

Attachment B

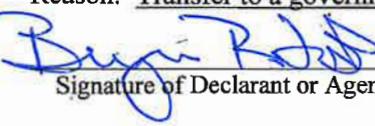
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When recorded return to:
COUNTY OF MONTEREY HOUSING
AND COMMUNITY DEVELOPMENT
DEPARTMENT - PLANNING
Attn: **MARY ISRAEL**
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Owner Name: Bryan Roberts and Adrienne D. Roberts, Trustees of The Roberts Family 2008 Trust
Permit No.: PLN230064
Resolution No.: 24-006
APN: 418-111-012-000
Project Planner: Mary Israel

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


Signature of Declarant or Agent

CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

THIS DEED made this 22nd day of OCTOBER, 2025, by and between **Bryan Roberts and Adrienne D. Roberts, Trustees of The Roberts Family 2008 Trust** as Grantor, and the **COUNTY OF MONTEREY**, a political subdivision of the State of California, as Grantee,

WITNESSETH:

WHEREAS, said Grantor is the owner in fee of the real property more particularly described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey County, California (hereinafter the "Property"); and

WHEREAS, the Property of said Grantor has certain natural scenic beauty and existing openness; and

WHEREAS, the Grantor and the Grantee desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of the Property of the Grantor; and

WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the "Act") requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program (LCP); and

WHEREAS, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and

WHEREAS, a **Combined Development Permit** (File Number **PLN230064**) (hereinafter referred to as the "Permit") was granted on **March 27, 2024** by the **Monterey County Planning Commission** pursuant to the Findings, Evidence and Conditions contained in **Resolution No. 24-006**. That resolution is attached hereto as Exhibit "B" (without plans) and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

Condition No. 10 CRITICAL VIEWSHED BIG SUR: To protect the Big Sur Critical Viewshed from potential future development and protect environmentally sensitive habitats, in accordance with Monterey County Coastal Implementation Plan sections 20.145.030.A.2 (g) and (h), and Big Sur Coast Land Use Plan Policy 3.3.2.3, the applicant shall record a Conservation and Scenic Easement over those portions of the subject parcel that are in the critical viewshed and where the environmentally sensitive coastal bluff and sage scrub are, subject to review and approval of HCD-Planning and the review and approval by the Board of Supervisors. The easement area shall encompass all of the existing 2.56 acre Parcel B. The existing walking path and approved stormwater line shall be allowable within the easement area. Conservation and scenic easement shall protect environmentally sensitive habitat areas, including the existing bluff and sage scrub, and shall protect the Big Sur Critical Viewshed by prohibiting new development within the easement area.

WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in the Resolution granted the Permit to the Grantor upon condition (hereinafter the "Condition") described above requiring inter alia, that the Grantor record a conservation and scenic easement (hereinafter "easement") over the Property as shown in Exhibit "C" attached hereto and

hereby incorporated by reference, and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the Property were not restricted in accordance with this easement; and

WHEREAS, the County has placed the Condition on the permit because a finding must be made under the law that the proposed development is in conformity with the provisions of the certified Local Coastal Program and that in the absence of the protections provided by the Condition said finding could not be made; and

WHEREAS, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the Permit; and

WHEREAS, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

WHEREAS, the said Grantor is willing to grant to the County of Monterey the conservation and scenic use as herein expressed of the Property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantor through the imposition of the conditions hereinafter expressed;

NOW, THEREFORE, the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said Property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's Property the various acts hereinafter mentioned.

A. **PROPERTY SUBJECT TO EASEMENT.** The Property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described and depicted in

Exhibit "C", attached hereto, and made a part hereof, hereinafter referred to as the "Conservation and Scenic Easement Area".

B. RESTRICTIONS. The restrictions hereby imposed upon the use of the Conservation and Scenic Easement Area by the Grantor and the acts which said Grantor shall refrain from doing upon the Conservation and Scenic Easement Area in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said Conservation and Scenic Easement Area.

2. That no advertising of any kind or nature shall be located on or within the Conservation and Scenic Easement Area.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area, except the native sage scrub.

4. That, except for the maintenance of public roads, public and private pedestrian trails including the existing walking path, and the approved stormwater line, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.

5. That no use of the Conservation and Scenic Easement Area which will or does materially alter the landscape or other attractive scenic features of said Property other than those specified above shall be done or suffered..

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement:

1. The right to maintain all existing walking path and approved stormwater line upon the Conservation and Scenic Easement Area.

2. The use and occupancy of the Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.

3. Management of vegetation within the Conservation and Scenic Easement Area in accordance with the Fuel Management Plan approved with the Permit on file with the Monterey County Planning Department.

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

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the Property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the Property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Property contrary to the terms of this grant of easement will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the Property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind

whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in upon, or in any way connected with the Property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Conservation and Scenic Easement Area is strictly limited to preventing uses inconsistent with the interest granted, the Property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

K. SEVERABILITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 22nd day of OCTOBER, 2025, at PALO ALTO, California.

The Roberts Family 2008 Trust

By: 
(Signature)

Bryan Roberts, Trustee
(Print or Type Name and Title)

By: 
(Signature)

Adrienne D. Roberts, Trustee
(Print or Type Name and Title)

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

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

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

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

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

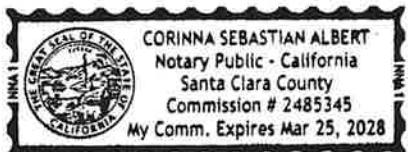
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Santa Clara)
On October 22, 2025 before me, Corinna Sebastian Albert, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Adrienne D. Roberts
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature  Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ **Document Date:** _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated **March 27, 2024** from **Bryan Roberts and Adrienne D. Roberts, Trustees of The Roberts Family 2008 Trust** to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on _____, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on _____) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: _____

Chris Lopez
Chair, County of Monterey Board of Supervisors

ATTEST:

DATED: _____

Valerie Ralph
Clerk of Said Board

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

STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

Approved as to form:
Susan K. Blitch, County Counsel

By: _____

DATED: 10-30-25

Type/Print Name: Robert I. Brayer, Deputy County Counsel

**EXHIBITS TO BE ATTACHED TO:
CONSERVATION AND SCENIC EASEMENT DEED**

1. **EXHIBIT "A":** Full legal description of the entire property for which a Development Permit was granted. The legal description may be obtained from a grant deed or title report for the property. A parcel number will not be accepted as a legal description.
2. **EXHIBIT "B":** A copy of Monterey County Resolution granting the Development Permit.
3. **EXHIBIT "C":** An official surveyor's map, parcel map or plot plan, accompanied by a metes and bounds description, prepared by a licensed surveyor, showing the exact location of the easement on the property. Exhibits shall be marked as C-1, C-2, etc.

"ANY EXHIBIT(S) MUST BE NO LARGER THAN 8 1/2" X 14"

EXHIBIT "A"

(PLN230064)

**REAL PROPERTY SITUATE IN THE UNINCORPORATED AREA OF THE COUNTY OF MONTEREY,
STATE OF CALIFORNIA IN SECTION 6, TOWNSHIP 18 SOUTH, RANGE 1 EAST, MOUNT DIABLO
BASE & MERIDIAN, DESCRIBED AS FOLLOWS:**

Beginning at a 4"x4" Redwood post marked "F.G.W." standing on the westerly boundary of State Highway No. 1, said Point of Beginning being Engineer's Station 266+91.78 from which bears North 38° 45' 24" West 4724.30 feet a township corner post marked "T.17S., R.1E., S 31 and T. 18 S, R. 1 E., S 6" and running thence:

- 1) Along said westerly boundary of State Highway No. 1 South 10° 53' 30" East, 232.62 feet to a 4" x 4" post; thence
- 2) Leaving said westerly boundary, South 81° 03' West, 249.00 feet to a 4" x 4" post; thence
- 3) North 80° 12' West, 170.45 feet to a 4" x 4" post; thence
- 4) North 79° 46' West, 169.04 feet to the Ordinary High Tide of the Pacific Ocean; thence
- 5) Along and following said High Tide Line northerly and easterly to a point where said tide line intersects the southerly boundary line of the lands of the Carmel Land Co., and or Paul Flanders; thence
- 6) Along said southerly boundary line of the lands of said Carmel Land Co., and or Paul Flanders, 209.62 feet easterly to the intersection of said southerly boundary with the westerly line of the aforesaid State Highway No. 1; thence
- 7) Along said westerly line of said State Highway No. 1, 261.50 feet easterly and southerly to the **Point of Beginning**.

Containing 4.147 acres.

