

Exhibit A

This page intentionally left blank.

DISCUSSION

The project was reviewed for compliance with the resource protection policies in the Big Sur Coast Land Use Plan (LUP) and their implementing regulations in the Monterey County Coastal Implementing Plan (CIP) and the Zoning Ordinance (Title 20). This site has constraints in the form of visual resource protections, tree protections, protection of slopes, geological hazards due to proximity to the coastal bluff, and protection required for ESHA that are typical native ground cover along the Big Sur coastal bluffs. The project site is within 750 feet of known archaeological resources, however a Phase 1 Archaeological Assessment was prepared which had negative finding for this property (Susan Morley and Brenna Wheelis, August 2022, HCD-Planning Library Document No. LIB220370). The following subsections of this discussion review constraints on the development and, in all cases, find the development can be supported as proposed. Although subsections allow for ease of reading, the project evaluation is, in this case most significantly, an intersection of these constraints. Hierarchy of Key LUP Policies was applied by the applicant and staff, with viewshed as the top constraint. Therefore, grading on slopes is substantial and tree replacement is strategically located to mask the proposed structures without impacting views of the ocean, and finally, a large restoration of degraded coastal scrub habitat in the Critical Viewshed is included in the project. The development standards of Rural Density Residential zoning district are reviewed in the last page of the discussion, with Design Review of colors and materials. The Big Sur Coast LUAC reviewed this development and influenced the design.

Water/Wastewater

The existing residence is connected to Garrapata Creek water system which is administered by Cal Am. Sufficient water is available from the Garrapata Creek water system for existing connections; there is currently a moratorium on new connections. Cal Am provided a can and will serve letter for the proposed replacement residence and ADU which do not constitute a new connection. Furthermore, an agent for the applicant provided evidence of the annual total water usage of the Garapata Creek water system in relation to the legal limit of 35 Acre-Feet per Year (AFY) over the last 20 years. The application included an estimate of current water usage at the project site and an estimate that implementation of the project (with more bathrooms and two, rather than one kitchen) would increase onsite water use by 0.247 AFY. Based on these sources of information, staff concludes that the additional 0.247 AFY of the new residence shall increase overall use of the Garapata Creek system, which was highest during the last ten years in 2018 at 34.5 AFY for the existing 46 residential connections, will not bring overall use of the system near the threshold of 35 AFY. Over the course of the application review, several site plans were brought forward and there were various redesigns of the onsite wastewater treatment system (OWTS). Among those provided to the Environmental Health Bureau for review in relation to the current site plan, at least one OWTS design is feasible and complies with County regulations. However, the project biologist suggested that an alternative location may be located in an area that has only disturbed vegetation and staff agree that alternatives should be explored if they can better preserve coastal scrub. Therefore, a condition of approval requires this potential to be investigated (Condition No. 12). As it is proposed in the plans attached to this resolution, the OWTS design meets County codes and may be the best of the alternatives.

Biological Resources/ESHA

The biological report (Pat Regan, March 24, 2025, HCD-Planning Library Document No. LIB240077) stated that the historical vegetation of the site was mixed coastal scrub, and that the neighboring property includes a continuous swath of similar scrub, so it's also reasonable to assume that a portion of this habitat was removed with the initial construction of the residence in 1964, prior to adoption of the Coastal Act. Removal was associated with the installation of a small corral, pathways toward the ocean, and nonnative landscaping. These developments appear to have altered natural slopes including slopes greater than 30 percent.

