

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

In the matter of the application of:

BERGERON BIG SUR DEVELOPMENT LLC (PLN240203)

RESOLUTION NO. 24 - 032

Resolution by the Monterey County Planning
Commission:

- 1) Finding that the project qualifies as Class 5 and Class 25 Categorical Exemptions pursuant to CEQA Guidelines sections 15305(a) and 15325, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Combined Development Permit consisting of:
 - a. A Coastal Development Permit to allow a merger and lot line adjustment of Parcel 1 (34.1 acres), Parcel 2 (74.2 acres), Parcel 3 (0.14 acres), and Parcel 4 (24.8 acres), resulting in three parcels containing 52.6 acres (Parcel A), 40.3 acres (Parcel B), and 40.4 acres (Parcel C); and
 - b. A Coastal Development Permit to designate Proposed Parcel A as the "Receiver Site" of a Transferable Development Credit created under PLN060613 (Planning Commission Resolution No. 07031), which a resulting development total of one unit

[PLN240203. Bergeron Big Sur Development LLC, 48170 Highway 1, Big Sur (Assessor's Parcel Numbers 420-011-041-000 and 420-171-032-000), Big Sur Coast Land Use Plan, Coastal Zone]

The BERGERON BIG SUR DEVELOPMENT LLC application (PLN240203) came on for public hearing before the Monterey County Planning Commission on September 11, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The project and/or use, as conditioned, is consistent with the policies of the 1982 Monterey County General Plan, Big Sur Coast Land Use Plan, and Big Sur Coastal Implementation Plan (Part 3); the requirements of the applicable subdivision and zoning ordinances (Titles 19 and 20); and other County health, safety, and welfare ordinances related to land use development.
EVIDENCE: a) 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);
- Big Sur Coastal Implementation Plan (CIP, Part 3);
- Monterey County Zoning Ordinance – Coastal (Title 20); and
- Monterey County Subdivision Ordinance – Coastal (Title 19).

No conflicts were found to exist. The County received communications from interested members of the public during project review indicating inconsistencies with the text, policies, and regulations in the applicable plans and Monterey County Code; however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents (see subsequent evidence “o”).

- b) The Proposed Project involves a merger and lot line adjustment of four parcels: Parcel 1 (34.1 acres), Parcel 2 (74.2 acres), Parcel 3 (0.14 acres), and Parcel 4 (24.8 acres), resulting in three parcels containing 52.6 acres (Parcel A; existing Parcel 4), 40.3 acres (Parcel B; existing Parcel 1), and 40.4 acres (Parcel C; merged Parcels 2 and 3). The Proposed Project also includes designating Proposed Parcel A as the “Receiver Site” of a Transferable Development Credit created under PLN060613 (see Finding No. 8 and supporting evidence).

In 2005, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (PLN040180) to allow a lot line adjustment of four parcels, resulting in four parcels containing 45, 45, 27, and 18 acres (Minor Subdivision Committee Resolution No. 05014). The California Coastal Commission subsequently appealed this decision and found that it presented a substantial issue with respect to compliance with the Coastal Act and the County’s certified Local Coastal Plan (LCP) (Big Sur Coast Land Use Plan and Coastal Implementation Plan [Part 3]) (California Coastal Commission Appeal No. A-3-MCO-05-052). The Coastal Commission’s appeal specifically cited that two of the adjusted parcels do not conform to the LCPs minimum parcel size requirements (Adjusted Parcels 3 and 4), the lot line adjustment would increase the residential development density beyond what is allowed by the LCP, and the increase in development density will have cumulative adverse impacts on various coastal resources. The Applicant/Owner withdrew PLN040180 prior to the California Coastal Commission’s de novo hearing of the project. Through coordination with Coastal Commission staff and in an effort to resolve the concerns raised in the appeal, the Applicant/Owner proposes to use a purchased Transfer of Development Credit and adjust the four parcels to result in three lots. Since the Coastal Commission found a substantial issue and took jurisdiction over the project (PLN040180), Minor Subdivision Committee Resolution No. 05014 null and void.

- c) Allowed Use. The properties are located at 48170 Highway 1, Big Sur, Big Sur Coast Land Use Plan, (Assessor's Parcel Numbers 420-011-041-000 [Parcels 1, 2 and 4] and 420-171-032-000 [Parcel 3]), Coastal Zone. Parcels 1, 2, and 4 are zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)]. Parcel 3 is zoned Rural Density Residential, 40 acres per unit, with a Design Control Overlay (Coastal Zone) [RDR/40-D(CZ)]. Both zoning districts allow lot line adjustments and the creation

or use of Transfer Development Credits with the granting of a Coastal Development Permit in each case. Therefore, as proposed, the project involves an allowed land use for this site.

