

Exhibit A

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EXHIBIT A DISCUSSION

Site description

The three contiguous parcels related to this application are located approximately 1 mile south of Carmel Valley Road, within the Quail Meadows private subdivision. The parcels, outside of their developed areas, are densely populated with Coast live oaks and Monterey Pines and are primarily sloped in excess of 25 percent gradient.

Lot 1 (10 acres – APN 157-171-032-000):

This parcel, owned by Risdell, was developed in 2000 with a 10,215 sq. ft. single family dwelling, 5,479 sq. ft. detached garage, swimming pool, and a 920 sq. ft. pool house (PLN990291). The lot is zoned LDR/B-6-VS-RAZ(20') (Low Density Residential / Building Site - Visual Sensitivity, Residential Allocation Zoning [20 foot height limit]). No further development is proposed here; however, the parcel will be subject to a lot line adjustment as will be explained below.

Lot 2 (2.5-acres - 5477 Covey Court, Carmel - APN 157-171-033-000):

This parcel is also owned by Risdell Inc. In 2002, the Zoning Administrator approved a Use Permit to allow development of accessory structures prior to establishment of the single-family dwelling on the property, including a tennis court, a 680 square-foot locker room and an access road.

On July 27, 2022, the Planning Commission approved a Combined Development Permit (PLN210312) for the additional development, including a 19,480 square foot three-level single-family dwelling, a 390 square foot accessory storage structure, and associated site improvements. Use Permits to allow the removal of 14 Oak trees and development on slopes exceeding 25% were also approved.

Lot 2 is zoned LDR/B-6-D-S-RAZ (Low-Density Residential/Building Site-6, Design Review, Site Plan Review, Residential Allocation Zoning District). The applicant would like to adjust the western boundary of this lot – onto neighboring Lot 3 - to create an area for the construction of a 3,500 square-foot garage. This 40,000 square foot area of Lot 3 to be added to Lot 2 would retain its existing zoning, O-D-S-RAZ. Concurrently, an equal area (approx. 40,000 square feet) would be added from Lot 2 to Lot 3 so that the Quail Meadows HOA would take ownership of the recreational trail easement that currently passes over the eastern edge of Lot 2.

Lot 3 (181.42 acres – APN 157-171-064-000) This undeveloped parcel, owned by the Quail Meadows HOA, is designated as one of the subdivision's "Open Space" lots. The large and oddly-shaped lot is zoned O-D-S-RAZ (Open Space - Design Control - Site Plan Review - Residential Zoning Allocation). If this application is approved, the majority of the lot would retain this zoning, however, the 40,000 square-foot portion obtained from adjacent Lot 2 (with underlying recreational trail easement) would retain its current zoning of LDR/B-6-D-S-RAZ.

Lot Line Adjustment

Parcels 2 and 3:

As proposed, the majority of Lot 2 would retain its LDR/B-6-D-S-RAZ zoning, however, a 40,000 square-foot portion obtained from adjacent Lot 3 to the west, to accommodate the detached garage, would retain its zoning of O-D-S-RAZ (Open Space - Design Control - Site

Plan Review - Residential Zoning Allocation). Accordingly, a split-zoned parcel would result. A portion on the eastern edge of Lot 2 – also about 40,000 square feet – would be ceded to the Quail Meadows HOA and merged into their “Open Space” Parcel 3. A recreational Trail Easement extends over this portion of Lot 2, and the HOA has expressed a desire to own the land beneath the easement. These two land swaps are illustrated in Figure 1 (below).