The proposed development is located within 100 feet of environmentally sensitive habitat and thus requires the granting of a Coastal Development Permit. The biological report concluded that grading and construction impacts necessary to build the proposed south wing of the main dwelling will permanently impact approximately 20 individual plants of *Lomatium parvifolium*, a California Rare Plant Rank (CRPR) list 4.2 species. However, once full staking and flagging was in place for the south wing, the biologist revisited the site and determined, with a California Coastal Commission biologist present, that the *Lomatium parvifolium* individuals would be outside the footprint of the proposed structure. The plant is of limited distribution along the Central Coast but locally abundant in County of Monterey. The biologist prepared a review of the potential for this plant's population within the subject parcel to be potentially significant as a CRPR 4 listed species. In a memorandum to staff dated August 8, 2025, Pat Regan attested that the *Lomatium parvifolium* found on this parcel is not biologically unusual nor is the population significant due to location, substrate, etc.

LUP Policy 3.3.2.4 requires the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) associated with development within environmentally sensitive habitat areas (ESHA) to be limited to that needed for the structural improvements themselves. To comply with this policy, during project review, as much as 3,040 square feet of improvements (a pool, patio stairs and landings) were removed from the site plan. Further, a design for habitat fencing was proposed by the project Biologist, reviewed by HCD-Planning and California Coastal Commission staff, and found sufficient to protect the indigenous vegetation. The proposed habitat fencing shown in the plans shall be installed as designed, with the habitat area and coastal bluff areas on the outside of development. The fencing shall remain intact for the duration of construction (Cond. No. 16).

LUP Policy 3.3.2.7 requires land uses adjacent to environmentally sensitive habitats to be compatible with the long-term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent significant habitat impacts, and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the adjoining habitat. The new land use of an ADU would not impact ESHA directly. Restoration is part of the project and the impact of an additional 11,116 square feet of development (ADU, replacement dwelling, driveway and OWTS as proposed) will be balanced with 25,076 square feet of restored coastal scrub habitat.

Furthermore, as part of the construction management plan, the job site shall remain free of all forms of trash at all times. All trash and/or construction debris shall be bagged and hauled away daily, or completely secured. No debris, soil, silt, sand, oil, petroleum products, cement,

concrete, or washings thereof shall be allowed to enter into, or be placed where they may be washed by rainfall or runoff, onto the adjacent bluff or into the Pacific Ocean (Cond. No. 5).

Viewshed and Design Control

The project site and portions of the existing development are visible from Highway 1 (Hwy 1) in Big Sur. The existing dwelling has some visibility from the nearest coast-side turnout on Hwy 1 facing Kaiser Point and from car windows when passing the property southbound and northbound. Note: visibility is considered in terms of normal, unaided vision in any direction for any amount of time at any season. Pursuant to LUP Policy 3.2.5.F, because the project site is within the Rocky Point and Kaiser Point residential area, all proposed and replacement development is exempt from LUP's strict Critical Viewshed policies (Key Policy 3.2.1 and Critical Viewshed Policy 3.2.3), and instead subject to LUP Policy 3.2.4, *Land Not in the Critical Viewshed*. 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 Hwy 1. However, for development exempt from LUP Policy 3.2.1, LUP Policy 3.2.4 requires that all new development minimize Critical Viewshed visibility and be subordinate to the environment to the maximum extent feasible. To achieve this, LUP Policy 3.2.4 (implemented by CIP sections 20.145.030.B.6 and 20.145.030.C.2) encourages modifying a project's siting, structural design, size, shape, color, textures, building materials, access, and screening. Overall, the project proposes a demo/rebuild of a SFD and the construction of a new ADU, and the applicant has made every effort to reduce potential views of the structure to less than the existing condition. Consistent with LUP Policy 3.2.5.F, the proposed project uses roof treatments, colors and materials which will visibly blend with the surrounding environment; earthen berming and strategically placed tree replanting designed to minimize views of structures without blocking ocean vistas seen from Highway 1 and shall not include night flood lighting, window or glass that could produce offsite glare, or other improvements in view of Hwy 1 and includes the dedication of a scenic and conservation easement over the undeveloped portion of lot.

