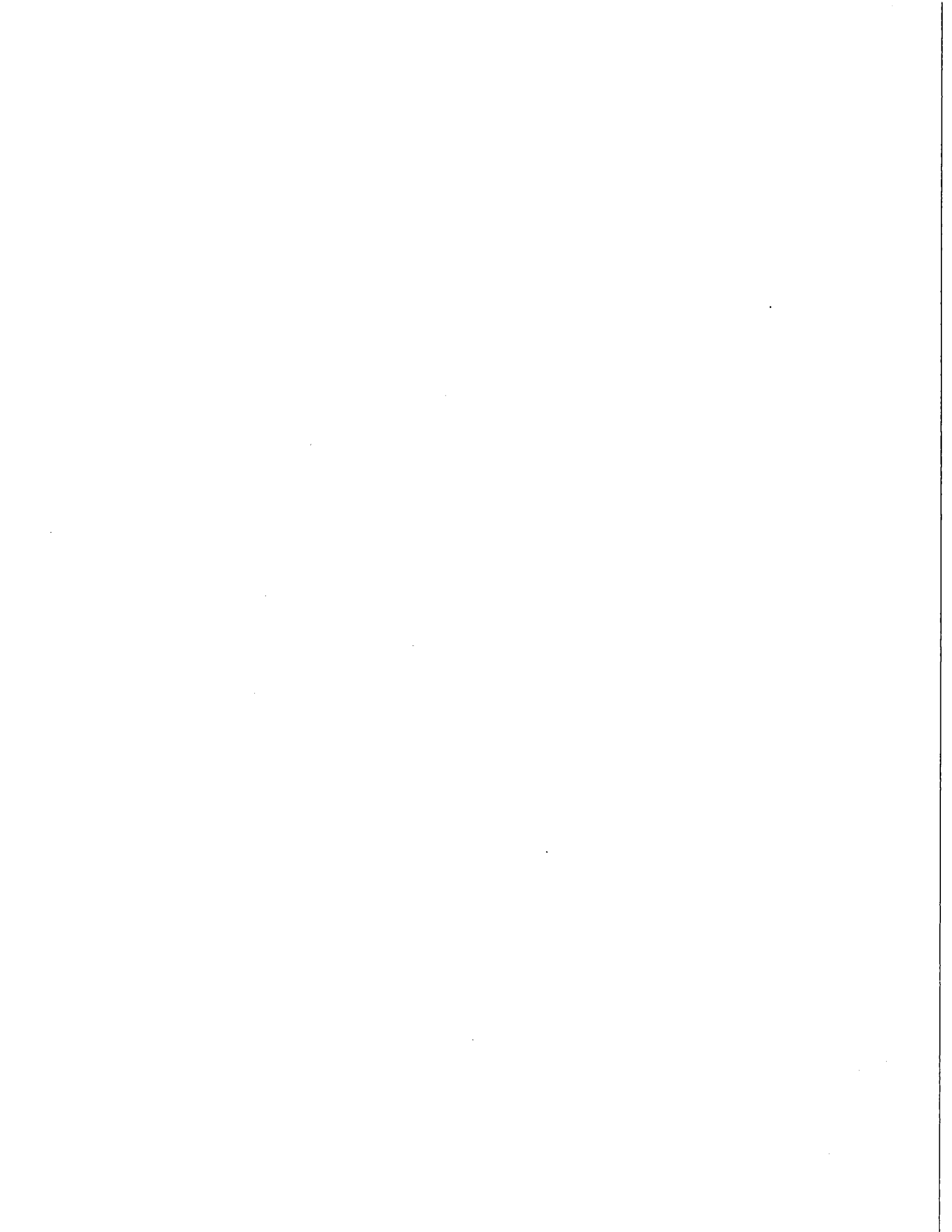


Attachment B  
Extension of Offer to  
Dedicate with Exhibits

REF140011



**EXHIBIT 1**

Stephen L. Vagnini  
Monterey County Recorder  
Recorded at the request of  
**County of Monterey**

RANJELIQUE  
4/13/2012  
11:09:34

WHEN RECORDED MAIL TO:

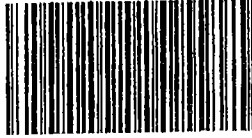
Clerk to the Board Office, 1<sup>st</sup> Floor

Monterey County Government Center

Salinas, CA 93901

DOCUMENT: **2012022140**

Titles: 2/ Pages: 33



Fees....

Taxes...

Other... \_\_\_\_\_

AMT PAID

THIS SPACE FOR RECORDER'S USE ONLY

**Extension of  
Irrevocable Offer to Dedicate Public Access Easements  
and Declaration of Restrictions  
at Post Ranch in Big Sur**

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# DUPLICATE COPY

**When Recorded, Return To:**

Monterey County Resource Management Agency  
Planning Department  
Attn: Laura Lawrence  
168 West Alisal, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025

Space above for Recorder's Use

No fee document pursuant to Government Code Section 27383

**Extension of  
Irrevocable Offer to Dedicate Public Access Easements and Declaration of Restrictions**

This Extension (hereafter "Extension") of that certain Irrevocable Offer to Dedicate Public Access Easements and Declaration of Restrictions, recorded in the Office of the Recorder of the County of Monterey at Reel 2630, pages 1143 through 1163, is made this 22<sup>nd</sup> day of March, 2012 by Post Ranch, L.P., a California limited partnership, dba Post Ranch Inn and Onesimo LLC, a California limited liability company, (hereafter collectively "Grantor").

WHEREAS, Post Ranch, L.P., is the legal owner of certain real properties located in the County of Monterey, State of California, as more particularly described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, Onesimo, LLC, is the legal owner of certain real properties located in the County of Monterey, State of California, as more particularly described in Exhibit B, attached hereto and incorporated herein by reference; and

WHEREAS, at a point in time after 1991, Onesimo, LLC became the successor in interest of Post Ranch, L.P. in respect to the property described in Exhibit B.

WHEREAS, the property described in Exhibits A and B shall hereafter be referred to collectively as "the Property";

WHEREAS, in 1989, when Post Ranch L.P. was the owner of the Property as described in both Exhibits A and B, the County of Monterey ("County") granted a coastal development permit to Post Ranch to allow certain development on the Property (Planning Commission Resolution No. 89-176/ Permit No. PC-6336), which permit runs with the land.

WHEREAS, in compliance with a condition of approval of said coastal development permit, Post Ranch, L.P. recorded an Irrevocable Offer to Dedicate Public Access Easements and Declaration of Restrictions, recorded in the Office of the Recorder of the County of Monterey on April 17, 1991, at Reel 2630, pages 1143 through 1163, (hereafter "OTD") to offer to dedicate to the People of Monterey County four easements on the Property, depicted as Easements 1, 2, 3

and 4 on the OTD, for the purposes of public access and trail dedications. The OTD is attached hereto as Exhibit C and incorporated herein by reference; and

WHEREAS, by its terms, the OTD runs with and burdens the Property and binds the original grantor and all successors and assigns; thus, Post Ranch, L.P. as continuing owner of a portion of the Property and Onesimo, LLC, as a successor of Post Ranch, L.P. to a portion of the Property, are bound by the OTD and collectively comprise the "Grantor" for purposes of this Extension; and

WHEREAS, under the OTD, the easements are not required to be open to public use until a public agency or private non-profit acceptable to the Monterey County Board of Supervisors agrees to accept responsibility for maintenance and liability for such trails; and

WHEREAS, Post Ranch Inn has created and currently maintains three of the four trails within the general area of Easements 2, 3, and 4 to which Post Ranch allows access to guests and the public under certain conditions; and

WHEREAS, the trail on Easement 1 (located in the area below Post Ranch Inn on the ocean side) was not created because the entire area is subject to that certain Habitat Conservation Plan entitled "Low-Effect Habitat Conservation Plan for Smith's Blue Butterfly and California Red-Legged Frog at the Post Ranch Inn (APN 419-311-034) in Big Sur, Monterey County, California" prepared by Richard A. Arnold, PH.D. et al, Draft 3.7 (USFWS Revision 8) dated March 2006 (hereafter "HCP") which restricts access to Post Ranch guests, staff, and the public in order to preserve habitat of endangered species; and

WHEREAS, pursuant to paragraph 6 of the OTD, the OTD is binding for a period of 21 years starting from the date of recordation and thus will expire on April 17, 2012, unless accepted per the terms of the OTD or extended; and

WHEREAS, pursuant to paragraph 7 of the OTD, the OTD may be accepted by the County of Monterey or through a public agency or private non-profit association acceptable to the Board of Supervisors of the County of Monterey; and

WHEREAS, if the OTD expires, the California Coastal Conservancy is required by state law to accept the offer to dedicate within 90 days of the expiration date but is not obligated to open the easements to public use; and

WHEREAS, Grantor and County are in the process of determining whether a non-profit association acceptable to the County will accept the easements and responsibility for maintenance and liability of the easements, so as to allow Easements 2, 3, and 4 to be open to public use; and

WHEREAS, County in consultation with Grantor has been working to identify a non-profit association acceptable to the County to accept the easements and responsibility for maintenance and liability; and

WHEREAS, if a non-profit association acceptable to the County who is willing to accept the easements and maintenance and liability cannot be found, Grantor will explore formation of a non-profit to accept the easements and maintenance and liability of the easements as well as to assume responsibilities under the HCP; and

WHEREAS, Grantor desires to extend the OTD for two additional years, until and through April 17, 2014, to provide sufficient time to locate or facilitate the formation of an acceptable non-profit association; and

WHEREAS, the extension of the OTD will further the goals and purposes of the OTD and the public access policies of the California Coastal Act, and therefore, the County does not object to the extension of the OTD.

