

Exhibit A

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EXHIBIT A PROJECT DISCUSSION

As stated in the cover staff report, several factors have been analyzed and are presented for consideration by the Board of Supervisors. In terms of regulation hierarchy, in this particular case, policy objectives of the Carmel Area Land Use Plan (CAR LUP) should be considered, followed by implementation of those policies, including zoning regulations.

In an attempt to lessen the complexity of the project's circumstances, staff has divided this exhibit into a 3-part discussion in order allow the Board of Supervisors to weigh the facts relative to support or denial of rezoning the subject property as well as consider potential impacts resulting from the zone change. Below is a summary of the 3 parts of the discussion:

- **PART 1 – BACKGROUND INFORMATION:**
 - Background information discussing history of the subject property, the Behavioral Science Institute (BSI) property and its designation as a special treatment area, and previous BSI property developments. This information is presented first to understand how the property was meant to be treated as part of an overall special treatment area.
- **PART 2 – ALLOWED USES:**
 - Discussion comparing allowed uses, subject to discretionary permit approvals, within the Resource Conservation and Watershed and Scenic Conservation zoning districts.
- **PART 3 – CEQA:**
 - Discussion of the project's environmental review.

PART 1 – BACKGROUND INFORMATION

Historical Account of Subject Property

The subject property originated as part of a larger property found on Map 3 of Carmel Highlands, recorded on May 2, 1925. Subsequently, and in accordance with the Subdivision Map Act, the current configuration of the property was memorialized in the 1964 Assessor's Parcel Book. After which, the following occurred:

- 1966 – Monterey County adopts the Monterey Peninsula Area Plan and the property is zoned Agriculture/Residential, Mobile Home Exclusion, 20-acre minimum building site or "K-V-B-5 20-acre min."
- February 24, 1967 – The Monterey County Foundation, property owner, grants to the County of Monterey a Conservation and Scenic Easement Deed over the entire property.
- February 28, 1977 – The Monterey County Foundation grants the property to the Behavioral Science Institute Foundation.
- April 14, 1983 – Monterey County adopts the Carmel Area Land Use Plan and the property is rezoned to Resource Conservation, Coastal Zone or "RC(CZ)."

- February 8, 1994 – The subject property is granted to James G. Collins and Sook Collins.
- December 2003 – California Coastal Commission distributes draft findings of the Monterey County LCP Periodic Review. Map LU-12.6 shows the Collins property as a remaining developable parcel with (1) maximum allowable unit.
- August 18, 2014 – Robert Carver, on behalf of Gary Collins, files an application requesting approval of construction of a single-family dwelling and rezoning.
- August 20, 2017 – Planning Commission adopts a motion of intent to deny the rezone request and continue the proposed single-family dwelling and associated site improvements to a later hearing.
- September 27, 2017 - Planning Commission adopts a resolution recommending the Board of Supervisors deny the rezone ordinance and mitigated negative declaration but continue the development portion of the project to a date uncertain.
- September 25, 2018 – Board of Supervisors adopt a resolution denying the applicant’s request to amend the Local Coastal Program to rezone the property from Resource Conservation [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)], without prejudice to allow the applicant to reapply for the rezone following a judicial determination that the Conservation and Scenic Easement Deed is or is not in effect.
- October 17, 2019 – James Collins files a Notice of Termination of the Conservation and Scenic Easement Deed.
- April 21, 2021 – U.S. District Court for the Northern District of California finds that 2019 Notice of Termination resulted in the effective termination of the Conservation and Scenic Easement conveyed to the County of Monterey over the entirety of the subject property, based on the terms of Article 7 in the Easement Deed.
- November 1, 2021 – Robert Carver, on behalf of Gary Collins, files an application requesting approval of rezoning the property to Watershed and Scenic Conservation from Resource Conservation.

BSI – Special Treatment

The purpose of identifying a special treatment area is to facilitate a comprehensive planned approach for development, allowing a mix of permitted uses while addressing unique natural and scenic resources or significant recreational/visitor-serving opportunities. When the CAR LUP was adopted, policies specifying provisions for development within the BSI property were included and a visual representation of its boundaries were delineated in Figure 2 – Special Treatment Areas of the land use plan.

