

# Attachment E

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WHEN RECORDED MAIL TO:

Denise Hancock, Clerk to the Board

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

Monterey County Government Center

Salinas, CA 93901

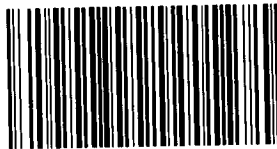
Stephen L. Vagnini  
Monterey County Recorder  
Recorded at the request of

RANJELIQUE  
1/24/2007  
14:51:21

**Board of Supervisors**

DOCUMENT: **2007006597**

Titles: 1/ Pages: 64



Fees....

Taxes...

Other...

AMT PAID

THIS SPACE FOR RECORDER'S USE ONLY

# CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

**APN # 416-011-017**

**PLN030071**

**BETSY W. BLISS/TR**

1-23-07

When recorded return to:

MONTEREY COUNTY PLANNING AND  
BUILDING INSPECTION DEPARTMENT  
240 CHURCH STREET, ROOM 116  
P.O. BOX 1208  
SALINAS, CA 93901  
(831) 755-5025

Space above for Recorder's Use

Permit No.:	PLN 030071
Applicant Name:	BLISS BETSY W TR
Project Planner:	LEE

**CONSERVATION AND SCENIC EASEMENT DEED  
(COASTAL)**

**THIS DEED** made this 28th day of July, 2004, by and between **BETSY BLISS W TR**, as **Grantor**, and the *COUNTY OF MONTEREY*, a political subdivision of the State of California, as **Grantee**,

**WITNESSETH:**

**WHEREAS**, said Grantor is the owner in fee of the real property more particularly described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey County, California (hereinafter "**the property**"); and

**WHEREAS**, the said land of said Grantor has certain natural scenic beauty and existing openness; and

**WHEREAS**, the Grantor and the Grantee desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of said property of the Grantor; and

**WHEREAS**, the California Coastal Act of 1976, (hereinafter referred to as the

"Act") requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program (LCP); and

**WHEREAS**, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and

**WHEREAS**, a coastal development permit (Permit No. PLN 030071) was granted on July 28, 2004, by the County in accordance with the provisions of the Staff Recommendation and Findings, attached hereto as Exhibit "B" and hereby incorporated by reference, subject to the following condition(s):

**Condition #35/Mitigation #2**

**A Scenic and Conservation Easement shall be conveyed to the County for all areas outside of the approved development envelope and driveway alignment (approximately thirty-nine (39) acres as shown on the approved project plans.**

**WHEREAS**, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in Resolution No. 04032 attached hereto as Exhibit "C" and hereby incorporated by reference, granted the permit to the Grantor upon condition (hereinafter the "**Condition**") requiring, inter alia, that the Grantor record a conservation and scenic easement over the property as shown in Exhibit "D" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the property were not restricted in accordance with this easement; and

**WHEREAS**, the County has placed the Condition on the permit because a finding must be made under the law that the proposed development is in conformity with the provisions of the certified Local Coastal Program and that in the absence of the protections provided by the Condition said finding could not be made; and

**WHEREAS**, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the

Permit; and

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

**WHEREAS**, the said Grantor is willing to grant to the County of Monterey the scenic use as herein expressed of the said land, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of said property by the Grantor through the imposition of the conditions hereinafter expressed;

**NOW, THEREFORE**, for and in consideration of the premises the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.

A. LAND SUBJECT TO EASEMENT. The land of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described in Exhibit "D", attached hereto, and made a part hereof.

B. RESTRICTIONS. The restrictions are allowed under and consistent with Resolution No. 04032 and its required landscape plan, erosion control plan, drainage plan, and restoration/replanting plan. The restrictions hereby imposed upon the use of said property by the Grantor and the acts which said Grantor shall refrain from doing upon the said property in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said described premises

except the roadway and driveway to the building envelope, structures appurtenant or related to public and private roads such as entrance gates and pillars, mailboxes, and public utility structures and their necessary appurtenances and equipment.

2. That no advertising of any kind or nature shall be located on or within said property except **directional, warning and traffic signs; for sale or rent signs; and signage required by state or local regulations.**

3. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises, except as **set forth in an approved management or restoration plan; other vegetation consistent with the intent and purpose of this Conservation and Scenic Easement Deed; native plant species; and plants deemed necessary for erosion control provided that such plants are non-invasive and do not threaten the native plant habitat.**

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, **drainage improvements, utilities, protective barriers, or alterations to enhance habitat value of the land, and any necessary utility structures,** the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made **which are inconsistent with the intent and purpose of this Conservation and Scenic Easement Deed as stated in Resolution No. 04032.**

5. That no use of said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The exceptions and reservations are allowed under and consistent with Resolution No. 04032 and its required landscape plan, erosion control plan, drainage plan, and restoration/replanting plan. The following are excepted and reserved to the Grantor:

1. The right to maintain, repair or replace all existing private roads, bridges, trails and structures upon said land, and the right to **enter upon and use the property in**

a manner consistent with the conservation and preservation of the property as a scenic open space, or for pedestrian and equestrian use or passive recreational purposes (such as hiking, picnicking, and nature observation); and the right to clear brush, prune and trim bushes and trees for fire protection purposes; and the right to take actions to control erosion; and the right to conduct any activity consistent with Resolution No. 04032 of the Monterey County Board of Supervisors.

2. The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

D. SUBJECT TO ORDINANCES. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the ordinances of Grantee regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement 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 of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the property contrary to the terms of this offer will be deemed a breach hereof. The Grantee may bring any action into court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the



Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in, upon, or in any way connected with the property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the property which would ~~be~~ *mgp* subject the Grantee to any liability occurring upon the land by virtue of the fact that the right of the Grantee to enter the land is strictly limited to preventing uses inconsistent with the interest granted, the property is not "property of a public entity" or "public property," and Grantee's *mgp* rights here *mgp* in do not include the right to enter the land for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions,

exceptions, obligations, and reservations contained in this conveyance 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.

K. CONSTRUCTION OF VALIDITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

L. **EFFECTIVE DATE.** This Conservation and Scenic Easement Deed shall become effective upon its execution.

Executed this 4<sup>th</sup> day of December, 2006, at Carmel, California.

Signed:

Betsy W. Bliss, Trustee

BETSY W. BLISS, Trustee

Type or print name of above - **GRANTOR**

Signed:

Type or print name of above - **GRANTOR**

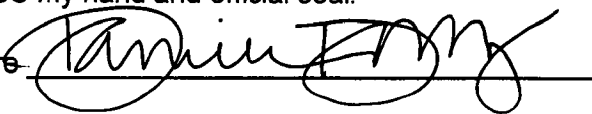
STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF MONTEREY )

On DECEMBER 4, 2006 before me, DANIELLE DAMES, a Notary  
Public in for said State, personally appeared BETSY BLISS

BETSY BLISS, personally known to me ~~(or proved~~  
~~to me on the basis of satisfactory evidence)~~ to 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.


WITNESS my hand and official seal.

Signature



This is to certify that the Conservation and Scenic Easement Deed set forth above is  
hereby acknowledged by the Board Chair on the behalf of the Monterey County Board of  
Supervisors pursuant to the action of the PLANNING COMMISSION when it  
granted Permit No. PLN 030071 on July 28, 2004 and the Monterey  
County Board of Supervisors consents to recordation thereof by its duly authorized officer.

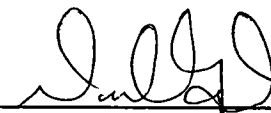
DATED: 1-23-07



Chair, Monterey County Board of Supervisors

ATTEST:

DATED: 1/24/2007



Clerk of Said Board

Document Form/Content Acceptable:



County Counsel

Mike Jones 1/2/07  
Planning and Building Inspection Department



EXHIBIT A

LEGAL DESCRIPTION

CONSERVATION EASEMENT

LOT NUMBERED 1 OF SECTION 31, TOWNSHIP 16 SOUTH, RANGE 1 EAST, M.D.M.,  
IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ACCORDING TO THE  
OFFICIAL PLAT THEREOF, EXCEPTING THEREFROM THE FOLLOWING PARCELS:

MAIN RESIDENCE, POOL, CABANA, AND DRIVEWAY ALIGNMENT EXCLUSION AREA:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 51°09'44" EAST  
362.49 FEET TO THE TRUE POINT OF BEGINNING; THENCE,  
1<sup>ST</sup>) NORTH 18°11'02" EAST 68.90 FEET; THENCE,  
2<sup>ND</sup>) NORTH 02°37'30" WEST 32.58 FEET; THENCE,  
3<sup>RD</sup>) NORTH 24°54'19" EAST 25.88 FEET; THENCE,  
4<sup>TH</sup>) NORTH 61°54'51" WEST 64.92 FEET; THENCE,  
5<sup>TH</sup>) NORTH 26°55'49" EAST 52.43 FEET; THENCE,  
6<sup>TH</sup>) SOUTH 61°36'31" EAST 60.27 FEET; THENCE,  
7<sup>TH</sup>) NORTH 23°01'58" EAST 31.75 FEET; THENCE,  
8<sup>TH</sup>) SOUTH 79°30'29" EAST 89.26 FEET; THENCE,  
9<sup>TH</sup>) NORTH 27°24'56" EAST 25.38 FEET; THENCE,  
10<sup>TH</sup>) SOUTH 58°57'07" EAST 88.16 FEET; THENCE,  
11<sup>TH</sup>) SOUTH 17°28'50" EAST 23.62 FEET; THENCE,  
12<sup>TH</sup>) SOUTH 04°23'59" WEST 85.99 FEET; THENCE,  
13<sup>TH</sup>) SOUTH 21°04'19" EAST 55.31 FEET; THENCE,  
14<sup>TH</sup>) SOUTH 08°47'45" WEST 73.88 FEET; THENCE,  
15<sup>TH</sup>) SOUTH 29°00'19" EAST 39.04 FEET; THENCE,  
16<sup>TH</sup>) NORTH 69°31'32" WEST 51.28 FEET; THENCE,  
17<sup>TH</sup>) NORTH 08°23'33" EAST 81.92 FEET; THENCE,  
18<sup>TH</sup>) NORTH 20°47'49" WEST 8.05 FEET; THENCE,  
19<sup>TH</sup>) NORTH 60°00'06" WEST 71.27 FEET; THENCE,  
20<sup>TH</sup>) SOUTH 52°36'13" WEST 12.57 FEET; THENCE,  
21<sup>ST</sup>) NORTH 61°25'24" WEST 49.25 FEET; THENCE,  
22<sup>ND</sup>) SOUTH 32°28'41" WEST 42.92 FEET; THENCE,  
23<sup>RD</sup>) SOUTH 46°23'59" WEST 57.69 FEET; THENCE,  
24<sup>TH</sup>) NORTH 62°13'13" WEST 53.25 FEET TO THE TRUE POINT OF BEGINNING.

**SEPTIC TANK LEACH FIELD EXCLUSION AREA:**

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 23°00'31" EAST 538.18 FEET TO THE TRUE POINT OF BEGINNING; THENCE,

- 1<sup>ST</sup>) NORTH 30°36'19" WEST 62.00 FEET; THENCE,
- 2<sup>ND</sup>) NORTH 59°23'31" EAST 122.08 FEET; THENCE,
- 3<sup>RD</sup>) SOUTH 30°15'10" EAST 62.00 FEET; THENCE,
- 4<sup>TH</sup>) SOUTH 59°23'31" WEST 121.70 FEET TO THE TRUE POINT OF BEGINNING.

**PROPANE TANK AND WELL HEAD EXCLUSION AREA:**

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 69°03'22" EAST 520.77 FEET TO THE TRUE POINT OF BEGINNING; THENCE,

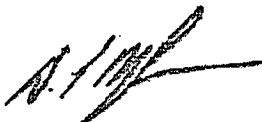
- 1<sup>ST</sup>) NORTH 23°57'59" WEST 19.04 FEET; THENCE,
- 2<sup>ND</sup>) NORTH 66°02'01" EAST 5.62 FEET; THENCE,
- 3<sup>RD</sup>) NORTH 23°57'59" WEST 30.97 FEET; THENCE,
- 4<sup>TH</sup>) NORTH 66°02'01" EAST 14.00 FEET; THENCE,
- 5<sup>TH</sup>) SOUTH 23°57'59" EAST 34.00 FEET; THENCE,
- 6<sup>TH</sup>) SOUTH 66°02'01" WEST 5.62 FEET; THENCE,
- 7<sup>TH</sup>) SOUTH 23°57'59" EAST 16.01 FEET; THENCE,
- 8<sup>TH</sup>) SOUTH 66°02'01" WEST 14.00 FEET TO THE TRUE POINT OF BEGINNING.

**WATER TANK EXCLUSION AREA:**

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 84°06'17" EAST 533.79 FEET TO THE TRUE POINT OF BEGINNING; THENCE,

- 1<sup>ST</sup>) NORTH 04°00'00" WEST 19.00 FEET; THENCE,
- 2<sup>ND</sup>) NORTH 86°00'00" EAST 24.00 FEET; THENCE,
- 3<sup>RD</sup>) SOUTH 04°00'00" EAST 19.00 FEET; THENCE,
- 4<sup>TH</sup>) SOUTH 86°00'00" WEST 24.00 FEET TO THE TRUE POINT OF BEGINNING.