NOW, THEREFORE, in consideration of the County's issuance of the coastal development permit (Permit No. PC-6336) and in consideration of the facts and circumstances set forth above and in the OTD, Grantor hereby makes the following amendments to that certain Irrevocable Offer to Dedicate Public Access Easements and Declaration of Restrictions, recorded in the Office of the Recorder of the County of Monterey at Reel 2630, pages 1143 through 1163:

1. The first sentence of Paragraph 6 shall be amended to read as follows:

"This irrevocable offer of dedication shall be binding until April 17, 2014."

The remainder of Paragraph 6 shall remain unchanged.

2. This Extension shall take effect immediately upon acknowledgement by the Board of Supervisors of the County of Monterey.

3. This Extension shall be recorded in the Office of the Recorder of the County of Monterey prior to April 17, 2012.

4. The Grantor agrees as a condition of this Extension to indemnify, defend, and hold the County of Monterey, its agents, officers, and employees harmless from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul this Extension.

5. Except as amended by this Extension, all terms and conditions of the OTD shall remain in full force and effect.

Executed on this 22<sup>nd</sup> day of March, 2012, at Carmel, California

POST RANCH L.P., A CALIFORNIA LIMITED PARTNERSHIP

By: Peter M. Heinemann, General Partner of Post Ranch L.P.

By: Peter M. Heinemann  
(Signature)  
Peter M. Heinemann

By: Big Sur LP, as General Partner of Post Ranch L.P.

By: Michael S. Freed  
(Signature)  
Michael S. Freed  
As General Partner of Big Sur LP

ONESIMO LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

By: Post Ranch LP, Its: Sole Member and Manager

By: Peter M. Heinemann, General Partner of Post Ranch L.P.

By: Peter M. Heinemann  
(Signature)  
Peter M. Heinemann

By: Big Sur LP, as General Partner of Post Ranch L.P.

By: Michael S. Freed  
(Signature)  
Michael S. Freed  
As General Partner of Big Sur LP



STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF MONTEREY )

On March 22, 2012 before me, Linda M. Griffin-Wilson, a  
Notary Public, personally appeared Peter M. Heinemann, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Linda M. Griffin-Wilson*



(Seal)

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF MONTEREY )

On March 23, 2012 before me, Linda M. Griffin-Wilson, a  
Notary Public, personally appeared Michael S. Freed, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Linda M. Griffin-Wilson*



(Seal)

Pursuant to the authority conferred by order of the Board of Supervisors dated April 10, 2012, the Chair of the Board of Supervisors on behalf of the Board of Supervisors of the County of Monterey, a political subdivision of the State of California and holder of the specified interests in the above-described real property, hereby consents to the above Extension of Irrevocable Offer to Dedicate Public Access Easements and Declaration of Restrictions, and consents to recordation thereof by its duly authorized officer.

DATED: 4-12-12 Dave Potter  
Dave Potter, Chair,  
Monterey County Board of Supervisors

ATTEST:

DATED: 4-12-12 Gail T. Borkowski  
Gail T. Borkowski  
Clerk of Said Board

Document Form/Content Acceptable:

Charles J. McKee, County Counsel

By: Wendy S. Strimling DATED: 3/28/12

Type/Print Name: Wendy S. Strimling  
Senior Deputy County Counsel

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF MONTEREY )

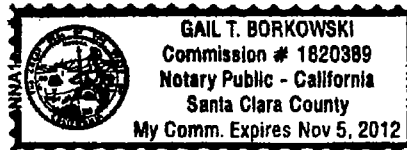
On April 12, 2012 before me, Gail T. Borkowski, a  
Notary Public, personally appeared Dave Potter who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same  
in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Gail T. Borkowski*



(Seal)

**LEGAL DESCRIPTION**

Real property in the unincorporated area of the County of Monterey, State of California, described as follows:

**PARCEL I:**

PARCEL A AS SHOWN AND DESIGNATED ON THE MAP FILED FOR RECORD DECEMBER 29, 2004, IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF MONTEREY, STATE OF CALIFORNIA.

**PARCEL II:**

A NON-EXCLUSIVE EASEMENT FOR ROAD AND UTILITIES PURPOSES, FOR USE BY THE POST RANCH L.P., AND ITS GUESTS AND INVITEES, WHICH PURPOSES SHALL INCLUDE, BUT NOT BE LIMITED TO, WATER DISTRIBUTION, ELECTRICITY GENERATION, TELEVISION RECEPTION, WASTE WATER, TELECOMMUNICATIONS, AND ANY STRUCTURES AND/OR EQUIPMENT THEREFORE, OVER, UNDER, UPON AND ACROSS THAT PORTION OF THE "40' WIDE R.U.E. R" LYING WITHIN THE LINES OF PARCEL B, ALL AS SHOWN AND DESIGNATED ON THE MAP FILED FOR RECORD IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, RECORDS OF MONTEREY COUNTY, CALIFORNIA.

**PARCEL III:**

A NON-EXCLUSIVE EASEMENT FOR FIRE SAFETY PURPOSES AS DETERMINED BY REGULATORY AND PUBLIC SAFETY AGENCIES ON, OVER, UPON AND ACROSS THE FIRE CLEARANCE EASEMENT, BEING PORTIONS OF PARCELS B, SHOWN AND DESIGNATED AS "FIRE CLEARANCE EASEMENTS" "F.C.E. 1," "F.C.E. 2," AND "F.C.E. 3" ON THE MAP FILED FOR RECORD IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, RECORDS OF MONTEREY COUNTY, CALIFORNIA.

**PARCEL IV:**

A NON-EXCLUSIVE EASEMENT FOR ROAD AND UTILITIES PURPOSES, FOR USE BY THE POST RANCH L.P., AND ITS GUESTS AND INVITEES, WHICH PURPOSES SHALL INCLUDE, BUT NOT BE LIMITED TO, WATER DISTRIBUTION, ELECTRICITY GENERATION, TELEVISION RECEPTION, WASTE WATER, TELECOMMUNICATIONS, AND ANY STRUCTURES AND/OR EQUIPMENT THEREFORE, OVER, UNDER, UPON AND ACROSS A PORTION OF PARCEL B, AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP FILED FOR RECORD DECEMBER 29, 2004 IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF MONTEREY, STATE OF CALIFORNIA, IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE, TAGGED LS 5958, MARKING THE NORTHWEST CORNER OF SAID PARCEL B; THENCE FROM SAID POINT OF BEGINNING, SOUTHWESTERLY ALONG THE NORTHWEST BOUNDARY OF SAID PARCEL B

- 1.) SOUTH 46° 32' 22" WEST, 63.90 FEET; THENCE LEAVING SAID NORTHWEST BOUNDARY
- 2.) SOUTH 43° 27' 38" EAST, 40.00 FEET; THENCE
- 3.) NORTH 46° 32' 22" EAST, 101.31 FEET, MORE OR LESS, TO THE NORTH BOUNDARY OF SAID PARCEL B; THENCE WESTERLY ALONG SAID NORTH BOUNDARY

Exhibit A

Page 1 of 3 Pages

4.) NORTH 86° 32' 45" WEST, 54.77 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THAT CERTAIN 40-FOOT WIDE ROAD AND UTILITY EASEMENT (R.U.E.) DESIGNATED "R" ON SAID VOLUME 21 OF PARCEL MAPS AT PAGE 119.

**PARCEL V:**

A NON-EXCLUSIVE EASEMENT FOR ROAD AND UTILITIES PURPOSES, FOR USE BY THE POST RANCH L.P., AND ITS GUESTS AND INVITEES, WHICH PURPOSES SHALL INCLUDE, BUT NOT BE LIMITED TO, WATER DISTRIBUTION, ELECTRICITY GENERATION, TELEVISION RECEPTION, WASTE WATER, TELECOMMUNICATIONS, AND ANY STRUCTURES AND/OR EQUIPMENT THEREFORE, OVER, UNDER, UPON AND ACROSS THAT PORTION OF THE "40' WIDE R.U.E. R" LYING WITHIN THE LINES OF PARCEL C, ALL AS SHOWN AND DESIGNATED ON THE MAP FILED FOR RECORD IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, RECORDS OF MONTEREY COUNTY, CALIFORNIA.