- d) HCD-Planning staff conducted a site inspection on April 21, 2022 to verify that the proposed project conforms to the applicable plans and Monterey County Code.
- e) Lot Legality. The County recognized Parcels 1, 2, and 4 in their current configuration as legal lots of record through issuance of Certificate of Compliances (Monterey County Recorder's Office Document Nos. 2002077176, 2002077177, and 2002077178). Parcel 3 is illustrated in its current configuration and under separate ownership as Lot 20 of the Coastlands Tract No. 1, recorded October 3, 1927 and shown in Book 3, Cities and Towns Map, Page 46.
- f) Subdivision Map Act Consistency. Pursuant to Section 66412(d) of the Subdivision Map Act (SMA), the SMA is inapplicable to the lot line adjustment due to the fact that the final outcome of the LLA is not more than four adjoining parcels, and a greater number of parcels than previously existed is not being created. See also Finding No. 7 and supporting evidence.
- g) At this time, the County is only authorizing and granting a Combined Development Permit consisting of a Coastal Development Permit to allow the use of a Transfer Development Credit and a Coastal Development Permit to allow a merger and lot line adjustment. Future structural development on the adjusted parcels will be required to conform to applicable Monterey County Code requirements in effect at the time of the proposed development.
- h) Review of Development Standards – Minimum Lot Size. The development standard for minimum lot size in the WSC and RDR zoning district is identified in Title 20 sections 20.17.060.A and 20.16.060.A, which identify a minimum building site of 1 acre and 5 acres, respectively, unless approved as part of a clustered residential development. Parcels 1, 2, and 4 (zoned WSC) comply with the 1 acre minimum in the WSC zoning district. Parcel 3 (0.14 acres and zoned RDR) is less than 5 acres, and thus is nonconforming to the minimum lot size. As proposed, the resulting adjusted lots will comply with the applicable minimum lot size requirements and will contain 52.6 acres (Parcel A), 40.3 acres (Parcel B), and 40.4 acres (Parcel C).
- i) Review of Development Standards – Density. Pursuant to Title 20 sections 20.17.060.B and 20.16.060.B, the maximum development density shall not exceed the units/acre as shown for the specific “WSC” and “RDR” districts as shown on the zoning map. Parcels 1, 2, and 4 are zoned WSC/40. Parcel 3 is zoned RDR/40. The maximum gross density is 40 acres per unit. Parcels 1, 3, and 4 are less than 40 acres, while Parcel 2 exceeds 40 acres. After adjustment, the combined parcels will total approximately 133 acres and have a combined development density of one unit per 44.4 acres, which is less intensive than the maximum allowed density of 40 acres per unit. Therefore, the proposed project is consistent with density development standards.
- j) Review of Development Standards – Structural Coverage. All existing development is located within the WSC district and will remain in this

district after implementation of the Project. Pursuant to Title 20 section 20.17.060.E, the maximum site coverage in the WSC district is 10 percent. Parcels 1 and 4 (zoned WSC) and Parcel 3 (zoned RDR) are undeveloped. Parcel 2 is developed with a single-family dwelling, a detached garage, two detached accessory structures (sheds), and a septic system. The existing development on Parcel 2 has a site coverage of approximately 0.07 percent (2,275 square feet). The existing development will be located entirely on Proposed Parcel B and remain below the 10 percent site coverage limitation (0.12 percent). Proposed Parcels A and C will be vacant. Therefore, the resulting parcels conform to the maximum allowed site coverage.

- k) Review of Development Standards – Setbacks. All existing development is located within the WSC district and will remain in this district after implementation of this Project. Pursuant to Title 20 section 20.17.060.C, the required setbacks in this WSC district are 30 feet (front), 20 feet (rear), and 20 feet (sides) for main structures and 50 feet (front), 6 feet (rear), 6 feet (side; front one-half of property), and 1 foot (sides; rear one-half of property) for accessory non-habitable structures. The single-family dwelling, detached garage, two detached accessory structures (sheds) will continue to maintain the required setbacks on Proposed Parcel B. Proposed Parcels A and C will remain vacant.
- l) BSC LUP Policy 5.4.2.5. BSC LUP Policy 5.4.2.5 and the related Coastal Implementation Plan section (20.145.140.A.15) consider existing parcels to be “buildable parcels” suitable for development if all resources protection policies can be fully satisfied, there are adequate building areas of less than 30% slope, and all other provisions of the Coastal Implementation Plan can be met. Applicable other provisions of the CIP include section 20.143.140.A.13, which requires a one-acre minimum and less than 30% slopes for on-site septic systems, and section 20.145.050.A.1, which requires proof of adequate water support and quality. Additionally, applicable CIP sections include section 20.145.080.2.g, which requires that development be sited and designed to conform to site topography and minimize the hazards of geologic instability, and section 20.145.130.D.3, which encourages that existing roads be utilized.
 - Parcel 1: An adequate building area in the southeast corner of the parcel was identified during a site visit with California Coastal Commission’s staff. This identified area contains slopes less than 30% (approximately 22% to 28%) and has access to Coastlands Road (hairpin turn abuts a portion of the property). Parcel 1 could be served potable water via an on-site well located on Parcel 2. Adhering to the requirements of future geotechnical and geological analyses and building in accordance with the California Building Code would address potential seismic and soil hazards. Parcel 1 is considered a buildable.
 - Parcel 2: Parcel 2 is developed with a single-family dwelling, which is located on slopes less than 30%, has adequate wastewater (on-site wastewater treatment system and water service by a Coastlands Water System connection), and direct access to Coastland Road via an existing private driveway and

access easement. Parcel 2 could not be developed with additional single-family dwellings due to the lot size. However, the existing dwelling could be demolished and rebuilt with appropriate entitlements. Adhering to the requirements of future geotechnical and geological analyses and building in accordance with the California Building Code would address potential seismic and soil hazards. Parcel 2 is considered a buildable.

- Parcel 3: Parcel 3 has direct access to Coastlands Road and has the right to an inactive or latent Coastlands Mutual Water System connection. Parcel 3 could also utilize Parcel 2's on-site well, if needed. Although Parcel 3 does not meet the 1-acre minimum for on-site wastewater treatment systems, Parcel 3 is identified as Lot 20 of the Coastlands Tract No. 1 residential subdivision and therefore was contemplated as a buildable residential lot in 1927, prior to the establishment of the 1-acre minimum. Adhering to the requirements of future geotechnical and geological analyses and building in accordance with the California Building Code would address potential seismic and soil hazards. While HCD-Planning staff strongly consider Parcel 3 a buildable parcel, Coastal Commission staff view this parcel as undevelopable due to its size and limitations in meeting septic requirements. To resolve staff's differing opinions, it is assumed for the purpose of this Resolution that Parcel 3 is undevelopable.
- Parcel 4: Parcel 4 does not have direct access to Highway 1 or Coastlands Road. The entirety of Parcel 4 contains slopes in excess of 30 percent (average slope grade of 60%). Developing this lot with a single family dwelling, water and wastewater treatment infrastructure, and an access road would require development on slopes in excess of 30%, which would conflict with BSC LUP Policy 5.4.2.5. For the above reasons, strict application of the BSC LUP may preclude Parcel 4 from being developed and Parcel 4 is rendered unbuildable when considering the requirements of BSC LUP Policy 5.4.2.5.

