

County of Monterey

Monterey County Zoning Administrator
Monterey County Government Center - Thyme Conference Room
1441 Schilling Place, 2nd Floor



Meeting Agenda - Final

Thursday, July 11, 2024

9:30 AM

Monterey County Zoning Administrator

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Zoning Administrator alternative actions on any matter before it.

In addition to attending in person, public participation will be available by ZOOM and/or telephonic means:

PLEASE NOTE: IF THE ZONING ADMINISTRATOR IS PRESENT IN PERSON, PUBLIC PARTICIPATION BY ZOOM IS FOR CONVENIENCE ONLY AND IS NOT REQUIRED BY LAW. IF THE ZOOM FEED IS LOST FOR ANY REASON, THE MEETING MAY BE PAUSED WHILE A FIX IS ATTEMPTED BUT THE MEETING MAY CONTINUE AT THE DISCRETION OF THE ZONING ADMINISTRATOR.

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Enter this Meeting ID number 927 7145 8150 when prompted.

PUBLIC COMMENT: Please submit your comment (limited to 250 or less) to the Clerk at zahearingcomments@co.monterey.ca.us. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Zoning Administrator Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the meeting.

Public Comment Prior to Wednesday at 5:00 PM will be distributed to the Zoning Administrator via email.

Public Comment submitted during the meeting can be submitted at any time and every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after the agenda item will be made part of the record if received prior to the end of the meeting.

ALTERNATIVE FORMATS: If requested, the agenda shall be made available in appropriate

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INTERPRETATION SERVICE POLICY: The County of Monterey Zoning Administrator invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the County of Monterey Housing and Community Development Department located in the County of Monterey Government Center, 1441 Schilling Place, 2nd Floor South, Salinas - or by phone at (831) 755-5025. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting.

La medida recomendada indica la recomendación del personal en el momento en que se preparó la agenda. Dicha recomendación no limita las acciones alternativas del Administrador de Zonificación sobre cualquier asunto que se le haya sometido.

Además de asistir en persona, la participación del público estará disponible por ZOOM y/o medios telefónicos:

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COMENTARIO PÚBLICO: Por favor envíe su comentario (limitado a 250 palabras o menos) al personal de la reunión del Administrador de Zonificación al correo electrónico:

zahearingcomments@co.monterey.ca.us. En un esfuerzo por ayudar al personal, indique en la línea de asunto, la audiencia de la reunión (por ejemplo, Administrador de Zonificación) y el número de la agenda (por ejemplo, el No. de agenda 10). Su comentario se incluirá en el registro de la reunión del Administrador de Zonificación.

Los comentarios públicos recibidos antes de las 5:00 p.m. el miércoles antes de la reunión del Administrador de Zonificación del Condado de Monterey se distribuirán por correo electrónico.

El comentario público enviado durante la reunión se puede enviar en cualquier momento y se hará todo lo posible para leer su comentario en el registro, pero algunos comentarios pueden no leerse debido a limitaciones de tiempo. Los comentarios recibidos después del tema de la agenda se incluirán en el registro si se reciben antes de que finalice la junta.

FORMATOS ALTERNATIVOS: Si se solicita, la agenda se pondrá a disposición de las personas con discapacidad en formatos alternativos apropiados, según lo exige la Sección 202 de la Ley de Estadounidenses con Discapacidades de 1990 (42 USC Sec. 12132) y las reglas y regulaciones federales adoptadas en implementación de la misma. Para obtener información sobre cómo, a quién y cuándo una persona con una discapacidad que requiere una modificación o adaptación para participar en la reunión pública puede hacer una solicitud de modificación o adaptación relacionada con la discapacidad, incluidas las ayudas o servicios auxiliares, o si tiene alguna pregunta sobre cualquiera de los temas enumerados en esta agenda, llame al Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey al (831) 755-5025.

POLÍZA DE SERVICIO DE INTERPRETACIÓN: El Administrador de Zonificación del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un intérprete, por favor comuníquese con el Departamento de Vivienda y Desarrollo Comunitario localizado en el Centro de Gobierno del Condado de Monterey, (County of Monterey Government Center), 1441 Schilling Place, segundo piso sur, Salinas – o por teléfono al (831) 755-5025. La asistente hará el esfuerzo para acomodar los pedidos de asistencia de un intérprete. Los pedidos se deberán hacer lo más pronto posible, y a lo mínimo 24 horas de anticipo para cualquier reunión.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report.

9:30 A.M - Call to Order**ROLL CALL**

Mike Novo, Zoning Administrator
Representative from Environmental Health
Representative from Public Works
Representative from Environmental Services

PUBLIC COMMENT

This is a time set aside for the public to comment on a matter that is not on the agenda.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Zoning Administrator Clerk will announce agenda corrections, deletions and proposed additions, which may be acted on by the Zoning Administrator as provided in Sections 54954.2 of the California Government Code.

ACCEPTANCE OF MINUTES

Acceptance of the June 27, 2024, County of Monterey Zoning Administrator meeting minutes.

Attachments: [Cover Sheet](#)
 [Draft ZA Minutes - 06-27-24](#)

9:30 A.M. - SCHEDULED ITEMS**1. PLN200097 - WIND & SEA PROPERTY LLC**

Continued from June 13, 2024 - Public hearing to consider restoration of approximately 11,750 square feet of Northern coastal bluff scrub habitat, removal of “Deck 2,” after-the-fact partial conversion of a detached garage into a 336 square foot guesthouse, and after-the-fact construction of outdoor sauna, hot tubs, an outdoor patio, and a deck within 50 feet of a coastal bluff and 100 feet of environmentally sensitive habitat area to partially clear Code Enforcement Violation No. 16CE00201.

Project Location: 54722 Highway 1, Big Sur.

Proposed CEQA Action: Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1

Attachments: [Staff Report](#)
 [Exhibit A - Draft Resolution](#)
 [Exhibit B - Vicinity Map](#)
 [Exhibit C - Restoration Plan](#)
 [Exhibit D - Deck Removal Biological Opinion letter](#)
 [Exhibit E - Deck Removal Geological Opinion letter](#)
 [Exhibit F - Code Enforcement Case Summary](#)

OTHER MATTERS

ADJOURNMENT



County of Monterey

Item No.A

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: MIN 24-046

July 11, 2024

Introduced: 7/1/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Minutes

Acceptance of the June 27, 2024, County of Monterey Zoning Administrator meeting minutes.



County of Monterey

Item No.A

Zoning Administrator

Legistar File Number: MIN 24-046

July 11, 2024

Introduced: 7/1/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Minutes

Acceptance of the June 27, 2024, County of Monterey Zoning Administrator meeting minutes.

County of Monterey

Monterey County Zoning Administrator
Monterey County Government Center - Thyme Conference Room
1441 Schilling Place, 2nd Floor
Salinas, CA 93901



Meeting Minutes - Draft

Thursday, June 27, 2024

9:30 AM

Monterey County Zoning Administrator

9:30 A.M - Call to Order

Mike Novo called the meeting to order at 9:30 am

ROLL CALL

Mike Novo, Zoning Administrator

Conner Cappi, Environmental Health

Public Works: N/A

Environmental Services: N/A

PUBLIC COMMENT

None

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Clerk informed the Zoning Administrator of one correspondence letter received from the public for Agenda Item No. 1, PLN210165, which was distributed.

ACCEPTANCE OF MINUTES

- A. Acceptance of the June 13, 2024, County of Monterey Zoning Administrator meeting minutes.**

The Zoning Administrator accepted the June 13, 2024, County of Monterey Zoning Administrator meeting minutes.

9:30 A.M. - SCHEDULED ITEMS

1. PLN210165 - MARINOVICH JEAN AND BUTIER PETER

Consider the construction of a 4,425 square foot single-family residence with a 300 square foot carport; and a 1,968 square foot barn, garage, and office, accessory to an agricultural use (lavender cultivation) and a Variance to allow an increase in the maximum allowable building site coverage, from 3% to 8%.

Project Location: 264 Giberson Road, Moss Landing

Proposed CEQA Action: Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Article 19 Section 15303, New Structures, and there are no exceptions pursuant to Section 15300.2.

Zoe Zepp, Project Planner, presented the item, and requested a new condition from Environmental Health. Connor Cappi, Environmental Health, also responded to questions from the Zoning Administrator.

Public Comments: Jean Marinovich, Applicant; Nancy Jobst, neighbor

The Zoning Administrator found the project exempt from CEQA pursuant to section 15303, and there are no exceptions pursuant to Section 15300.2; and approved a Combined Development Permit consisting of a Coastal Administrative Permit to allow the construction of a 4,425 square foot three story single family residence with an attached 300 square foot carport and a

detached 1,968 square foot two story barn, garage, and office, accessory to an agricultural use (lavender cultivation); a Coastal Administrative Permit to allow alteration of an existing irrigation well to allow use as a domestic production well; and a variance to allow an increase in the maximum allowable building site coverage, from 3.0% to 8.0% and addition or a new condition: deed restriction. The Zoning Administrator made non-substantive changes to the resolution.

2. PLN230291 - RATAUL BALBIR TR

Consider the construction of a test well within 100 feet of environmentally sensitive habitat.

Project Location: 46820 Clear Ridge Road, Big Sur

Proposed CEQA action: Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and there are no exceptions pursuant to section 15300.2.

Hya Honorato, Project Planner, presented the item and requested a restoration condition be added to the project conditions.

Public Comments: Michael Linder, Agent

The Zoning Administrator found the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and none of the exceptions to the exemptions listed in 15300.2 can be made; and approving a Combined Development Permit consisting of a Coastal Administrative Permit for a test well; and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitats. The Zoning Administrator agreed to add the restoration plan condition, allowing the earlier approved landscaping to remain and restoration of the rest to coastal grassland prairie. The Zoning Administrator also deleted “residential” after watershed and scenic conservation, and some non-substantive changes.

OTHER MATTERS

None

ADJOURNMENT

The meeting was adjourned at 9:58 am



County of Monterey

Item No.1

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ZA 24-026

July 11, 2024

Introduced: 7/1/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN200097 - WIND & SEA PROPERTY LLC

Continued from June 13, 2024 - Public hearing to consider restoration of approximately 11,750 square feet of Northern coastal bluff scrub habitat, removal of "Deck 2," after-the-fact partial conversion of a detached garage into a 336 square foot guesthouse, and after-the-fact construction of outdoor sauna, hot tubs, an outdoor patio, and a deck within 50 feet of a coastal bluff and 100 feet of environmentally sensitive habitat area to partially clear Code Enforcement Violation No. 16CE00201.

Project Location: 54722 Highway 1, Big Sur.

Proposed CEQA Action: Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1

RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a. Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1;
- b. Approve a Restoration Permit to allow approximately 11,750 square feet of Northern coastal bluff scrub habitat and removal of "Deck 2"; and
- c. Approve an After-the-fact Combined Development Permit to partially clear Code Enforcement violation (16CE00201) consisting of a:
 1. Coastal Administrative Permit and Design Approval to allow the partial conversion of a detached garage into a 336 square foot guesthouse;
 2. Coastal Administrative Permit and Design Approval to allow construction of an outdoor sauna, hot tubs, an outdoor patio, and decks;
 3. Coastal Development Permit to allow development within 50 feet of a Coastal bluff; and
 4. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**). Staff recommends approval subject to 11 conditions.

PROJECT INFORMATION:

Property Owner: Alex Hakakian

Agent: Chris Gourlay

APN: 421-011-010-000

Zoning: Rural Density Residential, 40 units per acre, Design Control Overlay, (Coastal Zone)

[RDR/40-D(CZ)]

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No

Project Planner: Fionna Jensen, 831-796-6407, JensenFI@countyofmonterey.gov

SUMMARY/DISCUSSION:

The project site is approximately 10.5 miles north of Lucia, CA, and is surrounded by residentially zoned parcels to the north and south, watershed and scenic conservation parcels to the west, and the Pacific Ocean to the west. The subject property is developed with an existing single-family dwelling and a detached garage, as well as various other site improvements including decks, an outdoor seating area, a driveway, and an on-site well and wastewater treatment system.

The project was previously scheduled for the June 13, 2024 Zoning Administrator hearing. However, prior to distribution of the June 13, 2024 Zoning Administrator staff report, the Applicant/Owner requested a continuance to a date uncertain to allow additional time to discuss the draft conditions of approval, specifically Condition No. 10 (Conservation and Scenic Easement) with HCD-Planning staff. Staff has since met with the project's agent to discuss the condition of approvals, which have been applied to address the property's violations and ensure compliance with applicable requirements of the Big Sur Coast LUP and Coastal Implementation Plan. These conditions are discussed in more detail below.

Violations

In 2016 and 2018, HCD-Code Enforcement received numerous complaints alleging construction and grading without appropriate permits. Additionally, since 2016 and as recently as April 5, 2024, the County has received complaints that the subject property has been used as a short-term rental, a wedding venue, and for the assemblage of people. After investigation, HCD-Code Enforcement issued an Administrative Citation (16CE00201) on November 4, 2022, confirming that the violations included use of the property as a short-term rental, holding of private events (e.g. weddings), and construction without property permits. To partially abate this violation, the Applicant/Owner requests that all unpermitted development be granted after-the-fact approvals. However, as detailed below, staff does not recommend after-the-fact approval for all unpermitted, as-built structures and site improvements, except for "Deck 2" which is recommended for removal and restoration. The granting of the proposed Restoration Permit and after-the-fact Combined Development Permit would not fully abate Code Enforcement Case No. 16CE00201 as the property still operates as a short-term rental and/or private event space.

As requested by the Zoning Administrator on June 13, 2024, the following discussion details the actions that HCD-Code Enforcement has taken relative to 16CE00201. Courtesy letters were sent to the property owner on March 1, 2016 and May 17, 2018, notifying them that the Resource Management Agency (predecessor to Housing and Community Development) had received complaints alleging the use of the property for events, such as weddings, short term rental of the residence, and unpermitted construction of site improvements (sauna, patio, and second living unit). These courtesy letters informed the property owner that they must either take the necessary actions to correct the violations or provide proof that the alleged violations do not exist on the property. The letter also noted that continued failure to correct the alleged violation may result in fines or penalties in accordance with Title 1 section 1.22.090 and 1.22.100 of the County's code.

In November 2022, HCD-Code Enforcement issued an administrative citation detailing the property's violations and required "immediat[e] cease of all unpermitted uses or construction until property permits are obtained." This citation also required that necessary planning and construction permits be obtained and the violation be corrected by December 2, 2022. On February 9, 2023, following no corrective actions, a "Notice of Monterey County Code Violation" was recorded on the property.

The property owner has not confirmed that these uses have ceased, nor have they attempted to obtain after-the-fact permitting to allow such uses. Therefore, since these portions of the violation are still outstanding, HCD-Code Enforcement has scheduled before the Hearing Officer to determine the existence of any violation, establish the requirement of all correction actions, and assess the appropriateness of any administrative penalties and administrative costs. The Administrative Hearing is scheduled for July 17, 2024. The Notice of Scheduled Administrative Hearing informed the Property Owner that the County has incurred \$720 while investigating this matter and \$558,600.00 in fines (penalties) have accrued pursuant to the formula established in Title 1 section 1.22.100 B. HCD-Code Enforcement will be recommending that the Health Officer requires the property owner pay 10% of the accrued fines. No cost recovery fees have been paid as of date. **Exhibit F** includes a summary of the code enforcement violation and a copy of the Notice of Scheduled Administrative Hearing.

Coastal Bluff

The existing residence is located at an elevation of approximately 185 feet on a coastal bluff west of Highway 1. The outdoor patio and decks were constructed within 50 feet of this coastal bluff, while the existing residence is approximately 70 feet from this bluff top. A geological report was prepared to address coastal bluff-related concerns. Based on available aerial imagery spanning 15 years, the project geologist determined that the bluff edge had retreated approximately 3 feet or 2.5 inches per year. Based on an estimated rate of bluff retreat of 2.5 inches per year, the adjacent bluff is predicted to retreat approximately 20 feet within the next 100 years. Using a more conservative estimated rate of bluff retreat of 6 inches per year, the bluff could retreat approximately 50 feet within the next 100 years. Utilizing either rate, the geological report concluded that the existing residence is situated appropriated from the bluff and would be safe from natural bluff erosion. However, the outdoor patio and decks are located within the projected bluff retreat, could be subject to failure, and should be considered sacrificial improvements. Retention of these non-habitable accessory structures is not necessary for the safety of the existing residence.

Big Sur Coastal Implementation Plan section 20.145.080.A.2.a.1 requires that development requiring geologic reports and subject to geologic hazards record a deed restriction. This implements Big Sur Coast LUP Policy 3.7.2.4, "In locations determined to have significant hazards, development permits should include a special condition requiring the owner to record a deed restriction describing the nature of the hazard(s), geotechnical and/or fire suppression mitigations and long-term maintenance requirements." Therefore, Condition No. 5 has been applied to require the applicant to record a deed restriction describing the nature of the coastal hazards and stating: "The parcel is located within a geological hazard area and development may be subject to certain restrictions required as per Section 20.145.080.A.2.a.1 of Part 3 of the Monterey County Coastal Implementation Plan and per the standards for development of residential property."

Environmentally Sensitive Habitat Area

The Big Sur Coast LUP defines Environmentally Sensitive Habitat Areas as “areas in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem.” The outdoor patio, hot tubs, and decks were constructed within 100 feet of ESHA, specifically Northern coastal bluff scrub habitat, and therefore required the granting of a Coastal Development Permit. In addition to the Northern coastal bluff scrub habitat, the Project Biologist observed Hoover’s manzanita plant and Sea cliff buckwheat, the host plant for the federally endangered Smith’s blue butterfly. Other sensitive plant species that could exist, but were not observed, include Hutchinson’s larkspur, Jolon clarkia, Arroyo Seco bush mallow, San Luis Obispo sedge, Cone peak bedstraw, Santa Lucia bedstraw, Santa Lucia fir, and Teardrop moss. No sensitive wildlife species were identified. However, based on the biologist's literary review, the project site and the adjacent area have had two known observations of Smith’s blue butterflies. Further, it is assumed that Smith’s blue butterflies inhabit the area when sea cliff buckwheat is present.

Based on the Project Biologist’s observations and the conclusions of a previous biologist report prepared in 1998, the Project Biologist estimated that 30 sea cliff buckwheat plants and approximately 5,875 square feet of Northern coastal scrub habitat were permanently impacted by the unpermitted site improvements. To address this habitat loss, the Project Biologist recommends restoration consisting of replanting sea cliff buckwheat at a 3:1 ratio and habitat restoration of Northern coastal scrub to at least a 2:1 ratio.

Partial conversion of the garage into a guesthouse and installation of the sauna did not disrupt sensitive habitat. Accordingly, no restoration work is associated with these improvements. To address the cumulative impacts on sensitive habitat related to the installation and construction of the remaining unpermitted work, the Project Biologist recommends approximately 11,750 square feet of restoration. The selected restoration areas are located in proximity to the unpermitted work. However, the Project Biologist notes that the areas near the outdoor patio and “Deck 1” are most appropriate for a majority of the restoration. Condition No. 4 requires approximately 600 square feet of Northern coastal scrub restoration immediately south of the as-built hot tubs, approximately 3,600 square feet of Northern coastal scrub restoration and the planting of 25 Sea cliff buckwheat plants immediately west of the as-built outdoor patio, approximately 5,000 square feet of Northern coastal scrub restoration and the planting of 65 Sea cliff buckwheat plants immediately south of as-built “Deck 1”, and approximately 2,550 square feet of Northern coastal scrub restoration around as-built “Deck 2” and its access path. In accordance with Policies 3.3.2.1 and 3.3.2.4 of the Big Sur Coast LUP, Condition No. 4 has been applied to ensure that impacts to the subject property’s sensitive species and habitats are less than significant and invasive vegetation is removed. The biological report did not address the removal of “Deck 2” and thus recommends the restoration to occur around the deck and along the path. However, as detailed below and in the Draft Resolution, staff recommends the removal of “Deck 2” and full restoration of this area. Condition No. 6 has been applied to require that the Applicant/Owner obtain a construction permit to allow the removal of “Deck 2”.

Slopes in Excess of 30%

A majority of the subject property contains slopes in excess of 30%. The outdoor patio, hot tubs, sauna, and “Deck 1” were not constructed on slopes in excess of 30%. However, “Deck 2” and its access path were constructed on the steeper slopes of an informal drainage channel that conveys

runoff from Highway 1 and the subject property to the Pacific Ocean. The Project Biologist did not find evidence that this drainage channel supported any riparian habitat or special-status wildlife.

Construction of “Deck 2” and creation of its access path occurred on slopes in excess of 30% which would have required the granting of a Coastal Development Permit. Pursuant to Big Sur Coastal Implementation Plan section 20.145.140.A(4), the required findings to allow development on slopes are limited to there being no alternative which would all development to occur on slopes less than 30% and/or the development better achieves the resource protection policies of the Big Sur Coast LUP. All other unpermitted site improvements were constructed or installed on less steep slopes. This indicates that there are feasible alternatives for accessory structures, such as a deck, to be constructed on slopes less than 30%. Further, locating a non-essential structure and path within an environmentally sensitive habitat does not better achieve the resource protection policies of the Big Sur Coast LUP as the Project Biologist estimates that Sea cliff buckwheat plants and Northern coastal scrub habitat were removed. Accordingly, the criteria to grant a Coastal Development Permit to allow development on slopes in excess of 30% are not met in this case. Finally, although accessory non-habitable structures are principally allowed uses, subject to the granting of a Coastal Administrative Permit, the subject property is developed with a main residence and various accessory structures (garage, decks, patios, etc.) and would not be deprived of a privilege if “Deck 2” were to be removed.

The Project’s Biologist and Geologist submitted letters (**Exhibits D and E**) claiming that “Deck 2” is inaccessible by heavy machinery that may be needed to remove the deck and therefore the impacts associated with creating a new path (widening and recompacting to a gradient less than 20%) to accommodate the machinery outweigh retention of the unpermitted deck. Use of heavy machinery could degrade and destabilize the rock and soil below the deck. Staff agrees that if heavy machinery were needed, the resulting environmental impacts may be significant. However, based on photos of the violation site, as well as correspondence with the Applicant/Owner, it appears “Deck 2” and the access path were hand-built and could be hand-removed. Staff contacted the Project Biologist and Project Geologist and inquired as to whether hand removal (down to the deck’s concrete piers/footings) is feasible in their professional opinion. Both consultants agreed that while hand removal may be difficult, it would be possible. Therefore, as proposed, Condition No. 6 requires the removal of “Deck 2” down to its foundation. This would allow the foundation footings, which primarily have at-grade elevations, to remain. Northern coastal scrub habitat restoration would occur in and around this area (Condition No. 4). Removal of these footings would serve no biological benefit as removal would likely increase the potential for impacts to the bluff slope and the adjacent marine life below.

Restoration to Pre-Violation State

In order to create the path to “Deck 2”, the removal of ESHA and grading on slopes in excess of 30% would have occurred. Title 20 section 20.90.130 requires restoration of violations involving vegetation removal or grading, unless it can be provided that restoration would endanger public health or safety, or that restoration is unfeasible due to circumstances beyond the control of the Application/Owner. The Project Geologist’s letter (**Exhibit E**) states that the “better alternative is to abandon the deck and allow nature to take over the deck and the surrounding areas.” While abandoning the path will make access to the deck more difficult, access will still be possible. Retention of an accessory structure located on slopes in excess of 30% and potentially subject to future bluff failure creates a possible public health hazard. Staff has been presented with no evidence that restoration of the path and

removal of the deck would endanger public health or safety, or that such work is unfeasible due to circumstances beyond the control of the Application/Owner.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

California Environmental Quality Act (CEQA) Guidelines section 15301 categorically exempts existing private structures, and section 15333 categorically exempts less than 5 acres of restoration. As proposed, the project involves the after-the-fact approval of existing private structures (outdoor patio, deck, sauna, and hot tub), the removal of an existing deck, and the restoration of approximately 11,750 square feet of Northern coastal scrub habitat. Therefore, the project qualifies for this exemption.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and CalFire.

LAND USE ADVISORY COMMITTEE:

Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application did warrant referral to the LUAC because it involves a Design Approval subject to consideration at a public hearing. However, due to the 2023 and 2024 Highway 1 slip-outs and closures, access to the South Coast LUAC meeting location was significantly impaired. Accordingly, staff did not refer the application to the South Coast LUAC. If directed by the Zoning Administrator, staff will refer the application to the LUAC for review.

Prepared by: Fionna Jensen, Senior Planner

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

Attachments:

Exhibit A - Draft Resolution, including:

- Conditions of Approval
- Project Plans, elevations, colors and materials

Exhibit B - Vicinity Map

Exhibit C - Restoration Plan

Exhibit D - Deck Removal Biological Opinion letter

Exhibit E - Deck Removal Geological Opinion letter

Exhibit F - Code Enforcement Case Summary

cc: Front Counter Copy; California Coastal Commission; Anna Ginette Quenga, AICP, Principal Planner; Fionna Jensen, Senior Planner; HCD Engineering Services; Environmental Health Bureau; HCD-Environmental Services; CalFire; Alex Hakakian, Applicant/Owner; Chris Gourlay, Agent; South Coast LUAC; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Project File No. PLN200097



Zoning Administrator

Legistar File Number: ZA 24-026

July 11, 2024

Introduced: 7/1/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN200097 - WIND & SEA PROPERTY LLC

Continued from June 13, 2024 - Public hearing to consider restoration of approximately 11,750 square feet of Northern coastal bluff scrub habitat, removal of "Deck 2," after-the-fact partial conversion of a detached garage into a 336 square foot guesthouse, and after-the-fact construction of outdoor sauna, hot tubs, an outdoor patio, and a deck within 50 feet of a coastal bluff and 100 feet of environmentally sensitive habitat area to partially clear Code Enforcement Violation No. 16CE00201.

Project Location: 54722 Highway 1, Big Sur.

Proposed CEQA Action: Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1

RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a. Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1;
- b. Approve a Restoration Permit to allow approximately 11,750 square feet of Northern coastal bluff scrub habitat and removal of "Deck 2"; and
- c. Approve an After-the-fact Combined Development Permit to partially clear Code Enforcement violation (16CE00201) consisting of a:
 1. Coastal Administrative Permit and Design Approval to allow the partial conversion of a detached garage into a 336 square foot guesthouse;
 2. Coastal Administrative Permit and Design Approval to allow construction of an outdoor sauna, hot tubs, an outdoor patio, and decks;
 3. Coastal Development Permit to allow development within 50 feet of a Coastal bluff; and
 4. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**). Staff recommends approval subject to 11 conditions.

PROJECT INFORMATION:

Property Owner: Alex Hakakian

Agent: Chris Gourlay

APN: 421-011-010-000

Zoning: Rural Density Residential, 40 units per acre, Design Control Overlay, (Coastal Zone)

[RDR/40-D(CZ)]

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No

Project Planner: Fionna Jensen, 831-796-6407, JensenFI@countyofmonterey.gov

SUMMARY/DISCUSSION:

The project site is approximately 10.5 miles north of Lucia, CA, and is surrounded by residentially zoned parcels to the north and south, watershed and scenic conservation parcels to the west, and the Pacific Ocean to the west. The subject property is developed with an existing single-family dwelling and a detached garage, as well as various other site improvements including decks, an outdoor seating area, a driveway, and an on-site well and wastewater treatment system.

The project was previously scheduled for the June 13, 2024 Zoning Administrator hearing. However, prior to distribution of the June 13, 2024 Zoning Administrator staff report, the Applicant/Owner requested a continuance to a date uncertain to allow additional time to discuss the draft conditions of approval, specifically Condition No. 10 (Conservation and Scenic Easement) with HCD-Planning staff. Staff has since met with the project's agent to discuss the condition of approvals, which have been applied to address the property's violations and ensure compliance with applicable requirements of the Big Sur Coast LUP and Coastal Implementation Plan. These conditions are discussed in more detail below.

Violations

In 2016 and 2018, HCD-Code Enforcement received numerous complaints alleging construction and grading without appropriate permits. Additionally, since 2016 and as recently as April 5, 2024, the County has received complaints that the subject property has been used as a short-term rental, a wedding venue, and for the assemblage of people. After investigation, HCD-Code Enforcement issued an Administrative Citation (16CE00201) on November 4, 2022, confirming that the violations included use of the property as a short-term rental, holding of private events (e.g. weddings), and construction without property permits. To partially abate this violation, the Applicant/Owner requests that all unpermitted development be granted after-the-fact approvals. However, as detailed below, staff does not recommend after-the-fact approval for all unpermitted, as-built structures and site improvements, except for "Deck 2" which is recommended for removal and restoration. The granting of the proposed Restoration Permit and after-the-fact Combined Development Permit would not fully abate Code Enforcement Case No. 16CE00201 as the property still operates as a short-term rental and/or private event space.

As requested by the Zoning Administrator on June 13, 2024, the following discussion details the actions that HCD-Code Enforcement has taken relative to 16CE00201. Courtesy letters were sent to the property owner on March 1, 2016 and May 17, 2018, notifying them that the Resource Management Agency (predecessor to Housing and Community Development) had received complaints alleging the use of the property for events, such as weddings, short term rental of the residence, and unpermitted construction of site improvements (sauna, patio, and second living unit). These courtesy letters informed the property owner that they must either take the necessary actions to correct the violations or provide proof that the alleged violations do not exist on the property. The letter also noted that continued failure to correct the alleged violation may result in fines or penalties in accordance with Title 1 section 1.22.090 and 1.22.100 of the County's code.

In November 2022, HCD-Code Enforcement issued an administrative citation detailing the property's violations and required "immediat[e] cease of all unpermitted uses or construction until property permits are obtained." This citation also required that necessary planning and construction permits be obtained and the violation be corrected by December 2, 2022. On February 9, 2023, following no corrective actions, a "Notice of Monterey County Code Violation" was recorded on the property.

The property owner has not confirmed that these uses have ceased, nor have they attempted to obtain after-the-fact permitting to allow such uses. Therefore, since these portions of the violation are still outstanding, HCD-Code Enforcement has scheduled before the Hearing Officer to determine the existence of any violation, establish the requirement of all correction actions, and assess the appropriateness of any administrative penalties and administrative costs. The Administrative Hearing is scheduled for July 17, 2024. The Notice of Scheduled Administrative Hearing informed the Property Owner that the County has incurred \$720 while investigating this matter and \$558,600.00 in fines (penalties) have accrued pursuant to the formula established in Title 1 section 1.22.100 B. HCD-Code Enforcement will be recommending that the Health Officer requires the property owner pay 10% of the accrued fines. No cost recovery fees have been paid as of date. **Exhibit F** includes a summary of the code enforcement violation and a copy of the Notice of Scheduled Administrative Hearing.

Coastal Bluff

The existing residence is located at an elevation of approximately 185 feet on a coastal bluff west of Highway 1. The outdoor patio and decks were constructed within 50 feet of this coastal bluff, while the existing residence is approximately 70 feet from this bluff top. A geological report was prepared to address coastal bluff-related concerns. Based on available aerial imagery spanning 15 years, the project geologist determined that the bluff edge had retreated approximately 3 feet or 2.5 inches per year. Based on an estimated rate of bluff retreat of 2.5 inches per year, the adjacent bluff is predicted to retreat approximately 20 feet within the next 100 years. Using a more conservative estimated rate of bluff retreat of 6 inches per year, the bluff could retreat approximately 50 feet within the next 100 years. Utilizing either rate, the geological report concluded that the existing residence is situated appropriated from the bluff and would be safe from natural bluff erosion. However, the outdoor patio and decks are located within the projected bluff retreat, could be subject to failure, and should be considered sacrificial improvements. Retention of these non-habitable accessory structures is not necessary for the safety of the existing residence.

Big Sur Coastal Implementation Plan section 20.145.080.A.2.a.1 requires that development requiring geologic reports and subject to geologic hazards record a deed restriction. This implements Big Sur Coast LUP Policy 3.7.2.4, "In locations determined to have significant hazards, development permits should include a special condition requiring the owner to record a deed restriction describing the nature of the hazard(s), geotechnical and/or fire suppression mitigations and long-term maintenance requirements." Therefore, Condition No. 5 has been applied to require the applicant to record a deed restriction describing the nature of the coastal hazards and stating: "The parcel is located within a geological hazard area and development may be subject to certain restrictions required as per Section 20.145.080.A.2.a.1 of Part 3 of the Monterey County Coastal Implementation Plan and per the standards for development of residential property."

Environmentally Sensitive Habitat Area

The Big Sur Coast LUP defines Environmentally Sensitive Habitat Areas as “areas in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem.” The outdoor patio, hot tubs, and decks were constructed within 100 feet of ESHA, specifically Northern coastal bluff scrub habitat, and therefore required the granting of a Coastal Development Permit. In addition to the Northern coastal bluff scrub habitat, the Project Biologist observed Hoover’s manzanita plant and Sea cliff buckwheat, the host plant for the federally endangered Smith’s blue butterfly. Other sensitive plant species that could exist, but were not observed, include Hutchinson’s larkspur, Jolon clarkia, Arroyo Seco bush mallow, San Luis Obispo sedge, Cone peak bedstraw, Santa Lucia bedstraw, Santa Lucia fir, and Teardrop moss. No sensitive wildlife species were identified. However, based on the biologist's literary review, the project site and the adjacent area have had two known observations of Smith’s blue butterflies. Further, it is assumed that Smith’s blue butterflies inhabit the area when sea cliff buckwheat is present.

