

Exhibit E

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**BEFORE THE BOARD OF SUPERVISORS IN AND FOR THE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

Resolution No. 02-269 –

**Adopt a Mitigated Negative Declaration; Adopt a Mitigation)
Monitoring and Reporting Program; and approve a Combined)
Development Permit and Design Approval (PLN970492, Post)
Ranch) for development on Assessor's Parcel Numbers 419-311-)
034-000 (Parcel A, 96.8 acres), 419-311-035-000 (Parcel B, 12.4)
acres) and 419-311-036-000 (Parcel C, 12.8 acres) consisting of: a)
Coastal Development Permit each for a Minor Subdivision and)
Lot Line Adjustment, reducing Parcel A by 4.2 acres to 92.6)
acres, reducing Parcel B by .3 acres to 12.1 acres, reducing Parcel)
C by 1 acre to 11.8 acres, and creating the new 5.5 acre Parcel D)
(Parcel D is allowed pursuant to a previously approved permit)
PLN980453, transfer of development right for one residential)
unit). A Coastal Development Permit on Parcel A for ten new inn)
units (5,630 square feet), receipt of one residential development)
credit from donor project (PC95107), twenty-four new employee)
housing units (14,556 square feet), yoga/exercise/spa (4,740)
square feet), a mercantile/gallery (2,500 square feet), a service)
building (6,300 square feet), and a maintenance/shop (2,800)
square feet). A Coastal Development Permit on Parcel A for)
wastewater system improvements and an amended water system)
permit; a General Development Plan; and a Design Approval for)
150,000 gallon water tank site on Parcel C. The Combined)
Development Permit on Parcel A includes grading of 6,243 cubic)
yards of cut and 5,928 cubic yards of fill, drainage, erosion)
control, landscaping, habitat restoration and protection,)
relocation of parking areas, increased and improved public)
access trails and recreation areas and demolition of the existing)
pool, adjacent structures and Quonset buildings and relocation of)
firewood storage shed. The property is located approximately 26)
miles south of Carmel, west of Highway 1, at Post Ranch, Big Sur)
area, Coastal Zone.)**

In the matter of the application of PLN 970492 (Post Ranch)

WHEREAS: The Monterey County Board of Supervisors pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an application for a Combined Development Permit (Post Ranch/PLN970492) to Adopt a Mitigated Negative Declaration; Adopt a Mitigation Monitoring and Reporting Program; and approve a Combined Development Permit and Design Approval (PLN970492, Post Ranch) for development on Assessor's Parcel Numbers 419-311-034-000 (Parcel A, 96.8 acres), 419-311-035-000 (Parcel B, 12.4 acres) and 419-311-036-000 (Parcel C, 12.8 acres) consisting of: a Coastal Development Permit each for a Minor

Subdivision and Lot Line Adjustment, reducing Parcel A by 4.2 acres to 92.6 acres, reducing Parcel B by .3 acres to 12.1 acres, reducing Parcel C by 1 acre to 11.8 acres, and creating the new 5.5 acre Parcel D (Parcel D is allowed pursuant to a previously approved permit PLN980453, transfer of development right for one residential unit). A Coastal Development Permit on Parcel A for ten new inn units (5,630 square feet), receipt of one residential development credit from donor project (PC95107), twenty-four new employee housing units (14,556 square feet), yoga/exercise/spa (4,740 square feet), a mercantile/gallery (2,500 square feet), a service building (6,300 square feet), and a maintenance/shop (2,800 square feet). A Coastal Development Permit on Parcel A for wastewater system improvements and an amended water system permit; a General Development Plan; and a Design Approval for 150,000 gallon water tank site on Parcel C. The Combined Development Permit on Parcel A includes grading of 6,243 cubic yards of cut and 5,928 cubic yards of fill, drainage, erosion control, landscaping, habitat restoration and protection, relocation of parking areas, increased and improved public access trails and recreation areas and demolition of the existing pool, adjacent structures and Quonset buildings and relocation of firewood storage shed. The property is located approximately 26 miles south of Carmel, west of Highway 1, at Post Ranch, Big Sur area, Coastal Zone.

NOW, THEREFORE, the Board of Supervisors finds as follows:

- 1. FINDING:** The project proposed in this application consists of a minor subdivision, lot line adjustments and project (PLN970492), as described in condition #1 of the attached Exhibit "C," and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Coastal Subdivision Ordinance (Title 19), and with the Big Sur Coast Land Use Plan, Monterey County Coastal Implementation Plan (Part 3), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), which together comprise the Local Coastal Program for the project site. The property is located west of Highway 1, Big Sur (Assessor's Parcel Numbers 419-311-034-000, 419-311-035-000 and 419-311-036-000), at Post Ranch, Big Sur area, Coastal Zone. The parcels are zoned as follows: 419-311-034-000 (Parcel A) has two zoning designations: WSC/40 (CZ) or Watershed and Scenic Conservation Residential, Coastal Zone 40 acres per unit Design Control District, and VSC (CZ) or Visitor Serving Commercial, Coastal Zone Design Control District. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified Big Sur Coast Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan regulations for the "WSC and VSC (CZ)" Districts in the Coastal Zone, and
- c) Chapter 20.145, Monterey County Coastal Implementation Plan regulations for development in the Big Sur Coast Land Use Plan.

- EVIDENCE:** Necessary public facilities are available to the project site. Utilities, such as phone, gas, electricity, and cable are easily accessible and can be provided to the project site.
- EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for subdivision improvements.
- EVIDENCE:** Design Approval Request form with plans and color samples recommended for approval (5-0) by the Big Sur Land Use Advisory Committee, September 25, 2001.
- EVIDENCE:** The project planner conducted site visits in October, 2001 and January, 2002 to verify that the proposed project complies with the Monterey County Coastal Implementation Plan (Part 3).
- EVIDENCE:** An archaeological survey prepared by Archaeological Consulting, dated August 15, 2000 updated by a September 10, 2001 letter by Gary S. Breschini, Ph.D.. The original report identified potential adverse impacts to cultural resources from the proposed development. Subsequently the project was modified and the revised plans reviewed by Archaeological Consulting. The September 10, 2001 letter confirms that the updated proposal would not result in adverse impacts to cultural resources.
- EVIDENCE:** A biological report prepared by Jeff Norman, Consulting Biologist, dated September 6, 2001.
- EVIDENCE:** Engineering Geologic Investigation prepared by Steven Bond and Associates, Inc., dated September 4, 2001.
- EVIDENCE:** Geotechnical Soils-Foundation and Geoseismic Reports prepared by Grice Engineering and Geology, Inc., dated August, 2001.
- EVIDENCE:** Percolation and Groundwater Study for Parcel "D" prepared by Grice Engineering and Geology, Inc., dated August, 2001.
- EVIDENCE:** Traffic Analysis and Facilities Trip Reduction Plan prepared by Higgins Associates and Post Ranch Inn, dated September, 2001
- EVIDENCE:** Engineering Report, Water, Wastewater & Drainage Improvement Plan prepared by Fall Creek Engineering, Inc., dated September 10, 2001.
- EVIDENCE:** Hydrology Report prepared by Fall Creek Engineering, Inc., dated December, 2001.
- EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.
- EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

- 2. FINDING:** The project is in conformance with public access requirements of the Coastal Act and the Big Sur Coast Land Use Plan Section 20.145.150. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE: Big Sur Coast Land Use Plan Shoreline Access Plan contained in the Big Sur Coast Land Use Plan (Figure 2) indicates the property is not appropriate for coastal access.

EVIDENCE: In conformance with its original approval, the Post Ranch Inn presented to Monterey County four offers to dedicate public access easements (OTDs) in the form of four separate trails. These easements are to be made available to the public in general upon the acceptance of the OTDs by Monterey County or its designee. The Post Ranch Inn has currently implemented a system whereby members of the public may access the trail system subject to prior registration and certain restrictions. The proposed project includes the offer to dedicate an additional trail segment in addition to a picnic site and an ADA parking space north of the proposed Parcel "D". In addition, the applicant proposes to provide enhanced historical and environmental interpretive information.

