

Attachment A

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DISCUSSION:

Background: This project originally involved demolition of an existing approximately 4,125 square foot single family dwelling and construction of a nearly 12,000 square-foot single-family dwelling in its place. During staff's review of this project, potentially significant impacts to historic resources, biological resources, visual resources, archaeological resources, and development on 30% slopes were identified. An Environmental Impact Report (EIR) was prepared. The EIR identified significant impacts to an historic resource, the Richard Neutra designed Connell house. The Historic Resources Review Board (HRRB) reviewed two of the EIR's Historic Resources mitigation measures for Historic Resources prior to their vote on the project. Even with these mitigations, the demolition of an historic resource remains a potentially significant impact. The EIR also identified potential impacts to sensitive biological habitats (coastal dunes), visual/aesthetics, tribal cultural resources, air quality and greenhouse gasses, hydrology and water quality, hazards and hazardous materials, noise, and geology and soils, such as development on slopes. Mitigation measures were identified to reduce these impacts to a less-than-significant level.

On January 25, 2023, the Planning Commission approved a Combined Development Permit (PLN100338/Signal Hill LLC), by a vote of 6 to 2 with 2 absent, to approve the Reduced Height Alternative, Alternative 9 of the EIR.

Three appeals from the Planning Commission's decision were timely filed in early February, 2023, by Raymond Neutra, aka Neutra Institute for Survival Through Design, Anthony Lombardo on behalf of Samuel Reeves and the Alliance of Monterey Area Preservationists, represented by its President, Mimi Sheridan. The appeals were heard by the Board of Supervisors on May 9, 2023 and June 27, 2023. The Board of Supervisors passed a motion of intent in the May 9th hearing to grant the appeals and in so doing, the Board expressed support for the preservation of the historic resource (Alternative 1 of the EIR) or a reduced project alternative that would include demolition of the existing dwelling and construction of a new dwelling in the same footprint (Alternative 6 of the EIR). The matter returned to the Board of Supervisors in June 2023 with three resolutions: one to certify the EIR prepared for the project, which the Board did (**Attachment F**), a second resolution that would reject the demolition of the existing residence and approve in concept Alternative 1, Preservation, and a third which allowed the demolition and approved, in concept, Alternative 6, Reduced Project, which was approved (**Attachment G**).

Alternative 6 (Reduced Project), as described in the Alternatives Chapter of the EIR described the Reduced Project as follows:

"This alternative would include completely demolishing the Connell house but would reduce the size of the proposed single-family residence to stay within the existing developed footprint and to avoid building heights that extend above the ridgeline. The remainder of the parcel would be restored to native dune habitat."

This alternative included full restoration of 1.67-acres on the site. The Board's motion adopting its decision reiterated the "stipulation that the new home construction remain in the footprint of the Connell House as it was."

When the Board approved Alternative 6 of the FEIR, in concept, it approved the Coastal Administrative Permit for demolition of the Connell house. A project fully within the Connell

house footprint, in concept, would not necessitate removal of any trees, so a Coastal Development Permit for removal of Cypress trees was not included in the entitlements of Resolution 23-237. Since the Board of Supervisors only approved Alternative 6's conceptual design, a Design Approval is required to consider the final design. The proposed design involves removal of three Cypress trees (22 and 16 inches in diameter) and the applicant requested removal of a third 4-inch diameter Cypress tree near the end of the existing driveway. The project Arborist proposes the relocation of the three trees onsite, rather than cutting them down and replanting saplings. All other project entitlements for development on slopes in excess of 30%, within 100 feet of environmentally sensitive habitat areas, and 750 feet of known archaeological resources were granted through Board of Supervisors Resolution No. 23-237.

Proposed Project: Staff received an application request for Design Approval for the construction of a new single family dwelling March 22, 2024. Staff worked with the applicant to modify the design in keeping with the Board's prior decisions on this project. As currently proposed, the project includes a two-story 8,290 sq. ft. single family dwelling with a 693 sq. ft. of terrace and a 180 sq. ft. stairwell.

Planning Commission: The Planning Commission heard the Design Approval, which also involved request for a Coastal Development Permit for the relocation of three Cypress trees, on April 30, 2025. The Planning Commission unanimously approved the project and added both a variance for structure in front setback and amended a condition of approval in the Board's Resolution that approved the construction of Alternative 6, in concept. (Board Reso. No. 23-237). The applicant appealed the Planning Commission's amendment of a condition. The neighbor, Reeves, and AMAP both appealed the approval contenting that the Planning Commission's approval was not in keeping with Alternative 6 and the Board's previous direction.