Based on the Project Biologist’s observations and the conclusions of a previous biologist report prepared in 1998, the Project Biologist estimated that 30 sea cliff buckwheat plants and approximately 5,875 square feet of Northern coastal scrub habitat were permanently impacted by the unpermitted site improvements. To address this habitat loss, the Project Biologist recommends restoration consisting of replanting sea cliff buckwheat at a 3:1 ratio and habitat restoration of Northern coastal scrub to at least a 2:1 ratio.

Partial conversion of the garage into a guesthouse and installation of the sauna did not disrupt sensitive habitat. Accordingly, no restoration work is associated with these improvements. To address the cumulative impacts on sensitive habitat related to the installation and construction of the remaining unpermitted work, the Project Biologist recommends approximately 11,750 square feet of restoration. The selected restoration areas are located in proximity to the unpermitted work. However, the Project Biologist notes that the areas near the outdoor patio and “Deck 1” are most appropriate for a majority of the restoration. Condition No. 4 requires approximately 600 square feet of Northern coastal scrub restoration immediately south of the as-built hot tubs, approximately 3,600 square feet of Northern coastal scrub restoration and the planting of 25 Sea cliff buckwheat plants immediately west of the as-built outdoor patio, approximately 5,000 square feet of Northern coastal scrub restoration and the planting of 65 Sea cliff buckwheat plants immediately south of as-built “Deck 1”, and approximately 2,550 square feet of Northern coastal scrub restoration around as-built “Deck 2” and its access path. In accordance with Policies 3.3.2.1 and 3.3.2.4 of the Big Sur Coast LUP, Condition No. 4 has been applied to ensure that impacts to the subject property’s sensitive species and habitats are less than significant and invasive vegetation is removed. The biological report did not address the removal of “Deck 2” and thus recommends the restoration to occur around the deck and along the path. However, as detailed below and in the Draft Resolution, staff recommends the removal of “Deck 2” and full restoration of this area. Condition No. 6 has been applied to require that the Applicant/Owner obtain a construction permit to allow the removal of “Deck 2”.

Slopes in Excess of 30%

A majority of the subject property contains slopes in excess of 30%. The outdoor patio, hot tubs, sauna, and “Deck 1” were not constructed on slopes in excess of 30%. However, “Deck 2” and its access path were constructed on the steeper slopes of an informal drainage channel that conveys

runoff from Highway 1 and the subject property to the Pacific Ocean. The Project Biologist did not find evidence that this drainage channel supported any riparian habitat or special-status wildlife.

Construction of “Deck 2” and creation of its access path occurred on slopes in excess of 30% which would have required the granting of a Coastal Development Permit. Pursuant to Big Sur Coastal Implementation Plan section 20.145.140.A(4), the required findings to allow development on slopes are limited to there being no alternative which would all development to occur on slopes less than 30% and/or the development better achieves the resource protection policies of the Big Sur Coast LUP. All other unpermitted site improvements were constructed or installed on less steep slopes. This indicates that there are feasible alternatives for accessory structures, such as a deck, to be constructed on slopes less than 30%. Further, locating a non-essential structure and path within an environmentally sensitive habitat does not better achieve the resource protection policies of the Big Sur Coast LUP as the Project Biologist estimates that Sea cliff buckwheat plants and Northern coastal scrub habitat were removed. Accordingly, the criteria to grant a Coastal Development Permit to allow development on slopes in excess of 30% are not met in this case. Finally, although accessory non-habitable structures are principally allowed uses, subject to the granting of a Coastal Administrative Permit, the subject property is developed with a main residence and various accessory structures (garage, decks, patios, etc.) and would not be deprived of a privilege if “Deck 2” were to be removed.

The Project’s Biologist and Geologist submitted letters (**Exhibits D and E**) claiming that “Deck 2” is inaccessible by heavy machinery that may be needed to remove the deck and therefore the impacts associated with creating a new path (widening and recompacting to a gradient less than 20%) to accommodate the machinery outweigh retention of the unpermitted deck. Use of heavy machinery could degrade and destabilize the rock and soil below the deck. Staff agrees that if heavy machinery were needed, the resulting environmental impacts may be significant. However, based on photos of the violation site, as well as correspondence with the Applicant/Owner, it appears “Deck 2” and the access path were hand-built and could be hand-removed. Staff contacted the Project Biologist and Project Geologist and inquired as to whether hand removal (down to the deck’s concrete piers/footings) is feasible in their professional opinion. Both consultants agreed that while hand removal may be difficult, it would be possible. Therefore, as proposed, Condition No. 6 requires the removal of “Deck 2” down to its foundation. This would allow the foundation footings, which primarily have at-grade elevations, to remain. Northern coastal scrub habitat restoration would occur in and around this area (Condition No. 4). Removal of these footings would serve no biological benefit as removal would likely increase the potential for impacts to the bluff slope and the adjacent marine life below.

Restoration to Pre-Violation State

In order to create the path to “Deck 2”, the removal of ESHA and grading on slopes in excess of 30% would have occurred. Title 20 section 20.90.130 requires restoration of violations involving vegetation removal or grading, unless it can be provided that restoration would endanger public health or safety, or that restoration is unfeasible due to circumstances beyond the control of the Application/Owner. The Project Geologist’s letter (**Exhibit E**) states that the “better alternative is to abandon the deck and allow nature to take over the deck and the surrounding areas.” While abandoning the path will make access to the deck more difficult, access will still be possible. Retention of an accessory structure located on slopes in excess of 30% and potentially subject to future bluff failure creates a possible public health hazard. Staff has been presented with no evidence that restoration of the path and

removal of the deck would endanger public health or safety, or that such work is unfeasible due to circumstances beyond the control of the Application/Owner.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

California Environmental Quality Act (CEQA) Guidelines section 15301 categorically exempts existing private structures, and section 15333 categorically exempts less than 5 acres of restoration. As proposed, the project involves the after-the-fact approval of existing private structures (outdoor patio, deck, sauna, and hot tub), the removal of an existing deck, and the restoration of approximately 11,750 square feet of Northern coastal scrub habitat. Therefore, the project qualifies for this exemption.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and CalFire.

LAND USE ADVISORY COMMITTEE:

Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application did warrant referral to the LUAC because it involves a Design Approval subject to consideration at a public hearing. However, due to the 2023 and 2024 Highway 1 slip-outs and closures, access to the South Coast LUAC meeting location was significantly impaired. Accordingly, staff did not refer the application to the South Coast LUAC. If directed by the Zoning Administrator, staff will refer the application to the LUAC for review.

Prepared by: Fionna Jensen, Senior Planner

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

Attachments:

Exhibit A - Draft Resolution, including:

- Conditions of Approval
- Project Plans, elevations, colors and materials

Exhibit B - Vicinity Map

Exhibit C - Restoration Plan

Exhibit D - Deck Removal Biological Opinion letter

Exhibit E - Deck Removal Geological Opinion letter

Exhibit F - Code Enforcement Case Summary

cc: Front Counter Copy; California Coastal Commission; Anna Ginette Quenga, AICP, Principal Planner; Fionna Jensen, Senior Planner; HCD Engineering Services; Environmental Health Bureau; HCD-Environmental Services; CalFire; Alex Hakakian, Applicant/Owner; Chris Gourlay, Agent; South Coast LUAC; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Project File No. PLN200097

Exhibit A

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DRAFT RESOLUTION

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

WIND & SEA PROPERTY (PLN200097)

RESOLUTION NO. 24-

Resolution by the Monterey County Zoning Administrator:

- 1) Finding the project Categorical Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1;
- 2) Approving a Restoration Permit to allow approximately 11,750 square feet of Northern coastal bluff scrub habitat and removal of "Deck 2"; and
- 3) Approving an After-the-fact Combined Development Permit to partially clear Code Enforcement violation (16CE00201) consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow the partial conversion of a detached garage into a 336 square foot guesthouse;
 - b. Coastal Administrative Permit and Design Approval to allow construction of an outdoor sauna, hot tubs, an outdoor patio, and decks;
 - c. Coastal Development Permit to allow development within 50 feet of a Coastal bluff; and
 - d. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

[PLN200097, WIND & SEA PROPERTY LLC,
54722 HIGHWAY 1, BIG SUR, BIG SUR LAND
USE PLAN (APN: 421-011-010-000)]

The WIND & SEA PROPERTY LLC application (PLN200097) came on for a public hearing before the Monterey County Zoning Administrator on June 13, 2024 and July 11, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Zoning Administrator 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 (LUP);
 - Monterey County Coastal Implementation Plan, Part 3, Regulations for Development in the Big Sur Coast Land Use Plan Area (CIP); and
 - Monterey County Zoning Ordinance (Title 20).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The subject property is currently developed with a single-family dwelling and detached garage, as approved under HCD-Planning File No. PLN965463. As proposed the project seeks to legalize existing accessory structures that were constructed without the benefit of a discretionary permit (see Finding No. 4 and supporting evidence). The unpermitted work included the conversion of a portion of a garage into a 336-square-foot guesthouse, the construction a 576-square-foot deck (“Deck 1”), a 580-square-foot deck (“Deck 2”), and an outdoor grass patio with benched seating, and installation of two 15 square foot outdoor hot tubs and a 38 square foot sauna. Condition No. 6 requires the Applicant/Owner to obtain a construction permit to allow the removal of “Deck 2” down to its concrete foundation piers. Granting of this after-the-fact Combined Development would legalize all other site improvements. However, construction permits would be required to fully clear the open code enforcement violation (16CE00201). The proposed project was developed within 50 feet of a Coastal bluff and 100 feet of Environmentally Sensitive Habitat Area. As proposed, the Project includes approximately 11,750 square feet of restoration.
 - c) Allowed Use. The property is located at 54722 Big Sur, Big Sur Coast Land Use Plan (Assessor’s Parcel Number [APN]: 421-011-010-000). The parcel is zoned Rural Density Residential, 40 units per acre, Design Control Overlay, (Coastal Zone) or “RDR/40-D(CZ)”, which allows for the construction of accessory structures, subject to the granting of a Coastal Administrative Permit and Design Approval. Construction of the as-built structures occurred within 50 feet of a Coastal bluff and 100 feet of Environmentally Sensitive Habitat and therefore requires the granting of Coastal Development Permits, in each case. Accordingly, the project is an allowed land use for this site.
 - d) Lot Legality. The subject property, 5.8 acres in size, is identified in its current configuration as Lot 3 of the 1965 Staude Subdivision, recorded as Volume 9, Cities and Towns Map, Page 23. Therefore, the County recognizes this parcel as a legal lot of record.
 - e) Design/Neighborhood. Pursuant to Title 20, Chapter 20.44, the project site and surrounding area are designated as a Design Control Zoning

District (“D” zoning overlay), which is intended to regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The existing residence and garage have a brown horizontal wood exterior. The as-built decks and sauna were constructed with natural wood, while the benches and seats of the outdoor grass patio are stone and the hot tubs are cooper. The natural colors and materials are consistent with the surrounding environment. As detailed below, the project does not impact the Critical Viewshed and as-built, the project assures the protection of the public viewshed and is compatible with the neighborhood.

- f) Critical Viewshed. The Big Sur Coast LUP defines the Critical Viewshed as “everything within sight of Highway 1 and major public viewing areas”. The subject property is situated immediately west of Highway 1 and thus within the Critical Viewshed. However, due to the steep decrease in elevation, as well as mature vegetation along Highway 1, a majority of the subject property is not visible from Highway 1. However, limited portions of the existing residence and the roof of the garage are visible from Highway 1. Big Sur Coast LUP Key Policy 3.2.1 prohibits all development from being visible from Highway 1 or a major public viewing area. The as-built site improvements did alter the existing visible structures and were not constructed in a portion of the property visible from Highway 1. Additionally, no exterior lighting is proposed. Therefore, no impact to the Critical Viewshed occurred.
- g) Development Standards. The development standards for the RDR zoning district are established in Title 20 section 20.16.060. Setbacks for accessory structures are 50 feet (front), 6 feet and 1 foot (sides; front-half and rear-half, respectively), and 1 foot (rear). The required height for accessory structures is 15 feet. All site improvements comply with these requirements. As a 5.8-acre lot, the allowable site coverage would be 63,162 square feet (25 percent). Although “Deck 2” would contribute to site coverage, as conditioned, this deck is slated for removal (Condition No. 6). All other site improvements do not contribute to the property’s site coverage, which is limited to the existing single-family dwelling and garage. As built, the project complies with the applicable site development standards.
- h) Guesthouse. The project involves after-the-fact approval of the conversion of a 336-square-foot portion of a garage into a guesthouse. As built, the guesthouse complies with the applicable requirements of Title 20 section 20.64.020. See Finding No. 5 and supporting evidence.
- i) Development within 50 feet of a Coastal Bluff. The project involves development within 50 feet of a Coastal bluff. The criteria to grant the required Coastal Development Permit have been met. As demonstrated in Finding No. 6 and supporting evidence, the development would not create a geologic hazard or diminish the stability of the area.
- j) Development within 100 feet of Environmentally Sensitive Habitat Area. The Big Sur Coast LUP defines Environmentally Sensitive Habitat Areas (ESHA) as those “in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem.” The subject property contains Northern coastal

scrub habitat and Sea cliff buckwheat, the host plant for the federally listed Smith's blue butterfly. Accordingly, development occurred within 100 feet of ESHA. The criteria to grant the required Coastal Development Permit have been met. As demonstrated in Finding No. 7 and supporting evidence, application of Condition No. 4 would ensure that the property's sensitive habitat is restored and protected.

- k) Development on Slopes Greater than 30%. A majority of the subject property contains slopes in excess of 30%. The outdoor patio, hot tubs, sauna, and "Deck 1" were not constructed on slopes in excess of 30%. However, "Deck 2" and its access path were constructed on the steeper slopes of an informal drainage channel that conveys runoff from Highway 1 and the subject property to the Pacific Ocean. This work would have required the granting of a Coastal Development Permit. Pursuant to Big Sur Coastal Implementation Plan section 20.145.140.A(4), the required findings to allow development on slopes are limited to 1) no alternative would allow development to occur on slopes less than 30% and/or 2) the development better achieves the resource protection policies of the Big Sur Coast LUP. All other unpermitted site improvements were constructed or installed on less steep slopes. This indicates that there are feasible alternatives for accessory structures, such as a deck, to be constructed on slopes less than 30%. Further, locating a non-essential structure and path within an environmentally sensitive habitat does not better achieve the resource protection policies of the Big Sur Coast LUP as the Project Biologist estimates that Sea cliff buckwheat plants and Northern coastal scrub habitat were removed. Accordingly, the criteria to grant a Coastal Development Permit to allow development on slopes in excess of 30% have not been met in this case. Therefore, the project includes restoration of the area for "Deck 2" and its access path.
- l) Cultural Resources. According to Monterey County Geographic Information System (GIS) records, the subject parcel has a high archaeological sensitivity but is not within 750 feet of a known archaeological resource. The archaeological report prepared for the construction of the single-family dwelling (HCD-Planning File No. PC965463; Monterey County Library No. LIB080663) found that there was no surface evidence of archaeological resources or their indicators. Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by use of the County's standard condition (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.
- m) Land Use Advisory Committee (LUAC) Review. Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application did warrant referral to the LUAC because it involves a Design Approval subject to consideration at a public hearing. However, due to the 2023 and 2024 Highway 1 slip-outs and closures, access to the South Coast LUAC meeting location was significantly impaired. Accordingly, staff did not refer the application to the South Coast LUAC.

- n) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and CalFire. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to geological hazards and biological resources. The following reports have been prepared:
 - “Geotechnical Engineering & Engineering Geology Report” (LIB230347) prepared by Sassan Geosciences, Inc., Pasadena, California, August 18, 2023.
 - “Biological Survey Report” (LIB230346) prepared by Ed Mercurio, Salinas, CA, December 1, 2023.County staff independently reviewed these reports and generally concurred with their conclusions. County staff disagrees with the consultant's statements that heavy machinery would be required to remove “Deck 2”. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. Therefore, staff recommends removal of “Deck 2” and all other development shall be in accordance with these reports.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

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 HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and CalFire. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are provided. The existing single-family dwelling and as-built guesthouse with an attached garage are served potential water by an on-site well. The property is also served by an existing onsite wastewater treatment system.

- c) Due to the constrained nature of the property, Condition No. 7 has been applied to require that the Owner records a deed restriction indicating that any future replacement or expansion of the existing onsite wastewater treatment system may require the installation and ongoing use of an alternative onsite wastewater treatment system.
- d) The project involves development within a geological hazard area (50 feet of a Coastal bluff). As demonstrated in Finding No. 6 and supporting evidence, the development would not create a geologic hazard or diminish the stability of the area.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

4. FINDING:

VIOLATIONS – The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. Violations exist on the property.

EVIDENCE:

- a) In 2016 and 2018, HCD-Code Enforcement received numerous complaints alleging construction and grading without appropriate permits. Additionally, since 2016 and as recently as April 5, 2024, the Count has received complaints that the subject property has been used as a short-term rental, a wedding venue, and for the assemblage of people. After investigation, HCD-Code Enforcement issued an Administrative Citation (16CE00201) on November 4, 2022, confirming that the violations included use of the property as a short-term rental, holding of private events (e.g. weddings), and construction without property permits.
- b) To partially abate this violation, the granting of this permit would allow the removal of “Deck 2”, after-the-fact approval of all site improvements, including conversion of a portion of the garage into a guesthouse, and restoration of approximately 11,750 square feet of Northern coastal scrub habitat. Construction permits from HCD-Building Services shall be obtained to legalize the as-built improvements. Condition No. 6 has been applied to require the Applicant/Owner to obtain a construction permit that allows the removal of “Deck 2” down to its foundation. Due to unknown potential impacts to the coastal bluff stability and the surrounding environmentally sensitive habitat, the foundation piers/footings for the deck shall remain and restoration in and around this area shall occur pursuant to Condition No. 4. The granting of the proposed Restoration Permit and after-the-fact Combined Development Permit would not fully abate Code Enforcement Case No. 16CE00201 as the property still operates as a short-term rental and/or private event space. The Applicant/Owner shall seek approval of necessary permits for these activities or cease such use.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

5. **FINDING:** **GUESTHOUSE** - The project meets the established regulations and standards as identified in Title 20, Section 20.64.020.
- EVIDENCE:**
- a) Title 20, Section 20.64.020 establishes regulations and standards for which a guesthouse, accessory to the main residence on a lot, may be permitted. The project includes the construction of a 375 square foot guesthouse with no cooking facilities.
 - b) The proposed guesthouse is the only guesthouse proposed for not be separately rented. Staff has applied the standard coastal guesthouse deed restriction as Condition No. 8.
 - c) The guesthouse is sited in proximity, approximately 40 feet east, of the main dwelling, and 50 feet from the front property line.
 - d) As defined in Title 20, Section 20.58.040, the guesthouse requires one parking space. Consistent with this requirement, the guesthouse will have one covered parking space located next to the garage. Adequate space around the garage provides parking for the existing residence.
 - e) The guesthouse meets the required site development standards and design criteria as defined in Title 20 Section 20.16.060 and Chapter 20.44 (See Finding 1, Evidence “e” and “g”). The guesthouse maintains the same architectural style as the main residence and is therefore visually consistent and compatible.
 - f) The application was reviewed by the Environmental Health Bureau (EHB) to ensure adequate sewage disposal and water supply facilities exist and are readily available to serve the guesthouse. The guesthouse will share the same utilities as the main residence.
 - g) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in HCD-Planning File No. PLN210161.
6. **FINDING:** **DEVELOPMENT WITHIN 50 FEET OF A COASTAL BLUFF** - The project is consistent with the Big Sur Coast Land Use Plan (BSC LUP) policies addressing hazardous areas and development in proximity to coastal bluffs, and their implementing regulations in the Monterey County Coastal Implementation Plan Part 3, Regulations for Development in the Big Sur Coast Land Use Plan (CIP).
- EVIDENCE:**
- a) Geotechnical & Geological Report. BSC LUP Policy 3.7.3.A.9 and 3.7.3.A.11 require the preparation of geological and geotechnical reports for development in proximity to a coastal bluff, and in areas of known or suspected geologic hazards, to assess geologic hazards and provide recommendations to address them. In this case, a geotechnical and geological report (LIB230347) was prepared and found that there are no significant geotechnical or geologic hazards at the site which would prohibit the proposed development.
 - b) Tsunami. Tsunami hazards at the property are low, based on the Monterey County Tsunami inundation Map dated March 2021 prepared by the California Geological Survey.
 - c) Storm wave runup. Improvements on the site are 185 feet above sea level in an area above the reach of wave runup.
 - d) Fault. Monterey County GIS portrays a fault line in close proximity to the project. This fault, identified as the Sur-Nacimiento/Hisgri Fault, is not historically active, however some geologists consider it to be

potentially active. The geological recommended all work be constructed consistent with 2022 California Building Code.

- e) Bluff Recession. The outdoor patio and decks were constructed within 50 feet of this coastal bluff, while the existing residence is approximately 70 feet from this bluff top. The geological report (LIB230347) addresses coastal bluff-related concerns. Based on available aerial imagery spanning 15 years, the project geologist determined that the bluff edge had retreated approximately 3 feet or 2.5 inches per year. Based on an estimated rate of bluff retreat of 2.5 inches per year, the subject bluff is predicted to retreat approximately 20 feet within the next 100 years. Using a more conservative estimated rate of bluff retreat of 6 inches per year, the bluff could retreat approximately 50 feet within the next 100 years. Utilizing either rate, the geological report concluded that the existing residence is situated appropriated from the bluff and would be safe from natural bluff erosion. However, because the outdoor patio and decks are located within the projected bluff retreat and could be subject to failure, these structures should be considered sacrificial improvements. Retention of these non-habitable accessory structures is not necessary for the safety of the existing residence.
- f) Coastal Hazards Deed Restriction. BSC LUP Policy 3.7.2.4 requires that in locations determined to have significant hazards, development permits include a special condition requiring the owner to record a deed restriction describing the nature of the hazard and long-term maintenance requirements, and BSC LUP Policy 3.9.1.1 requires that bluff-top setbacks be adequate to avoid the need for sea walls during developments lifetime. The existing residence and garage with an attached guesthouse are adequately setback from bluff-related erosion. However, in this case the areas seaward of the bluff setback are subject to known bluff erosion and slope stability hazards. Therefore, Condition No. 5 has been applied to require the applicant to record a deed restriction describing the nature of the coastal hazards and stating: "The parcel is located within a geological hazard area and development may be subject to certain restrictions required as per Section 20.145.080.A.2.a.1 of Part 3 of the Monterey County Coastal Implementation Plan and per the standards for development of residential property."
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

7. FINDING: DEVELOPMENT WITHIN 100 FEET OF ESHA - The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE: a) In accordance with Big Sur CIP section 20.145.040.A, a biological report (LIB230346) was prepared by Ed Mercurio to determine whether the as-built site improvements impacted environmentally sensitive habitat areas. The report stated that on-site habitat primarily consisted of invasive, non-native plant species and fragmented Northern coastal scrub habitat. In

addition to the Northern coastal bluff scrub habitat, the Project Biologist observed Hoover's manzanita plant and Sea cliff buckwheat, the host plant for the federally endangered Smith's blue butterfly. Other sensitive plant species that could exist, but were not observed, include Hutchinson's larkspur, Jolon clarkia, Arroyo Seco bush mallow, San Luis Obispo sedge, Cone peak bedstraw, Santa Lucia bedstraw, Santa Lucia fir, and Teardrop moss. No sensitive wildlife species were identified. However, based on the biologist's literary review, the project site and the adjacent area have had two known observations of Smith's blue butterflies. Further, it is assumed that Smith's blue butterflies inhabit the area when sea cliff buckwheat is present.

- b) Big Sur CIP section 20.145.020 defines environmentally sensitive habitat areas as that which plant or animal life or their habitats are particularly valuable because of their special nature or role in an ecosystem. Examples of environmentally sensitive habitat include habitat for rare and endangered species. Accordingly, the above mentioned plant species qualify as environmentally sensitive habitat.
- c) Partial conversion of the garage into a guesthouse and installation of the sauna did not disrupt sensitive habitat. However, all other as-built improvements are expected to have impacted sensitive habitat. Based on the Project Biologist's observations and the conclusions of a previous biologist report prepared in 1998, the Project Biologist estimated that 30 sea cliff buckwheat plants and approximately 5,875 square feet of Northern coastal scrub habitat were permanently impacted by the site improvements. To mitigate this habitat loss and its cumulative impacts, the Project Biologist recommends that sea cliff buckwheat be replanted on a 3:1 ratio and Northern coastal scrub habitat be restored on at least a 2:1 ratio. The project Biologist recommends approximately 11,750 square feet of restoration, which includes the replanting of 90 Sea cliff buckwheat plants.
- d) Condition No. 4 requires approximately 600 square feet of Northern coastal scrub restoration immediately south of the as-built hot tubs, approximately 3,600 square feet of Northern coastal scrub restoration and the planting of 25 Sea cliff buckwheat plants immediately west of the as-built outdoor patio, approximately 5,000 square feet of Northern coastal scrub restoration and the planting of 65 Sea cliff buckwheat plants immediately south of as-built "Deck 1", and approximately 2,550 square feet of Northern coastal scrub restoration where "Deck 2" and its access path are located. In accordance with Policies 3.3.2.1 and 3.3.2.4 of the Big Sur Coast Land Use Plan, Condition No. 4 has been applied to ensure that impacts to the subject property's sensitive species and habitats are less than significant and invasive vegetation is removed.
- e) Big Sur Coast LUP Policy 3.3.2.3 requires permanent conservation in environmentally sensitive habitats when new development is proposed on parcels containing such habitats. Therefore, Condition No. 10 has been applied to require that the environmentally sensitive habitat areas on the site, including the areas of restoration, be placed in a conservation and scenic easement.
- f) Implementation of Condition No. 6 requires the removal of "Deck 2" down to its foundation. This would allow the foundation footings, which

primarily have at-grade elevations, to remain. Restoration would occur in and around this area (Condition No. 4). Removal of these footings would serve no biological benefit as removal would likely increase the potential for impacts to the bluff slope and the adjacent marine life below. Removal of these footings would likely require a jackhammer or larger excavation equipment, which could degrade and destabilize the rock and soil below it. The project biologist and geologist encourage that heavy machinery is not used due to their potential environmental impacts.

- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

8. FINDING: **CEQA (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines section 15301 categorically exempts existing private structures. CEQA Guidelines section 15333 categorically exempts less than 5 acres of restoration, provided the following criteria are not met: the restoration does not have a significant adverse impact on threatened, rare, or endangered species or their habitats, does not involve the removal of hazardous materials, and will not result in a significant cumulative impact.
 - b) As proposed, the project involves the after-the-fact approval of existing private structures (outdoor patio, deck, sauna, and hot tub), the removal of an existing deck, and the restoration of approximately 11,750 square feet of Northern coastal scrub habitat. As demonstrated in subsequent Evidence “e” and “g”, and Finding No. 7 and supporting evidence, the project does not meet the excluding criteria of Class 33. Therefore, the project qualifies for this exemption.
 - c) Class 1 categorical exemptions apply regardless of their location. The project is also not located in an area where an environmental resource of hazardous or critical concern has been designated by a local, state, or federal agency and precisely mapped.
 - d) The project is adjacent to Highway 1, a designated state Scenic Highway. However, as detailed in Finding No. 1, Evidence “g”, the project would not adversely affect scenic resources in view of the scenic highway.
 - e) The project is not located on a hazardous waste site included on any list compiled by Section 65962.5 of the Government Code.
 - f) An historical resource is defined as any structure, over 50 years of age which is listed—or could be listed—either on the National Register of Historic Places or Local Register of Historical Resources. The existing residence and garage are not 50 years of age and the project involves no alterations to their exteriors. Therefore, no impact would occur to a historical resource.
 - g) There are no unusual circumstances associated with the undertaking of the project that would create the reasonable possibility for a potentially significant environmental effect.

- h) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

- 9. 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 applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No public access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Sections 20.70.050.B.4 or 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject property is not described as an area where the Local Coastal Program requires visual or physical public access (Figure 2, Local Coastal Program Shoreline Access Plan Central Section, and Figure 3, Local Coastal Program Trails Plan Central Section).
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

- 10. FINDING: APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Board of Supervisors. Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission. This project is appealable to the California Coastal Commission pursuant to Title 20 sections 20.86.080.A.1 and 20.86.080.A.3, as it includes development between the sea and the first public road paralleling the sea (in this case Highway 1) and development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Monterey County Zoning Administrator does hereby:

- 1) Find the project Categorical Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1;
- 2) Approve a Restoration Permit to allow approximately 11,750 square feet of Northern coastal bluff scrub habitat and removal of "Deck 2"; and
- 3) Approve an After-the-fact Combined Development Permit to partially clear Code Enforcement violation (16CE00201) consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow the partial conversion of a detached garage into a 336 square foot guesthouse;
 - b. Coastal Administrative Permit and Design Approval to allow construction of an outdoor sauna, hot tubs, an outdoor patio, and decks;

- c. Coastal Development Permit to allow development within 50 feet of a Coastal bluff; and
- d. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

All of which are in general conformance with the approved sketch and subject to the conditions of approval, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 11th day of July, 2024.

Mike Novo, AICP
Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 DATE.

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 Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

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

Form Rev. 1-27-2021

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County of Monterey HCD Planning

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

PLN200097

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Restoration Permit allows approximately 11,750 square feet of Northern coastal bluff scrub habitat and removal of "Deck 2", and an After-the-fact Combined Development Permit to partially clear Code Enforcement violation (16CE00201) consisting of: 1) Coastal Administrative Permit and Design Approval to allow the partial conversion of a detached garage into a 336 square foot guesthouse; 2) Coastal Administrative Permit and Design Approval to allow construction of an outdoor sauna, hot tubs, an outdoor patio, and decks; 3) Coastal Development Permit to allow development within 50 feet of a Coastal bluff; and 4) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area. The property is located at 54722 Highway 1, Big Sur (Assessor's Parcel Number 421-011-010-000), Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. 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. (HCD - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Restoration Permit and after-the-fact Combined Development Permit (Resolution Number _____) was approved by the Monterey County Zoning for Assessor's Parcel Number 421-011-010-000 on July 11, 2024. The permit was granted subject to 11 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

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

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

Responsible Department: Planning

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. Monterey County HCD - Planning 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.
(HCD - Planning)

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

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

4. PDSP003 - NORTHERN COASTAL SCRUB RESTORATION & MONITORING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Approximately 11,750 square feet of Northern coastal scrub shall be restored on APN: 421-011-010-000. All restoration work shall be undertaken and executed in a manner consistent with the restoration work detailed in PLN200097 and the restoration plan prepared for the project, LIB230346, dated December 1, 2023. Prior to issuance of a construction permit, the Applicant/Owner shall submit a revised restoration planting map illustrating restoring in and around the area where Deck 2 and its access path will be removed. All other restoration areas detailed in LIB230346 are appropriate and adequate.

The specific objectives of the Restoration Plan are as follows:

- Remove the majority of currently present non-native invasive species
- Use local plant sources for seed and revegetation material.
- Maintain significantly less weed cover on the project site than the current baseline condition.
- Establish a monitoring program to track success of non-native vegetation control and establishment of native species.
- Establish an ongoing maintenance program for non-native plant control and other actions noted during monitoring.

Monitoring shall occur for three years following completion of exotic species removal, replanting and revegetation activities. Annual monitoring and reporting of the restoration area shall occur. A final report shall be prepared and submitted to HCD-Planning at the end of the third year monitoring period detailing compliance with the restoration plan's success criteria and the need for additional remedial efforts if success criteria are not met. Monitoring shall be on-going until such a time as the restoration is deemed complete and all success criteria are met.

Compliance or Monitoring Action to be Performed: Prior to the issuance of construction or grading permits from Building Services, the Owner/Applicant shall submit to HCD-Planning a copy of the contract between the owner/applicant and a qualified biologist indicating that the restoration work and monitoring program detailed in LIB230346 will be implemented. This contract shall include a revised replanting map illustrating restoration in and around Deck 2 and its access path. The contract shall also require preparation of reports following completion of successful exotic species removal and revegetation, and yearly monitoring.

Prior to final inspection, the Project Biologist shall prepare and submit to HCD-Planning for review and approval, a report confirming that exotic species have been removed, and all replanting and re-vegetation activities as detailed in LIB230346, as amended in the revised planting map, have successfully occurred.

On an on-going basis for the duration of the required monitoring period, annual reports shall be submitted to HCD-Planning for review and approval detailing compliance with LIB230346.

