

Attachment D

This page intentionally left blank.

When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: **BERNAL, LUCY**
168 West Alisal St 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN030379
Resolution No.: 13-004
Owner Name: Brandywine Trust Company
Project Planner: Lucy Bernal
APN: 421-011-001-000

The Undersigned Grantor(s) Declare(s):
DOCUMENTARY TRANSFER TAX OF \$ 0
 computed on the consideration or full value of
property conveyed, OR
 computed on the consideration or full value less
value of liens and/or encumbrances remaining at
time of sale,
 unincorporated area; and
 Exempt from transfer tax,
Reason: Transfer to a governmental entity


Signature of Declarant or Agent

CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

THIS DEED made this 14th day of September, 2016, by and between
Brandywine Trust Company, LLC, as Trustee of the Arthur C. Patterson Personal
Residence Trust B under Deed of Trust dated May 15, 1996, 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 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 Combined Coastal Development Permit (File Number **PLN030379**) (hereinafter referred to as the "Permit") was granted on **January 30, 2013** by the Monterey County **Planning Commission** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **Resolution 13-004** attached hereto as Exhibit "B" and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

- **Condition No. 13:** *The applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed, including but not limited to, all existing vegetated areas without which the development would be located within the critical viewshed, pursuant to Sections 20.145.030.A.2(g) and (h) of the Regulations for Development in the Big Sur Coast Land Use Plan. The easement shall allow management of the eucalyptus grove, consistent with the biological reports prepared for the project. Tree replacement types and locations shall be consistent with the landscape plan (Condition No. 9) and the tree replacement notice (Condition No. 38).*
- **Condition No. 38:** *To ensure the ongoing management and protection of the Big Sur Critical Viewshed, the Applicant shall record a notice which states: "Removal of trees 12 inches DBH or greater shall be replaced on the site, subject to review and approval of the project arborist and the RMA - Planning Department, at a rate of one for each tree removed. This replacement requirement shall apply to all trees which provide screening on the eastern and southern portion of the parcel which are inadvertently damaged or destroyed, regardless of the method of damage or destruction (e.g., construction, inclement weather, etc...). Tree replacement shall involve the "filling-in" of natural tree screening. The goal shall be to continue to screen the structures from the Big Sur Critical Viewshed, per the Big Sur Coast Land Use Plan Visual Resource policies. Trees shall be replaced as quickly as feasible, and shall be as large as feasible to ensure*

screening. Replacement types and locations shall be consistent with the landscape plan under Condition No. 9."

WHEREAS, the Property of said Grantor has certain natural scenic beauty and existing openness visible from California Highway One, a public viewing area, (hereinafter the "Public Viewing Area") which are protected as "Critical Viewshed" pursuant to Sections 20.145.030.A.2 and (h); and

WHEREAS, the final landscape plans approved by the County as part of the Permit (Condition No. 9) insures that existing and proposed vegetation will screen new development approved under the Permit in order to avoid increasing development on the Property visible from the Public Viewing Area; 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 the Property of the Grantor; and

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 the Resolution granted the Permit to the Grantor upon condition (hereinafter the "Condition") described above requiring inter alia, that the Grantor record a conservation and scenic easement (hereinafter "easement") over the Property comprising both the Vegetative Screening Maintenance Area and the Viewshed Development Prohibition Area as shown in Exhibit "C-1 & C-2" 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 conservation and scenic use as herein expressed of the Property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantor through the imposition of the conditions hereinafter expressed;

NOW, THEREFORE, the Grantor does hereby grant and convey unto the County of Monterey on behalf of the people of the State of California an estate, interest, and conservation and scenic easement in the property 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 Property the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. The Property 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 and depicted in Exhibit "C-1 & C-2", attached hereto, and made a part hereof, which defines both the Vegetative Screening Maintenance Area and the Viewshed Development Prohibition Area.

B. OBLIGATIONS APPLICABLE TO THE VEGETATIVE SCREENING MAINTENANCE AREA: The obligations hereby imposed on the Grantor as to the Vegetative Screening Maintenance Area shall be as follow:

1. *Within the Vegetative Screening Maintenance Area, existing and proposed vegetation shall at the Grantor's expense be maintained at all times to avoid exposure of any portion of the development approved by the Permit from the Public Viewing Area. At the Grantor's expense, all vegetation within the Vegetative Screening Maintenance Area which screens the approved development from the Public Viewing Areas and that is destroyed, diseased or significantly damaged or requires removal, shall be*

immediately replaced with mature specimens to ensure full protection from exposure of any portion of the approved development from Public Viewing Area.

2. *Structural development within the Vegetative Screening Maintenance Area (as identified in Exhibit "C-1 & C-2") shall be limited to existing or subsequently permitted fences, gates, gate terminals, walls, walkways, steps, driveways, mailboxes, street address signage, paths and erosion control structures.*

3. *Management of vegetative screening within the Vegetative Screening Maintenance Area shall be in accordance with the Permit's Landscape Plan (Condition No. 9) on file with the Monterey County Planning Department and as amended subject to County Approval.*

C. RESTRICTIONS APPLICABLE TO THE VIEWSHED DEVELOPMENT PROHIBITION AREA: The restrictions hereby imposed on the Grantor as to the Viewshed Development Prohibition Area shall be as follow:

1. *That no new structures will be placed or erected upon said Viewshed Development Prohibition Area unless approved by the Permit.*

2. *That no advertising of any kind or nature shall be located on or within the Viewshed Development Prohibition Area.*

3. *That the Grantor shall not plant nor permit to be planted any vegetation upon the Viewshed Development Prohibition Area unless approved by the Permit.*

4. *The general topography of the landscape shall be maintained as approved under the Permit and no other excavation or topographic changes shall be made.*

5. *That no use of the Viewshed Development Prohibition Area which will or does materially alter the landscape or other attractive scenic features of the Viewshed Development Prohibition Area other than those specified above shall be done or suffered.*

D. EXCEPTIONS AND RESERVATIONS APPLICABLE TO THE VIEWSHED DEVELOPMENT PROHIBITION AREA: Subject to all applicable laws regulating the use of land, including the Critical Viewshed Prohibition pursuant to Sections 20.145.030.A.2 and (h), the following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement:

1. *Non-habitable accessory development limited to water systems, fences, gates, and utilities including power generation and wireless telecommunications*

equipment and the like which are constructed in a manner which does not compromise the open space values of the Property.

2. *Non-habitable accessory development limited to troughs, cattle guards, cattle chutes, corrals, driveways, sheds, workshops, and barns and the like which are constructed in a manner which does not compromise the open space values of the Property and serve an active agricultural use of the Property.*

3. *Development of the Property for personal and commercial animal husbandry and the production of food and fiber.*

4. *Restoration and/or stabilization of eroded or similarly adversely impacted land, provided that said restoration and/or stabilization shall be performed in a manner which is consistent with maintaining the Property's agricultural and open space values.*

5. *Fire protection measures which are required or recommended to be performed by the local fire protection authority including, but not limited to, constructing and maintaining fire breaks and fuel management.*

6. *Demolition or removal of any development and the maintenance or replacement of any existing development.*

7. *The removal of any sick, diseased, dead, or nonnative invasive vegetation.*

8. *Habitat restoration with drought-tolerant native plant species and subject to written approval from Grantee and all necessary governmental entitlements.*

9. *Management of annual and perennial grasses.*

10. *Maintenance and improvement of existing ranch roads.*

11. *Access to and in connection with the use and enjoyment of those portions of the Property not subject to this Easement.*

12. *Low intensity pedestrian and equestrian trails and accessory trail improvements such as benches, signs, rest areas, troughs, hitching posts, and picnic tables which do not compromise the open space values of the Property.*

E. SUBJECT TO APPLICABLE LAWS. Land uses permitted or reserved to the Grantor by this instrument shall be subject to all applicable laws regulating the use of land.

F. 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.

G. 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.

H. 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 grant of easement will be deemed a breach hereof. The Grantee may bring any action in 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.

I. 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.

J. 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,

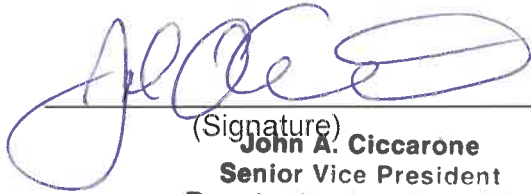
upon, or in any way connected with the Property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Easement Area 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 rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

K. 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.

L. SEVERABILITY. 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.

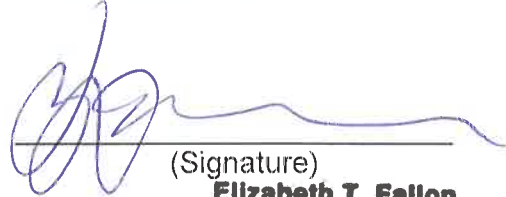
Executed this 14th day of September, 2016, at Hockessin, Delaware.

