

MONTEREY COUNTY PLANNING COMMISSION

Meeting: February 22, 2006 A.M.	Agenda Item: 4
Project Description: Combined Development Permit (PLN040569/Foster) consisting of: a Coastal Administrative Permit for a new 3,975 square foot single family residence, a 3,200 square foot barn with solar panels, a 1,200 square foot studio, a 1,150 square foot studio, a 800 square foot garage, a 225 square foot shed, and associated grading (approximately 1,850 cubic yards cut/625 cubic yards fill), retaining walls, septic system, pool, underground utilities, underground water tank on Lot 6 (Assessor's Parcel Number 418-132-006-00), and hook up to existing water system located on Lot 5 (Assessor's Parcel Number 418-132-005-000); a Coastal Administrative Permit to allow a 425 square foot guest house; a Coastal Development Permit to allow a 850 square foot caretaker's unit; a Coastal Development Permit to remove nineteen (18) coast live and canyon oak trees and one (1) redwood tree; and Design Approval.	
Project Location: 4855 Bixby Creek Road, Big Sur (assessor's parcel number 418-132-07-000 [project site], 418-132-006 [water storage tank site], 418-132-003 [utility easement], 418-032-005 [well connection]), Big Sur Area, coastal zone.	
Plan Area: Big Sur Coast	Flagged and staked: YES
Zoning Designation: WSC/40-D(CZ)	CEQA Action: Mitigated Negative Declaration
Department: Planning and Building Inspection	

RECOMMENDATION: Staff recommends the following:

- 1) ADOPT a Mitigated Negative Declaration (**Exhibit G**) and approve the related mitigation monitoring program (**Exhibit C**); and
- 2) APPROVE PLN040569/Foster based on Findings and Evidence (**Exhibit B**) and subject to proposed conditions and mitigation monitoring program(**Exhibit C**)

SUMMARY: Steven and Gillian Foster request permits to construct a new 3,975 square foot residence with two studios, a barn, a detached garage, a guest house and a caretaker's house. The Foster property contains 78 acres, and is located along Bixby Creek Road off of Palo Colorado Road in Big Sur. The project lot is part of the approximate 640-acre, 10-lot Rocky Creek Ranch on which boundary lot adjustments were approved in the early 1990s.

On January 26, 2006, the Planning Commission heard testimony on neighbor views and considered correspondence from the California Coastal Commission. Subsequent to the applicant presentation the Planning Commission requested clarification of proposed conditions 18 and 24 related to protection of the critical viewshed and protection and replacement of maritime chaparral. The Planning Commission also directed staff to develop a condition to address neighborhood views, revise evidence on caretaker units related to comments by the Coastal Commission, and add a condition related to construction traffic management during school and commute hours.


Pursuant to Planning Commission direction, staff has: provided a more direct and performance based condition 18 addressing critical viewshed protection; clarified condition # 24 to address timing of compliance and correct the error requiring transplantation of the redwood tree; included a new condition #43 requiring a traffic management plan; included a new condition #42 to

incorporate all aspects of landscape/screening type condition requirements and also address neighbor views on the northern edge of the property; and revised and expanded evidence for Findings #4 and #10 addressing caretakers units and CEQA requirements regarding replacing Mitigation Measure #1 – Condition 18. All changes are shown in underline and ~~strikeout~~ in the attached Findings, Evidence and Conditions.

OTHER AGENCY INVOLVEMENT: The following agencies have reviewed the project and those that are checked (“✓”) have comments and/or recommended conditions:

✓	Water Resources Agency	✓	Big Sur LUAC
✓	Environmental Health Division	✓	CDF/Carmel Fire Protection Assoc.
	Public Works Department		
	Coastal Commission		

On December 14, 2004, the proposed project was reviewed by the Big Sur Land Use Advisory Committee (LUAC), which voted 7-0 to recommended approval of the project. There were no issues recommended conditions, but the LUAC expressed concerns regarding exterior finishes, replacement of screening vegetation if removed by natural causes, and implementation of all biological mitigation measures, which are included in the Conditions of Approval (**Exhibit D**).. The minutes from this meeting are attached for your review (**Exhibit C**).

Prepared by: 
 Jeff Main, Planning and Building Services Manager
 (831) 755-5195; MainJ@co.monterey.ca.us

This report was prepared with assistance by Stephanie Strelow, Consultant, and reviewed by Jeff Main, AICP, Planning and Building Services Manager

Cc: Planning Commission; County Counsel; Environmental Health; Public Works; Parks Department, Monterey County Water Resources Agency; Fire Department, Alana Knaster; Dale Ellis; Jeff Main; Stephanie Strelow; Linda Rotharmel; Applicant; Representative (Mary Ann Schicketanz); California Coastal Commission; Planning File.

Attachments:

- Exhibit “A” Project Overview
- Exhibit “B” Recommended Findings and Evidence
- Exhibit “C” Recommended Conditions
- Exhibit “D” LUAC Minutes
- Exhibit “E” Vicinity Map
- Exhibit “F” Project Plans
- Exhibit “G” Mitigated Negative Declaration & Initial Study
- Exhibit “H” Public Comments

Notes:

- 1) This project may be appealed to the Board of Supervisors and the California Coastal Commission.
- 2) The studies referenced in this report and attachments are available for review upon request.

EXHIBIT A
PROJECT OVERVIEW
PLN040569/Foster
February 22, 2006

I. INTRODUCTION

On January 26, 2006, the Planning Commission heard testimony on neighbor views and considered correspondence from the California Coastal Commission. Subsequent to the applicant presentation the Planning Commission requested clarification of proposed conditions 18 and 24 related to protection of the critical viewshed and protection and replacement of maritime chaparral. The Planning Commission also directed staff to develop a condition to address neighborhood views, revise evidence on caretaker units related to comments by the Coastal Commission, and add a condition related to construction traffic management during school and commute hours.

Pursuant to Planning Commission direction, staff has: provided a more direct and performance based condition 18 addressing critical viewshed protection; clarified condition # 24 to address timing of compliance and correct the error requiring transplantation of the redwood tree; included a new condition #___ requiring a traffic management plan; included a new condition to address neighbor views on the northern edge of the property; and revised and expanded evidence for Finding # 4 addressing caretakers units. All changes are shown in underline and strikeout in the attached

The following is a presentation that was in the January 26, 2006 staff report. All information is still relevant except for changes and clarification noted above.

A. BACKGROUND

The project site is part of the approximate 640-acre Rocky Creek Ranch that consists of 10 lots on which boundary lot adjustments were approved by Monterey County in the early 1990s. The project site is known as "Lot 7." An EIR was prepared and certified at that time, and included analyses of impacts regarding viewshed, biotic resources, cultural resources, public services, traffic, geology/soils, and hydrology. Future building locations were reviewed in this EIR, including siting the buildings outside of the critical viewshed. A conservation and scenic easement, recorded in 1991, covers portions of the Rocky Creek Ranch, including the southern portion of the proposed project site.

In late 2004 and early 2005 some chaparral vegetation was removed at several onsite locations. Central maritime chaparral is considered an environmentally sensitive habitat area (ESHA) in the Big Sur Coast Land Use Plan. Monterey County staff opened a code enforcement file (CE050029) regarding major vegetation removal, including central maritime chaparral. A restoration plan was prepared, but since some of the area has begun to naturally revegetate itself, further restoration beyond what was naturally occurring was not deemed necessary. The code enforcement file was closed in December 2005 by the Planning and Building Inspection Department Director.

B. PROJECT DESCRIPTION

Steven and Gillian Foster own a 78-acre property that is located along Bixby Creek Road off of Palo Colorado Road in Big Sur. This property is designated as Watershed and Scenic Conservation in the Big Sur Coast Land Use Plan and is located in the central section of Big Sur.

- 1) A Coastal Administrative Permit to allow:
 - a new 3,975 square foot single family residence
 - a 3,200 square foot barn with solar panels,
 - a 1,200 square foot studio,
 - a 1,150 square foot studio.
 - a 800 square foot garage,
 - a 225 square foot shed, and
 - associated grading (approximately 1,850 cubic yards cut/625 cubic yards fill), retaining walls, septic system, pool, underground utilities, underground water tank on Lot 6 (Assessor's Parcel Number 418-132-006-00), and hook up to existing water system located on Lot 5 (Assessor's Parcel Number 418-132-005-000).
- 2) A Coastal Administrative Permit to allow a 425 square foot guest house;
- 3) A Coastal Development Permit to allow a 850 square foot caretaker's unit;
- 4) A Coastal Development Permit to remove nine (18) coast live and canyon oak trees and one (1) redwood tree; and
- 5) Design Approval.

Access is provided to the site via Bixby Creek Road, a private road that extends to the site from Palo Colorado Road. Electrical power will be extended underground to the project site via a 15-foot wide, 350-foot long easement from the existing roadway north of the project site through the adjacent "Lot 3" to the project site. Wastewater disposal will be provided via a planned onsite septic system that includes four septic tanks and one leachfield.

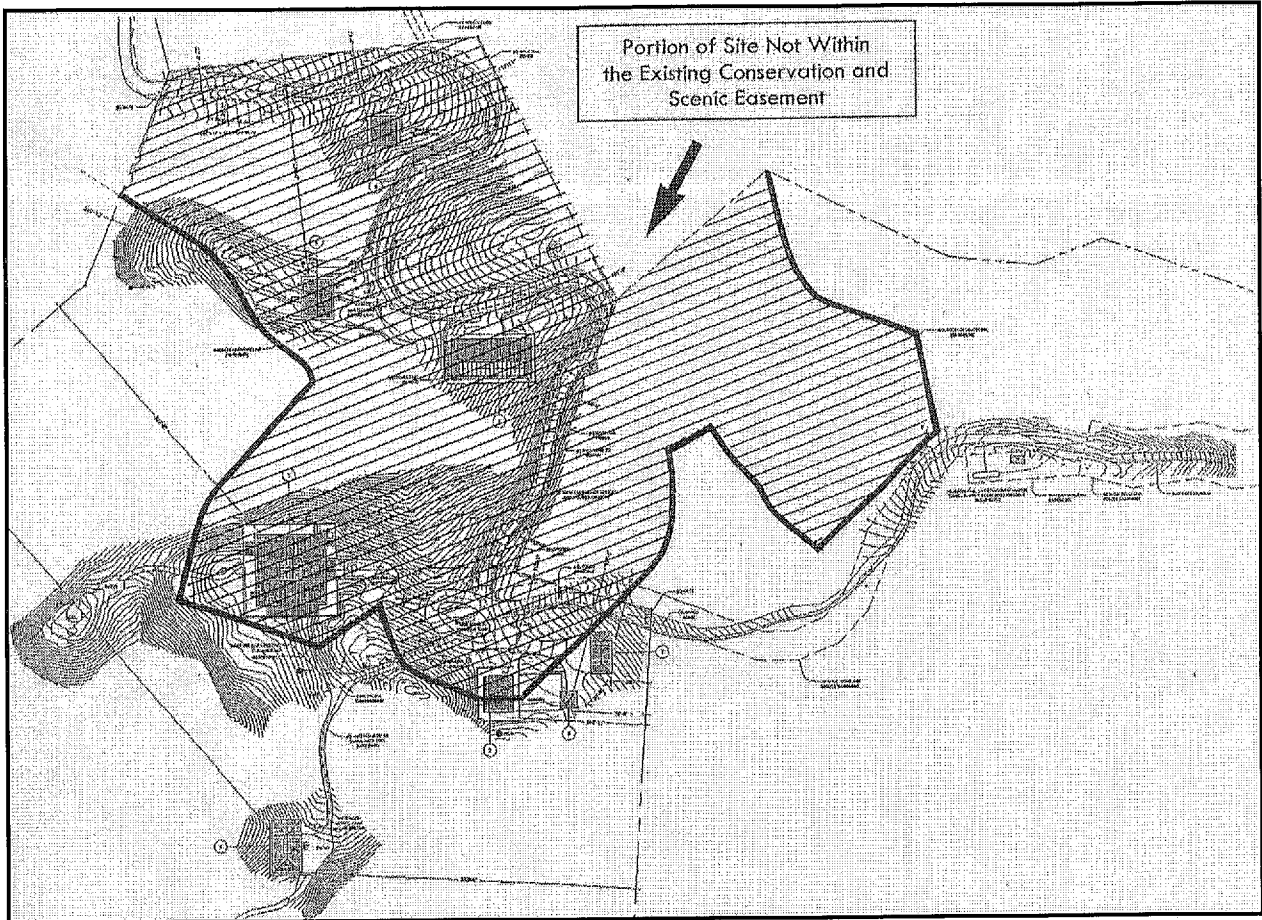
Water service will be provided via an existing well located on "Lot 5," east of the proposed project site. The existing facility includes a well and a 39,000-gallon water storage tank and a 5,000-gallon storage tank. The system was approved by the Monterey County Health Department for three connections, to include the existing residence on the adjacent Lot 5, and the proposed residence and caretaker unit. As part of the proposed project, two new 5,000 gallon underground water storage tanks are proposed on the adjacent "Lot 6. Underground water lines will be

extended from the well and storage tanks to the project site via an existing roadway/utility easement.

C. SITE CONSTRAINTS

A conservation and scenic easement that was recorded in 1993 (Reel 3063, Page 369), covers portions of the Rocky Creek Ranch, including the majority of the project site except for the northern area. This easement was required as a condition of approval of the boundary line adjustment on the Rocky Creek Ranch to cover those portions of the property located within the critical viewshed, consistent with the Big Sur Coast Land Use Plan and Implementation Plan policies and regulations. In accordance with the LUP language, the grantor (property owner) agreed to restrict development on and use of the property so as to preserve the open space and scenic values on the property. However, the easement allows structures to be erected in the scenic easement area provided the structure is located outside the critical viewshed and does not require significant vegetation removal that would increase exposure to the critical viewshed.

The site plan on the following page illustrates the area on the subject property (shaded and hatched) that are not restricted by a scenic and conservation easement. The proposed Steven's studio, garage, a portion of Gillian's studio, and an accessory shed structure would be located within this recorded scenic easement. However, as further discussed below, these structures are not visible within the critical viewshed.



II. ANALYSIS

A. VISUAL RESOURCES

A basic objective and policy for land use on Big Sur's Coast is to limit development in order to preserve the Coast as a natural scenic area (Policy 2.2.4 LUP). Section 20.145.030.C Coastal Implementation Plan (CIP) of the Big Sur Coastal Implementation Plan (BSCIP) establishes development standards for projects that are not located within the critical viewshed. These standards address public and private views/privacy, siting structures so as not detract from the natural beauty (e.g. ridgelines), selecting colors and materials that blend with the environment, and landscaping with native plant material to reduce visual impacts.

1. Views. The lower slopes of the project property are visible from Highway 1 from Hurricane Point and the Bixby Bridge turnout, and in part from Rocky Creek Bridge. This portion of the property is within a "critical viewshed" as defined in the Big Sur Coast Land Use Plan and Coastal Implementation Plan (BSCLUP). The building sites are clustered in the northern portion of the property and are mostly screened by existing oak trees.

Staking and flagging for the proposed project was analyzed from Highway 1. No grading, excavation or development would be visible within the critical viewshed, except for a small portion of the roofline of one studio may be potentially visible if existing vegetation conditions change. Given the distance between the building site and with use of muted colors and non-reflective materials, if visible, this roofline element would not be a discernible feature to a viewer from Highway 1 with normal, unaided vision. In the future, if tree removal occurs, the two studio buildings could become wholly or partially visible within the critical viewshed. Information provided by the applicant indicates that limited tree limbing will be required for fire management within 30 feet of proposed structures. Mitigation measures and conditions are included to prevent tree removal and require tree replacement if trees are removed due to fire management, disease or natural causes.

The proposed building sites would not visually impinge upon adjacent neighbor's views or privacy, although the proposed guest house would be partially visible from the private road serving the adjacent lots. Given the one-story building heights, natural building materials (stucco and stone), and vegetative screening, the proposed project would not substantially degrade the visual character of the surrounding area.

As discussed above, portions of some structures are located within a recorded conservation and scenic easement, but the easement allows structures to be erected in the easement area provided the structure is located outside the critical viewshed and does not require significant vegetation removal that would increase exposure to the critical viewshed. The proposed structures within the easement area are not visible within the critical viewshed due to existing screening vegetation and distance to public viewpoints. Under this term, the proposed structures within the scenic easement area would not be visible so long as screening vegetation is not removed. In addition, if trees screening the studio were to be removed or destroyed, and could not be replaced within six months, then a mitigation measure requires removal of the structure.

2. Ridgeline. Policy 3.2.4.A.2 LUP also requires locating structures where existing trees and topography provide natural screening and may not be located on open hillsides or silhouetted ridges. The proposed structures are not sited on open hillsides or silhouetted ridges. Proposed building sites are located at the top of the ridge, but would not be visible as ridgeline development.
3. Design. In general, design shall minimize alteration of natural landforms and avoid removal of healthy tree cover as much as feasible. Proposed colors and materials consist of stucco and stone with tan and brown finishes. Staff finds that low profile design with the proposed materials and finishes blend in with the surrounding forest and chaparral environment.

CONCLUSION: The project as designed, sited or mitigated would not result in critical viewshed or other visual/aesthetic impacts and would be consistent with the Visual Resources policies of the Big Sur Coast Land Use Plan.

B. ESHA

The key policy (3.3.1 LUP) requires that all practical efforts to maintain, restore, and if possible enhance Big Sur's environmentally sensitive habitat (ESHA), be included in a development application. A guiding philosophy is to limit the area of disturbance in order to maximize the maintenance of natural topography of the site (3.3.2.4 LUP). Development shall not be permitted in ESHA if it results in any potential disruption of habitat value (3.3.2.1 LUP). Development is to be subordinate to the protection of areas that have sensitive habitat.

The project site was subject to four biological site visits between November 2004 and July 2005, including spring surveys. The project site contains chaparral that was originally classified as northern mixed chaparral in 1990, but recent project surveys identified this habitat as central maritime chaparral, an environmentally sensitive habitat area. In late 2004, during staking of the proposed structures, the initial biological report (Norman, November 2004) indicated that some of the chaparral habitat had been removed for surveying and staking of proposed building sites, and included uprooting of plants and use of herbicides on manzanita plants although the applicant's representative has disputed this claim. Estimates of the amount of central maritime chaparral that had been removed were made by two project biologists and range between 1,600 and 5,000 square feet. As a result of the vegetation removal Monterey County staff opened a code enforcement file (CE050029) and required restoration. Some of this area has begun to naturally revegetate, and a restoration plan later was not deemed necessary by the project biologist (Vandevere, July 29, 2005). Follow-up reviews by the project biologist subsequently determined that the majority of the disturbed chaparral area is classified as "poison oak" chaparral and estimated that approximately 1,200 square feet of central maritime chaparral would be removed with project development.

Taken together approximately 3,000 square feet of central maritime chaparral will cumulatively have been removed from the site with the proposed development. This represents approximately less than one half of one percent of the estimated existing 34.7 acres of onsite maritime chaparral, which was considered an insignificant amount by the project biologist, and restoration was not recommended. This removal, in combination with vegetation thinning within 30 feet of structures for fire protection purposes, would contribute to regional removal of central maritime chaparral. This was determined to be potentially significant due to projects not only in Big Sur, but throughout the County. It has been County precedent to require replacement of removed central maritime chaparral for other projects in the Big Sur region. With implementation of a revegetation plan, the project avoids loss of habitat and reduces the potential cumulative impact (the project's contribution) to a less than significant level.

CONCLUSION: A small amount of central maritime chaparral, an environmentally sensitive habitat area (ESHA), has been and will be removed for development. Based on review by a biologist, this removal as well as the location of new development adjacent to this ESHA would

not result in a significant disruption of habitat (LUP Policy 3.3.2.1) nor would it adversely impact the habitat's long-term maintenance (CIP 20.145.040.B.5). With implementation of a revegetation mitigation, the project would not contribute considerably to cumulative impacts to central maritime chaparral ESHA.

C. CEQA REVIEW

A single family residence is categorically exempt from environmental review. However, the project proposes to remove central maritime chaparral, an environmentally sensitive habitat area, and a portion of the building sites are located within a recorded scenic easement. Therefore, staff completed an initial study, which identified potentially significant impacts related to aesthetics, biological resources, and geology/soils.

1. Aesthetics. As discussed above, no grading or development would occur within a critical viewshed, except for a small portion of the roofline of one small accessory structure may be potentially visible. However, this site is mostly screened by existing oak trees, and given the distance between the building site and Highway 1 viewpoints, this roofline element, if visible, would not be a discernible feature to a viewer from Highway 1 with normal, unaided vision. In the future, if tree removal occurs, the two studio buildings could become wholly or partially visible within the critical viewshed, and improper lighting and/or use of reflective building materials or colors could also result in potentially significant impacts. Mitigation measures that require tree protection, lighting plans and use of non-reflective windows and surfaces will mitigate the impact to a less than significant level. In addition, if trees screening the studio were to be removed or destroyed, and could not be replaced within six months, then the mitigation measure requires removal of the structure.
2. Biological Resources. As discussed above, central maritime chaparral will be removed for site development, but the project biologist found the impact to be less than significant due to the small amount of removal in comparison to remaining onsite habitat. The contribution to regional removal of central maritime chaparral was determined to be potentially significant due to cumulative losses throughout the region. With implementation of a revegetation plan, the project would avoid loss of habitat and reduce the potential cumulative impact (the project's contribution) to a less than significant level. Proposed tree removal will not result in removal of landmark trees and will be conducted in accordance with a forest management plan prepared for the project.
3. Geology and Soils. The project site is located on a low ridge ranging that terminates in a southwest-facing steep slope. One area of concern was identified regarding soils stability that could pose a hazard to one of the structures if not properly designed. The project will be conditioned to implement all recommendations contained in the project geotechnical and geologic reports, which address site preparation, foundation design, septic systems, drainage, and erosion control.

Two letters of comment were received during the public review (**Exhibit H**). One letter from the applicant's representative includes 17 specific comments regarding project clarifications, a previous code enforcement file, aesthetics mitigation measures, vegetation removal and regrowth, and cumulative impacts to central maritime chaparral, an ESHA. Regarding project clarifications (#1, 3, 4, 8 and 16), minor corrections and clarifications are provided below (**Exhibit B**). Upon review, other suggestions regarding mapping and wording do not appear necessary (#5, 6). The comments regarding mitigation measures to protect existing trees suggest removal of language with regards to tree management (#7). Staff has included landscape management requirements for those areas within the critical viewshed and scenic easement (currently screened from view) to ensure that existing tree cover remains intact and that proposed structures do not become exposed in order to make a finding of consistency with Big Sur Coast LUP policies and CIP regulations. Thus, the recommended changes are not warranted. The comments related to code violation wording request that the Initial Study be changed to indicate that mostly poison oak chaparral was removed, that no plant roots were removed, and that the amount of removal was less than the amount identified in the Initial Study (#9, 10, 11, 12). There is no evidence to support these changes based on information contained in the project biological studies. Comments regarding cumulative impacts request changes to the policy consistency review and cumulative impacts and mitigation measures (#13, 14, 15, 17). The cumulative review includes other projects and habitat loss throughout the County, and the conclusion is consistent with the County's approach on other projects. The mitigation measure for revegetation includes standard language with regards to replanting ratios and performance criteria. The second letter from the Monterey Bay Unified Air Pollution Control requests inclusion of measures for dust control during grading. Grading and dust generation were evaluated in the Initial Study and impacts were found to be below the Air District's significance threshold that would required mitigation. Thus, staff concludes that the Initial Study as written is legally adequate and accurately represents the facts related to this project. All of the issues have been addressed in the findings and evidence for this project (**Exhibit B**).

This analysis finds that although the project would individually and cumulatively have potentially significant impacts on the area, these impacts can be reduced to a less than significant level with implementation of mitigation measures that protect screening trees, require tree replacement of removed trees, implement revegetation plans and implement geotechnical recommendations. No other issues remain. Therefore, staff recommends that the Planning Commission adopt a Mitigated Negative Declaration with a Mitigation Monitoring Program for this project (PLN040569/Foster).

EXHIBIT "B"

RECOMMENDED FINDINGS AND EVIDENCE

PLN040569/Foster

January 25, 2005

1. **FINDING – CONSISTENCY:** The subject Coastal Development Permit (PLN040569/Foster) has been processed in accordance with all applicable requirements.

EVIDENCE:

(a) On November 17, 2004, Steven and Gillian Foster filed an application for a Combined Development Permit requesting entitlements to construct a single family house, two detached studios, a detached garage, barn, a caretaker's unit and a guest house on an existing 78-acre parcel. The application was deemed complete on April 26, 2005.

(b) The project site, owned by Steven and Gillian Foster, is located at 4855 Bixby Creek Road (Assessor's Parcel Number 418-132-007-000), Big Sur, Coastal Zone, in the County of Monterey (the property).

(c) LUAC. On December 14, 2005 the Big Sur Land Use Advisory Committee recommended approval of the project by a vote of 7-0 with no conditions.

(d) CEQA. Although a single family residence is categorically exempt from review, the County determined that there are unusual circumstances that warranted further review. An Initial Study was prepared, which determined that no significant impacts would result from this project with implementation of mitigation measures. See **Finding 10**.

(e) Planning Commission. On January 25, 2006, the Monterey County Planning Commission considered findings, evidence, and conditions for approving a Coastal Development Permit (PLN040569/Foster) in the Big Sur Coastal Land Use Plan area.

2. **FINDING – COMPLY WITH PLANS AND REGULATIONS:** The Project, as conditioned, is consistent with applicable plans and policies, Big Sur Coast Land Use Plan, Coastal Implementation Plan (Part 3), and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE:

(a) Land Use. Steven and Gillian Foster own a 78-acre parcel that is located approximately 10 miles south of Carmel on Bixby Creek Road, a private road off of Palo Colorado Road approximately 2.5 miles inland from Highway 1. The text and policies of the Big Sur Coast Land Use Plan and the Monterey County General Plan have been evaluated during the course of the review of this application. No conflict or inconsistencies with the text or the policies were found to exist. No testimony, either written or oral, was received during the course of public hearing to indicate that there is any inconsistency with the Big Sur Coast Land Use Plan or the Monterey County General Plan.

(b) Zoning. The site is zoned Watershed Scenic Conservation with a 40 acre minimum lot size with a Design Control Overlay, Coastal Zone [WSC/40-D(CZ)].

(c) Permits. The project generally involves an application for permits to develop a 3,975 square foot single family home with a detached garage, two detached art studios (approximately 1,200 square feet each), a 850 square foot caretaker unit, a 425 square foot guest house, and a detached barn. Grading involves 1,850 cubic yards of cut and 625 cubic yards of fill. Nineteen trees will be removed. Entitlements for the proposed project include:

- Coastal Administrative Permit to allow new single family residence.
 - Coastal Administrative Permit to allow a guest house.
 - Coastal Development Permit to allow a caretaker unit.
 - Coastal Development Permit to remove 18 oak trees and 1 redwood tree.
 - Design Approval.
- (d) Plan/Code Conformance. The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with the:
- (1) 1982 Monterey County General Plan, as amended.
 - (2) Big Sur Coast Land Use Plan
 - (3) Monterey County Coastal Implementation Plan - Part 3 (Chapter 20.145); and
 - (4) Monterey County Coastal Implementation Plan – Part 1 (Zoning Ordinance - Title 20), which establishes regulations for:
 - Watershed Scenic Conservation (Chapter 20.17).
 - Design Control (Chapter 20.44).
 - Guesthouses(Chapter 20.64.020)
 - Caretaker Units (Chapter 20.64.030)
 - Development in Environmentally Sensitive Habitat (Chapter 20.66.020).
- (e) Development Standards. Review of the site plans indicate that the proposed structures comply with required setback, height, distance between buildings and site coverage requirements. Maximum building site coverage for the WSC zone is 10% and the proposed project has a coverage of 0.35% (11,825 square feet).
- (f) Scenic Resources. The proposed building sites would not be located within a “critical viewshed” in that they are sited outside areas visible from Highway One through topography or screening by existing vegetation. Two structures, which are located in a recorded conservation and scenic easement area, could be visible from Highway One if existing vegetation is removed. The easement allows structures to be erected in the easement area provided the structure is located outside the critical viewshed and does not require significant vegetation removal that would increase exposure to the critical viewshed. The proposed structures are not sited on open hillsides or silhouetted ridges and would not visually impinge upon adjacent neighbor’s views. Mitigation measures that require tree protection, lighting plans and use of non-reflective windows and surfaces will mitigate the impact to a less than significant level. In addition, if trees screening the studio were to be removed or destroyed, and could not be replace within six months, then a mitigation measure requires removal of the structure. The project as designed, mitigated or conditioned would not result in critical viewshed or other visual/aesthetic impacts and would be consistent with the Visual Resources policies of the BSC LUP. The area adjacent to the proposed building area has an existing conservation easement (20.145.040.B.2 CIP) to preserve the habitat and scenic qualities of the area. No new easement is required.
- (g) Design. The proposed structures have been sited and designed, including building materials and colors, so as no to detract from the natural beauty of the undeveloped skyline and ridgeline (Section 20.145.030.C.2a CIP) or impact the views and privacy of

neighbors (Section 20.145.030.C.2b CIP), and are located where existing trees provide natural screening (Section 20.145.030.C.2b CIP).

(h) Environmentally Sensitive Habitat (ESHA). As conditioned, the proposed project is consistent with regulations for development adjacent to environmentally sensitive habitats (Section 20.145.040 CIP). Although a small amount of central maritime chaparral, an environmentally sensitive habitat area (ESHA), has been and will be removed for development, this removal and siting of new development adjacent to this ESHA would not result in a significant disruption of habitat nor would it adversely impact the habitat's long-term maintenance (Section 20.145.040.B.5 CIP) based on the biologist's review. With implementation of a revegetation mitigation, the project would not contribute considerably to cumulative impacts to central maritime chaparral ESHA. The following biological assessments were prepared for the subject site in accordance with Section 20.145.040.A CIP:

1. Jeff Norman. November 22, 2004. "Preliminary Biological Report: Foster Property (APN 418-132-007), Cushing Mountain, Big Sur."

2. Jud Vandevere.

a. March 9, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Performance Criteria and Cost Estimate for Restoration; Foster Project-File No.: PLN040569 (APN 418-132-007-000).

b. March 22, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000).

c. May 1, 2005, June 22, 2005 and July 22, 2005. Letters to Monterey County Planning and Building Inspection Department regarding plant census; Foster Project-File No.: PLN040569 (APN 418-132-007-000) for April, May, and July, respectively.

d. July 25, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000) Restoration Plan."

e. September 29, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000) Habitat Impacts."

