

Attachment B

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

Space above for Recorder's Use

Owner Name: Wind & Sea Property, LLC
Permit No.: PLN200097
Resolution No.: 24-025
APN: 421-011-010-000
Project Planner: Kayla Nelson

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 28th day of January, 2026, by and between
Wind & Sea Property, LLC 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 **Restoration Permit and after-the-fact Combined Development Permit** (File Number **PLN200097**) (hereinafter referred to as the "Permit") was granted on **July 11, 2024** by the Monterey County **Zoning Administrator** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **24-025**. 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

A conservation and scenic easement shall be conveyed to the County over those portions of the property where environmentally sensitive habitat exist, including those areas to be restored with Northern coastal scrub habitat and Sea cliff buckwheat (Condition No. 4). The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of HCD - Planning and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. However, the demolition permit required by Condition No. 6 may be issued prior to recordation of the easement deed. (HCD - Planning).

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.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area, except that the Grantor may 1) maintain and replace existing vegetation with native shrubs, trees, flowers, and grasses that do not cause major interference with views or detract from the scenic quality of the easement or degrade sensitive habitat, 2) conduct routine invasive plant species removal, and 3) replant and restore (native plant species only) as prescribed in Condition No. 4 of Resolution No. 24-025 and approved future Coastal development Permit.

4. That except for maintenance of existing roads and pedestrian trails, 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 private roads, bridges, and trails 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. The right to use, maintain, repair, and replace utilities, including water, electrical, and the on-site wastewater treatment system, within the Conservation and Scenic Easement Area.
4. Management of vegetation within the Conservation and Scenic Easement Area in accordance with the Mitigation Monitoring Report, Forest Management Plan, Erosion Control Plan, Restoration Plan, Landscape Plan, and/or Fuel Management Plan approved with the Permit or future discretionary permits on file with the County Monterey Housing and Community Development-Planning Services.
5. Restoration and/or stabilization of eroded or similarly adversely impacted land, provided that said restoration and/or stabilization shall be performed in a manner which is consistent with maintaining the Conservation and Scenic Easement Area's habitat value and pursuant to an approved Coastal Development Permit. Shoreline armoring shall be prohibited.

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.

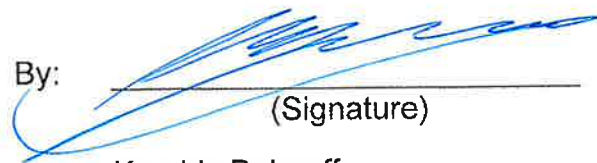
I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or 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 28th day of January, 2026 at Long Beach, California.

Wind & Sea Property, LLC

By: 

(Signature)

Kambiz Babaoff

(Print or Type Name and Title)

By: _____
(Signature)

(Print or Type Name and Title)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

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 Los Angeles

On January 28, 2026 before me, Sharon K. Foster, Notary Public,
(Here insert name and title of the officer)

personally appeared Kambiz Babaoff,

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/het/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.

Sharon K. Foster
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

DESCRIPTION OF THE ATTACHED DOCUMENT

Conservation and Easement Deed (Coastal)

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other

ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated July 11, 2024 from Wind & Sea Property, LLC 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. Blicht, County Counsel

By: [Signature] _____

DATED: 2-12-26

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

**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"
Legal Description

For APN/Parcel ID(s): **421-011-010**

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

Lot 3, as said Lot is shown on that certain map entitled, Map of "Tract No. 549, Staude Subdivision", etc., filed June 14, 1987 in the Office of the County Recorder of the County of Monterey, State of California, in Volume 9 of Maps, "Cities and Towns", at Page 23.

EXHIBIT B

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

In the matter of the application of:
WIND & SEA PROPERTY (PLN200097)
RESOLUTION NO. 24-025

Resolution by the Monterey County Zoning
Administrator:

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

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

Corrected on August 21, 2024. (This resolution corrects the previous resolution mailed out July 12, 2024)

The WIND & SEA PROPERTY LLC application (PLN200097) came on for a public hearing before the Monterey County Zoning Administrator on June 13, 2024 and July 11, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Zoning Administrator finds and decides as follows:

FINDINGS

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

- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan (LUP);
 - Monterey County Coastal Implementation Plan, Part 3, Regulations for Development in the Big Sur Coast Land Use Plan Area (CIP); and
 - Monterey County Zoning Ordinance (Title 20).