By:


(Signature)
John A. Ciccarone
Senior Vice President

Brandywine Trust Co., LLC
(Print or Type Name and Title)

By:


(Signature)
Elizabeth T. Fallon
Vice President

Brandywine Trust Co., LLC
(Print or Type Name and Title)

As Trustee, BRANDYWINE TRUST COMPANY, LLC,
As Personal Residence Trust B under Deed of Trust dated May15, 1996

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF DELAWARE)
COUNTY OF NEW CASTLE)

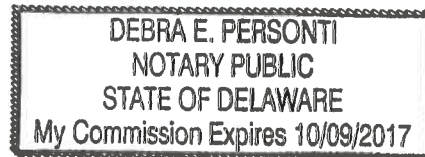
On September 14, 2016 before me, Debra E. Personti, a Notary Public, personally appeared John A. Ciccarone & Elizabeth T. Fallon, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in ~~his~~ her/their authorized capacity(ies), and that by ~~his~~ her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Debra E. Personti

(Seal)



This is to certify that the Deed Restriction set forth above is hereby acknowledged by the Director of the Monterey County Resource Management Agency - Planning pursuant to the action of the _____ on _____ and that Monterey County consents to its recordation thereof.

Dated: _____

Carl Holm, Director
RMA - Planning

APPROVED AS TO FORM:
COUNTY COUNSEL

by Deputy County Counsel

Monterey County Resource Management Agency
Planning Staff

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on _____, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on _____,) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: _____.

Type/Print Name: _____
Chair, Monterey County Board of Supervisors

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel

By: _____ DATED: _____

Type/Print Name: _____
Deputy County Counsel

EXHIBIT "A"

The real property in Monterey County, State of California, commonly known as the Santa Lucia Ranch, Big Sur, California, and more particularly described as follows:

Parcel 2, as said Parcel is shown and so designated on that certain Parcel Map filed in Volume 15 of "Parcel Maps", at Page 18, Monterey County Records.

APN: 421-011-001-000

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

In the matter of the application of:

BRANDYWINE TRUST COMPANY (PLN030379)

RESOLUTION NO. 13-004

Resolution by the Monterey County Planning
Commission:

- 1) Adopting the Mitigated Negative Declaration;
- 2) Approving the Combined Development Permit,
based on the findings and evidence and subject to
the conditions of approval; and
- 3) Adopting the Mitigation Monitoring and
Reporting Plan.

[PLN030379, Brandywine Trust Company, 56440
Highway 1, Big Sur Coast Land Use Plan (APN:
421-011-001-000)]

The Brandywine Trust Company application (PLN030379) came on for public hearing before the Monterey County Planning Commission on January 30, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE:
 - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 3;
 - Monterey County Zoning Ordinance (Title 20); and
 - Monterey County Subdivision Ordinance (Title 19 - Coastal)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The property is located at 56440 Highway 1, Big Sur (Assessor's Parcel Number 421-011-001-000), South Coast Area, Big Sur Coast Land Use Plan. The parcel is zoned WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone)]. This zoning allows construction of the first single family dwelling and accessory structures as a principal use with a Coastal Administrative Permit and Design Approval. This zoning also allows subdivisions, use of a Transfer Development Credit, development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, and tree removal as conditional uses with a Coastal Development Permit, provided the necessary findings can be met. Therefore, the project is an allowed land use for this site.
 - c) The project planner conducted a site inspection on March 23, 2012, to

verify that the project on the subject parcel conforms to the plans listed above.

- d) Public Access: See Finding No. 6.
- e) Slope Exceeding 30 Percent: Development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Big Sur Coast Land Use Plan than other development alternatives. See Finding No. 7.
- f) Environmentally Sensitive Habitat Areas (ESHA): Development within 100 feet of ESHA must minimize impacts in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 8.
- g) Subdivision: See Finding No. 9.
- h) Tree Removal: Development must minimize tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 10.
- i) Big Sur Critical Viewshed: Development must avoid impacts to the Big Sur Critical Viewshed in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 11.
- j) Wildfire Protection: See Finding No. 12.
- k) Transfer of Development Credit: See Finding No. 13.
- l) Cultural Resources: The project site is in an area identified in County records as having a high archaeological sensitivity, and the archaeological report prepared for the project identified six known archaeological sites within one kilometer of the project site, including the parcel to the north. However, an archaeological survey conducted for the project did not identify any previously unrecorded archaeological resources within the project site area. Examination of the project site and surrounding area during field reconnaissance revealed no evidence for potential impacts to archaeological resources, and the archaeologist concluded that monitoring of construction activities is not warranted. In addition, no historical or paleontological resources, or unique geologic features are identified as associated with this site. Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3).
- m) Water Resources: The existing parcel and structures have an adequate water supply, and will continue to use the same supply. The proposed parcel and structures will develop a separate spring-fed water source. The Environmental Health Bureau (EHB) reviewed the proposed project application, reviewed spring data for both proposed parcels, and determined that each spring meets quantity and quality requirements. The new source would provide service to the proposed single family dwelling located on the same proposed parcel, and will not result in substantial water use intensification or an interbasin transfer of water. As proposed and conditioned, the project is consistent with applicable policies of the Big Sur Coast Land Use Plan, Chapter 3.4, Water Resources. See Finding Nos. 3 and 9.
- n) Agricultural Resources: The project, as proposed and conditioned, is

consistent with Big Sur Coast Land Use Plan policies regarding agricultural resources. The property is not designated as prime agricultural soils, nor is it designated for agricultural preservation or conservation.

- o) The total project area consists of one 49.0 acre parcel, which is proposed to be subdivided into two lots of 40.0 and 9.0 acres. Based on the current land use designation and zoning classification, the property could allow a density of 40 acres per unit. As proposed and designed, this minor subdivision would create two parcels, with an existing and proposed single family dwelling. Pursuant to Section 20.17.060, the minimum building site in the WSC zoning classification shall be 1 acre if approved as part of a clustered residential development, or the acres per unit shown for the specific WSC district. This particular WSC district designates 40 acres per unit. The increased density of development is allowed by the transfer of development credit from a donor site established under PC94155. See Finding No. 13.
- p) The legality of the subject parcel identified as Assessor's Parcel Number 421-011-001-000 is supported by Parcel Map MS 81-14, recorded December 2, 1981 (Volume 15, Page 18). In addition, the existing property is developed with a single family residence and accessory structures, and is therefore a legal parcel per Title 19, Section 19.14.045.A.2.
- q) The project was referred to the South Coast Land Use Advisory Committee (LUAC) for review. This application did warrant referral to the LUAC because it involves development requiring CEQA review and a Design Review subject to review by the Planning Commission. The LUAC unanimously voted to support the project as proposed at a public meeting held on August 24, 2004.
- r) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Parks Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Cultural (Archaeological) Resources, Biological Resources, and Soil Stability. The following reports have been prepared:
 - Preliminary Archaeological Reconnaissance (LIB040143) prepared by Archaeological Consulting, Salinas, California, July 7, 2003.
 - Biological Assessment (LIB040142) prepared by Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 2, 2003.
 - Geotechnical Soils-Foundation & Geoseismic Report (LIB040144)

prepared by Grice Engineering and Geology, Inc., Salinas, California, April 5, 2003.

- Geological Hazards Investigation (LIB040145) prepared by Gasch & Associates, Inc., Rancho Cordova, California, June 24, 2004.
- Biological Letter (LIB130008) prepared by Fred Ballerini Biological and Horticultural Services, Pacific Grove, California, January 9, 2013.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on March 23, 2012, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

3. **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 the RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Parks Department, Environmental Health Bureau, and Water Resources Agency. The respective 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.
- b) Necessary public facilities either are or will be provided. The existing parcel and structures have the required septic system and water supply, will continue to use these same facilities, and will have adequate septic repair areas. The proposed parcel and structures (i.e., a single family dwelling and non-habitable accessory structure) would require the construction of a new septic system on the property. The Environmental Health Bureau (EHB) reviewed the proposed project application and determined that adequate space is available for a septic system and a replacement area. The dwelling would also be serviced by development of a spring-fed water supply. EHB applied conditions of approval as required (Condition Nos. 15 and 16).
- c) See Finding Nos. 1, 2, 4, 5, and supporting evidence.
- d) Staff conducted a site inspection on March 23, 2012, to verify that the site is suitable for the proposed use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File

PLN030379.