5. PDSP002 - COASTAL HAZARDS DEED RESTRICTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: "In accordance with Big Sur Coast Land Use Plan Hazards Policy 3.7.2.4, the owner shall record a deed restriction on the property describing the nature of the properties hazards (Coastal Hazards, including but not limited to waves, storms, flooding, landslide, bluff erosion, and earth movement, many of which will worsen with future sea level rise) and long-term maintenance requirements. The deed restriction shall say the following:

"a. General Provisions. This deed restriction is being recorded to satisfy Condition No. 5 of the Restoration Permit and After-the-Fact Combined Development Permit Approval (PLN200097), approved by County of Monterey Zoning Administrator Resolution No. 24-XXX. By accepting this permit, the property owner has accepted the following conditions and restrictions, which shall run with the land:

b. Coastal Hazards. That the site is subject to coastal hazards, including but not limited to waves, storms, flooding, landslide, bluff erosion, and earth movement, many of which will worsen with future sea level rise.

c. Assume Risks. To assume all risks to the Permittee and the properties that are the subject of this permit of injury and damage from such hazards in connection with this permitted development.

d. Liability Waiver. To unconditionally waive any claim of damage or liability against the California Coastal Commission & the County of Monterey, and their officers, agents, and employees for injury or damage from such hazards.

e. Indemnification. To indemnify and hold harmless the California Coastal Commission & the County of Monterey, and their officers, agents, and employees with respect to the County's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. This indemnification obligation is in addition to, and cumulative of, the indemnification obligation imposed by the County of Monterey Zoning Administrator in its Resolution No. 24-XXX, Condition No. 11. Property owner understands and agrees that both indemnification obligations shall be memorialized in the indemnification agreement.

f. Permittee Responsible. That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

g. Shoreline Armoring Prohibited. That no shoreline armoring shall ever be constructed to protect the development approved pursuant to this CDP, including in the event that the development is threatened with damage or destruction from coastal hazards in the future.

h. Waiver of Rights to Construct Armoring. The Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such armoring that may exist under applicable law."
(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, owner/applicant shall record the deed restriction, and provide HCD-Planning with evidence that it has been recorded. Such evidence shall be in the form of a copy of the recorded document with the recorders seal.

6. PDSP001 - DEMOLITION PERMIT (DECK 2)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Within 90 days of project approval, the Applicant/Owner shall apply for and obtain a demolition permit from HCD-Building Services. The demolition permit shall allow Deck 2 to be removed down to its foundation. The concrete foundation piers shall remain.

Compliance or Monitoring Action to be Performed: Within 90 days of project approval, the Applicant/Owner shall apply for and obtain a demolition permit from HCD-Building Services. The demolition permit shall allow Deck 2 to be removed down to its foundation. The concrete foundation piers shall remain.

7. EHSP01 – DEED RESTRICTION: FUTURE ONSITE WASTEWATER TREATMENT SYSTEM REQUIREMENTS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Owner shall record a deed restriction indicating that any future replacement or expansion of the existing onsite wastewater treatment system on the property may require the installation and ongoing use of an alternative onsite wastewater treatment system. The Property shall be subject to any and all applicable federal, state and/or local laws, regulations and ordinances in effect at the time of permit issuance regarding the permitting, operation and maintenance or monitoring of onsite wastewater treatment systems. The single exception to this term is that an alternative onsite wastewater treatment system will be subject to an annual operating permit from the Monterey County Health Department, Environmental Health Bureau upon adoption of any State or regional regulations and/or any local ordinance authorizing such a permit. Owner agrees to disclose the contents of the Deed Restriction to any potential purchaser of the subject Property and to any person or entity to whom the Property herein described shall be conveyed. Owner is responsible to reimburse EHB for costs associated with preparation of the Deed Restriction. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the Environmental Health Bureau ("EHB"). The EHB will prepare the deed restriction form.

Prior to final inspection of construction permits, the property owner shall sign and notarize the deed restriction form obtained from the EHB. Record the notarized deed restriction with the Monterey County Recorder. Proof of recordation shall be provided to the EHB.

8. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- Only 1 guesthouse shall be allowed per lot.
- Detached guesthouses shall be located in close proximity to the principal residence.
 - Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
 - The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
 - The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
 - The guesthouse shall not exceed 425 square feet of livable floor area.
 - The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
 - Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
 - The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
 - The guesthouse height shall not exceed 12 feet nor be more than one story.

(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of HCD-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the HCD-Planning.

10. PD022(A) - EASEMENT-CONSERVATION & SCENIC

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of the property where environmentally sensitive habitat exist, including those areas to be restored with Northern coastal scub habitat and Sea cliff buckwheat (Condition No. 4). The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of HCD - Planning and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the parcel/final map or prior to the issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to HCD - Planning for review and approval.

Prior to or concurrent with recording the parcel/final map, prior to the issuance of grading and building permits, or prior to the commencement of use, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to HCD - Planning.

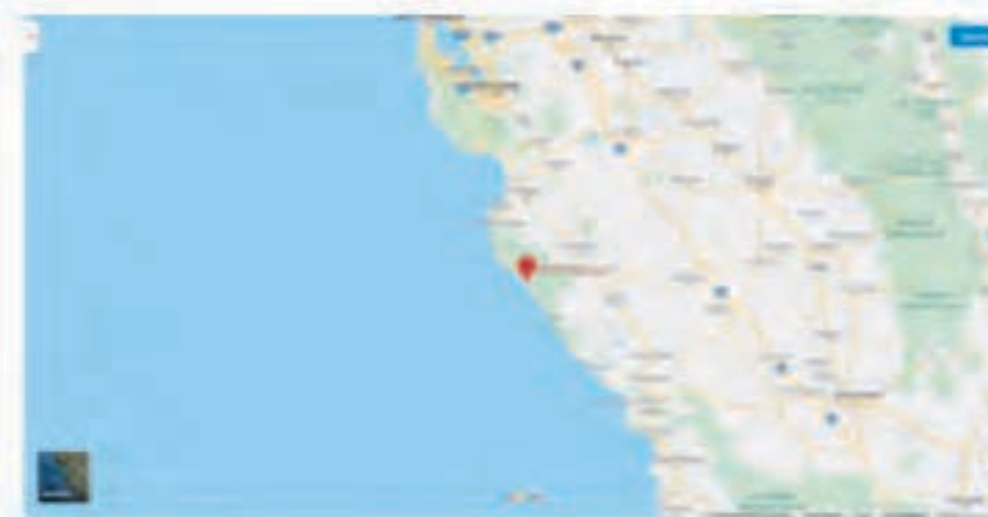
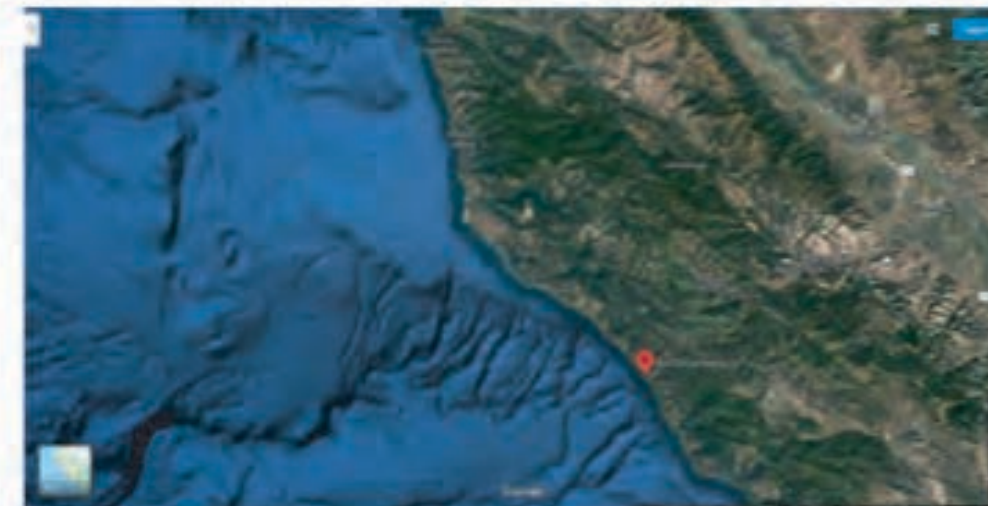
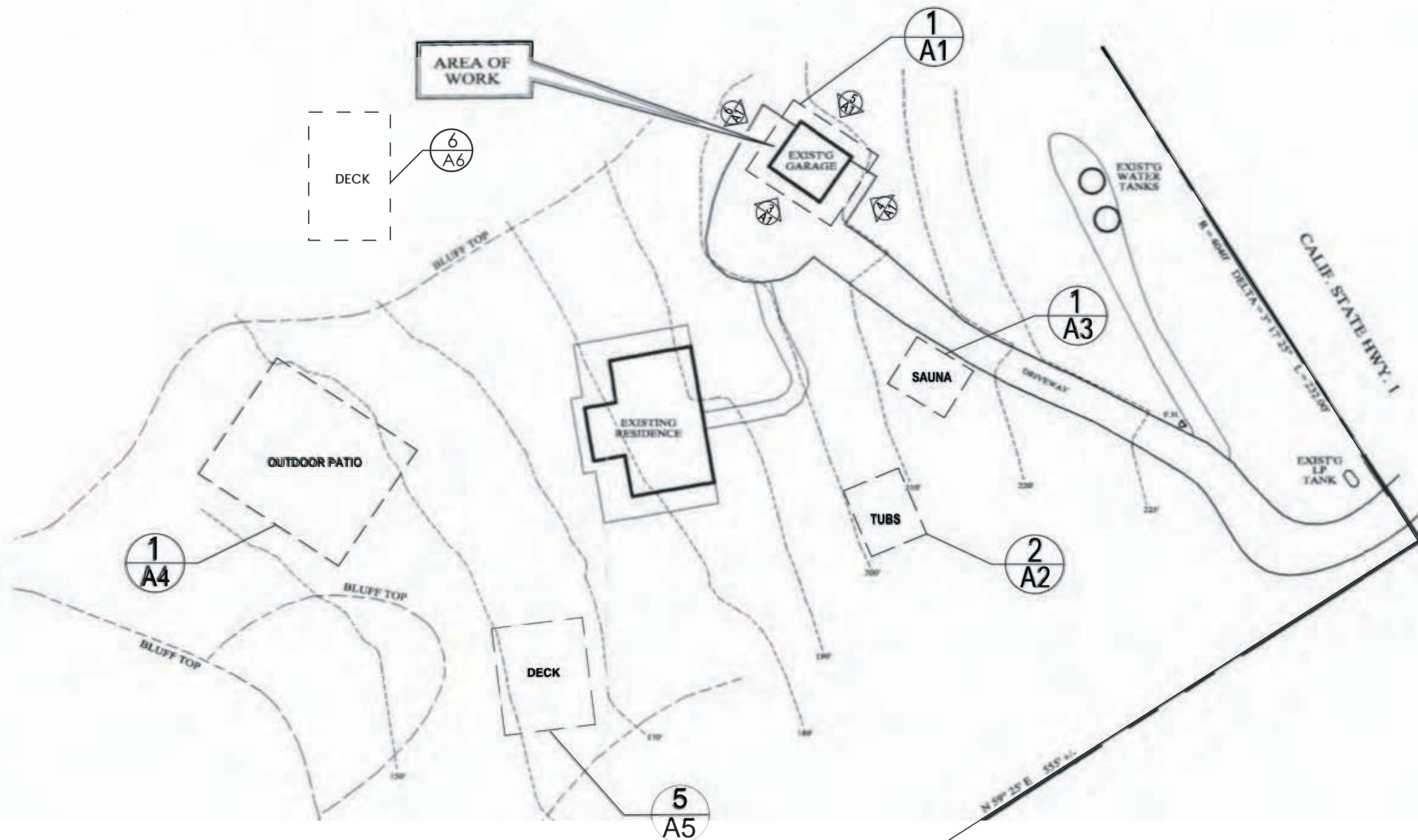
11. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

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

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management



VICINITY MAPS
NOT TO SCALE

PROJECT SCOPE OF WORK

DRAWINGS TO REPLICATE PREVIOUSLY EXISTING STRUCTURE

PROJECT DATA

OWNER: WIND & SEA
 PROPERTY ADDRESS: 54722 HIGHWAY 1 BIG SUR, CA 93920
 APN: 421-011-010
 ZONING: -
 TYPE OF CONSTRUCTION: -
 TOTAL LOT AREA: 5.8 ACRES
 BLDG LIVING AREA: 1,740 sq.ft.
 PROPOSED ADDITIONAL SQ.FT.: 0 sq.ft.

DRAWING INDEX

SHEET	SHEET TITLE
A0	COVER SHEET - SITE PLAN, PROJECT DATA, VICINITY MAPS AND SITE PHOTOS EXISTING GARAGE
A1	GARAGE AS-BUILT PLANS AND ELEVATIONS
A2	OUTDOOR TUBS AS-BUILT PLANS AND ELEVATIONS
A3	SAUNA AS-BUILT PLANS AND ELEVATIONS
A4	OUTDOOR PATIO AS-BUILT PLANS AND ELEVATIONS
A5	DECK AS-BUILT PLANS AND ELEVATIONS

SYMBOLS LEGEND

ELEVATION REFERENCE	
ENLARGED PLAN REFERENCE	

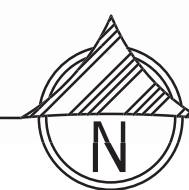
ABBREVIATIONS

AFF	ABOVE FINISH FLOOR
(E)	EXISTING
ELECT.	ELECTRICAL
EQ.	EQUAL
EXT.	EXTERIOR
GFCI	GROUND FAULT CIRCUIT INTERRUPTER
GYP.	GYPSUM
INT.	INTERIOR
MECH.	MECHANICAL
(N)	NEW
NAT.	NATURAL
O.C.	ON CENTER
RM	ROOM
SK	SKYLIGHT
SQ.FT.	SQUARE FEET
TBD	TO BE DETERMINED
TYP.	TYPICAL
WH	WATER HEATER
WV	WATER VALVE

SITE PLAN

SCALE: 1" = 30'-0"

1 SITE PLAN
SCALE: 1" = 30'-0"



SITE PHOTOS OF EXISTING GARAGE

JESSICA A. SWAN
 EMAIL: swannie2121@gmail.com
 PHONE: 630.664.7498
 POB 151
 BIG SUR, CA 93920

WIND & SEA
 54722 HIGHWAY 1
 BIG SUR, CA 93920

AS-BUILT PLAN

REVISIONS	DATE

DRAWN BY: J.SWAN
 SCALE: AS NOTED
 JOB: 54722 HWY 1

A0
 2.22.20
 SITE PLAN, PROJECT NOTES, VICINITY MAPS

Map Legend:

Horizontal Datum: Assumed.

Vertical Datum: NAVD88

Contour Interval: Contours as shown hereon were created by Central Coast Aerial Mapping via aerial photogrammetric survey methods.

- Subject Parcel Boundary
- Right of Way
- Right of Way Center Line

CCAM LEGEND	
▲ Horizontal / Vertical Control	○ Handicap Parking
⚑ Flag Pole	⊗ Fire Hydrant
⚡ Light Pole	⊙ Manhole
⊙ Meter	⊙ Utility Box
⊙ Power Pole Anchor	⊗ Transmission Tower
⊙ Power Pole	⊙ Rail Road Signal
⊙ Traffic Signal	⊙ Pole
⊙ Street Light	⊙ Tree
⊙ Large Sign	⊙ Tree Line
⊙ Small Sign	⊙ Break Line
⊙ Culvert	⊙ Ditch
⊙ Chain Bench	⊙ Ditch Road
⊙ Left Turn Arrow	⊙ Edge of Asphalt
⊙ Right Turn Arrow	⊙ Concrete
⊙ Area Under Cover	⊙ Retaining
⊙ Meter Valve	⊙ Foliage
⊙ Water Meter	⊙ Gate
	⊙ Sucker

1" = 20'

54722 HIGHWAY 1

Central Coast Aerial Mapping, Inc.
 710 Fiero Ln. #24 (Formerly CAC Aerial Mapping)
 San Luis Obispo, California 93401
 Tel: (805)543-4307 Fax: (805)543-7257
 mail@aerial-maps.com

We comply with map accuracy standards from ASPRS and American Congress on Surveying and Mapping printed by U.S. Department of the Interior, except where ground is not visible. Use areas of heavy trees, clear areas in-between trees with no stems visible, heavy brush, heavy shadow, or blind areas in the back of some structures.

Photography Date: 12-20-2019 Job # 2019-272



Surveyor's Notes:

This map portrays the site at the time of the survey and does not show soils or geology information, underground conditions, easements, zoning or regulatory information or any other terms not specifically requested by the property owner. There may be easements or other rights, recorded or unrecorded, affecting the subject property which are not shown hereon.

Underground utilities, if any, were not located. Information regarding underground utility locations should be obtained from the appropriate utility companies or public agencies.

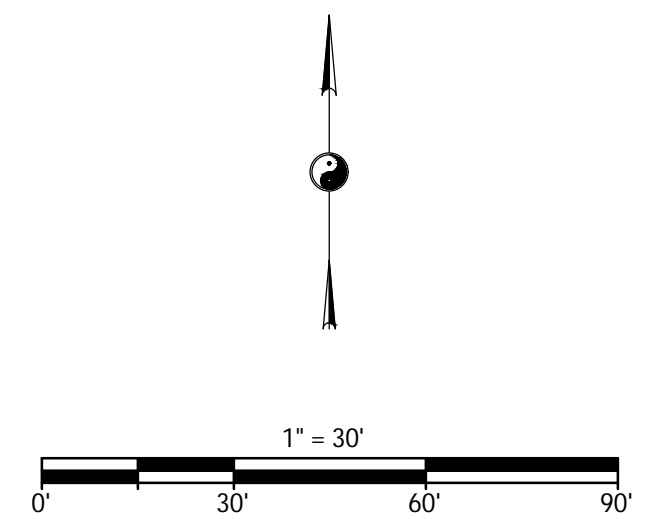
Elevations are based on NAVD88 datum. Ground may be more irregular than contours indicate.

Distances are expressed in feet and decimals thereof.

Sur- cient boundary ties were made to graphically show existing features however a complete boundary survey was not performed.

Record Map References:

R1: Map of Tract No. 549 Staude Subdivision • led in Volume 9 of Cities & Towns at Page 23, in the Monterey County Recorder's Office, State of California.



DRAWING REVISIONS:
 January 2020 - Original Survey
 March 2020 - Revised
 July 2023 - Revised to include topographic data for entire parcel

Aerial Topographic Survey

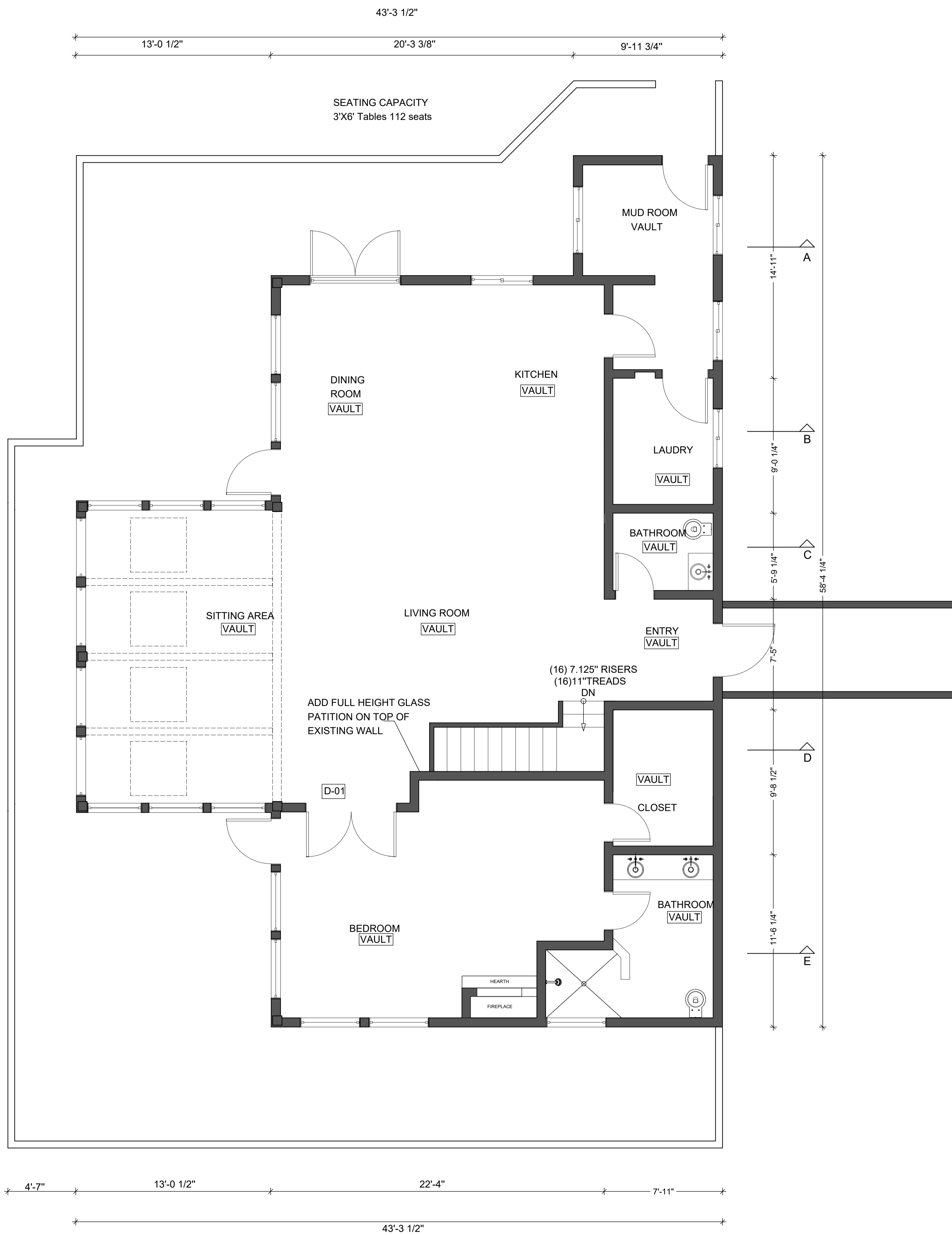
54722 Highway No. 1, APN: 421-011-010
 Located in Big Sur, Monterey County, State of California

Prepared For & Requested By: Wind & Sea, LLC

Original Survey: January 2020
 Revised: July 2023

Rasmussen Land Surveying, Inc.
 2150 Garden Road, Suite A-3, Monterey, California 93942
 P: 831.375.7240 F: 831.375.2545





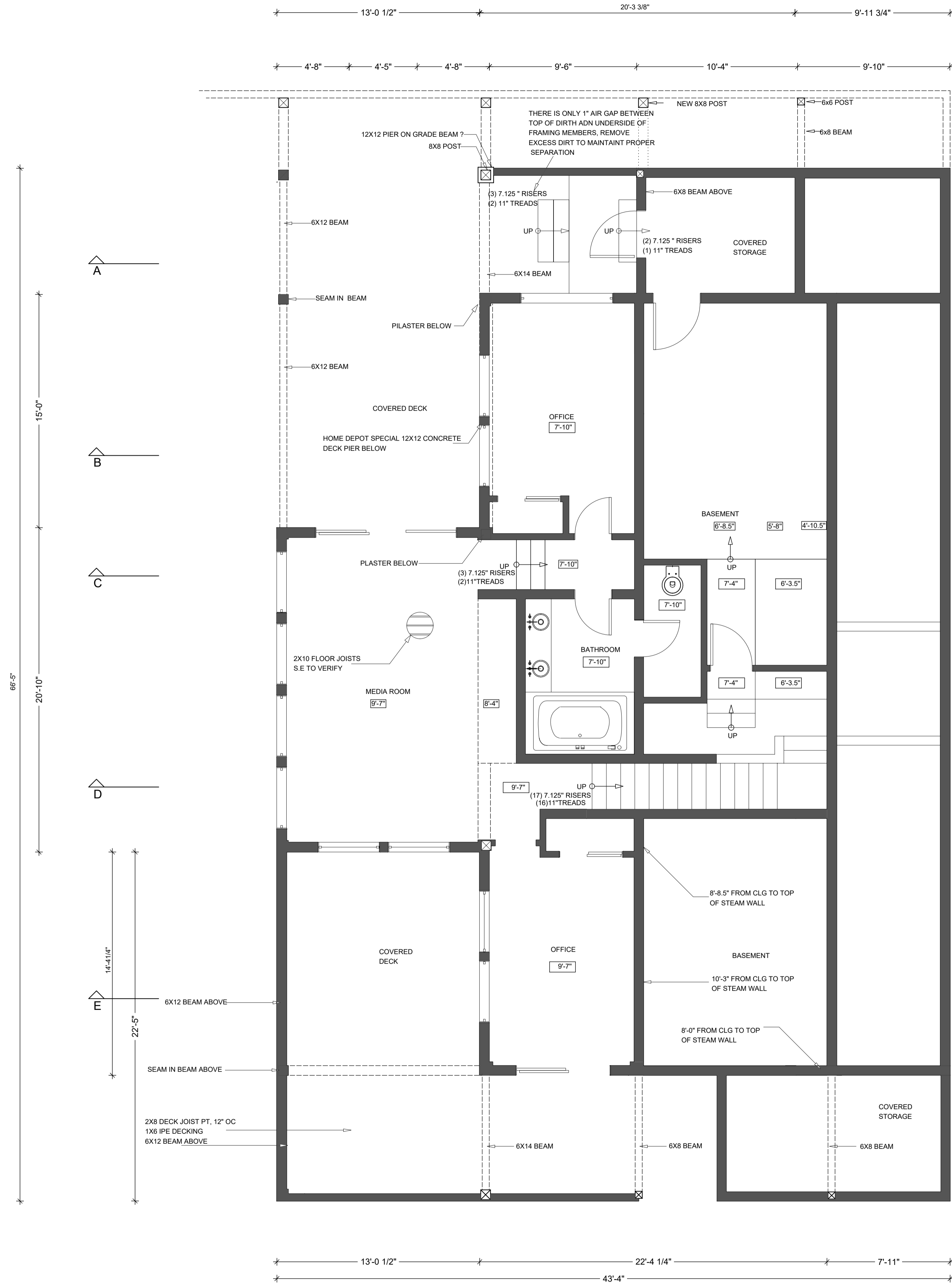
UPPER FLOOR - EXISTING
Scale 1/4"=1'-0"

MC ARCHITECTURE AND DESIGN
 MATTEO CALMI
 Via Rutlia, 10/8 - 20141 Milan (Italy)
 cell. +39 391 4530904
 matlocalm@gmail.com
 www.matteocalmi.com

Client	ALEX HAKAKIAN
Project	WIND & SEA RESORT BIG SUR CALIFORNIA
Drawing	UPPER FLOOR - EXISTING
File	DWG 02
Date	05/14/2019
Scale	1/4"=1'-0"
Upd	Drafter MA

02

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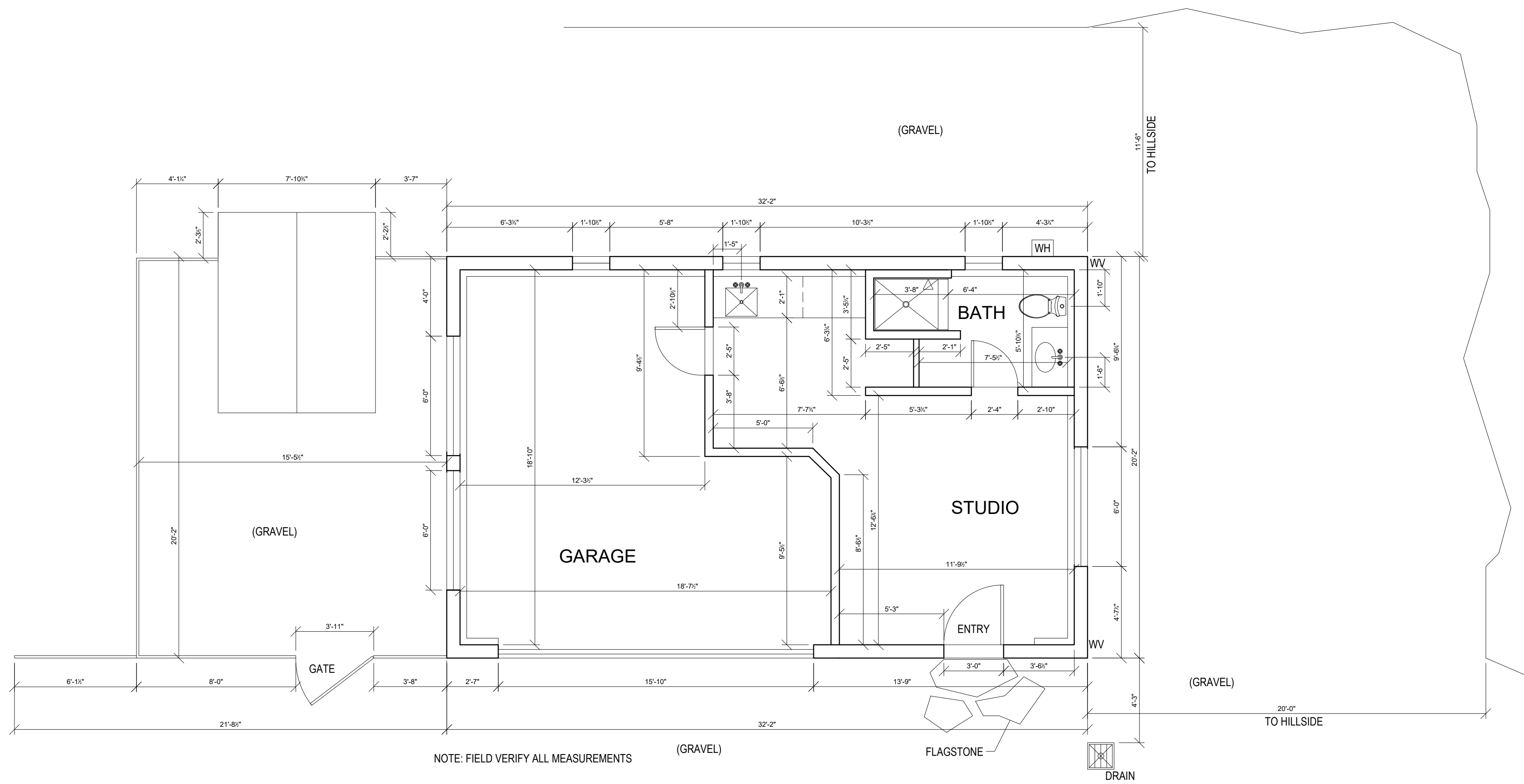
LOWER FLOOR - EXISTING
Scale 1/4"=1'-0"

MC ARCHITECTURE AND DESIGN
 MATTEO CAIMI
 Via Ruzbica, 10/8 - 20141 Milan (Italy)
 cell. +39 391 4530904
 matteocaimi@gmail.com
 www.matteocaimi.com

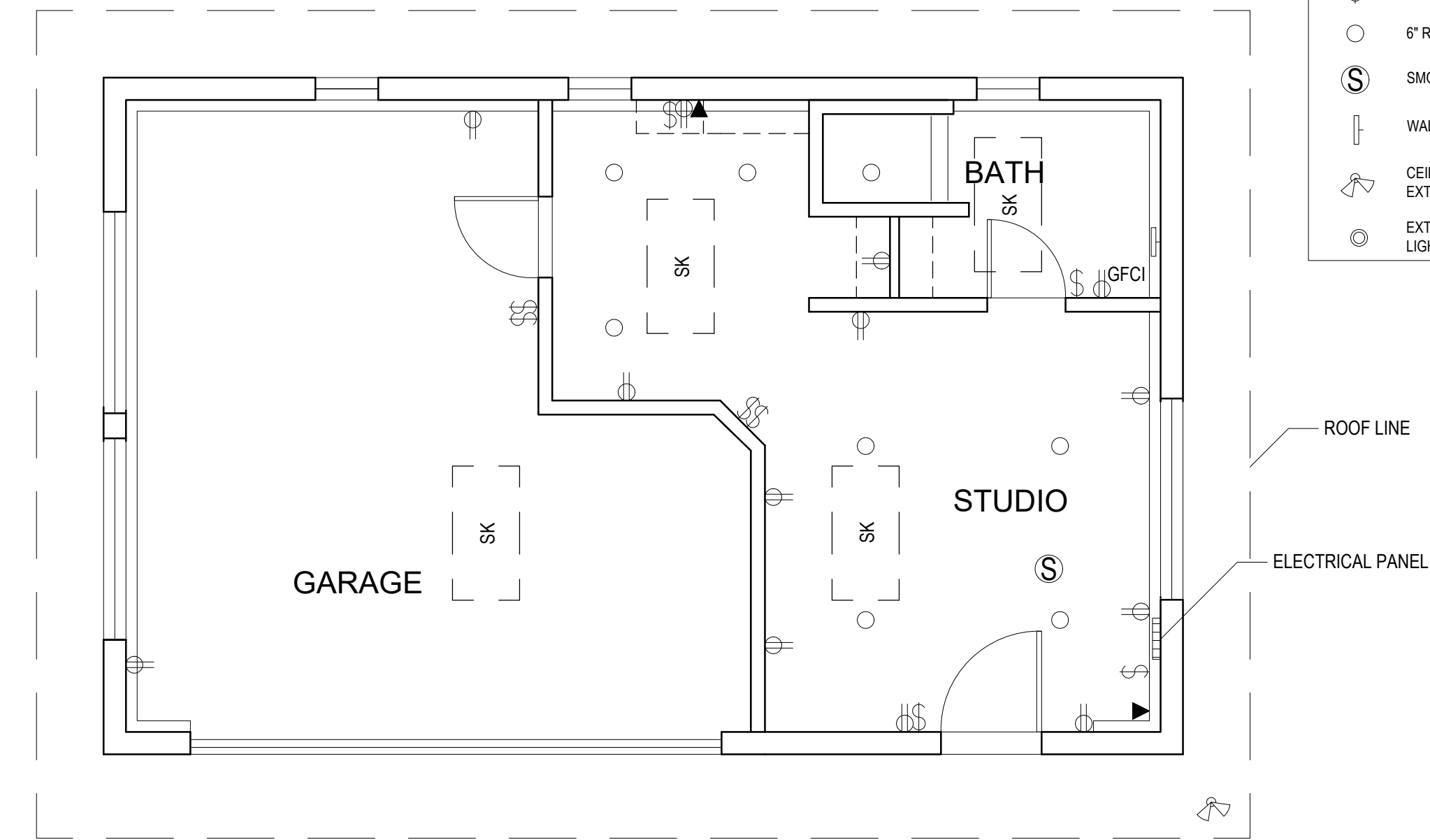
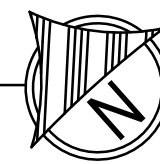
Client	ALEX HAKAJIAN
Project	WIND & SEA RESORT BIG SUR, CALIFORNIA
Drawing	LOWER FLOOR - EXISTING
File	DWG 01
Date	05/14/2019
Scale	1/4"=1'-0"
Upd	Drafter MA