EXHIBIT B

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

In the matter of the application of:

ROBERTS BRYAN & ADRIENNE D TRS (PLN230064)

RESOLUTION NO. 24-006

Resolution by the County of Monterey Planning Commission:

- 1) Finding that the project qualifies for Class 1 and 5 Categorical Exemptions pursuant to CEQA Guidelines sections 15301 and 15305, and that none of the exceptions from CEQA Guidelines 15300.2 apply; and
- 2) Approving a Combined Development Permit consisting of a:
 - a. Coastal Development Permit to allow a Lot Line Adjustment to merge two parcels resulting in a single 4.15 acre parcel;
 - b. Coastal Administrative Permit and Design Approval to allow:
 - i. the remodel, partial demolition and minor of an existing 12,176 square foot single family residence, resulting in a 12,636 square foot single family residence;
 - ii. demolition of existing 397 square foot detached guest house and replacement with a 424 square foot detached guest house;
 - iii. demolition of a 644 square foot attached garage and construction of a 941 square foot detached garage; and
 - iv. associated site improvements including approximately 800 cubic yards of grading with 750 cubic yards of cut and 50 cubic yards of fill, repaving an existing driveway, installing an auto court, pathways, post-construction drainage improvements, a pool deck, and a pool;
 - c. Coastal Development Permit to allow development within the Critical Viewshed;
 - d. Coastal Development Permit to allow development within 50 feet of a bluff;
 - e. Coastal Development Permit to allow development on slopes in excess of 30%; and
 - f. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

[PLN230064 Roberts Bryan & Adrienne D Trs, 37600 Hwy 1 Big Sur Coast Land Use Plan (APN: 418-111-012-000)]

The Roberts Bryan & Adrienne D Trs application (PLN230064) came on for a public hearing before the County of Monterey Planning Commission on March 27, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, the County of Monterey Planning Commission finds and decides as follows:

FINDINGS

1. FINDING: **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) The project has been reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Big Sur Coast Land Use Plan (“BSC LUP”);
- The Monterey County Coastal Implementation Plan Part 3, Regulations for Development in the Big Sur Coast Land Use Plan (“CIP”);
- Monterey County Coastal Subdivision Ordinance (“Title 19”); and
- The Monterey County Coastal Implementation Plan Part 1, the Zoning Ordinance (“Title 20”).

Communications were received from the Big Sur Land Use Advisory Committee indicating that the project was inconsistent with scenic resources protection policies in the Big Sur Coast Land Use Plan. The project was re-designed to address these inconsistencies as detailed in Finding No. 2, and referred to the LUAC for re-review as detailed in Finding No. 1, Evidence “s”. As re-designed, no conflicts were found to exist. No other communications were received during review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

b) Allowed Use. The property is located at 37600 Hwy 1, Big Sur (APN: 418-111-012-000). The parcel is zoned Watershed and Scenic Conservation with a Density of 40 acres a unit and a Design Control Overlay in the Coastal Zone or “WSC/40-D (CZ)”.

The project proposes an extensive remodel, including a partial demolition and minor addition, of an existing single-family residence, demolition and reconstruction of a guesthouse, construction of a detached garage, and associated site improvements including a pool, auto court, and stormwater facilities, and merger of two legal lots of record into one 4.15 acre lot. The project is within 50 feet of a coastal bluff, 100 feet of environmentally sensitive habitat area, and portions of the site and structures are viewable within the Critical Viewshed.

The WSC/40-D(CZ) zoning principally allows the first single-family home on a legal lot of record, guest houses, and non-habitable accessory structures subject to a Coastal Administrative Permit (Title 20 sections 20.17.040.A, 20.17.040.B, and 20.17.040.E, respectively). Lot Line Adjustments are conditionally allowable uses requiring a Coastal Development Permit per Title 20 section 20.17.050.JJ. Per Title 19 section 19.09.005.E, properties may be merged through the lot line adjustment process. Development within the Critical Viewshed, on slopes of 30 percent or greater, and within 100 feet of environmentally sensitive habitat area are all non-exempt development requiring a Coastal Development Permit in each case (Title 20 sections

20.17.030.B, 20.17.030.C, and 20.17.030.E). Title 20 section 20.70.120 also lists development within 50 feet of coastal bluffs as an exception to the Coastal Development Permit exemptions, therefore requiring a Coastal Development Permit.

The necessary entitlements for the development are included in the project description and all uses are either principally or conditionally allowable. Therefore, the project is an allowed use for this site.

- c) Lot Legality. While the property has one assessor's parcel number (APN 418-111-012-000), it contains two separate legal lots of record. The property with the existing residence, "Parcel A" contains 1.59 acres. "Parcel B" is a separately described vacant property north and west of Parcel A containing approximately 2.56 acres. A parcel may be considered a legal lot of record if it is specifically and separately described as a lot within a deed that may describe several parcels, provided that the deed was recorded prior to March 2, 1964 and the property complied with the zoning requirements in existence at the time the deed was recorded. In this case both parcels are individually and separately described in the deed in Volume 746 of Official Records of Monterey County at Page 352 recorded December 1, 1941. The first sectional district map establishing zoning for the properties, Ordinance No. 578, was adopted February 11, 1946, meaning that the property had no zoning classification at the time the deed was recorded in 1941. The zoning ordinance in effect at the time, Ordinance No. 377, adopted on October 6, 1930 had no regulations for properties which did not have a zoning designation. The summary section of Ordinance No. 377 states "[I]t should be clearly understood that this ordinance is not regulating County property as a whole. At this time-October, 1930-its provisions have only been applied in zoning the Carmel Highlands area and The Point adjacent to Carmel." As there were no zoning requirements in existence for these properties at the time that the deed was recorded in 1941, and they are both specifically and separately described in their current configuration, the County recognizes both Parcel A and B as separate legal lots of record.
- d) Development Standards. The development standards for the WSC zoning are codified in Title 20 section 20.17.060. Additional regulations specific to guest houses are codified in Title 20 section 20.64.020. The project is consistent with the maximum allowable structure height, maximum building site coverage, setback, and minimum building site standards as detailed the subsequent evidence. As both properties are significantly less than 40 acres in size, they both exceed the maximum density allowed by the WSC/40 zoning district, however this is a legal non-conforming condition, and the lot merger would reduce the nonconformity.
- e) Structure Height. The maximum allowable structure height of main structures is 24 feet, non-habitable accessory structures is 15 feet, and guest houses is 12 feet, all measured from average natural grade. The proposed residence (main structure) is 22 feet and 5 inches, the proposed detached garage is 9 inches, and the proposed guest house is 11 feet and 6 inches, all within the allowable height maximums.

- f) Building Site Coverage. Existing Parcel A is 1.59 acres and existing Parcel B is 2.56 acres, more or less. After the merger, the resulting property would be 4.15 acres (180,656 square feet). The maximum allowable building site coverage is 10 percent (18,065 square feet), and the proposed coverage is 5.3 percent (9,505 square feet).
- g) Guest House Size. The maximum allowable floor area for guesthouses is 425 square feet. The proposed guest house is 424 square feet.
- h) Minimum Building Site. The minimum building site size in the WSC zoning is 1 acre. The resulting property after the merger is 4.15 acres, in compliance with this requirement.
- i) Setbacks – Main Structures. The minimum setbacks for main structures are 30 feet (front), 20 feet (side), and 20 feet (rear). The proposed setbacks for the main residence of 215 feet and 10 inches (front), 37 feet 6 inches (south side), 124 feet 5 inches (north side), and 130 feet and 11 inches (rear) comply with these minimum requirements.
- j) Setbacks – Accessory Structures. The minimum setbacks for habitable accessory structures are 50 feet (front), and 6 feet (sides and rear). The setbacks for non-habitable accessory structures are 50 feet (front), 6 feet (side for the front half of the property), 1 foot (side for the rear half of the property), and 1 foot rear. The project includes two accessory structures, a detached garage (a non-habitable accessory structure) and a guest house (a habitable accessory structure). The proposed garage has an 80-foot front setback, its closest side setback is 72 feet, and its rear setback is greater than the main residence (making it greater than 130 feet). The proposed guest house front setback is 165 feet 5 inches, its closest side setback is 20 feet 1 inch, and its rear setback is greater than the main residence. Therefore, both accessory structures comply with their respective minimum setback requirements.
- k) Setbacks – Between Structures. The required minimum setback between main and accessory structures is 10 feet and the required minimum setback between accessory structures are 6 feet. The setbacks between structures meet these minimum requirements:
 - The setback between the detached garage (accessory structure) and guest house (accessory structure) is 66 feet and 6 inches.
 - The setback from the detached garage and single-family residence (main structure) is greater than 66 feet and 6 inches.
 - The setback between the guest house (accessory structure) and single-family residence (main structure) is greater than 40 feet.
- l) Density. In the WSC zoning, the maximum allowable density is that which is shown on the sectional district map, based on acres per unit. In this case, the property is zoned WSC/40, so the maximum allowable density is 1 unit per 40 acres. The BSC LUP addresses the purpose of the 40 acre per unit requirement, “[T]he Watershed and Scenic Conservation District will permit subdivision at a density rate of 40 acres or more per parcel as a means of deterring further development from harming the rural character of the land.” Existing Parcel A is 1.59 acres and developed with a residence, making it non-conforming as to density. Parcel B at 2.56 acres is similarly non-conforming to density. After the lot merger with Parcel B, the property would be 4.15 acres, which would still be non-conforming as to density. As they are legal lots

of record, these are legal non-conforming conditions. Merging the properties would somewhat reduce the non-conformity as the resulting property would be greater in size and closer to the density requirement of 1 unit per 40 acres. The merger would also effectively eliminate an undeveloped legal lot of record in the Big Sur Critical Viewshed which contains environmentally sensitive habitat area. The implementation section of the BSC LUP section 7.2.4 encourages such mergers: “[M]erger of contiguous substandard size lots held by the same owner is an appropriate mechanism in areas designated as restoration areas in which development of individual legal lots of record would harm the existing natural uses.” As the merger would reduce an existing legal non-conformity and such mergers are encouraged by the BSC LUP, not meeting the 40 acre per unit density should not preclude approval of the merger.