(i) Land Use Advisory Committee: The Big Sur Coast Land Use Advisory Committee voted 7-0 to recommend approval of the project. LUAC meeting minutes dated December 14, 2004 (**Exhibit D**).

(j) Site Visits. County staff conducted on-site inspections to review that the subject parcel conforms to the plans listed above.

(k) Application. 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 Project File PLN040569.

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

(a) Site Inspection. The project planner conducted an on-site inspection to assess work completed prior to issuance of a permit and remaining work to be completed.

(b) Agency Review. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Parks Department, and Environmental Health Department. The project has also been reviewed by California Department of Forestry (CDF), and the Department of Fish and Game and Coastal Commission as part of the public environmental review process. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.

(c) Professional Reports. Reports by an archaeologist, biologist (see Finding 10 for list of biological reports) a geologist and a geotechnical engineer indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the proposed use:

- Archaeological Consulting. August 3, 2004. "Preliminary Archaeological Reconnaissance for Proposed Development Areas of APN 418-132-007, Near Big Sur, Monterey County, California."
- Geoconsultants, Inc.
 1. October 20, 2004. "Geologic Reconnaissance and Update Report, Foster Residence APN: 418-132-007, Rocky Creek Ranch, Big Sur, Monterey County, California."
 2. September 28, 2005. Letter to Carver + Schickentaz Architects regarding "Geologic Reconnaissance and Update Report Foster Residence, Lot 7."
- Grice Engineering, Inc. October 2004. "Geotechnical Soils-Foundation & Geoseismic Report for the proposed Foster Residence, 4855 Bixby Creek Road, Carmel, California, APN 418-132-007."

4. **FINDING – CARETAKER UNIT.** As designed and conditioned, the proposed caretaker unit meets the requirements of the Zoning Ordinance as outlined in Section 20.64.30.

EVIDENCE:

(a) The site plan and floor plan show consistency with Section 20.64.030.

(b) The project is consistent with Section 20.145.140.B.4.b.2 of the Big Sur Coastal Implementation Plan in that it meets the criteria for allowing a caretaker unit stated therein. This conclusion is based on a letter submitted by the applicant as part of the project application stating that the large amount of onsite facilities and equipment need ongoing maintenance for the benefit of the applicants who reside in Los Angeles and will periodically visit, and that the access road and large site will need constant maintenance with regards to landscape/weed control and roadway maintenance during the winter.

(c) The project is consistent with Section 20.145.140.B.4.b.10 of the Big Sur Coastal Implementation Plan in that it meets the criteria for allowing a caretaker unit stated therein. Approving this caretaker unit will represent the 23rd caretaker unit approved since adoption of the Big Sur Land Use Plan which does not exceed the 50 unit limit contained in the plan.

(d) A condition of project approval will require a deed restriction stating the requirements of this section.

5. **FINDING – GUESTHOUSE.** As designed and conditioned, the proposed guest house meets the requirements of the Zoning Ordinance as outlined in Section 20.64.020.

EVIDENCE:

- (a) The site plan and floor plan show consistency with Section 20.64.020_.
- (b) A condition of project approval will require a deed restriction stating the requirements of this section.

6. **FINDING - TREE REMOVAL.** The proposed project minimizes tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and Coastal Implementation Plan (Part 3).

EVIDENCE:

- (a) The project will result in removal of 18 existing oak trees and one small redwood tree. All trees are under 12 inches in diameter in size except for 2 oak trees which are under 24 inches in diameter. None of the trees to be removed are landmark trees, and removal would not result in exposure of structures in the critical viewshed.
- (b) A Forest Management Plan has been prepared in accordance with Zoning Ordinance requirements (section 20.145.060.B). Tree replacement for trees 12 inches in diameter or larger is proposed at a 2:1 ratio that exceeds County requirements for replacement on a 1:1 basis.
- (c) Forest Management Plan by Staub Forestry and Environmental Consulting, dated November 2004. Report is in Project File PLN020561.

7. **FINDING - PUBLIC ACCESS.** 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 (see 20.70.050.B.4). The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.145.150 of the Big Sur Coastal Land Use Plan and Coastal Implementation Plan.

EVIDENCE:

- (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 2, the Shoreline Access Map, of the Big Sur Coast Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visits.

8. **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) Agency Review. The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, and the California Department of Forestry. The respective departments and 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials.

(b) Professional Reports. Recommended conditions and modifications from consulting geotechnical consultants provide additional assurances regarding project safety. These technical reports are in Project File PLN050569.

(c) Preceding findings and supporting evidence.

9. **VIOLATION**: 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. As a result of the vegetation removal Monterey County staff opened a code enforcement file (CE050029) in early 2005 and required restoration. A restoration plan was prepared, but since some of the area has begun to naturally revegetate itself, further restoration beyond what was naturally occurring was not deemed necessary by the applicant's consulting biologist. The code enforcement file was closed in December 2005 by the Planning and Building Inspection Department Director.

EVIDENCE:

(a) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.

10. **FINDING – CEQA/MITIGATED NEGATIVE DECLARATION**: On the basis of the whole record before the 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) Initial Study. As part Monterey County Planning and Building Inspection Department's permit process, staff prepared an Initial Study pursuant to CEQA. The Initial Study identified potentially significant effects related to aesthetics, biological resources and geology and soils, but 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. The Initial Study is on file in the office of PB&I and is hereby incorporated by reference. (PLN040569/Foster). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

(b) Mitigated Negative Declaration. On November 29, 2005, County staff completed an Initial Study for the project (PLN040569/Foster) in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provides substantial evidence that the project, with the addition of Mitigation Measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with

the County Clerk on December 1, 2005, noticed for public review, and circulated to the State Clearinghouse and other agencies for public review from December 1 to December 30, 2005. The evidence in the record 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:

3. Archaeological Consulting. August 3, 2004. "Preliminary Archaeological Reconnaissance for Proposed Development Areas of APN 418-132-007, Near Big Sur, Monterey County, California."
4. Jeff Norman. November 22, 2004. "Preliminary Biological Report: Foster Property (APN 418-132-007), Cushing Mountain, Big Sur."
5. Jud Vandevere.
 - a. March 9, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Performance Criteria and Cost Estimate for Restoration; Foster Project-File No.: PLN040569 (APN 418-132-007-000).
 - b. March 22, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000).
 - c. May 1, 2005, June 22, 2005 and July 22, 2005. Letters to Monterey County Planning and Building Inspection Department regarding plant census; Foster Project-File No.: PLN040569 (APN 418-132-007-000) for April, May, and July, respectively.
 - d. July 25, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000) Restoration Plan."
 - e. September 29, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000) Habitat Impacts."
6. Staub Forestry and Environmental Consulting. November 2004. "Forest Management Plan for Monterey County APN: 418-132-007-000."
7. Geoconsultants, Inc.
 - a. October 20, 2004. "Geologic Reconnaissance and Update Report, Foster Residence APN: 418-132-007, Rocky Creek Ranch, Big Sur, Monterey County, California."
 - b. September 28, 2005. Letter to Carver + Schickentaz Architects regarding "Geologic Reconnaissance and Update Report Foster Residence, Lot 7."
8. Grice Engineering, Inc. October 2004. "Geotechnical Soils-Foundation & Geoseismic Report for the proposed Foster Residence, 4855 Bixby Creek Road, Carmel, California, APN 418-132-007."
9. Denise Duffy & Associates. Undated. "Final EIR for the Rock Creek Ranch Lot Line Adjustment."

(c) Mitigation Monitoring Program. A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. The applicant/owner must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.

(d) Comments. Comments received during the review period or at the hearing before the Planning Commission have been considered as part of the proposed project. Two letters of comment (**Exhibit H**) were received during the public review period. Consideration of these comments includes minor project clarifications as presented below and supporting review in **Exhibit A**. One letter from the applicant's representative includes 17 specific comments regarding project clarifications, a previous code enforcement file, aesthetics mitigation measures, vegetation removal and regrowth, and cumulative impacts to central maritime chaparral, an ESHA. Regarding project clarifications, minor corrections and clarifications are provided below (#1, 3, 4, 8 and 16). Upon review, other suggestions regarding mapping and wording do not appear necessary (#5, 6). The comments regarding mitigation measures to protect existing trees suggest removal of language with regards to tree management (#7). Staff has included landscape management requirements for those areas within the critical viewshed and scenic easement (currently screened from view) to ensure that existing tree cover remains intact and that proposed structures do not become exposed in order to make a finding of consistency with Big Sur Coast LUP policies and CIP regulations. Thus, the recommended changes are not warranted. The comments related to code violation wording request that the Initial Study be changed to indicate that mostly poison oak chaparral was removed, that no plant roots were removed, and that the amount of removal was less than identified (#9, 10, 11, 12). There is no evidence to support these changes based on information contained in the project biological studies. Comments regarding cumulative impacts request changes to the policy consistency review and cumulative impacts and mitigation measures (#13, 14, 15, 17). The cumulative review includes other projects and habitat loss throughout the County, and the conclusion is consistent with the County's approach on other projects. The mitigation measure for revegetation includes standard language with regards to replanting ratios and performance criteria. Thus, staff concludes that the Initial Study as written is legally adequate and accurately represents the facts related to this project. The Planning Commission considered public testimony on the initial study at a hearing on January 25, 2006.

- (e) Minor corrections and clarifications in the Initial Study are made as follows:
- (1) Page 1: Add to Assessor's Parcel Number List: 418-032-005 (well site).
 - (2) Page 2: Clarify second paragraph regarding code violation to indicate that County staff opened ~~issued~~ a code ~~enforcement~~ violation file (CE050029).
 - (3) Page 2: Correct and clarify number and type of tree removal in section B of the Project Description as follows, which as corrected in the Project Description does not change the impact analysis: fourteen (14) coast live oak trees, four (4) canyon live trees and one (1) redwood tree.
 - (4) Page 4: Revise the second sentence of the first full paragraph to indicate that the existing facility includes a well and two water storage tanks of 5,000 and 39,000 gallons.

- (5) Page 16: The second sentence of section 1(c) should be corrected to read: "The proposed buildings would not visually impinge upon adjacent neighbor's vies or privacy...."
 - (5) Page 21: Revise the first sentence under section 4(b) to indicate that poison oak chaparral also is a vegetation community found on the site.
 - (6) Page 37: Revise Monitoring Action #7C to indicate implementation timing as prior to final inspection.
- (f) Determination. After sufficiently considering all comments and testimony along with the technical reports and supporting project information, the Planning Commission adopted a mitigated negative declaration (Section 15074 CEQA).
- (1) No adverse environmental effects were identified during staff review of the development application during site visits. On the basis of the whole record before it, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission determines that although the project could have significant impacts, mitigation can reduce these potential impacts to a level of less than significance.
 - (2) The Planning Commission determined that changes to Mitigation Measure #1 concerning screening to avoid impacts to the critical viewshed provides mitigation value that is equal to or reduces impacts to a greater degree than the Mitigation Measure #1 that was originally circulated with the Initial Study. The revised mitigation measure removes the requirement for a specific screening plan and requires a specific performance standard that no visual development intrusion into the critical viewshed can occur and similarly requires that if intrusion occurs screening must be installed or development shall be removed.
 - (3) The mitigated negative declaration reflects the County's independent judgment and analysis.
 - (4) There are no unusual circumstances related to the project or property that would require additional review.
 - (5) The mitigated negative declaration, initial study, supporting studies and other environmental documents can be found in Project File PLN040569 at the Monterey County Planning and Building Inspection Department, 168 W. Alisal Street, Second Floor, Salinas, CA 93901.

11. **FINDING - FISH & GAME FEE:** For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.

EVIDENCE:

- (a) De Minimus Finding. The site includes rare plant communities that qualify as resources listed A-G listed above as reviewed and agreed by the State Department of Fish and Game and the U.S. Department of Fish and Wildlife. Biological assessments determine that potential impacts can be mitigated. Therefore, the project is not De Minimus and is subject to the required fee.
- (b) Initial Study and Negative Declaration contained in File No. PLN040569/Foster.

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

EVIDENCE:

(a) Board of Supervisors. Section 20.86.030 of the Monterey County Zoning Ordinance.

(b) Coastal Commission. Section 20.86.080.A of the Monterey County Zoning Ordinance.

Exhibit C
Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Foster Single Family Home and Caretaker Unit

File No: PLN040569 **APNs:** 418-132-007-000 (project site), 418-132-005-000 (well site), 418-132-006-000 (water storage site), 418-132-003-000 (utility easement site).

Approval by: Planning Commission **Date:** June 9, 2004

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		<p>SPECIFIC USES ONLY Combined Development Permit (PLN040569/Foster) consisting of: a Coastal Administrative Permit for a new 3,975 square foot single family residence, a 3,200 square foot barn with solar panels, a 1,200 square foot studio, a 1,150 square foot studio, a 800 square foot garage, a 225 square foot shed, and associated grading (approximately 1,850 cubic yards cut/625 cubic yards fill), retaining walls, septic system, pool, underground utilities, underground water tank on Lot 6 (Assessor's Parcel Number 418-132-006-00), and hook up to existing water system located on Lot 5 (Assessor's Parcel Number 418-132-005-000); a Coastal Administrative Permit to allow a 425 square foot guest house; a Coastal Development Permit to allow a 850 square foot caretaker's unit; a Coastal Development Permit to remove eighteen (18) oak trees and one (1) redwood tree; and Design Approval.</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>The property is located at 4855 Bixby Creek Road (Assessor's Parcel Number 418-132-007-000 (project site), 418-132-005-000 (well site), 418-132-006-000 (water storage site), 418-132-003-000), Big Sur, Coastal Zone. This permit was approved 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.</p>				
2		<p>NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 419-213-013-000 on June 9, 2004. The permit was granted subject to 41 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." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use.</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant PBI	Prior to Issuance of grading and building permits or start of use	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3		<p>FISH AND GAME FEE-NEG DEC</p> <p>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, within five (5) calendar days of project approval – prior to filing of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid.</p>	Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first.	<p>Owner/ Applicant</p> <p>PBI</p>	Prior to Issuance of Grading and/or Building Permits	
4		<p>MITIGATION MONITORING PROGRAM</p> <p>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.</p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	<p>Owner/ Applicant</p> <p>PBI</p>	Prior to issuance of grading and building permits.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5		<p>NOTICE OF REPORT</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "Biological Assessments have been prepared for this parcel by Jeff Norman, dated November 2004 and Jud Vandevere, dated March 9, March 22, May 1, July 25, and September 25, 2005, are on record in the Monterey County Planning and Building Inspection Department Library No. 040054. All development shall be in accordance with this report."</p>	<p>Proof of recordation of this notice shall be furnished to PBI.</p>	<p>Owner/ Applicant</p> <p>PBI.</p>	<p>Prior to issuance of grading and building permits</p>	
6		<p>LIGHTING PLANS (BIG SUR)</p> <p>All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. <i>Exterior light sources that would be directly visible from critical viewshed viewing areas, as defined in Section 20.145.020, are prohibited.</i> The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits.</p>	<p>The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection.</p> <p>The applicant shall present a nighttime light analysis of the completed project and demonstrate consistency with the condition performance criteria in the condition.</p>	<p>Owner/ Applicant</p> <p>PBI</p>	<p>Prior to Issuance of Grading and/or Building Permits</p> <p>Within 1 year after completion</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7		<p>PBD042 – GRADING PERMITS REQUIRED</p> <p>A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork..</p> <p>(Planning and Building Inspection)</p>	If applicable, apply and receive the appropriate grading permit from Monterey County Planning and Building Inspection.	Engineer/ Owner/ Applicant	Prior to Issuance of Grading or Building Permits	
8		<p>PBD011 - EROSION CONTROL PLAN AND SCHEDULE</p> <p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. 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)</p>	1) Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
9		PBD014 - GRADING-WINTER RESTRICTION 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. (Planning and Building Inspection)	None	Owner/ Applicant	Ongoing	
10		PBD034 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)	None	Applicant/ Owner	Ongoing	
11		PBD026 – NOTICE OF REPORT (GEOTECHNICAL) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation has been prepared for this parcel by Grice Engineering and Geology, Inc., dated October 2004 and geological investigations have been prepared by Geoconsultants, dated October 2004 and September 2005, are on record in the Monterey County Planning and Building Inspection Department Library No. 040573. All proposed development shall be in accordance with this report unless amended." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
12		PBD032(A) - TREE PROTECTION Trees which are located close to the construction site(s) 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. (Planning and Building Inspection)	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits	
13		PBD032(B) – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, 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. (Planning and Building Inspection)	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	
14		TREE REPLACEMENT If screening vegetation were to be destroyed by natural causes, form and height should be replicated. (Planning and Building Inspection)	Applicant shall include measure in the Long-Term Landscape Maintenance Plan required in Condition #18.	Owner / Applicant	Prior to tree removal or issuance of permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
15		GUESTHOUSE – DEED RESTRICTIONS The applicant shall record a deed restrict stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and shall not have cooking or kitchen facilities. (Planning and Building Inspection)	Applicant shall submit a draft deed restriction to the Director of Planning and Building Inspection for review and approval and submit proof of the final recorded deed.	Owner / Applicant	Prior to final inspection of the guest-house	
16		CARETAKER UNIT – DEED RESTRICTIONS The applicant shall record a deed restrict stating the regulations applicable to the caretaker's, including that the caretaker unit shall not be rented to anyone other than the caretaker. (Planning and Building Inspection)	Applicant shall submit a draft deed restriction to the Director of Planning and Building Inspection for review and approval and submit proof of the final recorded deed.	Owner / Applicant	Prior to final inspection of the guest-house	
17		PBD030 - STOP WORK - RESOURCES FOUND 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 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. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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.	Owner/ Applicant/ Archaeologist	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
18	1	<p>VISUAL SCREENING</p> <p>Require preparation of a tree limbing plan within the critical viewshed area that demonstrates that any proposed limbing is necessary for fire protection purposes and will not result in visibility of structures within the critical viewshed. Require preparation of a Long-Term Landscape Maintenance and Monitoring Plan to assure that structures would never be visible in the critical viewshed. The plan shall provide: a) a mix of vegetation that continues to screen the building; and b) provisions for tree replanting prior to die-out of older trees. Prohibit removal of trees within the critical viewshed and existing scenic and conservation easement area that serve to screen proposed structures unless the trees are dead or diseased as demonstrated by a report by a qualified arborist or forester. Any tree found to be dead and diseased may be removed with approval of a coastal development permit and implementation of a tree replacement program with native trees of an adequate size to screen structures from views within the critical viewshed. If landscaping can't be or isn't replaced within 6 months, building(s) that become visible within the viewshed shall be removed. Alternately, subject to obtaining appropriate County permits, relocate the two proposed studio buildings outside of the scenic easement area.</p> <p>(Planning and Building Inspection)</p>	<p>Applicant shall prepare a plan (with photographs) that clearly identifies which trees are proposed to be limbed for fire protection purposes, as well as other understory vegetation proposed for removal. The plan shall demonstrate that adequate tree canopy and height remains so that no structure located within the scenic easement area would be visible within the critical viewshed. The plan shall be reviewed and approved the California Department of Forestry for fire management, and reviewed and approved by the Director of the Planning and Building Inspection Department and required as recorded deed restriction.</p> <p>A Long-Term Landscape Maintenance and Monitoring Plan shall be prepared and submitted to the Planning & Building Inspection Department Director for review and approval.</p> <p>UMeasure regarding prohibition of removal of trees without a coastal development permit shall be required as recorded deed restriction.</p>	Applicant/ Owner	Prior to tree removal or issuance of permits.	

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18	1	<p>VISUAL SCREENING</p> <p>The applicant shall maintain appropriate landscape screening that demonstrates in an ongoing manner that the approved buildings #3 (Steven's Studio), #2 (Jillian's Studio), & #8 (Shed) are not visible in the critical viewshed consistent with County regulations during all times. If landscape screening is not replaced within 6 months of the determination by the applicant and/or the public as verified by the Director that buildings have become visible, then the visible buildings shall be immediately removed. If the Director determines that compliance with this condition has not occurred in a timely or substantive manner, then the Director shall set a public hearing before the Planning Commission to consider revocation pursuant to Section 20.82.060 of Title 20, Zoning Code. These condition requirements shall be incorporated into the landscape plan per Condition #42.</p>	<p>At least every five years the applicant shall provide photographic evidence with affidavit that the subject buildings are not visible in the critical viewshed consistent with County regulations verified and approved by the Director of Planning and Building Inspection.</p>	Applicant / Owner	Ongoing	
19	2	<p>COLORS</p> <p>The final Elevation Plans shall include, but not be limited to:</p> <ul style="list-style-type: none"> ▪ Use of natural materials with non-reflective finishes shall and muted colors be used in the building exteriors. ▪ Use of non-reflective glass windows on the main house and accessory studio structures' west elevations that are oriented toward Highway 1. <p>(Planning and Building Inspection)</p>	<p>The specified measures shall be shown on final Elevation Plans with review and approval by the Director of Planning and Building Inspection Department.</p>	Owner/ Applicant	Prior to issuance of Building Permit	

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20	3	<p>LIGHT AND GLARE</p> <p>In order to reduce potential visual impacts from glare or lighting, the applicant shall submit lighting and elevation plans for review and approval by the Director of Planning and Building Inspection. (Planning and Building Inspection)</p>	<p>Submit a Lighting Plan that includes, but not be limited to:</p> <ul style="list-style-type: none"> - Low intensity lighting with 90-degree cut-off shields for all exterior light fixtures. - Limit all light sources to the building site (house, driveway). - Prohibit lighting within the critical viewshed area or directed toward the critical viewshed or the sky. <p>Landscaping that screens lighting sources from view from Hwy 1 while maintaining security needs.</p>	Owner/ Applicant	Prior to issuance of any building permit	
21	4	<p>NESTING BIRDS</p> <p>Require that a pre-construction survey for special-status nesting avian species (and other species protected under the Migratory Bird Act) be conducted by a qualified biologist at least 30 days prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (typically February through August). If nesting birds are not found, no further action would be necessary. If a bird were found, construction within 100 feet of the nest site should be postponed until after the bird has fledged, or an appropriate construction buffer has been established in consultation with the California Department of Fish and Game. (Planning and Building Inspection)</p>	<p>The applicant shall provide the Director of Planning and Building Inspection with a copy of the results of the pre-construction survey.</p>	Owner/ Applicant PBI	Between March 1 and July 31 (annually) and prior to issuance of building permit during this period	

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22	5	<p>TREE REMOVAL</p> <p>Require tree replacement in the amount and as specified in the project Forest Management Plan (FMP) and protection of retained trees and implementation of other measures specified in the FMP (Staub, November 2004). Record a notice which states: "A Forest Management Plan has been prepared for this parcel by (Staub Forestry & Environmental Consulting, November 2004) and is on record in the Monterey County Planning & Building Inspection Department (File PLN040569). All tree removal on the parcel must be approved by the Director of Planning." The notice must be recorded prior to issuance of building or grading permits. Amend the FMP to include the following biological recommendations:</p>	Measure shall be recorded as deed restriction. Prior to issuance of building permits, a final FMP and evidence of recordation of the required deed restriction shall be provided to the Director of Planning and Building Inspection for review and approval.	Applicant/ Owner	Prior to issuance of building permit	
		<ul style="list-style-type: none"> ▪ Implement tree replacement program for removed trees with a diameter of 10" or greater. ▪ Use only onsite acorns to propagate revegetation material, and transplant removed saplings. ▪ Include the areas around the proposed barn and guest house in the FMP revegetation sites. ▪ Prohibit use of exotic, invasive species, except for sterile grasses. <p>Prohibit landscaping under existing oak trees that would require dry season irrigation in order to avoid oak-root fungus. These requirements shall be incorporated into the landscape plan per Condition #42. (Planning and Building Inspection)</p>				

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23	6	SLOPE STABILITY Require the foundation footings for Steven's Studio to bear on competent bedrock materials for adequate support as recommended in the geologic report (Geoconsultants, Inc., October 20, 2004). (Planning and Building Inspection)	Measure shall be included on project plans.	Owner / Applicant	Prior to issuance of building permits	

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24	7	<p>CENTRAL MARITIME CHAPARRAL REVEGETATION</p> <p>In order to replace the loss of sensitive Central Maritime Chaparral (<u>per impacts identified in the initial study</u>), <u>the applicant shall implement Restoration Plan PLN050158</u> and replace the total area of habitat impacted by this activity as well as the proposed development (residence, caretaker unit, utilities, infrastructure, water tanks, road improvements, fuel modification, landscaping, pool area etc.) at a 1:1 ratio (plant ratio to be determined by a biologist) with a 100% success criterion. <u>If the applicant can demonstrate to the Director's satisfaction that the impact to pool area occurred prior to adoption of the Big Sur Land Use Plan then this area shall be subtracted from the impact area to be mitigated as described in the initial study.</u> In consultation with a qualified biologist, cuttings shall be taken of these taxa by a qualified restoration consultant, in a timely fashion to allow outplanting in the late fall or early winter. Cuttings shall be made from a variety of on-site stock plants to promote genetic diversity. These requirements shall be incorporated into the landscape plan per Condition #42. (Planning and Building Inspection)</p>	<p>The applicant shall provide the Director of Planning and Building Inspection with a copy of a signed contract/agreement between the applicant and a qualified biologist to carry out this mitigation measure. The applicant shall provide a Central Maritime Chaparral Restoration Plan in accordance with this mitigation measure prepared by a qualified biologist for review and approval of the Director of Planning and Building Inspection. Said restoration plan shall be coordinated with landscape plan for the project in order to avoid further, indirect impacts.</p> <p>The applicant shall provide the Director of Planning and Building Inspection written certification by a qualified biologist that all required replacement planting and transplanting has been successfully completed and that no additional mitigation is required.</p>	Applicant/ Owner	<p>Prior to issuance of permits</p> <p>Prior to issuance of permits</p> <p><u>Within 5 years of permit approval. May be extended per Director's approval</u></p>	

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			Annually for a period of five years following completion, the applicant shall report in writing to the Director of Planning and Building Inspection on the status of restoration, including the transplanting of the redwoods. The reports shall be prepared by a qualified biologist and shall include performance measures and corrective measures as needed. Planting shall be sufficient to replace impacted habitat area(s) at a 1:1 ratio with a 100% success criterion. Failure to meet this success standard in any given year shall require immediate replacement planting and shall extend the monitoring period for an additional year.		Prior to final inspection Ongoing	
WATER RESOURCES AGENCY						
25		WR0002 - STORMWATER CONTROL The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	

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26		<p>WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)</p>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
27		<p>WR040 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 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.</p> <p>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. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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MONTEREY COUNTY HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH						
28		EH1 - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits	

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29		<p>EH9 - NEW WELL PUMP TESTS</p> <p>All new or rehabilitated wells to be added to the potable water distribution system shall first undergo a minimum of a 72-hour continuous pump test to determine the yield of the well. Unless otherwise approved by the Director of Environmental Health, the yield of the well shall be calculated by multiplying the 24-hour specific capacity by the available drawdown. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. For the purposes of this condition, available drawdown is defined as two-thirds of the vertical distance from the static water level to the lowest perforations of the well. The pump tests shall be made no earlier than June 1 of each year and no later than the first significant rainfall event of the wet season. The pump test results shall be presented in a form for direct comparison to the criteria set forth in this condition. A representative of the Division of Environmental Health shall witness the pump tests. The applicant shall pay all associated fees to the Division of Environmental Health. (Environmental Health)</p>	Submit a report to EH for review and approval	CA Licensed Engineer /Owner/ Applicant	Prior to the issuance of a building permit	

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30		EH – NON-STANDARND ENGINEERED WASTEWATER DISPOSAL PLANS Submit a detailed, engineered wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. (Environmental Health)	Provide two copies of the detailed septic design to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to the issuance of a building permit.	
31		EH – NON-STANDARND WELL WATER QUALITY The applicant shall record a deed notification with the Monterey County Recorder for parcels: APN 418-132-005-000, APN 418-132-006-000 and APN 418-132-007-000. The deed notification shall state that "The well water does not meet the secondary standards as required by Chapter 15.04 of the Monterey County Code; the water exceeds the maximum contaminate level (MCL) for Iron and Manganese and may require treatment". (Environmental Health)	Submit proposed wording to be recorded to the Division of Environmental Health, Monterey County Health Department, DEH, MCHD for review and approval. Upon approval, record the Deed Notifications and provide a copy of each to the DEH, MCHD.	Owner/ Applicant	Prior to the issuance of a building permit.	
CDF/CARMEL FIRE PROTECTION ASSOCIATES						
32		FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) All buildings shall be fully protected with automatic fire sprinkler system(s) due to the distance from the public road and substandard access. 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	Applicant shall enumerate as "Fire Dept. Notes" on plans. Applicant shall submit fire sprinkler plans and specifications directly to the Carmel Fire Protection Associates, Bos 7168, Carmel-by-the-Sea, CA 93921 for review and approval. Applicant shall provide proof of	Applicant or owner	Prior to issuance of building permit.	