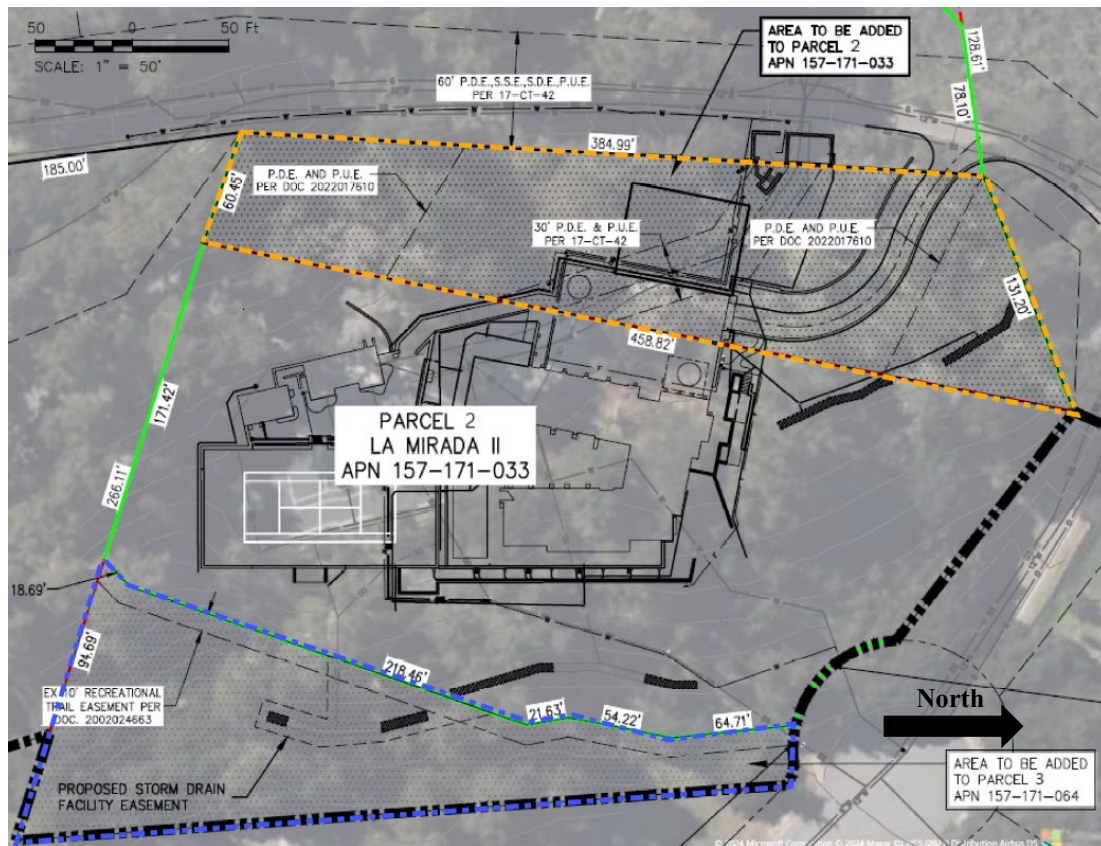


Figure 1. (Note: North is to the right) The portion of Parcel 3 (Open Space) to be merged into Parcel 2 is outlined in orange. The proposed garage would be constructed here. The portion of Parcel 2 to be merged into Parcel 3 is outlined in blue. This area contains a trail easement.

Parcels 1 and 3:

Merging the portion of the 181-acre Lot 3 into Lot 2 would separate (i.e. “pinch-off”) the (smaller) northern portion of Lot 3 from its (larger) southern portion. To resolve this, the applicants propose to transfer a 30-foot wide by 1,000-foot-long (approx. 30,000 square-foot) strip of land on Lot 1 to Lot 3, thus connecting the northern and southern portions of Open Space Lot 3. This 30,000 square foot area of Lot 1 to be merged into Lot 3 would cause Lot 3 to also be split zoned – predominately O-D-S-RAZ, with this strip retain the LDR/B-6-VS-RAZ-20 zoning. This is illustrated in Figure 2 (below).

