



## Board Report

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**File #:** PC 19-074, **Version:** 1

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### **PLN180347 - SLAWSON ROBERT TODD TR**

Public hearing to consider a permit for demolition of an existing single family dwelling with the exception of one room that is non-conforming, and construction of a 5,704 square foot single family dwelling within 50 feet of a coastal bluff; 1,000 square foot addition to a detached garage/storage structure resulting in one 2,086 square foot detached accessory structure on slopes greater than 30%. Development for both structures is within 750 feet of known archaeological resources.

**Project Location:** 30770 Aurora Del Mar, Carmel, Big Sur Coast Land Use Plan

**Proposed CEQA Action:** Categorically exempt per Section 15302 of the CEQA Guidelines

#### **RECOMMENDATION:**

Staff recommends the Planning Commission adopt a Resolution to:

- 1) Find the project for the demolition and rebuild of a single family dwelling qualifies as a Class 2 Categorical Exemption pursuant to Section 15302 of the CEQA guidelines, and there is an exception to the exemption pursuant to Section 15300.2 of the CEQA guidelines due to potentially sensitive environment; and
- 2) Approve a Combined Development Permit consisting of:
  - a) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 3,198 square foot two-story single family dwelling and rebuild of a 5,704 square foot two-story single family dwelling, addition of 1,006 square feet (gym, indoor pool, mechanical room and potting shed) to an existing 1,080 square foot garage/storage room, relocation of 279 square foot storage structure, and associated grading of approximately 550 cubic yards of cut and 220 cubic yards of fill, with 330 cubic yards off-hauled;
  - b) Coastal Development Permit to allow development within 50 feet of a coastal bluff;
  - c) Coastal Development Permit to allow development on slopes greater than 30%; and
  - d) Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

The attached resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends that the Planning Commission adopt the resolution approving PLN180347 subject to 15 conditions of approval.

#### **PROJECT INFORMATION:**

**Agent:** Laura Lawrence c/o The Law Office of Aengus L. Jeffers

**Property Owner:** SLAWSON ROBERT TODD TRS

**APN:** 243-341-005-000

**Parcel Size:** 1.48 acres

**Zoning:** "RDR/40-D(CZ)" (Rural Density Residential with maximum gross density of 40 acres per unit and with a Design Control Overlay in the Coastal Zone)

**Plan Area:** Big Sur Coast Land Use Plan

**Flagged and Staked:** yes

#### **SUMMARY**

The narrow east-west oriented parcel is located in the developed Otter Cove neighborhood to the west of State Route 1 in unincorporated Carmel, bound to the west by oceanside cliffs and tidepools and to the east by the Aurora Del Mar roadway. The existing home is a single story structure with a small attic room, terra cotta barrel-tiled roofing, rough-sawn cedar exterior walls painted light gray, and dark trim windows. The structures on the parcel are beyond the 150-foot setback line from the front edge of the property that is adjacent to Aurora Del Mar, in accordance with the Otter Cove subdivision map.

The project includes demolition of the existing single story house, with exception of the entirety of the southernmost room that is legal nonconforming as to side setback, thereby retaining its legal nonconforming status. Construction of a new two story house, with exception of the southernmost room, is proposed in the existing footprint, with an increase to that footprint by approximately 1,000 square feet. Also proposed is a 1,080 square foot addition to the detached garage to add a gym with an indoor pool, mechanical room and storage.

The proposed demo/remodel of the main house is within 50 feet of the coastal bluff and the addition to the existing garage structure is proposed to occur on a man-made berm that has a slope greater than 30%. Approximately 550 cubic yards of cut will take place removing this berm that had been created during excavation for the existing development on the parcel. Access will remain via the existing driveway from Aurora Del Mar.

Potential project issues include: development within 50 feet of a coastal bluff, development on man-made slopes in excess of 30%, and development within 750 feet of known archaeological resources. In addition, the project proposes to maintain a room of the existing house that is non-conforming as to the side setback.

As detailed in the discussion below, the proposed development has been designed and located appropriately on the site to be consistent with Big Sur Land Use Plan and Coastal Implementation Plan policies, and has been conditioned accordingly to address potential project issues.

