



County of Monterey Planning Commission

Item No.4

Monterey County Government Center
Cayenne Conference Room
1441 Schilling Place, 1st Floor

Agenda Item No.4

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PLN210348 - NAIK DEVANG & DESAI RUPA (KOASTAL STAR LLC)

Public hearing to consider demolition of an existing 2,860 square foot one-story single family dwelling and construction of a 5,781 square foot two-story single family dwelling with attached 775 square foot garage, a detached 800 square foot Accessory Dwelling Unit with an attached 333 square foot mechanical/storage room and approximately 880 square feet of associated stairs, landing, deck and jacuzzi, and associated site improvements including restoration of approximately 25,075 square feet of disturbed areas with native coastal scrub. Project requires removal of up to three Cypress trees, approximately 2,090 square feet of development on slopes greater than 30%, and development within the Critical Viewshed, within 750 feet of archaeological resources, within 50 feet of a coastal bluff, and within 100 feet of Environmentally Sensitive Habitat Area (coastal bluff scrub).

Project Location: 36240 and 36242 Hwy 1, Big Sur.

Proposed CEQA action: Find that the project qualifies for Class 2, 3 and 33 Categorical Exemptions pursuant to CEQA Guidelines sections 15302, 15303 and 15333, and that none of the exceptions from CEQA Guidelines 15300.2 apply.

RECOMMENDATION:

It is recommended that the County of Monterey Planning Commission approve a resolution:

- 1) Finding that the project qualifies for Class 2, 3 and 33 Categorical Exemptions pursuant to CEQA Guidelines sections 15302, 15303 and 15033, and that none of the exceptions from CEQA Guidelines 15300.2 apply; and
- 2) Approving a Combined Development Permit consisting of the following.
 - a. A Coastal Administrative Permit and Design Approval to allow:
 - i. demolition an existing 2,860 square foot single family dwelling,
 - ii. construction of a 6,556 square foot two-story single family dwelling inclusive of an attached 775 square foot garage and 1,498 square foot basement;
 - iii. construction of a 800 square foot two-bedroom Accessory Dwelling Unit with an attached 333 square foot mechanical/storage room and approximately 880 square feet of attached stairs, landing, deck, and jacuzzi;
 - iv. associated site improvements, including approximately 3440 cubic yards of cut and 120 cubic yards of fill and restoration of approximately 25,075 square feet of disturbed areas with native coastal scrub plants;
 - b. A Coastal Development Permit to allow development in the Critical Viewshed;
 - c. A Coastal Development Permit to allow approximately 2,090 sf of structural development on slopes in excess of 30%;
 - d. A Coastal Development Permit to allow removal of up to three Cypress trees;
 - e. A Coastal Development Permit to allow development within 50 feet of a coastal bluff;

- f. A Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat Area (coastal bluff scrub); and
- g. A Coastal Administrative Permit to allow development within 750 feet of archaeological resources.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 20 conditions of approval.

PROJECT INFORMATION:

Owner: Devang Naik and Rupa Desai (Koastal Star LLC)

Agents: Carla Hashimoto, Eric Miller Architects, Inc.; Anthony Lombardo, Anthony Lombardo & Associates

APN: 243-251-011-000

Zoning: Rural Density Residential with a Density of 40 acres a unit and a Design Control Overlay in the Coastal Zone or “RDR/40-D(14) (CZ)”

Parcel Sizes: 2.9 acres

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: Yes

Planner: Mary Israel, Supervising Planner
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SUMMARY:

The Naik and Desai project consists of demolition of an existing 2,860 square foot one-story three bedroom single family dwelling (SFD) and construction of a 6,556 square foot two-story four-bedroom SFD inclusive of an attached four-car garage with approximately 4,800 square feet in associated site improvements and an approximately 800 square foot two-bedroom accessory dwelling unit (ADU) with approximately 333 square feet mechanical/storage room and approximately 880 square feet in attached stairs, landing, deck, and jacuzzi. Approximately 2,090 square feet of the structural development will be on natural and manmade slopes greater than 30 percent which cannot be avoided to build beyond the existing building pad. The site is situated on a coastal bluff. If the new SFD were to be constrained to the existing building pad, it would be within 100 year setback and would not meet the requirements of the project-specific geologic report (required to be followed pursuant to BSC LUP Hazards policies). Although previous owners installed a small corral, pathways and landscaping with nonnative succulents, remnants of environmentally sensitive habitat area coastal bluff scrub are present on site.

