

Exhibit A

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DISCUSSION:

The proposed project is subject to the 2010 Monterey County General Plan (General Plan), Greater Monterey Peninsula Area Plan (GMPAP) and applicable sections of the Monterey County Inland zoning ordinance (Title 21).

Development Standards

The applicable development standards include special regulations for the Medium Density Residential (MDR) zoning district within the inland area of Del Monte Forest, as identified in Title 21 section 21.12.070 and the 2010 General Plan Figure LU5 designation for the parcel of “Residential 4 units/acre.” Additionally, the property has a B-6 overlay, which would adjust the MDR setbacks except where a final or parcel map establishes parcel-specific setbacks; that is the case here. Special setbacks for the Monterey Peninsula Country Club (MPCC) area 4 for lots that front on roads over 50 feet (ft) in width, the front setback is 15 ft, 10 ft (rear) and 10 ft for 1st story and 20 ft for 2nd story (sides). As a corner lot, the setback along Congress Rd. is 15 ft, and the 15 ft setback wraps around and along Bird Rock Rd. and connects to rear property line setback. Side setback of the project is 10 ft (no second floor). Project rear setback is 10 ft. MPCC special setbacks do not restrict the location of non-habitable accessory structures in relation to the main dwelling, as Title 21 normally does. A 225-square foot (sf) gazebo is proposed at the front setback line (15 ft from front of property). Pursuant to Title 21 section 21.12.060, a minimum of 6 ft setback is required between accessory structures. The closest accessory structures are the garage and ADU, which are over 10 ft apart. ADU setbacks are regulated by Title 21 section 21.64.030. The proposed ADU meets the minimum setbacks of this section (4 feet sides and rear). The setbacks of the project meet or exceed the minimum setbacks.

In the MDR zoning district, maximum allowed structure height is 27 feet and the maximum height of the single-family dwelling is 19 feet and 6 inches. Maximum ADU height in the Inland zoning areas is 16 feet, and the proposed ADU is 12 feet and 9 inches. The gazebo is proposed to be approximately 11 feet in height. The allowed maximum site coverage and floor area ratio (FAR) in the MDR district is 35 percent on lots with 4 units per acre. The property is 19,500 square feet (sf), which would allow site coverage and FAR of 6,825 sf. The proposed single-family dwelling unit, garage and gazebo would result in site coverage of 3,564 sf or 18.3 percent, and although ADUs cannot be denied based on site coverage pursuant to California Government Code Section 65852.2, staff notes that the project would be under the maximum with the ADU included (4,139 sf, 21.2 percent). Similarly, project FAR without the ADU is 2,341 sf or 12 percent, and with the ADU included it remains below the maximum allowed by the zoning district (15 percent with ADU). The ADU also meets the size requirements (less than 1,200 square feet) of Title 21 section 21.64.030. Therefore, as proposed, the project meets all required development standards outlined in Title 21 sections 21.12.070 and 21.64.030.

Design Review

The zoning for the subject property contains a Design Control (D) Overlay and therefore is subject to regulations outlined in Title 21 Chapter 21.44 , which is intended to regulate the location, size, configuration, materials, and colors of structures and fences in those areas of the County where design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and the visual integrity of certain developments without

imposing undue restrictions on private property. After the project was staked and flagged, staff conducted a site inspection on August 31, 2022. Staff determined the proposed structure was appropriately sited for the lot. The proposed residence is comparable with the surrounding neighborhood character in terms of size, color, location and mass. The neighborhood consists of one and two-story dwellings with floor areas ranging from 1,700 to 4,500 square feet. There are various architectural styles in the neighborhood, including ranch style, contemporary, and Spanish Revival. The proposed dwelling and ADU architectural style is contemporary. The proposed exterior colors and materials are consistent with the residential setting. The primary colors and materials include beige colored stucco body, dark bronze windows and doors and beige/gray stone veneer accents. The main and ADU structures would have charcoal gray Class A composite roofing shingles. The gazebo is proposed to be natural wood. Title 20 section 21.12.060 requires that all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Title 21 section 21.63.020. Adherence with these guidelines is required by 2010 General Plan Policy LU-1.13. The Project is conditioned to be consistent with this policy and the design guidelines by the application of Condition No. 6. An exterior lighting plan that demonstrates minimization of off-site glare will be required prior to construction permit issuance. Therefore, the proposed project as designed and conditioned is consistent with the Title 21 Design Control district.