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		building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (CDF/Carmel Fire Protection Associates)	approval to the Monterey County Director of Planning and Building Inspection Department for review and approval. Applicant shall schedule fire dept. rough sprinkler inspection. Applicant shall schedule fire dept. final sprinkler inspection.	Applicant or owner; CDF Applicant or owner; CDF	Prior to framing inspection Prior to final building inspection	
33		FIRE WATER SUPPLY Water supply shall be as follows: Main residential complex 10,000 gallons storage water Guest House 5,000 gallons storage water Caretaker's Unit 5,000 gallons storage water Water supply may be by tank or by alternate means such as a water supply system meeting these requirements. (CDF/Carmel Fire Protection Associates)				
34		FIRE007 - DRIVEWAYS 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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		<p>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 long with a minimum 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.</p> <p>(CDF/Carmel Fire Protection Associates)</p>	<p>Applicant shall schedule fire dept. clearance inspection.</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection.</p>	
35		<p>FIRE011 - ADDRESSES FOR BUILDINGS 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</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	

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		<p>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 and visible 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.</p> <p>(CDE/Carmel Fire Protection Associates)</p>				
36		<p>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</p> <p>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</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	

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		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. (CDF/Carmel Fire Protection Associates)				
37		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection	

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		the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (CDF/Carmel Fire Protection Associates)				
38		FIRE016 - SETBACKS All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (CDF/Carmel Fire Protection Associates)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection.	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection.	
39		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove or thin, as approved by CDF, combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Require use of non-combustible siding where vegetation may be thinned within 30 feet of a structure. Additional and/or alternate fire protection or firebreaks approved by the fire 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 and Building Inspection. (CDF/Carmel Fire Protection Associates)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall prepare vegetation thinning plan as set forth in Condition #18 and forward to CDF/Carmel Fire Protection Associates for review and approval. Applicant shall schedule fire dept. clearance inspection.	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
40		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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 and completed prior to requesting a framing inspection. (CDF/Carmel Fire Protection Associates)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	
41		<p>FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) 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. (CDF/Carmel Fire Protection Associates)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	
42		<p><u>LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) – Non Standard</u> <u>The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval.</u></p> <p><u>The landscape Plan shall incorporate screening and</u></p>	<p><u>Submit landscape plans and contractor's estimate to PBI for review and approval.</u></p>	<p><u>Owner/ Applicant/ Contractor</u></p>	<p><u>At least 60 days prior to final inspection or occupancy</u></p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p><u>maintenance requirements contained in Condition #18 and incorporate the Maritime Chaparral Replacement Plan addressed in Condition #24 and the Tree Replacement requirements addressed in Condition #22. In addition, the plan shall include tree and shrub screening for the guesthouse in manner that reasonably reduces impacts to neighbor views consistent with Section 20.145.030.C.2.b of the Big Sur Coastal Implementation Plan subject to approval as outlined below.</u></p> <p><u>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 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 Planning and Building Inspection 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. (Planning and Building Inspection)</u></p>	<p><u>All landscaped areas and fences shall be continuously maintained by the applicant consistent with all other related conditions to include Conditions 18,22 and 24; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</u></p>	<p><u>Owner/ Applicant</u></p>	<p><u>Oo-going</u></p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
43		<u>The applicant shall develop a traffic management plan (TMP) to address the offsite hauling of graded material so that it does not impact peak time traffic for school children or commuters on Palo Colorado Road and Highway 1. The TMP is to be approved by the Department of Public Works and the recommendations of the TMP are to be followed during the hauling operations.</u>	<u>Require submission and approval of the Traffic Plan by the Public Works Department prior to issuance of grading or building permit</u>	<u>Applicant/ Owner</u>		

EXHIBIT "D"

LUAC Minutes

MINUTES

Big Sur Land Use Advisory Committees Tuesday, December 14, 2004

1. Meeting called to order 11:10

2. Members Present: TROTTER CROSS WOYT BECK callihan Schindler PRIANO

3. Members Absent: LAYNE

4. Approval of Big Sur Minutes: Motion: S. Beck (LUAC Member's Name)

Second: S. Schindler (LUAC Member's Name)

Ayes: 7

Noes: 0

Absent: B. LAYNE

Abstain: 0

5. Public Comments:

None

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects/Applications:

None

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: Big Sur

Please submit your recommendations for this application by Tuesday, December 14, 2004.

Project Title: FOSTER STEVEN TR

File Number: PLN040569

File Type: PC

Planner: LEE

Location: 4855 BIXBY CREEK RD CARMEL

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A COASTAL ADMINISTRATIVE PERMIT TO ALLOW A NEW 3,975 SQUARE FOOT SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES INCLUDING A 3,200 SQUARE FOOT BARN WITH SOLAR PANELS; 1,200 SQUARE FOOT STUDIO; 1,150 SQUARE FOOT STUDIO; 800 SQUARE FOOT GARAGE; 225 SQUARE FOOT SHED; SEPTIC SYSTEM; POOL AND WELL; 2) A COASTAL ADMINISTRATIVE PERMIT TO ALLOW A 450 SQUARE FOOT GUESTHOUSE; 3) A COASTAL DEVELOPMENT PERMIT TO ALLOW A 850 SQUARE FOOT CARETAKER'S UNIT; 4) A COASTAL DEVELOPMENT PERMIT TO ALLOW TREE REMOVAL (19 COAST LIVE OAKS AND 1 REDWOOD); DESIGN APPROVAL AND ASSOCIATED GRADING (APPROXIMATELY 1,850 CUBIC YARDS CUT/625 CUBIC YARDS FILL) AND RETAINING WALLS, UNDERGROUND UTILITIES, UNDERGROUND WATER TANK ON LOT 6 (ASSESSOR'S PARCEL NUMBER 418-132-006-000), AND HOOK UP TO EXISTING WELL ON LOT 5 (ASSESSOR'S PARCEL NUMBER 418-132-005-000). THE TWO STUDIOS, GARAGE AND SHED ARE WHOLLY OR PARTIALLY LOCATED WITHIN A RECORDED SCENIC EASEMENT, BUT ARE NOT VISIBLE FROM THE CRITICAL VIEWSHED. THE PROPERTY IS LOCATED AT 4855 BIXBY CREEK ROAD (LOT 7), CARMEL (ASSESSOR'S PARCEL NUMBER 418-132-007-000), OF ROCKY CREEK RANCH, OFF OF AND SOUTHWESTERLY OF ROCKY CREEK ROAD AND PALO COLORADO ROAD, BIG SUR COAST LAND USE PLAN, COASTAL ZONE.

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

PUBLIC COMMENT:

NONE

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

- 1. If backup external surface changes to stucco - color should match background flora*
- 2. If screening vegetation were to be destroyed by natural causes - form & height should be replicated*
- 3. ~~All~~ All biologic survey mitigations should be fulfilled.*

[PD040569 FOSTER CONTINUED]

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

NONE

ADDITIONAL LUAC COMMENTS:

NONE

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

Recommend APPROVAL

CONCUR WITH RECOMMENDATION:

AYES: 7

NOES: 0

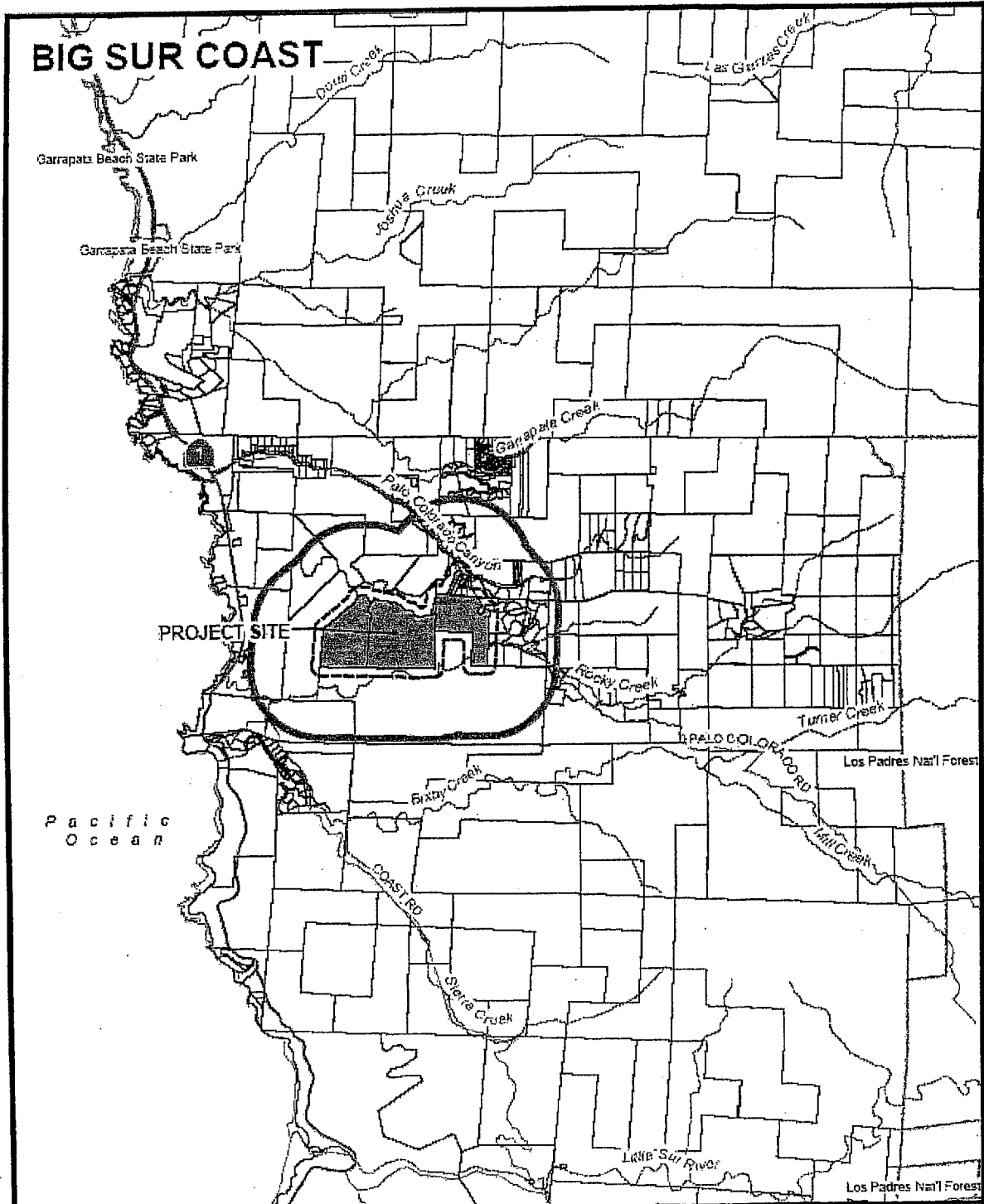
ABSENT: B. LAYNE

ABSTAIN: 0

MEETING ADJOURNED AT: 12:45 Pm

EXHIBIT "E"

Vicinity Map



APPLICANT: FOSTER		 	
APN: 418-132-005 THRU 007	FILE # PLN040569		
300' Limit	2500' Limit	City Limits	

EXHIBIT "F"

Project Plans

Project Data

Owner: Steven and Gillian Foster
 13077 Aubrey Rd.
 Beverly Hills, California 90210

Architect: Carver + Schickelanz Architects
 P.O. Box 2684, Carmel, California 93921
 Phone: 831-624-2304 Fax: 831-624-0364
 e-mail: MaryAnn@CarverSchickelanz.com
 Contact: Mary Ann Schickelanz, Architect

Surveyor: Rasmussen Land Surveying
 P.O. Box 3136
 Monterey, California 93942
 Phone: (831) 376-7240

Property Address: 4855 Bixby Creek Road
 Carmel, California, 93923

APN: 418-132-007;
 new water pump station on 418-132-005
 water source; (E) walk on 418-132-005

Parcel Size: 78 Acres

Lot Coverage Proposed: 11,825 sf / 78 acres = 0.35%

Grading Estimate: Cut: 1883 yds
 Fill: 825 yds
 Export: 1225 yds

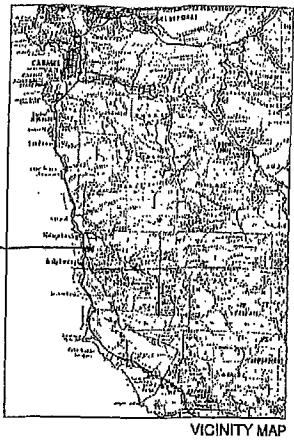
Water Source: Well on lot 5, APN 418-132-005

Sewer System: Septic

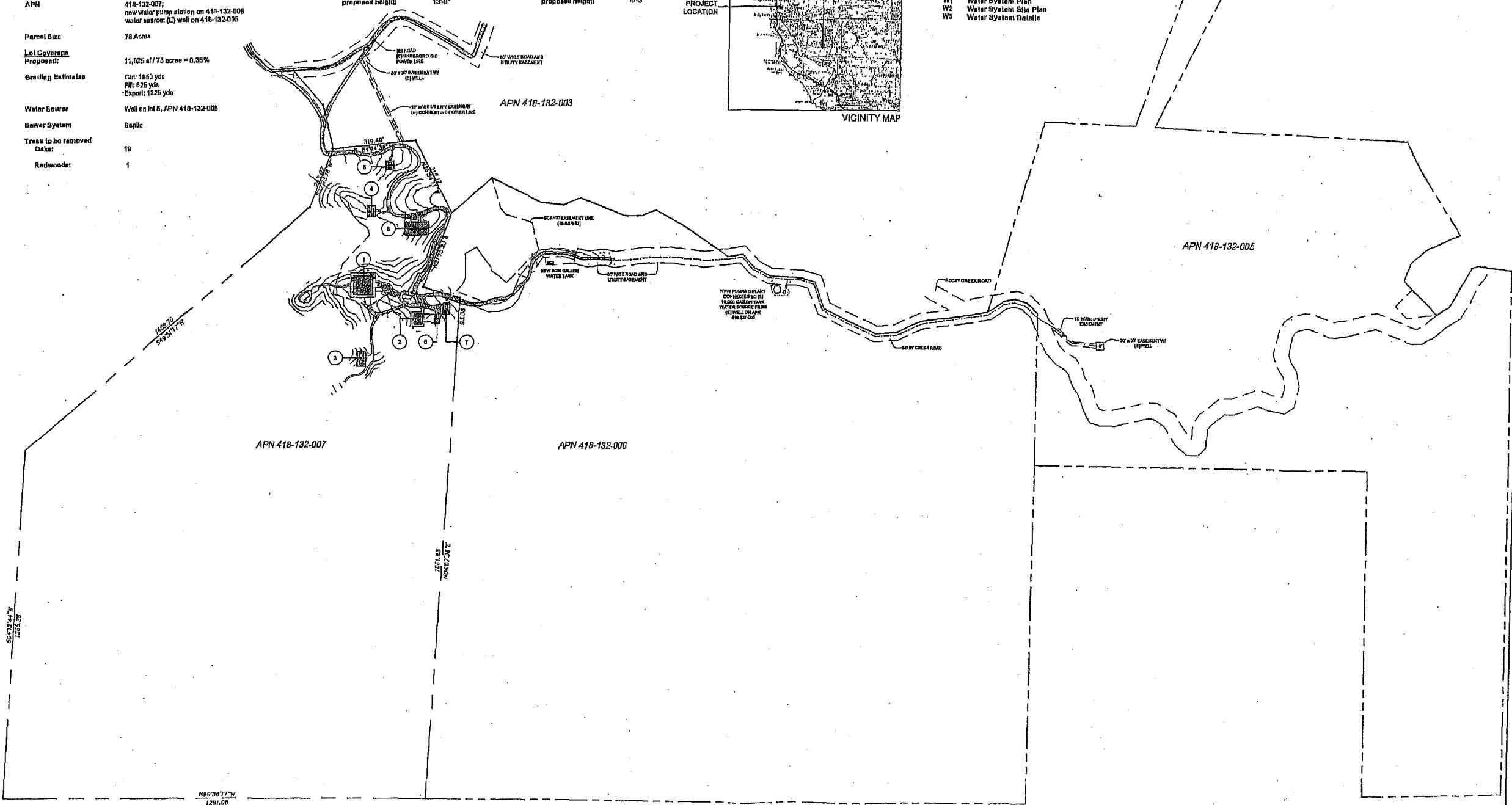
Trees to be removed: 19

Redwoods: 1

- | | |
|--|--|
| 1 Main House:
square footage: 3976sf
average natural grade: 1475'-2"
proposed height: 20'-0" | 4 Guesthouse:
square footage: 425sf
average natural grade: 1412'-7"
proposed height: 11'-2" |
| 2 Gillian's Studio:
square footage: 1200sf
average natural grade: 1481'-4"
proposed height: 14'-8" | 6 Barn:
square footage: 3200sf
average natural grade: 1443'-0"
proposed height: 30'-0" maximum |
| 3 Steven's Studio:
square footage: 1180sf
average natural grade: 1454'-0"
proposed height: 16' | 7 Garage:
square footage: 900sf
average natural grade: 1400'-2"
proposed height: 9'-6" |
| 4 Carolee's House:
square footage: 800sf
average natural grade: 1420'-3"
proposed height: 13'-8" | 8 Shed:
square footage: 226sf
average natural grade: 1481'-4"
proposed height: 10'-3" |



- Sheet Schedule**
- 1 Project Data, Parcel Map, Vicinity Map
 - 2 Site Plan
 - 3 Main House Floor Plan
 - 4 Main House Elevations
 - 5 Main House Elevations
 - 6 Gillian's Studio Floor Plan
 - 7 Gillian's Studio Elevations
 - 8 Steven's Studio Floor Plan & Elevations
 - 9 Carolee's House Floor Plan & Elevations
 - 10 Guesthouse Floor Plan & Elevations
 - 11 Barn Floor Plan
 - 12 Barn Elevations
 - 13 Garage & Shed Floor Plans and Elevations
 - 14 Tree Removal and Grading Plan
 - 15 Grading Schematic
 - W1 Water System Plan
 - W2 Water System Site Plan
 - W3 Water System Details



Use of these plans and specifications shall be restricted to the project for which they were prepared and publication thereof is expressly prohibited in whole or in part. Reproduction or publication in any form without the written consent of the author is prohibited. This is to the plans and specifications as shown with these plans and specifications and no other conditions shall be considered as part of the contract.

FOSTER RESIDENCE
 4855 BIXBY CREEK ROAD, CARMEL, CA. 93923

Carver + Schickelanz Architects
 P.O. BOX 2684 CARMEL CALIFORNIA 93921 U.S.A.
 PHONE: 831.624.2304 FACSIMILE: 831.624.0364
 WWW . CARVER SCHICKELANZ . COM

Date: 08-08-2005
 Scale: 1"=200'
 Drawn: ES
 Job: 0304
 Title: COVER SHEET
 Sheet: **1**



Use of these plans and specifications shall be restricted to the original site for which they were prepared and publication thereof is expressly prohibited in whole or in part, in published, title to the plans and specifications remains with the architect, without prejudice. Any reproduction or publication of any part of these plans, in whole or in part, is prohibited. Title to the plans and specifications remains with the architect, without prejudice. Any reproduction or publication of any part of these plans, in whole or in part, is prohibited. Title to the plans and specifications remains with the architect, without prejudice.



- ① Main House
- ② Gillian's Studio
- ③ Steven's Studio
- ④ Caretaker's House
- ⑤ Guesthouse
- ⑥ Bath
- ⑦ Garage
- ⑧ Shed

SITE PLAN

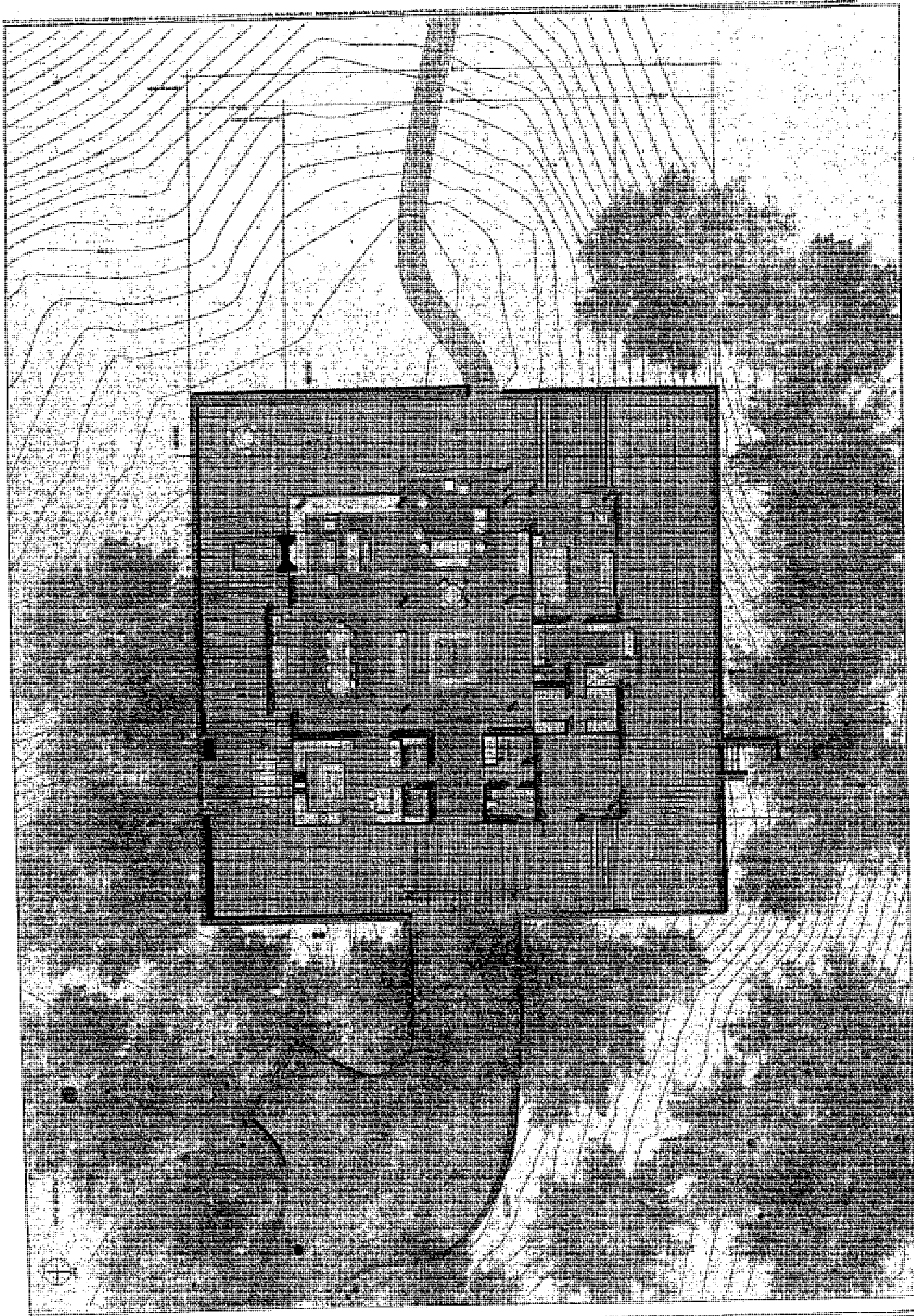
REVISIONS:	BY:

FOSTER RESIDENCE
4855 BIXBY CREEK ROAD, CARMEL, CA. 93923

Carver + Schicketanz Architects
P.O. BOX 2584 CARMEL, CALIFORNIA 93921 U.S.A.
PHONE: 831.624.2304 FACSIMILE: 831.624.0364
WWW.CARVER-SCHICKETANZ.COM



Date:	08-08-2005
Scale:	1"=50'
Drawn:	ES
Job:	0304
Title:	SITE PLAN
Sheet:	2



THE MAIN HOUSE
FLOOR PLAN

Scale: 1/8" = 1'-0"

Date: 08-28-2005

Client: ES

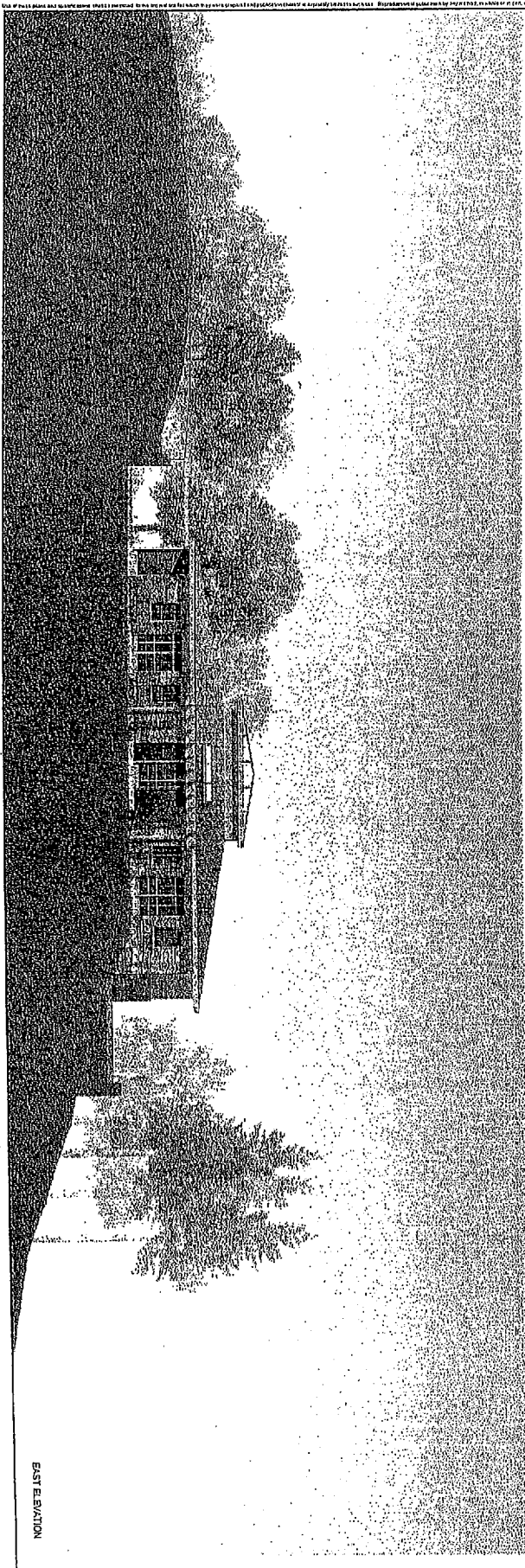
Arch: CSK

Carver + Schickelanz Architects

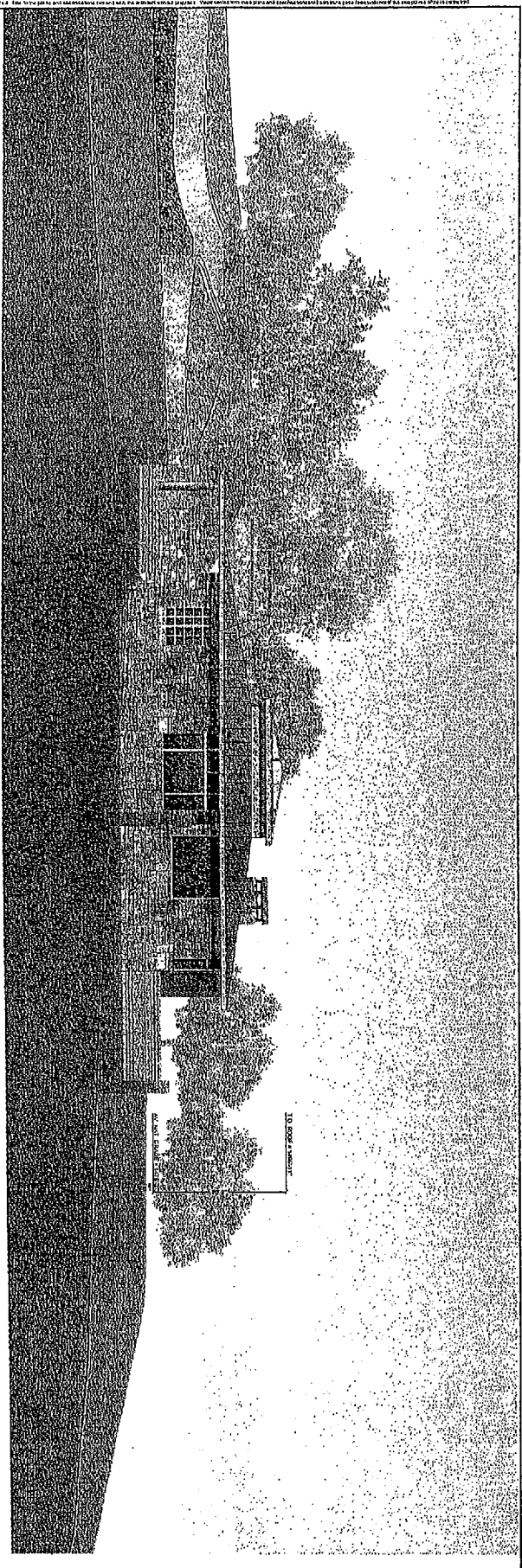
P.O. BOX 7684 CARMEL, CALIFORNIA 93921 U.S.A.
PHONE: 831.424.2304 FACSIMILE: 831.624.0341
WWW.CARVER-SCHICKELANZ.COM

FOSTER RESIDENCE
3855 BABY CREEK ROAD, CARMEL, CA. 93923

NO.	DATE	REVISION



EAST ELEVATION

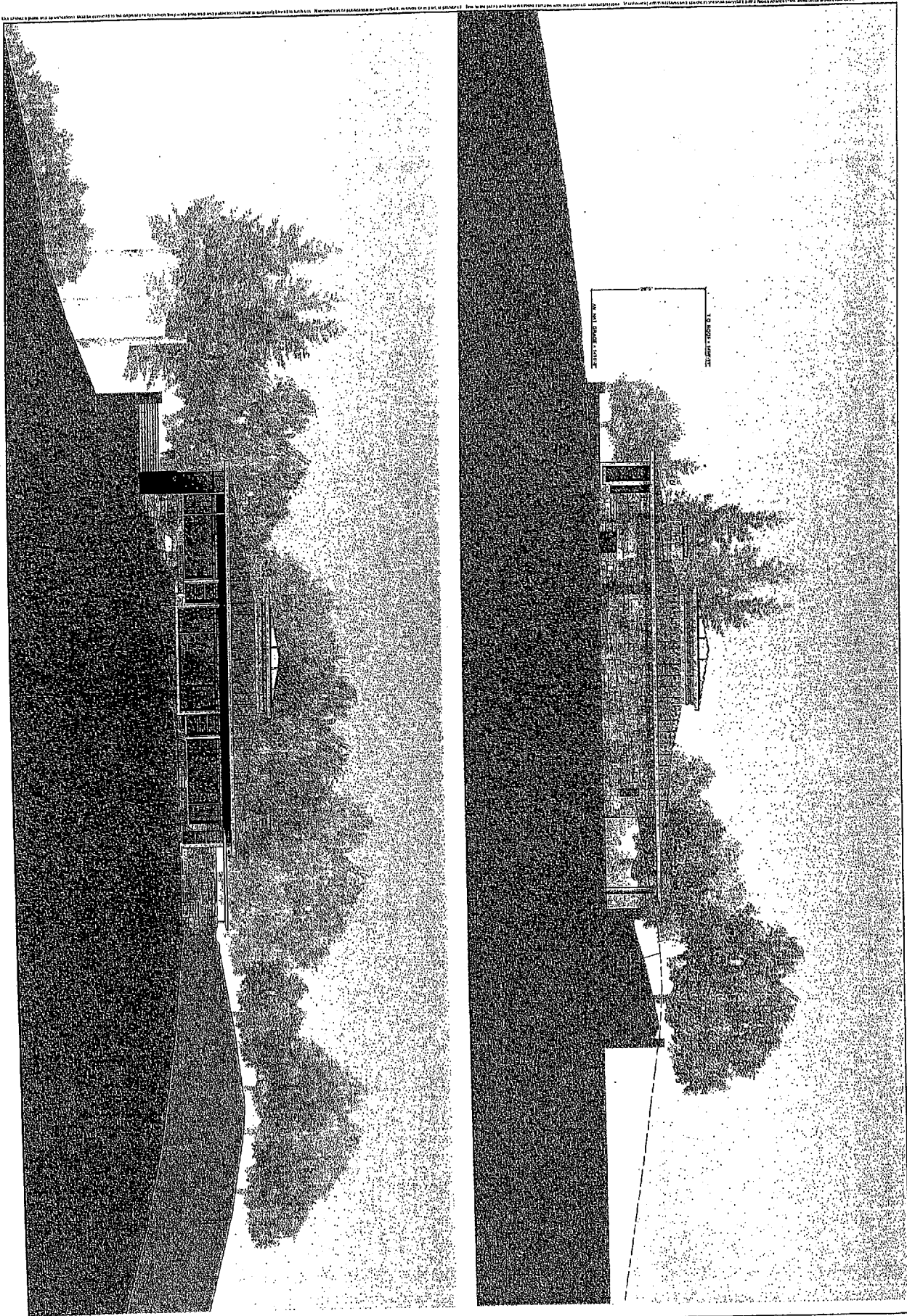


DATE	08-08-2005
SCALE	1/8" = 1'-0"
PROJECT	EST
DATE	03/04
TITLE	MAIN HOUSE ELEVATIONS
SHEET	4

Carver + Schicketanz Architects
 P.O. BOX 5044 CARMEL, CALIFORNIA 93021 U.S.A
 PHONE: 831.624.2504 FACSIMILE: 831.624.0384
 WWW.CARVERBSCHICKETANZ.COM