**PARCEL VI:**

A NON-EXCLUSIVE EASEMENT FOR FIRE SAFETY PURPOSES AS DETERMINED BY REGULATORY AND PUBLIC SAFETY AGENCIES ON, OVER, UPON AND ACROSS THE FIRE CLEARANCE EASEMENT, BEING A PORTION OF PARCEL C, SHOWN AND DESIGNATED AS "FIRE CLEARANCE EASEMENT "F.C.E. 4" ON THE MAP FILED FOR RECORD IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, RECORDS OF MONTEREY COUNTY, CALIFORNIA.

**PARCEL VII:**

A NON-EXCLUSIVE EASEMENT FOR FIRE SAFETY PURPOSES AS DETERMINED BY REGULATORY AND PUBLIC SAFETY AGENCIES ON, OVER, UPON AND ACROSS THE FIRE CLEARANCE EASEMENT, BEING A PORTION OF PARCEL "B" AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP FILED FOR RECORD DECEMBER 29, 2004 IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF MONTEREY, STATE OF CALIFORNIA IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ¾" IRON PIPE, TAGGED LS 5958, MARKING THE CORNER COMMON TO PARCELS A, B AND C AS THEY ARE SHOWN ON SAID PARCEL MAP AND BEING DISTANT SOUTH 39° 49' 26" EAST, 212.83 FEET FROM A ¾" IRON PIPE, TAGGED LS 2689, MARKING AN ANGLE POINT ALONG THE EASTERLY BOUNDARY OF SAID PARCEL B; THENCE FROM SAID POINT OF BEGINNING

1.) SOUTH 50° 10' 34" WEST, 36.23 FEET; THENCE NORTHWESTERLY AND PARALLEL TO THE EASTERLY BOUNDARY OF SAID PARCEL "B"

2.) NORTH 39° 49' 26" WEST, 217.28 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF FIRE CLEARANCE EASEMENT "F.C.E. 3" AS SHOWN ON SAID PARCEL MAP; THENCE SOUTHEASTERLY, ALONG AND COINCIDENT WITH THE NORTHEASTERLY LINE OF SAID "F.C.E. 3"

3.) SOUTH 59° 09' 35" EAST, 109.42 FEET TO THE EASTERLY LINE OF SAID PARCEL "B"; THENCE ALONG SAID EASTERLY LINE

4.) SOUTH 39° 49' 26" EAST, 114.03, MORE OR LESS, TO THE POINT OF BEGINNING.

**PARCEL VIII:**

A NON-EXCLUSIVE EASEMENT 40 FEET IN WIDTH, FOR ROAD AND UTILITIES PURPOSES, FOR USE BY THE POST RANCH L.P., AND ITS GUESTS AND INVITEES, WHICH PURPOSES SHALL INCLUDE, BUT NOT BE LIMITED TO, WATER DISTRIBUTION, ELECTRICITY GENERATION, TELEVISION RECEPTION, WASTE WATER, TELECOMMUNICATIONS, AND ANY STRUCTURES AND/OR EQUIPMENT THEREFORE, OVER, UNDER, UPON AND ACROSS A PORTION OF PARCEL "C" AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP FILED FOR RECORD DECEMBER 29, 2004 IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF MONTEREY, STATE OF CALIFORNIA IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, THE CENTERLINE OF SAID 40-FOOT WIDE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE TERMINUS OF CENTERLINE COURSE NUMBERED "R-26" OF ROAD AND UTILITY EASEMENT "R" AS SAID EASEMENT AND COURSE ARE NUMBERED AND SO DESIGNATED ON SAID VOLUME 21 OF PARCEL MAPS AT PAGE 119; THENCE FROM SAID POINT OF BEGINNING,

NORTH 80° 22' 00" EAST, 200.0 FEET.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN SAID ROAD AND UTILITY EASEMENT "R".

PARCEL IX:

AN EASEMENT OVER AND ACROSS A PORTION OF PARCEL "C", AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP FILED FOR RECORD DECEMBER 29, 2004 IN VOLUME 21 OF PARCEL MAPS AT PAGE 119, MONTEREY COUNTY RECORDERS OFFICE, STATE OF CALIFORNIA, SAID PORTION BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDELINE OF THE 40 FOOT WIDE ROAD AND UTILITIES EASEMENT AS SHOWN ON SAID PARCEL MAP, FROM WHICH A 1/2 INCH IRON PIPE MARKING THE NORTH WESTERLY CORNER OF SAID PARCEL C BEARS N. 10° 17' 11" W. 231.42 FEET; THEN LEAVING SAID SIDELINE

(1) N. 81° 51' 40" E., 121.31 FEET; THENCE

(2) S. 89° 02' 02" E., 70.55 FEET; THENCE

(3) S. 00° 57' 58" W., 35.77 FEET; THENCE

(4) N. 89° 02' 02" W., 67.76 FEET; THENCE

(5) S. 81° 51' 40" W., 110.30 FEET TO THE SIDELINE OF SAID ROAD AND UTILITY EASEMENT; THENCE ALONG THE SIDELINE OF SAID ROAD AND UTILITY EASEMENT THE FOLLOWING TWO COURSES:

(6) N. 45° 41' 22" E., 9.45 FEET; THENCE

(7) N. 35° 40' 31" W., 35.04 FEET TO THE POINT OF BEGINNING.

Exhibit A

Page 3 of 3 Pages

**LEGAL DESCRIPTION**

Real property in the unincorporated area of the County of Monterey, State of California, described as follows:

**Parcel I:**

Parcel D as shown and designated on the map filed for record December 29, 2004, in Volume 21 of Parcel Maps at page 119, records of Monterey County, California.

APN's: 419-311-034 (portion)

**Parcel II:**

A non-exclusive easement for road and utilities purposes, including, but not be limited to, water distribution, electricity generation, television reception, waste water, telecommunications, and any structures and/or equipment therefor, over, under, upon and across that portion of Parcel A, being a portion of the "40' wide R.U.E. "R"" beginning at "Point R.U.E. 1" and continuing to "Point R.U.E. 2" all as shown and designated on the map filed for record December 29, 2004, in Volume 21 of Parcel Maps at page 119, records of Monterey County, California. Said easement is appurtenant to Parcel D.

**Parcel III:**

A non-exclusive easement for road and utilities purposes, including, but not be limited to, water distribution, electricity generation, television reception, waste water, telecommunications, and any structures and/or equipment therefor, over, under, upon and across that portion of Parcel A, being a portion of the "40' wide R.U.E. "D"" all as shown and designated on the map filed for record December 29, 2004, in Volume 21 of Parcel Maps at page 119, records of Monterey County, California. Said easement is appurtenant to Parcel D.

Exhibit B

Page 1 of 1 Pages

Recording Requested By And  
When Recorded Return To:  
Monterey County Planning Dept.  
P.O. Box 1208  
Salinas, CA 93906

Permit No: PC-5336  
Applicant Name: Post Ranch L.P.  
Project Planner: Steven Neki

21455

RECORDED AT REQUEST OF  
BOARD OF SUPERVISORS  
Jan 17 8 30 AM '91

NO FEE

OFFICE OF RECORDER  
COUNTY OF MONTEREY  
SALINAS, CALIFORNIA

IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENTS  
AND  
DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENTS AND DECLARATION OF RESTRICTIONS (hereinafter "Offer") is made this 23rd day of February, 1990, by Post Ranch, L.P., a California limited partnership, (hereinafter referred to as "Grantor").

A. WHEREAS, Grantor is the legal owner of a fee interest of certain real properties located in the County of Monterey, State of California, and described in the attached Exhibit A (hereinafter referred to as the "Property"); and

B. WHEREAS, all of the Property is located within the coastal zone as defined in Section 30103 of the California Public Resources Code (which code is hereinafter referred to as the "Public Resources Code"); and

C. WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the "Act") creates the California Coastal Commission, (hereinafter referred to as the "Commission") and requires that any coastal development permit approved by the Commission or local government as defined in Public Resources Code Section 30109 must be consistent with the policies of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code; and

D. WHEREAS, Pursuant to the Act, Grantor applied to Monterey County for a permit to undertake development as defined in the Act within the coastal zone of Monterey County (hereinafter the "Permit"); and

E. WHEREAS, a coastal development permit (Permit No. PC-5336) was granted on May 31, 1989, by the Planning Commission of Monterey County in accordance with the provisions of the Findings contained in Planning Commission Resolution No. 89-176, attached hereto as Exhibit B, and hereby incorporated by reference, subject to the following condition:

That a plan for provision of public recreational opportunities be submitted for the approval of the Department of Planning and Building Inspection, prior to issuance of building or grading permits, and that approved recreational opportunities be implemented, prior to the final building inspection.