PREPARED DECEMBER 29, 2005 BY:



WILLIAM L. MEAGHER  
LS 5948 (Expires 12/06)

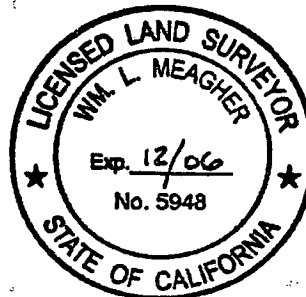




EXHIBIT B

PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 04032

A. P. # 416-011-017-000

In the matter of the application of  
**Betsy W. Bliss TR (PLN030071)**

**FINDINGS & DECISION**

to allow a an Amendment to a Combined Development Permit (PLN980149) in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, allowing a single family residence, pool house, swimming pool, septic system, water tank, retaining walls and grading; and a Coastal Development Permit to allow development within environmentally sensitive habitat (maritime chaparral). The amendment allows a change to the floor plans and elevations for a smaller residence and relocation of the development and building footprint approximately 45 feet uphill from the approved location for a 7,985 sq. ft. single family residence with 1,017 sq. ft. attached garage, 425 sq. ft. pool house, 160 sq. ft. pump shed, pool, new spa and retaining walls. Grading is reduced from approximately 9,000 cu. yds. cut/7,100 cu. yds. fill to 8,770 cu. yds. cut/30 cu. yds. fill. The property is located at 3600 Red Wolf Drive, Carmel, the end of Red Wolf Drive off Riley Ranch Road, easterly of Point Lobos and Highway 1, Carmel Highlands area, Coastal Zone, came on regularly for hearing before the Planning Commission on July 28, 2004.

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

1. **FINDING: CONSISTENCY:** The Project, as conditioned is consistent with applicable plans and policies, the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20).  
**EVIDENCE:** (a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), and the Monterey County Zoning Ordinance (Title 20). County staff determined that the project is consistent with these policies and standards as they apply to residential development. Staff notes are provided in Project File PLN030071.  
(b) Site Visit. Project planner conducted an on-site inspection on May 20, 2003, April 5, 2004, and May 7, 2004 to verify that the project on the subject parcel conforms to the plans listed above.  
(c) Land Use. The project is for a single-family residence, accessory structures and associated grading is an allowed use, in accordance with Section 20.17.040.  
(d) Zoning Consistency. The parcel is zoned Watershed Scenic Conservation, 80 acres/unit, Design District, Coastal Zone ("WSC/80-D (CZ))." The project is in compliance with Site Development Standards for a Watershed Scenic Conservation District in accordance with Section 20.17.060.  
(e) Guesthouse. The proposed project includes a 425 square foot pool house to be used as a guesthouse. The project complies with the regulations for guesthouses in

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accordance with Section 20.64.020.C. A condition has been incorporated requiring the applicant to record a guesthouse deed restriction (Condition 6).

(f) Scenic Resources. The proposed project is located within a public viewing area. See Finding #6.

(g) Ridgeline Development. The proposed project is located near the top of a ridge with potential ridgeline development impacts. See Finding #7.

(h) Environmentally Sensitive Habitat. The proposed project disturbs environmentally sensitive maritime chaparral habitat. See Finding #8.

(i) Land Use Advisory Committee (LUAC). The Carmel Highlands/Unincorporated Land Use Advisory Committee reviewed the project on May 19, 2003 and recommended approval of the project by a vote of 4 to 0. The LUAC's recommendations and concerns are addressed below.

- Numerous Truck Trips. The committee cited concerns about the number of truck trips and their impact because of the increased amount of soil export (2,350 c.y.) from the original project. Mitigation in the initial study requires a construction management plan addressing construction-related truck traffic and the timing and routing of trips to reduce impacts on congestion and avoid peak hour trips.

- Visibility from Point Lobos State Reserve. Although the committee was concerned about this potential visual impact, they did not assess it, but recommended the project planner consider it. Potential visibility and visual impacts of the project from Point Lobos State Reserve were assessed in the initial study and measures incorporated to reduce potential impacts to a less than significant level

- Visibility from Palo Corona Ranch. The committee also noted potential visibility of the project from Palo Corona Ranch, which was recently acquired by the Big Sur Land Trust, but did not assess its visibility. While the project is potentially visible from portions of the property and may eventually become open to the public in the future, Palo Corona Ranch is currently owned by a private land trust and its views are not protected under the Land Use Plan. The project is sited so that it does not face towards the ranch and the use of appropriate materials and landscaping minimize any visibility.

- Exterior Lighting. The committee was concerned about exterior lighting and glare and recommended that lighting be the minimum necessary for safety and that it be shaded, downcast and low voltage. A mitigation measure addresses lighting and glare and incorporates this language. It also requires the removal of lighting determined to be obtrusive within the five-year period after installation. The committee recommended that the lighting plan be made available to the LUAC. Any interested member of the public may view the lighting plan and staff will notify the LUAC members when the plan is submitted.

- Erosion Control Measures. The committee recommended that erosion control measures should be in place prior to any grading activities. An erosion control plan is required as a condition of approval and includes an implementation schedule and identification of measures to be in place prior to grading.

- Protection of Oak Trees. The committee recommended protection of oak trees near construction activities. No tree removal is proposed as part of the project and mitigation measures and conditions of approval require individual trees and clusters to be protected and fenced off from construction areas.

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- Large Motor Court. The committee expressed concern about the impact of the large motor court area on maritime chaparral and increased runoff. This area is within the designated building envelope, which is mitigated through the restoration of other areas. The motor court is also required to use pervious pavers in order to minimize potential runoff.

(j) LUAC meeting minutes dated May 19, 2003.

(k) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030071 and PLN980149.

2. **FINDING: SITE SUITABILITY:** The site is suitable for the use proposed.

**EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Carmel Highlands Fire Protection District. All applicable conditions recommended have been incorporated.

(b) Technical reports by outside biological, archaeological, geological and geotechnical consultants indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the use proposed. Agency staff concurs. Reports are Project File PLN030071 and PLN980149 and include:

- "Preliminary Archaeological Reconnaissance" prepared by Mary Doane, B.A. and Trudy Haversat, SOPA, Archaeological Consulting, dated April 29, 1998.

- "Geotechnical and Geological Hazards Report" prepared by Grice Engineering and Geology Inc, dated August 14, 1998.

- Biological Report prepared by Jud Vandevere and Associates, dated June 22, 1998.

- Revised Biological Report prepared by Jud Vandevere and Associates, dated July 12, 1999.

- Letter regarding new building location from Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated August 15, 2002.

- Letter regarding landscaping plan from Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated September 20, 2002.

- Letter regarding road impacts from Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated September 23, 2003.

(c) The property contains an existing permitted well.

(d) Staff conducted an on-site visit on May 20, 2003, April 5, 2004, and May 7, 2004 to verify that the site is suitable for this use.

(e) Necessary public facilities are available and will be provided.

3. **FINDING: CEQA (Mitigated Negative Declaration):** On the basis of the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed and mitigated will have a significant effect on the environment. Changes or replacement of mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects and of themselves do not cause any potentially significant effect. The mitigated negative declaration reflects the independent judgment and analysis of the County.

EXHIBIT

*B*

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**EVIDENCE:** (a) The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a mitigated negative declaration. The Initial Study is on file in the offices of the Planning and Building Inspection Department and is hereby incorporated by reference. (PLN030071).

(b) Evidence that has been received and considered includes:

- The application and materials in project file number PLN030071 and PLN980149.
- Initial Study/Mitigated Negative Declaration prepared by Kristina Gee for project file PLN980149, dated February 26, 1999.
- "Preliminary Archaeological Reconnaissance" prepared by Mary Doane, B.A. and Trudy Haversat, SOPA, Archaeological Consulting, dated April 29, 1998.
- "Geotechnical and Geological Hazards Report" prepared by Grice Engineering and Geology Inc, dated August 14, 1998.
- Biological Report prepared by Jud Vandevere and Associates, dated June 22, 1998.
- Revised Biological Report prepared by Jud Vandevere and Associates, dated July 12, 1999.
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- Letter regarding landscaping plan from Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated September 20, 2002.
- Letter regarding road impacts from Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated September 23, 2003.
- Bliss Property Public Viewshed Analysis prepared by Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated December 10, 2002. Addendum to Viewshed Analysis dated August 14, 2003
- Staff site visit on May 20, 2003, April 5, 2004, and May 7, 2004.
- Staff reports that reflect the County's independent judgment

(c) These reports are on file in the offices of PBI (File Reference No. PLN980149 and PLN030071) and are incorporated by reference herein.

(d) The Initial Study addresses potential environmental impacts of the proposed project and includes mitigation measures that reduce the impacts to a less than significant level. Impacts and mitigation measures are summarized below:

- Aesthetics. The subject property is visible from public viewing areas with potential impacts to scenic and visual resources. Mitigation includes:
  - Landscaping and restoration of bare and exposed areas (Mitigation #1/Condition 34);
  - A conservation easement over undeveloped areas (Mitigation #2/Condition 35);
  - Use of non-reflective materials and glass (Mitigation #3/Condition 36);
  - Minimizing exterior lighting (Mitigation #4/Condition 37);
- Biological. The property contains sensitive maritime chaparral habitat and sensitive species including Hooker's Manzanita and small-leaved lomatium that are impacted by development of the residence, accessory structures, septic system, driveway

and drainage improvements. The impact to maritime chaparral habitat is estimated at approximately 129,476 square feet comprised of the road realignment (11,000 sq. ft.); road widening, grading turnouts (27,776 sq. ft.); house, cabana, pool (62,700 sq. ft.); pump house, water tank (10,000 sq. ft.); and leach field, drainage system (18,000 sq. ft.). Mitigation includes:

- Restoration of all exposed areas on the property (Mitigation #1/Condition 34);
  - A scenic and conservation easement over approximately 38.8 acres of the property (Mitigation #2/Condition 35);
  - Landscaping and restoration with native species and replacement of sensitive species disturbed (Mitigation # 5/Condition 38);
  - Exotic weed control (Mitigation #6/Condition 39);
  - Delineation of the development and building envelopes (Mitigation #7/Condition 40, Mitigation #8/Condition 41);
  - Restoration of all bare and disturbed areas and road cut areas (Mitigation #9/Condition 42); and
  - Minimizing new disturbance (Mitigation #10/Condition 43);
- Traffic/Transportation. The proposed project results in a temporary increase in truck traffic for construction and approximately 8,740 cubic yards of soil export. Trips are also spread out over a period of several months. Mitigation includes preparation of a construction management plan detailing the timing and routing of truck trips to occur during off-peak hours to minimize traffic impacts (Mitigation Measure #12/Condition 45).
  - Hydrology/Water Quality. The proposed project creates development where none existing before and potentially increases runoff and erosion. Drainage recommendations from the Geotechnical and Geologic Hazards Report prepared by Grice Engineering and Geology, Inc. dated August 14, 1998 have been incorporated. Drainage improvements for the access driveway, which is currently unpaved, will minimize erosion. Runoff and drainage from structures will be controlled and dispersed. Mitigation requires the use of pervious materials for the motor court and patio areas to reduce runoff (Mitigation Measure #11/Condition 44).
- (e) The mitigated negative declaration was circulated for public review from March 2, 2004 to April 1, 2003. The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study. Comments are summarized and addressed below:
- Department of Parks and Recreation. Comments on the Initial Study were received from the California Department of Parks and Recreation concerning potential aesthetic impacts to views from Point Lobos from the proposed amendment. The comments note that the previous design and location resulting from the settlement agreement with the Coastal Commission addressed their issues. It expressed concern with new location that "once the house is constructed its mass and location on the ridge top will make it visible from the Reserve and detract from the visitor's experience." The applicant has since resited the residence 25 feet downhill from the location originally proposed in the amendment to reduce impacts. The project's design minimizes its height and uses unobtrusive colors and materials and mitigation measures address lighting,

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landscaping, and restoration. As a result, Staff finds that the project as designed and mitigated minimizes visual impacts to a less than significant level.

- California Coastal Commission. The California Coastal Commission did not submit formal comments regarding the initial study. However, both the applicant and County staff have consulted with Coastal Commission staff on the amendment because of the settlement agreement between the Coastal Commission and the applicant and comments submitted earlier by the Coastal Commission. Earlier comments from a letter dated June 10, 2003 raised objections to the proposed relocation and cited inconsistencies with visual resource policies from the Carmel Area Land Use Plan. However based on site visits and discussions with Coastal Commission staff, the mitigation measures and the resiting of the development further downhill sufficiently address their concerns.

(f) An Addendum dated July 12, 2004 to the Initial Study addresses changes to the project and is attached to the initial study. The changes do not alter the analysis or conclusions of the Initial Study but merely clarify and amplify original analysis in the Initial Study prepared by Eric Lee and dated February 25, 2004. The changes result in the deletion of Mitigation Measure #5 and minor modifications to the and Mitigation Measure #9, detailed below, and Mitigation Measure #10 was slightly amplified for clarification.

- Mitigation Measure #5. Mitigation Measure #5 has been deleted. The mitigation required relocation of the residence downhill to address ridgeline development impacts. The applicant has resited the residence 25 feet downhill from the proposed location. This new location is 45 feet uphill from the approved location compared to 70 feet uphill that was proposed. It also lowers the elevation of ridge of the house by several feet. Based on staking and flagging done in May 2004, the elevation of the main roof ridge at the new location is 279.5 feet compared to 284 feet that was proposed. The new location meets the requirements of the mitigation measure.

- Mitigation Measure #9. Mitigation Measure #9 (identified as Mitigation #10 in the initial study) has been revised to include an off-site area for restoration that has been identified on property owned by the Big Sur Land Trust (Assessor's Parcel Number: 416-011-007-000). The mitigation requires restoration of maritime chaparral habitat on a 1:1 basis with off-site restoration to occur if sufficient on-site locations are not available. The Big Sur Land Trust property sits adjacent to the Bliss property and approximately 14,000 square feet comprising a driveway, home site, and access road is available for restoration.

- The decision of the Planning Commission on July 28, 2004 modified this mitigation to eliminate off-site restoration. It was determined that there was no nexus to require off-site restoration and that project impacts were adequately mitigated.

- Mitigation Measure #10. Mitigation Measure #10 (identified as Mitigation #11 in the initial study) has been modified to add wording that includes pursuing a lot line adjustment and prescriptive rights as options for the road realignment that would avoid additional new disturbance to maritime chaparral habitat.