## DISCUSSION

### Project Proposal

The applicant has requested a Combined Development Permit (CDP) that includes a Coastal Administrative Permit to allow demolition of all except one room of the existing 3,198 square foot single-story residence and rebuild a 5,704 square foot two-story single family dwelling. The CDP request includes a Coastal Development Permit (CST) for development of the main residence within 50 feet of a coastal bluff, allowing the addition of 1,006 square feet to the existing 1,080 square foot garage/storage room, resulting in a 2,086 square foot non-habitable accessory structure that will contain the garage, a gym and pool, and mechanical room and shed. The CDP request also includes a CST for development of the non-habitable accessory structure on slopes greater than 30%. The project is expected to include 550 cubic yards of cut, of which, 330 cubic yards will be hauled offsite, resulting in 220 cubic yards of fill and a total 770 cubic yards of grading.

### Archaeological Reports

The subject parcel is within 750 feet of a known archaeological resource and is mapped as being high in archaeological sensitivity. An archaeological survey at the subject property was prepared by Don Howard in 1973 and resulted in finding midden approximately two feet deep across a 10 x 20 foot area that was identified as a cliffside fishing station site. Howard observed the site was vulnerable to destruction due to environmental conditions and human activity. Gary Breschini and Trudy Haversat prepared a subsequent survey in 1978 in association with permits for development on the subject property. The finding of the 1978 survey was a degraded site reduced in size to approximately 10 inches deep across a 10 x 16.5 foot area, and the proposed construction would miss this area by approximately 15 feet. Conclusions in the 1978 survey were that the

majority of the midden was destroyed and that the remaining small patch of midden was characterized only by a few scattered shells. A Preliminary Archaeological Survey was prepared by Susan Morley in August 2018 for application of the subject proposal. The 2018 survey concludes that the midden area no longer exists as previously observed by Howard, Breschini, and Haversat, and there is no evidence of cultural resources on the parcel. Morley speculates that any midden soils or shell reportedly existing in 1978 were eroded down the cliffside during El Niño storms of the past 45 years. This is corroborated by observations made by Howard in 1973 that the midden site was vulnerable to destruction and by Breschini and Haversat in 1978 of the size reduction from that observed by Howard five years earlier.

Given that Morley could find no evidence of the previously observed midden site, there is no evidence that cultural resources would be affected by implementation of the proposed remodel. The 1,056 square foot increase in the main house building footprint is proposed at the north side of the house east of the existing structure on an area currently disturbed with landscaping, block pavers and landscape walls. The previous permit under which the artificial berm was developed had the archaeological survey prepared by Breschini and Haversat in 1978 that determined the proposed construction would miss the area by approximately 15 feet. Both the addition to the main house and the 1,006 square foot increase in the accessory building footprint are approximately 70 feet and 170 feet, respectively, from the now absent midden site observed in 1978. Notwithstanding the absence of evidence of cultural resources, Condition No. 3 is applied to the project that requires if a potential cultural resource is uncovered during project-related ground disturbance, all work shall be halted within 165 feet of the find and the responsible individual present onsite shall contact RMA-Planning and a qualified archaeologist immediately.

#### *Development Within 50 feet of a Coastal Bluff*

Location of the main house within 50 feet of the top of a cliff face requires preparation of a geological report analyzing the proposed development. Pursuant to Policy 3.7.3.A.9 of the Big Sur Coast Land Use Plan, the geological report provides evidence that the area of the proposed project is stable for development within 50 feet of the top of the cliff face and the development would not create a geologic hazard or diminish the stability of the area. The 29 June 2018 CapRock Geology, Inc. geological report (File No. LIB190091) estimates bluff erosion amounts to have a potential retreat of 5.0 feet in 50 years and 10.0 feet in 100 years, requiring a minimum 25 foot setback of structures from the top of the cliff face. The main house will be 25 feet, 4 inches from the top of the cliff face, within the recommended setback threshold. This means the house has potential to be 20 feet, 4 inches in 50 years, and 15 feet, 4 inches in 100 years, from the cliff face.

