# Exhibit A



# **Draft Resolution**

# Before the HCD Chief of Planning in and for the County of Monterey, State of California

In the matter of the application of:

# ESALEN INSTITUTE (PLN150337-EXT1) RESOLUTION NO. 22-

Resolution by the Monterey County HCD Chief of Planning:

- 1) Finding that the permit extension does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162; and
- 2) Approving a three-year Permit Extension of a previously-approved Combined Development Permit (HCD-Planning File No. PLN150337; Planning Commission Resolution No. 20-010) allowing after-the-fact approval of a fire truck garage (approx. 600 square feet); construction of 3 new employee housing structures (32-units and approx. 12,893 square feet total) increasing the total employee housing units to 43; construction of an employee common room (approx. 1,133 square feet); and development on slopes in excess of 30% and within the Critical Viewshed.

[Esalen Institute, 54105 Highway 1, Big Sur (Assessor's Parcel Number 421-011-018-000), Big Sur Coast Land Use Plan, Coastal Zone]

a)

The Easlen Institute application (PLN150337-EXT1) came on for an administrative hearing before the Monterey County HCD Chief of Planning on September 7, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the HCD Chief of Planning finds and decides as follows:

## FINDINGS AND EVIDENCE

1. **FINDING:** 

CONSISTENCY / SITE SUITABILITY - The County has received and processed a three-year permit extension to a Combined Development Permit (HCD-Planning File No. PLN150337). The permit extension includes no changed circumstances from the previously approved permits.

**EVIDENCE:** 

On March 11, 2020, the Monterey County Planning Commission approved the Combined Development Permit (HCD-Planning File No. PLN150337) as reflected in Planning Commission Resolution No. 20-010 which is attached hereto as "Attachment 2" and incorporated herein by reference.

- b) An application for a permit extension was submitted on February 9, 2022. The Combined Development Permit was set to expire on March 11, 2022. However, on June 9, 2020, the Monterey County Board of Supervisors adopted (Urgency Ordinance Regarding Land Uses) granting 6-month automatic extensions to all ministerial and discretionary land use permits, such as development permits, if the entitlements were issued prior to, but were set to expire prior to March 17, 2020. Therefore, the permit was automatically extended to September 11, 2022. Pursuant to Section 20.82.110 of the Monterey County Zoning Ordinance - Coastal Zone (Title 20), a request for extension must be submitted to HCD-Planning at least 30 days prior to the expiration date of an approved or conditionally approved Combined Development Permit. Aengus Jeffers (Agent) submitted a request for extension on February 9, 2022, approximately 7 months prior the expiration date (September 11, 2022).
- c) This is the first extension request for this project. This three-year extension applies to the expiration date of the Combined Development Permit, and extends it from September 11, 2022, to September 11, 2025. All other applicable conditions of approval for PLN150337 and PLN150337-EXT1 still apply. This extension includes 4 new conditions (Specific Uses, Permit Approval Notice, Expiration and Ongoing Conditions [from the original permit]). All other conditions of approval will continue to be cleared under HCD-Planning File No. PLN150337, Planning Commission Resolution No. 20-010.
- d) The findings and evidence from PLN150337 (Planning Commission Resolution No. 20-010) are carried forward to this Permit Extension (PLN150337-EXT1) and are incorporated herein by reference.
- e) There have been no changes to the applicable plans, policies, and regulations since the original approval of the Combined Development Permit which would be grounds for denial of the extension pursuant to Title 20 Section 20.82.110. There are also no changes to the project, and the project remains the same as approved by Resolution No. 20-010. This permit extends the expiration date of the previous approval, and all findings and evidence contained in the previous approval are hereby carried forward and continue to apply.
- f) The property is located at 54105 Highway 1, Big Sur (Assessor's Parcel Number (421-011-018-000). Zoning is "WSC/40-D (CZ)" or Watershed and Scenic Conservation, 40 acres per unit, Design Control District zoning overlay in the Coastal Zone. The project involves construction of residential housing units for employees of the Esalen Institute. The ESALEN (PLN150337) employee housing is consistent with the Big Sur Land Use Plan (LUP) and Coastal Implementation Plans (CIP) which encourages employee housing associated with visitor serving uses in Big Sur (Section 5.1.2). The project allows replacement of two employee housing buildings destroyed by fire with three employee housing buildings and a "common room" predominately in the same location that the destroyed buildings were located and the after-the-fact construction of a 600 sq. ft. garage utilized as storage for a fire truck of the Big Sur Volunteer Fire Brigade. There have been no changes to the

applicable plans, policies, and regulations since the original approval of the Combined Development Permit that would be grounds for denial of the extension pursuant to Title 20 Section 20.82.110.A. There are also no changes to the project, and the project remains the same as approved by Planning Commission Resolution No. 20-010 (HCD-Planning File No. PLN1505337).

- g) The Esalen Institute owns and operates two properties in Big Sur; the "main campus" and the "south coast campus," generally located off Highway 1 north of the town of Lucia and south of Julia Pfeiffer Burns State Park. The main campus is west of Highway 1 and offers workshops and classes, lodging for students and visitors, a cafeteria, classrooms, and natural hot springs perched on the cliffs of Big Sur. It was originally developed in the 1950s as the South Coast Motel and converted to employee housing associated with operations at the Esalen Institute main campus. Portions of the motel/housing were destroyed by fire in 2011. The Permit Extension has been requested because project construction has been delayed associated with the Covid-19 pandemic due to the loss of guests visiting the facility and subsequent road closures of Highway 1 over the past two years due to wildfires and landslides that prevented access to the site.
- h) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed extension found in Project Files PLN150337 and PLN150337-EXT1.

### 2. **FINDING:**

**CEQA (Exempt)** - The Permit Extension does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. The original CEQA action on the project was a Addendum Mitigated Negative Declaration per CEQA Guidelines Section 15074.

**EVIDENCE:** 

- a) The project meets the criteria of CEQA Guidelines Section 15162 because no substantial changes are proposed requiring major revisions to the Addendum Mitigated Negative Declaration, and there are no substantial changes in the circumstances under which the project was approved that would necessitate substantial revisions to the Subsequent Mitigated Negative Declaration.
- b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed extension found in Project Files PLN150337 and PLN150337-EXT1.

## 3. **FINDING:**

**NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. Monterey County HCD-Planning and HCD-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property.

**EVIDENCE:** 

a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.

b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed extension found in Project Files PLN150337 and PLN150337-EXT1.

4. **FINDING:** APPEALABILITY – The decision on this project may be appealed to the

Board of Supervisors.

**EVIDENCE:** Title 20 section 20.86.030.A states that an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a

decision of an Appropriate Authority other than the Board of Supervisors.

## **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the HCD Chief of Planning does hereby:

Approve a 3-year Permit Extension of a previously-approved Combined Development Permit (HCD-Planning File No. PLN150337; Planning Commission Resolution No. 20-010) consisting of a Construction of three new employee housing structures containing 32 new employee housing units (12,893 square feet in total), to be added to an existing structure containing 11 employee housing units that will remain, resulting in an 43-unit employee housing complex and construction of a 1,133 square foot common room for employees of the Esalen Institute; After-the-fact permit for construction of a 600 square foot garage that houses a fire truck for the Big Sur Fire Brigade..

**PASSED AND ADOPTED** this 7<sup>th</sup> day of September, 2022.

_	Craig Spencer, HCD Chief of Planning
COPY OF THIS DECISION MAILED TO APPLICANT ON	
THIS APPLICATION IS APPEALABLE TO THE BO TO APPEAL THIS DECISION, AN APPEAL FORM THE CLERK TO THE BOARD ALONG WITH THE	MUST BE COMPLETED AND SUBMITTED TO
·	

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

### **NOTES**

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires September 11, 2025 unless construction or use is started within this period



# Attachment 1



# **County of Monterey HCD Planning**

# DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN150337-EXT1

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation
Monitoring Measure:

This Permit Extension of a previously-approved Combined Development Permit (HCD-Planning File No. PLN150337; Planning Commission Resolution No. consisting of an After-the-fact Coastal Administrative Permit and Design Approval for a 600 square foot garage that houses a fire truck for the Big Sur Fire Brigade; A Coastal Development Permit and Design: Approval for the Construction of three new employee housing structures containing 32 new employee housing units (12,893 square feet in total), to be added to an existing structure containing 11 employee housing units that will remain, resulting in an 43-unit employee housing complex and construction of a 1,133 square foot common room for employees of the Esalen Institute; Coastal Development Permit for development on slopes of 30 percent or greater; and Coastal Development Permit for development within the critical viewshed. The property is located at 54105 Highway 1, Big Sur (Assessor's Parcel Number 421-011-018-000), Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

Print Date: 8/26/2022 11:58:00AM Page 1 of 2

### 2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall record a Permit Approval Notice. This notice shall state:

"An Extension for a previously approved Combined Development Permit (Resolution Number 22-\_\_) was approved by HCD-Chief of Planning for (Assessor's Parcel Number 421-011-018-000) on September 7, 2022. The permit was granted subject to four (4) conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

### 3. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The permit shall be granted for a time period of 3 years, to expire on September 11, 2025 unless use of the property or actual construction has begun within this period. (HCD-Planning)

Compliance or Monitoring Action to be Performed:

Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the HCD-Director of Planning. Any request for extension must be received by HCD-Planning at least 30 days prior to the expiration date.

### 4. PDSP01 - ONGOING CONDITIONS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

All of the Conditions of Approval incorporated in project file No. PLN150337 and approved by the Planning Commission in Resolution 20-010 shall remain in effect.

Compliance or Monitoring Action to be Performed: As stated in Condition PDSP01 in the Resolution for project PLN150337.

Print Date: 8/26/2022 11:58:00AM Page 2 of 2

# Attachment 2



# Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

# ESALEN INSTITUTE (PLN150337) RESOLUTION NO. 20-010

Resolution by the Monterey County Planning Commission:

- 1) After-the-fact Coastal Administrative Permit and Design Approval for a 600 square foot garage that houses a fire truck for the Big Sur Fire Brigade; and
- 2) A Coastal Development Permit and Design Approval for the Construction of three new employee housing structures containing 32 new employee housing units (12,893 square feet in total), to be added to an existing structure containing 11 employee housing units that will remain, resulting in an 43-unit employee housing complex and construction of a 1,133 square foot common room for employees of the Esalen Institute;
- 3) Coastal Development Permit for development on slopes of 30 percent or greater;
- 4) Coastal Development Permit for development within the critical viewshed; and
- 5) Adopt a Mitigation Monitoring and Reporting Plan.

54105 Highway 1, Big Sur, Big Sur Coast Land Use Plan, Coastal Zone (APN: 421-011-018-000)

The Esalen Institute application (PLN150337) came on for a public hearing before the Monterey County Planning Commission on March 11, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

### FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY -** The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate

for development.

**EVIDENCE:** a) The property is located at 54105 Highway 1, Big Sur (Assessor's

Parcel Number 421-011-018-000), Big Sur Land Use Plan (LUP),

Coastal Zone. The parcel is zoned Watershed and Scenic

Conservation, 40 acres per unit, with a Design Control zoning overlay (Coastal Zone) [WSC/40-D (CZ)]. The project involves construction of residential housing units for employees of the Esalen Institute. The

ESALEN (PLN150337)

employee housing is consistent with the Big Sur Land Use Plan (LUP) and Coastal Implementation Plans (CIP) which encourages employee housing associated with visitor serving uses in Big Sur (Section 5.1.2). The density of employee housing is consistent with the LUP and CIP which limits employee housing to no more than one (1) employee housing unit per inn unit. There are sixty-nine (69) inn units on the main campus of the Esalen Institute and fourth-three (43) employee housing units are proposed on the south coast campus of the Esalen Institute. Therefore, the employee housing is an allowed use in the WSC zoning district subject to a Coastal Development Permit.

- b) The project has been reviewed for consistency with the text, policies, and regulations in the:
  - 1982 Monterey County General Plan;
  - Big Sur Coast Land Use Plan;
  - Big Sur Coastal Implementation Plan (Part 3); and
  - Monterey County Zoning Ordinance Coastal (Title 20)

Potential conflicts with slope and critical viewshed policies were identified however, standards for granting entitlements are met. The County finds that the project is consistent with the text, policies, and regulations in the applicable documents.

