

Attachment A

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ATTACHMENT A

DISCUSSION

This discussion is separated into two project discussion sections, one for each of the subject projects/properties, followed by an appeal section.

PLN190097 (located at 24418 San Juan Road, Carmel Woods; APN 009-013-011-000):

Applicant proposes to construct a 2,153 square foot two-story single-family dwelling with an attached 440 square foot garage. The project also includes construction of 946 square feet of deck area, approximately 220 cubic yards of associated grading (20 cubic yards cut and 200 cubic yards fill), approximately 320 linear feet of 4-foot high retaining and privacy walls, and a 1,615 square foot permeable driveway. The proposed development would also involve the removal of two Coast Live oaks, development within 100 feet of environmentally sensitive habitat, and approximately 529 square feet of development on slopes exceeding 30 percent.

Concerns were raised by interested members of the public related to the following:

- Construction of the single-family dwelling on slopes exceeding 30 percent;
- The potential for the proposed development to impact a drainage easement;
- The potential for the proposed development to impact additional trees;
- Consistency of the proposed exterior design and colors with the neighborhood character; and
- Construction related impacts that could result from development of the single-family dwelling.

These concerns are discussed in detail below.

Development Slopes Exceeding 30 Percent

The project includes a coastal development permit to allow development on slopes exceeding 30 percent. Pursuant to applicable Carmel Area Land Use Plan (LUP) policies and Monterey County Code (MCC) regulations, development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent; or the proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and the LUP than development alternatives. In this case, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent.

The property slopes steeply away from San Juan Road and contains large areas of slopes in excess of 30 percent at both its front and middle sections. Based on site topography, accessing the property from San Juan Road is not feasible without encroaching into slope exceeding 30 percent. As proposed, the development on slopes exceeding 30 percent would encompass approximately 529 square feet of area for the driveway and associated turnaround area for emergency vehicles.

Applicant has significantly reduced the amount of developed area involving 30 percent or greater slope from the initial proposal considered by the Planning Commission on October 9, 2019. Revisions include a cantilevered deck, thereby avoiding development on slope exceeding 30 percent on the lower half of the property and resulting in elimination of the 17-foot retaining wall initially proposed in the same general area. Overall, the amount of development on slope

exceeding 30 percent has been reduced from approximately 1,900 square feet to 529 square feet – a net reduction of approximately 1,371 square feet. Additionally, fill has been reduced by approximately 500 cubic yards (from 720 to 200 cubic yards).

As proposed, the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Carmel Area LUP. Staff has also recommended conditions of approval to ensure stability of the development (see Condition No. 12, Stormwater Control Plan, and Condition No. 13, Winter Inspections). Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of drainage and would be required to address post-construction requirements and runoff reduction.

Environmentally Sensitive Habitat Areas (ESHA)

The project includes a coastal development permit to allow development within 100 feet of ESHA (i.e., the Pescadero Canyon). The property does not contain any mapped environmentally sensitive habitat areas; however, the parcel is adjacent to the Pescadero Canyon, which is designated ESHA and open space. Pursuant to the policies in Chapter 2.3 of the Carmel Area LUP and MCC section 20.146.040, development adjacent to sensitive habitat areas shall only be allowed at densities that are compatible with the protection and maintenance of the resources.

Due to the location of the subject property, any development on the property would result in development within 100 feet or less of ESHA (i.e., the Pescadero Canyon). A Biological Assessment (report) prepared that encompassed both proposed projects (LIB190216; Thompson Wildland Management) concluded that the site does not support any federally and/or state protected special status species and/or sensitive habitat, and that the proposed development would not result in potential impacts to sensitive habitat or species. Also, the property has been previously disturbed by the construction, landscaping, and subsequent demolition of a single-family dwelling. As sited and designed, the proposed development is within the most suitable location of the property, considering the topography, slopes, existing vegetation, and shape of the parcel. As proposed and conditioned, the project minimizes potential impacts to ESHA in accordance with the applicable goals and policies of the LUP and MCC.

