

WHEN RECORDED MAIL TO:

Clerk of the Board

168 West Alisal St., 1st Floor

Monterey County Government Center

Salinas, CA 93901

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

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12/16/2014  
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Fees.....  
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# CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

When recorded return to:  
MONTEREY COUNTY RESOURCE  
MANAGEMENT AGENCY  
PLANNING DEPARTMENT  
Attn: Dan Lister  
168 West Alisal St 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN110257  
Resolution No.: 11-048  
Owner Name: Andrew T. Berlin, as Trustee  
Project Planner: Dan Lister  
APN: 243-231-025 & 243-231-026

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  
[ X ] 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 1 day of July, 2014, by and between  
ANDREW T. BERLIN, TRUSTEE OF THE ANDREW T. BERLIN REVOCABLE TRUST  
DATED JULY 27, 2001 as Grantor, and the *COUNTY OF MONTEREY*, a political  
subdivision of the State of California (the "County"), 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 (Permit No. PLN110257) (hereinafter referred to as the "Permit") was granted on December 14, 2011 by the Monterey County Planning Commission pursuant to the Findings, Evidence and Conditions contained in Resolution No. 11-048, attached hereto as Exhibit "B" and hereby incorporated by reference, subject to the following condition(s):

Condition 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.

**WHEREAS**, the Property of said Grantor has certain natural scenic beauty and existing openness visible from public viewing areas including California Highway One and the Abalone Cove Highway One Turnout south of the Property (hereinafter collectively the "Public Viewing Areas") which are protected as "Critical Viewshed" pursuant to Sections 20.145.030.A.2(g) and (h); and

**WHEREAS**, the final landscape plan approved by the County as part of the Permit 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 Areas.

**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 Resolution No. 11-048 attached hereto as Exhibit "B", granted the Permit to the Grantor upon the 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 Viewshed Development Prohibition Area and the Vegetative Screening Maintenance Area all as shown in Exhibit "C" 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 easement 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 portion of 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", attached hereto, and made a part hereof, which defines both the Viewshed Development Prohibition Area and the Vegetative Screening Maintenance Area.

B. RESTRICTIONS APPLICABLE TO THE VIEWSHED DEVELOPMENT PROHIBITION AREA. The restrictions hereby imposed upon the use of the Viewshed Development Prohibition Area by the Grantor and the acts which said Grantor shall refrain from doing upon the Viewshed Development Prohibition Area in connection herewith are, and shall be, as follows:

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.

C. EXCEPTIONS AND RESERVATIONS APPLICABLE TO THE VIEWSHED DEVELOPMENT PROHIBITION AREA. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement:

1. The right to maintain, repair, and replace all existing structures and landscaping improvements within the Viewshed Development Prohibition Area in a manner which does not increase development visible from the Public Viewing Areas, and the right to restore or stabilize eroded or similarly impacted land provided said restoration or stabilization shall be performed in a manner which is consistent with maintaining the Viewshed Development Prohibition Area's open space and conservation

easement scenic values and all work is permitted pursuant to all applicable regulatory rules and regulations.

2. Recreational use of the Viewshed Development Prohibition Area incidental to the residential use of the Property and not inconsistent with the conditions and restrictions herein imposed, including but not limited to: picnicking, sunbathing, congregating, barbecuing, field games, climbing, and walking.

3. Management of vegetation within the Viewshed Development Prohibition Area in accordance with the final Fuel Management Plan and the final Landscape Plan approved with the Permit on file with the Monterey County Planning Department.

4. The addition of near ground landscaping improvements which due to their exact location within the Viewshed Development Prohibition Area and near ground height are not visible from any Public Viewing Areas. Any new landscaping improvements shall be approved in writing by the Monterey County Planning Department to confirm all of the following: (i) the proposed landscaping improvements will not be visible from any Public Viewing Areas; (ii) the proposed landscaping improvements are not relying upon new vegetative, topographic, or other screening to avoid visibility from any Public Viewing Areas; and (iii) the proposed landscaping improvements are permitted pursuant to all applicable regulatory rules and regulations.

D. 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 follows:

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 Areas. 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 the Public Viewing Areas.

2. Structural development within Parcel 1 of the Vegetative Screening Maintenance Area (as identified in Exhibit "C") shall be limited to existing or

subsequently permitted fences, gates, gate terminals, walls, walkways, steps, driveways, and erosion control structures.

3. Management of vegetative screening within the Vegetative Screening Maintenance Area shall be in accordance with the Permit's Fuel Management Plan and Landscape Plan on file with the Monterey County Planning Department and as amended subject to County approval.

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

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



Executed this 1 day of JULY, 2014, at \_\_\_\_\_.

By:   
(Signature)

Andrew T. Berlin, as Trustee  
(Print or Type Name and Title)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name and Title)

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF MONTEREY )

On July 13, 2014 before me, Ann M. Rupcich, a Notary Public, personally appeared Andrew T. Berlin, 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/hers/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 Ann M. Rupcich

(Seal)

This is to certify that the interest in real property conveyed by the deed or grant dated JULY 1, 2014 from Andrew T. Berlin, Trustee to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on 12-9-14, (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: 12-9-14

Louis R. Cappagnolo  
Type/Print Name: Louis R. Cappagnolo  
Chair, Monterey County Board of Supervisors

ATTEST:  
DATED: 12-9-14

Denise Hancock, for  
Gail T. Borkowski  
Clerk of Said Board

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel

By: Michael J. Whilden  
Type/Print Name: Michael J. Whilden  
Deputy County Counsel

DATED: 7-14-14

OFFICIAL SEAL  
ANN M RUPICICH  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES 02/28/18

## EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF Monterey, STATE OF California AND IS DESCRIBED AS FOLLOWS:

### PARCEL I:

That certain real property situate in a portion of Rancho San Jose Y Sur Chiquito, Monterey County, California.

All of that 2.3 Acre Parcel of land as shown on that certain Map entitled, "Record of Survey of a Division of Lot 1, Orilla de Garrapata," filed February 9, 1961 in the Office of the Monterey County Recorder in Volume X-2 of Surveys at Page 156, Monterey County, California; described as follows:

BEGINNING at a point on the westerly line of State Highway No. 1, distant S. 15° 16' 55" W., 172.59 feet from Station 354+50 at the centerline of said Highway, as said westerly line, said station and said centerline are shown on Sheet 8 of that certain Highway Plat entitled "State of California, Department of Public Works, Division of Highways, Plan and Profile of State Highway in Monterey County between Rocky Creek and San Remo Divide V-Mon-56-G," approved June 29, 1931, said point of beginning also being the point of beginning for that certain Grant Deed from Steve Patterson and Anna L. Patterson, his wife, to Oakley Hall and Barbara E. Hall, his wife recorded in the Office of the Monterey County Recorder on March 8, 1957 in Book 1776 of Official Records at Page 231, Monterey County, California; thence following said westerly line of said Highway and using therefore the bearing for the centerline of this tangent of the highway used north of the equation of bearing (N. 8° 04' 30" W. = N. 8° 06' W.) shown on said Sheet 8 of said Map at Station 358+80.25 = 370+00

1. S. 8° 06' E., 214.00 feet to a concrete highway monument shown on said Map thence leaving said line of said Highway
2. S. 81° 54' W., 40.00 feet to a concrete highway monument shown on said map; thence
3. S. 13° 34' 35" W., 120 feet, more or less, to an intersection of said westerly line of the right of way for said Highway with the shoreline of the Pacific Ocean; thence following said shoreline
4. Westerly, Northerly and Easterly 690 feet, more or less, along the shoreline of said Pacific Ocean to a point from which said point of beginning bears N. 81° 54' E; thence leaving said shoreline
5. N. 81° 54' E., 490 feet, more or less, to the point of beginning, as approved and described in Certificate of Compliance recorded April 19, 2006, Instrument no. 2006035305, Monterey County Records.

EXCEPTING THEREFROM all coal and minerals and the rights of way for roads and rail roads as reserved in the Deed by Camelo Land recorded November 12, 1890 in Book 30, Page 149, of Deeds, Monterey County Records.

### PARCEL II:

A non-exclusive right of way for construction, maintenance and use of utilities lines over a strip of land 10 feet wide lying along, adjacent to and on the Westerly, Northwesterly and Northerly side of the following described line:

BEGINNING at the point of beginning referred to hereinabove thence following the Westerly and Northwesterly line of the Right of Way of said State Highway

1. N. 8° 06' W., 220.00 feet; thence

Exhibit A

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2. N. 13° 48' 30" W., 150.75 feet; thence
3. N. 2° 23' 30" W., 150.75 feet; thence
4. N. 8° 06' W., 97.90 feet, to a concrete monument on said line, Westerly of a point of curvature on the centerline of said Highway as shown on said Sheet 8; thence, following a tangent curve shown on said map
5. Northwesterly 202.48 feet along the arc of a curve concave to the East (center bears N. 81° 54' E., 1040 feet, long chord bears N. 2° 31' 21" W., 202.16 feet) to a point from which said center bears S. 83° 56' 42" E.; thence, nontangentially
6. N. 19° 55' W., 82.34 feet; thence
7. N. 9° 07' W., 95.98 feet; thence
8. N. 13° 19' E., 99.00 feet; thence
9. N. 20° 00' E., 74.58 feet; thence
10. N. 37° 30' E., 99.00 feet; thence
11. N. 49° 00' E., 51.80 feet; thence
12. N. 16° 38' E., 111.19 feet; thence, leaving said line of said Highway
13. N. 70° 52' E., 203.25 feet; thence
14. East, 185.00 feet.

