

Exhibit B

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EXHIBIT B DISCUSSION

Description

The subject project site is located at 2744 Pradera Road in Carmel, California and is zoned MDR/2-D(18)(CZ) or Medium Density Residential, 2 units per acre with a Design overlay and an 18 foot height restriction in the Coastal Zone. The .23-acre lot was created with the Carmel Meadows Final Map, Unit Number 1, Cities and Towns, Book 5, Page 85, recorded on May 14, 1952 and thus is a legal lot.

Background

Initially, Mr. Wulf's project was processed as a Design Approval but upon closer review, staff determined that additional entitlements were required. A Coastal Administrative Permit was added because the project is proposing an additional story in a location between the sea and the first public road paralleling the sea pursuant to Title 20, Section 20.70.120. A Coastal Development Permit was also added to the project because the proposed development is within 750 feet of a known archaeological resource (pursuant to Title 20, Section 20.06.310). Mr. Wulf adhered to the development standards near archaeological resources by submitting an archaeological report prepared by a qualified archaeologist, Library Number 170227. The preliminary cultural resource reconnaissance results were negative. In addition, Mr. Wulf also submitted a Phase 1 Historic Assessment, Library Number 170083, in which the consultant found that the project site was not of historic significance. Subsequent review of the project by staff did not yield any inconsistencies with Monterey County Code, Title 20, or other policies for the Carmel Meadows area. A routine search of the APN did not show existing violations on this lot; however, staff was able to confirm the applicant's statements that other permits were open for separate projects on this site. Specifically, 17CP00365 was issued to replace existing boiler with a new water heater and repair supply lines as needed for a single-family dwelling; 17CP00366 was issued to replace existing boiler with force air gas furnace, 100K BTU's for a single-family dwelling. On April 5, 2017, staff conducted a site visit and could see staking and flagging on the premises. Staff also noticed that construction was ongoing.

In the second week of April, staff received a phone call from Mrs. Maya Pechak, a neighbor to the southwest of Mr. Wulf's property (directly below Mr. Wulf's property on Ribera Road). Staff was able to verbally communicate with Mrs. Pechak and asked her to follow-up in an email. On April 21, 2017, staff received an email from Mrs. Pechak in which she reiterated some of her concerns with the proposed development. Mrs. Pechak particularly noted the staking and flagging and perceived the second story addition and deck to "be a few feet away, and right above us," [and] "hav[ing] a direct view into our home, our backyard, and all privacy we enjoy today will be lost." On April 24, 2017, staff received a second email from Mrs. Pechak asking about potential violations on Mr. Wulf's property, namely the first-floor windows facing her backyard which she claimed had been changed. On April 25, 2017, staff replied to Mrs. Pechak via email and outlined the zoning for Mr. Wulf's property and also pointed out how Mr. Wulf met the setbacks according to this zoning. The Site Development Standards, specific to Structure and Height Regulations for MDR/2-D (18) (CZ) are as follows:

1. Main Structure

- a. Minimum Setbacks
 - Front: 20 feet (minimum)
 - Side: 5 feet (minimum)
 - Rear: 10 feet (minimum)
 - Maximum height: 18 feet (maximum)

Mr. Wulf's project is within all the setbacks:

- Front: 23.2 feet
- Side: 8-10 feet
- Rear: 26.25 feet
- Height: 17.3 feet (front) and 17.9 feet (back of home)

Front Staff also advised Mrs. Pechak to file a formal complaint with the Building Department if she felt there were violations on Mr. Wulf's property. Staff did not find evidence that Mr. Wulf had indeed switched out the windows facing his backyard. At this time, staff also informed Mrs. Pechak that this project would be scheduled as an item for the Carmel Highlands Land Use Advisory Committee to hear on May 15, 2017.

On April 28, 2017, Mr. Wulf dropped off a new set of plans and flash drive reflecting more accurate scale placement. Once RMA-Planning, Water Resources Agency, RMA-Public Works, Environmental Services, and the Carmel Highlands Fire Protection District deemed this project complete on May 3, 2017 and draft conditions were incorporated, staff scheduled this project to be heard and approved on 6/7/2017 by the Chief of Planning in an administrative hearing. Leading up to the Carmel Highlands Land Use Committee meeting, staff received an additional call and emails from Mrs. Pechak. Mrs. Pechak requested access to the proposed plans and staff helped Mrs. Pechak navigate the Accela Citizen Access website via phone. On May 10, 2017, staff received an email from Mrs. Pechak requesting a site visit to view Mr. Wulf's staking and flagging and alleged window alterations from her home. Staff replied shortly after receiving this email and accepted Mrs. Pechak's invitation for that day. Staff did not find anyone home, however. Staff took additional photographs of the surrounding area and noted the transparent design of many of the homes on Ribera Road with direct views to the beach. Many of these homes, including Mrs. Pechak's, enjoy second stories and open-air decks.