- c) The property is subject to Design Control Standards contained in Chapter 20.44 of the Coastal Implementation Plan, Part 1 (Coastal Zoning Ordinance, Title 20 of the Monterey County Code). The project is consistent with Chapter 20.44 as described in Finding No. 5
- d) The density of employee housing is consistent with the Big Sur Coast Coastal Implementation Plan (Part 3) which limits employee units to no more than one (1) housing unit per inn unit. There are 69 inn units on the Esalen Main Campus and 43 employee housing units are proposed.
- e) The project will impact slopes greater than 30 percent. Development on slopes greater than 30 percent is prohibited unless findings are made that there is no feasible alternative which would allow development on slopes of less than 30 percent or that the proposed development better achieves the goals and policies of the Local Coastal Program. See Finding No. 6.
- f) The Big Sur Land Use Plan prohibits new development that would be visible from Highway 1 (within the critical viewshed) with certain exceptions. Exceptions to this policy apply as described in Finding No. 7.
- g) Three (3) temporary modular residential housing units were approved and two units were installed under a previous permit (12CP01355). One of those temporary units is located in the vicinity of the existing employee housing structure, and one is located in the parking lot that was constructed under PLN020599. The third modular unit, Unit 2, was never installed due to manufacturing problems. All temporary housing units would be removed in phases with the build out of this development proposal, with Unit 1 being removed after the completion of Phase 1 and the remaining temporary units located in the parking lot being removed after the completion of Phase 2.

- h) The project includes residential units for employee housing only. Mitigations and conditions have been applied under PLN020599 in the form of a deed restriction prohibiting the units on the South Coast property for visitor serving purposes.
- i) Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project involves a Design Approval subject to review by the Planning Commission. The project was referred to the South Coast Land Use Advisory Committee (LUAC) for review on two (2) separate occasions. The first review of the project took place at a duly noticed public meeting on February 23, 2016 where the LUAC voted unanimously (3-0, no abstentions) in support of the project proposal. Staff felt it prudent to have the LUAC review the project again because the project underwent minor revisions in regard to placement of structures, the cumulative size of the project was reduced to 14,026 sq. ft., and because of the time gap between the February 23, 2016 meeting and the scheduled public hearing before the March 11, 2020 Planning Commission. The LUAC reviewed the project at a duly noticed public meeting on February 11, 2020, at which all persons had the opportunity to be heard and unanimously voted (4-0, no abstentions) to support the project as proposed. The LUAC noted no comments were made by any neighbor or the public.
- j) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN150337.

**HEALTH AND SAFETY -** The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

### **EVIDENCE:** a)

- Necessary water and sanitary facilities are available for the property. The property will continue to be served by a private water system and an existing private septic system. The Environmental Health Bureau imposed conditions on the project that would ensure that the project meet all State and County requirements regarding wastewater treatment.
- b) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN150337.

### 3. FINDING:

**NO VIOLATIONS** – The subject property is not in compliance with all rules and regulations pertaining to provisions of the County's zoning ordinance. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.

**EVIDENCE:** a) Staff conducted site inspections on February 20, 2015, on August 22, 2018, and again on February 11, 2020 to assess site conditions, including if any violation exists on the subject property and

conducted a Records search to determine if permits were issued for the metal garage that houses the Big Sur Volunteer fire Brigade truck. No permits could be found. This development proposal includes a Coastal Administrative Permit to include the garage, a permitted use in the WSC/40-D zone.

- b) The metal garage was constructed on the property following the fire in 2011. The garage is considered an accessory structure and is allowed on the site subject to a Coastal Administrative Permit per Section 20.17.040.E. The garage is not visible form Highway1 and did not impact any sensitive coastal resources.
- c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150337.

## 4. FINDING:

SITE SUITABILITY - The project has been reviewed for site suitability by RMA-Planning, RMA-Public Works, RMA-Environmental Services, Cal Fire District (Fire Protection District), and Water Resources Agency. County staff reviewed the application materials and plans, as well as the County's GIS database, to verify that the proposed project on the subject site conforms to the applicable plans, and that the site is suitable for the proposed development. The project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

## **EVIDENCE:** a)

The following technical reports have been prepared:

- Biological Analysis for Proposed Staff Housing Units at South Coast Center (LIB200020) prepared by Toyon Consultants / Joe Rigney, Biological and Land Use Consultant, Santa Cruz, California, November 2, 2018.
- Biological Report: Esalen Long-term Development Plan (LIB160009) prepared by Jeff Norman, Consulting Biologist, Big Sur, California, November 3, 2002
- Onsite Wastewater System Upgrade (LIB160015) prepared by BioSphere Consulting / Andrew Brownstone, PG, Santa Cruz, California, September 16, 2012
- Cultural resources Sensitivity Map and Recommendations (LIB160016) prepared by Gary S. Breschini, PhD., RPA, and Trudy Haversat, RPA, Salinas, California, July 31, 2002.
- Geotechnical Exploration (LIB160018) prepared by ENGEO Inc. / J. Brooks Ramsdell, CEG, San Ramon, California, California, June 18, 2012.

County staff has independently reviewed these reports and concurs with their conclusions.

- b) The project planners have conducted site inspections on February 20, 2015, August 22, 2018, and again on February 11, 2020 to verify that the proposed project on the subject parcel conforms to the applicable plans and MCC.
- c) The project site is in an area identified in County records as having a high archaeological sensitivity. However, the project site is not within 750 feet of known archaeological resources. An archaeological survey (LIB160016) prepared for the project site

concluded that there is no surface evidence of potentially significant archaeological resources. In addition, although located in an area of high sensitivity, the area of proposed development has been disturbed by previous farming activities and construction activities. Therefore, there is no evidence that any cultural resources would be disturbed, and the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition (Condition No. 3) which requires the contractor to stop work if previously unidentified resources are discovered during construction.

d) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN150337.

### 5. FINDING:

**DESIGN** – The design of the proposed project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property.

- The proposed project would replace two employee housing buildings destroyed by fire with three (3) employee housing buildings and a "common room" predominately in the same location that the destroyed buildings were located. The parcel is approximately 15.6 acres and developed with an employee housing building, two temporary employee housing units, and several accessory buildings, including a 600 sq. ft. garage utilized as storage for a fire truck of the Big Sur Volunteer Fire Brigade.
- b) Pursuant to Section 20.44, Title 20 (Coastal Zoning Ordinance) of the Monterey County Code (MCC), the proposed project site and surrounding area are designated as a Design Control District (D District), 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 colors and materials are consistent with the rural c) coastal residential setting in the immediate vicinity. The buildings feature a board and batten siding in a neutral, greyish tone, with contrasting window and door trim. The roof materials are standingseam steel and non-reflective. The "common room" is benched into the terrace with portions of the exterior walls "daylighting." The exposed exterior walls feature stained fiber-cement with batten siding to match the residential buildings, and a roof that is a mix of standing-seam steel matching the residential buildings, and a living roof. Portions of this roof are supported by wooden posts and open wood truss elements stained a medium brown. The proposed colors and finishes would blend with the surrounding environment, are consistent with the existing developed character on site, and are consistent with other dwellings and appurtenant structures along the Big Sur coast.
- d) The subject property is located in an area where the Local Coastal Program requires visual public access (Section 3.2, Scenic Resources, Big Sur Coast Land Use Plan). The project does not interfere with views to the ocean or interfere with visual access along Highway 1.

The project site is located and approximately 100 feet landward from the eastern edge Highway 1 and 25 feet above Highway 1 road grade. The property is screened from Highway 1 by dense vegetative growth characterized by a mix of Gowen's cypress, Monterey pine, Monterey cypress, and other lower, bushy plants. The proposed development is consistent with Big Sur Coast Land Use Plan Policies 3.2.1, 3.2.3.(A.2) in that the structural development of the site is clustered and historically screened by the utilization of vegetation and topography. The design and siting of the replacement housing units is such that clustering of the major components of the site is achieved in an area that is screened by dense vegetation as described above. The southwestern portion of Building 1 can be seen through the trees as viewed from Highway 1 and a portion of the northwestern portion of Building 3 can be seen through the vegetation as viewed from Highway 1. The southern portion of the existing residential structure is visible from Highway 1. There is no alternative building location on the site that is less visible that the location proposed. The proposed location utilizes the previous building location and takes advantage of the existing screening techniques unique to this location: vegetation, existing development, and topography. As proposed, the project would not result in any adverse visual impacts, and the project is consistent with the applicable visual resource and public access policies of the Big Sur Coast Land Use Plan.

- e) The development standards for the WSC zoning district are identified in MCC Section 20.17.060. Required setbacks in the WSC district for main structures is 30 feet (front), 20 feet (rear), and 20 feet (side). Corresponding maximum structure height is 24 feet from average natural grade. The proposed maximum height for the development is 24 feet from average natural grade at its high point the northwestern portion of Building 3- while the typical maximum height of the development is approximately 21 feet from average natural grade. The allowed site coverage maximum in the WSC/40-D zoning district is 10 percent. The property is approximately 15.6 acres or 679,536 square feet which would allow site coverage of 67,953 square feet. As proposed, the project would result in structural coverage of approximately 7,410 sq. ft. and would result in cumulative site coverage of 18,046 square feet or 2.7 percent.
  - Therefore, as proposed, the project meets all required development standards.
- f) The project planners conducted site inspections on February 20, 2015, August 22, 2018, and again on February 11, 2020 to verify that the proposed project on the subject parcel conforms to the applicable plans and MCC and will not adversely impact the rural coastal character or scenic/visual resources.
- g) Based on the evidence described above, the proposed structures and uses are consistent with the surrounding rural coastal character (i.e., structural design features, colors, and material finishes). In addition, the proposed development would not have an impact on a public viewshed. As proposed, the project assures protection of the public viewshed, is consistent with the rural coastal character, and assures visual integrity with existing site development.

**DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Big Sur land use plan than other development alternatives.

**EVIDENCE:** 

- a) In accordance with applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20, Parts 1 and 3), a Coastal Development Permit is required and the authority to grant said permit has been met.
- b) The project planners conducted site inspections on February 20, 2015, August 22, 2018, and again on February 11, 2020, to verify the subject project minimizes development on slopes of 30 percent or greater in accordance with the applicable goals and policies of the applicable land use plan and zoning codes.
- c) Proposed Building 2 and Building 3 would be located on a man-made terrace composed of imported fill materials and supported by slopes of 30 percent composed of the same imported fill materials. Portions of both proposed buildings are located on these manufactured slopes that do not reflect the natural topography of the site. Minor encroachment on slopes would also occur with construction of a driveway and parking areas that wrap around the proposed housing development.
- d) As proposed, the project is primarily located within the historic developed area of the site and does not require disturbance of the site beyond the historic limits of disturbance of the site. Siting of structures elsewhere on the site would increase visibility of structures within the critical viewshed along Highway 1, would require substantially more grading due to topography of the site, and/or would impact native vegetation and sensitive biological resources at the site (environmentally sensitive habitat). The location of the proposed building on the slopes substantially avoids and minimizes potential impacts to views, habitat, and slopes.
- e) The slope density formula contained in the Big Sur Land Use Plan (LUP) and Coastal Implementation Plan (CIP) would not preclude the density of employee housing proposed at the site. Employee housing is consistent with the Esalen Institute housing plan associated with the visitor serving use pursuant to policy 5.4.3.I.2.b and will not exceed the size limitations (850 square feet) or exceed the number of inn units (69).
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150337.

## 7. FINDING

**VIEWSHED** - The subject project is consistent with the viewshed requirements of the Big Sur Coast Land Use Plan.

- The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) Visually, the existing property borders and is visible from Highway 1 which is regulated pursuant to Big Sur Critical Viewshed policies as

- defined in Chapter 3.2 (Scenic Resources) of the Big Sur Coast Land Use Plan (LUP).
- A portion of the southern elevation of the existing building can be c) seen when viewed from driveway entrance. Portions of the proposed development would be visible from specific points of Highway 1 in the vicinity of the site. A portion of the northern extent of Building 3 would be visible from a point approximately 20 feet north of the driveway entrance. A portion of Building 2, approximately 15 feet of the southern roof line, would be visible from a point approximately 10 feet south of the driveway entrance. The project is consistent with the Big Sur Coast Land Use Plan Policies 3.2.3.A.7 in that the proposed development is located in the same location of the old motel structure converted to residential use that was destroyed by fire in 2011. Orange netting was erected at the site to show the location, height, and to evaluate the visual effects of the proposed development when viewed from Highway 1. The proposed structures are in keeping with the historic location and visibility of the structures destroyed by the 2011 fire. There are no alternative locations on the property that would avoid or minimize visibility of structures within the critical viewshed.
- d) The proposed employee housing is considered replacement of employee housing that was destroyed by fire in 2011. The development proposal utilizes previously developed portions of the site and places the replacement structures in the vicinity of the existing employee housing structure, thus achieving a clustered development, consistent with Policy 3.2.3.A.2 of the Big Sur Land Use Plan.
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150337.

**PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 6.1.1 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- c) The subject property is not described as an area where the Local Coastal Program requires physical public access (Figure 2, Local Coastal Program Shoreline Access Plan Central Section, in the Big Sur Coast Land Use Plan). Furthermore, the Shoreline Access Plan map (Central Section) Figure 2 indicates that this area is inappropriate for shoreline access.
- d) The subject property is identified as an area where the Local Coastal Program requires visual public access (Figure 2, Local Coastal

- Program Shoreline Access Plan Central Section, in the Big Sur Coast Land Use Plan). See Evidence "e" below.
- e) Based on review the project will not intensify impacts on the viewshed. The proposed development is consistent with the Big Sur Coast Land Use Plan Policies 3.2.3 and 3.2.4 and will not block public views toward the ocean and will not adversely impact the public viewshed or scenic character in the project vicinity. The design and siting of the proposed employee housing would not intensify impacts on the viewshed from what historically existed as before the property was impacted by fire. As proposed, the project is consistent with applicable visual resource and public access policies in the Big Sur Coast Land Use Plan.
- f) The project planners completed site inspections on February 20, 2015, August 22, 2018, and again on February 11, 2020, to verify that the proposed project would not impact public access. The project planners also reviewed plans and visual simulations of the proposed development to verify that the structures will not impact visual resources/access. See also Finding No. 2.
- g) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150337.

**CEQA (Addendum):** - An Addendum to a previously certified Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

- a) An MND for the Esalen Institute project (PLN020599) was prepared and certified by the Planning Commission on November 12, 2003 (Planning Commission Resolution 03080).
- b) Monterey County RMA-Planning prepared an Addendum to a previously adopted Initial Study/Mitigated Negative Declaration (Planning Commission Resolution No. 03080) pursuant to CEQA Guidelines Section 15164. The Addendum is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN150337).
- c) An Addendum to the Esalen Institute project MND was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).
- d) The Addendum attached as Exhibit E to the March 11, 2020 Staff Report to the Planning Commission reflects the County's independent judgment and analysis.
- e) Pursuant to Section 15164 of the CEQA Guidelines, some changes or additions to the project are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- f) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior MND. The previously adopted MND considered environmental impacts associated with development of new employee housing and new paved parking areas. Only the paved

- parking areas were constructed, and the new project includes minor revisions to the design of the employee housing. The changes in the design of the employee housing did not require substantial revisions to the project description or lead to new significant impacts or substantially increased impacts from what was originally considered.
- g) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the prior MND. Some changes have occurred at the site since the original MND was approved. A fire destroyed one of the housing units at the site. In addition, there have been some changes with respect to CEQA since 2003. The addendum addresses the changed physical and legislative circumstances at the site and concluded that minor revisions were adequate to address these changes. No new impacts or substantially increased severity of impacts were identified as a result of the circumstances.
- h) Pursuant to Section 15162 of the CEQA Guidelines, there is no new information of substantial importance that was not known at the time the MND was adopted. Other than minor changes in the project description and changes in circumstances, no new information of substantial importance has been identified.
- i) Mitigation Measures applicable to this project proposal, including protection of the restored arroyo willow habitat and protection of the existing forestation on the site have been carried forward to this approval. Other impacts were considered less than significant with implementation of existing Monterey County policies and regulations already addressing grading and noise, and protection of cultural resources allows.
- j) Evidence received and considered includes the project application materials, the Archaeological Reconnaissance (Planning File No. LIB160016 and LIB160017), Biological assessment (LIB160009 and LIB200020), County resources including the Monterey County Geographic Information System and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN150337) and are hereby incorporated herein by reference.
- k) Staff conducted site inspections on January 8, 2019 and March 11, 2019 to verify that the site is suitable for the scope and intent of this project.
- The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150337.
- 10. FINDING:

**APPEALABILITY -** The decision on this project may be appealed to the Monterey County Board of Supervisors and the California Coastal Commission.

EVIDENCE: a) Board of Supervisors: Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a

- decision of an Appropriate Authority other than the Board of Supervisors.
- b) California Coastal Commission: Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use (i.e.; development of employee housing, development on slopes of 30 percent or greater, and development within the viewshed).

## **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

- 1) After-the-fact Coastal Administrative Permit and Design Approval for a 600 square foot garage that houses a fire truck for the Big Sur Fire Brigade; and
- 2) A Coastal Development Permit and Design Approval for the Construction of three new employee housing structures containing 32 new employee housing units (12,893 square feet in total), to be added to an existing structure containing 11 employee housing units that will remain, resulting in an 43-unit employee housing complex and construction of a 1,133 square foot common room for employees of the Esalen Institute;
- 3) Coastal Development Permit for development on slopes of 30 percent or greater;
- 4) A Coastal Development Permit to allow development within the critical viewshed; and
- 5) Adopt a Mitigation Monitoring and Reporting Plan.

In general conformance with the attached plans and subject to 26 conditions, both being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of March 2020 upon motion of Commissioner Diehl, seconded by Commissioner Daniels, by the following vote:

AYES:

Coffelt, Duflock, Diehl, Getzelman, Gonzalez, Mendoza, Roberts, Daniels

NOES:

None

ABSENT:

Ambriz, Monsalve

ABSTAIN:

None

Brandon Swanson, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON MAY 07 2020

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAY 18 2020.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, ESALEN (PLN150337)

Page 11

CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

### **NOTES**

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services offices in Salinas.

# **Monterey County RMA Planning**

# Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN150337

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN150337) consists of a Coastal Development Permit and Design Approval to allow the replacement of a previously burned down employee housing building with three worker housing buildings consisting of: #1: 2,830 square feet, Building #2: 4,292 square feet and Building #3: 5,771 square feet, and one common room of 1,133 square feet (primarily below grade); and grading (4,966 cubic yards cut/3,039 cubic yards import fill). The project would be constructed in two phases: Phase I includes site preparation for the entire project, Building 2 and Building 3; Phase II includes Building 1 and the Common room. The project also includes a Coastal Development permit for development on slopes of 30 percent or greater; Coastal Development Permit for development in the critical view shed. The project also includes a perimeter driveway around the structural development to facilitate service vehicles and emergency vehicles. The property is located at 54150 Highway 1, Big Sur (Assessor's Parcel Number 421-011-018-000), Big Sur Coast Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in Neither the uses nor the construction allowed by this permit shall the project file. commence unless and until all of the conditions of this permit are met to the satisfaction of the RMA Chief of Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Print Date: 5/7/2020 9:13:29AM Page 1 of 13

### 2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall record a Permit Approval Notice. This notice shall state:

"A Combined Development Permit (Resolution Number 20-010) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 421-011-018-000 on March 11, 2020. The permit was granted subject to 26 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

# 3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A copy of the Resolution of Approval (Resolution No.20-010) for the Combined Development Permit (Planning File No.: PLN150337) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

Print Date: 5/7/2020 9:13:29AM Page 2 of 13

### 4. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

cultural, during course of construction, archaeological, historical paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified Monterey County RMA - Planning and a professional archaeologist can evaluate it. archaeologist (i.e., an archaeologist registered with the Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.

(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Print Date: 5/7/2020 9:13:29AM Page 3 of 13

### 5. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation **Monitoring Measure:** 

The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the RMA Chief of Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning.

Print Date: 5/7/2020 9:13:29AM Page 4 of 13

### 6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation **Monitoring Measure:** 

The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitorina Action to be Performed:

Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- Enter into an agreement with the County to implement a Condition of 1) Approval/Mitigation Monitoring Plan.
- Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

### 7. PD014(C) - LIGHTING-EXTERIOR LIGHTING PLAN (BIG SUR)

Responsible Department: RMA-Planning

Condition/Mitigation **Monitoring Measure:** 

All exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only intended area is illuminated and off-site glare is Exterior lights shall have recessed lighting elements. fully controlled. Exterior light sources that would be directly visible from critical view shed viewing areas as defined in Section 20.145.020.V, are prohibited. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations The exterior lighting plan shall be subject to approval by the Director Title 24 Part 6. of RMA - Planning, prior to the issuance of building permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, staff shall conduct a site visit to ensure that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

Print Date: 5/7/2020 9:13:29AM Page 5 of 13

### 8. PD011 - TREE AND ROOT PROTECTION

### Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA Chief of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

### 9. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed:

Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

Print Date: 5/7/2020 9:13:29AM Page 6 of 13

### 10. PD041 - HEIGHT VERIFICATION

### Responsible Department: RMA-Planning

# Condition/Mitigation Monitoring Measure:

The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning and RMA - Building Services)

### Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

### 11. PD007- GRADING WINTER RESTRICTION

### Responsible Department: RMA-Planning

### Condition/Mitigation Monitoring Measure:

No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

### Compliance or Monitoring Action to be Performed:

The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

Print Date: 5/7/2020 9:13:29AM Page 7 of 13

#### 12. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

The applicant shall submit a Grading Plan, prepared by a registered Professional Engineer, incorporating the recommendations in the project Geotechnical Exploration prepared by ENGEO Incorporated. The Grading Plan shall include contour intervals and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The Grading Plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. The applicant shall also provide certification from the licensed practitioner that the Grading Plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a Grading Plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed the Grading Plan for conformance with the geotechnical recommendations.

### 13. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

### 14. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

The applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

Print Date: 5/7/2020 9:13:29AM Page 8 of 13

### 15. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

### 16. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) including the Waste Discharger Identification (WDID) number, to RMA-Environmental Services. In lieu of a Stormwater Pollution Prevention Plan (SWPPP), a letter of exemption or erosivity waiver from the Central Coast Regional Water Quality Control Board may be provided. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a SWPPP including the WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.

#### 17. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan in conformance with the requirements of Monterey County Code Chapter 16.12. The Erosion Control Plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

### 18. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Exploration. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

Print Date: 5/7/2020 9:13:29AM Page 9 of 13

### 19. EHSP01 - PHASE 2 WASTEWATER PLAN (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: EHSP01 – PHASE 2 WASTEWATER PLAN (Non-Standard)

The applicant has proposed to expand the existing alternative onsite wastewater treatment system (OWTS) with supplemental treatment that serves existing buildings on the site in order to accommodate the structures proposed in Phase 1 (Buildings 2 & 3). The Environmental Health Bureau (EHB) has reviewed the proposed expansion, including site and soil evaluation and wastewater analysis, and has determined that adequate area exists to accommodate the proposed alternative OWTS expansion for Phase 1.

Prior to issuance of construction permits for Phase 2 (Building 1 and Common Building), the applicant shall submit a comprehensive analysis of existing and proposed wastewater generation for the property and an evaluation of the existing alternative OWTS, completed by a qualified professional, to the EHB for review and acceptance. As determined necessary by the qualified professional, submit to the EHB the following information prior to issuance of construction permits for Phase 2:

- Alternative OWTS application with applicable fees
- OWTS feasibility report
- OWTS design plans

(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of Phase 2 construction permit(s), the applicant shall submit the information specified by this condition to the EHB for review and acceptance.

As determined necessary and concurrent with Phase 2 construction permits, the applicant shall obtain an Alternative OWTS permit from the EHB.

### 20. EHSP03 - EMPLOYEE HOUSING (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

Comply with Employee Housing Regulations found in the California Health and Safety Code Section 17000-17062.5 and the California Code of Regulations Title 25, Division 1, Chapter 1, Subchapter 3 Sections 600-940.

(Environmental Health)

Compliance or Monitoring Action to be Performed: This property has existing health permits for Employee Housing from the Environmental Health Bureau.

Prior to occupancy of the proposed dwelling units, amend the existing employee housing permit.

Print Date: 5/7/2020 9:13:29AM Page 10 of 13

# 21. EHSP02 - SEPARATE RECYCLABLES

Responsible Department: Health Department

Condition/Mitigation All persons shall separate recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to

facilitate segregation at a solid waste facility pursuant to California Assembly Bill AB

341 and Monterey County Code, Chapter 10.41. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall submit to the Environmental Health Bureau for review and approval a descriptive plan on how recyclables will be collected and stored. Solid waste and recycling container

enclosures shall be sized appropriately and located on the site plan.

# 22. PW0045 - COUNTYWIDE TRAFFIC FEE

Responsible Department: RMA-Public Works

Condition/Mitigation
Monitoring Measure:

Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide
Traffic Fee or the ad hoc fee pursuant to General Plan policy C-1.8. The fee amount

shall be determined based on the parameters in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. The Owner/Applicant shall

submit proof of payment to the DPW.

#### 23. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: RMA-Public Works

Condition/Mitigation Prior to issuance of building permits, applicant shall pay the Regional Development Monitoring Measure: Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall

be determined based on the parameters adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed:

Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit

proof of payment to the DPW.