## Exhibit "A"

APN: 243-231-026

## EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

That certain real property situate in a portion of Rancho San Jose Y Sur Chiquito, Monterey County, California.

All of that 2.1 Acre Parcel of land as shown on that certain Map entitled, Record of Survey of a Division of Lot 1, Orilla de Garrapata," filed February 9, 1961 in the Office of the Monterey County Recorder in Volume X-2, of Surveys, at Page 156, Monterey County, California, described as follows:

BEGINNING at a point on the westerly line of State Highway No. 1, distant S.  $81^{\circ} 54' W.$ , 40.00 feet from Station 354+50 at the centerline of said Highway, as said westerly line, said station and said centerline are shown on Sheet 8 of that certain Highway Plat entitled "State of California, Department of Public Works, Division of Highways, Plan and Profile of State Highway in Monterey County between Rocky Creek and San Remo Divide V-Mon-56-G," approved June 29, 1931, said point of beginning also being the point of beginning for that certain Grant Deed to Oakley Hall, et ux., recorded March 8, 1957 in Book 1776, Page 231, Official Records of Monterey County, California; thence following said westerly line of said Highway and using therefore the bearing for the centerline of this tangent of the highway used north of the equation of bearing (N.  $8^{\circ} 04' 30'' W.$  = N.  $8^{\circ} 06' W.$ ) shown on said Sheet 8 of said Map at Station 358+80.25 = 370+00

- (1) S.  $8^{\circ} 06' E.$ , 170.00 feet; thence leaving said line of said Highway
- (2) S.  $81^{\circ} 54' W.$ , 490 feet, more or less, to the shoreline of the Pacific Ocean; thence following the shoreline of said Pacific Ocean
- (3) Northerly, 210 feet, more or less, to a point from which said point of beginning bears N.  $81^{\circ} 54' E.$ ; thence
- (4) N.  $81^{\circ} 54' E.$ , 370 feet, more or less, to the point of beginning. All as approved and described in Certificate of Compliance recorded April 19, 2006, Instrument No. 2006035304, Monterey County Records.

EXCEPTING THEREFROM all coal and minerals and the rights of way for roads and rail roads as reserved by Camelo Land as contained in the Deed recorded November 12, 1890, in Book 30, at Page 149, of Deeds, Monterey County Records.

Reserving therefrom unto the Grantor herein as appurtenant to the Grantor's remaining parcel (APN 243-231-026) a non-exclusive right of way for construction, maintenance and use of utilities lines over a strip of land 10 feet wide lying along, adjacent to and on the Westerly, Northwesterly and Northerly side of the following described line:

BEGINNING at the point of beginning referred to hereinabove thence following the Westerly and Northwesterly line of the Right of Way of said State Highway

1. N.  $8^{\circ} 06' W.$ , 50.00 feet; thence
2. N.  $13^{\circ} 48' 30'' W.$ , 150.75 feet; thence
3. N.  $2^{\circ} 23' 30'' W.$ , 150.75 feet; thence
4. N.  $8^{\circ} 06' W.$ , 97.90 feet, to a concrete monument on said line, Westerly of a point of curvature on the centerline of said highway as shown on said Sheet 8; thence, following a tangent curve shown on said map
5. Northwesterly, 202.48 feet along the arc of a curve concave to the East (center bears N.  $81^{\circ} 54' E.$ , 1040 feet, long

Exhibit A

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chord bears N. 2° 31' 21" W., 202.16 feet) to a point from which said center bears S. 83° 56' 42" E.; thence, nontangentially

6. N. 19° 55' W., 82.34 feet; thence
7. N. 9° 07' W., 95.98 feet; thence
8. N. 13° 19' E., 99.00 feet; thence
9. N. 20° 00' E., 74.58 feet; thence
10. N. 37° 30' E., 99.00 feet; thence
11. N. 49° 00' E., 51.80 feet; thence
12. N. 16° 38' E., 111.19 feet; thence, leaving said line of said Highway
13. N. 70° 52' E., 203.25 feet; thence
14. East, 185.00 feet.

APN: 243-231-025

## Exhibit "A"

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

In the matter of the application of:

**Berlin (PLN110257)**

**RESOLUTION NO. 11-048**

**Resolution by the Monterey County Planning  
Commission:**

- 1) Adopting a Mitigated Negative Declaration;
- 2) Approving a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the demolition of an existing 1,960 square foot one-story single family dwelling and 255 square foot guest unit and the construction of a 9,255 square foot two-story single family dwelling, new retaining walls and associated grading (2,573 cubic yards cut, 2,573 cubic yards fill); 2) Coastal Development Permit for development within 750 feet of an archaeological resource; 3) Coastal Development Permit for development within 50 feet of a coastal bluff; 4) Coastal Development Permit for a Lot Line Adjustment to merge two parcels into one parcel; and 5) Design Approval; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan.

[PLN110257, Berlin, 36000 & 35986 Highway 1, Big Sur, Big Sur Coast Land Use Plan (APN: 243-231-025-000 & 243-231-026-000)]

Exhibit "B"

The Combined Development Permit application (PLN110257) came on for public hearing before the Monterey County Planning Commission on December 14, 2011. 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);
  - Monterey County Subdivision Ordinance, Coastal Zone (Title 19);
- 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.

Exhibit B



- b) The property is located at 36000 & 35986 Highway 1, Big Sur (Assessor's Parcel Number 243-231-025-000 & 243-231-026-000), Big Sur Coast Land Use Plan. The parcel is zoned RDR/40-D (14) (CZ) [Rural Density Residential, 40 acres per unit with Design Control, and a 14 foot height restriction (Coastal Zone)], which principally allows residential development and uses. The project proposes the construction of a new single family dwelling. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted a site inspection on August 30, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- d) Design Approval: Pursuant to Chapter 20.44, Design Control, the project requires design review to assure the structures proposed blend in with the environment, protect neighborhood character, and assure visual integrity. To ensure this is enforced, colors and materials will consist of stone walls, trellis, path paving with bronze clad windows, siding and roof. A portion of dwelling will have a planted roof.
- e) Cultural Resources: According to County resources maps, the subject property is located within 750 feet of a known archaeological resource. Pursuant to Section 20.145.120.B.1 of the Coastal Implementation Plan, Part 3, an archaeological survey is required for projects located within 750 feet from a known archaeological resource. An archaeological report was prepared by Gary Breschini of Archaeological Consulting. The report identifies small quantities of shellfish and abalone found near the bluff, and a positive archaeological site located on the neighboring property (CA-MNT-690). Based on a previous report conduct by archaeologist, Susan Morley, Archaeological Consulting excavated five extra auger units (Morley excavated four auger units during her assessment) in areas were possible resources may be found. The report concludes that although there were small quantities of shellfish and abalone found near the bluff, no evidence of cultural resources were found around the proposed construction site. A standard condition of approval has been applied to the project to ensure proper measures are in place in case resources are uncovered during construction.
- f) Critical Viewshed: According to Policy 3.2.2 of the Big Sur Coast Land Use Plan (BSCLUP), the property is located within a critical viewshed. The property is located near the Abalone Cove turnoff, which is a popular public-viewing area within Big Sur. Policy 3.2.4.F of the BSCLUP states, "the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 (Land Not in the Critical Viewshed) of this plan." During staff's review, it was determined that a portion of the existing single family dwelling can be seen from the Abalone Cove area. Through a lot merger, the proposed dwelling will be setback behind existing landscaping, hiding the dwelling from all viewpoints at the Abalone Cove turnoff. A condition of approval has been added requiring a conservation easement to be placed around the Monterey

Cypress trees to ensure that the trees will be maintained in order to retain a visual buffer that the trees provide.

- g) **Geology & Soils:** Pursuant to Section 20.145.080.A.1.b.2 of the Coastal Implementation Plan, Part 3, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 660 feet of a active fault, or 50 feet of the face of a cliff or bluff, or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater." According to County resource maps, the existing dwelling is within 50 feet of a coastal bluff, and is located within 660 feet of the Palo Colorado fault. A Geologic Hazard Investigation conducted by Jeffrey Nolan indicates that the Palo Colorado fault is considered inactive, and the proposed single family dwelling will be setback behind the identified 100-year bluff erosion setback.
- h) **Air Quality/Greenhouse Gas Emissions:** Less-than-significant impacts have been identified for Air Quality and Greenhouse Gas Emissions. All less-than-significant impacts were identified as temporary during construction. Though no mitigations were required for these issues, conditions of approval will be included to ensure compliance with County requirements.
- i) The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project required CEQA review. The project was unanimously approved by the LUAC.
- j) 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 PLN110257.

