

# Attachment A

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**ATTACHMENT A**

**PROJECT DESCRIPTION AND DISCUSSION**

**BLACK CROW LLC – PLN160348**

**Project Description and Setting**

The proposed project consists of the demolition of an approximately 1,836 square foot one-story single-family dwelling with an approximately 563 square foot attached garage, and the construction of an approximately 2,464 square foot one-story single-family dwelling with an approximately 390 square foot attached garage. The property is located at 2874 Pradera Road, Carmel Meadows, within the Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential/2 units per acre, with a Design Control overlay and an 18-foot height limit (Coastal Zone) [MDR/2-D(18)(CZ)]. The construction of single-family dwellings and accessory structures are an allowed use in the MDR zoning district, subject to the granting of a Coastal Administrative Permit. Carmel Meadows is a developed residential neighborhood, and the subject parcel and adjacent parcels have been previously-developed with single-family dwellings and accessory structures.

**Process: Administrative Review - Request for Public Hearing - Appeal**

Pursuant to Monterey County Code (MCC), Coastal Administrative Permits and administrative Design Approvals are considered and approved by the RMA Chief of Planning, unless an interested party requests a public hearing for the proposed project. The County originally scheduled and duly-noticed the project for administrative review on March 15, 2017. After noticing for administrative review, the County received two requests for public hearing; therefore, the item was scheduled for review by the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) at a public meeting on April 17, 2017, and set for public hearing and consideration before the Zoning Administrator (ZA) on April 27, 2017.

The concerns raised in the two requests for public hearing involved possible impacts to private views, neighborhood character, drainage, and interior lighting. The requestors also expressed concern that the applicable land use advisory committee did not review the project, and that the staking and flagging was not clearly visible before being damaged by wind. These concerns were addressed in the staff report prepared for the Zoning Administrator public hearing. On April 27, 2017, after review of the application and submitted documents, and a duly-noticed public hearing at which all persons had the opportunity to be heard, the Zoning Administrator found the project to be categorically exempt from CEQA and approved a Coastal Administrative Permit and Design Approval to allow the proposed development (Monterey County Zoning Administrator Resolution No. 17-026; **Attachment D**). These concerns remain relevant to the appeal and are addressed below under **Project Analysis**.

The Appellant, Courtney Meyers, then timely filed an appeal from the April 27, 2017, decision of the Zoning Administrator. The appeal challenges the Zoning Administrator's approval of the Coastal Administrative Permit and Design Approval, and contends that there was a lack of a fair or impartial hearing, and that the findings or decision or conditions are not supported by the evidence. The specific contentions raised by the Appellant, including 5 additional specific contentions submitted on June 14, 2017, are addressed below under **Appeal**.

## **Project Analysis**

### **Neighborhood Character and Design.**

The proposed one-story single-family dwelling is designed in a southeasterly-facing U-shape, with a central patio open to Pradera Road. The Appellant's parcel is located adjacent to, and northeast of the Applicant's parcel. The Appellant's residence is also designed in a southeasterly-facing U-shape, with a central area open to Pradera Road. The Appellant's second-story is located on the southwest side of the parcel, next to the property boundary shared with the Applicant's parcel. The proposed roof deck is located at the north corner of the proposed single-family dwelling, and accessed by exterior stairs located on the north/northeast side of the parcel, facing the property boundary shared with the Appellant's parcel. The exterior stairs are 6 feet from the property line, which exceeds the required setback of 5 feet. The proposed roof deck design includes a 3.66-foot high parapet wall around all sides of the deck.

There are possible alternatives the Applicant could consider, such as locating the deck in the center of the residence or in the southwest (opposite) corner, and designing an interior stair for access. However, while increasing the distance of the proposed deck from the Appellant's residence, the alternatives would decrease the distance of the deck to other adjacent residences. Re-designing the proposed residence, which meets all required development standards as currently designed, would also incur additional cost for the Applicant. See also the Appeal Contention below regarding Neighborhood Character. In addition, MCC does not require the County to consider alternatives to the proposed design, provided the proposed design conforms to required policies and development standards, and CEQA does not require a lead agency to consider alternatives for a categorical exemption.