Print Date: 5/7/2020 9:13:29AM Page 11 of 13

# 24. MM1 Smith's blue butterfly & Coastal Scrub Habitat

#### Responsible Department: RMA-Planning

### Condition/Mitigation **Monitoring Measure:**

- A. Current buckwheat locations shall be protected by orange construction fencing supported by metal or wooden posts where appropriate at both the Main and South Coast Properties, as determined by the project biologist;
- B. Signs shall be posted with language to warn workers about the need to protect these areas and of any penalties that may be incurred if harm to the buckwheats or butterflies [Smith's blue] occurs;
- C. The project biologist shall provide a brief educational awareness training to all construction workers (to be interpreted into other languages, as may be necessary) prior to breaking ground, and to new hires, as may be necessary throughout the life of the project
- 2. Of the .235 acres of coastal sage scrub habitat at the South Coast Property, .0214 acres is within the Caltrans right-of-way along Highway 1. A Memorandum of Understanding (MOU) shall be entered into by Esalen with Caltrans for use of the right-of-way and an encroachment permit shall be secured by Esalen from Caltrans (Cal Trans refused to enter into this agreement because of safety concerns and loss of ability to maintain the ROW to their standards). If for some valid reason the MOU and encroachment permit cannot be obtained, Esalen shall establish or restore, and maintain, .214 acres of coastal sage scrub habitat east of the private access road paralleling Highway 1 and surrounding the northerly parking area. This area, if required, shall be conveyed to the County by way of a conservation easement.
- 3. All non-native and ornamental plants currently growing at the western and southern peripheries of the northerly parking lot shall be removed as part of the weed control and habitat restoration plan for that area. During the life of the long-term redevelopment project, at both the Main and South Coast Properties:
- a. Areas of disturbed soil shall be kept free of invasive-exotic plants to prevent their spread into potential Smith's blue butterfly habitat areas;
- b. Regular sprinkling of any and all disturbed soil in project areas within 100 feet of seacliff buckwheat plants shall be conducted to reduce impacts caused by dust to buckwheat plants and Smith's blue butterfly life stages. Dust control measures shall continue until disturbed soils areas are paved and revegetated according to the landscape/revegetation plan.
- 5. Implementation and success of the coastal sage scrub habitat restoration areas at both properties shall be monitored at least three times yearly for a period of at five years after the areas are initially restored, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Resource Management Agency (RMA).

Compliance or Monitoring Action to be Performed: Photos shall be taken by the project biologist before during, and after construction activities to provide evidence of compliance.

Print Date: 5/7/2020 9:13:29AM Page 12 of 13

#### 25. MM 2 ARROYO WILLOW HABITAT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

In order to minimize potential impacts to the arroyo willow riparian forest habitat at the South Coast Center:

During construction, a sturdy debris fence shall be installed and maintained along the southeast side of the natural drainage channel to the north of the southerly parking area in order to separate this drainage channel area from the southerly parking lot construction site. This fence shall serve to prevent excavated material from cascading downslope into the arroyo willow riparian forest. The fence will be kept in place until the project is completed. Any disturbed soil shall be immediately stabilized through the use of netting and/or sterile Esalen Initial Study Page 29 mulching. Also, any disturbed soil generated by this phase of the project will be kept free of exotic plants.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and building permits, RMA staff shall review the final site plans, building and grading, and landscape/revegetation plans to verify that the requirements of Mitigation Measure 10 [MM2] are incorporated into the designs of all plans at all levels of ministerial approval and condition compliance, as well as included as notes on all such plans where appropriate.

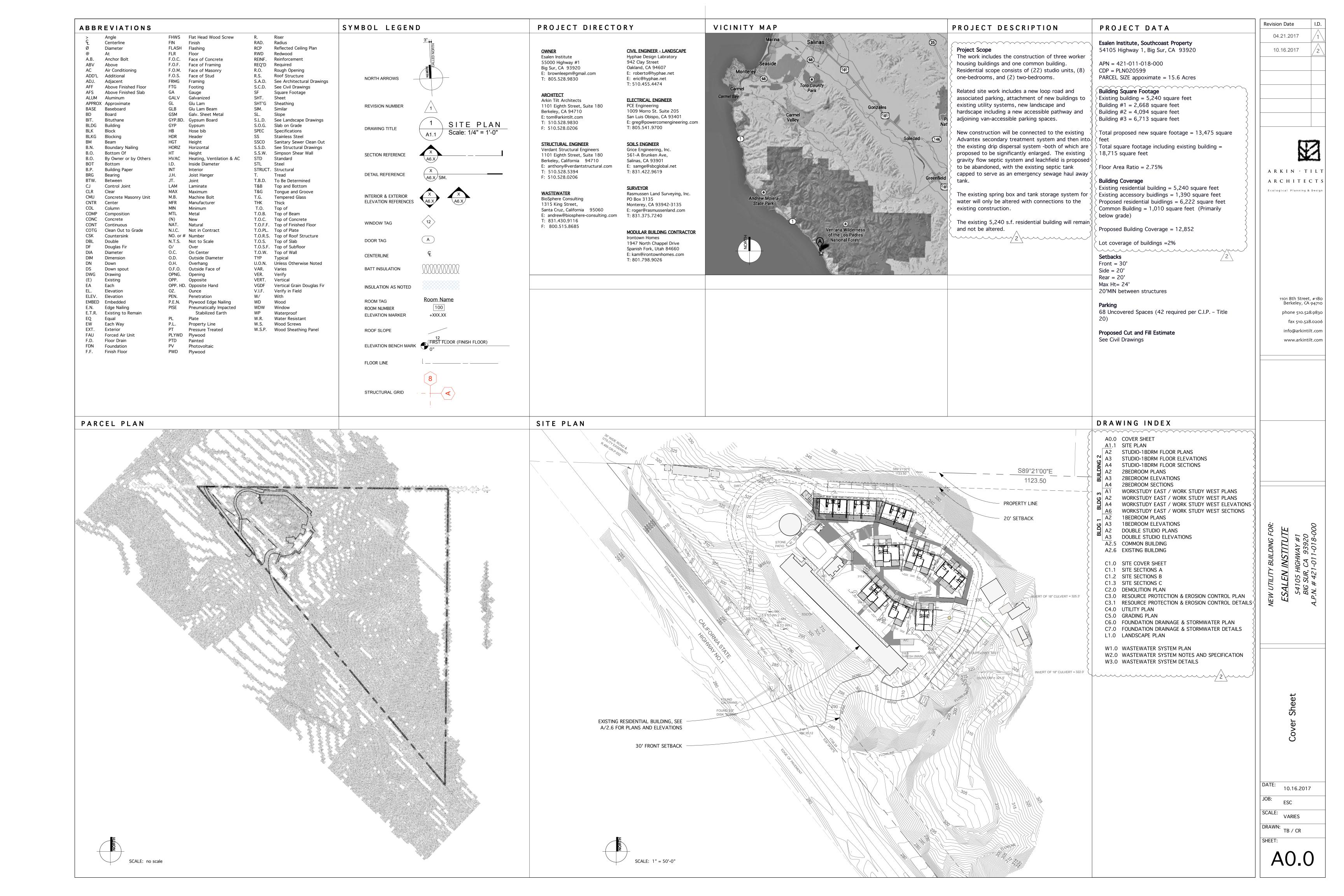
#### 26. MM 3 NO INTENSIFICATION OF A LEGAL NON-CONFORMING USE

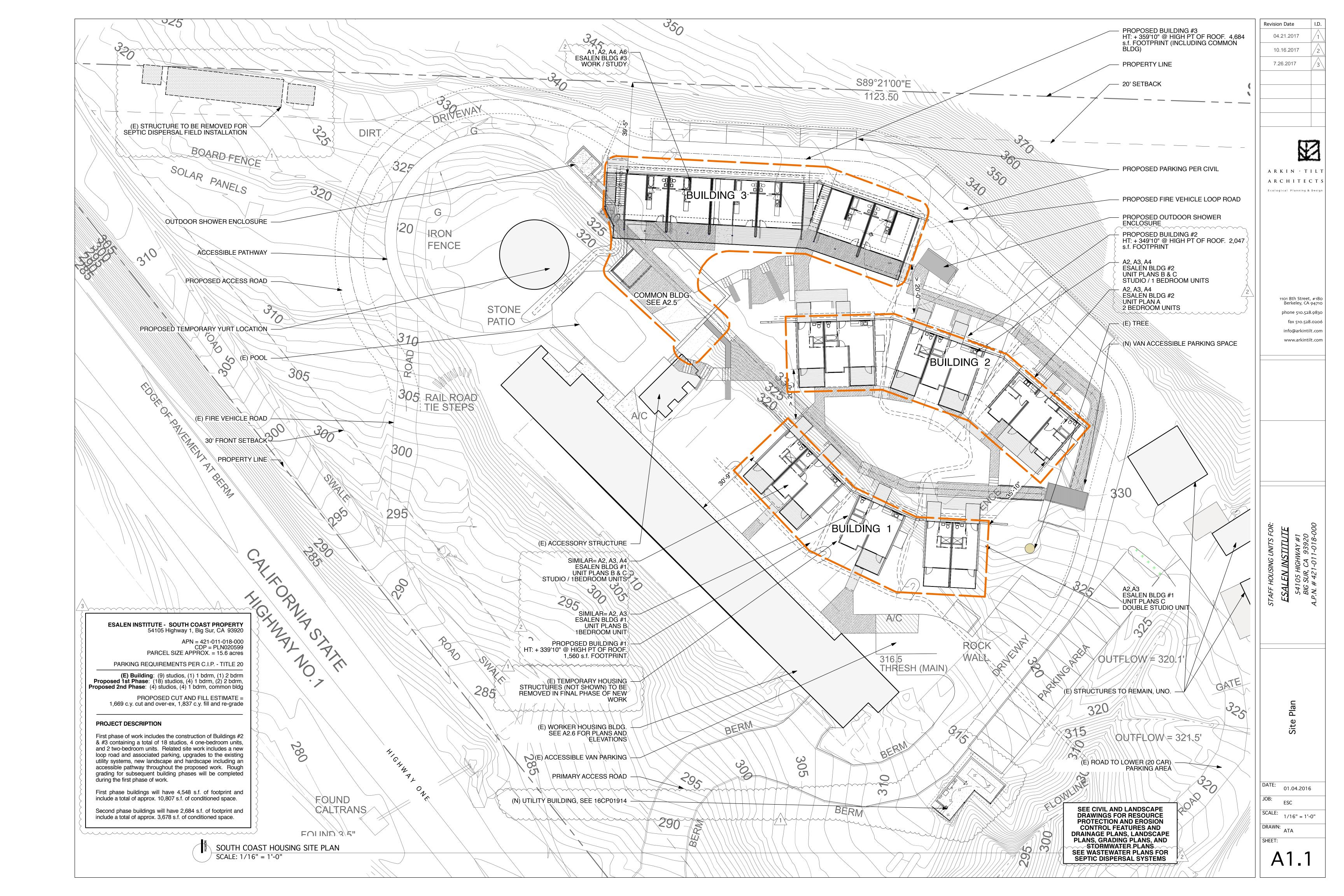
Responsible Department: RMA-Planning

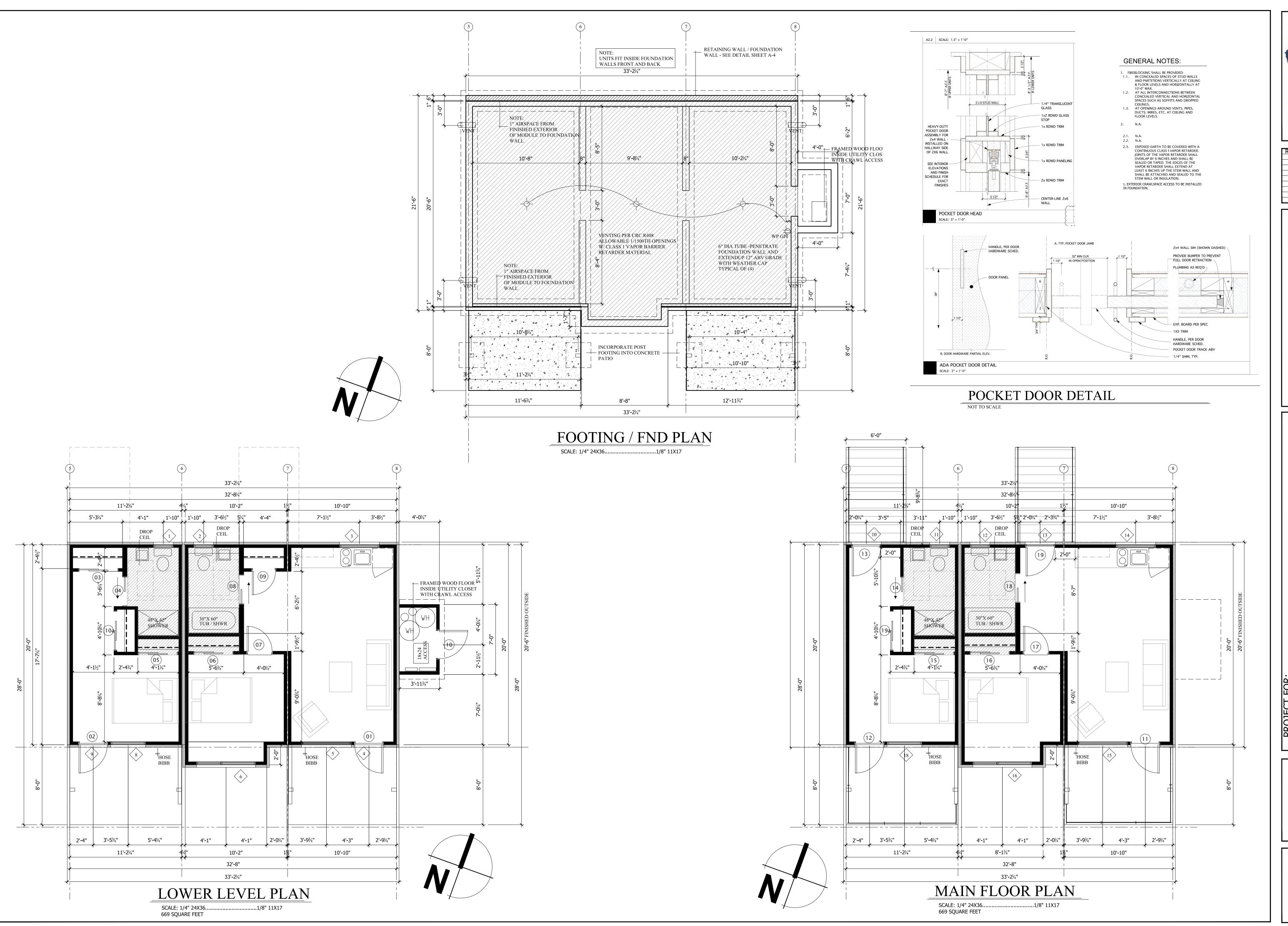
Condition/Mitigation Monitoring Measure: In order to prevent the intensification of a legal non-conforming use, prior to issuance of grading and build permits, Esalen Institute shall record a deed restriction that precludes employee housing units from being used as guest units, and vice versa, so that the level of visitor service and employee accommodations are not increased. Employees at Esalen Institute include permanent and contract staff, extended students, and work study students. Visitors/guests are defined as persons staying 30 days or less. This deed restriction could possibly be revoked if in the future Esalen is successful in obtaining approval of an amendment to the County's certified Local Coastal Program that would change the zoning designation of Esalen's properties, which might then allow an intensification of use.

