

MONTEREY COUNTY PLANNING COMMISSION

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|---|-------------------------------------|---------------------------|
| Meeting: January 30, 2013 | Time: 1:30 P.M. | Agenda Item No.: 6 |
| <p>Project Description: Consider a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow a minor subdivision of a 49 acre lot into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2); 2) a Coastal Development Permit to designate Parcel 2 as a receiver site for a transfer of development credit from a donor site established under PC94155; 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 4) a Coastal Development Permit to allow development on slope exceeding 30 percent; 5) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 6) a Coastal Development Permit to allow the removal of two eucalyptus trees (approximately 9" and 12" DBH); and 7) a Coastal Administrative Permit and Design Approval to allow the construction on the proposed receiver site of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, spring-fed water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill).</p> | | |
| Project Location: 56440 Highway 1, Big Sur | APN: 421-011-001-000 | |
| Planning File Number: PLN030379 | Owners: Brandywine Trust Co. | |
| Planning Area: Big Sur Coast Land Use Plan | Flagged and staked: Yes | |
| Zoning Designation: WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone)] | | |
| CEQA Action: Mitigated Negative Declaration per CEQA Guidelines Section 15070 | | |
| Department: RMA - Planning Department | | |

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Adopt the Mitigated Negative Declaration (**Exhibit F**);
- 2) Approve the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt and the Mitigation Monitoring and Reporting Plan (**Exhibit C**).

PROJECT OVERVIEW:

The Applicant proposes to subdivide a 49 acre lot into two lots (40.0 acres and 9 acres), by transferring a development credit from a donor site established under PC94155, and construct a 2,729 square foot, one-story, single family dwelling with a detached 300 square foot two-car garage. The project would also involve development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, and the removal of two eucalyptus trees. See **Exhibit B** for a more detailed discussion of the proposed project.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ CALFIRE Coastal (Fire Protection District)
- √ Parks Department
- California Department of Transportation, District 5
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by the RMA – Public Works Department, RMA – Planning Department, Parks Department, Environmental Health Bureau, Water Resources Agency, and CALFIRE Coastal have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the South Coast Land Use Advisory Committee (LUAC) for review. The LUAC, at a public meeting held on August 24, 2004, reviewed and unanimously voted to support the project as proposed (**Exhibit E**).

The Monterey County Minor Subdivision Committee conducted a duly noticed public hearing on January 10, 2013, and by a vote of 5 to 0 recommended that the Planning Commission consider and adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan, and approve the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval (see Resolution No. 13-001 at **Exhibit I**).

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.



Joseph Sidor, Associate Planner
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January 16, 2013

cc: Front Counter Copy; Planning Commission; CALFIRE Coastal (Fire Protection District); RMA - Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; California Department of Transportation (Caltrans); Laura Lawrence, Planning Services Manager; Taven Kinison Brown, Senior Planner; Joseph Sidor, Project Planner; Brandywine Trust Co., Owner; Arden Handshy, Agent; Aengus Jeffers; The Open Monterey Project; LandWatch; Planning File PLN030379

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval and Mitigation Monitoring and Reporting Plan
• Site Plan, Floor Plan and Elevations, and Tentative Parcel Map
Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (South Coast LUAC)
Exhibit F Mitigated Negative Declaration
Exhibit G Technical Report - Biological
Exhibit H Comments on Mitigated Negative Declaration
Exhibit I Minor Subdivision Committee Resolution No. 13-001 (January 10, 2013)

This report was reviewed by Taven Kinison Brown, Senior Planner.



EXHIBIT A
PROJECT DATA SHEET

PLN030379 – Brandywine Trust

Planning Commission
January 30, 2013

EXHIBIT A- EXISTING 49 ACRE PARCEL

Project Information for PLN030379

Project Information:

| | | | |
|---------------------------|--------------------------------|------------------------------|------------|
| Project Name: | BRANDYWINE TRUST | | |
| Location: | 56440 HWY 1 BIG SUR | | |
| Permit Type: | Combined Development Permit | | |
| Environmental Status: | Mitigated Negative Declaration | Final Action Deadline (884): | 11/21/2012 |
| Existing Structures (sf): | 7340 | Coverage Allowed: | 213444 |
| Proposed Structures (sf): | 3030 | Coverage Proposed: | 10370 |
| Total Sq. Ft.: | 10370 | Height Allowed: | 24 / 15 |
| Tree Removal: | 2 / Eucalyptus | Height Proposed: | 7 / 3.5 |
| Water Source: | Well | FAR Allowed: | N/A |
| Water Purveyor: | N/A | FAR Proposed: | N/A |
| Sewage Disposal (method): | Septic | Lot Size: | 49 ac |
| Sewer District: | N/A | Grading (cubic yds.): | 2200 |

Parcel Information:

| | | | |
|-----------------------|---------------------------------|-----------------------------|------------------|
| Primary APN: | 421-011-001-000 | Seismic Hazard Zone: | UNDETERMINED |
| Applicable Plan: | BIG SUR COAST LUP | Erosion Hazard Zone: | MODERATE TO HIGH |
| Advisory Committee: | SOUTH COAST | Fire Hazard Zone: | HIGH |
| Zoning: | WSC/40-D (CZ) | Flood Hazard Zone: | N/A |
| Land Use Designation: | WATERSHED & SCENIC CONSERVATION | Archaeological Sensitivity: | HIGH |
| Coastal Zone: | Y | Viewshed: | BIG SUR CRITICAL |
| Fire District: | CALFIRE COASTAL | Special Setbacks on Parcel: | N |

Reports on Project Parcel:

| | |
|---------------------------|-----------|
| Soils Report #: | LIB040144 |
| Biological Report #: | LIB040142 |
| Geologic Report #: | LIB040145 |
| Forest Management Rpt. #: | N/A |
| Archaeological Report #: | LIB040143 |
| Traffic Report #: | N/A |

EXHIBIT B
PROJECT DISCUSSION

PLN030379 – Brandywine Trust

Planning Commission
January 30, 2013

EXHIBIT B

PROJECT DISCUSSION

Project Description and Setting

The Brandywine Trust project (PLN030379) consists of the minor subdivision of a 49 acre lot into two lots consisting of 40 acres and 9 acres, the designation of the new lot as a receiver site for a transfer of development credit from a donor site established under PC94155, development within the Big Sur Critical Viewshed, development on slope exceeding 30%, development within 100 feet of environmentally sensitive habitat, removal of two eucalyptus trees, and construction of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill).

The project is located at 56440 Highway 1, Big Sur (Assessor's Parcel Number 421-011-001-000), South Coast area, Big Sur Coast Land Use Plan, Coastal Zone. The proposed project parcels are adjacent to and west of State Route (SR) 1 (Highway 1), between the highway and the Pacific Ocean. Conservation and residential uses occur to the north, east, and south. The parcels in the immediate vicinity of the project are large, undeveloped watershed and scenic conservation coastal lots. The project parcel has approximately 7,340 square feet of existing structural development, including a 3,777 square foot single family dwelling and 3,560 square feet of accessory structures. The site proposed for new structural development is located approximately 1,500 feet (0.29 miles) south of Dolan Creek, in an area approximately 36 feet below the Highway 1 corridor. The proposed structures and associated infrastructure development comprise an area of approximately 20,000 square feet (approximately 0.46 acre). An abandoned roadbed extends from the northern part of the existing parcel to the project site. This roadbed will serve as the driveway and utilities access, and septic leachfield area.

Project Issues

Visual Resources - Visually, the existing property borders and is visible from Highway 1, a designated scenic roadway and a primary element of the Big Sur Critical Viewshed as defined in Chapter 3.2 (Scenic Resources) of the Big Sur Coast Land Use Plan (LUP). By definition, the proposed minor subdivision of the existing parcel constitutes development within the Big Sur Critical Viewshed, and is subject to the policies regarding the Big Sur Critical Viewshed. Consistent with LUP Policy 3.2.3.A.1, which directs that all new parcels must contain building sites outside the critical viewshed, the proposed new parcel would have a suitable area for structural development effectively screened from the Big Sur Critical Viewshed by topography, trees, and vegetation. Additionally, the proposed structures are designed to conform to the topography of the site, and the only fully visible side of either structure would face the Pacific Ocean. Moreover, the design of the proposed structures minimizes the elevation above average natural grade. As proposed, the dwelling and garage would have a 7.0 foot and 3.5 foot elevation above average natural grade, respectively. The site changes would not degrade the visual character of the Big Sur Critical Viewshed, would not result in an inconsistency with policies designed to safeguard visual resources. Therefore, the project as designed is consistent with the scenic resource policies in Chapter 3.2 of the Big Sur Coast Land Use Plan, and construction of the proposed structures would not result in impacts to the existing scenic vista.

To further ensure the protection of the Big Sur Critical Viewshed, staff has applied a standard condition of approval to require a scenic and conservation easement over the eucalyptus grove

that currently provides screening of the proposed building site (Condition No. 13). The County will also apply a non-standard condition of approval to require replacement of trees inadvertently damaged or destroyed (Condition No. 38). In addition, the County will apply a standard condition of approval to require an exterior lighting plan subject to review and approval by the RMA-Planning Department (Condition No. 10). Per this condition of approval, all exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Moreover, exterior light sources that would be directly visible from critical viewshed viewing areas are prohibited.

Slope - The project includes application for development on slopes exceeding 30 percent because the Applicant proposes to construct an approximately 2,729 square foot single family dwelling within an existing excavated depression. General Plan Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. In addition, Policy 3.7.3.A.1 of the Big Sur Coast Land Use Plan directs that all development be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The County has reviewed the project plans and visited the site to analyze possible development alternatives. Given the site's topography and location between Highway 1 and the Pacific Ocean, there is no feasible alternative that would avoid development on slope greater than 30 percent and simultaneously satisfy other goals and objectives of the applicable land use plan regarding protection of the viewshed and environmentally sensitive habitat. In addition, the Applicant's proposal minimizes excavation by conforming to the existing site topography. Therefore, the proposed development is consistent with applicable policies regarding development on slope exceeding 30 percent, and an exception may be granted.

Biological Resources - Chapter 3.3, Environmentally Sensitive Habitats, of the Big Sur Coast Land Use Plan, directs that development shall not result in disruption of habitat value. County records and the initial biological report prepared for the proposed structural development indicated the potential presence of and impacts to Monarch butterflies, Smith's blue butterfly, Sitka willow riparian forest habitat, and the dusky-footed woodrat. However, as conditioned and mitigated, potential impacts to sensitive species and habitat are considered to be less than significant. In addition, the Applicant submitted a biological update letter which confirms the findings and recommendations of the initial report, and does not change the conclusions of the mitigated negative declaration prepared by staff. Upon implementation of the mitigations measures, the development would not result in disruption of habitat values. Although not required to mitigate a project impact, the update did recommend removal of invasive kikuyu grass from the Northern Coastal Scrub habitat along the coastal terrace. The Applicant has agreed to perform the removal, and staff has added a non-standard condition of approval to apply this recommendation (Condition No. 40). Furthermore, the proposed structural development has been sited and designed to minimize or avoid potential impacts to biological resources. Therefore, the project as designed is consistent with the environmentally sensitive habitat policies regarding protection of natural resources.

Tree Removal - Tree cover on the existing parcel is composed of non-native blue gum eucalyptus, planted Monterey cypress, Coast redwoods, and Monterey pine. Potential impacts to a eucalyptus grove on the property have been minimized by design. Only two eucalyptus trees have been proposed for removal, and both are located within the proposed building site for the single family dwelling and away from the main area of the grove to the north and east. The project has been designed and sited to minimize the removal of trees to the greatest extent feasible, and is consistent with the development standards identified in Section 20.145.060.D of the Coastal Implementation Plan. Staff conducted a site inspection on March 23, 2012, to verify

that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal. Measures for tree protection during construction have been incorporated (Condition No. 14).

Transfer of Development Credit - The project includes application for transfer of development credit to allow an intensification of development (i.e., a minor subdivision). LUP Scenic Resource Policy 3.2.6.3 allows transfer of development credit to a receiving parcel not in the viewshed and otherwise found to be suitable for an increased density of development, and as long as the increase in residential density on the receiving parcel does not exceed twice that which is specified by LUP Section 5.4, Land Use Development Policies. LUP Policies 7.2.1.E (Minimum Size of Parcels), and 7.2.5 and 7.2.7.D (Transfer of Development Credits) allow for purchase (or transfer) of development credits to support a higher intensity of development. MCC Section 20.64.190 (Transfer of Development Credits) establishes the regulations for designating donor and receiver sites. The proposed project meets the requirements of the LUP policies and regulations.

The total project area consists of one 49.0 acre parcel, which is proposed to be subdivided into two lots of 40.0 and 9.0 acres. Based on the current land use designation and zoning classification, the property could allow a density of 40 acres per unit. As proposed and designed, this minor subdivision would create two parcels, with an existing and proposed single family dwelling. The existing parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)], and is developed with a single family dwelling and accessory structures. Also, the existing parcel is a legal lot of record created by Minor Subdivision 81-14. The Parcel Map was recorded on December 2, 1981 (Volume 15, Page 18 of Parcel Maps). The proposed minor subdivision would create one new parcel of approximately 9 acres, thereby reducing the existing lot to approximately 40 acres.

Pursuant to MCC Section 20.17.060, the minimum building site in the WSC zoning classification shall be 1 acre if approved as part of a clustered residential development, or the acres per unit shown for the specific WSC district. This particular WSC district designates 40 acres per unit. The increased density of development would be allowed by the transfer of development credit from a donor site established under PC94155, and the newly created parcel would be designated as the receiver site for the transfer of one development credit from the donor site established under PC94155. The County of Monterey Planning Commission approved (or designated) the donor site on November 16, 1994 (Resolution No. 94187, County Planning File No. PC94155/Larson). The donor site is located on Sycamore Canyon Road, within the Big Sur Critical Viewshed (Assessor's Parcel Number 419-311-011-000). The scenic easement for the donor site was recorded on November 1, 2001 (Document No. 2001092914).

Subdivision – The proposed project includes application for a minor subdivision. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, Big Sur Coast Land Use Plan, Monterey County Coastal Implementation Plan, Part 3, and Title 19 (Coastal) of the Monterey County Code (MCC). The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030 (Coastal), and the proposed lots meet all County requirements for minimum lot size, lot width, and lot depth. The site is also suitable for the proposed project including the type and density of the development. Moreover, the proposed project, as designed, reviewed by staff, and conditioned, will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. The Environmental Health Bureau (EHB) reviewed the project application and determined that an adequate area is available for a septic system on the proposed parcel. EHB also reviewed the application to ensure the parcels would have an adequate and

potable water supply. The existing parcel and structures have an adequate water supply, and will continue to use the same supply. The proposed parcel and structures will develop a separate water system. EHB reviewed the spring data for both proposed parcels, and determined that each spring meets quantity and quality requirements. EHB also applied a condition of approval to re-confirm these requirements prior to issuance of building permits (Condition No. 15). In addition, the subdivision design and improvements will not cause environmental damage to fish or wildlife habitat.

The minor subdivision will not conflict with easements, as no easements currently exist on the subject property. The Monterey County Parks Department reviewed the project application and determined that the applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication (Condition No. 39). The project, as proposed, would also not generate a significant amount of new traffic nor significantly increase the number of permanent vehicle trips. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. Construction-related activities would temporarily increase traffic from trips generated by the individuals on the construction site; however, no adverse impact is expected to occur due to the small scale of the proposed project. Public Works reviewed the project application and applied a condition of approval to require payment of the Regional Development Impact Fee (Condition No. 27).

Environmental Review

Monterey County, as Lead Agency, prepared an Initial Study and Mitigated Negative Declaration (MND) for this project (**Exhibit F**). The MND was filed with the County Clerk on November 9, 2012, and circulated for public review and comment from November 13 to December 17, 2012 (SCH#2012111034). The County received one comment letter from Caltrans (**Exhibit H**), which identified the requirement for an encroachment permit for access to Highway 1. The County considered the comments received, and they did not alter the conclusions in the MND. The MND identified potentially significant impacts to biological resources, and staff applied recommended mitigations to reduce impacts to a level of less than significant. Staff prepared a Mitigation Monitoring and Reporting Plan that includes ten mitigation measures, and is designed to ensure compliance during project implementation and to reduce the potential impacts of the project. Mitigation Nos. 1 and 2 will avoid potential impacts to Monarch butterflies, Mitigation No. 3 will ensure the protection of the rocky shore and marine habitat at the base of the bluff, Mitigation Nos. 4 and 5 will ensure avoidance of potential impacts to Smith's blue butterfly, and Mitigation Nos. 6 through 10 will minimize or avoid potential impacts to Sitka willow riparian forest habitat. No unresolved issues remain.

Recommendation

Staff and the Minor Subdivision Committee recommend that the Planning Commission consider and adopt the Mitigated Negative Declaration (MND), approve the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval, and adopt the Mitigation Monitoring and Reporting Plan.

EXHIBIT C
DRAFT RESOLUTION w/
CONDITIONS OF APPROVAL, SITE PLAN, FLOOR PLAN
& ELEVATIONS, & TENTATIVE PARCEL MAP

PLN030379 – Brandywine Trust

Planning Commission
January 30, 2013

**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:

BRANDYWINE TRUST COMPANY (PLN030379)

RESOLUTION NO. 13 -

Resolution by the Monterey County Planning
Commission:

- 1) Adopting the Mitigated Negative Declaration;
- 2) Approving the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval; and
- 3) Adopting the Mitigation Monitoring and Reporting Plan.

[PLN030379, Brandywine Trust Company, 56440 Highway 1, Big Sur Coast Land Use Plan (APN: 421-011-001-000)]

The Brandywine Trust Company application (PLN030379) came on for public hearing before the Monterey County Planning Commission on January 30, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, 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;
 - Monterey County Coastal Implementation Plan Part 3;
 - Monterey County Zoning Ordinance (Title 20); and
 - Monterey County Subdivision Ordinance (Title 19 - Coastal)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 property is located at 56440 Highway 1, Big Sur (Assessor's Parcel Number 421-011-001-000), South Coast Area, Big Sur Coast Land Use Plan. The parcel is zoned WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone)]. This zoning allows construction of the first single family dwelling and accessory structures as a principal use with a Coastal Administrative Permit and Design Approval. This zoning also allows subdivisions, use of a Transfer Development Credit, development

within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, and tree removal as conditional uses with a Coastal Development Permit, provided the necessary findings can be met. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on March 23, 2012, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Public Access: See Finding No. 6.
- e) Slope Exceeding 30 Percent: Development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Big Sur Coast Land Use Plan than other development alternatives. See Finding No. 7.
- f) Environmentally Sensitive Habitat Areas (ESHA): Development within 100 feet of ESHA must minimize impacts in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 8.
- g) Subdivision: See Finding No. 9.
- h) Tree Removal: Development must minimize tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 10.
- i) Big Sur Critical Viewshed: Development must avoid impacts to the Big Sur Critical Viewshed in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 11.
- j) Wildfire Protection: See Finding No. 12.
- k) Transfer of Development Credit: See Finding No. 13.
- l) Cultural Resources: The project site is in an area identified in County records as having a high archaeological sensitivity, and the archaeological report prepared for the project identified six known archaeological sites within one kilometer of the project site, including the parcel to the north. However, an archaeological survey conducted for the project did not identify any previously unrecorded archaeological resources within the project site area. Examination of the project site and surrounding area during field reconnaissance revealed no evidence for potential impacts to archaeological resources, and the archaeologist concluded that monitoring of construction activities is not warranted. In addition, no historical or paleontological resources, or unique geologic features are identified as associated with this site. Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3).
- m) Water Resources: The existing parcel and structures have an adequate water supply, and will continue to use the same supply. The proposed parcel and structures will develop a separate spring-fed water source. The Environmental Health Bureau (EHB) reviewed the proposed project application, reviewed spring data for both proposed parcels, and determined that each spring meets quantity and quality requirements. The new source would provide service to the proposed single family

dwelling located on the same proposed parcel, and will not result in substantial water use intensification or an interbasin transfer of water. As proposed and conditioned, the project is consistent with applicable policies of the Big Sur Coast Land Use Plan, Chapter 3.4, Water Resources. See Finding Nos. 3 and 9.

- n) Agricultural Resources: The project, as proposed and conditioned, is consistent with Big Sur Coast Land Use Plan policies regarding agricultural resources. The property is not designated as prime agricultural soils, nor is it designated for agricultural preservation or conservation.
- o) The total project area consists of one 49.0 acre parcel, which is proposed to be subdivided into two lots of 40.0 and 9.0 acres. Based on the current land use designation and zoning classification, the property could allow a density of 40 acres per unit. As proposed and designed, this minor subdivision would create two parcels, with an existing and proposed single family dwelling. Pursuant to Section 20.17.060, the minimum building site in the WSC zoning classification shall be 1 acre if approved as part of a clustered residential development, or the acres per unit shown for the specific WSC district. This particular WSC district designates 40 acres per unit. The increased density of development is allowed by the transfer of development credit from a donor site established under PC94155. See Finding No. 13.
- p) The legality of the subject parcel identified as Assessor's Parcel Number 421-011-001-000 is supported by Parcel Map MS 81-14, recorded December 2, 1981 (Volume 15, Page 18). In addition, the existing property is developed with a single family residence and accessory structures, and is therefore a legal parcel per Title 19, Section 19.14.045.A.2.
- q) The project was referred to the South Coast Land Use Advisory Committee (LUAC) for review. This application did warrant referral to the LUAC because it involves development requiring CEQA review and a Design Review subject to review by the Planning Commission. The LUAC unanimously voted to support the project as proposed at a public meeting held on August 24, 2004.
- r) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Parks Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Cultural (Archaeological) Resources, Biological Resources, and Soil Stability. The following

reports have been prepared:

- Preliminary Archaeological Reconnaissance (LIB040143) prepared by Archaeological Consulting, Salinas, California, July 7, 2003.
- Biological Assessment (LIB040142) prepared by Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 2, 2003.
- Geotechnical Soils-Foundation & Geoseismic Report (LIB040144) prepared by Grice Engineering and Geology, Inc., Salinas, California, April 5, 2003.
- Geological Hazards Investigation (LIB040145) prepared by Gasch & Associates, Inc., Rancho Cordova, California, June 24, 2004.
- Biological Letter (LIB130008) prepared by Fred Ballerini Biological and Horticultural Services, Pacific Grove, California, January 9, 2013.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on March 23, 2012, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

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 the RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Parks Department, Environmental Health Bureau, and Water Resources Agency. 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 either are or will be provided. The existing parcel and structures have the required septic system and water supply, will continue to use these same facilities, and will have adequate septic repair areas. The proposed parcel and structures (i.e., a single family dwelling and non-habitable accessory structure) would require the construction of a new septic system on the property. The Environmental Health Bureau (EHB) reviewed the proposed project application and determined that adequate space is available for a septic system and a replacement area. The dwelling would also be serviced by development of a spring-fed water supply. EHB applied conditions of approval as required (Condition Nos. 15 and 16).

- c) See Finding Nos. 1, 2, 4, 5, and supporting evidence.
- d) Staff conducted a site inspection on March 23, 2012, to verify that the site is suitable for the proposed use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

4. **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 RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
 - b) Staff conducted a site inspection on March 23, 2012, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN030379).
 - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition No. 6).
 - e) The Draft Mitigated Negative Declaration ("MND") for PLN030379

was prepared in accordance with CEQA and circulated for public review from November 13 through December 17, 2012 (SCH#: 2012111034).

- f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utilities/service systems.
- g) The County identified less than significant impacts to aesthetics, air quality, geology/soils, greenhouse gas emissions, hydrology/water quality, land use/planning, noise, and population/housing. Mitigation measures will not be required for these resource areas.
- h) The County identified potentially significant impacts to biological resources, and mitigation measures have been proposed to reduce the impacts to a level of less than significant. Mitigation Measures Nos. 1 and 2 reduce or avoid potential impacts to Monarch butterflies. Mitigation Measure No. 3 ensures protection of the rocky shore and marine habitat at the base of the bluff. Mitigation Measure Nos. 4 and 5 reduce or avoid potential impacts to Smith's blue butterflies. Mitigation Measure Nos. 6 through 10 ensure protection of the Sitka willow riparian forest habitat adjacent to the proposed development site. See Finding No. 8, Environmentally Sensitive Habitat.
- i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2 / Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in the RMA-Planning Department (PLN030379) and are hereby incorporated herein by reference.
- j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site either supports, or has the potential to support, Monarch butterflies, Smith's blue butterfly, Sitka willow riparian forest habitat, and the dusky-footed woodrat. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- k) The County has considered the comments received during the public review period and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. Consistent with State regulatory

requirements, the Applicant shall obtain an encroachment permit from Caltrans for access to Highway 1.

- l) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) Figure 2 (Shoreline Access Plan - Central Section), in the Big Sur Coast Land Use Plan, identifies that the subject property is within an area described as a Priority 3 access area for shoreline access. However, safety hazards (slopes), potential natural resource conflicts, and limited potential parking areas make the project area suitable only for visual access. Condition No. 13 shall require the Applicant to record a Scenic Easement over those portions of the parcel within the Big Sur Critical Viewshed.
 - c) Figure 3 (Trails Plan - Central Section), in the Big Sur Coast Land Use Plan, identifies that the subject property is not described as an area where the Local Coastal Program requires public trail access.
 - d) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - e) Staff conducted a site inspection on March 23, 2012.
 - f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) The project includes application for development on slopes exceeding 30%. The Applicant proposes to construct an approximately 2,729 square foot single family dwelling within an existing excavated depression. General Plan Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. In addition, Policy 3.7.3.A.1 of the Big Sur Coast Land Use Plan directs that all development be sited and designed to conform to site topography and to

minimize grading and other site preparation activities. The County has reviewed the project plans and visited the site to analyze possible development alternatives. Given the site's topography and location between Highway 1 and the Pacific Ocean, there is no feasible alternative that would avoid development on slope greater than 30 percent and simultaneously satisfy other goals and objectives of the applicable land use plan regarding protection of the viewshed and environmentally sensitive habitat. In addition, the Applicant's proposal minimizes excavation by conforming to the existing site topography. Therefore, the proposed development is consistent with applicable policies regarding development on slope exceeding 30 percent, and an exception may be granted.

- c) The Planning Commission shall require such conditions of approval and changes in the development as it may deem necessary to assure compliance with MCC Section 20.145.080 (Condition Nos. 7 and 8).
- d) The project planner conducted a site inspection on March 23, 2012.
- e) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

8. **FINDING:**

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) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) Chapter 3.3, Environmentally Sensitive Habitats, of the Big Sur Coast Land Use Plan, directs that development shall not result in disruption of habitat value. County records and the biological report prepared for the proposed structural development indicate the potential presence of and impacts to Monarch butterflies, Smith's blue butterfly, Sitka willow riparian forest habitat, and the dusky-footed woodrat. However, as conditioned and mitigated, potential impacts to sensitive species and habitat are considered to be less than significant. Upon implementation of the mitigations measures; the development would not result in disruption of habitat values. Furthermore, the proposed structural development has been sited and designed to minimize or avoid potential impacts to biological resources. Therefore, the project as designed is consistent with the environmentally sensitive habitat policies regarding protection of natural resources.
- c) Monarch Butterflies: Tree cover on the existing parcel is composed of non-native blue gum eucalyptus, planted Monterey cypress, Coast redwoods, and Monterey pine. The proposed building site is surrounded and vegetated by Northern Coastal Scrub habitat, characterized by low,

dense shrub cover including a variety of native and non-native species. The proposed driveway area is covered with kikuyu grass and other non-native plant species. A eucalyptus grove north and east of the proposed building site has the potential to support Monarch butterflies as an overwintering site, and the presence of Monarch butterflies is presumed. Potential impacts to the eucalyptus grove have been minimized by design. Only two trees have been proposed for removal, and both are located within the proposed building site for the single family dwelling and away from the main area of the grove. Mitigation Measure 1 (Condition No. 28) will require the Applicant to survey the eucalyptus grove between the early fall months and late February to determine whether the stand supports mass overwintering of Monarch butterflies, and to avoid potential impacts by not conducting tree removal or construction activities between October 1st and February 28th. In addition, Mitigation Measure 2 (Condition No. 29) will require the Applicant to avoid potential interference to nighttime butterfly roosting by minimizing exterior lighting that may affect butterfly roosting at night.

- d) Marine habitat: To ensure the protection of the rocky shore and marine habitat at the base of the bluff, Mitigation Measure 3 (Condition No. 30) will require the Applicant to install a debris fence during the construction period on the inner margin of the seaward bluff around the entire project area to prevent accidental dumping of vegetation or loose material down the steep hillslope to the rocky shore below. The debris fence shall remain in place and be maintained for the duration of construction activities.
- e) Smith's blue butterfly: No element of the proposed project occurs in habitat that supports seacliff buckwheat and Smith's blue butterfly. Although no seacliff buckwheat plants were observed in the proposed project area, the biologist identified seacliff buckwheat, the host plant for the federally-listed/endangered Smith's blue butterfly, at a site to the east across Highway 1. Due to the proximity of this site, including a documented occurrence of Smith's blue butterfly, Mitigation Measures 4 and 5 (Condition Nos. 31 and 32) will require the Applicant to incorporate best management dust control measures, train all construction personnel on the requirement to follow the approved control measures, and not allow off-highway parking of construction vehicles on the easterly road shoulder of Highway 1 from June 15th through August 15th.
- f) Sitka willow riparian forest habitat: This habitat is found northwest of the proposed building site. Although no aspect of the proposed project will occur within the Sitka willow riparian forest area, temporary and/or indirect impacts may occur during project construction activities. Therefore, five mitigations are included to reduce potential impacts. Mitigation Measure 6 (Condition No. 33) will require review of construction plans by a qualified biologist and confirmation of consistency with applicable recommendations. Mitigation Measure 7 (Condition No. 34) requires the installation of a silt-stop fence for a distance of 40 feet on both sides of the wet meadow along the old roadbed to define the allowable work area and protect the adjacent

habitat. The silt-stop fence shall remain in place and be maintained for the duration of construction activities. Mitigation Measure 8 (Condition No. 35) requires the installation of orange construction fencing during the construction period in the Northern Coastal Scrub vegetation at least 100 feet beyond the dripline of the Sitka willow thicket. This fencing shall encircle the southwestern boundary of the willow thicket from the coastal bluff edge to the edge of the abandoned roadway, will connect with the silt-stop fence installed along the abandoned roadway, and will also remain in place and be maintained for the duration of construction activities. Mitigation Measure 9 (Condition No. 36) requires the Applicant to minimize disturbance within the allowable work area. Mowing shall be confined to the bed of the old roadway within the silt-stop fence, and trenching along the abandoned roadbed shall be executed with the minimum size trenching equipment required. Upon completion of trenching and installation of utilities, the disturbed roadbed shall be returned to its pre-trenching slope. Exposed soil shall be covered with sterile straw and planted with native beardless ryegrass seed. Mitigation Measure 10 (Condition No. 37) prohibits motorized vehicle access along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the existing parcel area to the north, except on a temporary basis for necessary repairs to the proposed utilities.

- g) Two stick nests of the Monterey dusky-footed woodrat were observed (June 2003) in the vicinity of the proposed project; however, construction activities are unlikely to affect the nesting and foraging area. Implementation of the mitigation measures for the Sitka willow riparian forest habitat would ensure no impacts occur to the dusky-footed woodrat.
- h) The project planner conducted a site inspection on March 23, 2012, to verify ESHA locations and potential project impacts to ESHA.
- i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

9. **FINDING:**

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, Big Sur Coast Land Use Plan, Monterey County Coastal Implementation Plan, Part 3, and Title 19 (Coastal) of the Monterey County Code (MCC) (see Finding No. 1).
 - b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030 (Coastal). The lots, as proposed, meet all County requirements for minimum lot size, lot width, and lot depth (see Finding No. 13).
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding Nos. 2 and 13).
 - d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat (see Finding Nos. 5 and 8).
 - e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding No. 3).
 - f) Water Supply. MCC Section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long term water supply with the project. The existing parcel and structures have an adequate water supply, and will continue to use the same supply. The proposed parcel and structures will develop a separate water system. The Environmental Health Bureau (EHB) reviewed the proposed project application, reviewed spring data for both proposed parcels, and determined that each spring meets quantity and quality requirements. EHB also applied a condition of approval to re-confirm these requirements prior to issuance of building permits (Condition No. 15) (see Finding Nos. 1 and 3).
 - g) Sewage Disposal. MCC Sections 19.03.015.K and 19.07.020.J require that provision shall be made for adequate sewage disposal. Development sites would be served by existing and new septic systems. The Environmental Health Bureau reviewed the project application and determined that an adequate area was available for a septic system on the proposed parcel. (see Finding No. 3).
 - h) Easements. The subdivision or the type of improvements will not conflict with easements, as no easements currently exist on the subject property.
 - i) Traffic. The project, as proposed, would not generate a significant amount of new traffic nor significantly increase the number of permanent vehicle trips. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. Construction-related activities would temporarily increase traffic from trips generated by the individuals on the construction site;

however, no adverse impact is expected to occur due to the small scale of the proposed project. Public Works reviewed the project application and applied a condition of approval to require payment of the Regional Development Impact Fee (Condition No. 27).

- j) Parks and Recreation. The Monterey County Parks Department reviewed the project application and determined that the applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication (Condition No. 39).
- k) Affordable Housing. The proposed project involves the minor subdivision of an existing lot and the creation of only one new lot; therefore, the project is exempt under the Inclusionary Housing Ordinance, per Chapter 18.40 of the Monterey County Code.
- l) The project planner conducted a site inspection on March 23, 2012.
- m) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

10. **FINDING:** **TREE REMOVAL (COASTAL)** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and the associated Coastal Implementation Plan.

- EVIDENCE:**
- a) The project includes application for the removal of two eucalyptus trees. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) Section 3.5, Forest Resources, of the Big Sur Coast Land Use Plan, and Section 20.145.060, Forest Resources Development Standards, of the Monterey County Coastal Implementation Plan, Part 3, provide the regulations for tree removal on the project site.
 - c) Tree cover on the existing parcel is composed of non-native blue gum eucalyptus, planted Monterey cypress, Coast redwoods, and Monterey pine. Potential impacts to a eucalyptus grove on the property have been minimized by design. Only two eucalyptus trees have been proposed for removal, and both are located within the proposed building site for the single family dwelling and away from the main area of the grove to the north and east. The project has been designed and sited to minimize the removal of trees to the greatest extent feasible, and is consistent with the development standards identified in Section 20.145.060.D of the Coastal Implementation Plan.
 - d) The eucalyptus grove north and east of the proposed building site has the potential to support Monarch butterflies as an overwintering site, and the presence of Monarch butterflies is presumed. The tree removal will not involve a risk of adverse environmental impacts. See Finding No. 8 (ESHA).
 - e) Measures for tree protection during construction have been incorporated (Condition No. 14).
 - f) Staff conducted a site inspection on March 23, 2012, to verify that the tree removal is the minimum necessary for the project and to identify

any potential adverse environmental impacts related to the proposed tree removal.

- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

11. **FINDING:**

VIEWSHED – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE:

- a) The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) Visually, the existing property borders and is visible from Highway 1, a designated scenic roadway and a primary element of the Big Sur Critical Viewshed as defined in Chapter 3.2 (Scenic Resources) of the Big Sur Coast Land Use Plan (LUP). By definition, the proposed minor subdivision of the existing parcel constitutes development within the Big Sur Critical Viewshed, and is subject to the policies regarding the Big Sur Critical Viewshed. Consistent with LUP Policy 3.2.3.A.1, which directs that all new parcels must contain building sites outside the critical viewshed, the proposed new parcel would have a suitable area for structural development effectively screened from the Big Sur Critical Viewshed by topography, trees, and vegetation.
- c) The proposed structures are designed to conform to the topography of the site, and the only fully visible side of either structure would face the Pacific Ocean. Moreover, the design of the proposed structures minimizes the elevation above average natural grade. As proposed, the dwelling and garage would have a 7.0 foot and 3.5 foot elevation above average natural grade, respectively. The site changes would not degrade the visual character of the Big Sur Critical Viewshed, would not result in an inconsistency with policies designed to safeguard visual resources. Therefore, the project as designed is consistent with the scenic resource policies in Chapter 3.2 of the Big Sur Coast Land Use Plan, and construction of the proposed structures would not result in impacts to the existing scenic vista.
- d) To ensure the protection of the Big Sur Critical Viewshed, the County will apply a standard condition of approval to require a scenic and conservation easement over the eucalyptus grove that currently provides screening of the proposed building site (Condition No. 13). The County will also apply a non-standard condition of approval to require replacement of trees inadvertently damaged or destroyed (Condition No. 38). In addition, the County will apply a standard condition of approval to require an exterior lighting plan subject to review and approval by the RMA-Planning Department (Condition No. 10). Per this condition of approval, all exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Moreover, exterior light sources that would be directly visible from critical viewshed

viewing areas are prohibited.

- e) The project as proposed, conditioned, and mitigated is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the critical viewshed.
- f) The project planner conducted a site inspection on March 23, 2012, to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.
- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

12. **FINDING:**

WILDFIRE PROTECTION STANDARDS IN STATE

RESPONSIBILITY AREAS – The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

EVIDENCE:

- a) The Big Sur Coast area, including the proposed project site, is within the Monterey County State Responsibility Area. The proposed project would expose people and structures to risk of wildland fire where proposed residential development is adjacent to undeveloped open space, most notably the Los Padres National Forest.
- b) Monterey County Code Section 18.56, Wildfire Protection Standards in State Responsibility Areas, requires that future design and construction of structures, subdivisions and developments in State Responsibility Areas shall provide for emergency access and perimeter wildfire protection measures. The proposed structures, as designed, provide for emergency access and fire suppression. The development site would be served by a new water tank sized for required fire suppression capacity and a surfaced driveway.
- c) Standard fire suppression and protection conditions have been applied to the project to ensure the following: 1) the driveway meets minimum requirements regarding width, surface, and turning radius or turnaround; 2) all structures have required signing and numbering; 3) the site has adequate emergency water flow; 4) implementation of vegetation/fuel modification to provide a defensible space area around the structures; and 5) all structures have required fire protection and suppression systems (i.e., sprinklers) and roof construction standards to minimize fire danger (Condition Nos. 18, 19, 20, 21, 22, 23, and 24). The driveway will have sections over 15 percent grade; therefore, the fire protection district will apply additional construction requirements (e.g., improvements such as concrete surfacing and/or resistance barriers) to ensure access for emergency vehicles.

13. **FINDING:**

TRANSFER OF DEVELOPMENT CREDIT – The subject project involves a transfer of development credit in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE:

- a) The project includes application for transfer of development credit. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit

- have been met.
- b) LUP Scenic Resource Policy 3.2.6.3 allows transfer of development credit to a receiving parcel not in the viewshed and otherwise found to be suitable for an increased density of development, and as long as the increase in residential density on the receiving parcel does not exceed twice that which is specified by LUP Section 5.4, Land Use Development Policies. LUP Policies 7.2.1.E (Minimum Size of Parcels), and 7.2.5 and 7.2.7.D (Transfer of Development Credits) allow for purchase (or transfer) of development credits to support a higher intensity of development. MCC Section 20.64.190 (Transfer of Development Credits) establishes the regulations for designating donor and receiver sites. The proposed project meets the requirements of the LUP policies and regulations.
 - c) The total project area consists of one 49.0 acre parcel, which is proposed to be subdivided into two lots of 40.0 and 9.0 acres. Based on the current land use designation and zoning classification, the property could allow a density of 40 acres per unit. As proposed and designed, this minor subdivision would create two parcels, with an existing and proposed single family dwelling. The existing parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)], and is developed with a single family dwelling and accessory structures. Also, the existing parcel is a legal lot of record created by Minor Subdivision 81-14. The Parcel Map was recorded on December 2, 1981 (Volume 15, Page 18 of Parcel Maps). The proposed minor subdivision would create one new parcel of approximately 9 acres, thereby reducing the existing lot to approximately 40 acres.
 - d) Pursuant to MCC Section 20.17.060, the minimum building site in the WSC zoning classification shall be 1 acre if approved as part of a clustered residential development, or the acres per unit shown for the specific WSC district. This particular WSC district designates 40 acres per unit. The increased density of development would be allowed by the transfer of development credit from a donor site established under PC94155, and the newly created parcel would be designated as the receiver site for the transfer of one development credit from the donor site established under PC94155. The County of Monterey Planning Commission approved (or designated) the donor site on November 16, 1994 (Resolution No. 94187, County Planning File No. PC94155/Larson). The donor site is located on Sycamore Canyon Road, within the Big Sur Critical Viewshed (Assessor's Parcel Number 419-311-011-000). The scenic easement for the donor site was recorded on November 1, 2001 (Document No. 2001092914).
 - e) Based on the evidence above, and pursuant to MCC Section 20.64.190.050, the receiver site has the potential for development consistent with the policies of the Big Sur Coast Land Use Plan (LUP) except for the maximum development otherwise allowed by the LUP and implementing zoning.
 - f) The new residential building site made possible by the receipt of a Transfer Development Credit has the minimum number of common driveway access onto Highway 1.