- m) Scenic Resources and Design. The project is consistent with the Big Sur Coast Land Use Plan policies protecting scenic resources and their implementing regulations in the Monterey County Coastal Implementation Plan, as detailed in Finding No. 2 and supporting evidence.
- n) Environmentally Sensitive Habitat Areas. The project is consistent with the Big Sur Coast Land Use Plan policies protecting environmentally sensitive habitat areas and their implementing regulations, as detailed in Finding No. 5 and supporting evidence.
- o) Hazardous Areas. The project is consistent with the Big Sur Coast Land Use Plan policies regarding development in hazardous areas and near coastal bluffs and their implementing regulations in the Monterey County Coastal Implementation Plan, as detailed in Finding No 8, development within 50 feet of a bluff, and supporting evidence.
- p) Archaeological Resources. An archaeological report dated January 2019 (LIB190041) had previously been prepared for the property by Susan Morley, M.A., and which included the presently proposed development area in accordance with CIP section 20.145.120.B.5. The report included archival research from the Northwest Regional Information Center and a field survey by a qualified archaeologist. Archival research did not identify any resources onsite, with the nearest prehistoric site being over 1,000 feet from the property. The field survey did not identify any evidence of resources onsite. Therefore, no impacts to cultural resources are anticipated. Nevertheless, the County's standard condition has been applied, which requires that the applicant stop work within 50 meters and contact HCD-Planning and a qualified archaeologist if any previously unknown resources are uncovered during construction.
- q) Forest Resources. No trees are proposed for removal. Nevertheless, a Forest Management Plan (LIB230085) was prepared by forester Frank Ono in accordance with CIP section 20.145.060.B. The site is primarily forested with Monterey cypress trees of varying sizes and maturity. The plan concluded that the project would not harm any individual trees, but recommended tree protection measures including temporary fencing and wrapping of trunks, monitoring of excavation expected to encounter tree roots, keeping any excavation fill away from trees, and that the

applicant enter into a monitoring contract with a qualified forester prior to issuance of construction permits to ensure that the recommendations of the plan are adhered to. Condition No. 11, Tree and Root Protection is applied which will require the applicant to protect trees through construction and incorporate the measures recommended by the forester.

r) Historical Resources. In accordance with CIP section 20.145.110.B, a historical report (LIB230115) was prepared to analyze the potential of the project to impact historical resources. According to the report, the existing residence was constructed circa 1960, and the existing guest house was constructed circa 1990. The report concluded that the main residence lacked both significance and integrity, making it not a historical resource, and that the guest house was not old enough to be considered potentially historic. Therefore, the project would not impact any historical resources.

s) Land Use Advisory Committee (LUAC) Review. The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review and recommendation in accordance with Board of Supervisors Resolution No. 15-103, as it involves a Design Approval subject to a public hearing and a Lot Line Adjustment (in this case a merger) in the Coastal Zone. On September 26, 2023 the LUAC conducted a site visit and then a meeting, where they voted 2-1 to recommend approval of the project with changes. The LUAC were concerned with the proposed garage and replacement guest house, which would be viewable in the Big Sur Critical Viewshed. BSC LUP Key Policy 3.2.1 prohibits all future public and private development visible from Highway 1 and major public viewing areas (the Critical Viewshed). More detailed discussion of this and other LUP Scenic Resources policies is detailed in Finding No. 2 and supporting evidence. To address this the LUAC recommended both the proposed garage and guest house be removed from the project. The LUAC also had concerns regarding the increase in night time lighting viewable from the Critical Viewshed due to the quantity of glass on the single-family residence, and that limbing of the cypress trees onsite had made the existing residence more visible from the Critical Viewshed. To address these issues, they recommended shading the windows at night, having downcast interior and exterior lighting, and incorporating some vegetative landscaping screening.

The applicant re-designed the project and submitted supplemental information in order to address the LUAC's concerns. They reduced the height of the proposed guest house by 3 feet 3 inches (from 14 feet 9 inches to 11 feet and 6 inches). The proposed guest house is to replace an existing guest house that would be demolished as part of the application, and while BSC LUP Policy 3.2.3.A.7 encourages resiting or redesign to conform to Key Policy 3.2.1, it does allow replacement of structures in the Critical Viewshed provided that the replacement does not increase the visibility of the structure. The applicant also reduced the proposed detached garage by 6 feet and 9 inches (from 7 feet and 6 inches to only 9 inches above average natural grade). They are also proposing to fill the artificially flattened lawn area with to incorporate the garage into the topography of the site and render the garage not

visible from the Critical Viewshed. The applicant is proposing automatic shading that will drop at sunset, preventing night interior lighting from spilling out or causing a “lantern” effect, and included a concept landscaping plan as part of their planning submittal.

Staff referred the re-designed project back to the LUAC, who conducted a subsequent site visit and meeting on February 27, 2024. The redesigns were received positively, “LUAC members commended the project manager and the owner for a good modification of the plan,” and the LUAC recommended approval of the re-designed project as proposed 5-0. Areas of concern mentioned in the meeting minutes for the February 27, 2024 meeting the lighting visibility in the critical viewshed and landscaping, similar to the discussions at the September 26, 2023 meeting. Condition No. 6 is incorporated to ensure that low-lying landscaping screening is installed and maintained. Condition No. 7 requiring an exterior lighting plan is also incorporated to prevent light pollution. Due to the specific concern expressed by the LUAC regarding light from the interior of the structure, a provision is included in this condition that requires installation of the proposed automatic shades.

- t) The project planner conducted site inspections on March 30, 2023, September 26, 2023, January 17, 2024, and February 27, 2024 to verify that the project on the subject parcel conforms to the plans listed above.
- u) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

2. FINDING:

CRITICAL VIEWSHED AND DESIGN – The project preserves Big Sur’s scenic resources and avoids or minimizes impacts to the Critical Viewshed in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan (LUP); The Monterey County Coastal Implementation Plan Part 3, Regulations for Development in the Big Sur Coast Land Use Plan (CIP); and assures protection of the public viewshed and neighborhood character in accordance with the Design Control “D” Overlay Zoning District.

EVIDENCE: a)

The property is subject to the Scenic Resources Policies of the Big Sur Coast Land Use Plan (BSC LUP), their implementing regulations in the in the Monterey County Coastal Implementation Plan Part 3, Regulations for Development in the Big Sur Coast Land Use Plan (CIP), and a Design Control “D” Zoning Overlay district.

- b) The property is in Big Sur west of Highway 1, between the highway and the ocean. North of the site along Highway 1 are the intersection of the highway and Palo Colorado Road, then Rocky Point. South of the site is Rocky Creek Bridge. Highway 1 in Big Sur is one of the most visually spectacular stretches of coastline in the nation, “[T]he aesthetic and scenic qualities and semi-wilderness character of the coast have received national and even international acclaim. Accordingly, the issue of visual resource protection is probably the most significant and far reaching question concerning the future of the Big Sur coast.” (BSC LUP section 3.2) Along this portion of highway the general visual character is views of grass/prairie and the rocky coastline to the west,

and rolling hills with chaparral to the east. These views are partially interrupted by portions of the highway which appear to have been cut into the existing hillsides, where slopes block most views in either direction. The viewshed is also partially degraded by the presence of telephone poles and cables east of the highway. A few residences and appurtenant site improvements such as fences, driveway entrances, and mailboxes are visible driving along this portion of the highway.

- c) Critical Viewshed Key Policy. Recognizing the Big Sur coast's outstanding beauty, BSC LUP Key Scenic Resources Policy 3.2.1 prohibits all public and private development in the Big Sur Critical Viewshed, which includes everything within sight of Highway 1. There are supplemental policies addressing parcels partially in the Critical Viewshed (BSC LUP Policy 3.2.3.A.2) and replacement structures (BSC LUP Policy 3.2.3.A.7) which are discussed in greater detail below.
- d) Critical Viewshed Determination Procedure. The procedure for identifying whether a property is in the Critical Viewshed is detailed in LUP Policy 3.2.3.B.1., which indicates that the structure shall be accurately flagged to show dimensions, height, and rooflines. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season, and views from Highway 1 shall not be obscured by artificial berthing or landscaping.
- e) Critical Viewshed Determination. The replacement guest house and detached garage were staked and flagged in accordance with BSC LUP policy LUP Policy 3.2.3.B.1. The planner conducted site visits on March 30, 2023 and September 26, 2023 to review the visual character of the site and the proposed project. After these visits the project was redesigned and re-flagged, and the planner conducted subsequent site visits on January 17, 2024, and February 27, 2024. The following is a description of the viewshed for the traveling public going from north to south:
 - The existing residence is visible along Highway 1 from approximately 0.68 miles to the northeast (distances measured directly from highway to the closest point of the structure/property).
 - As motorists drive south around the bend past Palo Colorado Road, the existing residence is visible while the rest of the site is screened.
 - Along the straight away 0.17 miles north of the property the site is completely blocked from view by a knoll/hillside east of Highway 1.
 - Driving south past this knoll the roofline of the existing residence becomes visible again.
 - Continuing south as you approach the entrance driveway a low profile stone wall, gate, and mailbox are visible.
 - Looking directly west from the center of the site a water tank, fencing, existing driveway and hardscape, the flagging for the replacement guesthouse, and the flagging for the garage become visible, with the existing residence visible behind them.

- Continuing to the south and looking northwest these structures are obscured by Monterey cypress but remain visible.
- Continuing south eventually only the roof of the existing residence is visible, and then the site and all structures pass out of view entirely.
- A heavily vegetated knoll approximately 0.28 miles south of the site blocks the site entirely from view from areas further south.