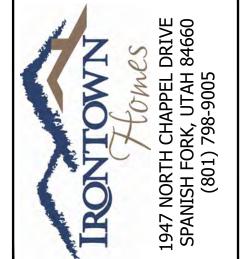
Compliance or Monitoring Action to be Performed: Prior to issuance of building and grading permits, RMA staff will verify recordation of the deed restriction required by Mitigation Measure 16 [Of The Mitigated Negative Declaration PLN020599].

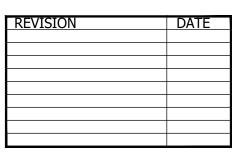
Print Date: 5/7/2020 9:13:29AM Page 13 of 13





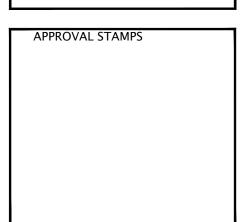


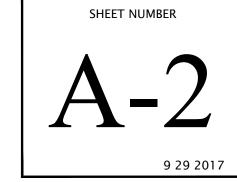


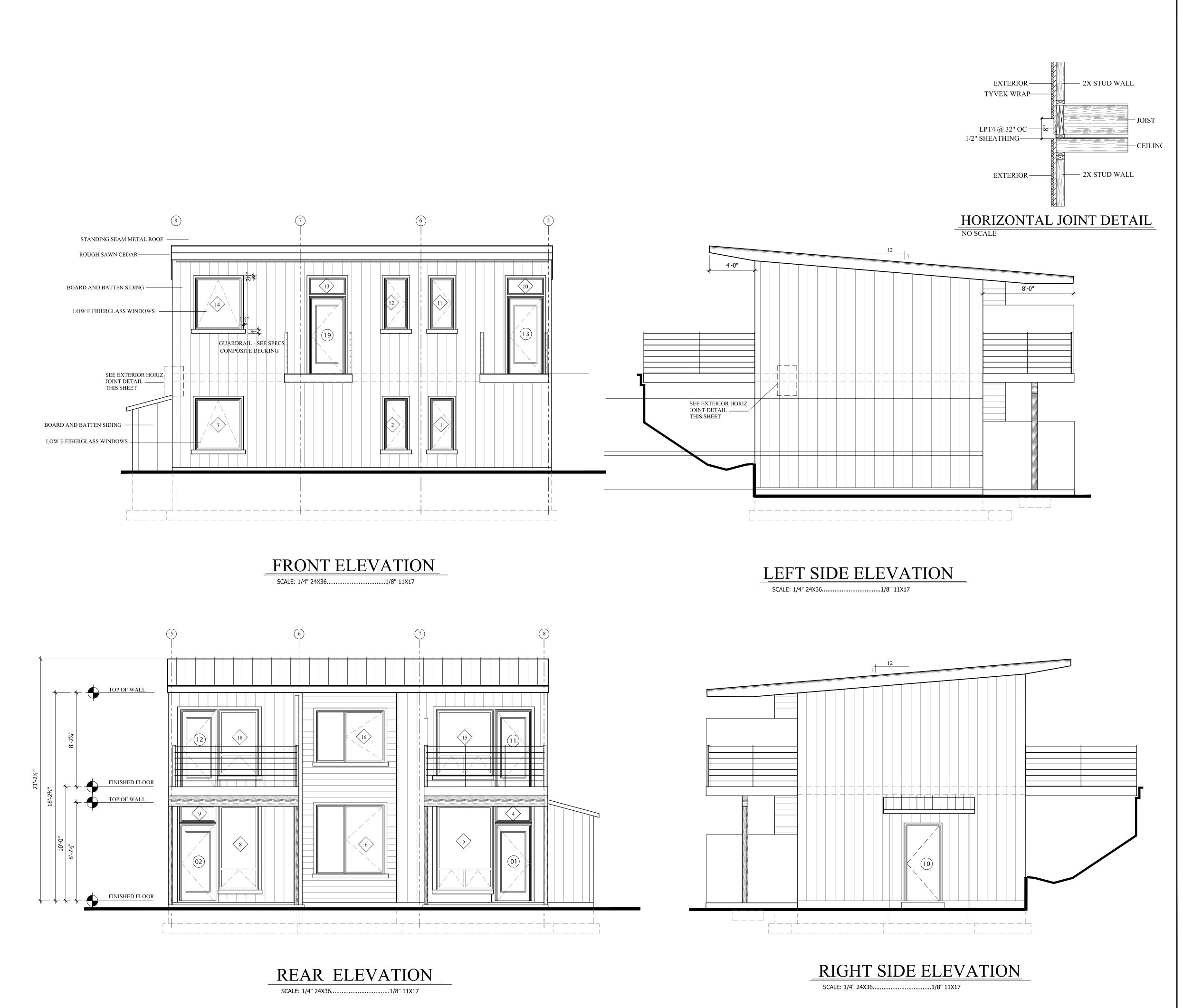


FLOOR PLANS

ESALEN BUILDING 2 UNIT PLANS B & C STUDIO / 1 BED UNITS BIG SUR, CA.