- g) The new development provided on the receiver site meets the septic, viewshed protection, resource protection, water supply, and geologic safety criteria specified in the Big Sur Coast Land Use Plan. See Finding Nos. 1, 2, 3, 5, 7, 8, 9, 10, and 11.
- h) Pursuant to MCC Section 20.64.190.050, the receiver site is not permitted to be developed to an overall density of more than one residential unit per net acre. However, based on the current land use designation and zoning classification, the receiver site would only be allowed the proposed single family dwelling.
- i) The project planner conducted a site inspection on March 23, 2012, to verify that the project conforms to the policies of the Big Sur Land Use Plan regarding transfer of development credit.
- j) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN030379 and PC94155.

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

- EVIDENCE:**
- a) Board of Supervisors: Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allow an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission: Section 20.86.080.A.1, A.2, and A3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea, development within 300 feet of the top of the seaward face of a coastal bluff, and development that is permitted in the underlying zone as a conditional use (i.e.; minor subdivision, designation of a receiver site for transfer of development credit, development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, and tree removal).

DECISION

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

1. Adopt the Mitigated Negative Declaration;
2. Approve the Combined Development Permit, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the Mitigation Monitoring and Reporting Plan.

PASSED AND ADOPTED this 30th day of January, 2013 upon motion of _____, seconded by _____, by the following vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

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 may 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 the Monterey County Planning Department and 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.

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN030379

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN030379) allows a minor subdivision of a 49 acre lot into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2), the designation of Parcel 2 as a receiver site for a transfer of development credit from a donor site established under PC94155, development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, removal of two eucalyptus trees, and the construction on the proposed receiver site of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, spring-fed water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill). The property is located at 56440 Highway 1 (Assessor's Parcel Number 421-011-001-000), 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 the RMA - Planning Department. 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. (RMA - Planning Department)

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 Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 13 - ___) was approved by the Planning Commission for Assessor's Parcel Number 421-011-001-000 on January 30, 2013. The permit was granted subject to forty (40) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

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

Responsible Department: Planning Department

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. The Monterey County RMA - Planning Department 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. (RMA - Planning Department)

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 the Monterey County RMA - Planning Department 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. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

**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 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. (RMA - Planning Department)

**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, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

5. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. The mitigation monitoring agreement shall be recorded. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.
- 3) Proof of recordation of the mitigation monitoring agreement shall be submitted to the RMA-Planning Department.

7. PD008 - GEOLOGIC CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geological Consultant shall submit certification by the geological consultant to the RMA - Planning Department showing project's compliance with the geological report.

8. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

9. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. 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 RMA - Planning Department. 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. (RMA - Planning Department)

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 RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. 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 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 RMA - Planning Department.

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.

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

Responsible Department: Planning Department

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 three (3) copies of 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 RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)

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 the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

11. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of two (2) years, to expire on January 30, 2015, unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

12. PD035 - UTILITIES UNDERGROUND

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

13. PD040 - CRITICAL VIEWSHED (BIG SUR)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed, including but not limited to, all existing vegetated areas without which the development would be located within the critical viewshed, pursuant to Sections 20.145.030.A.2(g) and (h) of the Regulations for Development in the Big Sur Coast Land Use Plan. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the scenic easement deed and corresponding map to the RMA-Planning Department for review and approval.

Prior to recordation of the parcel/final map or commencement of use, the Owner/Applicant shall record a map showing the approved scenic easement.

14. PD049 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

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. Tree removal shall not occur until after issuance of the building permit for the single family dwelling. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit evidence of tree protection to the RMA-Planning Department 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 the RMA-Planning Department to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

15. EHSP01 - DEED NOTIFICATION WATER QUALITY

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A deed notice shall be recorded for each parcel indicating that water quality verification meeting state and local drinking water standards shall be required prior to the issuance of any grading or building permits. Also, that each individual parcel will be served by a separate spring on each parcel and that no water system will be formed. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to filing the parcel map, submit a draft deed notice for review and approval by the Director of Environmental Health. After approval, record the deed notification with the Monterey County Recorder and provide proof to Environmental Health and Planning Department.

16. EHSP02 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

17. DRAINAGE PLAN

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Water Resources Agency with a drainage plan prepared by a registered civil engineer or architect that incorporates the recommendations included in the Grice Geotechnical Report. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.

18. FIRE007 - DRIVEWAYS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the driveway into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of driveway improvements and obtain fire department approval the final fire inspection.

19. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.
Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

20. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

21. FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the water system improvements and shall obtain fire department approval of the final fire inspection.

22. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning. Responsible Land Use Department: CALFIRE Coastal Fire District.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

Prior to final building inspection, Applicant shall schedule fire dept. clearance inspection.

23. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

24. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

25. PW0031 - PARCEL MAP

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: File a Parcel Map delineating all existing and required easements or rights-of-way, monument new lines.
(RMA - Public Works Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, the Applicant's surveyor shall prepare a parcel map and submit it to DPW for review and approval.

26. PW00036 - (EXISTING EASEMENTS AND ROW)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights-of-way. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, the Applicant's surveyor shall include all existing and required easements or rights-of-way on the Parcel Map.

27. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, the Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.

28. PDSP001/MM1 - MONARCH BUTTERFLIES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The potential presence of Monarch butterflies is presumed. Therefore, to avoid potential impacts to roosting and/or migrating Monarch butterflies, the Applicant shall survey the eucalyptus grove between the early fall months and late February to determine whether the stand supports mass overwintering of Monarch butterflies, and submit appropriate survey documentation to the California Native Diversity Database (CNDDDB). If the grove supports winter roosting of Monarch butterflies, damage and tree removal in the area of the grove north and east (upslope) of the proposed home site and leach area shall be minimized. To avoid potential impacts to roosting and/or migrating Monarch butterflies, the proposed removal of the two eucalyptus trees and/or construction activities that generate dust shall not occur between October 1st and February 28th.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence to the RMA-Planning Department of a Monarch butterfly survey by a qualified biologist. If the survey determines the grove supports winter roosting of Monarch butterflies, then the proposed removal of the two eucalyptus trees and/or construction activities that generate dust shall not occur between October 1st and February 28th.

29. PDSP002/MM2 - MONARCH BUTTERFLIES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To avoid potential interference to nighttime butterfly roosting, the Applicant shall minimize outdoor/exterior lighting that may affect butterfly roosting at night.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Applicant shall submit an exterior lighting plan to the RMA-Planning Department for review and approval that minimizes lighting that may affect butterfly roosting at night.

The installed lighting shall be inspected to ensure conformance with the approved exterior lighting plan.

30. PDSP003/MM3 - PROTECTION OF MARINE HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To ensure the protection of the rocky shore and marine habitat at the base of the bluff, the Applicant shall install a debris fence during the construction period on the inner margin of the seaward bluff around the entire project area to prevent accidental dumping of vegetation or loose material down the steep hillslope to the rocky shore below. The debris fence shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of installation of a debris fence to the RMA-Planning Department for review and approval.

31. PDSP004/MM4 - SMITH'S BLUE BUTTERFLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The potential presence of Smith's blue butterfly is presumed. Therefore, to avoid potential impacts to this sensitive species, the Applicant shall implement controls during all phases of project construction to prevent dust from drifting across Highway 1 and coating the seacliff buckwheat plants.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate best management dust control measures as notes on the plans, and submit the plans to the RMA-Planning Department for review and approval.

Prior to the initiation of construction activities, the contractor shall train all construction personnel on the requirement to follow the approved control measures, and submit evidence of this training to the RMA – Planning Department.

32. PDSP005/MM5 - SMITH'S BLUE BUTTERFLY - PARKING RESTRICTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: From June 15th through August 15th, the Applicant shall not allow off-highway parking of construction vehicles on the easterly road shoulder of Highway 1.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate appropriate parking guidelines as notes on the plans, and submit to the RMA-Planning Department for review and approval.

33. PDSP006/MM6 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, construction plans shall be reviewed by a qualified biologist for consistency with the recommendations of the biological report prepared for the project. The Applicant shall submit a letter from the biologist to the RMA-Planning Department confirming the review and determination of consistency.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit a letter from the biologist confirming the review and determination of consistency to the RMA-Planning Department for review and approval.

34. PDSP007/MM7 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, the Applicant shall install a silt-stop fence for a distance of 40 feet on both sides of the wet meadow along the old roadbed to define the allowable work area and protect the adjacent habitat, including any chain fern in the immediate vicinity. The Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval. The silt-stop fence shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval.

35. PDSP008/MM8 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, the Applicant shall install orange construction fencing during the construction period in the Northern Coastal Scrub vegetation at least 100 feet beyond the dripline of the Sitka willow thicket. This fencing shall encircle the southwestern boundary of the willow thicket from the coastal bluff edge to the edge of the abandoned roadway. This protective fencing shall also connect with the silt-stop fence installed along the abandoned roadway. The Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval. The construction fencing shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval.

36. PDSP009/MM9 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, disturbance within the allowable work area shall be kept to a minimum. Prior to soil disturbance, the alignment of the utilities excavation shall be mowed. Mowing shall be confined to the bed of the old roadway within the silt-stop fence. Trenching along the abandoned roadbed shall be executed with the minimum size trenching equipment required, preferably with a hand-held ditch witch. Upon completion of trenching and installation of utilities, the disturbed roadbed shall be returned to its pre-trenching slope. Exposed soil shall be covered with sterile straw (preferably rice straw) and planted with native beardless ryegrass seed. The Applicant shall incorporate these guidelines as notes on the plans, and submit evidence of planting to the RMA-Planning Department, for review and approval.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate these guidelines as notes on the plans, and submit to the RMA-Planning Department, for review and approval.

Upon completion of trenching and installation of utilities, the Applicant shall submit evidence of planting to the RMA-Planning Department for review and approval.

37. PDSP010/MM10 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, after installation of utilities, motorized vehicle access shall be prohibited along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch. Motorized vehicle access may be allowed on a temporary basis for necessary repairs to the proposed utilities.

Compliance or Monitoring Action to be Performed: On an ongoing basis, the Applicant shall prohibit motorized vehicle access along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch. Motorized vehicle access may be allowed on a temporary basis for necessary repairs to the proposed utilities.

38. PDSP011 - TREE REPLACEMENT NOTICE (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To ensure the ongoing management and protection of the Big Sur Critical Viewshed, the Applicant shall record a notice which states: "Removal of trees 12 inches DBH or greater shall be replaced on the site, subject to review and approval of the project arborist and the RMA - Planning Department, at a rate of one for each tree removed. This replacement requirement shall apply to all trees which provide screening on the eastern and southern portion of the parcel which are inadvertently damaged or destroyed, regardless of the method of damage or destruction (e.g., construction, inclement weather, etc...). Tree replacement shall involve the "filling-in" of natural tree screening. The goal shall be to continue to screen the structures from the Big Sur Critical Viewshed, per the Big Sur Coast Land Use Plan Visual Resource policies. Trees shall be replaced as quickly as feasible, and shall be as large as feasible to ensure screening. Replacement types and locations shall be consistent with the landscape plan under Condition No. 9." (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Applicant shall submit evidence of recordation to the RMA - Planning Department.

39. PKS002 - RECREATION REQUIREMENTS/FEEES

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Parcel Map, the Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication.

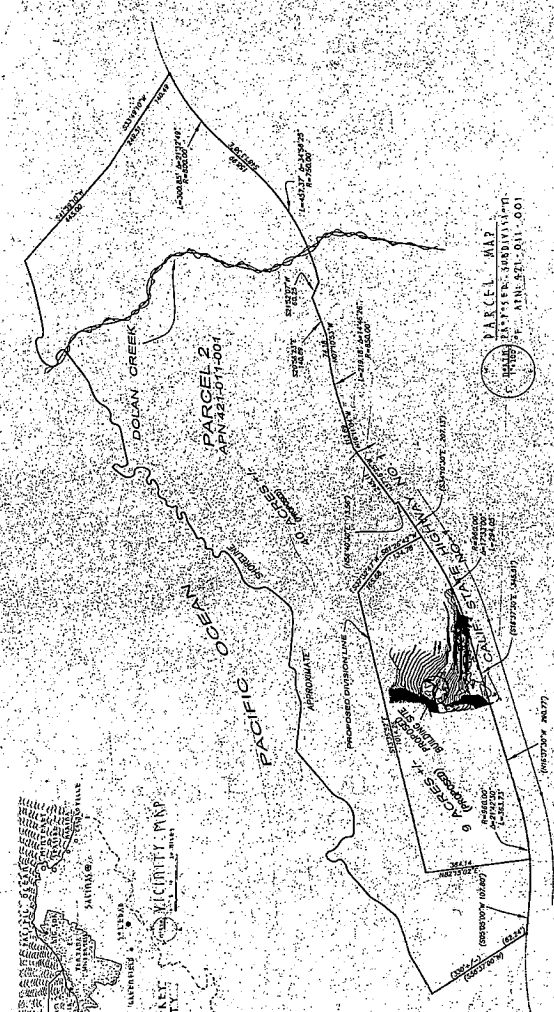
40. PDSP012 - REMOVAL OF INVASIVE SPECIES (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Applicant shall submit a plan to the RMA - Planning Department for review and approval addressing the removal of nonnative invasive kikuyu grass from the Northern Coastal Scrub habitat along the coastal terrace. After approval, the Applicant shall implement the plan and submit evidence from a qualified biologist demonstrating that the spread of the nonnative invasive kikuyu grass has been reduced and minimized from the area beyond the construction site. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit a plan to the RMA - Planning Department for review and approval addressing the removal of nonnative invasive kikuyu grass.

Prior to occupancy, the Applicant shall implement the approved plan, and submit evidence from a qualified biologist that the spread of the invasive species has been reduced and minimized beyond the construction area.

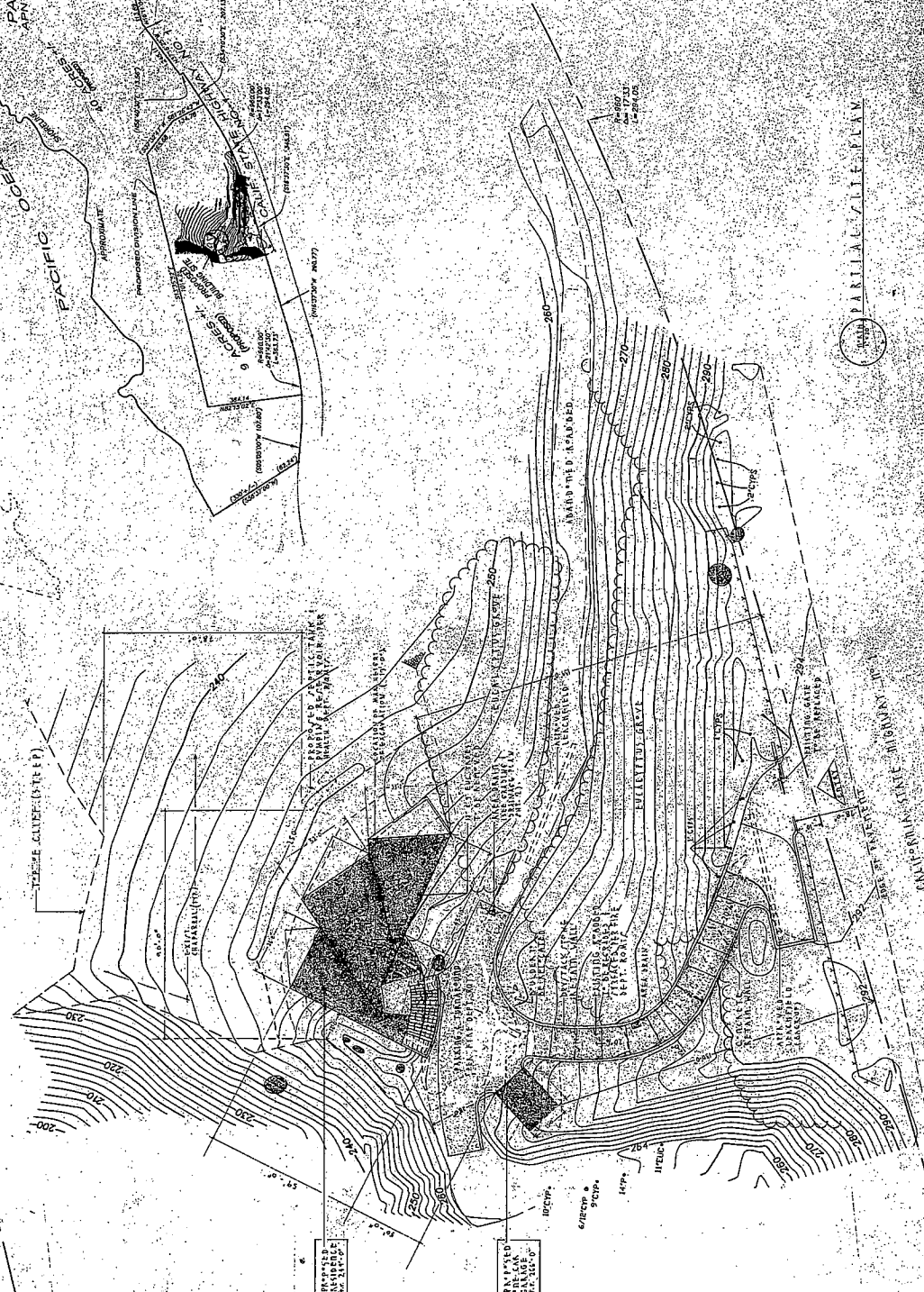


PARCEL MAP
BILL JAFFER, ARCHITECT
P.O. BOX 221, MONTEY, CALIF. 93940

SCALE - 1/4" = 10'-0"
DATE: 11/14/03
PROJECT: RAMP
SHEET: 1 OF 1

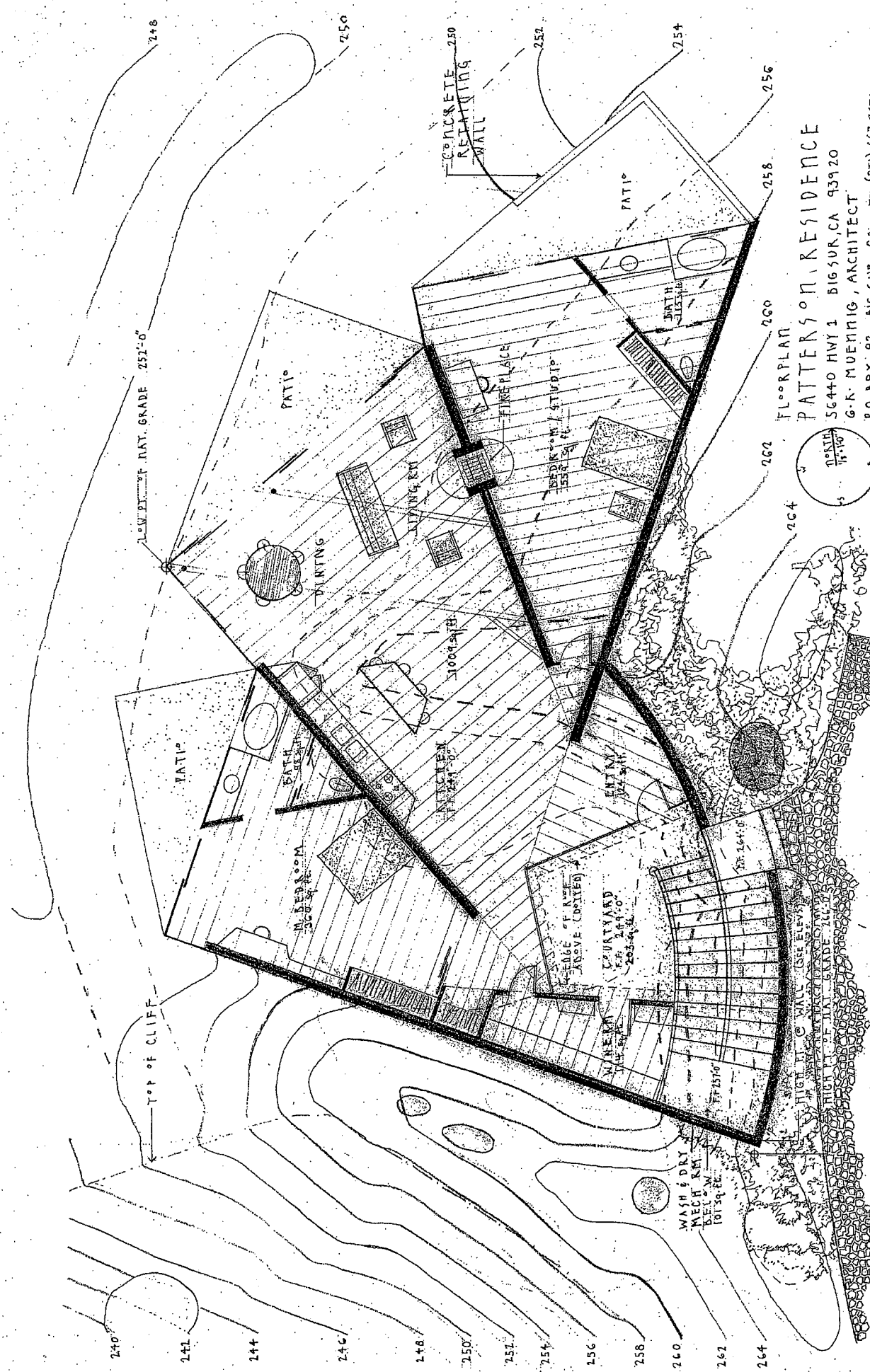
NOTICE:
THIS PARTIAL PLAN IS BASED ON A TOPOGRAPHICAL MAP PREPARED BY J. JAFFER & ASSOCIATES, INC. IN 1998. THE PARTIAL PLAN IS INTENDED TO SHOW THE PROPOSED RAMP AND IS NOT TO BE CONSIDERED A COMPLETE TOPOGRAPHICAL MAP. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE TOPOGRAPHICAL MAP DATA. THE PARTIAL PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF J. JAFFER & ASSOCIATES, INC.

MONTEY, CALIFORNIA
J. JAFFER & ASSOCIATES, INC.
ARCHITECTS

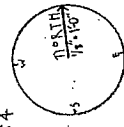


TOP PARTIAL PLAN

MONTEY, CALIFORNIA
J. JAFFER & ASSOCIATES, INC.
ARCHITECTS



FLOOR PLAN
PATTERSON RESIDENCE
 56440 HWY 1 BIG SUR, CA 93920
 G.K. MUEHNIG, ARCHITECT
 P.O. BOX 92, BIG SUR, CA TEL: (831) 667-2471



TURN AROUND W/ C. & B. LESTONE PAVING

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 264

TOP OF CLIFF

LOWEST NAT. GRADE 251'-0"

PATIO

PATIO

PATIO

PATIO

CONCRETE RETAINING WALL

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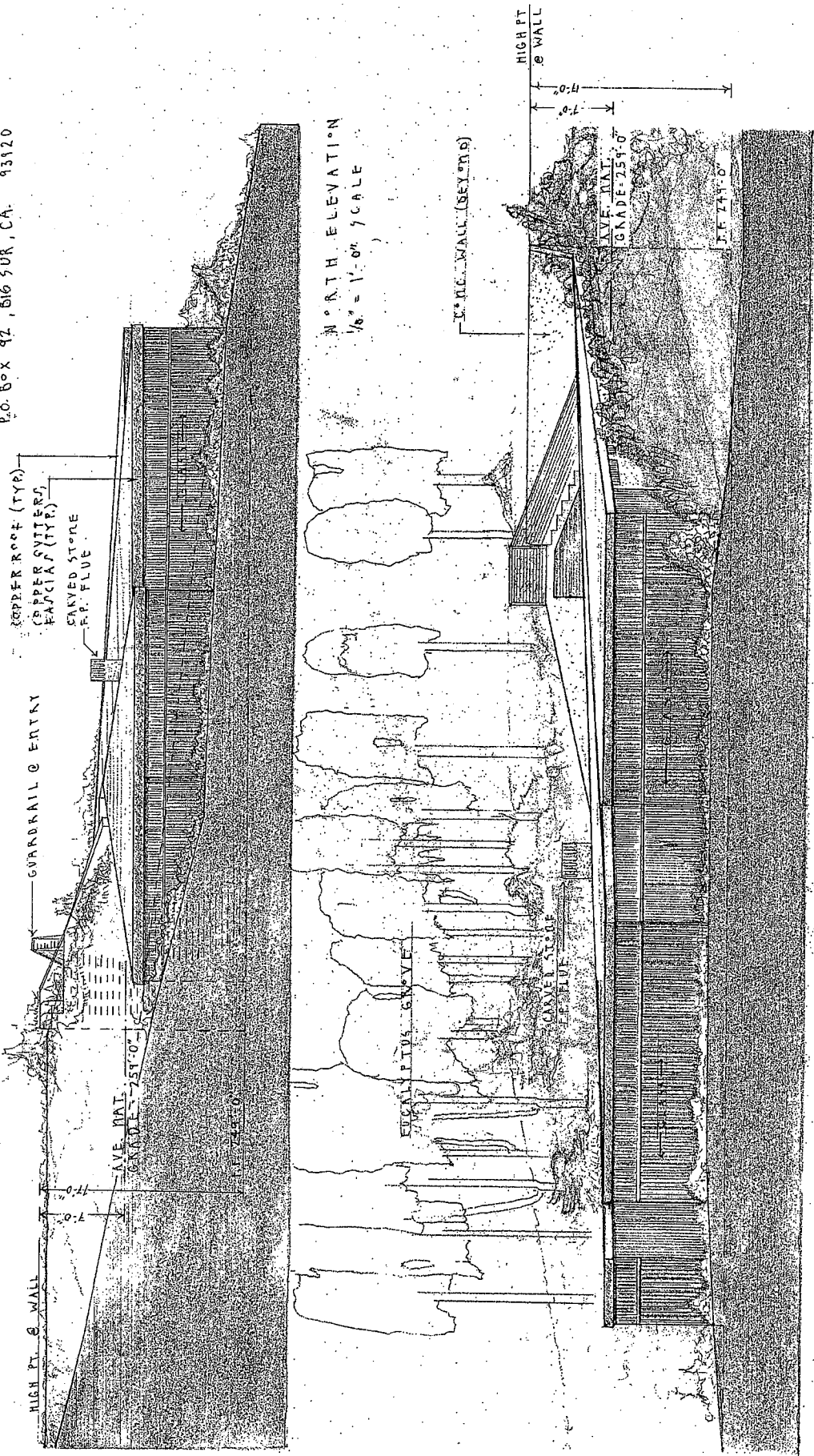
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PATTERSON RESIDENCE
 56440 HWY 1, BIG SUR, CA. 93920
 G. K. MUENNIG, ARCHITECT
 P.O. BOX 92, BIG SUR, CA. 93920

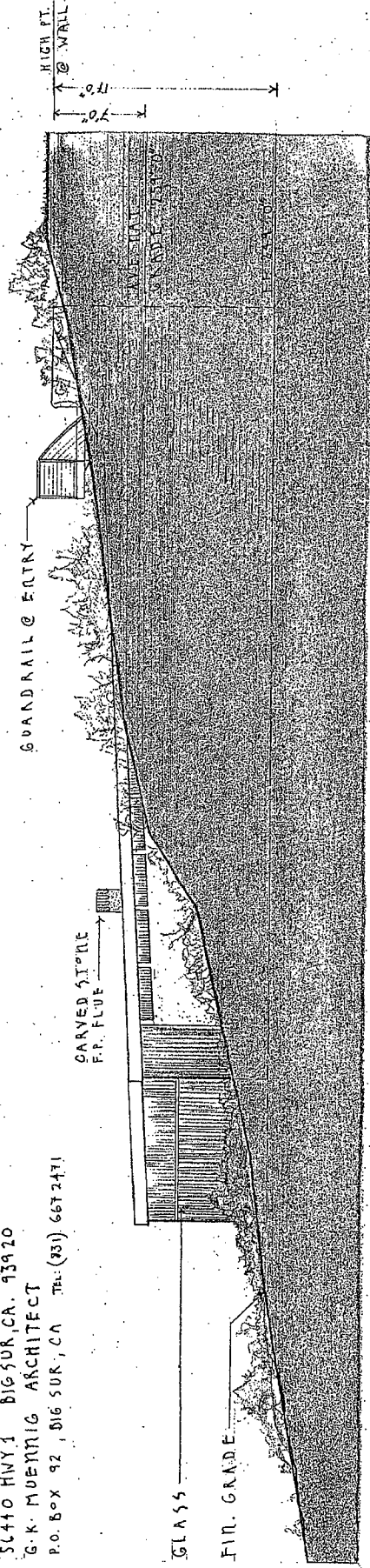


NORTH ELEVATION
 1/8" = 1'-0" SCALE

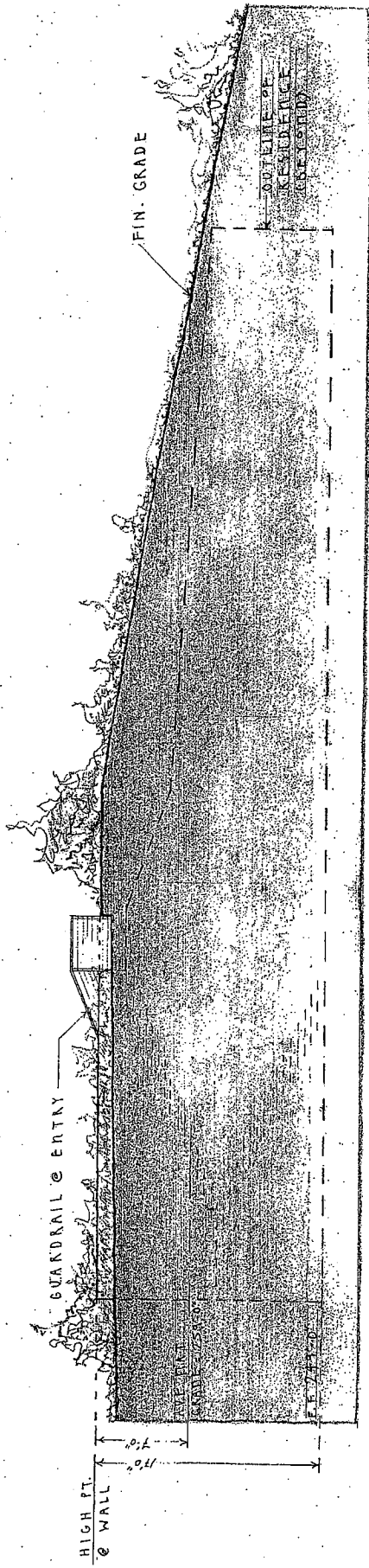
WEST ELEVATION
 1/8" = 1'-0" SCALE

PATTERSON RESIDENCE

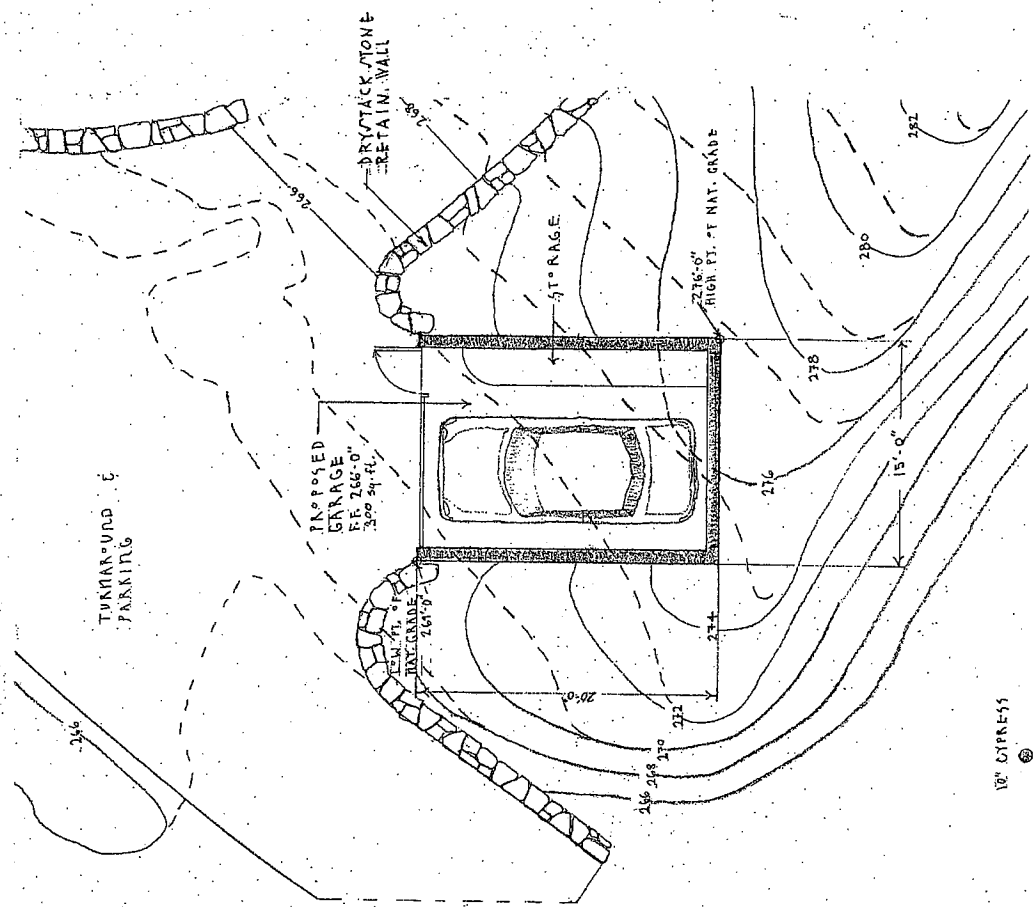
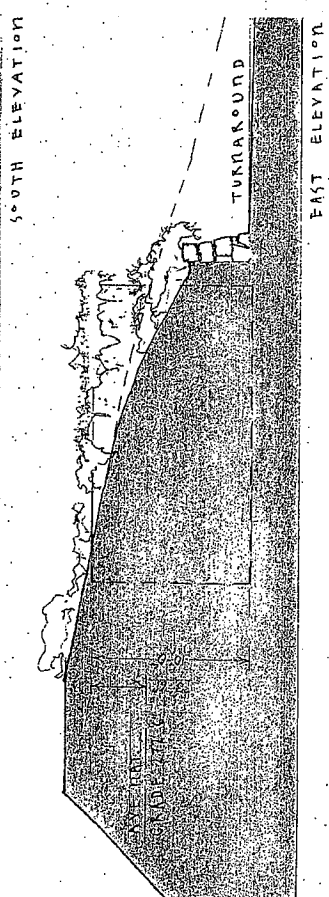
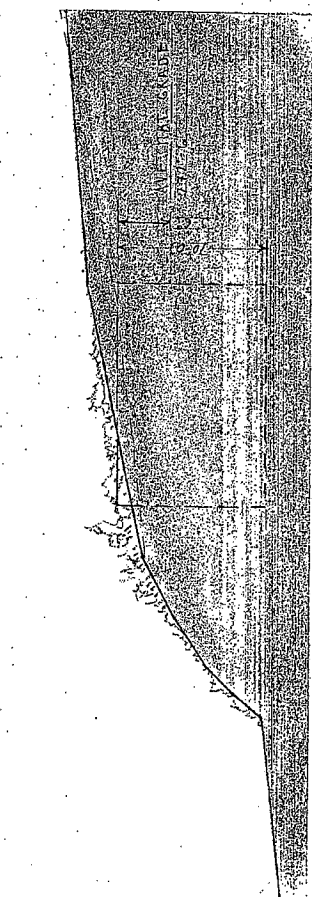
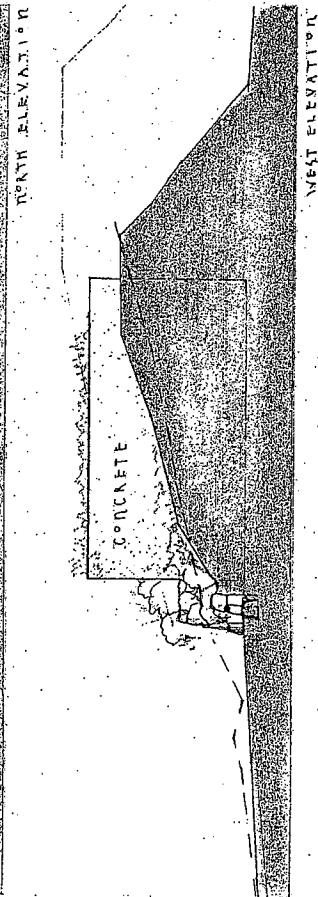
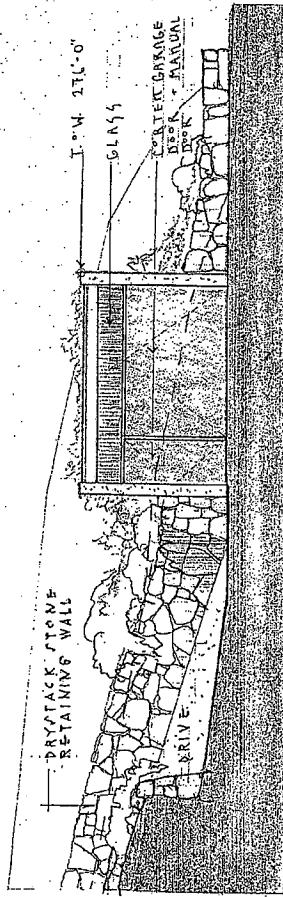
36410 HWY 1, BIG SUR, CA. 93920
 G. K. MUEHNIG ARCHITECT
 P.O. BOX 92, BIG SUR, CA TEL: (831) 667-2471



SOUTH ELEVATION
 1/8" = 1'-0" SCALE



EAST ELEVATION
 1/8" = 1'-0" SCALE



PROPOSED GARAGE FLOOR PLAN
PATTERSON RESIDENCE
 56440 HWY 1, BIG SUR, CA. 93920
 G. K. MUENNIG, ARCHITECT
 P.O. BOX 92, BIG SUR, CA TEL: (851) 667 2471



10' EXPRESS

PROJECT NO. 22073

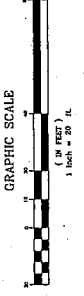
TOPOGRAPHIC MAP
OF A PORTION OF ASSESSOR'S PARCEL # 421-011-001,
MONTEREY COUNTY, CALIFORNIA

PREPARED FOR: ARTHUR PATTERSON

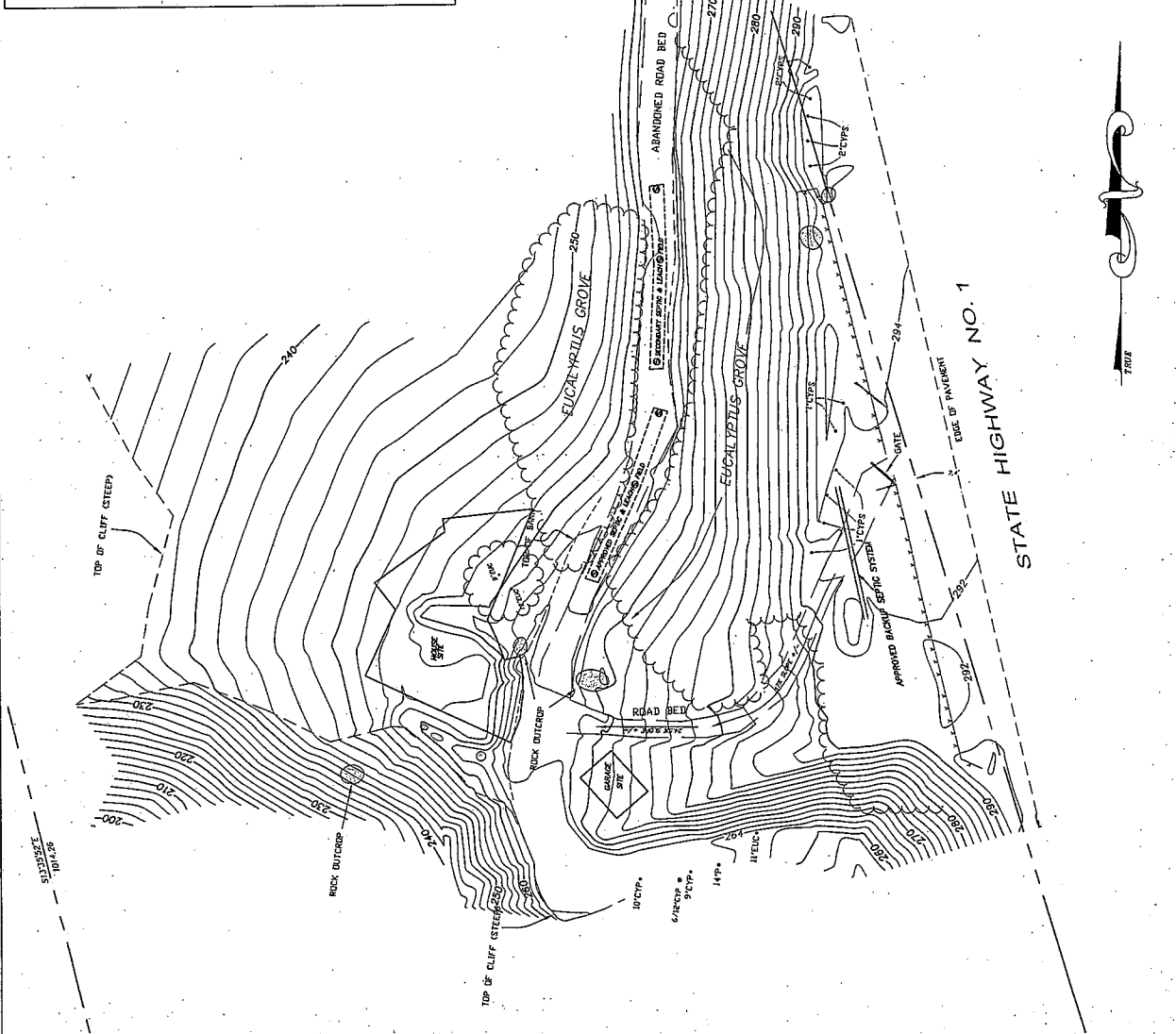
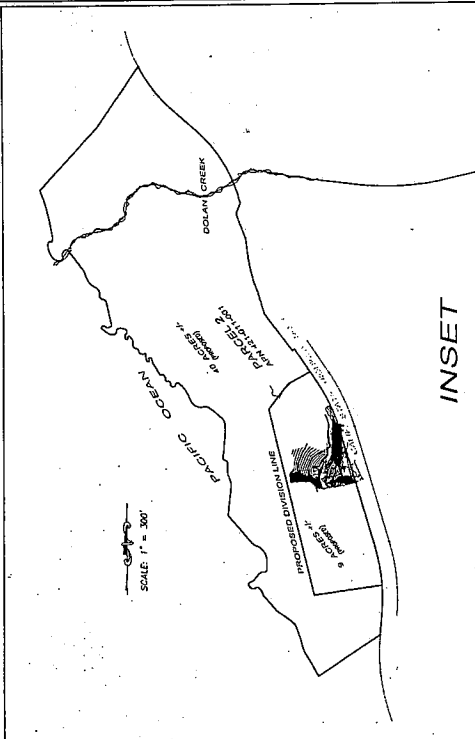
RLS

RASMUSSEN LAND SURVEYING, INC.