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The subject property is currently developed with a single-family dwelling and detached garage, as approved under HCD-Planning File No. PLN965463. As proposed the project seeks to legalize existing accessory structures that were constructed without the benefit of a discretionary permit (see Finding No. 4 and supporting evidence). The unpermitted work included the conversion of a portion of a garage into a 336-square-foot guesthouse, the construction a 576-square-foot deck ("Deck 1"), a 580-square-foot deck ("Deck 2"), and an outdoor grass patio with benched seating, and installation of two 15 square foot outdoor hot tubs and a 38 square foot sauna. Condition No. 6 requires the Applicant/Owner to obtain a construction permit to remove "Deck 2" down to its concrete foundation piers. Granting of this after-the-fact Combined Development would legalize all other site improvements. However, construction permits would be required to fully clear the open code enforcement violation (16CE00201). The proposed project was developed within 50 feet of a Coastal bluff and 100 feet of Environmentally Sensitive Habitat Area. As proposed, the Project includes approximately 11,750 square feet of restoration.
- c) Allowed Use. The property is located at 54722 Big Sur, Big Sur Coast Land Use Plan (Assessor's Parcel Number [APN]: 421-011-010-000). The parcel is zoned Rural Density Residential, 40 acres per unit, Design Control Overlay, (Coastal Zone) or "RDR/40-D(CZ)", which allows for the construction of accessory structures, subject to the granting of a Coastal Administrative Permit and Design Approval. Construction of the as-built structures occurred within 50 feet of a Coastal bluff and 100 feet of Environmentally Sensitive Habitat and therefore requires the granting of Coastal Development Permits, in each case. Accordingly, the project is an allowed land use for this site.
- d) Lot Legality. The subject property, 5.8 acres in size, is identified in its current configuration as Lot 3 of the 1965 Staude Subdivision, recorded as Volume 9, Cities and Towns Map, Page 23. Therefore, the County recognizes this parcel as a legal lot of record.
- e) Design/Neighborhood. Pursuant to Title 20, Chapter 20.44, the project site and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which is intended to regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The existing residence and garage have a brown horizontal wood exterior. The as-built decks and sauna were constructed with

natural wood, while the benches and seats of the outdoor grass patio are stone and the hot tubs are cooper. The natural colors and materials are consistent with the surrounding environment. As detailed below, the project does not impact the Critical Viewshed and as-built, the project assures the protection of the public viewshed and is compatible with the neighborhood.

- f) Critical Viewshed. The Big Sur Coast LUP defines the Critical Viewshed as “everything within sight of Highway 1 and major public viewing areas”. The subject property is situated immediately west of Highway 1 and thus within the Critical Viewshed. However, due to the steep decrease in elevation, as well as mature vegetation along Highway 1, a majority of the subject property is not visible from Highway 1. However, limited portions of the existing residence and the roof of the garage are visible from Highway 1. Big Sur Coast LUP Key Policy 3.2.1 prohibits all development from being visible from Highway 1 or a major public viewing area. The as-built site improvements did not alter the existing visible structures and were not constructed in a portion of the property visible from Highway 1. Additionally, no exterior lighting is proposed. Therefore, no impact to the Critical Viewshed occurred.
- g) Development Standards. The development standards for the RDR zoning district are established in Title 20 section 20.16.060. Setbacks for accessory structures are 50 feet (front), 6 feet and 1 foot (sides; front-half and rear-half, respectively), and 1 foot (rear). The required height for accessory structures is 15 feet. All site improvements comply with these requirements. As a 5.8-acre lot, the allowable site coverage would be 63,162 square feet (25 percent). Although “Deck 2” would contribute to site coverage, as conditioned, this deck is slated for removal (Condition No. 6). All other site improvements do not contribute to the property’s site coverage, which is limited to the existing single-family dwelling and garage. As built, the project complies with the applicable site development standards.
- h) Guesthouse. The project involves after-the-fact approval of the conversion of a 336-square-foot portion of a garage into a guesthouse. As built, the guesthouse complies with the applicable requirements of Title 20 section 20.64.020. See Finding No. 5 and supporting evidence.
- i) Development within 50 feet of a Coastal Bluff. The project involves development within 50 feet of a Coastal bluff. The criteria to grant the required Coastal Development Permit have been met. As demonstrated in Finding No. 6 and supporting evidence, the development would not create a geologic hazard or diminish the stability of the area.
- j) Development within 100 feet of Environmentally Sensitive Habitat Area. The Big Sur Coast LUP defines Environmentally Sensitive Habitat Areas (ESHA) as those “in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem.” The subject property contains Northern coastal scrub habitat and Sea cliff buckwheat, the host plant for the federally listed Smith’s blue butterfly. Accordingly, development occurred within 100 feet of ESHA. The criteria to grant the required Coastal Development Permit have been met. As demonstrated in Finding No. 7