- 3. FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Mitigated Negative Declaration has been adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program.
- Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 2620 1st Avenue, Marina. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on

investigation and the independent assessment of those studies, data, and reports.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), and its Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on March 11, 2002 and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

- 1). Archaeological survey prepared by Archaeological Consulting, dated August 15, 2000 updated by a September 10, 2001 letter by Gary S. Breschini, Ph.D.
- 2). Biological report prepared by Jeff Norman, Consulting Biologist, dated September 6, 2001.
- 3). Engineering Geologic Investigation prepared by Steven Bond and Associates, Inc., dated September 4, 2001.
- 4). Geotechnical Soils-Foundation and Geoseismic Reports prepared by Grice Engineering and Geology, Inc., dated August, 2001
- 5). Percolation and Groundwater Study for Parcel "D" prepared by Grice Engineering and Geology, Inc., dated August, 2001.
- 6). Traffic Analysis and Facilities Trip Reduction Plan prepared by Higgins Associates and Post Ranch Inn, dated September, 2001
- 7). Engineering Report, Water, Wastewater & Drainage Improvement Plan prepared by Fall Creek Engineering, Inc., dated September 10, 2001.
- 8). Hydrology Report prepared by Fall Creek Engineering, Inc., dated December, 2001.

EVIDENCE: File and application materials, Initial Study with mitigation measures, Mitigation Monitoring Program, and Negative Declaration contained in the project file.

4. **FINDING:** The creation of Parcel "D" implements Planning Commission resolution No. 98074.

EVIDENCE: On November 18, 1998, the Planning Commission approved PLN980453 to allow a non-contiguous lot line adjustment between a parcel in Sycamore Canyon Road and the Post Ranch Inn. Under the approval, the developable rights of the Sycamore Canyon Road parcel would be retired and transferred to the WSC/40 (CZ) portion of the Post Ranch Inn property. Although the

Sycamore Canyon Parcel did not qualify for the Transfer of Development Credits program, the Planning Commission found that given the language of the Land Use Plan policies which reference "resubdivision and lot line adjustments" and inclusion of "non-contiguous parcels within the resubdivision policy" (policy 5.4.3.H.4 and policy 5.4.3.H.5), and due to unique circumstances applicable to the Sycamore Canyon Road parcel, approval of the transfer of development right better met the goals of the Big Sur Coast Land Use Plan. The transfer can only be used for residential development. By approving the creation of Parcel "D" for residential development, the Planning Commission formalizes the transfer approved under resolution No. 98074 (PLN980453).

EVIDENCE: Big Sur Coast Land Use Plan policy 5.4.3.H.4, and Big Sur Coast Land Use Plan policy 5.4.3.H.5.

EVIDENCE: Resolution No. 98074 contained in file# PLN980453

5. **FINDING:** Parcel "D" contains suitable building sites consistent with the policies of the Big Sur Coast Land Use Plan.

EVIDENCE: Findings and Evidence for resolution No. 98074 contained in file# PLN980453

EVIDENCE: The plans and materials contained in project file# PLN970492 show that the proposed Parcel "D" is located in the south east end of the WSC/40 (CZ) portion of the Post Ranch Inn. The proposed parcel will contain areas in the critical viewshed which are protected from development by a Scenic and Conservation Easement, and areas outside the critical viewshed and scenic easement suitable for development. No development is proposed for Parcel "D" with this application.

EVIDENCE: The creation of Parcel "D" formalizes Planning Commission resolution No. 98074 (See findings and Evidence# 4) for the transfer of one residential development right to the Post Ranch property.

EVIDENCE: Geotechnical Soils-Foundation and Geoseismic Report for Parcel "D" prepared by Grice Engineering and Geology, Inc., dated August, 2001.

EVIDENCE: Percolation and Groundwater Study for Parcel "D" prepared by Grice Engineering and Geology, Inc., dated August, 2001.

6. **FINDING:** The lot line adjustments are between two (or more) existing adjacent parcels.
EVIDENCE: The application and plans for a lot line adjustment found in the project file.

7. **FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: Three (3) contiguous separate legal parcels of record will be adjusted and three contiguous separate legal parcels of record will result from the adjustment.

8. **FINDING:** The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.

EVIDENCE: The proposed lot line adjustment is consistent with the regulations for parcels within the "WSC/40 (CZ)" and "VSC (CZ)" Zoning Districts. The application and plans for a lot line adjustment found in the project file.

9. FINDING: None of the findings found in Section 19.04.025.E of the Coastal Subdivision Ordinance can be made.

EVIDENCE: Section 19.04.025.E requires that the subdivision be denied if any one of the findings are made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan and the applicable Land Use Plan. No specific plan has been prepared for this area. The site has been determined to be physically suitable for the type and density of development (see Evidence below). The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Negative Declaration adopted for this project. The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

EVIDENCE: The property provides for adequate building sites as evidenced by the application materials submitted for the site. The proposed Parcel "D" will be located in the south east portion of the Post Ranch Property. A large portion of the proposed parcel will be located in the critical viewshed which is excluded from development by an existing scenic and conservation easement granted to Monterey County on April 17, 1991. The site does contain suitable developable sites outside of the aforementioned scenic and conservation easement.

EVIDENCE: The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The report(s) concluded the proposed development is suitable for the site, subject to recommendations for construction.

EVIDENCE: 1) The on-site inspection of the parcel by the project planner.
2) Maps and application contained in the project file.
3) Project is in a relatively unstable seismic hazard area as found in the resource maps of the Big Sur Coast Land Use Plan. A geotechnical and geoseismic report was prepared for the proposed Parcel "D" which concluded that the site is suitable for residential development.

10. FINDING: The establishment, maintenance, or operation of the subdivision and building applied for will not, under the circumstances of the 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 improvement in the neighborhood, or to the general welfare of the County.

- EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments 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; or the County in general. The Carmel CDF reviewed the proposed project and determined that the project is in compliance with fire safety regulations as noted in the project plans.
- 11. FINDING:** The receiver site (Parcel "A") has the potential for development consistent with the policies of the Big Sur Coast Land Use Plan except for the maximum development otherwise allowed by the Big Sur Land Use Plan and implementing zoning.
- EVIDENCE:** The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.
- 12. FINDING:** The new residential building sites (in this case, "inn unit" sites) made possible by the receipt of TDCs have the minimum feasible number of common driveway access onto Highway 1.
- EVIDENCE:** The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.
- 13. FINDING:** The new development provided on the receiver site meets the septic, viewshed protection, resource protection, water supply, and geologic safety criteria specified in the Big Sur Coast Land Use Plan although the land use designation and zoning may have been amended to accommodate the receipt of the TDCs.
- EVIDENCE:** Preceding Findings and Evidence
- EVIDENCE:** The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.
- 14. FINDING:** The receiver site (Parcel "A") is not permitted to be developed to an overall density of more than one residential unit (two inn units) per net acre.
- EVIDENCE:** The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.
- EVIDENCE:** Big Sur Coast Policy 5.3.3 (Summary of Development Potential) which states that potential residential units can be developed at the rate of two inn units per residence.

- 15. FINDING:** The increase in residential density on the receiving property does not exceed twice that which is specified by the Development Policies contained in Chapter 5.4 of the certified Big Sur Coast Land Use Plan.
- EVIDENCE:** The proposed receipt of a development credit transfer will occur on the 54 acres of WSC/40 (CZ) zoning of the Post Ranch property. No residential development currently exists on the WSC/40 (CZ) area of the Post Ranch. The zoning would allow one residential unit on this portion of the property. The receipt of the development credit would allow an additional residential unit which does not exceed twice the limit established by the Big Sur Coast LUP policies.
- 16. FINDING:** The proposed construction of 24 new employee housing units is consistent with the policies of the Big Sur Coast Land Use Plan.
- EVIDENCE:** Big Sur Coast Land Use Plan policy 5.1.3 states "Employee housing provided by an employer must be a primary source of affordable housing in the area.
- EVIDENCE:** Big Sur Coast Land Use Plan policy 5.4.3.I.2(b) requires that employee housing be constructed on site or in the immediate vicinity. The applicant's proposal would meet this requirement by placing the new employee housing units within the Post Ranch property.
- EVIDENCE:** The applicant has submitted an Employee Housing Plan consistent with LUP policy 5.4.3.C.9 (Exhibit "T")
- 17. FINDING:** That in approving the parcel map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.
- EVIDENCE:** The proposed project includes construction of 24 employee housing units of approximately 600 square feet, distributed in 6 two-story buildings with four units each. These units will be occupied by adult households employed at the Post Ranch and will be rent restricted, in accordance with the requirements of the Inclusionary Housing Ordinance which requires that a minimum of 15% of the project units be income-restricted. In the case of rental housing, the inclusionary units are to be restricted for low-income households (80% of County median income). The applicant has agreed to restrict four of the proposed employee units for low-income households and a condition has been included to implement this agreement.
- EVIDENCE:** Chapter 18.40 of the Monterey County Code, "Inclusionary Housing Ordinance"
- EVIDENCE:** Project condition of approval #5
- 18. FINDING:** The project is consistent with Section 20.145.030 of the Coastal Implementation Plan dealing with Visual Resources.
- EVIDENCE** The applicant adequately staked and flagged the proposed structures on the property.