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, Cal-Fire Protection District, Public Works, 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 Aesthetics, Biological Resources, Archaeological Resources, Air Quality, Greenhouse Gas Emissions and Geological Resources (See Finding 1, Evidence (e) through (i)). 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 independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
    - "Geological Hazards Investigation" (LIB110285) prepared by

- Jeffrey Nolan of Nolan Associates, Santa Cruz, CA, July 22, 2011).
- "Preliminary Geotechnical Investigation" (LIB110284) prepared by Haro, Kasunich and Associates, Inc., Watsonville, CA, June 8, 2011.
- "Tree Resource Evaluation & Construction Impact Analysis" (LIB110283) prepared by Maureen Hamb, Santa Cruz, CA August 1, 2011.
- Archaeological Analysis and Testing (LIB110286) prepared by Gary Breschini of Archaeological Consulting, Salinas, CA, June 16, 2011
- Archaeological Analysis and Testing (LIB110287) prepared by Gary Breschini of Archaeological Consulting, Salinas, CA, June 21, 2010
- Supplemental Information letter prepared by Stocker & Allaire, Monterey, CA, September 21, 2011.
- c) Staff conducted a site inspection on August 30, 2011 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 PLN110257.

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 Cal-Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/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 are available. The existing dwelling is supplied water from the Garrapata Water Company. The existing septic system and leachfield will be replaced by an advance treatment system.
  - c) Preceding findings and supporting evidence for PLN110257

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 subject property.
  - b) Staff conducted a site inspection on August 30, 2011 and researched

- c) County records to assess if any violations exist 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 PLN110257.

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 (PLN110257).
  - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN110257).
  - 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 and 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.
  - e) The Draft Mitigated Negative Declaration ("MND") for PLN110257 was prepared in accordance with CEQA and circulated for public review from October 7, 2011 through October 26, 2011.
  - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, air quality, biological resources, geology/soils, and greenhouse gas emissions. (See Finding 1, Evidence (e) through (i))
  - g) Biological Resources - The project includes demolition of a single family dwelling to construct a two-story single family dwelling. The construction will take place near existing Monterey Cypress trees. The following Mitigation Measure (see Condition of Approval/Mitigation Monitoring and Report Program - MM#1) is recommended by the Tree Resource Evaluation conduct by arborist, Maureen Hamb (LIB110283):
    - Protection Fencing and Barricades will be erected in areas identified in the site plan attached with the tree evaluation. Fencing supported

by posts in the ground surrounded by straw bales as a barricade creates both a physical and visual barrier between the trees, the construction workers and their equipment. When access into the protected areas becomes necessary, it will be reviewed by both the contractor and the project arborist.

- Proper Root Pruning is to be completed by skilled labor under the supervision of the project arborist. All roots (up to one inch in diameter) are properly pruned using appropriate tools (pruners, loppers or handsaw). Roots greater than one inch will be inspected and evaluated by the project arborist.
- Grading Changes adjacent to trees must be reduced. In areas where grading changes are minor (less than 6 inches) re-contouring can be completed using manual labor.
- Driveway Demolition must be completed with small equipment. The equipment will operate on the existing asphalt keeping clear of the exposed soil and tree roots.
- Monitoring of the initial site clearing and excavation for the walls and driveway will be performed at least twice weekly to ensure compliance with the tree protection measures.
- Contractors and sub-contractors should be supplied with a copy of the attached Tree and Preservation Specifications before entering the construction site.

**Monitoring Action:**

1. Prior to any construction, the applicant shall submit to the RMA - Planning Department evidence of a contract being made between the owner and a county-approved arborist for the purpose of monitoring tree protection during construction on the property.
2. Prior to building final, the contracted arborist shall submit a letter to the RMA - Planning Department in regards to the protection of the trees on-site.

The recommendation will ensure the protection.

- h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN110257) and are hereby incorporated herein by reference.
- i) 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 Department of Fish and Game (DFG) 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 supports development within 50 feet of a coastal bluff. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the

wildlife depends. State Department of Fish and Game reviewed the MND to comment and 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).

- j) 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) The subject property is not described as an area where the Local Coastal Program requires public access (Figure #2 in the Big Sur Coast Land Use Plan). The property is located adjacent to the Abalone Cove turn-off, which is a visual public access area, pursuant to 6.1.1 of the Big Sur Coast Land Use Plan. The project will not impact the Abalone Cove turn-off, and proposes to enhance views from Abalone Cove by hiding the proposed dwelling behind existing landscape and installing native coastal landscape in areas viewable from the turn-off.
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The project planner conducted a site inspection on August 30, 2011.
  - e) 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 PLN110257

7. **FINDING:** **LOT LINE ADJUSTMENT/LOT MERGER** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustment may be granted based upon the following findings:
- 1. The lot merger is between four (or fewer) existing adjacent parcels;
  - 2. A greater number of parcels than originally existed will not be created as a result of the lot merger
  - 3. The parcels resulting from the lot merger conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:**
- a) The parcels are zoned RDR/40-D (14) (CZ) [Rural Density Residential, 40 acres per unit with Design Control, and a 14 foot height restriction (Coastal Zone)].

- b) The lot line adjustment is between more than one and less than four existing adjacent parcels, and will not create a greater number of parcels than originally existed. Two approximately 2.2 acre (Assessor's Parcel Numbers 243-231-025-000 & 243-231-026-000) legal parcels of record will be merged into one 4.4 acre legal parcel of record through the lot line adjustment process, pursuant to 19.09.005 of the Subdivision Ordinance; Title 19 (Coastal). No new parcels will be created.
- c) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property. By merging the two parcels, the construction of the proposed dwelling will not only conform to the minimum setbacks of the zoning district, but will better meet the Big Sur Coast Land Use Plan policies in regards to aesthetics.
- d) Parcel 1 (Assessor's Parcel Number 243-231-025-000) is 2.1 acres. The property currently has an existing single family dwelling that will be demolished in order to construct the proposed single family dwelling. Parcel 2 (Assessor's Parcel Number 243-231-026-000) is 2.3 acres. The property currently has a small 66 square foot unit which will be demolished in order to construct the proposed dwelling. Both parcels are serviced by the Garrapata Water Company and septic.
- e) The RMA – Planning Department has applied a standard condition of approval requiring the applicant to record a Record of Survey showing the two parcels being merged.
- f) The project planner conducted a site inspection on August 30, 2011 to verify that the project would not conflict with zoning or building ordinances.
- 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 PLN110257.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance (Board of Supervisors).
  - b) Section 20.86.080 of the Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by the California Coastal Commission because the property is located between the sea and the first public road.

**DECISION**

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

1. Adopt a Mitigated Negative Declaration;
2. Approve a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the demolition of an existing 1,960 square foot one-story single family dwelling and 255 square foot guest unit and the construction of a 9,255 square foot two-story single family dwelling, new retaining walls and associated grading (2,573 cubic yards cut, 2,573 cubic yards fill); 2) Coastal Development Permit for development within 750 feet of an archaeological resource; 3) Coastal Development Permit for development within 50 feet of a coastal bluff; 4) Coastal Development Permit for a Lot Line Adjustment to merge two parcels into one parcel; and 5) Design Approval 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 attached Mitigation Monitoring and Reporting Program

**PASSED AND ADOPTED** this 14th day of December, 2011 upon motion of Commissioner Diehl, seconded by Commissioner Rochester, by the following vote:

**AYES:** Brown, Vandever, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl, Padilla, Hert

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

  
Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **DEC 23 2011**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JAN 03 2012**

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

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

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

2. This permit expires 3 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**  
**PLN110257**

**1. PD001 - SPECIFIC USES ONLY**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 notice which states: "A Combined Development Permit (Resolution Number 11-048) was approved by the Planning Commission for Assessor's Parcel Number(s) 243-231-025-000 and 243-231-028-000 on December 14, 2011. The permit was granted subject to 31 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 issuance of building permits or commencement of the use. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the 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. 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, 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. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the 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 the 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.

**6. PD041 - HEIGHT VERIFICATION**

**Responsible Department:** Planning Department

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

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

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

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

**7. PD008 - 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.  
(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.

**8. 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.

**9. PD010 - EROSION CONTROL PLAN**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.  
(RMA - Planning Department and RMA - Building Services Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

**10. PD012 - LANDSCAPE PLAN & MAINTENANCE (SINGLE FAMILY DWELLING)**

**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 issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by the RMA-Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.

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.

(CONDITION ACTION HAS BEEN MODIFIED DURING THE PLANNING COMMISSION HEARING ON DECEMBER 14, 2011 REMOVING MPWMD -MONTEREY PENINSULA WATER MANAGEMENT DISTRICT-FROM THE CONDITION LANGUAGE)

**11. PD032(A) - PERMIT EXPIRATION**

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

The permit shall be granted for a time period of 3 years, to expire on December 14, 2014 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. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** In accordance with Monterey Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:

1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;
2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;
3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.

All Air District standards shall be enforced by the Air District.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor shall incorporate a "Demolition/Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.

During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition activities as required by the Air District.