P.O. BOX 3135
MONTEREY, CALIFORNIA 93942
(831) 375-7340 (831) 375-2545 FAX
DRAWN BY: BS
CHECKED: S/10/2004 / RP
REVISED: 10/11/2004 / RP
DATE OF SURVEY: OCTOBER 8, 2002
SCALE: 1" = 300'



NOTES:
ELEVATIONS BASED ON AN ARBITRARILY ASSUMED DATUM
AS NOTED.
GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.
DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
A BOUNDARY SURVEY WAS NOT DONE AT THIS TIME.
THERE MAY BE OBSTRUCTIONS AFFECTING THIS PROPERTY
NOT SHOWN.
11/2" x 11/2" EUCALYPTUS
1 1/2" x 1 1/2" PINE
6" x 6" x 8' CYPRESS
--- = FENCE LINE
--- = BOUNDARY



PROJECT NO. 22073

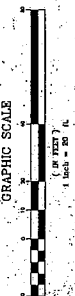
TOPOGRAPHIC MAP
OF A PORTION OF ASSESSOR'S PARCEL # 421-01-001,
MONTEREY COUNTY, CALIFORNIA

PREPARED FOR: ARTHUR PATTERSON

RLS

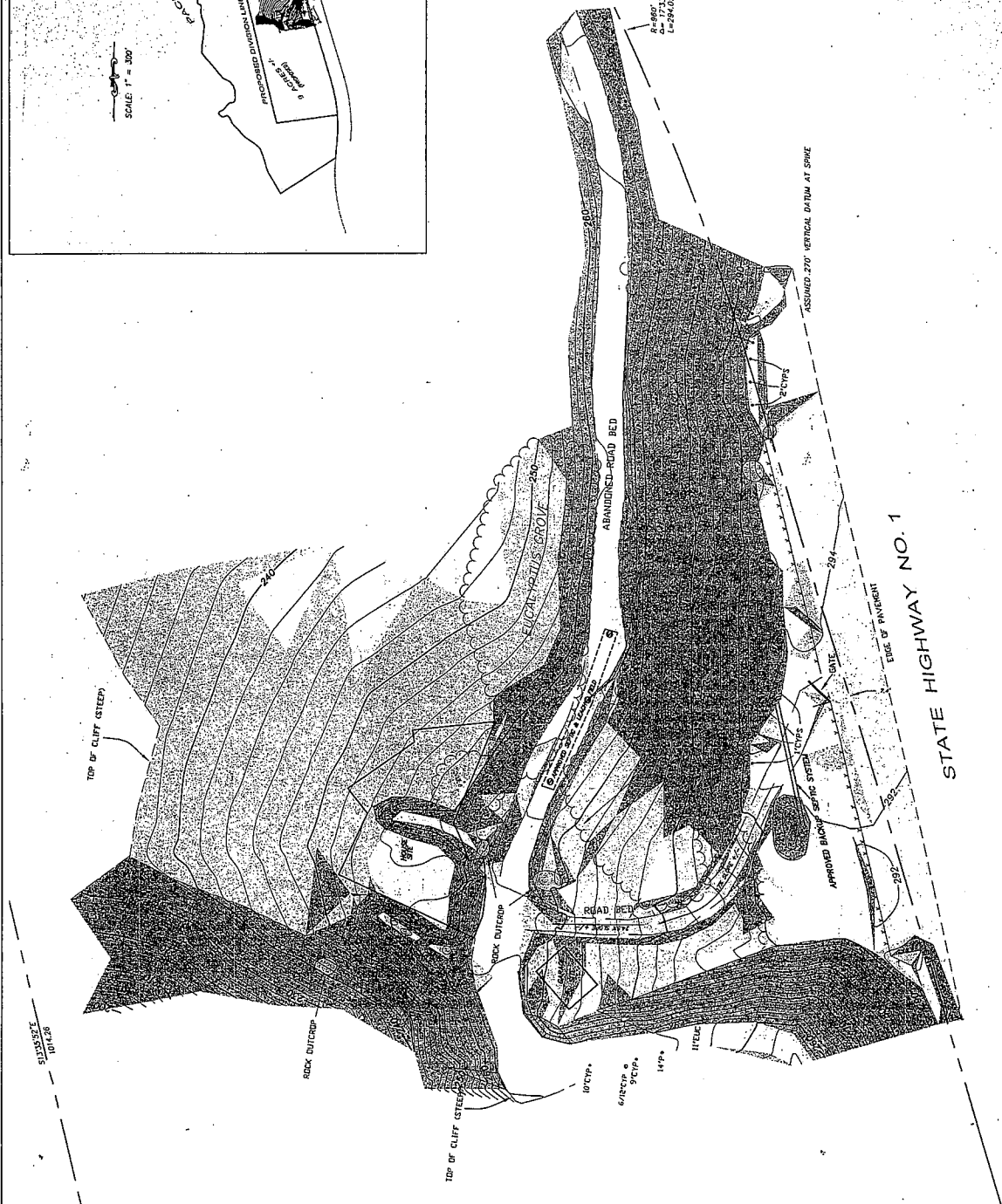
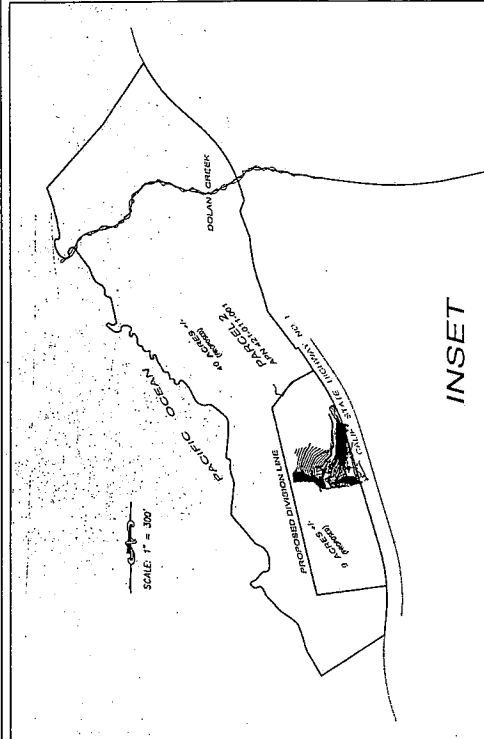
RASMUSSEN LAND SURVEYING, INC.
P.O. BOX 3135
MONTEREY, CALIFORNIA 93942
(831)375-7240 (831)375-2545 FAX

DATE OF SURVEY: OCTOBER 8, 2002
SCALE: 1" = 20'
DRAWN BY: BS
REVISION: 3/25/03 / RP
REVISION: 5/10/2004 / RP

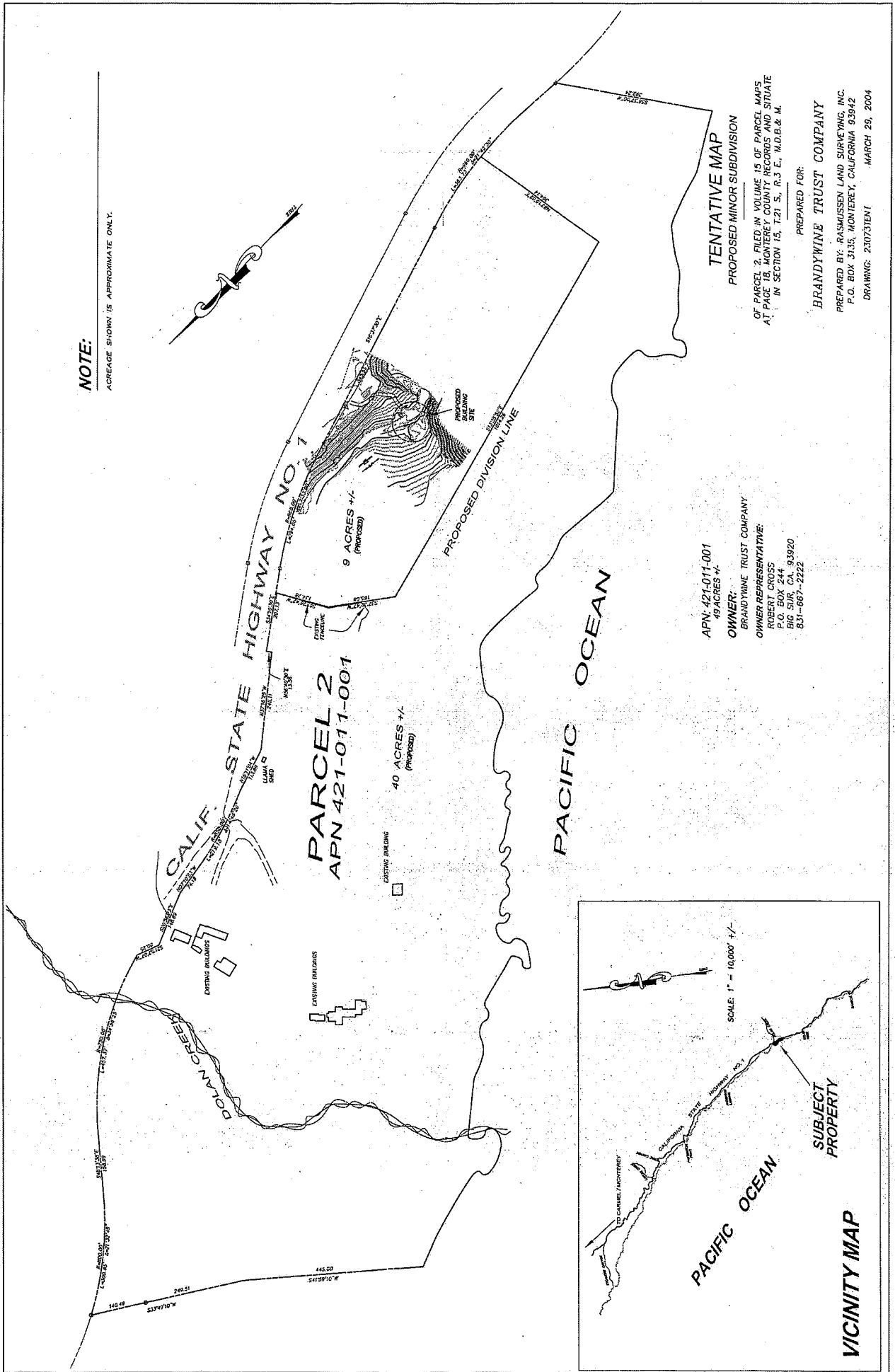


- 14.8% CROSS-SLOPE 4/1
- 15.8% CROSS-SLOPE 4/1
- 30% CROSS-SLOPE 4/1
- FENCE LINE
- BOULDER

NOTES:
ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.
DISTANCES MAY BE MORE IRREGULAR THAN CONTOURS INDICATE. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF. A BOUNDARY SURVEY WAS NOT DONE AT THIS TIME. THERE ARE NO KNOWN ENCUMBRANCES AFFECTING THIS PROPERTY.
11" TIC = 11" DUCALYPTUS
14" P = 14" PINE
9" CYP = 9" CYPRESS
1" = 1" BOUNDER



NOTE:
ACREAGE SHOWN IS APPROXIMATE ONLY.



APN: 421-011-001
49 ACRES +/-
OWNER:
BRANDYWINE TRUST COMPANY
OWNER REPRESENTATIVE:
ROBERT CROSS
P.O. BOX 244
651
831-667-2222

TENTATIVE MAP
PROPOSED MINOR SUBDIVISION
OF PARCEL 2, FILED IN VOLUME 15 OF PARCEL MAPS
AT PAGE 18, MONTEREY COUNTY RECORDS AND SITUATE
IN SECTION 15, T.21 S., R.3 E., M.D.B.& M.
PREPARED FOR:
BRANDYWINE TRUST COMPANY
PREPARED BY: RASMUSSEN LAND SURVEYING, INC.
P.O. BOX 3135, MONTEREY, CALIFORNIA 93942
DRAWING: 230731EN1 MARCH 29, 2004

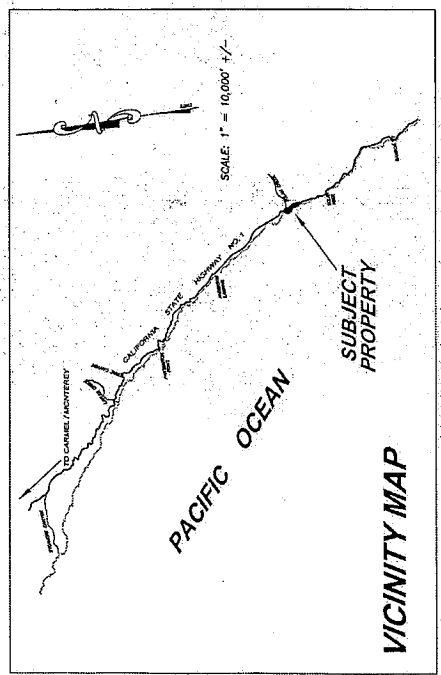
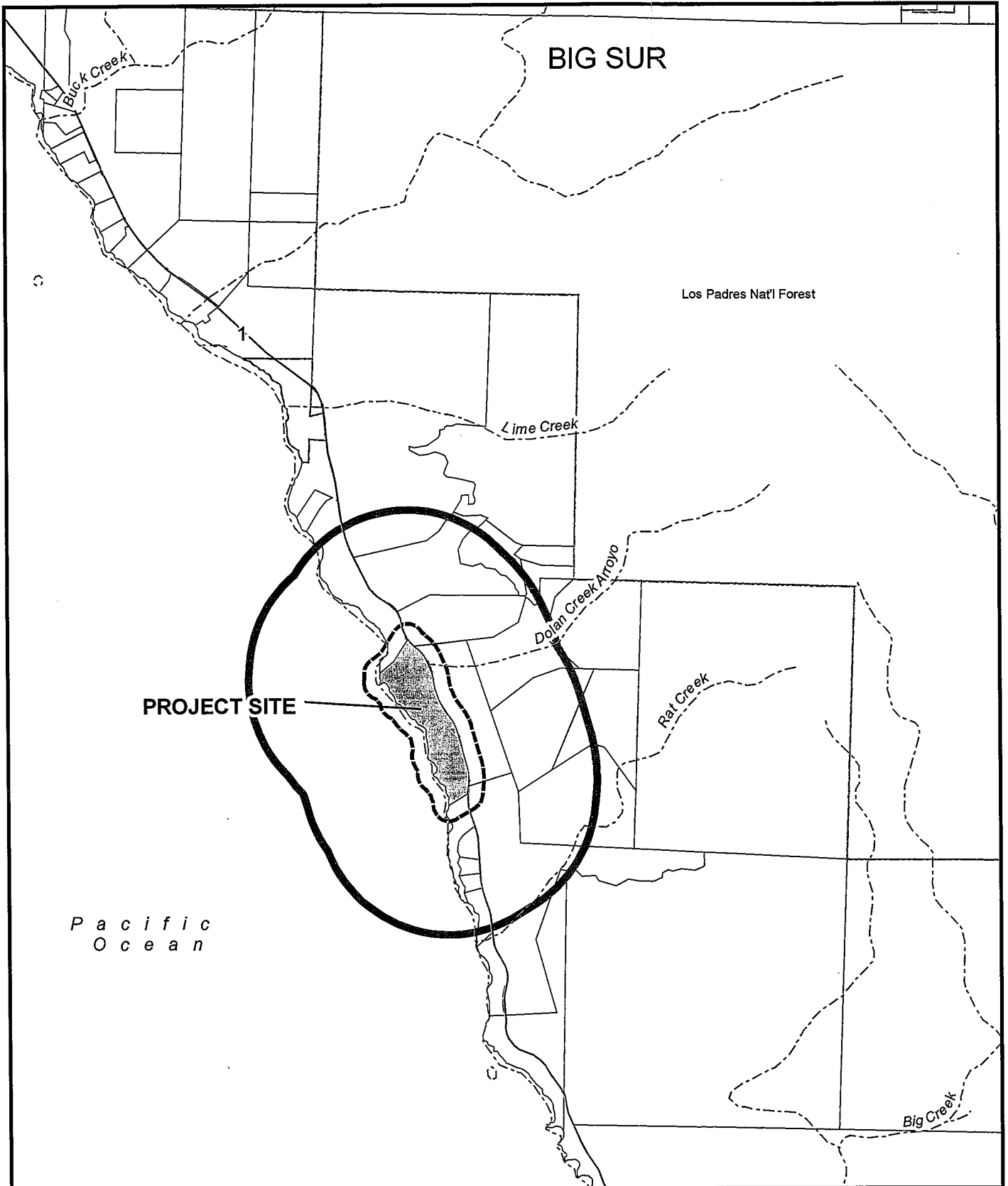


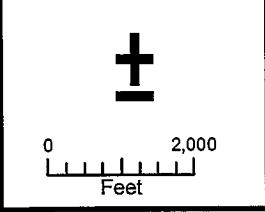
EXHIBIT D
VICINITY MAP

PLN030379 – Brandywine Trust

Planning Commission
January 30, 2013



| | |
|--|-------------------------|
| APPLICANT: BRANDYWINE TRUST COMPANY | |
| APN: 421-011-001-000 | FILE # PLN030379 |
| 300' Limit | 2500' Limit |



PLANNER: HOLM

EXHIBIT E
ADIVSORY COMMITTEE MINUTES
(SOUTH COAST LUAC)

PLN030379 – Brandywine Trust

Planning Commission
January 30, 2013

Action by Land Use Advisory Committee Project Referral Sheet

Planning & Building Inspection Department
2620 First Ave
Marina, California
(831) 883-7500

Advisory Committee: South Coast

Please submit your recommendations for this application by Tuesday, August 24, 2004.

Project Title: BRANDYWINE TRUST COMPANY TR

Item continued from 8/10/04 meeting

File Number: PLN030379

File Type: PC

Planner: HOLM

Location: 56440 HWY 1 BIG SUR

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF: A COASTAL ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO DEVELOP A NEW 2,729 SQUARE FOOT SINGLE FAMILY HOME INCLUDING A DETACHED TWO-CAR GARAGE (300 SQUARE FEET), GRADING (5,200 CU. YDS. CUT/5,200 CU. YDS. FILL), A NEW SEPTIC SYSTEM, AND A NEW CONNECTION TO AN EXISTING WELL; A COASTAL DEVELOPMENT PERMIT TO ALLOW A MINOR SUBDIVISION OF ONE 49-ACRE LOT INTO TWO LOTS CONSISTING OF 40.0 ACRES (PARCEL 1) AND 9 ACRES (PARCEL 2); A COASTAL DEVELOPMENT PERMIT TO DESIGNATE PARCEL 2 AS A RECEIVER SITE FOR A TRANSFER OF DEVELOPMENT CREDIT FROM A DONOR SITE ESTABLISHED UNDER PC94155; AND A COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT ON SLOPES IN EXCESS OF 30%. THE PROJECT IS LOCATED AT 56440 HIGHWAY ONE, BIG SUR (ASSESSOR'S PARCEL NUMBER 421-011-001-000), SOUTH COAST AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

PUBLIC COMMENT:

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

[PLN030379 BRANDYWINE CONTINUED]

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

NONE

ADDITIONAL LUAC COMMENTS:

WE WOULD HOPE THAT DISCRETION WOULD
RULE IN THE USE OF EXTERIOR LIGHTING.

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

EARTH TONES SHOULD BE USED ON ALL
EXTERIOR SURFACES INCLUDING CONCRETE

CONCUR WITH RECOMMENDATION (SOUTH COAST MEMBERS):

AYES: 4

NOES: 0

ABSENT: 0

ABSTAIN: 0

MEETING ADJOURNED AT: 10:07 Am



MONTEREY COUNTY

Planning and Building Inspection Department

230 Church St Bldg 1, Salinas, Ca 93902 (831) 755-5025; Fax (831) 755-5487
2620 First Avenue, Marina, CA 93933 (831) 883-7500; Fax (831) 384-3261
http://www.co.monterey.ca.us/pbi

DESIGN APPROVAL REQUEST FORM

ASSESSOR'S PARCEL NUMBER: 411-111-111

PROJECT ADDRESS: 56440 HIGHWAY ONE

PROPERTY OWNER: ARTHUR PATTERSON Telephone: _____

Address: 415 UNIVERSITY AVE Fax: _____

City/State/Zip: PALO ALTO CA 94301 Email: _____

APPLICANT: ROBERT CRESS Telephone: 657-2220

Address: BOX 794 Fax: 657-2226

City/State/Zip: RIO SAR CA 93920 Email: CRIC@SAR.CA.PA

AGENT: AGENT IS APPLICANT Telephone: _____

Address: _____ Fax: _____

City/State/Zip: _____ Email: _____

PROJECT DESCRIPTION: (see scope of work) CREATE 2 PR SFD + SEPTIC + 1-CAR GARAGE + DRIVE + TURNAROUND + SEPTIC

MATERIALS TO BE USED: ROOF WINDOWS WALLS Chimney DRIVE

COLORS TO BE USED: natural - no paint MATERIALS TO WEATHER

You will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, the Zoning Ordinance provides that no building permit 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.

PROPERTY OWNER/AGENT SIGNATURE: [Signature] DATE: 1/25/04

FOR DEPARTMENT USE ONLY

ZONING: RM-100

GENERAL/AREA PLAN: _____

ADVISORY COMMITTEE: _____

RELATED PERMITS: _____

LUAC REFERRAL: YES NO

ADMINISTRATIVE APPROVAL: YES NO

PUBLIC HEARING: YES NO

DOES THIS CORRECT A VIOLATION? YES NO

LEGAL LOT: YES NO

GIVEN OUT BY: _____ DATE: 4/1/04

ACCEPTED BY: _____ DATE: _____

COMMENTS: Print name of owner

ADVISORY COMMITTEE RECOMMENDATION

APPROVAL DENIAL

For: 4 Against: 0 Abstain: 0

Absent: 2

Was the Applicant Present? YES NO

Recommended Changes: None

Signature: [Signature]

Date: 8/24/04

APPROPRIATE AUTHORITY: DIRECTOR OF P&BI ZONING ADMINISTRATOR PLANNING COMMISSION

ACTION: APPROVED DENIED

CONDITIONS: _____

APPROVED BY: _____ DATE: _____

PROCESSED BY: _____ DATE: _____

EXHIBIT F
MITIGATED NEGATIVE DECLARATION

PLN030379 – Brandywine Trust

Planning Commission
January 30, 2013

County of Monterey
State of California

MITIGATED NEGATIVE DECLARATION

FILED

NOV 09 2012

STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

| | |
|-----------------------------|---|
| Project Title: | Brandywine Trust |
| File Number: | PLN030379 |
| Property Owner: | Brandywine Trust Company |
| Project Location: | 56440 Highway 1, South Coast area, Big Sur, Monterey County, California, Big Sur Coast Land Use Plan, Coastal Zone |
| Primary APN: | 421-011-001-000 |
| Project Planner: | Joseph Sidor, Associate Planner |
| Permit Type: | Combined Development Permit |
| Project Description: | Combined Development Permit consisting of: 1) a Coastal Development Permit to allow a minor subdivision of a 49 acre lot into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2); 2) a Coastal Development Permit to designate Parcel 2 as a receiver site for a transfer of development credit from a donor site established under PC94155; 3) a Coastal Administrative Permit and Design Approval to allow the construction of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, spring-fed water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill); 4) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 5) a Coastal Development Permit to allow development on slope exceeding 30 percent; 6) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 7) a Coastal Development Permit to allow the removal of two eucalyptus trees (approximately 9" and 12" DBH). |

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

| | |
|------------------------------|--|
| Decision Making Body: | Monterey County Planning Commission |
| Responsible Agency: | Resource Management Agency - Planning Department |
| Review Period Begins: | November 13, 2012 |
| Review Period Ends: | December 17, 2012 |

Further information, including a copy of the application and Initial Study, is available at the Monterey County Resource Management Agency - Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA 93901 (831) 755-5025.

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: BRANDYWINE TRUST

File No.: PLN030379

Project Location: 56440 Highway 1, South Coast area, Big Sur, Coastal Zone

Name of Property Owner: Brandywine Trust Company (Arthur Patterson)

Name of Applicant: Brandywine Trust Company (Arthur Patterson) and Arden Handshy (Agent)

Assessor's Parcel Number(s): 421-011-001-000

Acreage of Properties: 49 acres

Land Use Plan Designation: Watershed and Scenic Conservation

Zoning District: Watershed and Scenic Conservation, 40 acres per unit, Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)]

Lead Agency: County of Monterey Resource Management Agency – Planning Department

Prepared By: Joseph Sidor, Associate Planner

Date Prepared: November 8, 2012

Contact Person: Joseph Sidor, Associate Planner
SidorJ@co.monterey.ca.us

Phone Number: (831) 755-5262

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The Brandywine Trust project (County Planning File No. PLN030379) consists of the minor subdivision of a 49 acre lot into two lots consisting of 40 acres and 9 acres, the designation of the new lot as a receiver site for a transfer of development credit from a donor site established under PC94155, development within the Big Sur Critical Viewshed, development on slope exceeding 30%, development within 100 feet of environmentally sensitive habitat, removal of two eucalyptus trees, and construction of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill).

The Applicant submitted an initial application package on June 28, 2004, to request the following entitlements:

Combined Development Permit consisting of:

- 1) a Coastal Development Permit to allow a minor subdivision of a 49 acre lot into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2);
- 2) a Coastal Development Permit to designate Parcel 2 as a receiver site for a transfer of development credit from a donor site established under PC94155;
- 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed;
- 4) a Coastal Development Permit to allow development on slope exceeding 30 percent;
- 5) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat;
- 6) a Coastal Development Permit to allow the removal of two eucalyptus trees (approximately 9" and 12" DBH); and
- 7) a Coastal Administrative Permit and Design Approval to allow the construction of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, spring-fed water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill).

The County of Monterey Planning Commission approved the donor site on November 16, 1994 (Resolution No. 94187, County Planning File No. PC94155/Larson). The donor site is located on Sycamore Canyon Road, within the Big Sur Critical Viewshed (Assessor's Parcel Number 419-311-011-000). The scenic easement for the donor site was recorded on November 1, 2001 (Document No. 2001092914).

B. Surrounding Land Uses and Environmental Setting:

The project is located at 56440 Highway 1, Big Sur (Assessor's Parcel Number 421-011-001-000), South Coast area, Big Sur Coast Land Use Plan, Coastal Zone, County of Monterey, California. The parcels in the immediate vicinity of the project are large, undeveloped watershed and scenic conservation coastal lots. The proposed project parcels are adjacent to and west of

State Route (SR) 1 (Highway 1), between the highway and the Pacific Ocean. Conservation and residential uses occur to the north, east, and south.

The existing parcel is approximately 49 acres; however, the project area for the proposed structures and associated infrastructure development comprises an area of approximately 20,000 square feet (approximately 0.46 acre). The existing parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)], and is developed with a single family dwelling and accessory structures. Also, the existing parcel is a legal lot of record created by Minor Subdivision 81-14. The Parcel Map was recorded on December 2, 1981 (Volume 15, Page 18 of Parcel Maps). The proposed minor subdivision would create one new parcel of approximately 9 acres, thereby reducing the existing lot to approximately 40 acres. The newly created parcel would be designated as the receiver site for the transfer of one development credit from the donor site established under PC94155. The minor subdivision would be allowed by the transfer of development credit.

The site proposed for structural development is located approximately 1,500 feet (0.29 miles) south of Dolan Creek, in an area approximately 36 feet below the Highway 1 corridor. An abandoned roadbed extends from the northern part of the existing parcel to the project site. This roadbed will serve as the driveway and utilities access, and septic leachfield area. The proposed building site is also approximately 250 feet above mean sea level.

Visually, the project parcel borders and is visible from Highway 1, a designated scenic roadway, and the primary element of the Big Sur Critical Viewshed as defined in Chapter 3.2 (Scenic Resources) of the Big Sur Coast Land Use Plan. By definition, the proposed minor subdivision of the existing parcel constitutes development within the Big Sur Critical Viewshed, and is subject to the policies regarding the Big Sur Critical Viewshed. The proposed new parcel would have a suitable area for structural development effectively screened from the Big Sur Critical Viewshed by topography, trees, and vegetation. See Section VI.1 (Aesthetics) below for a detailed discussion.

The biological report prepared for the project identified environmentally sensitive habitat within 100 feet of the site proposed for structural development. See Section VI.4 (Biological Resources) below for a detailed discussion.

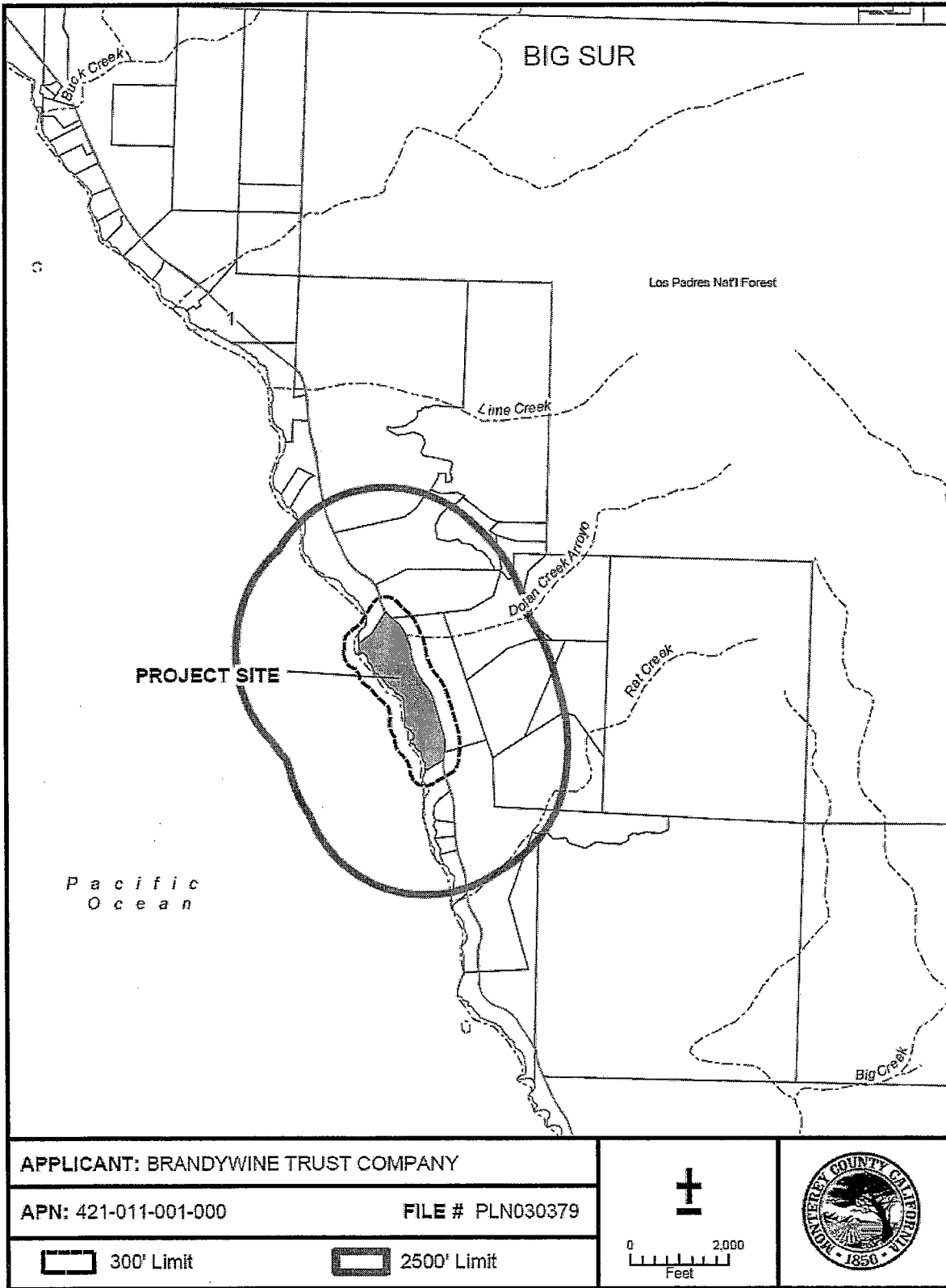
According to the County's GIS database the project area is located within an area of high archaeological sensitivity, but the archaeological report prepared for the project did not identify any potential for disturbance to cultural or archaeological resources. See Section IV.5 (Cultural Resources) below for a detailed discussion.

According to the County's GIS database the project area is located within an area of moderate to high erosion hazard, with high risk for landslides and low risk for liquefaction. The database identifies the seismic nature of the site to be undetermined, but the existing parcel is within 660 feet of the Sur Fault. In addition, the site proposed for structural development would impact adjacent slopes that are greater than 30 percent. See Section VI.6 (Geology and Soils) below for a detailed discussion.

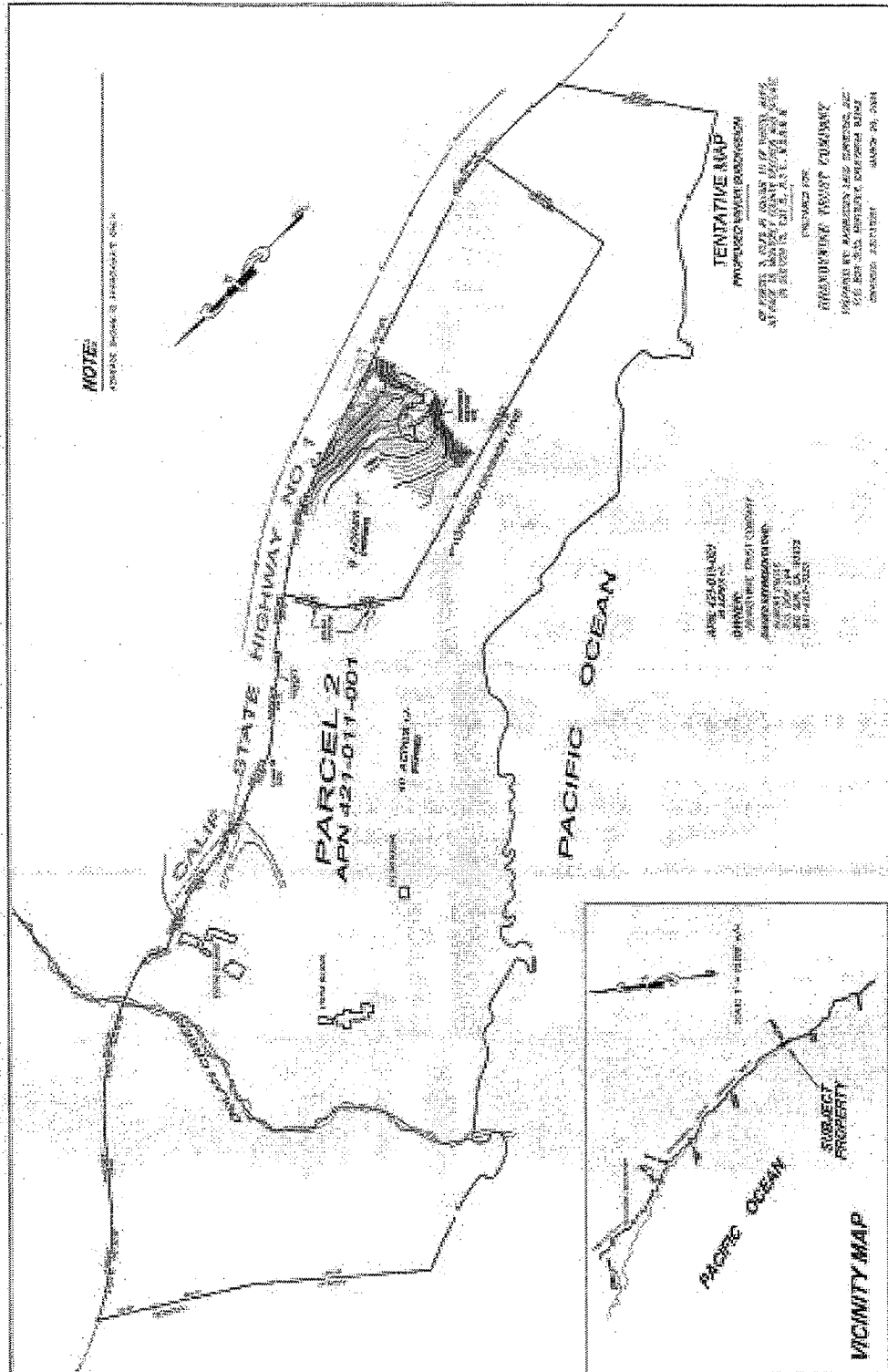
C. Other public agencies whose approval is required:

Subsequent to approval of the required discretionary permits (entitlements) identified above in Section A, the Applicant would require ministerial permits from the County of Monterey Building Services Department and Environmental Health Bureau. The proposed development would not require other approvals from agencies outside the County of Monterey.