The subject property encompasses the southernmost portion of BSI. Although an overall management plan was never prepared for BSI, findings of approval for adoption of the CAR LUP (see **Exhibit G**) demonstrate that the property was allocated 25 residential units for development, resulting in a net density of 1 unit per acre. This calculation was based on BSI comprising of 6 parcels totaling 140-acres, 113-acres of which were zoned RC and do not allow for residential development.

The three main qualifying statements of the BSI development policy (below) are that development shall be: 1) within the 25-unit cap, 2) outside of view from Highway 1, and 3) not located within the upper steeper portion of the BSI property. While the first two qualifiers are clear, there is no definition or identified elevation above sea level of what was meant by “upper steeper portion.” Therefore, staff’s analysis relied on the overall topography of the BSI property and the elevation of existing BSI development to determine what should be the appropriate elevation of “upper steeper.”

“The BSI property may be developed for residential use. A maximum of 25 units may be approved; all units shall be sited outside of the view from Highway 1. These units may be used in conjunction with the institutional use. The upper steeper portion shall remain in open space.” – Policy 4.4.3.E.6 of the CAR LUP

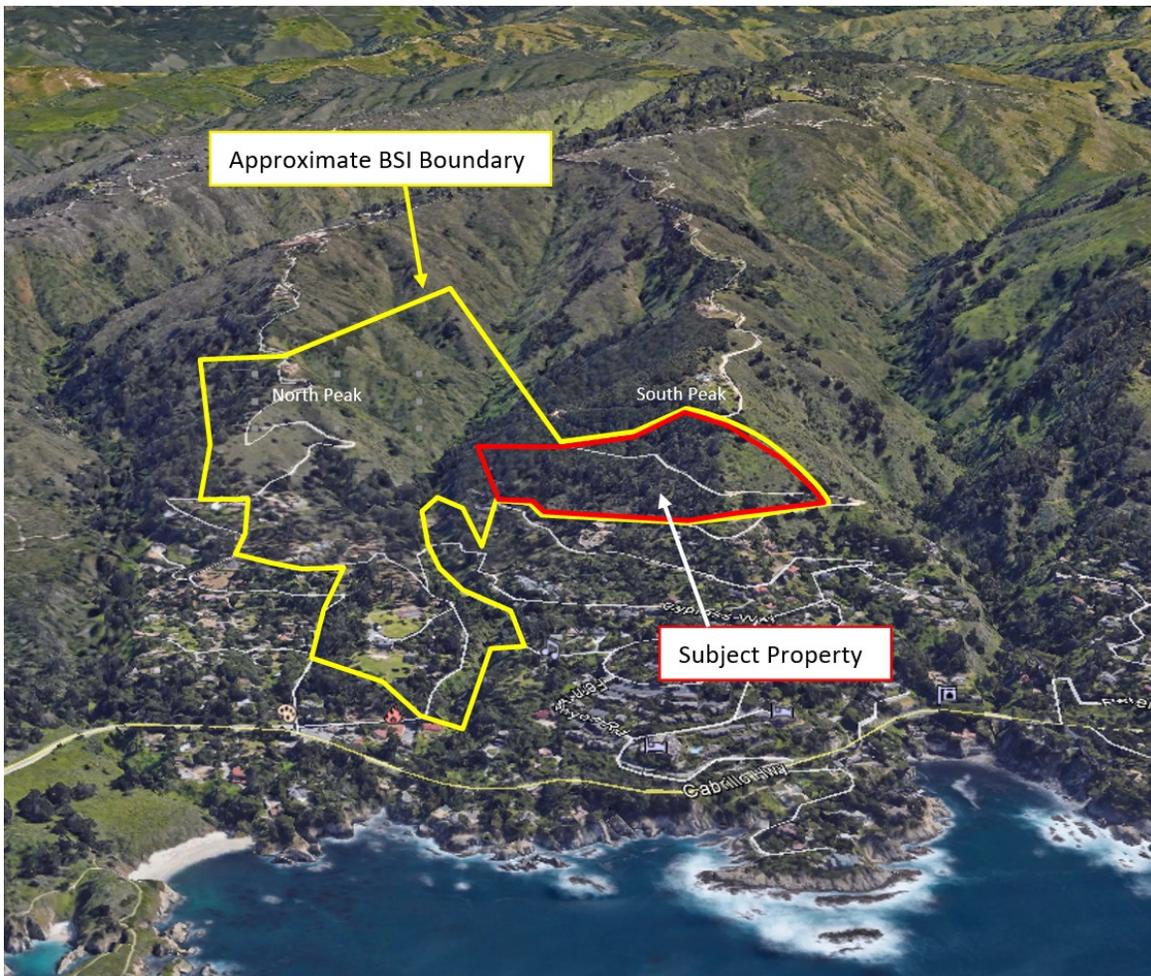


Figure 1. BSI Boundary and Subject Property

As illustrated in Figure 1 (above), the BSI property contains two peaks of mountainous terrain to the north and south and flatlands to the west. Within the BSI boundary, the highest elevation of the northern peak is approximately 860-feet above sea level and the elevation of the southern peak is approximately 860-feet above sea level, while the lowest elevation of BSI is just under 200-feet above sea level.

Development of BSI Properties

There are currently 12 lots that make up the BSI property, 8 of which are developed with a total of 9 residential units. The average development elevation of BSI residences, measured in feet above sea level (FASL) is 455. Existing residential development at the highest elevation is approximately 845 FASL (Assessor's Parcel Number 241-011-009-000), while the lowest residential elevation is 260 FASL (Assessor's Parcel Number 241-081-003-000). The subject property contains a 50,000-gallon water tank at approximately 545 FSAL.

Other development activities that occurred on the BSI property include adjustments to parcels. In 1992, a Lot Line Adjustment between three parcels was approved (File No. LL92015 Gushman). Also in 1992, the 27.08-acre parcel resulting from the Lot Line Adjustment was rezoned from RC/SpTr(CZ) & LDR/1/SpTr(CZ) to RC/SpTr(CZ) & LDR/3.5/SpTr(CZ), increasing the LDR acreage by 1.1-acres (File No. PC92243/Garren). Then in 1994, an application was submitted to subdivide that same 27.08-acre parcel into one 16.4-acre parcel and one 10.6-acre parcel.

PART 2 – ALLOWED USES

Current Site Conditions