IRONTTOWN

Fromes

1947 NORTH CHAPPEL DRIVE
SPANISH FORK, UTAH 84660
(801) 798-9005

EVISION DATE

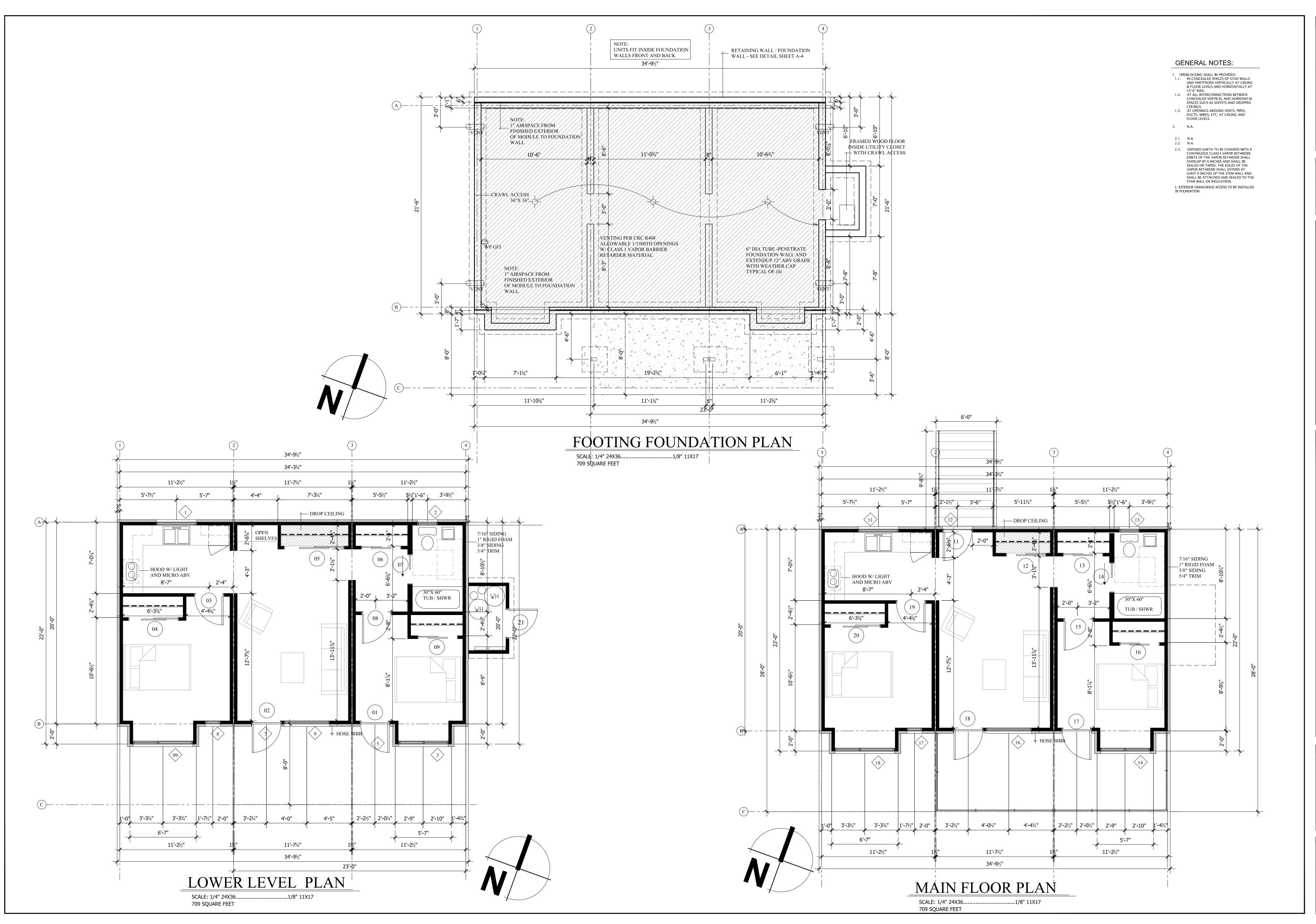
LEVATIONS

ALEN BUILDING 2 IT PLANS B & C UDIO / 1 BED UNITS

APPROVAL STAMPS

SHEET NUMBER

A 3
9 29 2017





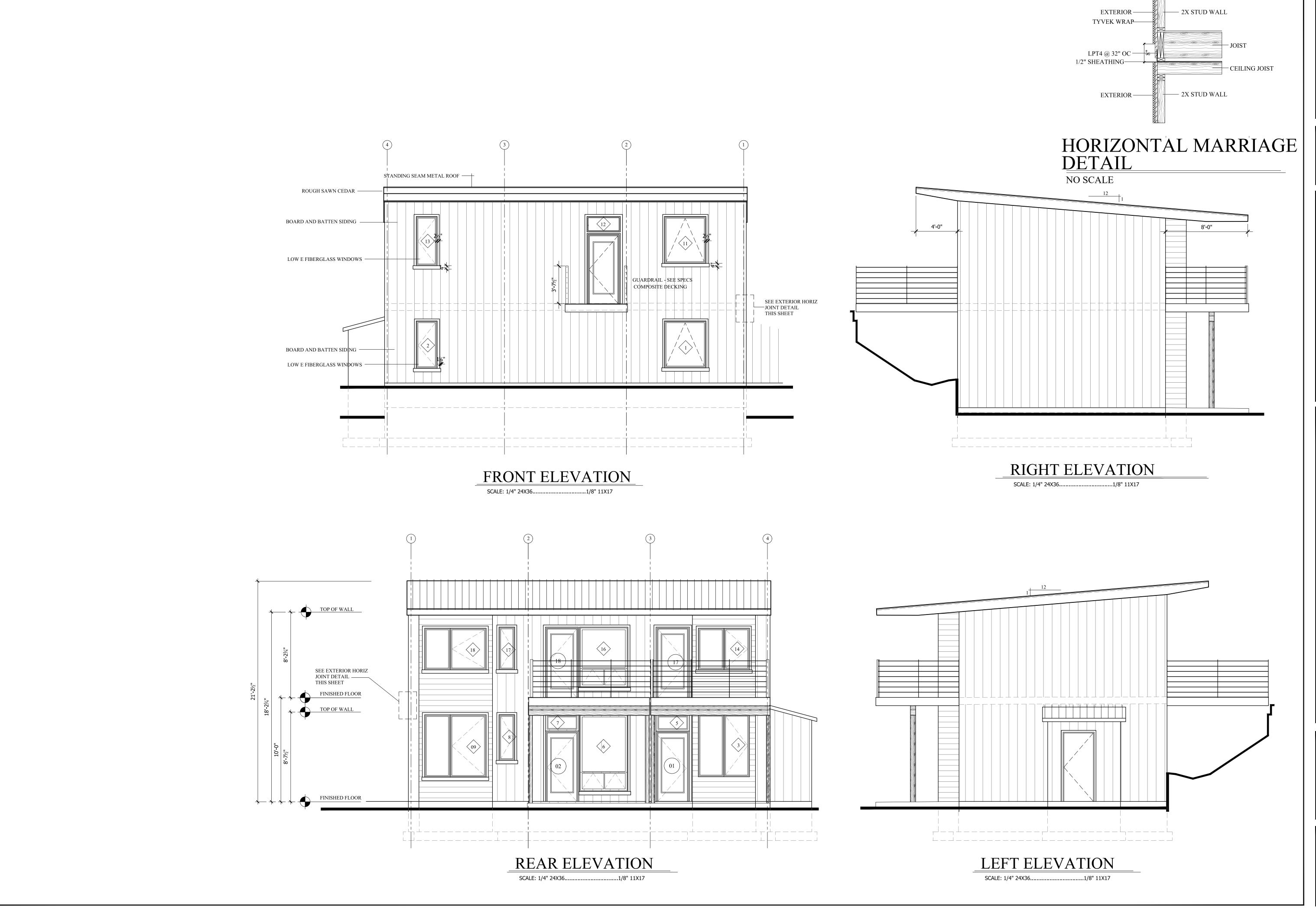
OOR PLANS

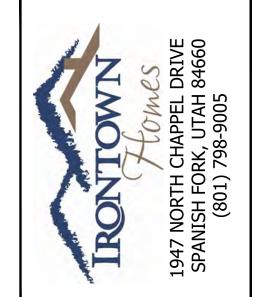
SALEN BUILDING 2
INIT PLAN A
IS SUR, CA.

SHEET NUMBER

A - 2
9 29 2017

APPROVAL STAMPS





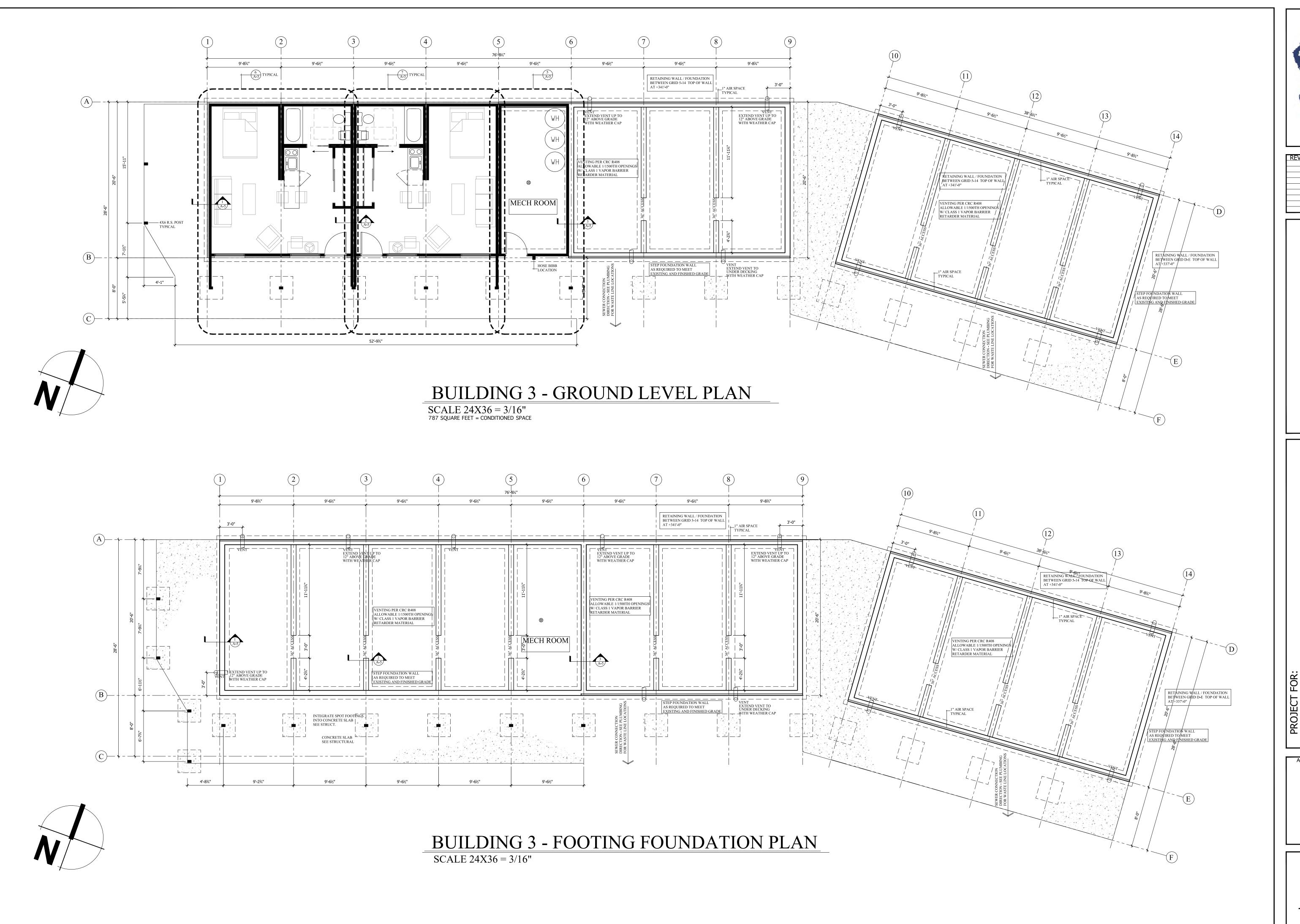
ELEVATIONS

LEN BUILDING 2 IT PLAN A EDROOM UNITS

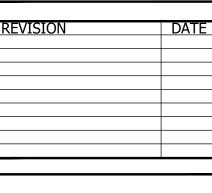
APPROVAL STAMPS

SHEET NUMBER

A-3

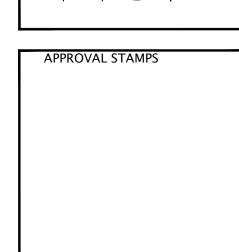






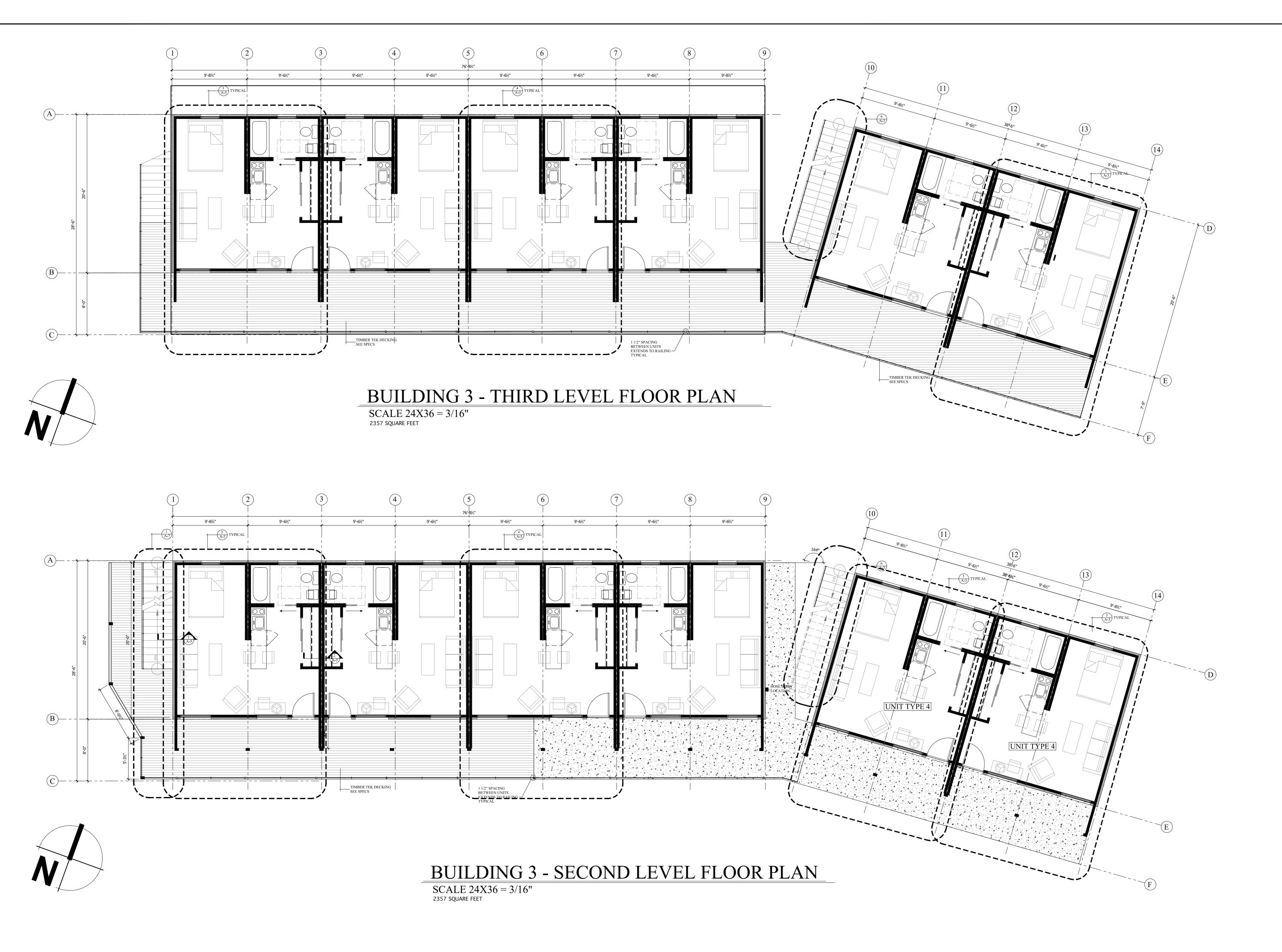
COMBINED LOOR PLANS

ESALEN BUILDING 3
OVERALL BUILDING
WORK / STUDY UNITS
BIG SUR, CA.

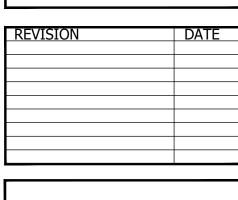


SHEET NUMBER

1
9 22 2017



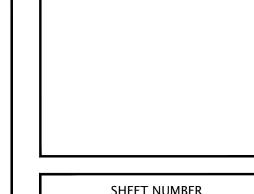




COMBINED
LOOR PLAN

SALEN BUILDING 3 VERALL BUILDING WORK / STUDY UNITS IG SUR, CA.