**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.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of 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. PD007- GRADING WINTER RESTRICTION**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department.  
(RMA - Planning Department and Building Services Department)

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

**15. 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.

**16. PD046 - COC (LOT LINE ADJUSTMENTS)**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall request a unconditional certificate of compliance for the newly merged parcel.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** **PRIOR TO CONSTRUCTION PERMIT ISSUANCE,** The Owner/Applicant/Surveyor shall submit a new legal description for the newly merged parcel as prepared by the Surveyor. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal description with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificate. (Portion all in CAPs were modifications made during the Planning Commission hearing on December 14, 2011)



**17. MITIGATION MEASURE #1: TREE PROTECTION**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** MITIGATION MEASURE #1 (MM#1) TREE PROTECTION  
The following is recommended by the Tree Resource Evaluation conduct by arborist, Maureen Hamb (LIB110283):

- Protection Fencing and Barricades will be erected in areas identified in the site plan attached with the tree evaluation. Fencing supported by posts in the ground surrounded by straw bales as a barricade creates both a physical and visual barrier between the trees, the construction workers and their equipment. When access into the protected areas becomes necessary, it will be reviewed by both the contractor and the project arborist.
- Proper Root Pruning is to be completed by skilled labor under the supervision of the project arborist. All roots (up to one inch in diameter) are properly pruned using appropriate tools (pruners, loppers or handsaw). Roots greater than one inch will be inspected and evaluated by the project arborist.
- Grading Changes adjacent to trees must be reduced. In areas where grading changes are minor (less than 6 inches) re-contouring can be completed using manual labor.
- Driveway Demolition must be completed with small equipment. The equipment will operate on the existing asphalt keeping clear of the exposed soil and tree roots.
- Monitoring of the initial site clearing and excavation for the walls and driveway will be performed at least twice weekly to ensure compliance with the tree protection measures.
- Contractors and sub-contractors should be supplied with a copy of the attached Tree and Preservation Specifications before entering the construction site.

**Monitoring Action #1:**

- a. Prior to any construction, the applicant must submit to the RMA - Planning Department evidence of a contract being made between the owner and a county-approved arborist for the purpose of monitoring tree protection during construction on the property.
- b. Prior to building final, the contracted arborist shall submit a letter to the RMA - Planning Department in regards to the protection of the trees on-site.

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

- a. Prior to any construction, the applicant must submit to the RMA - Planning Department evidence of a contract being made between the owner and a county-approved arborist for the purpose of monitoring tree protection during construction on the property.
- b. Prior to building final, the contracted arborist shall submit a letter to the RMA - Planning Department in regards to the protection of the trees on-site.

**18. PW0044 - CONSTRUCTION MANAGEMENT PLAN**

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project. (Public Works)

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

1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

**19. WRSP1 - DRAINAGE PLAN - COASTAL (NON-STANDARD CONDITION)**

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts. Impervious surface stormwater runoff shall be routed to a non-erodible surface at the base of the bluff. 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 construction permits, the owner/applicant shall submit a drainage plan with the construction permit application. The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

**20. EHSP01 Alternative Wastewater Treatment Systems Requirements: Design**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Alternative Wastewater Treatment Systems Requirements: Design  
The Environmental Health Bureau (EHB) has determined that adequate area exists on the property to accommodate an alternative onsite wastewater treatment system (Alt OWTS). Submit a completed permit application with applicable fees and two (2) copies of the following:

- Alt OWTS proposal, designed by a registered engineer having experience in wastewater treatment and disposal, to EHB for review and acceptance
- Completed CRWQCB Form 200, regarding Waste Discharge Requirements
- Percolation and soils testing results prepared by a qualified individual as specified by MCC, Section 15.20.70.

**Compliance or Monitoring Action to be Performed:** Upon EHB's acceptance, the Alt OWTS proposal package would be referred by EHB to the Central Coast Regional Water Quality Control Board (CRWQCB) for review and approval. Once the design is approved by CRWQCB, EHB will issue an Alt OWTS permit. The Alt OWTS shall be installed per the approved engineered design and all permit conditions.

IN CONJUNCTION WITH BUILDING PERMIT SUBMITTAL, Submit proposal for an Alt OWTS to EHB for review and approval. Upon acceptance by EHB, the proposal would be referred to CRWQCB for review and approval. Once approved by CRWQCB, obtain the Alt OWTS permit from EHB and install the system. (Portion all in CAPs were modifications made during the Planning Commission hearing on December 14, 2011)

**21. EHSP02 ALTERNATIVE OWTS: WASTE DISCHARGE REQUIREMENTS**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Pursuant to the Memorandum of Understanding between Monterey County and the Central Coast Regional Water Quality Control Board Central Coast Region (CRWQCB), Monterey County refers all new onsite wastewater treatment systems (OWTS) to the CRWQCB for review. CRWQCB would determine if the proposal must obtain a waiver of Waste Discharge Requirements from CRWQCB or if the proposal would require Individual Waste Discharge Requirements to be assigned by CRWQCB.

**Compliance or Monitoring Action to be Performed:** PRIOR TO ISSUANCE OF BUILDING PERMIT, Submit evidence to EHB that CRWQCB has issued a waiver of Waste Discharge Requirements or Individual Waste Discharge Requirements for the proposed alternative onsite wastewater treatment system (Portion all in CAPs were modifications made during the Planning Commission hearing on December 14, 2011)

**22. EHSP03 Alternative Wastewater Treatment Systems Requirements: Operations and Maintenance Contract**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Submit a signed operations and maintenance contract from a licensed septic contractor prior to final of building permit. Contract must include:

- Statement that if either party fails to comply with the contract EHB will be notified.
- Effluent quality reports shall be submitted to EHB bi-annually.
- EHB shall be notified at each renewal term, and a contract shall be submitted to EHB.
- All testing requirements in Interim Ordinance 5086, and other county, state and federal regulations shall be complied with.

**Compliance or Monitoring Action to be Performed:** PRIOR TO BUILDING PERMIT FINAL, Submit a signed operations and maintenance contract from a licensed septic contractor to EHB for review and approval, prior to final of building permit.  
All lab results and service reports shall be submitted to the EHB on a bi-annual basis.  
All renew contracts shall be submitted to EHB for review and approval. OPERATIONS AND MAINTENANCE TO BE ON-GOING.  
(Portion all in CAPs were modifications made during the Planning Commission hearing on December 14, 2011)

**23. EHSP04 Alternative Wastewater Treatment System: Deed Notice**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a deed notification with the Monterey County Recorder for parcel 243-231-025/028-000 with the approved language indicating that an alternative onsite wastewater treatment system is installed on the property. Contact EHB for specific wording to be included on the deed notification.

**Compliance or Monitoring Action to be Performed:** PRIOR TO BUILDING FINAL, Contact EHB for specific deed notice wording. Record deed notice.  
(Portion all in CAPs were modifications made during the Planning Commission hearing on December 14, 2011)

## 24. 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 long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (CAL-FIRE Coastal)

Compliance or  
Monitoring  
Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

## 25. 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. (CAL-FIRE Coastal)

Compliance or  
Monitoring  
Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

## 26. 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 and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (CAL-FIRE Coastal)

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

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

## 27. FIRE015 - FIRE HYDRANTS/FIRE VALVES

Responsible Department: Fire

**Condition/Mitigation  
Monitoring Measure:**

A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (CAL-FIRE Coastal)

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

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

**28. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (CAL-FIRE Coastal)

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

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

**29. 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. (CAL-FIRE Coastal)

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

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to framing inspection, the applicant or owner shall schedule fire dept. rough sprinkler inspection.
3. Prior to final building inspection, the applicant or owner shall schedule fire dept. final sprinkler inspection.

**30. FIRE024 - FIRE ALARM SYSTEM - (SINGLE FAMILY DWELLING)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** The residence shall be fully protected with an approved household fire warning system as defined by NFPA Standard 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the Uniform Building Code shall be required to be discarded as permanent building equipment. (CAL-FIRE Coastal)

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

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to rough sprinkler or framing inspection, the applicant or owner shall submit fire alarm plans and obtain approval.
3. Prior to final building inspection, the applicant or owner shall schedule fire dept. fire alarm system acceptance test.