- m) Existing Development Potential. Although all four subject lots are residential lots of record, only two are considered "buildable," as defined by Big Sur Coast LUP Policy 5.4.2.5 (see preceding Evidence "I"). As buildable parcels, Parcels 1 and 2 have a maximum development potential of one residential unit per lot. Parcels 3 and 4 are unbuildable and does not have development potential. Therefore, the current combined development potential is two units.
- n) Proposed Development Potential. BSC LUP Policy 5.4.3.H.4 states "Resubdivisions and lot line adjustments are encouraged when no new developable lots are created and when plan policies are better met by this action." Reconfiguring four lots with two buildable parcels to result in three buildable parcels that comply with applicable policies and meet the definition of "buildable" would be inconsistent with Policy 5.4.3.H.4 because the development potential would increase from two units to three units. However, reconfiguring four lots with two buildable parcels into three buildable parcels while concurrently receiving a Transferable Development Credit (TDC) would not be inconsistent with Policy

5.4.3.H.4 because the increased development potential (two units to three units) is the direct result of receiving the TDC, not the reconfiguration of parcels. In this case, the reconfiguration simply facilitates future use of the TDC by siting the foreseeable building site in an area that complies with applicable requirements relating to steep slopes, septic, water, and access. As detailed in Finding No. 8, Parcel A is the designated “Receiver Site” of the TDC. After adjustment and transfer of the development credit, Proposed Parcels A and C will each have the potential to be developed with one residential unit, and Proposed Parcel B will retain its existing development of the established single-family dwelling, for a total development potential of three units. The proposed reconfiguration and merger better meet the goals and policies of the Big Sur Coast LUP by conforming to the minimum parcel size (40 acres) and lot size for on-site septic systems (1 acre) and ensuring future building sites contain slopes less than 30% and have adequate water and road access.

- Proposed Parcel A: As conditioned, Parcel A will be capable of supporting a single-family residence, with access to an existing domestic well, the potential for an on-site wastewater treatment system, and access to Coastlands Road. Condition No. 8 has been applied to require that an access, on-site-well, and water system easement be applied over portions of Proposed Parcel B to allow Proposed Parcel A rights to use the existing driveway and access to the on-site well. Parcel A is designated as the “Receiver Site” of a TDC. This designation makes the proposed lot line adjustment consistent with the Big Sur Coast LUP with respect to creating three buildable lots where two buildable lots had existed. Application of the TDC to Parcel A would result in a development potential of one unit.
 - Proposed Parcel B: As proposed, Proposed Parcel B will continue to comply with applicable Big Sur Coast LUP policies and Title 20 Zoning Ordinance requirements. Proposed Parcel B will be developed with the existing residence, which is served by an existing water connection and on-site wastewater treatment system and has access to Coastlands Road.
 - Proposed Parcel C: As conditioned, Parcel C will be capable of supporting a single-family residence, with access to an existing domestic well, the potential for an on-site wastewater treatment system, and access to Coastlands Road. Condition No. 8 has been applied to require that an access, on-site well, and water system easement be applied over portions of Proposed Parcel B to allow Proposed Parcel C rights to use the existing driveway and access to the on-site well. Parcel C will have the development potential of one unit.
- o) Conservation and Scenic Easement. Future development of Parcels A, B, and C will be subject to Big Sur Coast Land Use Plan Policy 3.3.2.3, which requires the granting of a conservation and scenic easement over portions of the property containing environmentally sensitive habitat areas. No development is proposed as part of this project and therefore Policy 3.3.2.3 does not apply at this time. However, the

Applicant/Owner has voluntarily offered to place all portions of the property containing sensitive habitat and slopes in excess of 30% into a permanent conservation easement to ensure that these parcels are not subdivided in the future and all natural resources are protected in perpetuity (Condition No. 10).

- p) Land Use Advisory Committee. Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because it involves a lot line adjustment in the Coastal Zone. The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review on October 12, 2021, under the previous file, HCD-Planning File No. PLN040180-AMD1. At this meeting, LUAC members raised concerns relating to water and access rights and the need for conservation and scenic easements outside of the building sites of each parcel. Members of the public raised concerns surrounding water rights, road access, existing easements, and current and future water availability. After discussion, the LUAC continued the item to a date uncertain and requested that staff return with a summary of all active or inactive code enforcement cases on Parcels 1, 2, 3, and 4, and a determination of water availability for each parcel, what easements are in effect, and the specific location of future development. On May 9, 2023, the project was referred back to the LUAC. During this meeting, a member of the public disputed the number of buildable lots and the availability of water and road access for each parcel. Although the LUAC was concerned that the proposed project would increase development potential, and residential development size, and property values, the LUAC voted 3-1 (3 ayes, 1 nay) to support the project as proposed. As a direct result of the proposed merger, the development potential does not increase with implementation of the proposed lot line adjustment or use of the Transfer of Development Credit (see Finding No. 1, Evidence “l”, “m”, and “n” and Finding No. 8 and supporting evidence). Additionally, as described in Finding No. 3 and supporting evidence, the existing and proposed buildable parcels all retain adequate water and road access to support future development. Finally, while there are no specific locations established for future development, Condition No. 9 requires that the Applicant/Owner/Qualified Engineer prepare a map illustrating proposed on-site wastewater treatment system envelopes for Parcels A, B, and C. This OWTS Envelope Map, as well as compliance with applicable Big Sur Coast LUP policies relating to steep slopes, sensitive habitat, access, and utilities, will help guide the siting of future development.
- q) Private Roads. The County recognizes that the Proposed LLA is exempt from the County’s Private Road Ordinance (Monterey County Code Chapter 16.80) because the project will not intensify the level of development allowed on the parcels (see Finding Nos. 5 and 7, and supporting evidence) and use of Coastlands Road, as governed by the Coastal Mutual Water Company, is allowed per 1927 and 1928 access easement (see subsequent evidence). Future development of the first single family dwelling on the resulting lots is also exempt from Chapter 16.80 requirements. However, given the Coastal Commission staff’s

differing opinion regarding the number of existing buildable lots (2 vs. 3; see Finding No. 1, Evidence “l”) and known substantive dispute over the use of the private road (see Finding No. 1, Evidence “r”), Condition No. 11 has been applied in accordance with Title 16 section 16.80.050(E).