In summary, the site contains structures and site improvements in the Critical Viewshed, with the existing single-family residence being the most visually prominent. Site improvements and accessory structures become visible for the travelling public immediately east of the site and remain visible for a brief period of time.

f) Policy 3.3.2.A.7. This policy addresses replacement and enlargement of existing structures, “[T]he general policy concerning replacement of structures shall be to encourage resiting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures, or structures lost in fire or natural disaster within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure. Replacement or enlargement of structures outside the critical viewshed shall be permitted as long as such replacement or enlargement does not cause the structure to intrude into critical viewshed.” The replacement of the guest house, remodel of the single-family residence, and replacement site improvements are all consistent with this policy:

- The guest house has been re-sited to a less visible location, and redesigned from the existing guest house in order to reduce its visibility. As the existing guesthouse is sited, the flat roof is prominently visible, and a portion of the structure appears to obstruct blue ocean views, both of which draw viewers eyes to the structure. The proposed guest house would bring the guest house further inland, such that it no longer silhouettes against the ocean. The flat roof would be re-oriented, so that it isn’t as visually prominent and doesn’t draw viewers eyes toward it. The overall height of the structure is being reduced by 2 feet and 6 inches from 14 feet existing to 11 feet 6 inches.
- The remodeled residence would be slightly less visible than the existing residence from certain vantage points, particularly north of the site looking southwest. This is due to the removal of the southern portion of the residence and the changes to the roof profile on the south façade, which reduce the ridge at that location and pull portions of the structure away from the bluff.
- The existing site improvements, including the driveway and artificial lawn area are visible from Highway 1 looking east and encompass the majority of the site between the existing driveway and residence. The proposed site improvements, including the driveway, auto-court, walkway, and pool, are sited in a similar configuration, such that they would not increase visibility or adversely impact the viewshed.

The detached garage is a new structure rather than a replacement structure, and is therefore evaluated under Policies 3.3.2.A.2, 3.3.2.A.3, and 3.3.2.A.9 as detailed in Evidence "g" below.

g) **BSC LUP Policy 3.3.2.A.2 and 3.3.2.A.3.** These policies address properties partially in the Critical Viewshed, "[T]he best available planning techniques shall be used to permit development of parcels partially in the critical viewshed. These may include clustering of structures, sensitive site design, design control, transfer of development credits, and other techniques designed to allow development on such parcels outside the critical viewshed," and "[W]here it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project."

The detached garage is consistent with these policies. The first iteration of the project design included a new structure that was visible in the Critical Viewshed, inconsistent with Key Policy 3.2.1. However, after the LUAC meeting on January 15, 2024 the applicants revised their proposal to change the design and height of the proposed structure to ensure conformance with the key policy as required by Policy 3.3.2.A.3. This was done by a combination of height reduction and site grading. The overall height of the garage from 7 feet 6 inches above average natural grade to 9 inches above average natural grade. To ensure that the garage is not visible at all the applicants are re-contouring the site such that the entire garage would be underground and not visible. This is consistent with Policy 3.3.2.A.2, which requires that the best available planning techniques be used to permit development of parcels partially in the critical viewshed. The Landscaping Condition No. 6 is incorporated and includes project specific language that requires that the grading contours and fill above the garage be maintained in perpetuity with vegetative cover to prevent the garage from becoming visible in the future. Building the garage into the landscaping in this manner is a unique approach that would not necessarily be supportable in other cases or for other projects. The critical viewshed determination Policy 3.2.3.B.1 states that visibility shall be considered without artificial berthing or landscaping. In this case the applicants are restoring the contours of the site that had been graded down to create a lawn, not berthing or mounding up. This creative grading approach is supportable due to the unique site-specific factors applicable to the Robert's property:

- The grading would not create artificial knolls or mounds that would increase the overall grade height, be man made in appearance, or impede visual access.
- In the lawn area the existing topographic contours are inconsistent with the adjacent grade, and there are retaining walls along the eastern portions of this lawn that show where artificial cut had been made, so there is reasonable certainty that

this area was artificially graded down to create a flatter terrace for the lawn.

- The resulting grade would match the adjacent grading contours to create a more natural appearance.
- Critically, this work is being performed with other work that reduces the overall visibility of the structures in the Critical Viewshed. This is detailed further in evidence "h" below.

h) Reduction in Visibility. Multiple elements of the design work together to reduce the visibility of the existing development overall. For the primary residence, the ridge of the home on the northern elevation is being reduced by approximately 2 feet. Additionally, approximately 785 square feet on the northwestern portion of the residence is being removed, pulling the residence in that area approximately 15 feet away from the bluff edge. As discussed below, the revised colors, materials, and roof forms for the residence and guest house further subordinate those structures to the natural environment. The height of the existing guest house is 14 feet, while the height of the proposed guest house is 11 feet and 6 inches. The guest house is also being resided approximately 22 feet east; pulling it closer to the highway in this case reducing its visibility and visual prominence as it no longer silhouette over the ocean.

i) Design Control. The existing residence, initially constructed in 1960 and subsequently added to and altered after 1977 is a large 12,176 square foot (12,820 square feet if the 644 square foot attached garage is included) building with brown textured cement stucco, stone, vertical wood siding, extensive glazing, and composition shingle roofing. The colors and materials of the residence partially subordinate the structure to the surrounding visual environment, however its large form and extensive glazing draw attention toward the structure inconsistent with the surrounding rural character of Big Sur. The historical report prepared for the project (LIB230115) by Kent L. Seavey has a less than flattering analysis of the present design, stating "the roof system is a hodge-podge of differing forms, shapes and angles that appear as if they were plugged in or glued on randomly to the barn-like main building block between 1979 and the early 1980s," and "Fenestration is irregular, with a random selection of fixed, casement type and pop-out windows that appear to have come off the shelves of Home Depot and applied to the building envelope as disproportionately as possible." The report summarizes "The subject property is a failed attempt to evoke *[sic]* the organic aesthetic design concepts and principles introduced by Frank Lloyd Wright and others that found expression elsewhere throughout Big Sur during the 1960s and 1970s." The proposed project would replace the colors and materials with weathered wood siding, stone siding and site walls, a standing seam copper roof, grey stone paving, and dark patina steel frame doors and windows. A western portion of the residence is being removed, and the roof form simplified in that location. The result of the proposed alterations will be a structure with materials that better subordinate it to the surrounding environment, with more uniform and consistent fenestration (doors and windows), and a simplified more visually pleasing roof profile. The guest house

will have the same architectural finishes as the primary residence, and its simple angled roofs are closer in style to the residence than its current flat roof. Therefore, the design of the proposed project assures protection of the public viewshed and neighborhood character.

j) Landscaping. Condition No. 6 is applied which will require the applicant to prepare a landscaping plan and submit it to HCD-Planning for review and approval prior to issuance of construction permits, install the landscaping, and maintain it in perpetuity. Specific language has been included in this condition that requires that any landscaping adjacent to Highway 1 be low-profile plants that would not block ocean views.

k) Lighting & Glass. In accordance with CIP section 20.145.030.B.4. an exterior lighting plan condition has been applied, which will require that exterior lighting be shielded to reduce its long-range visibility, and that the light source not be visible. Further, exterior lighting shall be downlit and minimal to reduce as much as possible light pollution. Due to the quantity of glass on the residence, the LUAC expressed concern both regarding glare and night time lantering from lights in the residence. The applicant is proposing an anti-glare glass and to have an automatic shade that would deploy at night to prevent any night time lantering. The Exterior lighting plan condition includes language that requires that the applicant include these features on the building permit plan set, and that they provide verification that they were installed in accordance with the plan prior to building final inspection. While the LUAC had also expressed a desire that interior lights be downlit, this was not included as a permit condition as the automatic shades would substantively address the concern.

l) Scenic Easement. CIP section 20.145.030.A.2.h. requires that as a condition of approval for properties in the critical viewshed, that the owner grant a scenic easement to the County over existing vegetated areas where development could be located in within the critical viewshed. Condition No. 10 is applied to implement this regulation. The exact areas subject to the easement would be reviewed and approved by HCD-Planning, and then the easement will be taken to the Board of Supervisors for review and acceptance. BSC LUP Policy 3.3.2.3 requires conservation and scenic easements for environmentally sensitive habitat areas as well, so the easement would include sensitive habitat areas regardless of their visibility in the Critical Viewshed and enumerate that the scenic easement also protects the bluff and sage scrub environmentally sensitive habitat areas on the north and northwestern coastal bluffs. These areas with existing/approved development, and those areas landward of the 50 year bluff and slope stability setback shall not be subject to the easement.

m) Land Use Advisory Committee (LUAC) Review. The Big Sur LUAC, the advisory body whose purview includes site design considerations, recommended approval of the project as proposed 5-0 on February 27, 2024.

n) The project planner conducted site inspections on March 30, 2023, September 26, 2023, January 15, 2024, and February 27, 2024 to verify

that the project on the subject parcel conforms to the policies and regulations listed above.

- o) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

3. FINDING: **DEVELOPMENT ON SLOPES (Auto court and Pathways)** – There is no feasible alternative which would allow development to occur on slopes of less than 30% and, as sited and designed, the project better achieves the goals and policies of the Monterey County Local Coastal Program.