The subject property is a 21-acre parcel located on a western-facing slope. Existing development on the site consists of over 700-linear feet of the Mount Devon Road right of way and a 50,000-gallon Cal Am municipal water storage tank, meter, and maintenance access. The site primarily contains dense Monterey Pine Forest. The southern tip of the subject parcel is comprised of Central Maritime Chaparral with interspersed Monterey Pines and is located within 660 feet of an active fault. According to Monterey County Geographic Information System (GIS), the entirety of the parcel contains slopes exceeding 30%. The property is located within a high archaeological sensitivity and erosion hazard area. Although the property lies within the Cal-AM Service Area, there is no active connection. The property is not located within the Carmel Area Wastewater District.

The Monterey County Foundation, previous property owner, granted a Conservation and Scenic Easement over the entirety of the property to the County of Monterey in 1967. Staff could not find documentation of a nexus based on policy (i.e. required as a Condition of Approval) for why the easement was conveyed 6 years prior to adoption of the Carmel Area Land Use Plan, which rezoned the property from Agriculture/Residential to Resource Conservation.

In 2021, the U.S. District 4 Court of California found that the easement was effectively terminated in 2019 as a result of meeting the conditions present for unilateral termination under Article 7 of the Deed. Article 7 of the Easement Deed allows the Grantor to terminate the Easement under specific conditions. By its terms, the Easement allows the Foundation, or its successors in interest – such as James Collins - to terminate the Easement when California or Monterey County passes conservation legislation which restricts, or would by agreement restrict, the use of the Property for

"scenic and recreational uses or for the use of natural resources or for the production of food and fiber." Although the California Coastal Act alone (the basis for Warren's 1990 Termination) may not have been sufficient to trigger the termination provision in the Easement Deed, the Court found that the Monterey County Zoning Ordinance is the type of qualifying legislation that would allow for the termination of the Easement. Finally, the Court found that the rezoning from Agriculture/Residential, which allowed two residential units, to Resource Conservation, which does not allow residential units, restricts the use of the Property, and therefore triggers the condition in Article 7 of the Easement deed required for unilateral termination. Although an argument can be made that the RC zoning ordinance is not more restrictive than the restrictions of the Easement Deed, the Court found that the degree of restriction was immaterial to this determination. Termination of the easement does not intensify use of the property because it is still restricted by the RC zoning ordinance. Based on the Board's 2018 decision and the court's ruling on the easement, the applicant now requests a rezone from RC to WSC.