- The decision of the Planning Commission on July 28, 2004 modified this mitigation to eliminate the requirement to pursue an easement or lot line adjustment for the portion of the road on the adjacent property. It was determined that it lacked a legal nexus and that the impacts were adequately mitigated.

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4. **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. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County Planning and Building Inspection Department records and no open violations exist on subject property.

5. **FINDING: PUBLIC ACCESS:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see §20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE:** (a) The subject property is not described as an area where the Local Coastal Program requires access.

(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figures 3, the Public Access Map, of the Carmel Area Land Use Plan.

(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(d) An existing easement exists on the property allowing access to an adjacent parcel owned by the Big Sur Land Trust, which is expected to be transferred over to the California Department of Parks and Recreation. A condition has been incorporated stating that this project does not interfere with those access rights (Condition 11).

(e) Staff site visit on May 20, 2003, April 5, 2004, and May 7, 2004.

6. **FINDING: SCENIC RESOURCES:** The project as designed and conditioned is consistent with scenic resource policies in the Carmel Area Land Use Plan, Local Coastal Program (Chapter 2.2) and the Monterey County Coastal Implementation Plan, Part 4 (Chapter 20.146.030).

**EVIDENCE:** (a) The proposed project is within the public viewshed and is visible from public viewing areas including Point Lobos State Park, Carmel River State Beach, and Highway 1. However, it is only visible from these locations with visual aids. From other public areas such as Jack's Peak Park and Garland Park, which are even further away, the project is not visible at all.

(b) LUP Policy 2.2.3.4 states that the most appropriate site for new structures is the "portion of a parcel least visible from public viewpoints." The subject property is located on Point Lobos Ridge and the entire property is potentially visible from various public viewpoints. However, the property is approximately two to three miles from the nearest public viewpoints and is not visible with unaided vision. The proposed location has similar visual impacts as the previously approved location. The project design limits the height to 12 feet above average natural grade and distributes the mass with a one-story design. Conditions and mitigation to minimize visibility include screening and landscaping (Mitigation #1), non-reflective materials (Mitigation #3/Condition 36), minimal exterior lighting (Mitigation #4/Condition 37), deed restrictions regarding design

changes (Condition 7), landscaping (Condition 8), revisions to reflect the revised staking and flagging (Condition 13), and height verification (Condition 14).

(c) LUP Policy 2.2.3.6 states that "structures shall be subordinate to and blended into the environment." The height of structures is limited to 12 feet above the existing average natural grade and uses a one-story design except for the area above the garage. This design reduces the height impact of the structure and spreads it out over a larger area to reduce bulk and mass. Colors and materials for the project consist of a sandstone tile roof, Carmel stone and beige-colored exterior with grey doors and non-reflective glass windows to blend it in with the environment. The proposed driveway is not visible from public areas because of its alignment on the eastern side of the ridge and the surrounding vegetation. Conditions and mitigation include native landscaping (Mitigation #1/Condition 34), non-reflective materials (Mitigation #3/Condition 36), minimal exterior lighting (Mitigation #4/Condition 37), deed restrictions regarding design changes (Condition 7) and landscaping (Condition 8).

(d) LUP Policy 2.2.3.7 states that structures shall minimize tree removal and grading." No tree removal is proposed. The project utilizes the existing road alignment and disturbed areas where feasible. The proposed amendment relocates the building site and changes grading from approximately 9,000 cu. yds. cut/7,100 cu. yds. fill to 8,770 cu. yds. cut/30 cu. yds. fill, compared to the previously approved project and location.

(e) LUP Policy 2.2.3.8 states that "landscaping and restoration shall consist of plant and tree species consistent with the surrounding vegetation." The project requires native landscaping to be used in all restoration and landscaping (Mitigation #1/Condition 24) and a deed restriction regarding future landscaping (Condition 8).

(f) LUP Policy 2.2.3.9 encourages scenic easements and easement protection. The project includes placement of all undeveloped portions of the property, approximately 38.8 acres, into a conservation and scenic easement (Mitigation #2/Condition 35) and protection of an existing access easement over the subject property (Condition 11).

(g) LUP Policy 2.2.4.4 states that "new roads will be considered only where it has been demonstrated that the use of existing roads or driveways is not possible." The existing access road is used to the extent possible. The project proposes a new road section because the existing alignment crosses an adjacent parcel and no easement exists for it.

(h) Application and Materials in Project File No. PLN980149 and PLN030071.

(i) Staff site visit on May 20, 2003, April 5, 2004, and May 7, 2004.

**7. FINDING: RIDELINE DEVELOPMENT:** The project as designed and conditioned is consistent with policies in the Carmel Area Land Use Plan, Local Coastal Program (Chapter 2.2) and the Monterey County Implementation Plan, Part 4 (Chapter 20.146.030) for ridgeline development.

**EVIDENCE:** (a) The property is located on Point Lobos Ridge near the top of the ridge, but is only visible with aided vision. The proposed amendment moves the building footprint approximately 45 linear feet uphill from the approved location and nine (9) vertical feet higher. From Carmel River State Beach and Highway 1, it does not create a ridgeline silhouette because the backdrop of the higher hills and ridges sit behind it. However, from Point Lobos State Park to the west, the project potentially alters the ridgeline silhouette.

However, staking and flagging completed in May 2004 for the project confirm that the proposed project does not create a silhouette or substantial adverse effect. Mitigation measures and conditions ensure that visibility of the project will be minimized and include measures for restoration and landscaping, screening, controls on lighting and materials, deed restrictions and height verification. Condition #13 requires revisions to the building and grading plans to reflect the elevations that were staked and flagged in May 2004.

(b) LUP Policy 2.2.3.1 states that the design and siting of structures "shall not detract from the natural beauty of the scenic shoreline and the undeveloped ridgelines and slopes in the public viewshed." The project includes mitigation measures and conditions for restoration of all bare and exposed areas with native species, landscaping to screen structures, materials, color and lighting subordinate to the environment.

(c) LUP Policy 2.2.3.3 states that new development that "the visual continuity and natural appearance of ridgelines shall be protected." The proposed development does not create a break the ridgeline based on staking and flagging completed in May 2004. Information provided by the applicant and contractor verify the staking and flagging, and set the elevation of the main roof ridge at 279.5 feet. Condition #14 requires verification of the height of the structure.

(d) Application and Materials in Project File No. PLN980149 and PLN030071.

(e) Staff site visit on May 20, 2003, April 5, 2004, and May 7, 2004.

8. **FINDING: ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA):** The project as designed and conditioned is consistent with Environmentally Sensitive Habitat Area policies of the Carmel Area Land Use Plan, Local Coastal Program (Chapter 2.5) and the Monterey County Coastal Implementation Plan (Chapter 20.146.060).

**EVIDENCE:** (a) The proposed project includes disturbance to chaparral habitat for the structures, leach field, driveway and drainage improvements. According to an analysis by Dale Hameister in a letter dated September 23, 2003, the amount of area disturbed by the proposed amendment is estimated at 150,700 square feet compared to 143,732 square feet for the approved project. Existing disturbed road areas that will be utilized constitutes 21,224 square feet. The result is approximately 129,476 square feet of new disturbance, which is similar to the approved pre-amended project. There is a slight increase because a portion of the existing road is located on an adjacent parcel and a new 200-foot long section comprising approximately 4,500 square feet must be graded for the driveway access.

(b) Approval of the previous project for the residence and accessory structures limited disturbance to "approximately one acre" in order to cluster development and contain the impacts. The remaining 39 acres will be protected and put into conservation and scenic easement. Project plans submitted by the applicant and dated September 22, 2003 calculates the building envelope at 52,430 square feet or 1.2 acres, which is approximately one acre.

(c) The proposed location occurs in generally the same area as the approved project, approximately 45 feet in distance up the slope. The site plan identifies both a building envelope and a larger development envelope. The building envelope includes the footprint of the structures, driveway, septic, and leach field area. The development

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envelope surrounds all development activities and marks the limit of construction activities. The new site changes grading from approximately 9,000 cu. yds. cut/7,100 cu. yds. fill to 8,770 cu. yds. cut/30 cu. yds. fill.

(d) Approximately one-quarter acre of Hooker's Manzanita and 15 small-leaved lomatium would be impacted by the approved development. Mitigation for that development included planting a minimum of half-an-acre of Hooker's Manzanita and 30 small-leaved lomatium to allow for some loss (Mitigation #5/Condition 38). A follow-up biological evaluation by Dale Hameister concluded that the biological impact of the new location is the same and this same mitigation has been incorporated.

(e) LUP Policy 2.3.2.2 states that "land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource." The project is for a single-family residence and accessory structures and does not adversely affect long-term maintenance of the resource. The project includes restoration of all bare and exposed areas (Mitigation #1/Condition 34 & Mitigation #9/Condition 42), conservation easement (Mitigation #2/Condition 35), replacement of Manzanita (Mitigation #5/Condition 38), weed control (Mitigation #6/Condition 39), building and development envelopes (Mitigation #8/Condition 41).

(f) LUP Policy 2.3.2.4 states that parcels with environmentally sensitive habitat should retain large contiguous areas of land in open space and LUP Policy 2.3.2.6 requires conservation easements for sensitive habitat areas. Mitigation Measure #2/Condition #35 places all undeveloped portions of the property, approximately 38.8 acres, in conservation and scenic easement.

(g) LUP Policy 2.3.2.7 states that development within environmentally sensitive areas "shall restrict the removal of indigenous vegetation and land disturbance. The amendment reduces the footprint of the residence from 11,235 square feet to 7,985 square feet. Mitigation and conditions include delineation of building and development envelopes (Mitigation #8/Condition 41), fencing and protection of trees and native vegetation during construction (Mitigation #7/Condition 40), limiting disturbance (Mitigation #10/Condition 43).

(h) LUP Policy 2.3.2.8 requires the use of native species in landscaping. The project includes measures for native landscaping (Mitigation #1/Condition 34).

(i) Technical Reports for the proposed project include:

- Biological Report prepared by Jud Vandevere and Associates, dated June 22, 1998.
- Revised Biological Report prepared by Jud Vandevere and Associates, dated July 12, 1999.
- Letter regarding new building location from Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated August 15, 2002.
- Letter regarding landscaping plan from Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated September 20, 2002.
- Letter regarding road impacts from Dale Hammeister, Biological Consultant of Rana Creek Habitat Restoration, dated September 23, 2003.

(j) Application and Materials in Project File No. PLN980149 and PLN030071.

(k) Staff site visit on May 20, 2003, April 5, 2004, and May 7, 2004.

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9. **FINDING: 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) The project was reviewed by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Carmel Highlands Fire Protection District. The respective departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.
10. **FINDING: APPEALABILITY:** The project is appealable to the Board of Supervisors and California Coastal Commission.
- EVIDENCE:** (a) Section 20.86.030.A of the Monterey County Coastal Implementation Plan, Part 1 (Board of Supervisors).  
(b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission). Development that is permitted as a conditional use is appealable to the Coastal Commission. Development within 100 feet of environmentally sensitive habitat, which requires a coastal development permit, is a conditional use.

### DECISION

It is the decision of the Planning Commission to adopt the Mitigative Negative Declaration and Mitigation Monitoring Reporting Program and approve said application for a Combined Development Permit as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 28th day of July 2004, by the following vote:

AYES: Errea, Sanchez, Padilla, Parsons, Diehl, Salazar, Rochester, Wilmot, Hawkins  
NOES: Vandever  
ABSENT: None

  
JEFF MAIN, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON **AUG 9 2004**

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **AUG 19 2004**

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THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, 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 90<sup>th</sup> 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 the Monterey County Planning and Building Inspection Department office in Marina.

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

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**Monterey County Planning and Building Inspection**  
**Condition Compliance and Mitigation Monitoring**  
**Reporting Plan**

**Project Name: Bliss Amendment**

**File No: PLN030071      APN: 419-011-017-000**

**Approval by: Planning Commission      Date: July 28, 2004**

Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Number	Mitigation Number	Impact Addressed and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required to verify that the actions are being performed to be accepted.	Responsible Party for Compliance	Monitoring Timing	Verification of Compliance (name/date)
1		<p><b>SPECIFIC USES ONLY</b></p> <p>The subject Amendment and Design Approval (PLN030071/BLISS) to Combined Development Permit (PLN980149) is for a single family residence, poolhouse, swimming pool, septic system, water tank, retaining walls, grading, and includes a Coastal Development Permit to allow development within environmentally sensitive habitat (maritime chaparral). The Amendment allows a change to the floor plans and elevations for a smaller residence and relocation of the development and building footprint approximately 45 feet uphill from the approved location for a 7,985 sq. ft. single family residence with 1,017 sq. ft. attached garage, 425 sq. ft. poolhouse, 160 sq. ft. pump shed, pool, new spa and retaining walls. Grading is changed from approximately 9,000 cu. yds. cut/7,100 cu. yds. fill to 8,770 cu. yds. cut/30 cu. yds. fill. This Amendment supersedes the previous Combined Development Permit (PLN980149). The property is located at 3600 Red Wolf Drive, Carmel (Assessor's Parcel Number 416-011-017-000), easterly of Point Lobos and Highway One, Carmel Highlands Area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/Applicant	Ongoing unless otherwise stated	

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		of the Director of Planning and Building Inspection. 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. (Planning and Building Inspection)			
2		<b>NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 416-011-017-000 on July 28, 2004. The permit was granted subject to 45 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.
3		<b>DEED RESTRICTION - FIRE HAZARD</b> Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.146.080.D.3 of the Coastal Implementation Plan and per the standards for development of residential property." (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits
4		<b>DEED RESTRICTION - FUEL REDUCTION PROGRAM</b> Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "If any limited fuel reduction program should become necessary in the native habitat for fire protection, it shall be developed with the aid of a qualified forester, biologist, Fire Department and Planning and Building Inspection staff so as to best help reduce the fire danger and maintain or improve habitat values." (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits
5		<b>DEED RESTRICTION - SHORT-TERM RENTAL</b> Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "There shall be no short-term (less than thirty (30) days) rental of the single family home or any accessory buildings (e.g. pool house, guest house, etc)." (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits

6	<b>DEED RESTRICTION - POOLHOUSE</b> Prior to the issuance of a building permit the applicant shall record a deed restriction for the poolhouse as a condition of project approval stating the regulations applicable to guesthouses pursuant to Section 20.64.020 (Zoning Ordinance). (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
7	<b>DEED RESTRICTION - DESIGN APPROVAL</b> Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "Because of the visual sensitivity of the area, all landscaping shall be approved by the Planning and Building Inspection Department. All exterior design changes, including color changes associated with repainting, re-roofing, exterior lighting changes, and landscaping changes shall be approved through the design approval process." (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
8	<b>DEED RESTRICTION - LANDSCAPING</b> Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "Landscaping within development areas shall emphasize preservation of the natural character of the communities present. Individual trees and larger shrubs originally present on the land shall be integrated into approved landscape plans where possible. No invasive plants shall be planted on the property, which include but are not limited to pampas grass ( <i>Cortaderia jubata</i> ), Hottentot fig (or iceplant ( <i>Carpobrotus edule</i> ))." (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
9	<b>FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) calendar days of project approval - prior to filing of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection)	Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first.	Owner/ Applicant	Prior to issuance of building grading permits.	