EVIDENCE:

- a) The project includes approximately 1,200 square feet of development on man-made slopes, to install an auto court with a fire truck turnaround and a paved pedestrian path to the auto court. These areas of slope are entirely man-made and appear to be the result of cut and fill for the construction of the paving directly in directly east of the residence and the existing artificial lawn area further east of the residence.
- b) Title 20 section 20.64.230 prohibits development on slopes in excess of 30% unless a finding can be made that either there is no feasible alternative which would allow development to occur on slopes of less than 30%; or the proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives.
- c) In this case the development on 1,200 square feet of man-made slopes is unavoidable and better meets the goals and policies of the Monterey County Local Coastal Program, specifically the policies of the Big Sur Coast Land Use Plan (BSC LUP).
- d) There is no existing fire truck turnaround on the site, and installing one either at the present garage location, or the proposed detached garage would necessitate development on slopes. The local amendments to the California Fire Code, Monterey County Code section 18.09.030.5, require bringing structures with significant alterations into conformance with current fire code requirements, which would include the provision of a fire truck turnaround for emergency access. Additionally, the parking regulations in Monterey County Code section 20.58.040 require 2 parking spaces for a single-family residence. As parking is required by the zoning ordinance, a fire truck turnaround would be required to meet current health and safety requirements, development on slopes would be unavoidable in this case.
- e) BSC LUP Policy 3.2.3.A.4 indicates that grading or excavations shall not be allowed to damage or intrude upon the critical viewshed, including all alterations of natural landforms. In this case the changes would not alter any natural land forms or degrade the critical viewshed. These slopes are man-made features which do not contribute to the scenic quality or character of the site or surrounding area.
- f) BSC LUP Policy 3.3.2.6 indicates that where structures are permitted on properties with environmentally sensitive habitat areas, structures shall be clustered in the least sensitive habitat areas. In this case, placement of the auto court and access path to it inland east of the residence clusters the parking and development away from the bluff and sage

- scrub environmentally sensitive habitat area, in greater conformance with this policy.
- g) An erosion control plan would be required prior to issuance of construction permits by Monterey County Code section 16.12.060, which would prevent any erosion related impacts from grading operations, including this sloped portion of the property.
- h) The project planner conducted site inspections on March 30, 2023, September 26, 2023, January 15, 2024, and February 27, 2024 to verify that the project on the subject parcel conforms to the policies and regulations listed above.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

4. FINDING:

DEVELOPMENT ON SLOPES (Drainage Improvements) – There is no feasible alternative which would allow development to occur on slopes of less than 30% and, as sited and designed, the project better achieves the goals and policies of the Monterey County Local Coastal Program.

EVIDENCE:

- a) Title 20 section 20.64.230 prohibits development on slopes in excess of 30% unless a finding can be made that either there is no feasible alternative which would allow development to occur on slopes of less than 30%; or the proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives.
- b) The project proposes to install a storm drain line that conveys stormwater past the bluff into the ocean, which would require approximately 280 square feet of development on slopes, approximately 2 feet wide of disturbance for a 140 lineal foot pipe. The definition of development in Title 20 section 20.06.310 includes the placement of any structure, including pipes.
- c) The Monterey County Coastal Implementation Plan (CIP) section 20.145.080.A.2 requires that where a geologic report is prepared for a project, the recommendations of that report be incorporated into the project design. In this case, the geotechnical report (LIB230087) prepared by Ashton Buckner, P.E. and Moses Cuprill, P.E. recommendations 42 – 44 directly address drainage that proper control of storm water will be essential to the project and recommending that runoff be conveyed to suitable discharge locations away from the coastal bluff, and not be allowed to flow onto the bluff.
- d) To discharge stormwater away from the bluff would require installing a stormwater system line that goes beyond. As the property is bounded on all sides by slopes in excess of 30 before the bluff, the only way to install a storm drain line that conveys runoff beyond the bluff would be to install run it along in excess of 30 percent. Therefore, development on slopes is unavoidable in this case.
- e) The 280 square feet of development on slopes for installation of the line is required to comply with CIP section 20.145.080.A.2 that requires that development incorporate the recommendations of the geotechnical report. CIP section 20.145.080.A.2.g. also requires that site preparation

activities be sited and designed to conform to site topography and minimize the need for grading. The proposed location is the most straightforward and direct path from the site beyond the bluff, meaning that it minimizes impacts to slopes to install it. Attempting to re-align the pipe would potentially impact the dense trees or remnant environmentally sensitive bluff scrub habitat areas, which are northwest and north of the building area. Therefore, installation of the stormwater line and its location better meet the goals, policies, and objectives of the Monterey County Local Coastal Program.

- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

5. FINDING: **DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE:

- a) In accordance with CIP section 20.145.040.A a biological report (LIB23084) was prepared by Pat Regan analyzing the biotic conditions of the site and the potential for the project to impact environmentally sensitive habitats or sensitive species. The report stated that habitat primarily consistent of non-native plant materials on the inland side of the house, including ornamental landscaping and a lawn. There are also Monterey cypress and Monterey pine planted as part of the sites landscaping. More native plant species are present on the coastal side of the house; the plant habitats that were native to the site are Coastal bluff scrub and Coastal Sage scrub, and remnants of both these communities occur on the steep north/northwest facing bluffs on the property.
- b) CIP section 20.145.020 defines environmentally sensitive habitat areas as that which plant or animal life or their habitats are particularly valuable because of their special nature or role in an ecosystem. Examples of environmentally sensitive habitat include habitat for rare and endangered species. Seacliff buckwheat is found in dense strands of coastal sage and bluff scrub, and is habitat to the federally endangered Smith's Blue Butterfly. A number of rare plant species documented to occur nearby in Coastal sage and/or bluff scrub include Little Sur manzanita, ocean bluff milk-vetch, Monterey Coast paintbrush, Hutschinson's larkspur, Michael's rein orchid, Yadon's rein orchid, and maple-leaved checkerbloom. Therefore, this remnant bluff and sage scrub is environmentally sensitive habitat area.
- c) The remnant bluff and sage scrub areas are on the steep bluffs outside of the project area. No Seacliff buckwheat or any sensitive plant species, including the ones listed above, were identified by the biologist during their survey of the site. While outside of the development area, the development is within 100 feet of environmentally sensitive habitat area, which is non-exempt development requiring a coastal development permit.
- d) Within the landscaping area and interface with the undeveloped portions of the site, the biologist identified several invasive plant

species, some of which appear to have been planted in the landscape and others may have spread from other locations where they've become established, including Cape ivy, Poison hemlock, Nasturtium, Licorice, English Ivy, and Calla Lily. The biologist stated "[A] focused effort to remove the invasive species, to keep them from spreading further into wildlands, would be a beneficial part of the landscape plan for the new and revised landscape areas." The project includes proposed landscaping. BSC LUP Policy 3.3.3.A.10 encourages removal of invasives, and 3.3.2.9 requires use of native landscaping species in proposed landscaping. Condition No. 6 requiring a landscaping plan has been applied, which will require that the applicant prepare a landscaping plan with appropriate native planting materials compatible with the surrounding habitats prior to issuance of construction permits. Given the heightened sensitivity of sites which interface with environmentally sensitive habitats, this condition has been modified from the County's standard condition language to require that a qualified biologist review the proposed planting plan prior to issuance of construction permits. This will ensure consistency with the above mentioned BSC LUP policies, as well as BSC LUP policy 3.3.2.7., that land uses adjacent to environmentally sensitive habitat areas be compatible with the long-term maintenance of these resources, including incorporating all site planning and design features needed to prevent significant habitat impacts.

- e) BSC LUP Policy 3.3.2.3 requires permanent conservation in environmentally sensitive habitats when new development is proposed on parcels containing such habitats. While the residence on the property is existing development, the new detached garage, replacement guest house, and new hardscape areas are all new development, therefore this policy is applicable to the project. Condition No. 10 is applied which will require that the environmentally sensitive habitat areas on the site, the coastal bluff scrub and Coastal Sage scrub occurring on the steep north/northwest facing bluffs, be placed in a conservation and scenic easement.
- f) The project planner conducted site inspections on March 30, 2023, September 26, 2023, January 15, 2024, and February 27, 2024 to verify that the project on the subject parcel conforms to the policies and regulations listed above.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Calfire. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these

departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.

b) Staff identified the need to analyze site suitability and potential impacts to historic, biotic, and forest resources. The following reports have been prepared to address these issues:

- "Tree Assessment Forest Management Plan Roberts Residence" (LIB230083) prepared by Frank Ono, Ono Consulting, Pacific Grove, CA, February 10, 2023.
- "Biological Assessment of 37600 Highway One, Big Sur CA" (LIB230084) prepared by Patrick Regan, Regan Biological & Horticultural Consulting, Carmel Valley, CA, October 25, 2022.
- "37600 Highway One – Fuel Management Plan" (LIB230085) prepared by Frank Ono, Ono Consulting, Pacific Grove, CA, February 7, 2023.
- "Geologic and Coastal Bluff Recession Assessment Report" (LIB230086) prepared by Mark Foxx, Haro, Kasunich and Associates, Inc., Watsonville, CA, May 3, 2022.
- "Geotechnical Investigation and Coastal Hazard Investigation" (LIB230087) prepared by Moses Cuprill, P.E. and Ashton Buckner, P.E., Haro, Kasunich and Associated, Inc., Watsonville, CA, May 3, 2022.
- "Phase I Historic Review for the residential property located at 37600 Highway 1" (LIB230115) prepared by Kent L. Seavey, Pacific Grove, CA, April 27, 2017.
- "Preliminary Cultural Resources Reconnaissance of APN 418-111-012" (LIB190041) prepared by Susan Morley M.A., Marina, CA, January 2019.