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.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
 - b) Staff conducted a site inspection on March 23, 2012, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.
5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN030379).
 - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan have been prepared in accordance with Monterey County regulations, are designed to ensure compliance during project implementation, and are hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition No. 6).
 - e) The Draft Mitigated Negative Declaration ("MND") for PLN030379 was prepared in accordance with CEQA and circulated for public review from November 13 through December 17, 2012 (SCH#: 2012111034).
 - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions,

- hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utilities/service systems.
- g) The County identified less than significant impacts to aesthetics, air quality, geology/soils, greenhouse gas emissions, hydrology/water quality, land use/planning, noise, and population/housing. Mitigation measures will not be required for these resource areas.
 - h) The County identified potentially significant impacts to biological resources, and mitigation measures have been proposed to reduce the impacts to a level of less than significant. Mitigation Measures Nos. 1 and 2 reduce or avoid potential impacts to Monarch butterflies. Mitigation Measure No. 3 ensures protection of the rocky shore and marine habitat at the base of the bluff. Mitigation Measure Nos. 4 and 5 reduce or avoid potential impacts to Smith's blue butterflies. Mitigation Measure Nos. 6 through 10 ensures protection of the Sitka willow riparian forest habitat adjacent to the proposed development site. See Finding No. 8, Environmentally Sensitive Habitat.
 - i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2 / Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in the RMA-Planning Department (PLN030379) and are hereby incorporated herein by reference.
 - j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site either supports, or has the potential to support, Monarch butterflies, Smith's blue butterfly, Sitka willow riparian forest habitat, and the dusky-footed woodrat. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
 - k) The County has considered the comments received during the public review period and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. Consistent with State regulatory requirements, the Applicant shall obtain an encroachment permit from Caltrans for access to Highway 1.
 - l) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) Figure 2 (Shoreline Access Plan - Central Section), in the Big Sur Coast Land Use Plan, identifies that the subject property is within an area described as a Priority 3 access area for shoreline access. However, safety hazards (slopes), potential natural resource conflicts, and limited potential parking areas make the project area suitable only for visual access. Condition No. 13 shall require the Applicant to record a Scenic Easement over those portions of the parcel within the Big Sur Critical Viewshed.
 - c) Figure 3 (Trails Plan - Central Section), in the Big Sur Coast Land Use Plan, identifies that the subject property is not described as an area where the Local Coastal Program requires public trail access.
 - d) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - e) Staff conducted a site inspection on March 23, 2012.
 - f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.
- EVIDENCE:**
- a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) The project includes application for development on slopes exceeding 30%. The Applicant proposes to construct an approximately 2,729 square foot single family dwelling within an existing excavated depression. General Plan Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. In addition, Policy 3.7.3.A.1 of the Big Sur Coast Land Use Plan directs that all development be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The County has reviewed the project plans and visited the site to analyze possible development alternatives. Given the site's topography and location between Highway 1 and the Pacific Ocean, there is no feasible alternative that would avoid development on slope greater than 30 percent and simultaneously satisfy other goals and objectives of the

applicable land use plan regarding protection of the viewshed and environmentally sensitive habitat. In addition, the Applicant's proposal minimizes excavation by conforming to the existing site topography. Therefore, the proposed development is consistent with applicable policies regarding development on slope exceeding 30 percent, and an exception may be granted.

- c) The Planning Commission shall require such conditions of approval and changes in the development as it may deem necessary to assure compliance with MCC Section 20.145.080 (Condition Nos. 7 and 8).
- d) The project planner conducted a site inspection on March 23, 2012.
- e) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

8. **FINDING:**

ESHA – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE:

- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) Chapter 3.3, Environmentally Sensitive Habitats, of the Big Sur Coast Land Use Plan, directs that development shall not result in disruption of habitat value. County records and the biological report prepared for the proposed structural development indicate the potential presence of and impacts to Monarch butterflies, Smith's blue butterfly, Sitka willow riparian forest habitat, and the dusky-footed woodrat. However, as conditioned and mitigated, potential impacts to sensitive species and habitat are considered to be less than significant. Upon implementation of the mitigations measures, the development would not result in disruption of habitat values. Furthermore, the proposed structural development has been sited and designed to minimize or avoid potential impacts to biological resources. Therefore, the project as designed is consistent with the environmentally sensitive habitat policies regarding protection of natural resources.
- c) **Monarch Butterflies:** Tree cover on the existing parcel is composed of non-native blue gum eucalyptus, planted Monterey cypress, Coast redwoods, and Monterey pine. The proposed building site is surrounded and vegetated by Northern Coastal Scrub habitat, characterized by low, dense shrub cover including a variety of native and non-native species. The proposed driveway area is covered with kikuyu grass and other non-native plant species. A eucalyptus grove north and east of the proposed building site has the potential to support Monarch butterflies as an overwintering site, and the presence of Monarch butterflies is presumed. Potential impacts to the eucalyptus grove have been

minimized by design. Only two trees have been proposed for removal, and both are located within the proposed building site for the single family dwelling and away from the main area of the grove. Mitigation Measure 1 (Condition No. 28) will require the Applicant to survey the eucalyptus grove between the early fall months and late February to determine whether the stand supports mass overwintering of Monarch butterflies, and to avoid potential impacts by not conducting tree removal or construction activities between October 1st and February 28th. In addition, Mitigation Measure 2 (Condition No. 29) will require the Applicant to avoid potential interference to nighttime butterfly roosting by minimizing exterior lighting that may affect butterfly roosting at night.

- d) Marine habitat: To ensure the protection of the rocky shore and marine habitat at the base of the bluff, Mitigation Measure 3 (Condition No. 30) will require the Applicant to install a debris fence during the construction period on the inner margin of the seaward bluff around the entire project area to prevent accidental dumping of vegetation or loose material down the steep hillslope to the rocky shore below. The debris fence shall remain in place and be maintained for the duration of construction activities.
- e) Smith's blue butterfly: No element of the proposed project occurs in habitat that supports seacliff buckwheat and Smith's blue butterfly. Although no seacliff buckwheat plants were observed in the proposed project area, the biologist identified seacliff buckwheat, the host plant for the federally-listed/endangered Smith's blue butterfly, at a site to the east across Highway 1. Due to the proximity of this site, including a documented occurrence of Smith's blue butterfly, Mitigation Measures 4 and 5 (Condition Nos. 31 and 32) will require the Applicant to incorporate best management dust control measures, train all construction personnel on the requirement to follow the approved control measures, and not allow off-highway parking of construction vehicles on the easterly road shoulder of Highway 1 from June 15th through August 15th.
- f) Sitka willow riparian forest habitat: This habitat is found northwest of the proposed building site. Although no aspect of the proposed project will occur within the Sitka willow riparian forest area, temporary and/or indirect impacts may occur during project construction activities. Therefore, five mitigations are included to reduce potential impacts. Mitigation Measure 6 (Condition No. 33) will require review of construction plans by a qualified biologist and confirmation of consistency with applicable recommendations. Mitigation Measure 7 (Condition No. 34) requires the installation of a silt-stop fence for a distance of 40 feet on both sides of the wet meadow along the old roadbed to define the allowable work area and protect the adjacent habitat. The silt-stop fence shall remain in place and be maintained for the duration of construction activities. Mitigation Measure 8 (Condition No. 35) requires the installation of orange construction fencing during the construction period in the Northern Coastal Scrub vegetation at least 100 feet beyond the dripline of the Sitka willow thicket. This fencing shall encircle the southwestern boundary of the willow thicket from the

coastal bluff edge to the edge of the abandoned roadway, will connect with the silt-stop fence installed along the abandoned roadway, and will also remain in place and be maintained for the duration of construction activities. Mitigation Measure 9 (Condition No. 36) requires the Applicant to minimize disturbance within the allowable work area. Mowing shall be confined to the bed of the old roadway within the silt-stop fence, and trenching along the abandoned roadbed shall be executed with the minimum size trenching equipment required. Upon completion of trenching and installation of utilities, the disturbed roadbed shall be returned to its pre-trenching slope. Exposed soil shall be covered with sterile straw and planted with native beardless ryegrass seed. Mitigation Measure 10 (Condition No. 37) prohibits motorized vehicle access along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the existing parcel area to the north, except on a temporary basis for necessary repairs to the proposed utilities.