The replacement main dwelling and ADU were staked and flagged in accordance with LUP Policy 3.2.3.B.1. The planner conducted site visits on March 17, 2022, October 31, 2023, March 27, 2024, and November 12, 2024 to review the visual character of the site and the proposed project. The following is a description of the current viewshed for the traveling viewer going from north to south:

- The existing residence is visible along Hwy 1 from approximately 0.2 miles to the north for approximately 5 seconds while traveling southbound at the posted speed, and from a southbound turnout in the same location, which is frequently used by visitors.
- Driving south past the knoll that is within the subject site, the existing fence, gate, and roofline of the existing dwelling are visible against the sky. The ocean is not visible due to the elevation of the knoll.
- Continuing south, the elevation of the knoll increases and therefore, blocks the view of the existing dwelling and the ocean when looking north.

Accordingly, the proposed project is within the Critical Viewshed (and exempt from adherence to the Key Policy).

The staking and flagging of the originally proposed main dwelling and ADU were both visible from the northeast on October 31, 2023. The staking and flagging of the ADU created a silhouette against the sky and ocean when viewed from the southbound turnout north of the project site, due to a natural geographic saddle in the property that provides a view of the ocean. The originally proposed main dwelling's staking and flagging was also visible above the existing dwelling when standing directly adjacent to the residence on Hwy 1. Accordingly, staff recommended redesign prior to a viewshed determination. The applicant subsequently redesigned and resubmitted the application.

The first viewshed determination was performed by staff on the morning of March 27, 2024. The Big Sur Coast LUAC took part in this site visit and viewshed determination. As seen on March 27, 2024, the updated staking and flagging of the ADU was visible from the northeast (0.2 miles north on Hwy 1), and the main dwelling staking and flagging was only visible when standing or driving directly adjacent to the structure on Hwy 1. The determination was that the replacement structure appeared to have a larger visual impact than the existing structure and staff and LUAC members advised that it should not appear taller than the existing structure when viewed from the adjacent area on Hwy 1. The determination for the ADU was that it was in the Critical Viewshed and must be modified to ensure compliance with applicable LUP Policies. During the March 27, 2024 LUAC first public hearing review of the project (after site visit), the LUAC recommended redesign to lessen the height of the main dwelling and for the ADU to be relocated to avoid viewshed impacts from the southbound turnout to the north of the project site. The LUAC members also shared concern about glare that could be produced by a proposed pool and deck. Following this, the project plans were revised and new staking and flagging was installed.

An additional site visit/viewshed determination was set for prior to the November 2024 LUAC meeting. Staff and LUAC members noted that a previously proposed pool and patio were removed from the design and the ADU no longer impacted the view of the ocean from the turnout to the north, but was still slightly visible beyond the existing Cypress trees. Staff and LUAC members noted that the main structure (SFD) height had been lowered, but that the length of the structure had been extended to the south into the knoll. The applicant clarified that the new proposed design includes the use of an earthen berm to screen any view of that portion of the new residence from Hwy 1. CIP section 20.145.030.B.6 supports utilizes earth berms and landscaping to minimize a structures' visibility, but require that that ocean views from Hwy 1 not be obscured by artificial berming/mounding or landscaping. Staff and LUAC members confirmed that there is no ocean view from the vantage point that would be blocked by the proposed earthen berm and the use of an earthen berm in this case is allowable. The staking and flagging at the November 2024 visit demonstrated that the northern portion of the proposed SFD would be visible from Hwy 1 at immediately adjacent vantage points to the east. Landscaping is proposed very close to the development to ensure it will not block public views of the ocean seen from the north of the project site. The proposed restoration of coastal scrub will be done with native ground cover species, and the resulting view of the property will be enhanced. Restoration plantings are low scrub and would not be likely to block public views of the ocean. At the November 24, 2024 meeting after the site visit, the LUAC recommended minor redesign in the form of more locally natural colored stone veneer and even less height in the main dwelling.