The geological and geotechnical reports (LIB230086 and LIB230087) are supplemented by a Technical Memo dated February 10, 2023 by Haro, Kasunich And Associates, Inc. County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. All development shall be in accordance with these reports.

c) The property contains an existing single-family residence, guest house, and associated site improvements on a property zoned to allow such uses. The proposed project consists of a remodel of this residence, demolition of the guest house and replacement with a new guest house, and construction of a detached garage. As the proposed alterations would not substantially change the existing use of the subject property, the site is suitable for the proposed development.

d) Staff conducted site inspections on March 30, 2023, September 26, 2023, and January 15, 2024 to verify that the site is suitable for this use.

e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

7. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals,

comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

- a) The project was reviewed by HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, the Environmental Health Bureau (EHB), and Calfire. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities will be provided. The project has existing driveway access off of Highway 1, is served by an existing onsite spring, and is served by an existing onsite wastewater treatment system (OWTS, EHB Permit No. ON0120044). EHB reviewed the project and deemed it complete without comment or conditions of approval as no new connections were being proposed for the spring and the scope of work would not require expansion of the existing OWTS.
- c) The project is consistent with the Big Sur Coast Land Use Plan policies regarding development in hazardous areas and near coastal bluffs and their implementing regulations in the Monterey County Coastal Implementation Plan, as detailed in Finding No. 9 Health and Safety and Finding No 10, development within 50 feet of a bluff.
- d) Staff conducted site inspections on March 30, 2023, September 26, 2023, January 15, 2024, and February 27, 2024 to verify that the site is suitable for this use.
- e) The application, project plans; and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

8. FINDING: **DEVELOPMENT WITHIN 50 FEET OF A COASTAL BLUFF –**

The project is consistent with the Big Sur Coast Land Use Plan (BSC LUP) policies addressing hazardous areas and development in proximity to coastal bluffs, and their implementing regulations in the Monterey County Coastal Implementation Plan Part 3, Regulations for Development in the Big Sur Coast Land Use Plan (CIP).

EVIDENCE:

- a) Geotechnical Report. BSC LUP Policy 3.7.3.A.9 and 3.7.3.A.11 require preparation of geological and geotechnical reports for development in proximity to a coastal bluff, and in areas of known or suspected geologic hazards, to assess geologic hazards and provide recommendations to address them. In this case a geological report (LIB230086) was prepared by engineering geologist Mark Foxx and a geotechnical report (LIB230087) prepared by Moses Cuprill, P.E. and Ashton Buckner, P.E. These two reports are supplemented by a technical design memo prepared by Moses Cuprill, P.E. and Ashton Buckner, P.E. dated February 10, 2023. The geotechnical report states that there are no significant geotechnical or geologic hazards at the site which would prohibit the proposed development, provided the recommendations presented in it are followed in development of project plans and specifications. These include recommendations regarding grading, foundations, utility trenches, drainage, and site plan review.

b) Geological Report. The geological report (LIB230086) described the geology in the vicinity of the site and analyzed potential geologic hazards that could impact the property or project. It concluded that the project was feasible provided the recommendation in it were followed. The report characterized the geology of the site as granodiorite bedrock overlain by recent debris fan deposits. The report also states that there are possibly remnant marine terrace deposits above the bedrock. The debris fan deposits consist of sands, silts and gravels that are very susceptible to erosion. The granodiorite bedrock is much less susceptible to erosion. The existing residence is placed on the debris fan deposits. To the west of the residence is a flat terrace, where a septic tank is sited (a leech field also used to be in this location but has since been moved east of the residence), and an existing walking path, which slopes downward and north parallel to the western property line. This path appears visible in historic coastal imagery of the site in the geologic report from 1972 and 1979. The geological report recommendations included that new habitable development only be constructed inland of the 50 year bluff erosion and instability setback established in it; that development include measures to minimize erosion (such as landscaping and drainage control) and that stormwater runoff dispersal and erosion control be implemented; permit plan review; careful monitoring of future coastal erosion and bluff recession; and that removal of any existing improvements be done in a manner that minimizes removal and impact to underlying soils. The report also recommended foundations be sited seaward of the 50 year bluff setback, However, this was based on the concept of demolishing the existing residence and constructing a new one. The scope of the project was changed since the initial preparation of the geological and geotechnical reports in 2022, and the technical design memo prepared by the geotechnical engineer recommends that any foundations seaward of this setback be deep foundations installed to penetrate below the landslide plane depicted in sections of the site showing the 50 year bluff setback, which would minimize the threat to life and safety of the building occupants in the event of a major landslide.

c) Condition No. 8. - Notice of Report. CIP section 20.145.080.A.2.a. requires that the recommendations of geological and geotechnical reports be incorporated into the project design. To ensure that both the geologist and geotechnical engineers' recommendations are adhered to, Condition No. 8, Notice of Report is applied. This will require the applicant to record a notice on the property stating that all development will be in accordance with the recommendations of the geological and geotechnical reports, including the geotechnical engineers technical design memo dated February 10, 2023.

d) Previous Entitlements. On April 2, 2019 the County Zoning Administrator approved Emergency Coastal Development Permit PLN190043 (Resolution No. 19-43), which allowed a hilfiker retaining wall to stabilize the flat terrace west of the home where the septic tank was present. Resolution No. 19-43 states that large storm events occurred throughout 2018 and the first quarter of 2019, causing seepage, and slumping of the soil behind an existing wood and post retaining

wall that supported the flat terrace. The wall was installed to prevent slumping and stabilize the terrace area. A follow up Coastal Development Permit (PLN190385) was approved by the Zoning Administrator on August 27, 2020 (Resolution No. 20-33), which allowed an additional tied-back soldier pile retaining wall east and parallel to the existing walking path. This wall was designed to stabilize the slopes containing the existing residential development and collect and direct seepage away from erodible soils. Lawrence E. Grice, P.E. prepared the previous geotechnical analyses (LIB190043 and LIB190044) for these permits.

- e) Tsunami. Tsunami hazards at the property are low, based on the Monterey County Tsunami inundation Map dated March 2021 prepared by the California Geological Survey. (LIB230086)
- f) Storm wave runup. Improvements on the site are 140 feet above sea level in an area above the reach of wave runup. (LIB230086)
- g) Fault. Monterey County GIS portrays short discontinuous fault line in the immediate southwest of the property. The fault is, “an inferred queried pre-Quaternary age fault mapped by Gary Greene in 1972.” The geologist concludes that the fault does not pose a significant hazard to the existing home or a proposed new home, because based upon its age it is classified as Inactive. (LIB230086)
- h) Bluff Recession. The geological report (LIB230086) states that moderate seismic shaking is expected in the next 50 years, and that other than seismic shaking, coastal bluff landsliding is the most significant geologic hazard at the site. The uncemented nature of the topsoil and debris fan deposits, coupled with occasional intense coastal storms can result in erosion and bluff recession hazards along the bluff edge. In order to calculate the anticipated retreat of the bluff, the geologist compared historical satellite imagery, which resulted in a worst case retreat of historical bedrock retreat of 1 to 2 feet from 1972 to 2022. The debris fan deposit appears to have retreated from 0 to 4 feet in some isolated spots. The report concludes, “Using the high end of the average annual terrace deposit erosion rates that appear to have historically occurred on the property since 1972 (50 years) would suggest that about 4 feet of debris fan deposit erosion could cause 4 feet of recession of the bluff edge from surficial erosion could occur at the subject property in the next 50 years.” To evaluate what portion of the building site is likely to remain stable over the next 50 years, the geological report incorporated the geotechnical reports (LIB230087) slope stability analysis to come up with a 50 year (until 2073) bluff erosion and instability setback. The report concludes that any development seaward of the 50 year coastal recession setback line may be damaged and need to be sacrificed. Since both the geological and geotechnical reports were prepared for the project, the project plans were revised to propose remodeling the existing residence rather than demolishing it and building a replacement residence. As portions of the existing residence are seaward of the recommended 50 year bluff setback, a technical design memo was prepared by Moses Cuprill, P.E. and Ashton Buckner, P.E. dated February 10, 2023. This memo recommends that any foundations seaward of this setback be deep

foundations installed to penetrate below the landslide plane depicted in sections of the site showing the 50 year bluff setback.

- i) Condition No. 9 - Coastal Hazards Deed Restriction. BSC LUP Policy 3.7.2.4. requires that in locations determined to have significant hazards, development permits include a special condition requiring the owner to record a deed restriction describing the nature of the hazard and long-term maintenance requirements, and BSC LUP Policy 3.9.1.1. requires that bluff top setbacks be adequate to avoid the need for sea walls during developments lifetime. In this case the areas seaward of the 50 year bluff erosion and instability setback are subject to known bluff erosion and slope stability hazards. Therefore, Condition No. 9 is applied to ensure consistency with these policies, which will require the applicant to record a deed restriction identifying that the site is subject to coastal hazards, assuming the risks of such development, waiving liability, indemnifying the Coastal Commission and County of Monterey for any damages due to coastal hazards, prohibiting future coastal armoring, requiring geotechnical analysis evaluating whether development is safe should land sliding, storm surge events, or bluff erosion threaten it, and re-location/removal should the development become unsafe without the installation of new sea walls or shoreline protective structures. Maintenance and repair of the existing retaining walls permitted by PLN190043 and PLN190385 shall be allowable within this deed restriction so long as those walls are only retaining surcharge of the landward development, and not functioning as sea walls or interfering with natural shoreline/coastal processes, including inland habitat migration and coastal erosion.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

9. FINDING: **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

EVIDENCE:

- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on March 30, 2023, September 26, 2023, January 15, 2024, and February 27, 2024 and researched County records to assess if any violation exists on the subject property.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

10. FINDING: **LOT LINE ADJUSTMENT (Merger)** - The adjustment of the parcels is consistent with Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision ordinance – Coastal) of the Monterey County Code.