FOSTER RESIDENCE
 3859 BIRDY CREEK ROAD, CARMEL, CA. 93023

SCALE	FT

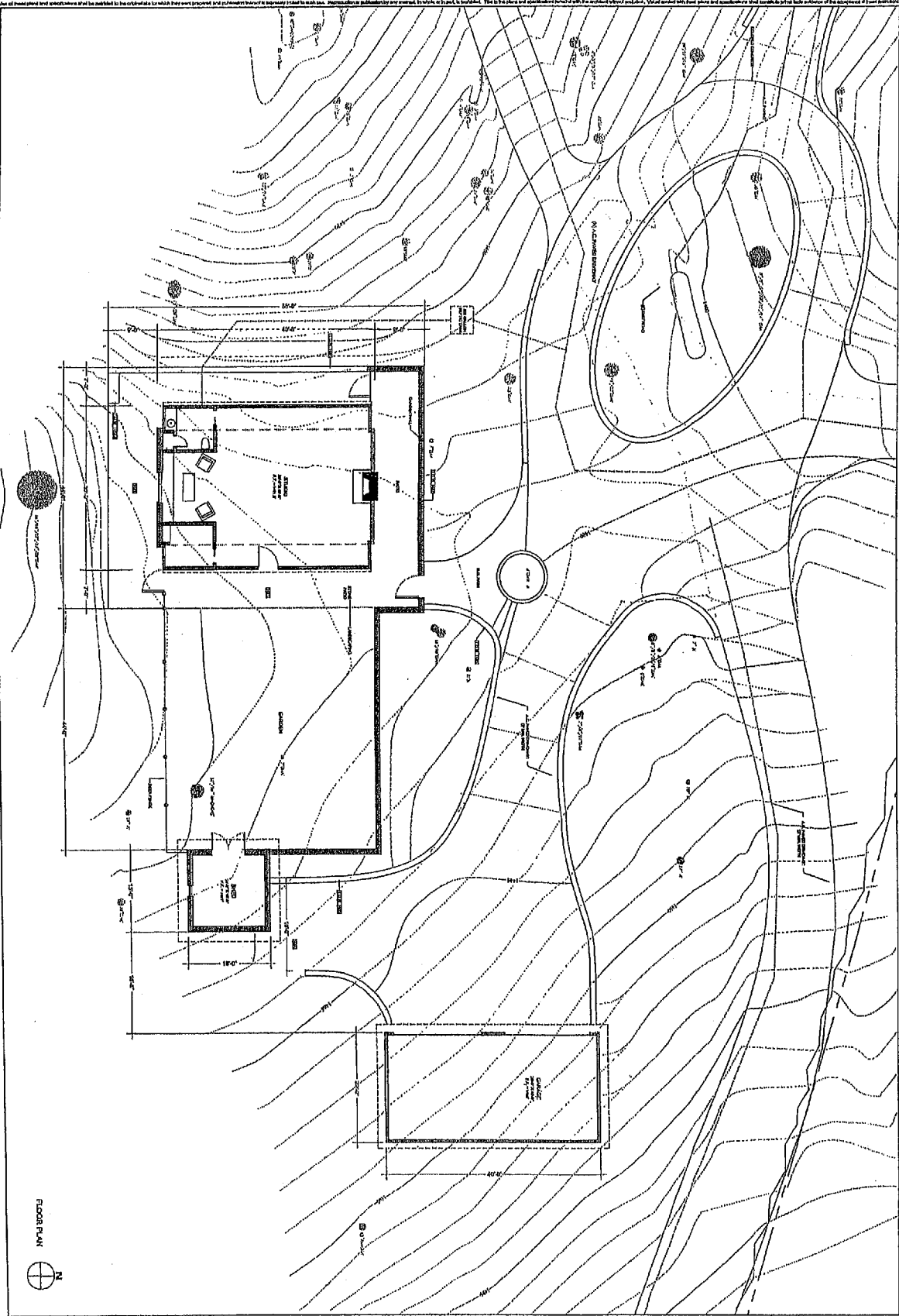


DATE: 08-06-2005
 SCALE: 1/8" = 1'-0"
 DRAWN BY: JSC
 CHECKED BY: JSC
 TITLE: MAIN HOUSE ELEVATION

Carver + Schickelanz Architects
 P.O. BOX 2884 CARMEL, CALIFORNIA 93821 U.S.A.
 PHONE: 431.624.2384 FAX: 431.624.6384
 WWW.CARVER-SCHICKELANZ.COM

FOSTER RESIDENCE
 3855 BIRDY CREEK ROAD, CARMEL, CA 93923

NO.	DESCRIPTION
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5	

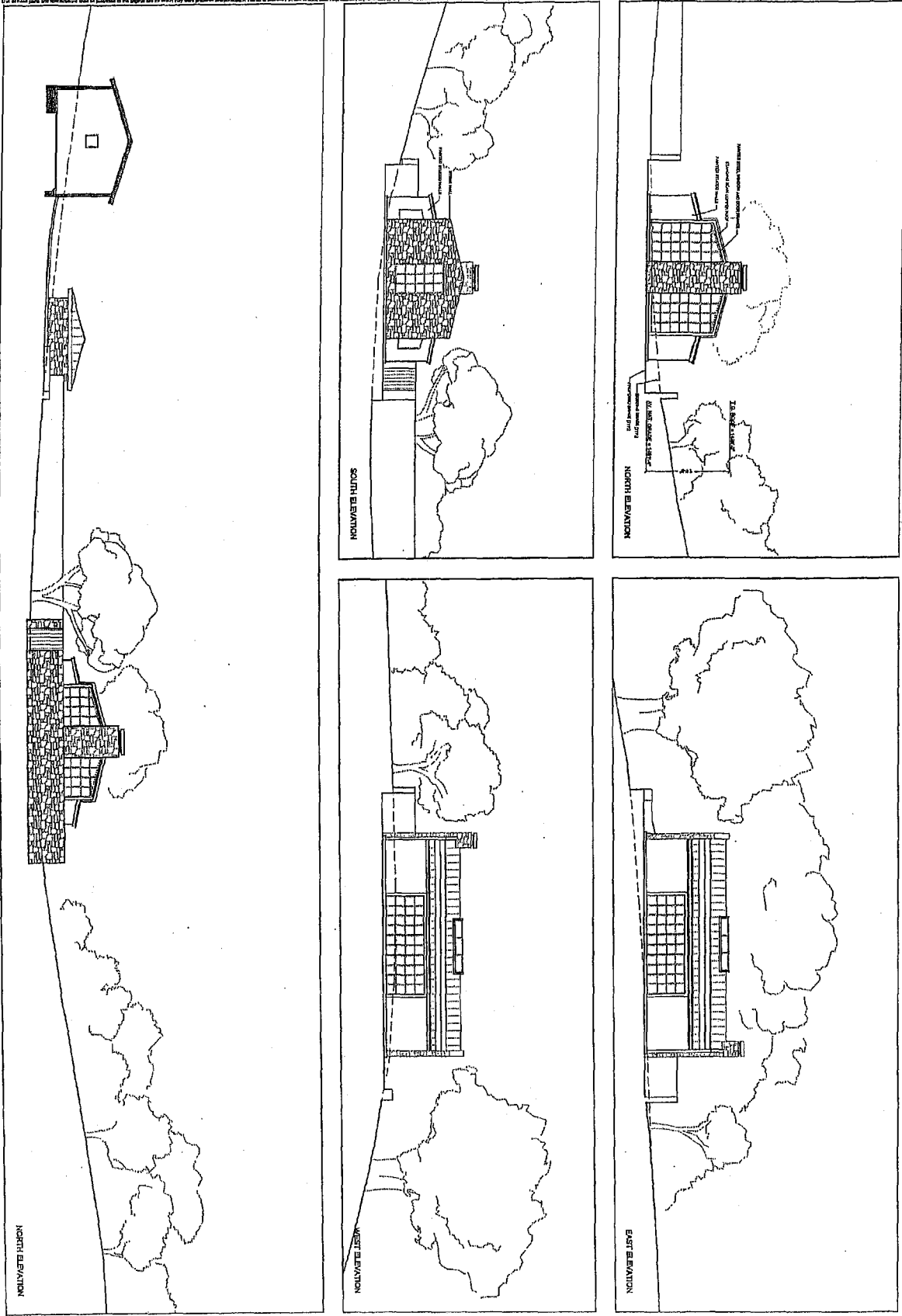


FLOOR PLAN

6	DATE	10/20/2003
	SCALE	1/2" = 1'-0"
	DESIGNED BY	ES
	DRAWN BY	CDM
	CHECKED BY	
	DATE	
	GILLIAN'S STUDIO FLOOR PLANS	

Carver + Schickelanz Architects
 P.O. BOX 2884 CARMEL, CALIFORNIA 93921 U.S.A.
 PHONE: 438.621.2394 FAX: 438.621.0394
 WWW . CARVERSCHICKELANZ . COM

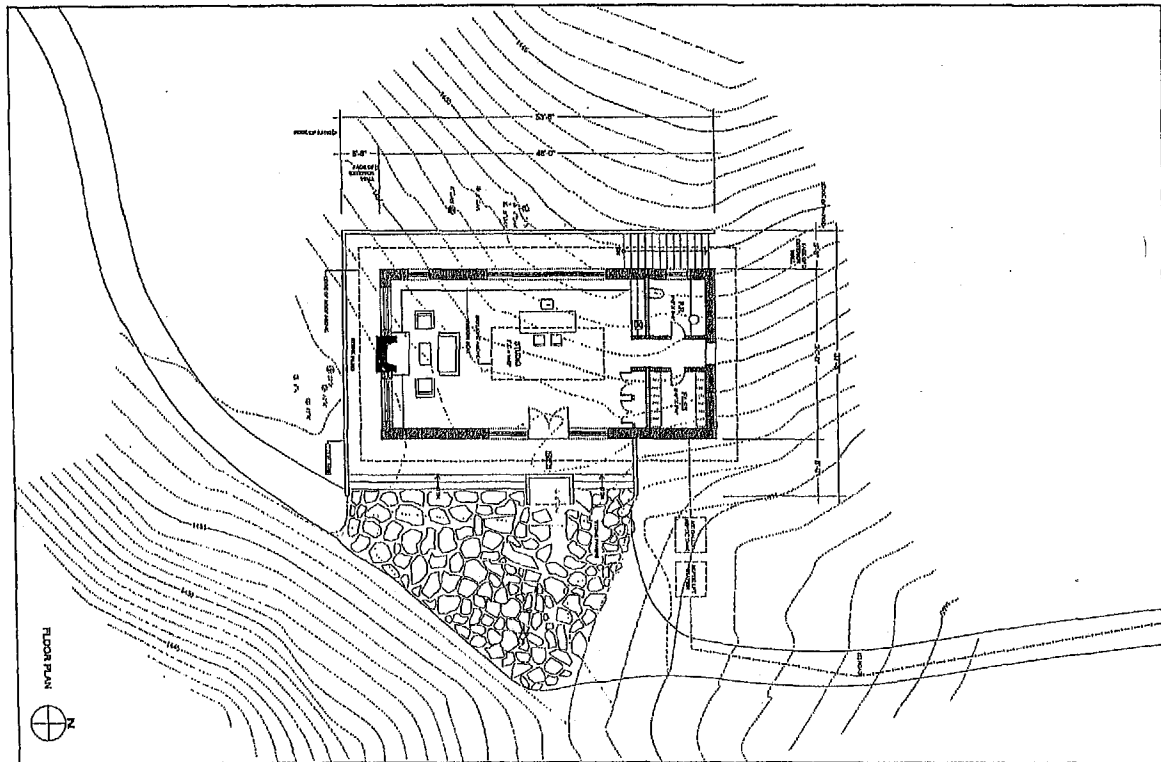
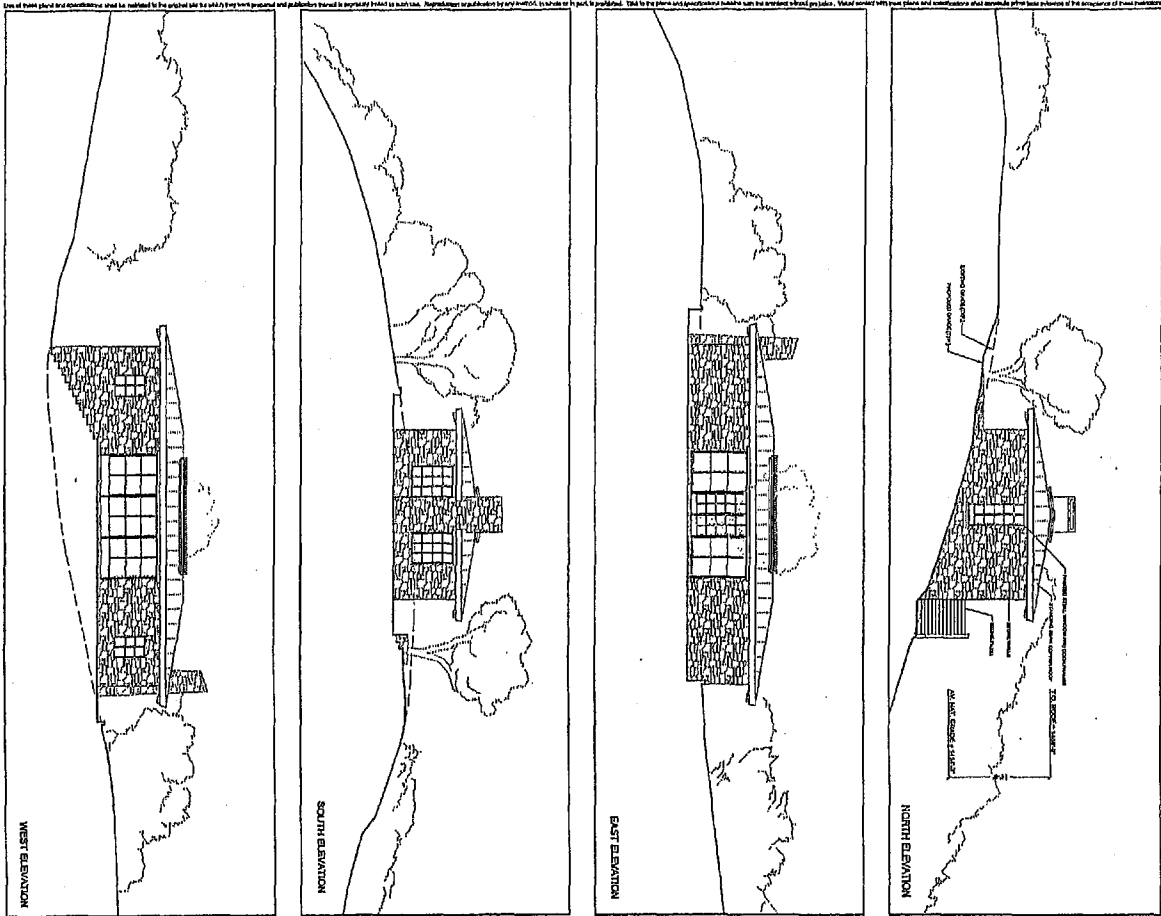
FOSTER RESIDENCE
 3655 DIXIE CREEK ROAD, CARMEL, CA. 93923



7
 ARCHITECTS
 STUDIO
 1994
 DATE
 1994
 SCALE
 1/8"=1'-0"
 SHEET
 03-06-002

Carver + Schickelanz Architects
 P.O. BOX 2884 CARMEL, CALIFORNIA 93921 U.S.A.
 PHONE: 831.624.2204 FAX: 831.624.2284
 WWW: CARVER-SCHICKELANZ.COM

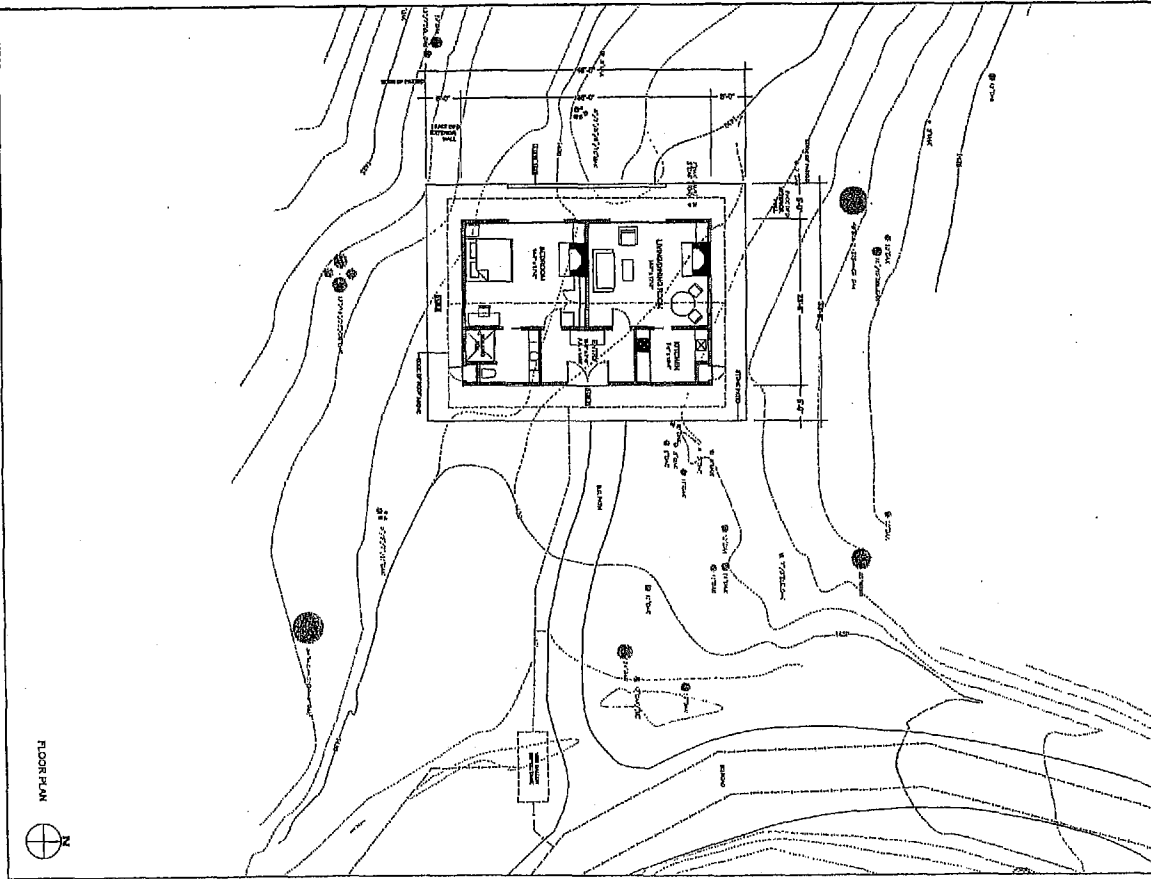
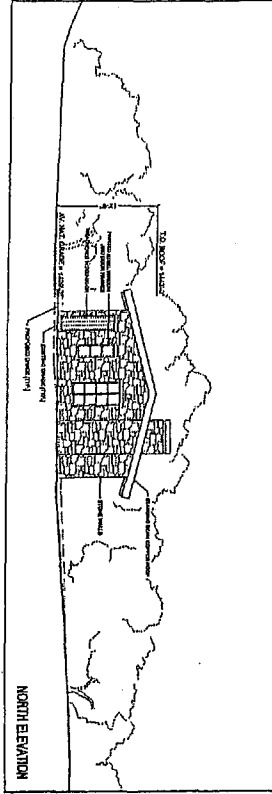
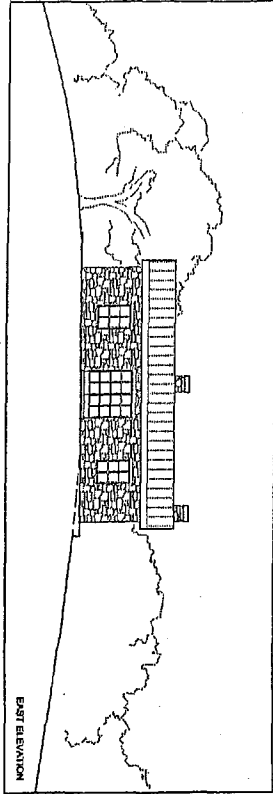
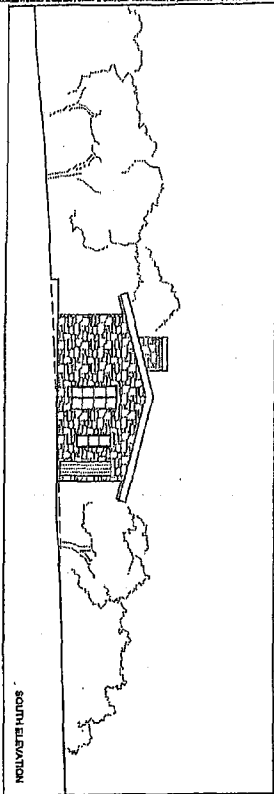
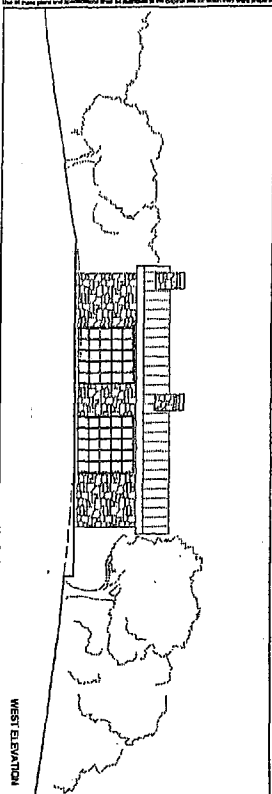
FOSTER RESIDENCE
 3855 BIXBY CREEK ROAD, CARMEL, CA 93923



8	DATE	10/20/05
REVISED	DATE	10/20/05
DESIGNED BY	SS	
CHECKED BY	CS	
PROJECT	FOSTER RESIDENCE	
SCALE	1/8" = 1'-0"	
DRAWN BY	SS	
DATE	10/20/05	
PROJECT	FOSTER RESIDENCE	
SCALE	1/8" = 1'-0"	
DRAWN BY	SS	
DATE	10/20/05	

Carver + Schlotke Architects
 P.O. BOX 3684 DANIEL, CALIFORNIA 92821 U.S.A.
 PHONE: 924.024.2300 FAX: 924.024.0384
 WWW.CARVEROSCHLOTKE.COM

FOSTER RESIDENCE
 3865 HIRY CREEK ROAD, DANIEL, CA 92822

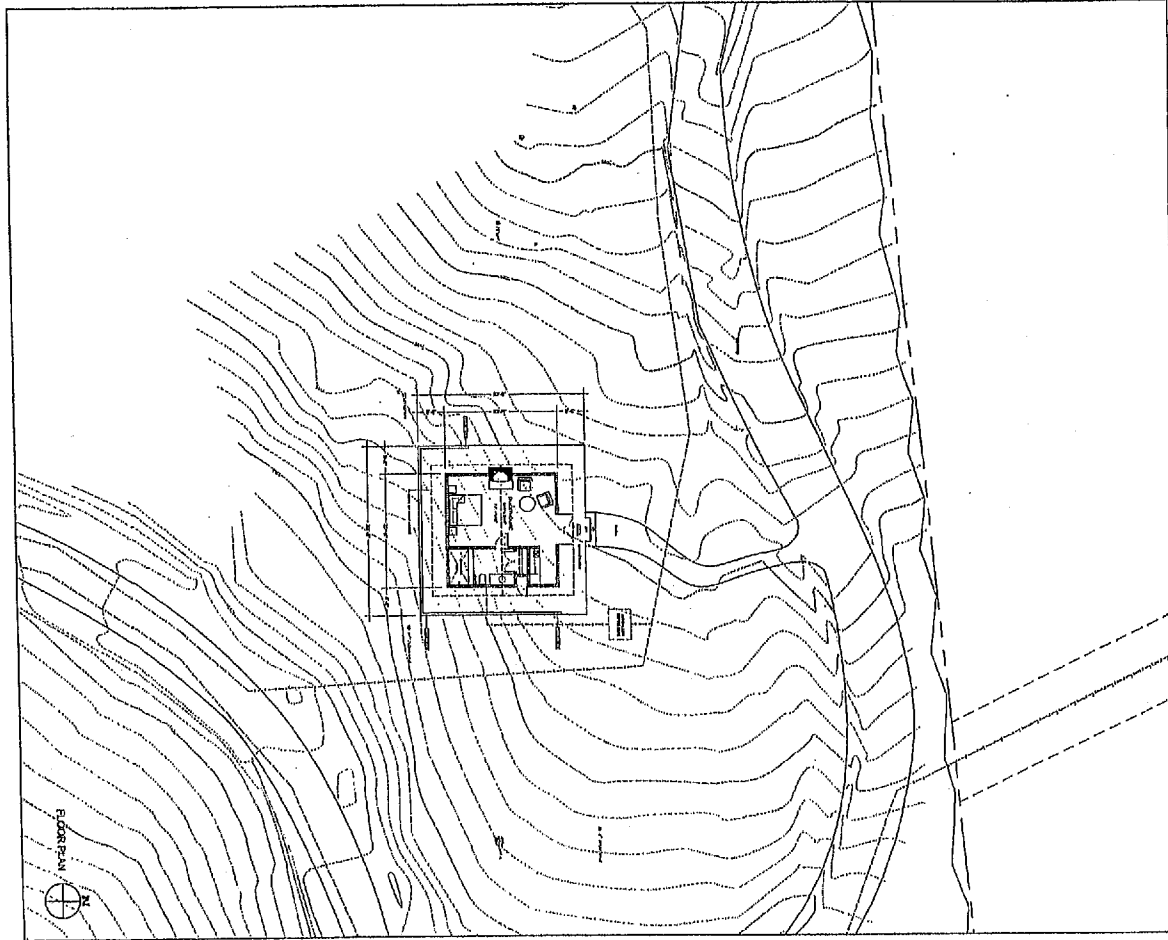
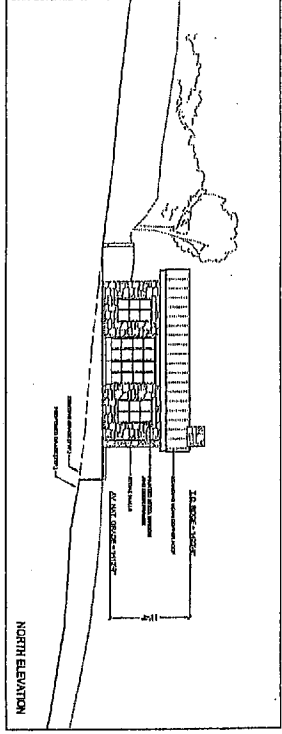
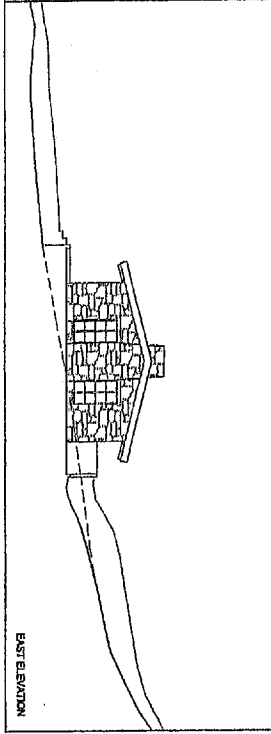
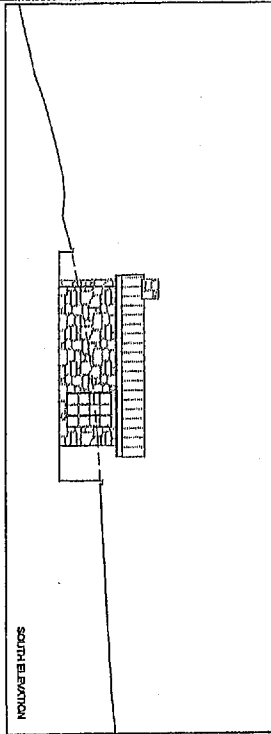
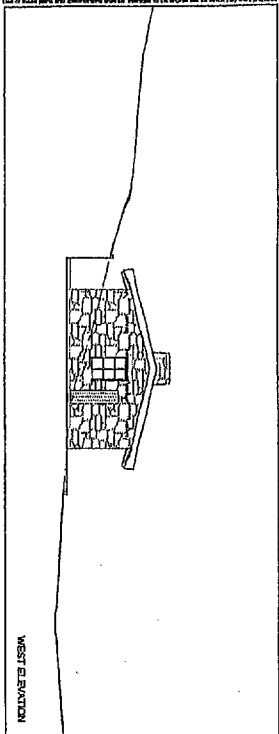