and supporting evidence, application of Condition No. 4 would ensure that the property's sensitive habitat is restored and protected.

- k) Development on Slopes Greater than 30%. A majority of the subject property contains slopes in excess of 30%. The outdoor patio, hot tubs, sauna, and "Deck 1" were not constructed on slopes in excess of 30%. However, "Deck 2" and its access path were constructed on the steeper slopes of an informal drainage channel that conveys runoff from Highway 1 and the subject property to the Pacific Ocean. This work would have required the granting of a Coastal Development Permit. Pursuant to Big Sur Coastal Implementation Plan section 20.145.140.A(4), the required findings to allow development on slopes are limited to 1) no alternative would allow development to occur on slopes less than 30% and/or 2) the development better achieves the resource protection policies of the Big Sur Coast LUP. All other unpermitted site improvements were constructed or installed on less steep slopes. This indicates that there are feasible alternatives for accessory structures, such as a deck, to be constructed on slopes less than 30%. Further, locating a non-essential structure and path within an environmentally sensitive habitat does not better achieve the resource protection policies of the Big Sur Coast LUP as the Project Biologist estimates that Sea cliff buckwheat plants and Northern coastal scrub habitat were removed. Accordingly, the criteria to grant a Coastal Development Permit to allow development on slopes in excess of 30% have not been met in this case. Therefore, the project includes restoration of the area for "Deck 2" and its access path.
- l) Cultural Resources. According to Monterey County Geographic Information System (GIS) records, the subject parcel has a high archaeological sensitivity but is not within 750 feet of a known archaeological resource. The archaeological report prepared for the construction of the single-family dwelling (HCD-Planning File No. PC965463; Monterey County Library No. LIB080663) found that there was no surface evidence of archaeological resources or their indicators. Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by use of the County's standard condition (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.
- m) Land Use Advisory Committee (LUAC) Review. Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application did warrant referral to the LUAC because it involves a Design Approval subject to consideration at a public hearing. However, due to the 2023 and 2024 Highway 1 slip-outs and closures, access to the South Coast LUAC meeting location was significantly impaired. Accordingly, staff did not refer the application to the South Coast LUAC.
- n) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

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

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

3. FINDING: HEALTH AND SAFETY – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and CalFire. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are provided. The existing single-family dwelling and as-built guesthouse with an attached garage are served potable water by an on-site well. The property is also served by an existing onsite wastewater treatment system.
 - c) Due to the constrained nature of the property, Condition No. 7 has been applied to require that the Owner records a deed restriction indicating that any future replacement or expansion of the existing onsite wastewater treatment system may require the installation and ongoing use of an alternative onsite wastewater treatment system.
 - d) The project involves development within a geological hazard area (50 feet of a Coastal bluff). As demonstrated in Finding No. 6 and

supporting evidence, the development would not create a geologic hazard or diminish the stability of the area.

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

4. FINDING:

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

EVIDENCE:

- a) In 2016 and 2018, HCD-Code Enforcement received numerous complaints alleging construction and grading without appropriate permits. Additionally, since 2016 and as recently as April 5, 2024, the County has received complaints that the subject property has been used as a short-term rental, a wedding venue, and for the assemblage of people. After investigation, HCD-Code Enforcement issued an Administrative Citation (16CE00201) on November 4, 2022, confirming that the violations included use of the property as a short-term rental, holding of private events (e.g. weddings), and construction without property permits. The property owner was directed to cease all these unpermitted activities by January 27, 2023, but the activities have continued.
- b) To partially abate this violation, the granting of this permit would allow the removal of “Deck 2”, after-the-fact approval of all site improvements, including conversion of a portion of the garage into a guesthouse, and restoration of approximately 11,750 square feet of Northern coastal scrub habitat. Construction permits from HCD-Building Services shall be obtained to legalize the as-built improvements. Condition No. 6 has been applied to require the Applicant/Owner to obtain a construction permit that allows the removal of “Deck 2” down to its foundation. Due to unknown potential impacts to the coastal bluff stability and the surrounding environmentally sensitive habitat, the foundation piers/footings for the deck shall remain and restoration in and around this area shall occur pursuant to Condition No. 4. The granting of the proposed Restoration Permit and after-the-fact Combined Development Permit would not fully abate Code Enforcement Case No. 16CE00201 as the property still operates as a short-term rental and/or private event space. The Applicant/Owner shall cease use until such time that necessary permits for these activities are obtained.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