- r) Public Comment. Public members have inquired as to whether the proposed lot line adjustment would affect existing access paths used by other residences and are concerned that the Proposed Project would impact water and road resources managed by Coastal Mutual Water Company. Additionally, a member of the public raised concerns about rezoning the properties and merging of “Coastlands” and “Non-Coastlands” parcels. Proposed Parcels A and C will be provided water from the existing well on Proposed Parcel B, provided proper entitlements are secured to convert the single connection well into a small water system. Use of the latent water connection on Parcel 3 is not required for future development of Proposed Parcel C and therefore no additional water demand will be placed on the Coastal Mutual Water Company. Parcels 2 and 4 have access rights to Highway 1 via Coastlands Road per 1927 and 1928 access easements. The Applicant/Owner has accessed Parcel 1 from a hairpin turn in Coastlands Road that passes the property since 1931 and claims latent prescriptive easement access to Highway 1 via Coastlands Road. Upon creation of the Coastlands Subdivision, Parcel 3 was granted direct access to Coastlands Road. The Proposed Project will not interfere with any existing deeded access easements. No rezones are proposed, and all existing zoning will remain in effect.
- s) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240203.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, CalFire, and Environmental Health Bureau. County staff reviewed the application materials and plans, as well as the County’s GIS database, and conducted a site visit on April 21, 2022, to verify that the project conforms to the applicable lot line adjustment plans, and that the subject property is suitable for the proposed development. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.
 - b) No potential impacts were identified and there are no physical or environmental constraints that indicate that the property is not suitable for the use proposed. See also Finding Nos. 3 and 5, and supporting evidence.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD-Planning for the proposed development found in Project File PLN240203.

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, CalFire, and Environmental Health Bureau. Conditions have been recommended, 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) The Environmental Health Bureau reviewed the project application and found no issues with the proposal. A draft on-site wastewater treatment exhibit has been prepared and demonstrated adequate areas exist on Parcels A and C to install a conventional septic system. However, given the site contains of each parcel, namely steeper slopes, the Bureau has applied Condition No. 6 requiring recordation of a deed restriction for Proposed Parcels A and C notifying potential future owners that a soil and percolation report (Monterey County Library No. LIB050229) has been prepared and the property may require installation of an alternative onsite wastewater treatment system in order to meet sewage disposal and Monterey County Local Agency Management Program requirements.
 - c) Parcel B's on-site well was permitted as a domestic test well under PLN080565. Subsequent source capacity testing determined that the well produces approximately 6 gallons per minute or adequate long-term water supply for two residences. It is the intention of the Applicant/Owner that the development of Parcels A and C use the existing well. Condition No. 8 has been applied to require that an access, well, and water system easement be applied over portions of Proposed Parcel B to allow Proposed Parcels A and C access to the existing driveway, on-site well, and future water distribution infrastructure. Further, future use of this well would require the granting of applicable permits to convert the test well to a domestic well and create a small water system (if needed). If and when Parcels A and C are developed, evidence indicating adequate wastewater and potable water service connections shall be provided to HCD-Planning and the Environmental Health Bureau. Parcel B (existing Parcel 2) will retain its connection to an existing Coastlands Water System connection and on-site wastewater treatment system.
 - d) The project planner reviewed the submitted plans and conducted a site visit on April 21, 2022, to verify that the project, as proposed and conditioned, will not impact public health and safety.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project File PLN240203.

4. **FINDING:** **NO VIOLATIONS** – The subject properties are in compliance with all

rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the properties.

- EVIDENCE:**
- a) County staff reviewed Monterey County HCD-Planning and HCD-Building Services records, and the County is not aware of any violations existing on the subject properties. Although previous violations have existed on the subject property, all code enforcement cases have since been fully abated and are closed.
 - b) The project planner conducted a site inspection on April 21, 2022, and researched County records to assess if any violations exist on the subject properties.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN240203.

5. **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 15305(a) categorically exempts minor lot line adjustments not resulting in the creation of any new parcel. Additionally, CEQA Guidelines section 15325 categorically exempts the acquisition, sale, or other transfer of areas to preserve existing natural conditions.
 - b) The applicant proposes a minor lot line adjustment and merger between four legal lots of record, Parcel 1 (34.1 acres), Parcel 2 (74.2 acres), Parcel 3 (0.14 acres), and Parcel 4 (24.8 acres), resulting in three parcels containing 52.6 acres (Parcel A), 40.3 acres (Parcel B), and 40.4 acres (Parcel C). Therefore, the proposed lot line adjustment and merger meet the criteria of CEQA Guidelines section 15305. In 2009, the Board of Supervisors accepted an "Offer to Dedicate an Irrevocable Open Space and Easement Deed in Exchange for Transferable Development Credits" (Offer to Dedicate) (Document No. 2009047903). Transferring one of the TDCs created under PLN060313 to Parcel A is the result of preserving the natural scenic beauty and conditions of 41730 Pfeifer Ridge Road (Assessor's Parcel No. 419-311-012-000), Big Sur, also recognized as a "Donor Site" pursuant to Title 20 section 20.64.190. No structural development is contemplated with the transfer of the TDC. Therefore, the transfer of the development credit meets the criteria of CEQA Guidelines section 15325. Use of the TDC to develop Parcel A will be subject to separate discretionary and environmental review and approval.
 - c) No new lots will be created by the lot line adjustment. No demolition, construction, or other type of development is proposed under this entitlement. Although a development credit will be applied to Parcel A, an existing buildable area exists on that property and the Proposed Project does not create additional lots or parcels. Therefore, the Proposed Project constitutes a "minor lot line adjustment," under Title 19 section 19.02.150. See Finding No. 7, Evidence "c".
 - d) The Proposed Project will not intensify the level of development allowed on the parcels.

