



County of Monterey Planning Commission

Item No.2

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No.2

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PLN250111 - BAYER LEX NEAL TR

Public hearing to consider demolition of an existing residence, garage, and other site improvements, and construction of a replacement 5,754 square foot single-family dwelling with a 701 square foot detached garage and associated site improvements including a new septic system, repair of a deck and stairway, development within 100 feet of Environmentally Sensitive Habitat Area, and development within 50 feet of a Coastal bluff.

Project Location: 35700 Highway 1, Monterey, Big Sur Coast Land Use Plan

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15302, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

1. Find that the project qualifies as a Class 2 Categorical Exemption pursuant to Section 15302 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Combined Development Permit consisting of a: 1) Coastal Administrative Permit and Design Approval to allow demolition of existing residence, garage, and other site improvements, and the construction of a 5,754 square-foot single-family dwelling with a detached 701 square foot garage and associated site improvements including a new septic system, repair of a deck, stairway, and the driveway, and underground propane tanks; and 2) Coastal Development Permit to allow development within 100 feet of ESHA; and 3) Coastal Development Permit to allow development within 50 feet of a Coastal Bluff; 4) Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 15 conditions of approval.

PROJECT INFORMATION:

Agent: The Law Office of Aengus Jeffers

Property Owner: Lex Neal Bayer Revocable Trust

APN: 243-231-014-000

Parcel Size: 2.0 acres or 80,000 square feet

Zoning: Rural Density Residential, Design Control overlay, with 14-foot maximum allowable height within the Coastal Zone or "RDR/D(14')(CZ)"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: Yes

Project Planner: McKenna Bowling, Associate Planner

bowlingmr@countyofmonterey.gov, (831) 755-5298

SUMMARY:

The subject property is located at 35700 Highway 1, Big Sur, within the unincorporated area of Monterey County. The lot is currently developed with a one-story 4,692 square foot single-family dwelling, garage, and associated site improvements, including sheds, an onsite wastewater treatment system, hardscape, and a coastal bluff deck and stairs leading down the property's bluff face. The proposed project includes demolition of the existing structures and construction of a replacement 5,754 square foot single-family dwelling with a 701 square foot detached garage, and associated site improvements. Improvements include installation of a new onsite wastewater treatment system, repairing the coastal deck and stairway, and driveway, as needed, installation of underground propane tanks, and new impervious surfaces. The proposed project also involves development within 100 feet of Environmentally Sensitive Habitat Area (ESHA), development within 50 feet of a Coastal Bluff, and development within 750 feet of known archaeological resources. The subject property is currently provided potable water by California American Water (CalAm) and an existing septic system. The new (replacement) septic system includes a 2,000-gallon septic tank with a 1,500-gallon pump vault and new leachfield. The proposed system has been reviewed and approved by Environmental Health Bureau.

DISCUSSION:

Land Use

Based on staff's review, the project complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 General Plan, Big Sur Coast Land Use Plan (and associated Coastal Implementation Plan), and application sections of the Monterey County zoning ordinance (Title 20).

Development Standards

The development standards for the RDR zoning district are identified in Title 20 section 20.16.060. Required setbacks for main dwellings are 30 feet (front), 20 feet (rear), and 20 feet (sides). The maximum allowed height is 14 feet. As delineated on the plans, the proposed residence would be over 30 feet from the front, 20 feet from the sides, over 20 feet from the rear property line, with a proposed height of 14 feet as measured from average natural grade.

Required setbacks for accessory structures are 50 feet (front), one foot (rear), and six feet on the front one-half of property; one foot on the rear one-half of the property (sides). The maximum allowed height is 15 feet. The project proposes a detached garage, sited over 50 feet from the front, 5 feet 3 inches from the side, and over 30 feet from the rear, with a proposed height of 15 feet as measured from average natural grade. The allowed site coverage maximum in the RDR zoning district is 25 percent. The proposed development would result in structural coverage of 7,830 square feet or 8.99 percent. Therefore, the project meets the site coverage and development standards outlined in Title 20.

Design and Visual Resources

Big Sur Coast Land Use Plan Key Policy 3.2.1 prohibits all public or private development from

being visible from Highway 1 and major public viewing areas (known as the Critical Viewshed). Staff conducted a Critical Viewshed determination site visit on December 12, 2025, to determine whether the project would intrude on the Critical Viewshed. The existing residence (ridge height of 14 feet) and the proposed project's staking and flagging were not visible from Highway 1 or any other public viewshed due to intervening vegetation and topography of the land. The proposed structures would be sited in the same general footprint as the existing residence, only expanding to the north and south, and conform to all site development standards outlined in Title 20. Big Sur Coastal LUP Policy 3.2.5 establishes exceptions to the Key Policy's prohibition. Specifically, LUP Policy 3.2.5.F states that existing vacant residential parcels in the critical viewshed in the Rocky Point subdivision shall be permitted to be used for residential purposes, subject to the design standards of LUP Policy 3.2.4 (Land Not in the Critical Viewshed).