5. FINDING:

GUESTHOUSE - The project meets the established regulations and standards as identified in Title 20, Section 20.64.020.

EVIDENCE:

- a) Title 20, Section 20.64.020 establishes regulations and standards for which a guesthouse, accessory to the main residence on a lot, may be permitted. The project includes the construction of a 375-square-foot guesthouse with no cooking facilities.

- b) The proposed guesthouse is the only guesthouse on the subject property and will not be separately rented. Staff has applied the standard coastal guesthouse deed restriction as Condition No. 8.
- c) The guesthouse is sited in proximity, approximately 40 feet east, of the main dwelling, and 50 feet from the front property line.
- d) As defined in Title 20, Section 20.58.040, the guesthouse requires one parking space. Consistent with this requirement, the guesthouse will have one covered parking space located next to the garage. Adequate space around the garage provides parking for the existing residence.
- e) The guesthouse meets the required site development standards and design criteria as defined in Title 20 Section 20.16.060 and Chapter 20.44 (See Finding 1, Evidence “e” and “g”). The guesthouse maintains the same architectural style as the main residence and is therefore visually consistent and compatible.
- f) The application was reviewed by the Environmental Health Bureau (EHB) to ensure adequate sewage disposal and water supply facilities exist and are readily available to serve the guesthouse. The guesthouse will share the same utilities as the main residence.
- g) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in HCD-Planning File No. PLN200097.

6. FINDING:

DEVELOPMENT WITHIN 50 FEET OF A COASTAL BLUFF -

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

EVIDENCE:

- a) Geotechnical & Geological Report. BSC LUP Policy 3.7.3.A.9 and 3.7.3.A.11 require the preparation of geological and geotechnical reports for development in proximity to a coastal bluff, and in areas of known or suspected geologic hazards, to assess geologic hazards and provide recommendations to address them. In this case, a geotechnical and geological report (LIB230347) was prepared and found that there are no significant geotechnical or geologic hazards at the site which would prohibit the proposed development.
- b) Tsunami. Tsunami hazards at the property are low, based on the Monterey County Tsunami inundation Map dated March 2021 prepared by the California Geological Survey.
- c) Storm wave runup. Improvements on the site are 185 feet above sea level in an area above the reach of wave runup.
- d) Fault. Monterey County GIS portrays a fault line in close proximity to the project. This fault, identified as the Sur-Nacimiento/Hisgri Fault, is not historically active; however some geologists consider it to be potentially active. The geological report recommended all work be constructed consistent with 2022 California Building Code, or the California Building Code in effect at that time.
- e) Bluff Recession. The outdoor patio and decks were constructed within 50 feet of this coastal bluff, while the existing residence is approximately 70 feet from this bluff top. The geological report

(LIB230347) addresses coastal bluff-related concerns. Based on available aerial imagery spanning 15 years, the project geologist determined that the bluff edge had retreated approximately 3 feet or 2.5 inches per year. Based on an estimated rate of bluff retreat of 2.5 inches per year, the subject bluff is predicted to retreat approximately 20 feet within the next 100 years. Using a more conservative estimated rate of bluff retreat of 6 inches per year, the bluff could retreat approximately 50 feet within the next 100 years. Utilizing either rate, the geological report concluded that the existing residence is situated appropriately from the bluff and would be safe from natural bluff erosion. However, because the outdoor patio and decks are located within the projected bluff retreat and could be subject to failure, these structures should be considered sacrificial improvements. Retention of these non-habitable accessory structures is not necessary for the safety of the existing residence.