- g) Two stick nests of the Monterey dusky-footed woodrat were observed (June 2003) in the vicinity of the proposed project; however, construction activities are unlikely to affect the nesting and foraging area. Implementation of the mitigation measures for the Sitka willow riparian forest habitat would ensure no impacts occur to the dusky-footed woodrat.
- h) The project planner conducted a site inspection on March 23, 2012, to verify ESHA locations and potential project impacts to ESHA.
- i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

9. **FINDING:**

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

EVIDENCE: a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, Big Sur Coast Land Use Plan, Monterey County Coastal Implementation Plan, Part 3, and Title 19

- (Coastal) of the Monterey County Code (MCC) (see Finding No. 1).
- b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030 (Coastal). The lots, as proposed, meet all County requirements for minimum lot size, lot width, and lot depth (see Finding No. 13).
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding Nos. 2 and 13).
 - d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat (see Finding Nos. 5 and 8).
 - e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding No. 3).
 - f) Water Supply. MCC Section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long term water supply with the project. The existing parcel and structures have an adequate water supply, and will continue to use the same supply. The proposed parcel and structures will develop a separate water system. The Environmental Health Bureau (EHB) reviewed the proposed project application, reviewed spring data for both proposed parcels, and determined that each spring meets quantity and quality requirements. EHB also applied a condition of approval to re-confirm these requirements prior to issuance of building permits (Condition No. 15) (see Finding Nos. 1 and 3).
 - g) Sewage Disposal. MCC Sections 19.03.015.K and 19.07.020.J require that provision shall be made for adequate sewage disposal. Development sites would be served by existing and new septic systems. The Environmental Health Bureau reviewed the project application and determined that an adequate area was available for a septic system on the proposed parcel. (see Finding No. 3).
 - h) Easements. The subdivision or the type of improvements will not conflict with easements, as no easements currently exist on the subject property.
 - i) Traffic. The project, as proposed, would not generate a significant amount of new traffic nor significantly increase the number of permanent vehicle trips. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. Construction-related activities would temporarily increase traffic from trips generated by the individuals on the construction site; however, no adverse impact is expected to occur due to the small scale of the proposed project. Public Works reviewed the project application and applied a condition of approval to require payment of the Regional Development Impact Fee (Condition No. 27).
 - j) Parks and Recreation. The Monterey County Parks Department reviewed the project application and determined that the applicant shall

comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication (Condition No. 39).

- k) **Affordable Housing.** The proposed project involves the minor subdivision of an existing lot and the creation of only one new lot; therefore, the project is exempt under the Inclusionary Housing Ordinance, per Chapter 18.40 of the Monterey County Code.
- l) The project planner conducted a site inspection on March 23, 2012.
- m) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

10. **FINDING:** **TREE REMOVAL (COASTAL)** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and the associated Coastal Implementation Plan.

- EVIDENCE:**
- a) The project includes application for the removal of two eucalyptus trees. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) Section 3.5, Forest Resources, of the Big Sur Coast Land Use Plan, and Section 20.145.060, Forest Resources Development Standards, of the Monterey County Coastal Implementation Plan, Part 3, provide the regulations for tree removal on the project site.
 - c) Tree cover on the existing parcel is composed of non-native blue gum eucalyptus, planted Monterey cypress, Coast redwoods, and Monterey pine. Potential impacts to a eucalyptus grove on the property have been minimized by design. Only two eucalyptus trees have been proposed for removal, and both are located within the proposed building site for the single family dwelling and away from the main area of the grove to the north and east. The project has been designed and sited to minimize the removal of trees to the greatest extent feasible, and is consistent with the development standards identified in Section 20.145.060.D of the Coastal Implementation Plan.
 - d) The eucalyptus grove north and east of the proposed building site has the potential to support Monarch butterflies as an overwintering site, and the presence of Monarch butterflies is presumed. The tree removal will not involve a risk of adverse environmental impacts. See Finding No. 8 (ESHA).
 - e) Measures for tree protection during construction have been incorporated (Condition No. 14).
 - f) Staff conducted a site inspection on March 23, 2012, to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
 - g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

11. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:**
- a) The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) Visually, the existing property borders and is visible from Highway 1, a designated scenic roadway and a primary element of the Big Sur Critical Viewshed as defined in Chapter 3.2 (Scenic Resources) of the Big Sur Coast Land Use Plan (LUP). By definition, the proposed minor subdivision of the existing parcel constitutes development within the Big Sur Critical Viewshed, and is subject to the policies regarding the Big Sur Critical Viewshed. Consistent with LUP Policy 3.2.3.A.1, which directs that all new parcels must contain building sites outside the critical viewshed, the proposed new parcel would have a suitable area for structural development effectively screened from the Big Sur Critical Viewshed by topography, trees, and vegetation.
 - c) The proposed structures are designed to conform to the topography of the site, and the only fully visible side of either structure would face the Pacific Ocean. Moreover, the design of the proposed structures **minimizes** the elevation above average natural grade. As proposed, the dwelling and garage would have a 7.0 foot and 3.5 foot elevation above average natural grade, respectively. The site changes would not degrade the visual character of the Big Sur Critical Viewshed, would not result in an inconsistency with policies designed to safeguard visual resources. Therefore, the project as designed is consistent with the scenic resource policies in Chapter 3.2 of the Big Sur Coast Land Use Plan, and construction of the proposed structures would not result in impacts to the existing scenic vista.
 - d) To ensure the protection of the Big Sur Critical Viewshed, the County will apply a standard condition of approval to require a scenic and conservation easement over the eucalyptus grove that currently provides screening of the proposed building site (Condition No. 13). The County will also apply a non-standard condition of approval to require replacement of trees inadvertently damaged or destroyed (Condition No. 38). In addition, the County will apply a standard condition of approval to require an exterior lighting plan subject to review and approval by the RMA-Planning Department (Condition No. 10). Per this condition of approval, all exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Moreover, exterior light sources that would be directly visible from critical viewshed viewing areas are prohibited.
 - e) The project as proposed, conditioned, and mitigated is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the critical viewshed.
 - f) The project planner conducted a site inspection on March 23, 2012, to verify that the project **minimizes** development within the viewshed or to

identify methods to minimize the development.

- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

12. **FINDING:**

WILDFIRE PROTECTION STANDARDS IN STATE

RESPONSIBILITY AREAS – The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

- EVIDENCE:**
- a) The Big Sur Coast area, including the proposed project site, is within the Monterey County State Responsibility Area. The proposed project would expose people and structures to risk of wildland fire where proposed residential development is adjacent to undeveloped open space, most notably the Los Padres National Forest.
 - b) Monterey County Code Section 18.56, Wildfire Protection Standards in State Responsibility Areas, requires that future design and construction of structures, subdivisions and developments in State Responsibility Areas shall provide for emergency access and perimeter wildfire protection measures. The proposed structures, as designed, provide for emergency access and fire suppression. The development site would be served by a new water tank sized for required fire suppression capacity and a surfaced driveway.
 - c) Standard fire suppression and protection conditions have been applied to the project to ensure the following: 1) the driveway meets minimum requirements regarding width, surface, and turning radius or turnaround; 2) all structures have required signing and numbering; 3) the site has adequate emergency water flow; 4) implementation of vegetation/fuel modification to provide a defensible space area around the structures; and 5) all structures have required fire protection and suppression systems (i.e., sprinklers) and roof construction standards to minimize fire danger (Condition Nos. 18, 19, 20, 21, 22, 23, and 24). The driveway will have sections over 15 percent grade; therefore, the fire protection district will apply additional construction requirements (e.g., improvements such as concrete surfacing and/or resistance barriers) to ensure access for emergency vehicles.

13. **FINDING:**

TRANSFER OF DEVELOPMENT CREDIT – The subject project involves a transfer of development credit in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for transfer of development credit. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) LUP Scenic Resource Policy 3.2.6.3 allows transfer of development credit to a receiving parcel not in the viewshed and otherwise found to be suitable for an increased density of development, and as long as the increase in residential density on the receiving parcel does not exceed twice that which is specified by LUP Section 5.4, Land Use

Development Policies. LUP Policies 7.2.1.E (Minimum Size of Parcels), and 7.2.5 and 7.2.7.D (Transfer of Development Credits) allow for purchase (or transfer) of development credits to support a higher intensity of development. MCC Section 20.64.190 (Transfer of Development Credits) establishes the regulations for designating donor and receiver sites. The proposed project meets the requirements of the LUP policies and regulations.