- e) The existing parcels conform to applicable site development standards of the WSC and RDR zoning districts, and requirements of the BSC LUP. After the implementation of the proposed lot line adjustment and merger, the adjusted/resulting parcels will continue to conform to applicable requirements with regard to site coverage, setbacks, minimum lot size, and access to necessary facilities (see Finding 1, Evidence “h”, “i”, “j” and “k”). Therefore, the proposed development is consistent with CEQA Guidelines Section 15305(a) and Title 19 Section 19.09.005.C.
- f) No adverse environmental effects were identified during staff review of the development application or during a site visit on April 21, 2023.
- g) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve alterations to a designated historical resource, a hazardous waste site, nor development that would result in a cumulatively significant impact. Although the project would allow development (Title 20 section 20.06.310.4b, defines a lot line adjustment as development), the lot line adjustment and merger will not intensify the level of development allowed on the parcels (see preceding evidence “d”). The lot line adjustment doesn’t substantially alter the development potential of any of the resulting lots, therefore it wouldn’t contribute to any cumulative environmental effects. There are no unusual circumstances associated with undertaking the project that would create the reasonable possibility that the project would have a significant effect on the environment.
- h) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240203.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject properties are not described as an area where the applicable Local Coastal Program requires public access (Figure 2, Shoreline Access Plan, or Figure 3, Trails Plan, in the Big Sur Coast Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) County staff conducted a site inspection on April 21, 2023, to verify that the proposed project will not impact public access.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240203.

7. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412(d) of the California

Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance – Coastal) of the Monterey County Code allow a lot line adjustment that meets the following standards:

1. The lot line adjustment is between four or fewer existing adjoining parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment; and
3. The parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

As proposed, the project meets these standards.

- EVIDENCE:**
- a) Parcels 1, 2, and 4 are zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)]. Parcel 3 is zoned Rural Density Residential, 40 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)].
 - b) The lot line adjustment and merger is between four or fewer existing adjoining parcels. The four existing legal lots of record have a total combined area of 133.3 acres. After the adjustment, there will be three lots of record containing 52.6 acres (Parcel A), 40.3 acres (Parcel B), and 40.4 acres (Parcel C).
 - c) The lot line adjustment and merger will not create a greater number of parcels than originally existed. Four contiguous separate legal parcels of record will be adjusted, resulting in three contiguous separate legal parcels of record. Therefore, no new parcels will be created.
 - d) The proposed lot line adjustment and merger is consistent with the Monterey County Zoning Ordinance (Title 20). County staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, and that no violations exist on the property (see Finding Nos. 1, 2, 3, and 4; and supporting evidence).
 - e) The subject properties allow residential uses and habitat protection. Parcel 2 is currently developed with a single-family dwelling and detached non-habitable structure. After adjustment, the single-family dwelling and detached structures will be on Proposed Parcel B. Parcels 1, 3, and 4 are vacant, and Proposed Parcels A and C will remain vacant. No changes to the existing built environment or changes in use are proposed.
 - f) The proposed lot line adjustment does not interfere with existing access and/or utility easements, which will remain unchanged.
 - g) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, execution and recordation of deeds reflecting the lot line adjustment as well as a Certificate of Compliance for each adjusted lot is required per incorporated standard conditions of approval (Condition Nos. 3 and 4).
 - h) The project planner conducted a site inspection on April 21, 2023, to verify that the project will not conflict with zoning or building ordinances.
 - i) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240203.

8. **FINDING:** **TRANSFER OF DEVELOPMENT CREDIT** – The proposed project involves the transfer of a development credit in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and Monterey County Zoning Ordinance.
- EVIDENCE:**
- a) The proposed project includes an application for a transfer of development credit. In accordance with the applicable policies of the BSC LUP and Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met in this case.
 - b) BSC LUP Scenic Resource Policy 3.2.6.3 allows the transfer of a development credit to a receiving parcel not in the viewshed and otherwise found to be suitable for an increased density of development, and as long as the increase in residential density on the receiving parcel does not exceed twice that which is specified by LUP Section 5.4, Land Use Development Policies. BSC LUP Policies 7.2.1.E (Minimum Size of Parcels), and 7.2.5 and 7.2.7.D (Transfer of Development Credits) allow for the purchase (or transfer) of development credits. Title 20 Section 20.64.190 (Transfer of Development Credits) establishes the regulations for designating donor and receiver sites. The proposed project meets the requirements of the BSC LUP policies and regulations.
 - c) Monterey County Planning Commission Resolution No. 07031 (HCD-Planning File No. PLN060613) designated a 4.75-acre property located at 41730 Pfeifer Ridge Road (Assessor's Parcel No. 419-311-012-000), Big Sur, a "Donor Site" in exchange for two Transferable Development Credits (TDCs) pursuant to Title 20 section 20.64.190. The Board of Supervisors subsequently accepted an "Offer to Dedicate an Irrevocable Open Space and Easement Deed in Exchange for Transferable Development Credits" (Offer to Dedicate) (Document No. 2009047903). Per the Offer to Dedicate, once the Planning Commission designates a "Receiver Site" and transfers one or both of the TDCs granted by PLN060613, the Open Space and Scenic Easement becomes irrevocable and will run in perpetuity of the land. Thus, with the granting of this Combined Development Permit, and adherence to Condition No. 7, 41730 Pfeifer Ridge Road is now subject to the restrictions and exceptions of the Open Space and Easement Deed (Document No. 2009047903).
 - d) Proposed Parcel A has the potential for residential development consistent with the policies of the Big Sur Coast Land Use Plan, including septic, viewshed protection, resource protection, water supply, and geologic safety. Parcel A conforms to the applicable site development standards of the County's Zoning Ordinance (see Finding No. 1, Evidence "h" through "k" and Evidence "n"), and meets the minimum lot size (1-acre) and maximum slope gradient (30 percent) required for on-site wastewater treatment systems. Condition No. 8 has been applied to require that a well and water system easement be applied over portions of Proposed Parcel B to allow Proposed Parcel A access to the on-site well. Condition No. 10 ensures that future development is not sited on slopes in excess of 30% or within environmentally sensitive habitat areas. Although future development