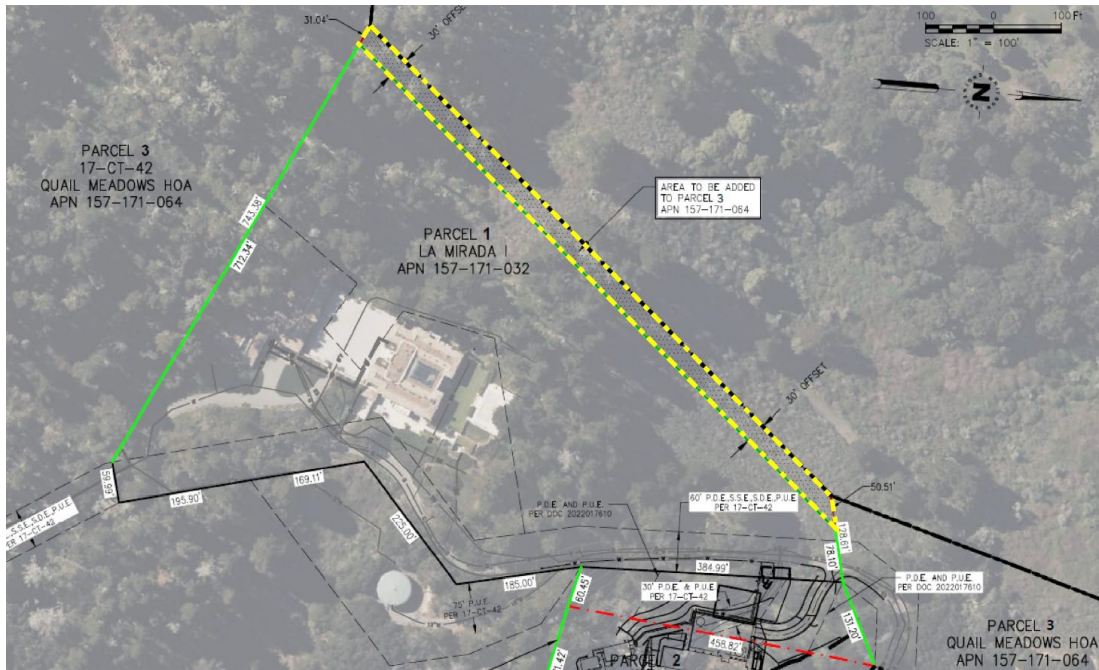


Figure 2. (Note: North is to the right) Portion of Parcel 1, outlined in yellow, proposed to be merged into Parcel 3 as a connector.