F. WHEREAS, the subject property is a parcel traversed by a trail used for public recreation and access; and

804601-779  
02/06/90



G. WHEREAS, under the policies of Section 30223 of the California Coastal Act of 1976, upland areas necessary to support coastal uses shall be reserved for such uses where feasible; and

H. WHEREAS, Monterey County found that but for the imposition of the above condition, the proposed development could not be found consistent with the public access policies of Section 30210 through 30121 and 30223 of the California Coastal Act of 1976 and the Local Coastal Program as defined in Public Resources Code Section 30108.5 and that therefore in the absence of such a condition, a permit could not have been granted; and

I. WHEREAS, it is intended that this Offer is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said Offer, when accepted, shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1;

NOW THEREFORE, in consideration of the granting of Permit No. PC-6336 to Grantor by Monterey County, the owner hereby offers to dedicate to the People of Monterey County the following easements in perpetuity, for the purposes of public access and trail dedications, located on the subject property, as more specifically set forth on attached Exhibit C hereby incorporated by reference. The easements have been given the following designations on the attached Exhibit C: "Easement 1", "Easement 2", "Easement 3", "Easement 4". Such easements shall not be required to be opened to public use until a public agency or private non-profit association acceptable to the County Board of Supervisors agrees to accept responsibility for maintenance and liability of such trails.

1. Benefit and Burden. This Offer shall run with and burden the Property and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all successors and assigns. This Offer shall benefit the State of California.

2. Restrictions on Easement Use. The easement shall not be opened to public use prior to accomplishment of the following: construction of the trails and any necessary associated fencing which has been approved by the County or its successor in jurisdiction, assumption of maintenance and liability responsibilities for public use of the easements by the County of Monterey or other appropriate agency acceptable to the County, and completion of an access management plan in accordance with the Big Sur Coast Land Use Plan by the Grantor and approval thereof by the County. Easement use by the public shall be on a space-available basis only and shall be limited to that use which is appropriate for the area and consistent with reasonable privacy and safety of guests of the inn on the Property. Public use shall not include bringing firearms, motor vehicles, bicycles of any kind or animals other than those utilized by the hearing - or vision-impaired, within the easements, without the express consent of the property owner. Public use of the easements shall be limited to daylight hours to be designated by the property owner, unless otherwise permitted by the property owner. Public use shall be prohibited during periods of extreme fire danger as determined by federal, state and/or local fire officials.

The easements designated as "2", "3" and "4" on the attached Exhibit C shall have the following additional restrictions: at the property owner's discretion, any user of such

604001-779  
02/06/90

2

Exhibit C

Page 2 of 21 Pages

esements must register with the property owner either at the Highway 1 gate to the Property (if an agent of the property owner is present there) or at the reception lodge, prior to the use of such easements. In addition, the property owner may from time to time establish additional reasonable restrictions on public use of such easements, including the obligation that users contact the property owner in advance of use, subject to approval of the Director of Planning and Building Inspection.

3. Additional Terms, Conditions, and Limitations. Prior to the opening of the accessways, the Grantee, in consultation with the Grantor, may record additional reasonable terms, conditions, and limitations on the use of the subject property in order to assure that this Offer for public access is effectuated.

4. Amendments. Following construction of any trail on the easements, the terms of this Offer (and acceptance of the Offer) may be amended by recording a survey of the final trail alignments, and the easement widths may be reduced to 10 feet upon recordation of the final alignments.

5. Successors and Assigns. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this Offer shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

6. Term. This irrevocable offer of dedication shall be binding for a period of 21 years starting from the date of recordation. Upon recordation of an acceptance of this Offer by the Grantee, this Offer and terms, conditions, and restrictions shall have the effect of a grant of access easement in gross and perpetuity that shall run with the land and be binding on the parties, heirs, assigns, and successors.

The People of the State of California shall accept this Offer through the County of Monterey, in whose jurisdiction the subject property lies, or through a public agency or a private non-profit association acceptable to the Board of Supervisors of Monterey County.

7. Acceptance. The People of the State of California may accept any of the several easements designated in this Offer without accepting all such easements, and any acceptance of one such easement shall not constitute a waiver of the right during the term of this Offer to accept any other such easement.

Acceptance of the Offer is subject to a covenant which runs with the land, providing that any offeror to accept the easements may not abandon them but must instead offer the easements to other public agencies or private non-profit associations acceptable to the Board of Supervisors of Monterey County for the duration of the term of the original Offer to Dedicate.

8. Hold Harmless. The property owner agrees as a condition of this Offer required pursuant to approval of the coastal development permit that it will, in its capacity as real party in interest, reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of the issuance of the Permit, and in its capacity as real party in interest, agrees to defend at its sole expense any action brought against the County because of the approval of the Permit. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve the property owner of its obligations under this section. The County shall promptly notify Post Ranch

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of any such claim, action or proceeding, and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify 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.

Executed on this 23rd day of February, 1990. at San Francisco, California.

Post Ranch L.P., a California limited partnership

[Acknowledgment]

By: Michael S. Freed  
Name: Michael S. Freed  
General Partner

By: Ayles Williams  
Name: Ayles Williams  
General Partner

This is to certify that the Irrevocable Offer to Dedicate Public Access Easements and Declaration of Restrictions set forth above is hereby acknowledged by the Board Chair on behalf of the Monterey County Board of Supervisors pursuant to the action of the Planning Commission on Monterey County when it granted Coastal Development Permit No. PC-6336 on May 31, 1989 and the Monterey County Board of Supervisors consents to recordation thereof by its duly authorized officer.

DATED: 4/9/91  
Daniel P. Karon  
Chair, Monterey County Board of Supervisors

ATTEST:  
DATED: 4/9/91  
ERNEST K. MORISHITA  
Clerk of Said Board

Document Form/Content Acceptable: By Ernest K. Morishita  
Deputy Clerk

[Signature]  
County Counsel  
RS  
Department of Planning and Building Inspection

[Acknowledgment]

604001-779  
02/06/90

STATE OF CALIFORNIA )  
COUNTY OF MONTEREY ) ss.

NEEL 2630 PAGE 1147

On this 9th day of April, 1991, before me, Ernest K. Morishita, Clerk of the Board of Supervisors, in and for said County and State, personally appeared SAM P. KARAS known to me to be the Chairperson of said Board of Supervisors of the County of Monterey, and known to me to be the person who executed the within instrument on behalf of said political subdivision, and acknowledged to me that such County of Monterey executed the same.

ERNEST K. MORISHITA, Clerk of the Board of Supervisors of Monterey County, State of California

By: Anne Arli  
Anne Arli, Deputy Clerk

Partnership

STATE OF CALIFORNIA )  
COUNTY OF Monterey ) ss.  
On July 18, 1990

I, the undersigned, a Notary Public in and for said State, personally appeared Myron Williams

of the County of Monterey (or proved to me on the basis of satisfactory evidence)

that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature: Paula B. Clark  
Paula B. Clark  
Name (Typed or Printed)



OFC-2024

It is the duty of said notary to do

State of California )  
County of San Francisco ) ss.

On this the 23rd day of February, 1990, before me,  
Douglas C. Meyers  
the undersigned Notary Public, personally appeared  
Michael S. Ford

personally known to me  
 proved to me on the basis of satisfactory evidence  
to be the person(s) who executed the within instrument on behalf of the  
partnership, and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.

Douglas C. Meyers  
Notary's Signature

OFFICIAL SEAL  
DOUGLAS C. MEYERS  
NOTARY PUBLIC - CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO  
My Comm. Expires 06/30/92

PARTNERSHIP ACKNOWLEDGMENT FORM 7150-013 NATIONAL BATTERY 18607 (1/10) © 2001 Westmar Publishing & Woodford Publishing Co. 1024

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EXHIBIT A

DESCRIPTION

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PARCEL I

U. S. Lots 2, 3 and 4 in Section 5 Township 20 South, Range 2 East, Mount Diablo Base and Meridian.

Excepting that portion of Lot 2 lying East of the West line of State Highway No. 1.

Also excepting therefrom all that portion described in the deed from Joseph W. Post, et al, to John Douglas Short, recorded January 24, 1932 in Volume 277 of Official Records of Monterey County at page 188.

Also excepting therefrom all that portion described in the deed from Joseph W. Post, et al, to Susan C. Porter, et al, recorded February 2, 1927 in Volume 191 of Official Records of Monterey County at page 448, Monterey County Records.

Also excepting therefrom all that portion described in the deed from Joseph W. Post, et al, to Luisa Lucia Coast Landa, recorded March 22, 1929 in Volume 183 of Official Records of Monterey County at page 38, Monterey County Records.

Also excepting therefrom all that portion of Lots 2 and 3 described in the deed from Joseph W. Post, a widower, and Joseph W. Post Jr., and Irene Post, his wife, to C. L. Voss and Esther A. Voss, his wife, recorded November 12, 1935 in Volume 455 of Official Records of Monterey at page 142.