Vicinity Map



Tentative Parcel Map



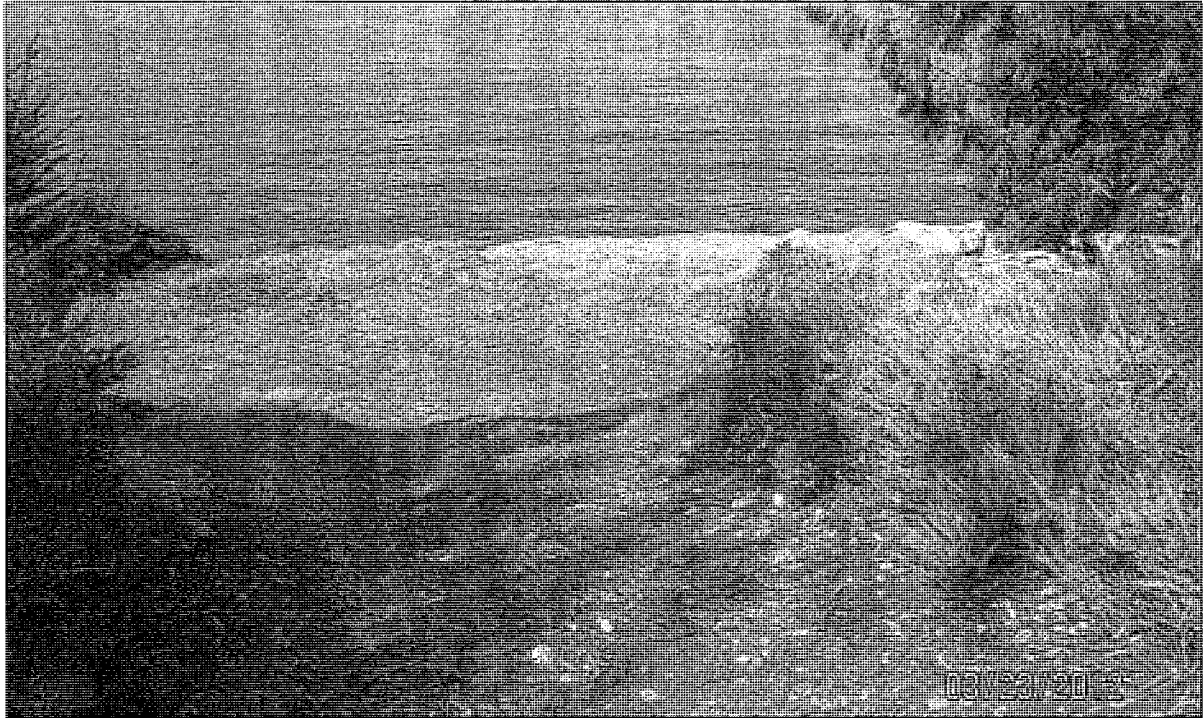
Site Photo (View from SR/Highway 1)



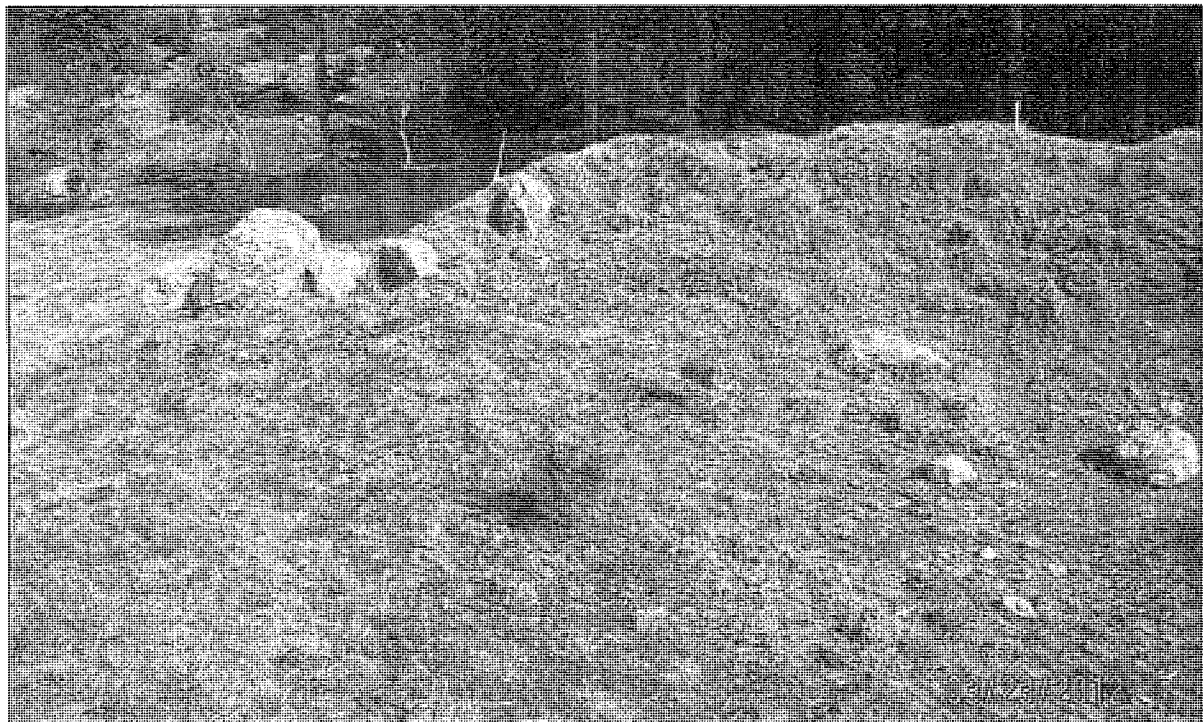
Site Photo (View along proposed driveway to building site)



Site Photo (View of proposed building site looking west)

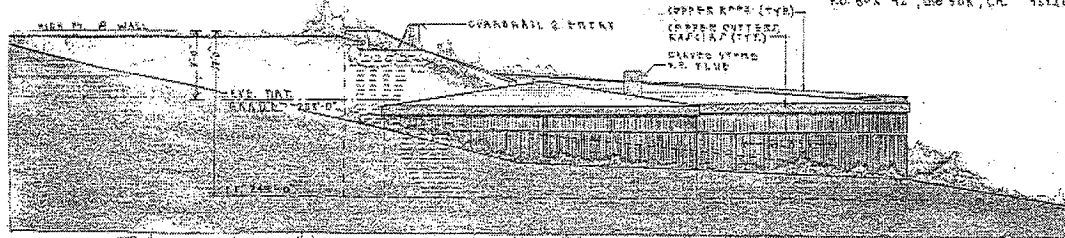


Site Photo (View of proposed building site looking north)

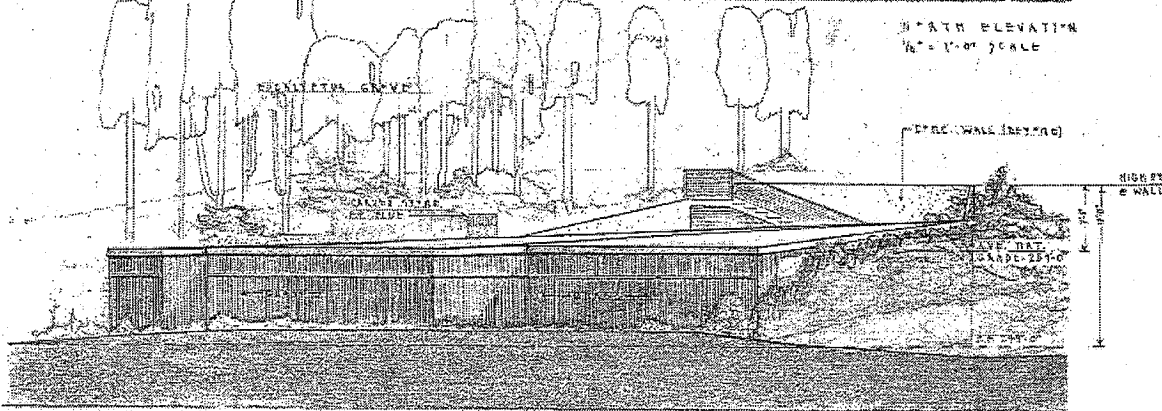


Proposed Elevations

PATTERSON RESIDENCE
 36440 HWY 3, BIG SUR, CA. 93920
 C.N. MUEHRIG, ARCHITECT
 P.O. BOX 42, BIG SUR, CA. 93910

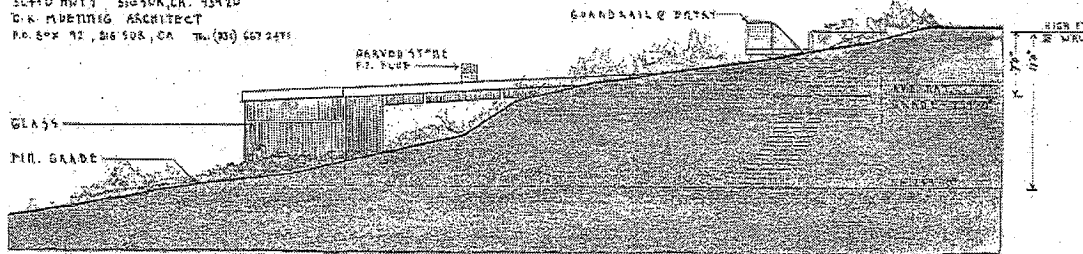


NORTH ELEVATION
 1/8" = 1'-0" SCALE

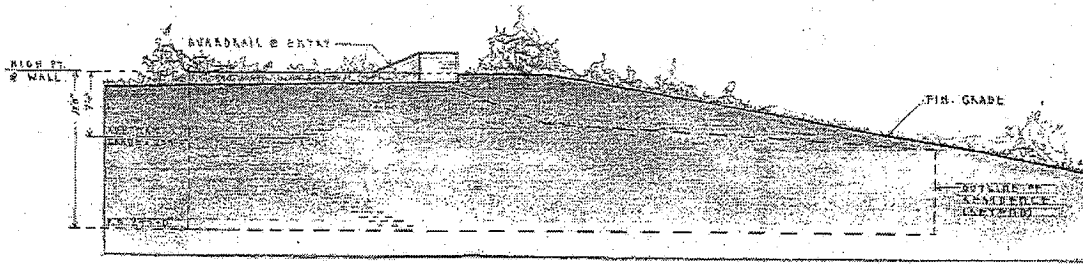


WEST ELEVATION
 1/8" = 1'-0" SCALE

PATTERSON RESIDENCE
 36440 HWY 3, BIG SUR, CA. 93920
 C.N. MUEHRIG, ARCHITECT
 P.O. BOX 42, BIG SUR, CA. TEL. (708) 667 2495



SOUTH ELEVATION
 1/8" = 1'-0" SCALE



EAST ELEVATION
 1/8" = 1'-0" SCALE

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

| | | | |
|----------------------------|-------------------------------------|---------------------------|-------------------------------------|
| General Plan/Area Plan | <input checked="" type="checkbox"/> | Air Quality Mgmt. Plan | <input checked="" type="checkbox"/> |
| Specific Plan | <input type="checkbox"/> | Airport Land Use Plans | <input type="checkbox"/> |
| Water Quality Control Plan | <input checked="" type="checkbox"/> | Local Coastal Program-LUP | <input checked="" type="checkbox"/> |

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Subdivision Ordinance (Title 19 – Coastal). The project consists of the minor subdivision of a 49 acre lot into two lots consisting of 40 acres and 9 acres, the designation of the new lot as a receiver site for a transfer of development credit from a donor site established under PC94155, development on slope exceeding 30%, development within 100 feet of environmentally sensitive habitat, and construction of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, a septic system, a water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill). General Plan Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. In addition, Policy 3.7.3.A.1 of the Big Sur Coast Land Use Plan directs that all development be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The County has reviewed the project plans and visited the site to analyze possible development alternatives. Given the site’s topography and location between Highway 1 and the Pacific Ocean, there is no feasible alternative that would avoid development on slope greater than 30 percent and simultaneously satisfy other goals and objectives of the applicable land use plan regarding protection of the viewshed and environmentally sensitive habitat. The lots proposed to be created under the minor subdivision have also been reviewed for consistency with the development standards listed in Title 19. The transfer of development credit, viewshed issues, and development within 100 feet of environmentally sensitive habitat are addressed below under the Local Coastal Program and in Section VI of this Initial Study. The property and surrounding area have the watershed and scenic conservation land use designation, and the adjacent land uses are primarily residential. The proposed development, as mitigated, is consistent with applicable policies. **CONSISTENT**

Water Quality Control Plan. The project is consistent with the 1982 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast and, therefore, is consistent with the Regional Water Quality Control Plan. Section VI.9 (Hydrology and Water Quality) below discusses whether the proposed project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage. **CONSISTENT**

Air Quality Management Plan. Consistency of a project with regional population and employment forecasts will result in consistency of the project with the Air Quality Management Plan (AQMP). The Monterey Bay Unified Air Pollution Control District (MBUAPCD) incorporates the Association of Monterey Bay Area Governments (AMBAG) population forecasts in its preparation of regional air quality plans, making this project consistent with the applicable Air Quality Plan. The AQMP addresses the attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). The proposed project will not significantly increase the population of the area nor generate a significant number of additional permanent vehicle trips. Therefore, the project is consistent with the AQMP. **CONSISTENT**

Local Coastal Program - LUP. The project was reviewed for consistency with the Big Sur Coast Land Use Plan (LUP) and the associated Coastal Implementation Plan (CIP), Parts 1 and 3. Section VI.10 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or conflicts with any applicable habitat conservation plan or natural community conservation plan. As discussed herein, the project involves the minor subdivision of a 49 acre lot into two lots consisting of 40 acres and 9 acres, the designation of the new lot as a receiver site for a transfer of development credit from a donor site established under PC94155, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, and construction of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, a septic system, a water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill).

The surrounding area has the watershed and scenic conservation land use designation, and the adjacent land uses are primarily residential. The project did not physically divide an established community, nor conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. Sections VI.1 (Aesthetics), VI.3 (Air Quality), VI.4 (Biological Resources), VI.6 (Geology and Soils), VI.7 (Greenhouse Gas Emissions), VI.10 (Land Use), and VI.12 (Noise) address potential impacts to visual resources, air quality, biological resources, geology and soils, greenhouse gas emissions, land use, and noise, and include analysis and mitigation measures to ensure project consistency with specific LCP policies. As proposed and mitigated, the project is consistent with the Big Sur Coast LUP and CIP. **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

- 1) Aesthetics. See Section VI.1 below.
- 2) Agriculture and Forest Resources. The project site is not designated as Prime, Unique, of Statewide Importance, or of Local Importance Farmland, and the project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project

would also not result in the loss of forest land or conversion of forest land to non-forest use. The project parcels are not located near any agricultural or forest lands, and the project will not result in impacts to agricultural or forest resources. (Source: IX. 1, 2, 3, 7).

- 3) Air Quality. See Section VI.3 below.
- 4) Biological Resources. See Section VI.4 below.
- 5) Cultural Resources. According to County records, no historical sites are known to be on or in the immediate vicinity of the project area. The project site does not contain historical resources and would not cause a substantial adverse change in a significant historical resource. The project site is in an area identified in County records as having a high archaeological sensitivity, and the archaeological report prepared for the project identified six known archaeological sites within one kilometer of the project site, including the parcel to the north. However, an archaeological survey conducted for the project did not identify any previously unrecorded archaeological resources within the project site area. Examination of the project site and surrounding area during field reconnaissance revealed no evidence for potential impacts to archaeological resources, and the archaeologist concluded that monitoring of construction activities was not warranted. In addition, no paleontological resources or unique geologic features are identified as associated with this site. The surrounding area is composed primarily of granitic rock. The project will not result in impacts to historical or prehistoric resources, paleontological resources, or unique geologic features. (Source: IX. 1, 2, 3, 7, 8)
- 6) Geology and Soils. See Section VI.6 below.
- 7) Greenhouse Gas Emissions. See Section VI.7 below.
- 8) Hazards and Hazardous Materials. The project does not involve the transportation, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release of materials that would pose a threat to neighboring properties. The project would not involve stationary operations, create hazardous emissions, or handle hazardous materials. The site is not included on a list of hazardous materials sites, and the site location would have no impact on emergency response or emergency evacuation. The site is not located within two miles of an airport or airstrip. Although the parcel is in an area identified in County records as having a high fire risk, the proposed structural development is designed and located on an area of the parcel that would minimize this potential risk. Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildfires. The project will not result in impacts from hazards or hazardous materials. (Source: IX. 1, 2, 3, 7).
- 9) Hydrology and Water Quality. See Section VI.9 below.
- 10) Land Use and Planning. See Section VI.10 below.

- 11) Mineral Resources. No mineral resources have been identified or would be affected by the project. The project is not within the vicinity of a site being used for aggregate production, and there are no active mining sites located in the project vicinity. The project will not result in impacts to mineral resources. (Source: IX. 1, 2, 3, 10)
- 12) Noise. See Section VI.12 below.
- 13) Population and Housing. See Section VI.13 below.
- 14) Public Services. The project will have no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The proposed project involves the construction of one single-family residence and a non-habitable accessory structure. Emergency response is provided by CALFIRE Coastal (fire) and the Monterey County Sheriff's Department. The project would have no measurable effect on existing public services in that the incremental increase in demand would not require expansion of any services to serve the project. County Departments and service providers reviewed the project application and did not identify any impacts. The project would not result in impacts to Public Services. (Source: IX. 1, 3, 7)
- 15) Recreation. The project will not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical deterioration. No parks, trail easements, or other recreational opportunities will be adversely impacted by the project, based on review of County records, Figure 3 (Trails Plan) of the Big Sur Coast Land Use Plan, and staff site visit. The project will not create new or additional recreational demands, and will not result in impacts to recreation resources. (Source: IX. 1, 3, 7)
- 16) Transportation and Traffic. The project involves the creation of one new parcel located on a relatively low-traffic highway, and the construction of one new single family dwelling and non-habitable accessory structure. The proposed level of development would not generate a significant amount of new traffic nor significantly increase the number of permanent vehicle trips. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. Construction-related activities would temporarily increase traffic from trips generated by the individuals on the construction site; however, no adverse impact is expected to occur due to the small scale of the proposed project. The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The project would not substantially increase hazards due to a design feature (e.g., there are no sharp curves or dangerous intersections near the project site) or incompatible uses (i.e., the site is zoned to allow residential

uses), nor would it result in inadequate emergency access. The project would also not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The project would not intensify existing levels of traffic, and would not result in impacts to transportation and traffic. (Source: IX. 1, 2, 3, 7)

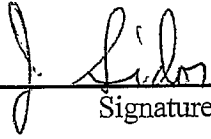
- 17) Utilities and Service Systems. The proposed project involves the addition of a single-family dwelling and non-habitable accessory structure. The dwelling would require the construction of a new septic system on the property. The Environmental Health Bureau reviewed the proposed project and determined that adequate space is available for a septic system and a replacement area. The dwelling would be serviced by development of a spring-fed water supply. Given the limited scope of the proposed project, the extension of utilities such as electricity and phone service would not create sufficient demand to warrant expansion of the current infrastructure along Highway 1. Similarly, the amount of solid waste generated by the proposed project would not impact the area's solid waste facilities. The project would not result in impacts related to utilities and service systems. (Source: IX. 1, 3, 7).

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE

DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

November 8, 2012

Date

Joseph Sidor, Associate Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant

- to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

| 1. AESTHETICS | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | | |
| a) | Have a substantial adverse effect on a scenic vista? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Conclusion/Mitigation:

The subject development application, PLN030379/Brandywine Trust, includes the construction of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill). As proposed, the structures would meet all setback and site development standards, is an allowed residential use, would not require any variances, and would not result in ridgeline development.

Aesthetics 1(a and b) – No Impact.

Visually, the existing project parcel borders and is visible from Highway 1, a designated scenic roadway and a primary element of the Big Sur Critical Viewshed as defined in Chapter 3.2 (Scenic Resources) of the Big Sur Coast Land Use Plan (LUP). By definition, the proposed minor subdivision of the existing parcel constitutes development within the Big Sur Critical Viewshed, and is subject to the policies regarding the Big Sur Critical Viewshed. Consistent with LUP Policy 3.2.3.A.1, which directs that all new parcels must contain building sites outside the critical viewshed, the proposed new parcel would have a suitable area for structural development effectively screened from the Big Sur Critical Viewshed by topography, trees, and vegetation. Moreover, the design of the proposed structures minimizes the elevation above average natural grade. As proposed, the dwelling and garage would have a 7.0 foot and 3.5 foot elevation above average natural grade, respectively. The structures are also designed to conform to the topography of the site, and the only fully visible side of either structure would face the Pacific Ocean. Therefore, the project as designed is consistent with the scenic resource policies in Chapter 3.2 of the Big Sur Coast Land Use Plan, and construction of the proposed structures would not result in impacts on the existing scenic vista nor substantially damage scenic resources. (Source: IX. 1, 3, 7)

Aesthetics 1(c and d) – Less than Significant

Construction of the proposed structures would change the visual character of the project site; however, the structures have been designed to conform to the site topography, and the only fully visible side of either structure would face the Pacific Ocean. The site changes would not result in an adverse change to the visual quality or visual characteristics of the project area or substantially degrade the previously-existing visual character and quality of the surrounding area, would not degrade the visual character of the Big Sur Critical Viewshed, would not result in an inconsistency with policies designed to safeguard visual resources in the project area, and would not result in a significant impact per CEQA standards. To ensure the protection of the Big Sur Critical Viewshed, the County would apply a standard condition of approval to require a scenic and conservation easement over the eucalyptus grove that currently provides screening of the proposed building site. The County would also apply a non-standard condition of approval to require replacement of trees inadvertently damaged or destroyed. The proposed structural development and site improvements would also introduce a use that creates a new source of light in the immediate vicinity; yet, as described above, the siting and design would not adversely affect nighttime views in the area nor create a new source of substantial glare that would adversely affect day views in the project area. The County would also apply a standard condition of approval to require an exterior lighting plan subject to review and approval by the RMA-Planning Department. Per this condition of approval, all exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Moreover, exterior light sources that would be directly visible from critical viewshed viewing areas are prohibited. Therefore, the proposed structural development represents a less-than-significant impact to aesthetic resources. (Source: IX. 1, 7)

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV.2 above.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: IX. 1, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: IX. 5, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: IX. 5, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in significant construction-related air quality impacts? (Source: IX. 1, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Create objectionable odors affecting a substantial number of people? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

Air Quality 3(a through c, e and f) – No Impact.

The project area is located within the North Central Coast Air Basin and is subject to the jurisdictional regulations of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and, to a lesser extent, the California Air Resources Board. The proposed project involves the subdivision of an existing parcel into two parcels, and the construction of a single family dwelling and non-habitable accessory structure on the new/second parcel. The original parcel has an existing single family residence and accessory structures. The nearest habitable structure to the proposed project site is a residence over 1,200 feet (1/4 mile) to the north. It is anticipated that particulate matter (PM₁₀) would be the primary air pollutant resulting from project construction activities. The project would only result in a significant air quality impact if direct emissions of more than 82 pounds/day (lbs/day) of PM₁₀ were to occur. Construction activities would involve relatively small crews for a small residential project, and would involve limited construction equipment; therefore, the project is not anticipated to emit more than 82 lbs/day of PM₁₀. The project will also not disturb more than 8.1 acres per day, the threshold established by the MBUAPCD above which the project could have a significant impact for PM₁₀. Disturbed areas would be watered or treated with an appropriate dust palliative; therefore,

fugitive dust emissions would be limited and impacts from PM₁₀ resulting from fugitive dust emissions are not anticipated. After completion of construction activities, the project would not create significant air emissions beyond those associated with existing residential uses in the area.

There are no schools or other sensitive receptors in the vicinity of the project site. Operation of vehicles during construction activities may generate airborne odors (e.g., diesel exhaust); however, such emissions would be localized to the immediate area under construction and would be short in duration. Based on the information above, the project will not result in cumulative, construction-related, or objectionable odor impacts to the North Central Coast Air Basin, nor will the project expose sensitive receptors to pollutants. Based on the proposed work, the minor construction activity would not exceed thresholds identified in Tables 5-1, 5-2, 5-3, and 5-4 of the 2008 CEQA Air Quality Guidelines. Therefore, the project would not conflict with or obstruct the implementation of the applicable Air Quality Management Plan (identified above in Section III), would not violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment, would not expose sensitive receptors to substantial pollutant concentrations, nor create objectionable odors affecting a substantial number of people. As noted in Section IV.16 above, the project would generate a minimal amount of new traffic associated with the proposed single family dwelling; however, the amount of traffic-related emissions generated would be negligible. Construction related air quality impacts would be temporary in nature and controlled by best management practices. The project would not result in permanent impacts to air quality. (Source: IX. 1, 5, 6, 7)

Air Quality 3(d) – Less than Significant.

As described above, construction activities for the project would involve relatively small crews and limited construction equipment. Operation of vehicles during construction activities may generate airborne odors (e.g., diesel exhaust); however, such emissions would be localized to the immediate area under construction and would be short in duration. Based on the proposed work, the minor construction activity would not exceed thresholds identified in Tables 5-1, 5-2, 5-3, and 5-4 of the 2008 CEQA Air Quality Guidelines. Therefore, the project would result in less than significant impacts to air quality during construction activities. (Source: IX. 1, 5, 6, 7)

4. BIOLOGICAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: IX. 1, 3, 7, 11) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX. 1, 3, 7, 11) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: IX. 1, 3, 7, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: IX. 1, 3, 7, 11) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: IX. 1, 3, 7, 11) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: IX. 1, 3, 7, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

The biological report prepared for the proposed project identified the following conditions with regard to biological resources at the project site:

Tree cover on the existing parcel is composed of non-native blue gum eucalyptus, planted Monterey cypress, Coast redwoods, and Monterey pine. The proposed building site is surrounded and vegetated by Northern Coastal Scrub habitat, characterized by low, dense shrub cover including a variety of native and non-native species. The proposed driveway area is covered with kikuyu grass and other non-native plant species. A eucalyptus grove north and east of the proposed building site has the potential to support Monarch butterflies as an overwintering

site, and the presence of Monarch butterflies is presumed for the purposes of this analysis. Mitigations are included to reduce potential impacts to less than significant. Furthermore, potential impacts to the eucalyptus grove have been minimized by design. Only two trees have been proposed for removal, and both are located within the proposed building site for the single family dwelling and away from the main area of grove.

No element of the proposed project occurs in habitat that supports seacliff buckwheat and Smith's blue butterfly. Although no seacliff buckwheat plants were observed in the proposed project area, the biologist identified seacliff buckwheat, the host plant for the federally-listed/endangered Smith's blue butterfly, at a site to the east across Highway 1. Due to the proximity of this site, including a documented occurrence of Smith's blue butterfly, mitigations are included to reduce potential impacts to less than significant.

Sitka willow riparian forest habitat, designated a rare natural community by the California Department of Fish and Game, is found northwest of the proposed building site, and appears to be supported by natural spring activity. Although no aspect of the proposed project will occur within the Sitka willow riparian forest area, temporary and/or indirect impacts may occur during project construction activities. Therefore, mitigations are included to reduce potential impacts to less than significant.

Two stick nests of the Monterey dusky-footed woodrat were observed (June 2003) in the vicinity of the proposed project; however, construction activities are unlikely to affect the nesting and foraging area. Implementation of the mitigation measures for the Sitka willow riparian forest habitat would ensure no impacts occur to the dusky-footed woodrat.

Biological Resources 4(a, b, d, and e) – Less than Significant with Mitigation Incorporated.

County records and the biological report prepared for the proposed structural development indicate the potential presence of and impacts to Monarch butterflies, Smith's blue butterfly, Sitka willow riparian forest habitat, and the dusky-footed woodrat. Therefore, the project could result in an adverse change to the biological quality of the project area, could result in an inconsistency with policies designed to safeguard biological resources in the project area, and could result in a significant impact per CEQA standards. In addition, the project could potentially interfere with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, and could conflict with any local policies or ordinances protecting biological resources. However, potential impacts to sensitive species and habitat are considered to be less than significant with incorporation of the mitigation measures identified below. (Source: IX. 1, 3, 7, 11)

Biological Resources Mitigation Measure No. 1:

Monarch butterflies: The potential presence of Monarch butterflies is presumed. Therefore, to avoid potential impacts to roosting and/or migrating Monarch butterflies, the Applicant shall survey the eucalyptus grove between the early fall months and late February to determine whether the stand supports mass overwintering of Monarch butterflies, and submit appropriate survey documentation to the California Native Diversity Database (CNDDDB). If the grove supports winter roosting of Monarch butterflies, damage and tree removal in the area of the grove

north and east (upslope) of the proposed home site and leach area shall be minimized. To avoid potential impacts to roosting and/or migrating Monarch butterflies, the proposed removal of the two eucalyptus trees and/or construction activities that generate dust shall not occur between October 1st and February 28th.

Biological Resources Monitoring Action No. 1:

Prior to the issuance of building or grading permits, the Applicant shall submit evidence to the RMA-Planning Department of a Monarch butterfly survey by a qualified biologist. If the survey determines the grove supports winter roosting of Monarch butterflies, then the proposed removal of the two eucalyptus trees and/or construction activities that generate dust shall not occur between October 1st and February 28th.

Biological Resources Mitigation Measure No. 2:

Monarch butterflies: To avoid potential interference to nighttime butterfly roosting, the Applicant shall minimize outdoor/exterior lighting that may affect butterfly roosting at night.

Biological Resources Monitoring Action No. 2:

Prior to the issuance of building permits, the Applicant shall submit an exterior lighting plan to the RMA-Planning Department for review and approval that minimizes lighting that may affect butterfly roosting at night. The installed lighting shall be inspected to ensure conformance with the approved exterior lighting plan.

Biological Resources Mitigation Measure No. 3:

To ensure the protection of the rocky shore and marine habitat at the base of the bluff, the Applicant shall install a debris fence during the construction period on the inner margin of the seaward bluff around the entire project area to prevent accidental dumping of vegetation or loose material down the steep hillslope to the rocky shore below. The debris fence shall remain in place and be maintained for the duration of construction activities.

Biological Resources Monitoring Action No. 3:

Prior to the issuance of building or grading permits, the Applicant shall submit evidence of installation of a debris fence to the RMA-Planning Department for review and approval.

Biological Resources Mitigation Measure No. 4:

Smith's blue butterfly: The potential presence of Smith's blue butterfly is presumed. Therefore, to avoid potential impacts to this sensitive species, the Applicant shall implement controls during all phases of project construction to prevent dust from drifting across Highway 1 and coating the seacliff buckwheat plants.

Biological Resources Monitoring Action No. 4:

Prior to the issuance of building or grading permits, the Applicant shall incorporate best management dust control measures as notes on the plans, and submit the plans to the RMA-Planning Department for review and approval. Prior to the initiation of construction activities, the contractor shall train all construction personnel on the requirement to follow the approved control measures, and submit evidence of this training to the RMA – Planning Department.

Biological Resources Mitigation Measure No. 5:

Smith's blue butterfly: From June 15th through August 15th, the Applicant shall not allow off-highway parking of construction vehicles on the easterly road shoulder of Highway 1.

Biological Resources Monitoring Action No. 5:

Prior to the issuance of building or grading permits, the Applicant shall incorporate appropriate parking guidelines as notes on the plans, and submit to the RMA-Planning Department for review and approval.

Biological Resources Mitigation Measure No. 6:

Sitka willow riparian forest habitat: To minimize potential impacts to this sensitive habitat, construction plans shall be reviewed by a qualified biologist for consistency with the recommendations of the biological report prepared for the project. The Applicant shall submit a letter from the biologist to the RMA-Planning Department confirming the review and determination of consistency.

Biological Resources Monitoring Action No. 6:

Prior to the issuance of building or grading permits, the Applicant shall submit a letter from the biologist confirming the review and determination of consistency to the RMA-Planning Department for review and approval.

Biological Resources Mitigation Measure No. 7:

Sitka willow riparian forest habitat: To minimize potential impacts to this sensitive habitat, the Applicant shall install a silt-stop fence for a distance of 40 feet on both sides of the wet meadow along the old roadbed to define the allowable work area and protect the adjacent habitat, including any chain fern in the immediate vicinity. The Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval. The silt-stop fence shall remain in place and be maintained for the duration of construction activities.

Biological Resources Monitoring Action No. 7:

Prior to the issuance of building or grading permits, the Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval.

Biological Resources Mitigation Measure No. 8:

Sitka willow riparian forest habitat: To minimize potential impacts to this sensitive habitat, the Applicant shall install orange construction fencing during the construction period in the Northern Coastal Scrub vegetation at least 100 feet beyond the dripline of the Sitka willow thicket. This fencing shall encircle the southwestern boundary of the willow thicket from the coastal bluff edge to the edge of the abandoned roadway. This protective fencing shall also connect with the silt-stop fence installed along the abandoned roadway. The Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval. The construction fencing shall remain in place and be maintained for the duration of construction activities.

Biological Resources Monitoring Action No. 8:

Prior to the issuance of building or grading permits, the Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval.

Biological Resources Mitigation Measure No. 9:

Sitka willow riparian forest habitat: To minimize potential impacts to this sensitive habitat, disturbance within the allowable work area shall be kept to a minimum. Prior to soil disturbance, the alignment of the utilities excavation shall be mowed. Mowing shall be confined to the bed of the old roadway within the silt-stop fence. Trenching along the abandoned roadbed shall be executed with the minimum size trenching equipment required, preferably with a hand-held ditch witch. Upon completion of trenching and installation of utilities, the disturbed roadbed shall be returned to its pre-trenching slope. Exposed soil shall be covered with sterile straw (preferably rice straw) and planted with native beardless ryegrass seed. The Applicant shall incorporate these guidelines as notes on the plans, and submit evidence of planting to the RMA-Planning Department, for review and approval.

Biological Resources Monitoring Action No. 9:

Prior to the issuance of building or grading permits, the Applicant shall incorporate these guidelines as notes on the plans, and submit to the RMA-Planning Department, for review and approval. Upon completion of trenching and installation of utilities, the Applicant shall submit evidence of planting to the RMA-Planning Department for review and approval.

Biological Resources Mitigation Measure No. 10:

Sitka willow riparian forest habitat: To minimize potential impacts to this sensitive habitat, after installation of utilities, motorized vehicle access shall be prohibited along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch. Motorized vehicle access may be allowed on a temporary basis for necessary repairs to the proposed utilities.

Biological Resources Monitoring Action No. 10:

On an ongoing basis, the Applicant shall prohibit motorized vehicle access along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch. Motorized vehicle access may be allowed on a temporary basis for necessary repairs to the proposed utilities.

Biological Resources 4 (c and f) – No Impact.

Based on the biological report prepared for the proposed structural development and County records, the project would not involve or result in adverse effects on federally protected wetlands and would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. (Source: IX. 1, 3, 7, 11)

5. CULTURAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: IX. 1, 2, 3, 7, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: IX. 1, 2, 3, 7, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX. 1, 2, 3, 7, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV.5 above.

6. GEOLOGY AND SOILS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 1, 3, 9, 10) Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? (Source: IX. 1, 3, 9,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? (Source: IX. 3, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? (Source: IX. 1, 3, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? (Source: IX. 3, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| 6. GEOLOGY AND SOILS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX. 3, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: IX. 1, 3, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: IX. 1, 3, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

Geology and Soils 6(a.i, a.ii, and a.iv) – Less than Significant.

According to the County’s GIS database the project area is located within an area of moderate to high erosion hazard, with high risk for landslides and low risk for liquefaction. The database identifies the seismic nature of the site to be undetermined, but adjacent to an area identified as Relatively Unstable Upland. In addition, portions of the parcel’s eastern side are within the 660 foot buffer of the Sur Fault zone. However, the geologic and geotechnical evaluations prepared for the project, based on review of the site and applicable literature, did not observe nor identify any significant, site-specific geological hazards and concluded the site is suitable for the proposed development. The reports also concluded the near surface soils are generally firm and increase in strength with depth, and the sloped bluff on the west side of the building site has been determined to be safe against slope instability for at least 100 years. Although the project site would be exposed to ground-shaking from any of the faults that traverse Monterey County, the project would be constructed in accordance with applicable seismic design parameters in the California Building Code. Per the reports prepared for the project, nearby faults (e.g., the Nacimiento Fault 0.5 miles to the south and the Sur Fault 350 yards to the northeast) are classified as “potentially active” or are relatively short and generally represent minor hazards. Therefore, the project would result in less than significant impacts related to fault rupture, seismic ground-shaking, or landslides. (Source: IX. 1, 3, 9, 10)

Geology and Soils 6(a.iii, and b through e) – No Impact.

As stated above, the geologic and geotechnical evaluations prepared for the project did not observe nor identify any significant, site-specific hazards related to loss of topsoil, potential landslides or lateral spreading, liquefaction, or soils incapable of adequately supporting the use of septic tanks and leach fields. Erosional features on the site are described as dormant and stable. In addition, there were no visible indications of recent ground ruptures, ground failures, or other geological hazards either on-site or in close proximity. The project would result in no impacts to

geology and soils regarding landslides, liquefaction, expansive soils, erosion, or disposal of wastewater. (Source: IX. 1, 3, 9, 10)

| 7. GREENHOUSE GAS EMISSIONS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

Greenhouse Gas Emissions 7(a) – Less than Significant.

The Office of Planning and Research (OPR) is the state-wide, comprehensive planning agency that is responsible for making policy recommendations and coordinating land use planning efforts. The OPR also coordinates the state-level review of environmental documents pursuant to the CEQA. Currently, the OPR’s stance on greenhouse gases (GHG) significance thresholds has been to allow each lead agency to determine their own level of significance. At this time, the Monterey Bay Unified Air Pollution Control District (MBUAPCD) has not finalized specific GHG thresholds of significance, and Monterey County has not adopted either a climate action plan or thresholds of significance. On October 24, 2008, the California Air Resources Board (CARB) released their interim CEQA significance thresholds for GHG impacts directing that a project would be considered less than significant if it meets minimum performance standards during construction and if the project, with mitigation, would emit no more than approximately 7,000 million metric tons of carbon dioxide per year during operation. The primary source of criteria air pollutant and GHG emissions would stem from the use of equipment during excavation for construction of the proposed single family dwelling and associated infrastructure (e.g., septic system and driveway). However, equipment use would be intermittent and limited to site preparation and construction activities. Pollutant emissions resulting from equipment use during construction for a minor project would not exceed significance thresholds established by the CARB for GHG because the duration of use would be very limited. Moreover, the project would not create any significant air emissions beyond those associated with current residential uses established on the property. The project’s construction and use emissions would be below the applicable GHG significance thresholds established by CARB, and the MBUAPCD has no established GHG thresholds. The project would not conflict with any local or state GHG plans or goals. The project would result in less than significant impacts to greenhouse gas emissions. (Source: IX. 1, 2, 3, 7)

Greenhouse Gas Emissions 7(b) – No Impact.

As described above, the project’s temporary construction and permanent use emissions are below the applicable GHG significance thresholds established by CARB, and the MBUAPCD has no

established GHG thresholds. The project would not conflict with any local or state GHG plans or goals. Therefore, the project would not result in impacts. (Source: IX. 1, 2, 3, 7)

| 8. HAZARDS AND HAZARDOUS MATERIALS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX. 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: IX. 2, 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV.8 above.

9. HYDROLOGY AND WATER QUALITY

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? (Source: IX. 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? (Source: IX. 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

9. HYDROLOGY AND WATER QUALITY

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| j) Inundation by seiche, tsunami, or mudflow? (Source: IX. 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

Hydrology and Water Quality 9(a, b, d, e, f, g, h, and i) – No Impact.

The project would not violate any water quality standards or waste discharge requirements, nor alter the drainage pattern of the site or area. The newly created parcel will construct a separate on-site wastewater treatment septic system, and a spring-fed water supply for the proposed residential use. The proposed project would incrementally increase water demand through the addition of a single family dwelling, and the Monterey County Environmental Health Bureau (EHB) reviewed the project application, and deemed the project complies with applicable ordinances and regulations. The Monterey County Water Resources Agency (WRA) similarly reviewed the project application and deemed that the project complies with applicable ordinances and regulations, and applied standard conditions of approval regarding water conservation and drainage. The project will not expose people or structures to a significant risk involving flooding. The proposed structural development site would not place housing within a 100-year flood hazard area, nor impede or redirect flood flows. The proposed structural development would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. The project would not provide additional sources of polluted runoff or degrade water quality, or place a structure within an area that would impede or redirect flood flows. Tsunami and flooding vulnerability at the site is limited by the site topography. The elevation of the proposed building site is approximately 250 feet above mean sea level, so the potential for inundation from a tsunami is low. The parcel is not located near a freshwater lake or pond, and the proposed building site is approximately 1,500 feet south of Dolan Creek, so the potential for inundation from a seiche or mudflow is also low. (Source: IX. 1, 3, 7)

Hydrology and Water Quality 9(c) – Less than Significant.