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10	<p><b>MITIGATION MONITORING PROGRAM</b></p> <p>The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan 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 mitigation monitoring agreement. <b>(Planning and Building Inspection)</b></p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	Owner/ Applicant	Prior to issuance of grading and building permits.	
11	<p><b>EXISTING EASEMENTS &amp; ACCESS</b></p> <p>Approval of this amendment (PLN030071 for APN No 416-011-017-000) shall not be interpreted to affect any rights of use for access across the Bliss property by the Big Sur Land Trust to gain access to property owned by the Big Sur Land Trust. The property owner shall not interfere with any use of existing easements and access rights across her property held by the Big Sur Land Trust. <b>(Planning and Building Inspection)</b></p>				
12	<p><b>EROSION CONTROL PLAN AND SCHEDULE</b></p> <p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. 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. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b></p>	<p>1) Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.</p> <p>2) Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.</p>	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
13	<p><b>BUILDING/GRADING ELEVATIONS</b></p> <p>Building and Grading plans shall be revised to reflect the elevations for the residence based on the staking and flagging completed in May 2004. The maximum peak elevation of the roof ridge shall not exceed 283 feet and the main roof ridge shall not exceed 279.5 feet. <b>(Planning and Building Inspection)</b></p>	Submit building and grading plans reflecting the revision.	Owner/ Applicant	Prior to issuance of Grading/ Building Permits	

14	<p><b>HEIGHT VERIFICATION</b></p> <p>The 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. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection 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. (Planning and Building Inspection)</p>	<p>1) The 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</p> <p>2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.</p>	Owner/ Applicant	Prior to Issuance of Grading or Building Permits	
15	<p><b>GRADING PLAN</b></p> <p>A Grading Permit is required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. The grading permit shall include an implementation schedule to include grading and proper and approved erosion control techniques. (Planning and Building Inspection)</p>	Submit Grading Plan and schedule for Grading Permit.	Owner/ Applicant	Prior to issuance of Grading/ Building Permits	
16	<p><b>GEOTECHNICAL REPORT CONSISTENCY</b></p> <p>The project shall be designed and constructed pursuant to the recommendations contained in the "Geotechnical and Geological Hazards Report" prepared by Grice Engineering, Inc, dated August 14, 1998. (Planning and Building Inspection)</p>	The applicant shall submit verification from a licensed civil or geotechnical engineer that the building plans are consistent with the recommendations of the report.	Engineer/ Owner/ Applicant	Prior to issuance of Building/ Grading Permits	
17	<p><b>GRADING-WINTER RESTRICTION</b></p> <p>No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)</p>	None	Owner/ Applicant	Ongoing	

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18	<p><b>STOP WORK - RESOURCES FOUND</b> If, during the course of construction, cultural, archaeological, historical or 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 professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of 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 the discovery. (Planning and Building Inspection)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department 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.	Owner/ Applicant/ Archaeologist	Ongoing
19	<p><b>UTILITY/TRANSMISSION LINES</b> New utility and transmission lines shall be placed underground. (Planning and Building Inspection)</p>	None	Owner/ Applicant	Ongoing
20	<p><b>LANDSCAPE MAINTENANCE</b> The site shall be landscaped. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)</p>	None	Owner/ Applicant/	Ongoing
21	<p><b>ENGINEERED SEPTIC SYSTEM</b> Submit an engineered wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. (Environmental Health)</p>	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map/issuance of building permits.
22	<p><b>WELL INFORMATION</b> The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)</p>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits

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23	<p><b>DRAINAGE PLAN (Non Standard)</b> The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts, including all roadways and access roads, and the recommendations in the Geotechnical and Geological Hazards Report prepared by Grice Engineering, Inc. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
24	<p><b>WATER CONSERVATION MEASURES</b> The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
25	<p><b>ROAD ACCESS</b> Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (Carmel Highlands Fire District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
26	<p><b>ROADWAY ENGINEERING</b> The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways,</p>	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
		Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building	

	exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Highlands Fire District)				permit.	
	<b>DRIVEWAYS</b> Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Highlands Fire District)	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection		
		Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.		
		Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.		

28	<p><b>ADDRESSES FOR BUILDINGS</b></p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Highlands Fire District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
29	<p><b>EMERGENCY WATER STANDARDS - WATER SYSTEMS</b></p> <p>The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available (Carmel Highlands Fire District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of permit.	
		Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	

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30	<p><b>EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</b></p> <p>For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (Carmel Highlands Fire District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
31	<p><b>FIRE HYDRANTS/FIRE VALVES</b></p> <p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (Carmel Highlands Fire District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
		Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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32	<p><b>FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)</b></p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Carmel Highlands Fire District)</p>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
33	<p><b>DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)</b></p> <p>Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Highlands Fire District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
34	<p><b>MITIGATION #1:</b></p> <p>In order to minimize visibility of the development and reduce the impact to the ridge line silhouette, a landscaping plan shall be provided to the County of Monterey, with evidence of review by the landscape consultant and consulting biologist. The plan shall include:</p> <ul style="list-style-type: none"> <li>a. Plants which are native to the site.</li> <li>b. A restoration/replanting plan as required by the biological reports, prepared by Jud Vandever dated June 22, 1998 and July 12, 1999. Restoration shall include, but not be limited to, the following areas: <ul style="list-style-type: none"> <li>• Abandoned sections of road.</li> <li>• Areas exposed and disturbed by construction.</li> <li>• Septic tank and leach field area provided it does not interfere its operation.</li> </ul> </li> </ul>	<p><b>Monitoring Action 1A:</b> Prior to the issuance of grading or building permits, the applicant shall:</p> <ul style="list-style-type: none"> <li>a. Submit a landscaping plan to the Monterey County Director of Planning and Building Inspection for review and approval with the applicable fees.</li> <li>b. Execute and record with the Monterey County Recorder's office a deed restriction requiring all landscaping to be installed prior to occupancy and permanently maintained in a healthy condition pursuant to the landscaping plan.</li> <li>c. Submit the landscaping plan, installation estimate and deed.</li> </ul>	Owner/ Applicant/ Landscape consultant/ Biologist	Prior to the issuance of grading or building permits	

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	<p>restriction, to the Executive Director of the California Coastal Commission for his review and approval. The Executive Director may submit the landscaping plan to the California Department of Parks and Recreation for its review. The Department of Parks shall provide any comments it may have on the landscaping plan to the Executive Director prior to the deadline for completion of the Executive Director's review. The Executive Director shall complete his review and approval and respond to the landscaping plan within thirty (30) days after receipt of the landscaping plan. The Executive Director's approval of the landscaping plan shall be conclusive proof that the applicant/owner has fully complied with the visual screening requirements under this Condition; provided, however, that this does not apply to the property owner's compliance with, or implementation of, the landscaping plan and deed restriction.</p>		
	<p><i>Monitoring Action 1B: Prior to final or occupancy, the landscaping shall be inspected by the Director of Planning and Building Inspection for conformance to the approved plans and for screening effectiveness. If determined necessary by the Director of Planning and Building Inspection, additional landscaping may be required.</i></p>	<p>Prior to final or occupancy</p>	

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			<p><b>Monitoring Action 1C: Five years after date of final or occupancy,</b> the applicant shall submit documentation and photos of the landscaping and its screening effectiveness from public viewing areas (including Point Lobos) to the Director of Planning and Building Inspection for review and approval. Landscaping and planted trees shall not visibly alter the ridgeline silhouette. If necessary to provide adequate screening, additional landscaping and monitoring may be required by the Director of Planning and Building Inspection.</p>		Five years after date of final or occupancy	
35	2	<p><b>MITIGATION #2:</b> In order to minimize impacts to scenic and biological resources, a scenic and conservation easement shall be granted to the County of Monterey for all areas outside of the approved development envelope and driveway alignment (approximately thirty-nine (39) acres). No development shall occur outside of the approved envelope (approximately one acre) as shown on the approved project plans.</p>	<p><b>Monitoring Action 2: Prior to the issuance of building or grading permits,</b> the applicant/owner shall record a Scenic and Conservation Easement that has been submitted to and approved by the County Director of Planning and Building Inspection and the Executive Director of the California Coastal Commission. The Executive Director shall complete his review and approval and respond to the County Director of Planning and Building Inspection within thirty (30) days after receipt of the Scenic and Conservation Easement.</p>	Owner/ Applicant	Prior to the issuance of building or grading permits	
36	3	<p><b>MITIGATION #3:</b> In order to minimize potential glare and visibility of the development, all materials shall be non-reflective materials or painted in earth tones to blend into the surroundings, and glass surfaces shall be of tinted, "non-reflective" glass.</p>	<p><b>Monitoring Action 3A: Prior to final or occupancy,</b> all exterior surfaces shall be identified on the final building plans, subject to the approval of the County Director of Planning and Building Inspection. The building plans shall also be submitted to the Executive Director of the California Coastal Commission for his review and approval. The Executive Director shall complete his review and approval and respond to the County Director of Planning and Building Inspection within thirty (30) days after receipt of the building plans.</p>	Owner/ Applicant	Prior to final or occupancy	29



			<p><u>Monitoring Action 3B:</u> Prior to final or occupancy, exterior colors and materials shall be inspected by the Planning and Building Inspection Department for conformance to the approved plans.</p> <p><u>Monitoring Action 3C:</u> During the 5 year period after final or occupancy, any materials or glass surfaces determined to be obtrusive or resulting in off-site glare to a public viewing area, as determined by the Monterey County Planning and Building Inspection Department, shall be corrected or replaced to minimize glare and visibility.</p>		Prior to final or occupancy	
37	4	<p><b>MITIGATION #4:</b></p> <p>In order to minimize lighting impacts, all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and all off-site glare is fully controlled and not visible from Point Lobos Reserve. Outside lighting shall be downcast, low wattage and the minimum necessary for safety as determined by the Building Official. Landscaping shall be designed to screen all site light sources visible from off site. Any changes or additions to exterior lighting must be approved by the Monterey County Planning and Building Inspection Department.</p>	<p><u>Monitoring Action 4A:</u> Prior to the issuance of building or grading permits, the applicant shall submit a lighting plan showing the location, type and wattage of all exterior lights to the Director of Planning and Building Inspection for approval. The plans shall also be submitted to the Executive Director of the California Coastal Commission for his review and approval. The Executive Director shall complete his review and approval and respond to the County Director of Planning and Building Inspection within thirty (30) days after receipt of the building plans.</p> <p><u>Monitoring Action 4B:</u> Prior to final or occupancy, the exterior lighting shall be inspected by the Planning and Building Inspection Department for conformance to the approved plans.</p> <p><u>Monitoring Action 4C:</u> During the 5 year period after final or occupancy, any exterior lighting determined to be obtrusive to a public viewing area, as determined by the Monterey County Planning and Building Inspection Department, shall be removed.</p>	Owner/ Applicant	Prior to the issuance of building or grading permits	
					Prior to final or occupancy	
					Ongoing during the 5 year period after final or occupancy	

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38	5	<p><b>MITIGATION #5:</b> In order to mitigate the loss of sensitive plants, Hooker's manzanita shall be used for native landscaping and within infill areas. A minimum of one-half acre of Hooker's manzanita shall be planted in bare or exposed areas outside the development area to replace at a 2:1 ratio the one-quarter-acre lost for the building envelope. Small-leaved lomatium and Monterey ceonothus (<i>Ceanothus cuneatus</i> var. <i>rigidus</i>) shall be incorporated in landscaping and within infill areas to replace lost plants at a 2:1 ratio, but not less than 30 plants each. These plantings shall allow for 50% loss or 15 plants of each. They shall be kept watered and weeded until established as determined by a qualified biologist. Other appropriate central maritime chaparral vegetation shall be included to assure adequate vegetation cover. Existing native trees and vegetation shall be retained and incorporated into the landscaping plan.</p>	<p><u>Monitoring Action 5A:</u> <i>Prior to the issuance of building or grading permits, a landscaping/restoration plan (Mitigation #1) shall be submitted that incorporates the required Hooker's manzanitas, Small-leaved lomatium and Monterey ceonothus. The plan shall be prepared in consultation with a qualified biologist</i></p> <p><u>Monitoring Action 5B:</u> <i>Prior to final or occupancy, the replacement planting shall occur according to the approved landscaping/restoration plan and documentation submitted to the Director of Planning and Building Inspection for approval.</i></p> <p><u>Monitoring Action 5C:</u> <i>At the first, third and fifth years after final, the applicant shall submit a revegetation report prepared by a qualified biologist to the Director of Planning and Building Inspection for review and approval. The update shall evaluate the restoration and revegetation, establish success criteria and include any additional or ongoing measures necessary to establish the habitat. If after five years the habitat is not established, further restoration and monitoring may be required by the Director of Planning and Building Inspection.</i></p>	Owner/ Applicant/ Biologist	<p>Prior to the issuance of building or grading permits</p> <p>Prior to final or occupancy</p> <p>First year after final</p> <p>Third year after final</p> <p>Fifth year after final</p>	
39	6	<p><b>MITIGATION #6:</b> In order to minimize impacts to sensitive habitat and species, a weed control program shall be developed and implemented during and after construction. Appropriate native grasses and vegetation shall be planted on exposed or bare areas to prevent erosion. The program shall be prepared by a qualified biologist and be consistent with the landscaping plan and other mitigation measures.</p>	<p><u>Monitoring Action 6A:</u> <i>Prior to the issuance of building or grading permits, the applicant shall submit a weed control program to be carried out during construction prepared by a qualified biologist to the Director of Planning and Building Inspection for approval.</i></p>	Owner/ Applicant/ Biologist	Prior to the issuance of building or grading permits	

