

Exhibit A

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EXHIBIT A DISCUSSION

EXISTING SITE:

Circa 1960, a single-family residence was constructed on the site. The site is situated on a coastal bluff where erodible soils overly bedrock. Remnants of environmentally sensitive habitat area, coastal bluff and coastal sage scrub, are present on the steep coastal bluffs on the north/northwest portions of the site, and sage scrub covers the property to the south of the site. Many screening Monterey cypress trees have been planted around the site. The residence is served by a spring and an onsite wastewater treatment system, neither of which would be altered by this application. The site contains two buildings, a 12,176 square foot single family residence with a 644 square foot attached garage (making the total size of that building 12,820 square feet), and a 397 square foot detached guest house. There are several improvements constructed on the site, the majority of which are in the immediate vicinity of the residence or between the residence and Highway 1:

- A walking path and hilfiker retaining wall travels west from the residences and northwest, parallel to the coastal bluff to a seating area on the northwest corner of the site.
- A flat terrace area is immediately west of the existing residence, which has a septic tank underneath it.
- The existing driveway which forms a u shape, curving south from the highway and then back north to the residence.
- Sandwiched between the curved driveway are various site improvements, including a deck, stone paths, gardens, a lawn area, and wood planters.
- Parallel to Highway 1 are fences and entry gate, a water tank, and a septic system.

The site and residence appear remarkably similar to when it was initially constructed. Aerial imagery from as early as 1972 shows the existing residence, driveway, walking path, and cypress landscaping.



Figure 1: Aerial image of the site from 1972, taken from Geological report LIB230086

PROJECT SCOPE:

Lot Merger

The project proposes merging two legal lots of record into a single parcel. While the site has one Assessor's Parcel Number (APN), it's a common misconception that APN's correspond to whether a property constitutes a legal lot of record. The Assessor's office prepares Assessor's Parcel Maps solely for tax assessment purposes, so there are times when multiple APN's only

correspond to a single lot, or as in the case of the Robert's property, a single APN contains more than one legal lots of record. The Subdivision Map Act, and our local subdivision ordinance enacted thereto, Title 19 the Coastal Subdivision Ordinances, detail when a property is considered a legal lot of record.

The property with the existing residence, "Parcel A" contains 1.59 acres. "Parcel B" is a separately described vacant property north and west of Parcel A containing approximately 2.56 acres. A parcel may be considered a legal lot of record if it is specifically and separately described as a lot within a deed that may describe several parcels, provided that the deed was recorded prior to March 2, 1964 (a key date in changes to the Subdivision Map Act, which required filing of a parcel or final map for the division of properties less than 2.5 acres in size) and the property complied with the zoning requirements in existence at the time the deed was recorded.

In this case both parcels are individually and separately described in the deed filed in Volume 746 of Official Records of Monterey County at Page 352 recorded December 1, 1941. The first sectional district map establishing zoning for the properties, Ordinance No. 578, was adopted February 11, 1946, meaning that the property had no zoning classification at the time the deed was recorded in 1941. The zoning ordinance in effect at the time, Ordinance No. 377, adopted on October 6, 1930 had no regulations for properties which did not have a zoning designation. The summary section of Ordinance No. 377 states "It should be clearly understood that this ordinance is not regulating County property as a whole. At this time-October, 1930-its provisions have only been applied in zoning the Carmel Highlands area and The Point adjacent to Carmel." As there were no zoning requirements in existence for these properties at the time that the deed was recorded in 1941, and they are both specifically and separately described in their current configuration, both are separate legal lots of record.