EVIDENCE: The project planner conducted site visits in October, 2001 and January, 2002 to verify the proposed consistency with development standards in the critical viewshed as set forth in the Coastal Implementation Plan (Part 3).

EVIDENCE: Some of the proposed structures that are located in the Visitor Serving Commercial zoning portion of the property will potentially be visible from public viewing areas. However, the design, construction materials, and location of the structures is consistent with the requirements for development within and not within the critical viewshed in VSC Zoning Districts set forth in Sections 20.145.030.B1 and 20.145.030.C of the Coastal Implementation Plan. No structures in the WSC portion of the property will be located in the critical viewshed.

EVIDENCE: File and application materials, Initial Study with mitigation measures, Mitigation Monitoring Program, and Negative Declaration contained in the project file.

19. FINDING: The proposed project conforms to the Development Standards for Environmentally Sensitive Habitats of the Coastal Implementation Plan.

EVIDENCE: The biological report and initial study prepared for the project identified potential adverse impacts to species of special concern and environmentally sensitive habitats. Potential adverse impacts were identified for the endangered Smith's Blue Butterfly (*Euphilotes enoptes smithi*) and its host plant seaciff buckwheat (*Eriogonum parvifolium*), the federal threatened California Red Legged Frog and associated Environmentally Sensitive Habitat Areas (ESHA). Appropriate mitigation measures were imposed on the project to bring the potential adverse impacts to a less than significant level.

EVIDENCE: File and application materials, Initial Study with mitigation measures, Mitigation Monitoring Program, and Negative Declaration contained in the project file.

20. FINDING: The proposed project is consistent with the Transportation Development Standards of the Coastal Implementation Plan.

EVIDENCE: An adequate traffic report prepared by Higgins and Associates was submitted by the applicant as required by Section 20.145.130.A. In addition, the applicant submitted a Trip Reduction Plan that was reviewed and approved by Monterey County Public Works. The recommendations of the traffic analysis and trip reduction plan have been incorporated in the project's conditions of approval.

EVIDENCE: File and application materials, Initial Study with mitigation measures, Mitigation Monitoring Program, and Negative Declaration contained in the project file.

21. FINDING: The project is consistent with Section 20.145.050 of the Coastal Implementation Plan dealing with Water Resources.

EVIDENCE: The proposed improvements were reviewed by the Monterey County Water Resources Agency and the Monterey County Health Department, Environmental Health Division. At the request of the Health Department, a hydrology report

was required and submitted by the applicant to address potential long-term impacts to groundwater resources at the subject property. The report concluded that the proposed project will not result in cumulative long-term impacts to the sustainable yield and quality of groundwater resources on the property.

EVIDENCE: Initial Study and Negative Declaration contained in the project file.

EVIDENCE: The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.

22. FINDING: The proposed project is consistent with BSLUP policy 3.2.4.6 dealing with new roads for residential, recreational, or agricultural access.

EVIDENCE: Policy 3.2.4.6 requires that new roads for residential, recreational, or agricultural access only be considered if it can be demonstrated that the use of existing roads is not feasible. The proposed project include a new access driveway and parking for a proposed picnic area, and proposed parcel D. The use of an existing road adjacent to this area is not feasible because the road traverses an archaeological easement and improvements to the road could potentially adversely impacts cultural or archaeological resources. The existing road will be reduced to a trail and a new access road will be built outside the archaeological easement.

EVIDENCE: The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development

23. FINDING: For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Implementation of the project will potentially affect the plant Seacliff Buckwheat (*Eriogonum parvifolium*), host plant for the endangered species Smith's Blue Butterfly (*Euphilotes enoptes smithi*), and the threatened California Red Legged Frog (*Rana aurora draytonii*) in addition to other ESHAs present on the project site.

EVIDENCE: The applicant shall pay the Environmental Document Fee, pursuant to Fish and Game Code Section 753.5.

EVIDENCE: Initial Study and Negative Declaration contained in the project file.

24. FINDING: The project is appealable to the California Coastal Commission.

EVIDENCE: Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

FINDING FOR THE APPEAL

25. FINDING: An appeal of the May 8, 2002 action of the Planning Commission adopting a Mitigated Negative Declaration; adopting a Mitigation Monitoring and

Reporting Program; and approving a Combined Development Permit and Design Approval (PLN970492, Post Ranch) for development consisting of: a Coastal Development Permit each for a Minor Subdivision and Lot Line Adjustment, reducing Parcel A by 4.2 acres to 92.6 acres, reducing Parcel B by 0.3 acres to 12.1 acres, reducing Parcel C by 1 acre to 11.8 acres, and creating the new 5.5 acre Parcel D (Parcel D is allowed pursuant to a previously approved permit PLN980453, transfer of development right for one residential unit). A Coastal Development Permit on Parcel A for ten new inn units (5,630 square feet), receipt of one residential development credit from donor project (PC95107), twenty-four new employee housing units (14,556 square feet), yoga/exercise/spa (4,740 square feet), a mercantile/gallery (2,500 square feet), a service building (6,300 square feet), and a maintenance/shop (2,800 square feet). A Coastal Development Permit on Parcel A for wastewater system improvements and an amended water system permit; a General Development Plan; and a Design Approval for 150,000 gallon water tank site on Parcel C. The Combined Development Permit on Parcel A includes grading of 6,243 cubic yards of cut and 5,928 cubic yards of fill, drainage, erosion control, landscaping, habitat restoration and protection, relocation of parking areas, increased and improved public access trails and recreation areas and demolition of the existing pool, adjacent structures and Quonset buildings and relocation of firewood storage shed. The appeal was timely filed on May 28, 2002.

EVIDENCE: Said appeal has been filed with the Clerk of the Board of Supervisors within the time prescribed by Monterey County pursuant to Zoning Ordinance Chapter 20.86;

EVIDENCE: Said appeal has been determined to be complete;

EVIDENCE: The Board of Supervisors has reviewed, evaluated, and considered the appeal and responds as follows:

General Contentions

Contention 1

The proposed project requires an EIR because of the amount of grading, effect on biological resources, inconsistency with the Big Sur Land Use Plan as adopted, lack of public input on important issues and the uncertainty as to the fully built out impacts of the project.

Staff Response

In accordance with CEQA guidelines Section 15063, staff prepared an Initial Study for this project. Following the completion of the Initial Study, staff concluded that although the project could have a significant adverse impact on the environment, mitigations could be applied to the project to reduce those potential impacts to a level where no significant impacts would occur. Consequently a Mitigated Negative Declaration was prepared and circulated for public review in accordance with CEQA. Because the identified impacts can be mitigated to a less than significant level, no EIR is required for this project. No comments were received from commenting or responsible agencies, or other members of the public challenging the adequacy of the mitigation measures.

Contention 2

The record does not include an assessment of potential impacts to the endangered California condor.

Staff Response

A biological report was prepared for the project and submitted to the Planning and Building Inspection Department. Upon its submittal, the report became part of the record and was included in the project file; it has been available for public review and was circulated with the Initial Study as Exhibit "B." Page 25 of the report includes a section where potential impacts to the California condor are discussed. The report indicates that there has been on-site roosting of young condors, released through a past Federal program for captive breeding. Based on this, the consulting biologist concluded that no roosting has occurred in the project site since 1999. No nesting has been documented as the released condors are too young to breed. In consultation with Joe Burnette, director of the Condor Release Program of the Ventana Wilderness Society, the consulting biologist further concluded that no adverse impacts to the condors could be anticipated by the proposed project.

