

Exhibit B

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EXHIBIT B DISCUSSION

History:

In 2011, a Combined Development Permit (PLN100342) was granted to allow demolition of an existing single family dwelling and construction of a 2,106 square foot two-story residence with 1,159 square foot patio and approximate grading of 417 cubic yards to be balanced onsite. Other entitlements included development within 50 feet of a coastal bluff, development within 750 feet of a known archaeological resource, and a Variance to allow a reduction in the side yard setback. The Variance was substantiated because it avoided development within the critical viewshed. Before the project expired, an Extension (PLN130912) was granted through September 8, 2016.

Current Proposal:

This is an Amendment request to increase the house size from 2,106 square feet to 8,396 square feet; and increase grading from 417 cubic yards of cut to be balanced on site to approximately 1,030 net cubic yards to be removed from site. The proposal also includes the other entitlements for the proposed project: development within 50 feet of a coastal bluff, development within 750 feet of a known archaeological resource, and a Variance to allow a reduction in the side yard setback.

The new structure proposed to maintain the three foot side yard setback, but proposed to expand the structure approximately 100 feet along the front Highway 1 right of way setback. The findings for granting a Variance in this situation cannot be supported because the subject property is not being deprived of privileges enjoyed by other properties in the vicinity. This is a substantially larger house. This would be a grant of special privilege. Therefore, staff could not support a variance request.

Revised Proposal: After further discussions, the applicants have submitted revised plans that shift the main residence 20 feet to the south to conform to the side setback. In doing so, this will require the removal of two planted Monterey Cypress trees that are in poor health, and an existing caretaker unit currently in the Critical Viewshed and will be replaced with an accessory dwelling unit on the east side of Highway 1. The revised project is as follows:

- Move the main house to the south to satisfy a 20 foot side setback;
- Relocated the accessory dwelling unit for the onsite caretaker unit outside of the viewshed east of the bridge (and greater than 50 feet from the creek);
- Remove two (2) planted Cypress trees that are in poor health to accommodate the relocated main house.

Project Issues:

Analysis of Revised Project: The main house has been shifted to the south 14.5 feet to comply with the 20 foot side setback requirements. As a result, the existing approved variance is not required. Some minor landscape revisions to the main house have been added including a small pool (225 square feet) and low retaining wall steps leading to the main house.

The existing caretaker unit is currently visible within the critical viewshed on the west side of Highway 1 and closer to the bluff than would be permitted today. As a result of moving the main dwelling, the existing unit will need to be demolished and replaced with an accessory dwelling unit. Relocation of the accessory dwelling unit east of the bridge reduces development in the critical viewshed (determination that new location qualifies as is non-critical viewshed)

and away from the coastal bluff. The proposed ADU has been located to avoid development on slopes in excess of 30%.

Removal of two non-native Cypress trees is supported by the project arborist, Maureen Hamb. She confirms both trees are poorly structured with weak branch attachments that can lead to branch failure. Project Biologist, Fred Ballerini confirms there is no native habitat with the development window and supports the project redesign through the incorporation of recommendations included in his letter report. Gary Breschini, project archaeologist, conducted augering in the area of redesign and finds the proposed relocation does not pose a problem for cultural resources.

Grading - The original grading consisted of 519 cubic yards of cut and 102 cubic yards of fill, with a net 417 cubic yards to be balanced on site. Due to the proposed expansion of a larger home, grading is now proposed to increase to a net 1,030 cubic yards to be hauled off site. Most of the grading will be for the foundation of the single family dwelling with some for the turnaround required by the Fire Department. The proposed house will be situated up against the gently sloped bluff on the inland side of the parcel consisting mostly of slough that will be evened out for the foundation. Construction impacts are temporary and will not increase the baseline of GHG emissions associated with transport of construction materials to and from the project site. A construction management plan has been submitted and includes worker parking, temporary stockpiling, equipment staging and a truck route for hauling export. Hauling of fill materials will be limited to 2 trucks per day with a total not to exceed 20 trips during the construction period.

Critical Viewshed – Pursuant to Policy 3.2.2.1 of the Big Sur Coast Land Use Plan, the parcel is considered to be within the Critical Viewshed. The Critical Viewshed is everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and specific locations. Development proposals shall be modified for design, height, and/or bulk, or shall be re-sited, where such modifications will result in a project which does not intrude on the Critical Viewshed.