			<p><u>Monitoring Action 6B: Prior to final or occupancy</u>, the applicant shall submit an updated program by a qualified biologist to the Director of Planning and Building Inspection for review and approval. The updated program shall include a survey of weeds on the property, evaluation of previously treated areas, assessment of the effectiveness of the weed control program, and necessary adjustments to the program. The applicant shall document that that program has been implemented and that the weeds are abated.</p>		Prior to final or occupancy	
			<p><u>Monitoring Action 6C: At the first, third and fifth years after final</u>, the applicant shall submit an updated program for implementation by a qualified biologist to the Director of Planning and Building Inspection for review and approval. This update shall include a survey of weeds on the property, evaluation of previously treated areas, assessment of the effectiveness of the weed control program, and necessary adjustments to the program. The applicant shall submit documentation that the program has been implemented. After the fifth year if necessary, an ongoing program may be required by the Director of Planning and Building Inspection.</p>		First year after final	
					Third year after final	
					Fifth year after final	
			<p><u>Monitoring Action 7: Prior to the issuance of building or grading permits</u>, installation of protective fencing shall be demonstrated and subject to the approval of a qualified biologist and the Director of Planning and Building Inspection.</p>	Owner/ Applicant/ Biologist	Prior to the issuance of building or grading permits	
40	7	<p><b>MITIGATION #7:</b> In order to protect sensitive maritime chaparral habitat and trees from inadvertent damage caused by construction activities, protective fencing shall be placed around sensitive vegetation and trees as determined by a qualified biologist. The building envelope area where construction, stockpiling and staging is approved shall be clearly delineated with staked orange fencing and maintained during construction. Stockpiling, grading and construction activities shall not occur outside of the fenced area. Native trees along the access road where grading will occur</p>				

41	8	<p>shall be protected from damage and protection zones around the trees shall be established. The protection zones marked by orange fencing shall include the entire dripline under the canopy of the tree or cluster of trees.</p> <p><b>MITIGATION #8:</b> In order to limit the disturbed area and minimize biological impacts, construction activities and development shall be restricted to the development envelope to be shown on the site plan. A qualified biologist shall identify the minimum area of disturbance for a stock pile area and staging area for construction equipment within this envelope. Following construction, disturbed areas within the development envelope but outside the building envelope shall be restored and included in the restoration plan. These areas shall not count towards the equivalent restoration required for the development.</p>	<p><u>Monitoring Action 8:</u> <i>Prior to the issuance of building or grading permits, the applicant shall submit building plans identifying the location of the stock pile and staging areas with documentation from a qualified biologist to the Director of Planning and Building Inspection for review and approval.</i></p>	Owner/ Applicant/ Biologist	Prior to the issuance of building or grading permits	
42	9	<p><b>MITIGATION #9:</b> In order to mitigate for the loss of maritime chaparral habitat and to maintain contiguous areas of existing habitat, all bare and disturbed areas and areas affected by road cuts on the Bliss property shall be restored, with the exception of the unimproved road that provides access to property owned by the Big Sur Land Trust and California Department of Parks and Recreation.</p>	<p><u>Monitoring Action 9A:</u> <i>Prior to issuance of building or grading permits, a restoration and landscape plan consistent with other mitigation measures and approved by a qualified biologist shall be submitted to the Director of Planning and Building Inspection for review and approval.</i></p> <p><u>Monitoring Action 9B:</u> <i>Prior to final or occupancy, the applicant shall submit documentation that restoration of all areas and abatement of non-native invasive species has been completed according to the approved landscaping/restoration plans subject to the approval of the Director of Planning and Building Inspection.</i></p> <p><u>Monitoring Action 9C:</u> <i>At the first, third and fifth years after final, the applicant shall submit a restoration report prepared by a qualified biologist to the Director of Planning and Building Inspection for</i></p>	Owner/ Applicant/ Biologist	Prior to the issuance of building or grading permits  Prior to final or occupancy  First year after final	

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			review and approval. The update shall address all areas included in restoration and abatement activities. It shall evaluate the restoration and revegetation, establish success criteria and include any additional or ongoing measures necessary to establish the habitat. If after five years the habitat is not established, further restoration and monitoring may be required by the Director of Planning and Building Inspection.		Third year after final	
					Fifth year after final	
43	10	<p><b>MITIGATION #10:</b> In order to minimize impacts and disturbance to maritime chaparral:</p> <p>a) Any new driveway/road area shall be the minimum length and width (maximum 12 feet) necessary to provide access and to meet Fire requirements.</p> <p>b) Building envelope area for the residence, garage, cabana, pool, pumphouse, water tank and driveway alignment shall not exceed 1.2 acres.</p> <p>Disturbed or bare areas shall be restored and replanted with native vegetation in accordance with the approved landscaping plan and mitigation #8.</p>	<p><u>Monitoring Action 10: Prior to issuance of building or grading permits, the applicant shall either:</u></p> <p>a) Submit a Final Site Plan and verification that the building envelope does not exceed 1.2 acres.</p> <p>Said documents shall be subject to review and approval of the Director of Planning and Building Inspection.</p>	Owner/ Applicant	Prior to issuance of building or grading permits	
44	11	<p><b>MITIGATION #11:</b> Only pervious materials shall be used in construction of the motor court and patios.</p>	<p><u>Monitoring Action 11A: Prior to issuance of building or grading permits, building and grading plans shall reflect the use of pervious materials.</u></p>	Owner/ Applicant	Prior to issuance of building or grading permits	

EXHIBIT

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			<u>Monitoring Action 11B: Prior to final or occupancy</u> , the applicant shall demonstrate that the pervious materials were installed as approved to the Director of Planning and Building Inspection.		Prior to final or occupancy	
45	12	<b>MITIGATION #12:</b> In order to minimize the impacts of construction-related traffic and truck hauling operation on the local road system, the applicant shall prepare a construction management plan to be followed by the contractor. The plan shall include details on the truck hauling operation and indicate the timing and routing of trips which shall occur during non-peak hours and utilize routes that will not adversely impact congestion and include additional specifications.	<u>Monitoring Action 12: Prior to issuance of building or grading permits</u> , the applicant shall submit a construction management plan to the Department of Public Works and Planning and Building Inspection Department for review and approval.	Owner/ Applicant	Prior to issuance of building or grading permits	

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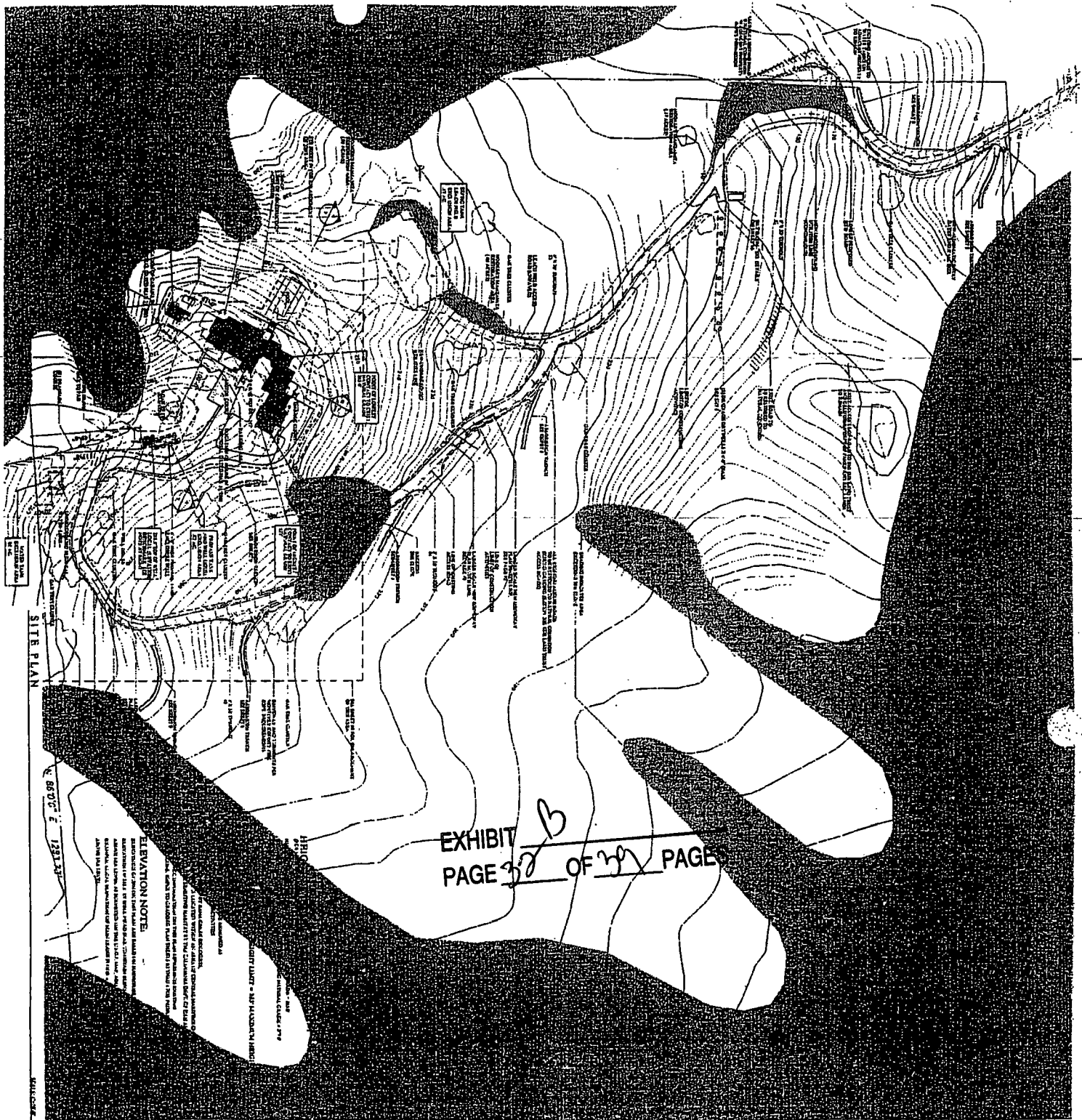


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# SHEET INDEX

## PROJECT DESCRIPTION

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 PROJECT: [Name]  
 LOCATION: [Address]  
 DATE: [Date]  
 SCALE: [Scale]

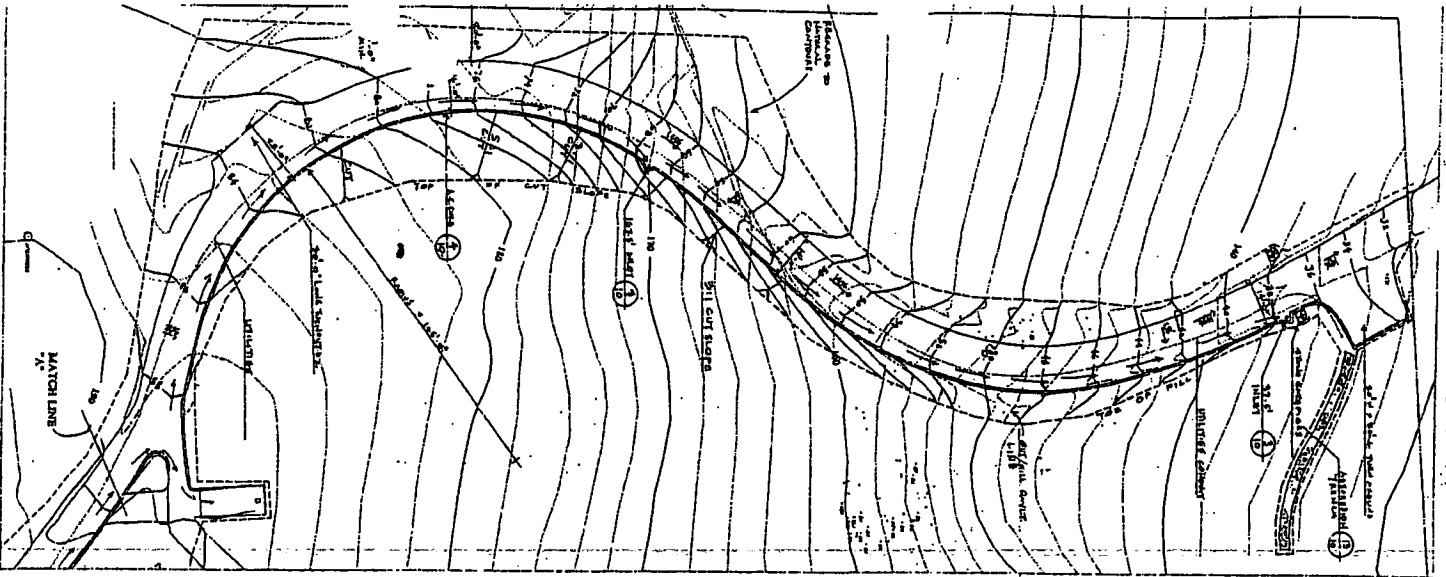
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 PERIMETER: [Value]  
 VOLUME: [Value]  
 ELEVATION: [Value]