PARCEL II

The Southwest 1/4 of the Southeast 1/4 in Section 32 Township 15 South, Range 2 East, Mount Diablo Base and Meridian.

Except all that portion thereof lying East of the West line of California State Highway No. 1.

Also excepting therefrom that portion described in the deed to Mary de la Torre dated August 3, 1903 and recorded in Volume 75 of Deeds, page 233, Records of Monterey County.

PARCEL III

The South 1/2 of the Southwest 1/4 of Section 32 Township 19 South, Range 2 East, Mount Diablo Base and Meridian.

Except all that portion thereof lying East of the West line of California State Highway No. 1.

Excepting therefrom that portion described in the deed to Mary de la Torre dated August 3, 1903 and recorded in Volume 75 of Deeds, page 233, Records of Monterey County.

A.P. No. 418-311-24

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EXHIBIT B  
 PLANNING COMMISSION  
 COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 89-176  
 (CDP DECISION)

REEL 2630 PAGE 1149

A.P. 1 420-011-02M

FINDINGS AND DECISION

In the matter of the application of Post Ranch (PC-6336) for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow a 30 unit inn, well, employee housing, grading, storage supply building, septic tank, tree removal and fire brigade, located on portion of Section 32, Township 19 South, Range 2 East and portion of Section 5, Township 20 South, Range 2 East, Big Sur Area, fronting on and westerly of Highway 1, Coastal Zone, came on regularly for hearing before the Planning Commission on May 31, 1989.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The Post Ranch project (PC-6336), requiring a Coastal Development Permit, consists of the following: 30 inn units, a lodge, reception lodge, conference room, well, water storage, septic systems, storage/supply building, Highway 1 road improvements, 1000 cubic yards of grading, employee housing, fire brigade and tree removal. The Post Ranch project is located on a 98-acre parcel fronting on and east of Highway 1, south of Sycamore Canyon Road in Big Sur. (APN 429-111-23, 24 and 420-011-03). The project is appealable to the Board of Supervisors and to the California Coastal Commission.  
**EVIDENCE:** The project is described in the application and the accompanying maps and elevations contained in file no. PC-6336.
  
2. **FINDING:** The Post Ranch project will not have a significant visual impact.  
**EVIDENCE:** It does not appear that the Post Ranch project will be visible from Highway 1, according to staff's field review of the site, applicant's staking of the proposed project and Post Ranch Final EIR. Additionally, projects within "Visitor-Serving Commercial" areas are exempt from policies and standards prohibiting development within the critical viewshed, pursuant to Implementation Plan Section 20.145.030.B.1. Projects outside of the critical viewshed must provide landscape screening where needed to mitigate impacts on private views. Because Post Ranch will be visible from adjoining properties, this has been included as a condition of approval. Pursuant to Section 20.145.030.A.2.g all areas of the property within the critical viewshed must be placed in scenic easement as a condition of approval. Post Ranch Final EIR
  
3. **FINDING:** The Post Ranch project will not pose a significant adverse impact to environmentally sensitive habitat.  
**EVIDENCE:** A biological report was prepared for the project by Jud Vandavera (February, 1989). The biologist found no rare or endangered species on the site, concluding that the native plants and animals will be minimally impacted. He further determined that the redwoods will be minimally impacted due to the design of the development. The

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biologist recommendations have been incorporated into the conditions of approval. Post Ranch Final EIR.

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4. **FINDING:** The Post Ranch project will not pose significant adverse impacts to water resources.
- EVIDENCE:** The Post Ranch property is within the area of the Big Sur River and Post Creek watersheds. According to the Big Sur Coast Land Use Plan, the Big Sur River watershed, and the associated Post Creek subwatershed, are "Water Resource Study Areas" due to potential water supply problems and riparian impacts.

Geohydrologic reports was prepared for the project by Geoconsultants (October, 1986, November, 1988). The reports determined that one of the existing wells on the parcel is outside of the Post Creek Watershed due to being located west of the ridge. The other existing well and the proposed well are both east of the ridge and thus are within the Post Creek watershed boundary. However, the geologist found that, due to the subsurface geologic conditions, the areas west and east of Highway 1 are hydrologically separate on a sub-surface level. The geologist, thus concludes that groundwater from the well areas is not being contributed to Post Creek. Proposed use of the wells is consequently not expected to impact the groundwater level of Post Creek.

As proposed by the applicant, water use for the project, including employee housing and Fire Brigade water usage, will be a total of 12,724 gallons per day as figured by Geoconsultants (October, 1988). This is a reduction in 6000 gallons per day and reflects the deletion of 30 hot tubs and car washing facilities from the original proposed project.

Coastal Implementation Plan Section 20-145.050.D provides conditions of approval for development located in Water Resource Study Areas, which have been included in the conditions. Post Ranch Final EIR.

5. **FINDING:** Adequate water and septic capacity exists to service the proposed project.
- EVIDENCE:** Water supply information provided by Whitson Engineers and Geoconsultants (1988) indicates the yield from the wells on the property can adequately meet proposed water use requirements. The project's water system will be subject to Health Department regulations and conditions. The project has been revised to reflect the project alternative described in the Post Ranch Final EIR to include water storage facilities and additional fire hydrants, as recommended by the Department of Forestry and Fire Protection.

The Health Department has indicated that a septic system may be developed adequately to service the project. The septic system will be subject to Health Department regulations and conditions.

6. **FINDING:** The project will not pose and/or experience significant adverse impacts from geologic and seismic hazards.
- EVIDENCE:** The project is located within a "Relatively Unstable Uplands" seismic hazard zone according to county resource maps. Geologic reports by

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- Geoconsultants (September, 1986 and November, 1988) did not identify any significant seismic or geologic hazards affecting the site. The geologist indicated that the site could be developed without compromising slope stability. Recommended mitigation measures regarding structural and foundation design analysis and erosion control and drainage plans have been incorporated into the conditions of approval. A deed restriction has been included as a condition of approval pursuant to Coastal Implementation Plan Section 20.145.080.A.2. Post Ranch Final EIR.
7. **FINDING:** Impacts due to a high fire hazard area have been mitigated to the fullest extent possible.  
**EVIDENCE:** The site is located in a high fire hazard area, according to California Department of Forestry (CDF) resource maps. CDF recommendations to mitigate fire hazards are incorporated into the conditions of approval. The project has been revised to reflect the project alternative described in the Post Ranch Final EIR to include water storage facilities and additional fire hydrants, as recommended by the Department of Forestry and Fire Protection. A deed restriction is also included pursuant to Implementation Plan Section 20.145.080.C.1.
8. **FINDING:** The Post Ranch project will not pose significant adverse impacts to archaeological resources.  
**EVIDENCE:** Archaeological reports prepared by Archaeological Consulting (December, 1985 and August, 1988) identified several areas of archaeological resources on the Post property. An intensive reconnaissance study has been completed and a new archaeological site (AC-797-1) has been identified. The archaeological sites will be placed in easement and a zoning will be required as a condition of approval pursuant to Section 20.145.120.D.2. Additional conditions as recommended in the Post Ranch EIR have been applied to assure long-term protection of the resource.
9. **FINDING:** The Post Ranch project will not have significant adverse impacts on traffic safety or the service level of Highway 1. Rossi King Enterprises (December, 1987 and September).  
**EVIDENCE:** A traffic study prepared by Jim Jeffery (February, 1988) reviewed potential impacts of the Post Ranch development, including the inn and employee traffic. The Post Ranch Final EIR indicates that the project will generate a "25 inbound and 25 outbound peak hour trip generation". The report indicates that this is within the capacity of Highway 1 and will have an insignificant impact on highway service level. The reports' recommendation of a southbound right turning lane and southbound acceleration lane for traffic exiting the project and other Department of Transportation recommendations are included as conditions of approval in order to mitigate potential safety hazards.
10. **FINDING:** The Post Ranch project conforms to the policies and development standards regarding visitor-serving facilities, pursuant to Coastal Implementation Plan Section 20.145.140.E.  
**EVIDENCE:** The project, as redesigned, will not require tree removal and will minimize grading to that which is necessary for the development. The maximum height will be two stories and the design will be small in scale and utilize natural building

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materials. A maximum of 30 inn units will be allowed on the site, meeting the density permitted by Section 20.145.3.1.c.3. Employee housing, in conformance to the employee housing plan prepared for the project (March, 1983), will also be provided. Further, a deed restriction prohibiting rental or subdivision of the inn units as separate residential dwelling units is included as a condition of approval pursuant to Section 20.145.140.B.1.d.7. A condition is included to assure that food services will be restricted to the overnight guests of Post Ranch, as this is the stated intent of Post Ranch and has been the assumption of the reports conducted to analyze project impacts.