Zoning District Comparison

The purpose of the Resource Conservation (Forest and Upland Habitats) zoning district is to protect environmentally sensitive forest habitat, grassland, scrub, chaparral habitat and upland riparian habitats or, preserve public or private open space areas set aside for resource preservation or research.

The main objective of the Watershed and Scenic Conservation zoning district is to protect watershed, streams, plant communities, and scenic values. This zoning district is applied to the upland and mountainous areas east of Highway 1. This multi-use zoning district allows appropriate low intensity uses, such as low-density residential development. Pursuant to Policy 4.6 of the CAR LUP, a density of 1 unit per 40 acres is required for properties below 1000-foot elevation. The subject property has elevations ranging from 450 feet to 860 feet and is approximately 21 acres. Rezoning the subject property from Resource Conservation to Watershed and Scenic Conservation would require application of the 1 unit per 40-acre density restriction. Therefore, the Collins property would be restricted to one primary dwelling unit, but accessory habitable structures such as an accessory dwelling unit would be also allowed.

The following descriptions breakdown the allowed uses in the Resource Conservation (RC) and Watershed and Scenic Conservation (WSC) Zoning District by required discretionary permit. The WSC uses that require a minimum of 40 acres have not been included below as they are not applicable to the subject property (21 acres). The uses allowed in the RC zoning district are heavily constrained to the parcel's onsite resources. No residential use of any kind is allowed on an RC zoned parcel, whereas residential uses are allowed within the WCS zoning district but are restricted on the number of units.

Uses Allowed - Coastal Administrative Permit Required

Resource Conservation	Watershed and Scenic Conservation
<u>Residential</u> : None	<u>Residential</u> : Single family dwelling, second residential units (not exceeding density), guesthouse, ADU, temporary residences during construction of the first dwelling on a lot, residential care or senior citizen homes, home occupations

<u>Utilities</u> : None	<u>Utilities</u> : water system facilities (≤ 14 service connections) and additions to wireless communication facilities
<u>Agriculture</u> : None	<u>Agriculture</u> : crop and tree farming, small livestock farming, agriculture sale stands (without utilities), keeping of pets, and farm employee housing (≤ 2 families or 5 people)
<u>Resource dependent</u> : Research dependent educational and scientific research facilities uses, low intensity recreation uses, restoration and management of resources	<u>Resource Dependent</u> : None
<u>Other</u> : None	<u>Other</u> : accessory structures, setback reduction

Uses Allowed - Coastal Development Permit Required

Resource Conservation	Watershed and Scenic Conservation
<u>Residential</u> : None	<u>Residential</u> : additional residential units (max. 4 per lot not exceeding density), bed and breakfast, cottage industry, others of similar nature
<u>Utilities</u> : utility facilities (water, electrical, septic)	<u>Utilities</u> : water system facilities (≥ 15 service connections), establishment of wireless communication facilities, commercial and noncommercial wind energy conversion systems
<u>Stormwater management</u> : dredging, dams, flood control, levees, cliff retaining walls	<u>Stormwater management</u> : None
<u>Agriculture</u> : None	<u>Agriculture</u> : public stables, support services, commercial small livestock raising/farms, animal sales yard, livestock feed yards, agriculture sale stands (with utilities), farm worker or employee housing facility (> 2 families or 5 people),
<u>Resource dependent</u> : campsite (Big Sur only), State-approved facilities for State Parks and Fish and Game Reserves	<u>Resource dependent</u> : None
<u>Other</u> : legal nonconforming use of a portion of a structure, change from legal nonconforming use to similar or more restricted use	<u>Other</u> : legal nonconforming use of a portion of a structure, change from legal nonconforming use to similar or more restricted use, assemblage of people (e.g. carnivals), accessory structures
<u>Animal Services</u> : None	<u>Animal Services</u> : commercial kennels, animal hospital, zoos, riding arenas
<u>Lot Boundaries</u> : Lot line adjustments, subdivisions, conditional certificates of compliance	<u>Lot Boundaries</u> : Lot line adjustments, subdivisions, conditional certificates of compliance