In summary, the project includes demolition and rebuild of a single-family dwelling, and construction of an ADU. The first application was received in 2022. Over several years, the applicant made efforts to reduce the visibility of the proposed development. Overall, the main residence's height was reduced by 3.5 feet, approximately 3,430 square feet of raised patios, stairs, and pool improvements were removed due to concerns that these developments were not supported by Critical Viewshed Policies for the Rocky Point/Kaiser Point area, which require that a structure's visibility be reduced to the maximum extent feasible. The current staking and flagging demonstrate that the northeast corner of the existing structure is also the location of the new structure at the same height. Earthen berm and vegetative screening shall be utilized to reduce the visibility of the new development. The replacement SFD and ADU will be less visible from Hwy 1 than the existing dwelling, and thus is in compliance with LUP Policy 3.2.4.

As originally proposed, the structures were proposed as whitish beige with beige stone veneer and black window frames and doors. At the November 12, 2024 LUAC review, the applicant agreed to add darker Carmel stone as the veneer and to include a green roof, earthen berming, and to treat all windows for glare resistance. The revised colors, materials, and roof forms for the residence better subordinate those structures to the natural environment (Basic Objective 2.2.4 and LUP Policy 3.2.4.A.3). As discussed below, additional Cypress trees are proposed to be planted where they can block public views of the existing and proposed structure.

Design Review

Colors and materials for the project include beige board formed concrete body and stone veneer in neutral darker beige colors, black metal doors, and clerestory windows on the East elevation (toward Hwy 1). Smooth stone veneer continues around the other elevations on the main dwelling and ADU, while the north and west elevations will have large glass doors. An outdoor stair made to look like beige stone descends from the main dwelling's rooftop lounge. The rooftop parking proposed on the ADU will be masked by planters and will have glass guard railing. Other rooftop areas will be covered with dark rubber membrane. This design is modern and low profile which is fitting for the location on the Big Sur coast. The neighborhood character is eclectic, and a few structures are in the public viewshed. The proposed design is within the range of architectural styles and will not have an adverse impact on the neighborhood or the coastal viewshed.

Tree Removal/Replacement

According to the project Arborist Report (Front Ono, September 27, 2023 updated February 11, 2025, HCD-Planning Library Document No. LIB220369) there are 42 planted Cypress trees on the lot which surround the existing dwelling. The project's various redesigns reduced the proposed Cypress tree removal from six to four, and finally to the final design, which requires removal of two. Although the existing stand of Cypress trees effectively screens most of the existing residence, the ADU driveway will require removal of two Cypress trees, one of which is protected and landmark sized (27-inch diameter at breast height). The LUP only protects native trees with trunk diameters of 12 inches or greater, therefore the second tree proposed for removal (11 inches in diameter at breast height) does not require the granting of a Coastal Development Permit. Over the course of several redesigns, the applicant has reduced tree removal while meeting the housing need of the project. It is possible that the removal of the two trees would reduce the screening of the dwelling but, due to the proximity of the bluff, there is nowhere else

to place the structures and their access driveways. The proposed Coastal Development Permit would authorize the removal of the landmark Cypress tree.

The CIP Development Standards state the “in all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery. (Ref. Policy 5.4.1)” Staff considered this direction while performing a visual impact assessment on March 17, 2022, March 27, 2024 and again with a new design staked and flagged on November 12, 2024. The applicant's proposal at the time of the March 17, 2022 site visit included removal of six trees, which may have increased the ability of the proposed development to be seen in the Critical Viewshed. The applicant heeded staff concern and increased tree protection. With the proposed development, only two trees on the side of the project that is in public view would be removed. Tree replacements at 2:1 ratio for the landmark tree is recommended at a size which will recreate screening in a shorter than normal period (24-inch box, see Condition No. 11).

