

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02024

A.P.# 419-311-034-000

In the matter of the request of
Post Ranch LP (PLN970492)

FINDINGS AND DECISION

for a **Combined Development Permit** pursuant to regulations established by local ordinance and state law, for development on Assessor's Parcel Numbers 419-311-034-000 (Parcel A, 96.8 acres), 419-311-035-000 (Parcel B, 12.4 acres) and 419-311-036-000 (Parcel C, 12.8 acres); located west of Highway 1, Big Sur at Post Ranch, Big Sur area, Coastal Zone; came on regularly for hearing before the Planning Commission on May 8, 2002.

WHEREAS: Said proposal includes:

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

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

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

all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

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

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

EVIDENCE: Necessary public facilities are available to the project site. Utilities, such as phone, gas, electricity, and cable are easily accessible and can be provided to the project site.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for subdivision improvements.

EVIDENCE: Design Approval Request form with plans and color samples recommended for approval (5-0) by the Big Sur Land Use Advisory Committee, September 25, 2001.

EVIDENCE: The project planner conducted site visits in October, 2001 and January, 2002 to verify that the proposed project complies with the Monterey County Coastal Implementation Plan (Part 3).

EVIDENCE: An archaeological survey prepared by Archaeological Consulting, dated August 15, 2000 updated by a September 10, 2001 letter by Gary S. Breschini, Ph.D.. The original report identified potential adverse impacts to cultural resources from the proposed development. Subsequently the project was modified and the revised plans reviewed by Archaeological Consulting. The September 10, 2001 letter confirms that the updated proposal would not result in adverse impacts to cultural resources.

EVIDENCE: A biological report prepared by Jeff Norman, Consulting Biologist, dated September 6, 2001.

EVIDENCE: Engineering Geologic Investigation prepared by Steven Bond and Associates, Inc., dated September 4, 2001.

EVIDENCE: Geotechnical Soils-Foundation and Geoseismic Reports prepared by Grice Engineering and Geology, Inc., dated August, 2001.

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

EVIDENCE: Traffic Analysis and Facilities Trip Reduction Plan prepared by Higgins Associates and Post Ranch Inn, dated September, 2001

EVIDENCE: Engineering Report, Water, Wastewater & Drainage Improvement Plan prepared by Fall Creek Engineering, Inc., dated September 10, 2001.

EVIDENCE: Hydrology Report prepared by Fall Creek Engineering, Inc., dated December, 2001.

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

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

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

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

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

2.

FINDING: The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Mitigated Negative Declaration has been adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 2620 1st Avenue, Marina. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

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

- 1). Archaeological survey prepared by Archaeological Consulting, dated August 15, 2000 updated by a September 10, 2001 letter by Gary S. Breschini, Ph.D.

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

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

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

EVIDENCE: On November 18, 1998, the Planning Commission approved PLN980453 to allow a non-contiguous lot line adjustment between a parcel in Sycamore Canyon Road and the Post Ranch Inn. Under the approval, the developable rights of the Sycamore Canyon Road parcel would be retired and transferred to the WSC/40 (CZ) portion of the Post Ranch Inn property. Although the Sycamore Canyon Parcel did not qualify for the Transfer of Development Credits program, the Planning Commission found that given the language of the Land Use Plan policies which reference "resubdivision and lot line adjustments" and inclusion of "non-contiguous parcels within the resubdivision policy" (policy 5.4.3.H.4 and policy 5.4.3.H.5), and due to unique circumstances applicable to the Sycamore Canyon Road parcel, approval of the transfer of development right better met the goals of the Big Sur Coast Land Use Plan. The transfer can only be used for residential development. By approving the creation of Parcel "D" for residential development, the Planning Commission formalizes the transfer approved under resolution No. 98074 (PLN980453).

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

EVIDENCE: Resolution No. 98074 contained in file# PLN980453

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

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

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

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

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

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

3. FINDING: The lot line adjustments are between two (or more) existing adjacent parcels.

EVIDENCE: The application and plans for a lot line adjustment found in the project file.