Contention 3

Impacts from development on the newly created parcel D have not been assessed and cannot be deferred to the future.

Staff Response

The applicant is not currently proposing any development in parcel D. However, a geotechnical soils-foundation and geoseismic report and a percolation and groundwater study were prepared for parcel D to evaluate the feasibility of residential development on the subject parcel. No environmentally sensitive habitats were identified in the areas of the parcel where residential development could occur. Potential adverse visual impacts were assessed at several site visits during the project review period. Based on the results of the technical reports and site visits, staff concluded that proposed parcel D contained suitable building sites. On June 13, 2002, staff obtained authorization from the appellant to visit her property which is adjacent to the proposed Parcel D. The only development on the parcel neighboring proposed parcel D is an unoccupied house. The house is surrounded by a thick forest of redwoods, oaks and cypress trees. Staff verified that due to the thick forest, and the distance from parcel D, any potential development on proposed parcel D would not be visible from the existing dwelling. Furthermore, any future development in parcel D will be subject to County regulations and public review process to further assess potential adverse impacts. In addition, a condition of approval has been imposed on the project to delineate a building envelope or envelopes for parcel D in order to ensure that potential building sites are not located in the critical viewshed.

Contention 4

The development of employee housing and compliance with the inclusionary housing rules is unclear and uncertain.

Staff Response

Page 4 of Exhibit "A" of the staff report to the Planning Commission describes and discusses the proposal to build 24 new employee housing units. Finding and Evidence #16 refer to the project's

compliance with the Big Sur LUP policies regarding employee housing. In addition, County regulation requirements with respect to inclusionary housing are clearly stated in Finding and Evidence #17: "...a minimum of 15% of the project units [shall] be income-restricted. In the case of rental housing, the inclusionary units are to be restricted for low-income households (80% of County median income)." As stated, 3.6 of the 24 units would need to be income restricted. Therefore, in order to comply with the County's Inclusionary Ordinance, the applicant will be required to restrict 3 employee units for low-income households and pay an in-lieu fee for the remainder 0.6 units. As noted in Finding and Evidence #17, the applicant agreed to restrict 4 employee units, exceeding the Ordinance requirement. Condition of approval #5 will ensure that this requirement is implemented with the approval of the County's Housing and Redevelopment Office and the Planning and Building Inspection Department.

Contentions of inconsistency with the Big Sur Coast Land Use Plan (BSLUP)

Contention 5

Inconsistency with BSLUP policy 3.2.4.2, which states in part:

"New applicants, when selecting a building site, must consider the visual effects upon public views as well as the views and privacy of neighbors."

The appellant contends that the project directly affects her views and privacy.

Staff Response

Staff contacted the appellant by phone on June 11, 2002 to clarify this contention. The appellant noted that the proposed development would not be visible from her property and that the contention referred to potential development on parcel D. Development on parcel D is addressed under staff response to contention #3. On June 13, 2002, staff obtained authorization from the appellant to visit her neighboring property to assess potential adverse visual impacts. As described in response to contention 3, staff verified that any proposed development on parcel D would not have an adverse visual impact on the appellant's neighboring property.

Contention 6

Inconsistency with BSLUP policy 3.2.4.6, which states in part:

"New roads providing residential, recreational, or agricultural access will be considered only where it has been demonstrated that the use of existing roads is not feasible, ..."

The appellant contends that this requirement has not been shown.

Staff Response

The project includes the construction of one access driveway to the picnic area and parcel D. This new driveway is proposed because the use of the existing road would require development in an archaeological easement. To avoid this, the applicant will convert the existing dirt road over the archaeological easement to a foot path and build an all weather access driveway outside of the easement which will provide access and parking to the recreational area and access to parcel D. Although not originally included, a Finding of consistency with this policy has been added to this staff report. (See Finding and Evidence 22)

Contention 7

Inconsistency with BSLUP Environmentally Sensitive Habitats policy 3.3, which states in part:

"Essential roads are permitted in environmentally sensitive habitats provided that in each case there be a finding that no reasonable alternative exists, that no significant adverse impacts will result, and that such uses are in conformance with all other Plan policies."

The appellant contends that the required finding for this policy has not and cannot be made.

Staff Response

The proposed access driveway is not located in an environmentally sensitive habitat (Exhibits "F" and L, sheets O.3 and O.4), ; therefore this policy is not applicable to the access driveway.

Contention 8

Inconsistency with BSLUP Environmentally Sensitive Habitats policy 3.3.2.8, which states:

"New development adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with the protection and maintenance of the adjoining resources. New subdivisions shall be approved only where potential impacts to environmentally sensitive habitats from development of proposed parcels can be avoided."

The appellant contends that the project is inconsistent with this policy.

Staff Response

Proposed parcel D does not contain environmentally sensitive habitats (Exhibits "F" and L, sheets O.3 and O.4); therefore this policy is not applicable to the subdivision

Contention 9

Inconsistency with BSLUP Water Resources policy 3.4.3.B – Rivers and Streams:

The appellant contends that approval of the project defers measurement and adequacy of water resources for the project to a later date.

Staff Response

Prior to the application being deemed complete, two separate engineering reports (Exhibit "F") were prepared for this project to assess the adequacy of water resources and proposed uses. These reports demonstrated that the proposed project, with the improvements to the water and wastewater systems, would not result in any net increase of water resources on the property. Conditions have been required by the Monterey County Environmental Health Division and Water Resources Agency to monitor and ensure that water use does not exceed the projected amounts.

Contention 10

Inconsistency with BSLUP Forest Resources policies

The appellant contends that the site contains redwood trees and that the proposed project does not include provisions for the protection of nesting Condors on the subject property.

Staff Response

As stated in the biological report (Exhibit "F") prepared by the consulting biologist, and discussed in staff response to Contention 2, no nesting condors have been documented on the subject property.

Contention 11

Inconsistency with BSLUP Geologic Hazards policy 3.7.3.A.1, which states:

"All development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Applications for grading and building permits and applications for subdivisions shall be reviewed for potential impacts to on-site and off-site development arising from geologic and seismic hazards and erosion. Mitigation measures shall be required as necessary."

The appellant contends that no alternatives were analyzed for grading activities for the proposed project.

Staff Response

The policy requires that development be designed so as to minimize grading. In order to minimize grading, the proposed project was located in areas of the site where existing development and access roads exist. In addition, design of proposed buildings takes advantage of the surrounding topography and will require minimal ground disturbance, consistent with LUP policy 3.7.3.A.1. The construction of the access driveway to the recreational area and parcel D will require the greatest amount of grading, but development of this access road will not have a significant adverse impact and will better implement resource protection policies of the LUP by avoiding development in an Archaeological easement. Therefore, the proposed project is consistent with BSLUP policy 3.7.3.A.1.

Contention 12

Inconsistency with BSLUP Geologic Hazards policy 3.7.3.A.3, which states:

"All structures shall be sited a minimum of 50 feet from an identified active fault or potentially active fault. Greater setbacks may be required where it is warranted by local geologic conditions."

The appellant contends that "absent an EIR and careful geotechnical analysis" the proposed project is not consistent with this policy.

Staff Response

Following the preparation of the Initial Study for this project, staff concluded that although potential adverse impacts were identified, these impacts could be mitigated to a less than significant level. Consequently, and in accordance with CEQA guidelines sections 15060 and

15064, preparation of an EIR is not required. Geotechnical Soils–Foundation & Geoseismic and Engineering Geologic Investigation reports were prepared and analyzed during project review. The reports concluded that the sites were suitable for the proposed uses and the recommendations contained in the reports have been incorporated into the project as conditions of approval. Therefore, the proposed project is consistent with BSLUP policy 3.7.3.A.3.

Contention 13

Inconsistency with BSLUP Fire Hazard policy 3.7.3.B.4, which states:

“Roads serving new residential development shall be adequate to allow access by emergency vehicles while permitting evacuation of the area by residents.”