Although the project involves structural development, as proposed it would not alter the existing drainage pattern of the site or area. The existing parcel generally slopes from the highway to the ocean, and the proposed project would not alter this pattern. (Source: IX. 1, 3, 7)

| 10. LAND USE AND PLANNING | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Physically divide an established community? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: IX. 1, 2, 3, 4, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: IX. 3, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

Land Use and Planning 10 (a and c) – No Impact.

The proposed project involves the minor subdivision of a 49 acre lot into two lots consisting of 40 acres and 9 acres. The existing parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)], the surrounding area has this same zoning and watershed and scenic conservation land use designation, and the adjacent land uses are residential. The project will have no impact on this designation or use, and the proposed minor subdivision and construction of a single family dwelling is consistent with this designation and use. The site does not support any development beyond the existing single family dwelling and accessory structures; therefore, the project would not physically divide, disrupt, or otherwise have a negative impact upon an established community, the existing neighborhood, or adjacent properties. Also, the project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. The project would not result in impacts to land use and planning regarding an established community or conservation plan. (Source: IX. 1, 2, 3, 7, 11)

Land Use and Planning 10 (b) – Less than Significant.

The proposed project was reviewed for consistency with the 1982 Monterey County General Plan, the Subdivision Ordinance (Title 19 – Coastal), and the Big Sur Coast Local Coastal Program (LCP). The project consists of the minor subdivision of a 49 acre lot into two lots consisting of 40 acres and 9 acres, the designation of the new lot as a receiver site for a transfer of development credit from a donor site established under PC94155, development on slope exceeding 30%, development within 100 feet of environmentally sensitive habitat, and construction of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, a septic system, a water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill). The property and surrounding area have the watershed and scenic conservation land use designation, and the adjacent land uses are primarily residential.

All existing structures meet the development standards of the Monterey County Code, Title 20 (Zoning Ordinance), Section 20.17.060.

General Plan Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. In addition, Policy 3.7.3.A.1 of the Big Sur Coast Land Use Plan directs that all development be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The Applicant proposes to use an existing excavated depression for the site of the single family dwelling. The County has reviewed the project plans and visited the site to analyze possible development alternatives. Given the site's topography and location between Highway 1 and the Pacific Ocean, there is no feasible alternative that would avoid development on slope greater than 30 percent and simultaneously satisfy other goals and objectives of the applicable land use plan regarding protection of the viewshed and environmentally sensitive habitat. Therefore, the proposed development is consistent with applicable policies regarding development on slope exceeding 30 percent, and an exception may be granted.

As described above in Section VI.1 (Aesthetics), the proposed project is consistent with the Big Sur Coast Land Use Plan (LUP) Policy 3.2.3.A.1, which directs that all new parcels must contain building sites outside the critical viewshed. The proposed new parcel would have a suitable area for structural development effectively screened from the Big Sur Critical Viewshed by topography, trees, and vegetation. Moreover, the design of the proposed structures minimizes the elevation above average natural grade. As proposed, the dwelling and garage would have a 7.0 foot and 3.5 foot elevation above average natural grade, respectively. The structures are also designed to conform to the topography of the site, and the only fully visible side of either structure would face the Pacific Ocean. Therefore, the project as designed is consistent with the scenic resource policies in Chapter 3.2 of the LUP, and construction of the proposed structures would not conflict with applicable plans or policies.

As described above in Section VI.4 (Biological Resources), potential impacts to sensitive species and habitat caused by development within 100 feet of environmentally sensitive habitat are considered to be less than significant with incorporation of the mitigation measures. As mitigated, the proposed project would not result in disruption of habitat value, and the proposed structural development has been sited and designed to minimize potential impacts to biological resources. Therefore, the project as designed is consistent with the environmentally sensitive habitat policies in Chapter 3.3 of the LUP, and construction of the proposed structures would not conflict with applicable plans or policies.

The proposed minor subdivision would not intensify development potential within the Big Sur Coast LCP area. Development potential would be transferred from a donor site that has been placed under scenic easement in perpetuity. The County of Monterey Planning Commission approved the donor site on November 16, 1994 (Resolution No. 94187, County Planning File No. PC94155/Larson). The donor site is located on Sycamore Canyon Road, within the Big Sur Critical Viewshed (Assessor's Parcel Number 419-311-011-000). The scenic easement for the donor site was recorded on November 1, 2001 (Document No. 2001092914).

As designed and mitigated, the project is consistent with applicable General Plan and Local Coastal Program policies as discussed in Section III. Potential project impacts to land use and planning regarding policy consistency would be less than significant. (Source: IX. 1, 2, 3, 4, 7)

| 11. MINERAL RESOURCES | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: IX. 1, 2, 3, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: IX. 1, 2, 3, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV.11 above.

| 12. NOISE | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project result in: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| 12. NOISE | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project result in: | | | | |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

Noise 12(a through c, e and f) – No Impact.

The project involves the development of a single family dwelling and accessory structure, which are normal residential uses for the associated land use designation. The project, as proposed, will not expose residents to a permanent increase in noise levels that exceed standards nor substantially increase ambient noise levels. Also, residents will not be exposed to permanent excessive groundborne vibration or ground-borne noise levels. The project site is not located in the vicinity of an airport or private airstrip. The project will not result in permanent noise impacts. (Source: IX. 1, 2, 3, 7)

Noise 12(d) – Less than Significant.

The project may expose residents to a temporary increase of noise during construction of the proposed structures; however, the five parcels immediately adjacent to the project parcel average over 60 acres (the smallest is over 11 acres in size). The large parcel size and distance between structures will minimize potential noise or vibration impacts caused by equipment during construction, and persons residing or working near the project site will not likely be significantly impacted by noise or vibrations related to this project. The project may result in less than significant and temporary impacts during construction activities. (Source: IX. 1, 3, 7)

| 13. POPULATION AND HOUSING | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

13. POPULATION AND HOUSING

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

Population and Housing 12(a) – Less than Significant.

The project proposes the subdivision of an existing parcel into two parcels, and the construction of a single family dwelling on the new/second parcel. The original parcel has an existing single family residence and accessory structures. The project would not induce substantial population growth in the area, either directly through the construction of one single family dwelling, or indirectly. Any new infrastructure extended to the site would serve only the proposed single family dwelling and non-habitable accessory structure. The project would result in less than significant impacts to population growth. (Source: IX. 1, 2, 3, 7)

Population and Housing 12(b and c) – No Impact.

The project would not displace, alter the location, distribution, or density of human population in the area in any significant way, or create a demand for additional or replacement housing. The project would not result in impacts to housing. (Source: IX. 1, 2, 3, 7)

14. PUBLIC SERVICES

| Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| a) Fire protection? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other public facilities? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV.14 above.

| 15. RECREATION | | | Less Than Significant | | |
|--|--------------------------------|--|------------------------------|-------------------------------------|--|
| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

Discussion/Conclusion/Mitigation: See Section IV.15 above.

| 16. TRANSPORTATION/TRAFFIC | | | Less Than Significant | | |
|--|--------------------------------|--|------------------------------|-------------------------------------|--|
| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

| 16. TRANSPORTATION/TRAFFIC | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: IX. 1, 2, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV.16 above.

| 17. UTILITIES AND SERVICE SYSTEMS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

17. UTILITIES AND SERVICE SYSTEMS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: IX. 1, 3, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV.17 above.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

| Does the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: IX. 1, 3, 5, 6, 7, 8, 11) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have impacts that are individually limited, but cumulatively considerable? (Source: IX. 1, 2, 3, 5, 6, 7, 11) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: IX. 1, 2, 3, 5, 6, 7, 9, 10, 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Conclusion/Mitigation:

(a) Less than Significant with Mitigation Incorporated. Based upon the analysis throughout this Initial Study, the project could result in less than significant impacts, with mitigation, to Biological Resources. The project has the potential to degrade the biological quality of the surrounding environment, unless mitigations are applied to reduce potential impacts to a less than significant level. The Biological Resources analysis above (see Section VI.4) indicated that potential impacts to special-status plants and animals and sensitive natural communities, including environmentally sensitive habitat (ESHA), were either mitigated by design or would be less than significant with the incorporation of recommended mitigation measures. Furthermore, the project did not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or restrict the range of a rare or endangered plant or animal.

The project would not result in impacts to Agriculture and Forest Resources, Cultural Resources, Hydrology and Water Quality, and Mineral Resources. The project would not result in the loss of forest land or conversion of forest land to non-forest use. The existing project parcel is not

located near any agricultural lands, and the project would not result in impacts to either agricultural or forest resources. The cultural resources analysis above indicates that the site does not contain any significant cultural, archaeological, or historical resources, and did not eliminate important examples of the major periods of California history or prehistory. (Source: IX. 1, 3, 5, 6, 7, 8, 11)

(b) No Impact. Based upon the analysis throughout this Initial Study, the project would not result in cumulative impacts. Implementation of the project, as proposed and conditioned, would not result in a considerable cumulative increase in development potential for the project site or the surrounding area. (Source: IX. 1, 2, 3, 5, 6, 7, 11)

(c) Less than Significant. The project may result in less than significant impacts to Aesthetics, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Land Use and Planning, and Noise.

The project site is located along a scenic road or highway (i.e., Highway 1), a primary element of the Big Sur Critical Viewshed. By definition, the proposed minor subdivision of the existing parcel constitutes development within the Big Sur Critical Viewshed, is subject to the policies regarding the Big Sur Critical Viewshed, and the project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. However, the proposed new parcel would have a suitable area for structural development effectively screened from the Big Sur Critical Viewshed by topography, trees, and vegetation. Therefore, the impacts to visual resources would be less than significant. (Source: IX. 1, 2, 3, 5, 6, 7, 9, 10, 11)

Operation of vehicles during construction activities may generate airborne odors (e.g., diesel exhaust); however, such emissions would be localized to the immediate area under construction and would be short in duration. While the project site would be exposed to ground-shaking from any of the faults that traverse Monterey County, the project would be constructed in accordance with applicable seismic design parameters in the California Building Code. The primary source of criteria air pollutant and GHG emissions would stem from the use of equipment during construction activities. However, equipment use would be intermittent and limited to site preparation and construction activities. Pollutant emissions resulting from equipment use during construction would not exceed significance thresholds established by the CARB for GHG because the duration of use would be limited. Moreover, the project would not create any significant air emissions beyond those associated with current residential uses established on the property. Construction-related noise or vibration impacts would be minimized by the large parcel sizes and the distance between structures. (Source: IX. 1, 2, 3, 5, 6, 7, 9, 10, 11)

The project would not result in impacts to Hazards and Hazardous Materials, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN030379 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. REFERENCES

1. Project Application and Plans (submitted July 1, 2004)
(Plan Set dated June 25, 2004, and Tentative Parcel Map dated March 29, 2004)
2. 1982 Monterey County General Plan
3. Big Sur Coast Land Use Plan and Coastal Implementation Plan (Part 3), and County GIS database
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. 2008 Air Quality Management Plan (AQMP) for the Monterey Bay Region, Monterey Bay Unified Air Pollution Control District, Revised August 2008. Sixth Revision to the 1991 AQMP for the Monterey Bay Region.
6. 2008 CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District
7. Site visit conducted by the project planner on March 23, 2012.
8. Preliminary Archaeological Reconnaissance (LIB040143), prepared by Archaeological Consulting, Salinas, California, July 7, 2003.
9. Geotechnical Soils-Foundation and Geoseismic Report (LIB040144), Grice Engineering and Geology, Inc., Salinas, California, April 5, 2003.
10. Geological Hazards Investigation (LIB040145), Gasch and Associates, Inc., Rancho Cordova, California, June 24, 2004.
11. Biological Assessment (LIB040142), Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 2, 2003.

EXHIBIT G
TECHNICAL REPORTS - BIOLOGICAL
(June 2nd, 2003 / January 9th, 2013)

PLN030379 – Brandywine Trust

Planning Commission
January 30, 2013



Fred Ballerini
Biological and Horticultural Services
PO Box 1023, Pacific Grove, CA 93950
fred@fredballerini.com, 831.238.6832

January 9, 2013

To: Arden Handsby
Land Use Facilitator
PO Box 51758
Pacific Grove, CA 93950

RE: **Brandywine Trust Company Property – APN: 421-011-001**
Biological Letter

Dear Arden,

Per your request, I have reviewed the *Biological Assessment* authored by Nicole Nedeff (June 2, 2003) for the Brandywine Trust Company parcel and have evaluated the *Potential Impacts and Suggested Mitigations* as they relate to existing conditions observed during our site visit on January 9, 2013.

On January 9, 2013, we visited the subject parcel to observe biological conditions in relation to the original *Biological Assessment*, authored in 2003. Our site visit consisted of reviewing existing conditions within the proposed construction and utility areas, biological survey for new plant and animal taxa including locally significant plants and animals as noted on the California Natural Diversity Database (CNDDDB), and observations for potential Monarch butterfly (*Danus plexippus*) activity or overwintering roosting. Access was unimpeded and weather conditions were slightly overcast.

The site was observed to be in a similar state as reported in the *Biological Assessment* with the exception of several areas:

1. There have been road improvements along the noted service road. Improvements included two water bar installations along the entry slope from the gate leading to the building site and scrub clearing along the bank of the road under the eucalyptus grove.
2. The building site area and surrounding zone to the east and north have been inundated with the exotic kikuyu grass (*Pennisetum clandestinum*). This grass is noted within the building site in the original biological report and appears to have rapidly expanded past the proposed construction envelope. The solid thatch layer is 2+ feet deep and has encroached northerly along the coastal terrace. (See Photo Documentation: Image 1).
3. There were no observations of the Dusky-footed woodrat. The previously identified woodrat nests were not present and the area has been covered with a thatch layer of kikuyu grass.

4. The Sitka Willow Riparian Forest is located close to 100' outside the perimeter of the project site. This area was not closely inspected, though it was noted the kikuya grass has infiltrated into this zone.

In addition to the special status species listed in the original *Biological Assessment*, several new taxa have been added to the CNDDDB list as sensitive or listed species for the Lopez Point Quadrangle, including steelhead (*Oncorhynchus mykiss irideus*), tear drop moss (*Dacryophyllum falcifolium*), Hickman's checkerbloom (*Sidalcea hickmanii* ssp. *hickmanii*), pine rose (*Rosa pinetorum*), Cone Peak bedstraw (*Galium californicum* ssp. *lucianense*), bristlecone fir (*Aibes bracteata*), and San Luis Obispo sedge (*Carex obispoensis*). No occurrences of the CNDDDB listed special status species were observed during our site visit.

The original Biological Assessment identifies 5 conditions (listed A through E), several of which are inconsistent with the site conditions as they exist today:

- A. GENERAL MITIGATION ACTIVITIES AND RECOMMENDATIONS
- B. MONARCH BUTTERFLY OVERWINTERING
- C. SMITH'S BLUE BUTTERFLY
- D. SITKA WILLOW RIPARIAN FOREST and WETLAND
- E. MONTEREY DUSKY-FOOTED WOODRAT

Condition A (General Mitigation Activities and Recommendations) is consistent with the site conditions and original *Biological Assessment* recommendations should be followed.

Condition B (Monarch Butterfly Overwintering) does not appear to be applicable to the site. Careful observations were made within a 200-foot span of the building site, along the eucalyptus grove, using high-powered binoculars to scan upper and lower canopy's. No butterflies were observed in flight or in clusters. The potential still exists for future overwintering, as the Monarch butterfly has been observed and recorded in nearby areas, as such the recommended condition of minimizing the exterior lighting should remain enforced.

Condition C (Smith's Blue Butterfly) is consistent with the site conditions and original *Biological Assessment* recommendations should be followed. No observations of seacliff buckwheat (*Eriogonum parvifolium*) plants were observed within the proposed building site.

Condition D (Sitka Willow Riparian Forest and Wetland) is consistent with the site conditions and original *Biological Assessment* recommendations should be followed.

Condition E (Dusky-footed Woodrat) does not appear to be applicable to the site. The previously identified woodrat stick nests are not present within the area. The ecotone area between the Northern Coastal Scrub and Sitka Willow Riparian Forest has been overrun with kikuyu grass and no nests were observed within the previously identified location or surrounding area of the proposed construction envelope.

I. PLANT & ANIMAL SPECIES OBSERVED IN ADDITION TO ORIGINAL BIO REPORT

Notes: * denotes non-native species growing in landscape zones and/or naturalized areas.

| | |
|--------------------------|----------------|
| <i>Carex harfordii</i> | Monterey sedge |
| <i>Stellaria media</i> * | chickweed |

II. PHOTO DOCUMENTATION

1. Current site conditions showing the proposed building envelope. This image is taken in the same location as Figure 3 of the original *Biological Assessment* (Nedeff, 2003).



2. Current site conditions along road leading from building site toward Santa Lucia Ranch complex. This road is the proposed location of the utilities that will service the new building. This image is taken in the same location as Figure 9 of the original *Biological Assessment* (Nedeff, 2003).



In summary, there are no new occurrences of special status species or habitat within the proposed construction area. The Northern Coastal Scrub habitat along the coastal terrace as identified in the original *Biological Assessment* seems to have degraded significantly and succumbed to the effects of infestations of kikuyu grass. Protocols should be put in place to reduce and minimize the spread of the kikuyu grass into existing habitat areas beyond the construction area.

Please phone or contact me with any questions. Thank you.

Sincerely,

Fred Ballerini

FILE COPY
Carl Holm
LIB040142

BIOLOGICAL ASSESSMENT

ON A PORTION OF

APN 421-011-001
BIG SUR

Prepared For:
Robert Cross
P.O. Box 244
Big Sur, CA 93920
831/667-2222

Prepared By:
Nicole Nedeff
Consulting Ecologist
11630 McCarthy Road
Carmel Valley, CA 93924
831/659-4252
nikki@ventanaview.net

June 2, 2003

PN 030379

PROJECT PROFILE

DATE: June 2, 2003

PREPARED BY: Nicole Nedeff

SITE VISIT: 5MAY03, 10MAY03, 20MAY03, 24MAY03

SITE NAME: Santa Lucia Ranch TDC receiver site
APN: 421-011-001, southern portion
ACREAGE: approximately 2 acres in project area
USGS QUAD: Lopez Point 7.5'
T/R/S: T21S, R3E, Section 15

OWNER REPRESENTATIVE: Robert Cross, P.O. Box 211, Big Sur, CA 93920. 831/667-2222

OWNER: Brandywine Trust Company, TR., c/o Accel Partners, One Embarcadero Center, Suite 3280, San Francisco, CA 94111

MONTEREY COUNTY PLANNING AREA: Big Sur Coast Land Use Plan Area

ZONING/PRESENT LAND USE: WSC/40(CZ); Watershed Scenic Conservation, with maximum gross density of 40 acres/unit, Coastal Zone. The northern portion of the parcel supports the Santa Lucia Ranch complex.

SITE LOCATION: Entry is on the west side of Highway 1 along the Big Sur coast, Monterey County. Entry point at existing road access through wire fence and gate 0.25 miles south of Dolan Creek Bridge. Proposed house site is screened by eucalyptus and Monterey cypress. Proposed house pad is centered in an area previously graded for a water tank 36-feet below the Highway 1 corridor. Proposed construction site is adjacent to the edge of very steep hillslopes overlooking the Pacific Ocean.

POTENTIAL PROJECT DESCRIPTION: The potential project area has been identified as a possible receiver site for a Transfer Development Credit, pursuant to Policy 7.2.5.B, Transfer of Development Credits - General Policies, Big Sur Coast Land Use Plan, Local Coastal Program (page 111), certified by the California Coastal Commission on April 10, 1986.

The proposed project involves utilizing an existing roadway for access and constructing a single family residence. Utilities will be brought to the site from adjoining structures to the north. No site plan is currently available.

HABITAT IN PROJECT AREA: Northern Coastal Scrub, Sitka Willow Riparian Forest and Wetland, Eucalyptus Forest.

SIGNIFICANT BIOLOGICAL ATTRIBUTES:

- ✓ Potential Monarch butterfly winter roosting site in eucalyptus grove
- ✓ Smith's blue butterfly occurrence on roadcut across Highway 1
- ✓ Sitka Willow Riparian Forest and associated Wetland
- ✓ Monterey dusky-footed woodrat

BIOLOGICAL ASSESSMENT
Southern Portion APN 421-011-001

EXECUTIVE SUMMARY

This Biological Assessment describes plant and animal resources present on the southern portion of the Santa Lucia Ranch, Assessor's Parcel Number 421-011-001 along the Big Sur coast in Monterey County. I was contacted by the owner's representative, Robert Cross, and asked to conduct a Biological Assessment and review of potential biotic impacts associated with the possible development of a coastal location west of Highway 1. The project site has been identified as a feasible Transfer Development Credit "receiver site".

The proposed project includes developing Highway 1 access at an existing road, building a structure in and around an old excavated depression shaped for a water tank, and installing a septic leach field along an existing internal ranch roadway. Utilities will be connected to the new construction area from the adjacent Santa Lucia Ranch approximately two-tenths of a mile to the north. No site plan is currently available for the exact location of the proposed structure or the route to bring in utilities.

The proposed house site is situated within Northern Coastal Scrub habitat and is centered in an old artificially disturbed, excavated depression. The building site occurs below a small eucalyptus grove and along a pre-existing ranch road, and is positioned close to the edge of coastal bluffs above the Big Sur coastline. The proposed project is adjacent to an unusual Sitka Willow Riparian Forest that includes at least two stick nests utilized by the Monterey dusky-footed woodrat, a Federal and California Species of Special Concern. The Sitka Willow Riparian Forest and adjacent Wetland habitat are considered California State listed rare natural terrestrial communities. Underground utilities may be installed along the trace of the old internal ranch road that traverses through wet meadow habitat adjacent to the thicket of Sitka willow.

The pre-existing driveway to the proposed building site is directly across Highway 1 from a documented occurrence of Smith's blue butterfly, however no living seacliff buckwheat host plants for the Federally Endangered butterfly were found west of the Highway in the vicinity of the project. A grove of mixed-age eucalyptus trees screen the proposed construction site from Highway 1 and may provide winter roosting habitat for Monarch butterfly, a species with no official state or federal protection, but recognized as an environmentally significant resource in Big Sur. Monarch butterfly mass overwintering sites are designated as Environmentally Sensitive Habitat in the Big Sur Coast Land Use Plan.

Portions of the proposed project may occur within 100-feet of Environmentally Sensitive Habitat areas that are rare, biologically valuable, and susceptible to degradation by human activities. Mitigation activities will be suggested in the following text to eliminate or minimize potential impacts to biologically sensitive resources both during and after development. When the recommendations in this report are applied, potentially deleterious impacts to sensitive species and habitats can be prevented or minimized to temporary, insignificant levels. When mitigations outlined in this report are implemented, no development activities associated with the proposed project will have long term impacts on the ecological processes supporting Environmentally Sensitive Habitat and unique species.

If needed, a Biological Assessment update can be prepared after site plans are developed and a definitive utilities corridor is identified.

I. SURVEY METHODS

Local maps, aerial photographs, written references and consultations with knowledgeable individuals were utilized during the preparation of this Biological Assessment. On-site botanical and wildlife surveys were conducted on May 5, 10, 20 and 24, 2003. All plant species listed in Table 2 were observed during the May 2003 on-site field surveys. All bird and wildlife species listed in Table 3 were either observed, or identified by song during the May 2003 field surveys.

II. SITE DESCRIPTION

A. LOCAL SETTING:

The proposed project site is located approximately 0.25 miles south of the Dolan Creek Bridge along Highway 1 in the Monterey County Big Sur coastal planning area. The project site is 1.7 miles south of Esalen Institute and 2.9 miles north of the University of California Big Creek Reserve. The project area is situated in the southerly portion of Assessor's Parcel Number 421-011-001, which contains the headquarters complex of the Santa Lucia Ranch near Dolan Creek. By eliminating an identified structure within Critical Viewshed, the owner of the property created and recorded two Transfer Development Credits (TDC), the receiver site of which has been tentatively marked within the project area surveyed for this Biological Assessment.

The project site is west of Highway 1 on the southerly edge of a narrow, uplifted marine terrace perched approximately 240-feet above the rocky shore zone. To the east of the proposed project site, the rugged Santa Lucia Range extends to elevations peaking over 5000 feet in the adjacent Ventana Wilderness of the Los Padres National Forest. The Big Sur coast is a young, tectonically active region characterized by diverse geologic rock types, unstable soils and vegetation mosaics that reflect changing substrates and microclimates.

An abandoned roadway extends from the Santa Lucia Ranch complex along the inside of the coastal bluff to the project site, and then south around a constricted drainage where the roadbed becomes eroded, over-grown and impassible. The internal roadway near the project site will serve as the driveway landing and turn-around, the septic leach, and the possible route of underground utilities servicing the home site. The general project site is identified on Figure 1, an enlargement of the United States Geological Survey Lopez Point 7.5' quadrangle. Figure 2 is a September 2002 photograph of the project vicinity, courtesy of Kenneth Adelman and the California Coastal Records Project .

FIGURE 1

2290

Canyon

Dolan

BM 293

15

PROJECT SITE

Creek

1

396000mN

982

1200

Rot

600

3995

LOPEZ POINT USGS 7.5'

CONTOUR INTERVAL 40'
1984, 1 MILE = 5.75 INCHES

CARMEL

SALINAS

PROJECT SITE

MONTEREY COUNTY

22

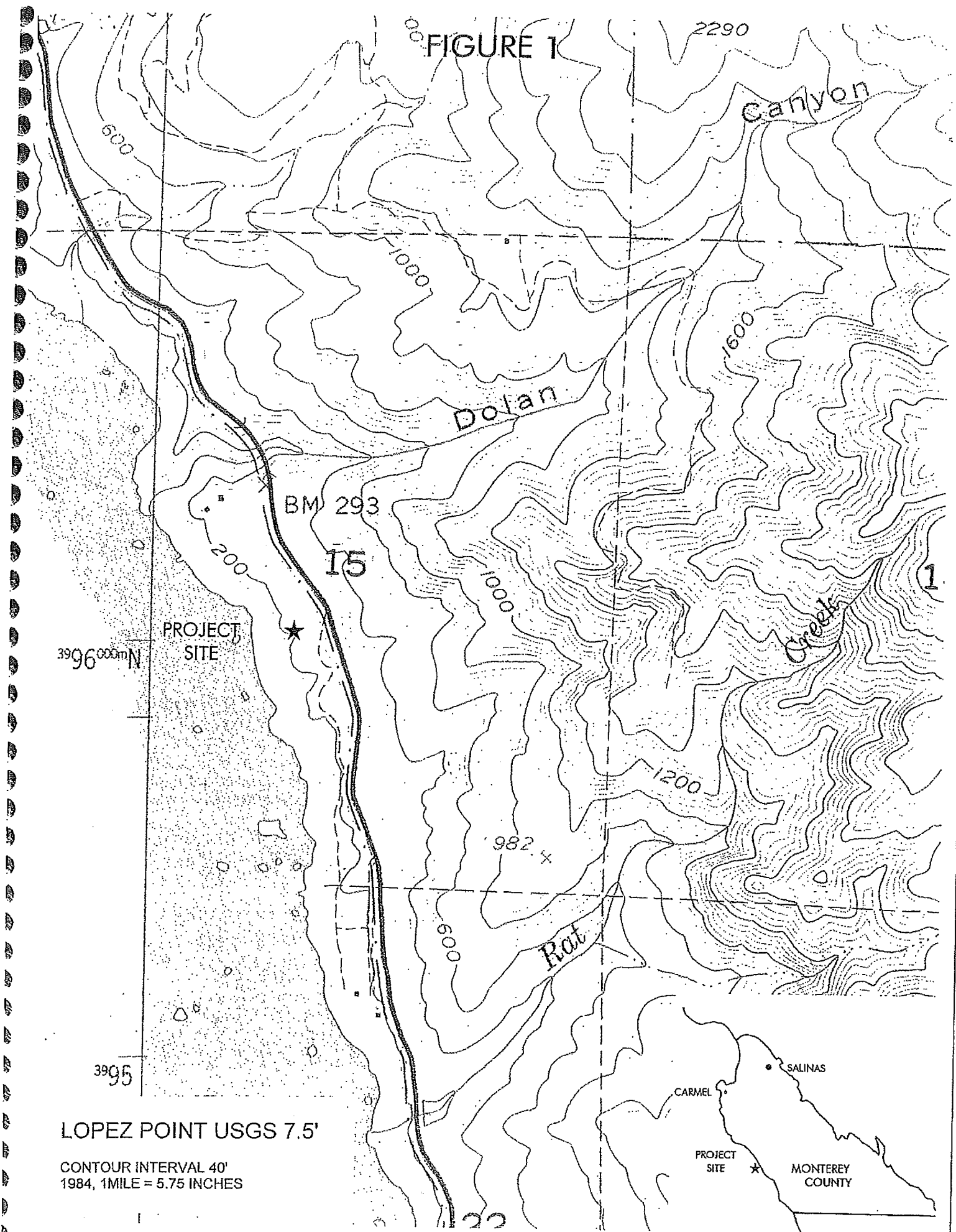


FIGURE 2

EUCALYPTUS GROVE

HIGHWAY



PROJECT SITE

SITKA WILLOW THicket

CA COASTAL RECORDS PROJECT - IMAGE 1590
N36 06.06 W121 37.79
September 2, 2002

1. EUCALYPTUS GROVE: Along the Highway 1 right-of-way, a tall "livestock" wire fence and wooden gate bound the upper margin of the project site. A line of old, mature blue gum eucalyptus (*Eucalyptus globulus*) fronts the highway turn-out and flanks the gateway. Diameters on some trees measure in excess of 4 feet. Monterey cypress saplings (*Cupressus macrocarpa*) extend the line of mature eucalyptus northward behind the wire fence and along the highway right-of-way. In addition to the short line of cypress, a grouping of 5 scraggly coast redwoods (*Sequoia sempervirens*) is below the dense eucalyptus canopy on the coastal margin of the gated entry.

A grove of younger eucalyptus has self-propagated from the stand of mature trees originally planted along Highway 1. Seeded eucalyptus have spread down-slope and have created a small forest with mixed-age classes of trees. Beneath the dense eucalyptus canopy, few plants grow in the shaded duff layer that is thick with accumulated woody debris. Parts of the understory are open, with little or no vegetation cover. Weedy, ruderal plants comprise the species mix in understory areas nearest Highway 1, with English plantain (*Plantago lanceolata*), myoporum (*Myoporum laetum*), kikuyu grass (*Pennisetum clandestinum*) and a variety of other non-natives typical of roadside locations disturbed by human activities.

Portions of the understory in the eucalyptus grove support widely scattered coast sagebrush (*Artemisia californica*), with poison oak (*Toxicodendron diversilobum*), toyon (*Heteromeles menziesii*), blackberry (*Rubus ursinus*), coffeeberry (*Rhamnus californica*) and California bedstraw (*Galium californicum* ssp. *californicum*). The eucalyptus has self-seeded downslope into areas of Northern Coastal Scrub vegetation and is invading into the Sitka Willow Riparian Forest below the abandoned ranch road. Beneath the eucalyptus canopy there are numerous occurrences of plants typical of the Northern Coastal Scrub natural community. The presence of scrub "indicator" plants like lizard-tail (*Eriophyllum staechadifolium*), coyote brush (*Baccharis pilularis*) and sticky monkey-flower (*Mimulus aurantiacus*) demonstrate that the invasive Australian tree has vigorously overrun adjacent plant communities and is expanding its distribution at this site.

In the Big Sur region, groves of eucalyptus, coast redwood, Monterey cypress and Monterey pine (*Pinus radiata*) that are protected from prevailing westerly winds and have nearby water and nectar sources, are known to support overwintering roosts for the brilliantly colored Monarch butterfly (*Danus plexippus*). Although not listed by any federal or state agency, Monarch butterfly mass overwintering sites are recognized as Environmentally Sensitive Habitat in the Big Sur Land Use Plan. Although the project vicinity is not identified on biological element maps produced by the California Natural Diversity Database (CNDDDB) as a Monarch overwintering site, documented winter roost sites of the butterfly have been noted at Esalen and at Big Creek Reserve. No Monarch butterflies were observed during May 2003 field surveys at the project site; monarchs are generally not present in winter roosting areas between March 1 and mid-October.

2. NORTHERN COASTAL SCRUB: The pre-existing road access in the project area extends from Highway 1 through the eucalyptus grove to the edge of the potential home site, which sits in an old excavated depression surrounded by quintessential Northern Coastal Scrub habitat. The roadbed is dominated by a mix of non-native weedy exotic plant species, most notably kikuyu grass, scarlet pimpernel (*Anagallis arvensis*), bur-clover (*Medicago polymorpha*), rattlesnake grass (*Briza maxima*), and soft chess (*Bromus hordeaceus*). From the highway, the access drive heads downslope into open Northern Coastal Scrub vegetation dominated by a diverse mix of indicator shrub species. The Northern Coastal Scrub natural community on-site is characterized by coast sagebrush, poison oak, lizard-tail, coyote brush, sticky monkey-flower, bee plant (*Scrophularia californica*), blue blossom (*Ceanothus thyrsiflorus*), and occasional western bracken fern (*Pteridium aquilinum*). Twining coast morning glory (*Calystegia macrostegia* ssp. *cyclostegia*) and wild cucumber (*Marah fabaceus*) can be found draped over the vegetation. Under the thick, closed canopy of generally tall shrubs (4-foot average height), yerba buena (*Satureja douglasii*) and infrequent bunches of California oat grass (*Danthonia californica*) occur along the exposed edges of the scrub community where there is less competition from other plants and more open habitat conditions. Other breaks in the shrub canopy are occupied by California poppy (*Eschscholzia californica*) and coast paintbrush (*Castilleja affinis*). One single 4-foot tall coast live oak (*Quercus agrifolia*) sapling grows immediately south of the potential home site.

Western fence lizard (*Sceloporus occidentalis*) and western skink (*Eumeces skiltonianus*) were observed near unusual boulder outcroppings of conglomerate rock near the excavated depression, and Western terrestrial garter snake (*Thamnophis elegans*) was seen slithering through the scrub vegetation. Some of the birds observed during May 2003 field surveys include lesser goldfinch (*Carduelis psaltria*), Anna's hummingbird (*Calypte anna*), scrub jay (*Aphelocoma coerulescens*), violet-green swallow (*Tachycineta thalassina*) and wrenit (*Chamaea fasciata*). During the May 20 survey, California condor (*Gymnogyps californianus*), red-tailed hawk (*Buteo jamaicensis*) and turkey vulture (*Cathartes aura*) were observed flying overhead and vocalizations were heard of northern flicker (*Colaptes auratus*), black-headed grosbeak (*Pheucticus melanocephalus*), spotted towhee (*Pipilo erythrophthalmus*), California quail (*Callipepla californica*), and Steller's jay (*Cyanocitta stelleri*).

It was observed that invasive, noxious pampas grass (*Cartaderia jubata*) has been aggressively controlled throughout the Northern Coastal Scrub in the project vicinity. Dead stumps and root crowns of the weedy, non-native pampas grass were likely manually cut and treated with herbicide in the past few years. Most flowering plumes have also been removed to discourage reseeding. Despite attempts to curb the pampas grass, numerous sprouts were noted in the project area and serve as testimony to the tenacious character of this noxious weed. The highly invasive and toxic non-native sticky eupatorium (*Ageratina adenophora*) was also noted in scattered locations throughout the project area. This pernicious plant is also an aggressive invader that has established itself throughout the project vicinity.

The proposed building site (Figure 3) is centered on an old excavated depression. The depression is nearly 12-feet deep at the headwall and measures approximately 50-feet across (Figure 4). Kikuyu grass and other non-native plants carpet the bottom of the depression, however a handful of interesting native species have taken root in the artificial gap within the Northern Coastal Scrub. The native western ryegrass (*Elymus glaucus*), coast paintbrush and California horkelia (*Horkelia californica*) occur with non-native sheep sorrel (*Rumex acetosella*), filago (*Filago gallica*) and ubiquitous non-native grasses.

The roadway servicing the proposed homesite from Highway 1 (Figure 5) joins an old, abandoned subsidiary road that extends both northwest and south of the building site. South of the building area, the road is blocked by encroaching Monterey cypress and a solitary Monterey pine before denser scrub vegetation completely closes off the route. The road is severely eroded and is not passable south of the proposed building site. From the building site northward, the abandoned roadway veers towards the inner slope of the marine terrace and away from the edge of the bluff. The roadbed is covered with kikuyu grass and other weedy non-native plants throughout the 100-foot reach where percolation testing for a septic leach field was conducted (Figure 6). The roadway continues in a northerly direction until it reaches the horse pasture on the adjacent Santa Lucia Ranch.

A very careful survey was conducted throughout the entire project site for seacliff buckwheat (*Eriogonum parvifolium*), one of two vital host plants for the Federally Endangered Smith's blue butterfly (*Euphyllotes enoptes smithi*). Seacliff buckwheat is the host plant in the Big Sur coastal area that supports all life stages of the Smith's blue butterfly; larva and adults feed on the flowers and breeding females lay their eggs on the flower heads (the other vital host plant is *Eriogonum latifolium*, which occurs in dune and bluff habitat along portions of Monterey Bay). Seacliff buckwheat is an occasional component of Northern Coastal Scrub habitat, however it generally prefers more open stands of scrub vegetation where disturbance or grassland ecotones offer the species less constricted growing conditions. Seacliff buckwheat and a documented occurrence of the endangered butterfly are known from the Highway 1 roadcut across the street from the entry gate to the project site (Figure 7 and 8). No living buckwheat was observed in the entire project area and only one dead specimen was noted in a steep, unvegetated erosion area 20-feet below the bluff margin south of the home site.

3. SITKA WILLOW RIPARIAN FOREST and WETLAND: An unusual riparian wetland dominated by Sitka willow (*Salix sitchensis*) is found northwest of the Northern Coastal Scrub habitat that surrounds the proposed building site. Sitka willow was formerly known as Coulter willow. The willow thicket is adjacent to the downslope margin of the eucalyptus grove and is outside the area mapped by project surveyors. Sitka Willow Riparian Forest is considered a rare natural community by the California Department of Fish and Game (DFG Community Code *61.206.00). This habitat type and attendant wetlands are also considered Environmentally Sensitive Habitat in the Big Sur Coast LUP.

No apparent culvert, drainage or mesic vegetation is located along the Highway 1 corridor immediately above the genesis of the wetland, which appears to be located in the vicinity of the old roadway that connects the proposed building area with the adjacent pasture on the Santa Lucia Ranch. From the exposed excavated depression in coastal scrub, the roadbed grades from a ragged carpet of short kikuyu grass in the full sun, to a dense mat of kikuyu mixed with native, rhizomatous beardless ryegrass (*Leymus triticoides*) under the shaded canopy of eucalyptus. Beardless ryegrass is a species often found in damp soil conditions. For approximately 50 lineal feet, the base of the old roadbed is located about 40-feet upstream of the canopy drip line of the sitka willow thicket. A small grouping of chain fern (*Woodwardia fimbriata*) occurs above, or upslope of the roadbed near a sagging fenceline supported by burned and sooty fence posts. The nearly level roadbed is completely obscured by robust kikuyu in a meadow-like habitat that supports wetland vegetation for approximately 20 lineal feet. Although blanketed by non-native kikuyu grass, the wetland is defined by the occurrence of occasional emergent horsetail (*Equisetum arvense* and *E. telmatia*), which indicate moist soil conditions (Figure 9).

Chain fern, hoary stinging nettle (*Urtica dioica* ssp. *holosericea*) and small-fruited bullrush (*Scirpus microcarpus*) occur beneath the tangled canopy of the Sitka Willow Riparian Forest with multi-trunked and broadly spreading wax myrtle (*Myrica californica*). Wax myrtle individuals typically grow as single-trunk conical trees of moderate height; the multiple trunk and spreading growth form seen in the project vicinity may indicate a history of stem disturbance or browsing that is perhaps associated with historic ranch operations.