- f) Coastal Hazards Deed Restriction. BSC LUP Policy 3.7.2.4 requires that in locations determined to have significant hazards, development permits include a special condition requiring the owner to record a deed restriction describing the nature of the hazard and long-term maintenance requirements, and BSC LUP Policy 3.9.1.1 requires that bluff-top setbacks be adequate to avoid the need for sea walls during developments lifetime. The existing residence and garage with an attached guesthouse are adequately setback from bluff-related erosion. However, in this case the areas seaward of the bluff setback are subject to known bluff erosion and slope stability hazards. Therefore, Condition No. 5 has been applied to require the applicant to record a deed restriction describing the nature of the coastal hazards and stating: "The parcel is located within a geological hazard area and development may be subject to certain restrictions required as per Section 20.145.080.A.2.a.1 of Part 3 of the Monterey County Coastal Implementation Plan and per the standards for development of residential property." This deed restriction would specifically identify that the site is subject to coastal hazards, assume the risks of such development, waive liability, indemnify the Coastal Commission and County of Monterey for any damages due to coastal hazards, prohibit future coastal armoring, require geotechnical analysis evaluating whether development is safe should landslides, 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.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

7. FINDING:

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

- a) In accordance with Big Sur CIP section 20.145.040.A, a biological report (LIB230346) was prepared by Ed Mercurio to determine whether the as-

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

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

on the site, including the areas of restoration, be placed in a conservation and scenic easement.

- f) Implementation of Condition No. 6 requires the removal of “Deck 2” down to its foundation. This would allow the foundation footings, which primarily have at-grade elevations, to remain. Restoration would occur in and around this area (Condition No. 4). Removal of these footings would serve no biological benefit as removal would likely increase the potential for impacts to the bluff slope and the adjacent marine life below. Removal of these footings would likely require a jackhammer or larger excavation equipment, which could degrade and destabilize the rock and soil below it. The project biologist and geologist encourage that heavy machinery is not used due to their potential environmental impacts.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

8. FINDING:

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

EVIDENCE:

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

alterations to their exteriors. Therefore, no impact would occur to a historical resource.

- g) There are no unusual circumstances associated with the undertaking of the project that would create the reasonable possibility for a potentially significant environmental effect.
- h) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN200097.

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

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

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

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

DECISION

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

- 1) Find the project Categorical Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1;
- 2) Approve a Restoration Permit to allow approximately 11,750 square feet of Northern coastal bluff scrub habitat and removal of "Deck 2"; and

- 3) Approve an After-the-fact Combined Development Permit to partially clear Code Enforcement violation (16CE00201) consisting of a:
- a. Coastal Administrative Permit and Design Approval to allow the partial conversion of a detached garage into a 336 square foot guesthouse;
 - b. Coastal Administrative Permit and Design Approval to allow construction of an outdoor sauna, hot tubs, an outdoor patio, and "Deck 1";
 - c. Coastal Development Permit to allow development within 50 feet of a Coastal bluff; and
 - d. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area.

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

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

DocuSigned by:
Mike Novo
9D45DC219AC247C

Mike Novo, AICP
Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON JULY 12, 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 JULY 22, 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 2 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

PLN200097

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure:

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

Compliance or Monitoring Action to be Performed:

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Restoration Permit and after-the-fact Combined Development Permit (Resolution Number 24-025) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 421-011-010-000 on July 11, 2024. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD- Planning."

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

Compliance or Monitoring Prior to the issuance of grading and building permits, certificates of compliance, or
Action to be commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Performed: 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 If, during the course of construction, cultural, archaeological, historical or
Monitoring Measure: 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 The Owner/Applicant shall adhere to this condition on an on-going basis.

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

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

4. PDSP003 - NORTHERN COASTAL SCRUB RESTORATION & MONITORING PLAN

Responsible Department: Planning

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

The specific objectives of the Restoration Plan are as follows:

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

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

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

Prior to final inspection of the demolition permit for the removal of Deck 2, the Project Biologist shall prepare and submit to HCD-Planning for review and approval, a report confirming that exotic species have been removed, and all replanting and re-vegetation activities as detailed in LIB230346, as amended in the revised planting map, have successfully occurred.