Analysis: For the sake of the clarity in this discussion, this Design Approval (PLN240077) is referred to as the "the proposed project" below, whereas the scope of work originally considered by the Board (PLN100338) is referred to as the "original project." The proposed project was reviewed for consistency with County Code, the description of Alternative 6 (Reduced project) in the certified EIR, and the Board's prior direction on the original project.

EIR Alternative

Below is a summary comparison of the original project and the proposed project showing the reduction consistent with Alternative 6 of the EIR:

- The original project consisted of a two-story 11,933 square feet (sq. ft.) single family dwelling with 1,950 sq. ft. of paved areas, and a total impervious lot coverage of 10.6 percent.
- The proposed project consists of a two-story 8,290 sq. ft. single family dwelling with a 693 sq. ft. of terrace and a 180 sq. ft. stairwell resulting in a total impervious lot coverage of 7.87 percent.
 - The proposed project lessens the original project's building site coverage from 8,058 sq. ft. (8.5 percent) to 4,857 sq. ft. (5.2 percent).
 - The proposed project lessens the original project's floor area ratio from 11,933 sq. ft. (12.6 percent) to 8,290 sq. ft. (8.8 percent).

- The proposed project decreases the pervious and impervious combined coverage of the original project by approximately 21 percent (from 10,008 sq. ft. to approximately 7,900 square feet).
- The proposed project reduces the original project's maximum height from Average Natural Grade (ANG) by 4.5 feet (total height of 30 feet from ANG to 25.5 from ANG).

Board Direction to stay within the footprint

The Board directed the applicant to return with a design that is within the footprint of the Connell House. The proposed structure does not mimic the U-shape footprint of the Connell house and instead proposes to fill in the former courtyard in the front of the home (and to leave undeveloped an area that was part of the previous house footprint and hardscape on the northwest corner of Connell house).

Staff has reviewed the plans and information including the prior project, measurements from Whitson Engineers prepared for the applicant (Attachments D and E), and aerial imagery. Modifications to the proposal are proposed so that the new design remains substantially consistent with the Board's direction. See appeal responses in Attachment C-4 for details.

Variance

By adhering to the direction of the Board to remain within the building footprint of the Connell House, the project will be located within the 30-foot front setback from Signal Hill Drive. Therefore, a variance to allow new development within the front set back is triggered. The variance is supported because of special circumstances applicable to subject property, while it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district. Furthermore, development within the front setback is not a use which is not otherwise expressly authorized by the zone regulation governing the parcel. Specific evidence that meets the criteria required to obtain a variance pursuant to of Title 20 section 20.78.050 are:

- If the project were to be sited entirely out of the front setback, it would convert additional sand dune to development. Sand dune is environmentally sensitive habitat area (ESHA), as discussed in the project EIR and related project Board of Supervisors resolutions 23-236 and 23-237. Requiring the project to adhere to a 30-foot front setback would conflict with this.
- This is not a special privilege for the property owner inconsistent with the limitations upon other properties in the vicinity and zoning district because the requirement to build within the building footprint of the Connell House was Board of Supervisors direction to the property owner/developer. The property owner was prepared to reconstruct within the required yard regulations. The Board's direction could have been a limitation on any property in the Signal Hill enclave of Del Monte Forest planning area.

Tree Removal

The Board's action did not include approving tree removal or relocation, although tree removal was contemplated in the Final EIR. Three Cypress trees are proposed to be relocated as part of this project application. One Cypress tree is proposed for removal for the construction of the new dwelling. This tree was located within the front courtyard of the Connell house and is in an area

proposed to be part of the new house footprint. A second tree is proposed to be relocated due to the relocation of the driveway. A third tree is proposed for relocation although it is not near the proposed development. It was a contentious proposal when presented to the Planning Commission, as several Commissioners recalled previous hearings which identified the tree as one that had been replanted to correct a violation for unpermitted tree removals. Removing the tree is not particularly necessary to the proposed Design Approval, and therefore staff recommends that the tree be protected in place and the Board not permit relocation as part of this permit.

The two Cypress trees will be replanted near the proposed dwelling and near existing Cypress trees and not in the sand dune area required to be restored as sand dune habitat. As they are larger trees and are proposed for replanting behind the house footprint, they would help screen views of the house from 17 Mile Drive. See additional discussion in Attachment C-4.

Design Review

The site is in a Design Control (D) Zoning District. The purpose of the Design Control Zoning District is to provide a district that regulates the location, size, configuration, materials, and colors of structures and fences in those areas of the County where design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and the visual integrity of certain developments without imposing undue restrictions on private property.