EVIDENCE:

- a) Title 19 section 19.09.005.E., properties may be merged through the lot Line Adjustment Process. To approve a Lot Line Adjustment (LLA),

Title 19 section 19.09.025 requires that the decision maker must find that the lot line adjustment is between two (or more) existing adjacent parcels; that a greater number of parcels than originally existing will not be created as a result of the lot line adjustment; and that the parcel resulting from the lot line adjustment conform to "County Zoning and Building Ordinances." Each of these findings can be met as detailed in subsequent evidence "c" through "e".

- b) The consistency finding is not constructed narrowly to only refer to Part 1 of the Monterey County Coastal Implementation Plan, which is the typical meaning of the term "The Zoning Ordinance." Title 19 section 19.02.260 defines zoning ordinance to mean Title 19.1 and 20 of the Monterey Code. Title 20 in turn includes cross references to the various Coastal Implementation Plan Development Standards (Title 20 Chapter 20.66), and requires that all Coastal Development Permits be consistent with the Monterey County Local Coastal Program (Title 20 section 20.02.060.A). This is consistent with the Subdivision Map Act section 66412(d) that states that an agency shall limit its review to whether the parcels resulting from the adjustment conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. In summary Lot Line Adjustments must be consistent with the plans and regulations detailed in Finding No. 1 evidence "a".
- c) Existing Parcels. The lot line adjustment is between two adjacent existing parcels, "Parcel A" which contains the existing residence and is 1.59 acres, and "Parcel B", which is a separately described vacant property north and west of Parcel A containing approximately 2.56 acres. Both of these parcels are recognized as legal lots of record as detailed in Finding No. 1 evidence "c".
- d) Will not Create New Parcels. The LLA will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be merged, resulting in one contiguous 4.15 acre legal parcel of record.
- e) Consistency. The resulting parcel would be consistent with the requirements of the County Zoning and Building Ordinances. As detailed in Finding No. 1, the resulting parcel will be consistent with the development standards of the zoning ordinance. No development is proposed on Parcel B, which is steeply sloped, has large portions viewable in the Critical Viewshed, and contains environmentally sensitive habitat area (coastal bluff and sage scrub), so the merger would not conflict with any of the resource protection policies and regulations discussed in Findings 2 through 4 or the hazards policies and regulations discussed in Finding 6. The project was also referred to HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Calfire; none of whom identified any inconsistencies with building ordinances that would result from the merging of the two properties.
- f) As an exclusion to the Subdivision Map Act, the Lot Line Adjustment does not require recordation of a map. To appropriately document the boundary changes, the Owner/Applicant shall record a deed for the respective parcels to reflect the adjustment (Condition No. 12) and an

Unconditional Certificate of Compliance for the merged lot per Condition No. 13.

g) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN230064.

11. FINDING:

EVIDENCE:

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

a) The project qualifies for Class 1 and 5 Categorical Exemptions pursuant to CEQA Guidelines sections 5301 and 15305, as detailed in evidences “c” through “e”, and none of the exceptions from CEQA Guidelines 15300.2 apply to the project as detailed in evidences “f” through “e”.

b) The project consists of the remodel of a single-family residence which would remove an indoor pool and attached garage, demolition and replacement of an existing guest house, construction of a detached garage to replace the attached garage being removed as part of the single-family residence remodel, associated site improvements including a pool, auto-court, and driveway, and the merging of two contiguous lots of record.

c) CEQA Guidelines section 15301, existing facilities, exempts the repair or minor alteration of existing structures, facilities, or topographical features. The key consideration of this exemption is that the project involves negligible or no expansion of use. The site would go from being a single site with two lots that contains a single-family residence with a pool in the residence, attached garage, and detached guest house to a single-family residence with a detached garage and detached guesthouse. The primary and accessory uses of the site will remain essentially the same after the project, and the overall floor area (inclusive of the residence, garage, and guest house) would increase 784 feet from 13,217 square feet to 14,001 square feet. This represents a negligible expansion of use, consistent with the intent of this exemption.

d) CEQA Guidelines section 15305, minor alterations in land use limitations, exempts alterations in land use limitations that do not result in changes in land use or density, including minor lot line adjustments and reversion to acreage in accordance with the Subdivision Map Act. The County’s subdivision processes merger applications in the same manner as lot line adjustments. The merger of two legal lots of record into a single property is consistent with the intent of this exemption.

e) Class 1 categorical exemptions apply regardless of their location. The project is also not located in an area where an environmental resource of hazardous or critical concern has been designated by a local, state, or federal agency and precisely mapped.

f) The project consists of alterations to an existing single-family residence, replacement of an existing guest house, construction of a detached garage, associated site improvements, and merging of two legal lots of record. The proposed land use is not being altered and there is a negligible expansion of existing use, and there are no potentially significant impacts associated with the project, therefore the project would not cause or contribute to a cumulative environmental impact.

- g) There are no unusual circumstances associated with the undertaking of the project that would create the reasonable possibility for a potentially significant environmental effect.
- h) The project is in view of Highway 1, a designated state Scenic Highway. However, as detailed in Finding No. 2, the project would not adversely affect scenic resources in view of the scenic highway.
- i) The project is not located on a hazardous waste site included on any list compiled by Section 65962.5 of the Government Code.
- j) A phase I historical report (LIB230115) was prepared for the project which assess the existing structures and determined that the existing residence was not a historical resource and that the detached guest house was not old enough to be considered a historical resource. Therefore, the project would not impact any historical resources.
- k) No adverse environmental effects were identified during staff review of the development application during site visits on March 30, 2023, September 26, 2023, January 15, 2024, or February 27, 2024.
- l) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

12. FINDING:

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

EVIDENCE: a)

- No public access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Sections 20.70.050.B.4 or 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
- No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- The subject property is described as Priority 3, other areas suitable for access in Figure 2 of the Big Sur Land Use Plan. The plan describes these as “attractive destinations where safety hazards or resource conflicts can be mitigated, and with the potential for improved parking.” It is also shown in a potential corridor for a public trail in Figure 3 of the Big Sur Land Use Plan, Trails Plan.
- However, Title 20 section 20.70.050.B.4.c. states that for single-family development on an existing lot, no access shall be required if no substantial adverse impact can be demonstrated, either individually or cumulatively, on historic access, public trust, or the recreational value of, accessibility to, use of, or safety of public beaches, trails, recreation areas, or recreation support areas; or, the shoreline, by affecting either processes of sources of sand necessary to maintain public beaches or tidelands, or by siting in a manner that would necessitate a shoreline protective device or other public maintenance of the area; then access shall not be required. The project, as a remodel and associated structures on an existing single-family residence with no access present, and merger of two properties, neither of which have public access, would not impact any historic or public trust access, or the recreational value or accessibility of any

recreational areas. The project would also not impact the shoreline, as the siting of the residence is existing, and Condition No. 9 requires a deed restriction which would prohibit future armoring of the site.

- e) Big Sur Coast Land Use Plan (BSC LUP) General Policy 6.1.4.4 states that visual access should be protected for long term public use. The project would not impact visual access. None of the structures proposed would block existing ocean views, and the demolition and replacement of the guest house closer to Highway 1 actually slightly improves visual access to the ocean. As discussed in Finding No. 2 the colors and materials of the structures are of a visually unobtrusive nature, such that they would not detract from the publics viewing experience of the shoreline or ocean.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230064.

13. FINDING:

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

EVIDENCE:

- a) Board of Supervisors. Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) California Coastal Commission. This project is appealable to the California Coastal Commission pursuant to Title 20 sections 20.86.080.A.1 and 20.86.080.A.3, as it includes development between the sea and the first public road paralleling the sea (in this case Highway 1) and development that is permitted in the underlying zone as a conditional use. The project includes a Lot Line Adjustment, which is a conditionally allowable use. The project also includes development on slopes in excess of 30%, development within 100 feet of environmentally sensitive habitat area, and development in the critical viewshed, all three of which are non-exempt development requiring a Coastal Development Permit and considered conditionally allowable regardless of the property's underlying zoning designation.

DECISION

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

- 1) Find that the project qualifies for a Class 1 and 5 Categorical Exemptions pursuant to CEQA Guidelines sections 5301 and 15305, and that none of the exceptions from CEQA Guidelines 15300.2 apply; and
- 2) Approve a Combined Development Permit consisting of a:
 - a. Coastal Development Permit to allow a Lot Line Adjustment to merge two parcels resulting in a single 4.15 acre parcel;
 - b. Coastal Administrative Permit and Design Approval to allow:
 - i. the remodel, partial demolition and minor of an existing 12,176 square foot single family residence, resulting in a 12,636 square foot single family residence;
 - ii. demolition of existing 397 square foot detached guest house and replacement with a 424 square foot detached guest house;
 - iii. demolition of a 644 square foot attached garage and construction of a 941 square foot detached garage; and
 - iv. associated site improvements including approximately 800 cubic yards of grading with 750 cubic yards of cut and 50 cubic yards of fill, repaving an existing driveway, installing an auto court, pathways, post-construction drainage improvements, a pool deck, and a pool;
 - c. Coastal Development Permit to allow development within the Critical Viewshed;
 - d. Coastal Development Permit to allow development within 50 feet of a bluff;
 - e. Coastal Development Permit to allow development on slopes in excess of 30%; and
 - f. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

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

PASSED AND ADOPTED this 27th day of March, 2024, upon motion of Commissioner Roberts, seconded by Commissioner Mendoza, by the following vote:

AYES: Diehl, Work, Roberts, Getzman, Gonzalez, Shaw, Mendoza

NOES: None

ABSENT: Monsalve, Gomez, Daniels

ABSTAIN: None

DocuSigned by:
Melanie Beretti

Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON 4/5/2024

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE 4/15/2024.