Public and quasi-public: None	Public and quasi-public: schools, churches, playgrounds, etc.
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Policy 4.6 of the CAR LUP identifies the allowed densities for different types of land uses and residential development. This chart includes the 1 unit per 40-acre requirement for all Watershed and Scenic Conservation zoned properties that are below 1000 feet elevation. This chart also states that Carmel Highlands, which has the land use category of “Low Density Residential,” has an allowed density of 1 unit per acre and a total of 218 estimated new residential units. The 218 residential unit calculation is based on future “subdivision of approximately 18 parcels, including Behavioral Sciences Institute Property, to create an [addition of] 50 lots.” Staff has interpreted this policy as the allowed development for Carmel Highlands as a whole, not specifically BSI. Therefore, application of the BSI 25-unit cap would still apply. Rezoning the subject property from RC to WSC/40 (1 unit per 40 acres), would restrict the allowed development to one main habitable unit (residential, farm worker, or senior care facilities). Construction of accessory non-habitable structures such as a guesthouse does not count towards this density limit and does not apply to the BSI unit cap. Per Gov. Code, § 65852.2, subd. (a)(1)(C), accessory dwelling units (ADU) do not count towards the allowable density for a lot. Monterey County Code only permits one ADU and guesthouse per lot. Therefore, the subject property (21 acres) would be able to construct a single-family dwelling, ADU and guesthouse and still be consistent with the proposed zoning district’s density requirement (1 unit per 40 acres). Furthermore, the current BSI unit count has the potential of increasing by only 1, to make a total 10 units of the allowed 25. This is consistent with Map LU-12b of the Coastal Commission’s Periodic Review of the LCP (**Exhibit F**), which indicates that the subject parcel is buildable with a maximum of 1 unit.

Special Treatment Overlay

The "Special Treatment" overlay is intended to be used in conjunction with the underlying land use designation, in the case of an approved rezone: Watershed and Scenic Conservation. As previously mentioned, the specific language of Policy 4.4.3E.6 of the CAR LUP infers that there is a unit cap of 25 for BSI special treatment properties, but does not specify the density at which those units are allowed. Incorporating a special treatment overlay would be consistent with the surrounding BSI properties.

Design Control Overlay

All future development applications would be further restricted by the Design Control (“D”) overlay, which is applied to all areas within the Carmel Area Land Use Plan, per Section 20.44.020.C.2 of Title 20. Therefore, design review of the proposed location, size, configuration, materials, and colors of structure is required to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on the property.

Staff Recommendation

Another key piece of evidence relative to the proposed rezone is the now terminated conservation deed. Ten years to the day after establishing the easement, Monterey County Foundation granted the subject property to BSI. Approximately 6-years later, the property was rezoned from Agricultural/Residential to Resource Conservation. Similar to the establishment of the conservation easement, staff found no documentation showing that the rezone was a result from implementation of a required condition of approval or mitigation measure for a previous

development of the larger BSI property for the protection of sensitive areas (e.g. steep slopes, critical viewshed, and/or environmentally sensitive habitats). Based on available documentation, the logical conclusion would be that the Resource Conservation zoning designation was due to the conservation easement placed on the property at the time; and although the subject property is part of BSI, the zoning, or easement, was not part of the overall management plan. If the designation of the conservation and scenic easement and RC zoning were in accordance with meeting policy objectives of the CAR LUP, then the proposed rezone could not be supported. However, if the conservation and scenic easement was a result from the conscious act of private citizens to use their private property as they see fit, then there would be no policy basis to deny the proposed rezone.

Evidence supporting the proposed rezone is based on the plain language of Policy 4.4.3.E.6. As described above, there are 9 residential units on BSI property. Application of the 40 acre per unit density restriction will allow for one residential unit to be developed on the subject property, which is consistent with the Coastal Commission's Monterey County LCP Periodic Review (Map LU-12.6). Therefore, approval of the proposed rezone has the potential to increase the number of BSI residential units to 10, which is below the maximum allowance of 25.

