



Zoning Administrator

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PLN250306 - COASTLANDS MUTUAL WATER CO & VARIOUS OWNERS

Public hearing to consider the construction of two Hilfiker retaining walls, development on slopes in excess of 30%, development within 750 feet of known Archaeological Resources, and development within 100 feet of environmentally sensitive habitat area.

Project Location: 48216 & 48228 Highway 1, Big Sur, CA

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15301 and 15303, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATIONS

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

- 1) Find the project qualifies for Class 1 and 3 Categorical Exemptions from CEQA Guidelines Sections 15301 and 15303, and that none of the exceptions from Section 15300.2 apply to the project; and
- 2) Approve a Combined Development Permit consisting of a:
 - a. Design Approval to allow the construction of approximately 180 total linear feet of two Hilfiker retaining walls;
 - b. Coastal Administrative Permit for development on slopes in excess of 30%;
 - c. Coastal Development Permit for development within 750 feet of known Archaeological Resources; and
 - d. Coastal Development Permit for development within 100 feet of environmentally sensitive habitat area.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 5 conditions of approval.

PROJECT INFORMATION

Agent: Michael Linder

Property Owner: Coastlands Mutual Water

APN: 420-171-029-000, 420-171-030-000, 420-171-037-000, 420-171-038-000 & 420-171-039-000

Parcel Size: 1.03 acres, 1.36 acres, 1.76 acres, 1.74 acres, 1.95 acres

Zoning: Rural Density Residential, 40 acres per unit with a Design Control Overlay, or "RDR/40-D"

Plan Area: Big Sur Coastal Land Use Plan

Flagged and Staked: N/A

Project Planner: Jordan Evans-Polockow, Assistant Planner
Evans-PolockowJ@countyofmonterey.gov , (831)783-7065

SUMMARY/DISCUSSION

The project site is located at 48216 & 48228 Highway 1 in Big Sur, within the Big Sur Coastal Land Use Plan. The proposed project includes the construction of approximately 180 total linear feet of two Hilfiker retaining walls to repair an existing access road for the neighboring residential properties in a Coastlands Mutual Water Company easement. The development includes 247.5 linear feet of development on slopes in excess of 30%, within 750 feet of known Archaeological Resources and within 100 feet of environmentally sensitive habitat areas (ESHA). The project will consist of approximately 132 linear feet of hilfiker retaining wall for the upper wall resulting in 1,200 square feet of ground disturbance and approximately 48 linear feet for the lower wall resulting in 500 square feet of ground disturbance. The project includes installation of silt fencing and straw wattles around the western sloped development perimeter as well as grading of 251 cubic yards of cut and fill.

This project does not include an increase in wastewater generation or installation, upgrade, or repairs to any onsite wastewater treatment system components. The proposed development will not be visible from a scenic corridor or major common public viewing area due to location, topography, and intervening development and vegetation.

Based on staff's analysis, the proposed project is consistent with the policies and regulations pertaining to zoning uses and any other applicable provisions of the 1982 General Plan (General Plan), Big Sur Coastal Land Use Plan, Big Sur Coastal Implementation Plan, and applicable sections of the Monterey County Coastal zoning ordinance (Title 20).

Design and Land Use

The subject parcel is zoned as a Rural Density Residential with 40 acres per unit and a Design Control Overlay ("RDR/40-D"). The development standards for the RDR zoning district are identified in Title 20 section 20.16.060. Site development standards apply to enclosed spaces and structures. Title 20 section 20.06.1200 defines a structure as anything constructed the use of which requires location on or attached to something having location on the ground, excluding fences under 6 feet in height. The project proposes two Hilfiker retaining walls resulting in approximately 180 linear feet that will not exceed 5 feet and 11 inches tall. Therefore, the project is not subject to these development standards.

Although the project site is located on the ocean side of Highway 1, it is not within the critical viewshed and therefore will not be visible from any public access points and viewshed. Therefore, as designed and sited, the proposed development assures protection of the public viewshed, is consistent with the neighborhood character, and assures visual integrity.

Environmentally Sensitive Habitat (ESHA)

Big Sur Coastal Implementation Plan (CIP) section 20.145.040 requires that a Biological Report be required for all proposed development that is sited or may be sited within 100 feet of ESHA, and/or has the potential to negatively impact the longer-term maintenance of the habitat. A Biological Report (County of Monterey Library No. LIB260060) was prepared, and the project biologist surveyed the subject parcel twice to provide a spring survey and to determine project-related impacts to biological

resources as a result of construction. The project biologist identified that the proposed construction would be sited within 100 feet of ESHA (Redwood Forest and various wildlife species). Although sightings of special status species such as red-legged frog, Coast range newt, Santa Lucia slender salamander, Foothill yellow-legged frog, western spadefoot, and bumble bee species were identified in surrounding community or within 300 feet of the development area, there is low potential for these species to be impacted or encountered as the development is restructured to an existing road with minimal habitat for these species to breed.