DATE	06-06-2013
SHEET	1/8" = 1'-0"
SCALE	AS SHOWN
PROJECT	FOSTER RES
CLIENT	DOB
ARCHITECT	CARVER + SCHICKELANZ ARCHITECTS
NO.	9

Carver + Schickelanz Architects
 P.O. BOX 2854 CARMEL CALIFORNIA 93921 U.S.A.
 PHONE: 831.424.2294 FAX: 831.424.8294
 WWW: CARVERANDSCHICKELANZ.COM

FOSTER RESIDENCE
 3855 BIXBY CREEK ROAD, CARMEL, CA 93923

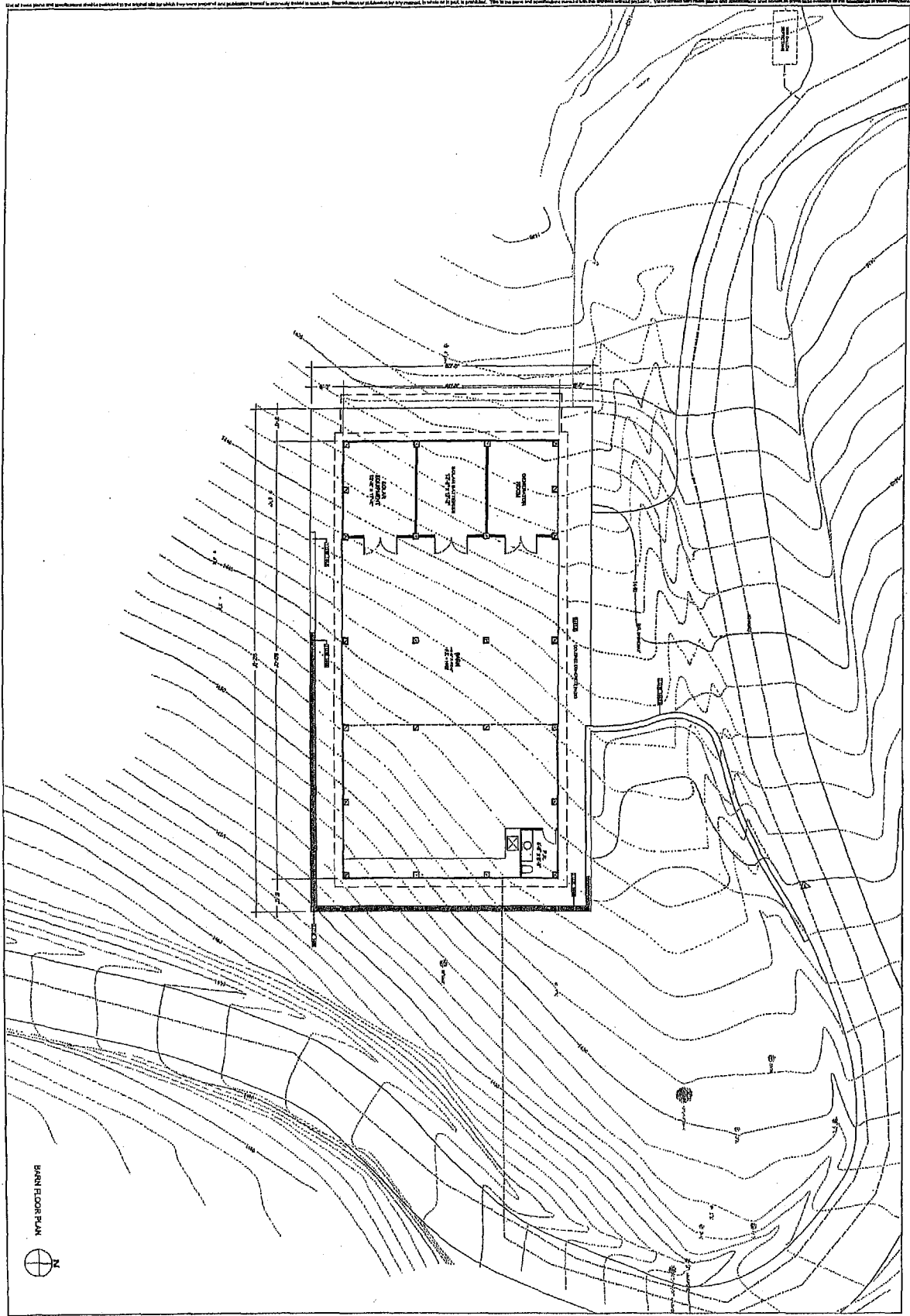
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10	THE FOSTER RESIDENCE ELEVATIONS
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Carver + Schickelanz Architects
 P.O. BOX 2484 CARMEL CALIFORNIA 93821 U.S.A.
 PHONE: 831.824.6284 FACSIMILE: 831.824.6284
 WWW.CARVEROSCHICKELANZ.COM

FOSTER RESIDENCE
 3855 DIXIE CREEK ROAD, CARMEL, CA 93823



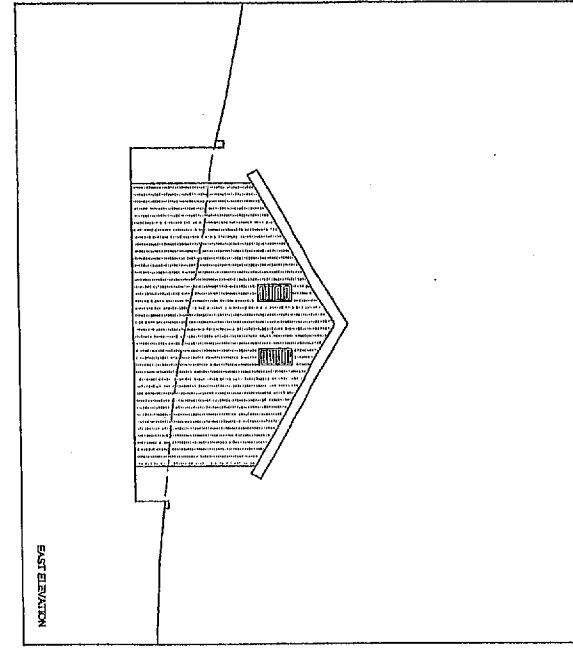
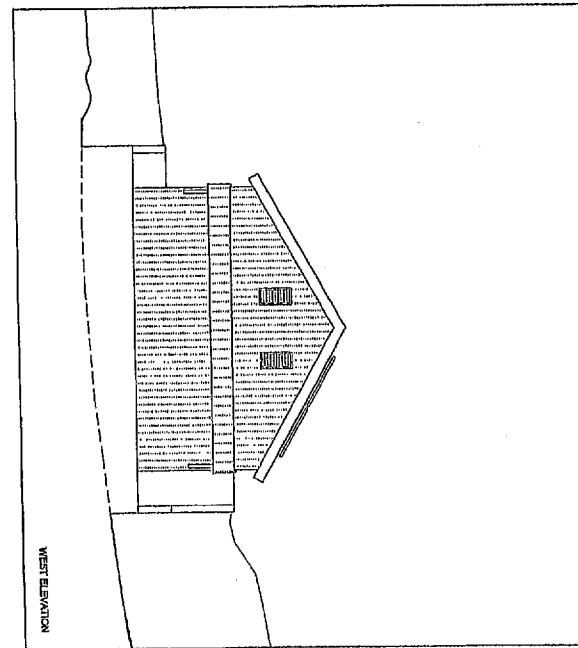
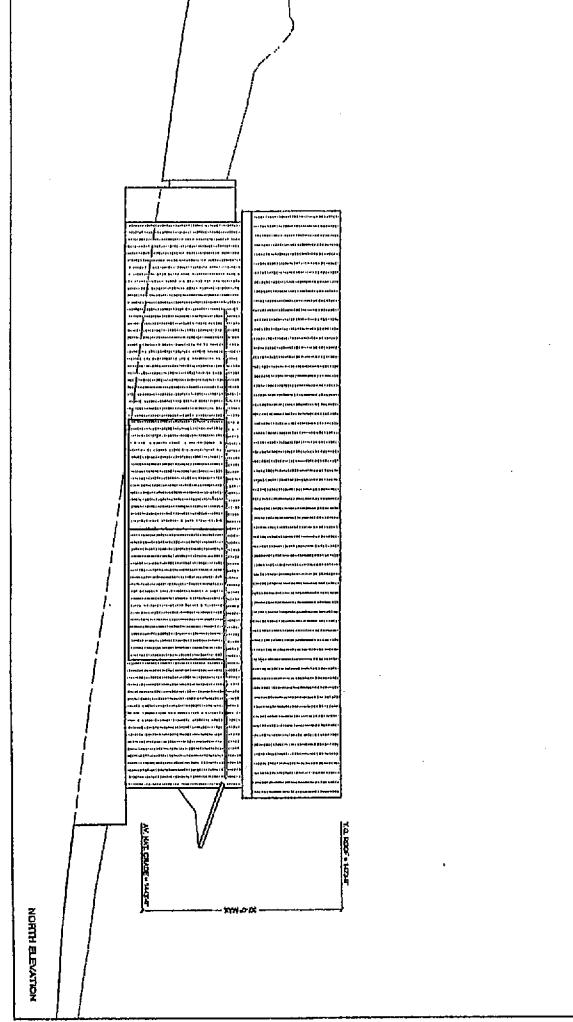
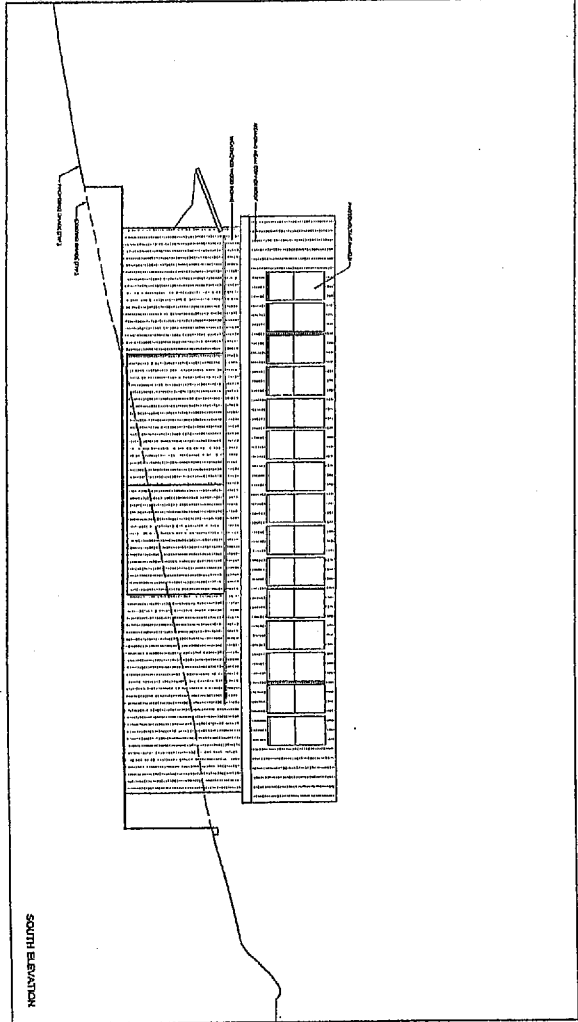
BRN2 FLOOR PLAN

11	BRN2 FLOOR PLAN
DATE	04.06.2005
DESIGNER	DAVID SCHICKELANZ
ARCHITECT	DAVID SCHICKELANZ
SCALE	1/8" = 1'-0"
PROJECT	FOSTER RESIDENCE

Carver + Schickelanz Architects
 P.O. BOX 2886 CARMEL, CALIFORNIA 93821 U.S.A.
 PHONE: 831.824.2304 FAX: 831.824.0384
 WWW.CARVERARCHITECTS.COM

FOSTER RESIDENCE
 3055 DIXY CREEK ROAD, CARMEL, CA. 93923

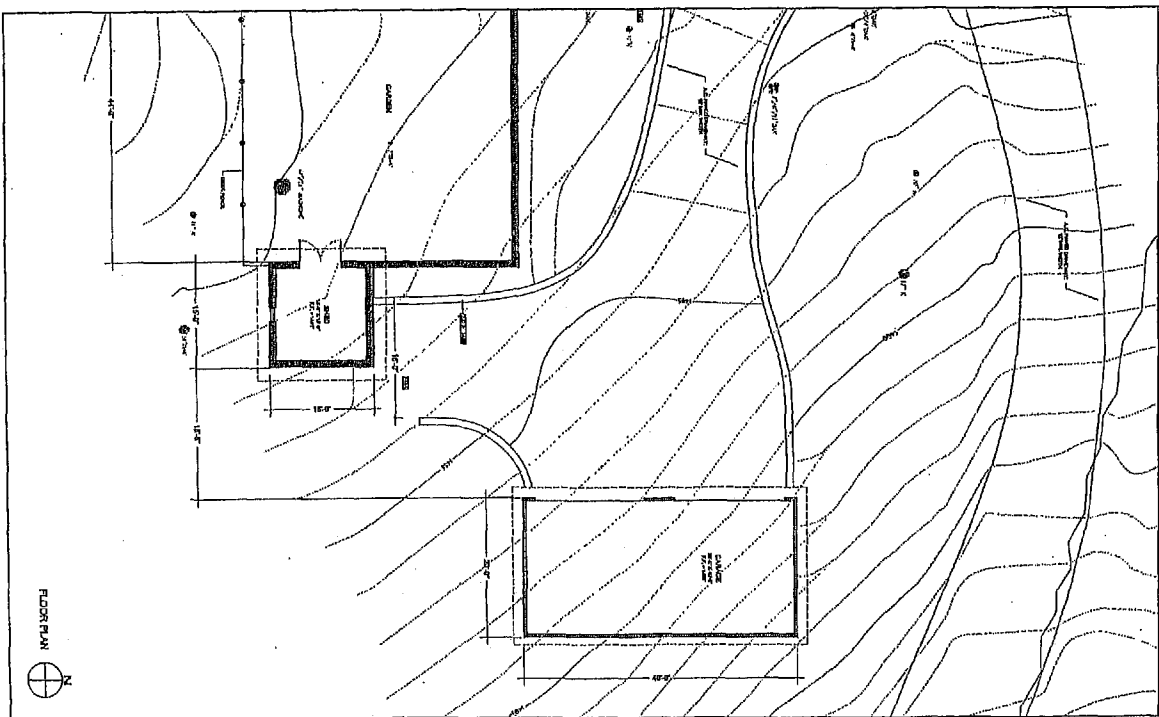
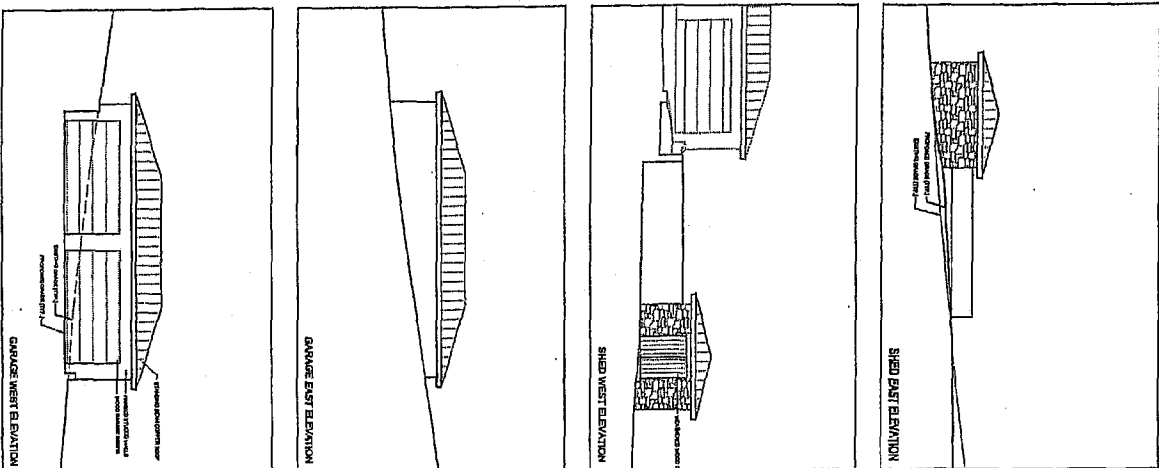
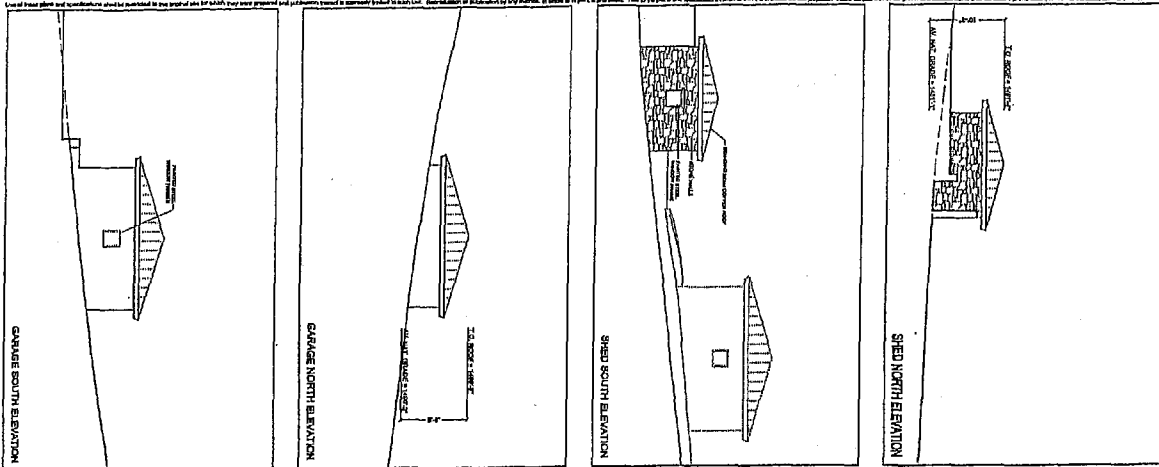
Use of these plans and specifications shall be limited to the project for which they have been prepared and no part thereof is to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect. The architect shall not be responsible for any errors or omissions in these plans and specifications, and shall not be held liable for any consequences thereof. These plans and specifications shall be held in confidence and shall not be used for any other project without the prior written permission of the architect.



12

Carver + Schickelanz Architects
 P.O. BOX 2694 CARMEL, CALIFORNIA 93821 U.S.A.
 PHONE: 831.624.2300 FAX: 831.624.0364
 WWW: CARVERANDSCHICKELANZ.COM

FOSTER RESIDENCE
 3655 HIXBY CREEK ROAD, CARMEL, CA. 93823

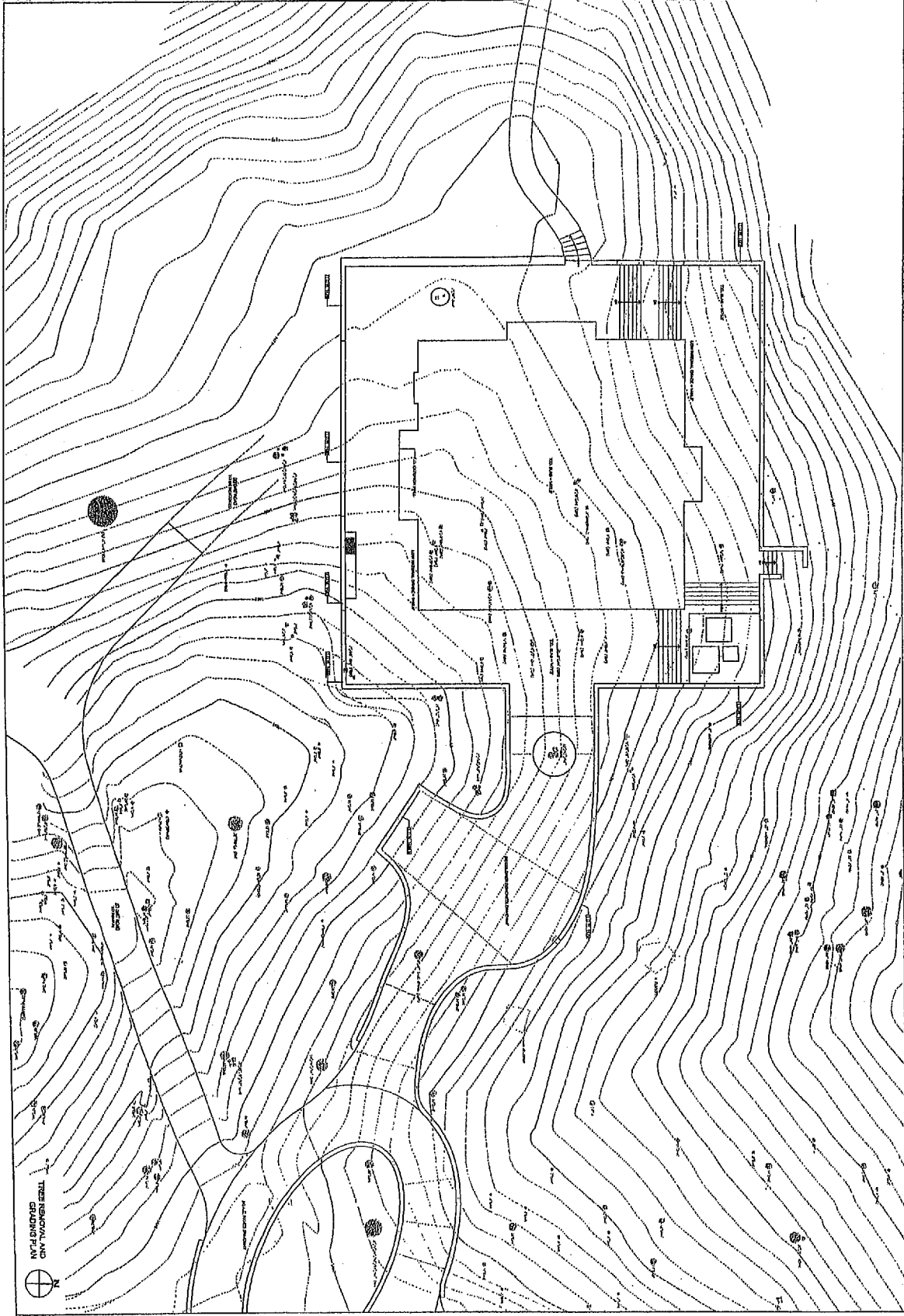


13	DATE: 06-28-2005
PROJECT: GARAGE & SHED ELEVATIONS	SCALE: 1/8"=1'-0"
DESIGNER: CARVER + SCHICKELANZ ARCHITECTS	

Carver + Schickelanz Architects
 P.O. BOX 2884 CARMEL CALIFORNIA 93821 U.S.A.
 PHONE: 831.624.2204 FACSIMILE: 831.624.0286
 WWW.CARVER+SCHICKELANZ.COM

FOSTER RESIDENCE
 3855 BERRY CREEK ROAD, CARMEL, CA 93823

All of these items and measurements used for purposes for which they were prepared and published based on a survey of the ground. The data on which these items are based is not to be used for any other purpose. No liability is assumed by the author for any error or omission in this document or for any consequences of its use.

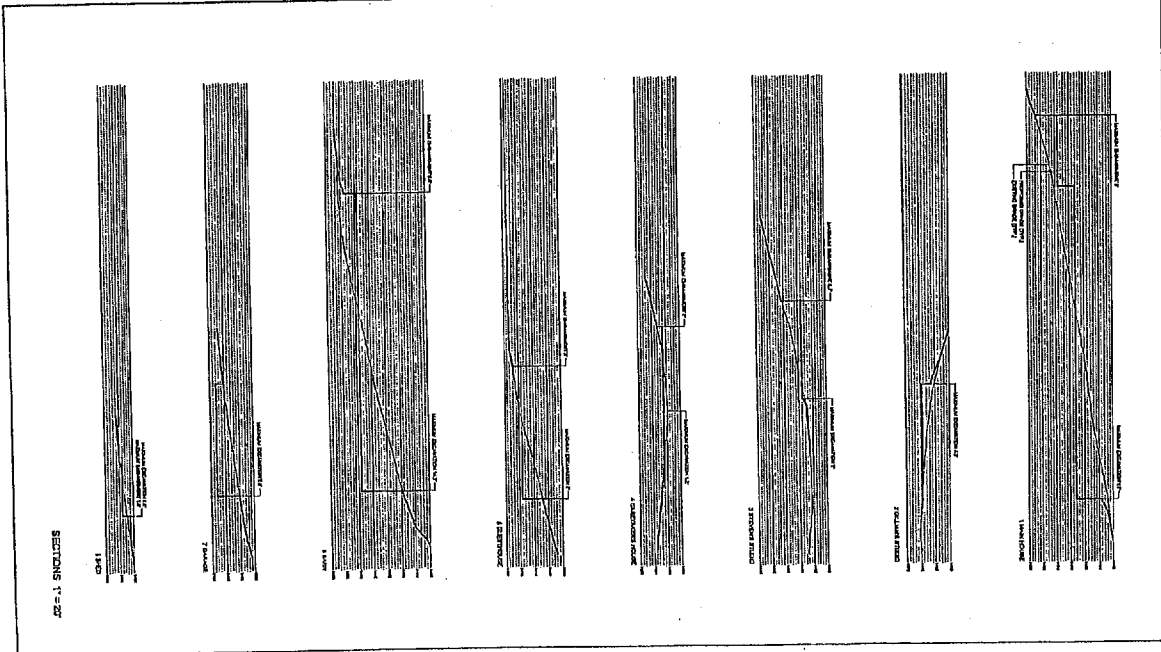
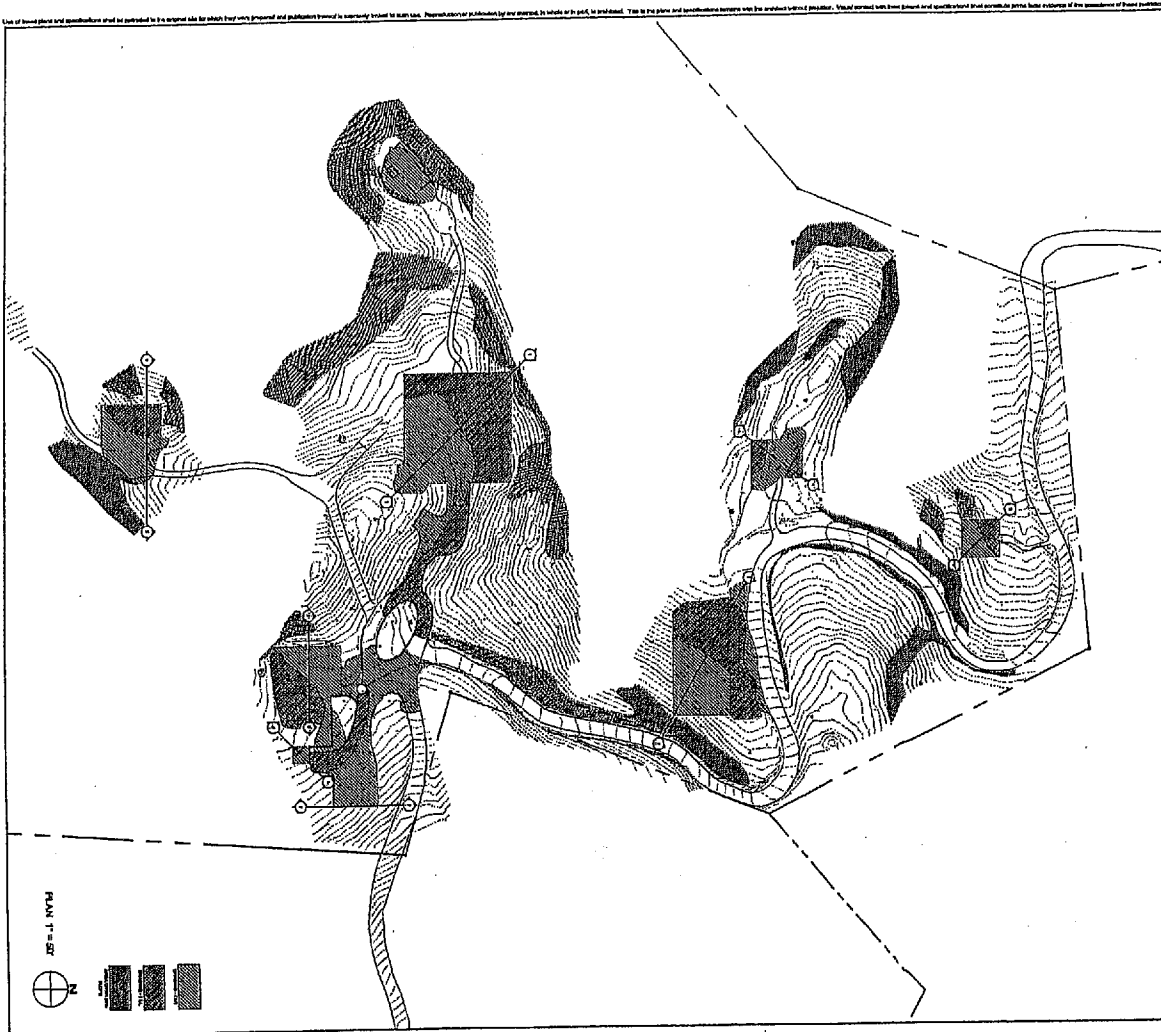


TREE REMOVAL AND
GRADING PLAN
N

14	DATE: 08/20/2015
	SCALE: 1/4" = 1'-0"
	DRAWN BY: ES
	CHECKED BY: CSK
	TITLE: TREE REMOVAL AND GRADING PLAN
	SHEET: 14

Carver + Schloketanz Architects
 P.O. BOX 2884 CARMEL CALIFORNIA 93225 U.S.A.
 PHONE: 831.624.2284 FAX: 831.624.0284
 WWW: CARVERARCHITECTS.COM