Conformance with 2010 General Plan and Greater Monterey Peninsula Area Plan

The property is on Bird Rock Road, 1.3 miles inland of the ocean (Spanish Bay beach, 17 Mile Drive) and across the street from golf holes that are part of the Monterey Peninsula County Club's Dunes course. The property is not within an area identified in the GMPAP as visually sensitive (Figure 14). Potential impact to the public viewshed across the MPCC golf course into Del Monte Forest LUP areas may be created by shiny materials, windows catching sunlight, or exterior lighting at night. The materials and colors that are proposed for the project are muted and treated to reduce glare, as illustrated in **Exhibit B**. Condition No. 6, Exterior Lighting Plan, is applied to the project to ensure glare from the project's exterior lighting is minimized.

The following 2010 General Plan Open Space Policies relate to the proposed project:

- OS-5.6. Native and native compatible species, especially drought resistant species, shall be utilized in fulfilling landscaping requirements.
- OS-5.13. Efforts to obtain and preserve natural areas of particular biologic, scientific, or educational interest, and restrict incompatible uses from encroaching upon them, shall be encouraged.
- OS-5.14. Policies and procedures that encourage exclusion and control or eradication of invasive exotic plants and pests shall be established.
- OS-5.16. A biological study shall be required for any development project requiring a discretionary permit.
- OS-5.17. The County shall prepare, adopt, and implement a program that allows projects to mitigate the loss of critical habitat.

The following GMPAP Policies relate to the proposed project:

- GMP-3.4. Plant materials shall be used to integrate manmade and natural environments, to screen or soften the visual impact of new development, and to provide diversity in developed areas.

- GMP-3.5. Removal of healthy, native oak, Monterey pine, and redwood trees in the Greater Monterey Peninsula Planning Area shall be discouraged. If tree removal is required, then a Use Permit is required for the tree removal and replacement criteria shall follow the Tree Ordinance.
- GMP-3.9. Critical habitat areas should be preserved as open space. When an entire parcel cannot be developed because of this policy, a low intensity, clustered development may be approved. However, the development should be located on those portions of the land least biologically significant so that the development will not upset the natural function of the surrounding ecosystem.

Biological Resources

Consistent with GP Policy OS-5.16, a biological resources assessment evaluating the project's potential construction and operation impacts was prepared for the site by Fred Ballerini - Biological Assessment of Wilkins Residence APN 007-661-005," dated October 5, 2022 and "WILKINS: Biological Assessment Spring Survey Addendum (APN 007-661-005) Jan 31, 2024" (HCD Planning Library Document No. LIB220281). The results of these studies indicated that the site supports an intact Monterey Pine Forest and a fragmented area of Central Maritime Chaparral (approximately 1,100 sf).

Title 21 section 21.06.440 defines environmentally sensitive habitat as an area known or believed, based on substantial evidence, to contain rare or endangered species. The Project biologist identified an environmentally sensitive habitat area (ESHA) on the parcel supporting approximately 440 individual rein orchids, the federally endangered Yadon's piperia (*Piperia yadonii*). The biologist also found California Rare Plant Ranked pine rose (*Rosa pinetorum*) (4 clusters ranging from 4 to 60 stems) and small leaf lomatium (*Lomatium parvifolium*) (approximately 71 plants) in the development footprint. The biologist found the project could proceed as mitigated without significant impact to the Monterey Pine Forest understory or maritime chaparral. The Project is consistent with Policy GMP-3.4 because it includes a landscape plan that will add some non-invasive shrubs as hedges and will otherwise only relocate Monterey pine seedlings/saplings. The project is consistent with Policy GMP-3.9 because the development is proposed to be located on the least biologically significant portion of the parcel, where no Yadon's piperia are known to grow. The replanting of Pine Rose and small-leaved lomatium and their protection that is outlined in Condition Nos. 10 (BIO-1) and 13 (BIO-4) will ensure avoidance of impact to the individual plants, while Condition No. 14, Conservation and Scenic Easement, will preserve the rare plant receptor area and extant Yadon's piperia in perpetuity. Through these activities, the project is also consistent with GP Policies OS-5.13 and OS-5.16.

The project is consistent with GP Policy OS-5.14 because it includes Condition No. 11 (BIO-2), a mitigation which will eradicate invasive exotic plants from the parcel. The project is consistent with GP Policy OS-5.6 because it includes a Landscape Plan that minimizes the introduction of non-native plants and allows approximately 13,000 sf of native Monterey Pine Forest, two-thirds of the parcel area, to remain. Pursuant to Title 21 section 21.66.020.D.4, Condition No. 16 requires a final landscaping plan that shall include plants consistent with and found in the project area.

Forest Resources

Frank Ono prepared a forest resources assessment for the Project. The assessment, Revised Tree Assessment/Forest Management Plan (FMP), Wilkins Residence (April 3, 2024, (HCD Planning Library Document No. LIB210266), focuses on the Project's construction impacts. This assessment inspected and inventoried 60 trees growing within or adjacent to the development area. The arborist found the site to be forested with tall, unstable Monterey pine trees ranging from dead to fair health and health with questionable stability due to what was termed "thin soil and over-saturation." Winter storms have caused several tree failures.