A concern was raised by a neighbor regarding whether the proposed development would have the potential to impact an adjacent drainage easement. Staff reviewed County records, the proposed development plans, technical reports, and completed multiple site visits. Site development would be subject to current regulations regarding control of drainage. Condition Nos. 12 (Stormwater Control Plan) and 13 (Winter Inspections) would be required to address post-construction requirements and runoff reduction, and to ensure contaminants are not discharged into Pescadero Canyon and the Carmel Bay Area of Special Biological Significance. Also, per Condition No. 7 (Notice of Report), development shall be completed in accordance with the biologist's report. Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, and inspections by Environmental Services staff. The subject property is also within the General

Municipal Permit Boundary and is required to implement design strategies to limit disturbances to creeks and natural drainage features, minimize compaction of highly permeable soils, limit clearing and grading to the minimum area needed for the project, and minimize impervious surfaces.

Tree Removal/Forest Management

The project seeks the removal of two Coast Live oaks. A Tree Assessment (report) (LIB190167; Frank Ono, Forester) prepared for the site pursuant to MCC Section 20.146.060 identified the removal of two trees (Coast Live oak) within the proposed development footprint. The report confirmed that the trees identified for removal are the minimum necessary for the proposed development and determined that the proposed development would not adversely impact the long-term health of the forest habitat on the property. The report also recommended tree replanting at a 1:1 ratio, which would result in the replanting of two five-gallon or larger Coast Live oak trees (Condition No. 10). MCC directs the replacement of native trees on the site in accordance with the recommendations of the arborist, except where it is demonstrated that replacement of trees would result in an overcrowded, unhealthy environment. Per Condition Nos. 7 (Notice of Report) and 9 (Tree and Root Protection), replanting and site development shall be completed in accordance with the arborist's report. Installation of tree protection measures would also be required prior to issuance of a construction permit. Additionally, the arborist report recommends methods for clearing debris and non-sensitive vegetation from the site to promote healthy forest growth and reduce fuel loads. These recommendations will be incorporated by Condition No. 7. As proposed, the project minimizes tree removal and ensures sustained health of the surrounding forest in accordance with the applicable goals, policies, and regulations of the Carmel Area LUP and MCC.

Design Review and Neighborhood Character

Pursuant to MCC Chapter 20.44, the proposed project parcel and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to ensure the protection of the public viewshed and neighborhood character. As proposed, the exterior colors and materials are consistent with the residential setting. The primary exterior colors and materials include grey metal and cedar roofing, limestone and off-white stucco siding finishes, and black trim doors and windows. The proposed exterior colors and finishes would blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. Also, per Carmel LUP Policy 2.2.3.6, the proposed structure would be subordinate to and blend into the environment, using appropriate exterior materials and earth tone colors that give the general appearance of natural materials.

Based on information gathered from multiple site visits, the dwellings within this vicinity have a variety of architectural styles, so there is no specific style that defines the neighborhood or surrounding area. The proposed architectural style will blend with the surrounding environment, be consistent with the surrounding residential neighborhood character and setting as well as other neighborhood dwellings. The proposed structures would also conform to all applicable development standards.

Concerns were raised by interested parties regarding the size of the project and its compatibility with the neighborhood character. Commenters indicated that the home's bulk and mass would

be too large compared to the immediate vicinity. Based on County records, staff reviewed the square footages of the homes within this vicinity. Based on this review, the proposed development of a 2,153 square foot two-story single-family dwelling with an attached 440 square foot two-car garage is comparable to other built homes within the vicinity. A total of 110 homes were reviewed within the Carmel Woods neighborhood within a 900-foot radius of the proposed development. Approximately 23 percent are over 2,500 square feet in size, and approximately 77 percent are less than 2,500 square feet in size. Due to the small lot sizes in this area, many homes are two-story, and several are three-story. Therefore, the proposed square footage, as well as the proposed bulk and mass of the proposed structure are not out of character with the neighborhood.