The geological report prepared for this proposed project indicates from the coastal bluff erosion study for the period 1956-2018 that there have been no large scale erosional events and less than moderate retreat rates during the study period. Development near the bluff will not adversely affect or be adversely affected by bluff erosion. Provided surface drainage is evaluated by an engineer and discharge locations of runoff are directed away from areas of the Older Debris Fan deposits prone to coastal erosion, the 25-foot setback from the bluff is adequate to prevent future construction from being subject to coastal bluff erosion and related ocean bluff landslides.

The permit for the existing house and garage were approved by the Planning Commission (Application No. PC-3125, Resolution No. 77-1093) upon approval of the project by the California Coastal Commission (CCC). A February 6, 1978 CCC hearing was continued for the applicant to make revisions to the plans. The CCC approved the revised plans during the June 19, 1978 hearing (Permit No. 3-87-198, Resolution No. 78-132, Permit Application No. P-78-8). The revised plans included an increase of the bluff setback from 25 feet to 45 feet. A subsequent amendment to the permit was issued by the CCC in 1987 (Application No. 3-87-198-A) to allow construction of the detached garage/storage building. The amendment did not include revision to the

previously approved 45-foot setback from the bluff. The existing residence has a minimum setback from the bluff of 25 feet.

Staff asked the applicant to consider rebuilding the demolished residence at a greater distance from the bluff. The applicant was not amenable to this due to the following considerations: the geological report supporting a minimum 25-foot setback from the bluff, significant increase in grading, the need to relocate the existing onsite wastewater treatment system, and the amount of time that had elapsed in the permit process prior to staff requesting the applicant consider a substantial redesign.

#### California Coastal Commission (CCC)

California Coastal Commission (CCC) staff communicated with County staff on March 4, 2019 via email regarding the subject project. Concerns expressed are summarized below and responded in italics as follows:

- application of 25-foot bluff setback to patios, decks, etc.

*The 6.5-foot wide patio landing on the west side of the rebuilt residence would be a minimum 21 feet from the bluff edge. The geology report (File No. LIB190091) indicates a safety buffer is necessary to insure the safety of structures and recommends that all construction be set back a minimum of 25 feet from the top of the cliff face. A letter from the project geologist dated 25 September 2019 (Exhibit F-2) confirms that the 25 foot setback refers only to structurally related improvements and not to decks or patios that are not structurally attached to any building.*

- application of a condition requiring recordation of coastal hazards risk and prohibition of shoreline armoring

*Condition No. 14 requires recordation of a Deed Restriction that fully discloses the coastal hazards risk of bluff proximity and that clearly prohibits shoreline armoring. Language from the CCC staff email (Exhibit F-1) is incorporated in the condition language.*

- potential development in the critical viewshed

*Staff confirmed the proposed development would not be visible from scenic highway State Route 1 and conforms to the Big Sur Land Use Plan critical viewshed policy 3.2.1.*

- site-specific fire hazard risk assessment

*The parcel is located in an area identified as Very High risk for fire hazard. All development is required to comply with the State Building Code for fire safety, including use of materials that meet or exceed appropriate fire ratings. Condition No. 15 requires recordation of a Deed Restriction that fully discloses the severity of fire hazards risk.*

#### Development on Slopes in Excess of 30%

The shape and topography of the subject parcel constrains the options for locating development. Existing development of the house on the narrow east-west oriented parcel is approximately 25 feet from the bluff. Further east of the residence is the front courtyard that is bound by a retaining wall and stairs that ascend the approximate 12-foot increase in elevation to the next level where the motor court and garage/storage building are located. Behind the garage/storage building eastward is the man-made berm in excess of 30% slope. At approximately 23 feet width the berm becomes a gentler 13% average slope to the edge of the road. Constraints for development on the eastern portion of the parcel beyond the man-made berm include the Otter Cove subdivision 150-foot setback line for this lot and the risk of visibility from scenic highway State Route 1 (SR 1), approximately 45 feet east of Aurora Del Mar. The proposed development of the gym/pool addition will not be visible from SR 1 and is approximately 80 feet beyond the required 150-foot setback. The objectives of Big Sur Coast Land Use Plan Key Policies 3.9.1.1 (Blufftop Setbacks) and 3.2.1 (Critical Viewshed) are best achieved with the proposed location of the gym/pool addition at the proposed location of the man-made berm in excess of 30% slope.