01

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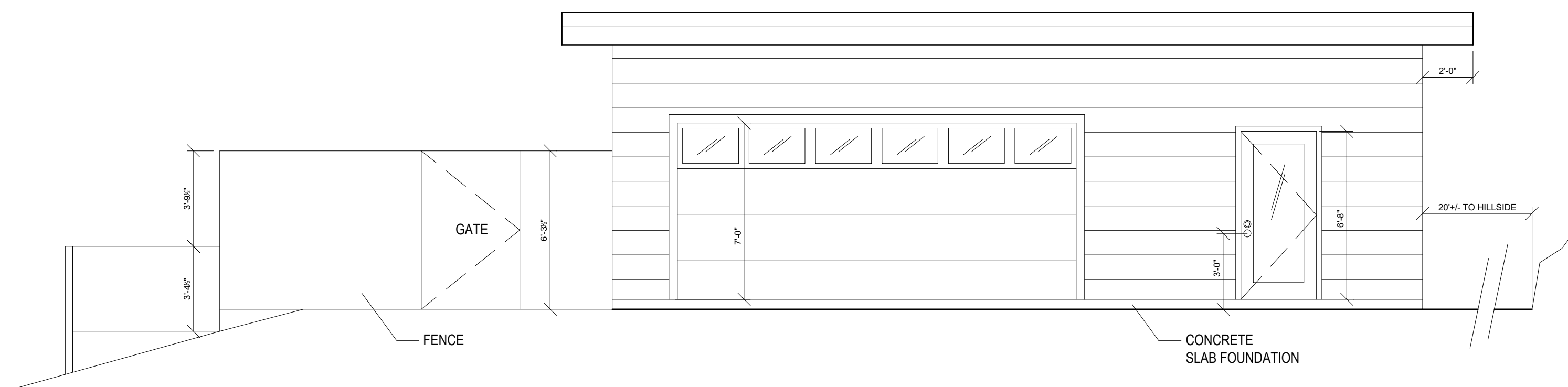
1 GARAGE - EXISTING FLOOR PLAN
SCALE: 1'-0" = 1/4"



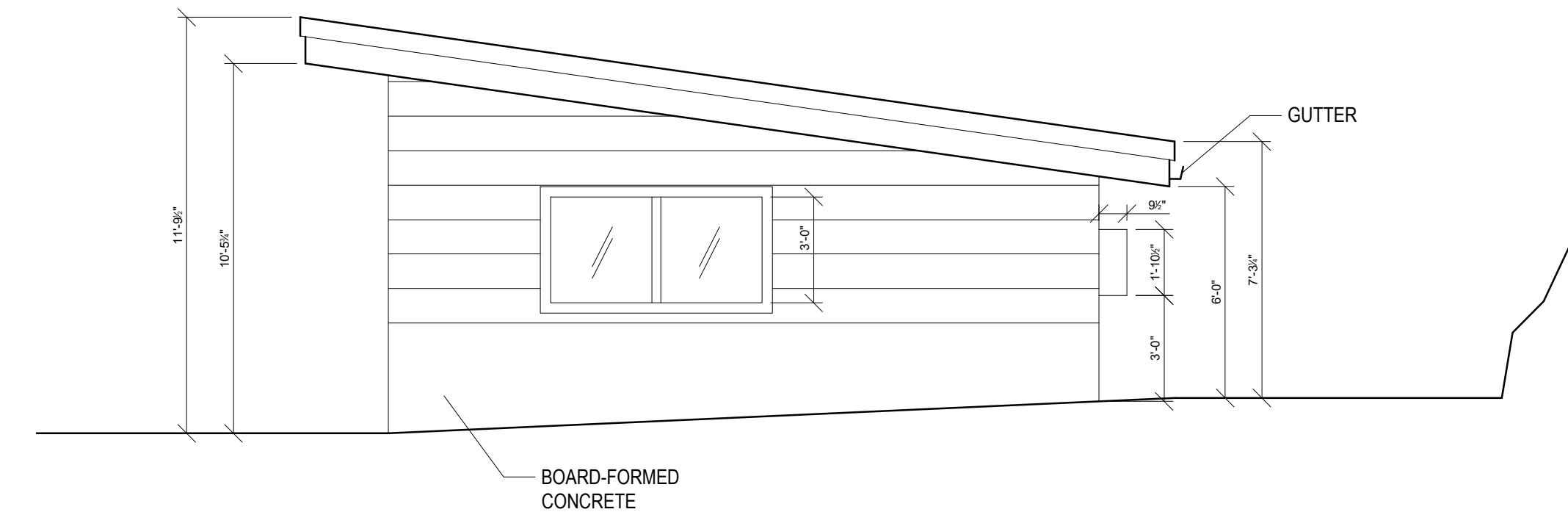
2 GARAGE - EXISTING LIGHTING AND ELECTRICAL PLAN
SCALE: 1'-0" = 1/4"

ELECTRICAL LEGEND	
	DUPLEX OUTLET
	TELEPHONE
	ELECTRICAL PANEL

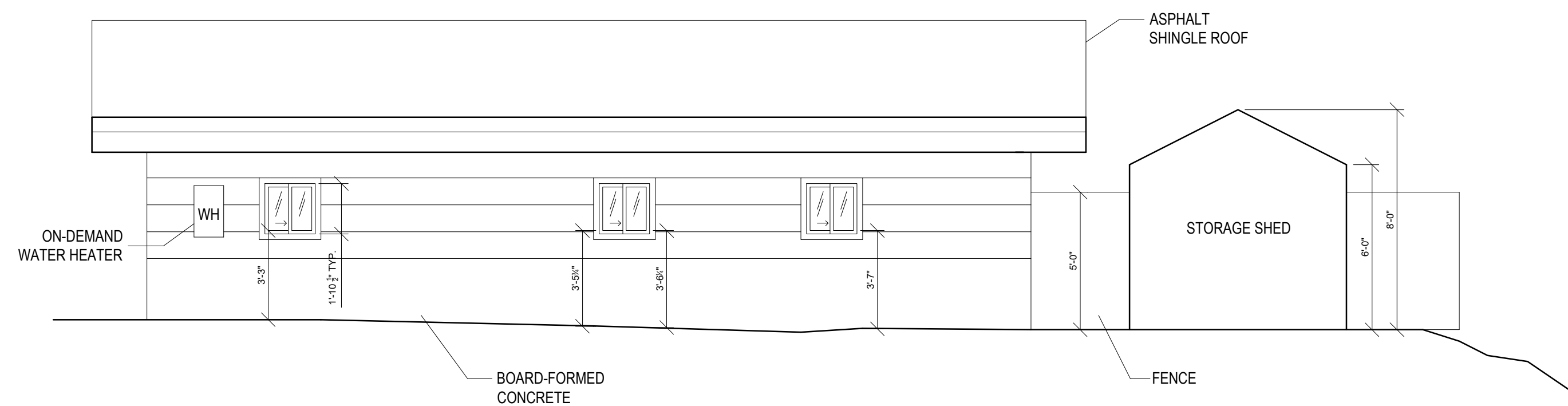
LIGHTING LEGEND	
	WALL MOUNTED LIGHT SWITCH
	6\"/>
	SMOKE DETECTOR
	WALL SCONCE
	CEILING-MOUNTED EXTERIOR SECURITY LIGHT
	EXTERIOR GROUND LIGHT



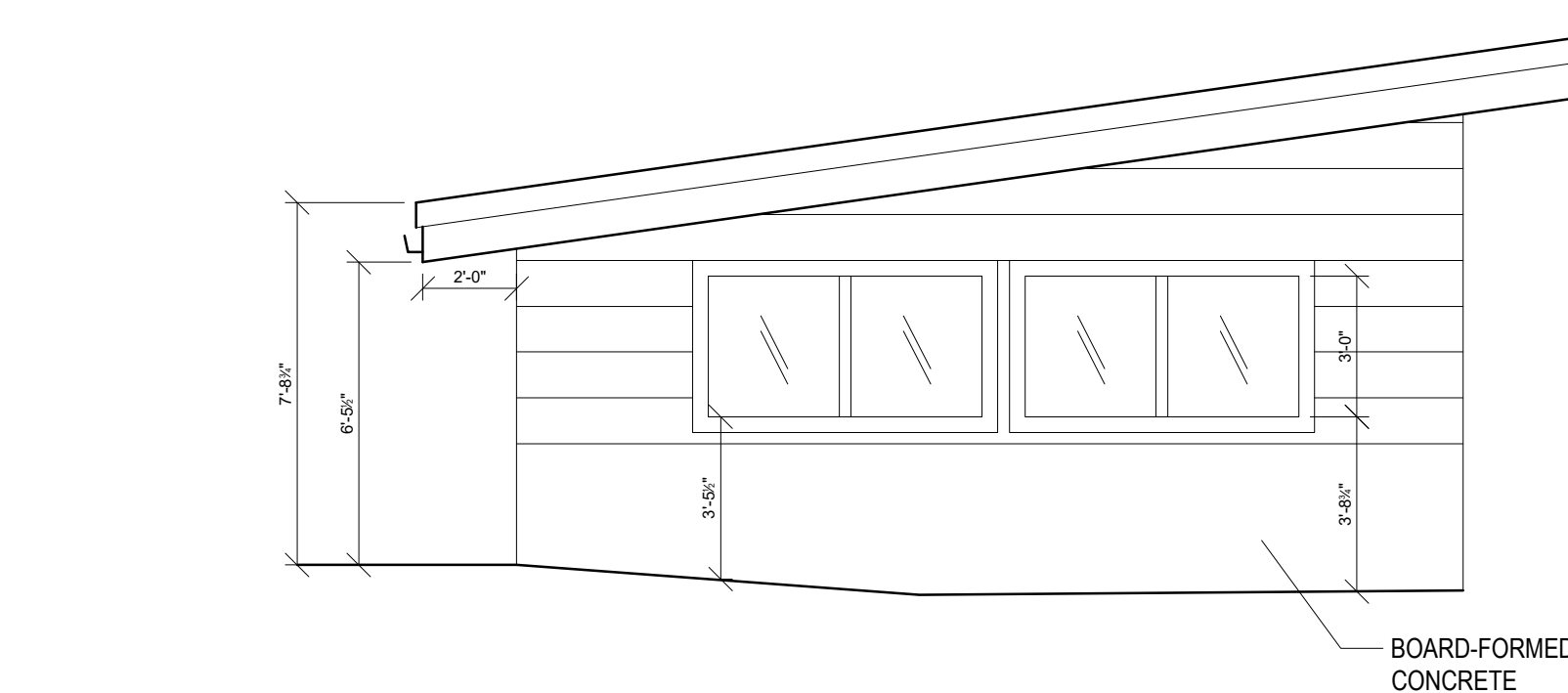
3 GARAGE - S/W FACING EXTERIOR ELEVATION
SCALE: 1'-0" = 1/4"



4 GARAGE - S/E FACING EXTERIOR ELEVATION
SCALE: 1'-0" = 1/4"



5 GARAGE - N/E FACING EXTERIOR ELEVATION
SCALE: 1'-0" = 1/4"



6 GARAGE - N/W FACING EXTERIOR ELEVATION
SCALE: 1'-0" = 1/4"



JESSICA A. SWAN
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PHONE: 630.664.7496

POB 151
BIG SUR, CA 93920

WIND & SEA
54722 HIGHWAY 1
BIG SUR, CA 93920

AS-BUILT PLAN

REVISIONS	DATE

DRAWN BY: J.SWAN
SCALE: AS NOTED
JOB: 54722 HWY 1

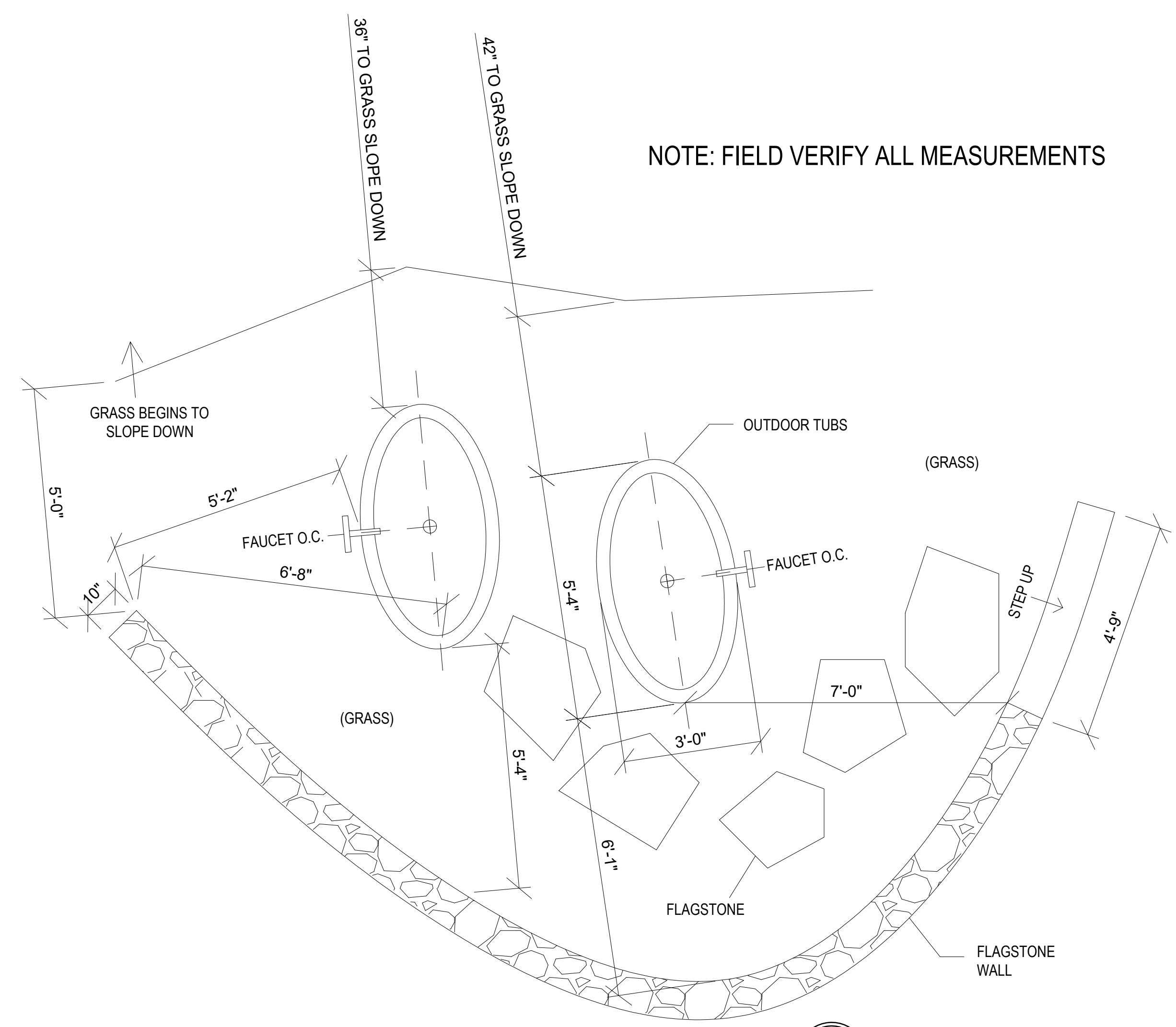
A1
2.22.20
GARAGE
AS-BUILT



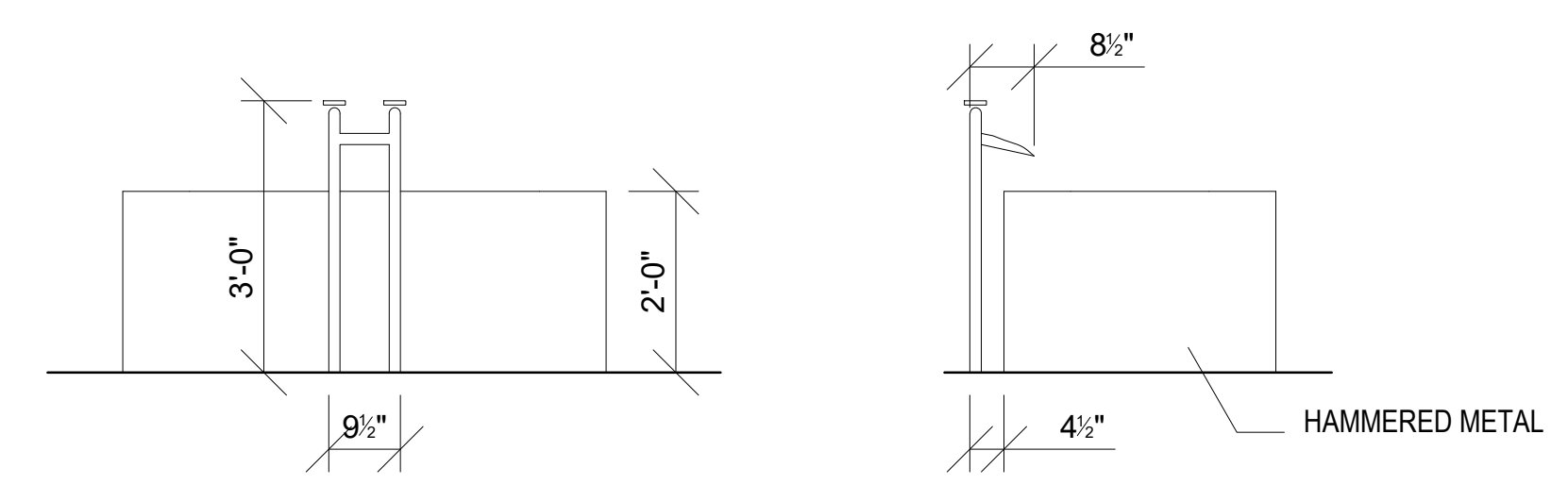
JESSICA A. SWAN
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 BIG SUR, CA 93920

WIND & SEA
 54722 HIGHWAY 1
 BIG SUR, CA 93920

NOTE: FIELD VERIFY ALL MEASUREMENTS



1 OUTDOOR TUBS - EXISTING PLAN
 SCALE: 1'-0" = 1/2"



2 TUB ELEVATIONS - TYP.
 SCALE: 1'-0" = 1/2"



SITE PHOTOS OF EXISTING OUTDOOR TUBS

AS-BUILT PLAN

REVISIONS	DATE

DRAWN BY: J.SWAN
 SCALE: AS NOTED
 JOB: 54722 HWY 1

A2
 3.2.20
 OUTDOOR TUBS
 AS-BUILT



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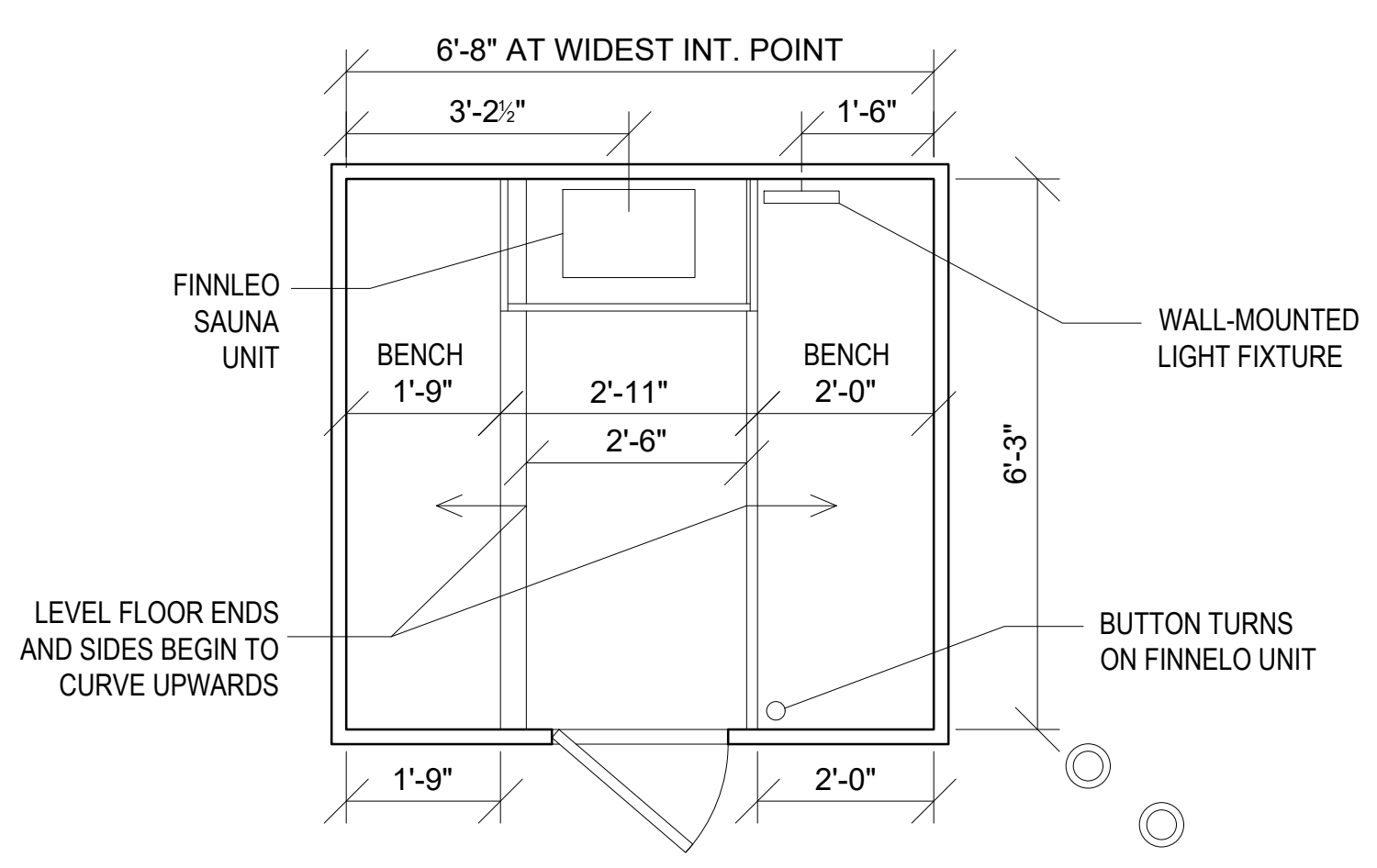
WIND & SEA
 54722 HIGHWAY 1
 BIG SUR, CA 93920

AS-BUILT PLAN

REVISIONS	DATE

DRAWN BY: J.SWAN
 SCALE: AS NOTED
 JOB: 54722 HWY 1

A3
 3.2.20
 SAUNA
 AS-BUILT



ELECTRICAL LEGEND

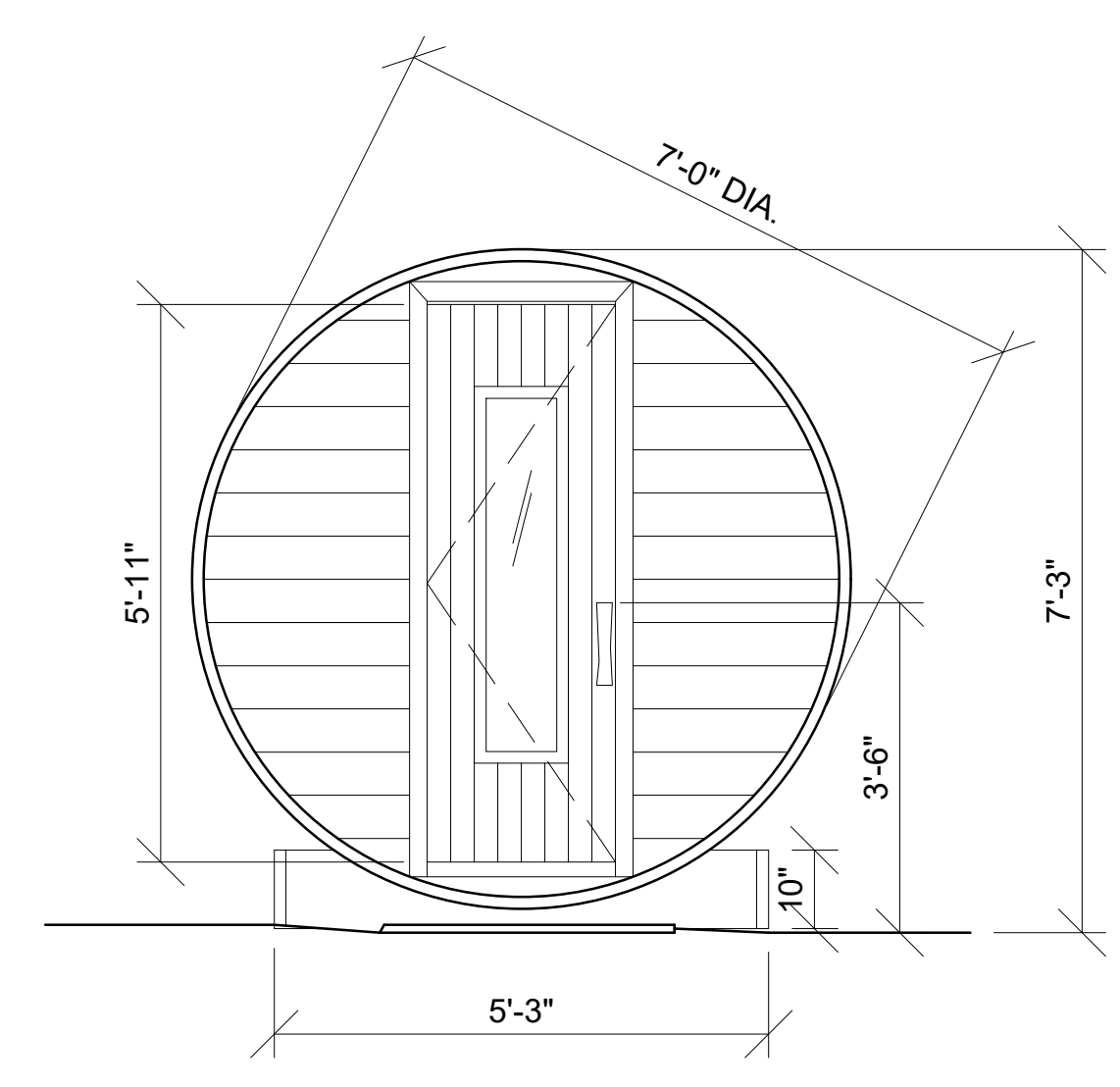
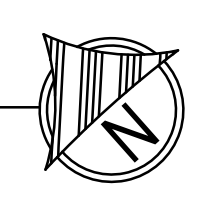
- DUPLEX OUTLET
- TELEPHONE
- ELECTRICAL PANEL

LIGHTING LEGEND

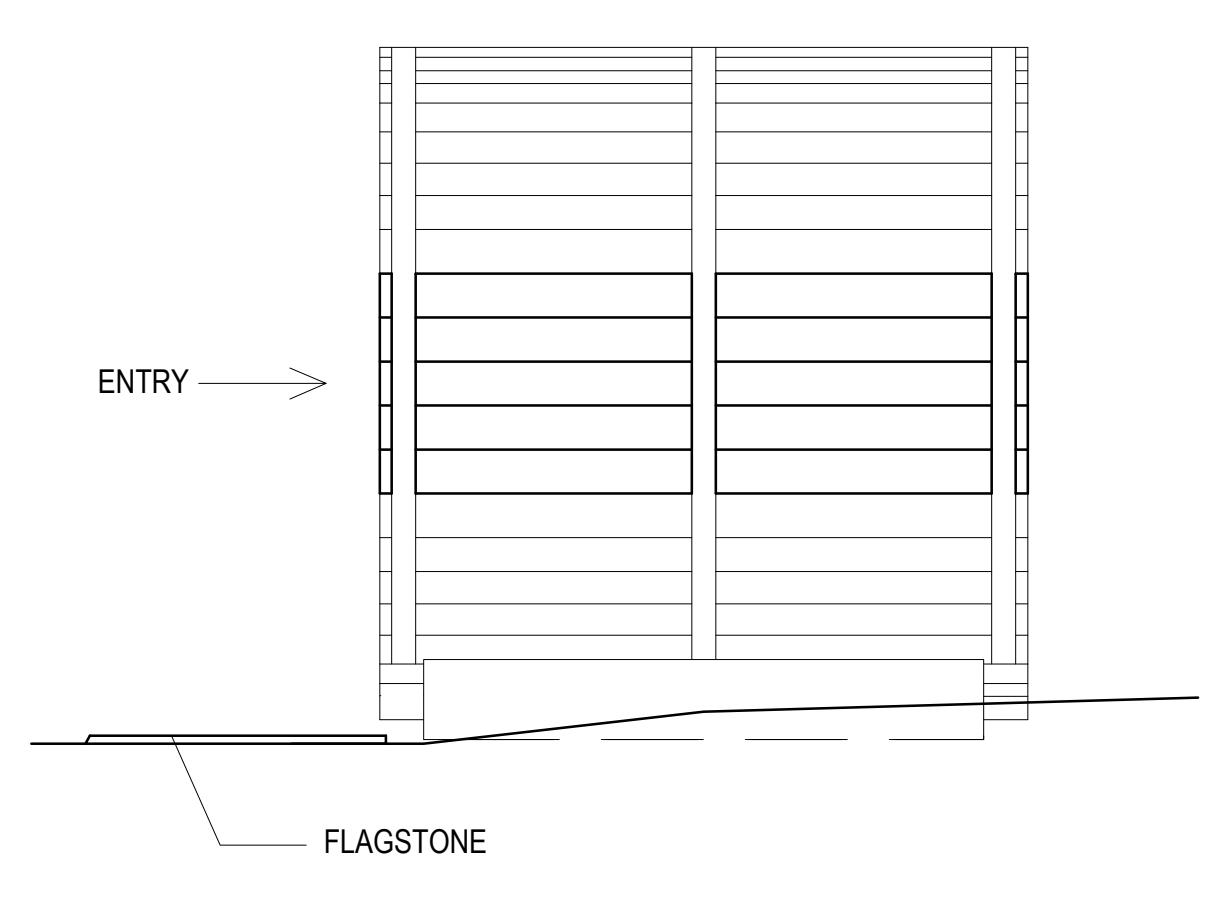
- WALL MOUNTED LIGHT SWITCH
- 6" RECESSED CAN LIGHT
- SMOKE DETECTOR
- WALL SCONCE
- CEILING-MOUNTED EXTERIOR SECURITY LIGHT
- EXTERIOR GROUND LIGHT

NOTE: FIELD VERIFY ALL MEASUREMENTS

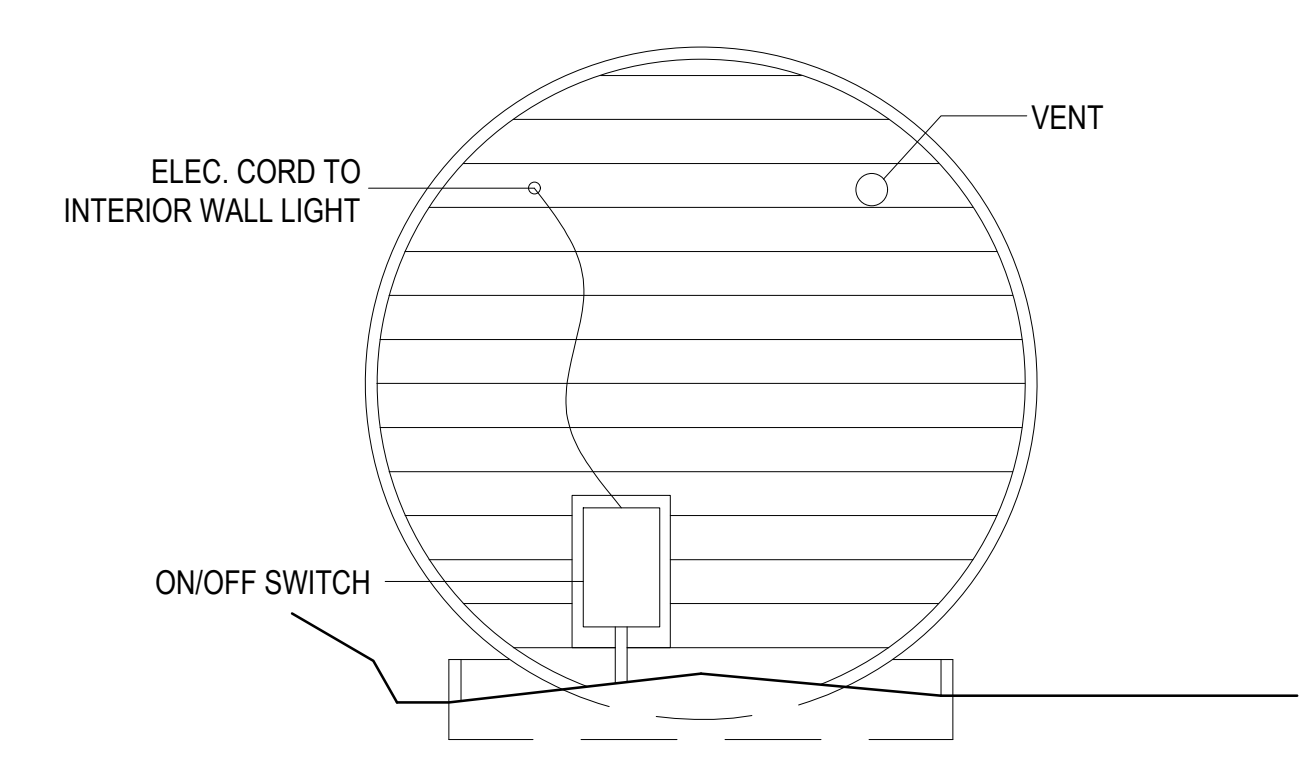
1 SAUNA - EXISTING FLOOR PLAN
 SCALE: 1'-0" = 1/2"