may be located within 100 feet of Environmentally Sensitive Habitat Areas or within 50 feet of a Coastal Bluff, the potential future development locations have been previously disturbed and are not anticipated to result in a significant disruption to habitat value or bluff stability. Further, adhering to the requirements of future geotechnical and geological analyses and building in accordance with the California Building Code would address potential seismic and soil hazards.

- e) Parcel A will not require new driveway access from Highway 1 and will retain access to the existing private driveway serving existing Parcels 1, 2, and 3.
- f) Parcel A (52.6 acres) will be limited to one residential unit and therefore will not exceed one unit per acre. Further, the resulting density (one unit) will not exceed twice the density currently allowed by the subject zoning district, Watershed and Scenic Conservation, 40 acres per unit.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240203.

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

- EVIDENCE:**
- a) Board of Supervisors. Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) 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) Coastal Commission. Pursuant to Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use (Lot Line Adjustment and Transfer of a Development Credit)

DECISION

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

- 1) Find that the project qualifies as Class 5 and Class 25 Categorical Exemptions pursuant to CEQA Guidelines sections 15305(a) and 15325, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve a Combined Development Permit consisting of:
 - a. A Coastal Development Permit to allow a merger and lot line adjustment of Parcel 1 (34.1 acres), Parcel 2 (74.2 acres), Parcel 3 (0.14 acres), and Parcel 4 (24.8 acres), resulting in three parcels containing 52.6 acres (Parcel A), 40.3 acres (Parcel B), and 40.4 acres (Parcel C); and
 - b. A Coastal Development Permit to designate Proposed Parcel A as the “Receiver Site” of a Transferable Development Credit created under PLN060613 (Planning Commission Resolution No. 07031), with a resulting development potential of one unit.

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

PASSED AND ADOPTED this 11th day of September 2024, upon motion of Commissioner Mendoza, seconded by Commissioner Gomez, by the following vote:

AYES: Work, Gonzalez, Getzelman, Gomez, Mendoza

NOES: None

ABSENT: None

RECUSED: Diehl

ABSTAIN: Roberts, Shaw, Monsalve, Daniels

DocuSigned by:

Melanie Beretti

F6C3AC03D78644E

Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO THE APPLICANT ON **OCTOBER 14, 2024**.

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 **OCTOBER 24, 2024**.

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.

NOTE

This permit expires 3 years after the above date of granting thereof unless certificates of compliance are recorded within this period.

County of Monterey HCD Planning

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

PLN240203

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit allows: 1) a Coastal Development Permit to allow a merger and lot line adjustment of Parcel 1 (34.1 acres), Parcel 2 (74.2 acres), Parcel 3 (0.14 acres), and Parcel 4 (24.8 acres), resulting in three parcels containing 52.6 acres (Parcel A), 40.3 acres (Parcel B), and 40.4 acres (Parcel C); and 2) a Coastal Development Permit to designate Proposed Parcel A as the "Receiver Site" of a Transferable Development Credit created under PLN060613, with a resulting development potential of one unit. The properties are located at 48170 Highway 1, Big Sur (Assessor's Parcel Numbers 420-011-041-000 and 420-171-032-000), west of Highway 1, 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 The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Combined Development Permit (Resolution Number 24-032) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 420-011-041-000 and 420-171-032-000 on September 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 Prior to the issuance of grading and building permits, certificates of compliance, or
Monitoring commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Action to be shall provide proof of recordation of this notice to the HCD - Planning.
Performed:

3. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning

Condition/Mitigation The applicant shall request unconditional Certificates of Compliance for the newly
Monitoring Measure: configured parcels. (HCD - Planning)

Compliance or Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare
Monitoring legal descriptions for each newly configured parcel and submit them to HCD -Planning
Action to be for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal
Performed: description shall comply with the Monterey County Recorder's guidelines as to form
and content. The Applicant shall submit the legal descriptions with a check, payable to
the Monterey County Recorder, for the appropriate fees to record the Certificates of
Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

4. PDSP001 - LOT LINE ADJUSTMENT DEED

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Owner(s)/Applicant(s) shall prepare, execute, and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels.
(HCD-Planning)

Compliance or Monitoring Action to be Performed:

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN240203) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN240203) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:
"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN220212. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

5. 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

6. EHSP01 – DEED RESTRICTION: SOILS AND PERCOLATION TESTING REPORT AND FUTURE ONSITE WASTEWATER TRE

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A deed restriction shall be recorded with the Monterey County Recorder for Proposed Parcels A and C which states: "A soils and percolation report has been prepared for this parcel by Grice Engineering, Inc. dated September 7, 2004 and is on record at the Environmental Health Bureau, Monterey County, File Number PLN040180-AMD1 and PLN240203 (Monterey County Library No. LIB050229)". The deed restriction shall also specify that the property may require the installation and ongoing use of an alternative onsite wastewater treatment system to meet the standards specified by Monterey County Code, Chapter 15.20, Sewage Disposal, and the Monterey County Local Agency Management Program for OWTS (LAMP). 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 OWTS 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 (EHB) 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 recordation of Certificates of Compliance, 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 recordation of Certificates of Compliance, 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.