## CONSULTANTS

CONSULTANT: [Name]  
 ADDRESS: [Address]  
 PHONE: [Phone Number]  
 FAX: [Fax Number]  
 EMAIL: [Email Address]

DRIVE GRADING PLAN B



DRIVE GRADING PLAN B

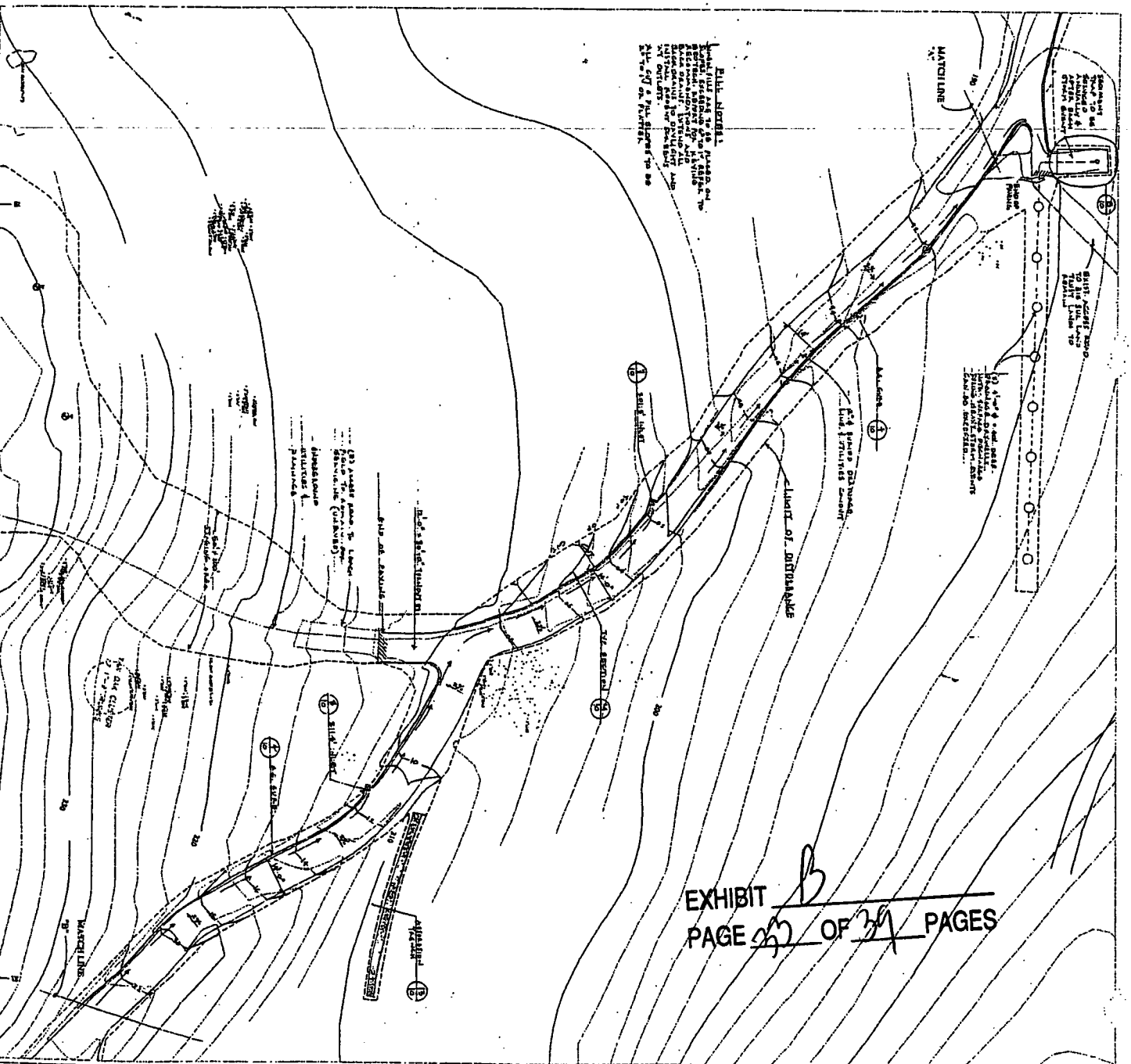


EXHIBIT *B*  
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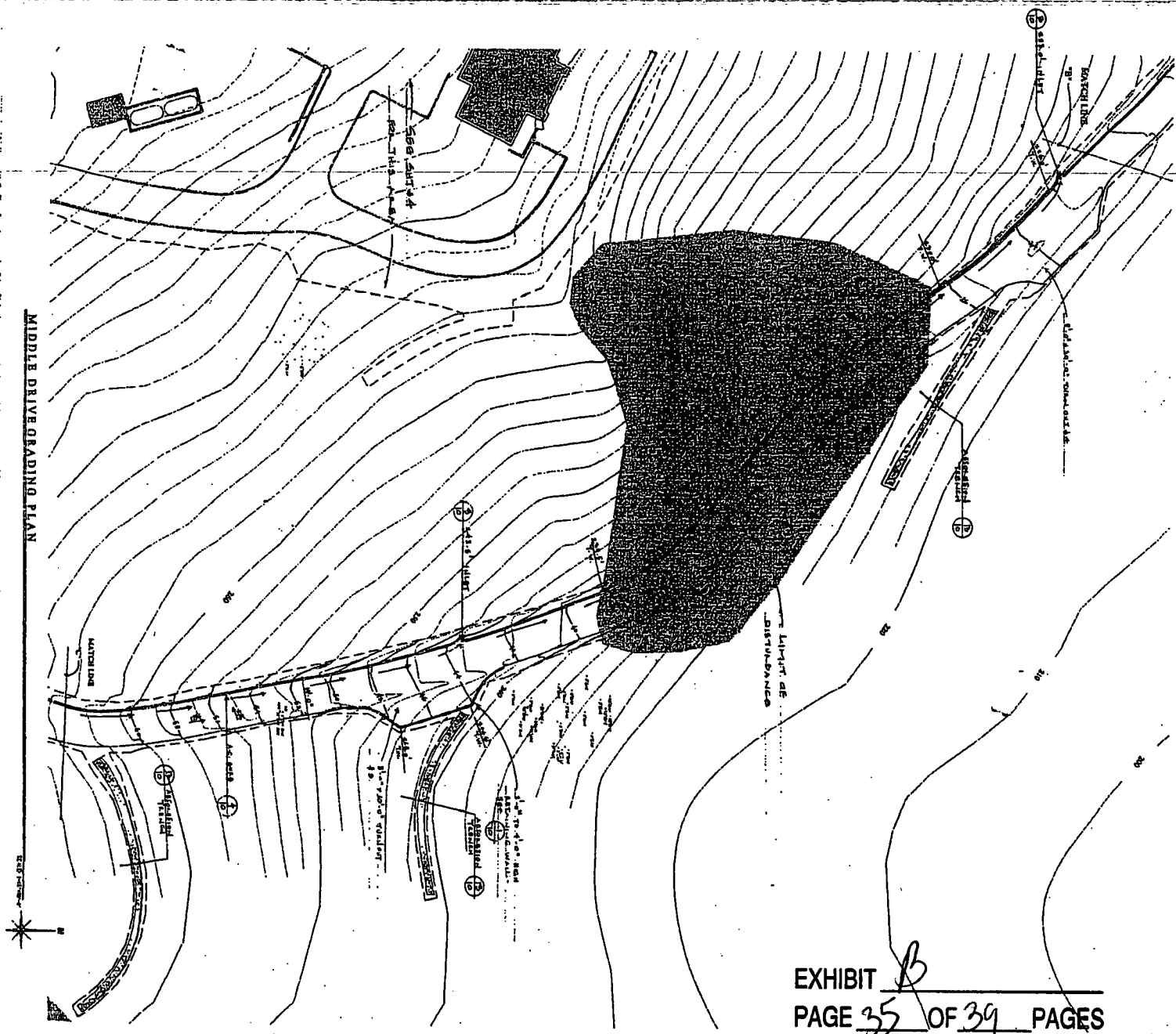
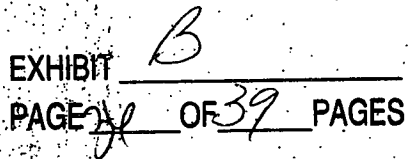


EXHIBIT B  
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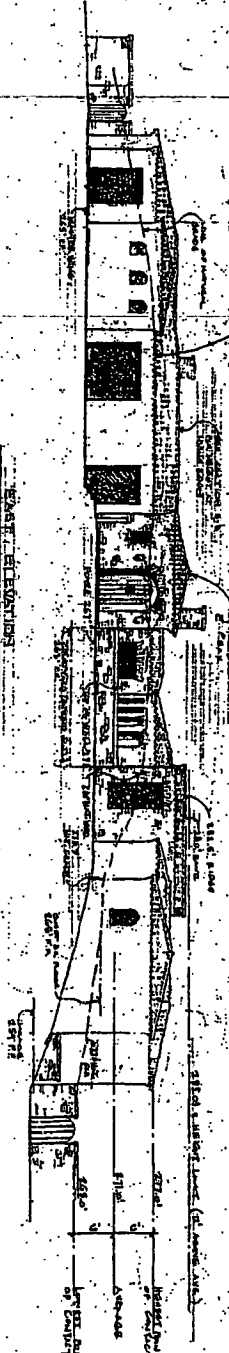
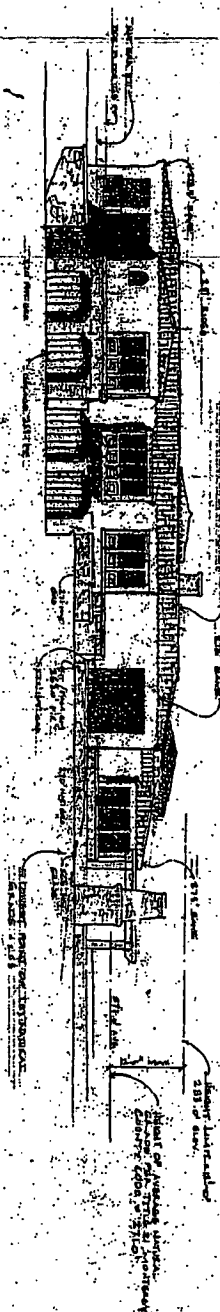


EXHIBIT B  
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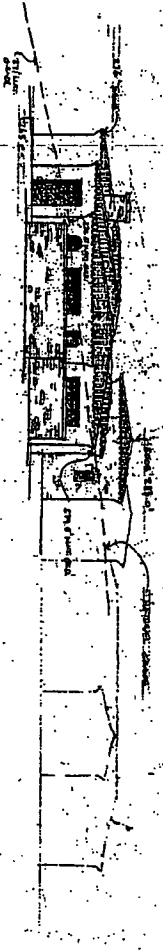
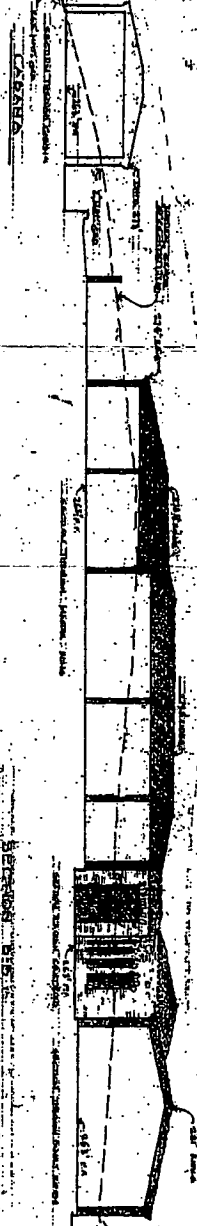
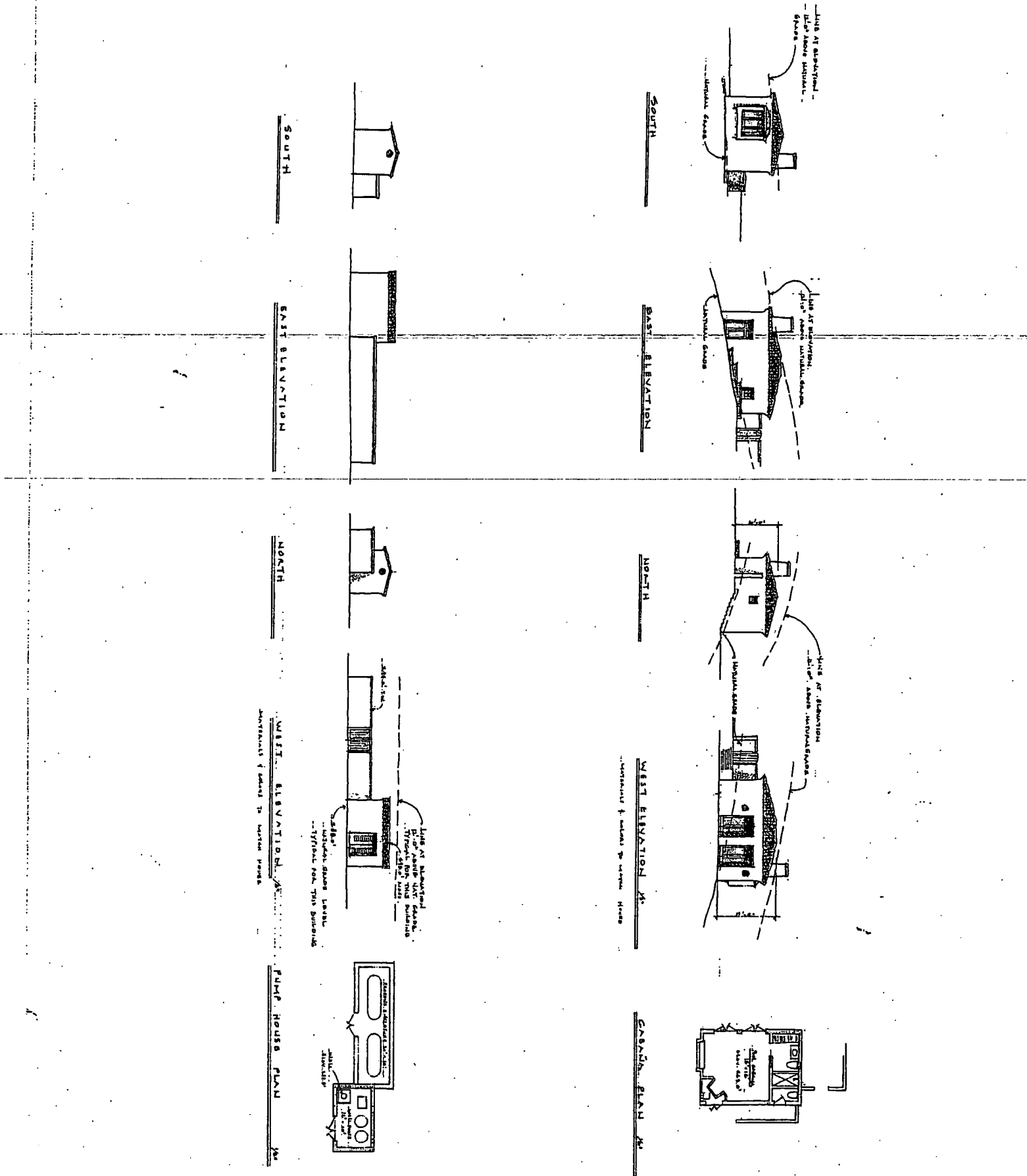


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## EXHIBIT C

The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.146.080.D.3 of the Coastal Implementation Plan and per the standards for development of residential property.