- c) The total project area consists of one 49.0 acre parcel, which is proposed to be subdivided into two lots of 40.0 and 9.0 acres. Based on the current land use designation and zoning classification, the property could allow a density of 40 acres per unit. As proposed and designed, this minor subdivision would create two parcels, with an existing and proposed single family dwelling. The existing parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)], and is developed with a single family dwelling and accessory structures. Also, the existing parcel is a legal lot of record created by Minor Subdivision 81-14. The Parcel Map was recorded on December 2, 1981 (Volume 15, Page 18 of Parcel Maps). The proposed minor subdivision would create one new parcel of approximately 9 acres, thereby reducing the existing lot to approximately 40 acres.
- d) Pursuant to MCC Section 20.17.060, the minimum building site in the WSC zoning classification shall be 1 acre if approved as part of a clustered residential development, or the acres per unit shown for the specific WSC district. This particular WSC district designates 40 acres per unit. The increased density of development would be allowed by the transfer of development credit from a donor site established under PC94155, and the newly created parcel would be designated as the receiver site for the transfer of one development credit from the donor site established under PC94155. The County of Monterey Planning Commission approved (or designated) the donor site on November 16, 1994 (Resolution No. 94187, County Planning File No. PC94155/Larson). The donor site is located on Sycamore Canyon Road, within the Big Sur Critical Viewshed (Assessor's Parcel Number 419-311-011-000). The scenic easement for the donor site was recorded on November 1, 2001 (Document No. 2001092914).
- e) Based on the evidence above, and pursuant to MCC Section 20.64.190.050, the receiver site has the potential for development consistent with the policies of the Big Sur Coast Land Use Plan (LUP) except for the maximum development otherwise allowed by the LUP and implementing zoning.
- f) The new residential building site made possible by the receipt of a Transfer Development Credit has the minimum number of common driveway access onto Highway 1.
- g) The new development provided on the receiver site meets the septic, viewshed protection, resource protection, water supply, and geologic safety criteria specified in the Big Sur Coast Land Use Plan. See Finding Nos. 1, 2, 3, 5, 7, 8, 9, 10, and 11.
- h) Pursuant to MCC Section 20.64.190.050, the receiver site is not permitted to be developed to an overall density of more than one

residential unit per net acre. However, based on the current land use designation and zoning classification, the receiver site would only be allowed the proposed single family dwelling.

- i) The project planner conducted a site inspection on March 23, 2012, to verify that the project conforms to the policies of the Big Sur Land Use Plan regarding transfer of development credit.
- j) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN030379 and PC94155.

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

- EVIDENCE:**
- a) Board of Supervisors: Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allow an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission: Section 20.86.080.A.1, A.2, and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea, development within 300 feet of the top of the seaward face of a coastal bluff, and development that is permitted in the underlying zone as a conditional use (i.e.; minor subdivision, designation of a receiver site for transfer of development credit, development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, and tree removal).

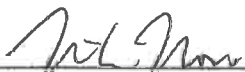
DECISION

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

1. Adopt the Mitigated Negative Declaration;
2. Approve the Combined Development Permit, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the Mitigation Monitoring and Reporting Plan.

PASSED AND ADOPTED this 30th day of January, 2013 upon motion of Commissioner Diehl, seconded by Commissioner Mendez, by the following vote:

AYES: Brown, Vandevere, Getzelman, Roberts, Mendez, Diehl, Padilla, Hert
NOES: None
ABSENT: Rochester, Salazar
ABSTAIN: None


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON FEB 07 2013

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 ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE FEB 19 2013

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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

NOTES

1. You may 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 Department and Building Services Department office in Salinas.

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

Monterey County Planning Department
Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN030379

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit (PLN030379) allows the designation of the existing 49 acre parcel as a receiver site for a transfer of development credit from a donor site established under PC94155, a minor subdivision of the 49 acre receiver site into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2), development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, removal of two eucalyptus trees, and the construction on the proposed receiver site of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, spring-fed water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill). The property is located at 56440 Highway 1 (Assessor's Parcel Number 421-011-001-000), Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 13-004) was approved by the Planning Commission for Assessor's Parcel Number 421-011-001-000 on January 30, 2013. The permit was granted subject to forty (40) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to recordation of the Parcel Map, issuance of building permits, or commencement of the use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Parcel Map, issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register 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 recovery. (RMA - Planning Department)

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

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

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

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

**Compliance or
Monitoring
Action to be Performed:**

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

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

5. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Pursuant to the State Public Resources Code Section 753.5, 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) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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. The mitigation monitoring agreement shall be recorded. (RMA - Planning Department)

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

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.
- 3) Proof of recordation of the mitigation monitoring agreement shall be submitted to the RMA-Planning Department.

7. PD008 - GEOLOGIC CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geological Consultant shall submit certification by the geological consultant to the RMA - Planning Department showing project's compliance with the geological report.

8. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

9. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

10. PD014(C) - LIGHTING-EXTERIOR LIGHTING PLAN (BIG SUR)

Responsible Department: Planning Department

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

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

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

11. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of two (2) years, to expire on January 30, 2015, unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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

12. PD035 - UTILITIES UNDERGROUND

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

13. PD040 - CRITICAL VIEWSHED (BIG SUR)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed, including but not limited to, all existing vegetated areas without which the development would be located within the critical viewshed, pursuant to Sections 20.145.030.A.2(g) and (h) of the Regulations for Development in the Big Sur Coast Land Use Plan. The easement shall allow management of the eucalyptus grove, consistent with the biological reports prepared for the project. Tree replacement types and locations shall be consistent with the landscape plan (Condition No. 9) and the tree replacement notice (Condition No. 38). (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance or grading or building permits, the Owner/Applicant shall submit the scenic easement deed and corresponding map to the RMA-Planning Department for review and approval.

Prior to recordation of the parcel/final map or commencement of use, the Owner/Applicant shall record a map showing the approved scenic easement.

14. PD049 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. Tree removal shall not occur until after issuance of the building permit for the single family dwelling. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit evidence of tree protection to the RMA-Planning Department for review and approval.

After construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit photos of the trees on the property to the RMA-Planning Department to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

15. EHSP01 - DEED NOTIFICATION WATER QUALITY

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A deed notice shall be recorded for each parcel indicating that water quality verification meeting state and local drinking water standards shall be required prior to the issuance of any grading or building permits. Also, that each individual parcel will be served by a separate spring on each parcel and that no water system will be formed. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to filing the parcel map, submit a draft deed notice for review and approval by the Director of Environmental Health. After approval, record the deed notification with the Monterey County Recorder and provide proof to Environmental Health and Planning Department.

16. EHSP02 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

17. DRAINAGE PLAN

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Water Resources Agency with a drainage plan prepared by a registered civil engineer or architect that incorporates the recommendations included in the Grice Geotechnical Report. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.

18. FIRE007 - DRIVEWAYS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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 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.
Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the driveway into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of driveway improvements and obtain fire department approval the final fire inspection.

19. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.
Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

20. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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 visible and legible 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. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

21. FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the water system improvements and shall obtain fire department approval of the final fire inspection.

22. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). 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. Responsible Land Use Department: CALFIRE Coastal Fire District.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

Prior to final building inspection, Applicant shall schedule fire dept. clearance inspection.

23. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

24. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

25. PW0031 - PARCEL MAP

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: File a Parcel Map delineating all existing and required easements or rights-of-way, monument new lines.
(RMA - Public Works Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, the Applicant's surveyor shall prepare a parcel map and submit it to DPW for review and approval.

26. PW00036 - (EXISTING EASEMENTS AND ROW)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights-of-way. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, the Applicant's surveyor shall include all existing and required easements or rights-of-way on the Parcel Map.

27. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

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

28. PDSP001/MM1 - MONARCH BUTTERFLIES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The potential presence of Monarch butterflies is presumed. Therefore, to avoid potential impacts to roosting and/or migrating Monarch butterflies, the Applicant shall survey the eucalyptus grove between the early fall months and late February to determine whether the stand supports mass overwintering of Monarch butterflies, and submit appropriate survey documentation to the California Native Diversity Database (CNDDDB). If the grove supports winter roosting of Monarch butterflies, damage and tree removal in the area of the grove north and east (upslope) of the proposed home site and leach area shall be minimized. To avoid potential impacts to roosting and/or migrating Monarch butterflies, the proposed removal of the two eucalyptus trees and/or construction activities that generate dust shall not occur between October 1st and February 28th.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence to the RMA-Planning Department of a Monarch butterfly survey by a qualified biologist. If the survey determines the grove supports winter roosting of Monarch butterflies, then the proposed removal of the two eucalyptus trees and/or construction activities that generate dust shall not occur between October 1st and February 28th.

29. PDSP002/MM2 - MONARCH BUTTERFLIES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To avoid potential interference to nighttime butterfly roosting, the Applicant shall minimize outdoor/exterior lighting that may affect butterfly roosting at night.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Applicant shall submit an exterior lighting plan to the RMA-Planning Department for review and approval that minimizes lighting that may affect butterfly roosting at night.