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

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

NOTES

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

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

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

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021

County of Monterey HCD Planning

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

PLN230064

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN230064) allows:

- a. Coastal Development Permit to allow a Lot Line Adjustment to merge two parcels resulting in a single 4.15 acre parcel;
- b. Coastal Administrative Permit and Design Approval to allow:
 - i. the remodel, partial demolition, and minor of an existing 12,176 square foot single family residence, resulting in a 12,636 square foot single family residence;
 - ii. demolition of existing 397 square foot detached guest house and replacement with a 424 square foot detached guest house;
 - iii. demolition of a 644 square foot attached garage and construction of a 941 square foot detached garage; and
 - iv. associated site improvements including approximately 800 cubic yards of grading with 750 cubic yards of cut and 50 cubic yards of fill, repaving an existing driveway, installing an auto court, pathways, post-construction drainage improvements, a pool deck, and a pool;
- c. Coastal Development Permit to allow development within the Critical Viewshed;
- d. Coastal Development Permit to allow development within 50 feet of a bluff;
- e. Coastal Development Permit to allow development on slopes in excess of 30%; and
- f. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

The property is located at 37600 Hwy 1 Big Sur Coast Land Use Plan (APN: 418-111-012-000), Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 24-006) was approved by County of Monterey Planning Commission for Assessor's Parcel Number 418-111-012-000 on March 27, 2024. The permit was granted subject to 15 conditions of approval which run with the land. A copy of the permit is on file with County of Monterey HCD - Planning."

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

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

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (HCD - Planning)

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

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

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

4. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (HCD-Planning)

Compliance or Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

5. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

6. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)**Responsible Department:** Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, a landscaping plan shall be submitted to the Director of HCD - Planning for review and approval. The purpose of the landscaping is to screen partially screens existing and proposed development from the critical viewshed, while not being so tall as to block ocean existing ocean views (i.e. those not already blocked by existing Monterey cypress trees or structures). The area above the existing garage shall remain landscaped and vegetated so that the garage remains out of view from the Critical Viewshed. The landscaping shall be required to use native and native compatible species in accordance with Big Sur Coast Land Use Plan policy 3.3.3.A.10 which encourages removal of exotic species and policy 3.3.2.9 which requires use of native landscaping species in proposed landscaping. As the site interfaces with environmentally sensitive habitat areas, including coastal bluff and sage scrub, a qualified biologist shall be required to review and approve the proposed planting list prior to building permit issuance.

The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan.

Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County HCD - Planning. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (HCD - Planning)

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

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor shall provide confirmation from a qualified biologist on the County of Monterey list of approved environmental consultants verifying that the proposed plantings are either native or native compatible and would not adversely effect or crowd out the environmentally sensitive bluff and sage scrub on the site or adjacent property.

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

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

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

Responsible Department: Planning

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

In order to prevent interior lighting from causing night time light pollution or a "lanterning" affect, the owner/applicant shall install the automatic shades which were included in the proposed project, and provide verification that they were installed after construction.
(HCD - Planning)

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

Prior to issuance of building permits, the Owner/Applicant shall incorporate automatic shades into the project plans and submit these to HCD - Planning for review and approval. The automatic shades shall be incorporated into the final building plans.

Prior to final/occupancy, the owner/applicant shall install the exterior lighting and automatic shades in accordance to the approved plan.

Prior to final/occupancy, staff shall conduct a site visit to ensure that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting and automatic shades are installed and maintained in accordance with the approved plan.

8. PD016 - NOTICE OF REPORT

Responsible Department:	Planning
Condition/Mitigation Monitoring Measure:	Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "Geological and Geotechnical Reports (Library Nos. LIB230086 and LIB230087), were prepared by Mark Foxx, Certified Engineering Geologist, and Ashton Puckner, P.E. and Moses Cuprill, P.E., respectively, on May 3, 2022. These reports are supplemented by a technical design memo prepared by Ashton Puckner, P.E. and Moses Cuprill, P.E. on February 10, 2023. These reports are on file with County of Monterey HCD - Planning. All development shall be in accordance with these reports." (HCD - Planning)
Compliance or Monitoring Action to be Performed:	Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to HCD - Planning. Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the HCD - Planning.

9. PDSP001 - COASTAL HAZARDS DEED RESTRICTION

Responsible Department:	Planning
Condition/Mitigation Monitoring Measure:	In accordance with Big Sur Coast Land Use Plan Hazards Policy 3.7.2.4, the owner shall record a deed restriction on the property describing the nature of the property's hazards (Coastal Hazards, including but not limited to waves, storms, flooding, landslide, shoreline retreat, erosion, and earth movement, many of which will worsen with future sea level rise) and long-term maintenance requirements. This deed restriction shall also ensure consistency with Policy 3.9.1.1, that bluff top setbacks for development be adequate to avoid the need for sea walls during development's economic lifespan. The deed restriction shall say the text of Exhibit B Attachment 2 of this resolution.
Compliance or Monitoring Action to be Performed:	Prior to issuance of construction permits, owner/applicant shall record the deed restriction, and provide HCD-Planning with evidence that it has been recorded. Such evidence shall be in the form of a copy of the recorded document with the recorders seal.

10. PD040 - CRITICAL VIEWSHED (BIG SUR)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: To protect the Big Sur Critical Viewshed from potential future development and protect environmentally sensitive habitats, in accordance with Monterey County Coastal Implementation Plan sections 20.145.030.A.2 (g) and (h), and Big Sur Coast Land Use Plan Policy 3.3.2.3, the applicant shall record a Conservation and Scenic Easement over those portions of the subject parcel that are in the critical viewshed and where the environmentally sensitive coastal bluff and sage scrub are, subject to review and approval of HCD-Planning and the review and approval by the Board of Supervisors. The easement area shall encompass all of the existing 2.56 acre Parcel B. The existing walking path and approved stormwater line shall be allowable within the easement area. Conservation and scenic easement shall protect environmentally sensitive habitat areas, including the existing bluff and sage scrub, and shall protect the Big Sur Critical Viewshed by prohibiting new development within the easement area.

A Subordination Agreement shall be required, where necessary. An easement deed shall be submitted to, reviewed and approved by, the Director of HCD - Planning and the Executive Director of the California Coastal Commission, and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading or building permits, the Owner/Applicant shall provide a "Critical Viewshed Map" as described in Monterey County Coastal Implementation Plan 20.145.030.A.2.(g).

Prior to issuance of grading or building permits, the Owner/Applicant provide a diagram approved by a qualified biologist from the County of Monterey list of approved environmental consultants depicting the location and distribution of environmentally sensitive habitat areas to be protected by the easement.

Prior to issuance of grading or building permits, the Owner/Applicant shall submit the conservation and scenic easement deed and a survey plat to the HCD-Planning Department for review and approval. The easement deed shall be accompanied by a legal description of the subject property in a manner acceptable by the Monterey County Recorder for recordation of the easement deed and a plat, legal description, and accompanying closure calculations for the easement area prepared by a licensed surveyor or civil engineer.

Prior to recording the parcel/final map or prior to the issuance or grading or building permits, the Owner/Applicant shall submit a signed and notarized Subordination Agreement, if required, to HCD- Planning for review and approval.

Prior to or concurrent with recording the parcel/final map, final inspection, or commencement of use, the Owner/Applicant shall record the approved conservation and scenic easement and submit a copy of the recorded easement deed to HCD - Planning.

11. PD049 - TREE AND ROOT PROTECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (HCD - Planning)

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

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

12. PDSP002 - LOT LINE ADJUSTMENT DEED

Responsible Department: Planning

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

Compliance or Monitoring Action to be Performed:

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN230064) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:
"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN230064. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

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

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:

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

13. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department:	Planning
Condition/Mitigation Monitoring Measure:	The applicant shall request an unconditional Certificates of Compliance for the merged parcel. (HCD - Planning)
Compliance or Monitoring Action to be Performed:	Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to HCD -Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.
	Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

14. CC01 INDEMNIFICATION AGREEMENT

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

15. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD-Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

The applicant or contractor shall submit a parking plan that includes measures to reduce the visual impacts seen by Highway 1 travelers and the surrounding communities during the construction.

All construction parking/staging shall be on private property, and measures shall be taken to prevent construction vehicles from queuing on Highway 1 at any time during the construction.

Compliance or Monitoring Action to be Performed:

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

EXHIBIT C-1

Legal Description

A **Scenic Easement** over, under and across that tract of land situate in the unincorporated area of the County of Monterey, State of California in Section 6, Township 18 South, Range 1 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of that certain real property described in that Grant Deed for Purposes of Lot Merger recorded on September 25, 2024 as Instrument No. 2024034344 of Official Records of Monterey County, State of California, EXCEPTING THEREFROM that portion of said real property, more particularly described as Parcel 1 in that Grant Deed to Roberts recorded on March 10, 2017 as Instrument No. 2017013172 of Official Records of Monterey County, State of California.

End of Description

Being 2.56 acres more or less.

See Attached Exhibit B for graphical depiction of above-described Scenic Easement.

Prepared by: Isaac P. Romero, LS. 9879

September 16, 2025

EXHIBIT C-2