FOSTER RESIDENCE
 3055 BIRBY CREEK ROAD, CARMEL, CA. 93223

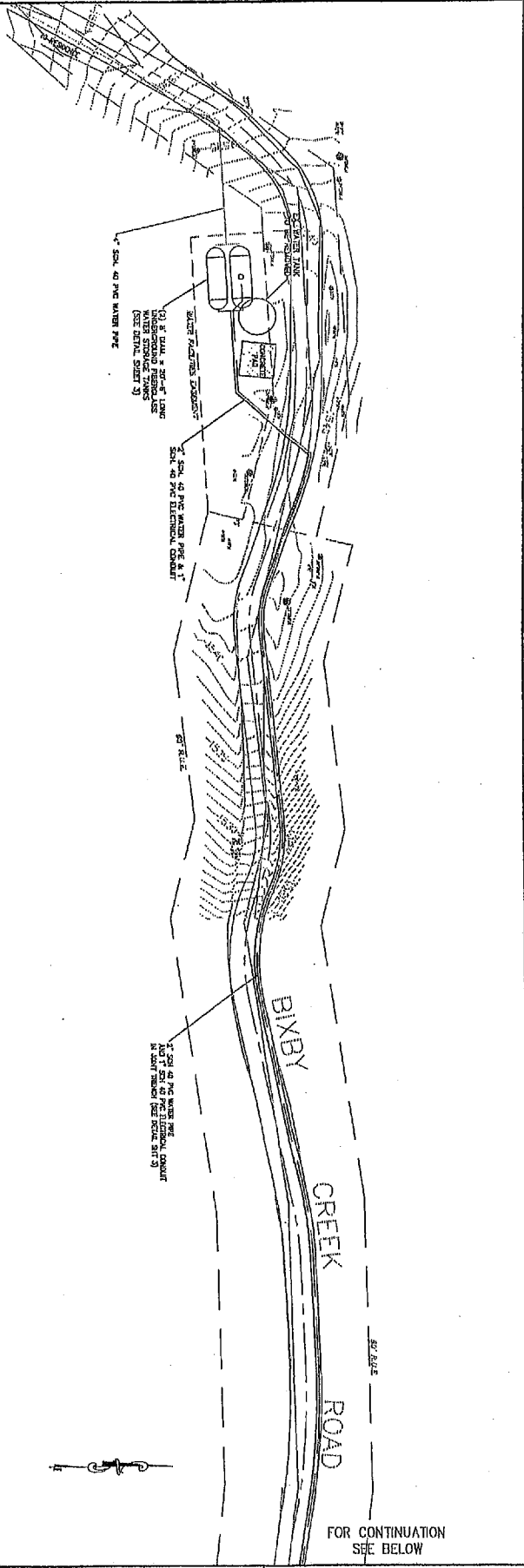
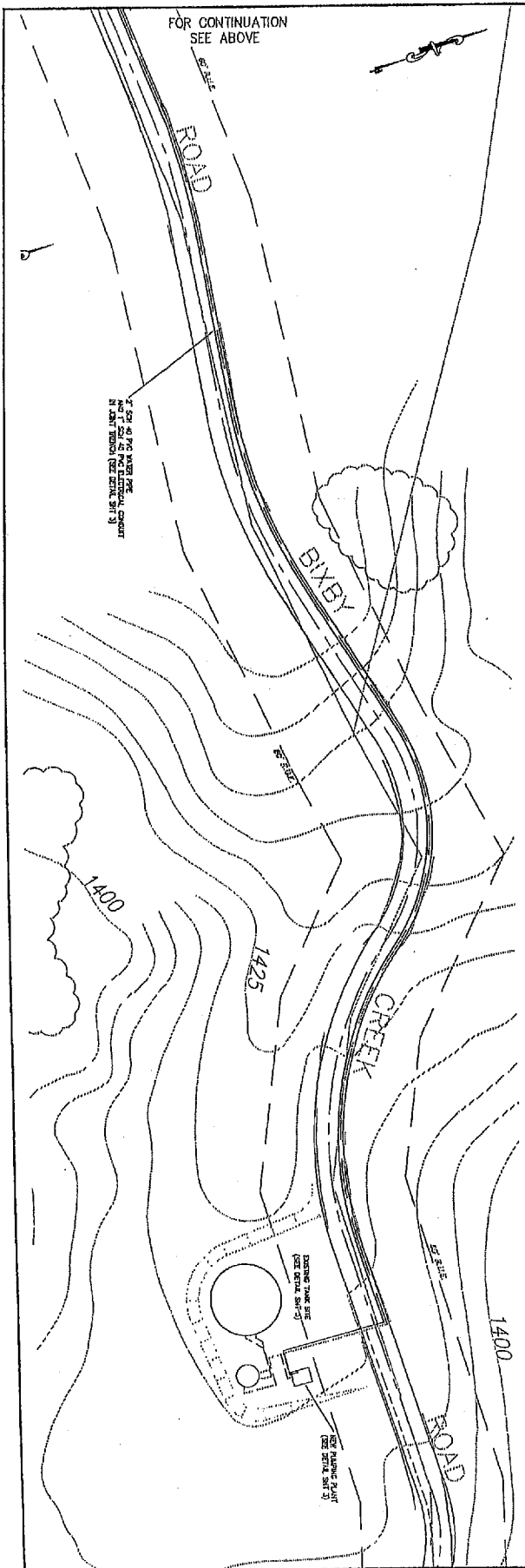


15	

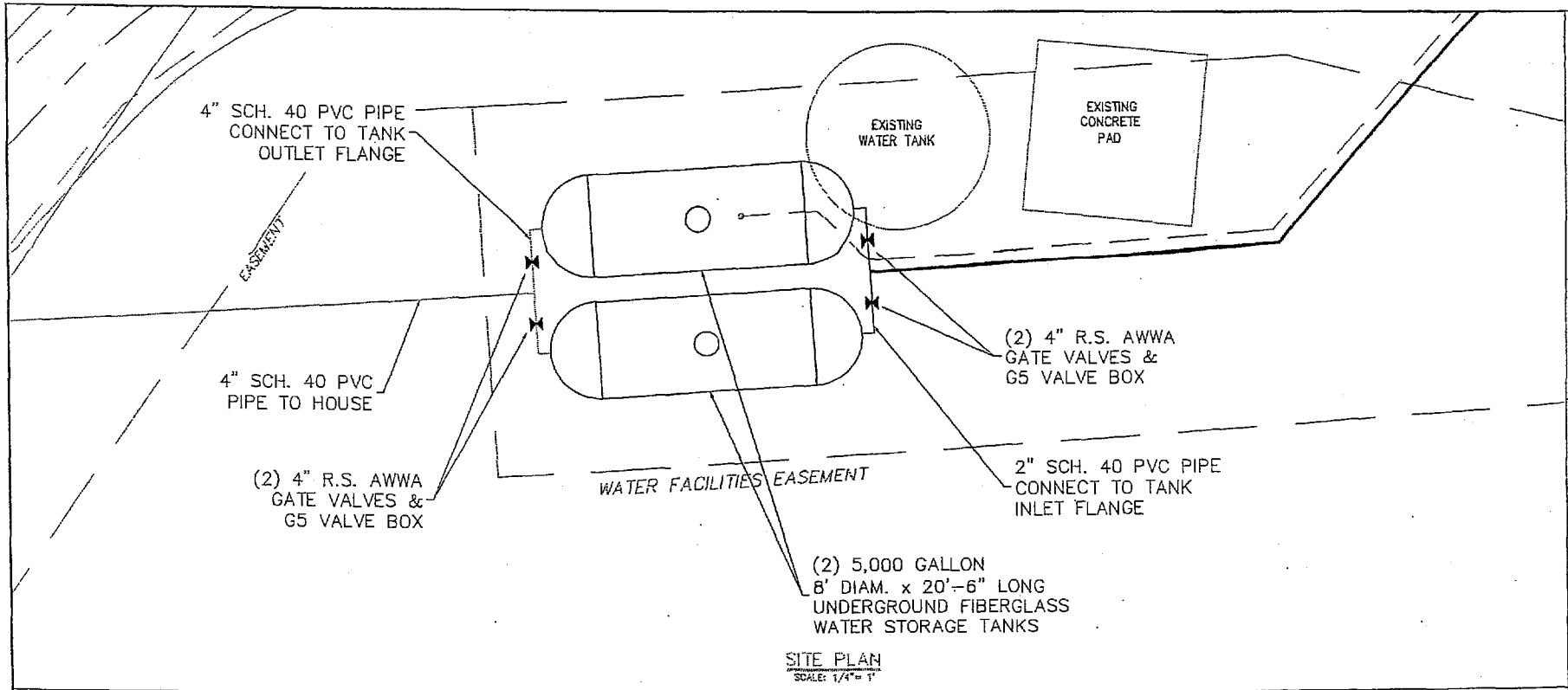


Carver + Schickelanz Architects
 P.O. BOX 2384 CARMEL CALIFORNIA 93921 U.S.A.
 PHONE: 831.474.2064 FACSIMILE: 831.826.0284
 WWW : CARVER-SCHICKELANZ . COM

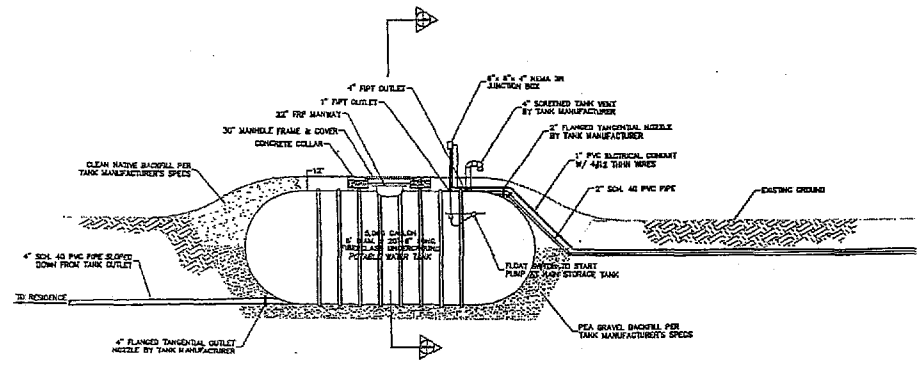
FOSTER RESIDENCE
 4859 BUXBY CREEK ROAD, CARMEL, CA. 93923



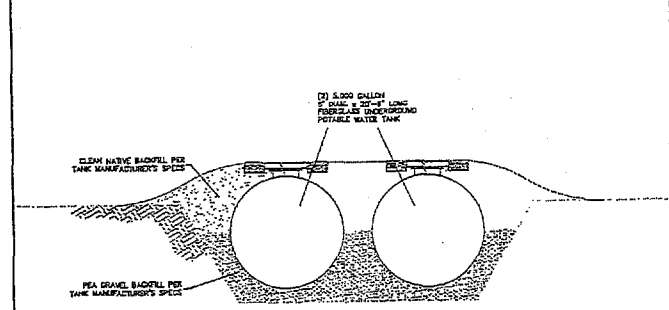
SHEET W1 OF 3 SHEETS	PLAN	PROJECT: POSTER WATER SYSTEM OWNER: ROCKY CREEK RANCH	BY: _____ DATE: _____ REVISION: _____	JOB NO. _____ DATE: MARCH 2003 SCALE: 1"=20' DESIGNED: G. WEGAND DRAWN: SP CHECKED: G. WEGAND	PREPARED BY OR UNDER THE DIRECTION OF:	UTILITY SERVICES 615 A. ORTIZ AVENUE TEL# (511) 262-0188 BAND CITY, CA 95865 FAX# (511) 262-0112
	FOR CONTINUATION SEE ABOVE		FOR CONTINUATION SEE BELOW			



SITE PLAN
SCALE: 1/4" = 1'



WATER TANK ELEVATION
SCALE: 1/4" = 1'-0"

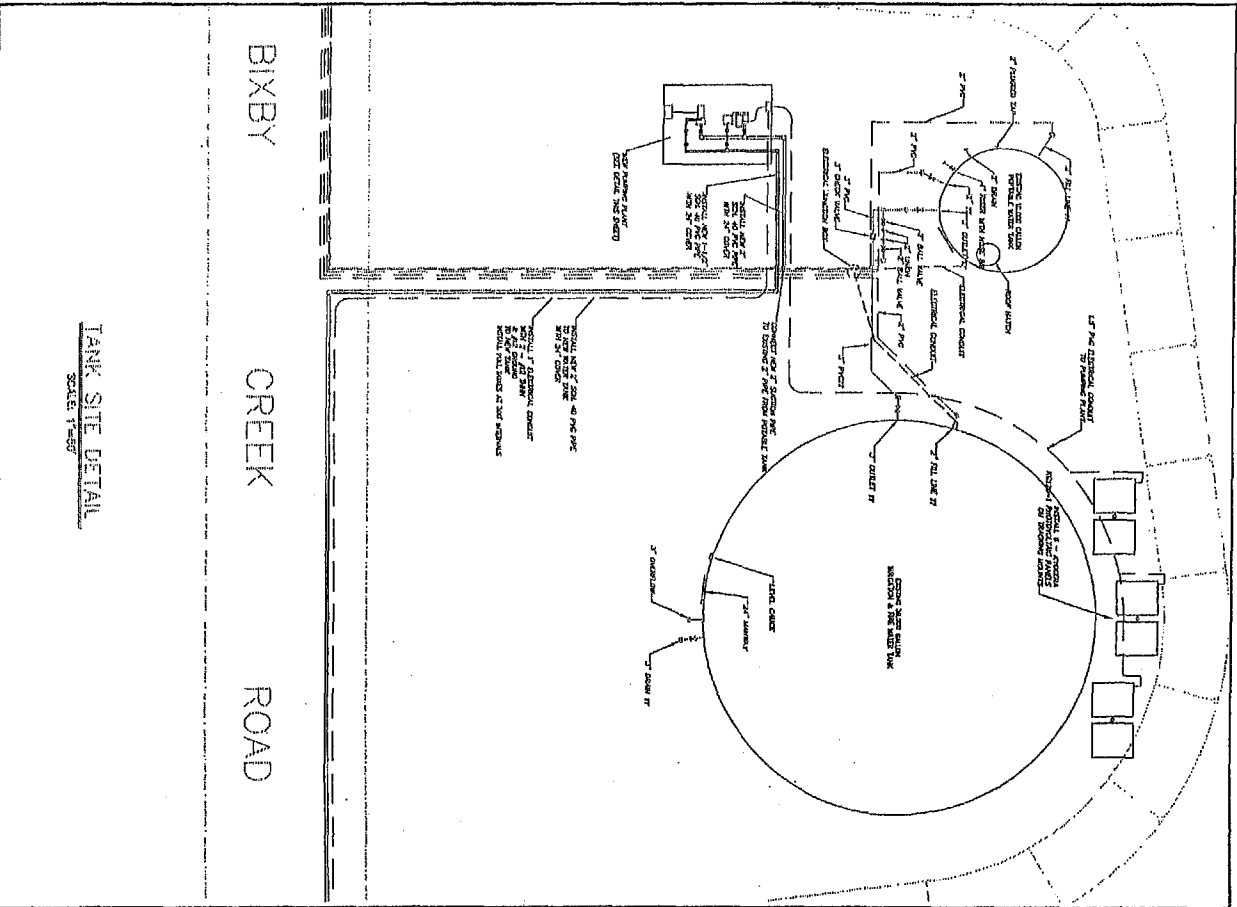


SECTION A-A
SCALE: 1/2" = 1'-0"

UTILITY SERVICES
US
615 J. BOTTI AVENUE
MAYO CITY, GA 30558
TEL: (404) 284-9888
FAX: (404) 284-9872

NO.	DATE	BY	REVISIONS
1	08/15/2008	US	ISSUE FOR PERMITS
2	08/20/2008	US	REVISED PER COMMENTS
3	09/02/2008	US	REVISED PER COMMENTS
4	09/02/2008	US	REVISED PER COMMENTS
5	09/02/2008	US	REVISED PER COMMENTS
6	09/02/2008	US	REVISED PER COMMENTS
7	09/02/2008	US	REVISED PER COMMENTS
8	09/02/2008	US	REVISED PER COMMENTS
9	09/02/2008	US	REVISED PER COMMENTS
10	09/02/2008	US	REVISED PER COMMENTS

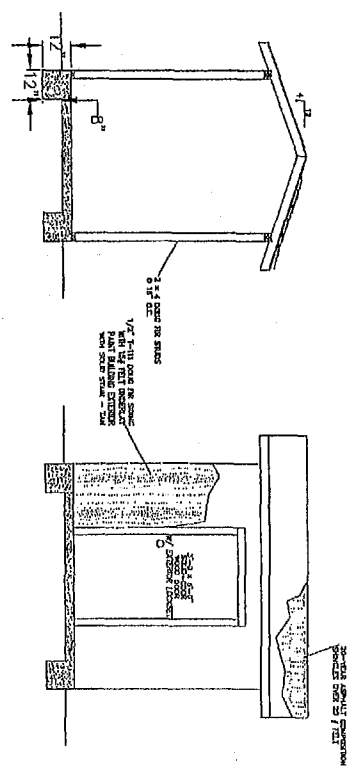
SITE PLAN
PROJECT: FOSTER WATER SYSTEM
OWNER: ROCKY CREEK RANCH
LOCATION: ROCKY CREEK RANCH



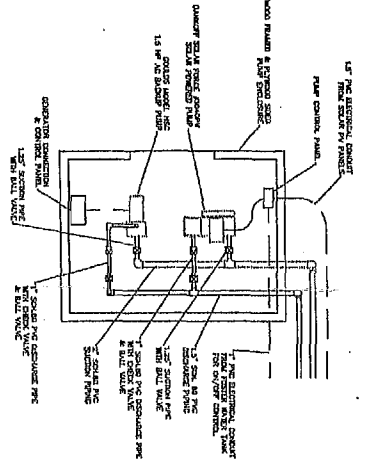
TANK SITE DETAIL
SCALE: 1"=50'

BIXBY CREEK ROAD

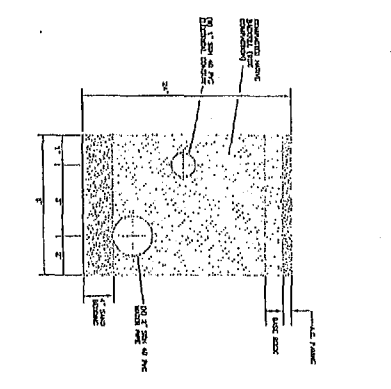
PUMPING PLANT BUILDING ELEVATIONS
SHEET 1/2"=1'-0"



PUMPING PLANT BUILDING FLOOR PLAN
SCALE: 1/2"=1'-0"



TRENCH DETAIL
NO SCALE



DETAILS

BY	DATE	REVISIONS	JOB NO.
			DATE: MAR 01 2005
			SCALE: AS SHOWN
			DESIGNED: G. WILSON
			DRAWN: J.P.
			CHECKED: G. WILSON

PROJECT: FORTEN WATER BYSTRM
OWNER: ROCKY CREEK RANCH

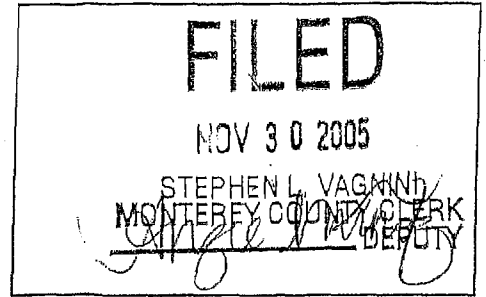
PREPARED BY: GUY L. WILSON
THE DESIGNER

UTILITY SERVICES
815 A. WYTHE AVENUE
DANFORTH, CA 94506
TEL: (916) 963-6180
FAX: (916) 963-6472

SHEET W3
OF 3 SHEETS

EXHIBIT "G"
Mitigated Negative Declaration and Initial Study

**MITIGATED NEGATIVE
DECLARATION**



Project Title: FOSTER STEVEN TR
File Number: PLN040569
Owner: FOSTER STEVEN TR
13977 AUBREY RD
BEVERLY HILLS CA 90210

Project Location: 4855 BIXBY CREEK RD CARMEL
Primary APN: 418-132-007-000
Project Planner: JEFF MAIN
Permit Type: Combined Development Permit

Project Description: COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A COASTAL ADMINISTRATIVE PERMIT TO ALLOW A NEW 3,975 SQUARE FOOT SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES INCLUDING A 3,200 SQUARE FOOT BARN/GARAGE WITH SOLAR PANELS; 1,200 SQUARE FOOT STUDIO; SEPTIC SYSTEM; POOL AND WELL; 2) A COASTAL ADMINISTRATIVE PERMIT TO ALLOW A 450 SQUARE FOOT GUESTHOUSE; 3) A COASTAL DEVELOPMENT PERMIT TO ALLOW A 850 SQUARE FOOT CARETAKER'S UNIT; 4) A COASTAL DEVELOPMENT PERMIT TO ALLOW TREE REMOVAL (19 COAST LIVE OAKS AND 1 REDWOOD); 5) COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT (MARITIME CHAPARRAL); DESIGN APPROVAL AND ASSOCIATED GRADING (APPROXIMATELY 1,850 CUBIC YARDS CUT/625 CUBIC YARDS FILL), RETAINING WALLS, UNDERGROUND UTILITIES, UNDERGROUND WATER TANK ON LOT 6 (ASSESSOR'S PARCEL NUMBER 418-132-006-000), AND HOOK UP TO EXISTING WELL ON LOT 5 (ASSESSOR'S PARCEL NUMBER 418-132-005-000). THE PROPERTY IS LOCATED AT 4855 BIXBY CREEK ROAD (LOT 7), CARMEL (ASSESSOR'S PARCEL NUMBER 418-132-007-000), OF ROCKY CREEK RANCH, OFF OF AND SOUTHWESTERLY OF ROCKY CREEK ROAD AND PALO COLORADO ROAD, BIG SUR COAST LAND USE PLAN, COASTAL ZONE.

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.

POSTED 30 DAYS

Project Title: FOSTER STEVEN TR
File Number: PLN040569
Owner: FOSTER STEVEN TR
13977 AUBREY RD
BEVERLY HILLS CA 90210

Project Location: 4855 BIXBY CREEK RD CARMEL
Primary APN: 418-132-007-000
Project Planner: JEFF MAIN
Permit Type: Combined Development Permit

Decision Making Body (check one):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Planning Commission | <input type="checkbox"/> Subdivision Committee |
| <input type="checkbox"/> Zoning Administrator | <input type="checkbox"/> Chief of Planning Services |
| <input type="checkbox"/> Board of Supervisors | <input type="checkbox"/> Other: _____ |

Responsible Agency: County of Monterey
Review Period Begins: 12/01/2005
Review Period Ends: 12/31/2005

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

Date Printed: 11/30/200

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT

168 W. Alisal Street, Second Floor, Salinas, CA 93901

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



NOTICE OF INTENT TO ADOPT A MITGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Planning and Building Inspection Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA), for a Combined Coastal Development Permit (Steven and Gillian Foster, File Number PLN040569) at 4855 Bixby Drive, Big Sur, CA (assessor's parcel number 418-132-007-000, 418-132-006-000, 418-132-003-00) (see description below). The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Planning and Building Inspection Department, 168 W. Alisal Street, Second Floor, Salinas, CA. The Planning Commission will consider this proposal at a meeting on **January 25, 2006** in the Monterey County Board of Supervisors Chambers, 240 Church Street, Salinas, California. Written comments on this Mitigated Negative Declaration will be accepted from **December 1, 2005 to December 30, 2005**, and should be submitted to Jeff Main at the Monterey County Planning & Building Inspection Department at the address below. Comments can also be made during the public hearing.

Project Description: The project consists of a Combined Development Permit that includes: a) a Coastal Administrative Permit to construct a new 3,975 square foot single family residence with a barn, two studios, garage and shed with associated grading, septic system, pool, underground utilities, underground water tank and hook up to an existing water system; b) a Coastal Administrative Permit to construct a 425 square foot guest house; c) a Coastal Development Permits to construct a 850 square foot caretaker's unit; d) a Coastal Development Permit to remove ten trees; and e) Design Approval. The project property is located at 4855 Bixby Creek Road, Big Sur, CA (assessor's parcel number 418-132-007-000, 418-132-006-000, 418-132-003-00), Big Sur Coast Area, coastal zone.

FOR ADDITIONAL INFORMATION CONTACT:

Stephanie Strelow, Project Planner, 831-425-6523

Jeff Main, Planning and Building Services Manager, 831-755-5195

Monterey County Planning & Building Inspection Department

168 W. Alisal Street, Second Floor

Salinas, CA 93901

For reviewing agencies: The Planning and Building Inspection Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

Distribution: (see below)

- No Comments provided
- Comments noted below
- Comments provided in separate letter

COMMENTS: _____

Return to: Jeff Main, Planning Manager
Monterey County Planning & Building Inspection Department
168 W. Alisal Street, Second Floor
Salinas, CA 93901

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

DISTRIBUTION

1. State Clearinghouse (15 copies)—include Notice of Completion
2. Monterey County Clerk's Office
3. Distribution List

FULL DOCUMENT		
California Coastal Commission Central Coast Area Office 725 Front Street, Suite 300 Santa Cruz, CA 95060	Monterey County Environmental Health Division	Monterey County Water Resources Agency
Monterey County Parks and Recreation Department	Monterey County Public Works Department	Calif. Dept. of Fish and Game P.O. Box 47 Yountville, CA 94599
Monterey County Clerk's Office	Art Black Carmel Fire Protection Associates P.O. Box 7168 Carmel-by-the-Sea, CA 93921	Calif. Dept Forestry Carmel Hill Fire Station 4180 Seventeen Mile Drive Pebble Beach, CA 93953
Steven and Gillian Foster 13977 Aubrey Road Beverly Hills, CA 90210	Carver + Schicketanz Architects P.O. Box 2684 Carmel, CA 93921	Stephanie Strelow Strelow Consulting P.O. Box 2896 Santa Cruz, CA 95063-2896

NOTICE OF INTENT ONLY		
AMBAG P.O. Box 809 Marina, CA 93933	Calif. Dept Forestry Monterey Peninsula 2221 Garden Road Monterey, CA 93940	Monterey Bay Unified Air Pollution Control District 24580 Silver Cloud Court Monterey, CA 93940
Carmel Unified School District 4380 Carmel Valley Road Carmel, CA 93923	300' Mailing (Envelopes)	

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT

168 West Alisal Street, 2nd Floor, Salinas, CA 93901

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



INITIAL STUDY MITIGATED NEGATIVE DECLARATION

I. BACKGROUND INFORMATION

Project Title: Foster

File No.: PLN040569

Project Location: 4855 Bixby Creek Road, Big Sur

Name of Property Owner: Steven and Gillian Foster

Name of Applicant: Carver + Schickentanz Architects

Assessor's Parcel Number(s): 418-132-007-000 (project site); 418-132-006 (water storage tank site); 418-132-003 (utility easement)

Acreage of Property: 78 acres

General Plan Designation: Watershed and Scenic Conservation

Zoning District: WSC/40-D(CZ) Watershed and Scenic Conservation

Lead Agency: Monterey County Planning & Building Inspection Department

Prepared By: Stephanie Strelow, Consultant

Date Prepared: November 17, 2005

Contact Person: Jeff Main, Planning and Building Services Manager

Phone Number/Email: (831) 755-5103; MainJ@co.monterey.ca.us

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Background:

The project lot is part of the approximate 640-acre Rock Creek Ranch that consists of 10 lots on which boundary lot adjustments were approved in the early 1990s. The project site is known as "Lot 7." An EIR was prepared and certified at that time, and included analyses of impacts regarding viewshed, biotic resources, cultural resources, public services, traffic, geology/soils, and hydrology. Future building locations were reviewed in this EIR, including siting the buildings outside of the critical viewshed. A conservation and scenic easement, recorded in 1991, covers portions of the Rocky Creek Ranch, including the southern portion of the proposed project site (see section VI.1(a) for further discussion).

In late 2004 and early 2005 some chaparral vegetation was removed at several onsite locations. Central maritime chaparral is considered an environmentally sensitive habitat area (ESHA) in the Big Sur Coast Land Use Plan. Although Monterey County staff issued a code enforcement violation (CE050029) this project has been allowed to move forward without first processing a restoration plan since some of this area has begun to naturally revegetate itself. The effects of this vegetation removal are addressed in section VI.4(b) – Biological Resources.

B. Project Description:

The project consists of a Combined Development Permit consisting of:

- 1) A Coastal Administrative Permit to allow:
 - a new 3,975 square foot single family residence
 - a 3,200 square foot barn with solar panels,
 - a 1,200 square foot studio,
 - a 1,150 square foot studio.
 - a 800 square foot garage,
 - a 225 square foot shed, and
 - associated grading (approximately 1,850 cubic yards cut/625 cubic yards fill), retaining walls, septic system, pool, underground utilities, underground water tank on Lot 6 (Assessor's Parcel Number 418-132-006-00), and hook up to existing water system located on Lot 5 (Assessor's Parcel Number 418-132-005-000).
- 2) A Coastal Administrative Permit to allow a 425 square foot guest house;
- 3) A Coastal Development Permit to allow a 850 square foot caretaker's unit;
- 4) A Coastal Development Permit to remove nine (9) coast live oak trees and one (1) redwood tree; and
- 5) Design Approval.

Conceptual site plans are shown on Figures 2 and 3. Access is provided to the site via Bixby Creek Road, a private road that extends to the site from Palo Colorado Road. Electrical power

will be extended underground to the project site via a 15-foot wide, 350-foot long easement from the existing roadway north of the project site through the adjacent "Lot 3" to the project site (see Figure 2). Wastewater disposal will be provided via a planned onsite septic system that will accommodate all of the proposed structures.

Water service will be provided via an existing well located on "Lot 5," east of the proposed project site (see Figure 2). The existing facility includes a well and a 39,000-gallon water storage tank. The system was approved by the Monterey County Health Department for three connections, to include the existing residence on the Lot 5, and the proposed residence and caretaker unit. As part of the proposed project, two new 5,000 gallon underground water storage tanks are proposed on the adjacent "Lot 6;" each fiberglass tank is approximately 20 feet long and 8 feet in diameter. The new tanks are located on the site of a former water storage tank that has been removed. In addition, a pumping plant, with one solar-powered pump in an approximate 50-square foot wood structure, also is planned on "Lot 6" adjacent to an existing 39,000 gallon water storage tank, in order to pump water to the project site. Underground water lines will be extended from the well and storage tanks to the project site via an existing roadway/utility easement.

C. Environmental Setting and Surrounding Land Uses:

The project property is located within the unincorporated planning area of the Big Sur Coast Land Use Plan area in Monterey County. The project site is located approximately 10 miles south of Carmel on Bixby Creek Road, a private road off of Palo Colorado Road approximately 2.5 miles inland from Highway 1. The site is located between two drainages, Palo Colorado Canyon to the north and Rocky Creek to the south (Source IX.11). The 78-acre property is bordered by undeveloped open space lands to the east, south and west. An existing private road borders the project site on the north. An existing residence and water system are located to the east of the site.

