

# Exhibit A

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## EXHIBIT A

### DISCUSSION:

The project site is an undeveloped lot located at 27155 Upper Forty Drive within the Upper Forty subdivision. The Upper Forty is a private, gated community of single-family dwellings on large lots with architectural styles that range from California ranch to modern. Lots are distributed on hills consisting largely of oak woodlands. Due to the proximity of Laureles Grade, a visually sensitive route, key areas of the Upper Forty lots are in scenic easement, including nearly half of the subject lot, and the lots are zoned Resource Conservation.

The 2010 Monterey County General Plan identifies the Resource Conservation land use designation as appropriate for rural residential uses. As specified in Title 21 Zoning Ordinance, the Resource Conservation zoning district allows development in the more remote and mountainous areas in the County of Monterey while protecting the significant and substantial resources of those areas. Residential use is a primary use for the zoning district, however only such development that can be achieved without adverse effect and which will be subordinate to the resources of the particular site and area is to be allowed. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed and oak woodland. As sited and designed, neither would be significantly impacted by the construction of the subject development.

### *Visually Sensitive District*

Pursuant to Title 21 section 21.46.060.C, Development Standards for the Visually Sensitive District ("VS") district include the requirement that structures are located and sited so as to minimize tree removal, grading, and visibility from common public viewing areas. The project is located 625 feet west of Laureles Grade (as the crow flies) and is therefore within a VS zoning designation to regulate the location, height, and design of structures within this unique scenic corridor. The project is approximately 2.5 miles from Highway 68 and 2 miles from Carmel Valley Road, which are both scenic routes. The potential for visual impacts were contemplated in the formation of the subject parcel in the 2002 subdivision as two scenic easements were included in the parcel, limiting the potential building site to the area of least potential disturbance to the public viewshed in keeping with the VS development standards that pertain to subdivision of land, as well as the guidance of the 2010 General Plans' Conservation/Open Space Element and the Greater Monterey Peninsula Area Plan (GMPAP). Staff conducted a visual impact assessment pursuant to Chapter 21.46 and found the impact to viewshed would be minimized due to distance from the roadways. Laureles Grade is the only one of the three scenic routes which has any view of the development. The view is available only when the highway is angled toward the site at a distance of approximately 0.6 miles. Otherwise, the site's topography blocks it from view. In addition, the area surrounding the proposed development is forested and well screened from Laureles Grade. One small corner of the main dwelling's second floor and flat roof would be visible from a hilltop on the roadway that does not offer a turnout for sustained viewing approximately 0.6 miles away when driving south. The distance, combined with the anticipated 1-2 seconds of time that the part of the structure would be visible while driving at normal speeds, were found to be sufficiently limited impact to the visual resources of the area. Staff anticipates that the corner will be most visible immediately after construction and the associated tree removal. However, tree replanting with sustained husbandry to 100 percent survivorship is anticipated to return the canopy's fullness at approximately 25 foot height around the structures. (The main structure is approximately 3.5 feet shorter than the maximum height

zoning requirement of 20 feet from average natural grade.) This, combined with the dark tones proposed for the colors and materials, will maximize the screening of the development. Therefore, development on this parcel would not adversely impact to public viewshed along a scenic route.

Pursuant to Title 21 section 21.46.060.C, Development Standards for the VS district requirements, the structures are located and clustered so as to minimize tree removal. A project-specific Forest Management Plan (FMP) indicated that approximately one third of the property is forested. It estimated that at a rate of 116 trees/acre, there are approximately 350 trees of varying diameters in the forested areas. The FMP also estimated 0.5 acre of the 10-acre parcel will be permanently impacted; this estimate was not updated to a smaller area in later arborist addenda. Therefore, the construction of the homestead is expected to impact the canopy by as much as 15 percent (0.5 acre/3.333 acres). However, tree replacement is required such that 36 Coast Live Oak (*Quercus agrifolia*, CLO) trees would be planted, and the replanting shall recreate lost canopy near the new dwellings and in any other forest floor openings of 10-foot diameter. Therefore, the project as conditioned would have no long-term viewshed impacts due to tree removal.