As proposed and conditioned, the project conforms to the policies and development standards of the applicable Carmel Area LUP and ordinances related to land use development. The proposed structure and use are consistent with the surrounding residential neighborhood character (i.e.; design, colors, and material finishes), are consistent with the size and scale of surrounding residences, and the bulk and mass would not contrast with the neighborhood character. As proposed, the project ensures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

Temporary Construction Impacts

Concerns were raised about construction impacts resulting from the project. The subject property is in the Carmel Woods neighborhood, where lots are relatively small, and roads are narrow. Temporary construction activities would create short-term nuisances from traffic and noise generated by the project. Applicant submitted a Construction Management Plan (CMP) during the application review process that was reviewed by Public Works staff. Additionally, Applicant would be required to submit the CMP as a part of the construction permit application to include revisions to the plan made as part of the planning review. The CMP indicated a total of 60 truck trips over a course of nine days would be needed for importing construction materials. Based on project revisions, the total number of truck trips would likely be less. Hours of construction will be limited to Monday through Saturday between 8:00 a.m. and 4:30 p.m., and the construction of the project is estimated to take a total of 12 months. Implementation of the CMP would minimize traffic and delineate the area of proposed construction parking and proposed haul routes.

PLN190098 (located at 24424 San Juan Road, Carmel Woods; APN 009-013-012-000):

Applicant proposes to construct a 3,114 square foot two-story single-family dwelling with an attached 462 square foot garage. The project also includes construction of 479 square feet of covered patio and deck area, approximately 990 cubic yards of associated grading (760 cubic yards cut and 230 cubic yards fill), approximately 407 linear feet of 4- to 6-foot high retaining and privacy walls, and a 2,581 square foot permeable driveway. The proposed development would also involve the removal of one Monterey pine and one Coast Live oak, development within 100 feet of environmentally sensitive habitat, and approximately 80 square feet of development on slopes exceeding 30 percent.

Concerns were raised by interested members of the public related to the following:

- Construction of the single-family dwelling on slopes exceeding 30 percent;

- The potential for the proposed development to impact a drainage easement;
- The potential for the proposed development to impact additional trees;
- The consistency of the proposed exterior design and colors with the neighborhood character; and
- Construction related impacts that could result from development of the single-family dwelling.

These concerns are discussed in detail below.

Development on Slopes Exceeding 30 Percent

The project includes a coastal development permit to allow development on slopes exceeding 30 percent. Pursuant to applicable Carmel Area Land Use Plan (LUP) policies and Monterey County Code (MCC) regulations, development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent; or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the LUP than development alternatives. In this case, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent, and the area that has been chosen serves to minimize that impact.

The property slopes steeply away from San Juan Road and contains large areas of slopes in excess of 30 percent at both the front and rear sections of the property. Based on site topography, accessing the property from San Juan Road is not feasible without encroaching partially into slope exceeding 30 percent. As proposed, the development on slopes exceeding 30 percent would encompass approximately 80 square feet of area for the driveway and associated turnaround area for emergency vehicles.

Applicant has significantly reduced the amount of developed area involving 30 percent or greater slope from the initial proposal considered by the Planning Commission on October 9, 2019. Revisions made to avoid development on slope exceeding 30 percent on the lower half of the property include the following:

- reduction of the front setback from 36 feet to 20 feet;
- 9-foot reduction of the overall structural length (front to rear); and
- 5-foot reduction in structural width (side to side) of the single-family dwelling.

Based on these revisions, the amount of development on slope exceeding 30 percent has been reduced from approximately 600 square feet to the revised amount of 80 square feet – a net reduction of approximately 520 square feet. Project revisions have also reduced the bulk and mass of the proposed development, including a 17.9 percent reduction in floor area (from 4,355 to 3,576 square feet – a net reduction of 779 square feet), a 16.4 percent reduction in structural coverage (from 3,319 to 2,776 square feet – a net reduction of 543 square feet), and a reduction of the height above average natural grade by approximately 12 feet (from 30 feet to 18 feet).

As proposed, the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Carmel Area LUP. Staff has also recommended conditions of approval to ensure stability of the development (see Condition No. 12, Stormwater Control Plan, and Condition No. 13, Winter Inspections). Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and

approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of drainage and will be required to address post-construction requirements and runoff reduction.