PART 3 – CEQA

Pursuant Section 15265 of the California Environmental Quality Act (CEQA) Guidelines, CEQA does not apply to activities and approvals pursuant to the California Coastal Act. This project includes the rezone of a property in the Coastal Zone, which constitutes a Local Coastal Act Amendment. Therefore, this project meets the statutory exemption of Section 15625 of the CEQA Guidelines. However, Staff is required to provide evidence of CEQA compliance to the California Coastal Commission pursuant to Public Resources Code § 21080.5, which is contained within the March 08, 2022, Board of Supervisors Staff Report and Resolution. Although there are no direct environmental impacts related to proposed rezone, there would be potential for indirect impacts as a result of the increased development potential (one unit). Therefore, Staff has provided the following discussion to analyzes the indirect impacts of the rezone.

Although no development is proposed as part of this rezone application, the following impacts can be anticipated for future development due to the property's known characteristics, location and topography. In 2013, the applicant requested approval of the construction of a single-family dwelling with an attached garage, establishment of a domestic well, removal of two native trees, development on slopes exceeding 30 percent and development within 100 feet of environmentally sensitive habitat areas. The previously denied project identified a 2-acre area averaging 45% slopes that was not visible from any common public viewing area. The project's proposed single-family dwelling and driveway was situated on slopes of approximately 36% (with the steepest area located closest to Mount Devon Rd.), whereas the wastewater dispersal area was on an average slope of 47%. The previously proposed development was located close to the existing roadway, thus requiring less grading and less disruption of slopes and environmentally sensitive habitats. An alternative site containing slopes averaging 22% was proposed for development but was ultimately removed for consideration due to the excessive grading required for the driveway and the potential impacts to Yadon's rein orchid (*Piperia yadonii*), a Federally Listed Endangered plant. This previous project was ultimately denied due to the appropriate authorities' inability to determine whether the easement conveyed to the County in 1977 was still in effect. This previous project's

initial study identified potential impacts to Aesthetics and Biology caused by site disturbance resulting from project implementation.

Aesthetics: Permitted residential development surrounds the subject lot on all sides. There have been 4 approved developments on BSI since adoption of the CAR LUP that range in elevation from 380-feet to 845-feet which potentially serves as empirical evidence of what was meant by “[T]he upper steeper portion” described in CAR LUP Policy 4.4.3.E.6. The subject property has an elevation that ranges from 450 feet to 860 feet. The highest elevation of the BSI properties is 860 feet, since the Collin’s eastern property line and BSI’s southeastern property line are the same. The proposed rezone would allow for development resulting in potential visual impacts due to the elevation of the property.

Map A – General Viewshed, of the CAR LUP indicates that the subject property is outside of the General Viewshed. As demonstrated in the previously denied application, there is evidence that there are buildable locations on the property that are not visible from Highway 1 or any other public viewing area. The previously proposed development was located at approximately 300 feet above sea level. CAR LUP Policy 2.2.2 and 2.2.3.1, requires all development to “conform to the basic viewshed policy of minimum visibility” and “not detract from the natural beauty of the ... undeveloped ridgelines and slopes in the public viewshed.” Although this property is not located within the General Viewshed, portions of its undeveloped slopes and ridges are visible from Highway 1 and Point Lobos. Per CAR LUP Policy 2.2.3.4, “The portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures.” A visual analysis shall be required for all future development to determine the. Placement of any future driveway or new access road to development must not intrude upon public views from Highway 1 or any other public viewing area, such as Point Lobos. The standard exterior lighting condition of approval shall be applied to future development to ensure that all exterior lighting is shielded or designed near the ground and directed downwards (CAR LUP Policy 2.2.4.10.d). Finally, pursuant to CAR LUP Policy 2.2.3.9 and Carmel Coastal Implementation Plan (CIP) Section 20.146.030.C.9, future development will be required as a condition of approval to convey a conservation and scenic easement to the County of Monterey over the areas of the property that are within the viewshed and on the remaining steep slopes. Future development of the property would require siting and design consistent with CAR LUP visual policies and implementation of the respective regulations, ensuring protection of the area’s visual resources.