The subject properties are zoned Watershed and Scenic Conservation with a Density of 40 acres a unit and a Design Control Overlay in the Coastal Zone or "WSC/40-D (CZ)" and the lot merger would reduce a number of legal non-conforming zoning conditions on the site:

- Building site coverage: Existing Parcel A contains the residence and guest house and is 1.59 acres (69,260 square feet). The allowable building site coverage is 10 percent (6,926 square feet), while existing coverage is 16.6 percent (11, 550 square feet). After the merger the maximum allowable building site coverage would be 18,065 square feet, so the proposed 9,505 square feet of coverage would comply with the building site coverage requirements.
- Setbacks: The north side setback for Existing Parcel A is approximately 10.6 feet, while the minimum required side setback is 20 feet. When merged, the northern side setback would be increased to greater than 100 feet, meeting the minimum setback requirement.
- Density: The density of the zoning district is 1 unit per 40 acres. Neither existing nor merged lots comply with this. While the resulting lot would have one unit and only be 4.15 acres, it would reduce the non-conformity as it brings the property closer to the required density.

The merger would also eliminate a legal lot of record in the Critical Viewshed and which contains environmentally sensitive habitat area.

Residence Remodel

The existing 12,820 square foot single-family residence and attached garage (12,176 square feet residence and 644 square feet for the attached garage) would be extensively remodeled, including a minor demolition and addition, resulting in a 12,636 square foot single family residence, a reduction in 184 square feet. The attached 644 square foot attached garage would be removed and that portion of the building be converted to floor area, while three portions of the residence, one being a two story section on northwest side of the residence, and two others being single-story sections on the east of the residence, would be demolished. The overall area of the single-family residence would increase by 460 square feet. This fits within the Monterey County Coastal Implementation Plan section 20.145.020.FFFF definition of a remodel. The project would replace the colors and materials on the existing residence with weathered wood siding, stone siding and site walls, a standing seam copper roof, grey stone paving, and dark patina steel frame doors and windows. Alterations would be made to the exterior walls in order to change the configuration of doors and windows on the building.

Guesthouse

The existing 394 square foot guest house would be demolished and replaced with a 424 square foot guest house. The colors and materials of the new guest house would be the same as the single-family residence.

Garage and Site Improvements

East of the residence, the existing driveway, walking paths, deck, lawn and planter boxes would be removed. A new detached 941 square foot garage would be built in the existing lawn area, which would be graded up (filled) to be consistent with the adjacent grade (what the proposal refers to as the “presumed natural grade”) such that the garage is built into the landscape and not visible from Highway 1, and an auto-court with a fire-truck turnaround area would be installed in front (west) of it. The driveway would be replaced in the same alignment, and the deck/pathways replaced with a new stone path that connects the auto-court and garage to the residence. Post construction stormwater control / drainage improvements would installed to collect and convey water beyond the coastal bluff edge. A new outdoor pool and a pool deck would be installed east of the residence to replace the indoor pool being removed as part of the remodel of the single-family residence.

CRITICAL VIEWSHED:

The property is in Big Sur west of Highway 1, between the highway and the ocean. North of the site along Highway 1 are the intersection of the highway and Palo Colorado Road, then Rocky Point. South of the site is Rocky Creek Bridge. Highway 1 in Big Sur is one of the most visually spectacular stretches of coastline in the nation, “[T]he aesthetic and scenic qualities and semi-wilderness character of the coast have received national and even international acclaim.

Accordingly, the issue of visual resource protection is probably the most significant and far reaching question concerning the future of the Big Sur coast.” Big Sur Coast Land Use Plan (BSC LUP) section 3.2. Along this portion of highway the general visual character is views of grass/prairie and the rocky coastline to the west, and rolling hills with chaparral to the east.

These views are partially interrupted by portions of the highway which appear to have been cut into the existing hillsides, where slopes block most views in either direction. The viewshed is

also partially degraded by the presence of telephone poles and cables east of the highway. A few residences and appurtenant site improvements such as fences, driveway entrances, and mailboxes are visible driving along this portion of the highway.

Critical Viewshed Policy

Recognizing the Big Sur coast's outstanding beauty, BSC LUP Key Scenic Resources Policy 3.2.1 prohibits all public and private development in the Big Sur Critical Viewshed, which includes everything within sight of Highway 1. There are supplemental policies addressing parcels partially in the Critical Viewshed (BSC LUP Policy 3.2.3.A.2) and replacement structures (BSC LUP Policy 3.2.3.A.7) which are discussed in greater detail below. The procedure for identifying whether a property is in the Critical Viewshed is detailed in LUP Policy 3.2.3.B.1, which indicates that the structure shall be accurately flagged to show dimensions, height, and rooflines. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season, and views from Highway 1 shall not be obscured by artificial berming or landscaping.