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

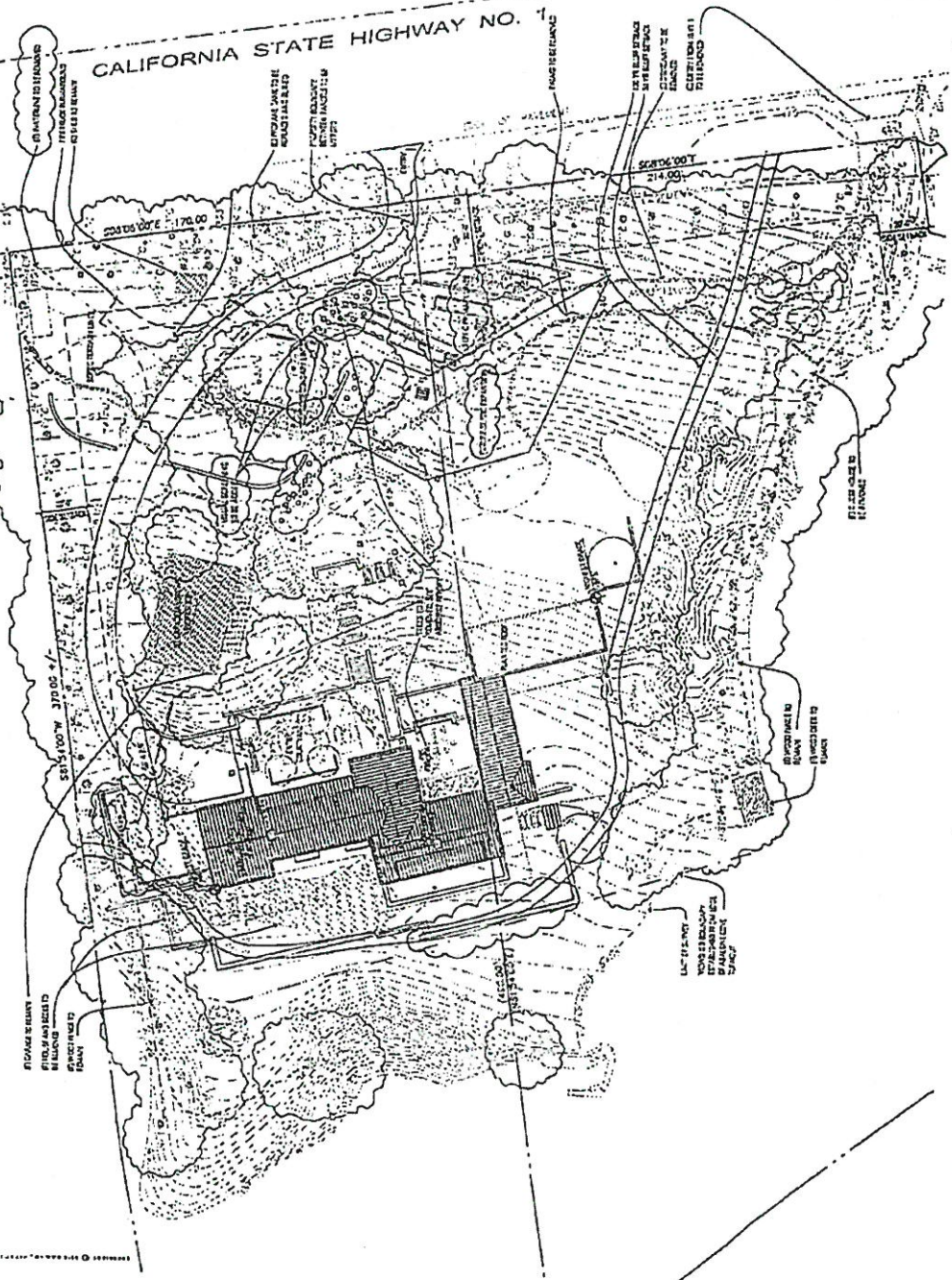
**Responsible Department:** Fire

**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. (CAL-FIRE Coastal)

**Compliance or Monitoring Action to be Performed:** 1. Prior to issuance of building permit, the applicant or owner shall enumerate as Fire Dept. Notes on plans.

**NOTE** - SEE ARCHITECT'S REPORT FOR THE FOLLOWING INFORMATION AND NOTES:  
 - ALL DIMENSIONS SHOWN ON THIS DRAWING ARE PERMANENT UNLESS OTHERWISE NOTED.  
 - ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
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ITEM	QUANTITY	UNIT	PERCENT	PERCENT	PERCENT
FOUNDATION	1200	sq ft	100%	100%	100%
WALLS	1200	sq ft	100%	100%	100%
FLOORING	1200	sq ft	100%	100%	100%
CEILING	1200	sq ft	100%	100%	100%
ROOFING	1200	sq ft	100%	100%	100%
MECHANICAL	1200	sq ft	100%	100%	100%
ELECTRICAL	1200	sq ft	100%	100%	100%
PLUMBING	1200	sq ft	100%	100%	100%
PAINTING	1200	sq ft	100%	100%	100%
LANDSCAPING	1200	sq ft	100%	100%	100%
TOTAL	1200	sq ft	100%	100%	100%



**ARCHITECTURAL SITE PLAN**

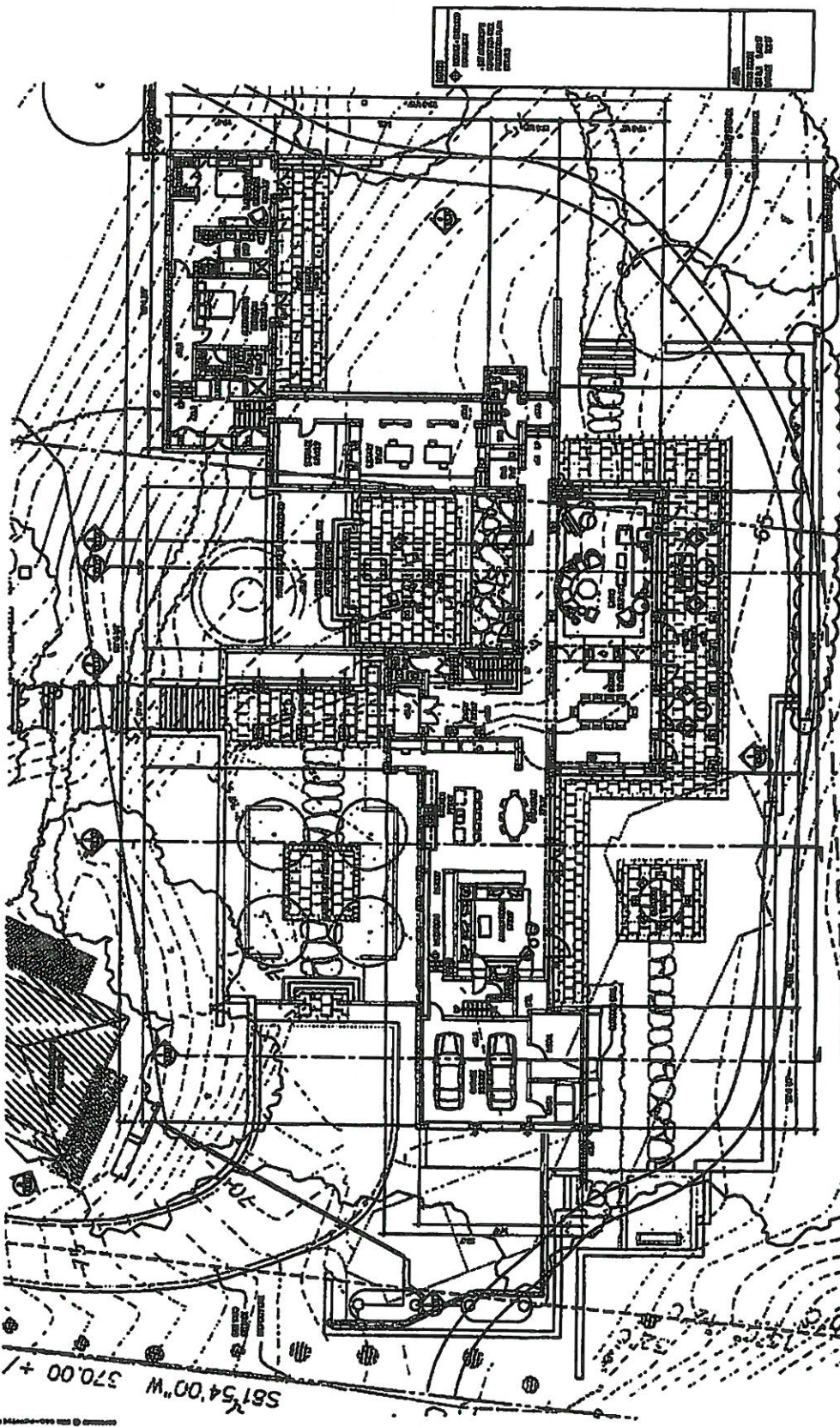
**ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA**

**BAR ARCHITECTS**  
 50 Howard Street, San Francisco, CA 94103, T. 415.233.5703, F. 415.233.5701, WWW.BARARCHITECTS.COM

10667 | ICP401 | 0 10' 20' 40' 80'

COASTAL DEV. PERMIT | POINT 257 | **A1.01**





S81°54'00" W 370.00 +1

AREA	AREA TOTAL	AREA PER ROOM
AREA	AREA TOTAL	AREA PER ROOM
AREA	AREA TOTAL	AREA PER ROOM
AREA	AREA TOTAL	AREA PER ROOM
AREA	AREA TOTAL	AREA PER ROOM