11. FINDING: The Post Ranch project will meet the requirements of providing low-cost, low-to-moderate income facilities for the public pursuant to Coastal Implementation Plan Section 20.145.140.B.1.g.
- EVIDENCE: A condition of approval has been included that such facilities be provided by the applicant or that an in-lieu fee be paid to the County, as is permitted by the referenced section.
13. FINDING: The Post Ranch project is consistent with the Big Sur Coast Land Use Plan, Coastal Implementation Plan, and California Coastal Act.
- EVIDENCE: The project is consistent with all applicable policies of the Big Sur Coast Land Use Plan, and development regulations of the Coastal Implementation Plan. Further, the project conforms to the "Rural Community Center" land use designation and "VSC(C2)" (Visitor-Serving Commercial) zoning classification.
14. FINDING: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
- EVIDENCE: This is evidenced by the above findings and supporting evidence.
15. FINDING: The Post Ranch project is appealable to the Board of Supervisors and California Coastal Commission, Section 20.140.080J of the Monterey County Coastal Implementation Plan.
- EVIDENCE: The monitoring for condition compliance is the final review and approval by appropriate County departments prior to occupancy and use of the project approved by this Coastal Development Permit.
16. FINDING: The substantive conditions established in this permit are in compliance with the monitoring provisions of A.B. 3180.
- EVIDENCE: The monitoring for condition compliance is the final review and approval by appropriate County departments prior to occupancy and use of the project approved by this Coastal Development Permit.

#### Decision

THEREFORE, it is the decision of said Planning Commission that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. That a "critical viewshed" map which delineates those portions of the property located within the critical viewshed, be submitted for approval of the Department of Planning and Building Inspection and that a scenic easement be granted to the County of Monterey over the areas shown

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- on the map to be located within the critical viewshed. The form and content of the easement must be approved and the easement recorded pursuant to Section 20.142.110 and utilize Appendix 10 of the Monterey County Coastal Implementation Plan. The easement shall provide an exception for existing structures and any road improvements and landscaping approved as part of this permit. The easement shall be recorded prior to issuance of building or grading permits.
2. The applicant shall prepare and submit a Highway One improvements plan to the Director of Planning and Building Inspection for review and approval. The purpose of the improvement plan is to ensure that the proposed improvements are compatible and consistent with the existing rural characteristics of Highway One.
  3. That all proposed utility lines be placed underground.
  4. That the applicant record a notice which states:  
"A biological report entitled 'Post Ranch Biological Report' has been prepared for this parcel by VanDeVere, in fulfillment of requirements for Permit No. PC-6336. The report is on file in the Monterey County Planning and Building Inspection Department Library as Library No. 30.02.11. Similarly, a traffic report is on file as Library No. 05.08.22. An employee housing plan is on file as Library No. 17.10.01. An archaeological report is on file as Library No. 04.01.22." The notice shall be recorded prior to issuance of building or grading permits, pursuant to Section 20.142.130.
  5. That all new construction be equipped with ultra-low flush toilets with a maximum tank size or flush capacity of 1.5 gallons, and with shower heads with a maximum flow capacity of 2.5 gallons per minute.
  6. That the applicant record a deed restriction which states that the applicant agrees to make a one-time financial contribution to the County of Monterey at a rate of one dollar per gallon for each gallon of water expected to be used in one day, as averaged over a year's time, with the contribution to be paid upon the County's request at such time that the County Water Resource Monitoring Program is implemented. The deed restriction shall utilize Appendix 12 of the Coastal Implementation Plan and be recorded pursuant to Implementation Plan Section 20.142.130.
  7. The project proponent shall retain a certified water treatment plant operator. Evidence in the form of a contract with the certified water treatment plant operator shall be submitted to the Director of Planning and Building Inspection prior to occupancy.
  8. That the applicant accomplish the following:
    - a) The water system operator install a metering device or use another appropriate measuring method of a type and location subject to the approval of the Director of Environmental Health; b) the water system operator maintain a table of monthly readings of the water use; and c) in the case of new wells, the water system operator retain the well-driller's log as a permanent record; d) that the table of monthly readings and well driller's log be submitted annually to the Health Department. Upon the water system operator's request, the submitted information shall not be released to the public and shall only be used for water resource study purposes. Verification of the water use meter installation must be provided prior to the building permit receiving a final building inspection.
  9. That the site be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a

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- plan for such improvements be approved by the Director of Planning and Building Inspection prior to issuance of building or grading permits. Landscape materials must consist of drought-resistant native plant species similar and landscaping approved as part of this permit. The assessment shall be recorded prior to issuance of building or grading permits. Landscape materials must consist of drought-resistant native plant species similar to and compatible with those of the surrounding area, as selected from Attachment 4 of Implementation Plan Section 20.145. The plan must include landscaping to mitigate views of the project from neighboring parcels.
10. Soil materials shall not be deposited in areas of sensitive vegetation. The landscape plan shall indicate the location of any proposed on-site soil deposition. The soil deposition areas shall be reviewed and approved by a qualified botanist. Evidence of the review and approval by the botanist shall be submitted with the landscape plan. The landscape plan shall be reviewed and approved by the Director of Planning and Building Inspection prior to issuance of the grading permit.
  11. Trees on the project site which will be removed during the construction of the driveway shall be replaced on a 1:1 ratio with an equivalent species. The size of the replacement trees shall not be less than that specified by the Director of Planning and Building Inspection. The location of trees to be replaced, as well as the location of the replacement trees, shall be indicated on the landscape plan. The landscape plan shall be reviewed and approved by the Director of Planning and Building Inspection prior to issuance of the grading permit.
  12. Trees that may be disturbed during construction shall be protected through the use of fencing around the root zone during construction. The fencing shall be installed under the supervision and to the satisfaction of a qualified botanist. The project proponent shall submit evidence of this satisfaction when the landscape plan is submitted for review and approval to the Director of Planning and Building Inspection prior to issuance of the grading permit.
  13. That all landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.
  14. That an irrigation plan for all landscaped and other vegetated areas proposed to be irrigated be approved by the Department of Planning and Building Inspection prior to issuance of building or grading permits. If no irrigation is proposed, this must be so stated on the landscaping plan. Irrigation shall consist of low precipitation sprinkler heads, bubbles, drip irrigation, and timing devices. The plan must delineate the amount of water expected to be used for irrigation purposes. The plan must be reviewed for comment by the California Department of Fish and Game prior to Planning and Building Inspection department approval.
  15. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The location, type, and wattage must be approved by the Director of Planning and Building Inspection, prior to the issuance of building permits.
  16. That the location, type and size of all antennas, towers, and similar appurtenances be approved by the Director of Planning and Building Inspection.

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17. That the applicant record a deed restriction which states:  
"The parcel is located in an 'Unstable Uplands' area according to Monterey County Planning Department resource maps. A geological/geohydrologic report has been prepared for this parcel by Geoconsultants (September, 1986), in fulfillment of requirements for Permit No. PC-6336. The report is on file in the Monterey County Planning and Building Inspection Department Library as No. 14.09.35. Specific mitigation measures relative to geologic conditions may apply to development on this parcel. The parcel is also located in a High Fire Hazard area according to California Department of Forestry resource maps. Development may be subject to certain restrictions due to the fire hazard." The deed restriction shall utilize Appendix 12 of the Coastal Implementation Plan and be recorded pursuant to Implementation Plan Section 20.142.130.
18. That a certified engineering geologist provide a foundation and structural design analysis of the final plans, subject to approval of the Director of Planning and Building Inspection prior to issuance of building or grading permits.
19. That an erosion control plan be prepared by a soils engineer and approved by the Director of Planning and Building Inspection prior to issuance of grading or building permits.
20. That a grading plan be prepared by a soils engineer and approved by the Director of Planning and Building Inspection prior to issuance of grading or building permits. The grading plan must include, at a minimum, existing contours, proposed finished contours, total amounts of cut and fill, areas of cut and fill, and cross-sections. Only that grading and excavation necessary for the proposed structures, roads, and other related development approved as part of this permit shall be included within the grading plan.
21. That a drainage control plan be prepared by a Registered civil Engineer and approved by the Monterey County Flood Control and Water Conservation District, prior to issuance of building or grading permits.
22. Stormwater runoff from all impervious surfaces including rooftops shall be controlled in accordance with the County Erosion Control Ordinance.
23. That all cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection.
24. A site-specific geotechnical investigation shall be performed by an Engineering Geologist for the proposed location of the all water storage tanks. If the proposed location is feasible, the Engineering Geologist shall include site-specific foundation design criteria in the engineering investigation. If the proposed location is not feasible, the engineer shall recommend a new location and a engineering investigation including foundation design criteria shall be submitted to the Director of Planning and Building Inspection for review and approval prior to issuance of the building permits.
25. The project proponent shall submit final working drawings to the Monterey County Planning and Building Inspection Department for review and approval prior to issuance of the building or grading permits. The final working drawings should be reviewed to ensure that the structural development will withstand ground shaking that may occur on the project site.