Biological Resources: Monterey County Geographic Information System (GIS) indicates that the subject property has the potential to contain Oak savanna, Central Maritime Chaparral, Monterey Pine, and Smith’s Blue butterfly. Map B, Environmentally Sensitive Habitats – Known Locations, of the Carmel Area Land Use Plan (CAR LUP) illustrates the potential for significant stands of Monterey Pine to be located on the subject property. Carmel CIP Section 20.146.040 states that the sensitivity of Monterey Pine habitats shall be determined on a case by case basis through the preparation of biological assessment. As such, all future development proposals shall include submittal of a biological assessment, subject to the requirements and standards in the CIP, to determine impacts to environmentally sensitive habitat areas. CAR LUP and CIP EHSA Policies and regulations require total avoidance of EHSA for new subdivisions, even on parcels totally within sensitive habitat areas. However, it was anticipated that there would be potential for existing lots to fully contain ESHA and complete avoidance would not be feasible in order to allow reasonable development. Therefore, future development proposals on the subject property would

be considered compatible with the long term maintenance of the resource if: 1) site improvements and vegetation removal were restricted to only the amount needed for reasonable development, thereby reducing ESHA impacts to the greatest extent feasible and 2) the proposal incorporates necessary site planning and design features which protect the habitat and do not set a precedent for continued land development with the potential to degrade the resource. The biologist, in coordination with the California Department of Fish and Wildlife, shall recommend mitigation measures to reduce any potential impact to less than significant (Carmel CIP Section 20.146.040.B.6). Removal of any native tree (12 inches or greater in diameter) shall require approval of a Coastal Development Permit and replacement on a 1:1 ratio. Removal of the protected trees requires the Appropriate Authority to find that: 1) tree removal would not result in exposure of structures within the critical viewshed; and 2) removal is limited to that which is necessary for the proposed development. Pursuant to CAR LUP Policy 2.3.3.6, the County shall require dedications of permanent conservation easements over environmentally sensitive habitat areas when development is proposed on parcels containing such habitats. The Conservation and Scenic Easement deed shall specifically note that the purpose of the easement is for the long-term preservation of the ESHA and Viewshed in accordance with CAR LUP protection policies and as a direct result of approval of the proposed project. Future development of the property – as proposed, conditioned and/or mitigated – requires consistency with CAR LUP biological resource protection policies and implementation of the respective regulations, ensuring protection, maintenance and enhancement of the area’s environmentally sensitive habitats.

Geology/Soils: Although the previously denied project’s Initial Study did not identify potentially significant impacts to Geology/Soils, all future development will require approval of a Coastal Development Permit to all development on steep slopes (greater than 30%) due to the subject parcel’s topography. According to Monterey County Geographic Information Science (GIS), the entire property contains slopes that exceed 30 percent slopes and has a high erosion hazard. Pursuant to CIP Section 20.146.080.B.1.b, a geotechnical report shall be prepared for all future development proposals. In order to allow approve a Coastal Development Permit to allow development on steep slopes (greater than 30%), the appropriate authority must find that: 1) there is no feasible alternative which would allow development to occur on slopes of less than 30%; or 2) that the proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives, pursuant to Section 20.64.230.E.1 of the Monterey County CIP (Part 1; Title 20 Zoning Ordinance). Future development of the property would require siting and design consistent with CAR LUP hazards/safety policies and implementation of the respective regulations.

Resource Impact Conclusion

Rezoning the subject parcel from Resource Conservation to Watershed and Scenic Conservation, 40 acres per unit, with a design control and special treatment overlay [WSC/40-D-SpTr (CZ)] will result in no direct impacts on the environment. However, the increased development potential is anticipated to result in impacts. A maximum allowance of 1 residential unit on the subject parcel is consistent with the CAR LUP, BSI requirements and is consistent with the determination of the Coastal Commission. Approval of this project would not set a precedent for similar development. Findings to support approval are based the specific facts of this case and background information. Therefore, staff finds that the increased development potential of this parcel (1 unit) will be confined to specific locations and will have a less than significant impact on the environment.

Application of the above-mentioned CAR LUP and CIP Policies will ensure that all future development is sited in an appropriate and feasible manner that better meets the goals, policies and text of the Zoning Ordinance (Title 21) and General Plan. Environmentally Sensitive habitat Areas and areas within the Public Viewshed will be required to be conveyed to the County of Monterey as a Conservation and Scenic Easement. This will protect those resources areas in perpetuity. The previously denied project is evidence that implementation of CAR LUP and CIP policies and appropriate mitigation measures, future development have the potential of resulting in a less than significant impact. Additional CEQA compliance evidence is provided in the March 08, 2022 Board of Supervisors Resolution (**Exhibit B**).

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