Consistent with Policy 3.2.4.1, the design and siting of the replacement structures are located in previously developed areas, and the applicant does not propose tree removal, which will aid in assuring the proposed development does not detract from the natural beauty of undeveloped skylines, ridgelines, and the shoreline. Consistent with Big Sur Coast LUP Policy 3.2.4.3, the project includes colors and materials that are subordinate and help blend the development with the surrounding environment, and includes a flat pitch roof that complies with the height restriction, to assure the shoreline view is not impacted. As designed, the proposed residence and garage would incorporate colors and materials, including dark gray stucco and stone veneer, natural stained wood siding, dark gray flat metal roof, and dark gray framing for windows and doors. These colors and materials are similar in nature to the existing residence, and would continue to help blend the proposed structures into the surrounding residential neighborhood. The subject property's zoning district has a height restriction of 14 feet from the average natural grade. As designed, compliance with this height restriction ensures that the proposed development would not detract from shoreline views, as the residence would not be visible from the Critical Viewshed, and thus assures protection of public viewshed points and viewing corridors. Therefore, the project, as designed and sited, assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

Environmentally Sensitive Habitat (ESHA)

Big Sur Coastal Implementation Plan (CIP) Policy 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. In accordance with this policy, a Biological Report (County of Monterey Library No. LIB250340) was prepared, and the project biologist surveyed the subject parcel twice within the same year to provide a flowering survey, as well as to survey the property 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 (Northern Coastal Bluff Scrub habitat).

The proposed development would be sited primarily within existing development footprints, but expands to the north and south into existing areas occupied by ornamental landscaping. However, the proposed development would not be sited within ESHA or have direct or indirect impacts on ESHA and thus ensures the protection of ESHA (Policy 3.3.2.8). Further, the project is consistent with Big Sur Coast LUP Policies 3.3.2.4 and 3.3.2.7 as it proposes long-term

improvements and maintenance of the habitat present on site through the use of invasive species eradication and habitat restoration recommendations, as detailed in the prepared biological report.

Consistent with Big Sur LUP Policies 3.3.2.7 and 3.3.2.9, and per the biologist's recommendation, Condition No. 9 requires that the landscape plans include native landscaping species, and procedures to eradicate invasive, exotic species from encroaching into the area containing ESHA to keep the land areas adjacent to the habitat compatible with the long-term maintenance of the sensitive resource. Consistent with Big Sur LUP Key Policy 3.3.1, Condition No. 11 has been added to require the Applicant/Owner to implement a Northern Coastal Bluff Scrub (NCBS) Restoration Plan that accomplishes the eradication of exotic species surrounding the native coastal bluff scrub habitat, to then be replanted with native species at a 2:1 ratio and monitored biannually for three years. In accordance with Big Sur LUP Policy 3.3.2.3, the County shall require deed restrictions or dedications of permanent conservation easements in environmentally sensitive habitats when new development is proposed on parcels containing such habitats. Therefore, Condition No. 13 has been applied to require a conservation and scenic easement be placed over those portions of the property where the NCBS is located.

According to the project biologist's survey, there is a low to moderate potential that the adjacent Monterey cypress trees provide monarch butterfly overwintering habitat. Although Monarch butterflies are not special status species, their overwintering habitat is recognized by the Big Sur Coast LUP as ESHA. Thus, with the implementation of standard Condition No. 5 (tree and root protection), any potentially overwintering habitat would be protected in place. To avoid potential impacts to nesting raptors and other avian species, the project biologist recommends the property be surveyed prior to construction if it were to occur during nesting season. Therefore, Condition No. 6 has been added to require the applicant to conduct the survey prior to construction, if construction takes place between February 1 and September 1. The biological report also recommends that the coastal bluff area and below marine habitat be protected through the installation of silt fencing around the west and southwest development perimeter, to prevent unwarranted construction impacts and sedimentation erosion during construction. Condition No. 4 has been applied to require the Applicant/Owner to prepare a comprehensive construction management plan that illustrates the location of the protective fencing, areas suitable for construction staging, and other measures outlined in the report to protect onsite and nearby sensitive resources while avoiding construction nuisance impacts to nearby properties.

Therefore, as sited and designed, and with implementation of the conditions previously described, the proposed project would be consistent with regulations for the development adjacent to environmentally sensitive habitats, would have no or less than significant impacts on ESHA, and would result in enhanced ESHA habitat values.