Critical Viewshed Determination

The replacement guest house and detached garage were staked and flagged in accordance with BSC LUP policy LUP Policy 3.2.3.B.1. The planner conducted site visits on March 30, 2023 and September 26, 2023 to review the visual character of the site and the proposed project. After these visits the project was re-designed and re-flagged, and the planner conducted subsequent site visits on January 17, 2024, and February 27, 2024. The following is a description of the viewshed for the travelling public going from north to south:

- The existing residence is visible along Highway 1 from approximately 0.68 miles to the northeast (distances measured directly from highway to the closest point of the structure/property).
- As motorists drive south around the bend past Palo Colorado Road, the existing residence is visible while the rest of the site is screened.
- Along the straight away 0.17 miles north of the property the site is completely blocked from view by a knoll/hillside east of Highway 1.
- Driving south past this knoll the roofline of the existing residence becomes visible again.
- Continuing south as you approach the entrance driveway a low profile stone wall, gate, and mailbox are visible.
- Looking directly west from the center of the site a water tank, fencing, existing driveway and hardscape, the flagging for the replacement guesthouse, and the flagging for the garage become visible, with the existing residence visible behind them.
- Continuing to the south and looking northwest these structures are heavily obscured by Monterey cypress but remain partially visible.
- Continuing south eventually only the roof of the existing residence is visible, and then the site and all structures pass out of view entirely.
- A heavily vegetated knoll approximately 0.28 miles south of the site blocks the site entirely from view from areas further south.

In summary, while the site is heavily screened by cypress trees, it contains structures and site improvements in the Critical Viewshed, with the existing single-family residence being the most visually prominent. Site improvements and accessory structures become visible for the travelling

public immediately east of the site and remain visible for a brief period of time.

Analysis

BSC LUP Policy 3.3.2.A.7 addresses replacement and enlargement of existing structures, “The general policy concerning replacement of structures shall be to encourage resisting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures, or structures lost in fire or natural disaster within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure. Replacement or enlargement of structures outside the critical viewshed shall be permitted as long as such replacement or enlargement does not cause the structure to intrude into critical viewshed.” The replacement of the guest house, remodel of the single-family residence, and replacement site improvements are all consistent with this policy:

- The guest house has been re-sited to a less visible location and re-designed in order to reduce visibility, as the existing guesthouse is sited, the flat roof is prominently visible, and a portion of the structure appears to obstruct blue ocean views, both of which draw viewers eyes to the structure. The proposed guest house would bring the existing guest house further inland, such that it no longer silhouettes against the ocean. The flat roof would be re-oriented, so that it isn’t as visually prominent and doesn’t draw viewers eyes toward it. The overall height of the structure is being reduced by 2 feet and 6 inches from 14 feet existing to 11 feet 6 inches.
- The remodeled residence would be slightly less visible than the existing residence from certain vantage points, particularly north of the site looking southwest. This is due to the removal of the southern portion of the residence and the changes to the roof profile on the south façade, which reduce the ridge at that location and pull portions of the structure away from the bluff.
- The existing site improvements, including the driveway and artificial lawn area are visible from Highway 1 looking east and encompass the majority of the site between the existing driveway and residence. The proposed site improvements, including the driveway, auto-court, walkway, and pool, are sited in a similar configuration, such that they would not increase visibility or adversely impact the viewshed.

BSC LUP Policy 3.3.2.A.2 and 3.3.2.A.3 address properties partially in the Critical Viewshed, “[T]he best available planning techniques shall be used to permit development of parcels partially in the critical viewshed. These may include clustering of structures, sensitive site design, design control, transfer of development credits, and other techniques designed to allow development on such parcels outside the critical viewshed,” and “[W]here it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.”