The subject site is in an identified public view area from 17 Mile Drive, as shown on Figure 3 of the LUP (Visual Resources map). It is also in the viewshed of public vantage points along the shoreline of Fan Shell Beach. The scenic and visual resources policy states an intent to “protect the area’s magnificent scenic and visual resources, to avoid incompatible development, and to encourage improvements and facilities which complement the natural scenic assets...” LUP Policy 51 requires buildings developed on residential lots in the Visual Resources area to be “situated to allow the highest potential for screening from view” and LUP Policy 56 urges design and siting of structures in scenic areas should not detract from scenic values and should be subordinate to, and blended into, the environment.

Staff visited the site on August 5, 2024 to inspect the staking and flagging and found there is no potential ridgeline effect that would be created from the house as proposed. The proposed project includes colors and materials of light brown stucco, light brown stone cladding, gray gravel roofing, and black metal door and window frames. Per Staff’s review of the 3D renderings (**Attachment B**), the proposed design is consistent with these viewshed policies because of its natural colors and materials, and flat roof, all of which reduce its prominence in the public viewshed and complement the natural scenic assets. Although reducing the size of the residence could better comply with applicable visual resource policies and result in a project that may be more subordinate to the environment, the proposed size is not in direct conflict with the DMF LUP. To further address viewshed policies, Tree Planting and Protection was applied to PLN100338 (Condition No.16). A 48-inch Cypress tree shall be planted in a location near the house to increase the quality of screening of existing trees onsite.

The project is in an area where there are several large custom-built homes visible among the sand dunes off 17 Mile Drive. Within the Signal Hill Road enclave, the size of residential structures

ranges from 4,534 square feet to 8,106 square feet with a mean floor area of 6,125 square feet.* The proposed two-story 8,290 square foot single family dwelling is larger than any other residence in the area and 2,165 square feet larger than the average floor area for the Signal Hill area. **Note that the Planning Commission staff report included a miscalculation of the mean by accidentally leaving out one structure from the set. The set has been corrected to include all available data for residences in the Signal Hill enclave.*

During application reviews, staff advised the applicant to consider the perceived bulk of the structure as viewed from 17 Mile Drive in redesign. The applicant expressed that the Legorreta architectural vision was already hampered by the requirement to proceed with the “Reduced Project” alternative of the EIR, and no more reductions to the façade can be made to this architectural design. The inclusion of this development will change the character of the neighborhood by adding a new notable architectural firm with a moderately prominent front façade to an area built with custom eclectic homes. However, in staff’s opinion, these changes in character will not be significant because the proposed project avoids a building height that extends above the tree canopied on the ridge behind as viewed from 17 Mile Drive and, as mitigated by the measures identified by the EIR for aesthetics, the project will not significantly impact the viewshed. Mitigation for aesthetics applied to the project through conditions of approval on PLN100339 included AES/MM-3.1, an exterior lighting plan for the construction permit to meet County regulations (Condition No. 9), and BIO/MM-2.1 and BIO/MM-3.2 which will result in the restoration of a 1.67 acre area of the property to native sand dune habitat.

Appeals

The appeals and a summary of the appeal contentions with staff’s analysis and responses to those contentions are provided in **Attachment C** to this report.

Other Considerations

On April 2, 2025, the applicant provided staff with a sketch as a proposal to the Planning Commission to expand the footprint in the Northeast corner to accommodate a full bath in the Master Bedroom. Staff is providing the Board with this proposal in **Attachment E**. It was not part of the plan set that staff found best adheres to the direction from the Board, but it is the preference of the applicant to have the additional approximately 50 square feet of development footprint. Per the applicant, this 50 square foot expansion is justified because the area is roughly equivalent to the roof overhang of the Connell house that the proposed project does not re-cover with the building footprint (See **Attachment E**). However, this expansion outside of the Connell house footprint or hardscape does not align with the Board of Supervisor’s direction, and thus, staff does not recommend the Board approve this design alternative. Staff-supported plans are attached to the draft resolution as **Attachment B**, with one recommended modification. The proposed terrace should be eliminated or reduced in size so that it does not protrude beyond the Connell House's previous hardscape, as shown in **Attachment D** to the Staff Report to the Board of Supervisors July 8, 2025 hearing. (Condition No. 8).

Conclusion: After review of the proposed design and consideration of the Final EIR’s Reduced Project alternative (Alternative 6), as well as the Board of Supervisor’s direction that the footprint remains unchanged, staff recommends the Board modify the project and approve the design for PLN240077 with the recommended modifications.

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