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

5. PDSP002 - COASTAL HAZARDS DEED RESTRICTION

Responsible Department: Planning

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

"a. General Provisions. This deed restriction is being recorded to satisfy Condition No. 5 of the Restoration Permit and After-the-Fact Combined Development Permit Approval (PLN200097), approved by County of Monterey Zoning Administrator Resolution No. 24-025. By accepting this permit, the property owner has accepted the following conditions and restrictions, which shall run with the land:

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

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

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

e. Indemnification. To indemnify and hold harmless the California Coastal Commission & the County of Monterey, and their officers, agents, and employees with respect to the County's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. This indemnification obligation is in addition to, and cumulative of, the indemnification obligation imposed by the County of Monterey Zoning Administrator in its Resolution No. 24-025, Condition No. 9. Property owner understands and agrees that both indemnification obligations shall be memorialized in the indemnification agreement.

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

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

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

(HCD-Planning)

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

6. PDSP001 - DEMOLITION PERMIT (DECK 2)

Responsible Department: Planning

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

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

Within 1 year of the granting of this Permit, the Applicant/Owner shall receive a final inspection by HCD-Building Services confirming removal of Deck 2.

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

Responsible Department: Health Department

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

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

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

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

Responsible Department: Planning

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

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

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

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

9. 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

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of the property where environmentally sensitive habitat exist, including those areas to be restored with Northern coastal scrub habitat and Sea cliff buckwheat (Condition No. 4). The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of HCD - Planning and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. However, the demolition permit required by Condition No. 6 may be issued prior to recordation of the easement deed. (HCD - Planning)(HCD - Planning)

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

Prior to the issuance of grading and building permits, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to HCD - Planning. The issuance of the demolition permit related to Condition No. 6 may be issued prior to recordation of the conservation and scenic easement.

Exhibit C

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA LYING IN SECTION 4, TOWNSHIP 21 SOUTH, RANGE 3 EAST, MOUNT DIABLO BASE & MERIDIAN AND IS DESCRIBED AS FOLLOWS:

Conservation Easement

All of Lot 3 as shown on that certain map entitled "Tract No. 549 Staude Subdivision" filed on June 14, 1967 in Volume 9 of Cities and Towns at Page 23 in the Office of the County Recorder of the County of Monterey, State of California, **Excepting therefrom** a portion of said Lot 3, more particularly described as follows:

Beginning at the northerly corner of said Lot 3, and also being a point on the westerly sideline of California State Highway No. 1; thence leaving said sideline and along the boundary of Lot 3:

- South 64° 40' 00" West, 230.18 feet; thence leaving said boundary
1. South 02° 54' 10" West, 32.83 feet; thence
2. South 26° 14' 20" East, 10.34 feet; thence
3. South 52° 55' 04" East, 25.85 feet; thence
4. South 24° 43' 19" East, 23.93 feet; thence
5. South 54° 32' 02" East, 13.04 feet; thence
6. North 83° 37' 59" East, 30.48 feet; thence
7. North 75° 29' 29" East, 40.21 feet; thence
8. South 88° 37' 44" East, 24.93 feet; thence
9. South 35° 52' 48" East, 13.00 feet; thence
10. South 16° 30' 21" East, 11.20 feet; thence
11. South 02° 22' 50" West, 28.54 feet; thence
12. South 35° 46' 15" West, 20.86 feet; thence
13. South 53° 57' 34" West, 17.46 feet; thence
14. South 44° 52' 07" West, 20.01 feet; thence
15. South 68° 23' 41" West, 18.18 feet; thence
16. North 89° 40' 52" West, 22.23 feet; thence
17. North 80° 27' 52" West, 33.60 feet; thence
18. South 26° 10' 39" West, 8.21 feet; thence