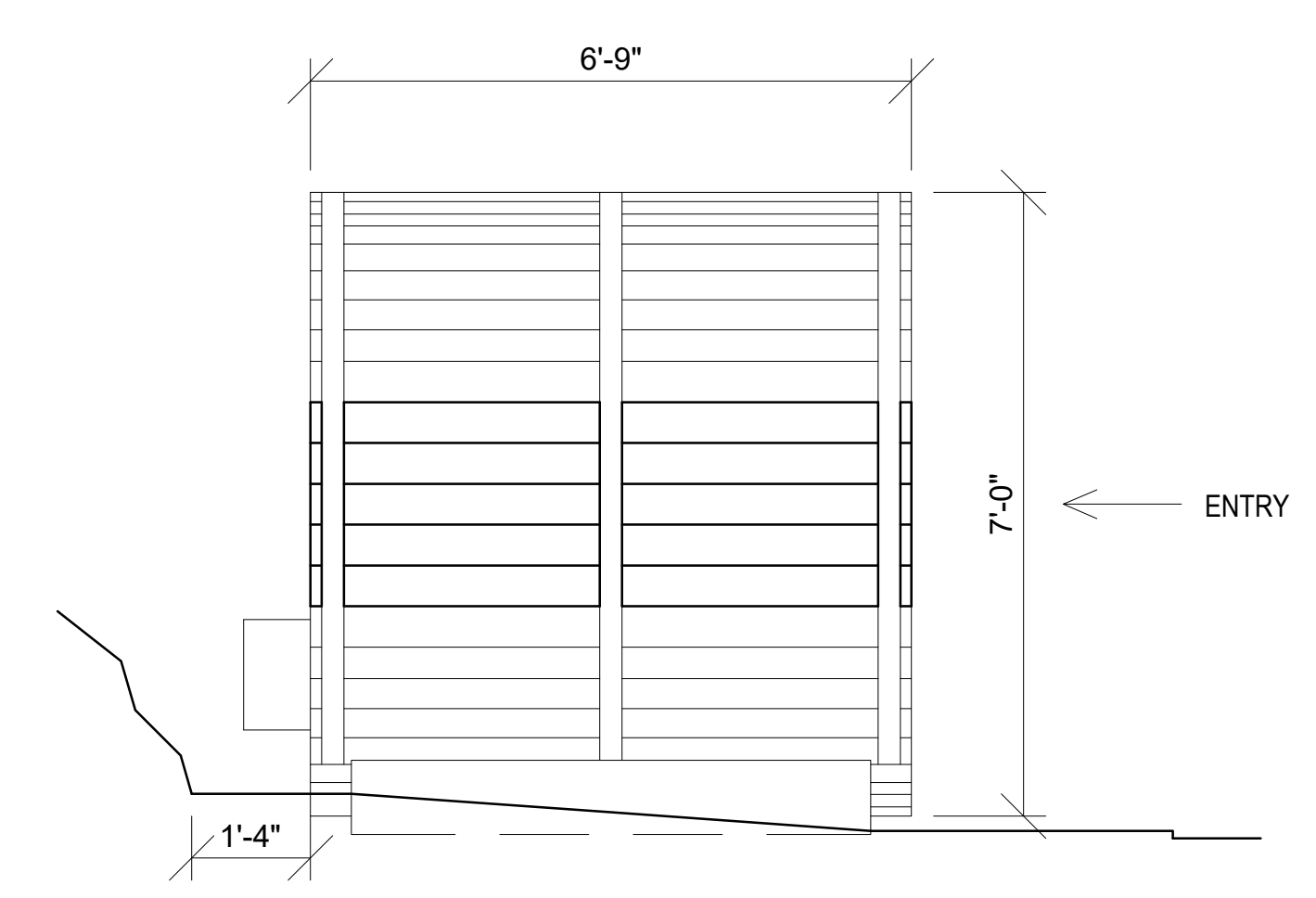
2 SAUNA - S/W FACING EXT. ELEVATION
 SCALE: 1'-0" = 1/2"



3 SAUNA - S/E FACING EXT. ELEVATION
 SCALE: 1'-0" = 1/2"



4 SAUNA - N/E FACING EXT. ELEVATION
 SCALE: 1'-0" = 1/2"



5 SAUNA - N/W FACING EXT. ELEVATION
 SCALE: 1'-0" = 1/2"

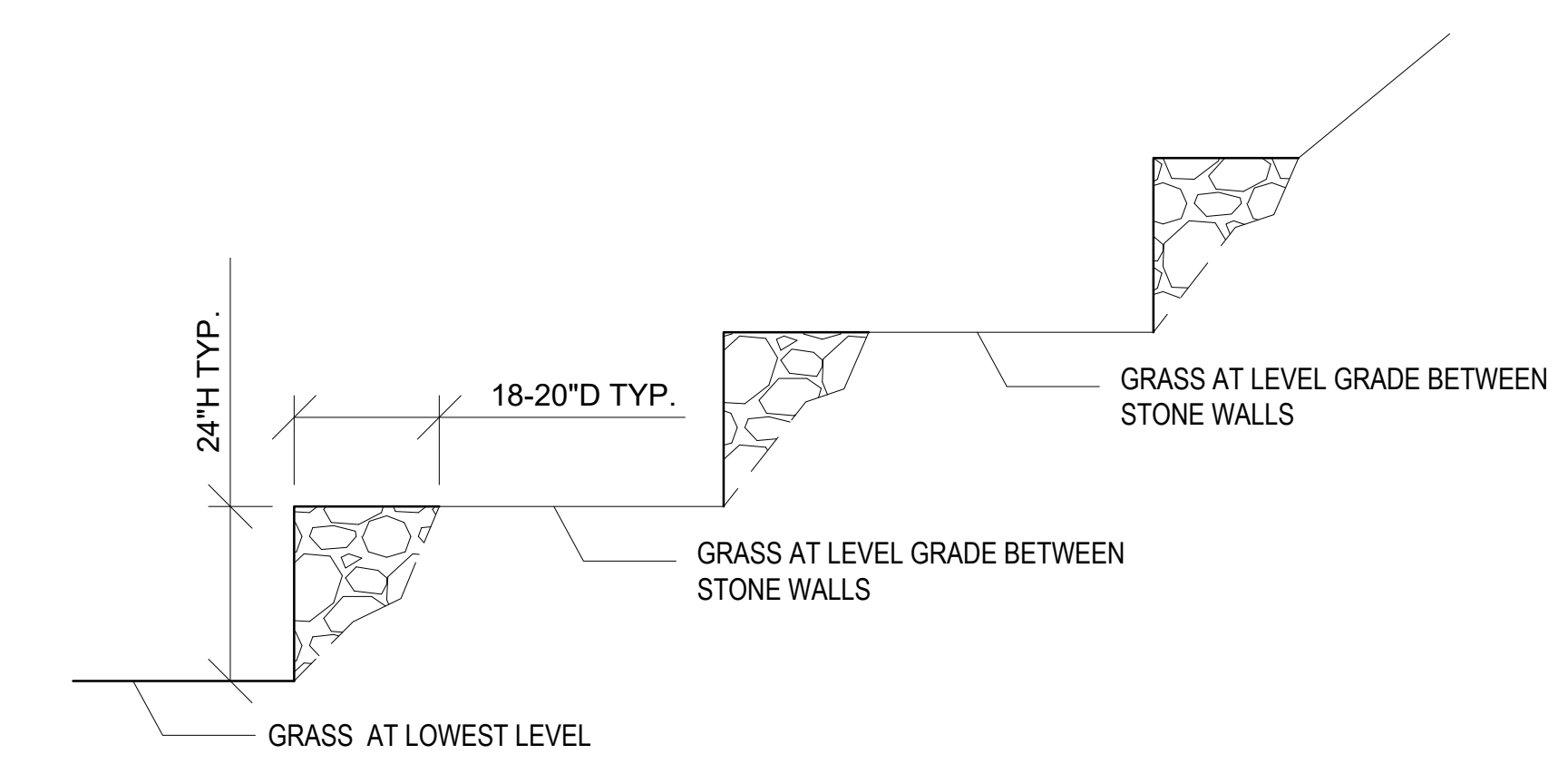
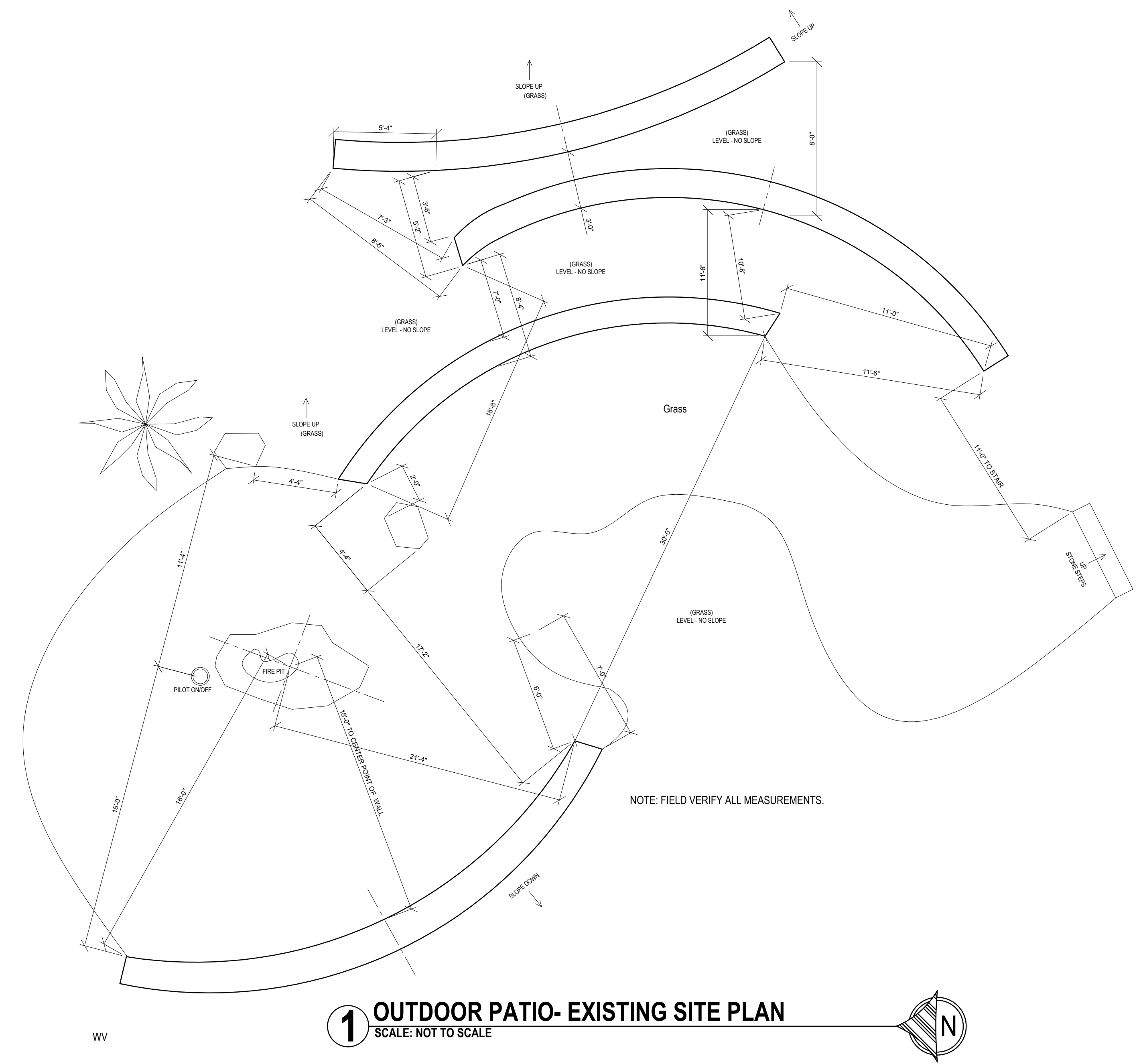


SITE PHOTOS OF EXISTING SAUNA



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 54722 HIGHWAY 1
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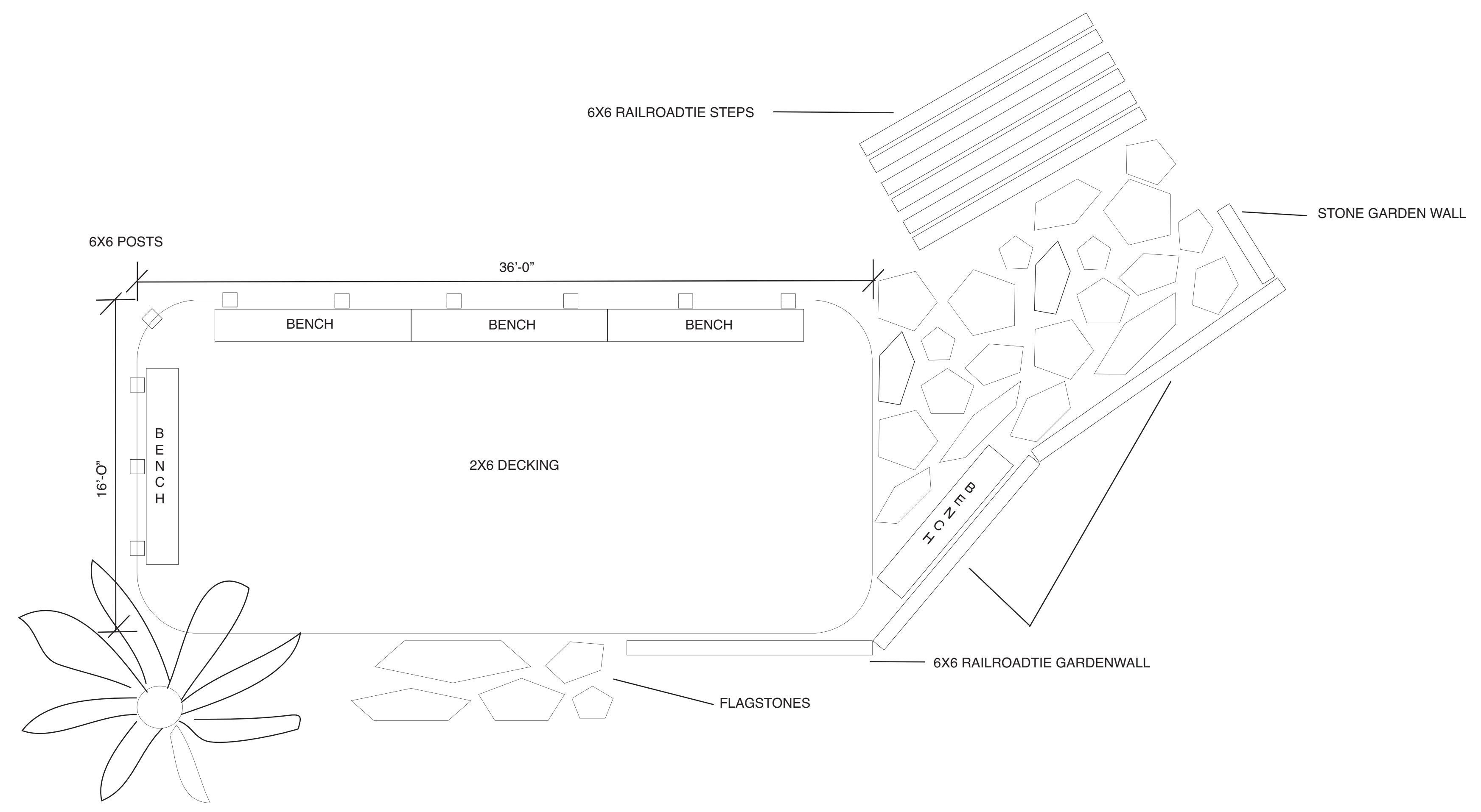
SITE PHOTOS OF OUTDOOR PATIO

AS-BUILT PLAN

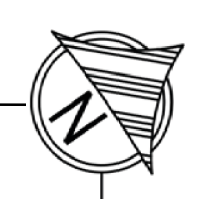
REVISIONS	DATE

DRAWN BY: J.SWAN
 SCALE: AS NOTED
 JOB: 54722 HWY 1

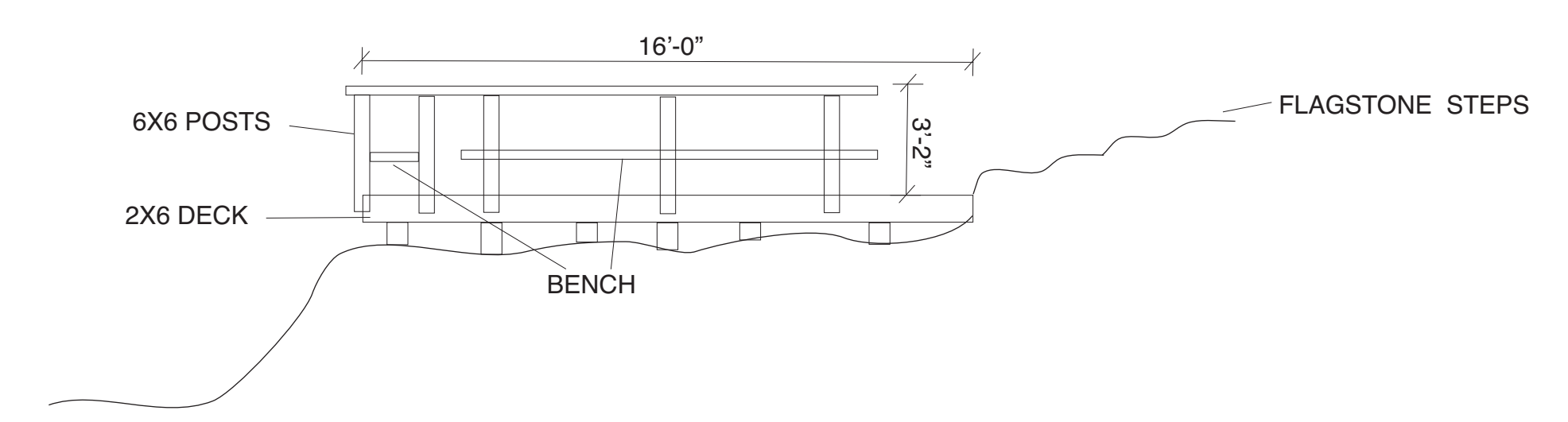
A4
 3.16.20
 Outdoor Patio
 AS-BUILT



1 **OUTDOOR DECK 1 - EXISTING PLAN**
 SCALE: 1'-0"=1/4"



NOTE: FIELD VERIFY ALL MEASUREMENTS



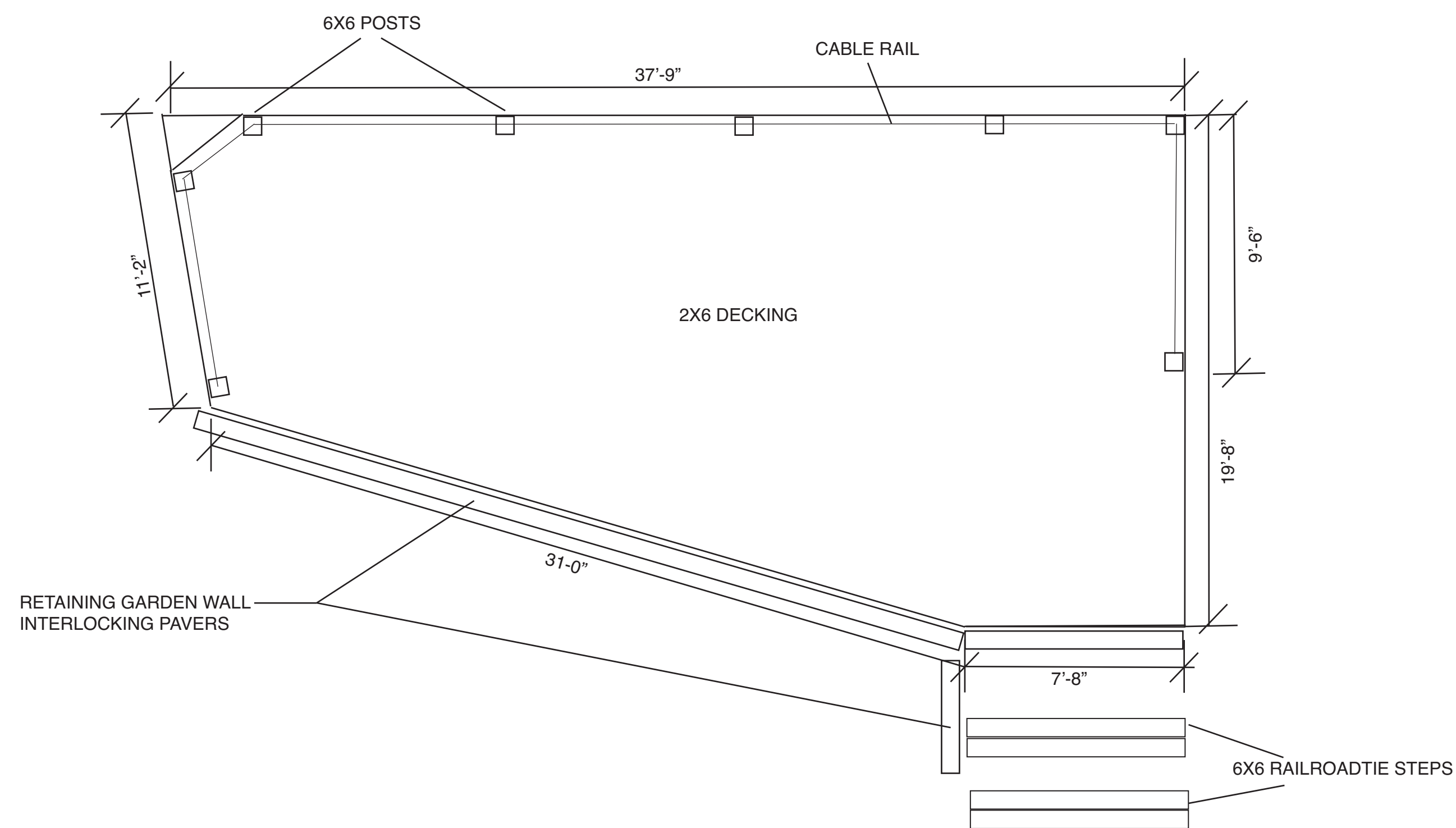
2 **OUTDOOR DECK 1 - ELEVATION - TYP**
 SCALE: 1'-0"=1/4"



SITE PHOTOS OF EXISTING OUTDOOR DECK 1

AS-BUILT PLAN	
REVISIONS	DATE
	1.15.23
DRAWN BY: W.AICHHOLZ	
SCALE: AS NOTED	
JOB: 54722 HWY 1	

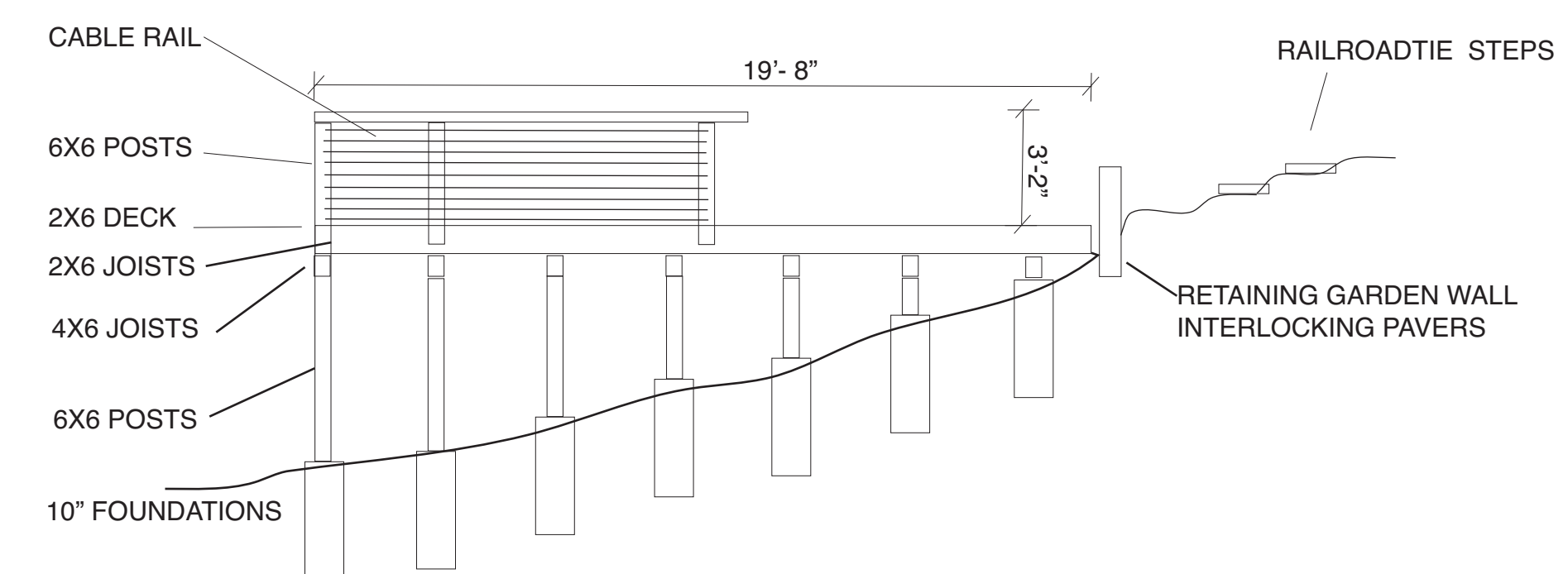
A5
 1.15.23
 OUTDOOR DECK 1
 AS-BUILT



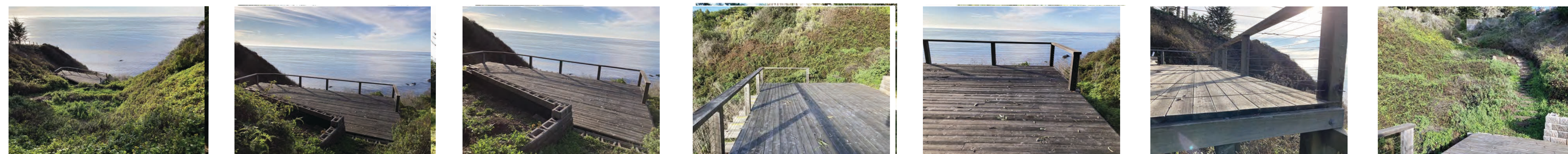
1 OUTDOOR DECK 2 - EXISTING PLAN
 SCALE: 1'-0"=1/4"



NOTE: FIELD VERIFY ALL MEASUREMENTS



2 OUTDOOR DECK 2 - ELEVATION - TYP
 SCALE: 1'-0"=1/4"



SITE PHOTOS OF EXISTING OUTDOOR DECK 2



AS-BUILT PLAN	
REVISIONS	DATE
	1.15.23

DRAWN BY: W.AICHHOLZ
 SCALE: AS NOTED
 JOB: 54722 HWY 1

A6
 1.15.23
 OUTDOOR DECK 2
 AS-BUILT

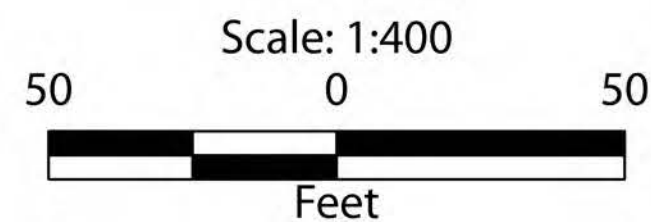
WIND & SEA
 54722 HIGHWAY 1
 BIG SUR, CA 93920



SHEET LOCATION



- Legend**
- x Trees
 - Vegetation
- House and Driveway Footprints**
- Home
 - Garage
 - Sauna
 - Deck
 - Driveway
- Zones**
- Non-combustible Zone (0 - 5')
 - Driveway Zone (0 - 15')
 - Green Zone (30')
 - Management Zone (100')



5. EXTENDED ZONE (30-100 ft from structures)

Observations: Dense, dry, woody ladder fuels were observed throughout the Extended Zone. In some areas, such ladder fuels were observed directly below or in contact with low hanging tree canopies in the Extended Zone (pictured). Dense brush and accumulated leaf litter were observed around and above the saunas.

Recommendations: Remove tree branches up to 3 inches in diameter according to Cal Fire minimum vertical clearance guidelines provided here throughout the Extended Zone. If choosing to keep the sauna, maintain a minimum non-combustible (immediate) zone of 5 feet around the perimeter, remove branches to a minimum of 10 feet away from the sauna and treat according to guidelines for Structures above.

Observations: Irrigated lawns and stone retaining walls interrupt wildfire fuel continuity in the Extended Zone and increase the property's wildfire defensibility.

Recommendations: Keep grasses mowed to 4 inches in height or less throughout the year out to 100 feet from structures. Keep all flammable items such as lawn furniture and branches a minimum of 30 feet from the outdoor fireplace at all times. Maintain roads, paths and trails throughout the site free of combustible materials (wood chip mulch, grasses, leaves, needles, etc.) in order to maintain interruption of wildfire fuels throughout the property.

Client Name: Alex Hakakian, Wind and Sea LLC
Address: 54722 Highway 1, Big Sur, CA 93920
Assessment Date: August 30, 2023

1. DRIVEWAY & ACCESS

Observations: The concrete paved driveway is approximately 275 feet long with a slope of 5-20%. The driveway is accessible to emergency vehicles with a single hammerhead turn-around at the bottom of the driveway and a wide section at the top of the driveway where vehicles can pass one another.

Recommendations: Maintain hammerhead free of parked vehicles for emergency vehicle access. Park vehicles facing out for safe emergency egress.

Observations: Dense vegetative fuels (shrubs) were observed along both sides of the driveway.

Recommendations: Cut back and selectively remove shrubs to interrupt continuity of fuels along driveway (out to a minimum of 15 feet from the edge of driveway - ex. areas circled in red above), following Cal Fire minimum horizontal clearances provided.

2. STRUCTURES

Observations: The Residence has a composite asphalt shingle roof, eaves are boxed and vents are covered with non-combustible, non-corrosive 1/2 inch gauge mesh. Nearby trees contribute to leaf and needle accumulation on the roof and in gutters.

Recommendations: Maintain the roof and gutters free of leaves and needles throughout the year. Consider installing a non-combustible, non-corrosive gutter-guard screen, or removing the gutter altogether so that it does not accumulate leaves and needles.

Observations: Windows of the Residence are dual glazed, sliding concrete board. Large wooden decks surround the Residence. Wall/basement vent screens are covered with 1/2 inch gauge mesh. Firewood and combustible materials are being stored along the exterior wall, under the eave of the detached Garage.

Recommendations: Cover wall/basement vents with 1/2 inch gauge non-corrosive, non-combustible mesh. Keep the deck surfaces and areas below decks free of vegetation, leaf/needle litter and combustible materials at all times. Consider screening the areas below the decks with non-combustible, non-corrosive 1/2" mesh screens to prevent leaf/needle litter from accumulating and embers from intruding during a wildfire. Keep all combustible materials such as firewood a minimum of 30 feet away from structures at all times.

3. IMMEDIATE "Noncombustible" ZONE (0-5 ft from structures)

Observations: Leaf and needle litter was observed adjacent to, and in contact with the exterior walls of the structures.

Recommendations: Remove fuels and consider installing a noncombustible ground cover such as gravel or paving stones in the first 5 feet around the base of exterior walls. At minimum, regularly remove vegetation, accumulated leaves and needles to bare mineral soil in the Immediate Zone.

Observations: Dense vegetative landscape fuels were observed along the exterior wall on the western side of the main Residence in the Immediate Zone.

Recommendations: Remove all vegetation and combustible items from the first 5 feet around the exterior walls of all structures.

4. INTERMEDIATE ZONE (5-30 ft from structures)

Observations: Dense landscape shrubs were observed in the Intermediate Zone below the main residence.