Development within 50 feet of a Coastal Bluff

According to the project plans and County of Monterey GIS records, the proposed development is sited within 50 feet of a coastal bluff. As identified in Title 20 section 20.70.120.A.1, a Coastal Development Permit is required for any development within 50 feet of a coastal bluff. Additionally, pursuant to Big Sur CIP Policy 20.145.080.1.B, a Geologic report is required for

such development (County of Monterey Library No. LIB250341). As indicated in the report, the two primary faults in the immediate vicinity of the property are the Palo Colorado Fault, which is about 1.8 miles north of the property, and the Sur Fault located approximately 0.9 miles south of the property. The geology in the vicinity of the subject site consists of sandstone bedrock overlain by recent marine terrace deposits. The bedrock is resistant to coastal erosion, and the site has slow erosion rates due to how much of the coastal bluff face is composed of hard sandstone, and nearshore bedrock islets, which serve to diminish wave runup and wave impact. The geologic observations of the bluff face and earth materials found in exploratory borings indicate that Marine Terrace Deposits exist at the building site and overlie a wave-cut bedrock platform surface approximately 15 to 20 feet below the ground surface. The field observations also indicate the bedrock found at the property contains sandstone, formed approximately 66 to 100 million years ago.

Additionally, the report included a review of the potential of coastal erosion impacts as it relates to the project site. The report includes a series of 11 photos spanning the 47-year period from 1972 to 2019, revealing that there has been little change in the sandstone portion of the bluff face along the edge of the cove where the bluff edge is closest to the proposed improvements. The bluff face has shown a relatively low amount of discernible erosion, and the geologic and geomorphic conditions were found to be virtually identical in the photograph taken in April 2024 to those in the photograph from October 2019. The proposed development is designed to incorporate measures outlined in the report to minimize potential erosion concerns and incorporates the geologist's recommended 75-year coastal recession setback of 22.5 feet. Consistent with Big Sur LUP Policy 3.7.2.3, the project has been designed to minimize risk to an acceptable level and does not require the construction of a seawall.

Archaeological Resources

The Monterey County Geographic Information System identifies the subject property to be in an area that is mapped as having a high sensitivity to the presence of archaeological resources. Pursuant to CIP section 20.145.120, a Phase I and II Archaeological Report (County of Monterey Library No. LIB250339) was prepared for the property, which assessed the potential of the project area to contain archaeological resources. The subject parcel has had moderate to high ground disturbance from 1968 to the present and is currently developed with a single-family dwelling and attached garage. There is no evidence demonstrating that significant cultural or tribal resources exist on the project site. Therefore, the potential inadvertent impacts are limited and controlled with the application of Condition No. 3, which requires work to stop if previously unidentified resources are found during construction.

CEQA:

California Environmental Quality Act (CEQA) Guidelines section 15302 categorically exempts replacement and reconstruction of existing structures, including single-family dwellings and accessory structures, with the proposed structures being located on the same site as the structure replaced, and will have substantially the same purpose and capacity as the structure being replaced. As proposed, the project involves demolition of the existing residence and garage, and construction of a replacement residence with a detached garage, in the same location as the existing residence, and maintains the same purpose and capacity as the existing residence. The project, as proposed, would not result in impacts on an environmental resource, any scenic highways, or historical resources (cultural or structural), and this site is not a hazardous waste

site. The project's location in or near a particularly sensitive environment (CEQA Guidelines section 15300.2(a)) does not bar the project from qualifying for a Class 2 exemption. No evidence of significant adverse environmental effects or cumulative effects was identified during the staff's review of the development application.

LUAC:

The proposed project was reviewed by the Big Sur Coast Land Use Advisory Committee on January 27, 2026. The committee recommended approval of the project by a vote of 4-0 in support of the project as proposed. Concerns were raised about the removal of Cypress trees and the potential for increased views of the residence from Highway 1. However, no trees are proposed for removal, and the proposed development would not be visible from Highway 1.

OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- HCD-Engineering Services
- HCD-Environmental Services
- Mid-Coast Volunteer Fire Brigade
- Big Sur Coast Land Use Advisory Committee

Prepared by: McKenna Bowling, Associate Planner, (831) 755-5298

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 - Project Data Table

Exhibit B - Draft Resolution

- Recommended Conditions of Approval
- Site Plans, Floor Plans & Elevations
- Colors and Materials

Exhibit C - Vicinity Map

Exhibit D - LUAC Minutes dated January 27, 2026

Exhibit E - Geological Report

Exhibit F - Biological Report

cc: Front Counter Copy; Big Sur Coast LUAC; Mid-Coast Volunteer Fire Brigade; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Associate Planner; Fionna Jensen, Principal Planner; Lex Neal Bayer Revocable Trust; Property Owner; The Law Office of Aengus Jeffers, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild, Planning File PLN250111.