The arborist found that it is possible that two other Cypress trees may be impacted at the roots during construction such that they would fail (a 34 inch diameter “landmark tree” and 15 inch diameter tree). The two trees are immediately adjacent to the south and west structural development and are proposed for tree protection. The owner/applicant shall provide protection, and an arborist shall be present during root cutting to ensure the best possible chance for survival. If one or both of these additional trees fail, they shall not require an additional Coastal Development Permit for removal but shall be replaced in 2:1 ratio for the 34 inch diameter tree and 1:1 ratio for the smaller tree. The final tree replacement shall be confirmed by HCD-Planning prior to final inspection of the subsequent building permits (Cond. Nos. 9 and 11). In sum, three trees are identified as being impacted or potentially impacted require the granting of a Coastal Development Permit. As designed and conditioned, the project conforms to the applicable policies and regulations of the LUP and CIP.

Historic Resources

The existing single family dwelling (SFD) was constructed in 1963 as a retirement home for an industrialist from Kansas, Thomas Manglesdorf. Because the SFD is proposed for demolition, an historic resource Phase I report was required. The report, prepared by Anthony Kirk (September 16, 2022, HCD-Planning Library Doc. No. LIB220373), architectural historian, concluded that the existing structure is and does not meet the criteria to be listed on any historical register. The structure is vernacular and would not meet architectural criteria for historical status. Although the original home and business office of Mr. Manglesdorf in Kansas would meet the Criterion B of the National Register of Historic Places, Mr. Manglesdorf had come to California only after he had retired, so the house that was built for him in California cannot be considered historically significant.

Coastal Bluff

Coastal Hazards, including storm damage, flooding, landslide, bluff erosion, and earth movement, and long-term maintenance requirements exist for this parcel. The existing SFD is setback approximately 80 feet from the coastal bluff. A geological report prepared for the project (Gregory Easton, October 2, 2023 with update memo dated May 8, 2025, HCD-Planning Library

Document No. LIB220371) evaluated the hazards and defined the location is a granitic knoll which is eroding slower than the mean retreat of bluff faces near the site (pursuant to Scripps Institution of Oceanography 2022 report, a mean rate of one-third of a foot per decade). The geological report described that coastal bluff recession hazards along this bluff edge are slower than other bluff sites due to the granitic knoll on the subject site. The report stated that erosion at this site in the 2010-2016 period was a mean rate of one-third of a foot per decade on similar sites, but on this site, it was comparatively none. However, the report found that bluff retreat has the potential to impact improvements situated too close to the steep bluff-face. As part of the geologic analysis, the author projected collected subsurface data onto cross sections of the bluff to analyze the morphology and configuration of the slopes. The geologist assumed the bluff-face above the degraded shore platform will retreat 10 feet over the next 100 years. Therefore, the report concluded that the development may proceed if it is setback at a line representing a 100 year worst case location of the coastal bluff. The proposed project is outside of the 100-year setback, therefore conforming to CIP section 20.145.080.A.2.h, which requires new development on bluffs to be set back sufficiently to avoid the need for seawall during the development's lifespan.

A geotechnical report prepared for the project (Yvette Wilson and John Buringa, October 28, 2022 with addendum by Yvette Wilson dated May 8, 2025, HCD-Planning Library Document No. LIB220372) also concluded the development at the proposed location can proceed as proposed with recommended measures that include the need for the geotechnician to be onsite during removal of the existing septic system, and all new footings for structures be founded on the dense quartz diorite for the main dwelling. LUP Hazards Policy 3.7.2.4 requires the owner to record a deed restriction on the property describing the nature of the property's hazards. To comply with this policy, a special condition of approval is applied to this permit for the permit holder to assume all risks to the owner/applicant and the properties that are the subject of this permit of injury and damage from such hazards in connection with this permitted development and to unconditionally waive any claim of damage or liability against the California Coastal Commission & the County of Monterey, and their officers, agents, and employees for injury or damage from such hazards. Any adverse effects to property caused by the permitted project shall be fully the responsibility of the permit holder. The condition also includes the requirement for a written indemnification agreement with the California Coastal Commission & the County of Monterey with respect to the County's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. The condition also directs that shoreline armoring is prohibited. No shoreline armoring shall ever be constructed to protect the development approved pursuant to this permit, including in the event that the development is threatened with damage or destruction from coastal hazards in the future. Condition No. 15 shall be memorialized by both the indemnification agreement and a recorded deed restriction.