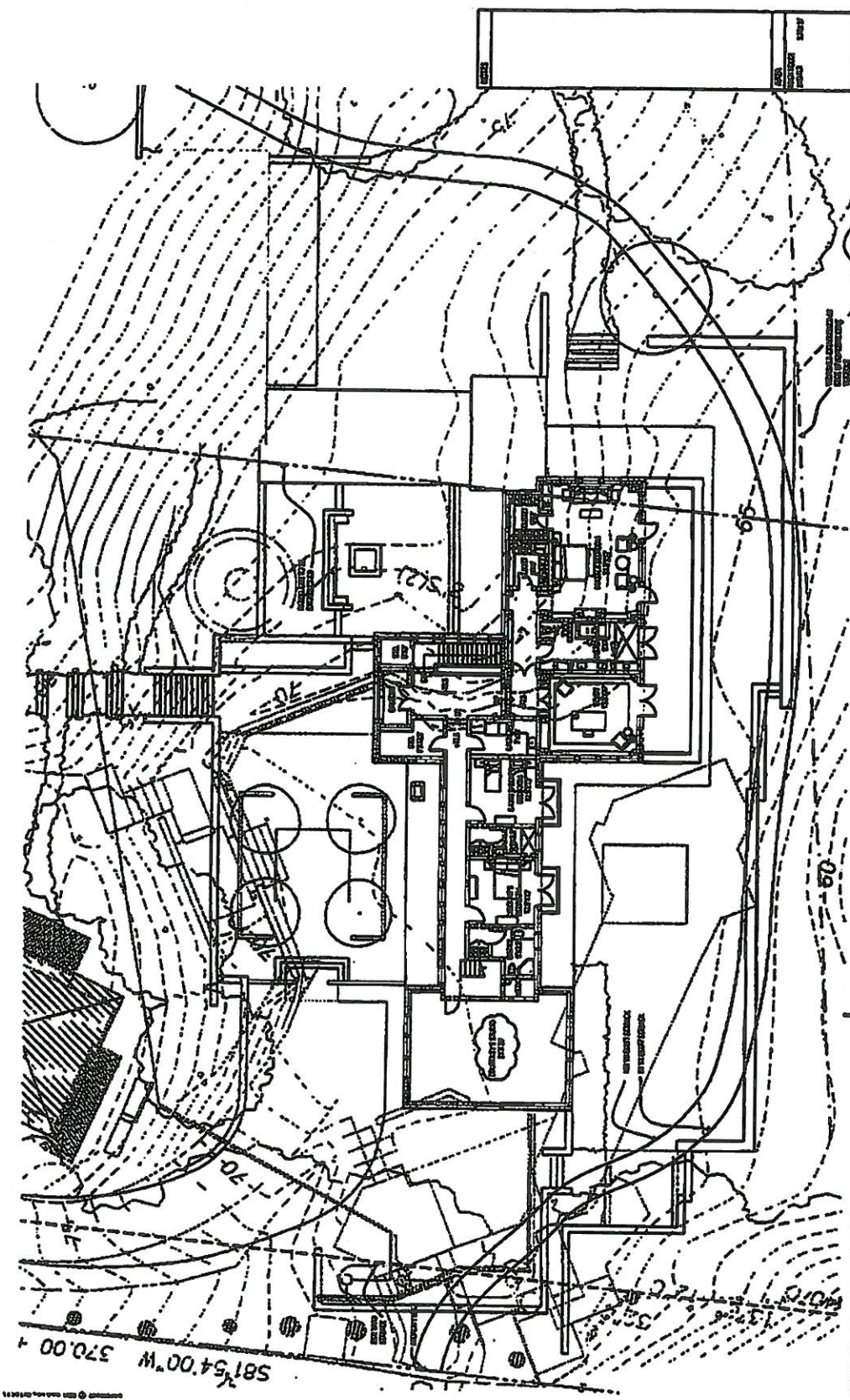
**FIRST FLOOR PLAN**

**ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA**

**BAR ARCHITECTS**  
 500 Howard Street, San Francisco, CA 94105, T. 415 253 8300, F. 415 253 8301, WWW.BARARCH.COM



**COASTAL COMMUNITY RESIDENTS**  
**A2.01**



ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA

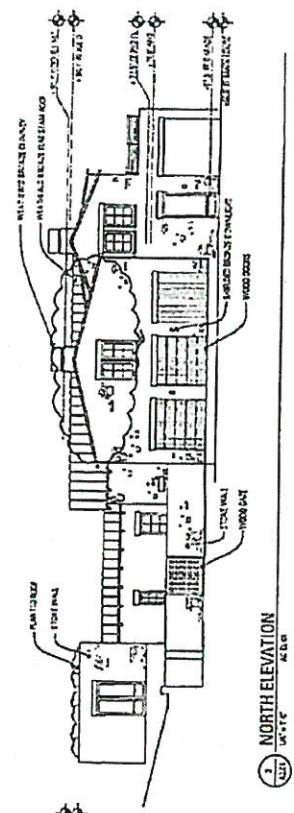
**BAR ARCHITECTS**  
 84 Howard Street, San Francisco, CA 94103, T. 415 388 0282, F. 415 388 0701 WWW.BARARCHITECTS.COM

COASTAL COMM. PERMIT PLANNED  
**A2.02**

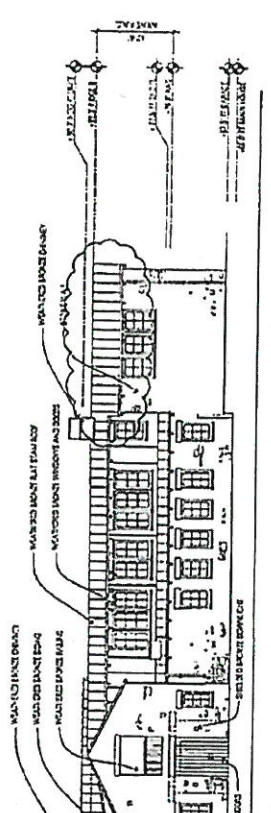


581°54.00' W 370.00'

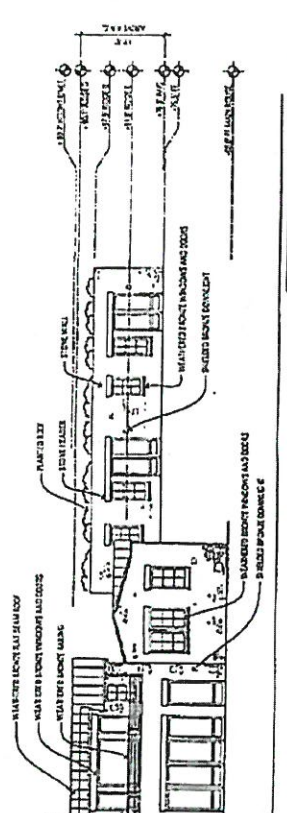
Exhibit B



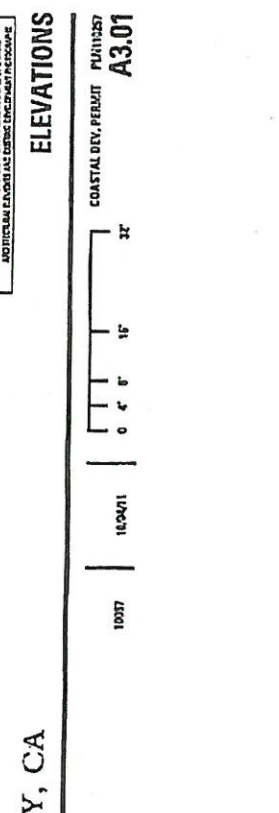
1 SOUTH ELEVATION  
1/4" = 1'-0"



2 NORTH ELEVATION  
1/4" = 1'-0"



3 EAST ELEVATION (FOREGROUND REMOVED FOR CLARITY)  
1/4" = 1'-0"



4 WEST ELEVATION  
1/4" = 1'-0"

SCALE:  
1. ARCHITECTURAL SCALE  
2. SEE SECTION APPROVALS FOR DIMENSIONS OF WALLS  
3. DIMENSIONS SHOWN ARE UNLESS OTHERWISE NOTED

**ELEVATIONS**

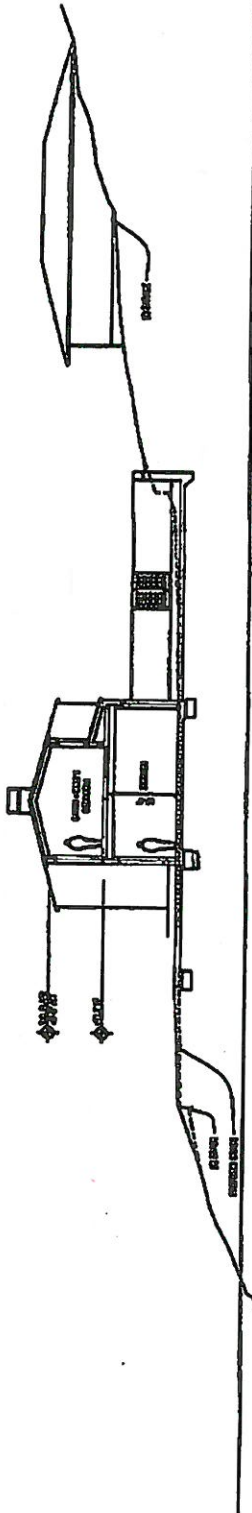
ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA

BAR ARCHITECTS

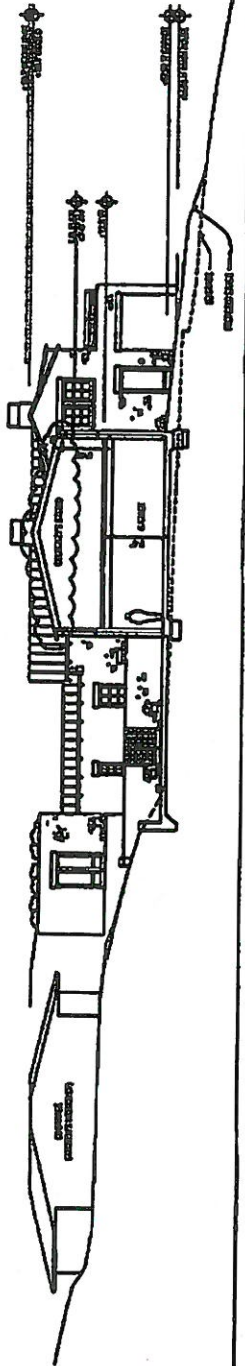
541 Flower Street, San Francisco, CA 94103, T. 415 263 5700, F. 415 263 5701 WWW.BARARCH.COM