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

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

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

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

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

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

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

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

EVIDENCE:

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

7. **FINDING:** The establishment, maintenance, or operation of the subdivision and building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general. The Carmel CDF reviewed the proposed project and determined that the project is in compliance with fire safety regulations as noted in the project plans.
8. **FINDING:** The receiver site (Parcel "A") has the potential for development consistent with the policies of the Big Sur Coast Land Use Plan except for the maximum development otherwise allowed by the Big Sur Land Use Plan and implementing zoning.
- EVIDENCE:** The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.
9. **FINDING:** The new residential building sites (in this case, "inn unit" sites) made possible by the receipt of TDCs have the minimum feasible number of common driveway access onto Highway 1.
- EVIDENCE:** The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.
10. **FINDING:** The new development provided on the receiver site meets the septic, viewshed protection, resource protection, water supply, and geologic safety criteria specified in the Big Sur Coast Land Use Plan although the land use designation and zoning may have been amended to accommodate the receipt of the TDCs.
- EVIDENCE:** Preceding Findings and Evidence
- EVIDENCE:** The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.
11. **FINDING:** The receiver site (Parcel "A") is not permitted to be developed to an overall density of more than one residential unit (two inn units) per net acre.
- EVIDENCE:** The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.
- EVIDENCE:** Big Sur Coast Policy 5.3.3 (Summary of Development Potential) which states that potential residential units can be developed at the rate of two inn units per residence.
12. **FINDING:** The increase in residential density on the receiving property does not exceed twice that which is specified by the Development Policies contained in Chapter 5.4 of the certified Big Sur Coast Land Use Plan.
- EVIDENCE:** The proposed receipt of a development credit transfer will occur on the 54 acres of WSC/40 (CZ) zoning of the Post Ranch property. No residential development currently exists on the WSC/40 (CZ) area of the Post Ranch. The zoning would allow one residential unit on this portion of the property. The receipt of the development credit would allow an additional residential unit which does not exceed twice the limit established by the Big Sur Coast LUP

policies.

- 13. FINDING:** The proposed construction of 24 new employee housing units is consistent with the policies of the Big Sur Coast Land Use Plan.
- EVIDENCE:** Big Sur Coast Land Use Plan policy 5.1.3 states “Employee housing provided by an employer must be a primary source of affordable housing in the area.
- EVIDENCE:** Big Sur Coast Land Use Plan policy 5.4.3.I.2(b) requires that employee housing be constructed on site or in the immediate vicinity. The applicant’s proposal would meet this requirement by placing the new employee housing units within the Post Ranch property.
- EVIDENCE:** The applicant has submitted an Employee Housing Plan consistent with LUP policy 5.4.3.C.9 (Exhibit “H”)
- 14. FINDING:** That in approving the parcel map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.
- EVIDENCE:** The proposed project includes construction of 24 employee housing units of approximately 600 square feet, distributed in 6 two-story buildings with four units each. These units will be occupied by adult households employed at the Post Ranch and will be rent restricted, in accordance with the requirements of the Inclusionary Housing Ordinance which requires that a minimum of 15% of the project units be income-restricted. In the case of rental housing, the inclusionary units are to be restricted for low-income households (80% of County median income). The applicant has agreed to restrict four of the proposed employee units for low-income households and a condition has been included to implement this agreement.
- EVIDENCE:** Chapter 18.40 of the Monterey County Code, “Inclusionary Housing Ordinance”
- EVIDENCE:** Project condition of approval #5
- 15. FINDING:** The project is consistent with Section 20.145.030 of the Coastal Implementation Plan dealing with Visual Resources.
- EVIDENCE** The applicant adequately staked and flagged the proposed structures on the property.
- EVIDENCE:** The project planner conducted site visits in October, 2001 and January, 2002 to verify the proposed consistency with development standards in the critical viewshed as set forth in the Coastal Implementation Plan (Part 3).
- EVIDENCE:** Some of the proposed structures that are located in the Visitor Serving Commercial zoning portion of the property will potentially be visible from public viewing areas. However, the design, construction materials, and location of the structures is consistent with the requirements for development within and not within the critical viewshed in VSC Zoning Districts set forth in Sections 20.145.030.B1 and 20.145.030.C of the Coastal Implementation Plan. No structures in the WSC portion of the property will be located in the critical viewshed.
- EVIDENCE:** File and application materials, Initial Study with mitigation measures, Mitigation Monitoring Program, and Negative Declaration contained in the project file.
- 16. FINDING:** The proposed project conforms to the Development Standards for Environmentally Sensitive Habitats of the Coastal Implementation Plan.
- EVIDENCE:** The biological report and initial study prepared for the project identified potential adverse impacts to species of special concern and environmentally sensitive habitats. Potential adverse impacts were identified for the endangered Smith’s Blue Butterfly (*Euphilotes enoptes smithi*) and its host plant seacliff buckwheat (*Eriogonum parvifolium*), the federal threatened California Red Legged Frog and associated Environmentally Sensitive Habitat Areas (ESHA). Appropriate mitigation measures were imposed on the project to bring the potential adverse impacts to a less than significant level.