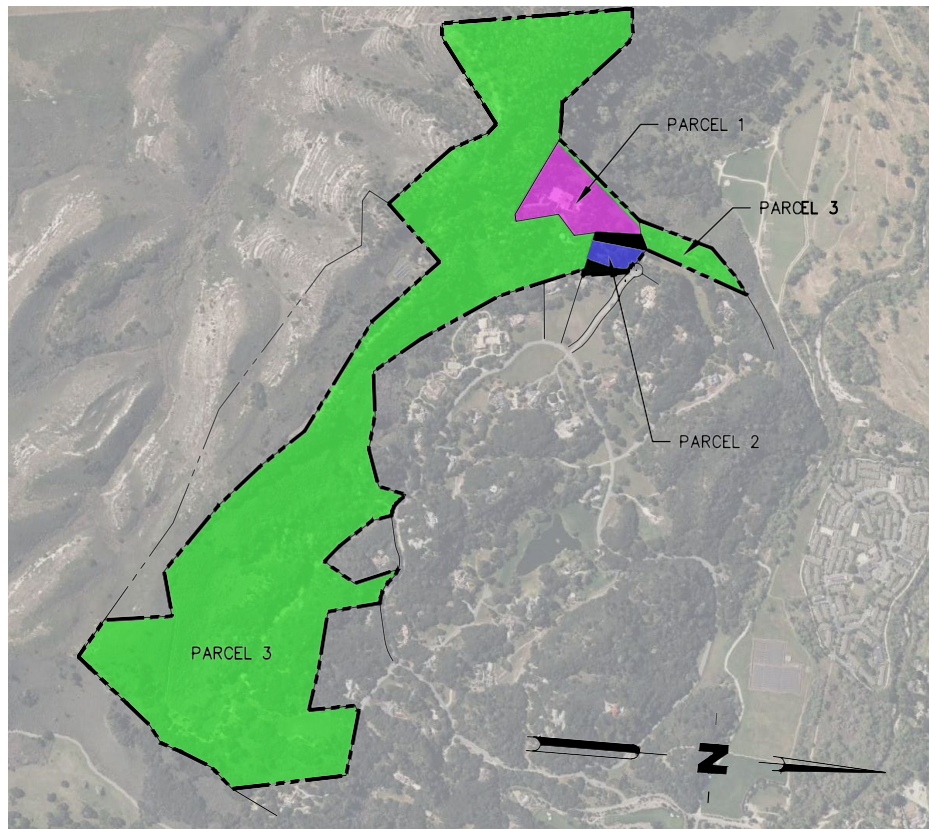


Figure 3. Proposed parcel configurations. Areas to be exchanged between Lots 2 and 3 are shaded black. Note also the connecting strip of Parcel 3 at the northern border of Parcel 1.

Garage (Use Permit and DA)

The area proposed to be added to Parcel 2 to accommodate the garage is zoned O-D-S-RAZ (Open Space - Design Control - Site Plan Review - Residential Zoning Allocation). A Use Permit for the garage structure is being sought according to Monterey County Inland Zoning Code, Chapter 21.38 – “Regulations for Open Space Zoning Districts or “O” Districts”. Specifically, Title 21 section 21.38.050 requires that a Use permit be obtained *“any structure or use or removal of any vegetation or natural materials not in keeping with the purpose of this Chapter.”* Pursuant to Monterey County Code 21.44.030.A and 21.45.040.B, all development located in the Design Control (“D”) and zoning district requires a Design Approval. Therefore, the project also includes this entitlement as a part of the Combined Development Permit.

The 3,500 square foot garage would be constructed into a hillside adjacent to an existing auto court/driveway

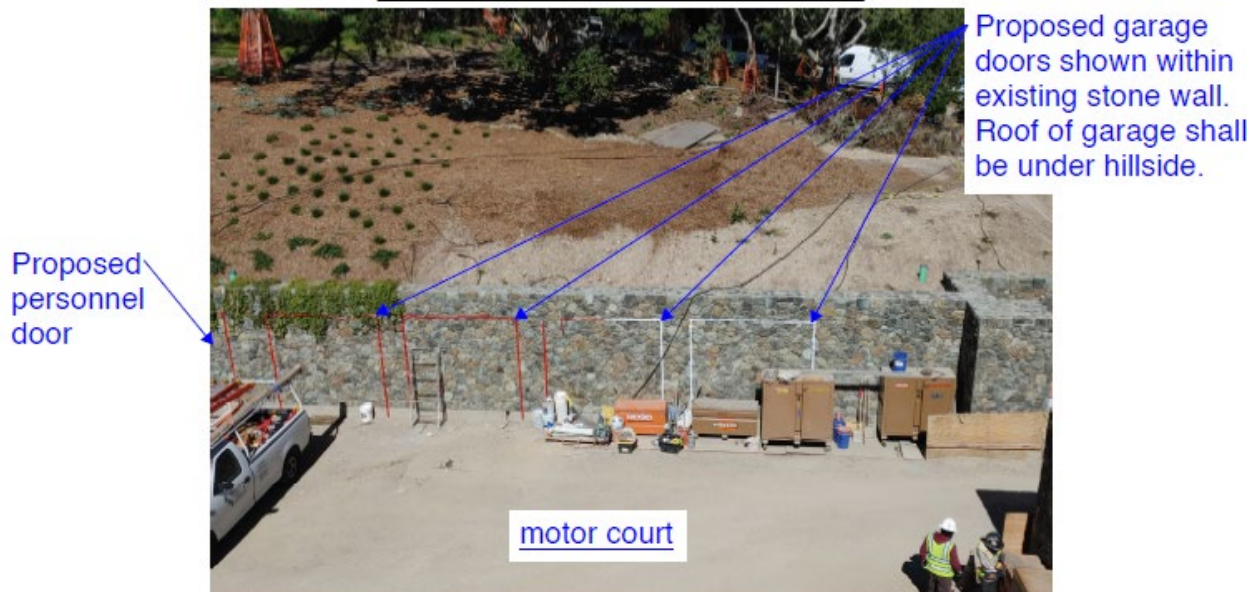


Figure 4. Applicant-submitted photo of the proposed construction area.