The proposed residence is consistent with the size and scale of surrounding residences, and the bulk and mass would not contrast with the neighborhood character. The proposed dwelling would increase by 455 square feet over the existing residence, would remain a single-story structure, and would meet all applicable development standards. The proposed roof deck and the exterior stairwell leading to the roof deck meet the required setbacks. Decks, including second-story and/or rooftop decks, are typical of single-family dwellings, and the size and location of the proposed rooftop deck is not uncharacteristic of the neighborhood. The Applicant's proposed design includes a 3.66-foot high solid wall surrounding the rooftop deck, which would increase privacy for, and reduce noise to the surrounding residences, as well as demonstrating sensitivity to design given the location.

Also, the proposed design layout would be similar to the 2 adjacent properties on either side, as well as 8 other residences in the immediate vicinity. The County also granted a Variance (RMA-Planning File No. PLN040205/Holland; ZA Resolution No. 040205; 2884 Pradera Road) in 2004 to an adjacent residence to allow 45 percent coverage (a reduction from a non-conforming 51 percent). In addition, there are at least three other legal nonconforming residences on Pradera Road that exceed the 35 percent lot coverage maximum (2724, 2754, and 2804 Pradera Road). Therefore, County staff finds that the proposed single-family dwelling does not significantly increase the bulk and mass of the existing dwelling, and is consistent with the surrounding neighborhood character.

Pursuant to MCC Chapter 20.44, the proposed project site 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 assure the protection of the public viewshed and neighborhood character. The proposed exterior colors and materials include earth-tone (light beige) stucco walls and natural wood roofing. The proposed exterior finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. As proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

### **Applicable Zoning Development Standards.**

The development standards for the MDR zoning district are identified in MCC Section 20.12.060. Required setbacks in this MDR district are 20 feet (front), 10 feet (rear), and 5 feet (sides). The proposed structure would have a front setback of 20 feet, a rear setback of 17 to 19 feet, and side setbacks of 6 and 8 feet. The proposed setbacks are similar to those of the existing residence. The site coverage maximum in this MDR district is 35 percent, and the floor area ratio maximum is 45 percent. The existing lot is approximately 8,160 square feet, which would allow site coverage of approximately 2,856 square feet and floor area of approximately 3,672 square feet. The proposed single-family dwelling and attached garage would result in both site coverage and floor area of approximately 2,854 square feet (34.9 percent), an increase of 455 square feet over the existing 2,399 square feet (29.3 percent) of site coverage and floor area. The maximum allowed height in this MDR district is 18 feet. The height of the proposed structure would increase from approximately 14.85 feet to 17 feet. Staff has recommended Condition No. 6, Height Verification, to ensure the height of the finished structure conforms to the plans and the maximum allowed height limit.

### **Drainage.**

Based on the Drainage and Erosion Control Plan (see Plan Sheet A1.4 of Exhibit 2 to **Attachment B**) submitted by the Applicant, stormwater runoff from the proposed structure would be directed into curtain drains, gravel and dispersion trenches, and vegetated areas of the property. RMA-Environmental Services reviewed the submitted application materials, and applied conditions as necessary to ensure drainage or runoff design measures are implemented (Erosion Control Plan, Grading Plan, Stormwater Control Plan, inspections, and geotechnical certification - Condition Nos. 8, 9, 10, 11, 12, 13, 14, and 15).

### **Private Views.**

Regarding the proposed height and its potential impact on views from the surrounding residences, private views are not protected under the Carmel Area Land Use Plan or applicable MCC.

### **Interior Lighting.**

A proposed clerestory would add height to the proposed residence, and would face residences to the southeast; however, the County does not regulate interior lighting and does not protect private views. No evidence has been submitted that demonstrates how a clerestory would cause more light pollution than skylights, which were suggested as an alternative. Even with the clerestory, the proposed structure would remain one foot under the allowed maximum height. Also, many residences in Carmel Meadows have either skylights, second-stories, or second-story architectural features such as clerestories and roof decks.