If any limited fuel reduction program should become necessary in the native habitat for fire protection, it shall be developed with the aid of a qualified forester, biologist, Fire Department and Planning and Building Inspection staff so as to best help reduce the fire danger and maintain or improve habitat values.

~~There shall be no short-term (less than thirty (30) days) rental of the single family home or any accessory buildings (e.g. pool house, guest house, etc.).~~

With regard to the poolhouse, the regulations applicable to guesthouses pursuant to Section 20.64.020 (Zoning Ordinance) are as follows:

1. Only one guesthouse shall be allowed per lot.
2. Detached guesthouses shall be located in close proximity to the principal residence.
3. Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
4. The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
5. There shall be a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
6. Guesthouses shall not exceed 425 square feet of livable floor area.
7. Guesthouses shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
8. Prior to the issuance of permits for guesthouse construction, or for use of an existing structure as a guesthouse, the applicant shall record a deed restriction stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and shall not have cooking or kitchen facilities.
9. Subsequent subdivisions which divide a main residence from a guesthouse shall not be permitted.
10. The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.



11. The guesthouse height shall not exceed 12 feet nor be more than 1 story. Additions to height and placement of guesthouses over a 1-story structure, such as a garage, may be considered by Coastal Development Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence.

Because of the visual sensitivity of the area, all landscaping shall be approved by the Planning and Building Inspection Department. All exterior design changes, including color changes associated with repainting, re-roofing, exterior lighting changes and landscaping changes, shall be approved through the design approval process.

Landscaping within development areas shall emphasize preservation of the natural character of the communities present. Individual trees and larger shrubs present on the land shall be integrated into approved landscape plans where possible.

No invasive species of plants shall be planted on the property, which include but are not limited to pampas grass (*Cortaderia jubata*), Hottentot fig or iceplant (*Carpobrotus edule*).

All landscaping shall be installed prior to occupancy and permanently maintained in a healthy condition pursuant to the landscaping plan.

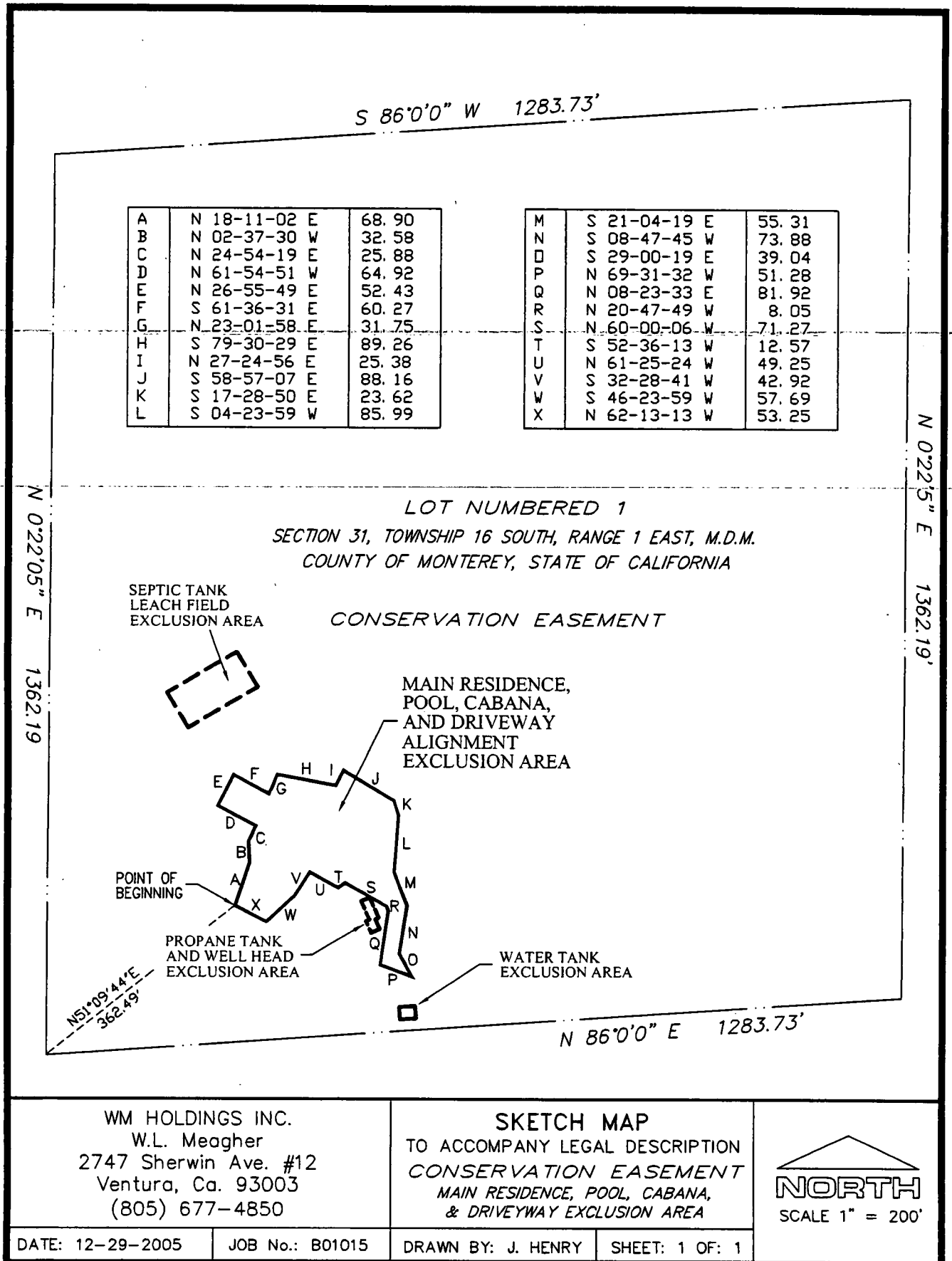
All construction activities and improvements shall be limited to the building envelopes.

The property is also subject to an Agreement to Implement a Mitigation Monitoring and/or Reporting Plan.

EXHIBIT C  
PAGE 2 OF 2 PAGES



# EXHIBIT D1



WM HOLDINGS INC.  
W.L. Meagher  
2747 Sherwin Ave. #12  
Ventura, Ca. 93003  
(805) 677-4850

**SKETCH MAP**  
TO ACCOMPANY LEGAL DESCRIPTION  
**CONSERVATION EASEMENT**  
MAIN RESIDENCE, POOL, CABANA,  
& DRIVEWAY EXCLUSION AREA

NORTH  
SCALE 1" = 200'