Approximately 65-feet downstream of the westerly edge of the abandoned roadbed, water seeps to the ground surface and slowly sheets over shallow, moss-covered terrain in several narrow seeps. A few patches of watercress (*Rorippa nasturtium-aquaticum*) occur in the shallow seep areas, where occasional common monkey-flower (*Mimulus guttatus*) is found. Arroyo willows (*Salix lasiolepis*) grow within the willow thicket before the riparian community essentially disappears at the margin of the coastal bluff. Compared to the floristically diverse Northern Coastal Scrub, the shaded Sitka Willow Riparian Forest does not support high botanical diversity. However, the presence of what may be perennial flowing water in an otherwise seasonally dry region provides tremendous benefit to wildlife.

No suitable habitat was observed for the Federally Threatened California red-legged frog (*Rana aurora draytonii*), which breeds in ponds or pools found in slowly moving water. It is unknown whether the spring below the sitka willow and wax myrtle canopy is perennial, although the presence of chain fern and small-fruited bullrush indicate continuously saturated soil conditions. The willow thicket and eucalyptus grove were also surveyed for the presence of the maple-leaved checkerbloom (*Sidalcea malachroides*), which was documented in redwood forest at Esalen Institute in May of 2000. This plant was not located on APN 421-011-001. The taxon had been placed on List 1B by the California Native Plant Society, signifying its rarity or endangerment in California and elsewhere.

The ecotone between the Sitka Willow Riparian Forest and the adjacent Northern Coastal Scrub is abrupt, with the canopy of moisture-dependent willows replaced by shrubs typical of the drier scrub-dominated natural community. It is along the southwestern margin of the willow thicket that two stick nests of the Monterey dusky-footed woodrat (*Neotoma fuscipes lucianus*) were located (Figure 10). Although woodrats are known to be semi-colonial, this is a very high population density for such a small area. This rodent is endemic to the Santa Lucia Range in Central California and is both a Federal Species of Concern and a State Species of Special Concern. The border area between the willow thicket and adjacent scrub offers excellent foraging habitat and cover for this small mammal, which typically breeds between late winter and early fall. A variety of song birds were heard throughout the willow thicket and the vocalization of a solitary Pacific tree frog (*Hyla regilla*) was identified.

Habitat mapping for the Santa Lucia Ranch project site is presented in the map attachment, Figure 11. Project surveyors Rasmussen Land Surveying, Inc. of Monterey, CA, did not map the terrain in the Sitka Willow Riparian Forest, as this natural community is outside the boundary of the proposed building envelope.

B. LOCALLY SIGNIFICANT PLANTS AND ANIMALS:

The following table (Table 1) outlines the locally significant plants and animals known from the region surrounding the proposed project site. Most of these species are noted on the California Natural Diversity Database (CNDDDB) maps and computer print-outs as documented in vicinity of the proposed project. In the immediate project area, the only locality of a significant species described in the CNDDDB literature is mapped across Highway 1 from the TDC access road. The roadcut southeast of the highway right-of-way supports seacliff buckwheat and Federally Endangered Smith's blue butterfly has been observed at this location. Figure 8 is the CNDDDB data sheet recorded in 1988 on the occurrence of one female butterfly for this location. Figure 7 displays the Highway 1 roadcut and a diagram of seacliff buckwheat, the required host plant for the endangered butterfly.

The following biological elements are found, or potentially found on a portion of APN 421-011-001 in the Santa Lucia Ranch project site. These biological elements are considered Environmentally Sensitive Habitat or are species protected by local, state or federal regulations. Mitigations to reduce or eliminate possible impacts to these elements are discussed in the following section of this Biological Assessment.

- ✓ Potential Monarch butterfly mass overwintering site in eucalyptus grove.
- ✓ Smith's blue butterfly occurrence on roadcut across Highway 1.
- ✓ Sitka Willow Riparian Forest and Wetland.
- ✓ Monterey dusky-footed woodrat.

TABLE 1

STATE, FEDERAL and CALIFORNIA NATIVE PLANT SOCIETY STATUS FOR SIGNIFICANT PLANTS and WILDLIFE IN THE VICINITY OF APN 421-011-001

| <u>SCIENTIFIC NAME</u> | <u>COMMON NAME</u> | <u>Federal</u> | <u>STATUS</u> State | <u>CNPS</u> | <u>PREFERRED HABITAT</u> | <u>FOUND or NOT FOUND</u> |
|--|-----------------------------|----------------|------------------------|-------------|-------------------------------------|--|
| PLANTS | | | | | | |
| <i>Delphinium hutchinsoniae</i> | Hutchinson's larkspur | SC | | 1B | C,CP,CS MEF, | NOT FOUND |
| <i>Galium californicum</i> ssp. <i>luciesne</i> | Cone Peak bedstraw | SC | | 1B | MEF,MCF above 3000' | NOT FOUND |
| <i>Sidalcea malachroides</i> | Maple-leaved checkerbloom | | | 1B | RF,MEF | NOT FOUND |
| ANIMALS | | | | | | |
| Invertebrates | | | | | | |
| <i>Danus plexippus</i> | Monarch butterfly | | | | euc., pine, RW groves NCS, CS | NOT FOUND POTENTIAL NOT FOUND POTENTIAL |
| <i>Euphilotes enoptes smithi</i> | Smith's blue butterfly | E | | | | |
| Reptiles and Amphibians | | | | | | |
| <i>Anniella pulchra pulchra</i> | California legless lizard | | SC | | sandy soil | NOT FOUND |
| <i>Clemmys marmorata</i> | Western pond turtle | | CP, SC | | creeks, ponds | NOT FOUND |
| <i>Phrynosoma coronatum frontale</i> | California horned lizard | | CP,SC | | G,C,MEF | NOT FOUND |
| <i>Rana aurora draytonii</i> | California red-legged frog | T | FP,SC | | ponds, creeks with pools | NOT FOUND |
| <i>Rana boylei</i> | Foothill yellow-legged frog | SC,FSS | CP,SC | | creeks with pools | NOT FOUND |
| <i>Taricha torosa torosa</i> | Coast Range newt | | SC | | creeks with pools, ponds | NOT FOUND |
| <i>Thamnophis hammondi</i> | Two-striped garter snake | FSS | SC | | riparian habitat | NOT FOUND |

TABLE 1 - CONTINUED

| <u>SCIENTIFIC NAME</u> | <u>COMMON NAME</u> | <u>Federal</u> | <u>STATUS</u> <u>State</u> | <u>CNPS</u> | <u>PREFERRED</u> <u>HABITAT</u> | <u>FOUND or</u> <u>NOT FOUND</u> |
|---------------------------------|-------------------------------|----------------|-------------------------------|-------------|------------------------------------|-------------------------------------|
| Mammals | | | | | | |
| <i>Neotoma fuscipes luciana</i> | Monterey dusky-footed woodrat | SC | SC | | NCS, OW, riparian | FOUND |
| Birds | | | | | | |
| <i>Cypseloides niger</i> | Black swift | | SC | | cliffs | NOT FOUND |
| <i>Falco peregrinus anatum</i> | Peregrine falcon | | E | | cliffs, bridges | NOT FOUND |
| <i>Gymnogyps californianus</i> | California condor | E | E | | wilderness MEF, cliffs | OBSERVED |

Abbreviations for Status Codes

E = Endangered

T = Threatened

SC = Species of Special Concern

CP = Protected under California Code of Regulations

FP = Protected under California Fish and Game Codes

FSS = Forest Service Sensitive Species

1B = CNPS List 1B, Plants rare, threatened or endangered in California and elsewhere

Habitat Abbreviations

C = Chaparral

G = Grassland

CP = Coastal Prairie

CS = Coastal Scrub

NCS = Northern Coastal Scrub

RW = Redwood Forest

OW = Oak woodland

MEF = Mixed Evergreen Forest

MCF = Mixed Coniferous Forest

III. POTENTIAL IMPACTS AND SUGGESTED MITIGATION

General Resource Management policies in the Big Sur Coast Land Use Plan note that,

Development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. To approve development within any of these habitats the County must find that disruption of a habitat caused by the development is not significant (3.3.2.1).

With the mitigation activities suggested below, the proposed project on a portion of APN 421-011-001 will have a Less Than Significant Impact on special natural communities, plants and animals protected by local, state or federal regulations.

A. GENERAL MITIGATION ACTIVITIES AND CONDITIONS:

1. Locate and design the project to blend with the natural topography of the site. This will minimize grading and soil disturbance required to complete the project, and will accelerate restoration of the area after construction.
2. Conform to any conditions outlined in the Geologic Report that are required to maintain slope stability and eliminate erosion hazards on the steep hillslopes below the project site.
3. No loose material or vegetation shall be side-cast off the edge of the bluff below.
4. Install a debris fence on the inner margin of the seaward bluff around the entire project area to prevent accidental dumping of vegetation or loose material down the steep hillslope to the rocky shore below.
5. Eliminating and preventing erosion will maintain water quality, habitat values, soil qualities and natural vegetation. Erosion can be prevented by minimizing stormwater drainage from parking areas, roads and roofs. There should be no drainage discharged from the marine terrace where the project is located over the edge of the bluffs onto the steep hillslopes below. In addition, there should be no drainage discharge into the Sitka Willow Riparian Forest and Wetland area. It is recommended that the area of impervious surfaces be reduced.
6. To maintain wildlife access to the willow thicket, permanent fencing around the proposed project site is not recommended.
7. Landscaping should emphasize native or drought tolerant plants with similar ecological requirements to species in the Northern Coastal Scrub natural community.

8. Eliminate invasive, non-native weedy plants from outside the project building envelope and control the spread of exotics (including eucalyptus) that encroach into natural habitat.

B. MONARCH BUTTERFLY OVERWINTERING:

The small eucalyptus stand on a portion of APN 421-011-001 has not been identified as a mass overwintering site for Monarch butterfly. However, the eucalyptus grove on the project site could potentially support winter roosts of Monarch butterfly. Although Monarch butterflies are not considered federal or state-listed species, the Big Sur Coast Land Use Plan identifies overwintering sites as Environmentally Sensitive Habitat (Section 3.3) to be protected with 100-foot setbacks. In addition, the Department of Fish and Game's California Natural Diversity Database maps and tracks winter roosting locations because the species has experienced dramatic declines in population size.

Monarchs migrate to the California coast in the early fall and overwinter in select groves of trees until the end of February. As spring temperatures begin to rise, the butterflies mate and initiate their spring migration. Monarchs seem to prefer large groves of trees where a variety of microclimates may exist. The butterflies roost in trees protected from prevailing winds that also have southern exposure with morning sun, nearby water and nectar sources, and understory vegetation that prevents wind from blowing through the grove (Sakai 2000). Recommended mitigations will reduce any possible impacts to the potential Environmentally Sensitive Habitat to insignificant levels.

RECOMMENDATIONS:

1. Survey the eucalyptus grove between early fall months and late February to determine whether the stand supports mass overwintering of Monarch butterflies.
2. If the grove supports winter roosting of Monarchs, submit appropriate documentation to the CNDDDB.
3. If the grove supports winter roosting of Monarchs, minimize damage and tree removal in the area of the grove south and west (upslope) of the proposed home site and leach area. Minimize construction activities and control dust during construction if Monarch butterflies are present.
4. Minimize use of fireplaces that could direct smoke into seasonally-occupied habitat.
5. Minimize outdoor lighting that may affect butterfly roosting at night.

C. SMITH'S BLUE BUTTERFLY:

One single female specimen of this federally endangered butterfly was observed in 1988 in the roadcut across Highway 1 from the project area. The occurrence of this very rare butterfly, as well as the potential for additional habitat supporting the buckwheat host plant for the taxon confirms the importance of mitigating any potential impacts resulting from project implementation. No living buckwheat plants were observed during a very thorough survey of natural plant communities in the potential project area, however the possibility exists that seacliff buckwheat habitat supporting butterflies (Environmentally Sensitive Habitat) exists below the edge of the coastal bluffs down slope from the proposed home site. The steep hillside below the project area was too precipitous to survey during the scope of this Biological Assessment.

No element of the proposed project occurs in habitat that supports seacliff buckwheat and Smith's blue butterfly. In order to eliminate potential impacts to the roadcut habitat for the endangered butterfly, the following mitigations are recommended.

RECOMMENDATIONS:

1. During all phases of project implementation, control dust that could drift across Highway 1 and veneer seacliff buckwheat plants. Prohibit the stock-piling of construction materials and dumping along the highway right-of-way.
2. During the late June-early August flight period for Smith's blue butterfly, eliminate off-highway parking of construction vehicles on the easterly road shoulder of the Highway to remove the potential for adversely affecting butterflies.
3. Impacts to federally-listed species are considered take under the Endangered Species Act. To insure that a take permit is not required for any aspect of the proposed project, contact the U.S. Fish and Wildlife Service Ventura Field Office, 805/644-1766.

D. SITKA WILLOW RIPARIAN FOREST and WETLAND:

Sitka Willow Riparian Forest and Wetland habitats are identified by the California Department of Fish and Game as rare natural terrestrial communities. These habitat areas on APN 421-011-001 are supported by what appears to be natural spring activity along the inner margin of the marine terrace. There are seep areas where water percolates to the ground surface under the dense branch cover and water flow is present in the downstream portion of the willow thicket. It is not known whether this is a perennial source of water. No aspect of the proposed project will occur within the Sitka Willow Riparian Forest, however a small section of wetland will be temporarily disturbed during the installation of utilities.

The abandoned roadway skirts the upstream margin of the willow thicket and is situated 40-feet beyond the dripline of the willow trees for approximately 50 lineal feet. The roadbed supports moisture-dependent wetland vegetation for approximately 20 lineal feet. It is assumed that the proposed project will utilize the abandoned roadway for underground utilities connecting the new home site with electricity, phone and water sources which are already developed for the northern portion of APN 421-011-001. If the utilities route is relocated to a different alignment, a biological survey of the alternate route will need to be undertaken to identify potential biologic impacts.

Policy 3.3.3.A.4 of the Big Sur Coast LUP notes that, "Setbacks of 150-feet on each side of the streambank shall be required for all streams to protect riparian plant communities unless a narrower corridor can be demonstrated to be sufficient to protect existing vegetation and provide for restoration of previously disturbed vegetation." And Policy 3.3.3.A.5 states, "Access routes including recreational trails and roads shall be sited to avoid significant impacts to riparian corridors."

The underground installation of water, phone and electrical lines along the abandoned roadbed will not affect the small water flow in the downstream portion of the willow thicket, however there will be short-term, temporary impacts to wet meadow habitat during utilities installation. If suggested mitigations are implemented, the impacts of the proposed project will be reduced to levels which will not affect the sustainability of the ecological processes that create habitat conditions in the Sitka Willow Riparian Forest and the associated Wetland. Upon completion of the project, suggested mitigations will enhance habitat values by reducing invasive weeds and minimizing future disturbance.

RECOMMENDATIONS:

1. Final site plans should be reviewed by the project biologist for consistency with the verbal project description communicated when this Biological Assessment was initiated. If an alternate utilities route is chosen, a survey of the replacement alignment should be conducted for a review and analysis of potential impacts. If the original alignment is used along the abandoned roadway, then the following mitigations should be implemented.
2. For a distance of 40 feet on both sides of the wet meadow along the roadbed, both margins of the abandoned roadbed shall be marked with silt-stop fence to define the allowable work area and protect the adjacent willow and wetland habitat. A width of 8 feet should be sufficient for trenching activities and will affect only the robust kikuyu grass and scattered horsetail. Chain fern shall be outside the debris fence.
3. To protect riparian and wetland habitat during the construction period, orange construction fencing should be placed in the Northern Coastal Scrub vegetation at least 100-feet beyond the dripline of the sitka willow thicket. Construction fencing should encircle the southwestern boundary of the willow thicket from the coastal bluff to the edge of the abandoned roadway. Protective fencing should connect with the debris fence installed along

the abandoned roadway. No ground disturbance shall be permitted in this buffer zone around Environmentally Sensitive Habitat.

4. Disturbance within the allowable work area should be kept to an absolute minimum. Prior to soil disturbance, the alignment of the utilities excavation should be mowed. Mowing shall be confined to the bed of the old road within the debris fence. Trenching along the abandoned roadbed should be executed with the minimum size trenching equipment appropriate for the job. A hand-held ditch witch is preferred.

5. No excavated fill dirt should be placed outside the margin of the old roadbed or any protective fencing.

6. After trenching and the installation of utilities is complete, the roadbed should be returned to its pre-trenching slope. Exposed soil shall be covered with sterile straw (preferably rice straw) and planted with native beardless ryegrass seed (*Leymus triticoides*). Seed is available from Rana Creek Habitat Restoration in Carmel Valley. Seeding should be done shortly before the onset of winter rains.

7. After utilities are installed, prohibit motorized vehicles access along the roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch.

8. Upon completion of the project, eradicate the scattered clumps of sticky eupatorium, thistle, pampas grass and small seeded eucalyptus from the Sitka Willow Riparian Forest and its associated Wetland. Maintain the wetland area free of invasive, non-native weeds, including eucalyptus. The removal of weedy invasive plants will enhance the habitat values of the riparian and wetland habitat. Carefully consider the removal of larger eucalyptus trees on the margin of the wetland area, as shade provided by larger trees may contribute to the retention of soil moisture and the maintenance of wetland plant species.

9. Prohibit the grazing of livestock in any portion of the Sitka Willow Riparian Forest and associated Wetland meadow habitat.

E. MONTEREY DUSKY-FOOTED WOODRAT:

The Monterey dusky-footed woodrat is both a Federal and California State Species of Special Concern. The small mammal is endemic to the Santa Lucia Range in Central California and typically builds stick nests, or lodges on the ground in areas of dense vegetative cover. Two stick nests were observed in the proposed project vicinity: one within the willow thicket, and the other in adjacent Northern Coastal Scrub habitat. The ecotone area between the two natural communities optimizes cover, as well as foraging opportunities for green vegetation, fruits, nuts and seeds.

The rats can be colonial, with several nests occurring together. Often the stick nests have several compartments that can be occupied by frogs, lizards and other small mammals, such as mice or voles. After mating, males generally live separately in small tree nests.

No construction activities are likely to affect the nesting and foraging area for the two Monterey dusky-footed woodrat nests in the project vicinity. Of paramount importance for protection of the woodrat nests is the installation of orange construction fencing in the Northern Coastal Scrub at least 100-feet from the southerly margin of the willow thicket. If mitigation recommendations are implemented to protect the Sitka Willow Riparian Forest and associated wet meadow, no impacts to the woodrat will occur.

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TABLE 2
 PLANT TAXA OBSERVED ON APN 421-011-001
 MAY 2003

HOMESITE
 EUC. GROVE
 SCRUB
 RIP. WETLAND

| PLANT SPECIES | COMMON NAME | H | E | S | R |
|---|-----------------------|---|---|---|---|
| <i>Achillea millefolium</i> | yarrow | x | x | x | |
| <i>Ageratina adenophora</i> * | sticky eupatorium | x | x | x | x |
| <i>Agrostis pallens</i> (?) | leafy bent-grass | | | x | |
| <i>Aira caryophylla</i> * | silvery hair-grass | x | | | |
| <i>Anagallis arvensis</i> * | scarlet pimpernel | x | | | |
| <i>Artemisia californica</i> | coast sagebrush | x | x | x | |
| <i>Avena fatua</i> * | wild oat | x | | x | |
| <i>Baccharis pilularis</i> | coyote brush | x | | x | |
| <i>Briza maxima</i> * | rattlesnake grass | x | | | |
| <i>Bromus diandrus</i> * | ripgut brome | x | | x | |
| <i>Bromus hordeaceus</i> * | soft chess | x | | x | |
| <i>Bromus tectorum</i> * | cheat grass | x | x | | |
| <i>Bromus vulgaris</i> * | narrow-flowered brome | x | | x | |
| <i>Calystegia macrostegia</i> ssp. <i>cyclostegia</i> | coast morning-glory | x | x | x | |
| <i>Carduus pycnocephalus</i> * | italian thistle | | | x | x |
| <i>Carex</i> sp. | sedge | | | | x |
| <i>Castilleja affinis</i> | coast paintbrush | x | | | |
| <i>Ceanothus thyrsiflorus</i> | blue blossom | | | x | |
| <i>Cirsium vulgare</i> * | bull thistle | | | x | x |
| <i>Conium maculatum</i> * | poison hemlock | x | | x | |
| <i>Cortaderia jubata</i> * | pampas grass | | x | x | |
| <i>Cupressus macrocarpa</i> | Monterey cypress | x | x | x | |
| <i>Cyperus esculentus</i> * | yellow nut-grass | x | | | |
| <i>Dactylis glomerata</i> * | orchard grass | x | | | |

| PLANT SPECIES | COMMON NAME | H | E | S | R |
|---|-------------------------|---|---|---|---|
| <i>Danthonia californica</i> | California oat-grass | | | x | |
| <i>Dryopteris arguta</i> | wood fern | | x | | |
| <i>Elymus glaucus</i> | western ryegrass | x | | x | x |
| <i>Equisetum arvense</i> | common horsetail | | | | x |
| <i>Equisetum telmateia</i> | giant horsetail | | | | x |
| <i>Erigeron glaucus</i> | seaside daisy | | x | | |
| <i>Eriodictyon californicum</i> | yerba santa | | | x | |
| <i>Eriogonum parvifolium</i> | seacliff buckwheat | | | x | |
| <i>Eriophyllum staechadifolium</i> | lizard-tail | x | x | x | |
| <i>Eschscholzia californica</i> | California poppy | | | x | |
| <i>Eucalyptus globulus</i> * | blue gum | | x | x | x |
| <i>Filago gallica</i> * | narrow-leaved filago | x | | | |
| <i>Foeniculum vulgare</i> * | sweet fennel | x | | | |
| <i>Fragaria vesca</i> | wood strawberry | x | | x | |
| <i>Galium aparine</i> * | goose grass | | | | x |
| <i>Galium californicum</i> ssp. <i>californicum</i> | California bedstraw | | x | x | |
| <i>Gastidium ventricosum</i> * | nit grass | | x | | |
| <i>Geranium dissectum</i> * | cut-leaved geranium | x | | | |
| <i>Gnaphalium purpureum</i> | purple cudweed | x | | | |
| <i>Gnaphalium luteo-album</i> * | weedy cudweed | x | | | |
| <i>Gnaphalium stramineum</i> | cotton-batting plant | x | | x | |
| <i>Gnaphalium ramosissimum</i> | pink everlasting | x | | | |
| <i>Hazardia squarrosa</i> | sawtooth goldenbush | x | | x | |
| <i>Heteromeles arbutifolia</i> | toyon | | x | x | |
| <i>Hieraceum albiflorum</i> | white-flowered hawkweed | x | | x | |
| <i>Horkelia californica</i> | California horkelia | x | | | |
| <i>Hypochaeris glabra</i> * | smooth cat's ear | x | | | |
| <i>Leymus triticoides</i> | beardless ryegrass | | | | x |
| <i>Linum bienne</i> * | narrow-leaved flax | x | | | |

| PLANT SPECIES | COMMON NAME | H | E | S | R |
|-------------------------------------|------------------------|---|---|---|---|
| <i>Lithocarpus densiflora</i> | tan-bark oak | x | | | |
| <i>Lolium multiflorum</i> * | Italian ryegrass | | | | x |
| <i>Lotus strigosus</i> | bishop's lotus | x | | | |
| <i>Lupinus arboreus</i> | tree lupine | x | | | |
| <i>Marah fabaceus</i> | wild cucumber | | x | x | x |
| <i>Medicago polymorpha</i> * | bur-clover | x | | | |
| <i>Melilotus officinalis</i> * | yellow sweet-clover | | x | | |
| <i>Mimulus aurantiacus</i> | sticky monkey flower | x | | x | |
| <i>Mimulus guttatus</i> | common monkey flower | | | | x |
| <i>Myoporum laetum</i> * | myoporum | | x | | |
| <i>Myrica californica</i> | wax myrtle | | | | x |
| <i>Nassella pulchra</i> | purple needlegrass | | | x | |
| <i>Oxalis corniculata</i> * | yellow sorrel | x | | | |
| <i>Pennisetum clandestinum</i> * | kikuyu grass | x | | | x |
| <i>Picris echoides</i> * | bristly ox-tongue | x | | x | |
| <i>Pinus radiata</i> | Monterey pine | x | | | |
| <i>Plantago lanceolata</i> * | English plantain | x | x | | x |
| <i>Pteridium aquilinum</i> | western bracken | | | x | |
| <i>Quercus agrifolia</i> | coast live oak | | | x | |
| <i>Rhamnus californica</i> | California coffeeberry | x | x | x | |
| <i>Rorippa nasturtium-aquaticum</i> | watercress | | | | x |
| <i>Rubus ursinus</i> | California blackberry | | | x | x |
| <i>Rumex acetosello</i> * | sheep sorrel | x | | | x |
| <i>Rumex conglomeratus</i> * | clustered dock | x | | | |
| <i>Salix lasiolepis</i> | arroyo willow | | | | x |
| <i>Salix sitchensis</i> | sitka willow | | | | x |
| <i>Sanicula crassicaulis</i> | gambleweed | x | | x | |
| <i>Satureja douglasii</i> | yerba buena | | | x | |
| <i>Scirpus microcarpus</i> | small-fruited bullrush | | | | x |

| PLANT SPECIES | COMMON NAME | H | E | S | R |
|--|-------------------------|---|---|---|---|
| <i>Scrophularia californica</i> | bee plant | | | x | |
| <i>Senecio vulgaris</i> * | common groundsel | x | | x | |
| <i>Sequoia sempervirens</i> | coast redwood | | x | | |
| <i>Silene gallica</i> * | windmill pink | x | | | |
| <i>Silybum marianum</i> * | milk thistle | | | x | x |
| <i>Solidago canadensis</i> | meadow goldenrod | | | | x |
| <i>Solidago californica</i> | California goldenrod | x | | x | |
| <i>Sonchus asper</i> * | prickly sow-thistle | x | | | |
| <i>Sonchus oleraceus</i> * | common sow-thistle | x | | | |
| <i>Stachys bullata</i> | California hedge nettle | x | | | x |
| <i>Tarilis nodosa</i> * | knotted hedge parsley | x | x | | |
| <i>Toxicodendron diversilobum</i> | poison oak | x | x | x | |
| <i>Urtica dioica</i> ssp. <i>holosericea</i> | hoary nettle | | | | x |
| <i>Vicia gigantea</i> | giant vetch | x | | x | |
| <i>Vulpia myuros</i> * | rat-tail fescue | x | | x | |
| <i>Woodwardia fimbriata</i> | chain fern | | | | x |

* Taxon not native to California

TABLE 3

VERTEBRATE TAXA ENCOUNTERED DURING FIELD SURVEY OF
A PORTION OF APN 421-011-001

Field Dates: 5MAY03, 10MAY03, 20MAY03, 24MAY03

Reptiles and Amphibians:

| | |
|--------------------------------|----------------------|
| <i>Eumeces skiltonianus</i> | Western skink |
| <i>Hyla regilla</i> | Pacific tree frog |
| <i>Sceloporus occidentalis</i> | Western fence lizard |
| <i>Thamnophis elegans</i> | Western garter snake |

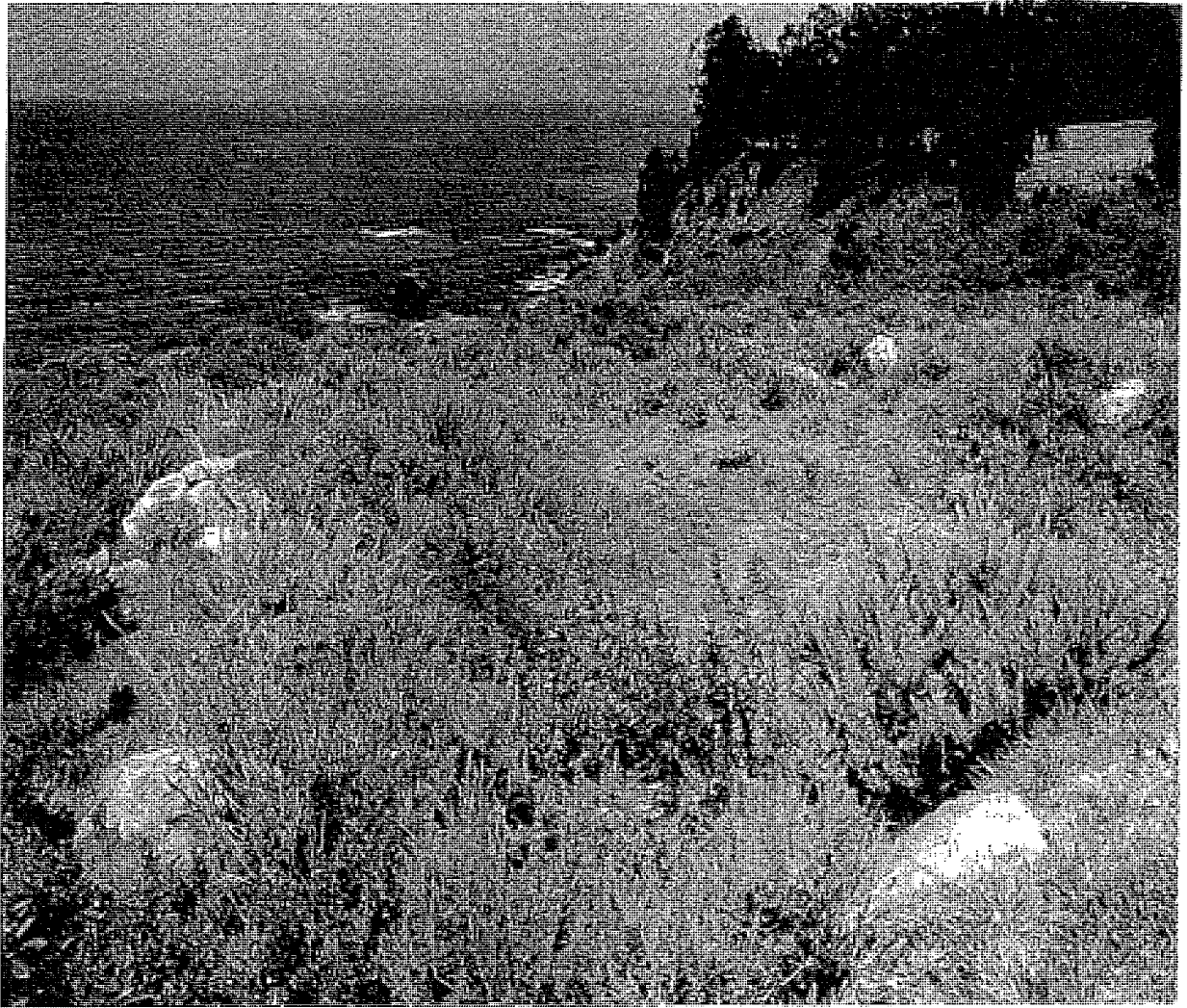
Mammals:

| | |
|----------------------------------|-------------------------------|
| <i>Neotoma fuscipes lucianus</i> | Monterey dusky-footed woodrat |
|----------------------------------|-------------------------------|

Birds:

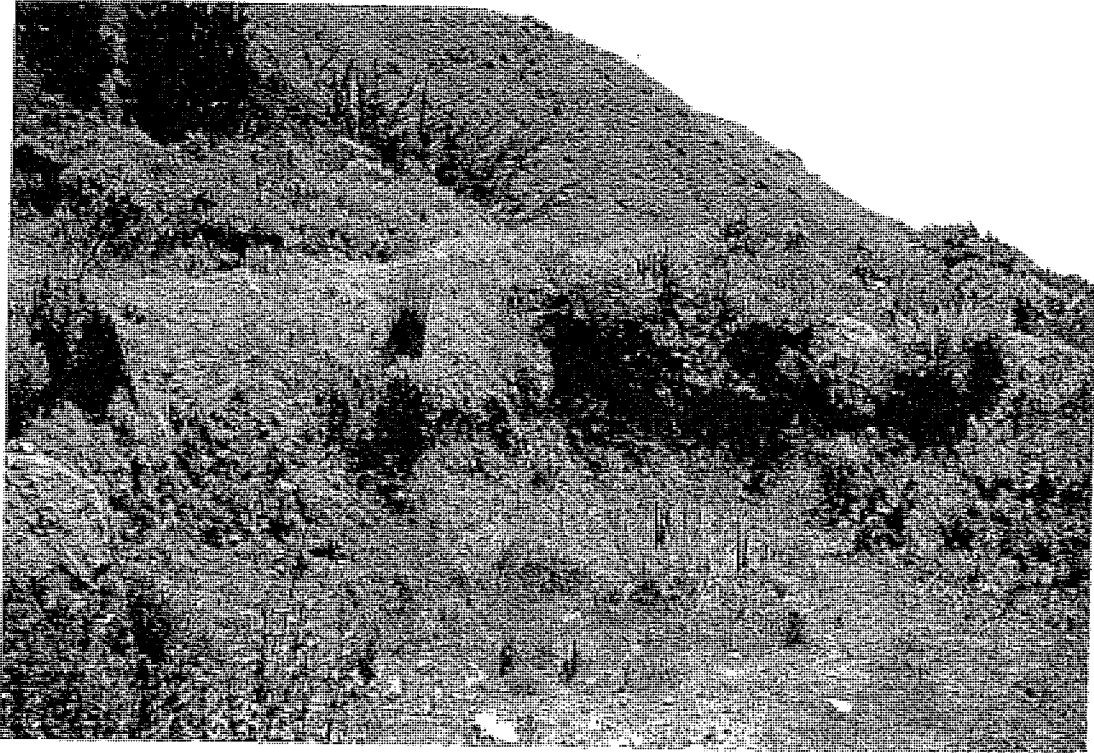
| | |
|----------------------------------|---------------------------|
| <i>Appelocoma coerulescens</i> | Scrub jay |
| <i>Buteo jamaicensis</i> | Red-tailed hawk |
| <i>Callipepla californica</i> | California quail |
| <i>Calypte anna</i> | Anna's hummingbird |
| <i>Carduelis psaltria</i> | Lesser goldfinch |
| <i>Carpodacus mexicanus</i> | House finch |
| <i>Cathartes aura</i> | Turkey vulture |
| <i>Chamaea fasciata</i> | Wren-tit |
| <i>Colaptes auratus</i> | Northern flicker |
| <i>Corvus brachyrhynchos</i> | American crow |
| <i>Cyanocitta stelleri</i> | Steller's jay |
| <i>Euphagus cyanocephalus</i> | Brewer's blackbird |
| <i>Gymnogyps californianus</i> | California condor |
| <i>Parus rufescens</i> | Chestnut-backed chickadee |
| <i>Pheucticus melanocephalus</i> | Black-headed grosbeak |
| <i>Pipilo erythrophthalmus</i> | Spotted towhee |
| <i>Pipilo fuscus</i> | California towhee |
| <i>Psaltriparus minimus</i> | Bushtit |
| <i>Tachycineta thalassina</i> | Violet-green swallow |
| <i>Vermivora celata</i> | Orange-crowned warbler |

FIGURE 3



Proposed project building site in disturbed area of Northern Coastal Scrub.
View looking upcoast towards pasture on adjacent Santa Lucia Ranch.

FIGURE 4



Proposed project building site in excavated depression.
Looking southeast.

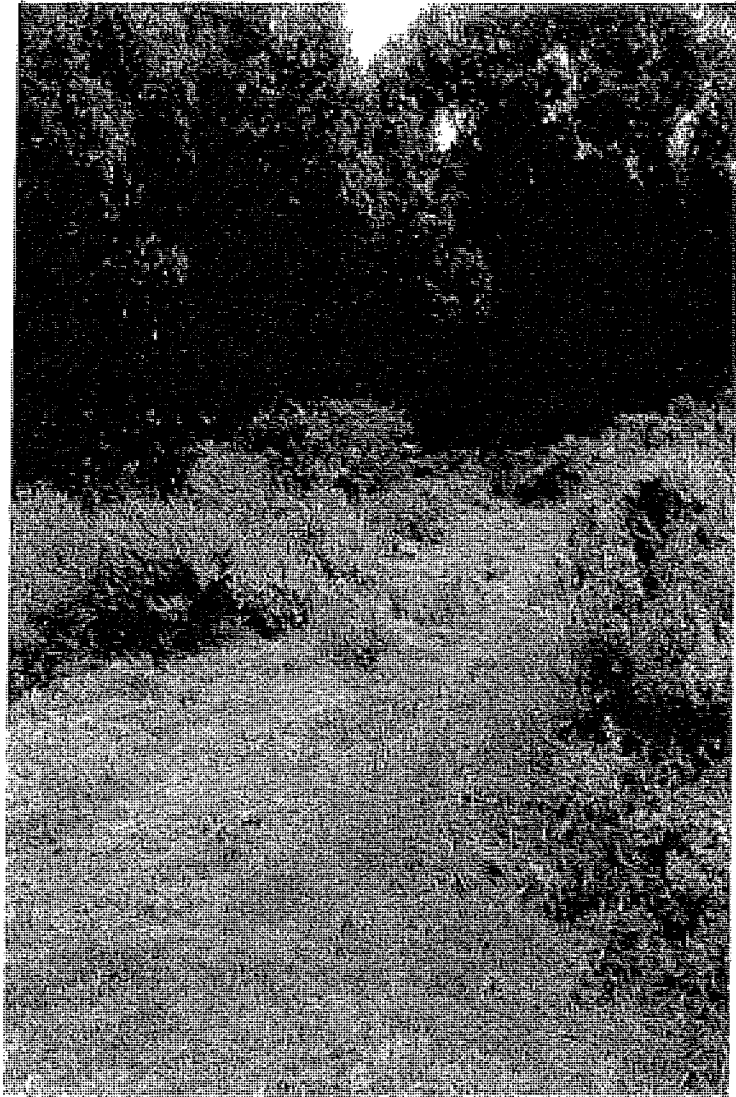


FIGURE 5

Right: View east along roadway towards Highway 1 from proposed building area. Eucalyptus grove in background.

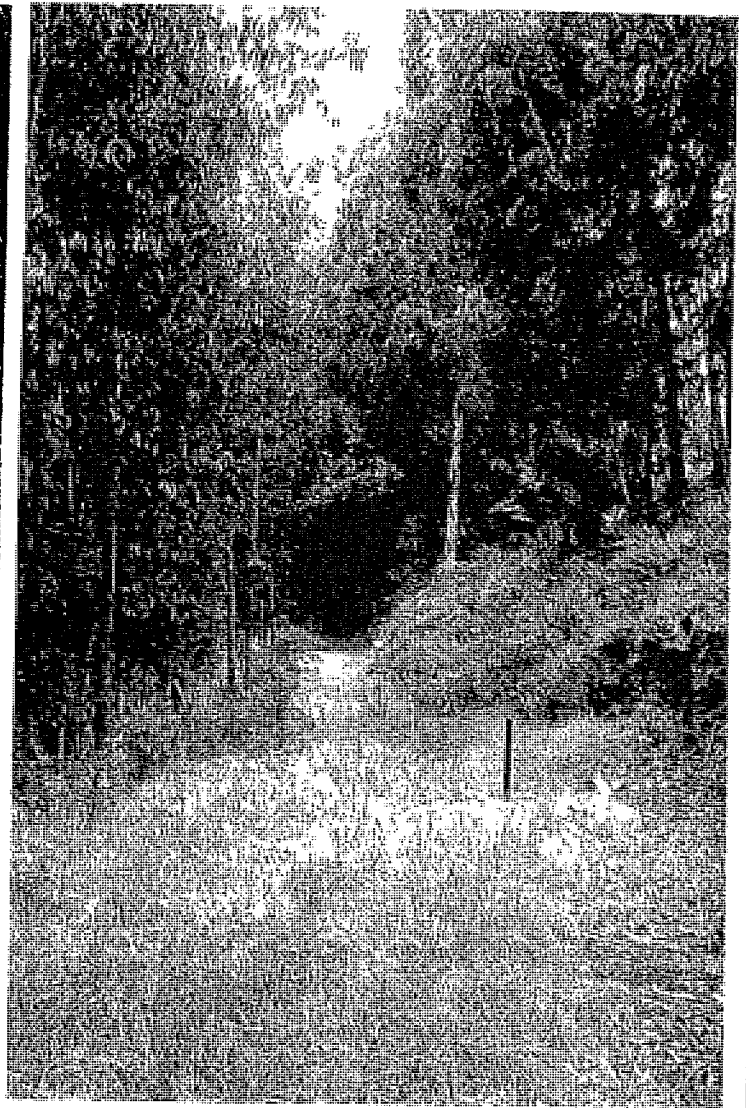
Below: View south along old roadway from top of excavated depression.