The appellant contends that the project is inconsistent with this policy because “[t]he road proposed for parcel D does not include access to the appellant’s neighboring parcel.”

Staff Response

The proposed access driveway is intended to serve parcel D. Consequently, it has been designed to meet fire access requirements for that parcel. The policy does not require that access roads for new residential development also provide access to neighboring parcels. Therefore, the proposed project is consistent with BSLUP policy 3.7.3.B.4.

Contention 14

Inconsistency with BSLUP Development Policy 5.4.2.2, which states:

“Development of any area of Big Sur will be limited to uses for that area illustrated on the plan map and to the use intensities described in the text. Uses not shown on the plan map or described in the text will not be permitted.”

The appellant contends that the project is inconsistent with this policy because the uses applied for are not illustrated in the plan map.

Staff Response

The proposed development is considered a visitor serving facility. The subject parcel is shown on the Land Use Plan map (Figure 1 of the Big Sur Coast Land Use Plan – North Section) as being located in a Watershed and Scenic Conservation zone. The text of the map includes visitor serving facilities as uses for this zone. In addition, the subject parcel includes a Rural Community Center designation where, according to the BSLUP, in general any use allowed in any zone is appropriate. Therefore the proposed project is consistent with BSLUP policy 5.4.2.2.

Contention 15

Inconsistency with BSLUP Development Policy 5.4.2.9, which states in part:

“The number of visitor-serving lodging units on any one site is limited to 30, reflecting the small scale character of the special Big Sur community. Two or more facilities on the same property shall not be contiguous (minimum separation 400 feet).”

The appellant contends that the project is inconsistent with this policy because the total number of inn units on the property would exceed the 30-inn limit established by this policy.

Staff Response

BSLUP Policy 5.4.2.9 limits the number of inn units to 30 on any one site. The policy allows additional inn sites on a property as long as there is a 400-foot distance between sites. The 10 newly proposed inn units will be located at the required 400-foot distance in compliance with the requirements of BSLUP Policy 5.4.2.9. Therefore, the proposed project is consistent with this LUP policy.

Contention 16

Inconsistency with BSLUP Development Policy 5.4.3.C.2, which states in part:

"Intensive visitor-serving projects (those over 5 units) will be required to enhance and/or provide public coastal recreational opportunities consistent with Coastal Act Sections 30212.5 and 30222 and all Plan policies."

The appellant contends that the project is inconsistent with this policy because "the proposed development fails to meaningfully provide these opportunities."

Staff Response

As stated in Finding and Evidence 2 of the staff report to the Planning Commission, the proposed project includes the offer to dedicate a trail segment in addition to a picnic site and an ADA parking space north of the proposed Parcel "D." Four other offers to dedicate trail easements have been recorded by the property owners fulfilling the requirements of the original Post Ranch Inn approval. None of these offers have been accepted to date. The proposed offers to dedicate in addition to the outstanding offers, and the proposed project elements aimed at providing public recreational opportunities are evidence of the project's consistency with BSLUP policy 5.4.3.C.2.

Contention 17

Inconsistency with BSLUP Development Policy 5.4.3.C.8, which states:

"Projects for new or extensively expanded recreation and visitor-serving facilities shall provide low-cost recreational facilities as part of the development. The establishment of low-cost hostels in Big Sur is encouraged as part of a comprehensive hostel system for the California coast."

The appellant contends that the project is inconsistent with this policy.

Staff Response

The proposed project includes non-fee access to trails, a picnic site, and an ADA parking space. Provision of these amenities adequately implements policy 5.4.3.C.8.

Contention 18

Inconsistency with BSLUP Development Policy 5.4.3.E.8, which states:

"Renewal of use permits for existing commercial uses or the establishment of new uses will require careful consideration of the impact of the use on surrounding land from a good neighbor point of view. Particularly where commercial activities are in proximity to residences, care must be taken to ensure that noise or visual modification do not affect the peace and tranquility of existing neighbors."

The appellant contends that the project is inconsistent with this policy because no impacts to her property from the proposed parcel D were assessed.

Staff Response

Policy 5.4.3.E.8 applies to commercial uses which are in proximity to residences. Parcel D is restricted to hold one residential unit. No commercial uses are allowed on parcel D. Consequently, this policy does not apply to parcel D.

Contention 19

Inconsistency with BSLUP Development Policy 5.4.3.E.8, which states:

"Renewal of use permits for existing commercial uses or the establishment of new uses will require careful consideration of the impact of the use on surrounding land from a good neighbor point of view. Particularly where commercial activities are in proximity to residences, care must be taken to ensure that noise or visual modification do not affect the peace and tranquility of existing neighbors."

The appellant contends that the project is inconsistent with this policy because no impacts to her property from the proposed parcel D were assessed.

Staff Response

Policy 5.4.3.E.8 applies to commercial uses which are in proximity to residences. Parcel D is restricted to hold one residential unit. No commercial uses are allowed on parcel D. Consequently, this policy does not apply to parcel D.

Contentions of inadequacy of the conditions of approval

Contention 20

The appellant contends that Conditions 4, 5, 6, 9, 14, 17, 20, 23, 39 and 53 through 61 are inadequate because they have not been subject to public review, debate, or input.

Staff Response

All conditions of approval contained in the staff report to the Planning Commission were discussed at properly noticed public hearings before the Monterey County Minor Subdivision Committee on April 25, 2002 and before the Monterey County Planning Commission on May 8, 2002.

Contention 21

The appellant contends that Condition 13 is inadequate because it suggests that future development of the property will only have to comply with the reports already prepared.

Staff Response

Condition 13 is a requirement to record all reports prepared for the subject properties. The condition requires that the recommendations of the reports be followed in all future development, but it does not indicate that those recommendations constitute the only requirements of future development. Furthermore, condition #53 requires that a note be recorded to specifically state:

“Future single family residences on the new lots will be subject to review and permit approval by the Monterey County Planning and Building Inspection Department.”

Contention 22

The appellant contends that Condition 15 is inadequate because it relates to an envelope that has not yet been established.

Staff Response

Condition 15 should be read in conjunction with Condition 14 which requires the identification of potential building envelopes for the proposed parcel D. Following the establishment of the building envelope(s) Condition 15 requires that a note be recorded stating the restrictions on development outside the building envelope. Therefore, Condition 15 is adequate.

Contention 23

The appellant contends that Condition 30 is inadequate because it suggests that water is or may be a problem for the employee units and if so, the project should be revisited.

Staff Response

The existing laundry facilities at the employee housing consist of three washing machines. The water use analyses and reports accounted for these facilities. Condition 30 was included to ensure that the water system had enough capacity should any additional laundry facilities (washing machines) be placed at the employee housing units. Condition 30 is adequate because it ensures that any water use beyond that approved for the proposed project be subject to the approval of the Division of Environmental Health.

Contention 24

The appellant contends that Condition 32 is inadequate because it is “vague, ambiguous and standardless.”

Staff Response

Condition 32 clearly states that the applicant must provide for any necessary easements or rights-of-way. Therefore, Condition 32 is adequate.

Contention 25

The appellant contends that Condition 34 is inadequate because it suggests that no mitigation is necessary for excess water use if the applicant finds mitigation infeasible.

Staff Response

Staff concurs with the appellant. Condition 34 will be modified to read as follows:

The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. If there is an increase in water use, the applicant shall identify and implement mitigation measures subject to the approval by the Water Resources Agency. (Water Resources Agency)

Contention 26

The appellant contends that Condition 35 is inadequate because it puts no obligation on the developer to keep and maintain such logs.