### **Staking and Flagging.**

The Applicant submitted photographs of the initial staking and flagging installed in August 2016. Allegedly, thick smoke from the Soberanes fire prevented neighbors from making an adequate assessment of visual impacts based on the initial staking and flagging, and that by the time the smoke cleared, wind had damaged large portions of the flagging. Therefore, the Applicant re-installed staking and flagging on or about March 29, 2017. As directed by the County, the Applicant installed orange netting to delineate the corners and ridge peaks of the proposed structure. The County did not require more extensive staking and flagging for the following reasons: the project site is not within the General Viewshed, as shown on Map A of the Carmel Area Land Use Plan; and the project does not involve ridgeline development. The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on a County staff site inspection on March 30, 2017, the re-installed staking and flagging was intact and the weather clear enough for an adequate assessment of potential visual impacts. The re-installed staking and flagging provided sufficient visual reference for the County to determine potential visual impacts to the public viewshed and satisfied the County's requirement for review.

### **Visual Resources/Public Viewshed.**

The project, as proposed, is consistent with the Carmel Area Land Use Plan (LUP) policies regarding Visual Resources (Chapter 2.2), and will have no impact on the public viewshed. The project planner conducted a site inspection on March 30, 2017, to verify that the project minimizes development within the public viewshed. The project site is not within the public viewshed and is not visible from Highway 1 due to screening from topography and existing structures. The proposed single-family dwelling would also not detract from the natural beauty of the surrounding undeveloped ridgelines and slopes in the public viewshed (LUP Policy 2.2.3.1). Also, per 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. As proposed and conditioned, the structures would not create a substantially adverse visual impact when viewed from a common public viewing area.

### **Prior Project Recommendations and Decisions**

#### **Carmel Unincorporated/Highlands Land Use Advisory Committee.**

Pursuant to the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, administrative (i.e., projects not requiring a public hearing) permits and design approvals are not normally sent to the LUACs for review. However, due to the requests for a public hearing, the project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the proposed project at a duly-noticed public meeting on April 17, 2017, and voted 3 – 0 to recommend approval with the following comments: 1) correct the eave overhang on the southeast corner; 2) thoroughly investigate the drainage; and 3) consider use of railing and/or transparent material instead of a solid wall for the roof deck and stairs leading to the deck. In response to the LUAC's recommendations and comments, the Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. Regarding site drainage, Condition No. 10 requires the Applicant to submit a detailed stormwater control plan, which the County will review and approve prior to issuance of grading or building permits. Regarding the use of transparent material, the Applicant has chosen to retain the proposed design for the deck

and stairs, which includes a solid wall around the deck area and metal stairs with steel stringer and treads.

### **Monterey County Zoning Administrator.**

The Monterey County Zoning Administrator, at a duly-noticed public hearing on April 27, 2017, found the project to be categorically exempt and approved a Coastal Administrative Permit and Design Approval to allow the proposed development (Monterey County Zoning Administrator Resolution No. 17-026; **Attachment D**).

### **Environmental Review**

California Environmental Quality Act (CEQA) Guidelines Section 15302 categorically exempts the replacement or reconstruction of existing structures where the new structure(s) will be located on the same site as the structure(s) replaced and will have substantially the same purpose and capacity as the structure(s) replaced. The proposed project involves the demolition of a single-family dwelling and construction of a single-family dwelling on a residentially-zoned parcel within a developed neighborhood (i.e., replacement of an existing structure with the same purpose and on the same site). The proposed design does not significantly increase the bulk and mass of the existing dwelling, and the proposed setbacks are similar to those of the existing residence (i.e., approximately the same capacity as the structure replaced). There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. Therefore, the proposed development is consistent with CEQA Guidelines Section 15302. No further environmental review is required, and 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.