For this development, 30 trees are required for removal, 29 meet "Protected" criteria outlined in Title 21 section 21.64.260. The following table reviews the tree types, condition, and reasoning for removal. **All trees are "protected status" except as indicated in the 3rd column.**

Tree	Condition	Count	Reason for removal
Monterey Pine	living	11	Construction footprint
Monterey Pine	living	2	Adjacent to ADU, dangerous to structures
Monterey Pine	dead or fallen & dying	12 (including 3 "landmark trees")	Dangerous to construction crew and occupants or in construction footprint
Coast live oak	living	2	Construction footprint
Coast live oak	dead	2	Construction footprint
Acacia	living	1 (not protected)	Construction footprint

TOTAL Pines: 13 living, 12 dead/dying and hazardous Monterey pine

TOTAL Oaks: 2 living, 2 dead Coast live oak

TOTAL Protected Trees: 29

The FMP concluded that the tree removal is the minimum required under the circumstances of the case because the property has been impacted by winter storms in the last few years that reduced the health of the stand and, as stated above, soil stability issues. Staff also worked with the Applicant to locate the structures in the least treed areas, but as the IS discussed, all areas of the property are forested. Informed in large part by the FMP, the IS/MND concluded that the removal will not involve a risk of adverse environmental impacts such as soil erosion, adverse impact to water quality of ground and surface waters, adverse ecological impacts or significant reduction to wildlife habitat.

Instead of recommending replanting the County's standard replacement ratios (1:1 ratio with saplings from a nursery), the arborist concluded that the site is abundant with natural recruitment with over 45 viable Monterey pine seedlings/saplings, a superior alternative replacement. Wherever possible, these seedlings/saplings shall be protected with fencing prior to construction activity and maintained until the construction is finished (Condition No 11, BIO-2). A final FMP shall be prepared to ensure in-place protection or onsite relocation of at least 15 of Monterey pine seedlings/saplings. To ensure survival and viability of those 15 replacement Monterey pine trees, mitigation measure BIO-2 requires five years of monitoring. The arborist found the project

could proceed as proposed without harm to the Monterey Pine Forest. The arborist did not recommend offsite planting.

The project has the potential to be consistent with Policy GMP-3.5 because there is a replacement plan for the protected living trees that are proposed for removal to accommodate the house and driveway and the owners are applying for a Use Permit for the removals.

In conclusion, the Project as designed and mitigated is consistent with the 2010 Monterey County General Plan (General Plan), the Greater Monterey Peninsula Area Plan (GMPAP) and applicable sections of the Monterey County Inland zoning ordinance (Title 21).

Land Use Advisory Committee (LUAC)

The Greater Monterey Peninsula LUAC completed project review in a duly-noticed public meeting on March 21, 2024. During the discussion, a neighbor expressed concern with construction personnel parking being off street. The project plans include a draft Construction Management Plan which illustrates onsite parking for six construction vehicles, which should be sufficient. The agent said that the construction personnel could park at an offsite parking lot and carpool to the site, should more parking be required. This shall be demonstrated on the CMP prepared for Condition No. 8. Another concern was for the location of fence encroaching on sensitive habitat of protected plants. There will be a Biological Monitor onsite during 1) preconstruction meeting and 2) construction activities (Conditions No. 12 and 13). There was concern that the project should plan to replace the proposed trees for removal with new tree plantings as specified by the County's ordinances. The arborist recommended allowing naturally occurring saplings to grow. As replacement for the living and hazardous trees removed, 15 saplings shall be in full survivorship by the end of the monitoring period. Finally, the LUAC shared concern with the large size of the driveway and its proximity to the corner of Congress and Bird Rock Roads. The architect stated that the location was chosen to avoid steeper slope and regrading, and it is a large autocourt in order to serve both the main dwelling and ADU. A sight-distance study was prepared for the Project after the LUAC meeting, which demonstrated safe ingress and egress, as discussed below. The LUAC voted unanimously to recommend the project be supported as proposed (8 ayes, 0 noes, 0 absent).

Traffic Safety

The project is on a corner lot with Congress Rd. to the east and Bird Rock Rd. to the north. The driveway location was discussed in the LUAC review to have the potential to interfere with safe traffic patterns on the corner. Therefore, the applicant contracted with Ollie Zhou and Nivendha Baskarapandian, of Hexagon Transportation Consultants, Inc., to prepare a sight distance review for the proposed driveway on April 15, 2024. These transportation analysts found that the posted speed limit of 25 mph on Congress Rd. and Bird Rock Rd. allows stopping sight distances at the proposed driveway that would be adequate for transportation safety. The 16-ft wide driveway will have 6 feet of driveway opening on either side, allowing for sufficient 15-ft sight triangle.

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