Environmentally Sensitive Habitat Areas (ESHA)

The project includes a coastal development permit to allow development within 100 feet of ESHA (i.e., the Pescadero Canyon). The property does not contain any mapped environmentally sensitive habitat areas; however, the parcel is adjacent to the Pescadero Canyon, which is designated ESHA and open space. Pursuant to the policies in Chapter 2.3 of the Carmel Area LUP and MCC Section 20.146.040, development adjacent to sensitive habitat areas shall only be allowed at densities that are compatible with the protection and maintenance of the resources.

Due to the location of the subject property, any development on the property would result in development within 100 feet or less of ESHA (i.e., the Pescadero Canyon). A Biological Assessment (report) was prepared that encompassed both projects (LIB190216; Thompson Wildland Management), which concluded that the site does not support any federally and/or state protected special status species and/or sensitive habitat, and that the proposed development would not result in potential impacts to sensitive habitat or species. Also, the property has been previously disturbed by the construction, landscaping, and subsequent demolition of a single-family dwelling. As sited and designed, the proposed development is within the most suitable location of the property, considering the topography, slopes, existing vegetation, and shape of the parcel. As proposed and conditioned, the project minimizes potential impacts to ESHA in accordance with the applicable goals and policies of the LUP and MCC.

A concern was raised regarding whether the proposed development would have the potential to impact an adjacent drainage easement. Staff reviewed County records, the proposed development plans, technical reports, and completed multiple site visits. Site development would be subject to current regulations regarding control of drainage. Condition Nos. 12 (Stormwater Control Plan) and 13 (Winter Inspections) would be required to address post-construction requirements and runoff reduction, and to ensure contaminants are not discharged into Pescadero Canyon and the Carmel Bay Area of Special Biological Significance. Also, per Condition No. 7 (Notice of Report), development shall be completed in accordance with the biologist's report. Additionally, during the construction permit phase, the contractor would be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, and inspections by Environmental Services staff. The subject property is also within the General Municipal Permit Boundary and is required to implement design strategies to limit disturbances to creeks and natural drainage features, minimize compaction of highly permeable soils, limit clearing and grading to the minimum area needed for the project, and minimize impervious surfaces.

Tree Removal/Forest Management

The project includes application for the removal of one Monterey pine and one Coast Live oak. The project would also include removal of two additional trees (plum and holly) that are not protected under Monterey County Code. A Tree Assessment, including an Amendment (report) (LIB190168; Frank Ono, Forester) prepared for the site pursuant to MCC Section 20.146.060

identified the removal of two native trees within the proposed development footprint. The report confirmed that the trees identified for removal are the minimum necessary for the proposed development and determined that the proposed development would not adversely impact the long-term health of the forest habitat on the property. The report also recommended tree replanting at a 1:1 ratio, resulting in the replanting of one each five-gallon or larger Monterey pine and Coast Live oak trees (Condition No. 10). Additionally, MCC directs the replacement of native trees on the site in accordance with the recommendations of the arborist, except where it is demonstrated that replacement of trees would result in an overcrowded, unhealthy environment. Per Condition Nos. 7 (Notice of Report) and 9 (Tree and Root Protection), replanting and site development shall be completed in accordance with the arborist's report. Installation of tree protection measures would also be required prior to issuance of a construction permit. An interested party raised a concern about potential impacts to a landmark tree on a neighboring property to the south. The arborist recommended to hand dig in this area prior to construction to ensure no roots are impacted. This recommendation has been incorporated (Condition No. 7, Notice of Report). Further, the arborist report recommends methods for clearing debris and non-sensitive vegetation from the site to promote healthy forest growth and reduce fuel loads. These recommendations will be incorporated by Condition No. 7 as well. As proposed, the project would minimize tree removal and ensure sustained health of the surrounding forest in accordance with the applicable goals, policies, and regulations of the Carmel Area LUP and MCC.

Design Review and Neighborhood Character

Pursuant to MCC Chapter 20.44, the proposed project parcel and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to ensure the protection of the public viewshed and neighborhood character. As proposed, the exterior colors and materials are consistent with the residential setting. The primary exterior colors and materials include brown composite tile roofing, a light beige stucco siding finish, and dark brown trim doors and windows. The proposed exterior colors and finishes would blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. Also, per Carmel LUP Policy 2.2.3.6, the proposed structure would be subordinate to and blend into the environment, using appropriate exterior materials and earth tone colors that give the general appearance of natural materials.