APPROVAL STAMPS



SHEET NUMBER

A 2 2017





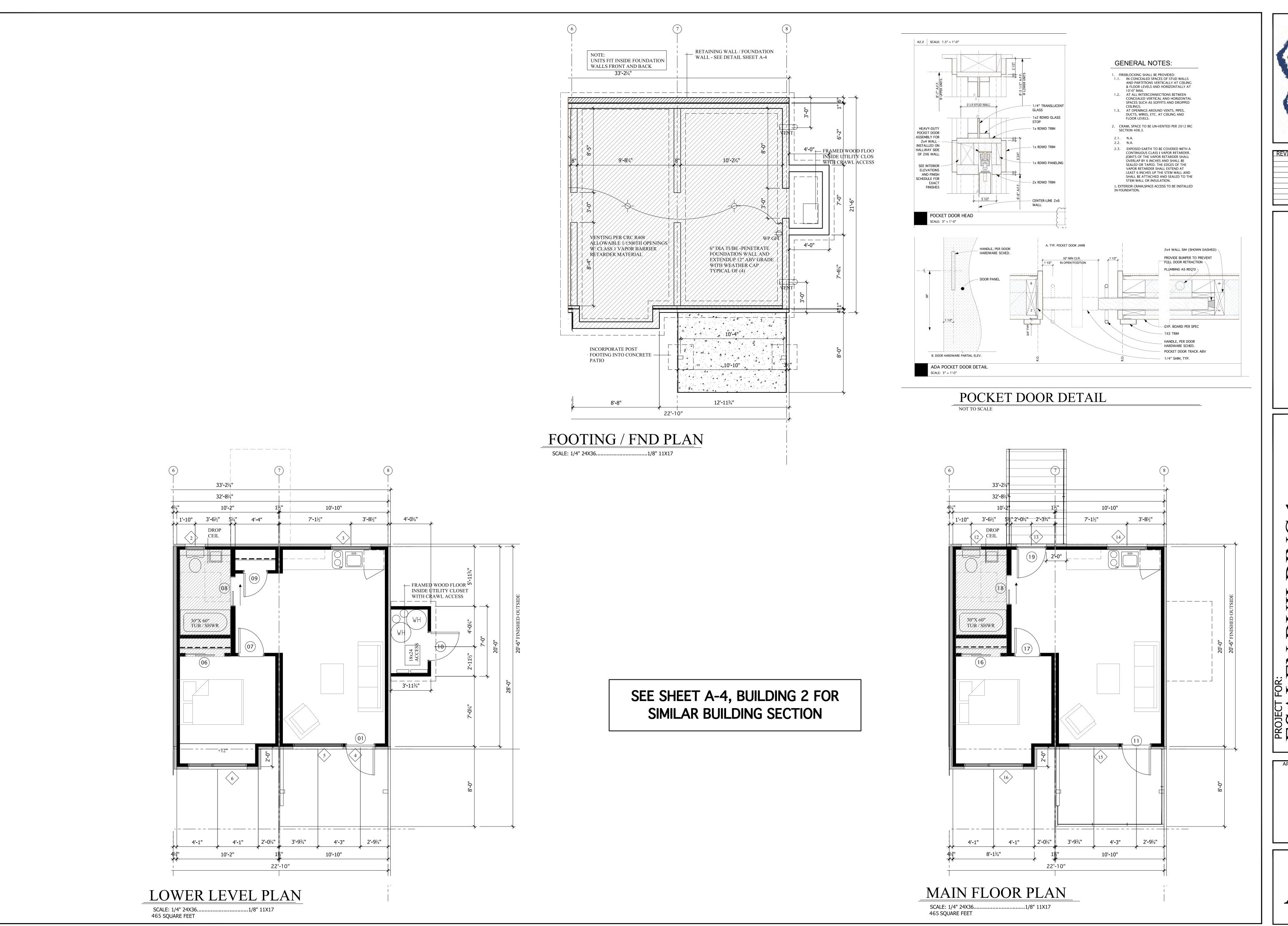
SUILDING 3 I FVATIONS

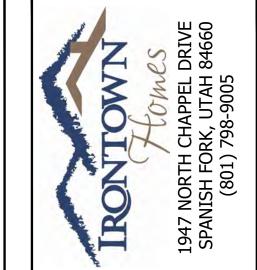
SALEN BUILDING 3
ARGE / SMALL
VORK / STUDY UNITS

APPROVAL STAMPS

SHEET NUMBER

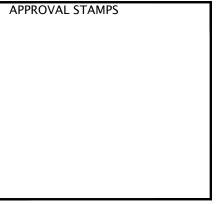
9 22 2017





OOR PLANS

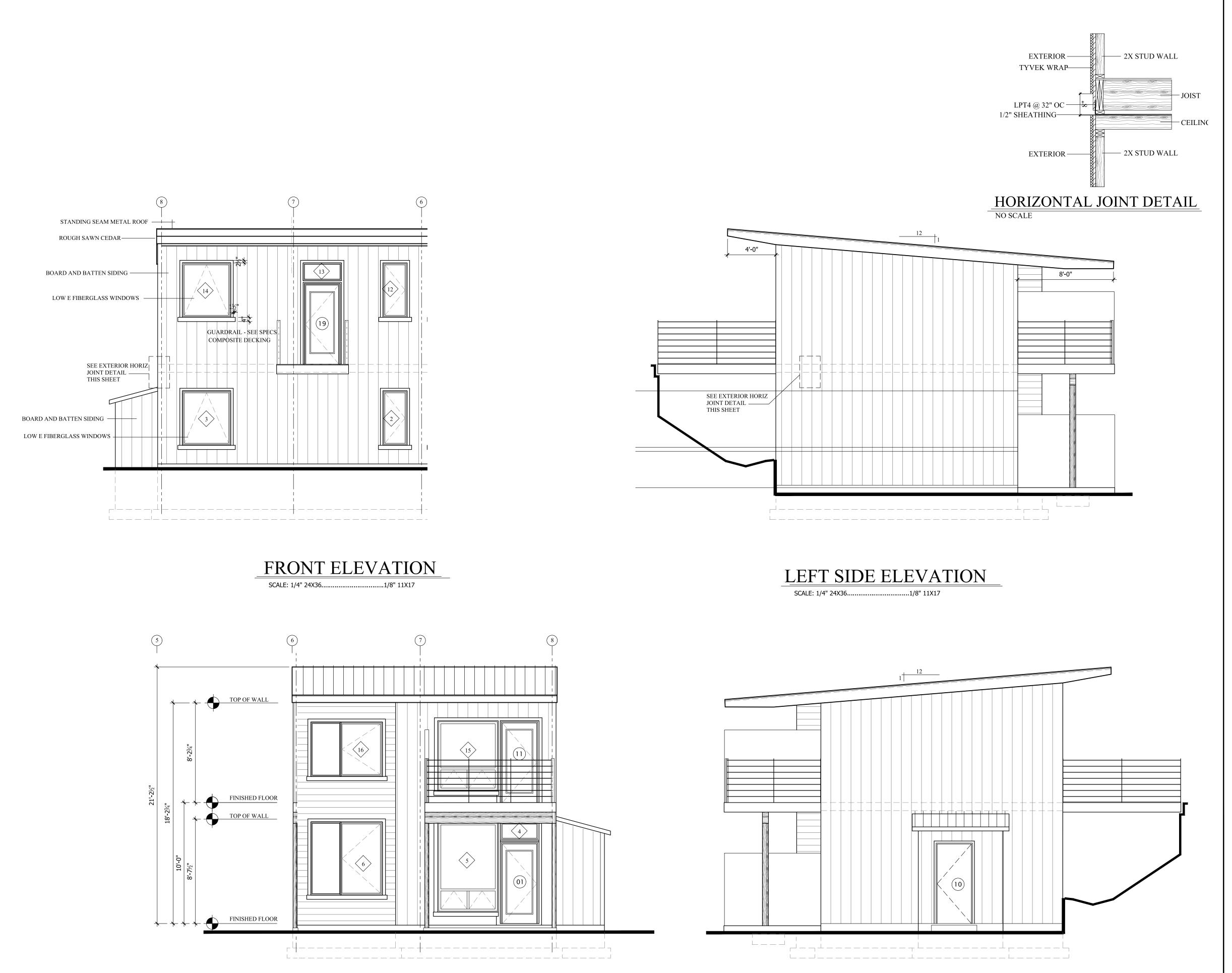
ESALEN BUILDING 1 UNIT PLAN B ONE BEDROOM UNIT