7. PDSP002 - ACCEPTANCE OF OFFER TO DEDICATE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A residentially zoned property located at 41730 Pfeifer Ridge Road (Assessor's Parcel No. 419-311-012-000) was rendered to be "unbuildable" because it was located in the Critical Viewshed and subject to the strict constraints of the Big Sur Coast LUP viewshed policies. Recognizing these constraints, Monterey County Planning Commission Resolution No. 07031 (HCD-Planning File No. PLN060613) designated the 4.75-acre property located at 41730 Pfeifer Ridge Road (Assessor's Parcel No. 419-311-012-000), Big Sur, a "Donor Site" in exchange for two Transferable Development Credits (TDCs) pursuant to Title 20 section 20.64.190. In 2009, the Board of Supervisors subsequently accepted an "Offer to Dedicate an Irrevocable Open Space and Easement Deed in Exchange for Transferable Development Credits" (Offer to Dedicate) (Document No. 2009047903). Per the 2009 Offer to Dedicate, once the Planning Commission designates a received site and transfers one or both of the TDCs granted by PLN060613, the Open Space and Scenic Easement becomes irrevocable and will run in perpetuity of the land.

On July 31, 2024, the Monterey County Planning Commission designated Parcel 4 (a portion of APN: 420-011-041-000) a "Receiver Site" of one of the Transferable Development Credits created under PLN060613 (Resolution No. 24-XXX). Therefore, the Open Space and Scenic Easement detailed in the Offer to Dedicate becomes effective on APN: 419-311-012-000). Prior to recordation of certificates of compliance, the Board of Supervisors shall accepted Document No. 2009047903 through recordation of a document containing the text of this condition, or comparable language, as approved by County Counsel.

Compliance or Monitoring Action to be Performed: Prior to recordation of certificates of compliance, the Board of Supervisors shall accept the Offer to Dedicate an Irrevocable Open Space and Easement Deed in Exchange for Transferable Development Credits recorded as Document No. 2009047903.

8. PDSP003 - ACCESS AND UTILITIES CONSOLIDATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of the Certificate of Compliance, an appropriate legal mechanism to ensure that Parcel A and Parcel C have access and rights to use Parcel B's private driveway, on-site well, and existing/future water distribution infrastructure shall be implemented and submitted for review and approval to the satisfaction of HCD-Planning, the Environmental Health Bureau, and the Office of County Counsel.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Certificate of Compliance, an appropriate legal mechanism to ensure that Parcel A and Parcel C have access and rights to use Parcel B's private driveway, on-site well, and existing/future water distribution infrastructure shall be implemented and submitted for review and approval to the satisfaction of HCD-Planning, the Environmental Health Bureau, and the Office of County Counsel.

9. EHSP02 - ONSITE WASTEWATER TREATMENT SYSTEM ENVELOPES

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Submit an updated map indicating proposed onsite wastewater treatment system envelopes for parcels A, B and C to the Environmental Health Bureau for review and approval. Once approved the onsite wastewater treatment system envelopes shall appear as part of the Certificates of Compliance. The OWTS envelopment Map shall be prepared by a qualified engineer.

Compliance or Monitoring Action to be Performed: Prior to recordation of Certificates of Compliance, the Applicant/Owner submit the proposed OWTS envelope map to Environmental Health Bureau for review and approval. Once approved the onsite wastewater treatment system envelopes shall appear as part of the plat map to be attached to the Certificates of Compliance.

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 and/or slopes of 30% or greater exist(s). 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 certificates of compliance, 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.

Within 60 days of recording the certificate of compliance, Board of Supervisors shall consider the Conservation and Scenic Easement Deed and Map and the Owner/Applicant shall record the approved easement. Submit a copy of the recorded deed and map to HCD - Planning.

11. PDSP002- COMPLIANCE WITH REGULATIONS RELATING TO APPLICATIONS INVOLVING USE OF PRIVATE ROADS

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of grant deeds and certificates of compliance, the Applicant/Owner shall demonstrate consistency with Monterey County Code Chapter 16.80 (REGULATIONS RELATING TO APPLICATIONS INVOLVING USE OF PRIVATE ROADS) to the satisfaction of the HCD-Planning Director or their designee.

Compliance or Monitoring Action to be Performed: Prior to recordation of grant deeds and certificates of compliance, the Applicant/Owner shall demonstrate consistency with Monterey County Code Chapter 16.80 to the satisfaction of the HCD-Planning Director or their designee.

LOTS SHOWN ON THIS PLAT ARE FROM THAT CERTAIN PLAT
FILED FOR RECORD OCTOBER 3, 1927 IN THE OFFICE OF
THE MONTEREY COUNTY RECORDER, IN VOLUME 3 OF "CITIES
AND TOWNS" AT PAGE 46 AND AS ADJUSTED BY 30-SURV-69.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM.

GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.

29"K = 29" OAK

14" B = 14" BAY

11" P = 11" PINE

JULY 2021 UPDATE IS FOR PROPOSED LOT CONFIGURATIONS ONLY. TOPOGRAPHIC INFORMATION NOT UPDATED.