### **Appeal**

The Appellant (Courtney Meyers), pursuant to MCC Section 20.86.030.C, timely filed an appeal from the April 27, 2017, decision of the Monterey County Zoning Administrator to approve this project (**Attachment C**). The appeal challenged the Zoning Administrator's approval of the Coastal Administrative Permit and Design Approval, and contended that there was a lack of a fair or impartial hearing, and that the findings or decision or conditions are not supported by the evidence. In summary, the appeal raised three specific contentions:

- 1) The LUAC was improperly noticed, and the LUAC was not listed as a reviewing agency in the staff report prepared for the ZA public hearing on April 27, 2017;
- 2) The development was improperly staked and flagged to show that a proposed exterior stairway encroaches into the side setback, and the front south corner of the proposed building extends to the property boundary; and
- 3) LUAC comments and recommendations were not included in the staff report prepared for the ZA public hearing on April 27, 2017, so the ZA heard them for the first time on the day of the public hearing.

On June 14, 2017, the attorney for the Appellant, John Bridges, submitted five additional contentions regarding noise, light and privacy, neighborhood character, CEQA, and alternative designs. These additional specific contentions, including attachments, are included with the Notice of Appeal (**Attachment C**). The primary issue identified in these additional contentions involve the location of the roof deck.

In staff's analysis, the Appellant's contentions are without merit for the following reasons:

- 1) The contentions are not supported by the evidence; and/or
- 2) The contentions are not protected under Monterey County Code; and/or
- 3) The contentions are speculative.

County staff has provided additional detail in the responses to each of the contentions below, as well as in the draft resolution.

The text of the Appellant's specific contentions (with duplicative statements removed) follow below, with a staff-proposed response for consideration by the Board:

**A. Appellant's Contention: "The LUAC was improperly noticed (Noticed on Friday for a Monday hearing). We were notices (*sic.*) on Friday for a Monday hearing. LUAC not listed in reviewing agencies, and should have been included."**

The Appellant contends that the LUAC public meeting was improperly noticed, and that the LUAC was not listed as a reviewing agency in the staff report prepared for the Zoning Administrator public hearing on April 27, 2017.

Pursuant to the Monterey County LUAC Procedure guidelines adopted by the Board of Supervisors on April 28, 2015, LUAC meetings shall be noticed, and the LUAC agenda shall be publicly posted, in accordance with the Brown Act. The Brown Act states: *At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one.*

The agenda of the Carmel Unincorporated/Highlands LUAC meeting for April 17, 2017, was publicly posted at the meeting location (Carmel Highlands Fire Protection District at 73 Fern Canyon Road, Carmel Highlands) at least 72 hours in advance of the meeting. The specific matter was listed on the agenda as Scheduled Item 1, Black Crow LLC. The County also posted the agenda on the RMA-Planning public website, and on a bulletin board outside the County's Government Center Building in downtown Salinas. The notice posting locations are freely accessible to members of the public, and the RMA-Planning public website also includes a map to the meeting location. Although not required by the Brown Act, the County also mailed notices to owners and occupants of properties within 300 feet of the project site. The County mailed the LUAC meeting notices on April 3, a full two weeks before the LUAC meeting date on April 17, 2017. Notices were mailed to both the Appellant's local and out-of-state address. The Appellant's statement also confirms that she received adequate notice of the LUAC meeting, as required by the Brown Act. County staff reviewed the Carmel Unincorporated/Highlands LUAC notice for April 17, 2017, and determined it provided accurate information regarding the project's general scope and location.

The LUAC held the public meeting in its regular location, the Carmel Highlands Fire Protection District (PBCSD) Conference Room, 73 Fern Canyon Road, Carmel Highlands. The meeting was held at its regularly-scheduled time, 4:00 p.m., on Monday, April 17, 2017. At the LUAC

meeting, the LUAC members did not limit comment and all attendees, including the Appellant, were provided an opportunity to speak, and the public comments and LUAC review for this project lasted over one hour.