Many Cypress trees have been planted around the site, apparently for visual screening. Through the project review process, the owners have redesigned to minimize tree removal and visual impacts. This is addressed through construction of the bulk of the dwelling and ADU below grade and tiered down the slope, use of existing and proposed modification to the topography (earthen berm) and natural colors and materials (beige Carmel stone). As proposed, the project requires removal of two Cypress trees (27-inch diameter “landmark,” protected, and a 11-inch diameter, not protected) and it is possible that two other Cypress trees may be impacted at the roots such that they would require replacement (34 inch diameter and 15 inch diameter, both protected). The two trees that may be impacted immediately adjacent to the south and west structural development and are proposed for

tree protection. The owner/applicant shall provide protection to ensure the best possible chance for survival. If one or both of these additional trees fail, they shall not require an additional Coastal Development Permit for removal but shall be replaced in 2:1 ratio for the 34-inch diameter tree and 1:1 ratio for the smaller tree. Overall, the development mitigates potential impacts by design and is appropriate for the location. Although there are constraints on the property, the project is a demolition of a residence that is now too close to the bluff and construction of a residence that expands in footprint while remaining behind the 100 year bluff setback. In this zoning district of Rural Density Residential (RDR), a replacement residence with restoration of native habitat and tree replacement in the form of three or more Cypress trees is reasonable redevelopment of the site.

The subject property is located along Highway 1, Big Sur and on Kaiser Point and thus exempt to Critical Viewshed Policies of the Big Sur Coast Land Use Plan (LUP Policy 3.2.5.F). This section of the LUP directs LUP Section 3.2.4 standards to be followed for the subject property. Therefore, the project is subject to LUP Section 3.2.4 and other guiding LUP Policies that protect viewshed and was specifically analyzed with criteria in CIP sections 20.145.030.B.6 and 20.145.030.C.2. Per these regulations, reconstruction that results in a reduced impact to the viewshed can be permitted. If the reconstruction of the main dwelling and construction of an ADU were not complemented with additional tree planting to fill in any gap in the current screening produced by the Cypress tree stand, and the project did not also include extension of the knoll with a new earthen berm between the southern extent of the main dwelling and the front of the property, the proposed project would be equivalent in impacts to viewshed. However, with these site improvements, impact to the public viewshed shall be less than the existing development. The third part of the project includes removal of over 25,000 square feet of invasive non-native ground cover and restoration to native coastal scrub in the Critical Viewshed. The sum of activity and development proposed as the project can be supported. Staff are also recommending conditions that would require managed retreat of the existing structures should they ever be threatened by coastal hazards (Cond. No. 15), and placement of conservation and scenic easements over the sensitive habitat areas, those visible from the Critical Viewshed, and on steeper slopes (Cond No. 14), to improve resource protection going forward.

DISCUSSION:

The project discussion is attached as **Exhibit A**, and details the project's components and site constraints, including water/wastewater, biological resources, Critical Viewshed, design, tree removal, historic resources, coastal bluff, development on steeper slopes, design review and development standards.

CEQA:

The project qualifies for Class 2, 3 and 33 Categorical Exemptions pursuant to CEQA Guidelines sections 15302, 15303 and 15333. CEQA Guidelines section 15302, Replacement or Reconstruction of Existing Facilities, exempts the replacement of single family dwellings (SFDs) where additional impacts associated with the replacement are negligible. CEQA Guidelines section 15303, New Construction or Conversion of Small Structures, exempts construction of new, small structures such as ADUs and other site improvements in a residential zone. The site development would go from being a SFD with associated development including a paved courtyard, small corral, onsite wastewater treatment system, and previously graded natural slopes of 30 percent with retaining walls to a SFD with an attached garage and detached ADU with OWTS, grading on slopes, and retaining walls. The

primary and accessory uses of the site will remain the same after the project, and the overall site coverage (inclusive of the residence, garage, and ADU) would increase by 4,257 feet from 3,335 square feet to 7,592 square feet while clustering development. This represents an expansion of the primary use, but the use shall be controlled for posterity through Deed Restrictions that are conditions of approval. Impacts to public viewshed by the replacement dwelling were analyzed in a viewshed determination and found to be the same as the existing dwelling. Therefore, the rebuild is consistent with the intent of the Class 2 exemption reconstruction and the new ADU and site development are consistent with the Class 3 exemption for small new structures.

CEQA Guidelines section 15333, Small Habitat Restoration Projects, exempts projects not to exceed 5 acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife. The proposed project includes revegetation of a disturbed area of 25,076 square feet (0.57 acres) with native plant species.