The installed lighting shall be inspected to ensure conformance with the approved exterior lighting plan.

30. PDSP003/MM3 - PROTECTION OF MARINE HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To ensure the protection of the rocky shore and marine habitat at the base of the bluff, the Applicant shall install a debris fence during the construction period on the inner margin of the seaward bluff around the entire project area to prevent accidental dumping of vegetation or loose material down the steep hillslope to the rocky shore below. The debris fence shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of installation of a debris fence to the RMA-Planning Department for review and approval.

31. PDSP004/MM4 - SMITH'S BLUE BUTTERFLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The potential presence of Smith's blue butterfly is presumed. Therefore, to avoid potential impacts to this sensitive species, the Applicant shall implement controls during all phases of project construction to prevent dust from drifting across Highway 1 and coating the seacliff buckwheat plants.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate best management dust control measures as notes on the plans, and submit the plans to the RMA-Planning Department for review and approval.

Prior to the initiation of construction activities, the contractor shall train all construction personnel on the requirement to follow the approved control measures, and submit evidence of this training to the RMA – Planning Department.

32. PDSP005/MM5 - SMITH'S BLUE BUTTERFLY - PARKING RESTRICTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: From June 15th through August 15th, the Applicant shall not allow off-highway parking of construction vehicles on the easterly road shoulder of Highway 1.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate appropriate parking guidelines as notes on the plans, and submit to the RMA-Planning Department for review and approval.

33. PDSP006/MM6 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, construction plans shall be reviewed by a qualified biologist for consistency with the recommendations of the biological report prepared for the project. The Applicant shall submit a letter from the biologist to the RMA-Planning Department confirming the review and determination of consistency.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit a letter from the biologist confirming the review and determination of consistency to the RMA-Planning Department for review and approval.

34. PDSP007/MM7 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, the Applicant shall install a silt-stop fence for a distance of 40 feet on both sides of the wet meadow along the old roadbed to define the allowable work area and protect the adjacent habitat, including any chain fern in the immediate vicinity. The Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval. The silt-stop fence shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval.

35. PDSP008/MM8 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, the Applicant shall install orange construction fencing during the construction period in the Northern Coastal Scrub vegetation at least 100 feet beyond the dripline of the Sitka willow thicket. This fencing shall encircle the southwestern boundary of the willow thicket from the coastal bluff edge to the edge of the abandoned roadway. This protective fencing shall also connect with the silt-stop fence installed along the abandoned roadway. The Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval. The construction fencing shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval.

36. PDSP009/MM9 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, disturbance within the allowable work area shall be kept to a minimum. Prior to soil disturbance, the alignment of the utilities excavation shall be mowed. Mowing shall be confined to the bed of the old roadway within the silt-stop fence. Trenching along the abandoned roadbed shall be executed with the minimum size trenching equipment required, preferably with a hand-held ditch witch. Upon completion of trenching and installation of utilities, the disturbed roadbed shall be returned to its pre-trenching slope. Exposed soil shall be covered with sterile straw (preferably rice straw) and planted with native beardless ryegrass seed. The Applicant shall incorporate these guidelines as notes on the plans, and submit evidence of planting to the RMA-Planning Department, for review and approval.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate these guidelines as notes on the plans, and submit to the RMA-Planning Department, for review and approval.

Upon completion of trenching and installation of utilities, the Applicant shall submit evidence of planting to the RMA-Planning Department for review and approval.

37. PDSP010/MM10 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, after installation of utilities, motorized vehicle access shall be prohibited along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch. Motorized vehicle access may be allowed on a temporary basis for necessary repairs to the proposed utilities.

Compliance or Monitoring Action to be Performed: On an ongoing basis, the Applicant shall prohibit motorized vehicle access along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch. Motorized vehicle access may be allowed on a temporary basis for necessary repairs to the proposed utilities.

38. PDSP011 - TREE REPLACEMENT NOTICE (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To ensure the ongoing management and protection of the Big Sur Critical Viewshed, the Applicant shall record a notice which states: "Removal of trees 12 inches DBH or greater shall be replaced on the site, subject to review and approval of the project arborist and the RMA - Planning Department, at a rate of one for each tree removed. This replacement requirement shall apply to all trees which provide screening on the eastern and southern portion of the parcel which are inadvertently damaged or destroyed, regardless of the method of damage or destruction (e.g., construction, inclement weather, etc...). Tree replacement shall involve the "filling-in" of natural tree screening. The goal shall be to continue to screen the structures from the Big Sur Critical Viewshed, per the Big Sur Coast Land Use Plan Visual Resource policies. Trees shall be replaced as quickly as feasible, and shall be as large as feasible to ensure screening. Replacement types and locations shall be consistent with the landscape plan under Condition No. 9." (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Applicant shall submit evidence of recordation to the RMA - Planning Department.

39. PKS002 - RECREATION REQUIREMENTS/FEEES

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Parcel Map, the Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication.

40. PDSP012 - REMOVAL OF INVASIVE SPECIES (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Applicant shall submit a plan to the RMA - Planning Department for review and approval addressing the removal of nonnative invasive kikuyu grass from the Northern Coastal Scrub habitat along the coastal terrace. After approval, the Applicant shall implement the plan and submit evidence from a qualified biologist demonstrating that the spread of the nonnative invasive kikuyu grass has been reduced and minimized from the area beyond the construction site. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit a plan to the RMA - Planning Department for review and approval addressing the removal of nonnative invasive kikuyu grass.

Prior to occupancy, the Applicant shall implement the approved plan, and submit evidence from a qualified biologist that the spread of the invasive species has been reduced and minimized beyond the construction area.

Project plan sheets are omitted from this Exhibit "B" - Resolution 13-004 because the plan sheets do not meet the Monterey County Recorder's standards for recordation in the Official Records of Monterey County when reduced to 8.5" x 11". The omitted plan sheets comprised Exhibit "B" Pages 33 through 40 of the original 40 page Exhibit "B". A complete copy of Resolution 13-004 with all project plan sheets is on file and available for review at the Monterey County Resource Management Agency – Planning Department at 168 West Alisal Street, 2nd Floor Salinas, CA 93901.

EXHIBIT C-1

A VIEWSHED DEVELOPMENT PROHIBITION EASEMENT AREA over certain real property in the unincorporated area of the County of Monterey, State of California, situate in a portion of Parcel 2, as said parcel is shown and so designated on that certain Parcel Map entitled, "Re-Division of Parcels 3 & 8 as shown in Vol.5-Surveys-Pg.99...", filed for record December 2, 1981 in Volume 15 of Parcel Maps at Page 18, records of said County and State, said Area being more particularly described as follows:

BEGINNING AT a concrete monument on the westerly sideline of California State Highway One, marking the southeasterly corner of said Parcel 2; thence leaving said sideline

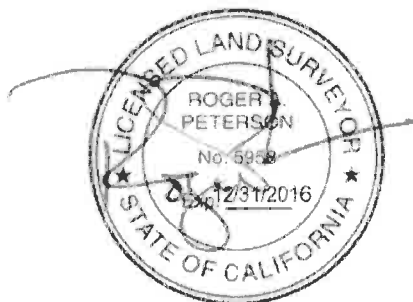
- 1) South 56°37'00" West, 392.00 feet; thence
- 2) North 24°32'32" West, 293.75 feet; thence
- 3) North 37°48'22" West, 272.79 feet; thence
- 4) North 09°28'10" East, 238.00 feet; thence
- 5) North 53°16'26" West, 215.32 feet; thence
- 6) North 06°45'34" West, 543.53 feet; thence
- 7) North 46°57'55" West, 707.78 feet; thence
- 8) North 35°57'56" West, 543.11 feet; thence
- 9) North 52°38'00" East, 318.62 feet; thence
- 10) North 15°25'06" East, 129.95 feet; thence
- 11) North 37°38'57" East, 89.56 feet; thence
- 12) North 59°25'25" East, 86.53 feet; thence
- 13) South 83°13'13" East, 107.46 feet; thence

