed improvements included preserving trees to the greatest extent feasible. A study of the individual trees was made to determine the treatments necessary to complete the

project. The arborist located, measured, inspected and recorded trees within and immediately adjacent to the proposed development area. The assessment of each tree concluded with an opinion of whether the tree should be removed or preserved, based on the extent and effect of construction activity to the short and long term health of the tree. Based on these observations, the arborist recommended removing the four decaying trees, and one in fair condition to accommodate the development.

The FMP also recommends tree protection measures and implementation of best management practices to protect trees near construction that are to be retained. Finally, the report recommends eight five gallon Coast live oak replacement trees be planted and monitored for two-years in order to comply with tree regulations standards and to support sustained and healthy woodland habitat at the site following construction. Staff has reviewed the FMP and agrees with the conclusions. Recommended conditions have been included as conditions of approval for the project (**Exhibit B**).

This proposal to build a single-family residence and driveway is planned to maintain the existing forested environment and will allow the forest to continue to exist and regenerate over time. As proposed and conditioned the tree removal is consistent with the applicable standards of the LUP and CIP and removal will not involve risk of adverse environmental impacts.

#### *Fire Management*

CalFire has instituted a set of rules and guidelines for vegetation management and fire safety for homes in the wildland-urban interface (WUI). These rules have been adopted to reduce the fuels around homes. Given the steep slopes on the property and its location in the WUI, the project has been conditioned to incorporate the fuel and vegetation management recommendations outlined in the FMP. These include maintaining at least 30 feet of vegetation clearance immediately around the structure, and maintaining additional fire protection by removing all brush, flammable vegetation, or combustible growth located within 100 feet from the building.

#### CEQA

This project is categorically exempt from CEQA review pursuant to Section 15303(a), Class 3 which exempts construction of a single-family residence in a residential zone. The project consists of construction of a single-family home with an attached garage and therefore meets the criteria for a Class 3 categorical exemption. None of the circumstances in Section 15300.2 disqualifying the project from a Class 3 Categorical exemption apply. The site is not located in a particularly sensitive environment. It is surrounded on all sides by medium density residential development and/or roadways. Development will be setback over half a mile feet from Highway 1 and the house will not be visible due to tree screening and topography. There are no significant cumulative effects of residential development on residentially zoned lands, there are no historical resources and no hazardous waste sites involved. The project will not have a significant effect on the environment and qualifies for a Categorical exemption as one residential home on a residential lot.

#### OTHER AGENCY INVOLVEMENT:

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

- RMA-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- Carmel Fire Protection Associates

#### LUAC

The proposed project was reviewed by the Big Sur Coast Land Use Advisory Committee (LUAC) on August 27, 2019. The LUAC members expressed concern that a list of neighbors was not included in the LUAC documents and therefore not properly contacted. They suggested County staff review the contact list to ensure

homeowner's P.O. Box numbers were included in the mailings. The County did post a notice of the LUAC meeting at the meeting location as well as the project site ten days prior to the meeting, so proper noticing requirements per the Brown Act were satisfied. Despite this concern, no issues over the design of the proposed development were raised. The LUAC therefore voted to support the project as proposed by a vote of four to zero and one absence. **(Exhibit C)**.

Prepared by: Yasmeen Hussain, Associate Planner, x6407

Reviewed by: Brandon Swanson, Planning Services Manager

Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Vicinity Map

Exhibit B - Draft Resolution, including;

- Plans
- Conditions

Exhibit C - LUAC Minutes

Exhibit D - Forest Management Plan

Exhibit E - Biological Assessment

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager; Yasmeen Hussain, Project Planner; Chadd Edward Konig, property owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN180339.