None of the exceptions from CEQA Guidelines 15300.2 apply to the project

Class 2 categorical exemptions apply regardless of their location. Class 3 categorical exemption apply in relation to the location, discussed in CEQA section 15300.2. The project is located in an area where residential use is primary pursuant to the designated land use and zoning code and the site of construction is not within an environmental resource of hazardous or critical concern has been designated by a local, state, or federal agency and precisely mapped. The proposed land use is not being altered and there is a negligible expansion of existing use, and there are no potentially significant impacts associated with the project; therefore, the project would not cause or contribute to a cumulative environmental impact. There are no unusual circumstances associated with the undertaking of the project that would create the reasonable possibility for a potentially significant environmental effect. The project is in view of Highway 1, a designated state Scenic Highway. However, as detailed in the discussion (**Exhibit A**), the project would not adversely affect scenic resources in view of the scenic highway. The project is not located on a hazardous waste site included on any list compiled by Section 65962.5 of the Government Code. A phase I historical report (Anthony Kirk, September 16, 2022, LIB220373) was prepared for the project which assess the existing structures and determined that the existing residence was not a historical resource. Thus, the project's demolition does not impact any historical resources. As part of the project, the existing SFD's structure, which would one day be unsafe for habitation due to coastal erosion within 100 years, will be demolished. The new structure will reuse approximately half of the building footprint, refrain from structural development within a 100 year setback of the coastal bluff, and improve the foundation technique to securely found in the granitic bedrock as recommended by the geological report for the project (Gregory Easton, October 2, 2023 and May 8, 2025, HCD-Planning Library Document No. LIB220371). In this way, the project reduces the potential for the site's residential use to have significant adverse impact on both the coastal bluff and human safety.

Class 33 exempt projects must demonstrate that there would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065. The qualified project biologist, Patrick Regan, prepared a botanical report on the potential of the plants within the project site that are proposed for relocation which have California Native Plant Society California Rare Plant Rank 4.2. The memorandum concluded that the project impacts to the habitat of *Lomatium parvifolium* would not be significant adverse impact on the individuals or their habitat. Staff notes that a January 2, 2021 memorandum by Wade Crowfoot, Secretary, California Natural

Resources Agency clarified that the presence of endangered, rare, or threatened species, or the use of mechanized equipment, respectively, does not preclude the use of Class 33 categorical exemption. More recently, the biologist confirmed with a California Coastal Commission biologist that the project would not have direct impact to individual *Lomatium parvifolium* plants. Similar to the Class 3 exceptions to exemption, the site and project does not involve hazardous materials or have cumulative environmental impacts. Therefore, the project's small habitat restoration improves the quality of the environment overall and is categorically exempt from CEQA.

OTHER DEPARTMENT/AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

Environmental Health Bureau (EHB)

HCD-Engineering Services

HCD-Environmental Services

California Coastal Commission

HCD-Engineering Services recommended inclusion of a construction management plan condition (Cond. No. 5), which is included in staff's recommended conditions of approval. EHB recommended inclusion of a condition to encourage onsite wastewater treatment system design alternative analysis as a condition for the project (Cond. No. 12).

LUAC REVIEW:

The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review and recommendation in accordance with Board of Supervisors Resolution No. 15-103, as it involves a design approval subject to a public hearing. The Big Sur Coast LUAC reviewed this project on March 27, 2024 with a site visit. The LUAC's preliminary review included a recommendation to limit a then-proposed pool deck from placement on the saddle that is in the viewshed from the nearest turnout to the north on Hwy 1, and concern about the potential for the proposed structure to be visible above the existing dwelling when a person is directly next to the dwelling on Hwy 1. The Applicant/Owner took note of these comments and redesigned, including removing the pool area. The new design plans were circulated to the LUAC and new staking and flagging was set. The LUAC held a second site visit and then decided on a recommendation on the project on November 12, 2024. The updated staking and flagged demonstrated that the Applicant had moved the ADU considerably out of the northern viewshed but not entirely. Upon LUAC recommendation, the Applicant agreed reduce the northwest exposure by redesigning the ADU to move it entirely out of the view from Hwy 1. The Applicant also offered to lower the proposed main dwelling by another several feet so it appears no larger than the existing dwelling and add an earthen berm to mask the southern extent of the new development to protect views from directly inland on Hwy 1. With these changes and color changes suggested by the LUAC (darker beige stone), the LUAC recommended approval of the project (4 ayes, 0 noes, 2 absent).

Prepared by: Mary Israel, Supervising Planner x5183

Reviewed by: Fionna Jensen, Principal Planner

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Discussion

Exhibit B - Draft Resolution, including:

- Recommended Condition of Approval
- Site Plans, Floor Plans, Elevations, and Colors and Materials
- Draft Restoration Plan

Exhibit C - Big Sur LUAC Meeting Minutes

Exhibit D - Vicinity Map

Exhibit E - Site Photos

Exhibit F - Tree Assessment and Replacement Plan (LIB220369)

Exhibit G - Geological Report (LIB220371)

Exhibit H - Biological Reports (LIB240077) and CEQA review memo

cc: Front Counter Copy; HCD-Engineering Services; HCD-Environmental Services; Environmental Health Bureau; Mary Israel, Supervising Planner; Fionna Jensen, Principal Planner; Devang Naik and Rupa Desai, Applicants; Carla Hashimoto, Agent; Anthony Lombardo, Agent; Katherine Kafka, Interested Party; Robert Carver, Interested Party; The Open Monterey Project (Molly Erickson); Christina McGinnis, Landwatch; Lozeau Drury LLP; Project File PLN210348.