FIGURE 6

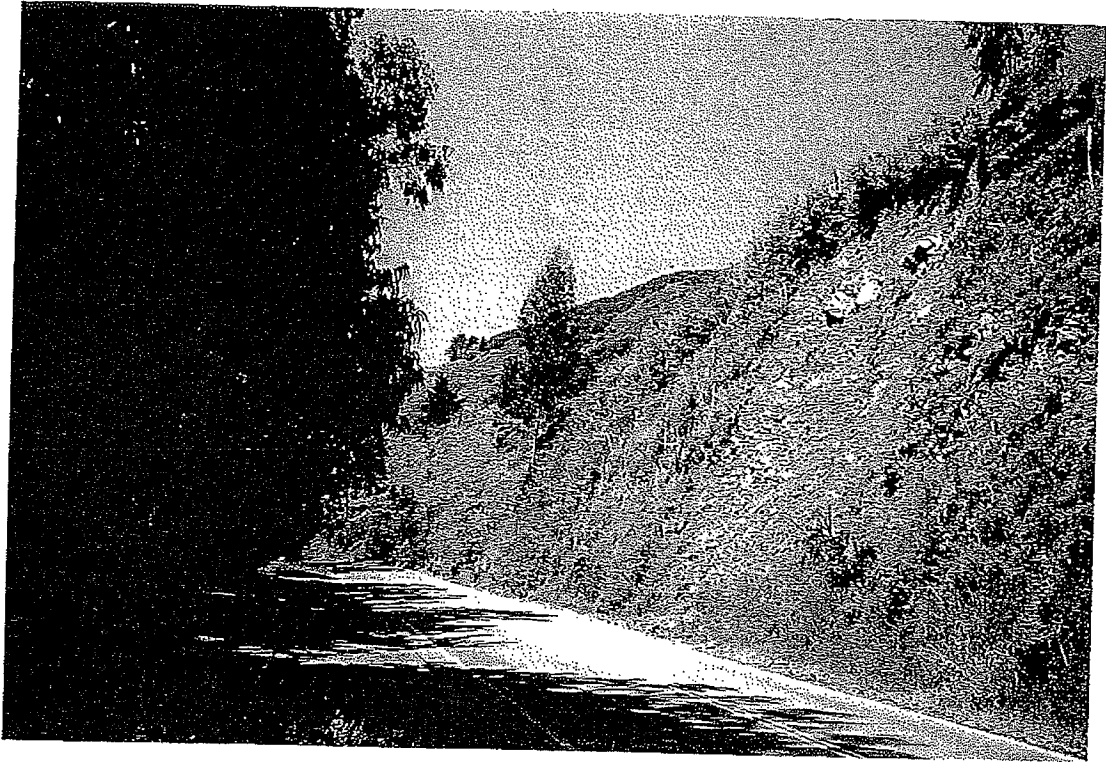


Westerly along roadway.



Farther west along roadway.
Black pipe is terminus of
percolation testing.

FIGURE 7



Roadcut along Highway 1 where Smith's blue butterfly has been documented. At right is a diagram of the butterfly host plant, seacliff buckwheat (*Eriogonum parvifolium*), from Henson and Usner, 1993.



FIGURE 8

California Department of Fish and Game
Natural Diversity Data Base

Full Expanded Report - One Record Per Page

| | | | |
|--|-------------|------------------------------|-----------------------|
| <i>EUPHILOTES ENOPTES SMITHI</i> SMITH'S BLUE BUTTERFLY | | Element Code: IILEPG2026 | |
| -----Status----- | | -----NDDB Element Ranks----- | -----Other Lists----- |
| Federal: Endangered | State: None | Global: G5T2 State: S2 | CDFG Status: |
| -----Habitat Associations----- | | | |
| General: IMOST COMMONLY ASSOCIATED WITH COASTAL DUNES & COASTAL SAGE SCRUB PLANT COMMUNITIES IN MONTEREY & SANTA CRUZ COUNTIES. | | | |
| Micro: HOSTPLANT: ERIOGONUM LATIFOLIUM AND ERIOGONUM PARVIFOLIUM ARE UTILIZED AS BOTH LARVAL AND ADULT FOODPLANTS. | | | |

Occurrence No. 39 Map Index: 40470 -----Dates Last Seen-----
Occ Rank: Unknown Element: 1988-07-16
Origin: Natural/Native occurrence Site: 1988-07-16
Presence: Presumed Extant
Trend: Unknown
Main Source: KELLNER, C. 1989 (LIT)

Quad Summary: LOPEZ POINT (3612115/320D)
County Summary: MONTEREY
SNA Summary:

Location: HIGHWAY 1, 0.3 MILE SSE OF BRIDGE OVER DOLAN CREEK, 1.3 MILES SSE
OF JOHN LITTLE STATE RESERVE.

| | |
|----------------------------------|--------------------|
| Lat/Long: 36°06'09" / 121°37'10" | Township: 21S |
| UTM: Zone-10 N3996013 E624252 | Range: 03E |
| Mapping Precision: SPECIFIC | Section: 15 Qtr SE |
| Symbol Type: POINT | Meridian: M |
| Radius: 80 meters | Elevation: 320 ft |

-----Comments-----
Distribution: ROAD CUT OPPOSITE TURNOUT WITH EUCALYPTUS TREES. APPROXIMATELY 70
PLANTS AT THIS SITE.

Ecological: HOST PLANT: ERIOGONUM PARVIFOLIUM. ASSOC. SPECIES: CALYSTEZIA SP,
MIMULUS SP, ERIOPHYLLUM STACHEDIFOLIUM, ARTEMESIA CALIFORNICA.

Threat:

General: 1 FEMALE OBSERVED, 1988.

Owner/Manager: UNKNOWN

-----Source Codes-----

KEL89R01

FIGURE 9



Wetland area along abandoned roadway. Note horsetail (*Equisetum arvense*) growing through thick cover of kikuyu grass (*Pennisetum clandestinum*).

FIGURE 10

Dusky-footed woodrat (*Neotoma fuscipes lucianus*), from Henson and Usner, 1993.



Woodrat stick nest located along ecotone between Northern Coastal Scrub and Sitka Willow Riparian Forest.

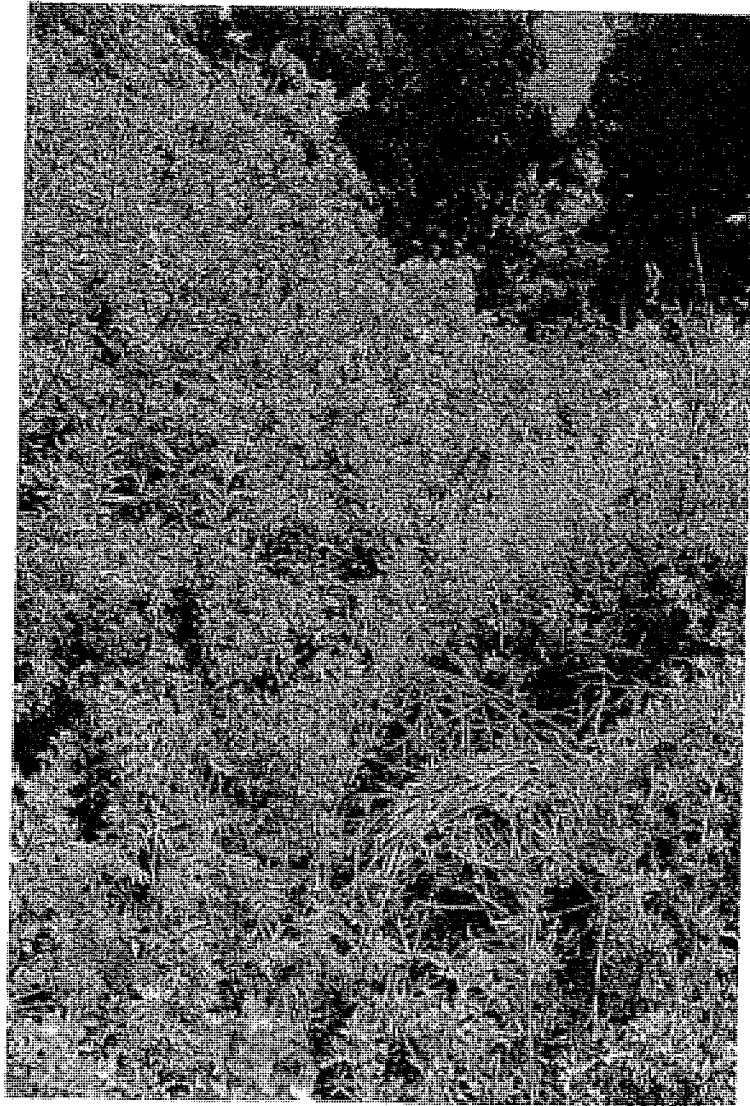


EXHIBIT H
COMMENTS ON THE MITIGATED
NEGATIVE DECLARATION

PLN030379 – Brandywine Trust

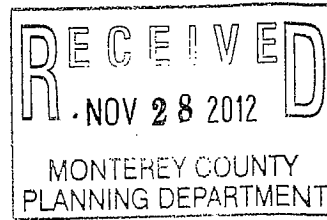
Planning Commission
January 30, 2013

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3077
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



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November 26, 2012

MON-1-R31.17
SCH# 2012111034

Joseph Sidor
Monterey County Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93902

Dear Mr. Sidor:

COMMENTS TO BRANDYWINE RESIDENCE – APN 421-011-001-000

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments in response to your summary of impacts.

- Any work within the State right-of-way (including the driveway improvement to Highway 1) will require an encroachment permit issued from Caltrans. Detailed information such as complete drawings, biological and cultural resource findings, hydraulic calculations, environmental reports, traffic study, etc., may need to be submitted as part of the encroachment permit process.

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,

A handwritten signature in black ink, appearing to read "JOHN J. OLEJNIK".

JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator
john.olejnik@dot.ca.gov

EXHIBIT I
MINOR SUBDIVISION COMMITTEE
RESOLUTION NO. 13-001 (January 10th, 2013)

PLN030379 – Brandywine Trust

Planning Commission
January 30, 2013

**Before the Minor Subdivision Committee in and for the
County of Monterey, State of California**

In the matter of the application of:

BRANDYWINE TRUST COMPANY (PLN030379)

RESOLUTION NO. 13-001

Resolution by the Monterey County Minor
Subdivision Committee:

- 1) Considering the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan;
- 2) Recommending that the Planning Commission adopt the Mitigated Negative Declaration based on the findings and evidence;
- 3) Recommending that the Planning Commission approve the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval; and
- 4) Recommending that the Planning Commission adopt the Mitigation Monitoring and Reporting Plan.

[PLN030379, Brandywine Trust Company, 56440 Highway 1, Big Sur Coast Land Use Plan (APN: 421-011-001-000)]

The Brandywine Trust Company application (PLN030379) came on for public hearing before the Monterey County Minor Subdivision Committee on January 10, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Minor Subdivision Committee 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;
 - Monterey County Coastal Implementation Plan Part 3;
 - Monterey County Zoning Ordinance (Title 20); and
 - Monterey County Subdivision Ordinance (Title 19 - Coastal)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 property is located at 56440 Highway 1, Big Sur (Assessor's Parcel Number 421-011-001-000), South Coast Area, Big Sur Coast Land Use Plan. The parcel is zoned WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone)]. This zoning allows construction of the first single family dwelling and accessory structures as a principal use with a Coastal

Administrative Permit and Design Approval. This zoning also allows subdivisions, use of a Transfer Development Credit, development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, and tree removal as conditional uses with a Coastal Development Permit, provided the necessary findings can be met. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on March 23, 2012, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Public Access: See Finding No. 6.
- e) Slope Exceeding 30 Percent: Development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Big Sur Coast Land Use Plan than other development alternatives. See Finding No. 7.
- f) Environmentally Sensitive Habitat Areas (ESHA): Development within 100 feet of ESHA must minimize impacts in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 8.
- g) Subdivision: See Finding No. 9.
- h) Tree Removal: Development must minimize tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 10.
- i) Big Sur Critical Viewshed: Development must avoid impacts to the Big Sur Critical Viewshed in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan. See Finding No. 11.
- j) Wildfire Protection: See Finding No. 12.
- k) Transfer of Development Credit: See Finding No. 13.
- l) Cultural Resources: The project site is in an area identified in County records as having a high archaeological sensitivity, and the archaeological report prepared for the project identified six known archaeological sites within one kilometer of the project site, including the parcel to the north. However, an archaeological survey conducted for the project did not identify any previously unrecorded archaeological resources within the project site area. Examination of the project site and surrounding area during field reconnaissance revealed no evidence for potential impacts to archaeological resources, and the archaeologist concluded that monitoring of construction activities is not warranted. In addition, no historical or paleontological resources, or unique geologic features are identified as associated with this site. Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3).
- m) Water Resources: The existing parcel and structures have an adequate water supply, and will continue to use the same supply. The proposed parcel and structures will develop a separate spring-fed water source. The Environmental Health Bureau (EHB) reviewed the proposed project application, reviewed spring data for both proposed parcels, and

determined that each spring meets quantity and quality requirements. The new source would provide service to the proposed single family dwelling located on the same proposed parcel, and will not result in substantial water use intensification or an interbasin transfer of water. As proposed and conditioned, the project is consistent with applicable policies of the Big Sur Coast Land Use Plan, Chapter 3.4, Water Resources. See Finding Nos. 3 and 9.

- n) Agricultural Resources: The project, as proposed and conditioned, is consistent with Big Sur Coast Land Use Plan policies regarding agricultural resources. The property is not designated as prime agricultural soils, nor is it designated for agricultural preservation or conservation.
- o) The total project area consists of one 49.0 acre parcel, which is proposed to be subdivided into two lots of 40.0 and 9.0 acres. Based on the current land use designation and zoning classification, the property could allow a density of 40 acres per unit. As proposed and designed, this minor subdivision would create two parcels, with an existing and proposed single family dwelling. Pursuant to Section 20.17.060, the minimum building site in the WSC zoning classification shall be 1 acre if approved as part of a clustered residential development, or the acres per unit shown for the specific WSC district. This particular WSC district designates 40 acres per unit. The increased density of development is allowed by the transfer of development credit from a donor site established under PC94155. See Finding No. 13.
- p) The legality of the subject parcel identified as Assessor's Parcel Number 421-011-001-000 is supported by Parcel Map MS 81-14, recorded December 2, 1981 (Volume 15, Page 18). In addition, the existing property is developed with a single family residence and accessory structures, and is therefore a legal parcel per Title 19, Section 19.14.045.A.2.
- q) The project was referred to the South Coast Land Use Advisory Committee (LUAC) for review. This application did warrant referral to the LUAC because it involves development requiring CEQA review and a Design Review subject to review by the Planning Commission. The LUAC unanimously voted to support the project as proposed at a public meeting held on August 24, 2004.
- r) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Parks Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Cultural (Archaeological) Resources, Biological Resources, and Soil Stability. The following reports have been prepared:
- Preliminary Archaeological Reconnaissance (LIB040143) prepared by Archaeological Consulting, Salinas, California, July 7, 2003.
 - Biological Assessment (LIB040142) prepared by Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 2, 2003.
 - Geotechnical Soils-Foundation & Geoseismic Report (LIB040144) prepared by Grice Engineering and Geology, Inc., Salinas, California, April 5, 2003.
 - Geological Hazards Investigation (LIB040145) prepared by Gasch & Associates, Inc., Rancho Cordova, California, June 24, 2004.
 - Biological Letter (LIB130008) prepared by Fred Ballerini Biological and Horticultural Services, Pacific Grove, California, January 9, 2013.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on March 23, 2012, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

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 the RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Parks Department, Environmental Health Bureau, and Water Resources Agency. 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 either are or will be provided. The existing parcel and structures have the required septic system and water supply, will continue to use these same facilities, and will have adequate septic repair areas. The proposed parcel and structures (i.e., a single family dwelling and non-habitable accessory structure) would require the construction of a new septic system on the property. The Environmental Health Bureau (EHB) reviewed the proposed project application and determined that adequate space is available for a septic system and a replacement area. The dwelling would also be serviced by

development of a spring-fed water supply. EHB applied conditions of approval as required (Condition Nos. 15 and 16).

- c) See Finding Nos. 1, 2, 4, 5, and supporting evidence.
- d) Staff conducted a site inspection on March 23, 2012, to verify that the site is suitable for the proposed use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

4. **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 RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
 - b) Staff conducted a site inspection on March 23, 2012, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Minor Subdivision Committee, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN030379).
 - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval

(Condition No. 6).

- e) The Draft Mitigated Negative Declaration ("MND") for PLN030379 was prepared in accordance with CEQA and circulated for public review from November 13 through December 17, 2012 (SCH#: 2012111034).
- f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utilities/service systems.
- g) The County identified less than significant impacts to aesthetics, air quality, geology/soils, greenhouse gas emissions, hydrology/water quality, land use/planning, noise, and population/housing. Mitigation measures will not be required for these resource areas.
- h) The County identified potentially significant impacts to biological resources, and mitigation measures have been proposed to reduce the impacts to a level of less than significant. Mitigation Measures Nos. 1 and 2 reduce or avoid potential impacts to Monarch butterflies. Mitigation Measure No. 3 ensures protection of the rocky shore and marine habitat at the base of the bluff. Mitigation Measure Nos. 4 and 5 reduce or avoid potential impacts to Smith's blue butterflies. Mitigation Measure Nos. 6 through 10 ensure protection of the Sitka willow riparian forest habitat adjacent to the proposed development site. See Finding No. 8, Environmentally Sensitive Habitat.
- i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2 / Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in the RMA-Planning Department (PLN030379) and are hereby incorporated herein by reference.
- j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site either supports, or has the potential to support, Monarch butterflies, Smith's blue butterfly, Sitka willow riparian forest habitat, and the dusky-footed woodrat. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- k) The County has considered the comments received during the public

review period and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. Consistent with State regulatory requirements, the Applicant shall obtain an encroachment permit from Caltrans for access to Highway 1.

- l) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:**

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

EVIDENCE:

- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) Figure 2 (Shoreline Access Plan - Central Section), in the Big Sur Coast Land Use Plan, identifies that the subject property is within an area described as a Priority 3 access area for shoreline access. However, safety hazards (slopes), potential natural resource conflicts, and limited potential parking areas make the project area suitable only for visual access.
- c) Figure 3 (Trails Plan - Central Section), in the Big Sur Coast Land Use Plan, identifies that the subject property is not described as an area where the Local Coastal Program requires public trail access.
- d) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- e) Staff conducted a site inspection on March 23, 2012.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

7. **FINDING:**

DEVELOPMENT ON SLOPE – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

EVIDENCE:

- a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) The project includes application for development on slopes exceeding 30%. The Applicant proposes to construct an approximately 2,729 square foot single family dwelling within an existing excavated depression. General Plan Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. In addition, Policy 3.7.3.A.1 of the Big Sur Coast Land Use Plan directs that all development be sited and designed to conform to site topography and to

minimize grading and other site preparation activities. The County has reviewed the project plans and visited the site to analyze possible development alternatives. Given the site's topography and location between Highway 1 and the Pacific Ocean, there is no feasible alternative that would avoid development on slope greater than 30 percent and simultaneously satisfy other goals and objectives of the applicable land use plan regarding protection of the viewshed and environmentally sensitive habitat. In addition, the Applicant's proposal minimizes excavation by conforming to the existing site topography. Therefore, the proposed development is consistent with applicable policies regarding development on slope exceeding 30 percent, and an exception may be granted.

- c) The Planning Commission shall require such conditions of approval and changes in the development as it may deem necessary to assure compliance with MCC Section 20.145.080 (Condition Nos. 7 and 8).
- d) The project planner conducted a site inspection on March 23, 2012.
- e) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN030379.

8. **FINDING:**

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) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) Chapter 3.3, Environmentally Sensitive Habitats, of the Big Sur Coast Land Use Plan, directs that development shall not result in disruption of habitat value. County records and the biological report prepared for the proposed structural development indicate the potential presence of and impacts to Monarch butterflies, Smith's blue butterfly, Sitka willow riparian forest habitat, and the dusky-footed woodrat. However, as conditioned and mitigated, potential impacts to sensitive species and habitat are considered to be less than significant. Upon implementation of the mitigations measures, the development would not result in disruption of habitat values. Furthermore, the proposed structural development has been sited and designed to minimize or avoid potential impacts to biological resources. Therefore, the project as designed is consistent with the environmentally sensitive habitat policies regarding protection of natural resources.
- c) Monarch Butterflies: Tree cover on the existing parcel is composed of non-native blue gum eucalyptus, planted Monterey cypress, Coast redwoods, and Monterey pine. The proposed building site is surrounded and vegetated by Northern Coastal Scrub habitat, characterized by low,

dense shrub cover including a variety of native and non-native species. The proposed driveway area is covered with kikuyu grass and other non-native plant species. A eucalyptus grove north and east of the proposed building site has the potential to support Monarch butterflies as an overwintering site, and the presence of Monarch butterflies is presumed. Potential impacts to the eucalyptus grove have been minimized by design. Only two trees have been proposed for removal, and both are located within the proposed building site for the single family dwelling and away from the main area of grove. Mitigation Measure 1 (Condition No. 28) will require the Applicant to survey the eucalyptus grove between the early fall months and late February to determine whether the stand supports mass overwintering of Monarch butterflies, and to avoid potential impacts by not conducting tree removal or construction activities between October 1st and February 28th. In addition, Mitigation Measure 2 (Condition No. 29) will require the Applicant to avoid potential interference to nighttime butterfly roosting by minimizing exterior lighting that may affect butterfly roosting at night.

- d) Marine habitat: To ensure the protection of the rocky shore and marine habitat at the base of the bluff, Mitigation Measure 3 (Condition No. 30) will require the Applicant to install a debris fence during the construction period on the inner margin of the seaward bluff around the entire project area to prevent accidental dumping of vegetation or loose material down the steep hillslope to the rocky shore below. The debris fence shall remain in place and be maintained for the duration of construction activities.
- e) Smith's blue butterfly: No element of the proposed project occurs in habitat that supports seacliff buckwheat and Smith's blue butterfly. Although no seacliff buckwheat plants were observed in the proposed project area, the biologist identified seacliff buckwheat, the host plant for the federally-listed/endangered Smith's blue butterfly, at a site to the east across Highway 1. Due to the proximity of this site, including a documented occurrence of Smith's blue butterfly, Mitigation Measures 4 and 5 (Condition Nos. 31 and 32) will require the Applicant to incorporate best management dust control measures, train all construction personnel on the requirement to follow the approved control measures, and not allow off-highway parking of construction vehicles on the easterly road shoulder of Highway 1 from June 15th through August 15th.
- f) Sitka willow riparian forest habitat: This habitat is found northwest of the proposed building site. Although no aspect of the proposed project will occur within the Sitka willow riparian forest area, temporary and/or indirect impacts may occur during project construction activities. Therefore, five mitigations are included to reduce potential impacts. Mitigation Measure 6 (Condition No. 33) will require review of construction plans by a qualified biologist and confirmation of consistency with applicable recommendations. Mitigation Measure 7 (Condition No. 34) requires the installation of a silt-stop fence for a distance of 40 feet on both sides of the wet meadow along the old roadbed to define the allowable work area and protect the adjacent

habitat. The silt-stop fence shall remain in place and be maintained for the duration of construction activities. Mitigation Measure 8 (Condition No. 35) requires the installation of orange construction fencing during the construction period in the Northern Coastal Scrub vegetation at least 100 feet beyond the dripline of the Sitka willow thicket. This fencing shall encircle the southwestern boundary of the willow thicket from the coastal bluff edge to the edge of the abandoned roadway, will connect with the silt-stop fence installed along the abandoned roadway, and will also remain in place and be maintained for the duration of construction activities. Mitigation Measure 9 (Condition No. 36) requires the Applicant to minimize disturbance within the allowable work area. Mowing shall be confined to the bed of the old roadway within the silt-stop fence, and trenching along the abandoned roadbed shall be executed with the minimum size trenching equipment required. Upon completion of trenching and installation of utilities, the disturbed roadbed shall be returned to its pre-trenching slope. Exposed soil shall be covered with sterile straw and planted with native beardless ryegrass seed. Mitigation Measure 10 (Condition No. 37) prohibits motorized vehicle access along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the existing parcel area to the north, except on a temporary basis for necessary repairs to the proposed utilities.

- g) Two stick nests of the Monterey dusky-footed woodrat were observed (June 2003) in the vicinity of the proposed project; however, construction activities are unlikely to affect the nesting and foraging area. Implementation of the mitigation measures for the Sitka willow riparian forest habitat would ensure no impacts occur to the dusky-footed woodrat.
- h) The project planner conducted a site inspection on March 23, 2012, to verify ESHA locations and potential project impacts to ESHA.
- i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

9. **FINDING:**

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, Big Sur Coast Land Use Plan, Monterey County Coastal Implementation Plan, Part 3, and Title 19 (Coastal) of the Monterey County Code (MCC) (see Finding No. 1).
 - b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030 (Coastal). The lots, as proposed, meet all County requirements for minimum lot size, lot width, and lot depth (see Finding No. 13).
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding Nos. 2 and 13).
 - d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat (see Finding Nos. 5 and 8).
 - e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding No. 3).
 - f) Water Supply. MCC Section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long term water supply with the project. The existing parcel and structures have an adequate water supply, and will continue to use the same supply. The proposed parcel and structures will develop a separate water system. The Environmental Health Bureau (EHB) reviewed the proposed project application, reviewed spring data for both proposed parcels, and determined that each spring meets quantity and quality requirements. EHB also applied a condition of approval to re-confirm these requirements prior to issuance of building permits (Condition No. 15) (see Finding Nos. 1 and 3).
 - g) Sewage Disposal. MCC Sections 19.03.015.K and 19.07.020.J require that provision shall be made for adequate sewage disposal. Development sites would be served by existing and new septic systems. The Environmental Health Bureau reviewed the project application and determined that an adequate area was available for a septic system on the proposed parcel. (see Finding No. 3).
 - h) Easements. The subdivision or the type of improvements will not conflict with easements, as no easements currently exist on the subject property.
 - i) Traffic. The project, as proposed, would not generate a significant amount of new traffic nor significantly increase the number of permanent vehicle trips. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. Construction-related activities would temporarily increase traffic from trips generated by the individuals on the construction site;

however, no adverse impact is expected to occur due to the small scale of the proposed project. Public Works reviewed the project application and applied a condition of approval to require payment of the Regional Development Impact Fee (Condition No. 27).

- j) Parks and Recreation. The Monterey County Parks Department reviewed the project application and determined that the applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication (Condition No. 39).
- k) Affordable Housing. The proposed project involves the minor subdivision of an existing lot and the creation of only one new lot; therefore, the project is exempt under the Inclusionary Housing Ordinance, per Chapter 18.40 of the Monterey County Code.
- l) The project planner conducted a site inspection on March 23, 2012.
- m) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

10. **FINDING:** **TREE REMOVAL (COASTAL)** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and the associated Coastal Implementation Plan.

- EVIDENCE:**
- a) The project includes application for the removal of two eucalyptus trees. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) Section 3.5, Forest Resources, of the Big Sur Coast Land Use Plan, and Section 20.145.060, Forest Resources Development Standards, of the Monterey County Coastal Implementation Plan, Part 3, provide the regulations for tree removal on the project site.
 - c) Tree cover on the existing parcel is composed of non-native blue gum eucalyptus, planted Monterey cypress, Coast redwoods, and Monterey pine. Potential impacts to a eucalyptus grove on the property have been minimized by design. Only two eucalyptus trees have been proposed for removal, and both are located within the proposed building site for the single family dwelling and away from the main area of grove to the north and east. The project has been designed and sited to minimize the removal of trees to the greatest extent feasible, and is consistent with the development standards identified in Section 20.145.060.D of the Coastal Implementation Plan.
 - d) The eucalyptus grove north and east of the proposed building site has the potential to support Monarch butterflies as an overwintering site, and the presence of Monarch butterflies is presumed. The tree removal will not involve a risk of adverse environmental impacts. See Finding No. 8 (ESHA).
 - e) Measures for tree protection during construction have been incorporated (Condition No. 14).
 - f) Staff conducted a site inspection on March 23, 2012, to verify that the tree removal is the minimum necessary for the project and to identify

any potential adverse environmental impacts related to the proposed tree removal.

- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

11. **FINDING:**

VIEWSHED – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE:

- a) The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) Visually, the existing property borders and is visible from Highway 1, a designated scenic roadway and a primary element of the Big Sur Critical Viewshed as defined in Chapter 3.2 (Scenic Resources) of the Big Sur Coast Land Use Plan (LUP). By definition, the proposed minor subdivision of the existing parcel constitutes development within the Big Sur Critical Viewshed, and is subject to the policies regarding the Big Sur Critical Viewshed. Consistent with LUP Policy 3.2.3.A.1, which directs that all new parcels must contain building sites outside the critical viewshed, the proposed new parcel would have a suitable area for structural development effectively screened from the Big Sur Critical Viewshed by topography, trees, and vegetation.
- c) The proposed structures are designed to conform to the topography of the site, and the only fully visible side of either structure would face the Pacific Ocean. Moreover, the design of the proposed structures minimizes the elevation above average natural grade. As proposed, the dwelling and garage would have a 7.0 foot and 3.5 foot elevation above average natural grade, respectively. The site changes would not degrade the visual character of the Big Sur Critical Viewshed, would not result in an inconsistency with policies designed to safeguard visual resources. Therefore, the project as designed is consistent with the scenic resource policies in Chapter 3.2 of the Big Sur Coast Land Use Plan, and construction of the proposed structures would not result in impacts to the existing scenic vista.
- d) To ensure the protection of the Big Sur Critical Viewshed, the County will apply a standard condition of approval to require a scenic and conservation easement over the eucalyptus grove that currently provides screening of the proposed building site (Condition No. 13). The County will also apply a non-standard condition of approval to require replacement of trees inadvertently damaged or destroyed (Condition No. 38). In addition, the County will apply a standard condition of approval to require an exterior lighting plan subject to review and approval by the RMA-Planning Department (Condition No. 10). Per this condition of approval, all exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Moreover, exterior light sources that would be directly visible from critical viewshed

viewing areas are prohibited.

- e) The project as proposed, conditioned, and mitigated is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the critical viewshed.
- f) The project planner conducted a site inspection on March 23, 2012, to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.
- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN030379.

12. **FINDING:**

WILDFIRE PROTECTION STANDARDS IN STATE RESPONSIBILITY AREAS –

The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

EVIDENCE:

- a) The Big Sur Coast area, including the proposed project site, is within the Monterey County State Responsibility Area. The proposed project would expose people and structures to risk of wildland fire where proposed residential development is adjacent to undeveloped open space, most notably the Los Padres National Forest.
- b) Monterey County Code Section 18.56, Wildfire Protection Standards in State Responsibility Areas, requires that future design and construction of structures, subdivisions and developments in State Responsibility Areas shall provide for emergency access and perimeter wildfire protection measures. The proposed structures, as designed, provide for emergency access and fire suppression. The development site would be served by a new water tank sized for required fire suppression capacity and a new driveway.
- c) Standard fire suppression and protection conditions have been applied to the project to ensure the following: 1) the driveway meets minimum requirements regarding width, surface, and turning radius or turnaround; 2) all structures have required signing and numbering; 3) the site has adequate emergency water flow; 4) implementation of vegetation/fuel modification to provide a defensible space area around the structures; and 5) all structures have required fire protection and suppression systems (i.e., sprinklers) and roof construction standards to minimize fire danger (Condition Nos. 18, 19, 20, 21, 22, 23, and 24). The driveway will have sections over 15 percent grade; therefore, the fire protection district will apply additional construction requirements (e.g., improvements such as concrete surfacing and/or resistance barriers) to ensure access for emergency vehicles.

13. **FINDING:**

TRANSFER OF DEVELOPMENT CREDIT – The subject project involves a transfer of development credit in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

EVIDENCE:

- a) The project includes application for transfer of development credit. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit

have been met.

- b) LUP Scenic Resource Policy 3.2.6.3 allows transfer of development credit to a receiving parcel not in the viewshed and otherwise found to be suitable for an increased density of development, and as long as the increase in residential density on the receiving parcel does not exceed twice that which is specified by LUP Section 5.4, Land Use Development Policies. LUP Policies 7.2.1.E (Minimum Size of Parcels), and 7.2.5 and 7.2.7.D (Transfer of Development Credits) allow for purchase (or transfer) of development credits to support a higher intensity of development. MCC Section 20.64.190 (Transfer of Development Credits) establishes the regulations for designating donor and receiver sites. The proposed project meets the requirements of the LUP policies and regulations.
- c) The total project area consists of one 49.0 acre parcel, which is proposed to be subdivided into two lots of 40.0 and 9.0 acres. Based on the current land use designation and zoning classification, the property could allow a density of 40 acres per unit. As proposed and designed, this minor subdivision would create two parcels, with an existing and proposed single family dwelling. The existing parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)], and is developed with a single family dwelling and accessory structures. Also, the existing parcel is a legal lot of record created by Minor Subdivision 81-14. The Parcel Map was recorded on December 2, 1981 (Volume 15, Page 18 of Parcel Maps). The proposed minor subdivision would create one new parcel of approximately 9 acres, thereby reducing the existing lot to approximately 40 acres.
- d) Pursuant to MCC Section 20.17.060, the minimum building site in the WSC zoning classification shall be 1 acre if approved as part of a clustered residential development, or the acres per unit shown for the specific WSC district. This particular WSC district designates 40 acres per unit. The increased density of development would be allowed by the transfer of development credit from a donor site established under PC94155, and the newly created parcel would be designated as the receiver site for the transfer of one development credit from the donor site established under PC94155. The County of Monterey Planning Commission approved (or designated) the donor site on November 16, 1994 (Resolution No. 94187, County Planning File No. PC94155/Larson). The donor site is located on Sycamore Canyon Road, within the Big Sur Critical Viewshed (Assessor's Parcel Number 419-311-011-000). The scenic easement for the donor site was recorded on November 1, 2001 (Document No. 2001092914).
- e) Based on the evidence above, and pursuant to MCC Section 20.64.190.050, the receiver site has the potential for development consistent with the policies of the Big Sur Coast Land Use Plan (LUP) except for the maximum development otherwise allowed by the LUP and implementing zoning.
- f) The new residential building site made possible by the receipt of a Transfer Development Credit has the minimum number of common driveway access onto Highway 1.

- g) The new development provided on the receiver site meets the septic, viewshed protection, resource protection, water supply, and geologic safety criteria specified in the Big Sur Coast Land Use Plan. See Finding Nos. 1, 2, 3, 5, 7, 8, 9, 10, and 11.
- h) Pursuant to MCC Section 20.64.190.050, the receiver site is not permitted to be developed to an overall density of more than one residential unit per net acre. However, based on the current land use designation and zoning classification, the receiver site would only be allowed the proposed single family dwelling.
- i) The project planner conducted a site inspection on March 23, 2012, to verify that the project conforms to the policies of the Big Sur Land Use Plan regarding transfer of development credit.
- j) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN030379 and PC94155.

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

- EVIDENCE:**
- a) Board of Supervisors: Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allow an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission: Section 20.86.080.A.1, A.2, and A3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea, development within 300 feet of the top of the seaward face of a coastal bluff, and development that is permitted in the underlying zone as a conditional use (i.e.; minor subdivision, designation of a receiver site for transfer of development credit, development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, and tree removal).


DECISION

NOW, THEREFORE, based on the above findings and evidence, the Minor Subdivision Committee does hereby:

1. Consider the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan;
2. Recommend that the Planning Commission adopt the Mitigated Negative Declaration based on the findings and evidence;
3. Recommend that the Planning Commission approve the Combined Development Permit, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
4. Recommend that the Planning Commission adopt the Mitigation Monitoring and Reporting Plan.

PASSED AND ADOPTED this 10th day of January, 2013 upon motion of Laura Lawrence, seconded by Roger VanHorn, by the following vote:

AYES: Moss, Lawrence, Vanhorn, Alinio, McPharlin
NOES: None
ABSENT: Vandevere
ABSTAIN: None



Laura Lawrence, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON JAN 11 2013

Monterey County Planning Department
Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN030379

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit (PLN030379) allows a minor subdivision of a 49 acre lot into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2), the designation of Parcel 2 as a receiver site for a transfer of development credit from a donor site established under PC94155, development within the Big Sur Critical Viewshed, development on slope exceeding 30 percent, development within 100 feet of environmentally sensitive habitat, removal of two eucalyptus trees, and the construction on the proposed receiver site of an approximately 2,729 square foot single family dwelling, a detached 300 square foot two-car garage, driveway and parking area, approximately 500 linear feet of concrete retaining wall, septic system, spring-fed water supply, and grading (approximately 1,100 cubic yards of cut and 1,100 cubic yards of fill). The property is located at 56440 Highway 1 (Assessor's Parcel Number 421-011-001-000), 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 the RMA - Planning Department. 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. (RMA - Planning Department)

**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 Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 13 - 001) was approved by the Planning Commission for Assessor's Parcel Number 421-011-001-000 on January 30, 2013. The permit was granted subject to forty (40) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

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

Responsible Department: Planning Department

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. The Monterey County RMA - Planning Department 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. (RMA - Planning Department)

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 the Monterey County RMA - Planning Department 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. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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 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. (RMA - Planning Department)

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, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

5. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. The mitigation monitoring agreement shall be recorded. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.
- 3) Proof of recordation of the mitigation monitoring agreement shall be submitted to the RMA-Planning Department.

7. PD008 - GEOLOGIC CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geological Consultant shall submit certification by the geological consultant to the RMA - Planning Department showing project's compliance with the geological report.

8. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

9. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. 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 RMA - Planning Department. 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. (RMA - Planning Department)

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 RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. 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 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 RMA - Planning Department.

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.

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

Responsible Department: Planning Department

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 three (3) copies of 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 RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)

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 the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

11. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of two (2) years, to expire on January 30, 2015, unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

12. PD035 - UTILITIES UNDERGROUND

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

13. PD040 - CRITICAL VIEWSHED (BIG SUR)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed, including but not limited to, all existing vegetated areas without which the development would be located within the critical viewshed, pursuant to Sections 20.145.030.A.2(g) and (h) of the Regulations for Development in the Big Sur Coast Land Use Plan. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance or grading or building permits, the Owner/Applicant shall submit the scenic easement deed and corresponding map to the RMA-Planning Department for review and approval.

Prior to recordation of the parcel/final map or commencement of use, the Owner/Applicant shall record a map showing the approved scenic easement.

14. PD049 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

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. Tree removal shall not occur until after issuance of the building permit for the single family dwelling. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit evidence of tree protection to the RMA-Planning Department 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 the RMA-Planning Department to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

15. EHSP01 - DEED NOTIFICATION WATER QUALITY

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A deed notice shall be recorded for each parcel indicating that water quality verification meeting state and local drinking water standards shall be required prior to the issuance of any grading or building permits. Also, that each individual parcel will be served by a separate spring on each parcel and that no water system will be formed. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to filing the parcel map, submit a draft deed notice for review and approval by the Director of Environmental Health. After approval, record the deed notification with the Monterey County Recorder and provide proof to Environmental Health and Planning Department.

16. EHSP02 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

17. DRAINAGE PLAN

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Water Resources Agency with a drainage plan prepared by a registered civil engineer or architect that incorporates the recommendations included in the Grice Geotechnical Report. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.

18. FIRE007 - DRIVEWAYS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the driveway into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of driveway improvements and obtain fire department approval the final fire inspection.

19. FIRE008 - GATES

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.
Responsible Land Use Department: CALFIRE Coastal Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

20. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: CALFIRE Coastal Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

21. FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the water system improvements and shall obtain fire department approval of the final fire inspection.

22. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning. Responsible Land Use Department: CALFIRE Coastal Fire District.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

Prior to final building inspection, Applicant shall schedule fire dept. clearance inspection.

23. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

24. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Responsible Land Use Department: CALFIRE Coastal Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

25. PW0031 - PARCEL MAP

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: File a Parcel Map delineating all existing and required easements or rights-of-way, monument new lines.
(RMA - Public Works Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, the Applicant's surveyor shall prepare a parcel map and submit it to DPW for review and approval.

26. PW00036 - (EXISTING EASEMENTS AND ROW)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights-of-way. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, the Applicant's surveyor shall include all existing and required easements or rights-of-way on the Parcel Map.

27. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, the Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.