Regarding the listing of the LUAC as a reviewing agency under Other Agency Involvement, it is not the County's practice to list the LUAC as a reviewing agency in the staff report prepared for a project. If a project is reviewed by a LUAC, it is the County's practice to present separately under Other Agency Involvement information regarding the date the LUAC reviewed the project and, if available, comments and recommendations of the LUAC. The April 27, 2017, staff report to the Zoning Administrator identified that the project had been referred to the Carmel Unincorporated/Highlands LUAC, but that the LUAC's recommendation would not be available in time to include in the staff report and that County staff would inform the Zoning Administrator of the LUAC's recommendation at the public hearing on April 27, 2017, which County staff did at that hearing.

**B. Appellant's Contention: "Development was improperly staked. Proposed attached stairwell to deck is not staked or flagged and is potentially in the 5 foot side setback. Field staking and flagging is inaccurate. Front south corner of building goes all the way to edge of property and is incorrect (see attached photo). Also, exterior attached stairway to access roof top deck not staked."**

The Appellant contends that the development was improperly staked and flagged, that a proposed exterior stairway encroaches into the side setback, and the front south corner of the proposed building extends to the property boundary.

As directed by the County, the applicant installed orange netting to delineate the corners and ridge peaks of the proposed structure. The County did not require more extensive staking and flagging for the following reasons: the project site is not within the General Viewshed, as shown on Map A of the Carmel Area Land Use Plan; and the project does not involve ridgeline development. The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on a County staff site inspection on March 30, 2017, the re-installed staking and flagging was intact and the weather clear enough for an adequate assessment of potential visual impacts. The re-installed staking and flagging provided sufficient visual reference for the County to determine potential visual impacts to the public viewshed and satisfied the County's requirement for review.

The proposed stairwell to the roof deck meets the required setback, as shown on page A1.3 of the proposed plans (see Exhibit 2 to **Attachment B**). The proposed stairwell is also shown on pages A1.4, A2.2, A2.4, A3.1, and R-1 of the proposed plans.

Following the LUAC's recommendation, the Applicant also submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. The decision of the Zoning Administrator on April 27, 2017, included the revised plans.

**C. Appellant's Contention: "LUAC suggestions and concerns were not included prior to the ZA hearing. They were heard for the first time at the hearing. See attached for specific conditions. LUAC's suggestions were not given to the ZA prior to the hearing, and were heard for the first time that day. LUAC had three recommendations, and the**

**third recommendation was completely ignored. LUAC concerns recommended with a 3-0 vote to approve with the following recommendation - 1) length of the eave (addressed) ;2) drainage (addressed) and 3) railing (should be transparent). LUAC's lte LUACm 3 recommendation wa not addressed at all and completely ignored as stated in lu (sic.).”**

The Appellant contends that the LUAC comments and recommendations were not included in the staff report prepared for the Zoning Administrator public hearing on April 27, 2017, and were heard for the first time on the day of the public hearing.

As noted in the staff report prepared for the Zoning Administrator public hearing on April 27, 2017, the LUAC reviewed the proposed project on April 17, 2017; therefore, the comments and recommendation of the LUAC were not available for inclusion in the staff report and were added to the record at the Zoning Administrator public hearing. This is a common County practice for administrative projects that are referred to public hearing, does not violate process requirements, and does not minimize the concerns raised at the LUAC meeting. If a significant issue had been raised at or by the LUAC, then County staff could have modified its recommendation to the Zoning Administrator at the public hearing on April 27<sup>th</sup>.

Based on the LUAC’s comments and recommendation, the Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. The County has applied Condition No. 10 to require the Applicant to submit a stormwater control plan, which the County will review and approve prior to issuance of grading or building permits. Regarding consideration of transparent material for the roof deck, the Applicant has chosen to retain the proposed design for the deck and stairs, which includes a solid wall around the deck area and metal stairs with steel stringer and treads. This is consistent with the LUAC’s recommendation to *consider* the use of transparent material.