Staff Response

Staff concurs with the appellant. Condition 35 will be modified to read as follows:

The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available prior to the date of this approval, and the number of current hookups. If no well logs are available, the applicant shall keep and maintain logs for each well on the property, with monthly records at minimum. Annual reports of well logs shall be submitted to the Water Resources Agency. (Water Resources Agency)

Contention 27

The appellant contends that Condition 39 relating to sludge removal is inadequate because it is "vague, ambiguous and not subject to measurement, analysis of impacts or meaningful public input." Furthermore, the appellant contends that transportation and circulation demands for sludge removal are inadequately addressed in the plans

Staff Response

Condition #39 relates to the removal of sludge from existing or proposed septic tanks, or from the treatment plant. The Monterey County Health Department derives its authority to regulate the removal of sludge from septic tanks or package treatment plants in Chapter 15.20 of the Monterey County Code. Septic tanks and package treatment plants are required to have the sludge removed by a licensed hauler in order to maintain the system. The haulers are licensed and inspected annually by the Health Department. On the average home, septic tanks are pumped out every 3 to 5 years. However, the amount of sludge and time intervals between pumping is dependant on many variables. For example, the size of the tank, the sewage loading rate and the type of materials flushed into the tank can either shorten or lengthen the frequency of pumping. These same variables apply to package treatment plants as well. The specificity that is being requested by the appellant is hard to quantify based on these variables. Certainly, the truck trips associated with sludge removal from the facility will have no impact on the transportation or circulation demands of the project since they probably would not add up to more than one or two truck trips per year. Therefore, Condition 39 is adequate.

Contention 28

The appellant contends that Condition 46 is inadequate because it is limited in that it fails to mention many of the species identified as potentially affected by this project including the California condor. The appellant contends that the consulting biologist "concedes that condors nest on the property.

Staff Response

Condition 46 is broad in that it includes all birds "with likelihood to nest onsite". Furthermore, the condition specifically lists several species that should be targeted because of their likelihood to nest on the property per the recommendations of the consulting biologist. Contrary to the appellant's contention regarding nesting condors, the biological report states: "The birds are too young to breed, and no roosting has occurred on the subject properties since 1999" (Biological Report, page 25). Therefore, condition 46 is adequate.

Contentions of Findings that are not supported by substantial evidence**Contention 29**

The appellant contends that Finding 3 regarding significant effects on the environment is not sustained by the record and that the standards necessary for a negative declaration cannot be sustained.

Staff Response

In accordance with CEQA guidelines section 15070, and having considered the record as a whole, staff concluded that although potential adverse impacts to the environment had been identified in the initial study, these potential impacts could be mitigated to a less than significant level. Consequently, the preparation of a mitigated negative declaration is adequate and fully supports Finding 3. The appellant contends that impacts to the California condor were not assessed. As noted in staff responses to contentions 2, 10, and 28, and as discussed in the biological report, there are no potential adverse impacts to the California condor. The appellant does not provide any evidence based on facts that would alter staff determination of the effects of the project on the environment.

Contention 30

The appellant contends that Findings 5 and 9 regarding suitable building sites on parcel D cannot be sustained.

Staff Response

See staff response to contention 5.

Contention 31

The appellant contends that Finding 10 "cannot be made because the project fails to conform to the good neighbor policies of the plan and has direct impacts on appellant's safety, comfort and welfare."

Staff Response

See staff response to contention 5.

Contention 32

The appellant contends that Finding 13 regarding the transfer of development credit, "makes no sense and suggests uncertainty as to the status of the Big Sur Land Use plan."

Finding 13 states:

The new development provided on the receiver site meets the septic, viewshed protection, resource protection, water supply, and geologic safety criteria specified in the Big Sur

Coast Land Use Plan although the land use designation and zoning may have been amended to accommodate the receipt of the TDCs.

Staff Response

It appears that the appellant is misinterpreting the BSLUP policies regarding the transfer of development credits (TDC). The language of finding 13 is contained in the Monterey County Coastal Implementation Plan, Part 1 (Zoning Ordinance – Coastal Zone, Title 20). It is a required finding when there is a receiver site designated under the TDC program. The intent of the TDC program is to allow residential development on an eligible receiver site even if it exceeds the requirements of the Land Use Plan and zoning. In this project, parcel A qualified as a receiver site and consequently the required finding was made.

Contention 33

The appellant contends that Finding 17 regarding inclusionary housing “is not supported by the evidence.”

Staff Response

See staff response to contention 4.

Contention 34

The appellant contends that Finding 19 is legally insufficient.

Staff Response

Finding 19 states:

“The proposed project conforms to the Development Standards for Environmentally Sensitive Habitats of the Coastal Implementation Plan.”

The appellant bases her contention on generalities without stating which section of the Implementation Plan the project is inconsistent with that would make Finding 19 legally insufficient. Based on the record and staff analysis, the project was not found to be inconsistent with any section of the Coastal Implementation Plan dealing with Development Standards for Environmentally Sensitive Habitats. Therefore, Finding 19 is adequately supported by the evidence.

Contention 35

The appellant contends that Finding 22 (Finding 23 of this staff report) does not provide linkage to evidence.

Staff Response

Finding 22 of the Planning Commission resolution states:

“For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.”

The first evidence for finding 22 states the specific resources which would potentially be impacted by the proposed project, namely “the plant Seacliff Buckwheat (*Eriogonum parvifolium*), host plant for the endangered species Smith’s Blue Butterfly (*Euphilotes enoptes smithi*), and the threatened California Red Legged Frog (*Rana aurora draytonii*) in addition to other ESHAs present on the project site.” Therefore, finding 22 is properly supported by the evidence.

RECOMMENDED CONDITIONS OF PROJECT APPROVAL

1. The subject Combined Development Permit includes Assessor's Parcel Numbers 419-311-034-000 (Parcel A, 96.8 acres), 419-311-035-000 (Parcel B, 12.4 acres) and 419-311-036-000 (Parcel C, 12.8 acres), and consists of: 1) a Coastal Development Permit each for a Minor Subdivision and Lot Line Adjustment, reducing Parcel A by 4.2 acres to 92.6 acres, reducing Parcel B by .3 acres to 12.1 acres, reducing Parcel C by 1 acre to 11.8 acres, and creating the new 5.5 acre Parcel D (Parcel D is allowed pursuant to a previously approved permit PLN980453, transfer of development right for one residential unit); 2) a Coastal Development Permit on Parcel A for ten new inn units (5,630 square feet), receipt of one residential development credit from donor project (PC95107), twenty-four new employee housing units (14,556 square feet), yoga/exercise/spa (4,740 square feet), a mercantile/gallery (2,500 square feet), a service building (6,300 square feet), and a maintenance/shop (2,800 square feet); 3) a Coastal Development Permit on Parcel A for wastewater system improvements and an amended water system permit; 4) a General Development Plan; and 5) a Design Approval for 150,000 gallon water tank site on Parcel C. The Combined Development Permit on Parcel A includes grading of 6,243 cubic yards of cut and 5,928 cubic yards of fill, drainage, erosion control, landscaping, habitat restoration and protection, relocation of parking areas, increased and improved public access trails and recreation areas and demolition of the existing pool, adjacent structures and Quonset buildings and relocation of firewood storage shed. The property is located approximately 26 miles south of Carmel, west of Highway 1, at Post Ranch, Big Sur area, Coastal Zone. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to recordation of a Parcel Map

2. The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such

participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, or filing of the parcel map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection)**

3. Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. **This fee shall be paid within five days of project approval**, before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection)**
4. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan. The Plan shall be submitted to the Director of Planning and Building Inspection Department for approval prior to recordation of a parcel map. **(Planning and Building Inspection)**
5. Prior to the recordation of the Final Map, the project developers shall comply with the County's **Inclusionary Housing Ordinance** by executing an Inclusionary Housing Agreement with the County that deed restricts four (4) of the proposed 24 new employee housing units requiring that they be rented to low income households in conformance with the County's Inclusionary Housing Program. This condition shall not be considered complied with until written confirmation is received by the Planning Department from the Housing and Redevelopment office. **(Housing and Redevelopment Office)**
6. A **conservation easement** shall be conveyed to the County over those portions of the property where sensitive habitat areas have been identified as shown on sheet 0.4 of the plans attached as Exhibit "K" on the staff report to the Board of Supervisors. Conservation easement deed to be submitted to and approved by Director of Planning and Building Inspection prior to filing of the final map. **(Planning and Building Inspection Department)**
7. Requirements for the construction of offsite and onsite improvements shall be noticed by a statement on the parcel map, on the instrument evidencing the waiver of the parcel map, or by a separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The statement shall include that "construction of improvements shall be required before a permit or other grant or approval for development may be issued." All additional information, as described in Section 66434.2 of the Government Code, required to be filed or recorded with the parcel map shall include a

statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. **(Planning and Building Inspection)**

8. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
9. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
10. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "The water tank shall be painted an earth tone color to blend into the area, subject to the approval of the Director of Planning and Building Inspection. Color to be approved prior to the issuance of building permits." **(Planning and Building Inspection)**
11. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the parcel map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**
12. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

13. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "The following reports have been prepared on this property: Archaeological survey prepared by Archaeological Consulting, dated August 15, 2000 updated by a September 10, 2001 letter by Gary S. Breschini, Ph.D; Biological report prepared by Jeff Norman, Consulting Biologist, dated September 6, 2001; Engineering Geologic Investigation prepared by Steven Bond and Associates, Inc., dated September 4, 2001; Geotechnical Soils-Foundation and Geoseismic Reports prepared by Grice Engineering and Geology, Inc., dated August, 2001; Percolation and Groundwater Study for Parcel "D" prepared by Grice Engineering and Geology, Inc., dated August, 2001; Traffic Analysis and Facilities Trip Reduction Plan prepared by Higgins Associates and Post Ranch Inn, dated September, 2001; Engineering Report, Water, Wastewater & Drainage Improvement Plan prepared by Fall Creek Engineering, Inc., dated September 10, 2001; and Hydrology Report prepared by Fall Creek Engineering, Inc., dated December, 2001. These reports are on file in the Monterey County Planning and Building Inspection Department. The recommendations contained in said reports shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Public Works)**
14. Potential building envelopes shall be identified for development in Parcel "D". Prior to recordation of the parcel map, envelopes shall be appropriately staked and flagged to assess potential adverse visual impacts and shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
15. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "No structures, roads (except to provide for a septic system in the scenic easement area and other uses allowed under the terms and conditions of the recorded scenic easement), animal grazing, vegetation removal (except in accordance with a County approved restoration plan), or other activities may take place outside of the building envelope for the Parcel "D"." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
16. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "All development on the parcels shall have a drainage and erosion control plan prepared by a registered civil engineer to address on-site and off-site impacts." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
17. The site shall be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a plan for such improvements be approved by the Director of Planning and Building Inspection. Landscaping plans to be approved by the Director of Planning and Building Inspection prior to recordation of the parcel map or the issuance of building permits. A note shall be included on a separate sheet of the parcel map, or by separate document that shall

indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "A landscape plan has been approved by the Director of Planning and Building Inspection." This note shall also be included on all improvement plans and applicable permits. **(Planning and Building Inspection)**

18. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "The subdivider and subsequent property owners shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction include, but are not limited to:

- All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.5 gallons; all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
- Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices."

This note shall also be included on all improvement plans. **(Planning and Building Inspection and Water Resources Agency)**

19. The applicant shall obtain an amended water system permit from the Division of Environmental Health prior to filing the final map. **(Environmental Health)**

20. The applicant shall design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements and any associated fees to the Director of Environmental Health for review and approval prior to installing the improvements. Plans shall detail water system and wastewater system to ensure that no cross-connections are created. **(Environmental Health)**

21. The applicant shall design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation of water system improvements. **(Environmental Health)**

22. The developer shall install the water system improvements to the new parcel and any appurtenances needed prior to filing the final parcel map. **(Environmental Health)**

23. The applicant shall submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey

County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. **(Environmental Health)**

24. The applicant shall record a notice that states: "A permit (Resolution _____) was approved by the Board of Supervisors for Assessor's Parcel Numbers 419-311-034-000, 419-311-035-000 and 419-311-036-000 on June 25, 2002). The permit was granted subject to 61 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Alternatively, this note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits, recording of the parcel map, or commencement of the use. **(Planning and Building Inspection)**

Prior to Issuance of Demolition, Building and/or Grading Permits:

25. The applicant shall obtain an amended water system permit from the Division of Environmental Health. **(Environmental Health)**
26. The applicant shall obtain a Waste Discharge Permit from the Regional Water Quality Control Board for a wastewater treatment plant and disposal system. The permit shall be obtained prior to irrigation of the landscaping with wastewater and prior to the issuance of any Health Department permits for the sewage treatment facility. **(Environmental Health)**
27. Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the Director of Environmental Health and the Regional Water Quality Control Board. **(Environmental Health)**
28. The applicant shall obtain a septic permit from the Division of Environmental Health and install a septic disposal system meeting the standards per Chapter 15.20 of the Monterey County Code. **(Environmental Health)**
29. Plans for the new pool shall be submitted to the Environmental Health Consumer Protection Branch for review and approval. **(Environmental Health)**
30. Prior to the issuance of building permits for new employee housing units, the applicant shall provide evidence to the Monterey County Department of Environmental Health that the water system has the additional capacity needed for employee laundry facilities. **(Environmental Health)**
31. The applicant shall file parcel map delineating all existing and required easements or rights of way and monument new lines. **(Public Works Department)**
32. The applicant shall provide for all existing and required easements or rights of way. **(Public Works Department)**

33. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. **(Water Resources Agency)**
34. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. If there is an increase in water use, the applicant shall identify and implement mitigation measures subject to the approval by the Water Resources Agency. **(Water Resources Agency)**
35. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available prior to the date of this approval, and the number of current hookups. If no well logs are available, the applicant shall keep and maintain logs for each well on the property, with monthly records at minimum. Annual reports of well logs shall be submitted to the Water Resources Agency. **(Water Resources Agency)**
36. All new guest units shall be connected to the same fire alarm system installed for the existing guest units. The applicant shall submit to the Carmel CDF and to the director of Planning and Building Inspection Department for approval, plans showing the alarm system for the new guest units.

Prior to Final Building Inspection/Occupancy:

37. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
38. All employee housing improvements shall comply with Division 13, Part 1 of the California Health and Safety Code (Employee Housing Act). Obtain an employee-housing permit from the Division of Environmental Health, Consumer Health Protection Branch. Please call (831) 755- 4508 for more information. **(Environmental Health)**
39. Sludge shall be removed off-site to a suitable location approved by the Director of Environmental Health. **(Environmental Health)**
40. Wastewater applied for landscape irrigation shall meet or exceed the requirements of Title 22, Division 4, Chapter 3 of the California Code of Regulations or subsequently amended rules and regulations of the Department of Health Services. Specifically, water used for irrigation shall meet the standards of Section 60304 (Use of Recycled Water for Irrigation) & 60310 (Use Area Requirements) of the California Code of Regulations. Surface irrigation of recycled water may not be used within 100 feet of a residence or food service establishment, regardless of the treatment process used. **(Environmental Health)**

Conditions from the Mitigated Negative Declaration

41. **(Mitigation Measure 1)** In order to maintain air quality levels that are safe to sensitive receptors, such as nearby residential uses, the applicant shall implement the following measures to ensure that construction activities create minimum adverse air quality impacts:
1. Post the project at two locations with a publicly visible sign during construction operations that specifies the telephone number and person to contact for complaints and/or injuries on dust generation and other air quality problems resulting from project construction.
 2. All unpaved construction areas shall be sprinkled with water (at least twice per day) during grading activities.
 3. Apply non-toxic tackifier, or other suitable cover (such as jute netting, erosion control fabric, mulch, etc.), to exposed areas immediately after cut-and-fill operations are complete.
 4. Trucks hauling dirt and debris must be covered.
 5. Immediately sweep up spilled dirt or debris onto paved surfaces.
 6. Cover on-site stockpiles of excavated materials.
 7. Vacuum (e.g. road sweeper/vacuum) construction-related soils on paved roads whenever soils are visible.

MONITORING ACTIONS:

Prior to issuance of building permits, the applicant shall provide the Director of Planning and Building Inspection photographs and locations of the posting per item 1 above.

Prior to issuance of building permits, the applicant shall provide the Director of Planning and Building Inspection written certification regarding how items 2-7 above will be implemented during construction.

During construction, the contractor shall keep a daily log of each activity performed including dates and photographs, as necessary. Monthly reports shall be submitted to the Director of Planning and Building Inspection for approval. Failure to submit a report shall cause all work to be stopped until the report is received and approved by the Planning and Building Inspection Department

42. **(Mitigation Measure 2)** In consultation with a licensed landscape architect and a qualified biologist, the applicant shall implement the restoration plan for Seacliff buckwheat contained in and in accordance with the guidelines of the revegetation plan prepared by J. Janecki & Associates.

