

# Exhibit A

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# DISCUSSION

## SCOPE

The project consists of a new 2,720 square foot single-family dwelling, 1,200 square foot accessory dwelling unit, and 3 1-car garages totaling 720 square feet on an undeveloped lot just west of the Hidden Hills Estates Subdivision. Associated site improvements would include installation of an onsite wastewater treatment (septic) system, connection to the potable water service provider (Cal Am), a new driveway and hardscape, and ornamental landscaping.

## DEVELOPMENT STANDARDS

The property is zoned Rural Density Residential (RDR). Development Standards for the base RDR zoning district are found in Title 21 Section 21.16.060. The project meets the maximum allowable structure height, maximum allowable building site coverage, and rear setback minimum:

- The maximum allowable height structure height is 30 feet, and the proposed home is 22 feet 6 inches;
- The maximum allowable building site coverage is 25% (31,363 square feet), and the proposed building site coverage is 3.3% (4,175 square feet); and
- The rear setback minimum is 20 feet while the rear property line is greater than 70 feet away.

The minimum side setback for primary structures is typically 20 feet. The proposed accessory dwelling unit does encroach into the west side setback by 3 feet 8 inches (for a setback of 16 feet 4 inches), however, this is allowed by Title 21 Section 21.64.030.E., which indicates accessory dwelling units are subject to four foot side and rear setbacks.

The minimum front setback is 30 feet. The proposed front (south) and east side setback encroach into their respective setbacks. The proposed front setback is 14 feet (encroaching 16 feet into the setback), and the proposed east setback is 10 feet (encroaching 10 feet into the setback). However, the Findings necessary to grant variances to reduce both setbacks can be met. See the front and side setback variance discussion later.

## DESIGN

The property has a Design Control “D” overlay zone, which establishes design review requirements in order to assure protection of the public viewshed, neighborhood character, and the visual integrity of development.

The surrounding land use context consists of a mix of low-density residential development and open space uses, primarily hillsides with chaparral vegetation and intermittent tree cover. The property is easternmost parcel of a group of residences along Saddle Road. To the east is an open space parcel that is part of the Hidden Hills Estates Subdivision. The homes along Boots Road are 1 and 2 story residences with an eclectic mix of styles. The homes appear to be vernacular in nature rather than adhering to a consistent architectural scheme. Many utilize varied hip and gable roof forms and have either white or earth tone finishes.

The proposed residence is of mix 1 and 2 story components, with the primary home being one story and the accessory dwelling unit being two stories. The proposed home is compatible in

massing and scale with the surrounding residences. The proposed roof is a flat sloped roof. It transitions in height and orientation, creating a varied roof form similar to the other residences in the neighborhood. The primary finish palette consists of a sand textured stucco with brown and tan shades, aluminum glazed doors and windows, and a grey standing seam metal roof. These finishes are unobtrusive and consistent with the surrounding rural environment and neighborhood character.



*Figure 1: Orange netting depicting home*

### VISUAL RESOURCES

Title 21 Section 21.06.950 defines Ridgeline Development as development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area. The project meets this definition, as it's located on a ridge in proximity to three major viewing corridors, Highway 68, Laureles Grade, and Carmel Valley Road.

2010 General Plan Policy OS-1.3 indicates that ridgeline development may only be allowed if the following findings can be made: a) the ridgeline development will not create a substantially adverse visual impact when viewed from a common public viewing area; and either b) the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives; or c) there is no feasible alternative to the ridgeline development. In this case the project will not create a substantial adverse visual impact and there is no feasible alternative to which would allow development on the property.

The project is approximately 2 miles north of Carmel Valley Road. Due to the distance, intervening vegetation, development, and topography, is not visible from that corridor. Additionally, the project is approximately 1.6 miles east of Laureles Grade, however, a sloped ridge immediately east of the property screens it from view. The distance and vegetation further screen it from that corridor.