SHEET NUMBER

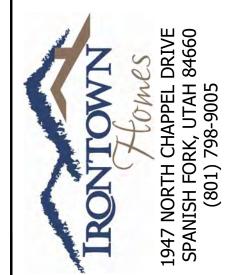
A - 2

9 22 2017



REAR ELEVATION

SCALE: 1/4" 24X36......1/8" 11X17



VISION DATE

LEVATIONS

ALEN BUILDING 1 IT PLAN B E BEDROOM UNIT

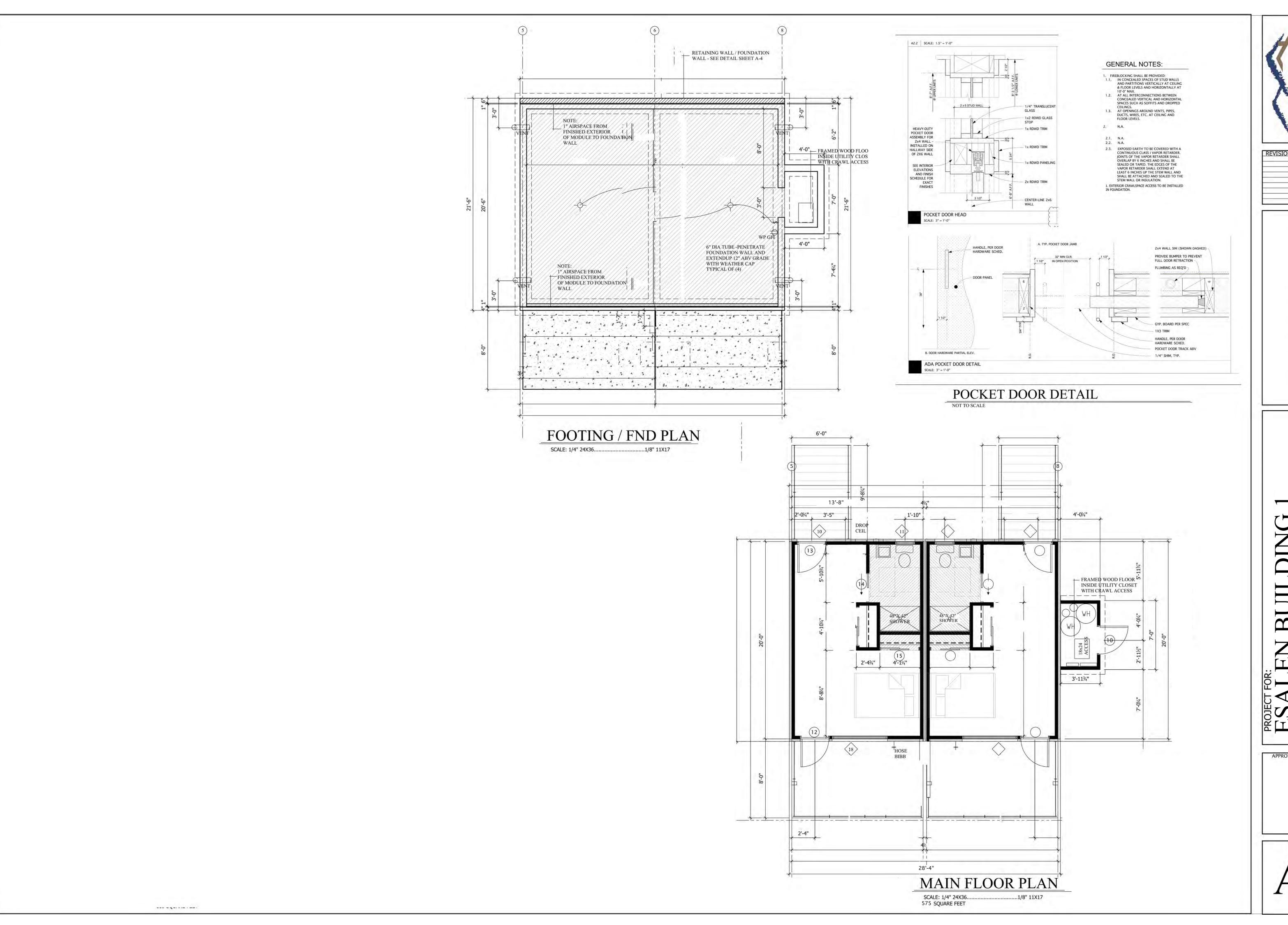
APPROVAL STAMPS

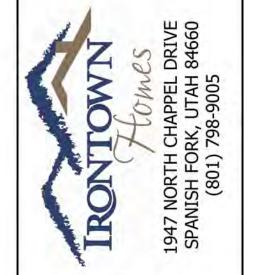
SHEET NUMBER

A - 3

RIGHT SIDE ELEVATION

SCALE: 1/4" 24X36......1/8" 11X17





S

FLOOR PLANS

SALEN BUILDING 1
JOUR PLAN C
JOURLE STUDIO UNIT

APPROVAL STAMPS

SHEET NUMBER

A 2

9 29 2017

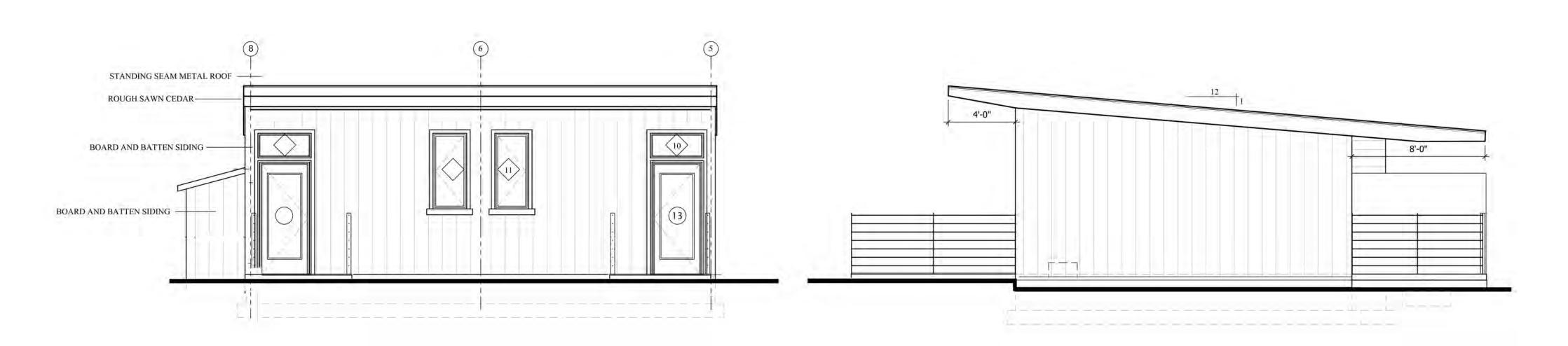


LEVATIONS

SALEN BUILDING 1
NIT PLAN C
OUBLE STUDIO UNIT

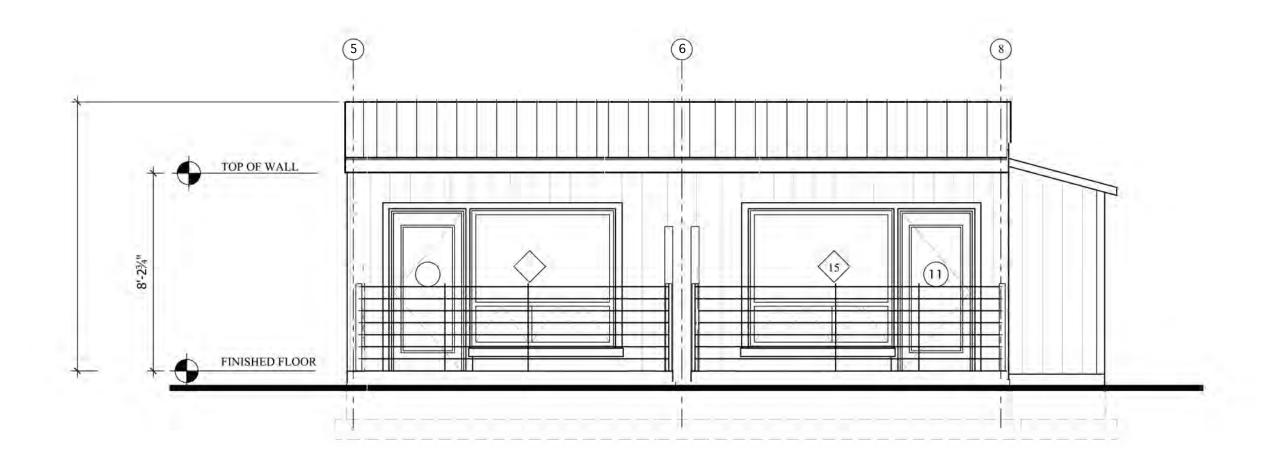
APPROVAL STAMPS

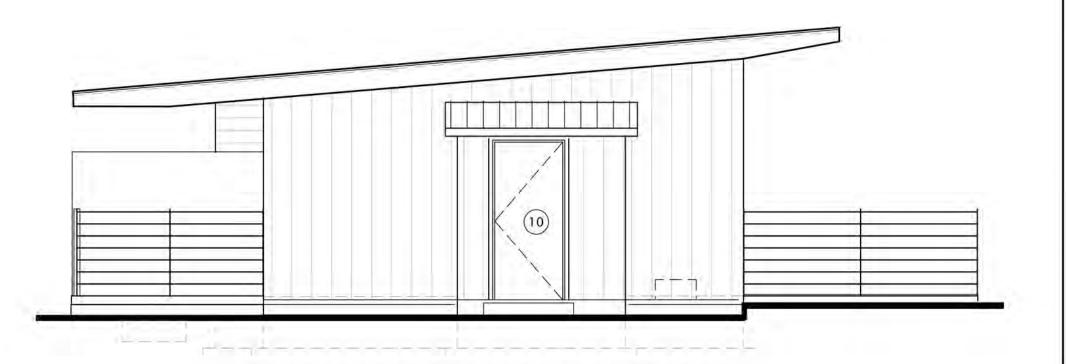
A-3



# FRONT ELEVATION SCALE: 1/4" 24X36.......1/8" 11X17

# LEFT SIDE ELEVATION SCALE: 1/4" 24X36......1/8" 11X17



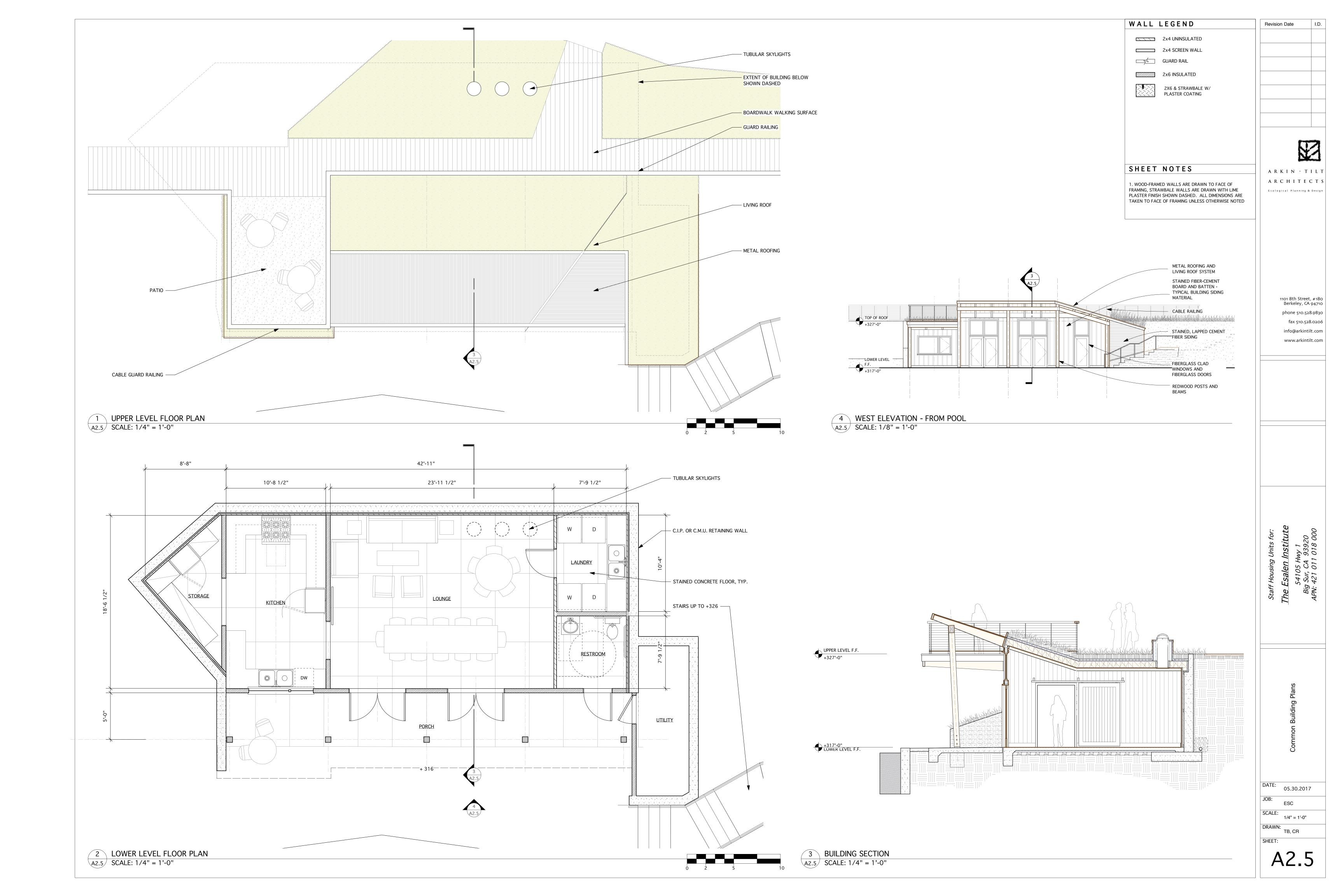


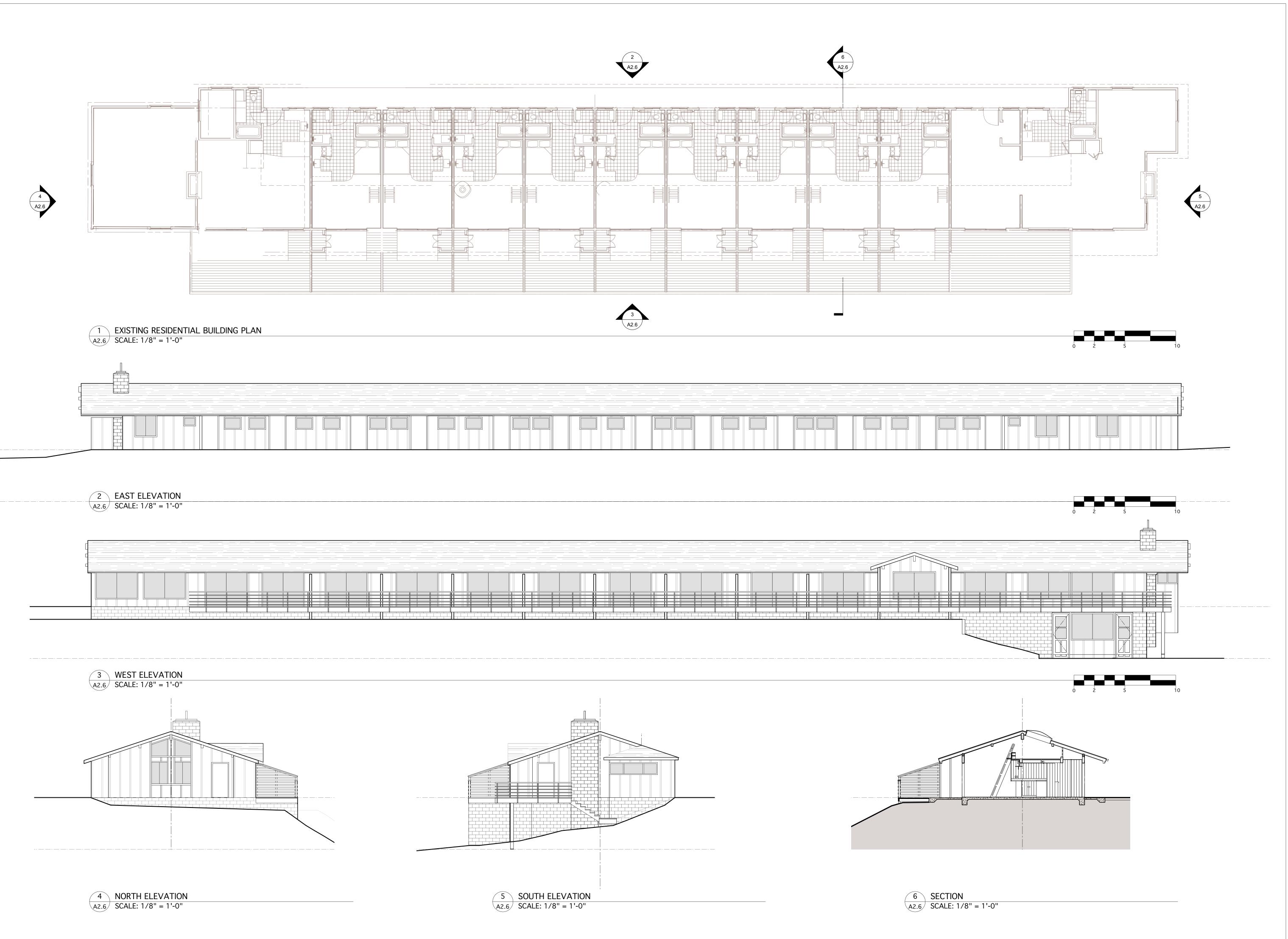
REAR ELEVATION

SCALE: 1/4" 24X36.......1/8" 11X17

RIGHT SIDE ELEVATION

SCALE: 1/4" 24X36 1/8" 11X17





Revision Date

ARKIN, TILT
ARCHITECTS

Ecological Planning & Design

1101 8th Street, #180 Berkeley, CA 94710 phone 510.528.9830 fax 510.528.0206 info@arkintilt.com www.arkintilt.com

The Esalen Institute 54105 Hwy 1 Big Sur, CA 93920 APN # 421-011-018-000

Existing Building

OATE: 01.04.2016

OB: ESC

CALE: 1/4" = 1'-0"

DRAWN: TB, CR

HEET:

A2.6