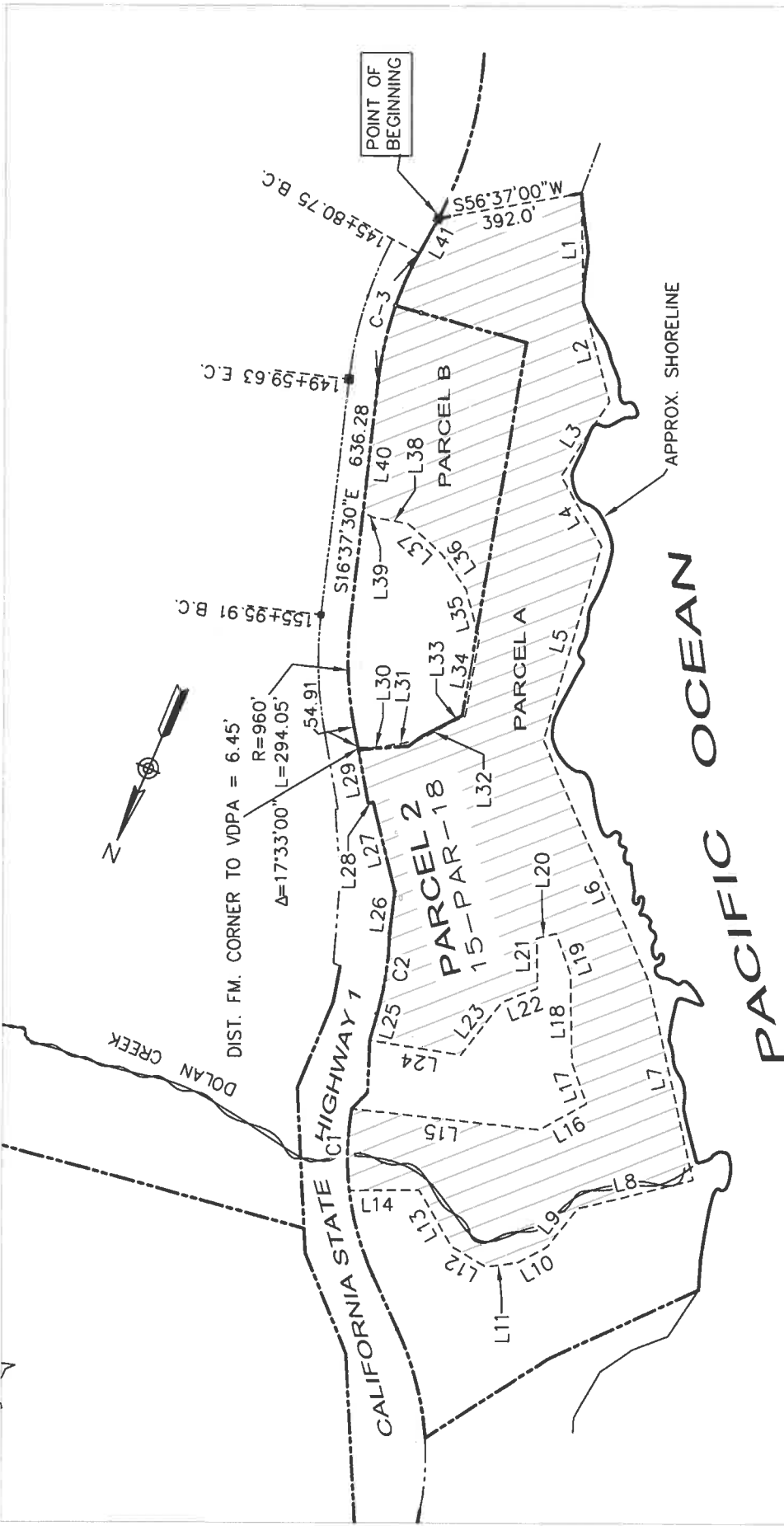
- 14) South $52^{\circ}56'20''$ East, 173.57 feet; thence
- 15) North $66^{\circ}12'35''$ East, 188.27 feet, more or less, to the westerly sideline of said state highway; thence along said sideline
- 16) Along a non-tangent curve to the right having a radius of 750 feet, through a central angle of $016^{\circ}48'41''$ (the long chord of which bears South $21^{\circ}41'31''$ East, 219.26 feet), an arc distance of 220.04 feet; thence again leaving said sideline
- 17) South $72^{\circ}59'43''$ West, 504.46 feet; thence
- 18) South $38^{\circ}09'59''$ West, 146.02 feet; thence
- 19) South $43^{\circ}00'10''$ East, 117.59 feet; thence
- 20) South $24^{\circ}26'21''$ East, 237.19 feet; thence
- 21) South $42^{\circ}39'36''$ East, 115.23 feet; thence
- 22) North $52^{\circ}46'53''$ East, 55.35 feet; thence
- 23) North $24^{\circ}19'07''$ West, 134.62 feet; thence
- 24) North $45^{\circ}04'22''$ East, 99.50 feet; thence
- 25) North $14^{\circ}36'27''$ East, 180.13 feet; thence
- 26) North $75^{\circ}46'07''$ East, 247.21 feet to said highway sideline; thence along said sideline
- 27) South $07^{\circ}10'53''$ East, 74.18 feet; thence
- 28) Along a non-tangent curve to the left having a radius of 850 feet, through a central angle of $014^{\circ}46'26''$ (the long chord of which bears South $14^{\circ}34'06''$ East, 218.57 feet), an arc distance of 219.18 feet; thence; thence
- 29) South $16^{\circ}11'04''$ East, 113.89 feet; thence
- 30) South $37^{\circ}16'25''$ East, 245.11 feet; thence
- 31) North $56^{\circ}40'30''$ East, 13.56 feet; thence
- 32) South $34^{\circ}10'30''$ East, (at 145.76 feet, a $3/4''$ iron pipe, tagged LS5958) a total distance of 152.22 feet; thence leaving said highway sideline
- 33) South $66^{\circ}11'54''$ West, 55.92 feet; thence

- 34) South 57°06'36" West, 104.78 feet; thence
- 35) South 37°46'19" West, 105.63 feet; thence
- 36) South 42°48'27" West, 39.89 feet; thence
- 37) South 13°07'30" East, 211.74 feet; thence
- 38) South 38°50'09" East, 135.22 feet; thence
- 39) South 57°56'33" East, 115.62 feet; thence
- 40) South 70°54'28" East, 120.94 feet; thence
- 41) North 76°19'58" East, 94.25 feet; thence
- 42) South 88°25'42" East, 32.32 feet, more or less, to said highway sideline; thence along said sideline
- 43) South 16°37'30" East, 351.07 feet; thence
- 44) Along a tangent curve to the right having a radius of 960 feet, through a central angle of 21°42'30" (the long chord of which bears South 10°19'09" East, 210.88 feet), an arc distance of 363.73 feet (at an arc distance of 211.31 feet, a 3/4" iron pipe, tagged LS5958); thence tangentially and continuing along said highway sideline,
- 45) South 04°59'46" West, 106.84 feet, more or less, (South 05°00' West, 107.80 feet, per said Parcel Map) to the Point of Beginning.

CONTAINING: 31.6 acres, more or less.

End of Descriptions





PARCEL A: 56440 HIGHWAY ONE, BIG SUR, CA.
 PARCEL B: 56700 HIGHWAY ONE, BIG SUR, CA.



DENOTES VIEWSHED DEVELOPMENT
 PROHIBITION EASEMENT AREA.

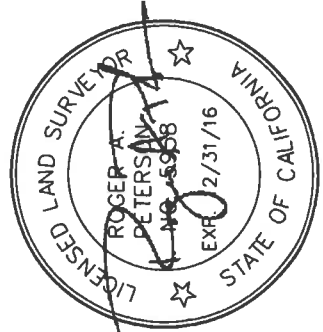
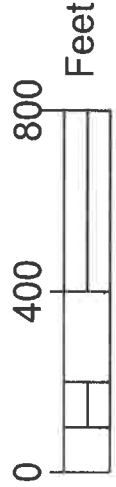


EXHIBIT C-1

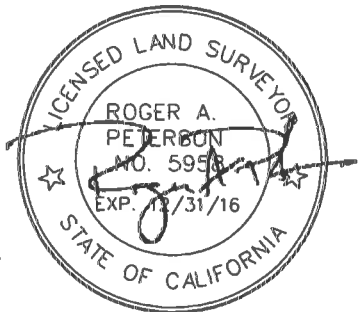
VIEWSHED DEVELOPMENT PROHIBITION EASEMENT AREA



Line Table		
LINE #	BEARING	DISTANCE
L1	N24°32'32"W	293.75
L2	N37°48'22"W	272.79
L3	N09°28'10"E	238.00
L4	N53°16'26"W	215.32
L5	N06°45'34"W	543.53
L6	N46°57'55"W	707.78
L7	N35°57'56"W	543.11
L8	N52°38'00"E	318.62
L9	N15°25'06"E	129.95
L10	N37°38'57"E	89.56
L11	N59°25'25"E	86.53
L12	S83°13'13"E	107.46
L13	S52°56'20"E	173.57
L14	N66°12'35"E	188.27+/-
L15	S72°59'43"W	504.46
L16	S38°09'59"W	146.02
L17	S43°00'10"E	117.59
L18	S24°26'21"E	237.19
L19	S42°39'36"E	115.23
L20	N52°46'53"E	55.35
L21	N24°19'07"W	134.62
L22	N45°04'22"E	99.50
L23	N14°36'27"E	180.13
L24	N75°46'07"E	247.21
L25	S07°10'53"E	74.18