The detached garage is consistent with these policies. The first iteration of the project design included a new structure that was visible in the Critical Viewshed, inconsistent with Key Policy 3.2.1. However, after the Big Sur Land Use Advisory Committee (LUAC) meeting on January 15, 2024 the applicants revised their proposal to change the design and height of the proposed

structure to ensure conformance with the key policy as required by Policy 3.3.2.A.3. This was done by a combination of height reduction and site grading. The overall height of the garage from 7 feet 6 inches above average natural grade to only 9 inches above average natural grade. To ensure that the garage is not visible at all the applicants are re-contouring the site such that the entire garage would be underground and not visible. This is consistent with Policy 3.3.2.A.2, which requires that the best available planning techniques be used permit development of parcels partially in the critical viewshed. The Landscaping Condition No. 6 is incorporated and includes project specific language that requires that the grading contours and fill above the garage be maintained in perpetuity with vegetative cover to prevent the garage from becoming visible in the future. Building the garage into the landscaping in this manner is a unique approach that would not necessarily be supportable in other cases or for other projects. The Critical Viewshed determination Policy 3.2.3.B.1 states that visibility shall be considered without artificial berming or landscaping. In this case the applicants are restoring the contours of the site that had been graded down to create a lawn, not berming or mounding up. This creative grading approach is supportable due to the unique site-specific factors applicable to the Robert's property:

- The grading would not create artificial knolls or mounds that would increase the overall grade height, be man made in appearance, or impede visual access.
- In the lawn area the existing topographic contours are inconsistent with the adjacent grade, and there are retaining walls along the eastern portions of this lawn that show where artificial cut had been made, so there is reasonable certainty that this area was artificially graded down to create a flatter terrace for the lawn.
- The resulting grade would match the adjacent grading contours to create a more natural appearance.
- Perhaps most critically, this work is being performed with other work that reduces the overall visibility of structures in the Critical Viewshed.