Recommendations: Separate shrubs in the Intermediate Zone so that they form small clusters with spaces between them following Cal Fire minimum horizontal spacing guidelines provided here. Keep tree limbs a minimum of 10 feet away from structures. If tree removal is necessary, consult with an arborist. Note: Permitting may be required for tree removal.

Observations: Dense native and exotic vegetation was observed in the Intermediate Zone above the detached garage.

Recommendations: Selectively remove dense woody shrubs such as Coyote bush and Poison oak in a mosaic pattern, following Cal Fire minimum horizontal spacing guidelines provided here. In order to mimic a more regular wildfire regime (to which these CA native species are adapted), and allow for landscaper access to regularly remove accumulated leaf litter.

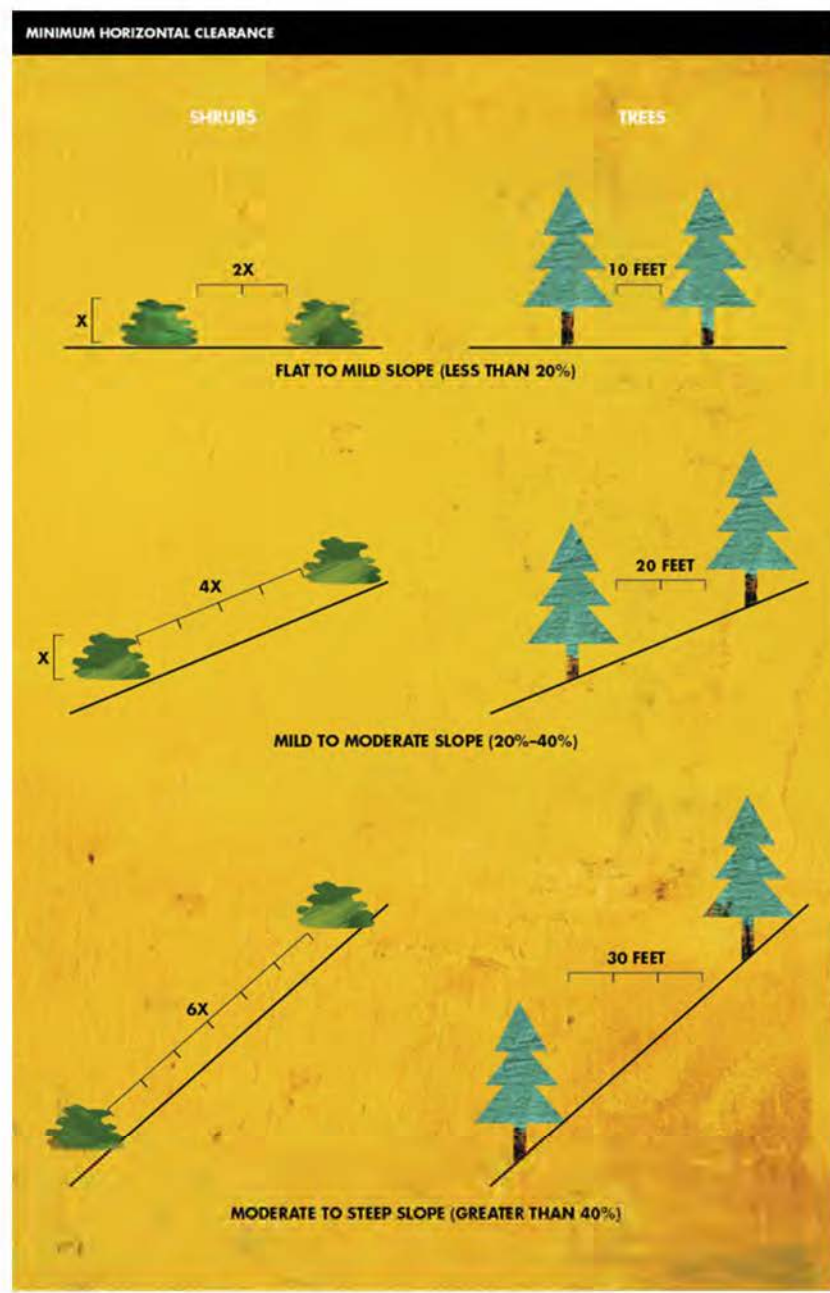
TREE DETAIL
 Note: No tree removal or removal of limbs larger than 3" in diameter is recommended in this Plan

Tree #	Species	DBH (in)	Notes
1	Cupressus sp.	36.7	
2	Pinus radiata	38.8	
3	Cupressus sp.	40.0	
4	Cupressus sp.	48.0	
5	Acacia sp.	14.4	
6	Pinus radiata	14.8	
7	Cupressus sp.	56.9	
8	Cupressus sp.	42.5	
9	Cupressus sp.	16.9	
10	Cupressus sp.	16.2	
11	Eucalyptus sp.	23.6	
12	Cupressus sp.	9.05	Average DBH of two branches at breast height
13	Eucalyptus sp.	23.2	
14	Eucalyptus sp.	32.4	
15	Eucalyptus sp.	45.5	
16	Eucalyptus sp.	15.7	Average DBH of two branches at breast height
17	Eucalyptus sp.	24.2	Average DBH of four branches at breast height



- Maintain space between the lowest tree branches and the ground or shrubs.
- Remove all tree branches at least six feet from the ground.
 - Allow extra vertical space between shrubs and trees. Lack of vertical space can allow a fire to move from the ground to the brush to the treetops like a ladder. This leads to more intense fire closer to your home.
 - Keep at least three times the height of any shrubs between the shrubs and the lowest branches of trees.

Example: A 5-foot shrub is growing near a tree. 15 feet of clearance is needed between the top of the shrub and the lowest tree branch.



How much space should you leave between trees or shrubs?
 Horizontal space depends on the slope of the land and the height of the shrubs or trees. Leave more space between vegetation on bigger slopes. Refer to the chart below to determine spacing distance.

Space between shrubs:
 Flat or mild slope (less than 20%): Two times the height of the shrub.
 Mild to moderate slope (20-40%): Four times the height of the shrub
 Moderate to steep slope (greater than 40%): Six times the height of the shrub

Space between trees:
 Flat or mild slope (less than 20%): 10 feet.
 Mild to moderate slope (20-40%): 20 feet.
 Moderate to steep slope (greater than 40%): 30 feet.

Source data:
 Imagery provided by ESRI | Parcel boundaries provided by the County of Monterey's GIS Open Data Portal (accessed 4/15/2023) | Vegetation data acquired from the USGS Existing Vegetation program (2020).

Central Coast Land Management
 Benjamin R. Eichorn
 GEO. Wildfire Mitigation Specialist
 P.O. Box 222967 Carmel, CA 93922 831.224.4442



WIND & SEA, LLC
54722 HIGHWAY ONE
BIG SUR, CALIFORNIA
 MONTEREY COUNTY | APN: 421-011-010 | LOT 3 (R1)

F U E L M A N A G E M E N T P L A N

DATE: 11/29/2023
 SCALE: 1:400
 DRAWN BY: digitalmappingsolutions.com
 SHEET NO:

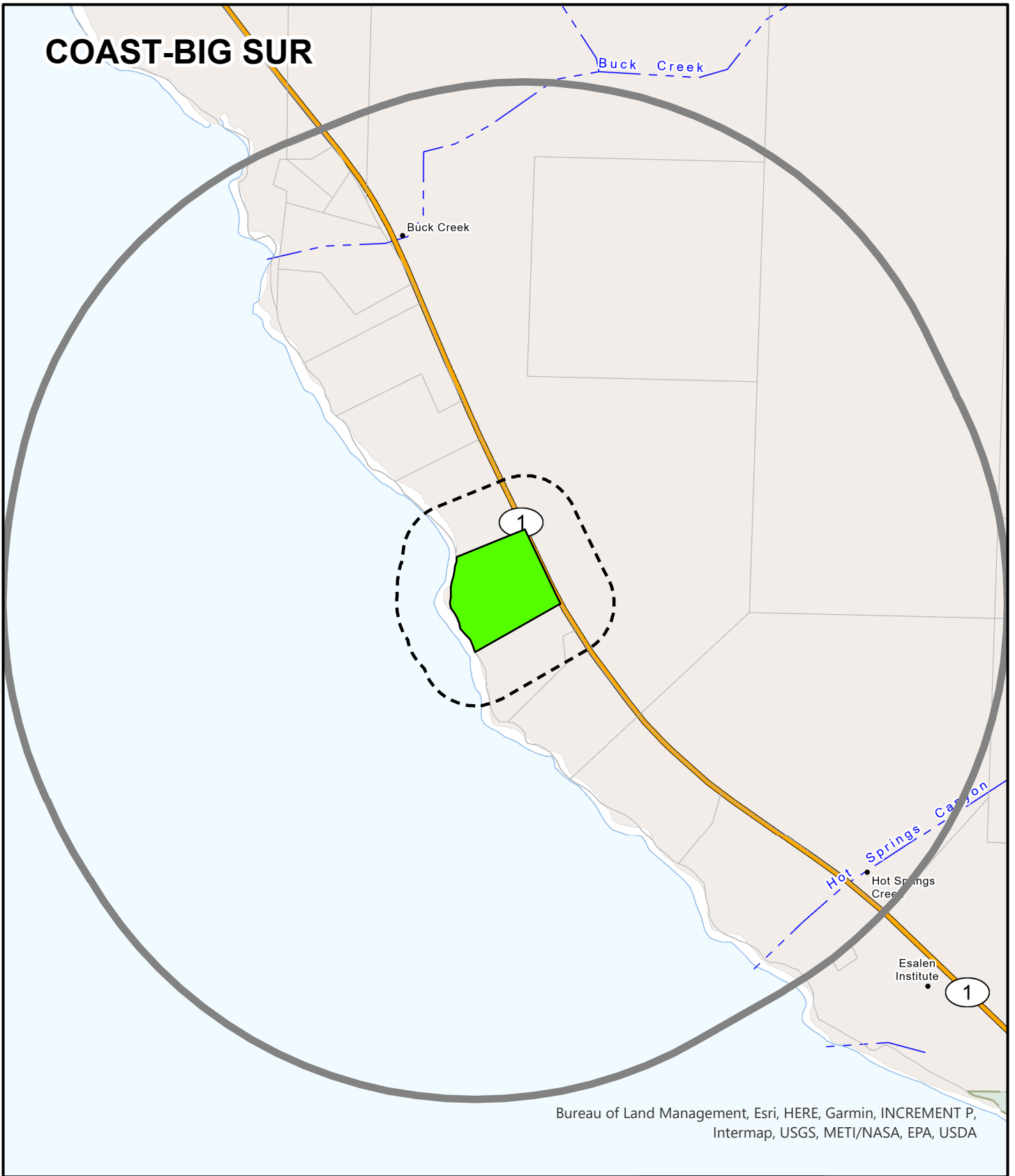
V-1.0
 1 OF 1 SHEETS

Vertical and horizontal spacing guidelines and tree crowns of CAL FIRE (https://www.fire.ca.gov/faq).

Exhibit B

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COAST-BIG SUR




Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA


APPLICANT: WIND AND SEA PROPERTY LLC

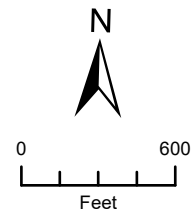
APN: 421011010000

FILE # PLN200097

 Project Site

 300 FT Buffer

 2500 FT Buffer



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Exhibit C

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ED MERCURIO, BIOLOGICAL CONSULTANT
637 Carmelita Dr. # 20, Salinas, CA 93901
ed_mercurio@yahoo.com
(831) 206-0737

Fionna Jensen, Assistant Planner
Housing and Community Development, Planning Services
1441 Schilling Place, 2nd Floor
Salinas, California 93901

December 1, 2023

RE: Biological survey report with specific biological assessments of areas of unpermitted construction and areas of short-term rentals and events and outlines of restoration and mitigation required on the 54722 Highway 1 (Wind and Sea) Property, Big Sur, California 93920. APN: 421-011-010, PLN200097, Citation 16CE00201.

Dear Ms. Jensen:

My surveys of the 54722 Highway 1 (Wind and Sea) Property were conducted on September 1, 2023 and November 29, 2023. Chris Gourlay, project consultant, provided maps and aerial photographs for the property. He met with me on the property and gave me an orientation of the characteristics of the project and the specific project tasks.

THE PROPERTY AND PROJECT

The 54722 Highway 1 Property is 5.8 acres in size and roughly square in shape, located between the shoreline and Highway 1. The project tasks are: providing a biological assessment for citation 16CE00201 associated with PLN200097 to obtain after-the-fact permits for conversion of a garage into habitable space, tubs, a sauna, an outdoor patio/amphitheater area, two decks and grading.

ENVIRONMENTAL OVERVIEW

Four plant communities are dominant on the project areas of the 54722 Highway 1 Property. Using the terminology of the California Department of Fish and Wildlife's Preliminary Descriptions of the Terrestrial Natural Communities of California by Robert F. Holland, 1986, and A Manual of California Vegetation, Second Edition by Sawyer, Keeler-Wolf and Evans, 2009, these communities are best classified as northern coastal scrub, central coastal scrub, non-native grassland and coast live oak forest, listed in order of decreasing areas of coverage. These plant communities are in a largely natural state over the undeveloped portions of the property, although disturbances associated with development of specific areas in the past at different times has resulted in an expansion of the area occupied by non-native grassland.

Some plants characteristic of the northern mixed chaparral plant community, Hoover's manzanita (*Arctostaphylos hooveri*) and Carmel ceanothus (*Ceanothus thyrsiflorus* var. *griseus*), were observed on the property but they appear to have been planted. The previous biological survey report for the property prepared by Jeff Norman and submitted in 1998 does not mention the manzanita or the ceanothus that I observed on the property on my surveys. Project consultant Chris Gourlay stated that Carmel ceanothus was planted on the property in 2007.

SENSITIVE HABITAT

No sensitive habitat occurrences are indicated to be present on or near the 54722 Highway 1 Property on the most recent California Department of Fish and Wildlife Natural Diversity Data Base records for the Partington Ridge Quadrangle and surrounding area.

No sensitive habitat was observed on the project area of the 54722 Highway 1 Property. The closest areas of sensitive habitat to the project area are riparian habitat along the margins of Buck Creek approximately one-half mile to the north of the property and Hot Springs Canyon approximately one-half mile to the south of the property and the rocky intertidal habitat along the shoreline on the property.

100 feet is the minimum setback distance of developments from environmentally sensitive habitat recommended by Monterey County Planning Services and the closest areas of riparian habitat and rocky intertidal habitat are well over 100 feet away from the closest developments on the property. The major canyon to the south of the project area is immediately below some areas of development, however, and measures to ensure that construction related debris does not enter this canyon must be implemented to protect any ephemeral aquatic habitat in the canyon bottom and to protect the rocky intertidal habitat downstream as well. Measures must also be implemented to ensure that construction related debris does not enter the drainage on the north side of the property containing area A6: Outdoor Deck 2 to protect the rocky intertidal habitat downstream from it and measures must also be implemented to ensure that construction related debris is not allowed to fall towards the coastline from any developments near the edges of the coastal bluffs on the property.

Mitigation for the loss of environmentally sensitive habitat is usually to restore at least twice the amount of the sensitive habitat that was lost, usually in the area where it was located prior to its loss.

SENSITIVE PLANT SPECIES

One sensitive plant species was observed on my survey of the 54722 Highway 1 Property. This plant is Hoover's manzanita (*Arctostaphylos hooveri*). Hoover's manzanita is shrub that is endemic to California and has a California rare plant rank of 4.3, which is for species that have limited distributions. A few individuals of this plant were observed on the project area and, as mentioned above, there is a strong probability that they were planted. The previous biological survey report for the property submitted in 1998 does not mention the manzanitas or the Carmel ceanothus (*Ceanothus thyrsiflorus* var. *griseus*) observed on the property on my surveys. No occurrences for sensitive plant species are indicated on or adjacent to the 54722 Highway 1 Property from California Department of Fish and Wildlife Natural Diversity Data Base records for the Partington Ridge Quadrangle and surrounding area.

The closest records to the project site for sensitive plant species that could potentially exist in the habitats present on the 54722 Highway 1 Property as indicated on the California Department of Fish and Wildlife Natural Diversity Data Base records for the Partington Ridge Quadrangle and surrounding area are for the following species:

- Hutchinson's larkspur (*Delphinium hutchinsoniae*). This Monterey County endemic perennial wildflower has a California rare plant rank of 1B.2, which is for moderately endangered species.
- Jolon clarkia (*Clarkia jolonensis*). This Monterey County endemic annual wildflower also has a California rare plant rank of 1B.2, which is for moderately endangered species.
- Arroyo Seco bush mallow (*Malacothamnus palmeri* var. *lucianus*). This shrub, endemic to Monterey County, also has a California rare plant rank of 1B.2, which is for moderately endangered species.
- San Luis Obispo sedge (*Carex obispoensis*). This California endemic perennial herbaceous grasslike rhizomatous plant also has a California rare plant rank of 1B.2, which is for moderately endangered species.
- Cone peak bedstraw (*Galium californicum* ssp. *luciense*). This California endemic perennial herbaceous plant has a California rare plant rank of 1B.3, which is for slightly endangered species.

- Santa Lucia bedstraw (*Galium clementis*). This California endemic perennial herbaceous plant also has a California rare plant rank of 1B.3, which is for slightly endangered species.
- Santa Lucia fir (*Abies bracteata*). This California endemic tree also has a California rare plant rank of 1B.3, which is for slightly endangered species.
- Tear drop moss (*Dacryophyllum falcifolium*). This California endemic moss also has a California rare plant rank of 1B.3, which is for slightly endangered species.

With the exception of Santa Lucia fir, the occurrences for these species are over two miles from the 54722 Highway 1 Property.

The location for Santa Lucia fir is approximately one mile east of the 54722 Highway 1 Property, upstream in Hot Springs Canyon. Santa Lucia fir is not present along the immediate coast and is unlikely to be present in the habitats present on the 54722 Highway 1 Property. With the exception of Hutchinson's larkspur and Jolon clarkia, the habitat requirements of these sensitive plant species would largely exclude them from being present on the 54722 Highway 1 Property.

These sensitive plant species and others known from the greater local area were searched for on my surveys and no evidence for their presence was observed.

SENSITIVE ANIMAL SPECIES

No sensitive animal species were observed on my survey of the 54722 Highway 1 Property. Two occurrences for a sensitive animal species are indicated on or adjacent to the 54722 Highway 1 Property from California Department of Fish and Wildlife Natural Diversity Data Base records for the Partington Ridge Quadrangle and surrounding area.

There are two records for Smith's blue butterfly (*Euphilotes enoptes smithi*) on or adjacent to the property. Smith's blue butterfly is one of the few sensitive animal species in the local area that could potentially exist in the habitats present on the 54722 Highway 1 Property. Smith's blue butterfly is federally listed as endangered. None of these butterflies were observed on the property. The presence of this species in an area is often indicated by the presence of sea cliff buckwheat or dune buckwheat (*Eriogonum parvifolium*), and coast buckwheat (*Eriogonum latifolium*), its host plants. One individual of sea cliff buckwheat was observed near the project areas of the property on my survey.

Another sensitive animal species in the local area that could potentially exist in the habitats present on the 54722 Highway 1 Property is the monarch butterfly (*Danaus plexippus*). The monarch butterfly is a candidate for federal listing, is classified as endangered by IUCN and is classified as sensitive by the United States Forest Service. It is included in the California Natural Diversity Data Base records for the Partington Ridge Quadrangle and surrounding area, in part, due to its vulnerability during its winter roosting period in trees along the coast of central California. I know of no "butterfly trees" in the immediate local area and it is unlikely that any trees on the 54722 Highway 1 Property are winter roosting sites. Monarch butterflies, however, were observed foraging and feeding on the property

There are a few records for California red-legged frog (*Rana draytonii*) in creeks on the seaward side of the coast ridge in the general area. California red-legged frogs are federally listed as threatened and a state species of special concern. The closest records for California red-legged frogs in the local area are over three miles from the 54722 Highway 1 Property. Aquatic environment necessary for breeding habitat for this species is not present on or close to the property. These amphibians move into upland habitats during the dry season and can be found up to one mile or more from the nearest aquatic habitats.

THE NATURAL HABITATS OF THE VIOLATION RELATED IMPACT AREAS

Biological consultant Jeff Norman conducted the biological assessment of the 54722 Highway 1 Property in 1995 and concluded that the dominant plant community on 100 percent of the project area of the property was northern coastal scrub. I came to a somewhat similar conclusion after surveying the project area and neighboring undeveloped habitat. The difference is that large areas of continuous northern coastal scrub habitat are common north of Point Sur (which is considered to be the southern limit for the occurrence of this plant community) and it becomes less continuous and more mixed with central coastal scrub in the coastal portions of the Santa Lucia mountain range south of Point Sur. This is where 54722 Highway 1 is located and what I observed is a dominance of northern coastal scrub but with considerable central coastal scrub in drier, more exposed areas. This is what guided my recommendations for perennial shrubs for restoration below.

RESTORATION PLANTING RECOMMENDATIONS FOR VIOLATION RELATED IMPACT AREAS

In this list of potential plants to use for restoration on impacted areas on the 54722 Highway 1 Property, I took into consideration four factors for the plants on the list:

1. Native to the property or to the general surrounding area
2. Erosion control potential in this environment
3. Survivability in this environment
4. Aesthetics

I started with the attached list of the plants observed this area of the property on my survey and chose ones observed to be meeting all of these four criteria. I also chose some that were not observed on the property but are known to occur nearby from my observations and from California Department of Fish and Wildlife Natural Diversity Data Base records. I made the list long enough to provide diversity and aesthetics and for substitutions if some are hard to obtain. Illustrations of and ranges for these plant species can be obtained at www.calflora.org and at www.calscape.org.

LIST OF SOME SUITABLE PLANTS FOR GENERAL USE IN THE RESTORATION OF THIS AREA

Seacliff buckwheat (*Eriogonum parvifolium*). This shrub is scattered on the more steep and rugged portions of the property and was not observed on the impacted areas. This is the type of habitat where it commonly occurs. Seacliff buckwheat is a host plant for the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), which has been observed on or close to the 54722 Highway 1 Property from California Department of Fish and Wildlife Natural Diversity Data Base records. As a general mitigation for the developmental impacts on the property, Jeff Norman recommended planting 160 seacliff buckwheat plants as mitigation for loss of habitat for this plant due to the development. My recommendation for planting 90 plants differs from this because my estimation of the habitat for this plant that was lost due to the development is considerably less.

Lizard tail or seaside wooly sunflower (*Eriophyllum staechadifolium*). This medium sized shrub is common on the property including around some of the project areas. It has attractive yellow flowers May through August.

Deerweed (*Acmispon glaber*). This small to medium sized shrub is common on the property including around some of the drier portions of the project areas. It has yellow flowers March through August. It has small leaves and loses some of them and may look somewhat lifeless in the winter portion of the year.

Carmel Ceanothus (*Ceanothus griseus* var. *horizontalis*) also known as (*Ceanothus thyrsiflorus* var. *griseus*), specifically, the Ceanothus 'Yankee Point' cultivar. I don't know whether any individuals of this plant were native here. The plants that I observed appear to be the more prostrate 'Yankee Point' cultivar, which would indicate that it was planted. It was not listed as growing on the property in Jeff

Norman's 1998 biological survey report for the property. It is the most abundant *Ceanothus* planted on the property and may have liberally reseeded itself in this very favorable environment for it. This shrub occurs along the Big Sur coast and in the local area in similar conditions to the project areas and is a well suited *Ceanothus* for this restoration. It is a medium sized shrub, vigorously growing in low mounds.

Dwarf ceanothus (*Ceanothus dentatus*). Dwarf ceanothus is the other *Ceanothus* observed on the property and happens to be one of the most beautiful plants in the genus. It is a small to medium sized shrub, somewhat smaller than other *Ceanothus* species, with small dark green leaves and when blooming is covered with abundant clusters of long lasting vivid dark blue flowers. It is a good plant for slope stabilization.

Bear berry manzanita or Kinnikinnick (*Arctostaphylos uva-ursi*). I did not observe this manzanita on the 54722 Highway 1 Property, but I have observed it on the Big Sur coast in similar environments. This is a good manzanita for the restoration areas. This is a small shrub that is an attractive, low ground cover that roots as it spreads. *Arctostaphylos* 'emerald carpet' is one of its hybrids and is also a good choice.

As mentioned previously, A few individuals of Hoover's manzanita, likely planted, were observed on the project area. This large manzanita is not well suited for the limited restoration requirements on the impacted areas of the property.

California coffeeberry (*Rhamnus californica*). This is an abundant medium to large sized shrub in north coastal scrub on the property. It has bright green leaves and abundant berries that color change from green to yellow to red to black as they mature.

Red flowering currant (*Ribes sanguineum*). This is a deciduous medium sized shrub with clusters of red to pink fragrant flowers in winter and spring followed by dark purple edible fruits. It is native to the local area and is shade tolerant. Hummingbirds are attracted to the flowers, other birds are attracted to the fruits, and it is a host plant for several butterfly species.

Prostrate coyote brush (*Baccharis pilularis*). Coyote brush is present but uncommon on the project site. The prostrate varieties of coyote brush, like *Baccharis* 'pigeon point' are low growing varieties coyote brush best adapted to rugged, windy coastal areas and would be a good addition to the restoration areas.

Common yarrow, white yarrow or queen anne's lace (*Achillea millefolium*). This small herbaceous evergreen plant is scattered on the restoration area. I have found it to be very adaptable, attractive, and a good lower level of plant structure among shrubs. It will grow best in the moister areas.

Douglas' iris (*Iris douglasiana*). This is our native iris. It is scattered around the project area. I have found it to be another very adaptable, attractive plant. It has attractive purple flowers and it makes a good lower level of plant structure among shrubs.

Sawtooth goldenbush (*Hazardia squarrosa*). This smaller shrub is scattered on the site and well adapted to somewhat drier portions of the area. It is attractive and has yellow flowers June through October.

Douglas' bush lupine (*Lupinus albifrons* var. *douglasii*). This attractive small to medium sized bush is widely scattered on the site. It is well adapted to this environment and has blue-purple spikes of flowers April through July.

California poppy (*Eschscholzia californica*). This plant is rare on the property but is often planted in the local area as the coastal variety *Eschscholzia californica maritima*. This is a good, low herbaceous plant

with colorful flowers February through September) that grows easily (easier than Indian paintbrush – seaside painted cup) and can be perennial in addition to being annual.

Sea pink or thrift (*Armeria maritima*). This small herbaceous plant was not observed on the property but occurs in the local area. It is well adapted to the environment and attractive with pink flowers in May and June. The dried flowers last a long time on the stems. It is a good plant for lower level of plant structure among larger shrubs.

California blackberry (*Rubus ursinus*). This aggressive vine is common on the site and is one of the better plants for site stabilization because of its vigorous growth of long, ground hugging stems.

Sticky monkey flower (*Mimulus aurantiacus*). This medium sized shrub is scattered on the property and blooms with orange flowers March through August. Cultivars with other flower colors are available.

Foothill sedge (*Cyperus tumulicola*). This attractive perennial grass-like plant is scattered on the site. It is a good ground cover and soil binder for steep slopes.

Yerba buena (*Clinopodium douglasii*). This low growing, fast spreading native mint is a great ground cover around areas where people are walking. It won't trip people and it will tolerate being stepped on.

Hummingbird sage (*Salvia spathacea*). This attractive small to medium sized perennial plant was not observed on the property, but there are records for it nearby. It has abundant magenta flowers that attract hummingbirds and it spreads to form clumps. It prefers shady sites.

California fuchsia (*Epilobium canum*). This perennial plant was not observed on the property, but there are records for it nearby. This is one of California's most beautiful plants with its red flowers and greyish foliage. It is adaptable and does occur on rugged coastal cliffs in our general area. 'Burt's Bluff' comes from such an environment and would be the best choice for the restoration area.

NUMBERS OF PLANTS TO INSTALL

Because of the differences in the sizes and environmental specifics of the individual restoration areas, an accurate general calculation of a set number of plants per specific square footage area cannot be made. I did make specific recommendations for number of plants per square footage in some of the restoration areas. In restoration areas where recommendations were not made, I recommend deciding on which plants to use and then looking over the area and deciding how many plants for specific habitat areas to install. Of course, the larger the plant, the fewer plants per area would be required.

INVASIVE NON-NATIVE PLANTS TO REMOVE

Before restoration planting, invasive, non-native plants growing on the restoration areas must be removed. I observed the following invasive non-native plants on the property on my surveys: castor bean (*Ricinus communis*), cape ivy (*Delairea odorata*), New Zealand spinach (*Tetragonia tetragonoides*), garden nasturtium (*Tropaeolum majus*), pampas grass (*Cortaderia jubata*), and Kikuyu grass (*Pennisetum clandestinum*). Non-invasive, non-native plants like pride of Madeira (*Echium candicans*), some of which were observed growing wild on the property, may be retained in the project area if desired. Monterey pine (*Pinus radiata*), Monterey cypress (*Hesperocyparis macrocarpa*) and Eucalyptus (*Eucalyptus sp.*) are trees not native to the property and can also be considered invasive. If desired, removal of any of them would be beneficial to the restoration process but is not mandatory.

EROSION CONTROL SEED MIX FOR THE PROPERTY

The seed mix that I recommend for erosion control cover in the restoration areas on the property is this all native one:

- 20% Red fescue (*Festuca rubra*)
- 20% Coast Range Melic (*Melica imperfecta*)
- 20% Six Week Fescue (*Vulpia microstachys*) a.k.a. *Festuca microstachys*
- 10% Blue Wild rye (*Elymus glaucus*)
- 10% California Brome (*Bromus carinatus*)
- 10% Leafy Bent-Grass (*Agrostis pallens*)
- 10% Tomcat Clover (*Trifolium willdenovii*)

ANNUAL WILDFLOWER SEED MIX FOR THE PROPERTY

Seeds of the following plants native to this general area can be broadcast over any areas where additional annual spring through summer color is desired.

- Baby blue eyes (*Nemophila menziesii*)
- Birds foot (*Gilia tricolor*)
- Blue Eyed Grass (*Sisyrinchium bellum*)
- California buttercup (*Ranunculus californicus*)
- California poppy (*Eschscholzia californica*)
- Checker bloom (*Sidalcea malviflora*)
- Chinese houses (*Collinsia heterophylla*)
- Fare-well to spring (*Clarkia amoena*)
- Hedge nettle (*Stachys bullata*)
- Johnny jump up (*Viola pedunculata*)
- Miniature lupine (*Lupinus bicolor*)
- Parry's larkspur (*Delphinium parryi*)
- Seaside daisy (*Erigeron glaucus*)
- Seaside painted cup (*Castilleja latifolia*)
- Sky Lupine (*Lupinus nanus*)
- Sun cup (*Camissonia ovata*)

LIST OF SPECIFIC PERENNIAL PLANTS FOR EROSION CONTROL ON THE PROPERTY

Ground Covers for soil retention

- Common yarrow (*Achillea millefolium*)** - full sun or part shade; spreads
- Dwarf Coyote Brush (*Baccharis pilularis*) 'Twin Peaks' or 'Pigeon Point'**
- Carmel Ceanothus (*Ceanothus thyrsiflorus* var. *Griseus*) 'Yankee Point'**
- California Fuchsia (*Epilobium canum* ssp. *canum*) and (*Epilobium canum* ssp. *latifolium*)**

Small shrubs for soil retention and limited hillside stabilization

- California Sagebrush (*Artemisia californica*)** - super-tough plant for dry spots
- Brickell Bush (*Brickellia grandiflora*)** - easy to grow and tough; good for partially shaded dry spots
- Seacliff Buckwheat (*Eriogonum parvifolium*)**, other buckwheats also
- Matilija Poppy (*Romneya coulteri*)** - tough root system spreads by rhizomes
- Wild Rose (*Rosa californica*)** - likes moist, tolerates dry

Large shrubs and trees for hillside stabilization

Osoberry (*Oemleria cerasiformis*) - great in disturbed areas, rapid growth, thicket-forming suckering habit

Manzanitas (*Arctostaphylos spp.*) - local species and hybrids. Very deep root systems

Ceanothus (*Ceanothus spp.*) - local species and hybrids

Toyon (*Heteromeles arbutifolia*) – red berries, adaptable to wet or dry, sun or shade

Blue elderberry (*Sambucus nigra ssp. caerulea*) - takes moisture or drought

SOURCES FOR PLANTS AND SEEDS

There are a number of native plant nurseries in the central coast area that are good sources for native plants and native plant seeds and seed mixes. I know and have worked with and can recommend Central Coast Wilds of Santa Cruz (831-459-0656, centralcoastwilds.com), Rana Creek Nursery in Carmel Valley (831-659-3820, ranacreekdesign.com), and Yerba Buena Nursery in Half Moon Bay (650-851-1668, yerbabuenanursery.com). In addition, Pacific Coast Seeds in Livermore (925-373-9417, pcseed.com) can supply a wide diversity of native plant seeds and seed mixes, and Suncrest Nursery in Watsonville (800-949-5064, 831-728-2595, suncrestnurseries.com) is a wholesale nursery with an extensive selection of local native plants. Since Suncrest Nursery is wholesale only, it should only be investigated as a last resort. Please let me know if it is, indeed, your last resort after contacting others, and I will see if there could be any avenues for you to purchase from them.

