

# Exhibit G

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## **JUSTIFICATION LETTER**

**Date:** October 2, 2018

**To:** Shelley Glennon – Planning Department (Senior Planner)  
Monterey County Resource Management Agency  
1441 Schilling Place, South Second Floor  
Salinas, California 93901

**Regarding:** Submittal of Documents for:  
Land Use and Development Application pertaining to:  
Planning Permit Number PLN18 - 080323 located at:  
410 Via Del Milagro, Monterey, CA 939507 (Pasadera); [APN: 171-074-024]  
Owner: Dr. Anil Sethi

**Memo:**

As requested in your Incomplete Status letter dated September 20, 2018, the below commentary is intended to justify the Proposed Development we have submitted for approval on Parcel Number `

**Justification Points:**

1. As noted on the plans submitted for review and approval, namely sheet A1.1 – General Note “A”, the entire parcel has slopes that are 25% or greater. Slopes leading road edge to the thirty-foot (30’-0”) front yard setback have slopes in excess of 30% slope in most areas between the road and the setback line. Since Monterey County has a process to allow for approving Site Development on parcels with 25% slopes or greater, than this is the first justification. Property Owners should not be denied the benefit to develop their property where the entire parcel has 25% slopes or greater and where the county has a procedure in place for approving such development.
2. As noted on plan sheet A1.1 – General Note “A”, slopes are as described below. Justifications for site development due to site slopes are also explained as follows:

Within the developable portions of the parcel inside of the front, rear and side yard setbacks, site slopes generally run downward from north to south at 27.77% slope. There is a narrow swath of land adjacent to the westerly side yard setback with a lesser 25% slope. However, this area is too narrow to develop a building since the area with 25% slopes only occurs in about a twenty-foot (20’) wide area east from the side yard setback.

The parcel is “view” property since there are significant view shed areas to the south across the Highway 68 (Monterey-Salinas) corridor. Therefore, any structure proposed to be developed would be desired to have a majority of footprint running along an east-west axis to take advantage of views to the south. The east-west axis would be longer than the twenty-foot (20’) wide area described above east from the westerly side yard setback. Due to this the larger portion of any proposed structure would occur within 27.77% sloped areas of the site.

The east-west longitudinal alignment for a structure not only captures views to the south but would also keep its narrowest cross section running parallel with down sloping grades that run north to south.

The Height of Structure limit at sixteen-foot (16'-0") above Average Natural Grade assigned to the parcel is also a reason to keep the narrowest cross section of the building run from north to south. This would help diminish roof heights by rise of the roof if roofs run parallel with the narrower section of the structure. It would also diminish the overall southerly wall height for the structure where the highest wall planes would occur at the lowest down sloped grade line along southerly areas of any proposed structure.

The driveway configuration from the road to the house becomes a major focus on where the building should be placed on the site as explained below.

From the road edge to the edge of steeper banks located approximately sixteen feet (16') to twenty feet (20') from the road, slopes vary from 9.50% to 10.50%. The shallower 9.5% slopes are located toward the northeastern corner of the parcel alignment to the road with 10.50% slopes toward the northwestern corner alignment to the road.

From the edge of steeper banks sixteen feet (16') to twenty feet (20') from the road, site slopes occur at 33.33% downward north to south from top of bank to the front yard setback line thirty feet (30'-0") from the north property line. The distance between the road edge and the front yard setback line varies from approximately 50'-0" to 57'-0" along north portions of the property. An area of 33.3% slope approximately 35'-0" to 36'-0" wide on the average occurs between the road and the front yard setback where driveways must cross.

Driveways to any proposed structure would need run across the 9.50% to 10.50% and 33.33% slopes noted above. Starting the driveway aligned close to the westerly property line (northwest corner of the parcel) has advantages. The road edge to the front property and front yard setback is wider than it is at the opposite east side of the parcel. Driveway design will need to have a fairly long run and sweep at an angle downward across the 33.33% slopes so that the driveway can run down the hill at a lesser slope than natural grades.