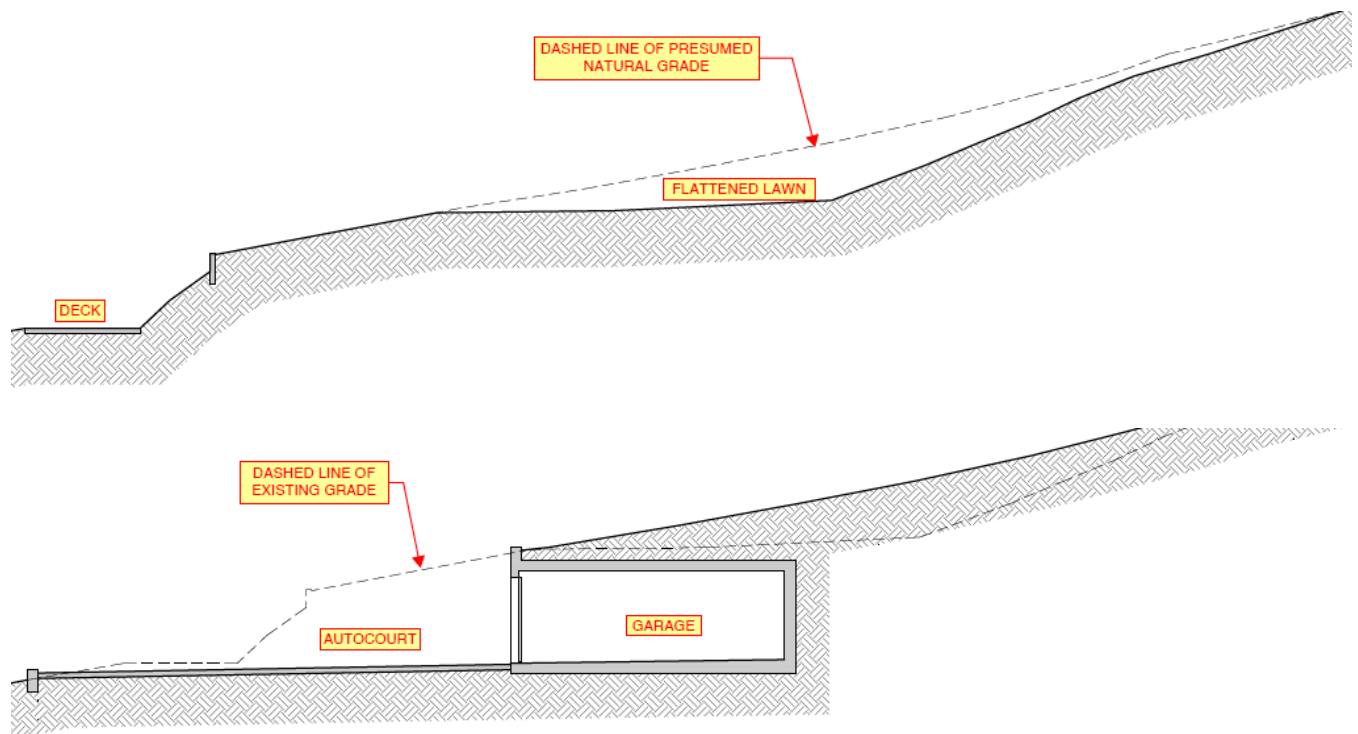


Figure 2: Section cut of the existing lawn area and section cut after depicting the proposed garage/grading

CIP section 20.145.030.A.2.h requires that as a condition of approval for properties in the Critical Viewshed, the owner grant a scenic easement to the County over existing vegetated areas where development could be located in within the Critical Viewshed. Condition No. 10 is recommended to implement this regulation. The exact areas subject to the easement would be reviewed and approved by HCD-Planning, and then the easement will be taken to the Board of Supervisors for review and acceptance. BSC LUP Policy 3.3.2.3 requires conservation and scenic easements for environmentally sensitive habitat areas as well, so the easement would include sensitive habitat areas regardless of their visibility in the Critical Viewshed, and enumerate that the scenic easement also protects the bluff and sage scrub environmentally sensitive habitat areas on the north and northwestern coastal bluffs.

BLUFF DEVELOPMENT:

Geological and Geotechnical Reports

Big Sur Coast Land Use Plan (BSC LUP) Policy 3.7.3.A.9 and 3.7.3.A.11 require preparation of geological and geotechnical reports for development in proximity to a coastal bluff, and in areas of known or suspected geologic hazards, to assess geologic hazards and provide recommendations to address them. In this case a geological report (LIB230086) was prepared by engineering geologist Mark Foxx and a geotechnical report (LIB230087) prepared by Moses Cuprill, P.E. and Ashton Buckner, P.E. These two reports are supplemented by a technical design memo prepared by Moses Cuprill, P.E. and Ashton Buckner, P.E. dated February 10, 2023. The geotechnical report states that there are no significant geotechnical or geologic hazards at the site which would prohibit the proposed development, provided the recommendations presented in it are followed in development of project plans and specifications. These include recommendations regarding grading, foundations, utility trenches, drainage, and site plan review.

The geological report (LIB230086) described the geology in the vicinity of the site and analyzed potential geologic hazards that could impact the property or project. It concluded that the project was feasible provided the recommendation in it were followed. The report characterized the geology of the site as granodiorite bedrock overlain by recent debris fan deposits. The report also states that there are possibly remnant marine terrace deposits above the bedrock. The debris fan deposits consist of sands, silts and gravels that are very susceptible to erosion. The granodiorite bedrock is much less susceptible to erosion. The existing residence is placed on the debris fan deposits. To the west of the residence is a flat terrace, where a septic tank is sited (a leech field also used to be in this location but has since been moved east of the residence), and an existing walking path, which slopes downward and north parallel to the western property line. This path appears visible in historic coastal imagery of the site in the geologic report from 1972 and 1979. The geological report recommendations included that new habitable development only be constructed inland of the 50 year bluff erosion and instability setback established in it; that development include measures to minimize erosion (such as landscaping and drainage control) and that stormwater runoff dispersal and erosion control be implemented; permit plan review; careful monitoring of future coastal erosion and bluff recession; and that removal of any existing improvements be done in a manner that minimizes removal and impact to underlying soils. The

report also recommended foundations be sited seaward of the 50 year bluff setback, however, this was based on the concept of demolishing the existing residence and constructing a new one. The scope of the project was changed since the initial preparation of the geological and geotechnical reports in 2022, and the technical design memo prepared by the geotechnical engineer recommends that any foundations seaward of this setback be deep foundations installed to penetrate below the landslide plane depicted in sections of the site showing the 50 year bluff setback, which would minimize the threat to life and safety of the building occupants in the event of a major landslide.