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26. The project proponent shall provide a fence with appropriate signage along the western portions of the proposed inn to prevent potential accidents from happening along the steep slopes. The location and design of the fence and signage shall be reviewed and approved by the Director of Planning and Building Inspection prior to issuance of the building permit.
27. The project proponent shall develop a public access education program to be implemented at the proposed inn, proposed employee housing, and fire brigade building. The program shall include educational materials to be posted and displayed through the proposed project and distributed to all new visitors and employees. The educational materials shall include information about the safety hazards associated with the steep slopes and about designated public access points and vistas in the vicinity of the project site that may be used by the visitors and employees. The public access education program shall be submitted to the Director of Planning and Building Inspection prior to issuance of an occupancy permit.
28. That the applicant request a rezoning of the parcel to a "WSC/40/HR (CZ)" (Watershed and Scenic Conservation; Historical or Archaeological Resources) and "VSC/HR (CZ)" (Visitor Serving Commercial; Historical or Archaeological Resources) zoning districts, prior to issuance of building or grading permits. (A Big Sur Coast Land Use Plan or Coastal Implementation Plan amendment will not be required for the reclassification).
29. That the applicant grant an archaeological easement to the county of Monterey over the archaeological sites identified pursuant to the intensive cultural resources reconnaissance study conducted as part of Condition 20 of this permit. The form and content must be approved and the easement must be recorded pursuant to Section 20.142.120 and utilize Appendix 10 of the Coastal Implementation Plan. The easement shall provide that "All development and activities proposed within the easement area shall require assessment by a qualified archaeologist, either on the County's consultant list or a member of the Society of Professional Archaeologists, and mitigations recommended by the archaeologist shall be implemented, prior to issuance of building or grading permits or commencement of proposed activities. The archaeologist's assessment and recommended mitigations shall be reviewed by the Monterey County Department of Planning and Building Inspection prior to issuance of permits or commencement of the proposed activities". The easement exemptions may provide for existing structures and any activities approved as part of this permit. The easement shall be recorded prior to issuance of building or grading permits.
30. In order to insulate the site CA-MNT-39 from any damage due to improvements to the existing driveway used to access the proposed employee housing and fire brigade building, the applicant shall cover areas of proposed improvement with a layer of culturally sterile fill under the direction of a qualified professional archaeologist. The applicant shall submit evidence from the qualified professional archaeologist that this mitigation measure has been implemented to his/her satisfaction. Said evidence shall be reviewed and approved by the Director of Planning and Building Inspection prior to issuance of an occupancy permit.
31. If cultural resources are accidentally discovered during construction, all construction activities within 150 feet of the discovery shall be halted for a period not to exceed 15 days and a qualified professional archaeologist shall be retained to evaluate the cultural resources. If the cultural resources are determined to be significant, appropriate mitigation measures shall be developed and implemented to the satisfaction of the Director of Planning and Building Inspection.

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32. That the applicant provide a Highway 1 entrance improvement plan, to be approved by the Caltrans prior to issuance of building or grading permits. At a minimum, the plan must include a deceleration lane for southbound turning traffic and installation of a stop sign and stripe stop bar at the driveway exist.
33. That the applicant obtain an encroachment permit from Caltrans prior to issuance of building or grading permits.
34. That the design, color, materials, text and location of all signs be approved by the Director of Planning and Building Inspection, pursuant to Implementation Plan Section 20.145.140.A.10 and 20.145.140.A.11, prior to issuance of building or grading permits.
35. That internal circulation and parking be approved by the Director of Planning and Building Inspection Department prior to issuance of building or grading permits.
36. The Highway One entrance improvement plan shall include the lengthening of the existing leftturn pocket for northbound vehicles and provision of a southbound acceleration lane from the project entrance onto the Highway. The Highway One entrance improvement plan shall be approved by Caltrans prior to issuance of building or grading permits.
37. The internal circulation and parking plan to be approved by the Director of Planning and Building Inspection prior to issuance of building or grading permits shall include the following:
  - a. The driveway between Highway One and the retention pond should be 18 feet in pavement width, with a two-foot paved shoulder on the uphill side of the driveway and a two-foot unpaved shoulder on the downhill side of the driveway. This will allow the elimination of turnouts to facilitate passing on the driveway. Alternatives to this recommended pavement width may be incorporated into the proposed project upon approval by the Director of Planning and Building Inspection.
  - b. The driveway between the retention pond and the proposed inn, employee housing, and fire brigade building should be 16 feet in pavement width, with a two-foot paved shoulder on the uphill side of the driveway and a two-foot unpaved shoulder on the downhill side of the driveway. Alternatives to this recommended pavement width may be incorporated into the proposed project upon approval by the Director of Planning and Building Inspector.
  - c. A pedestrian path should be provided between the lodge and Highway One. The driveway shoulder may be considered a pedestrian path if an all-weather surface such as decomposed granite is used.
38. That the applicant record a deed restriction which states: "The inn units approved as part of Permit No. PC-6336 shall not be rented, leased, or subdivided as separate residential dwelling units." The deed restriction shall utilize Appendix 12 of the Coastal Implementation Plan and be recorded pursuant to Implementation Plan Section 20.142.130, prior to issuance of building or grading permits.

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39. That a plan for provision of public recreational opportunities be submitted for the approval of the Department of Planning and Building Inspection, prior to issuance of building or grading permits, and that the approved recreational opportunities be implemented, prior to the final building inspection. The plan must include opportunities oriented to providing public access, such as trail dedications and low-cost, low-to-moderate income facilities, such as day use facilities, e.g. fire rings and picnic tables. As an alternative to provision of such facilities, the applicant may make a payment of in-lieu funds to the County, with the amount to be determined by the Monterey County Board of Supervisors and to be used to make low-cost, low-to-moderate income facility improvements at another appropriate location within the Big Sur Coast land use planning area. Where this alternative has been selected by the applicant and an in-lieu payment fee determined by the Monterey County Board of Supervisors, such fee shall be paid to the County of Monterey prior to issuance of building or grading permits.
40. That the food services of the Post Ranch development be limited to provision of service only to overnight guests of Post Ranch.
41. That the internal roads be approved by the local fire jurisdiction.
42. Design and construct the water system to meet the standards as set forth in Title 22 of the California-Administrative Code and as contained in the Residential Subdivision Water supply standards. Submit plans for the water system to the Director of Environmental Health for approval before building of the system.
43. Obtain a permit for the water system from the Health Department. The applicant shall submit evidence that the water system meets all federal, state and local drinking water standards prior to obtaining a permit.
44. Submit to the Director of Environmental Health for review and approval of the design of the septic system.
45. Construction plans for the food facility must be reviewed and approved by the Health Department.
46. That the applicant meet the following Fire Suppression Standards:

Land Use Category:	Non-Sprinkled Multiple Res. Light Com.	Sprinkled Duplex Res. & Neighborhood Com.
Density/Height:	One & two story	Single story in height
Minimum Flow Requirements:	2,000 gpm	1,500 gpm
Duration of Flow:	2 Hours	2 Hours
Maximum Hydrant Spacing:	300 feet	500 feet
Minimum Pipe Size:	8" mains & valves 6" hydrant feeders one 4" outlets NSF 2.5" Outlets (2) NSF	6" mains & valves 6" risers with two 2 1/2 one 4" outlets NSF 2.5" Outlets (2) NSF

The mains and hydrants required for fire flow must be in place and operational prior to the construction proceeding to the framing stage on any building.

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47. The site plan shall be revised to show the location of additional water storage facilities on the project site. The water storage facilities on the project site would not be less than 200,000 gallons.
48. The site plan shall be revised to show the location of additional fire hydrants for the proposed inn, employee housing, and fire brigade building. The location of all fire hydrants on the project site shall not exceed 500 feet between any two fire hydrants.
49. That the applicant install a fire alarm with a central panel in the lobby to indicate building of alarm origin and a separate panel for each building which will indicate the unit of alarm. The alarm system must be capable of indicating smoke alarm activation, water flow activation, smoke alarm trouble and fire sprinkler shut off. The system must be designed according to the appropriate NFPA Standard and subject to approval of the Fire Department.
50. That the swimming pool be plumbed for fire department access to the water. Hydrant location shall be subject to approval of the fire department.
51. That any gates installed have a minimum width when fully open of not less than 12 feet and have provision for fire department emergency access.
52. That all roofing material meet the ICBO standards for a Class "B" Fire resistive rating.
53. That existing access roads have a minimum paved usable surface of 12 feet in width, with 12x20 foot turn-outs constructed and the distance between turn-outs not greater than 500 feet.
54. That the existing emergency access road from the staff housing area to the west end of the lodge and inn complex have a minimum 12 foot width.
55. That the all weather surface road for service cart and emergency vehicle access have a width of 12 feet and a turn-around area of all weather surface at its western end.
56. That all roads have an overhead clearance of 13 feet 6 inches along their entire length and be clear of flammable vegetation for 10 feet on both sides of the roadway, subject to the approval of the California Department of Forestry and the Director of Planning and Building Inspection.
57. That a minimum clearance of flammable vegetation of 30 feet around all structures be kept in compliance with the requirements of California Public Resources Code Section 4291. Some structures, the two and three story units primarily, will be required to have a clearance greater than 30 feet. Clearance is subject to the approval of the California Department of Forestry and the Director of Planning and Building Inspection. In general, the following shall be included in clearance activities:
  - a. Individual plants can be left if thinned and dead portions are removed and adequate spacing is provided between the remaining plants. Remove limbs up to one-third the height of the plants and remove ground cover from around the base of the plants.
  - b. Grass, weeds, and low-growing (less than 18 inches) native plants should be mowed close to the ground. This will reduce the firecarrying potential and offer soil stabilization.
  - c. Replace weeded areas with fire resistant plants such as Algerian Ivy, Sunrose, or Carmel Creeper.