The project parcel occupies a knoll at an elevation of approximately 1,425 to 1,495 feet above mean sea level. The proposed development area sits atop portions of the upper ridge which is relatively flat. In areas of proposed development, existing slopes are generally between 3% and 25% and variable between sites. Steeper slopes are located on the remainder of the property that is not proposed for development. Primary vegetation types on the property are central maritime chaparral and mixed evergreen forest with some coastal sage scrub and scattered groves of oak and redwood trees. All of the proposed buildings have been staked with orange netting. There are no structures or improvements on the site except for a yurt structure on the site of the proposed caretaker's unit, which will be removed to construct the caretaker's unit.

FIGURE 1: PROJECT LOCATION

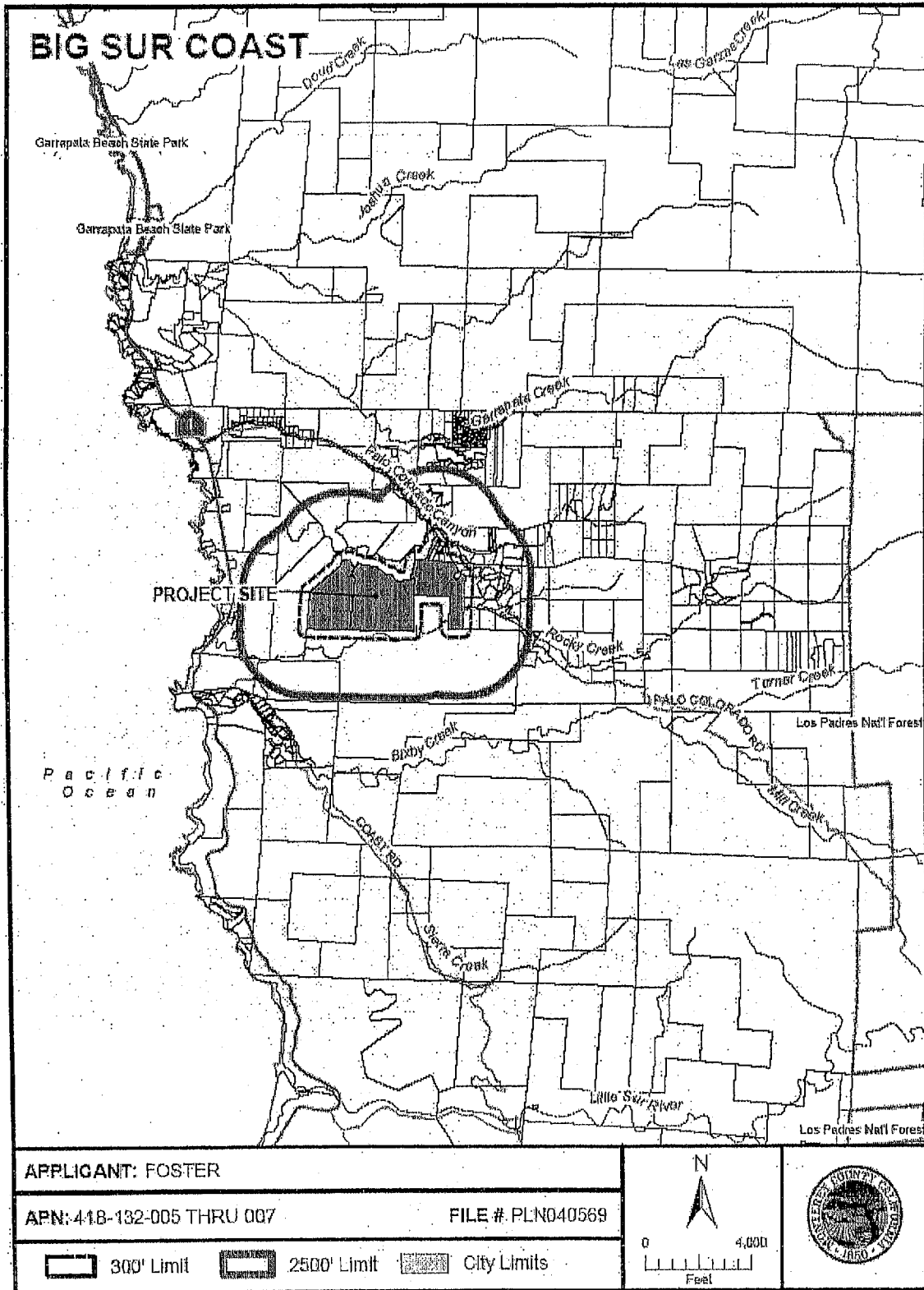
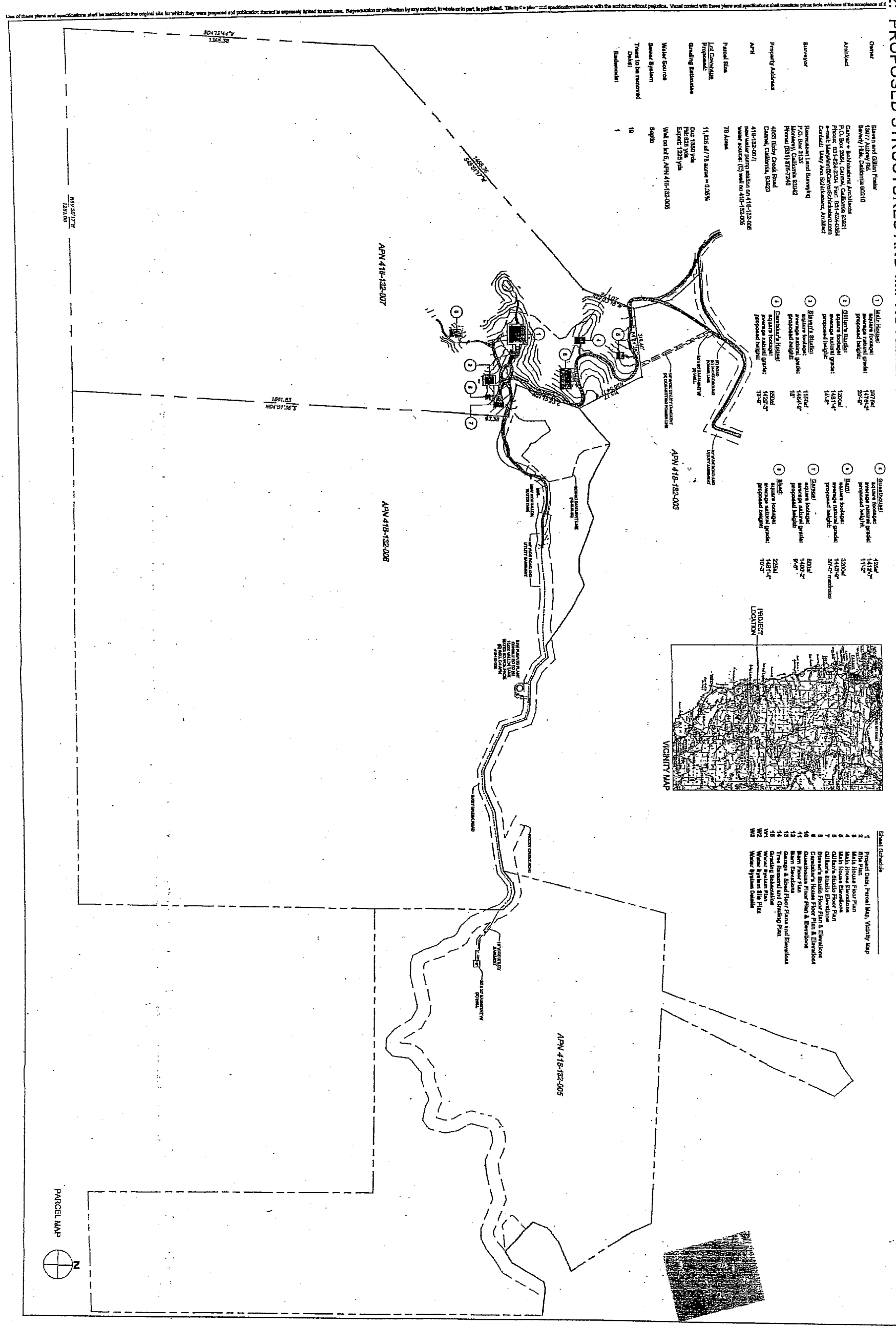


FIGURE 2: PROPOSED STRUCTURES AND IMPROVEMENTS



Owner: Burrell and Gillian Foster
15077 Albany Rd.
Beverly Hills, California 90210

Architect: Carver + Schicketanz Architects
P.O. Box 2684, Carmel, California 93824
Phone: (831) 824-2304
Fax: (831) 824-0364
E-mail: info@carverschicketanz.com
Contact: Terry Ann Schicketanz, Architect

Engineer: Parametrix Land Surveying
P.O. Box 2684, Carmel, California 93824
Phone: (831) 824-2304
Fax: (831) 824-0364
E-mail: info@parametrix.com

Property Address: 4855 Bixby Creek Road, Carmel, California 93823

APN: 418-132-007
new water permit status on 11-14-2006
water volume (1) and on 11-14-2006
78 Acres

Parcel Size: 14,325 sq ft 7/8 acres = 0.26%

LTA/ContraLTA Proposed: 14,325 sq ft

Grading Submittals: Due 1/2007
File 02/2007
Expect 1/2007

Water Source: Well on lot 6, APN 418-132-003

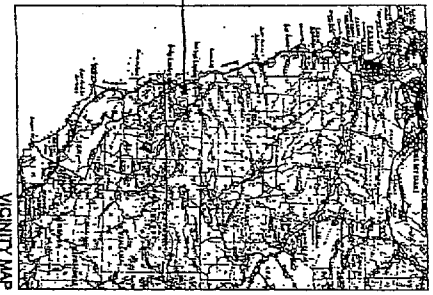
Water System: Septic

Transit to be removed: 18

Other: 1

Revised: 1

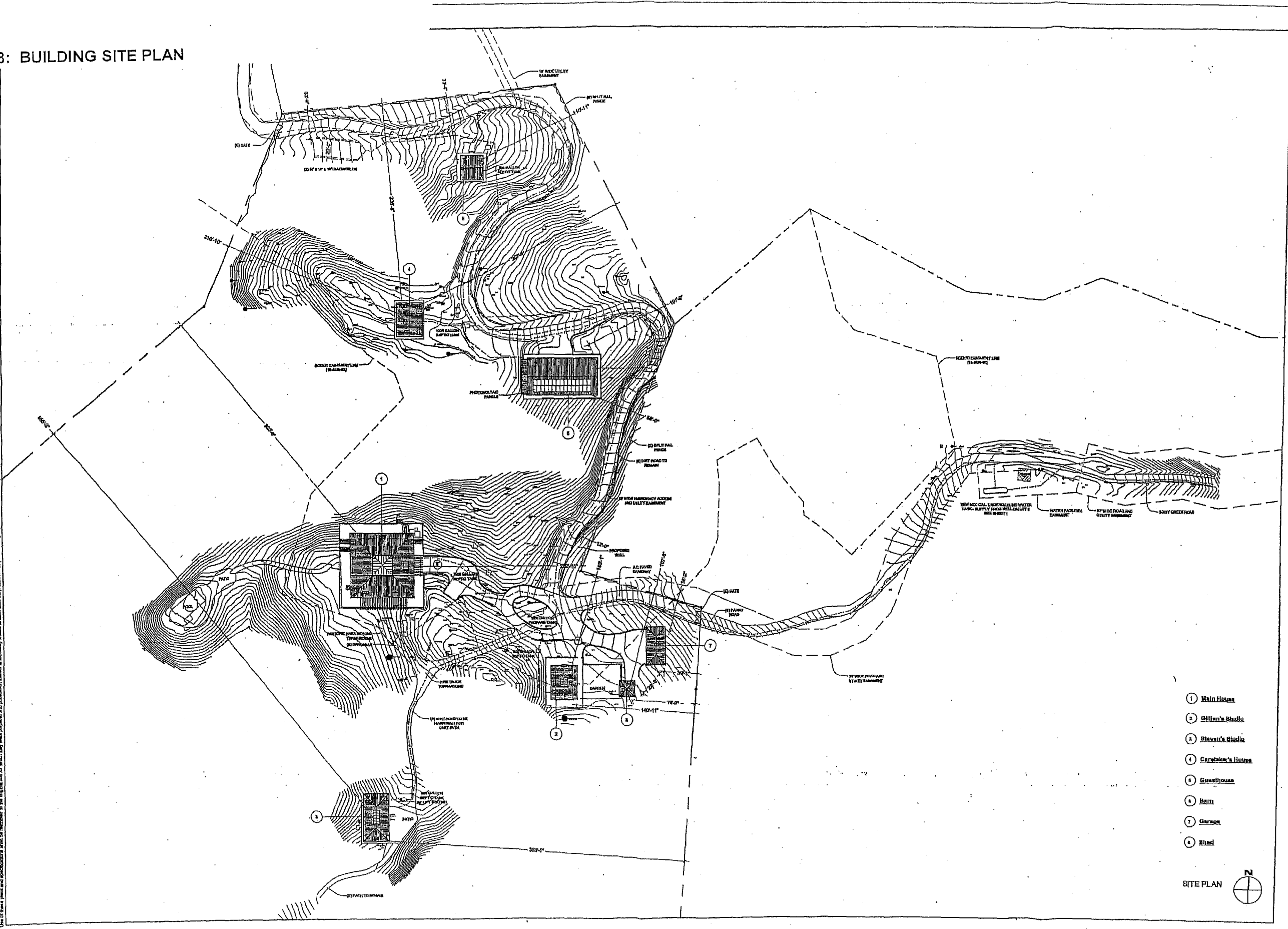
- 1 Main House: square footage: 3076 sq ft, average natural grade: 1478'-0", proposed height: 25'-0"
- 2 Gillian's Studio: square footage: 1320 sq ft, average natural grade: 1481'-4", proposed height: 14'-0"
- 3 Burrell's Studio: square footage: 1180 sq ft, average natural grade: 1464'-0", proposed height: 11'-0"
- 4 Carver's House: square footage: 1520 sq ft, average natural grade: 1472'-0", proposed height: 19'-0"
- 5 Studio: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 6 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 7 Gillian's Studio Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 8 Burrell's Studio Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 9 Carver's House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 10 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 11 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 12 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 13 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 14 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 15 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 16 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 17 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"
- 18 Main House Extension: square footage: 1400 sq ft, average natural grade: 1487'-0", proposed height: 10'-0"



- Sheet Schedule**
- 1 Project Data, Parcel Map, Vicinity Map
 - 2 Main House Floor Plan
 - 3 Main House Extension
 - 4 Main House Extension
 - 5 Gillian's Studio Floor Plan
 - 6 Gillian's Studio Extension
 - 7 Burrell's Studio Floor Plan & Extension
 - 8 Carver's House Floor Plan & Extension
 - 9 Main House Floor Plan
 - 10 Main House Extension
 - 11 Main House Extension
 - 12 Main House Extension
 - 13 Main House Extension
 - 14 Main House Extension
 - 15 Main House Extension
 - 16 Main House Extension
 - 17 Main House Extension
 - 18 Main House Extension
 - 19 Main House Extension
 - 20 Main House Extension


FIGURE 3: BUILDING SITE PLAN

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- 1 Main House
- 2 Children's Studio
- 3 Steven's Studio
- 4 Carpenter's House
- 5 Greenhouse
- 6 Barn
- 7 Garage
- 8 Shed

SITE PLAN



Carver + Schickelanz Architects

P.O. BOX 2884 CARMEL CALIFORNIA 95021 U.S.A.
 PHONE: 831.824.2304 FACSIMILE: 831.824.0364
 WWW - CARVER-SCHICKELANZ.COM

FOSTER RESIDENCE
 4855 BIXBY CREEK ROAD, CARMEL, CA 95023

Date:	09-09-2005
Scale:	1"=50'
Drawn:	ES
Job:	0304
Title:	SITE PLAN
Sheet:	2

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 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 type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

Local Coastal Program – LUP. The project is located in the planning area of the Big Sur Coast Land Use Plan (BSC LUP) - Local Coastal Program and is designated as “Watershed and Scenic Conservation” with a 40 acres per unit permitting under the existing zone district. Review of the project with the Land Use Plan policies indicates that the proposed project is consistent with relevant policies in the Land Use Plan as summarized below. **CONSISTENT**

The proposed building sites would not be located within a “critical viewshed” in that they are sited outside areas visible from Highway One through topography or screening by existing vegetation. Two structures are located where they could be visible from Highway One if existing vegetation is removed. The proposed structures are not sited on open hillsides or silhouetted ridges and would not visually impinge upon adjacent neighbor’s views. The project as designed, sited or mitigated would not result in critical viewshed or other visual/aesthetic impacts and would be consistent with the Visual Resources policies of the BSC LUP.

A small amount of central maritime chaparral, an environmentally sensitive habitat area (ESHA), has been and will be removed for development. Based on review by a biologist, this removal and siting of new development adjacent to this EHSA would not result in a significant disruption of habitat (LUP Policy 3.3.2.1) nor would it adversely impact the habitat's long-term maintenance (CIP 20.145.040.B.5). With implementation of a revegetation mitigation, the project would not contribute considerably to cumulative impacts to central maritime chaparral ESHA. A Forest Management Plan has been completed in accordance with County LCP requirements for removal of 18 oak and 1 redwood trees. The proposed project will be served by an existing well that has adequate water supply quantity and quality.

Air Quality Management Plan. The Monterey Bay Unified Air Pollution Control District’s (MBUAPCD) 2004 Air Quality Management Plan for the Monterey Bay Region (AQMP) addresses state air quality standards. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) incorporates the AMBAG’s population forecasts in its preparation of regional air quality plans. Population-generating projects that are within the AQMP population forecasts are considered consistent with the plan. **CONSISTENT**

Water Quality Control Plan (Basin Plan), Central Coast Region. The Regional Water Quality Control identifies water quality objectives and beneficial uses for specified surface waters and

groundwater basins. Both Rocky Creek and Bixby Creek are identified within the Santa Lucia hydrologic unit with beneficial uses identified for municipal, recreational and wildlife uses. The proposed project is sited at upper elevations and would not result in water quality impacts to these creeks or be inconsistent with objectives of this plan.

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.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

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:

2. Agricultural Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance (Source IX.13), and project construction will not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project site is located within a rural area and is not locate adjacent to agriculturally designated lands or lands that are in agricultural production. *Therefore, the proposed project will not result in impacts to agricultural resources.*

7. Hazards/Hazardous Materials. The proposal involves residential development where there would be no transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. The proposed residence would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip (Source: IX.1, 2) The project site is located in a rural area subject to wildland fire hazards. The California Department of Forestry (CDF) reviewed the project application and recommended conditions of approval regarding fire safety, including thinning of flammable vegetation near proposed structures. The proposed project will be required to adhere to the CDF conditions of approval, which will reduce the fire hazard exposure. *Therefore, the proposed project will not result in impacts related to hazards/hazardous materials and will result in a less than significant impact related to exposure to wildland fire hazards.*

9. Land Use. The proposed residential project would not physically divide an existing community or conflict with applicable land use policies. The project would not conflict with applicable land use policies as designed, conditioned or mitigated. See policy consistency review under section III above. *Therefore, the proposed project will not result in impacts related to land use.*

10. Mineral Resources: No mineral resources have been identified or will be affected by this project. *Therefore, the proposed project will not result in impacts to mineral resources.*

11. Noise: The construction of one single-family home within a rural area will not be exposed to noise levels that exceed standards and will not substantially increase ambient noise levels. The project site is not located in the vicinity of an airport or private airstrip. *Therefore, the proposed project will not result in impacts related to noise.*

12. Population/Housing: The proposed project would not induce substantial population in the area, either directly through the construction of one single-family home within a rural residential area or indirectly as no new infrastructure would be

extended to the site. The project would not alter the location, distribution, or density of human population in the area in any significant way, or create a demand for additional housing. *Therefore, the proposed project will not result in impacts related to population and housing.*


13. Public Services. The proposed project will result in the construction of one new single-family home, caretaker unit and guest unit, which will be served by existing services and utilities. The project will have no measurable effect on existing public services in that the incremental increase demand will not require expansion of any services to serve the project. County Departments have all reviewed the project and have provided recommended conditions of approval, although none of the County agencies or service providers indicated that this project would result in significant impacts. *Therefore, the proposed project will not result in impacts related to public services.*

14. Recreation. The proposed project will result in the construction of one new single-family home, but given the low intensity of development, the project will not result in an increase in use of existing recreational facilities that would cause substantial physical deterioration. No parks, trail easements, or other recreational opportunities will be adversely impacted by the proposed project. The project will not create significant demands (Source: IX. 2, 3). *Therefore, the proposed project will not result in impacts related to recreation.*

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

Jeff Main

Printed Name

11/29/05

Date

Planning & Building Services Manager

Title

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<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?	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion, Analysis and Conclusions:

Aesthetics 1(a) – Less Than Significant With Mitigation Incorporated. The lower slopes of the project property are visible from Highway 1 from Hurricane Point and the Bixby Bridge turnout, and in part from Rocky Creek Bridge. This portion of the property is within a “critical viewshed” as defined in the Big Sur Coast Land Use Plan and Coastal Implementation Plan (BSCLUP). The building sites have been staked and orange netting placed around the stakes to depict building envelopes and building heights. The photo below illustrates a view looking north from Hurricane Point.



This site is mostly screened by existing oak trees. Proposed building sites are located at the top of the ridge, but would not be visible as ridgeline development. Although no grading, excavation or road development would be visible within the critical viewshed, a small portion of the roofline of the proposed Steven's studio may be potentially visible if existing vegetation conditions change. Given the distance between the building site and with use of muted colors and non-reflective materials, if visible, this roofline element would not be a discernible feature to a viewer from Highway 1 with normal, unaided vision. Building materials for the studio include stucco, stone and windows on the west side toward the ocean. In the future, if tree removal occurs, the two studio buildings could become wholly or partially visible within the critical viewshed.

A conservation and scenic easement, recorded in 1991, covers portions of the Rocky Creek Ranch, including the southern portion of the proposed project site. This easement was required as a condition of approval of a boundary line adjustment on the Rocky Creek Ranch to cover those portions of the property within the critical viewshed, consistent with the Big Sur Coast Land Use Plan and Implementation Plan policies and regulations (Source IX.2). In accordance with the LUP language, the grantor (property owner) agreed to restrict development on and use of the property so as to preserve the open space and scenic values on the property. However, the easement allows structures to be erected in the scenic easement area provided the structure is located outside the critical viewshed and does not require significant vegetation removal that would increase exposure to the critical viewshed.

The proposed Steven's studio, garage, a portion of Gillian's studio, and an accessory shed structure would be located within this recorded scenic easement. As discussed above, these structures are not visible within the critical viewshed as defined in the BSCLUP due to existing screening vegetation and distance to public viewpoints. Under this term, the proposed structures within the scenic easement area would not be visible so long as screening vegetation is not removed.

Potentially Significant Aesthetics Impact 1(a). The 1990 EIR analysis also concluded that vegetation removal for fire management or opening up ocean views could result in development within the critical viewshed, and required dedication of a scenic easement as mitigation. The EIR indicated that some brush removal for fire safety was not precluded as long as structures remain out of the critical viewshed. Given the current site plans, if tree removal occurs in the future, the

two studio buildings could become wholly or partially visible within the critical viewshed, which would result in a *potentially significant* impact. If existing trees and vegetative screening is removed in the future either as part of fire protection or if trees become diseased or die, portions of these structures may become visible within the critical viewshed, which would also violate provisions of the existing scenic easement. Preliminary plans and reviews from the applicant indicate that some trees will be limbed, but not removed. If significant limbing occurs in which the tree canopy is removed or reduced, tops of the buildings may be exposed. Proposed Mitigation Measures #1 and 2 will reduce potential aesthetic impacts on scenic views to a less than significant level.

Mitigation Measure #1 (Screening): Require preparation of a tree limbing plan within the critical viewshed area that demonstrates that any proposed limbing is necessary for fire protection purposes and will not result in visibility of structures within the critical viewshed. Require preparation of a Long-Term Landscape Maintenance and Monitoring Plan to assure that structures would never be visible in the critical viewshed. The plan shall provide: a) a mix of vegetation that continues to screen the building; and b) provisions for tree replanting prior to die-out of older trees. Prohibit removal of trees within the critical viewshed and existing scenic and conservation easement area that serve to screen proposed structures unless the trees are dead or diseased as demonstrated by a report by a qualified arborist or forester. Any tree found to be dead and diseased may be removed with approval of a coastal development permit and implementation of a tree replacement program with native trees of an adequate size to screen structures from views within the critical viewshed. If landscaping can't be or isn't replaced within reasonable timeframe building(s) that become visible within the viewshed shall be removed. Alternately, relocate the two proposed studio buildings outside of the scenic easement area.

Monitoring Action #1A: Measure shall be included as Condition of Project Approval. Applicant shall prepare a plan (with photographs) that clearly identifies which trees are proposed to be limbed for fire protection purposes, as well as other understory vegetation proposed for removal. The plan shall demonstrate that adequate tree canopy and height remains so that no structure located within the scenic easement area would be visible within the critical viewshed. The plan shall be reviewed and approved the California Department of Forestry for fire management, and reviewed and approved by the Director of the Planning and Building Inspection Department and required as recorded deed restriction.

Monitoring Action #1B: A Long-Term Landscape Maintenance and Monitoring Plan shall be prepared and submitted to the Planning & Building Inspection Department Director for review and approval prior to tree removal or issuance of permits.

Monitoring Action #1C: Measure regarding prohibition of trees without a coastal development permit shall be included as Condition of Project Approval and required as recorded deed restriction.

Mitigation Measure #2 (Colors): The final Elevation Plans shall include, but not be limited to:

- Use of natural materials with non-reflective finishes shall and muted colors be used in the building exteriors.

- Use of non-reflective glass windows on the main house and accessory studio structures' west elevations that are oriented toward Highway 1.

Monitoring Action #2A: Measure shall be included as Condition of Project Approval. Prior to issuance of Building Permit, the specified measures shall be shown on final Elevation Plans with review and approval by the Director of Planning and Building Inspection Department.

Aesthetics 1(b) – No Impact. The project will result in removal of 19 trees and an additional 19 trees may be damaged during construction, of which all except 10 are small trees less than 12 inches in diameter. The trees are not within a critical viewshed and are located within the proposed building site. The trees to be removed are small, are not considered aesthetically significant or visually distinctive, and are not visible from any offsite locations. Therefore *no impact* to scenic resources are expected as a result of the project.

Aesthetics 1(c) – Less Than Significant Impact. The lower slopes of the project property are visible from Highway 1 as part of the critical viewshed, but the proposed buildings sites are not visible for public areas or adjacent private building sites. The proposed building sites would visually impinge upon adjacent neighbor's views or privacy, although the proposed guest house would be partially visible from the private road serving the adjacent lots. Given the one-story building heights, natural building materials (stucco and stone), and vegetative screening, the proposed project would not substantially degrade the visual character of the surrounding area.

Aesthetics 1(d) – Less Than Significant With Mitigation Incorporated. The project will not result in introduction of a major new source of light and glare, although there will be exterior building lighting typically associated with residential structures. This would not create significant visual impacts on the surrounding area or critical viewshed as long as significant lighting are not oriented toward Highway 1.

Potentially Significant Aesthetics Impact 1(d). The 1990 EIR includes a mitigation measure to prohibit orientation of lighting fixtures toward the critical viewshed or toward the sky to prevent nighttime illumination. As discussed above under subsection 1(a), the proposed accessory studio structures could be potentially visible in the critical viewshed if existing tree cover that screen the buildings is removed. Both buildings have windows oriented toward the ocean, which could create glare unless non-reflective glass is used in addition to lighting impacts, which are considered *potentially significant*. Proposed Mitigation Measure #3 will reduce potential aesthetic related to light and glare to a less than significant level.

Mitigation Measure #3 (Lighting): In order to reduce potential visual impacts from glare or lighting, the applicant shall submit lighting and elevation plans for review and approval by the Director of Planning and Building Inspection. The Lighting Plan shall include, but not be limited to:

- Low intensity lighting with 90-degree cut-off shields for all exterior light fixtures.
- Limit all light sources to the building site (house, driveway) and prohibit lighting within the critical viewshed area or directed toward the critical viewshed or the sky.

- Landscape that screens lighting sources from view from Hwy 1 while maintaining security needs.

Monitoring Action #3A: Measure shall be included as Condition of Project Approval. Prior to issuance of Building Permit, the specified measures shall be shown on final Elevation Plans with review and approval by the Director of Planning and Building Inspection Department.

2. AGRICULTURAL 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.

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. 2 & 13)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: IX.2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions: See Sections II and IV.

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?	<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.12a)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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
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.12a)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions:

Air Quality 3(a) – No Impact. The MBUAPCD’s 2004 *Air Quality Management Plan for the Monterey Bay Region* (AQMP) addresses state air quality standards. Population-generating projects that are within the AQMP population forecasts are considered consistent with the plan. The project will result in construction of one single-family residence with a caretaker’s unit, resulting in an increase in population that is within the current AQMP population forecast for Monterey County.

Air Quality 3(b,c,e) – Less Than Significant Impact. To protect the public health, both the U. S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards (AAQS) that are the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety to protect public health and welfare. The national standards address six criteria pollutants including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, fine particulate matter (both PM₁₀ and PM_{2.5}, which refers to particles less than 10 microns and 2.5 microns, respectively), and lead. The state standards, which are generally more stringent than the federal standards, apply to the same pollutants as the federal standards do, but also include sulfate, hydrogen sulfide, and vinyl chloride.

The project site is located in the North Central Coast Air Basin as established by the California Air Resources Board (CARB). The basin is considered attainment or unclassified for national

standards and "nonattainment-transitional" for the 1-hour State AAQS for ozone and non-attainment for PM₁₀.

The proposed project will result in construction of one new residential unit with associated population, which would generate minimal air emissions through new regional vehicle trips, but would not exceed MBUAPCD thresholds for potential significance (Source IX.12b). The project would not result in stationary emissions. As indirect emissions would not exceed thresholds of significance established by the MBUAPCD, indirect project emissions and impacts would be less than significant.

The project site is located within a rural area, and there are no nearby residences. As indicated above indirect vehicular emissions would be less than significant. Thus, the proposed residential project will not expose sensitive receptors to substantial pollutant concentrations, and less than significant impacts would occur.