CIP section 20.145.080.A.2.a requires that the recommendations of geological and geotechnical reports be incorporated into the project design. To ensure that both the geologist and geotechnical engineers' recommendations are adhered to, Condition No. 8, Notice of Report is recommended. This will require the applicant to record a notice on the property stating that all development will be in accordance with the recommendations of the geological and geotechnical reports, including the geotechnical engineers technical design memo dated February 10, 2023.

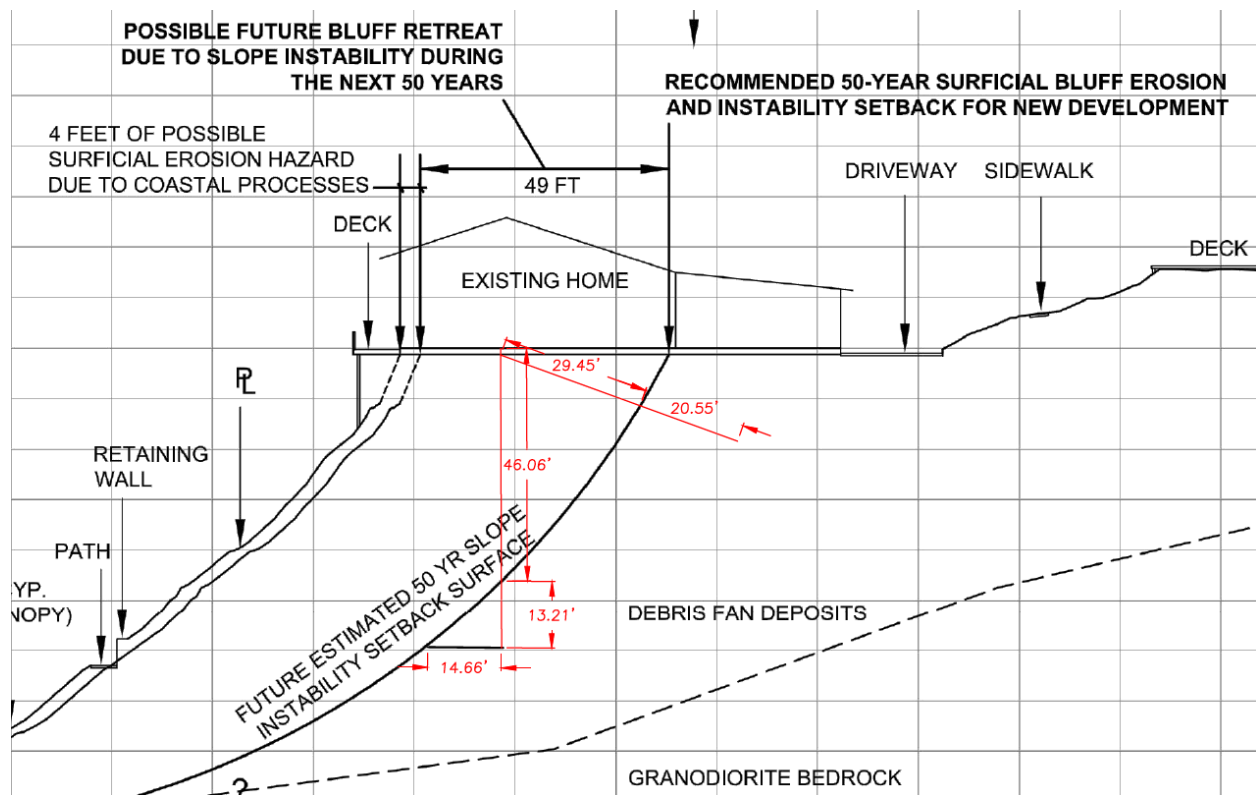


Figure 3: cross section of the site from the geotechnical engineers memo dated February 10, 2023