The dwellings within this vicinity have a variety of architectural styles, so there is no specific design that defines this area. The proposed structural design, combined with the proposed exterior colors and finishes, will blend with the surrounding environment, be consistent with the surrounding residential neighborhood character and setting, and be complementary to other dwellings in the neighborhood.

Interested parties raised concerns regarding the project design and its compatibility with the neighborhood character. Commenters indicated that the home's bulk and mass would be too large compared to the immediate vicinity. Based on County records, staff reviewed the square footages of the homes within this vicinity. Based on this review, the proposed development of a 3,114 square foot two-story single-family dwelling with an attached two-car garage, although it would be one of the larger homes in the immediate area, is comparable to other built homes within the vicinity. A total of 110 homes were reviewed within the Carmel Woods neighborhood within a 900-foot radius of the proposed development. Approximately 23 percent of the homes

are over 2,500 square feet in size (including approximately 4 percent over 3,000 square feet in size) and approximately 77 percent were less than 2,500 square feet in size. Due to the small lot sizes in this area, many homes are two-story, and several are three-story. Therefore, the proposed square footage, as well as the proposed bulk and mass of the proposed structure are not out of character with the neighborhood.

Since the initial proposal considered by the Planning Commission on October 9, 2019, Applicant has significantly reduced the amount of structural bulk and mass of the proposed residence. Project revisions to reduce bulk and mass include the following:

- 9-foot reduction of the overall structural length (front to rear); and
- 5-foot reduction in structural width (side to side) of the single-family dwelling;
- 12-foot reduction in height above average natural grade (from 30 feet to 18 feet);
- 17.9 percent reduction in floor area (from 4,355 to 3,576 square feet – a net reduction of 779 square feet); and
- 16.4 percent reduction in structural coverage (from 3,319 to 2,776 square feet – a net reduction of 543 square feet).

As proposed and conditioned, the project conforms to the policies and development standards of the applicable Carmel Area LUP and ordinances related to land use development. The proposed structure and use are consistent with the surrounding residential neighborhood character (i.e.; design, colors, and material finishes), are consistent with the size and scale of surrounding residences, and the bulk and mass would not contrast with the neighborhood character. As proposed, the project ensures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

Temporary Construction Impacts

Concerns were raised about construction impacts resulting from the project. The subject property is located in the Carmel Woods neighborhood, where lots are relatively small and roads are narrow. Temporary construction activities would create short-term nuisances from traffic and noise generated by the project. Applicant submitted a Construction Management Plan (CMP) during the application review process that was reviewed by Public Works staff. Additionally, Applicant would be required to submit the CMP as a part of the construction permit application to include revisions to the plan made as part of the planning review. The CMP indicated a total of 60 truck trips over a course of nine days would be needed for importing construction materials. Based on project revisions, the total number of truck trips would likely be less. Hours of construction will be limited to Monday through Saturday between 8:00 a.m. and 4:30 p.m., and the construction of the project is estimated to take a total of 12 months. Implementation of the CMP would minimize traffic and delineate the area of proposed construction parking and proposed haul routes.

Appeal:

The Appellant, Fred Miranda, filed an appeal raising six (6) contentions (**Attachment D**). The contentions are summarized as follows:

- A) There is no feasible alternative to development does not encroach on slopes exceeding 30 percent;
- B) The proposed projects would not impact an adjacent drainage easement;

- C) The proposed structures, and exterior colors and materials, would be compatible with the neighborhood character;
- D) The proposed projects are consistent with applicable plan policies and zoning regulations;
- E) As proposed, the projects qualify for categorical exemptions pursuant to CEQA; and
- F) The affordability of the proposed projects is not applicable.

County Staff Responses to the Contentions:

Contention A: There is no feasible alternative to development does not encroach on slopes exceeding 30 percent.