19. South 71° 58' 48" West, 29.06 feet; thence
20. South 10° 48' 19" West, 28.32 feet; thence
21. South 53° 19' 31" West, 24.70 feet; thence
22. South 01° 33' 40" West, 27.73 feet; thence
23. South 22° 15' 51" East, 19.58 feet; thence
24. South 45° 39' 09" East, 15.90 feet; thence
25. North 88° 09' 48" East, 22.74 feet; thence
26. North 73° 29' 06" East, 21.91 feet; thence
27. South 86° 08' 28" East, 30.52 feet; thence
28. South 48° 11' 53" East, 29.43 feet; thence
29. South 10° 03' 39" East, 15.51 feet; thence
30. South 04° 38' 42" West, 14.50 feet; thence
31. South 25° 22' 00" West, 29.70 feet; thence
32. South 57° 45' 47" West, 49.61 feet; thence
33. South 05° 11' 42" West, 14.64 feet; thence
34. South 30° 26' 05" West, 26.28 feet; thence
35. South 67° 32' 29" East, 12.84 feet; thence
36. South 32° 26' 57" East, 11.86 feet; thence
37. North 37° 32' 25" East, 29.13 feet; thence
38. North 48° 34' 03" East, 28.64 feet; thence
39. North 38° 31' 12" East, 29.84 feet; thence
40. North 54° 12' 25" East, 53.03 feet; thence
41. North 82° 33' 53" East, 36.00 feet; thence
42. South 63° 47' 23" East, 43.36 feet; thence
43. South 22° 31' 35" East, 14.95 feet; thence
44. South 34° 29' 12" West, 12.73 feet; thence
45. South 62° 58' 59" West, 14.04 feet; thence
46. South 42° 49' 42" West, 9.26 feet; thence
47. South 14° 54' 46" East, 15.13 feet; thence

48. South 28° 16' 44" East, 16.17 feet to a point on said boundary of Lot 3;
thence along said boundary
49. North 59° 25' 00" East, 237.88 feet to a point on said westerly sideline
of Highway I; thence along said sideline the following courses:
50. Northwesterly 232.00 feet along the arc of a curve to the right with a
radius of 4040.00 feet, the center of which bears North 59° 51' 35" East,
through a central angle of 03° 17' 25"; thence
51. North 26° 51' 00" West, 213.00 feet to the **Point of Beginning**.

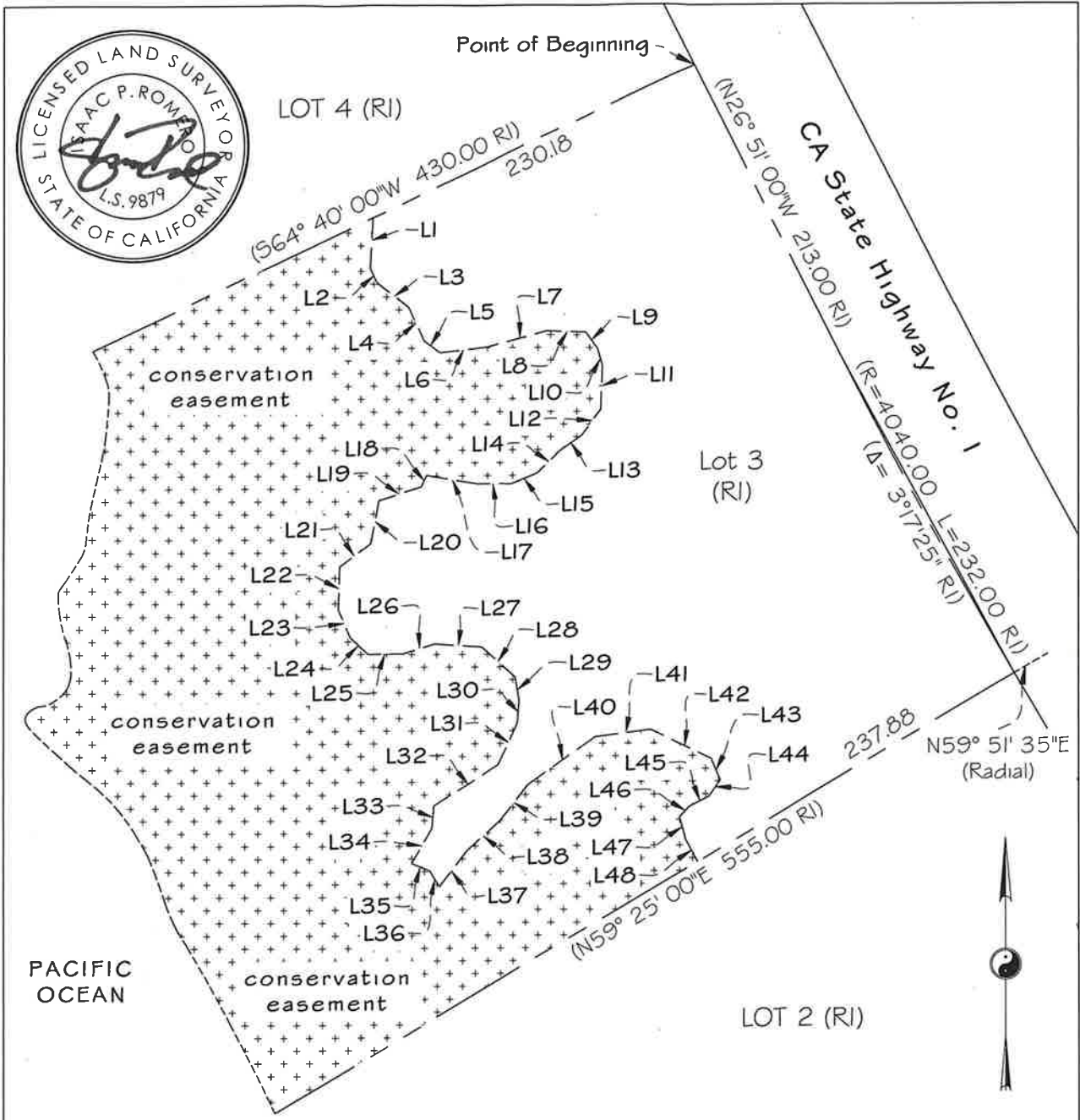
END OF DESCRIPTION
2.716 acres, more or less