**D. Appellant’s Contention: “Noise: Neither staff nor the Zoning Administrator gave any consideration to the potential noise impacts to the Meyer residence resulting from the proposed rooftop deck, which is proximate to the Meyer’s master bedroom wing. Noise associated with unfettered use of the rooftop deck will have a significant impact on the Meyer property (see Attachment 1: report from architect Brian Congleton; and Attachment 2: report from WJV Acoustics). According to the consultant, a 5 dB increase in noise levels is perceived as a “definitely noticeable change” and a 10 dB increase is perceived as a “doubling” in noise level. The rooftop deck in this case will result in a 15 dB increase, which will be dramatic and significant.”**

The Appellant contends that the proposed rooftop deck would result in a significant noise impact. However, the noise analysis submitted by the Appellant does not identify a significant impact, nor does the author conclude that the increased decibel levels would result in a significant impact. Nor does the noise analysis statement that “...the deck would have significant potential to result in noise-related impacts...” identify a significant impact. The noise analysis also states: “The determination of what may be considered a significant increase in noise levels may be subjective.” Furthermore, a “definitely noticeable change” (a subjective statement itself) or increase in noise level does not equate to a significant impact.

The County's noise ordinance, MCC 10.60 (Noise Control), allows a maximum nighttime (i.e., from 10:00 pm to 7:00 am) noise level of 65 dBA. The sound measurements from the Appellant's noise analysis identify an average level of 41.3 dB, and state that the "...deck activities ... have the potential to result in a 15 dB increase over existing ambient noise levels..." This would result in a maximum noise level of approximately 56.3 dB, which is 8.7 dB below the maximum allowed under MCC at nighttime.

Therefore, the noise analysis submitted by the Appellant is speculative, and does not constitute substantial evidence of a significant or potentially significant impact.

**E. Appellants Contention: "Light and Privacy: Proximity of the proposed rooftop deck to the Meyer's master bedroom wing will also have a significant impact on the Meyer's reasonable enjoyable (sic.) of light and privacy (ref. Attachment 1)."**

The Appellant contends that the proximity of the proposed rooftop deck would significantly diminish the Appellant's enjoyment of light and privacy within the master bedroom wing of the Appellant's residence. However, none of the purported impacts identified in the letter from Congleton Architect, provided by the Appellant, are identified as "significant."

In addition, solar access and privacy are not protected under the Carmel Area Land Use Plan or applicable MCC. As currently designed, the proposed single-family dwelling also conforms to all required setbacks, which provide for a minimum separation distance between structures on adjacent lots.

In addition, pursuant to MCC Section 20.62.040.D (Height and Setback Exceptions), uncovered decks may extend into any required front or rear setback not exceeding 6 feet, and into any required side setback not exceeding 3 feet. Based on this exception, the Applicant could have designed a deck that would be approximately 6 feet closer to the Appellant's residence than the proposed design.

**F. Appellant's Contention: "Neighborhood Character: Although a few other residences in Carmel Meadows have rooftop or second story decks (not "many" as suggested in Finding 1.k), the character of the neighborhood is such that when rooftop decks are permitted in the past they were located and designed sensitively so as to minimize neighbor impacts related to noise, light, and privacy, and to reasonably share views of Point Lobos and/or the Pacific Ocean, which views are profoundly valuable and unique in the Carmel Meadows neighborhood. Unlike other permitted rooftop decks, the proposed project deck conflicts with this neighborhood character theme of sensitive location and design, which creates significant impacts. The proposed deck also includes (unique from all others in the area and thus precedent setting) an outdoor stairwell immediately adjacent to the side yard setback, which will exacerbate the noise impacts (see Attachment 3: report prepared by Ms. Meyer on rooftop/second story decks in Carmel Meadows evidencing the neighborhood character theme of sensitive location and design)."**

The Appellant contends that the proposed rooftop deck is not designed or located in a manner that would minimize impacts to neighbors, and that the design is not consistent with the neighborhood character.