As described above, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent, and the areas that have been chosen minimize that impact. Both properties slope steeply away from San Juan Road and contain large areas of slopes in excess of 30 percent at both the front and rear sections of the properties. Based on site topography, accessing the property from San Juan Road is not feasible without encroaching partially into slopes exceeding 30 percent. As proposed, the subject projects minimize development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Carmel Area LUP. Staff has also recommended conditions of approval to ensure stability of the proposed development.

Contention B: The proposed projects would not impact an adjacent drainage easement.

During the construction permit phase, the contractor will be required to comply with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of drainage and will be required to address post-construction requirements and runoff reduction. Staff has also recommended conditions of approval for both projects to ensure reduction of run-off from the proposed development (Condition No. 12, Stormwater Control Plan, and Condition No. 13, Winter Inspections).

Contention C: The proposed structures, and exterior colors and materials, would be compatible with the neighborhood character.

As described above, the revised projects would ensure protection of the public viewshed, be consistent with neighborhood character, and preserve visual integrity. The proposed exterior colors and finishes are earth tone colors that give the general appearance of natural materials, would blend with the surrounding environment, are consistent with the surrounding residential neighborhood character and setting, and are consistent with other neighborhood dwellings. Neighborhood dwellings have a variety of architectural styles, so there is no specific design that defines this area. The proposed structural designs, combined with the proposed exterior colors and finishes, will blend with the surrounding environment per Carmel LUP Policy 2.2.3.6. The proposed structure and use are consistent with the surrounding residential neighborhood character (i.e.; design, colors, and material finishes), are consistent with the size and scale of surrounding residences along San Juan Road, and the bulk and mass would not contrast with the neighborhood character.

Contention D: The proposed projects are consistent with applicable plan policies and zoning regulations.

As proposed and conditioned, the project conforms to the policies and development standards of the applicable Carmel Area LUP and ordinances related to land use development. Based on staff review of the application materials and technical reports, both projects minimize development on slopes exceeding 30 percent, avoid development impacts to environmentally sensitive habitat areas, minimize tree removal, and are consistent with the neighborhood character. The proposed structures would also conform to all applicable development standards such as setbacks, floor area, site coverage, and structure height. Based on staff review of County records, neither the proposed square footages nor the proposed bulk and mass of the proposed structures are out of character with the neighborhood.

Contention E: As proposed, the projects qualify for categorical exemptions pursuant to CEQA. Based on staff review of the proposed projects, both are categorically exempt from environmental review per CEQA Guidelines section 15303(a). This categorical exemption applies to the construction of single-family dwellings within a residential neighborhood. The proposed projects involve the construction of separate single-family dwellings and accessory structures on two residentially-zoned parcels within a developed neighborhood. The two properties are recognized by the County as separate legal lots of record and both lots were granted unconditional certificates of compliance (CC180035 and CC180036).

None of the exceptions to categorical exemptions provided in CEQA Guidelines section 15300.2 apply. The projects are not located on a hazardous waste site or historic resource, near a scenic highway, are not likely to effect cultural resources, and will not have a significant effect on the environment based on the evidence in the record. The technical reports prepared for the projects do not identify any potentially significant or cumulative impacts. Moreover, the construction of up to two single-family dwellings on a single lot in a residential zone would be categorically exempt under section 15303(a) of the CEQA Guidelines. As proposed, the projects would not exceed the cumulative impacts anticipated under this categorical exemption for a single lot or parcel. Since these projects occur on two separate legal lots of record, the potential cumulative impacts are well within the parameters of this categorical exemption. Therefore, there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact. Therefore, the projects are categorically exempt.

Contention F: The affordability of the proposed projects is not applicable.

In this case, applicable Monterey County Code and/or Land Use Plan Policies do not regulate the affordability of single-family dwellings on residential lots. Affordable or inclusionary housing is only required under specific circumstances such as a subdivision of 4 or more units/lots. The circumstances that would warrant a requirement for affordable or inclusionary housing are not present.

In summary, staff reviewed the contentions and has determined that the revised projects are adequately designed and conditioned to minimize and/or avoid potential impacts to resources at the sites. Detailed responses to the contentions are included in the Draft Resolutions (**Attachments B and C**).