Development on Slopes

The LUP and CIP prohibits development on slopes in excess of 30 percent unless a Coastal Development Permit is obtained and the appropriate hearing body finds that there is no alternative which would allow development to occur on slopes less than 30 percent or that the proposed development better achieves the resource protection objectives and policies of the LUP.

Staff conducted a site visit on October 31, 2023 and confirmed that areas near the existing SFD contain slopes in excess of 30 percent. The location of the new structures cannot be sited in the exact footprint of the existing SFD due to coastal hazards discussed above. As such, development on slopes cannot be avoided.

As shown in the current topography plan sheet (Sheet 2 of 44 of the attached plans), the developed area of the parcel has been graded and terraformed for the existing SFD. As the existing building pad is not in an area that can be rebuilt upon while adhering to safety codes for habitable structures near coastal bluffs, the building site for new construction is closer to Hwy 1. The natural slope of the proposed building site is 21.26 percent, on average. This includes manmade slopes, such as the area discussed in the geotechnical report where there was deposition of graded material from the area of the existing building pad onto the side of the natural knoll to the south. The current proposal would excavate under the eastern side of the existing building pad and patio, remove the existing septic system, and excavate to the north and south of the existing building pad to accommodate the new structures while remaining out of the Critical Viewshed. The total cut is estimated at 3,440 cubic yards. Development includes tiering levels of the proposed SFD and ADU. During application reviews, staff observed that there would be less development on slopes if the new residence were smaller and communicated that to the applicant team. As shown on site plan overlay (Sheet A-1.3 of the attached plans), the size of the proposed residence was reduced in size during project reviews from 5 to 4 bedrooms, but the owner/applicant communicated that they could not reduce any further because they have a large family and need a larger residence. As shown on plan sheet A-1.4 of the attached plans, 1,676 square feet of the proposed building site would occur on slopes excess of 30 percent and another 900 square feet would be on similar slopes for related site improvement. The draft resolution's evidence for supporting development on slopes of 30 percent or greater are based on the lack of a feasible alternative which would allow development to occur entirely off of these steeper slopes.

Development Standards

The Rural Density Residential (RDR) zoning district has the following setback minimums and height maximums, as modified at this location by a 14-foot maximum height restriction. As shown in the following table, setback and height development standards are met.

Standard Setback/Height	Required	Project
Main dwelling front	30 ft	50 ft 3 in
Main dwelling side	20 ft	163 ft 6 in N side, 117 ft 10 in S side
Main dwelling rear	20 ft	More than 20 ft
Accessory habitable front	50 ft	63 ft 3 in
ADU side and rear	6 ft	23 ft 2 in E side, 130 ft 1 in N side, 246 ft 7 in S side, More than 40 ft rear
Setback between main and accessory structures	10 ft	10 ft
Main dwelling height	14 ft from Average Natural Grade (ANG)	9 ft 6 in from ANG
ADU height	16 ft from ANG	6 ft from ANG

The maximum allowable building site coverage is 25 percent (31,581 square feet), and the proposed coverage is 6.1% percent (7,592 square feet). This site coverage, which includes raised patios and 398 linear feet of retaining walls of at least 4 feet in height, is in compliance with the required limit. The minimum building site size in the RDR(40) zoning is 40 acres. The subject parcel is 2.9 acres in size and is legal nonconforming with this requirement. The maximum allowable floor area for accessory dwelling units (ADUs) in areas adjacent to resources that are to be conserved is 850 square feet. The proposed ADU is 800 square feet and therefore below the maximum allowed size.

This page intentionally left blank