The closest common public viewing area is Highway 68, which is 1 mile north of the project. Some of the homes along Saddle Road are visible from Highway 68, so there would be the potential to see the property from the highway. The project was staked and flagged and staff conducted inspections both from the site looking out toward major viewing areas (August 3, 2022 and October 17, 2022) and from Highway 68 looking toward the site (October 17, 2022). From the site looking north the Highway is not visible. Looking northwest, the Monterey Regional Airport is visible approximately 3 miles away, so there may be line of sight from that vantage point. However, due distance, it is extremely unlikely that the project would be viewable without the use of visual aids (binoculars). From Highway 68 near the intersection at Highway 68 and Pasadera Driveway looking toward the site, the adjacent cell phone tower and the home at 10855 were visible, however, neighboring residences and the project site were all screened by vegetation and could not be seen.

Additionally, the homes unobtrusive finishes and comparable scale ensure that even should it be seen, it would not materially alter the character of the viewshed.



*Figure 2: Photo from east of property, along Saddle Road. The hillside and vegetation appear to completely screen the home from view east of the site.*





*Figure 3: Photo oriented north toward Highway 68.*



*Figure 4: Photo from Saddle Road looking south toward Carmel Valley.*



*Figure 5a: Photo oriented toward site from Highway 68, near intersection of Highway 68 and Pescadero Drive.*



*Figure 5b: Digital zoom of previous photo, the telecommunications tower and home west of the property at 10855 are visible, but all other structures are not visible due to the distance and vegetation.*





*Figure 6: Photo from site northwest, toward airport.*

#### FRONT SETBACK VARIANCE

A Variance has been requested to reduce the front setback of the from 30 feet from the edge of the right of way (in this case a private road easement) to 14 feet (a 16 foot reduction). Reducing the front setback in this manner would still place the home 30 feet from the edge of the paved road surface. In order to grant this variance, the following findings must be met:

- Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
- the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which such property is situated; and
- Approval of the variance shall not authorize a use or activity which is not otherwise expressly authorized by the zone regularly governing the parcel of property.

In this case, there are special circumstances applicable to this property, the variance would not constitute a special privilege, and the proposed use is allowed in the zoning district. .

#### *Special Circumstances*

The heavily sloped nature of the site and the unusually wide roadway easement constitute special circumstances which would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The property is heavily sloped, severely limiting the potential developable area. There are slopes in excess of 25% south of Saddle Road and north of the proposed home, with the only flat portion of the lot with immediate roadway access being the proposed home location. Re-



designing to locate the home either further north or on the south of saddle road within the heavily sloped areas would not be feasible, as this would be inconsistent with Greater Monterey Peninsula Area Plan Policy GMP-4.1, that the chaparral on these slopes be left undisturbed to prevent erosion and protect their visual qualities.



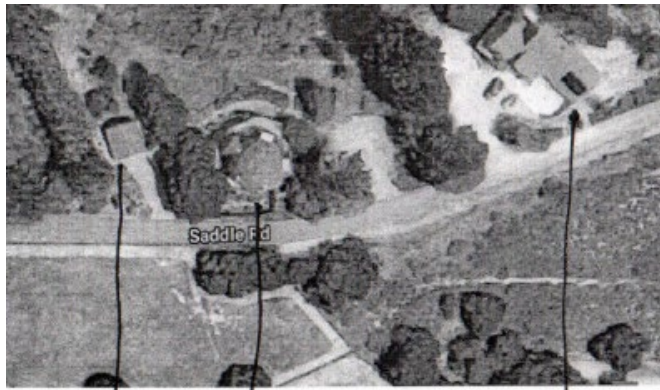
Figure 6: GIS information, all area shaded in pink is the approximate location of Slopes in excess of 25%.

Saddle Road sits within an 84 foot side road and utility easement which was recorded in 1970. The paved surface of the roadway itself ranges from 16 to 19 feet in width. Given the steep slopes on the property, measuring the front setback from the edge of this easement as required by the zoning ordinance definition (21.06.1030), would severely limit the development potential of the property in a manner that would deprive the property owner of privileges enjoyed by other property owners with an identical zoning classification. The front setbacks of six homes along Saddle Road were measured as part of the applicant's variance justification letter, and have setbacks from the edge of saddle road ranging from 21' 10" to 36' 1" (two other measured structures are excluded from this, as they appear to be fences or accessory structures, these are called out in the figures below). The paved portion of Saddle Road within the 84 foot wide easement meaning that, given the measurements from the paved road, most if not all of these homes in this area would be much closer than 30 feet from the edge of the easement. Of the existing development, the average setback is 28.1 feet from the edge of the road. The proposed 30 feet would be comparable to this.