Pursuant to Title 21 section 21.46.060.C, Development Standards for the VS district include the requirement that structures are located and sited so as to minimize grading and visibility from common public viewing areas. Given the constraints of the parcel's shape and easements, the proposed development minimizes grading by utilizing the areas which were graded in the past under prior ownership. (Staff review of historical aerial photography in Google Earth indicated grading appeared in approximately 2004.) Historic grading which is briefly visible when traveling south on Laureles Grade shall be stabilized during re-grading and, where not dedicated to driveway or drainage controls, landscaped. Other grading associated with the proposed structures is further minimized by clustering the development. A final Landscape Plan which incorporates long-term stabilization of slopes with native plants and CLO is a condition of approval (Condition No. 14). The landscaping will lessen the visual impact of the historic and proposed grading and driveway on slopes. In these ways, the project as conditioned would not have visual resource impacts due to the grading and development on slopes.

Within the VS district, exterior color and material of structures requires a Design Approval pursuant to the provisions of Chapter 21.44. Staff recommends a Design Approval be granted for this design as proposed in modern design architectural style with traditional Japanese aesthetic influences. Colors and materials are gray board form concrete, blackened metal siding, stucco with black paint, and clear anodized glazed glass. Doors, window frames, fascia and railings are black metal. The dark-colored architecture is designed to recess into the forest. Furthermore, all exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. An exterior lighting plan shall be required prior to the issuance of the construction permit for building and shall be verified by staff (Condition No. 15). Therefore, the project as proposed demonstrates consistency with Chapter 21.44 regulations of design and the VS district.

### *Oak Woodland and Tree Removals*

The project site is a vacant 10-acre lot covered by and surrounded by oak woodland on neighboring parcels where large custom residential homes have been developed. Coast live oak (CLO) are the dominant trees, and, as mentioned above, the forester who developed the project-specific Forest Management Plan (FMP, by Frank Ono, 2022, **Exhibit D, Part 1**) estimated the lot is approximately one third forested. Over the history of this project's development application reviews, tree removal counts went from 36 up to 46 and down to 35 protected oak trees as the design changed to improve protection of visual resources and then forest resources. The removal

of more than three protected trees requires a Use Permit pursuant to Section 21.64.260 of the Zoning Ordinance Title 21 (Preservation of Oaks and Other Protected Trees). GMPAP Policy GMP-3.5 discourages the removal of healthy, native oak, Monterey pine, and redwood trees in the Greater Monterey Peninsula Planning Area. In the RC zoning district, any development must be subordinate to the long-term health and viability of the oak woodland.

The project as designed requires the removal of 35 CLO trees ranging in size from 6 to 34 inches diameter at 24 inches from ground in association with construction of the new homestead. The applicant submitted a full arborist report and FMP dated August 3, 2022 which analyzed the impact of a project with an ADU in the viewshed and concluded that 36 protected trees would require removal (**Exhibit D, Part 1**). After a first staff-level site inspection and review comments concerning the public viewshed, the applicant re-sited the ADU and submitted a pre-construction tree removal assessment addendum prepared by Rob Thompson, October 17, 2023 which analyzes the impact of removal of 46 trees to accommodate the second design (**Exhibit D, Part 2**). However, the applicant has since revised the site plan again to relocate the ADU closer to the main dwelling, thereby minimizing impacts to tree removal and reducing the total from 46 to 35; with the redesign, the applicant submitted a second addendum by Rob Thompson June 10, 2024 (**Exhibit D, Part 3**). From these potential locations for the ADU, the site selected is out of the public viewshed and causes the least tree removal. Siting the project elsewhere on the property outside of the protected viewshed from Laureles Grade would impact more trees and increase development on slopes. Removing the ADU altogether could reduce the number of trees required for removal. Staff does not recommend that option, however, because the proposed ADU meets all site development standards and, together with the main dwelling, is consistent with the size and mass of other homes in the Upper Forty subdivision and the GMPAP area.