The original house could barely be seen from Highway 1, unless you were standing above it on Highway 1; however, it was located 13.5 feet on State Park property. There are several trees and bushes that provide for substantial screening from Highway 1. The previously proposed house (PLN100342) was granted a variance to allow a reduction in the side yard setback in order to re-site it within the property line and be placed within the same general footprint of the original house in order to avoid development within the critical viewshed. Staff determined that the revised house is not located in critical viewshed. Demolishing the existing ADU removes a structure within critical viewshed (legal-non-conforming). The ADU can only be seen if one is standing on the bridge and looking down, which is not a bridge for walking pedestrians. Staff determined that relocating the ADU east side of the bridge would be within non-critical viewshed pursuant to Section 20.145.030.C of the Big Sur CIP removes an existing structure in Critical Viewshed.

Geology (Coastal Bluff): - The parcel is located between Highway 1 and the ocean and is within a high geologic hazard. The previously approved structure was located in the same area as the existing structure and at the farthest end way from the ocean. The previous geologic report concluded that replacement of the existing building and foundation with a well designed, site specific, engineered foundation would reduce any geologic hazard. The previously proposed single family dwelling was much wider than the currently proposed project. An updated

geologic report confirms the proposed changes are not significant, and the present design may actually reduce geologic impacts to the site.

Archaeology: - The archaeological resources identified in the previous Mitigated Negative Declaration required additional auger testing. Because of the proposed larger house and since adoption of the Mitigated Negative Declaration (MND), archaeologists have performed auger tests within the proposed development areas and found that no cultural materials were present or an impassable obstruction was encountered. Project archaeologist, conducted augering in the area of redesign and finds the proposed relocation does not pose a problem for cultural resources. Onsite monitoring will still be required as required by the MND. Therefore, the proposed single family dwelling and ADU with additional grading will have no impacts to an archaeological resource identified on the lower lot.

An Addendum to the Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines). The MND adopted for the previous project identified potential impacts to aesthetics, cultural resources, and geology/soils. The proposed project will have the same or fewer impacts than the previous project. There were six mitigation measures with the original proposal. Mitigation Measures #1, #2, #4 are included for the protection of archaeological resources. Mitigation Measure #3 required auger testing. The testing was completed for this application, which determined no cultural materials were present within the proposed development. Mitigation Measures #5 and #6 are included for geologic impacts. Although a substantial increase in development size, the environmental impacts were adequately addressed in the previous Initial Study. These impacts include aesthetics, archaeology and geology. An Addendum was prepared for this project as there are no new impacts that would change the analysis of the Initial Study.

Big Sur LUAC: - On April 12, 2016, The Big Sur Land Use Advisory Committee (LUAC) reviewed the proposed structure once it was re-staked and re-flagged and recommended approval (4-0 vote) with the proposed Variance. Their only concern was the removal of K-rails located on Highway 1 in front of the property that were left there in 2008, as temporary mitigation for the Basin Complex Fire. They have since been removed.

On October 11, 2016, after re-staking and re-flagging, the Big the Big Sur Land Use Advisory Committee (LUAC) reviewed the most recent revisions. This also included the new accessory dwelling unit (ADU) on the east side of the property. They were disappointed that the County does not want to support the Variance. They believe the new ADU is located in the Critical Viewshed. In the Spirit of the Land Use Plan, policies should be juggled to get the best possible solution and that is to keep the Variance and leave the existing ADU. The LUAC recommended approval (3-0), with two recommendations:

First recommendation: They preferred the original project because they think this is exactly how variances are supposed to be used. Otherwise:

Second recommendation: Accept revised project with conditions:

- Remove a line of planted pine trees north of the bridge and replace these with a lower, denser hedge. The LUAC considers these planted non-native as viewshed encroachments. The Applicant welcomes this recommendation so long as it doesn't complicate the proposed application. This might open up slight blue water views but would definitely open up sky views.
- Modify the existing driveway berm: The LUAC wants the applicants to consider shortening and lowering the berm further. They are open to this and will work with

the LUAC to figure out a solution. The applicant is motivated to find a resolution which works with the LUAC.