31'-9"  
36'-1"  
10995'  
Saddle Road

Figure 7: Front setback measurements.



53'-0"  
28'-1"  
23'-1"

Figure 8: Front setback measurements. The 53' measurement appears to be for an accessory structure

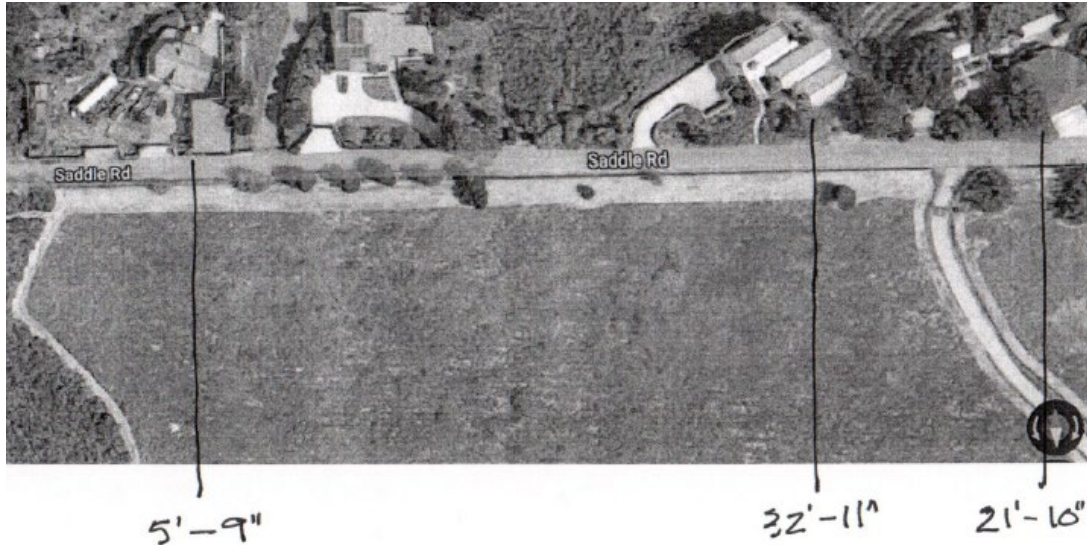


Figure 9: Front setback measurements. The 5' 9" measurement appears to be for a fence.

*Special Privilege*

As discussed above and shown in figures 7-9 the homes along Saddle Road have comparable front setbacks, so this front setback variance would not be granting a special privilege not enjoyed by other properties in the immediate vicinity. Similar variances to allow a reduction in the front setback have been granted by the Zoning Administrator along Saddle Road at the following properties: 10955 Saddle Rd (ZA03306), 10905 Saddle Rd (ZA03539), 10745 Saddle Rd (ZA03712), 10695 Saddle Road (ZA07429), 10655 Saddle Road (ZA05900), and 10500 Saddle Road (ZA05555).

*Allowed Use*

The parcel is zoned Rural Density Residential with a density of 5.1 acres a unit, and Design Control and Site Plan review overlay zones or "RDR/5.1-D-S", which allows the first single-family dwelling on a legal lot of record, attached accessory structures such as garages, and accessory dwelling units (Title 21 Sections 21.16.030.A., 21.16.030.E., and 21.16.030.S., respectively). Therefore, granting the variance would not authorize a use not otherwise allowable on the property.

SIDE SETBACK VARIANCE

Due to the narrow width of the property, the applicant has requested a side setback variance to reduce the east side setback from 20 feet to 10 feet (a 10 foot reduction). The same findings required to allow the front setback variance would be required for the side setback variance.