These nurseries are good sources for native plants and seeds of local origin including erosion control seed mixes and plantings and for recommendations on planting and maintaining plants. Native grass and rice straw mulches, wattles and hay bales are recommended and may also be obtained from these sources.

SEED PLANTING SUGGESTIONS

The native plant seed mixes should be applied in the late fall or early winter after the site has received sufficient moisture to wet the top 1/2 inch of the soil profile. Hopefully, this will be close to October 15, around the start of the next rainy season. In the event that regular rains do not sufficiently irrigate the grass to germinate and develop, supplemental water will have to be applied as needed. Bare ground will be, as much as possible, cultivated and raked to a moderately fine consistency prior to seed distribution. Vegetated areas will be cleared of as much non-native vegetation as possible prior to seeding. Final tracking of the site should be done perpendicular to slopes. The tracks will help reduce erosion and help retain seed and seed moisture.

The seed will be evenly hand broadcast across the entire area and, as much as possible, raked in to cover the seed with 1/4-1/2 inch of soil. Native grass or rice straw hay should be used as mulch and for rolls or wattles used in erosion control. Mulching with native grass straw or rice straw and the use of jute netting and/or straw/coconut fiber mats is recommended to retain moisture and minimize erosion as much as possible. Hydroseeding (also known as hydromulching) may alternatively be used to protect the seed from drying out or washing away.

There are benefits to hydroseeding. As straw breaks down it can leach nitrogen from soil. By contrast, when wood fiber mulch, as in hydromulch, breaks down, it will leach much less nitrogen and will actually add to the humus content, creating a healthier underlayer for grasses. Hydromulch is far superior for protecting against soil erosion. On its own, the wood fiber that can be included in a hydroseeding slurry will significantly inhibit soil erosion, but hydroseeding also allows for the addition of a tackifier, a kind of organic "glue" that helps to bind the mulch to the underlying soil. So, while mats and straw can help to some degree in inhibiting soil erosion on slopes, a hydroseed crust will perform much better. As the application hardens, many potential erosion problems can be well controlled until the seed germinates, grows and establishes itself as a permanent erosion inhibitor. Loss from animal consumption of seeds will also be greatly reduced. Combined with the effects of the superior mulching, the fertilizer that is included in a hydroseeding slurry will do much to promote excellent growth of grasses. When all factors are taken into consideration, hydroseeding may be found to actually be cost-comparable to broadcast seeding.

MITIGATION FOR LOSS OF SMITH'S BLUE BUTTERFLY HABITAT

Seacliff buckwheat is the host plant for Smith's blue butterfly and planting more of this plant is the prime way to mitigate for habitat loss for this species. Were many seacliff buckwheat plants lost through the amount of development that has occurred on the property? Probably not, since seacliff buckwheat tends to be most common in thin rocky soil and sandy soils, often on slopes. Thin rocky soils are present on the property but are mostly closer to the coast and on more sloping areas than where the existing developments are located. This is the type of area where seacliff buckwheat was observed on my survey.

Based on the numbers of seacliff buckwheat that I observed in habitats in the immediate area similar to those of the developed areas of the property, I estimate that approximately 30 plants were lost to the development. 3:1 mitigation for this loss gives us 90 plants to restore to the property. I recommend the planting of these 90 seacliff buckwheat plants primarily in and around restoration areas 4 and 5, as described below.

PROJECT AREAS AND THEIR RESTORATION AND MITIGATION PLANTING

There are six restoration project areas. They are associated with the areas where the violations were recorded.

Area A1: Garage

The violation here was the unpermitted construction of the garage. No specific area of biological restoration is stated in the violation, however, the original permit issued in 1999 for the house and garage requested the planting of seacliff buckwheat.

My recommendations for restoration of seacliff buckwheat restoration for this area are to plant them in areas where they are likely to have the best environments for survival, which would be around the restoration areas of Areas A4 and A5. The environment around the garage is not optimal for their survival and it is unlikely that many were in this area prior to its development.

Area A2: Tubs

The violation here was the installation of outdoor tubs and a shower without proper permits. A specific area of 600 square feet below the tubs is designated in the violation. The recommended restoration is to revegetate this area with native plant species and maintain it as a butterfly/bee/hummingbird pollinator zone. This has already been implemented to a degree, but mostly with non-native plants.

My recommendations for restoration in this area are to additionally plant native plants characteristic of the northern coastal scrub and central coastal scrub plant communities that were formerly present in this area. Since much of the restoration area has already been revegetated with mostly non-natives, a planting spacing of one plant per 36 square feet, planting 6 feet apart, will be used. That gives us 16 native shrubs that should be installed within this area. The area immediately below the tubs is more sparsely restored at this point and more of the plants can be concentrated in this area beyond where they would interfere with comfort of those using the tubs. The list of plants can be used for selection of plants and ones with flowers that are compatible with a butterfly/bee/hummingbird pollinator zone aspect can be selected for use. I recommend including California fuchsia, hummingbird sage, red flowering currant, deerweed, dwarf ceanothus and sticky monkey flower in the plantings. The annual wildflower seed mix for the property should be broadcast over this restoration to provide additional annual plant flowers for this area. The erosion control seed mix is not a priority for this area because of its gentle slopes.

Area A3: Sauna

The violation here was the installation of a sauna without proper permits. No specific area of biological restoration is stated in the violation but it is stated that the surrounding vegetation is primarily native and additional planting of native vegetation is suggested.

I observed the sauna area to be actually vegetated mostly by non-native shrubs and trees and heavily shaded. My recommendations for restoration in this small area are to additionally plant 6 shade tolerant native plants characteristic of the northern coastal scrub and central coastal scrub plant communities that were formerly present in this area. I recommend including the shade tolerant hummingbird sage, red flowering currant, Douglas' iris and sticky monkey flower in the plantings.

Area A4: Outdoor Patio

The violation here was construction without proper permits. Grading and construction of retaining walls and a gas fire pit within 100 feet of the edge of a coastal bluff occurred in this area. A specific area, 3600 square feet in size below the patio and along the cliff is designated for restoration with native plants. Minimal watering requirements are mandatory here to prevent additional erosion along the edge of the cliff. This is an area designated for mitigation planting of seacliff buckwheat.

The northern approximately two-thirds of the designated restoration area is clear of brush, the rest of it is mostly northern coastal scrub vegetation containing a lot of Carmel Ceanothus and California blackberry. This cleared area is relatively level and approximately 1850 square feet in area. From Google Earth historical imagery, this area appears to have been cleared in 2019.

The first task in the restoration of this area is to properly install plastic sheet barrier fencing (silt/exclusion fencing) between the restoration area and the floor of the drainage to the north before restoration activities begin. It should have no gaps and extend at least 15 feet, curving upward, beyond each end of the restoration area. This will prevent loose silt and soil from the restoration area from reaching the floor of the drainage and also keep small animals from entering the area of ground disturbance as well. Particles of silt and soil suspended in waters can seriously degrade the quality of wetland and aquatic environments and could seriously impact the ephemeral stream environment on the floor of the drainage near its end at the coastline and the rocky intertidal environment further downstream. This silt/exclusion fencing will remain in place until the end of the rainy season following its installation to ensure that any loose soil will have been stabilized by the growth of the erosion control herbaceous plants in the seed mix that was broadcast over the disturbed ground areas.

My recommendations for restoration in this area are to restore the cleared portion of the area with shrubs native to the local area and that occur in northern coastal scrub habitat. Since this restoration area is devoid of most perennial plant vegetation, a planting spacing of one plant per 25 square feet, planting 5 feet apart, will be used. That gives us 74 native shrubs that should be installed within the more level portions of the cleared area. These can be chosen from the list of plants listed above.

Along with this, 25 of the 90 seacliff buckwheat plants to be planted as mitigation for what is estimated to have been lost to development on the property will be planted along the approximately 80 feet of the northern rim of the cleared portion of the restoration area. They should be planted on rockier, thinner soil of the beginning of the slope into the drainage. This is their preferred habitat. They should be planted approximately 4 feet apart, staggered in two rows where possible, on the sloping ground. Some of these plants can also be planted on the sloping ground along the southern rim of the uncleared portion of the restoration area, but this area is more difficult to access. The seed mix that I recommend for erosion control cover in the restoration areas on the property will be used for erosion control on these slope areas.

Area A5: Outdoor Deck 1

The violation here was construction without proper permits. Construction of the deck within 100 feet of the edge of a coastal bluff occurred in this area. A specific area, approximately 5000 square feet in size below the deck where a trail was previously is designated for restoration. The recommended restoration includes the removal of non-native invasive plant species, such as pampas grass and castor bean, from the drainage below. This is an area designated for mitigation planting of seacliff buckwheat.

The restoration area here is on a moderate to in some places, steep, south facing slope that has been seriously degraded in some places by growths of invasive non-native pampas grass and castor bean.

As for Area A4, the first task in the restoration of this area is to properly install plastic sheet barrier fencing (silt/exclusion fencing) between the restoration area and the floor of the drainage before restoration activities begin. It should have no gaps and extend at least 15 feet, curving upwards, beyond each end of the restoration area. This will prevent loose silt and soil from the restoration area from reaching the floor of the drainage and also keep small animals from entering the area of ground disturbance as well. Particles of silt and soil suspended in waters can seriously degrade the quality of wetland and aquatic environments and could seriously impact the ephemeral stream environment on the floor of the drainage and the rocky intertidal environment further downstream. This silt/exclusion fencing will remain in place until the end of the rainy season following its installation to ensure that any loose soil will have been stabilized by the growth of the erosion control herbaceous plants in the seed mix that was broadcast over the disturbed ground areas.

The second task in the restoration of this area is the removal of the invasive non-native plants on this slope, from top to drainage bottom, south of the house, south of Outdoor Deck 1 and south of the ridge to the southwest of Outdoor Deck 1 out to the end of the area of development.

Following this, the approximately 5000 square foot restoration area on the slope south of the house and south of Outdoor Deck 1 will be planted. Since some native plants are already present on this slope, a planting spacing of one plant per 49 square feet, planting 7 feet apart, will be used. That gives us 102 shrubs to be planted here. These plants can be chosen from the list of plants for general use on the property on much of this slope, but on steeper, rockier areas, plants can be chosen from the list of specific perennial plants for erosion control on the property. The seed mix that I recommend for erosion control cover in the restoration areas on the property will be used for erosion control throughout this area.

Along with this, 65 of the 90 seacliff buckwheat plants to be planted as mitigation for what is estimated to have been lost to development on the property will be planted along the approximately 100 feet of the rim above the restoration area and along unshaded portions of the rim on either side of the restoration area. They should be planted on rockier, thinner soil close to the top of the beginning of the slope into the drainage. This is their preferred habitat, especially on this south facing slope. They should be planted approximately 4 feet apart, staggered in two rows, where possible, on the sloping ground. The seed mix that I recommend for erosion control cover in the restoration areas on the property will be used for erosion control here also.

Area A6: Outdoor Deck 2

The violation here was grading and construction without proper permits. It is stated that Impacts occurred here from grading within environmentally sensitive habitat. An area of approximately 800 square feet below the deck and an area of approximately 1750 square feet in pathway areas around the deck are designated for restoration. The recommended restoration is the removal of non-native invasive plant species, such as poison hemlock, from the area below the deck and removal of non-native invasive plant species and restoration with native plant revegetation for the pathway areas around the deck.

The trail to the deck and the deck are both in thick northern coastal scrub vegetation that is some of the most uniform and most continuous on the property. This is probably related to the topography in this area which is a broad, shallow drainage with deeper soil than on most of the rest of the property which contains more steeper and more exposed slopes. Although this is a drainage, I did not observe what could be defined as any type of corridor of riparian vegetation along the bottom of the drainage. This is because running water would be a very rare occurrence in this portion of this drainage. Arroyo willows, which are a plant frequently associated with riparian vegetation, however, are in this drainage and in the deeper drainage on the south side of the property. They are present in thick growths on the slopes of the drainages, but are not very common in the bottoms of the drainages. This is because a lot of the water available to the plants on this property comes from fog drip and as the fog in the coastal winds ascends the coastal bluffs, it has greater contact with the ground on the higher slopes and bluff tops and delivers more water here in the form of fog drip, which maintains these willows as well as maintaining the lushest, thickest northern coastal scrub. Of course, the more coastal portions of deeper drainages that extend further into the mountains are likely to have streams of flowing water and riparian corridors along their streams. But that is not the case with the short and comparatively shallow drainages on this property.

So, the vegetation that was impacted by the construction of Outdoor Deck 2 was not riparian habitat which would be classified as sensitive habitat. Although it is thick northern coastal scrub vegetation, it nonetheless contains a considerable amount of invasive non-native plants. Some of these invasive non-native plants, such as poison hemlock (*Conium maculatum*), fennel (*Foeniculum vulgare*) and Kikuyu grass (*Pennisetum clandestinum*) are present mostly because of disturbances created by the development, and some, such as sticky ageratina (*Ageratina adenophora*), cape ivy (*Delairea odorata*) and Italian thistle (*Carduus pycnocephalus*) also typically occur in most unimpacted stands of northern coastal scrub in this area.

My recommendations for restoration in this area are to first clear the areas around the deck and around the steps leading down to the deck of as many invasive non-native plants as possible and then to restore the cleared portions of the area with shrubs native to the local area and that occur in northern coastal scrub habitat. I observed that some clearing has already occurred along the trail. Plants listed in the list of plants for general use on the property will be good choices for most of this area. For the areas immediately around the trail, however, the low growing - ground cover types, such as yerba buena, foothill sedge, common yarrow and sea pink would be good choices since they won't interfere with walking on the trail as they spread into it.

Since the restoration plantings will be implemented in areas that will be largely cleared bare, I recommend a plant spacing of 4 feet apart, which is one plant per 16 square feet. That is 50 plants for the approximately 800 square feet below the deck, and 109 plants for the approximately 1750 square feet in pathway areas around the deck.

The annual wildflower seed mix for the property can be broadcast over the trail restoration to provide additional annual plant flower attractiveness for this area. The erosion control seed mix is not a priority for most of this area because of rather gentle slopes, but should be used selectively in areas with the greatest erosion potential.

The first task in the restoration of this area will also be to properly install plastic sheet barrier fencing (silt/exclusion fencing) before restoration activities begin, but here the silt/exclusion fencing can be installed on the slopes most downhill and downstream from the restoration areas to primarily protect the rocky intertidal environment and the small amount of ephemeral stream channel near the coastal end of this drainage. I did not observe any ephemeral stream channel environment on the floor of this drainage within the restoration areas. Again, it should have no gaps and extend at least 15 feet, curving upward, beyond each end of the restoration area. This will prevent loose silt and soil from the restoration area from reaching biologically sensitive areas will and also keep small animals from entering the area of ground disturbance.

Particles of silt and soil suspended in waters can seriously degrade the quality of wetland and aquatic environments and could seriously impact the ephemeral stream environment on the floor of the drainage near its end at the coastline and the rocky intertidal environment further downstream. This silt/exclusion fencing will remain in place until the end of the rainy season following its installation to ensure that any loose soil will have been stabilized by the growth of the erosion control herbaceous plants in the seed mix that was broadcast over the disturbed ground areas.

SUMMARY OF NUMBERS OF PLANTS AND AMOUNTS OF SEEDS REQUIRED

Total number of native shrubs other than seacliff buckwheat for mitigation to plant = 357

Total number of seacliff buckwheat for mitigation to plant = 90

Total amount of erosion control seed mix = ~11 pounds

Total amount of annual wildflower seed mix = ~4 pounds

MONITORING AND ADDITIONAL WORK

The following monitoring inspections will be conducted on the 54722 Highway 1 Property.

1. Immediately prior to the start of restoration. The installation of the silt fences will be verified and inspected at this time.
2. Within the three months following completion of the restoration plantings
3. One year after completion of the restoration plantings in the spring season.
4. Two years after completion of the restoration plantings in the spring season.
5. Three years after completion of the restoration plantings in the spring season.

These inspections will monitor the planting and survival of plants for restoration. They will also monitor the protection and survival of existing plants on the property. A report on each inspection will be submitted to Monterey County Planning Services.

A spring survey of annual plants will be necessary since sensitive winter growing annual plant species and some spring blooming perennial species were not identifiable at the times of the year of my surveys in September and November. Much of the flora and many of the rare, endangered and threatened plant species occurring in this area are winter and spring growing annual species and some spring blooming perennial species that can only be conclusively identified during the spring season and some of the summer. Jolon clarkia (*Clarkia jolonensis*) and Hutchinson's larkspur (*Delphinium hutchinsoniae*) are two sensitive plant species with occurrences on the coast on the Partington Ridge Quadrangle in habitats that are present on the 54722 Highway 1 Property that can only be conclusively identified during the spring and early summer. This survey can be conducted at the same time as the first monitoring inspection.

CRITERIA FOR SUCCESS

Success of revegetation will be assessed on the basis of percent cover and percent progress towards the establishment of plant community structure, and percent survival of plants expected for the period of time under optimal conditions. Success will be defined as 85 percent or better of optimum time correlated status. Ongoing replacement of any plants that are lost during the monitoring period will ensure that this success criteria is consistently met.

RECOMMENDATIONS ON THE PROJECT

With the successful implementation of the restoration mitigations listed above, impacts to biological values on the 54722 Highway 1 Property will be at a level of insignificance and in compliance with the regulations and standards of Monterey County Planning Services and state and federal agencies concerned with the maintenance of habitat quality and protection of biological resources.

Please contact me if you have any questions.

Best regards,

A handwritten signature in black ink, appearing to read "Ed Mercurio". The signature is written in a cursive, flowing style.

Ed Mercurio,
Biological Consultant

PLANTS OF THE 54722 HIGHWAY 1 PROPERTY, 54722 HIGHWAY 1, BIG SUR, CALIFORNIA 93920

NATIVE AND NATURALIZED VASCULAR PLANTS OBSERVED ON THE 54722 HIGHWAY 1 PROPERTY ON MY SURVEYS**

By Ed Mercurio, Biological Consultant
November 2023

<u>Scientific Name</u>	<u>Common Name</u>
DIVISION PTEROPHYTA	FERNS AND FERN ALLIES
EQUISETACEAE <i>Equisetum sp.</i>	HORSETAIL FAMILY Horsetail
DENNSTAEDTIACEAE <i>Pteridium aquilinum var. pubescens</i>	BRACKEN FERN FAMILY Western Bracken Fern
DRYOPTERIDACEAE <i>Dryopteris arguta</i>	WOOD FERN FAMILY Coastal Wood Fern
DIVISION CONIFEROPHYTA	CONIFERS
CUPRESSACEAE <i>Hesperocyparis macrocarpa*</i>	CYPRESS FAMILY Monterey Cypress
PINACEAE <i>Pinus radiata*</i>	PINE FAMILY Monterey Pine
DIVISION ANTHOPHYTA	FLOWERING PLANTS
CLASS DICOTYLEDONEAE	DICOTS (Two seed-leaved flowering plants)
AIZOACEAE <i>Tetragonia tetragonoides*</i>	ICEPLANT FAMILY New Zealand Spinach
ANACARDIACEAE <i>Toxicodendron diversiloba</i>	SUMAC FAMILY Poison Oak
APIACEAE <i>Conium maculatum*</i> <i>Foeniculum vulgare*</i> <i>Torilis nodosa*</i>	CARROT FAMILY Poison Hemlock Fennel Knotted Hedge-Parsley
ARACEAE <i>Zantedeschia aethiopica*</i>	ARUM FAMILY Calla Lily

ASTERACEAE

Achillea millefolium
*Ageratina adenophora**
Artemisia californica
Baccharis pilularis
*Carduus pycnocephalus**
Conyza Canadensis
*Delairea odorata**
Eriophyllum staechadifolium
*Gnaphalium luteo-album**
Hazardia squarrosa
Heterotheca oregona
Lessingia nemaclada
Pseudognaphalium microcephalum
Senecio vulgaris
*Silybum marianum**
*Sonchus asper**
*Sonchus oleraceus**
Symphotrichum chilense

BORAGINACEAE

*Echium candicans**

BRASSICACEAE

*Brassica nigra**
*Brassica rapa**
*Lobularia maritima**

CHENOPODIACEAE

*Chenopodium rubrum**

CONVOLVULACEAE

Calystegia macrostegia
*Convolvulus arvensis**

CRASSULACEAE

Dudleya caespitosa

ERICACEAE

Arctostaphylos hooveri

EUPHORBIACEAE

*Euphorbia pepus**
*Ricinus communis**

FABACEAE

Acacia melanoxylon

SUNFLOWER FAMILY

Common Yarrow
 Sticky Ageratina
 California Sagebrush
 Coyote Brush
 Italian Thistle
 Horseweed
 Cape Ivy
 Lizard Tail
 Weedy Cudweed
 Sawtooth goldenbush
 Oregon Golden Aster
 Slender-Stemmed Lessingia
 Wright's Cudweed
 Common Groundsel
 Milk Thistle
 Spiny Sow Thistle
 Common Sow Thistle
 California Aster

BORAGE FAMILY

Pride of Madeira

MUSTARD FAMILY

Black Mustard
 Field Mustard
 Sweet Alyssum

GOOSEFOOT FAMILY

Red Pigweed

MORNING-GLORY FAMILY

Coast Morning Glory
 Field Bindweed

STONECROP FAMILY

Sea Lettuce

HEATH FAMILY

Hoover's Manzanita

SPURGE FAMILY

Petty Spurge
 Castor Bean

PEA FAMILY

Blackwood Acacia

<i>Acmispon glaber</i>	Deerweed
<i>Acmispon wrangelianus</i>	Chile Lotus
<i>Lathyrus vestitus</i>	Common Pacific Pea
<i>Lupinus albifrons</i>	Silver Bush Lupine
<i>Medicago polymorpha</i> *	Bur-Clover
<i>Trifolium repens</i> *	White Clover
GARRYACEAE	SILK TASSEL FAMILY
<i>Garrya elliptica</i>	Coast Silk Tassel
GERANIACEAE	GERANIUM FAMILY
<i>Erodium cicutarium</i> *	Red-Stemmed Filaree
<i>Geranium molle</i> *	Dove's Foot Geranium
LAMIACEAE	MINT FAMILY
<i>Clinopodium douglasii</i>	Yerba Buena
<i>Stachys bullata</i>	Hedge Nettle
MALVACEAE	MALLOW FAMILY
<i>Malva parviflora</i> *	Cheeseweed
MYRTACEAE	MYRTLE FAMILY
<i>Eucalyptus sp</i> *	Eucalyptus
ONAGRACEAE	EVENING PRIMROSE FAMILY
<i>Oenothera elata ssp. hookeri</i>	Common Evening Primrose
OXALIDACEAE	OXALIS FAMILY
<i>Oxalis pes-caprae</i> *	Bermuda Buttercup
PAPAVERACEAE	POPPY FAMILY
<i>Eschscholzia californica</i>	California Poppy
PITTOSPORACEAE	PITTOSPORUM FAMILY
<i>Pittosporum sp.</i>	Pittosporum
PLANTAGINACEAE	PLANTAIN FAMILY
<i>Plantago coronopus</i>	Cut-leaved Plantain
<i>Plantago lanceolata</i> *	Ribwort
POLYGONACEAE	BUCKWHEAT FAMILY
<i>Eriogonum parvifolium</i>	Seacliff Buckwheat
<i>Rumex crispus</i> *	Curly Dock
<i>Polygonum argyrocoleon</i> *	Silversheath Knotweed
PRIMULACEAE	PRIMROSE FAMILY

<i>Anagallis arvensis*</i>	Scarlet Pimpernel
RHAMNACEAE	BUCKTHORN FAMILY
<i>Ceanothus dentatus</i>	Dwarf Ceanothus
<i>Ceanothus thyrsiflorus</i> var. <i>griseus</i>	Carmel Ceanothus
<i>Rhamnus californica</i>	California Coffeeberry
ROSACEAE	ROSE FAMILY
<i>Fragaria vesca</i>	Wild Strawberry
<i>Horkelia californica</i> var. <i>californica</i>	California Horkelia
<i>Rosa californica</i>	California Wild Rose
<i>Rubus ursinus</i>	California Blackberry
SALICACEAE	WILLOW FAMILY
<i>Salix lasiandra</i>	Pacific Willow
<i>Salix lasiolepis</i>	Arroyo Willow
<i>Salix sitchensis</i>	Coulter Willow
SCROPHULARIACEAE	FIGWORT FAMILY
<i>Digitalis purpurea*</i>	Purple foxglove
<i>Mimulus aurantiacus</i>	Sticky Monkey Flower
<i>Scrophularia californica</i>	California Bee Plant
SOLANACEAE	NIGHTSHADE FAMILY
<i>Solanum americanum</i>	Small-Flowered Nightshade
<i>Solanum douglasii</i>	Douglas' Nightshade
TROPAEOLACEAE	TROPAEOLUM FAMILY
<i>Tropaeolum majus*</i>	Garden Nasturtium
URTICACEAE	NETTLE FAMILY
<i>Urtica dioica</i> ssp. <i>holosericea</i>	Hoary Nettle
VERBENACEAE	VERVAIN FAMILY
<i>Phyla nodiflora*</i>	Common Lippia
CLASS MONOCOTYLEDONEAE	MONOCOTS (one seed-leaved flowering plants)
CYPERACEAE	SEDGE FAMILY
<i>Cyperus tumulicola</i>	Foothill Sedge
IRIDACEAE	IRIS FAMILY
<i>Iris douglasiana</i>	Douglas' Iris
POACEAE	GRASS FAMILY
<i>Agrostis pallens</i>	Leafy Bent-Grass
<i>Aira caryophylla*</i>	Silvery Hair-Grass

<i>Avena fatua</i> *	Wild Oat
<i>Bromus diandrus</i> *	Ripgut Grass
<i>Bromus hordaceus</i> *	Soft Chess Grass
<i>Cortaderia jubata</i> *	Pampas Grass
<i>Cynodon dactylon</i> *	Bermuda Grass
<i>Hierochloe occidentalis</i>	Vanilla Grass
<i>Hordeum murinum</i> ssp. <i>leporinum</i> *	Barnyard Foxtail
<i>Leymus condensatus</i>	Giant Rye Grass
<i>Lolium multiflorum</i> *	Italian Rye Grass
<i>Melica</i> sp.	Melica
<i>Pennisetum clandestinum</i> *	Kikuyu Grass
<i>Phalaris californica</i>	California Canary-Grass
<i>Polypogon monspeliensis</i> *	Rabbitfoot Grass

* Naturalized species not native to the 54722 Highway 1 Property.

**Based on field studies conducted by Ed Mercurio in September 2023.

VEGETATION AND RESTORATION MAP FOR THE 54722 HIGHWAY 1 PROPERTY

By Ed Mercurio, Biological Consultant, December 2023

KEY

Background aerial photograph natural habitat areas are mostly northern coastal scrub and central coastal scrub plant communities.

Areas with continuous arroyo willows (*Salix lasiolepis*) are outlined in green.

Developments related to restoration are outlined in blue.

Primary restoration areas are outlined in magenta.

Restoration areas for planting of seacliff buckwheat (*Eriogonum parvifolium*) are shown as orange lines.



BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

This Biological Report will discuss the habitats present on the Fawley property, and the impacts upon those habitats which may occur if the proposed development is implemented. Mitigation measures are presented which will reduce those impacts to a biologically acceptable level.

This report has been prepared by Jeff Norman, Consulting Biologist, P. O. Box 15, Big Sur, CA 93920. Field work was performed on 12 February 1995 and 15 September 1998.

The report was completed for the owner of the parcel, Mr. Norman Fawley, represented by Land Use Facilitator Arden Handshy, P. O. Box 51758, Pacific Grove, CA 93950.

The site is located in Section 4, T21S, R3E, on the South Coast of Big Sur, and is bounded by Highway One to the northeast and the Pacific Ocean to the southwest. Esalen Institute, and Hot Springs Creek, lie a short distance to the southeast. The nearest named stream to the north is Buck Creek. APN is 421-011-010, and the parcel size is 5.8 acres.

SUMMARY RESULTS: The parcel provides habitat for the Federally-endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), manifested by the presence on-site of its host foodplant, seacliff buckwheat (*Eriogonum parvifolium*). The parcel, in addition, supports riparian habitat, present within 100' of the proposed development. Monterey pines (*Pinus radiata*) and Monterey cypresses (*Cupressus macrocarpa*), considered rare and endangered where they occur naturally, exist as planted specimens on the Fawley parcel.

The predominant vegetation type was found to be northern coastal scrub.

BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

INTRODUCTION: This biotic report deals with the possible impacts of the proposed project: the construction of a residence and garage. Given the sensitivity of habitats near the project site, this report was required of the applicant by the Monterey County Planning and Building Inspection Department for a Coastal Development Permit.

REGIONAL SETTING: This 5.8-acre parcel is located along the Big Sur Coast between Esalen Institute and Julia Pfeiffer Burns State Park. A number of similar-sized parcels lie west of the highway in this area, most of which are developed. Parcels east of the highway in this area are, for the most part, larger, and adjoin Los Padres National Forest to the east.

LOCAL VEGETATION: The Big Sur Coast is characterized by redwood riparian forest and pure redwood forest associations in the deeper canyons and the Big Sur Valley, dominated by coast redwood (*Sequoia sempervirens*). Mixed evergreen forest occurs in higher or drier conditions, with various species of oaks, as well as California laurel (*Umbellularia californica*), tan oak (*Lithocarpus densiflora*), scattered coast redwoods, etc. Toward the ocean, coastal sage scrub and coastal bluff scrub (the latter closer to the sea) are encountered. On the Big Sur Coast, northern coastal scrub approaches, if not reaches, its southern geographic limit. Coast range grassland occurs in many areas with shallow soils, generally at higher elevations than the ecologically-sensitive coastal terrace prairie. In scattered locations can be found the biologically-sensitive maritime chaparral habitat, which often includes rare plant taxa. Higher slopes support such habitats as chaparral and montane coniferous forest.

The dominant plant community for the project site is northern coastal scrub, which originally covered 100% of the project site. With landscaping and other activities which have been implemented over the years, the project site as proposed now involves ca. 25% northern coastal scrub, all located at the proposed garage site. In this location, the habitat is dominated by mature California coffeeberry (*Rhamnus californica*), with several other shrubs present, including poison-oak (*Toxicodendron diversilobum*), coyote brush (*Baccharis pilularis*), and sticky monkey flower (*Mimulus aurantiacus*). The location of the proposed residence was once northern coastal scrub as well, although all original vegetation has been cleared. Native vegetation has been replaced by plantings of red fescue (*Festuca rubra*) and various showy herbaceous annuals which are not native to the site. Many weedy plants are established in this cleared area, and these are overtaking the plants which have been introduced by the land owner. These weeds include bull thistle (*Cirsium vulgare*), milk thistle (*Silybum marianum*), poison hemlock (*Conium maculatum*), field mustard (*Brassica rapa*), Kikuyu grass (*Pennisetum clandestinum*), and pampas grass

BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

LOCAL VEGETATION (cont.):

(*Cortaderia jubata*). Much of this weedy area is presently under irrigation.

Within the northern coastal scrub plant community, near the southern corner of the property (see Botanical Map), was found habitat for Smith's blue butterfly (*Euphilotes enoptes smithi*), with the presence of seacliff buckwheat (*Eriogonum parvifolium*), a host food plant of this Federally-endangered butterfly. On the subject property, this habitat is threatened by the spread of pampas grass. Much northern coastal scrub habitat was lost earlier this year by a major slope failure at the bluff edge (see Botanical Map), and small amounts are degraded by debris piles.

Riparian vegetation, in the form of stream-mouth woodland, is present northwest of the garage site, and southeast of the house site. Arroyo willows (*Salix lasiolepis*) are present, and breeding of Pacific tree frog (*Hyla regilla*) probably occurs here. Stream-mouth woodland is becoming reduced on the Fawley property by the spread of pampas grass.

RARE AND ENDANGERED SPECIES: The parcel supports habitat for the Federally-endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), with the presence there of the butterfly's host food plant, seacliff buckwheat (*Eriogonum parvifolium*). The subject parcel lies 1 mi. SE of the type locality (place of discovery) of Smith's blue butterfly, and sightings have been made of this taxon recently within 1000' of the project site. Despite the date of the survey, no other rare or endangered taxa are believed to occur on-site, or are likely to be affected by the proposed project.

THREATENED SPECIES AND VEGETATION: The parcel supports valuable riparian areas of stream-mouth woodland on its southeast and northwest edges.

IMPACT ASSESSMENT AND MITIGATION MEASURES:

Impact 1. Smith's blue butterfly habitat. Seacliff buckwheat, one of the two major host food plants of the Federally-endangered Smith's blue butterfly, was more common on the subject property prior to landscaping work. A number of seacliff buckwheat plants were also lost during the recent landslide. Future brush clearing, landscaping, or fire clearance could remove more of these plants.

Other impacts to Smith's blue butterfly could occur on the property. These include the spread of weeds from cleared areas into native habitat, and the possibility of future slope

BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

IMPACT ASSESSMENT AND MITIGATION MEASURES (cont.):

failure at locations supporting seacliff buckwheat.