Vehicles should not run on slopes greater than 20% to 22% where possible and typically a 12% to 16% maximum gradient is preferred. This parcel will not allow for a driveway slope less than 19% to 22% considering that any driveway run down the hill is chasing the 33.33% and 27.77% downward slopes from the road south toward the southerly property line.

A vehicle turnaround and exterior parking area will be required at the termination of the driveway. Pasadera Design Guidelines require that Garages are placed perpendicular to the street so that garage doors are not viewed directly from the street. Keeping the vehicle turnaround and exterior parking area as narrow as possible aligned with the garage door side of the building would be preferred to minimize the amount of grading required. It would be preferred to occur in the 27.77% slope zones of the site rather than the steeper 33.33% slopes which would require more grading and higher retaining walls.

At the southern portions of the developable area of the site there is an area with steeper sloped areas outlined by an edge of steep sloped area shown on Site Plan, Topographic Survey and Grading Plans. The steeper sloped areas appear to be an erosion area where placing a structure close to its bank should not be considered.

Due to the two factors explained above and on the last paragraph on the preceding page, the garage and vehicle turnaround/exterior parking area location should be considered close to the front yard setback line where the 27.77% slopes begin. This would minimize grading in north to south running areas of the garage and help keep areas of the house well away from the steeper sloped erosion area along the southern property line.

Balconies, Terraces or Patio areas for proposed structures should be placed along the southerly areas of the structure due to view shed areas noted on Page 1.

The factors expressed in Item # 2 of this Justification Letter demonstrate reasons for why the new residence and garage were designed as submitted. Any building design for this parcel should take these factors into consideration. These factors include a design that tries to diminish site grading; lessens driveway slope; keeps the narrowest cross section of the building running east-west for views and diminishing south wall and roof heights; and trying to keep the proposed structure away from erosion zones.

3. The parcel to the northeast along Via Del Milagro (next developed property on Parcel Number 171-074-025) appears to have been developed on site slopes that exceed 25% slope. The adjacent residence was constructed as two stories with a steep driveway to a lower level garage. Based on information obtained from Monterey County, this parcel was not subject to the Height of Structure limitations at sixteen-foot (16'-0") as was assigned to APN 171-074-025. There appear to be other parcels within Pasadera that have development on sites with slopes over 25% but information about these parcels and access to them was not researched. Justification # 3 assumes that there are surrounding or other parcels in Pasadera that have development on slopes of 25% or greater. Therefore, neighborhood characteristics have been previously allowed for development on site slopes of 25% or greater.
4. There have been two previous residences proposed on the parcel that I am aware of where applications were submitted to Monterey County for review and approval. One of the projects was approved in 2005 under PLN05-0384 but has since expired. The other application was filed in 2008 under BP08-1447 but subsequently withdrawn.

The two other projects had building placement on the site with garage and driveway configurations similar with site design submitted with application PLN18-0323. Attached are two 8.5" x 11" copies of the Site Plans submitted under the previous 2005 and 2008 applications. A 11" x 17" copy of the current application PLN18-0323 Site Plan (Sheet A1.1) is also included so that these can be used for comparison to each other.

Our final Justification lies in the fact that Monterey County and Pasadera's Architectural Review Committee (ARC) have reviewed and/or approved two other projects in 2005 and 2008 with similar site configurations for building and driveway placement. The previous review-approval process sets a precedent of accepting previous development proposals for this parcel with site slopes greater than 25% slope.

With submission of the Justifications outlined herein, we formally request acceptance of the design as it has been submitted for approval based on the commentary, opinions and facts represented in this letter.

Thank you,

Jeffrey W. Kilpatrick

Attachments: (2) 8.5" x 11" Pages with copies of 2005 and 2008 previous design Site Plans;  
(1) 11" x 17" copy of current application Site Plan