PROPOSED PARCEL "C"
40.4 ACRES +/-

PROPOSED PARCEL "A"
52.6 ACRES +/-

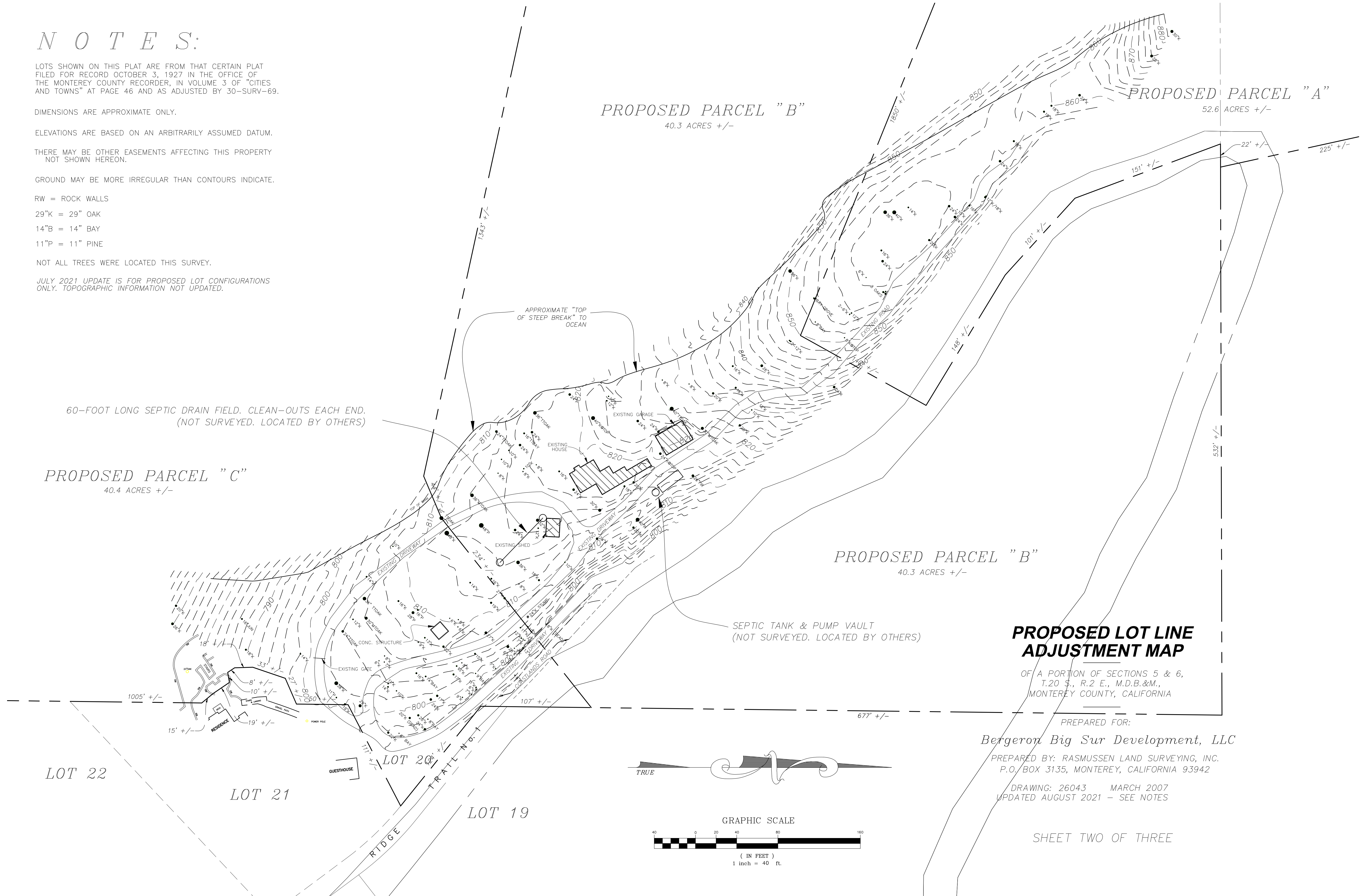
OF A PORTION OF SECTIONS 5 & 6,
T.20 S., R.2 E., M.D.B.&M.,
MONTEREY COUNTY, CALIFORNIA

~~Bergeron~~ Big Sur Development, LLC

PREPARED BY: RASMUSSEN LAND SURVEYING, INC.
P.O. BOX 3135, MONTEREY, CALIFORNIA 93942

DRAWING: 26043 MARCH 2007
UPDATED AUGUST 2021 - SEE NOTES

SHEET TWO OF THREE



NOTES:

LOTS SHOWN ON THIS PLAT ARE FROM THAT CERTAIN PLAT
FILED FOR RECORD OCTOBER 3, 1927 IN THE OFFICE OF
THE MONTEREY COUNTY RECORDER, IN VOLUME 3 OF "CITIES
AND TOWNS" AT PAGE 46 AND AS ADJUSTED BY 30-SURV-69.

DIMENSIONS ARE APPROXIMATE ONLY.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM
AS NOTED.

THERE MAY BE OTHER EASEMENTS AFFECTING THIS PROPERTY
NOT SHOWN HEREON.

GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.

RW = ROCK WALLS

29"K = 29" OAK

14"B = 14" BAY

11"P = 11" PINE

NOT ALL TREES WERE LOCATED THIS SURVEY.

SEPTIC FEASIBILITY ENVELOPES SUMMARIZE THE POTENTIAL
SEPTIC SYSTEMS DESIGNED BY GRICE ENGINEERING

JULY 2021 UPDATE IS FOR PROPOSED LOT CONFIGURATIONS
ONLY. TOPOGRAPHIC INFORMATION NOT UPDATED.



APPROXIMATE AREA WITH SLOPE OF 30% OR GREATER
COMPUTER GENERATED, NOT FIELD CONFIRMED
AT THIS TIME.

60-FOOT LONG SEPTIC DRAIN FIELD. CLEAN-OUTS EACH END.
(NOT SURVEYED. LOCATED BY OTHERS)

PROPOSED PARCEL "C"
40.4 ACRES +/-

PROPOSED PARCEL "B"
40.3 ACRES +/-

PROPOSED PARCEL "A"
52.6 ACRES +/-

PROPOSED PARCEL "B"
40.3 ACRES +/-

PROPOSED LOT LINE ADJUSTMENT MAP

OF A PORTION OF SECTIONS 5 & 6,
T.20 S., R.2 E., M.D.B.&M.,
MONTEREY COUNTY, CALIFORNIA

PREPARED FOR:

Bergeron Big Sur Development, LLC

PREPARED BY: RASMUSSEN LAND SURVEYING, INC.
P.O. BOX 3135, MONTEREY, CALIFORNIA 93942

DRAWING: 26043 MARCH 2007
UPDATED AUGUST 2021 - SEE NOTES

SHEET THREE OF THREE