10037 | 16/04/11 | 0' 4' 8' 16' 32'

COASTAL CITY PERMIT | PLAN 10037 | A3.01



**BUILDING SECTION LOOKING NORTH**



**BUILDING SECTION LOOKING SOUTH**

1. 2'-0" = 1/8" (1/8" = 2'-0")  
 2. 1/8" = 1'-0" (1'-0" = 1/8")  
 3. 1/16" = 1'-0" (1'-0" = 1/16")

**BUILDING SECTIONS**

**ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA**

**B.A.R.A.R.C.H.I.T.E.C.T.S**

160 Howard Street, San Francisco, CA 94105, T. 415.255.8700 WWW.BARARCHITECTS.COM



## EXHIBIT C

First:

VIEWSHED SCREENING MAINTENANCE AREAS over and across a portion of real property previously described and designated herein as Exhibit A, and being that certain 2.1 acre parcel of land and that certain 2.3 acre parcel of land as said parcels are shown and so designated on the Map entitled, "Record of Survey for Dorothy Langdon, Division of Lot 1, Orilla de Garrapata", filed February 9, 1961 in the Office of the Monterey County Recorder in Volume X-2 of Surveys at Page 156, said areas being more particularly described as follows:

### PARCEL 1

BEGINNING AT a 1" iron pipe marking the northeasterly corner of said 2.1 acre parcel; thence along the northerly boundary of said parcel

1. South 81°54'00" West, 100.00 feet ; thence leaving said northerly boundary
2. South 08°08'43" East, 12.00 feet ; thence
3. North 81°54'00" East, 87.51 feet ; thence
4. South 05°51'47" East, 354.08 feet ; thence
5. North 78°19'32" West, 26.09 feet ; thence
6. North 59°57'12" West, 62.78 feet ; thence
7. North 70°50'43" West, 65.96 feet ; thence
8. North 79°27'34" West, 61.15 feet ; thence
9. South 78°15'52" West, 25.11 feet ; thence
10. North 73°08'33" West, 31.03 feet ; thence
11. North 36°24'30" West, 40.19 feet ; thence
12. South 82°34'09" West, 8.05 feet ; thence
13. South 17°03'15" East, 22.27 feet ; thence

14. South 51°04'41" East, 34.36 feet ; thence
15. North 85°44'09" East, 14.12 feet ; thence
16. South 36°55'18" East, 29.15 feet ; thence
17. North 87°03'59" East, 45.82 feet ; thence
18. South 72°38'12" East, 83.84 feet ; thence
19. South 66°59'02" East, 94.31 feet, more or less, to an angle point on the southeasterly boundary of said 2.3 acre parcel ; thence along said boundary
20. North 81°54'00" East, 40.00 feet to the southeasterly corner of said 2.3 acre parcel and the westerly sideline of California State Highway No. 1; thence along said sideline
21. North 08°06'00" West, 384.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.35 acres of land, more or less.

PARCEL 2

BEGINNING AT A POINT distant South 07°30'40" West, 137.00 feet from a 1" iron pipe marking the northeasterly corner of said 2.1 acre parcel; thence

1. South 57°44'49" West, 8.24 feet; thence
2. South 02°54'23" West, 25.23 feet; thence
3. South 41°23'01" East, 15.09 feet; thence
4. South 83°35'07" East, 22.66 feet; thence
5. North 05°51'47" West, 17.50 feet; thence
6. North 40°39'37" West, 34.47 feet to the Point of Beginning.

CONTAINING 912 square feet of land, more or less.

PARCEL 3

BEGINNING AT a point distant South 26°45'00" West, 148.35 feet from a 1" iron pipe marking the northeasterly corner of said 2.1 acre parcel; thence

1. South 87°36'58" West, 6.98 feet; thence
2. South 25°34'46" East, 14.81 feet; thence
3. South 68°12'57" East, 25.05 feet; thence
4. North 20°49'24" East, 15.54 feet; thence
5. North 73°22'07" West, 29.43 feet to the Point of Beginning.

CONTAINING 437 square feet of land, more or less.

PARCEL 4

BEGINNING AT a point distant South 48°27'30" West, 124.00 feet from a 1" iron pipe marking the northeasterly corner of said 2.1 acre parcel; thence

1. South 71°55'53" West, 29.58 feet; thence
2. South 17°26'39" West, 12.92 feet; thence
3. South 29°45'59" East, 25.43 feet; thence
4. South 76°33'10" East, 17.26 feet; thence
5. North 80°28'04" East, 17.31 feet; thence
6. North 53°52'55" West, 15.81 feet; thence
7. North 11°01'35" West, 16.50 feet; thence
8. North 15°40'31" East, 15.93 feet; thence
9. North 36°33'10" West, 4.82 feet to the Point of Beginning.

CONTAINING 1222 square feet of land, more or less.

Second:

VIEWSHED DEVELOPMENT PROHIBITION AREA over and across that portion of said 2.1 acre and 2.3 acre parcels, previously described, lying westerly of the following described line:

BEGINNING AT a point on the north line of said 2.1 acre parcel distant South  $81^{\circ}54'00''$  West, 332.00 feet from a 1" iron pipe marking the northeasterly corner of said 2.1 acre parcel; thence South  $17^{\circ}03'15''$  East, 404 feet, more or less, to the shoreline of the Pacific Ocean.

See Exhibit C-1, C-2 and C-3

END OF DESCRIPTION





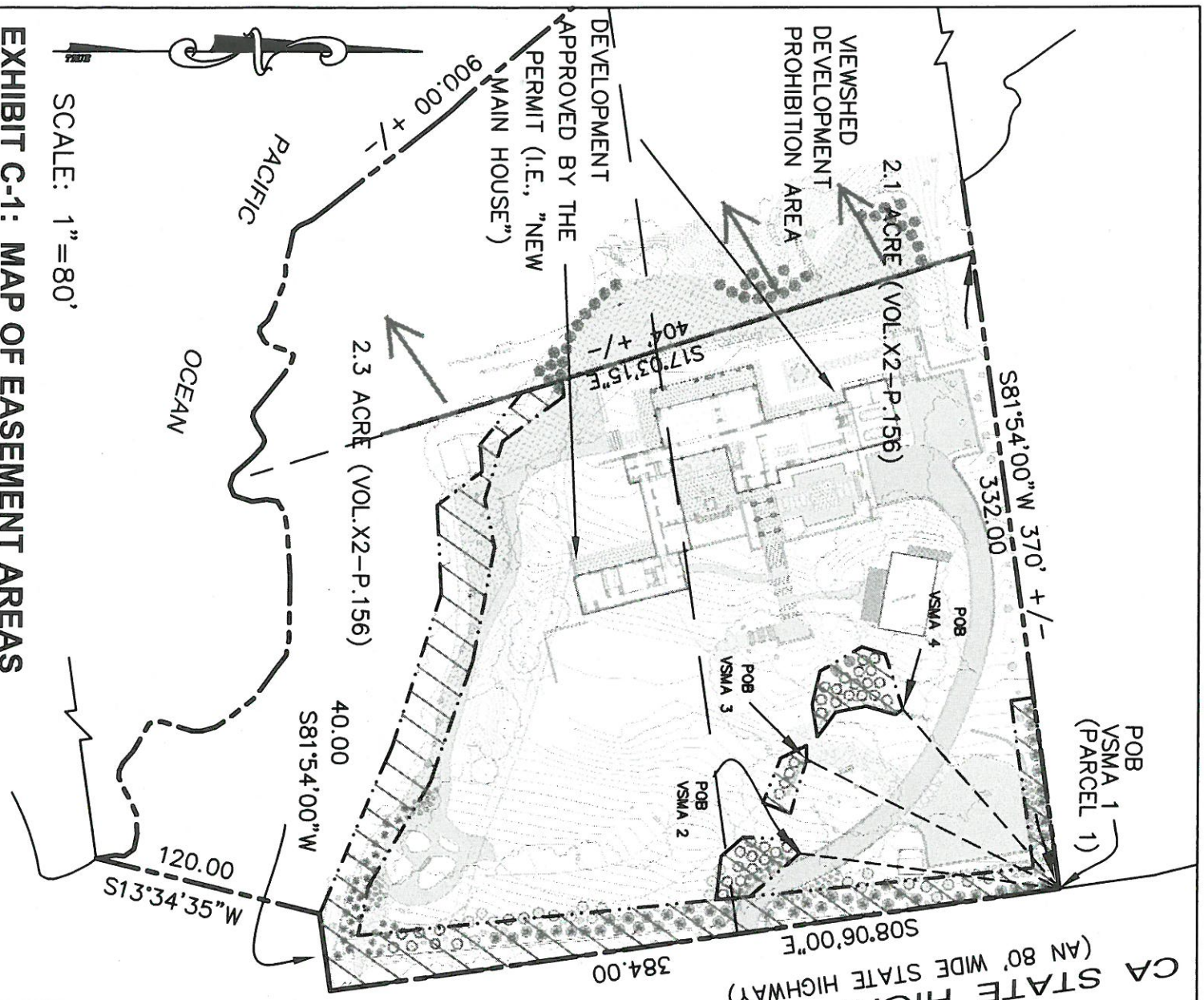


Exp. \_\_\_\_\_  
No. \_\_\_\_\_

POB VSMA=POINT OF BEGINNING, VIEWSHED SCREENING MAINTENANCE AREA. VEGETATION WITHIN ANY VSMA MUST BE MAINTAINED TO PREVENT THE NEW MAIN HOUSE FROM BEING VISIBLE FROM HIGHWAY ONE OR THE ABALONE COVE TURNOUT.