28. PDSP001/MM1 - MONARCH BUTTERFLIES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The potential presence of Monarch butterflies is presumed. Therefore, to avoid potential impacts to roosting and/or migrating Monarch butterflies, the Applicant shall survey the eucalyptus grove between the early fall months and late February to determine whether the stand supports mass overwintering of Monarch butterflies, and submit appropriate survey documentation to the California Native Diversity Database (CNDDDB). If the grove supports winter roosting of Monarch butterflies, damage and tree removal in the area of the grove north and east (upslope) of the proposed home site and leach area shall be minimized. To avoid potential impacts to roosting and/or migrating Monarch butterflies, the proposed removal of the two eucalyptus trees and/or construction activities that generate dust shall not occur between October 1st and February 28th.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence to the RMA-Planning Department of a Monarch butterfly survey by a qualified biologist. If the survey determines the grove supports winter roosting of Monarch butterflies, then the proposed removal of the two eucalyptus trees and/or construction activities that generate dust shall not occur between October 1st and February 28th.

29. PDSP002/MM2 - MONARCH BUTTERFLIES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To avoid potential interference to nighttime butterfly roosting, the Applicant shall minimize outdoor/exterior lighting that may affect butterfly roosting at night.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Applicant shall submit an exterior lighting plan to the RMA-Planning Department for review and approval that minimizes lighting that may affect butterfly roosting at night.

The installed lighting shall be inspected to ensure conformance with the approved exterior lighting plan.

30. PDSP003/MM3 - PROTECTION OF MARINE HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To ensure the protection of the rocky shore and marine habitat at the base of the bluff, the Applicant shall install a debris fence during the construction period on the inner margin of the seaward bluff around the entire project area to prevent accidental dumping of vegetation or loose material down the steep hillslope to the rocky shore below. The debris fence shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of installation of a debris fence to the RMA-Planning Department for review and approval.

31. PDSP004/MM4 - SMITH'S BLUE BUTTERFLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The potential presence of Smith's blue butterfly is presumed. Therefore, to avoid potential impacts to this sensitive species, the Applicant shall implement controls during all phases of project construction to prevent dust from drifting across Highway 1 and coating the seacliff buckwheat plants.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate best management dust control measures as notes on the plans, and submit the plans to the RMA-Planning Department for review and approval.

Prior to the initiation of construction activities, the contractor shall train all construction personnel on the requirement to follow the approved control measures, and submit evidence of this training to the RMA - Planning Department.

32. PDSP005/MM5 - SMITH'S BLUE BUTTERFLY - PARKING RESTRICTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: From June 15th through August 15th, the Applicant shall not allow off-highway parking of construction vehicles on the easterly road shoulder of Highway 1.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate appropriate parking guidelines as notes on the plans, and submit to the RMA-Planning Department for review and approval.

33. PDSP006/MM6 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, construction plans shall be reviewed by a qualified biologist for consistency with the recommendations of the biological report prepared for the project. The Applicant shall submit a letter from the biologist to the RMA-Planning Department confirming the review and determination of consistency.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit a letter from the biologist confirming the review and determination of consistency to the RMA-Planning Department for review and approval.

34. PDSP007/MM7 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, the Applicant shall install a silt-stop fence for a distance of 40 feet on both sides of the wet meadow along the old roadbed to define the allowable work area and protect the adjacent habitat, including any chain fern in the immediate vicinity. The Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval. The silt-stop fence shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval.

35. PDSP008/MM8 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, the Applicant shall install orange construction fencing during the construction period in the Northern Coastal Scrub vegetation at least 100 feet beyond the dripline of the Sitka willow thicket. This fencing shall encircle the southwestern boundary of the willow thicket from the coastal bluff edge to the edge of the abandoned roadway. This protective fencing shall also connect with the silt-stop fence installed along the abandoned roadway. The Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval. The construction fencing shall remain in place and be maintained for the duration of construction activities.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit evidence of the fence's installation to the RMA-Planning Department for review and approval.

36. PDSP009/MM9 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, disturbance within the allowable work area shall be kept to a minimum. Prior to soil disturbance, the alignment of the utilities excavation shall be mowed. Mowing shall be confined to the bed of the old roadway within the silt-stop fence. Trenching along the abandoned roadbed shall be executed with the minimum size trenching equipment required, preferably with a hand-held ditch witch. Upon completion of trenching and installation of utilities, the disturbed roadbed shall be returned to its pre-trenching slope. Exposed soil shall be covered with sterile straw (preferably rice straw) and planted with native beardless ryegrass seed. The Applicant shall incorporate these guidelines as notes on the plans, and submit evidence of planting to the RMA-Planning Department, for review and approval.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall incorporate these guidelines as notes on the plans, and submit to the RMA-Planning Department, for review and approval.

Upon completion of trenching and installation of utilities, the Applicant shall submit evidence of planting to the RMA-Planning Department for review and approval.

37. PDSP010/MM10 - SITKA WILLOW RIPARIAN FOREST HABITAT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential impacts to this sensitive habitat, after installation of utilities, motorized vehicle access shall be prohibited along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch. Motorized vehicle access may be allowed on a temporary basis for necessary repairs to the proposed utilities.

Compliance or Monitoring Action to be Performed: On an ongoing basis, the Applicant shall prohibit motorized vehicle access along the abandoned roadway between the northern terminus of the proposed septic leach field and the gate to the pasture on the Santa Lucia Ranch. Motorized vehicle access may be allowed on a temporary basis for necessary repairs to the proposed utilities.

38. PDSP011 - TREE REPLACEMENT NOTICE (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To ensure the ongoing management and protection of the Big Sur Critical Viewshed, the Applicant shall record a notice which states: "Removal of trees 12 inches DBH or greater shall be replaced on the site, subject to review and approval of the project arborist and the RMA - Planning Department, at a rate of one for each tree removed. This replacement requirement shall apply to all trees which provide screening on the eastern and southern portion of the parcel which are inadvertently damaged or destroyed, regardless of the method of damage or destruction (e.g., construction, inclement weather, etc...). Tree replacement shall involve the "filling-in" of natural tree screening. The goal shall be to continue to screen the structures from the Big Sur Critical Viewshed, per the Big Sur Coast Land Use Plan Visual Resource policies. Trees shall be replaced as quickly as feasible, and shall be as large as feasible to ensure screening. Replacement types and locations shall be consistent with the landscape plan under Condition No. 9." (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Applicant shall submit evidence of recordation to the RMA - Planning Department.

39. PKS002 - RECREATION REQUIREMENTS/FEEES

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Parcel Map, the Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication.

40. PDSP012 - REMOVAL OF INVASIVE SPECIES (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Applicant shall submit a plan to the RMA - Planning Department for review and approval addressing the removal of nonnative invasive kikuyu grass from the Northern Coastal Scrub habitat along the coastal terrace. After approval, the Applicant shall implement the plan and submit evidence from a qualified biologist demonstrating that the spread of the nonnative invasive kikuyu grass has been reduced and minimized from the area beyond the construction site. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building or grading permits, the Applicant shall submit a plan to the RMA - Planning Department for review and approval addressing the removal of nonnative invasive kikuyu grass.

Prior to occupancy, the Applicant shall implement the approved plan, and submit evidence from a qualified biologist that the spread of the invasive species has been reduced and minimized beyond the construction area.



UNITED STATES GEOLOGICAL SURVEY
WASHINGTON, D. C.

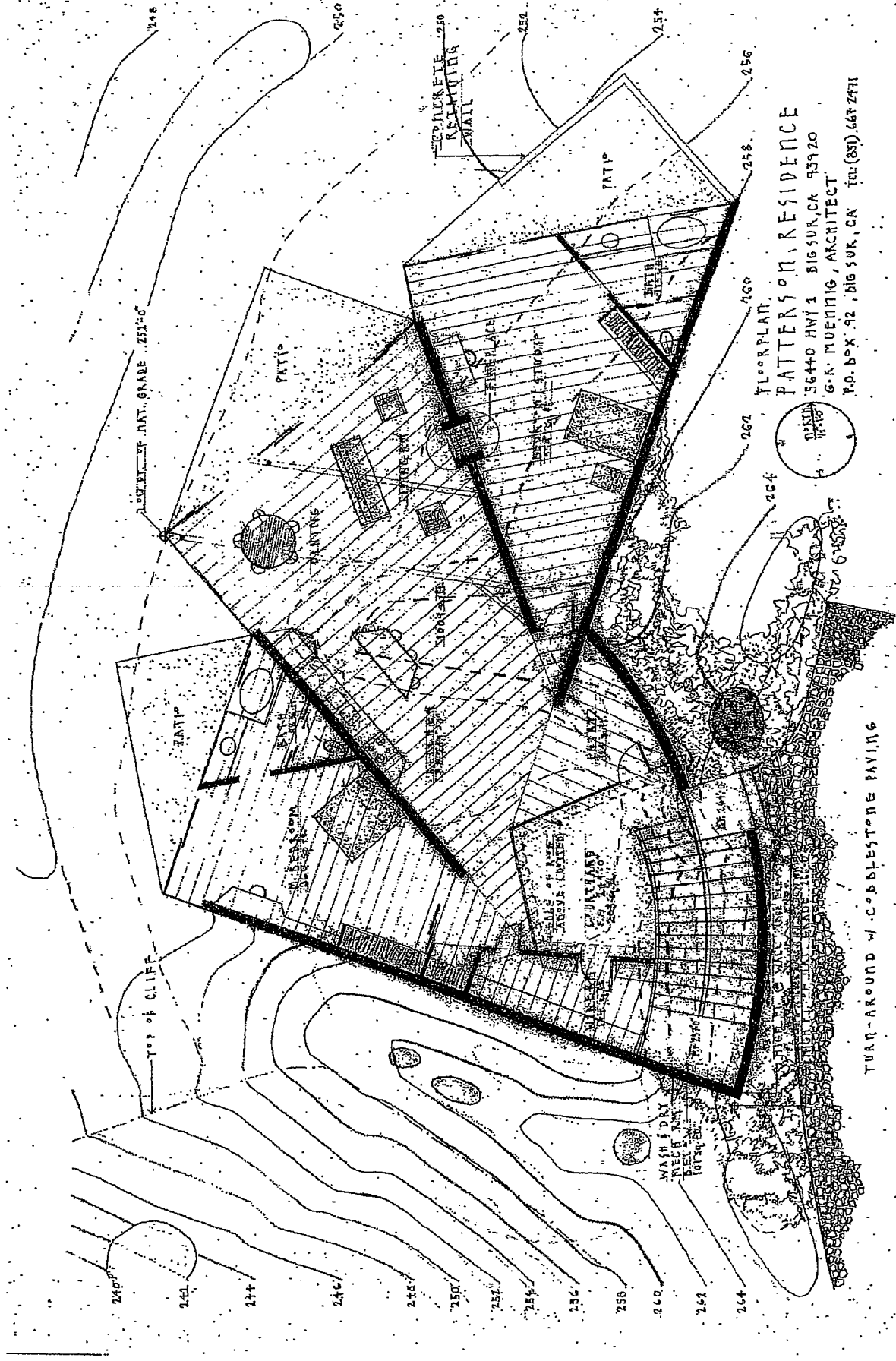
LITTLE ROCK
MOUNTAIN VIEW
SOUTH

Scale: 1 inch = 1 mile
Vertical scale: 1 inch = 100 feet

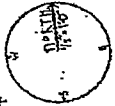
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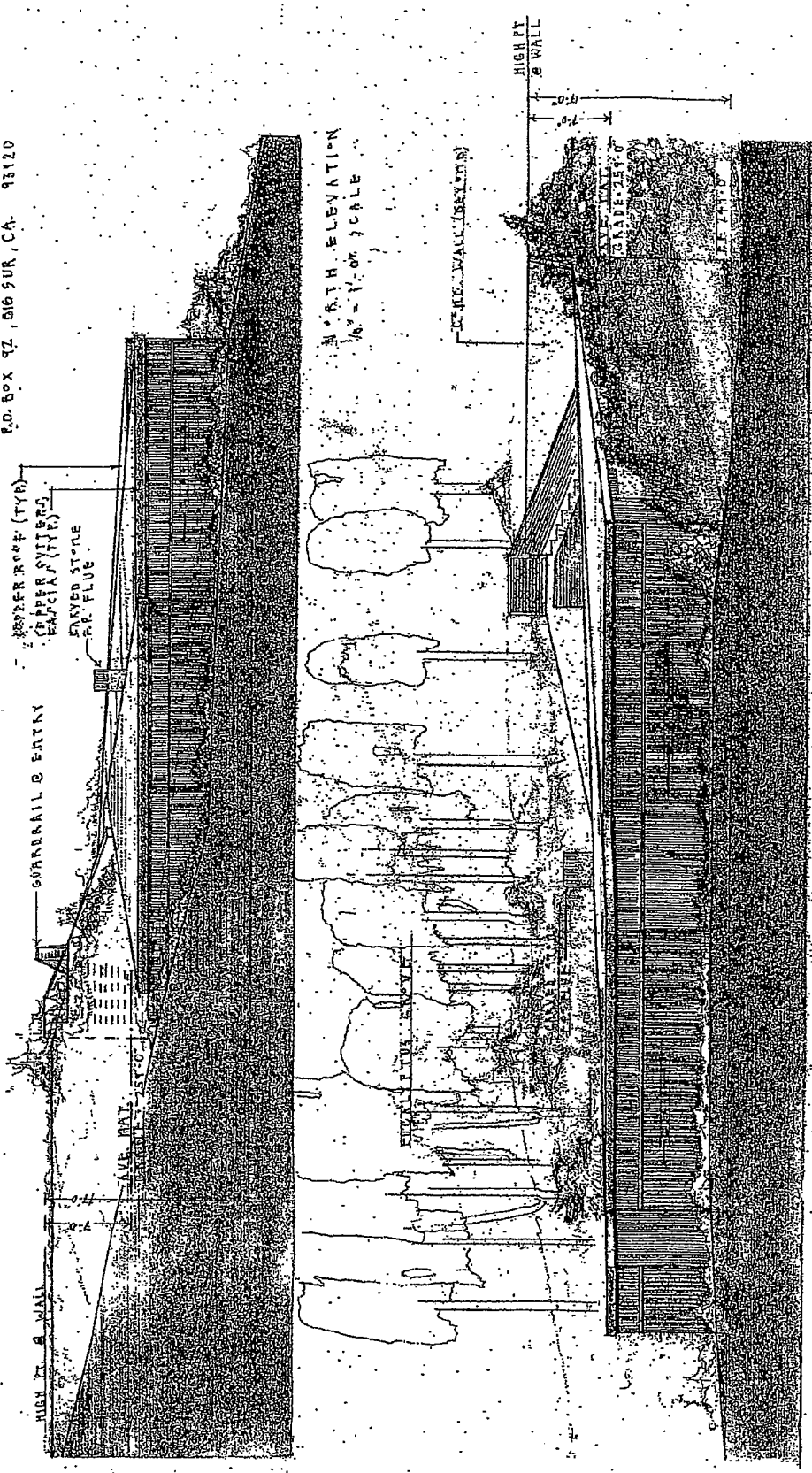


FLOOR PLAN
PATTERSON, RESIDENCE
 56440 HWY 1, BIG SUR, CA 93920
 G.K. MUEHNIG, ARCHITECT
 P.O. BOX 92, BIG SUR, CA TEL: (831) 667-2711



TURF-AROUND w/ COBBLESTONE PAVING

PATTERSON RESIDENCE
356440 HWY 1, BIG SUR, CA. 93920
G. K. MUEHLIG, ARCHITECT
P.O. BOX 92, BIG SUR, CA. 93120



COPPER ROOF (TYP)
COPPER GUTTERS (TYP)
FACED STONE
P.P. FLUE

GORRANAIL & BENTLEY

1/8" = 1'-0" SCALE

NORTH ELEVATION
1/8" = 1'-0" SCALE

TO THE WALL (SEVENTH)

HIGHT & WALL

LANDSCAPE

FEET 1/8" = 1'-0" SCALE

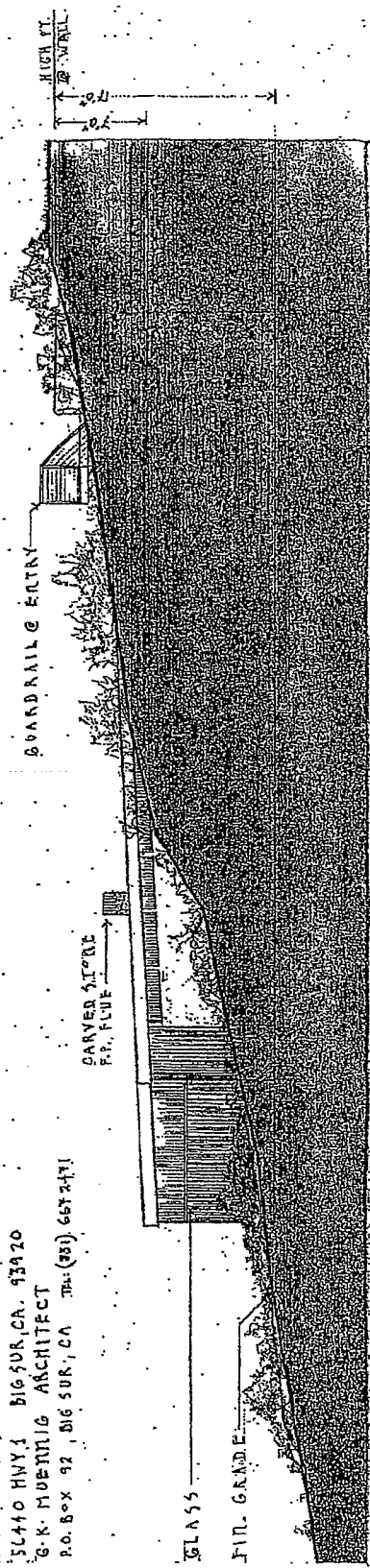
WEST ELEVATION
1/8" = 1'-0" SCALE

PATTERSON RESIDENCE

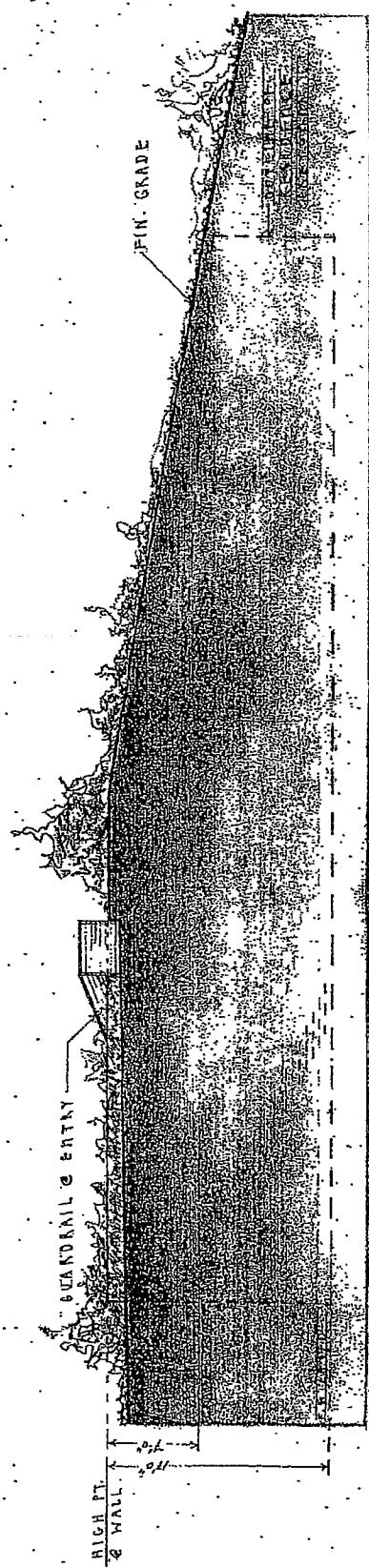
36440 HWY 1, BIG SUR, CA. 93920

G. K. MORTIMER ARCHITECT

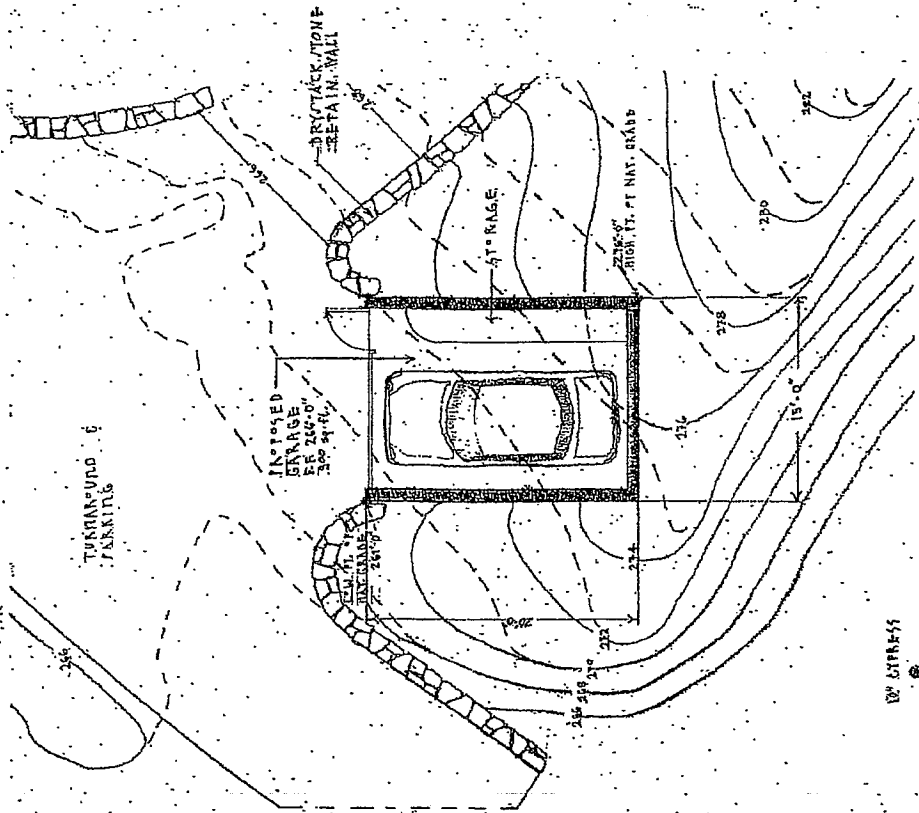
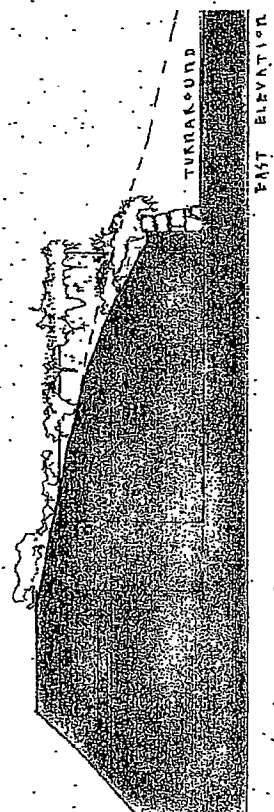
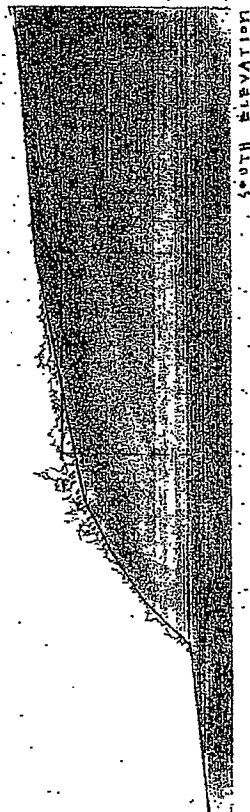
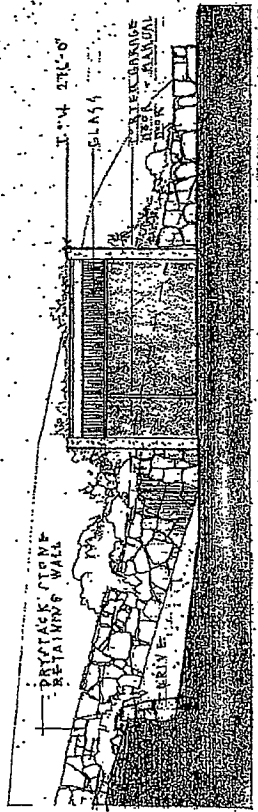
P.O. BOX 92, BIG SUR, CA PH: (831) 667-2471



SOUTH ELEVATION
1/8" = 1'-0" SCALE



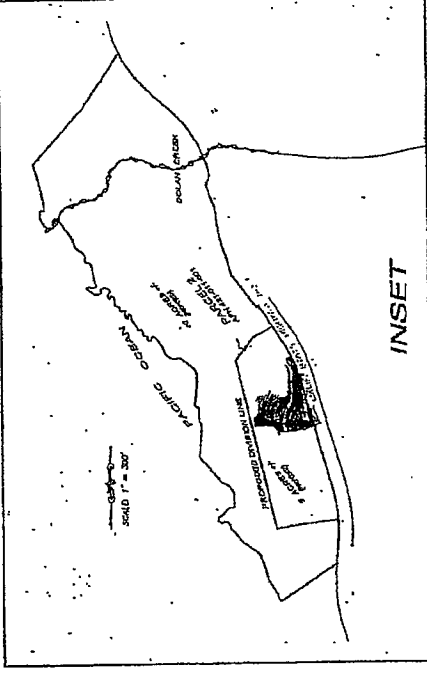
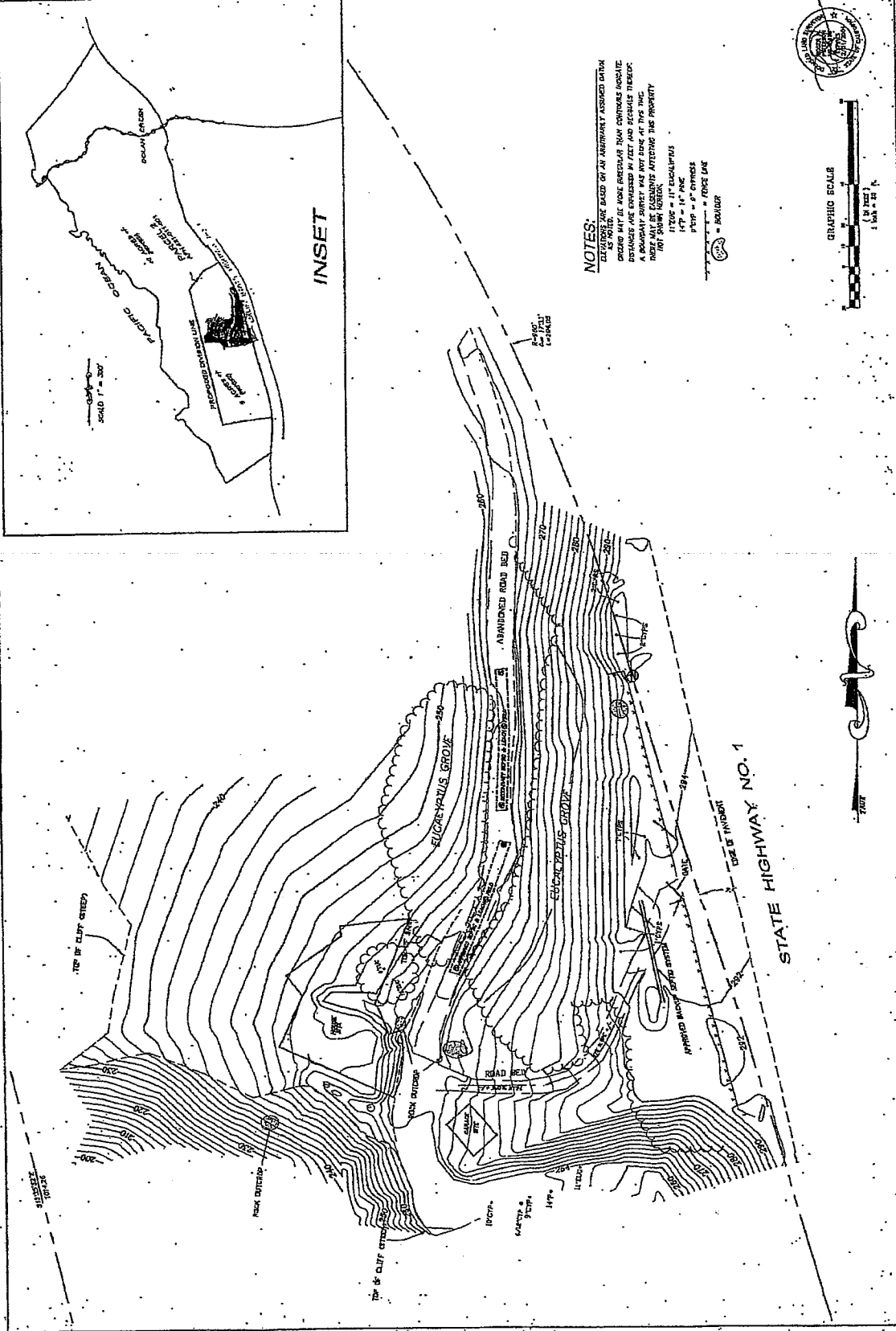
EAST ELEVATION
1/8" = 1'-0" SCALE



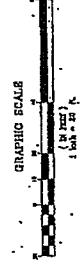
PROPOSED GARAGE FLOOR PLAN
PATTERSON RESIDENCE
 5644-0 HWY 4, BIG SUR, CA. 93920
 G.K. MUEHNIG, ARCHITECT
 P.O. BOX 92, BIG SUR, CA TEL (805) 667-2771

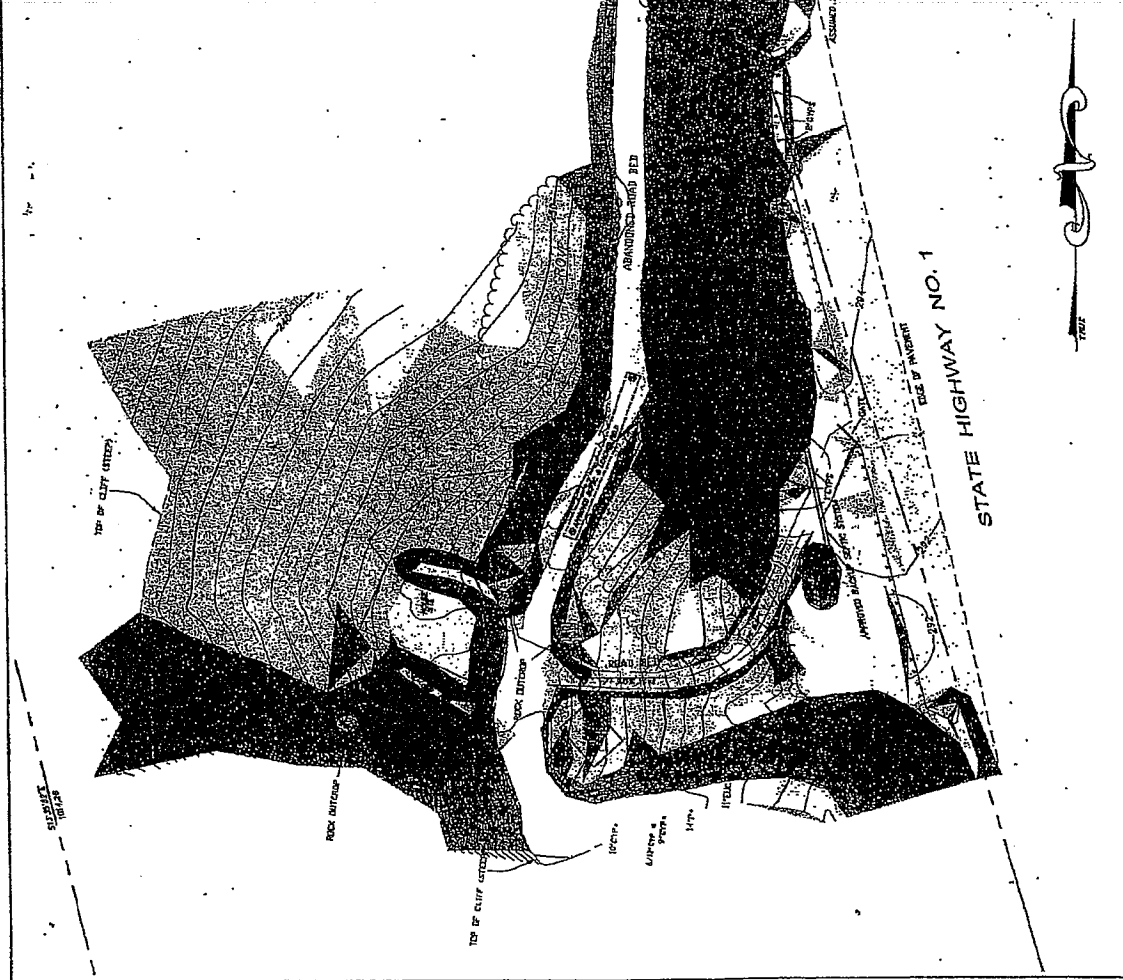
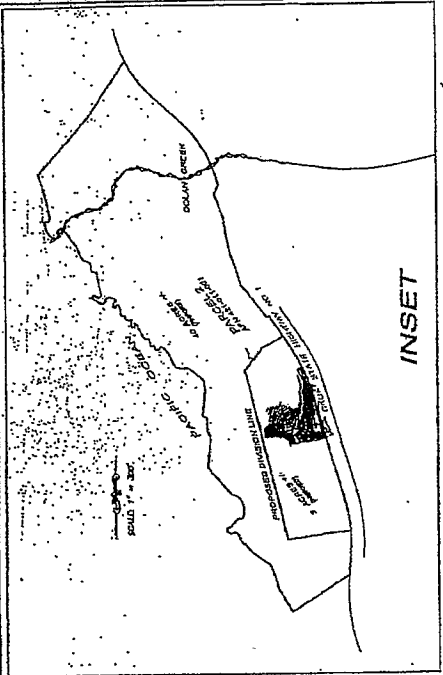


BY STRASS



NOTES:
ELEVATIONS ARE BASED ON AN ARBITRARY ASSIGNED DATUM
ORGANS MAY BE MORE REGULAR THAN CONTOURS INDICATE
DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF
A RANDOM SURVEY WAS NOT DONE AT THIS TIME
THEY MAY BE FOUND BY CONTACTING THE PROPERTY
OWNER
1750' = 1" EQUALS 100'
1470' = 1" PNC
PTTP = 1" CROSS LINE
R = ROAD



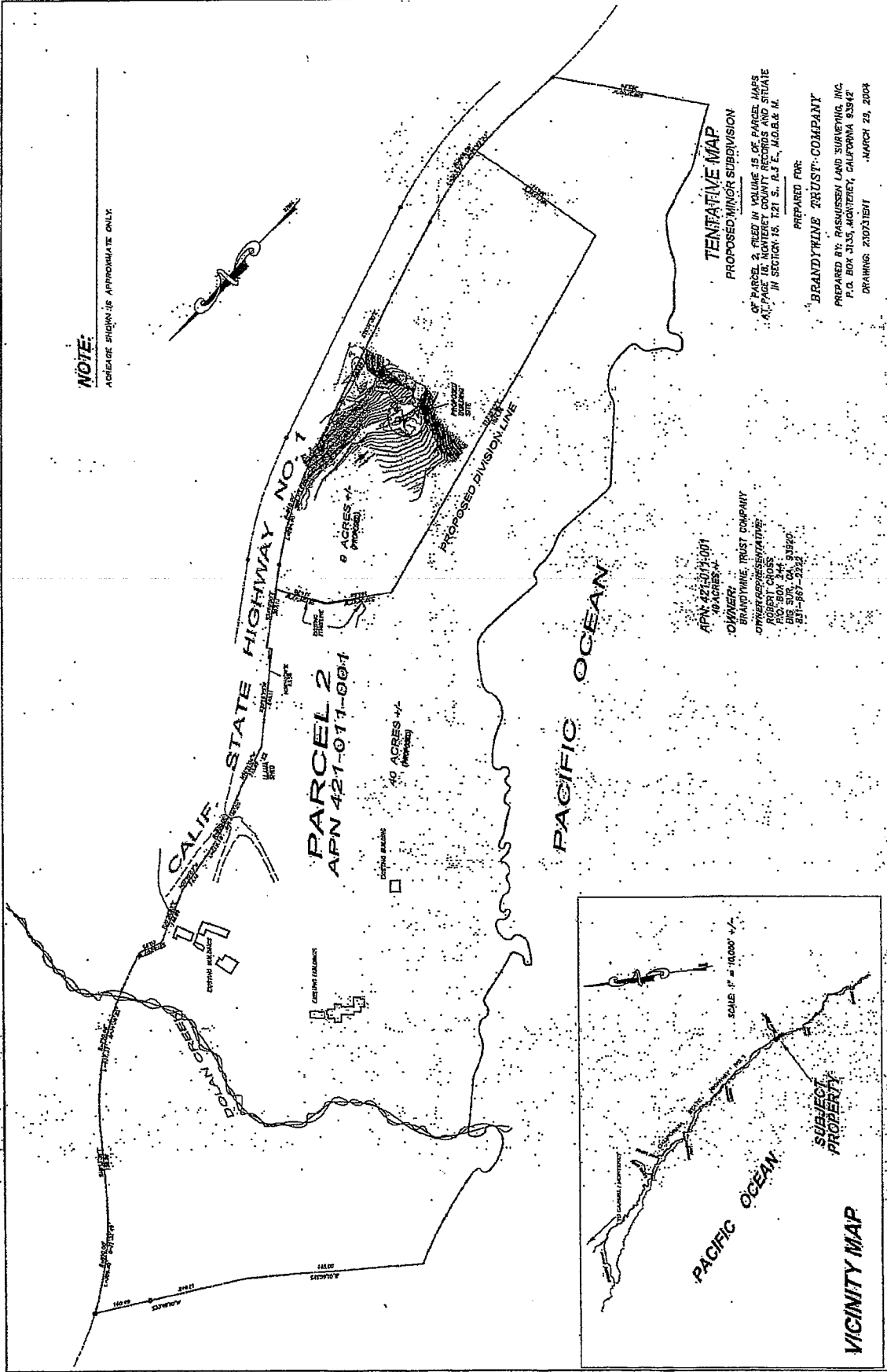


NOTES:
 1. THIS MAP IS BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.
 2. CURVES MAY BE MORE REGULAR THAN CONTOUR INDICATE.
 3. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
 4. ALL DISTANCES ARE MEASURED ALONG THE PROPERTY LINE.
 5. THERE MAY BE VARIATIONS BETWEEN THIS PROPERTY LINE AND THE ADJACENT PROPERTY.
 6. 11200' = 11' ELEVATION
 1470' = 14' ELEVATION
 920' = 9' ELEVATION
 510' = 5' ELEVATION
 260' = 2' ELEVATION

GRAPHIC SCALE
 1" = 40'
 1/4" = 10'
 1/8" = 5'

NOTE:

ACRESAGE BRIGN-JIS APPROXIMATE ONLY.

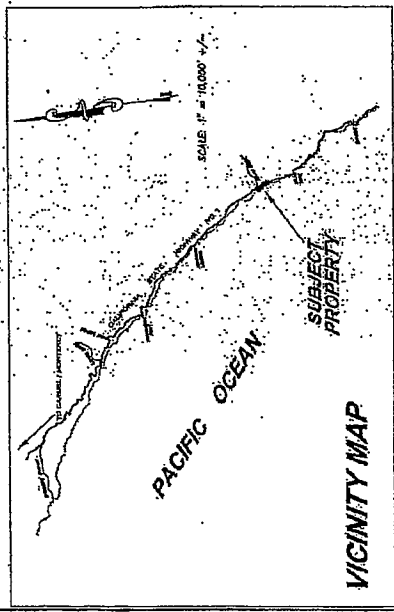


TENTATIVE MAP
PROPOSED MINOR SUBDIVISION

OF PARCEL 2, FILED IN VOLUME 15 OF PARCEL MAPS
OF PAGE 18, MONTEREY COUNTY RECORDS AND SITUA
IN SECTION 18, T21 S., R3 E., M.D.B.E. M.

PREPARED FOR:
BRANDTYME TRUST COMPANY
PREPARED BY: RUSKUSSEN LAND SURVEYING, INC.
P.O. BOX 5105, MONTEREY, CALIFORNIA 93942
DRAWING: 210231E01 - MARCH 29, 2004

APN: 421-011-001
18 ACRES +/-
OWNER:
BRANDTYME TRUST COMPANY
OWNER REPRESENTATIVE:
ROBERT CROSS
P.O. BOX 244
BIG SUR, CA 93920
951-987-2232



VICINITY MAP