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

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

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

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

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

EVIDENCE: The proposed improvements were reviewed by the Monterey County Water Resources Agency and the Monterey County Health Department, Environmental Health Division. At the request of the Health Department, a hydrology report was required and submitted by the applicant to address potential long-term impacts to groundwater resources at the subject property. The report concluded that the proposed project will not result in cumulative long-term impacts to the sustainable yield and quality of groundwater resources on the property.

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

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

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

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

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

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

20. FINDING: The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE: Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1) and Section 19.01.040 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following

conditions:

1. The subject Combined Development Permit includes Assessor's Parcel Numbers 419-311-034-000 (Parcel A, 96.8 acres), 419-311-035-000 (Parcel B, 12.4 acres) and 419-311-036-000 (Parcel C, 12.8 acres), and consisting of: 1) a Coastal Development Permit each for a Minor Subdivision and Lot Line Adjustment, reducing Parcel A by 4.2 acres to 92.6 acres, reducing Parcel B by .3 acres to 12.1 acres, reducing Parcel C by 1 acre to 11.8 acres, and creating the new 5.5 acre Parcel D (Parcel D is allowed pursuant to a previously approved permit PLN980453, transfer of development right for one residential unit); 2) a Coastal Development Permit on Parcel A for ten new inn units (5,630 square feet), receive one residential development credit from donor project (PC95107) which translates into two of the ten inn units, twenty-four new employee housing units (14,556 square feet), yoga/exercise/spa (4,740 square feet), a mercantile/gallery (2,500 square feet), a service building (6,300 square feet), and a maintenance/shop (2,800 square feet); 3) a Coastal Development Permit on Parcel A for wastewater system improvements and an amended water system permit; 4) the Combined Development Permit on Parcel A includes grading of 6,243 cubic yards of cut and 5,928 cubic yards of fill, drainage, erosion control, landscaping, habitat restoration and protection, relocation of parking areas, increased and improved public access trails and recreation areas and demolition of the existing pool, adjacent structures and Quonset buildings and relocation of firewood storage shed; a General Development Plan; and a Design Approval for 150,000 gallon water tank site on Parcel C. The project is located west of Highway One, approximately 1.5 miles south of Sycamore Canyon Road, directly west of the Ventana Inn., in the Big Sur Coast Area of the Coastal Zone. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to recordation of a Parcel Map

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, or filing of the parcel map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection)**
3. Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275. This fee shall be paid within five days of project approval**, before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the

recording of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection)**

4. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan. The Plan shall be submitted to the Director of Planning and Building Inspection Department for approval prior to recording of a parcel map. **(Planning and Building Inspection)**
5. Prior to the recording of the Final Map, the project developers shall comply with the County's Inclusionary Housing Ordinance by executing an Inclusionary Housing Agreement with the County that deed restricts four (4) of the proposed 24 new employee housing units requiring that they be rented to low income households in conformance with the County's Inclusionary Housing Program. This condition shall not be considered complied with until written confirmation is received by the Planning Department from the Housing and Redevelopment office. **(Housing and Redevelopment Office)**
6. A conservation easement shall be conveyed to the County over those portions of the property where sensitive habitat areas have been identified as shown on sheet 0.4 of the plans attached as Exhibit "J". Conservation easement deed to be submitted to and approved by Director of Planning and Building Inspection prior to filing of the final map. **(Planning and Building Inspection Department)**
7. Requirements for the construction of offsite and onsite improvements shall be noticed by a statement on the parcel map, on the instrument evidencing the waiver of the parcel map, or by a separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The statement shall include that "construction of improvements shall be required before a permit or other grant or approval for development may be issued." All additional information, as described in Section 66434.2 of the Government Code, required to be filed or recorded with the parcel map shall include a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. **(Planning and Building Inspection)**
8. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
9. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**

10. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "The water tank shall be painted an earth tone color to blend into the area, subject to the approval of the Director of Planning and Building Inspection. Color to be approved prior to the issuance of building permits." **(Planning and Building Inspection)**
11. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the parcel map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**
12. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
13. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "The following reports have been prepared on this property: Archaeological survey prepared by Archaeological Consulting, dated August 15, 2000 updated by a September 10, 2001 letter by Gary S. Breschini, Ph.D; Biological report prepared by Jeff Norman, Consulting Biologist, dated September 6, 2001; Engineering Geologic Investigation prepared by Steven Bond and Associates, Inc., dated September 4, 2001; Geotechnical Soils-Foundation and Geoseismic Reports prepared by Grice Engineering and Geology, Inc., dated August, 2001; Percolation and Groundwater Study for Parcel "D" prepared by Grice Engineering and Geology, Inc., dated August, 2001; Traffic Analysis and Facilities Trip Reduction Plan prepared by Higgins Associates and Post Ranch Inn, dated September, 2001; Engineering Report, Water, Wastewater & Drainage Improvement Plan prepared by Fall Creek Engineering, Inc., dated September 10, 2001; and Hydrology Report prepared by Fall Creek Engineering, Inc., dated December, 2001. These reports are on file in the Monterey County Planning and Building Inspection Department. The recommendations contained in said reports shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Public Works)**
14. Potential building envelopes shall be identified for development in Parcel "D". Prior to recordation of the parcel map, envelopes shall be appropriately staked and flagged to assess potential adverse visual impacts and shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
15. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "No structures, roads (except to provide for a septic system in the scenic easement area and other uses allowed under the terms and conditions of the recorded scenic easement), animal grazing, vegetation removal (except in accordance with a County approved restoration plan), or other activities may take place outside of the building envelope for the Parcel "D"." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
16. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "All development on the parcels shall have a drainage and erosion control plan prepared by a registered civil engineer to address on-site

and off-site impacts." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**

17. The site shall be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a plan for such improvements be approved by the Director of Planning and Building Inspection. Landscaping plans to be approved by the Director of Planning and Building Inspection prior to recordation of the parcel map or the issuance of building permits. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "A landscape plan has been approved by the Director of Planning and Building Inspection." This note shall also be included on all improvement plans and applicable permits. **(Planning and Building Inspection)**
18. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "The subdivider and subsequent property owners shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction include, but are not limited to:
- a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.5 gallons; all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices."

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

19. The applicant shall obtain an amended water system permit from the Division of Environmental Health prior to filing the final map. **(Environmental Health)**
20. The applicant shall design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements and any associated fees to the Director of Environmental Health for review and approval prior to installing the improvements. Plans shall detail water system and wastewater system to ensure that no cross-connections are created. **(Environmental Health)**
21. The applicant shall design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation of water system improvements. **(Environmental Health)**
22. The developer shall install the water system improvements to the new parcel and any appurtenances needed prior to filing the final parcel map. **(Environmental Health)**
23. The applicant shall submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. **(Environmental Health)**

24. The applicant shall record a notice that states: “A permit (Resolution 02024) was approved by the Planning Commission for Assessor's Parcel Numbers 419-311-034-000, 419-311-035-000 and 419-311-036-000 on May 8th, 2002). The permit was granted subject to 61 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.” Alternatively, this note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits, recording of the parcel map, or commencement of the use. **(Planning and Building Inspection)**

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

25. The applicant shall obtain an amended water system permit from the Division of Environmental Health. **(Environmental Health)**
26. The applicant shall obtain a Waste Discharge Permit from the Regional Water Quality Control Board for a wastewater treatment plant and disposal system. The permit shall be obtained prior to irrigation of the landscaping with wastewater and prior to the issuance of any Health Department permits for the sewage treatment facility. **(Environmental Health)**
27. Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the Director of Environmental Health and the Regional Water Quality Control Board. **(Environmental Health)**
28. The applicant shall obtain a septic permit from the Division of Environmental Health and install a septic disposal system meeting the standards per Chapter 15.20 of the Monterey County Code. **(Environmental Health)**
29. Plans for the new pool shall be submitted to the Environmental Health Consumer Protection Branch for review and approval. **(Environmental Health)**
30. Prior to the issuance of building permits for new employee housing units, the applicant shall provide evidence to the Monterey County Department of Environmental Health that the water system has the additional capacity needed for employee laundry facilities. **(Environmental Health)**
31. The applicant shall file parcel map delineating all existing and required easements or rights of way and monument new lines. **(Public Works Department)**
32. The applicant shall provide for all existing and required easements or rights of way. **(Public Works Department)**
33. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. **(Water Resources Agency)**
34. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**
35. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
36. All new guest units shall be connected to the same fire alarm system installed for the existing guest units. The applicant shall submit to the Carmel CDF and to the director of Planning and Building Inspection Department for approval, plans showing the alarm system for the new guest units.