*Special Circumstances*

There are 17 residential lots along the stretch of Saddle Road west of the Hidden Hills Estates Subdivision. Of these, two are flag lots (APN's 416-191-019-000 and 416-191-027-000). The remaining 15 lots front onto Saddle Road. The width of these properties as they're bisected by Saddle Road was measured approximately using Monterey County GIS. The properties range from approximately 141 feet to 359 feet in width. Based on this, the average lot width was estimated to be 226 feet wide. At 141 feet wide, the subject property is the narrowest of these properties by about 47 feet, and is 85 feet narrower than the average lot width. This narrow width

restricts the ability of the property owner to design and site their home in a comparable manner to those other properties along Saddle Road with an identical zoning classification. While the applicant could re-design in order to utilize the reduced setback for Accessory Dwelling Units, the narrow lot width would require a home design that is much smaller or taller than other homes in the vicinity.

Address	Assessor's Parcel Number (APN)	Approximate Width (feet)	Front Setback (feet)	Front Setback Variance
10995 Saddle	416-191-013-000 (Bruce Lot)	140.7		
10955 Saddle	416-191-014-000	206.3	36.1	ZA03306
10905 Saddle	416-191-015-000	205.2	31.75	ZA03539
10805 Saddle	416-191-017-000	224.3		
10745 Saddle	416-191-018-000	271.4		ZA03712
10695 Saddle	416-191-019-000	256.4		ZA07429
10655 Saddle	416-191-020-000	253.1	23.1	ZA05900
10600 Saddle	416-191-021-000	268.3	23.1	
10550 Saddle	146-191-022-000	276.8		
10500 Saddle	416-191-035-000	273.4	21.8	ZA05555
10450 Saddle	416-191-036-000	267.1	32.9	
10400 Saddle	416-191-024-000	246.7		
10350 Saddle	416-191-025-000	191.5		
10300 Saddle	416-191-026-000	358.5		
<b>Average</b>		<b>225.8</b>	<b>28.1</b>	

Table 1: Estimated property widths, front setback measurements, and front setback variances

### *Special Privilege*

The granting of the side setback variance would not constitute a special privilege as this property has a uniquely narrow width. Additionally, the property directly east of the subject parcel has a base zoning of Open Space, and is designated as an open space parcel on the Hidden Hills Estates final map, Volume 15 Cities & Towns Pg. 28. Therefore, it's extremely unlikely that the property would be developed in the foreseeable future, so granting the site setback variance would not place the home closer to any neighboring structures.

### *Allowed Use*

As discussed in the Front Setback Section above, all proposed uses for the property are allowable, so granting a variance would not authorize a use not otherwise allowable on the property.

### DEVELOPMENT ON SLOPES

The project includes development on slopes in excess of 25% in order to excavate and re-compact approximately 700 square feet of loose soil along the north of the proposed home, to prevent foundation settlement. The 2010 General Plan Policy OS-3.5 establishes the requirement for a Use Permit for development on slopes in order to reduce impacts to water quality and biological resources. In order to grant the Use Permit, either of the following findings must be made:



- There is no feasible alternative which would allow development to occur on slopes of less than twenty five (25) percent; or
- the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.

In this case both of these findings can be met.

*No Feasible Alternative*

The geotechnical report prepared for the project in accordance with 2010 General Plan Policy S-1.7 recommends soil stabilization measures in order to prevent foundation settlement. Processing this area as engineered fill would enhance the geotechnical suitability of the site for the development. Because the development on slopes consists of excavating and re-compacting earth in place, it would necessarily occur on slopes. Additionally, re-locating the proposed home south, closer to Saddle Road, would not be feasible as it would push the home further into the required front setback.

*Better Achieves the Goals, Policies, and Objectives of the General Plan*

Implementing the recommendations of the geotechnical engineer is required to for health and safety in accordance with 2010 General Plan Policy S-1.7.

Additionally, in accordance with OS-3.5.d., the project has been conditioned to require a conservation and scenic easement over the areas of the site with slopes in excess of 25%. This advances Greater Monterey Peninsula Area Plan Policy GMP-4.1, that chaparral habitat on slopes be protected to prevent erosion and protect it's visual amenity.

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