The proposed development will be sited adjacent to the existing road to support the needed road repairs. Consistent with BSC LUP Policies 3.3.2.7 and 3.3.2.8, the development will be adjacent to ESHA and will ensure protection through required tree and root protection (Condition No. 4). The report also recommends that the sloped area be protected through the installation of silt fencing and straw wattles around the western sloped development perimeter, to prevent unwarranted construction impacts and sedimentation erosion and provide habitat protection during construction. Additionally, the standard Tree and Root Protection Condition No.4 will be implemented based on the consultant's recommendation to protect the trunks of the cluster of redwoods closest to the southern end of the project along the limits of grading, as well as recommending the installation of straw wattles and bales on the perimeter redwoods.

During the Spring Survey, the biologist did not observe any special status plant species to be within the project development area but did observe special status migratory species including wren-tit, oak titmouse, and olive-sided flycatcher, and one yellow warbler within 250 feet of the project vicinity. However, there is no evidence of these species to be within the project development area nor is there evidence of active nesting. To avoid potential impacts to nesting raptors and other avian species, the project biologist recommends the property be surveyed again prior to construction if it were to occur during nesting season. Therefore, Condition No. 5 has been added to require the applicant to conduct another survey prior to construction, if construction takes place between February 1 and September 1.

Therefore, as sited, designed, and conditioned, the proposed project would be consistent with regulations for the development adjacent to environmentally sensitive habitats and would not result in any impacts to ESHA.

Cultural Resources

According to the Monterey County Geographic Information System (GIS), the subject property is within an area of high archaeological sensitivity and within 750 feet of a known archaeological resource. In accordance with BSC CIP section 20.145.120, any new development being proposed within high sensitivity zones, or within 750 feet of a known recorded archaeological and/or cultural site, shall complete a Phase One Archaeological survey. According to the prepared Phase One Archaeological Survey (County of Monterey Library No. LIB260059), no evidence of significant resources has been identified on the project parcel, but the report confirms that there are resources nearby, within 750 feet of the subject property. Therefore, a Coastal Administrative Permit is applied in such case. In addition, the standard condition of approval (Condition No. 3) has been incorporated into this project which requires the contractor to stop work if previously unidentified resources are discovered during construction.

Development on Slopes in Excess of 30%

Monterey County Geographic Informational Systems (GIS) identifies the subject property containing slopes in excess of 30%. Big Sur Coast CIP section 20.145.140.A.4.a and Title 20 section 20.64.230.E, states that development on slopes that exceed 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes less than 30%, or the proposed development better achieves the goals, policies, and objectives of the County of Monterey General Plan and applicable land use plan than other development alternatives. Title 20 section 20.64.230.C states a Coastal Development Permit is required except if the development is an addition to an existing structure or man-made slopes provided it does not exceed 120 square feet of the sloped area. In this case, the location of the proposed development of approximately 250 linear feet of the silt fencing is on slopes in excess of 30% in which there is not alternative feasible option. While the entire silt fencing is on slopes, only the wooden stakes would be impacting the slopes.

The road repair and development of retaining walls must remain within the Coastlands Water Company easement that exists on these properties for the road to maintain the same footprint, and preventing further development on slopes. The road where the proposed development is to occur is located on the existing flattened portion for the repair of an existing access road along the property lines of each parcel. The proposed development on slopes is in support of the retaining wall to prevent erosion and stabilize the slope directly downstream of the hilfiker retaining wall. Placing the silt fencing in a different location defeats the purpose of the required need for such development. The silt fencing include approximately 25 wooden stakes of one square foot to a depth of one foot into the slope. Therefore, the resulting development would be less than 120 square feet and meets the exception to grant a Coastal Administrative Permit in this case.

CEQA:

California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15303 categorically exempts minor alterations of existing public or private structures involving negligible or no expansion of existing or former use, as well as the construction of new structures. The proposed project proposes to construct approximately 180 total linear feet of two hilfiker retaining walls along an existing access road with associated site development, including development on slopes in excess of 30%, within 750 feet of known Archaeological Resources, and within 100 feet of ESHA. The project does not involve the removal of trees or major vegetation. Therefore, the proposed development is consistent with the parameters of these Class 1 and Class 3 exemptions. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects was identified during staff review of the development application. There is no cumulative impact without any prior successive projects of the same type in the same place, over time. There is no significant effect on the environment due to unusual circumstances. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code to be considered a hazardous waste site. No known historical resources are found in the geotechnical or archaeological reports, which may cause a substantial adverse change in the significance of a historical resource. The project site is not within an officially designated highway area, as a state scenic highway. Finally, as described above, the project will not result in substantial erosion or contribute to runoff.

OTHER AGENCY INVOLVEMENT

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

HCD-Engineering Services
Environmental Health Bureau
HCD-Environmental Services
Big Sur Volunteer Fire Brigade

Prepared by: Jordan Evans-Pollockow, Assistant Planner, x7065
Reviewed and Approved by: Jacquelyn M. Nickerson, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans

Exhibit B - Biological Assessment & Spring Survey

Exhibit C - Vicinity Map

cc: Front Counter Copy; Big Sur Volunteer Fire Brigade; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Jordan Evans-Pollockow, Planner; Jacquelyn M. Nickerson, Principal Planner; Coastlands Mutual Water, Property Owner; Michael Linder, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild, Planning File PLN250306.