On May 15, 2017, the Carmel Highlands Land Use Committee meeting took place. The Committee heard the following project:

- Coastal Administrative Permit and Design Approval to allow the construction of a new 429-square foot second story with a 385-square foot deck, a 209-square foot first floor addition, and a composite roof. The colors and materials consist of San Francisco Fog (grey) body for single family dwelling with Feather White trim, and Country Grey for the roof. The property is located at 2744 Pradera Road, Carmel (Assessor's Parcel Number 243-034-010-000), Carmel Land Use Plan, Coastal Zone.

Mr. Wulf was present and spoke on behalf of his project. Mrs. Pechak and her husband were also present as were two other neighbors, Mr. Ostercamp and Mrs. Adda Reagan. The LUAC members voted to continue the project citing design and privacy concerns. With information gathered from the applicant, staff, and neighbors, the LUAC members made two specific

suggestions: “Integrate existing roof pitches with proposed 2nd story addition...[so] that it does not look box[y] and “reduce size of proposed deck at 2nd story to provide more privacy to neighbor at rear of Wulf property.” One LUAC member was of the opinion that allowing a second-floor addition with a deck would set a problematic precedent for the neighborhood. Neighbors also voiced concerns about the public viewshed, stating that Mr. Wulf’s second floor addition could be seen from Highway 1, public trails, and Monastery Beach. Staff was able to confirm this; however, while the staking and flagging can be seen from Highway 1 by virtue of its striking orange color, many homes in this subdivision can also be seen in the skyline. In fact, many of the homes on the beach front including Mrs. Pechak’s, can be seen from Monastery Beach and Highway 1. Mr. Wulf’s second floor addition and deck is not unique or exclusive- the project’s second floor is in harmony with the surrounding neighborhood and does not pose a significant impact to the public viewshed and certainly, not more than other homes with second floors and decks with a southern orientation. In addition, Mr. Wulf’s proposed second story and deck have internal circulation and will not be requiring an exterior stairwell for access. The final vote to continue the project until June 5th, 2017 garnered 3 Ayes and 1 abstention (B. Rainer, neighbor to both applicant and objecting neighbors).

Staff re-scheduled this item for the June 5th Carmel Highlands LUAC meeting and advised Mr. Wulf and Mrs. Pechak of the new date. Mr. Wulf was able to meet the quick turnaround and submitted revised plans to RMA-Planning on May 19, 2017. Mr. Wulf added a 30-inch privacy screen (solid wall) and decreased the square footage of the deck by 134 square feet. It is important to note that in addition to meeting the rear setback, Mr. Wulf also proposed to increase the rubber roofing membrane without a deck (EPDM) to 12 feet and add a ¼: 12 slope. Additionally, Mr. Wulf added two accent gable roof peaks to break up the second-floor massing. To support the additions, the first floor was expanded into the courtyard between the garage and bedroom wing by 68-square feet (from 209-square feet to 277-square feet). Because Mr. Wulf’s house is built around this courtyard, the first-floor expansion would only impact existing hardscape. The first-floor addition and much of the second-floor addition would be screened by existing pine and spruce trees (street side). Staking and flagging remains in place.

A notice for the LUAC meeting was mailed to neighbors within 300 feet of Mr. Wulf’s project site on May 22, 2017. Staff completed the staff report for an Administrative hearing scheduled for June 21, 2017. On June 4, 2017, staff received an email from Mr. Wulf with an attachment containing a letter from the Carmel Meadows Association. The Carmel Meadows Association’s Architectural Review Committee reviewed the revised project and determined that the current design was in keeping with the immediate neighborhood’s character and ambiance. On the morning of June 5th, staff received an email from Mrs. Pechak requesting the LUAC, set for later on in the day, be postponed. Mrs. Pechak stated that she was unaware of the Resource Management Agency’s (RMA) collective move and was not able to access the Permit Department for key information. For reference, the RMA was closed for business for two days, Friday June 2nd and Monday June 5th. Per Resolution 15-043, “no matter may be continued more than two times unless requested by the applicant.” Staff conveyed this information to Mrs. Pechak and made it clear that the LUAC meeting would not be canceled/postponed. From the minutes’ record, staff noted that Mrs. Pechak and other neighbors were present in the meeting. A representative from RMA-Planning was not present at this meeting. The following project description was considered at the June 5th Carmel Highlands LUAC meeting:

Coastal Administrative Permit and Design Approval to allow the construction of a new 429 square foot second story with a 251-square foot deck and porch, a 277-square foot first floor addition, and a composite roof. The colors and materials consist of San Francisco Fog (grey) body for single family dwelling with Feather White trim, Country Grey; railing to be composed of metal and wire. The property is located at 2744 Pradera Road, Carmel (Assessor's Parcel Number 243-034-010-000), Carmel Land Use Plan, Coastal Zone.

At the end of the presentation, the Committee members made a motion to deny the project with 3 noes and 1 abstention (B. Rainer, neighbor to both applicant and objecting neighbors). Although Mr. Wulf made efforts to blend in the second-story by adding accent gables with low pitches to create balance, the Committee wanted to see the roofline joined in a manner which would closely frame the second story.

Mr. Wulf came to the RMA-Planning Department on June 6th and gave staff a summary of the LUAC's events. Mr. Wulf said he had reduced the deck's square footage to 190-square feet, bringing the total square footage reduction for the deck to 195-square feet. Staff asked Mr. Wulf to submit revised plans. Mr. Wulf was also informed of staff's decision to proceed with a public hearing for his project. Due to continued public controversy, the project was elevated to the Zoning Administrator. Pursuant to 20.76.060, a Coastal Administrative Permit shall be referred to the Zoning Administrator for consideration at a public hearing if there is evidence of public controversy or public opposition to the proposed use or development. Staff also informed Mrs. Pechak of staff's decision to refer Mr. Wulf's project to the Zoning Administrator. On the evening of June 6th, staff received a formal written request for a public hearing from Mr. and Mrs. Pechak via email.

Before the Zoning Administrator:

Coastal Administrative Permit and Design Approval to allow the construction of a new 429-square foot second story with a 190-square foot deck and porch, a 277-square foot first floor addition, and a composite roof and a Coastal Development Permit to allow development within 750-feet of a known resource. The colors and materials consist of San Francisco Fog (grey) body for single family dwelling with Feather White trim, Country Grey for the roof; railing to be composed of metal and wire. The property is located at 2744 Pradera Road, Carmel (Assessor's Parcel Number 243-034-010-000), Carmel Land Use Plan, Coastal Zone.

Staff noticed the following permits were issued since the initial review of the project: 17CP01525 and Design Approval were issued to allow the replacement of twelve (12) existing windows, replace four (4) existing sliding doors, and relocate three (3) existing windows; a discretionary permit, PLN170023, was cleared for a Design Approval to repair and replace failed water-damaged adobe walls, replace window seals, and repair dry rot at the bottom of the post (270 square feet).

Staff has reviewed the project and is recommending approval, conditioned as follows:

- PD001 – Specific Uses
- PD002 – Notice Permit Approval
- PD003(A) – Cultural Resources Negative
- PD041 – Height Verification

- Erosion Control Plan
- Inspection During Active Construction
- Inspection Following Active Construction
- Inspection Prior to Land Disturbance
- Winter Inspections – Areas of Special Biological Significance

Mr. Wulf has made reasonable efforts to work with his neighbors and has taken design recommendations into consideration to make this a sensible development proposal with curb appeal in the Carmel Meadows neighborhood. From changes made to the initial 385-square foot deck proposal, to inclusion of the privacy screen, Mr. Wulf has taken into account the privacy concerns voiced by his neighbors. Mr. Wulf meets all the site development standards for the MDR/2-(D)-18(CZ) zoning designation and will not be requiring a height variance. Mr. Wulf's project through its many iterations still meets Monterey County Code, Title 20, and the policies set forth in the Carmel Land Use Plan.

Staff is recommending the Zoning Administrator approve a Coastal Administrative Permit and Design Approval to allow the construction of a new 429-square foot second story with a 190-square foot deck and porch, a 277-square foot first floor addition, and a composite roof; and a Coastal Development Permit to allow development within 750-feet of a known resource; and find the project categorically exempt per CEQA 15303 (a) which categorically exempts the conversion of existing small structures from one use to another where only minor modifications are made in one single-family residence; and per 15303 (e) which categorically exempts accessory structures including patios.

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