As mentioned, an FMP was prepared for the project by Frank Ono (**Exhibit D, Part 1**). The FMP concludes that the project as previously proposed (46 CLO removed, not 35) would not significantly reduce the availability of wildlife habitat over the long-term. As proposed, one third of the remainder of the property containing oak woodland would remain undisturbed. The FMP estimated permanent impact to woodland by the development was 0.5 acres in the first, most expanded site plan. Therefore, in original site plan, as much as 15 percent of the native canopy would have been removed. An update to the canopy impact was not provided as part of the last submittal, although staff requested it. With no specific update to canopy reduction, staff considers the 15 percent impact the “worst case scenario” and notes the FMP recommended the project at that size proceed without long-term adverse impact to the oak woodland. Staff has reviewed the FMP with the addenda and agrees with the conclusions, for the most part. Where staff differs is the period of reporting on survivorship, which was limited to one year by the Thompson addenda. One year of maintenance does not guarantee survivorship. Therefore, staff added three years to the monitoring requirement of Condition No. 14, tree replacement, for the purpose of visual resource protection (discussed above). Recommended conditions have been included as conditions of approval for the project (**Exhibit B**).

The siting change increases the overall cut of soil (1,987 cubic yards, with only 735 cubic yards of fill, or approximately 78 truckloads to be removed). Staff discussed the potential impacts to traffic from the construction phase; the owner offered to find a location nearby to deposit the excess where it can be reused. Therefore, as conditioned, a final Construction Management Plan required for submittal prior to the issuance of construction permits shall reflect this update, if possible (Condition No. 16). HCD-Engineering Services staff considered the increase truckloads with the proposed off haul routes in the application package (to Monterey Regional Waste

Management in Marina and 205 River Road) and found that the roadways can absorb the added truck trips without adverse impacts.

### *Biology*

The applicant submitted a biological report by Patrick Regan dated June 5, 2023, which found the project site to be occupied by intact oak woodland but found no species of biological significance on the parcel. The biologist noted that Monterey dusky-footed woodrat may be within the parcel but that no nests were within the construction area. The biologist recommended a raptor and passerine survey prior to tree removal (Condition No. 11). Therefore, as conditioned, development of this lot would not adversely affect sensitive species in the area.

### *Design Review*

The Dublin F2, Inc. project design is a two-story structure and ADU with a modern architectural style incorporating traditional Japanese influences. Colors and materials are gray board form concrete, blackened metal siding, stucco with black paint, and clear anodized glazed glass. Doors, window frames, fascia and railings are black metal. The dark-colored architecture is designed to recess the structures into the forest. The first floor of the main structure is the collector's garage (4,450 square feet). The second floor is a three bedroom habitable space with a large second floor patio (approximately 1,512 square feet) on the west end and a separate approximately 196 square foot garden area on the southeast. The roof is flat minimizing the height and in keeping with the architectural design. The ADU utilizes the same materials and shares design elements. The ADU is one story, and its patio is at ground.

The proposed project meets all yard regulations for the RC district:

<u>Main Structure requirements</u>	<u>Proposed Project</u>
Setbacks (minimums)	
Front: 30 feet	205 feet and 256.5 feet
Side: 20 feet	73 feet
Rear: 20 feet	179.5 feet
Maximum height: 20 feet	16.5 feet

<u>Accessory Dwelling Units</u>	<u>Proposed Project</u>
Setbacks (minimums)	
Front: 50 feet	112 feet and 173 feet
Side: 6 feet	73 feet
Rear: 6 feet	+/-75 feet
Accessory/Main Structure: 10 feet	40 feet
Maximum height: 16 feet	14 feet, 7 inches

Building Site Coverage (maximum):	<u>Proposed Project</u>
25 percent (435,600 sq. ft.)	1.3 percent (5,650 sq. ft.)

### *Slopes*

The 2010 General Plan Conservation and Open Space Element, the GMPAP, as well as Title 21 section 21.64.230, regulate development on slopes greater than 25 percent. Development on slopes greater than 25 percent is prohibited unless findings are made that there is no feasible alternative which would allow development on slopes of less than 25 percent or the proposed development better achieves the resource protection objectives. The applicant proposes approximately 7,000 square feet of development on slopes greater than 25 percent, therefore the

project is subject to a Use Permit per Title 21, Chapter 21.64.