The existing areas that are relatively flat on the parcel and are without structures are the front courtyard patio and the motor court. Placement of the gym/pool addition at the front courtyard would necessitate a new standalone accessory structure that would preclude any potential for movement of the rebuilt home further from the bluff, would effectively be in the front yard of the residence, and would not integrate with the surrounding environment. Location of the gym/pool addition on the western side of garage/storage structure would effectively eliminate the motor court and parking access to the garage. Therefore, no feasible alternative exists that would allow development to occur on slopes less than 30% for the gym/pool addition.

#### Legal Nonconforming Structure

The existing side setback of the southernmost room is a legal nonconforming 14 feet, 4 inches. This does not meet the required twenty-foot minimum threshold for side setbacks in the RDR zone. The applicant proposes to demolish and rebuild the entire house, with exception of the legal non-conforming room on the southern side of the property. No structural alteration is proposed within the required setback, which could allow the legal nonconforming portion of the house to remain while the rest of the house is demolished and reconstructed pursuant to section 20.68.040.A of Monterey County Code. Staff has suggested to the applicant that although this is in accordance with the letter of the code, this may not be in keeping with the purpose and intent of the policy. Staff recommended to the applicant to consider demolishing the one remaining room with the rest of the house and bring the side setback into conformance to the minimum 20 feet. However, the applicant was not amenable to removing the nonconforming portion of the home as part of the rebuild of the house. Ultimately, the Planning Commission has discretionary authority to approve the project with or without retention of the legal-nonconforming portion of the structure.

#### Design Review

##### Otter Cove Homeowners Association (HOA)

The Otter Cove HOA had concerns regarding the existing deck extending into the scenic easement, windows facing residences both to the south and to the north, placement of the pool equipment room, and noise generated from the pool equipment room. The applicant addressed the concerns by adding to the plans removal of the deck portion jutting into the scenic easement, removal of the windows in question, and relocation of the pool equipment room away from the property line along with implementation of sound-reducing measures for the pool equipment. During the Big Sur Coast Land Use Advisory Committee meeting on 14 May 2019, the representative for Otter Cove HOA confirmed that the HOA was satisfied with the applicant's responses to the HOA's concerns.

#### Public Comment

A neighbor expressed concern that, by making the existing single-story residence into a two-story structure, the home will be a massive mansion and compound that is out of harmony with the magnificent, unique, and fragile coastal environment. See Conclusion below.

#### Colors and Materials

The colors and materials of the remodel are terracotta roof tiles, tan stucco walls, dark green window trim, and Carmel stone. The proposed terracotta roof tiles are the same color scheme as the existing terracotta roof tiles. Colors and materials are Spanish Colonial style, while the large picture windows at the west side of the home capitalize on the Coastal views and the layout is ranch style. This proposed style keeps with the overall character of the neighborhood.

#### Conclusion

The remodel is appropriate in this neighborhood of homes varying in size from 2,000 square feet to 6,000 square feet. The Otter Cove neighborhood has an eclectic mix of structure sizes and architectural designs,

ranging from Eichler-like modernist to Queen Anne revival turrets and gables. Staff finds bulk and mass of the design is consistent with the eclectic visual integrity of the upscale Otter Cove coastal cliffside neighborhood. The location of the gym addition is proposed as built into an artificial berm attached behind the garage/storage structure. The roof of the addition would be planted with vegetation (greenroof), visually integrating with the surrounding hillside backdrop. The proposed project meets development standards for this area, except for density and a side setback, which are both existing legal nonconforming.

#### CEQA:

Pursuant to Section 15302 of CEQA Guidelines, the project qualifies for Class 2 categorical exemption from environmental review because the remodel is located on the same site with the same intensity of residential use as the existing residence; however, pursuant to Section 15300.2 of the CEQA Guidelines, there is an exception to the exemption because of potentially sensitive environment due to the site proximity to a coastal bluff, recognition as archaeologically sensitive, and location within the critical viewshed. The geological report gives no evidence the project would have significant adverse effect on the bluff or the surrounding bluff environment. The area of the 2,000 square foot addition to the main house was included in the Preliminary Cultural Resources Survey (File No. LIB190072) prepared by Susan Morley in 25 July 2018. This survey indicated no existing evidence for cultural resources on the parcel. The area of the 1,000 square foot addition to the garage/storage structure is an artificially created berm resulting from previous excavation for the existing residence. No evidence of cultural resources was identified in the previously excavated material used for the berm. None of the development on the parcel is visible to the critical viewshed of SR1. Therefore, the project would have no significant adverse effect on the environment.