Line Table		
LINE #	BEARING	DISTANCE
L26	S16°11'04"E	113.89
L27	S37°16'25"E	245.11
L28	N56°40'30"E	13.56
L29	S34°10'30"E	152.22
L30	S66°11'54"W	55.92
L31	S57°06'36"W	104.78
L32	S37°46'19"W	105.63
L33	S42°48'27"W	39.89
L34	S13°07'30"E	211.74
L35	S38°50'09"E	135.22
L36	S57°56'33"E	115.62
L37	S70°54'28"E	120.94
L38	N76°19'58"E	94.25
L39	S88°25'42"E	32.32+/-
L40	S16°37'30"E	351.07
L41	S04°59'46"W	106.84+/-

Curve Table			
Curve #	Radius	Length	Delta
C1	750	220.04	016°48'41"
C2	850	219.18	014°46'26"
C3	960	363.73	021°42'30"



VIEWSHED DEVELOPMENT PROHIBITION EASEMENT AREA
EXHIBIT C-1

EXHIBIT C-2

A VEGETATIVE SCREENING MAINTENANCE EASEMENT AREA over certain real property in the unincorporated area of the County of Monterey, State of California, situate in a portion of Parcel 2, as said parcel is shown and so designated on that certain Parcel Map entitled, "Re-Division of Parcels 3 & 8 as shown in Vol.5-Surveys-Pg.99...", filed for record December 2, 1981 in Volume 15 of Parcel Maps at Page 18, records of said County and State, said Area being more particularly described as follows:

BEGINNING AT a point on the westerly sideline of California State Highway No. 1, distant 287.13 feet North and 233.14 feet West of a concrete monument marking the easterly sideline of said State Highway at Engineer's Station 155+95.91 B.C., as shown on the Division of Highways Right of Way Map, "Mon-56-D", District V, dated June 14, 1933, said Point of Beginning also being distant South 34°10'30" East, 6.45 feet from a 3/4" iron pipe, tagged LS5958, on said highway sideline; thence along said sideline

- 1) South 34°10'20" East, 54.91 feet; thence
- 2) Along a tangent curve to the right with a radius of 960.00 feet, through a central angle of 017°33'00" (the long chord of which bears South 25°24'00" East , 294.05 feet), an arc distance of 294.05 feet; thence
- 3) South 16°37'30" East, 265.57 feet; thence leaving said highway sideline
- 4) South 56°05'39" West, 32.15 feet; thence
- 5) South 87°23'40" West, 49.55 feet; thence
- 6) South 46°28'44" West, 18.07 feet; thence
- 7) South 64°17'15" West, 18.47 feet; thence
- 8) North 87°57'40" West, 12.34 feet; thence
- 9) North 08°17'37" West, 14.05 feet; thence

- 10) North 61°53'27" East, 68.61 feet; thence
- 11) North 12°30'46" East, 29.14 feet; thence
- 12) North 85°36'08" West, 26.49 feet; thence
- 13) South 46°51'10" West, 9.86 feet; thence
- 14) North 70°20'25" West, 15.50 feet; thence
- 15) North 40°24'17" West, 48.93 feet; thence
- 16) North 27°54'04" East, 11.93 feet; thence
- 17) North 52°57'29" East, 12.33 feet; thence
- 18) North 26°40'48" East, 18.68 feet; thence
- 19) North 12°14'16" East, 32.23 feet; thence
- 20) North 02°21'14" West, 40.71 feet; thence
- 21) North 33°59'31" East, 9.64 feet; thence
- 22) North 09°50'04" West, 20.53 feet; thence
- 23) North 08°57'25" East, 45.70 feet; thence
- 24) North 33°02'11" West, 27.38 feet; thence
- 25) North 15°26'53" East, 24.46 feet; thence
- 26) North 57°29'07" West, 6.26 feet; thence
- 27) North 23°57'10" West, 166.32 feet; thence
- 28) North 60°55'09" West, 13.16 feet; thence
- 29) North 30°27'20" West, 58.11 feet; thence
- 30) North 87°01'07" West, 31.96 feet; thence
- 31) South 49°32'09" West, 49.56 feet; thence
- 32) North 47°10'09" West, 29.50 feet; thence

33) North 33°45'12" West, 18.51 feet; thence

34) North 53°37'09" East, 44.09 feet; thence

35) North 66°11'42" East, 55.93 feet, more or less, to the Point of Beginning.

CONTAINING: 0.64 acres, more or less.

End of Description





CALIFORNIA STATE HIGHWAY 1

155+95.91 B.C.

CONCRETE MONUMENT

NORTH 287.13'

WEST 233.14'

S34°10'30"E, 6.45' FROM PIPE TO "POINT OF BEGINNING"

$\Delta=17°33'00"$ L=294.05'

R=960'

S34°10'30"E 145.76'

POINT OF BEGINNING

S62°10'17"W 137.77'

S28°28'51"W 42.97'

M, 91.92, 66.16' S39°26'16" W 121.45'

VEGETATIVE SCREENING MAINTENANCE EASEMENT AREA

S16°37'30"E 636.28'

S16°37'30"E 265.57'

L19

L20

L21

L22

L23

L24

L25

L26

L27

L28

L29

L30

L31

L32

L33

L34

L35

L36

L37

L38

L39

L40

L41

L42

L43

L44

L45

L46

L47

L48

L49

L50

PARCEL B

PARCEL B: 56700 HIGHWAY ONE, BIG SUR, CA.

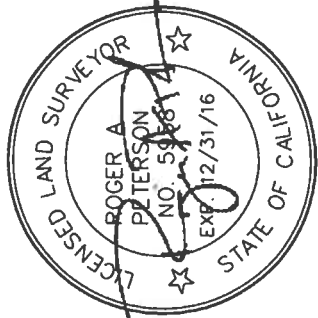
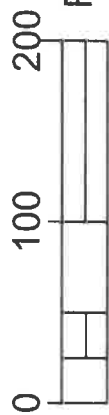
PARCEL A

PARCEL A: 56440 HIGHWAY ONE, BIG SUR, CA.

PARCEL 2
15-PAR-18

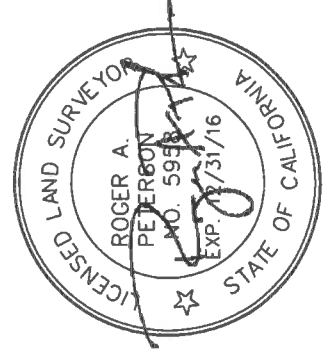
1014.19'
N13°36'00"W

EXHIBIT C-2



Line Table		
LINE #	BEARING	DISTANCE
L1	S34°10'20"E	54.91
L2	S56°05'39"W	32.15
L3	S87°23'40"W	49.55
L4	S46°28'44"W	18.07
L5	S64°17'15"W	18.47
L6	N87°57'40"W	12.34
L7	N08°17'37"W	14.05
L8	N61°53'27"E	68.61
L9	N12°30'46"E	29.14
L10	N85°36'08"W	26.49
L11	S46°51'10"W	9.86
L12	N70°20'25"W	15.50
L13	N40°24'17"W	48.93
L14	N27°54'04"E	11.93
L15	N52°57'29"E	12.33
L16	N26°40'48"E	18.68
L17	N12°14'16"E	32.23

Line Table		
LINE #	BEARING	DISTANCE
L18	N02°21'14"W	40.71
L19	N33°59'31"E	9.64
L20	N09°50'04"W	20.53
L21	N08°57'25"E	45.70
L22	N33°02'11"W	27.38
L23	N15°26'53"E	24.46
L24	N57°29'07"W	6.26
L25	N23°57'10"W	166.32
L26	N60°55'09"W	13.16
L27	N30°27'20"W	58.11
L28	N87°01'07"W	31.96
L29	S49°32'09"W	49.56
L30	N47°10'09"W	29.50
L31	N33°45'12"W	18.51
L32	N53°37'09"E	44.09
L33	N66°11'42"E	55.93+/-



VEGETATIVE SCREENING MAINTENANCE EASEMENT AREA
EXHIBIT C-2

This page intentionally left blank