The proposed one-story single-family dwelling is designed in a southeasterly-facing U-shape, with a central patio open to Pradera Road. The Appellant's parcel is located adjacent to, and northeast of the Applicant's parcel. The Appellant's residence is also designed in a southeasterly-facing U-shape, with a central area open to Pradera Road. The Appellant's second-story is located on the southwest side of the parcel, next to the property boundary shared with the Applicant's parcel. The proposed roof deck is located at the north corner of the proposed single-family dwelling, and accessed by exterior stairs located on the north/northeast side of the parcel, facing the property boundary shared with the Appellant's parcel. The exterior stairs are 6 feet from the property line, which exceeds the required setback of 5 feet. The proposed roof deck design includes a 3.66-foot high parapet wall around all sides of the deck.

There are possible alternatives the Applicant could consider, such as locating the deck in the center of the residence or in the southwest (opposite) corner, and designing an interior stair for access. However, while increasing the distance of the proposed deck from the Appellant's residence, the alternatives would decrease the distance of the deck to other adjacent residences. Re-designing the proposed residence, which meets all required development standards as currently designed, would also incur additional cost for the Applicant.

The proposed residence is consistent with the size and scale of surrounding residences, would remain a single-story structure, and the bulk and mass would not contrast with the neighborhood character. The proposed roof deck and the exterior stairwell leading to the roof deck meet the required setbacks. Decks, including second-story and/or rooftop decks, are typical of single-family dwellings, and the size and location of the proposed rooftop deck is not unusual. The Applicant's proposed design includes a 3.66-foot high solid wall surrounding the rooftop deck, which would increase privacy for and reduce noise to the surrounding residences, as well as demonstrating sensitivity to design given the location.

Therefore, the County finds that the project, as proposed and conditioned, conforms to the policies and development standards of the applicable Carmel Area Land Use Plan and ordinances related to land use development, is consistent with the size and scale of surrounding residences, and the bulk and mass would not contrast with the neighborhood character.

**G. Appellant's Contention: "CEQA: The above referenced potentially significant impacts, each of which is supported by substantial evidence, combined with the unique circumstances of this case (including the close proximity to the Meyer's master bedroom wing and the unique characteristics of the Carmel Meadows neighborhood) as well as the potentially significant cumulative impacts associated with allowing unfettered and insensitive rooftop deck location and design in the future based on the precedence this project would establish, represents exceptions to categorical exemption status under CEQA and require an Initial Study be prepared and mitigations be defined to address the impacts."**

The project, as proposed and conditioned, is consistent with CEQA Guidelines Section 15302, and the proposed project does not involve a feature or condition that distinguishes the project from the exempt class. The proposed structure will be located on the same site as the structure replaced, and will have substantially the same purpose and capacity as the structure replaced.

No further environmental review is required, there is no substantial evidence of an unusual circumstance, and 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.

Categorical exemptions identified in the CEQA Guidelines are intended to apply statewide, and are not intended to be applied differently in different areas of the state. The County also finds that decks, including second-story and/or rooftop decks, are typical of single-family dwellings, including access via an exterior stairwell, and the size and location of the proposed roof deck is not unusual.

**H. Appellant's Contention: "Alternative Designs: Numerous alternative designs/locations for the rooftop deck exist that would, in fact, reduce the above described significant impacts (ref. Attachments 1 & 2). Implementation of any of these alternatives would not compromise the programmatic objectives of the applicant in terms of achieving an outdoor space with a panoramic view of Point Lobos."**

MCC does not require the County to consider alternatives to the proposed design, provided the proposed design conforms to required policies and development standards. Also, CEQA does not require a lead agency to consider alternatives for a categorical exemption.

The project, as proposed and conditioned, conforms to the policies and development standards of the applicable Carmel Area Land Use Plan and ordinances related to land use development. In addition, as proposed and conditioned, the project does not involve a feature or condition that distinguishes the project from the exempt class of environmental review.

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