#### OTHER AGENCY INVOLVEMENT:

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

Carmel Highlands Fire Protection District  
Bureau of Environmental Health  
RMA-Public Works  
RMA-Environmental Services  
California Coastal Commission  
Big Sur Coast Land Use Advisory Committee

#### LUAC:

The Big Sur Coast Land Use Advisory Committee visited the site and reviewed the project at a publicly noticed meeting on 14 May 2019, and recommended approval of the project with no changes in a 5-0 vote. Comments presented at the LUAC meeting and site visit are as follows:

- Armoring of the bluff should not be performed now or at any future time.  
*No armoring is proposed for this project. The Big Sur Coast LUP Key Policy 3.9.1.1 is as follows: Blufftop setbacks shall be adequate to avoid the need for seawalls during the development's economic lifespan. See Finding 4 of the resolution. Further, Condition No. 14 requires recordation of a deed restriction that fully discloses the circumstances of bluff proximity and the prohibition of ever implementing shoreline protective works.*
- The Otter Cove HOA requires notification prior to removal of any Cypress trees.  
*No Cypress trees are to be removed as part of this project. The applicant shall notify the HOA if there is future contemplation of Cypress tree removal.*
- Remove all light fixtures on the cliffs and do not direct any lighting toward the ocean.  
*Condition No. 8 requires submittal of an exterior lighting plan to RMA-Planning for review and approval.*

*The plan shall include removal of existing light fixtures (no replacement) on the westward facing cliffs, and implementation of unobtrusive lighting directed downward and controlling offsite glare. Compliance with this condition is to assure preservation of scenic resources in accordance with Part 3, Section 20.145.030 of Title 20 for Big Sur Coast.*

- A neighbor requested planting of native vegetation for privacy screening between the homes. *Discussion identified there is a short list of appropriate native vegetation for the windy sea cliff conditions and that would serve the screening purpose within a couple years. The applicant agreed to plant vegetation for screening if feasible options could be identified in the future.*

- Ensure structure colors and screening be effective to reduce the view from Point Lobos. *The subject parcel is about three miles south of Point Lobos with a range of topography in between that shields public view of the house. Notwithstanding, the colors and materials of the house will be in aesthetic sympathy with the Otter Cove neighborhood. See Design Review above.*

- The project was staked and flagged and during the site visit, LUAC members commented that there was not enough flagging to accurately demonstrate the bulk and mass of the proposed project. Heights written on stakes at the corners, absent of flagging between each corner, was not adequate for visual comprehension of the proposal.

*The architect and agent received this comment both during the site visit and at the meeting. Staff recommended that future staking and flagging of projects be comprehensive to accurately convey bulk, mass, and height to the casual observer. The LUAC did not request that staking and flagging be redone; however, the LUAC requested that staff enter the information into the record that the staking and flagging was less than adequate.*

Prepared by: Jaime Scott Guthrie, AICP, Associate Planner, ext. 6414

Reviewed by: Craig Spencer, Planning Services Manager

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

The following attachments are on file with RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Plans; and
- Draft Conditions of Approval

Exhibit C - Vicinity Map

Exhibit D - Reports:

- Geotechnical Report, Grice Engineering, Inc., September 10, 2018
- Geological Report, CapRock Geology, Inc., June 29, 2018

Exhibit E - Colors and Materials

Exhibit F - Correspondence

- California Coastal Commission email to County staff dated March 4, 2019
- CapRock Geology, Inc. letter from Robert Barminski to Laura Laurence

Exhibit G - Minutes of Big Sur Coast LUAC meeting May 14, 2019

cc: Front Counter Copy; Brandon Swanson, RMA Acting Chief of Planning; Laura Lawrence c/o The Law Office of Aengus L. Jeffers, Agent; Todd Slawson, Owner; David Dwight c/o Holdren & Lietzke Architecture, Architect; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN180347.