Prior to Final Building Inspection/Occupancy:

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

Conditions from the Mitigated Negative Declaration

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

MONITORING ACTIONS:

Prior to issuance of building permits, the applicant shall provide the Director of Planning and Building Inspection photographs and locations of the posting per item 1 above. **Prior to issuance of building permits**, the applicant shall provide the Director of Planning and Building Inspection written certification regarding how items 2-7 above will be implemented during construction. **During construction**, the contractor shall keep a daily log of each activity performed including dates and photographs, as necessary. Monthly reports shall be submitted to the Director of Planning and Building Inspection for approval. Failure to submit a report shall cause all work to be stopped until the report is received and approved by the Planning and Building Inspection Department

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

MONITORING ACTION:

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

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

MONITORING ACTIONS:

Prior to issuance of grading or building permits, the *applicant* shall submit to the Monterey County Planning and Building Inspection Department a detailed monitoring plan that satisfies the mitigation requirements of the biological report prepared by Jeff Norman, including success criteria and contingency planning if those criteria are not met. **During the establishment period and at the end of the 5 year monitoring period**, the applicant shall submit to the Monterey County Planning and Building Inspection Department for approval annual reports on the progress and status of the revegetation.

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

MONITORING ACTIONS:

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

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

MONITORING ACTIONS:

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

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

MONITORING ACTION:

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

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

MONITORING ACTIONS:

During Construction, if archaeological resources or human remains are accidentally discovered, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by the archaeologist. If the find is determined to be significant by the archaeologist, appropriate mitigation measures shall be formulated and implemented. If human remains are encountered, the Monterey County Coroner shall be notified, as required by law. **Prior to final inspection**, the *qualified professional archaeologist* shall submit to the Director of Planning and Building Inspection Department written certification that no archaeological resources were found during construction or that appropriate mitigation measures were implemented for archaeological resources found during construction.

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

MONITORING ACTION

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

49. **Mitigation Measure 9:** Construction activities shall be restricted between the hours of 7:00 a.m. and 6:00 p.m.
50. **Mitigation Measure 10:** The applicant shall implement the Facilities Trip reduction Plan subject to the approval of the Department of Public Works, consisting of:
- (a) Provide ridesharing, public transportation and nearby (within one mile) licensed child care facilities information to tenants as part of move-in materials. A draft informational packet must be provided as part of the project's approval review.
 - (b) Print transit schedule information on all promotional materials for the project. Draft printed transit schedules shall be provided as part of the project's approval review.
 - (c) Provide pedestrian facilities linking transit stops to common areas.
 - (d) Provide transit scheduling information quarterly to employees.
 - (e) Provide site amenities that reduce the need for vehicle trips based on documentation of trip reduction.
 - (f) Provide an internal shuttle service and shuttle parking areas within the PRI and to and from Highway 1.
 - (g) Provide an information package/brochure aimed at informing the PRI guests and employees of the facility's transportation and environmental concerns including: provisions for shuttle service, availability bicycle parking facilities, map of the internal roadway network and information regarding external transit services to nearby recreational and visitor serving facilities.

MONITORING ACTIONS

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

provide the Monterey County Public Works Department written and visual certification (samples of brochures, photographs of facilities constructed, etc) that each item (“a” thru “g” above) has been implemented.

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

MONITORING ACTION

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

52. **Mitigation Measure 12:** Subject to the approval by Caltrans, the applicant shall perform the following improvements to the Post Ranch driveway/Highway 1 intersection.
- a. Install a limit line on the Post Ranch driveway.
 - b. Install a Type “N” marker on the far side of Highway 1 opposite the Post Ranch driveway.

MONITORING ACTION

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

Continuous Permit Conditions:

53. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for all development. Fees shall be paid at the time of submittal of the landscape plan. The landscaping plan shall be in sufficient detail to identify the location, specie and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor’s estimate for the cost of installation. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department.” **(Planning and Building Inspection)**
54. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “Future single family residences on the new lots will be subject to review and permit approval by the Monterey County Planning and Building Inspection Department.” **(Planning and Building Inspection)**
55. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection.” This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
56. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “All development shall comply with the drainage and erosion control provisions of the Monterey County Code.” This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Water Resources Agency)**

57. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “That the location, type and size of all antennas, satellite dishes, towers, and similar appurtenances be approved by the Director of Planning and Building Inspection.” **(Planning and Building Inspection)**
58. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.” **(Planning and Building Inspection)**
59. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. **(Planning and Building Inspection)**
60. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.” **(Planning and Building Inspection)**
61. Prior to beginning work, evidence shall be submitted to the Monterey County Planning & Building Inspection Department that clearance and permits have been obtained or have been applied for from the following agencies **(Planning and Building Inspection)**:
- **California Department of Fish & Game**
 - **U.S. Fish and Wildlife Service**

PASSED AND ADOPTED this 8th day of May, 2002 by the following vote:

AYES: Errea, Sanchez, Parsons, Brennan, Pitt-Derdivanis, Diehl, Hernandez, Classen, Wilmot
 NOES: None
 ABSENT: None
 ABSTAIN: Hawkins

Original Signed By:

DALE ELLIS, 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 OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

NOTES

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

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

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

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.