- d. Trees within the clearance area should be limbed up to at least six feet and dead limbs and foliage removed. Base vegetation should be removed to prevent a ground fire from reaching the crown of the tree.
  - e. The clearance area should exempt rare, endangered, or sensitive vegetation at the discretion of the California Department of Forestry and the Director of Planning and Building Inspection.
  - f. The clearance area should be replanted with native and fire-resistant ground cover to reduce the potential of erosion from the clearance activities. The ground cover should be limited to a maximum height of 18 inches.
  - g. The minimum clearance area shall include all areas under decks or other cantilevered structures.
58. That final floor plans be submitted for the approval of the Director of Planning and Building Inspection prior to issuance of building or grading permits.
59. That all conditions of File No. LLS035 be completed, and a record of survey filed, prior to issuance of building permits.
60. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the county because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. Said agreement shall be recorded prior to the issuance of building permits or use of the property.
61. That this permit shall expire on May 31, 1961, unless construction or use as specified in this permit has begun within this time period.

PASSED AND ADOPTED this 11th day of May, 1959, by the following vote:

AYES: Calcagno, Evans, Glau, Jimenez, Moore, Orrett, Stallard

NOES: None

ABSENT: Reaver, Riddle

  
ROBERT SLIMMON, JR.  
SECRETARY OF THE PLANNING COMMISSION

Copy of this decision mailed to applicant on JUNE 16, 1959.  
IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUNE 21, 1959.

NOTES

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

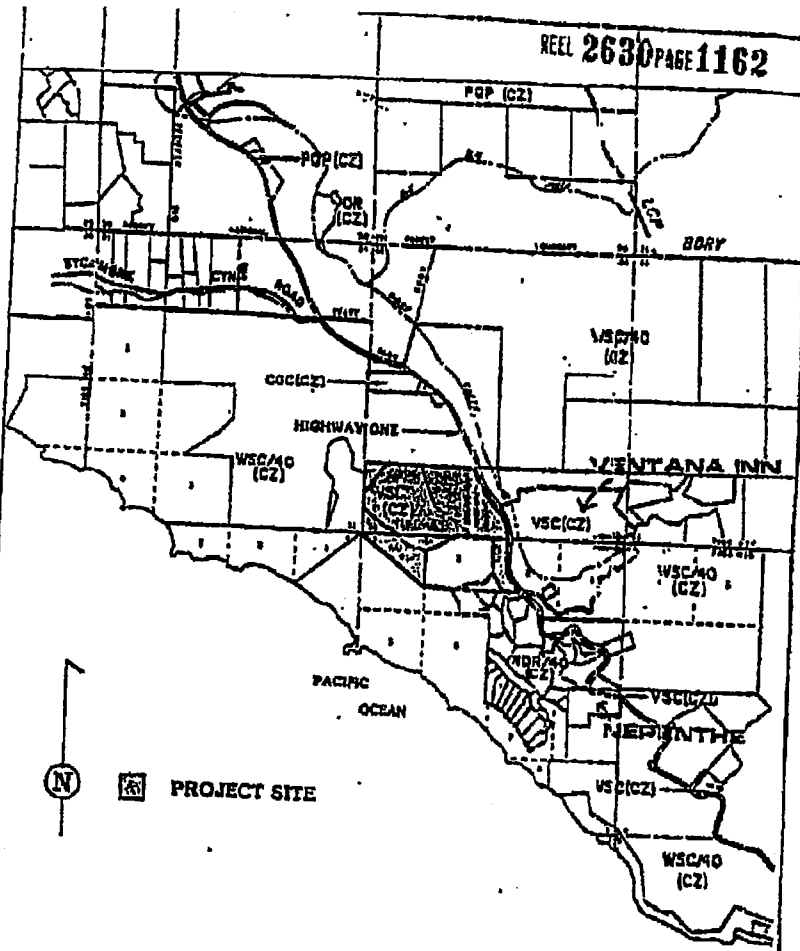
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Additionally, the zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting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

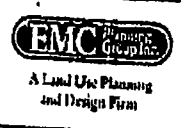
Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

N10



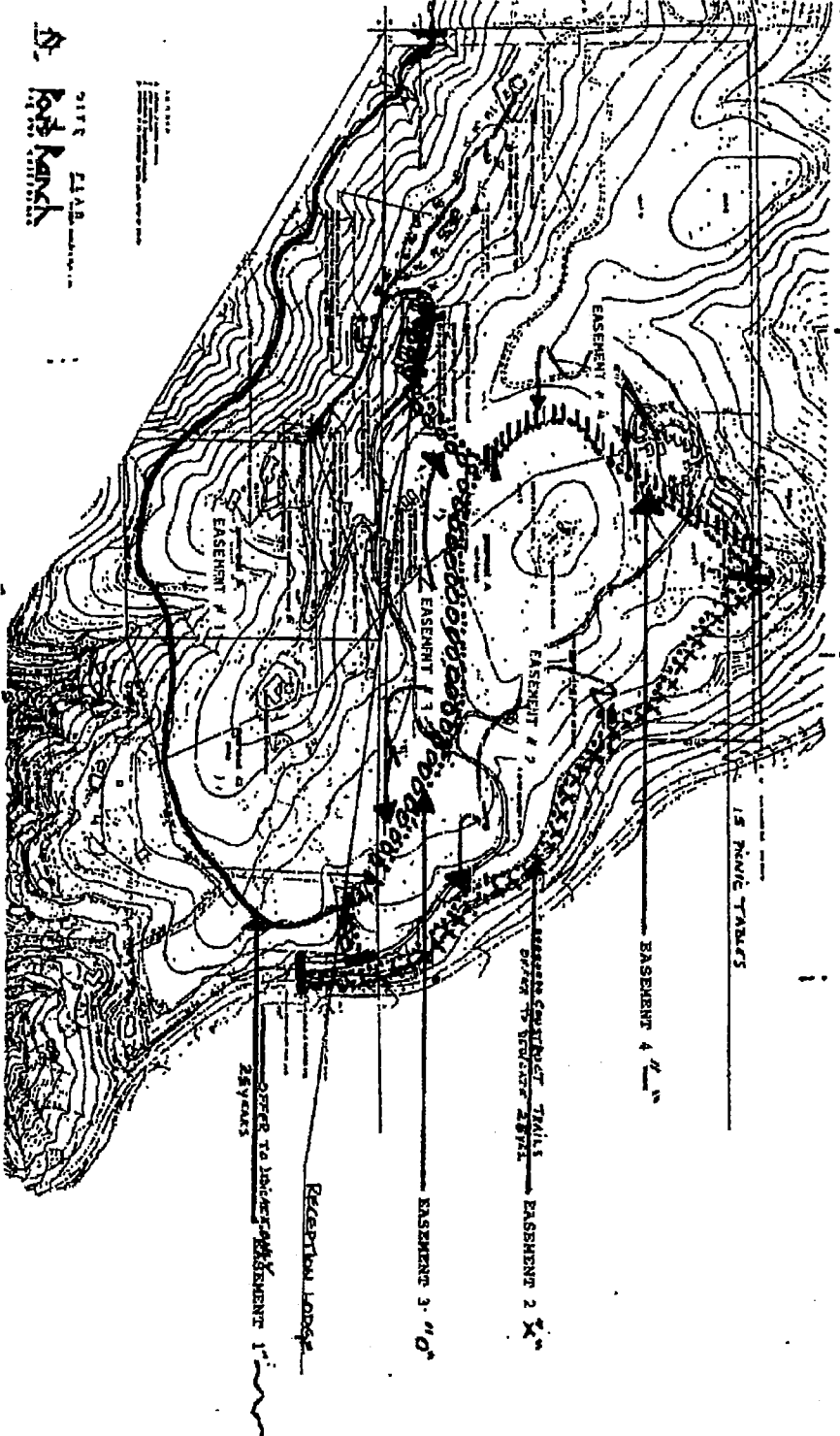
Source: Monterey County Planning & Building Inspection Department



POST RANCH EIR  
PROJECT LOCATION

FIGURE  
2

SITE PLAN  
of  
KOH'S RANCH



END OF DOCUMENT

Exhibit C

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