Previous Entitlements

On April 2, 2019, the County Zoning Administrator approved Emergency Coastal Development Permit PLN190043 (Resolution No. 19-43), which allowed a hilfiker retaining wall to stabilize the flat terrace west of the home where the septic tank was present. Resolution No. 19-43 states that large storm events occurred throughout 2018 and the first quarter of 2019, causing seepage, and slumping of the soil behind an existing wood and post retaining wall that supported the flat

terrace. The wall was installed to prevent slumping and stabilize the terrace area. A follow up Coastal Development Permit (PLN190385) was approved by the Zoning Administrator on August 27, 2020 (Resolution No. 20-33), which allowed an additional tied-back soldier pile retaining wall east and parallel to the existing walking path. This wall was designed to stabilize the slopes containing the existing residential development and collect and direct seepage away from erodible soils. Lawrence E. Grice, P.E. prepared the previous geotechnical analyses (LIB190043 and LIB190044) for these permits.

Bluff Recession and Deed Restriction

The uncemented nature of the topsoil and debris fan deposits, coupled with occasional intense coastal storms can result in erosion and bluff recession hazards along the bluff edge. In order to calculate the anticipated retreat of the bluff, the geologist compared historical satellite imagery, which resulted in a worst case retreat of historical bedrock retreat of 1 to 2 feet from 1972 to 2022. The debris fan deposit appears to have retreated from 0 to 4 feet in some isolated spots. The report concludes, "Using the high end of the average annual terrace deposit erosion rates that appear to have historically occurred on the property since 1972 (50 years) would suggest that about 4 feet of debris fan deposit erosion could cause 4 feet of recession of the bluff edge from surficial erosion could occur at the subject property in the next 50 years." To evaluate what portion of the building site is likely to remain stable over the next 50 years, the geological report incorporated the geotechnical reports (LIB230087) slope stability analysis to come up with a 50 year (until 2073) bluff erosion and instability setback. The report concludes that any development seaward of the 50 year coastal recession setback line may be damaged and need to be sacrificed. Since both the geological and geotechnical reports were prepared for the project, the project plans were revised to propose remodeling the existing residence rather than demolishing it and building a replacement residence. As portions of the existing residence are seaward of the recommended 50 year bluff setback, a technical design memo was prepared by Moses Cuprill, P.E. and Ashton Buckner, P.E. dated February 10, 2023. This memo recommends that any foundations seaward of this setback be deep foundations installed to penetrate below the landslide plane depicted in sections of the site showing the 50 year bluff setback.

The geological report (LIB230086) states that moderate seismic shaking is expected in the next 50 years, and that other than seismic shaking, coastal bluff landsliding is the most significant geologic hazard at the site. BSC LUP Policy 3.7.2.4 requires that in locations determined to have significant hazards, development permits include a special condition requiring the owner to record a deed restriction describing the nature of the hazard and long-term maintenance requirements, and BSC LUP Policy 3.9.1.1 requires that bluff top setbacks be adequate to avoid the need for sea walls during developments lifetime. In this case the areas seaward of the 50 year bluff erosion and instability setback are subject to known bluff erosion and slope stability hazards. Therefore, Condition No. 9 is recommended to ensure consistency with these policies, which will require the applicant to record a deed restriction identifying that the site is subject to coastal hazards, assuming the risks of such development, waiving liability, indemnifying the Coastal Commission and County of Monterey for any damages due to coastal hazards, prohibiting future coastal armoring, requiring geotechnical analysis evaluating whether development is safe should land sliding, storm surge events, or bluff erosion threaten it, and re-location/removal should the development become unsafe without the installation of new sea walls or shoreline protective structures. Maintenance and repair of the existing retaining walls

permitted by PLN190043 and PLN190385 shall be allowable within this deed restriction so long as those walls are only retaining surcharge of the landward development, and not functioning as sea walls or interfering with natural shoreline/coastal processes, including inland habitat migration and coastal erosion.