Upon completion, the “roof” of the garage would be comprised of contoured dirt fill (as pictured) with native landscaping vegetation, resulting in what would essentially be a “below-grade” structure. The floor plan and profile view of the garage are included in **Exhibit B.2**.

The required minimum front setback for accessory structures is 50 feet in the O zoning district. Title 21 section 21.62.040.N allows garages to be constructed within five feet of the property line if the elevation of the front half of the lot at a point 50 feet from the centerline of the traveled roadway is seven feet above or below the grade of the roadway. In this case, Covey Court (a private roadway serving two single-family dwellings and the remainder of Parcel F [Open Space]) has an elevation approximately 8 feet above a point 50 feet from the center line of the road. Therefore, the proposed garage’s 8’-7” front setback complies with the setback exception. The proposed garage complies with the required side and rear setback of the O zoning district. Structural site coverage will remain well below the 25% maximum.

Development on Slopes (Use Permit)

The application includes a Use Permit for development on slopes in excess of 25% (See garage photo above). Pursuant to the Monterey County General Plan:

Conservation and Open Space Element Policy OS-3.5: *The County shall regulate activity on slopes to reduce impacts to water quality and biological resources:*

1) Non-Agricultural.

a) Development on slopes in excess of twenty five percent (25%) shall be prohibited except as stated below; however, such development may be allowed pursuant to a discretionary permit if one or both of the following findings are made, based upon substantial evidence:

- 1. there is no feasible alternative which would allow development to occur on slopes of less than 25%;*
- 2. the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans, and all applicable master plans.*

Review of County GIS records and a site visit by Staff confirmed that the majority of the parcel contains slopes in excess of 25%. Accordingly, retaining walls have been constructed around the tennis court, single-family dwelling, and driveway. There is no feasible alternative that would allow the proposed garage to be built on slopes of less than 25% without also significantly increasing the number of trees requiring removal. It should also be noted that the sloped area to accommodate the garage has already been partially disturbed during the construction of the motor court parking area. The proposed garage does not minimize disturbance of steeper slopes, and the size of the garage has increased by over 500 square feet since the original submittal. This increase in development on slopes is not complementary of General Plan policies protecting and discouraging mass alteration of hillsides, such as Policies OS-5.5 and CV-3.4. However, General Plan Policy OS-5.5 emphasizes the protection of visually sensitive hillsides, and the subject hillside is not visible from a common public viewing area. Staff identified a potential area to site the garage that would impact a reduced quantity of steeper slopes (north of the residence), however, this area is encumbered by over 25 trees that were planted to offset the impacts of the existing residence. In comparison to the proposed removal of four protected trees, the removal of a greater number of native trees would not better protect forest resources and would be in conflict with Carmel Valley Master Plan Policy 3.11. In this case, there is no alternative location that would allow construction of the proposed garage without impacting slopes, and the proposed tree removal is the minimum necessary.

A Geotechnical report has been prepared (Document# LIB220020) that addresses slope stability. This report concludes: "Based on the results of our updated investigation, the proposed project appears compatible with site conditions, from a geotechnical standpoint, provided our recommendations are closely followed during the design and construction phases of the project." A Condition of Approval (#10) has been included to ensure that said recommendations are followed.

Tree Removal (Use Permit)

The project site is heavily forested with Monterey Pines, Coast live oaks, and non-native species. Four oaks of 33", 18", 18", and 6" diameter, and one Monterey pine of 48" diameter would be removed to accommodate the garage. The Carmel Valley Master Plan protects Oak, Madrones, and Redwoods. Accordingly, only four protected trees are proposed for removal. A Forest Management Plan (LIB240221) for the project has indicated:

- Tree removal (one pine and four oaks) for this site is the minimum required due to construction grading.
- Five additional oaks will be incorporated into the re-planting plan.
- It is not recommended that any pines be replaced due to the plant density found on site and their propensity for natural regeneration.
- No adverse effects from tree removal are expected.