Mitigation 1. The loss of Smith's blue butterfly habitat should be mitigated by the planting of 160 nursery-obtained seacliff buckwheat (*Eriogonum parvifolium*) plants on the property. The two receiver sites for seacliff buckwheat plants are shown on the accompanying Botanical Map, with 80 plants required for each site. These sites will be in places currently type-converted to irrigated grassland; one site is adjacent to an extant seacliff buckwheat plant. The following configuration is prescribed for Smith's blue butterfly habitat restoration: eight seacliff buckweats are to be planted around the perimeter of a 3-foot-diameter circle, with two plants at the center. The plantings should be undertaken after the onset of the rainy season, and must be kept weeded until established. If planting occurs during the dry season, irrigation will be needed; supplemental irrigation may also be necessary until the plants are established, although use of water should be kept at the minimum. The restoration area should be monitored twice a year for two years by a qualified biologist.

To reduce impacts to Smith's blue butterfly elsewhere on the property, and surrounding parcels as well, a weed abatement program must be established at the Fawley property. The following plants should be eradicated: pampas grass, castor bean, and Kikuyu grass. These plants are aggressively spreading into areas which can or do support habitat for Smith's blue butterfly. In the case of pampas grass, seed plumes should be removed and burned before they set seed. The large clumps of pampas grass should be first cut to within 2 feet of ground level, and next (as resprouting occurs) sprayed with a glyposphate-type herbicide, following all legal and safety proscriptions.

The area where seacliff buckwheat is extant should be protected from further brush clearing, landscaping, or other disturbances.

The issue of slope failure is under assessment by geologic consultants. Slope stabilization measures should take into consideration biotic impacts (including those to Smith's blue butterfly). However, it should be mentioned here that continued irrigation of the grassy areas near the edge of the existing bluff may contribute to soil saturation (and consequential slope instability). Continued irrigation will certainly reduce the ability of the original plant community (i.e., northern coastal scrub) to reassert itself. It seems likely, also, that northern coastal scrub, a different habitat type than the grassland now under irrigation, contributes more toward slope stability than grassland. It is therefore recommended that widespread irrigation along the bluff edge be discontinued.

BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

IMPACT ASSESSMENT AND MITIGATION MEASURES (cont.):

Impact 2. Riparian habitats. Both elements of the proposed project approach the riparian vegetation of the small unnamed drainages near each side of the parcel. The vegetation of the stream-mouth woodland there, as well as its associated riparian animal habitat, could be negatively affected if overburden or any other excavated material cascades downslope into this area, or if future erosion causes the deposition of such material there. Some impact has already occurred at the uppermost reach of the drainage at the southeast side of the property, where brush debris and clippings have been placed in the channel just seaward of the highway culvert near the property line. Continued dumping there could cause channel obstruction during periods of heavy rain.

Much riparian habitat is being lost by the spread of pampas grass. Additional impacts could result from proposed erosion control measures, which involve the emplacement of two drainage pipes from the existing roadway. Both stream drainages would receive a pipe conducting storm-water runoff from the road. Loss of riparian vegetation could result from pipeline installation and/or location of the termini of the pipes.

Mitigation 2. No excavated material or overburden, or any other material, may be allowed to enter riparian areas. If any areas susceptible to erosion are created during the erosion-control phase of the project, they must be stabilized in a fashion which will prevent subsequent degradation during periods of stormwater runoff. The location of the outlets of the pipelines should be selected to reduce impacts on native vegetation.

Debris must not be placed in the drainage area, especially in places where it may obstruct water flow. Debris near the highway culvert should be removed prior to the onset of the rainy season.

As described under Mitigation 1., pampas grass will be eradicated from the Fawley property, thus reducing impacts to the stream-mouth woodland on-site.

Impact 3. Loss of northern coastal scrub vegetation. At least one acre of northern coastal scrub habitat has been lost through brush clearing and slope failure. More of the existing examples of this plant community will be removed for the proposed garage. Further impacts could result from continued brush clearing/landscaping, dumping of tree-trimming waste, and fire clearance needs. Most of the remaining northern coastal scrub on the parcel is threatened by the spread of exotic plants.

Mitigation 3. Areas presently supporting northern coastal scrub habitat (except where the

BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

IMPACT ASSESSMENT AND MITIGATION MEASURES (cont.):

proposed garage would be built) should be retained as habitat preserves on the subject property. No further clearing or other development should be undertaken there, except in areas where non-native plants, such as pampas grass, will be eradicated. The large number of tree-limb trimmings, southeast of the proposed house site, should be removed and burned.

Impact 4. Spread of pitch canker. The subject parcel presently supports a large number of Monterey pines (*Pinus radiata*), which will likely become host to potentially-fatal pitch canker. This disease can spread into other areas supporting any member of the pine genus, and also Douglas-fir (*Pseudotsuga menziesii*). The subject property can thus serve as a vector for this disease, especially if more pines are planted there.

Mitigation 4. No more pines of any species should be planted on the subject parcel. If pitch canker appears on the Fawley property, afflicted trees should be monitored for the extent and severity of the disease; trees which are terminal should be cut down and burned, or otherwise destroyed in a manner that will not spread the disease. Contamination of pruning tools, etc., should be carefully avoided.

If these mitigations measures are followed, the impacts of the proposed project at the Fawley property will have been reduced to an insignificant level.



Jeff Norman

28 September 1998

BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

LIST OF SPECIES ENCOUNTERED ON-SITE:

Trees:

<i>Cupressus macrocarpa</i> (planted)	Monterey cypress
<i>Eucalyptus globulus</i>	blue gum
<i>Pinus radiata</i> (planted)	Monterey pine
<i>Salix lasiolepis</i>	arroyo willow
<i>Sequoia sempervirens</i> (planted)	coast redwood

Shrubs, Subshrubs and Woody Vines:

<i>Artemisia californica</i>	California sagebrush
<i>Baccharis pilularis</i>	coyote brush
<i>Eriogonum parvifolium</i>	seacliff buckwheat
<i>Eriophyllum staechadifolium</i>	lizard tail
<i>Mimulus aurantiacus</i>	sticky monkey-flower
<i>Oemleria cerasiformis</i>	oso berry
<i>Rhamnus californica</i>	coffeeberry
<i>Ricinus communis</i>	castor bean
<i>Rosa gymnocarpa</i>	wood rose
<i>Toxicodendron diversilobum</i>	poison oak

Herbaceous Species:

<i>Achillea millefolium</i>	common yarrow
<i>Agrostis pallens</i>	leafy bentgrass
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Artemisia douglasiana</i>	mugwort
<i>Aster chilensis</i>	common California aster
<i>Avena barbata</i>	slender oat
<i>Brassica rapa</i>	field mustard
<i>Briza maxima</i>	rattlesnake grass
<i>Bromus diandrus</i>	ripgut grass
<i>Calystegia cyclostegia</i> ssp. <i>macrostegia</i>	coast morning-glory
<i>Castilleja affinis</i>	Indian paint-brush
<i>Cirsium vulgare</i>	bull thistle
<i>Conium maculatum</i>	poison hemlock
<i>Conyza canadensis</i>	horseweed
<i>Cortaderia jubata</i>	pampas grass
<i>Dryopteris arguta</i>	wood fern
<i>Dudleya farinosa</i>	bluff lettuce

BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

LIST OF SPECIES ENCOUNTERED ON-SITE (cont.):

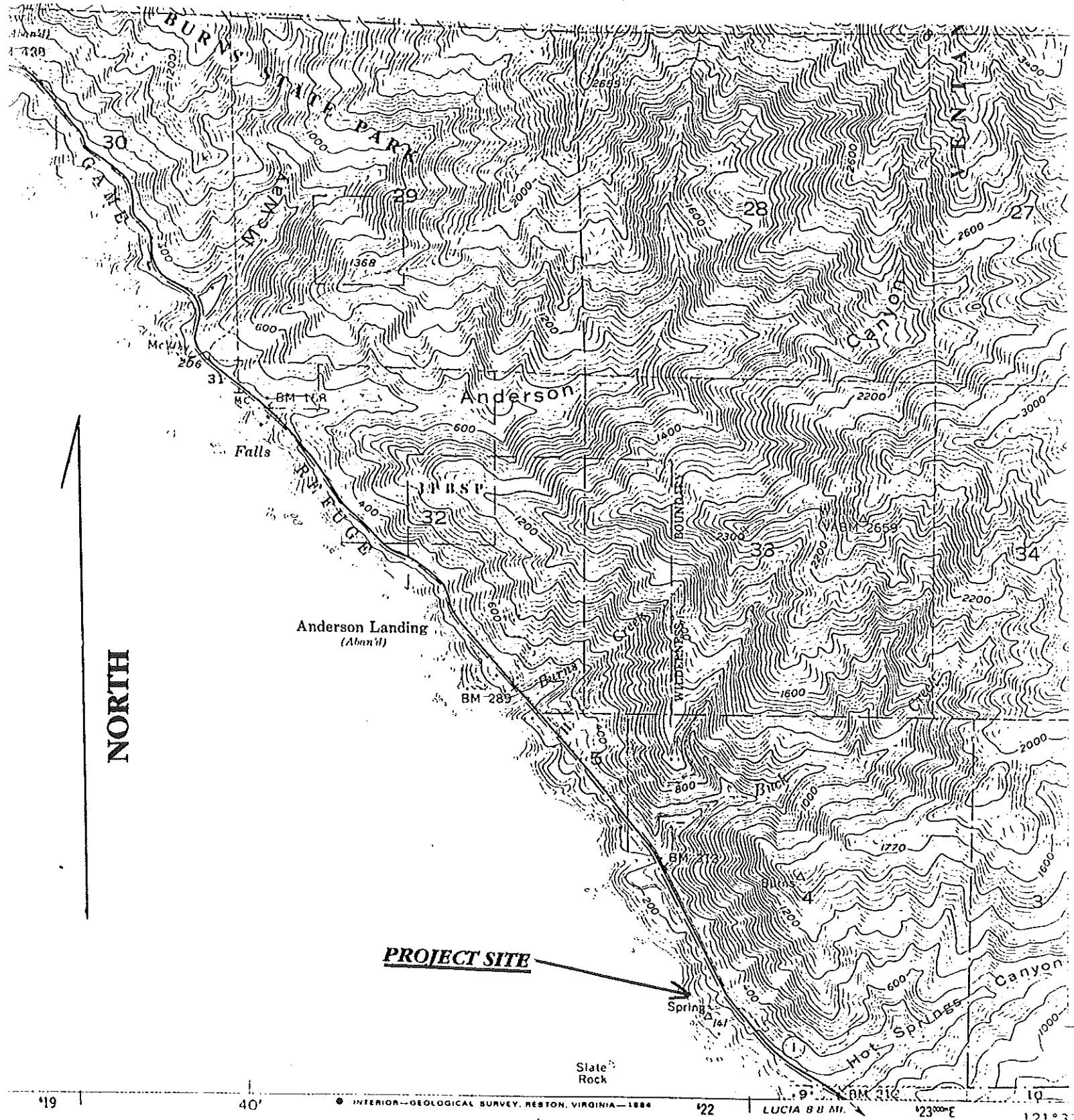
<i>Erigeron glaucus</i>	seaside daisy
<i>Eschscholzia californica</i>	California poppy
<i>Euphorbia peplus</i>	petty spurge
<i>Festuca rubra</i>	red fescue
<i>Foeniculum vulgare</i>	sweet fennel
<i>Galium porrigens</i>	climbing bedstraw
<i>Gnaphalium luteo-album</i>	weedy cudweed
<i>Gnaphalium ramosissimum</i>	pink everlasting
<i>Helianthus annuus</i> var. <i>lenticularis</i>	sunflower
<i>Heracleum lanatum</i>	cow parsnip
<i>Hirschfeldia incana</i>	summer mustard
<i>Hordeum murinum</i> ssp. <i>leporinum</i>	barnyard foxtail
<i>Lamarckia aurea</i>	golden-top
<i>Leymus condensatus</i>	giant ryegrass
<i>Linaria</i> sp.	toad-flax
<i>Lolium perenne</i>	perennial rye
<i>Lotus benthamii</i>	Bentham's lotus
<i>Lupinus succulentus</i>	succulent annual lupine
<i>Marah fabaceus</i>	manroot
<i>Medicago polymorpha</i>	bur-clover
<i>Melilotus alba</i>	white sweet-clover
<i>Mimulus guttatus</i>	seep-spring monkey flower
<i>Oenothera elata</i> ssp. <i>hookeri</i>	Hooker's evening primrose
<i>Oxalis pilosa</i>	wood sorrel
<i>Pennisetum clandestinum</i>	Kikuyu grass
<i>Plantago lanceolata</i>	English plantain
<i>Polygonum arenastrum</i>	common knotweed
<i>Polypogon monspeliensis</i>	rabbit's-foot grass
<i>Pteridium aquilinum</i> var. <i>pubescens</i>	western bracken
<i>Rubus ursinus</i>	California blackberry
<i>Rumex conglomeratus</i>	clustered dock
<i>Rumex crispus</i>	curly dock
<i>Satureja douglasii</i>	yerba buena
<i>Scrophularia californica</i>	coast figwort
<i>Silybum marianum</i>	milk thistle
<i>Solanum douglasii</i>	Douglas' nightshade
<i>Solidago californica</i>	common goldenrod
<i>Sonchus oleraceus</i>	common sow thistle

BIOLOGICAL REPORT: FAWLEY, BIG SUR, APN 421-011-010

LIST OF SPECIES ENCOUNTERED ON-SITE (cont.):

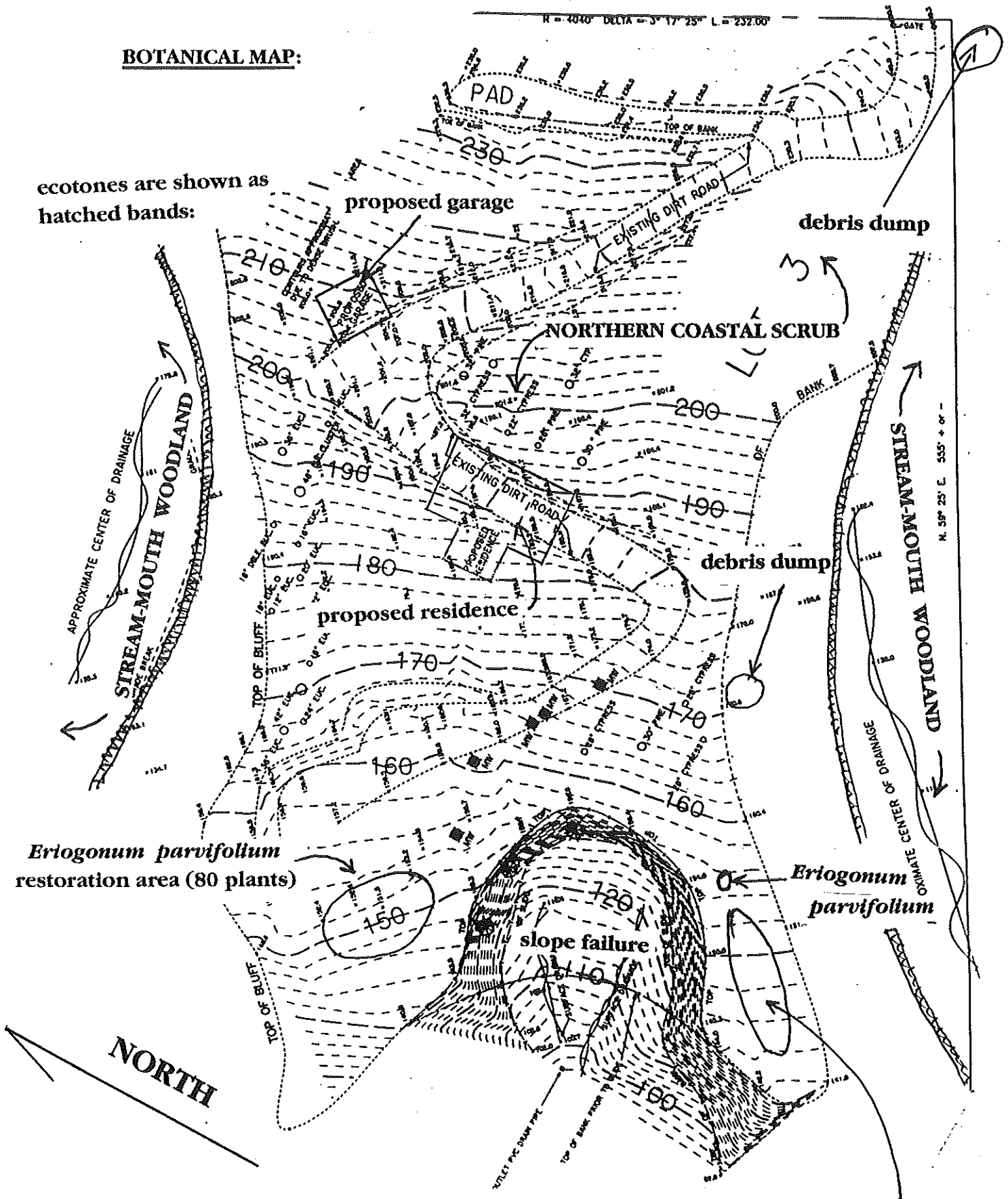
<i>Stachys bullata</i>	wood mint
<i>Taraxacum officinale</i>	dandelion
<i>Tropaeolum majus</i>	nasturtium
<i>Vicia gigantea</i>	giant vetch

REGIONAL MAP (from USGS 7.5' Partington Ridge Quad.):



BOTANICAL MAP:

ecotones are shown as hatched bands:



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Exhibit D

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ED MERCURIO, BIOLOGICAL CONSULTANT
637 Carmelita Dr. # 20, Salinas, CA 93901
ed_mercurio@yahoo.com
(831) 206-0737

Fionna Jensen, Assistant Planner
Housing and Community Development, Planning Services
1441 Schilling Place, 2nd Floor
Salinas, California 93901

February 10, 2024

RE: Specific biological considerations in the determination of mitigations for the grading and construction without proper permits of Area A6: Outdoor Deck 2 on the 54722 Highway 1 (Wind and Sea) Property, Big Sur, California 93920. APN: 421-011-010, PLN200097, Citation 16CE00201.

Dear Ms. Jensen:

This letter was written on behalf of the property owner to more specifically outline my rationale for my recommendations for retaining Outdoor Deck 2 and the trail to it as they are currently, as presented in my biological survey report for the property.

SETTING

The violation here was grading and construction without proper permits. It is stated in county documents that impacts occurred here from grading within environmentally sensitive habitat. An area of approximately 800 square feet below the deck and an area of approximately 1750 square feet in pathway areas around the deck are designated for restoration. The recommended restoration is the removal of non-native invasive plant species, such as poison hemlock, from the area below the deck and removal of non-native invasive plant species and restoration with native plant revegetation for the pathway areas around the deck.

The trail to the deck and the deck are both in thick northern coastal scrub vegetation that is some of the most uniform and most continuous on the property. This is probably related to the topography in this area which is a broad, shallow drainage with deeper soil than on most of the rest of the property which contains more steeper and more exposed slopes.

Although this is a drainage, I did not observe what could be defined as any type of corridor of riparian vegetation along the floor of the drainage in the project area. This is because running water is a very rare occurrence in this portion of the drainage. Arroyo willows, which are a plant frequently associated with riparian vegetation, however, are in this drainage further down towards the coastline. They are present in thick growths on the slopes of this drainage and the slopes of the deeper drainage on the south side of the property, but are not very common in the floors of the drainages. This is because a lot of the water available to the plants on this property comes from fog drip. As the fog in the coastal winds ascends the coastal bluffs, it has greater contact with the ground on the higher slopes and bluff tops and delivers more water here in the form of fog drip, which maintains these willows as well as maintaining the lushest, thickest northern coastal scrub. Of course, the more coastal portions of deeper drainages that extend further into the mountains are likely to have streams of flowing water and riparian corridors along their streams. But, that is not the case with the short and comparatively shallow drainages on this property.

Therefore, the vegetation that was impacted by the construction of Outdoor Deck 2 was not riparian habitat which would be classified as sensitive habitat. Although northern coastal scrub is sometimes classified as sensitive habitat, it is not a habitat of very high sensitivity, as riparian habitats are because of their limited distribution and habitat value for sensitive animal species, and as central maritime chaparral is because of its high concentration of sensitive plant species. Large areas of continuous northern coastal scrub habitat are common north of Point Sur (which is considered to be the southern limit for the occurrence of this plant community) and it becomes less continuous and more mixed with central coastal scrub in the coastal portions of the Santa Lucia mountain range south of Point Sur. This is where 54722 Highway 1 is located, and what I observed is a dominance of northern coastal scrub but with considerable central coastal scrub in drier, more exposed areas. Although there is thick northern coastal scrub vegetation in this specific Outdoor Deck 2 area, it contains a considerable amount of invasive non-native plants. Some of these invasive non-native plants, such as poison hemlock (*Conium maculatum*), fennel (*Foeniculum vulgare*) and Kikuyu grass (*Pennisetum clandestinum*) are present mostly because of disturbances created by the development, and some, such as sticky ageratina (*Ageratina adenophora*), cape ivy (*Delairea odorata*) and Italian thistle (*Carduus pycnocephalus*) also typically occur in most unimpacted stands of northern coastal scrub in this area.

RECOMMENDATIONS AND RATIONALES

I recommend retaining Outdoor Deck 2 and the trail to it as they are currently constructed and prohibiting any further development in this area. This area has been considered for further development in the past. I recommend that no further development occur in this area in the future. The rationale here is that, as with most of the other violation areas on the property, any soil breaking activities would pose a danger to very sensitive habitats downstream. Particles of silt and soil suspended in waters can seriously degrade the quality of wetland and aquatic environments. This could seriously impact the riparian environment downstream, and especially the ephemeral stream aquatic environment on the floor of the drainage near its end at the shoreline, and the shoreline rocky intertidal environment.

I can't foresee a way to remove this deck and the trail and not create a major threat of impacts downstream, even with the leaving of the concrete supports for the structure in place. The very large size of many of the beams and large amount of wood to be removed up the trail would be difficult without bringing mechanized vehicular transport down to the deck that would have widespread major impacts to the integrity and stability of soil and substrate in the trail area and in the area surrounding the deck. Sassan Geosciences, the geotechnical consultant for the property, stated that in order to get the heavy machinery required to remove this deck to the site, a road with a minimum width of 16 feet with switchbacks to maintain the required gentle grade would need to be built to the site in the drainage. If the wood was to be winched up the slope to the south from the deck area, this would heavily impact a large area of the best quality continuous northern coastal scrub on the property and would denude and loosen soil on slopes in that area that are very steep and would likely be difficult to stabilize.

My recommendations for restoration in this area are to first clear the areas around the deck and around the steps leading down to the deck of as many invasive non-native plants as possible and then to restore the cleared portions of the area with shrubs native to the local area and that occur in northern coastal scrub habitat. Plants listed in the list of plants for general use on the property in the biological survey report will be good choices for most of this area. For the areas immediately around the trail, however, the low growing - ground cover types, such as yerba buena, foothill sedge, common yarrow and sea pink would be good choices since they won't interfere with walking on the trail as they spread into it.

Since the restoration plantings will be implemented in areas that will be largely cleared of non-native plants and will be somewhat bare, I recommend a plant spacing of 4 feet apart, which is one plant per 16 square feet. That is 50 plants for the approximately 800 square feet below the deck, and 109 plants for the approximately 1750 square feet in pathway areas around the deck.

The annual wildflower seed mix for the property, as listed in the biological survey report, can be broadcast over the trail restoration to provide additional annual plant flower attractiveness for this area. The erosion control seed mix is not a priority for most of this area because of rather gentle slopes, but should be used selectively in areas with the greatest erosion potential.

The first task in the restoration of this area will be to properly install plastic sheet barrier fencing (silt/exclusion fencing) before restoration activities begin. Here the silt/exclusion fencing can be installed on the slopes downhill and downstream from the restoration areas to primarily protect the rocky intertidal environment, riparian environment downstream, and the ephemeral stream channel aquatic environment near the coastal end of this drainage. I did not observe any riparian environment or ephemeral stream channel environment on the floor of this drainage within or close to the restoration area. The silt/exclusion fencing should have no gaps and extend at least 15 feet, curving upward, beyond each end of the restoration area. This will prevent loose silt and soil from the restoration area from reaching biologically sensitive areas and will also keep small animals from entering the area of ground disturbance. This will first and foremost prevent particles of silt and soil suspended in waters from seriously impacting the quality of wetland and aquatic environments downstream. This silt/exclusion fencing will remain in place until the end of the rainy season following its installation to ensure that any loose soil will have been stabilized by the growth of the erosion control herbaceous plants in the seed mix that was broadcast over the disturbed ground areas.

Please contact me if you have any questions.

Best regards,

A handwritten signature in black ink, appearing to read "Ed Mercurio". The signature is fluid and cursive, with a large initial "E" and "M".

Ed Mercurio,
Biological Consultant

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Exhibit E

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MR. ALEX HAKAKIAN
54722 HWY 1
BIG SUR, CALIFORNIA 90041

REMOVAL OF WOOD DECK

FOR

54722 HWY 1
BIG SUR, MONTEREY COUNTY
APN 421-011-010

Prepared By

SASSAN Geosciences, Inc.
1290 North Lake Avenue, Suite 204
Pasadena, California 91104-2869

February 5, 2024

February 5, 2024

Mr. Alex Hakakian
54722 Hwy 1
Big Sur, CA 90041

Subject: Removal of Wood Deck
54722 Hwy 1, Big Sur, Monterey County, APN 421-011-010
SAS File Number: 9HAK206

Dear Mr. Hakakian:

SASSAN Geosciences, Inc. (SAS) has been advised that the County is requiring you to remove the existing wood deck located at the northern part of the property. The location of this wood deck is presented on the attached pictures (see Attachment No. 1).

This site was visited by the undersigned several times in the past five years. Access to said wood deck for a person is not easy. There are no pre paved or stepped passages for the ingress and egress nor any pathway for heavy machinery. As such, the wood deck remains unused for all these years. It is the belief of the undersigned that due to the size of the wood structure, as well as, due to the difficulty to access the wood deck, any demolition and removal of the deck will require use of heavy machinery.

A safe access to the location requires preparation of a new wide path. Due to the existing gradient of the slopes, the path cannot be a direct straight line. The new path must wind back and forth to furnish a maximum 20% gradient to accommodate the heavy machinery.

The minimum width of this path must be sixteen feet to accommodate enough width for the equipment.

In general, the removal process will cause harm to the environment and to the native vegetation and the natural habitat of the local species. A better alternative is to abandon the deck and allow nature to take over the deck and the surrounding areas.

We appreciate the opportunity to be of service to you. If you have any questions, please call our office.

Sincerely,

SASSAN GEOSCIENCES, INC.



Sassan A. Salehipour, G.E.
President

SAS:sas/9hak206g.doc
Attachments



ATTACHMENT No. 1







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Exhibit F

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Case Summary:

ACTIONS	DATE
• Compliant based inspection conducted. Violations confirmed unpermitted development, stop work issued.	05/10/2016
• Construction application submitted was void for Pending litigation against previous owner for unpermitted construction.	04/07/2020
• Planning application requested on unpermitted construction application deemed complete on 03/13/2024.	04/16/2020
• Citation issued on correct unpermitted construction and for development in the coastal zone, Short Term Rental use and private events.	11/04/2022
• Extension request of compliance date for 45 days, by legal counsel,	11/28/2022
• Extension granted, to expire on,	01/27/2023
• Notice of violation recorded on,	02/09/2023
• New complaint,	04/09/2024
• Case review,	05/01/2024
• Notice of pending hearing	06/14/2024

The county has incurred the following costs during this investigation:

Cost recovery fee's top date: \$720.00

Cumulated fines as allowed under Title 1 General Provisions, Chapter 1.22 Administrative remedies for Code Enforcement, fines per section 1.22.100 B. Fines are calculated back to original compliance date of December 2, 2024 stated in citation.

Accrued Fines to date: \$558,600.00

See attached Notice of Hearing sent to property owner.

Finally the case has been set for July 17, 2024 to take action on ordering compliance on unpermitted construction and to stop all unpermitted event activities.

COUNTY OF MONTEREY
HOUSING AND COMMUNITY DEVELOPMENT
CRAIG W. SPENCER, DIRECTOR



1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527
(831) 755-5025
co.monterey.ca.us

NOTICE OF SCHEDULED ADMINISTRATIVE HEARING

June 14, 2024

Wind & Sea Property LLC
925 N Alpine
Beverly Hills, CA 90210

Lender/Trustees:
Citibank, N.A.
1000 Technology Drive
O'Fallon, MO 63368-2240

Case Number:	16CE00201
Violation Location:	54722 Highway 1, Big Sur
APN:	421-011-010-000
Owner of Record:	Wind & Sea Property LLC

The Enforcement Official has determined that full compliance has not been achieved as required in the Notice of Violation dated **November 4, 2022**.

Pursuant to Monterey County Code Section 1.22.040 D if full compliance has not been achieved within the required time period specified in the Notice of Violation, the Enforcement Official may request a hearing before the Hearing Officer to determine the existence of any violation, establish the requirement of all correction actions, and assess the appropriateness of any administrative penalties and administrative costs.

The Hearing Officer will conduct an Administrative Hearing and consider any written or oral evidence on the matter related to the Notice of Violation on:

Date: July 17, 2024
Time: 09:00 a.m.
Location: *To be conducted via Zoom. Link to be provided at a later date.*

Pursuant to Monterey County Code Section 1.22.060 A 4: the Hearing Officer shall determine amounts and order the payment of costs, fines and penalties. The County has incurred **\$720.00**, in the investigation of this matter.

Pursuant to Monterey County Code Section 1.20.090 A: any person, firm or corporation who creates or maintains a public nuisance in violation of the Monterey County Code shall be liable for the cost of abatement which shall include, but not be limited to cost of investigation, court costs, attorneys' fees and the cost of monitoring compliance.

Pursuant to the formula established in Monterey County Code Section 1.22.090 A or 1.22.100 A and/or B fines have accrued. The County will be requesting that the Hearing Officer award the County 10% of the accrued fines.

- **1.22.090 A- Compliance orders and administrative penalties.**

The Hearing Officer may impose administrative penalties for the violation of any provision of this Code in an amount not to exceed a maximum of two thousand five hundred dollars (\$2,500.00) per day for each continuing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of any administrative costs, interest, and restitution for compliance re inspections for any related series of violations.

- **1.22.100 A- Administrative citations and fines.** Except for violations of local building and safety codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one year; and
3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year.

- **1.22.100 B-** For violations of local building and safety codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2. A fine not exceeding five hundred dollars (\$500.00) for a second violation of the same ordinance within one year; and
3. A fine not exceeding one thousand dollars (\$1,000.000) for each additional violation of the same ordinance within one year of the first violation.

Accrued Fines or Penalties pursuant to:

- **Monterey County Code Section 1.22.090 A:** \$ _____
- **Monterey County Code Section 1.22.100 A:** \$ _____
- X **Monterey County Code Section 1.22.100 B:** \$ 558,600.00

At least five (5) days prior to the scheduled hearing date the Hearing Report will be mailed to you. In lieu of appearing at the administrative hearing, you or the Enforcement Official may request that the Hearing Officer decide the matter based on the Notice of Violation and any other documentary evidence submitted by you and/or the Enforcement Official five (5) days before the hearing date.

If you or the responsible party fail to attend the Administrative Hearing without good cause or without filing a written response your lack of action shall constitute a withdrawal of the request for a hearing,

forfeiture of any deposit paid for the administrative fine and a failure to exhaust administrative remedies to further contest the violation.

After a hearing date is set, you or responsible party may apply to the Hearing Officer for a continuance within ten (10) working days following the time the party discovered or reasonably should have discovered the event or occurrence which establishes good cause for the continuance. A continuance may be granted for good cause after the ten (10) working days have lapsed if the party requesting the continuance is not responsible for the violation and has made a good faith effort to prevent the condition or event establishing the good cause.

Should you have any information or supporting documents that you would like sent to the Hearing Officer you may do that at the following address: Filings@CAHearingOfficers.com.

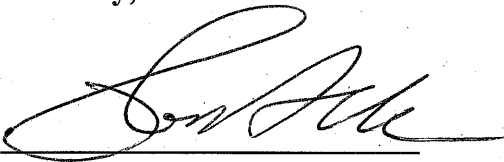
You have the right to bring an attorney to the hearing at your own expense and/or bring your own interpreter if necessary.

The County of Monterey would prefer to discuss an alternative solution to taking this matter to an Administrative Hearing. Code Compliance staff is prepared to discuss a settlement of the code violation(s) with you any time prior to the hearing. If you would like to discuss a settlement/resolution to your case prior to the scheduled hearing date, please contact the Code Compliance Inspector below at (831) 755-5885 or email: montanor@countyofmonterey.gov. A settlement/resolution will not be discussed with code compliance staff during the Administrative Hearing.

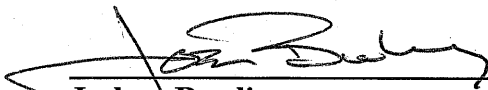
The County may suggest resolving this matter through the use of a Stipulated Agreement. A Stipulated Agreement is a contract between the Property Owner and the County that is used to bring the property into compliance. If the County and the Property Owner agree on the terms and conditions The County will:

- Accrued Fines **\$558,600.00**
- Investigatory Fees of **720.00** for a paid total of **\$559,320.000**

Sincerely,



Code Compliance Inspector II



**Joshua Bowling
Chief of Building Services**

CC: File, Automation/Documents