The natural terrain on the subject parcel is a steep ridge. Development is constrained to an area outside of two scenic easements, one of 3.98 acres on the west and another of 0.54 acre on the east. A 40-foot-wide powerline easement to Pacific Gas & Electric cuts north to south on the mid-eastern area of the parcel, bisecting the property. The applicant has sited development between these easements, in an area with slopes less than 25 percent, but impacts to slopes cannot be avoided to prepare the drainage controls, onsite wastewater treatment, and construct the driveway (**Exhibit B**, Sheets C4.2 and A1.00). This property includes previously graded internal access paths on approximately 7,035 square feet of the steep slopes. The applicant has sited development to utilize the previously graded area where possible and avoid new cut on steeper slopes; only 790 square feet of the area is within the structural footprint. This is achieved in part by stacking the habitable space of the dwelling (4,414 square feet) above the collector's garage (4,450 square feet). For these reasons, the attached resolution provides findings and evidence that there is no feasible alternative to avoid development on slopes and the proposed development is sited and design to achieve compliance with resource protection objectives (trees and viewshed). The VS district requirement that structures are located and sited so as to minimize grading, and visibility from common public viewing areas (as discussed above) interact with the County's goals, policies, and regulations for development on slopes. Altering steep hillsides for residential development can introduce impervious surfaces that contribute to accelerated runoff and erosion, increasing problems for downslope habitats and existing risks in the drainage conditions. These issues require engineered measures to reduce potential impacts, and additional measures to ensure visual impacts are minimized. Measures are proposed in the civil sheet of the attached draft drainage control plan and site-specific planned onsite wastewater system to the east and north of the structures (see **Exhibit B**, sheets C2.0 through C3.1). A section of the driveway and a stormwater concrete swale/storm drain is proposed to traverse the previously graded area. Disturbance to slopes in excess of 25 percent cannot be avoided in this case, but engineered measures reduce potential impacts. Tree replanting and a landscaping plan review prior to tree removals ensures the potential visual impacts of disturbances on slopes are minimized, as well.

#### *Fire Hazard Zone*

The project site has also been identified as located within a very high fire hazard zone. A fuel management plan was submitted with the Arborist Report (**Exhibit D, Part 1**). The plan includes a reduced fuel zone one hundred feet from the structure as well as a fuel break line thirty feet from the structure. Fire clearance can be accomplished without removing additional trees.

#### *Correspondence Received*

One correspondence was received from a neighbor on August 6<sup>th</sup> in response to the public hearing notice. The neighbor considered more than 10 trees removed for development to be unreasonable. The neighbor also shared concern with the potential for development on slopes in excess of 25 percent and tree removals to destabilize the hillside. The public hearing notice contained an error where removal of 46 trees was written. Staff considered the previously proposed tree removal of 46 trees excessive, as well, and recommended the applicant design the development in a clustered manner which would reduce impacts to the oak woodland where the construction is proposed. Later, at the time of application completeness, the development was responsibly clustered and the number of protected trees required for removal decreased to 35. Development on slopes in excess of 25 percent has inherent hazard risk. For that reason, County

requires a Use Permit to develop on slopes in excess of 25 percent and specific findings to be made with supporting evidence. The evidence is analyzed by staff prior to application completeness and in context of the surrounding development pattern by staff and then by the decision makers when considering the findings to support the permit. In this case, the project application included a draft drainage control plan and erosion control plan based on analysis by geotechnical engineers as well as arborist reports which show the hillside would be stable during and after tree removal and construction. The project also allows the owner to stabilize existing scarring left by grading done for an access road by previous owners/easement holder (PG&E). There are similarly sized homesteads in the Upper Forty subdivision. The home and garages at the neighboring address of 27050 Upper Forty Drive, for example, have an existing coverage of approximately 4,900 square feet. The proposed coverage on the subject site is 5,650 square feet, only 15 percent larger. Combined with the small area that existing scenic and PG&E easements left available for construction, as well as the project's coverage consistency with the size of development coverages on nearby parcels, the proposed development can be supported.