As with constrictions imposed by the predominance of slopes on the parcel, there is little or no feasible alternative that would allow the proposed garage to be built elsewhere on the site in order to minimize tree removal. A Condition has been added (#6) to ensure that the nearby trees are protected during construction activities. Additionally, the applicant will attempt to transplant the 33" Oak to a location adjacent to the project site (See **Ex. B.2** – Sheet L-1.0), although this tree is being considered as a "removal" and is accounted for in the Condition requiring trees to be replanted (#12).

Trees and Slopes – Context

It should be noted that the proposed construction area is a narrow strip of land, averaging approximately 80 feet in width, which is constricted by driveways on two sides and an auto court/parking area on a third side. Accordingly, it is not a part of a large and contiguous forested and sloped area, and the potential impacts to both resources should be considered accordingly.



Figure 5. The proposed garage location is highlighted in yellow.

Biological Resources

A Biological Assessment (LIB220088) for the parcel has found that no impacts to special status species or plant communities are expected. As a precautionary measure, a Condition of Approval (#14) has been included to protect raptor or migratory bird nests within 100 feet of proposed tree removal during typical bird nesting season (February 15 – August 15).

Archaeological/Cultural Resources

A Phase I Archaeological Assessment for the project area (LIB220019) resulted in a “negative” determination for cultural resources. A standard Condition of Approval (#3) has been included to require a stoppage of work in the event that any resources are uncovered during construction. Grading will consist of 2,150 cubic yards of cut and 550 cubic yards of fill, partially in an area that has been previously disturbed.

Visual impacts:

Due to distance, topography, retention of existing mature trees and the low-profile/below-grade nature of the garage, the garage site is not visible from any public viewing area. Therefore, the project will not result in adverse visual impacts and is consistent with the scenic resource policies of the 2010 General Plan and the Carmel Valley Master Plan.

Traffic Impacts:

To address temporary construction-related traffic, a construction management plan (CMP) must be provided and approved by HCD-Engineering Services prior to issuance of a construction permit. The CMP is required to provide measures that will minimize traffic impacts during the construction/grading phase of the project.

LLA/Split-Zoning

As noted, this project would create two split zoned parcels: Lot 2 would be predominately LDR/B-6-D-S-RAZ, with the added garage area being O-D-S-RAZ. Lot 3 would be predominantly O-D-S-RAZ, with the (approx.) 40,000 square-foot trail easement area (currently a portion of Lot 2) being LDR/B-6-D-S-RAZ, and the added 30,000 connective strip (currently a portion of Lot 1) would be LDR/B-6-VS-RAZ-20.

The split-zonings should not create any future issues as the 30' x 1000' strip (from Parcel 1 to connect Parcel 3) is too narrow and steep to be feasibly developed, while the 40,000 square-foot area, to be transferred from Parcel 2 to Parcel 3, is encumbered with a trail easement and is also steeply sloped and heavily forested.

The resulting parcels will comply with the applicable requirements of Title 21 (Zoning Ordinance) and Title 19 (Subdivision Ordinance). The lot line adjustment is between four or fewer existing adjoining parcels. The three existing legal lots of record have a total combined area of approximately 193.92 acres. After the adjustment, there will continue to be three lots of record containing 9.32 acres [Adjusted Parcel 1], 2.72 acres [Adjusted Parcel 2], and 181.88 acres [Adjusted Parcel 3]. The lot line adjustment will not create a greater number of parcels than originally existed. County staff verified that the subject properties are in compliance with all rules and regulations pertaining to the use of the property, and that no violations exist on the property.

CEQA - Environmental Review

The project is exempt pursuant to CEQA Sections 15303 and 15305. California Environmental Quality Act (CEQA) Guidelines Section 15303(e) categorically exempts “*Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.*” California Environmental Quality Act (CEQA) Guidelines Section 15305(a) categorically exempts “*Minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel.*” As proposed, the project involves the construction of an accessory structure, and the adjustment of three legal lots of record, resulting in three parcels. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. Tree removal has been determined to be the minimum required in this case, and removal of the trees will not significantly impact habitat or other sensitive resources at the site. No evidence of significant adverse environmental effects was identified during staff review of the development application.