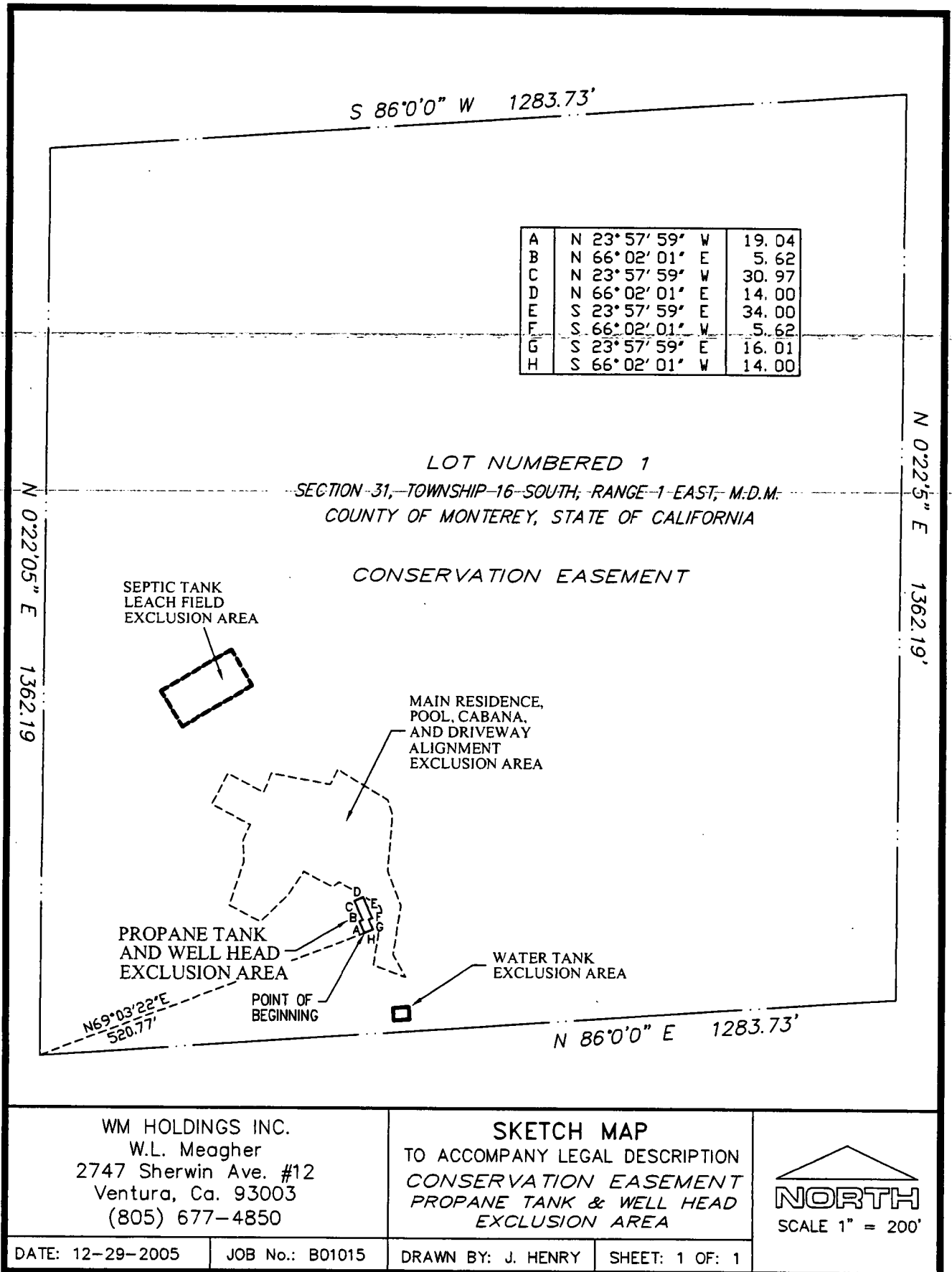
DATE: 12-29-2005

JOB No.: B01015

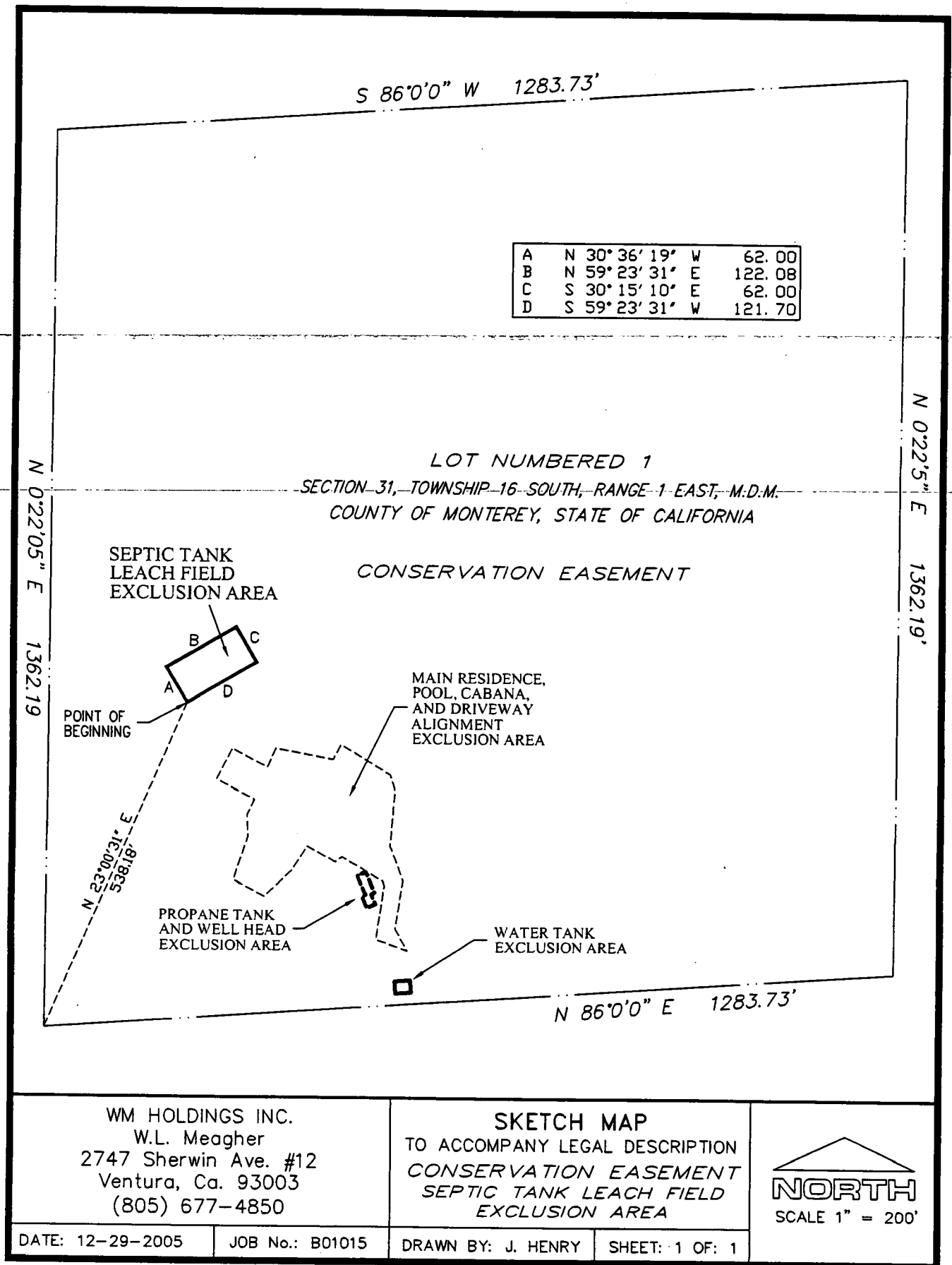
DRAWN BY: J. HENRY

SHEET: 1 OF: 1

# EXHIBIT D2



# EXHIBIT D3



WM HOLDINGS INC.  
W.L. Meagher  
2747 Sherwin Ave. #12  
Ventura, Ca. 93003  
(805) 677-4850

**SKETCH MAP**  
TO ACCOMPANY LEGAL DESCRIPTION  
**CONSERVATION EASEMENT**  
**SEPTIC TANK LEACH FIELD**  
**EXCLUSION AREA**

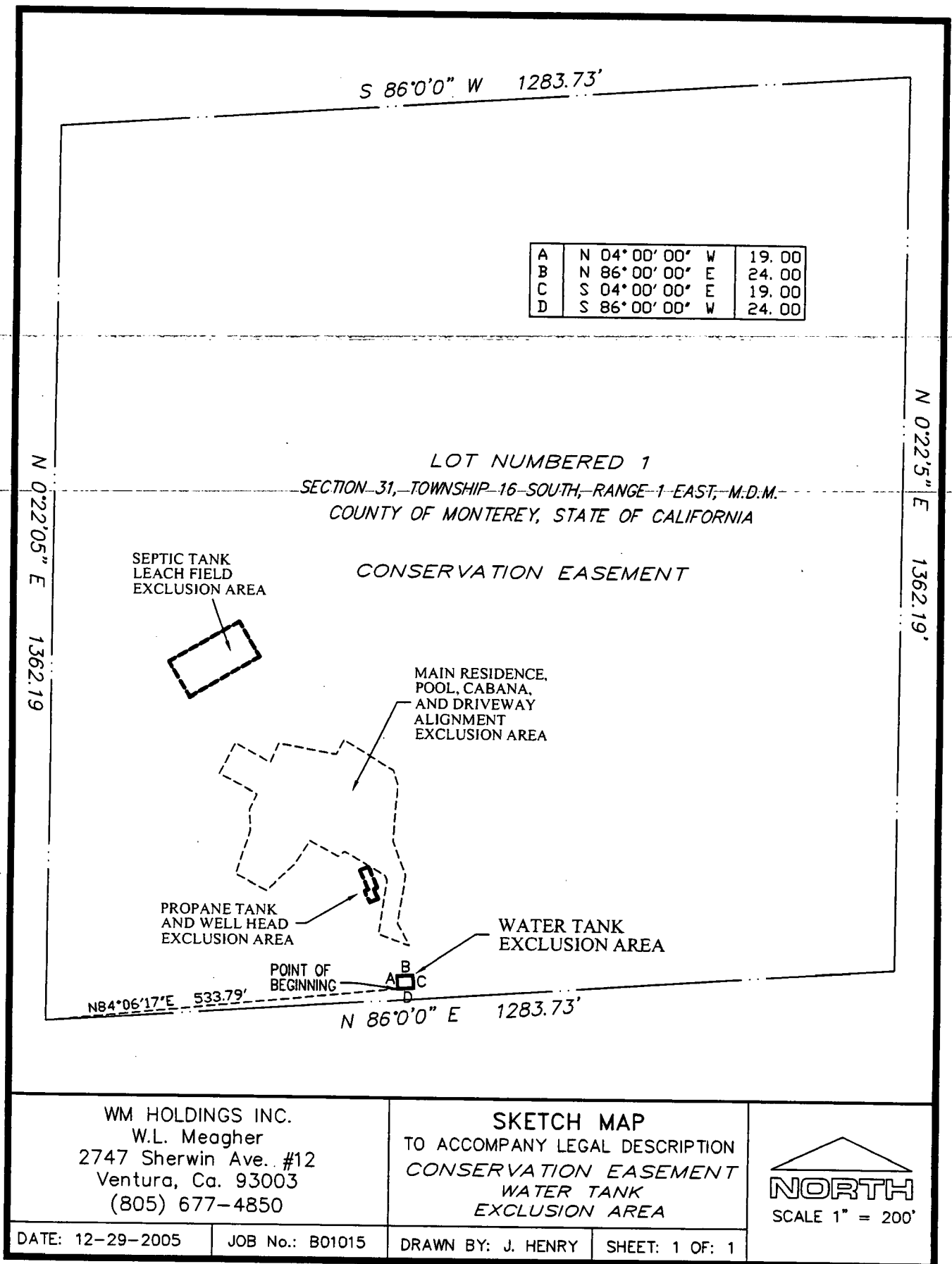
**NORTH**  
SCALE 1" = 200'

DATE: 12-29-2005

JOB No.: B01015

DRAWN BY: J. HENRY

SHEET: 1 OF: 1

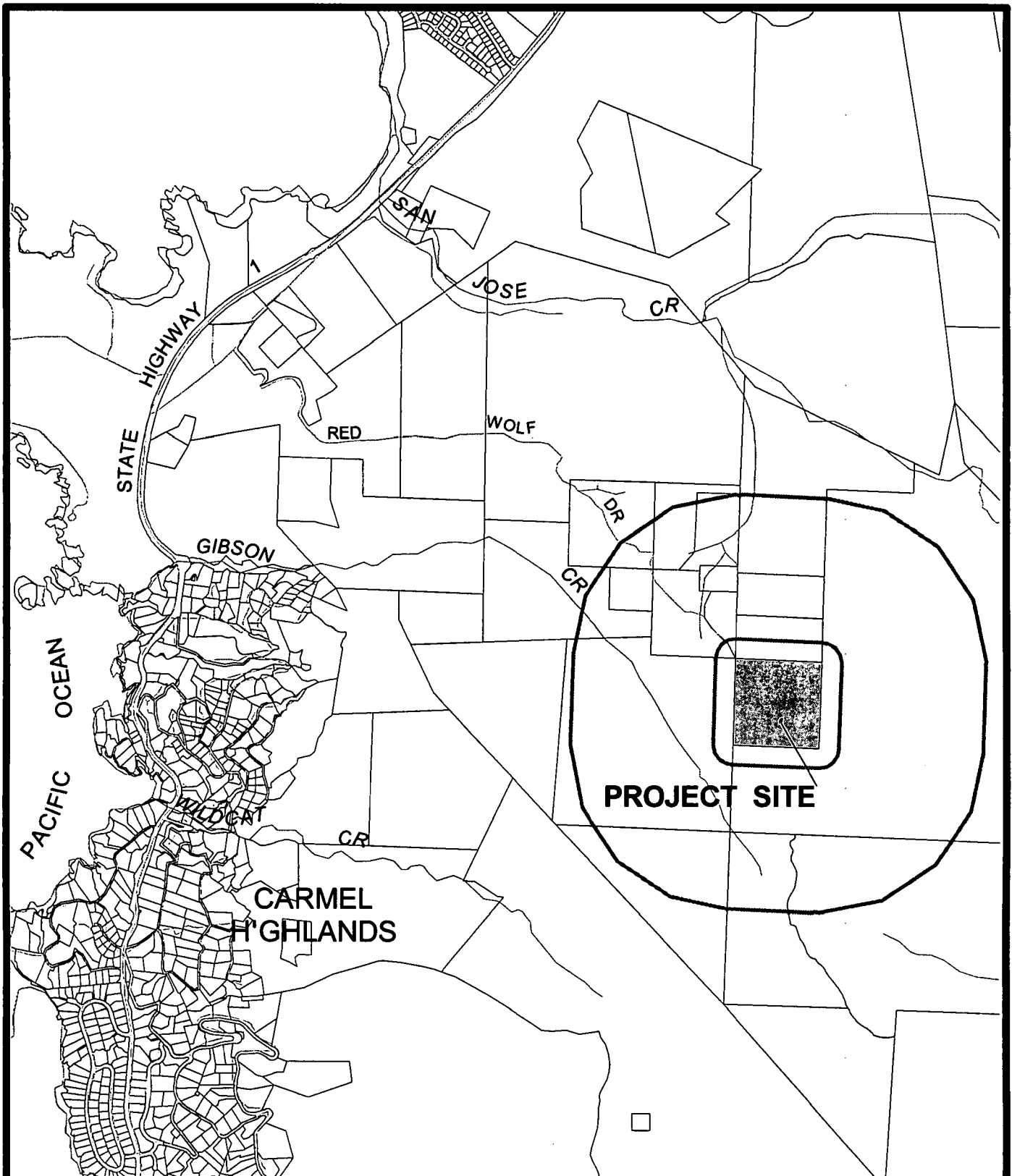


**Exhibit C**

**VICINITY MAP**

Betsy W. Bliss TR – PLN030071

Combined Development Permit



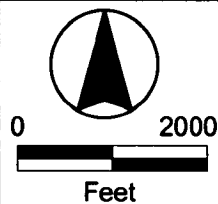
**APPLICANT: BLISS**

**APN: 416-011-017-000**

**FILE# PLN 030071**

 **300' Limit**

 **2500 Limit**



**PLANNER: LEE**



# BOARD REPORT AUTHORIZATION - ROUTING FORM

<b>Agenda Date</b>	January 23, 2007	<b>Consent</b>	<b>X</b>
<b>Contact Person</b>	Connie Mendoza	<b>Scheduled</b>	
<b>Phone</b>	755-5184	<b>Noticed</b>	
<b>Department</b>	RMA-Planning	<b>Time needed</b>	<b>n/a</b>
<b>Subject</b>	Consider the following actions for PLN030071/Bliss a) Accept the Conservation and Scenic Easement Deed for the Betsy W. Bliss TR for property located at 3600 Red Wolf Drive Carmel, at the end of Red Wolf Drive off Riley Ranch Road, easterly of Point Lobos and Highway 1 (APN: 416-011-017-000) Carmel Highlands area, Coastal Zone. b) Authorize the Chair of the Board of Supervisors to sign the Conservation and Scenic Easement Deed. c) Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing/recordation.		

Yes	No	CHECK LIST
	<b>X</b>	<b>4/5<sup>th</sup> Vote Required:</b> Required to transfer appropriations from contingencies; cancel reserves; increase estimated revenues/appropriations; adopt interim (urgency) ordinances; and for other matters (seek direction from County Counsel).
	<b>X</b>	<b>Contract:</b> CAO-Risk Management has reviewed and signed the contract.
<b>X</b>		<b>Contract:</b> County Counsel has reviewed and signed the contract.
	<b>X</b>	<b>Contract:</b> Auditor-Controller has reviewed and signed the contract.
	<b>X</b>	<b>Budget Amendment:</b> The item includes a budget amendment.

APPROVED BY:	Yes/No	By	Date	Comments
Dept. Finance Manager				
County Counsel	<i>yes</i>	<i>mgs</i>	<i>12/29/06</i>	<i>Approved as submitted mgs</i>
CAO Human Resources				
Information Technology				
CAO Budget Analyst				

REQUIRED REVIEWERS	CAO Budget Analyst	County Counsel	CAO HR	Information Technology
Contracts over \$25k & Contracts under \$25k with changes				
Budget adjustments				
Personnel actions				
Grant applications				
Non-standard computer projects				
Planning/land use (non-budget issues)		<b>X</b>		
Ordinances				
Resolutions declaring emergencies				
All other reports				

**Routing instructions:** Route the routing form, complete board report, and all attachments as indicated above for appropriate review and approval. The CAO-Budget Analyst is the last reviewer of reports and must receive reports at least three (3) working days prior to the Clerk to the Board's submission deadline (does not apply to non-budget Planning Department and land use items).

**Submission instructions:** Board reports must be submitted to the Clerk to the Board and entered into LegisStream by noon Monday (8 days) prior to the Board of Supervisors meeting. Reports without the required signatures will not be accepted. Late reports will be held over to a future meeting unless the County Administrative Officer or his/her designee provides authorization.

**Questions:**

***Contact Clerk to the Board 755-5066 or consult the Board Report Guidelines***

**END OF DOCUMENT**