See attached Exhibit B for graphical depiction of the above described easement.

Prepared by Isaac Romero, PLS 9879

August 28, 2025





PACIFIC OCEAN

CA State Highway No. 1
 (R=4040.00 L=232.00 RI)
 (Δ= 3°17'25" RI)

Point of Beginning -

LOT 4 (RI)

Lot 3 (RI)

LOT 2 (RI)

conservation easement

conservation easement

conservation easement

1" = 100'



- _____ Parcel Boundary
- Parcel Boundary at Mean High Tide Line
- _____ Right of Way
- Easement Line

September, 2025

Rasmussen Land Surveying, Inc.
 2150 Garden Road, Suite A-3
 Monterey, California 93940
 P: 831.375.7240

RI - Vol. 9 Cities and Towns Pg. 23

RLS W.O. # 2025-000

Line Table		
Line #	Length	Direction
L1	32.83	S02° 54' 10"W
L2	10.34	S26° 14' 20"E
L3	25.85	S52° 55' 04"E
L4	23.93	S24° 43' 19"E
L5	13.04	S54° 32' 02"E
L6	30.48	N83° 37' 59"E
L7	40.21	N75° 29' 29"E
L8	24.93	S88° 37' 44"E
L9	13.00	S35° 52' 48"E
L10	11.20	S16° 30' 21"E
L11	28.54	S02° 22' 50"W
L12	20.86	S35° 46' 15"W
L13	17.46	S53° 57' 34"W
L14	20.01	S44° 52' 07"W
L15	18.18	S68° 23' 41"W
L16	22.23	N89° 40' 52"W
L17	33.60	N80° 27' 52"W
L18	8.21	S26° 10' 39"W
L19	29.06	S71° 58' 48"W
L20	28.32	S10° 48' 19"W
L21	24.70	S53° 19' 31"W
L22	27.73	S01° 33' 40"W
L23	19.58	S22° 15' 51"E
L24	15.90	S45° 39' 09"E
L25	22.74	N88° 09' 48"E
L26	21.91	N73° 29' 06"E
L27	30.52	S86° 08' 28"E
L28	29.43	S48° 11' 53"E

L29	15.51	S10° 03' 39"E
L30	14.50	S04° 38' 42"W
L31	29.70	S25° 22' 00"W
L32	49.61	S57° 45' 47"W
L33	14.64	S05° 11' 42"W
L34	26.28	S30° 26' 05"W
L35	12.84	S67° 32' 29"E
L36	11.86	S32° 26' 57"E
L37	29.13	N37° 32' 25"E
L38	28.64	N48° 34' 03"E
L39	29.84	N38° 31' 12"E
L40	53.03	N54° 12' 25"E
L41	36.00	N82° 33' 53"E
L42	43.36	S63° 47' 23"E
L43	14.95	S22° 31' 35"E
L44	12.73	S34° 29' 12"W
L45	14.04	S62° 58' 59"W
L46	9.26	S42° 49' 42"W
L47	15.13	S14° 54' 46"E
L48	16.17	S28° 16' 44"E



August 28, 2025

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