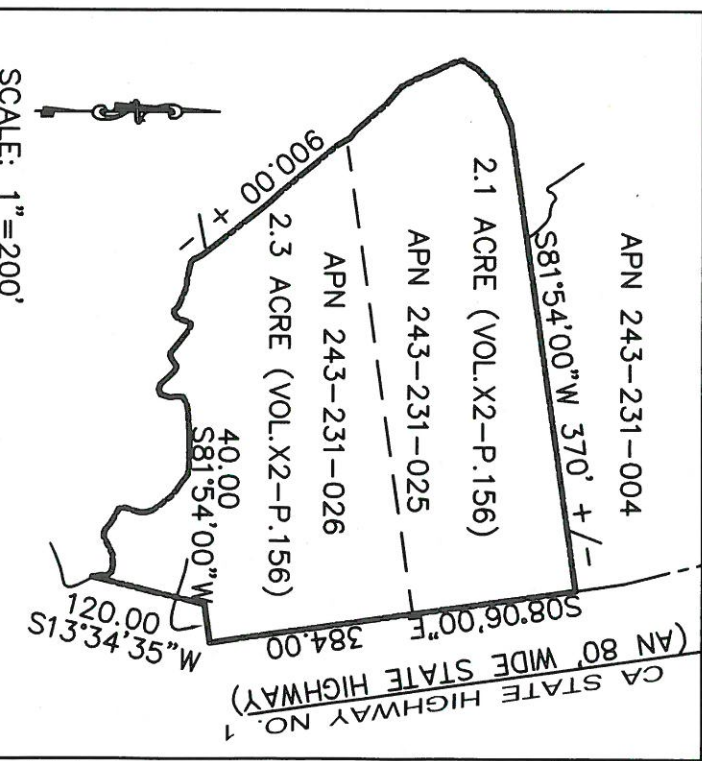


CA STATE HIGHWAY NO. 1  
(AN 80' WIDE STATE HIGHWAY)



SCALE: 1"=80'

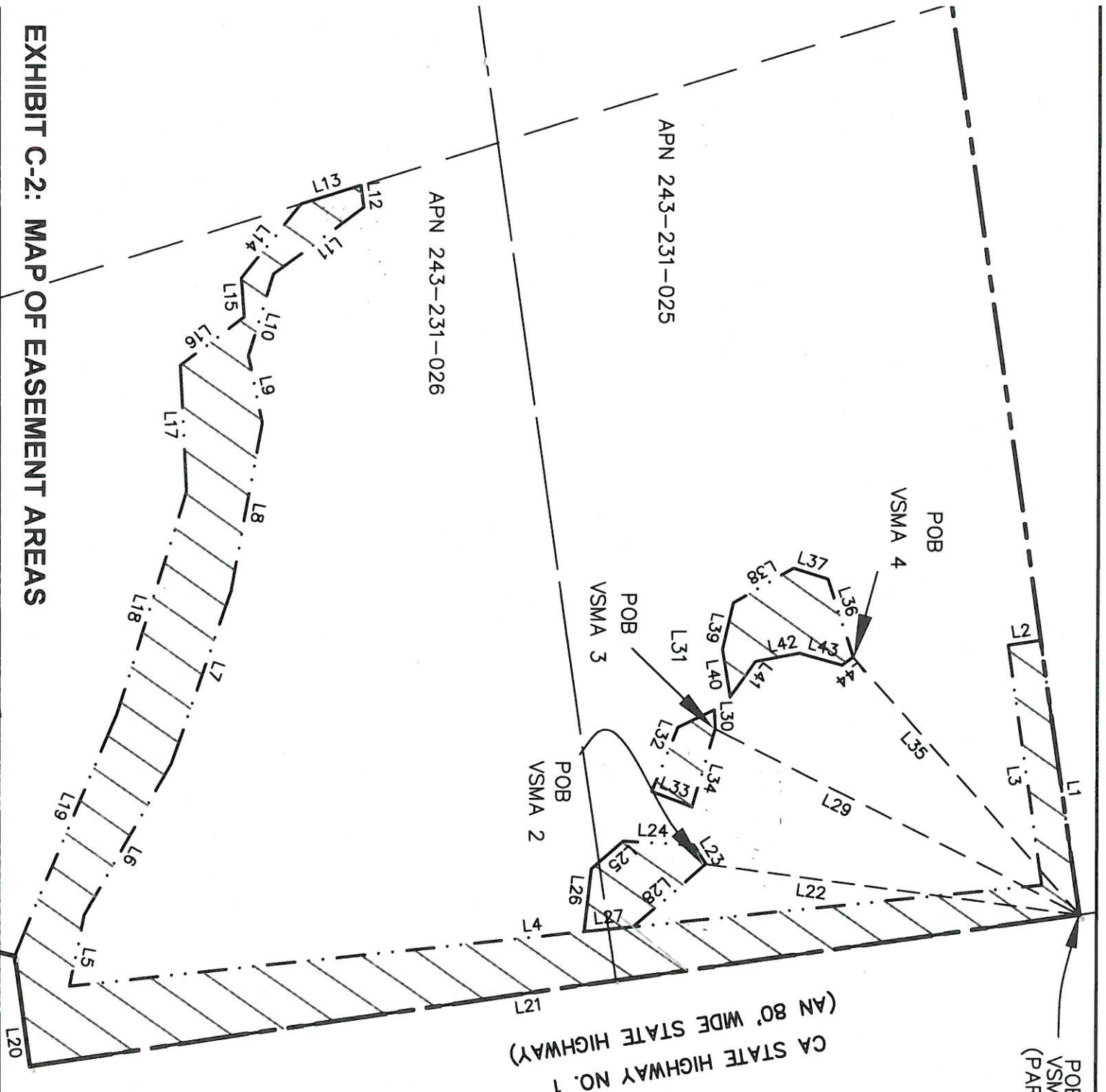
EXHIBIT C-1: MAP OF EASEMENT AREAS



SCALE: 1"=200'



EXHIBIT C-2: MAP OF EASEMENT AREAS

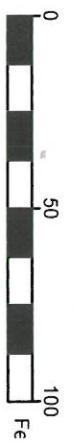


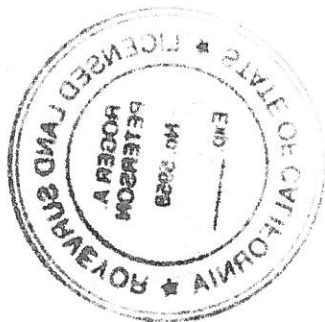
APN 243-231-026

APN 243-231-025

CA STATE HIGHWAY NO. 1  
(AN 80' WIDE STATE HIGHWAY)

POB VSMA 1  
(PARCEL 1)





Line Table		
Line #	Length	Direction
L1	100.00	S81°54'00"W
L2	12.00	S08°08'43"E
L3	87.51	N81°54'00"E
L4	354.08	S05°51'47"E
L5	26.09	N78°19'32"W
L6	62.78	N59°57'12"W
L7	65.96	N70°50'43"W
L8	61.15	N79°27'34"W
L9	25.11	S78°15'52"W
L10	31.03	N73°08'33"W
L11	40.19	N36°24'30"W
L12	8.05	S82°34'09"W
L13	22.27	S17°03'15"E
L14	34.36	S51°04'41"E
L15	14.12	N85°44'09"E
L16	29.15	S36°55'18"E
L17	45.82	N87°03'59"E
L18	83.84	S72°38'12"E
L19	94.31	S66°59'02"E
L20	40.00	N81°54'00"E
L21	384.00	N08°06'00"W
L22	137.00	S07°30'40"W

Line Table		
Line #	Length	Direction
L23	8.24	S57°44'49"W
L24	25.33	S02°54'23"W
L25	15.09	S41°23'01"E
L26	22.66	S83°35'07"E
L27	17.50	N05°51'47"W
L28	34.47	N40°39'37"W
L29	148.35	S26°45'00"W
L30	6.98	S87°36'58"W
L31	14.81	S25°34'46"E
L32	25.05	S68°12'57"E
L33	15.54	N20°49'24"E
L34	29.43	N73°22'07"W
L35	124.00	S48°27'30"W
L36	29.58	S71°55'53"W
L37	12.92	S17°26'39"W
L38	25.43	S29°45'59"E
L39	17.26	S76°33'10"E
L40	17.31	N80°28'04"E
L41	15.81	N53°52'55"W
L42	16.50	N11°01'35"W
L43	15.93	N15°40'31"E
L44	4.82	N36°33'10"W

**EXHIBIT C-3: MAP OF EASEMENT AREAS**



**END OF DOCUMENT**



Page \_\_\_\_\_ of \_\_\_\_\_

END OF DOCUMENT