MONITORING ACTION: **Prior to final inspection**, the *qualified biologist* shall submit to the Monterey County Planning and Building Inspection Department written certification that the required planting has been performed in accordance with the revegetation plan.

43. (Mitigation Measure 3) The applicant shall prepare a monitoring plan specifically for the revegetation and restoration areas as indicated in this Initial Study. The plan shall include an establishment period of three years from the time of planting with a subsequent 5-year monitoring period.

MONITORING ACTIONS: Prior to issuance of grading or building permits, the *applicant* shall submit to the Monterey County Planning and Building Inspection Department a detailed monitoring plan that satisfies the mitigation requirements of the biological report prepared by Jeff Norman, including success criteria and contingency planning if those criteria are not met.

During the establishment period and at the end of the 5 year monitoring period, the applicant shall submit to the Monterey County Planning and Building Inspection Department for approval annual reports on the progress and status of the revegetation.

44. (Mitigation Measure 4) Fire and construction clearance around existing and proposed units shall retain as much buckwheat as possible while clearing other vegetation. The applicant shall retain a qualified biologist to prepare a training/educational plan for the maintenance employees of Post Ranch. The plan must include elements about appearance and importance of buckwheat, avoiding any contact with buckwheat, and procedures for removal of existing planted oaks and sycamore, specifically downslope of Cliff Unit A.

MONITORING ACTIONS: Prior to issuance of building permits, the *applicant* shall submit the plan to the Monterey County Planning and Building Inspection department for approval. Prior to construction the *qualified biologist* shall perform training sessions in accordance with the training plan. Attendants to the training sessions shall demonstrate to the satisfaction of the qualified biologist that they can identify sensitive resources and how to protect them. Prior to construction, the *qualified biologist* shall provide written certification to the Director of Planning and Building Inspection that the training has been performed.

45. (Mitigation Measure 5) In consultation with a qualified biologist, the applicant shall ensure that no Seacliff Buckwheat plants are damaged during construction activities.

MONITORING ACTIONS: Prior to construction, the applicant shall retain a qualified biologist to inspect and mark seacliff buckwheat plants in the areas where vegetation clearance is to occur and to supervise land clearance and construction operations in those areas where seacliff buckwheat is present. If, during construction, any seacliff buckwheat plants are damaged or removed, the qualified biologist shall document the occurrence and recommend immediate mitigation actions. Prior to final inspection, the *qualified biologist* shall submit a report to the Monterey County Planning and Building Inspection department to include any additional mitigation required or implemented and certifying that operations were carried out in accordance with this mitigation measure.

46. (Mitigation Measure 6) The applicant shall ensure that pre-construction surveys for nesting raptors, bats and other birds with likelihood to nest onsite are conducted by qualified wildlife biologists during the nesting season.

MONITORING ACTION: Prior to construction, from March to the end of July, the applicant shall retain one or more qualified biologists to carry out pre-construction survey

targeted on California spotted owl, purple martin, western bluebird, Cooper's hawk, white-tailed kite, olive-sided flycatcher, Yuma myotis, long-legged myotis, small-footed myotis, fringed myotis, long-eared myotis and pallid bat. If one or more nests are discovered, the applicant shall retain a qualified wildlife biologist to establish an appropriate buffer zone (up to 300' for raptors) and monitor construction activities in these areas during the nesting period.

47. **Mitigation Measure 7:** The applicant shall retain a qualified professional archaeologist to monitor construction activities to ensure the protection of archaeological resources.

MONITORING ACTIONS: During Construction, if archaeological resources or human remains are accidentally discovered, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by the archaeologist. If the find is determined to be significant by the archaeologist, appropriate mitigation measures shall be formulated and implemented. If human remains are encountered, the Monterey County Coroner shall be notified, as required by law.

Prior to final inspection, the *qualified professional archaeologist* shall submit to the Director of Planning and Building Inspection Department written certification that no archaeological resources were found during construction or that appropriate mitigation measures were implemented for archaeological resources found during construction.

48. **Mitigation Measure 8** All proposed structures shall be reinforced to withstand seismic shaking posed by the property's proximity to faults.

MONITORING ACTION

Prior to issuance of building permits, the applicant shall submit to the Planning and Building Inspection Department engineering plans showing seismic and lateral loads for the structures consistent with appropriate UCB codes.

49. **Mitigation Measure 9:** Construction activities shall be restricted between the hours of 7:00 a.m. and 6:00 p.m.

50. **Mitigation Measure 10:** The applicant shall implement the Facilities Trip reduction Plan subject to the approval of the Department of Public Works, consisting of:

- a. Provide ridesharing, public transportation and nearby (within one mile) licensed child care facilities information to tenants as part of move-in materials. A draft informational packet must be provided as part of the project's approval review.
- b. Print transit schedule information on all promotional materials for the project. Draft printed transit schedules shall be provided as part of the project's approval review.
- c. Provide pedestrian facilities linking transit stops to common areas.
- d. Provide transit scheduling information quarterly to employees.
- e. Provide site amenities that reduce the need for vehicle trips based on documentation of trip reduction.
- f. Provide an internal shuttle service and shuttle parking areas within the PRI and to and from Highway 1.
- g. Provide an information package/brochure aimed at informing the PRI guests and employees of the facility's transportation and environmental concerns including:

provisions for shuttle service, availability bicycle parking facilities, map of the internal roadway network and information regarding external transit services to nearby recreational and visitor serving facilities.

MONITORING ACTIONS

Prior to issuance of building permits, the applicant shall submit a draft informational packet of item "a" to the Monterey County Public Works Department for approval.

Prior to final inspection, the applicant shall provide the Monterey County Public Works Department written and visual certification (samples of brochures, photographs of facilities constructed, etc) that each item ("a" thru "g" above) has been implemented.

51. **Mitigation Measure 11:** The applicant shall implement the circulation, parking and trails plan (Sheet 0.6 of submitted plans) including bicycling parking facilities in the vicinity of the employee housing units and new Central Services Building.

MONITORING ACTION

Prior to final inspection, the applicant shall provide written certification to the Monterey County Public Works Department that the circulation, parking and trails plan is fully operational.

52. **Mitigation Measure 12:** Subject to the approval by Caltrans, the applicant shall perform the following improvements to the Post Ranch driveway/Highway 1 intersection.

- a. Install a limit line on the Post Ranch driveway.
- b. Install a Type "N" marker on the far side of Highway 1 opposite the Post Ranch driveway.

MONITORING ACTION

Prior to final inspection, the applicant shall provide written and/or visual certification to the Monterey County Public Works Department that the intersection improvements have been completed and are fully operational.

Continuous Permit Conditions:

53. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for all development. Fees shall be paid at the time of submittal of the landscape plan. The landscaping plan shall be in sufficient detail to identify the location, specie and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate for the cost of installation. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department." (**Planning and Building Inspection**)

54. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as

follows: "Future single family residences on the new lots will be subject to review and permit approval by the Monterey County Planning and Building Inspection Department." **(Planning and Building Inspection)**

55. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
56. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "All development shall comply with the drainage and erosion control provisions of the Monterey County Code." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Water Resources Agency)**
57. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "That the location, type and size of all antennas, satellite dishes, towers, and similar appurtenances be approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection)**
58. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled." **(Planning and Building Inspection)**
59. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. **(Planning and Building Inspection)**
60. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition." **(Planning and Building Inspection)**
61. Prior to beginning work, evidence shall be submitted to the Monterey County Planning & Building Inspection Department that clearance and permits have been obtained or have been applied for from the following agencies **(Planning and Building Inspection)**:
 - California Department of Fish & Game
 - U.S. Fish and Wildlife Service

PASSED AND ADOPTED this 25th day of June, 2002, upon motion of Supervisor Potter, seconded by Supervisor Pennycook, and carried by the following vote, to-wit:

AYES: Supervisors Armenta, Pennycook, Calcagno, Johnsen and Potter.

NOES: None.

ABSENT: None.

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 71 on June 25, 2002.

DATED: June 25, 2002

SALLY R. REED, Clerk of the Board
of Supervisors, County of Monterey, State of
California

By: 

Deputy