Air Quality 3(d) – Less Than Significant Impact. The project will require limited grading for building construction and utility installation. Site disturbance could result in a short-term, localized decrease in air quality due to generation of particulate emissions (PM₁₀) caused by site disturbance activities. According to the Monterey Bay Unified Air Pollution Control District's "CEQA Air Quality Guidelines" (as updated in June 2004), 8.1 acres could be graded per day with minimal earthmoving or 2.2 acres per day with major grading and excavation without exceeding the MBUAPCD's PM₁₀ threshold of 82 lbs/day and resulting in a potentially significant impact. The area of disturbance would cover approximately 1.2 acres over 8 building and improvement sites, which is less than this threshold. Additionally, site grading would not occur all in one day. Thus, short-term, localized decrease in air quality due to generation of particulate emissions (PM₁₀) caused by grading operations would be a *less than significant impact*.

Air Quality 3(f) –No Impact. The project site is located within a rural area. The proposed residential project would not create objectionable odors due to the nature of the planned residential use. Therefore, *no* impacts related to generation of odors are expected to occur.

4. BIOLOGICAL RESOURCES	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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.6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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.7d &7e)	☐	☐	■	☐
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?	☐	☐	☐	■
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?	☐	■	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	■	☐	☐
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?	☐	☐	☐	■

Discussion, Analysis and Conclusions:

Biological Resources 4(a) – No Impact. No occurrences of special status plant species were documented on the project development sites during spring surveys conducted in March, April, May, June and July 2005 (Source IX. 7d) and no habitats were found onsite to support listed species (Source IX.7d). These would include state or federal listed species or species on the California Native Plant Society (CNPS) List 1B. Two CNPS List 1B species suspected of being found on the site – Hutchinson’s larkspur (*Delphinium hutchinsoniae*) and Pinnacles buckwheat (*Eriogonum nortonii*) – were not found on the site during the spring surveys (Source IX. 7d). Small-leaved lomatium (*Lomatium parvifolium* var. *parvifolium*), a CNPS List 4 species suspected of being found onsite also was not found during the spring surveys. Monterey ceanothus (*ceanothus cuneatus* var. *rigidus*), a CNPS List 4 species was found near the proposed swimming pool and path leading to the western studio, but were not found in other building areas or in previously disturbed areas (Source IX.7d). Additionally, Yadon’s rein orchid (*Piperia yadonii*) a federally-listed endangered species, was initially thought to occur on the site but was not on the site during spring surveys; the species of piperia found on the site is not a special

status species (Source IX.7d). No onsite habitat suitable for special status wildlife species was found on the project site (Source IX.6).

Biological Resources 4(b) – Less Than Significant Impact. The project site includes the following vegetation communities: coastal sage scrub, northern coastal scrub, central maritime chaparral, redwood forest, mixed evergreen forest, and coast range grassland (Source IX.6), although the 1990 EIR characterized much of the chaparral area as northern mixed chaparral (Source IX.11). All these communities are found on the upper portion of the site, except for central maritime chaparral which dominates the southern, sloping portion of the site.

Central maritime chaparral is considered an environmentally sensitive habitat area (ESHA) in the Big Sur Coast Land Use Plan (LUP). Maritime chaparral is defined in Chapter 20.145 of the County Code (Regulations in the Big Sur Area) as a “unique type of chaparral found close to the coast within the summer fog zone climate and characterized by a high proportion of localized endemic plant species.” This habitat type also is recognized as a sensitive habitat in the California Department of Fish and Game’s (CDF) California Natural Diversity Data Base (CNDDDB) (Source IX.15). A biological assessment prepared for the project also indicates that redwood forest is considered an ESHA (Source IX.6), but this habitat is not considered a sensitive habitat in the CNDDDB (Source IX.15).

As indicated above, the onsite chaparral habitat on the project site was originally classified as northern mixed chaparral, although recent project surveys identified this habitat as central maritime chaparral. In late 2004, during staking of the proposed structures, approximately 2,200 square feet of “brush” had been removed. As a result Monterey County staff issued a code enforcement violation (CE050029) and required restoration. Some of this area has begun to naturally revegetate, and a restoration plan was not deemed necessary by the project biologist (Source IX.7d). Follow-up reviews by the project biologist found that the majority of the disturbed chaparral area is classified as “poison oak” chaparral due to the predominance of the host species (Source IX.7e). Therefore, it was estimated that 600 square feet of central maritime chaparral was removed near the proposed Steven’s Studio (Source IX.7d). An additional 1,000 square feet had previously been removed in the area of the proposed swimming pool. The proposed construction would result in removal of approximately 1,200 square feet of central maritime chaparral (Source IX.7e).

Taken together approximately 3,000 square feet of central maritime chaparral will cumulatively have been removed from the site with the proposed development. This represents approximately less than one half of one percent of the estimated existing 34.7 acres of onsite maritime chaparral (Source IX.7e). This is considered an insignificant amount by the project biologist, and restoration was not recommended (Source IX.7e). Therefore, it is expected that impacts to central maritime chaparral will not affect the long-term maintenance of the habitat and will be *less than significant*.

With regards to restoration of the previously removed vegetation, there is vegetation regrowth occurring at the garage site, which was reclassified as poison oak chaparral. Vegetation regrowth at the Steven’s studio site is sparse, and there is no regrowth at the swimming pool site.

Performance criteria were outlined for completion of a restoration plan once spring plant surveys were completed, including recommended plant replacement measures (Source IX.7a). Upon completion of these surveys, the project biologist concluded that restoration was not warranted due to the minor amount of removal, absences of special status species during the spring surveys, and evidence of some revegetation (Source IX.7d).

Based on review by a biologist, the removal of central maritime chaparral and siting of new development adjacent to this EHSA would not result in a significant disruption of habitat (LUP Policy 3.3.2.1) nor would it adversely impact the habitat's long-term maintenance (CIP 20.145.040.B.5). However, removal of central maritime chaparral is inconsistent with the Big Sur LUP ESHA policies to protect ESHAs and County review of other Big Sur projects in which removal of this EHSA has been considered significant. Therefore, the project removal could contribute to a potentially significant cumulative impact that is discussed below under subsection VII(b). A revegetation mitigation measure is included for the project's contribution to cumulative impacts.

Biological Resources 4(c) – No Impact. The site does not contain wetland habitat (Source IX.6), and thus, no impacts to wetland habitat/resources are anticipated.

Biological Resources 4(d) – Less Than Significant Impact with Mitigation Incorporated. Several of the proposed structures (main house, studio, caretaker house, and guest house) are located within or adjacent to mixed evergreen forest and oak woodlands. Both areas support trees and potential nesting habitat for raptors or other birds protected under the Migratory Bird Treaty Act. The oak and mixed evergreen woodlands on the project site are considered significant wildlife resources (Source IX.6 and IX.11).

Potentially Significant Biological Resources Impact 4(d). Tree removal and/or construction noise and vibration could result in disturbance to nesting species, resulting in abandoned nests. During project construction, noise disruption of nesting birds could occur if such nesting occurs within 100 feet of the construction zone. Thus, impacts to nesting birds are *potentially significant*. Proposed Mitigation Measure #4 will reduce potential aesthetic impacts on nesting species to a less than significant level.

Mitigation Measure #4 (Nesting): Require that a pre-construction survey for special-status nesting avian species (and other species protected under the Migratory Bird Act) be conducted by a qualified biologist at least 30 days prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (typically February through August). If nesting birds are not found, no further action would be necessary. If a bird were found, construction within 100 feet of the nest site should be postponed until after the bird has fledged, or an appropriate construction buffer has been established in consultation with the California Department of Fish and Game.

Monitoring Action #4A: Prior to issuance of Building Permit, the applicant shall provide the Director of Planning and Building Inspection with a copy of the results of the pre-construction survey.

Biological Resources 4(e) – Less Than Significant Impact with Mitigation Incorporated.

The proposed building sites are located at the edge of an oak woodland and mixed hardwood forest that transitions to chaparral and grassland (Source IX.8). The project will result in removal of 19 existing oak trees and one small redwood tree. All trees are under 12 inches in diameter in size except for 2 oak trees which are under 24 inches in diameter. No trees are located within the construction area of the proposed garage, barn, or studios. Additionally, approximately 19 additional oak trees may be impacted as a result of construction and grading, 8 of which are 12-23 inches in diameter. All other existing native trees on the site are planned to be retained, including approximately 67 trees in the immediate area, most of which are oaks (Source IX.8). None of the trees to be removed are landmark trees or are located within in an area that would result in exposure of structures in the critical viewshed.

A Forest Management Plan (Source IX.8) has been prepared in accordance with County Code requirements (section 20.145.060.B). County regulations require replacement on a 1:1 basis of all native trees 12 inches in diameter or greater that are removed. Replacement would be required for 8 coast live oak and 2 canyon oak trees, and the Forest Management Plan recommends a 2:1 replacement to provide a healthy margin for mortality. The Forest Management Plan recommends use of local native seed stock and indicates that suitable planting areas occur along the existing forest perimeter at the edge of grassy areas and at the edge of openings associated with the Main House, Gillian's Studio, the Barn and the Guesthouse. The Forest Management Plan also includes measures to protect retained trees during protection including establishment of a tree protection zone.

Potentially Significant Biological Resources Impact 4(E). Tree removal would be considered *potentially significant* if not in accordance with a forest management plan. With implementation of the Forest Management Plan, the proposed project would be consistent with local polices and ordinances regarding tree removal, and therefore, the project would result in *no impacts*. Furthermore, a standard Condition of Approval requires that the applicant record notice of Forest Management Plan requirements. Proposed Mitigation Measure #5 will ensure that potential tree removal impacts are less than significant level.

Mitigation Measure #5 (Tree Removal): Require tree replacement in the amount and as specified in the project Forest Management Plan (FMP) and protection of retained trees and implementation of other measures specified in the FMP (Staub, November 2004). Record a notice which states: "A Forest Management Plan has been prepared for this parcel by (Staub Forestry & Environmental Consulting, November 2004) and is on record in the Monterey County Planning & Building Inspection Department (File PLN040569). All tree removal on the parcel must be approved by the Director of Planning." The notice must be recorded prior to issuance or building or grading permits. Amend the FMP to include the following biological recommendations:

- Implement tree replacement program for removed trees with a diameter of 10" or greater.
- Use only onsite acorns to propagate revegetation material, and transplant removed saplings.

- Include the areas around the proposed barn and guest house in the FMP revegetation sites.
- Prohibit use of exotic, invasive species, except for sterile grasses.
- Prohibit landscaping under existing oak trees that would require dry season irrigation in order to avoid oak-root fungus.

Monitoring Action #5A: Measure shall be included as a Condition of Approval and required as recorded deed restriction. Prior to issuance of building permits, a final FMP and evidence of recordation of the required deed restriction shall be provided to the Director of Planning and Building Inspection for review and approval.

See section III for review of project consistency with County Land Use Plan policies.

Biological Resources 4(f) – No Impact. There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to this parcel. Therefore, *no impact* on biological resources regarding conflicts with local policies or ordinance is anticipated as a result of the project. See Section III above regarding project consistency with coastal policies.

5. CULTURAL RESOURCES	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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<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. 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions:

There are no structural elements on the project site that would be considered historical; a contemporary yurt structure appears to have been erected within the last couple of years. There are no mapped or observed unique geological features or paleontological resources on the site.

Cultural Resources 5(b) – No Impact. County records identify the project site as having a high archeological sensitivity (Source IX.3). An archaeological reconnaissance conducted for the project indicated there is one recorded archaeological site (CA-MNT-983) located within one

kilometer of the project area (Source IX.5). The archaeological investigation found that none of the materials frequently associated with prehistoric cultural resources (dark midden soil, marine shell fragments, broken or fire-altered rocks, bones or bone fragments, flaked or ground stone, etc.) were noted during the survey of the project sites, and no evidence of historic period archaeological resources were found (Source IX.5). The archaeological report concluded that the project area does not contain evidence of potentially significant archaeological resources, and therefore, potential impacts to cultural resources would be expected to *less than significant*, and mitigation measures are not warranted. Because of the possibility of unidentified (e.g., buried) cultural resources being found during construction, a standard County condition of approval will be included for the project that requires construction to be halted if archaeological resources or human remains are accidentally discovered during construction with evaluation by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures would be formulated and implemented.

6. GEOLOGY AND SOILS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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? Refer to Division of Mines and Geology Special Publication 42. (Source IX.3,912)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source IX.19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source IX.9a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source IX.10)	<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
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions:

The project site is not located in an area of known geologic hazards

Geology and Soils 6 (a, i through iv) – No or Less than Significant Impact. The project site is located within the Santa Lucia Range within a region of moderate to high seismic activity. The major active faults in the region are the San Andreas, approximately 40 miles to the northeast, the Hosgri-San Gregorio, which trends offshore along the central California coast, and the Palo Colorado Fault within the Rocky Creek Subdivision (Source IX.11). The Sur Fault Zone, about 3 miles southwest of the project site, may be the onshore expression of a portion of the Hosgri-San Gregorio Fault Zone (Source IX.9a). The main trace of the Palo Colorado Fault is about 0.6 miles east of the project site, and a possible splinter trace of the fault is located about 0.3 miles east of the site (Source IX.9b). Geologic investigations conducted on the site concluded that the potential for direct fault offset through the project site is not a hazard (Source IX.9b).

Although slopes in the region are relatively steep, the underlying bedrock materials are competent and therefore no seismically-induced landsliding is anticipated at the project site (Source IX.12b). County maps indicate that the project site is within a “relatively stable area” with regards to seismic hazard zones (Source IX.3). Although, the project site is exposed to seismic shaking, the project will be required to be constructed in accordance with building code seismic design standards to minimize damage (Source IX.10). The project will be conditioned to implement all recommendations contained in the project geotechnical report. Therefore, impacts related to exposure to seismic hazards are expected to be *less than significant*.

Geology and Soils 6 (b,d) –Less than Significant Impact. The project geotechnical report found that onsite soils consist of sandy clays and silts. Soils are about 3 feet deep and overlay weathered dense to very dense bedrock of sandstone or granite (Source IX.10). No groundwater was encountered on the site nor were expansive soils identified (Source IX.10). The project geotechnical report provides recommendations regarding foundation design, site preparation, drainage, and septic design. The project will be conditioned to implement all recommendations contained in the project geotechnical report and in the project geologic report.

The thin soils overlaying bedrock are susceptible to erosion from concentrated runoff and grading (Source IX.11). The EIR previously prepared for the site concluded that construction of a

properly designed drainage system and implementation of an erosion control plan would mitigate erosion impacts. The project geotechnical report includes drainage recommendations and an erosion control plan. A standard County condition of approval will be included for the project that requires implementation of the recommendations contained in the geotechnical and geological reports, which includes measures to intercept surface drainage at the proposed guest house and around the septic leachfield. With implementation of these recommendations, impacts related to soil hazards and erosion are expected to be *less than significant*.

Geology and Soils 6 (c) -Less than Significant With Mitigation Incorporated. The project site is located on a low ridge ranging in elevation from 1450 to 1550 feet that terminates in a southwest-facing slope. Slopes around the site range from moderately steep to steep. There is little evidence of natural slope instability, such as landslides (Source IX.9a). The bedrock materials exposed west of the main house building envelope are competent. The only area of stability concern is the proposed Steven's Studio, which is located at the head of a drainage swale and is underlain by colluvium (slope wash) of unknown thickness. If the structure is not properly designed, this could result in a *potentially significant* impact. Implementation of Mitigation Measure #6 will reduce the impact to a less than significant level.

Mitigation Measure #6 (Slope Stability): Require the foundation footings for Steven's Studio to bear on competent bedrock materials for adequate support as recommended in the geologic report (Geoconsultants, Inc., October 20, 2004).

Monitoring Action 6A: Measure shall be included as Condition of Project Approval and included on project plans.

Geology and Soils 6 (c) - Less than Significant. The project geotechnical report and a 1990 County septic feasibility inspection did not identify soil permeability issues (Source IX.9a3 and IX.10). The EIR previously prepared for the site concluded that the large lots, depth to groundwater, and compliance with County regulations would not result in significant impacts (Source IX.11). The proposed project includes four septic holding tanks that will discharge to one leachfield. The leachfield area appears adequate for trench style leachfields (Source IX.10). The 1990 EIR analysis found no significant impacts associated with site development and installation of septic systems. The system design will be reviewed by the Monterey County Environmental Health Division

7. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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?	<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?	<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?	<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?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion, Analysis and Conclusions: See Sections II and IV.

8. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 flooding on- or off-site?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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.9)	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions:

Hydrology and Water quality 8(a) – No Impact. The proposed residential project would not result in discharges that would be regulated or that would potentially violate water quality standards. No federal, state, or local wastewater or water discharge standards would be exceeded by this development. Septic systems will be regulated by the County Division of Environmental Health. Therefore, *no impacts* related to waste discharges are anticipated as a result of the project.

Hydrology and Water quality 8(b) – Less Than Significant Impact. The proposed project would result uses are estimated to result in a water demand of approximately 0.4 acre-feet per year (Source IX.11). Water service will be supplied via an existing well that currently has a pumping rate of approximately 31 gallons per minute per well pump test conducted in June of 2005. The County requires 3 gpm/connection for small water systems, and thus the existing well would be adequate to accommodate the existing service and addition of the proposed project. The proposed onsite septic system leach field is planned on the northern portion of the project site, over 3,000 feet from the nearest well (on Lot 6) and would not affect water quality.

Hydrology and Water quality 8(c-f) – Less Than Significant Impact. The proposed project will result in construction of 8 new structures, which will result in approximately 12,000 square feet of impervious surfaces and subsequent runoff. There would also be some additional impervious surfacing due to site road improvements. It appears that most of the project building sites drain toward the Rocky Creek drainage to the south (Source IX.11). Increased stormwater flows from the project site and entire Rocky Creek Ranch were previously evaluated and were determined to be insignificant in terms of amount and compared to existing stormwater runoff draining to the Rocky Creek and Palo Colorado drainages (Source IX.11).

Runoff and water discharge will be controlled by condition of approval recommended by the Monterey County Water Resources Agency (WRA). The WRA has indicated that a drainage plan will be required prior to issuance of permits that identifies dispersion of stormwater runoff at multiple points, away from and below any septic leach fields, over the least steepest slopes, and with erosion control at the outlets. With required conditions of approval, the project would not adversely affect water quality or alter existing drainage patterns. Thus, impacts related to drainage and water quality are expected to be *less than significant*.

Hydrology and Water quality 8(g-i) – Less Than Significant Impact. The project location is not in a 100-year flood hazard area. The property is not located adjacent to the coastline and is not expected to be subject to tsunami or seiche. There are no significant physical features within or adjacent to the project which would provide the source of a mudflow nor were any identified in a geotechnical report previously prepared for the onsite structures (Source IX.9 & 10). Therefore, *no impacts* related to exposure to flood hazards are anticipated as a result of the project.

9. LAND USE AND PLANNING				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

10. MINERAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions: See Sections II and IV.

11. NOISE				
Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11. NOISE		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<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?	<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 expose people residing or working in the project area to excessive noise levels?	<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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions: See Sections II and IV.

12. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions: See Sections II and IV.

13. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project result in:
 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions: See Sections II and IV.

14. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:
 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?
 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?

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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions: See Sections II and IV.

15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<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 results in substantial safety risks? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions:

The project site is provided access via an existing paved road/driveway from Palo Colorado Road. Average daily trips in the area are lower than typical single-family homes, probably given the rural nature of the area, and project trip rates were conservatively estimated as 6 trips per unit (Source IX.11). The proposed house and caretaker's house would result in approximately 12 daily trips and 1 peak trip, which represents a minimal increase in traffic. The addition of one peak hour trip would not have a measurable adverse impact upon the traffic circulation for the surrounding area. The project was reviewed by the County Public Works Department, and no traffic issues were identified. Therefore, the proposed project is expected to result in *less than significant impacts* related to traffic. The 1990 EIR includes a mitigation measure that future development participate in a county assessment district to collect funds for safety improvements on Palo Colorado Road, to which the project would be required to contribute if such a district has been established.

16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<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?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, Analysis and Conclusions:

Utilities 16(a) –No Impact. See discussion under section 8(a) above.

Utilities 16(b-e) –No Impact. The proposed project will be served by an onsite septic system (see section 6e above), and will meet the requirements of the Monterey County Division of Environmental Health. Water service will be provided via an existing well located on "Lot 5," east of the proposed project site. The existing facility includes a well and a 39,000-gallon water storage tank. The system was approved by the Monterey County Health Department for three connections, to include the existing residence on the Lot 5, and the proposed residence and caretaker unit. The proposed project can be provided water from an existing adequate well (see section 8b above). No new offsite water, wastewater or storm drainage facilities will be required to be constructed to serve the project. Therefore, *no impacts* are anticipated related to water supply and wastewater treatment

Utilities 16(c) –No Impact. See discussion under section 8(c-f) above.

Utilities 16(f-g) –Less Than Significant Impact. The amount of solid waste generated by the proposed project will not significantly impact the area's solid waste facilities. Therefore, impacts related to solid waste generation and disposal are expected to be *less than significant*.

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.2, 5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion:

(a) Less Than Significant Impact. As discussed in this Initial Study, potentially significant impacts to biological resources can be mitigated to a less than significant level and would not result in impacts to the long-term maintenance of habitats. As conditioned, the project would not result in impacts to cultural resources.

(b) Less Than Significant With Mitigation Incorporated. The proposed project would result in cumulative removal of approximately 3,000 square feet of central maritime chaparral habitat, an environmentally sensitive habitat area, which in combination with other projects in the Big Sur region, could result in a potentially significant cumulative impact. Although the project impact is to a relatively small portion of the site area when compared to the property or habitat area as a whole, any loss of sensitive habitat area creates reasonable possibility that the project could have an adverse impact on the environment. Successive projects allowed to remove a limited, sensitive, habitat could create a significant cumulative impact. It has been County precedent to require replacement of removed central maritime chaparral for other projects in the Big Sur region. With implementation of a revegetation plan, the project would avoid loss of habitat and reduce the potential cumulative impact (the project's contribution) to a less than significant level.

Mitigation Measure #7 (Central Maritime Chaparral Revegetation): In order to replace the loss of sensitive Central Maritime Chaparral, the applicant shall replace the total area of habitat impacted by this activity as well as the proposed development (residence, caretaker unit, utilities, infrastructure, water tanks, road improvements, fuel modification, landscaping, etc.) at a 1:1 ratio (plant ratio to be determined by a biologist) with a 100% success criterion. In consultation with a qualified biologist, cuttings shall be taken of these taxa by a qualified restoration consultant, in a timely fashion to allow outplanting in the late fall or early winter. Cuttings shall be made from a variety of on-site stock plants to promote genetic diversity.

Monitoring Action #7A: Prior to issuance of permits, the applicant shall provide the Director of Planning and Building Inspection with a copy of a signed contract/agreement between the applicant and a qualified biologist to carry out this mitigation measure.

Monitoring Action #7B: Prior to issuance of permits, the applicant shall provide a Central Maritime Chaparral Restoration Plan in accordance with this mitigation measure prepared by a qualified biologist for review and approval of the Director of Planning and Building Inspection. Said restoration plan shall be coordinated with landscape plan for the project in order to avoid further, indirect impacts.

Monitoring Action #7C: Prior to issuance of permits, the applicant shall provide the Director of Planning and Building Inspection written certification by a qualified biologist that all required replacement planting and transplanting has been successfully completed and that no additional mitigation is required.

Monitoring Action #7D: Every four months for a period of five years following completion, the applicant shall report in writing to the Director of Planning and Building Inspection on the status of restoration, including the transplanting of the redwoods. The reports shall be prepared by a qualified biologist and shall include performance measures and corrective measures as needed. Planting shall be sufficient to replace impacted habitat area(s) at a 1:1 ratio with a 100% success criterion. Failure to meet this success standard in any given year shall require immediate replacement planting and shall extend the monitoring period for an additional year.

(c) No Impact. As analyzed no substantial adverse effects on human beings exist in this project.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

For purposes of implementing Section 735.5 of Title 14, California Code of Regulations: If based on the record as a whole, the Planner determines that implementation of the project described herein, will result in changes to resources A-G listed below, then a **Fish and Game Document Filing Fee** must be assessed. Based upon analysis using the criteria A-G, and information contained in the record, state conclusions with evidence below.

- A) Riparian land, rivers, streams, water courses, and wetlands under state and federal jurisdiction.
- B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- C) Rare and unique plant life and ecological communities dependent on plant life, and;
- D) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- E) All species of plant or animals listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, and the Water Code, or regulations adopted thereunder.
- F) All marine terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- G) All air and water resources the degradation of which will individually or cumulatively result in the loss of biological diversity among plants and animals residing in air or water.

De minimis Fee Exemption: For purposes of implementing Section 735.5 of the California Code of Regulations: A *De Minimis Exemption* may be granted to the **Environmental Document Fee** if there is substantial evidence, based on the record as a whole, that there **will not** be changes to the above named resources (A-G) caused by implementation of the project. Using the above criteria, state conclusions with evidence below, and follow Planning and Building Inspection Department Procedures for filing a De minimis Exemption.

Conclusion: The project will result in impacts to biological resources, but potentially significant impacts can be mitigated to a less than significant level. Therefore, the project is subject to the filing fee.

Evidence: Biological Assessment.

IX. REFERENCES

1. Project Application and Plans (dated August 8, 2005).
2. Big Sur Coast Land Use Plan, Local Coastal Program, certified 1986.
3. Monterey County Planning and Building Inspection Department GIS System, Property Report for Selected Parcel – APN 418-132-007-000.
4. Site Visit by County Project Planner on November 9, 2004, December 21, 2004, and January 31, 2005 and by Project Planner and Consulting Planner on August 30, 2005.
5. Archaeological Consulting. August 3, 2004. "Preliminary Archaeological Reconnaissance for Proposed Development Areas of APN 418-132-007, Near Big Sur, Monterey County, California."
6. Jeff Norman. November 22, 2004. "Preliminary Biological Report: Foster Property (APN 418-132-007), Cushing Mountain, Big Sur."
7. Jud Vandevere.
 - a. March 9, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Performance Criteria and Cost Estimate for Restoration; Foster Project-File No.: PLN040569 (APN 418-132-007-000).
 - b. March 22, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000).
 - c. May 1, 2005, June 22, 2005 and July 22, 2005. Letters to Monterey County Planning and Building Inspection Department regarding plant census; Foster Project-File No.: PLN040569 (APN 418-132-007-000) for April, May, and July, respectively.
 - d. July 25, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000) Restoration Plan."
 - e. September 29, 2005. Letter to Monterey County Planning and Building Inspection Department regarding "Foster Project-File No.: PLN040569 (APN 418-132-007-000) Habitat Impacts."
8. Staub Forestry and Environmental Consulting. November 2004. "Forest Management Plan for Monterey County APN: 418-132-007-000."
9. Geoconsultants, Inc.
 - a. October 20, 2004. "Geologic Reconnaissance and Update Report, Foster Residence APN: 418-132-007, Rocky Creek Ranch, Big Sur, Monterey County, California."
 - b. September 28, 2005. Letter to Carver + Schickentaz Architects regarding "Geologic Reconnaissance and Update Report Foster Residence, Lot 7."
10. Grice Engineering, Inc. October 2004. "Geotechnical Soils-Foundation & Geoseismic Report for the proposed Foster Residence, 4855 Bixby Creek Road, Carmel, California, APN 418-132-007."

11. Denise Duffy & Associates. Undated. "Final EIR for the Rock Creek Ranch Lot Line Adjustment."
12. Monterey Bay Unified Air Pollution Control District.
 - a. June 2004. *CEQA Air Quality Guidelines*.
 - b. September 2004. *2004 Air Quality Management Plan for the Monterey Bay Region*.
13. Farmland Mapping, California Department of Conservation Farmland Mapping & Monitoring Program, March 14, 2001, as shown on Monterey County Planning & Building Inspection Department's ARC/IMS GIS Mapping System.
14. Monterey County 100-Year Flood Zones, Monterey County Planning & Building Inspection Department GIS Team, as shown on ARC/IMS GIS Mapping System.
15. California Department of Fish and Game. May 27, 2005 Version. "Natural Diversity Database Full Condensed Report" for Soberanes Point USGS quad, printed September 15, 2005.
16. California Department of Finance. Demographic Research Unit. May 2005. "E-5 City/County Population and Housing Estimates, 1/1/05."
<http://www.dof.ca.gov/HTML/DEMOGRAP/E-5text2.htm>

X. ATTACHMENTS

A. Biological Investigations.

1. Jeff Norman (November 22, 2004).
2. Jud Vandevere (March 9, 2005, March 22, 2005, May 1, 2005, July 25, 2005, September 25, 2005).

ATTACHMENTS

BIOLOGICAL INVESTIGATIONS

Lib 040294 Eric Lee
PLN 040569 11/29/04

Preliminary Biological Report: Foster property (APN 418-132-007), Cushing Mountain, Big Sur.

This preliminary Biological Report discusses the impacts to plant and animal habitats that may be caused by the proposed construction on the property of Steven and Gillian Foster. The project consists of a 3975 square foot main house, two studios (one of 1200 square feet, the other of 1150 square feet), an 850-square-foot caretaker's house, a 425-square-foot guest house, a 3200-square-foot barn, a garage (800 square feet), a shed (225 square feet), a swimming pool/patio area (square footage unknown), garden area (square footage unknown), as well as roads, pathways, utility lines, and septic system (all of unknown square footage). Clearing of vegetation for many of these improvements has already occurred. Further impacts will come from establishing fire clearance for the proposed structures. The project would be supplied with water from a well located on a nearby parcel, APN 418-132-005. Mitigation measures are given which have been designed to reduce the long-term impacts to the biotic resources of the areas affected by the proposed project.

This report has been prepared by Jeff Norman, Consulting Biologist, P. O. Box 15, Big Sur, CA 93920. Phone 831/667-0105. Preliminary field work at the project site was conducted on 11 October and 21 November 2004. This preliminary report was prepared for Steven and Gillian Foster, 13977 Aubrey Rd., Beverly Hills, CA 90210, represented by Carver + Schicketanz Architects, P.O. Box 2684, Carmel, CA 93921.

The 78-acre subject property (APN 418-132-007) is located in Section 8, T18S R1E on Cushing Mountain, which is the ridge dividing Rocky Creek from Palo Colorado Creek. Elevation of the parcel varies from ca. 800' to ca. 1400'. The property is also identified as 4833 Bixby Creek Road, Carmel; CA 93923, and is part of the Rocky Creek Ranch subdivision.

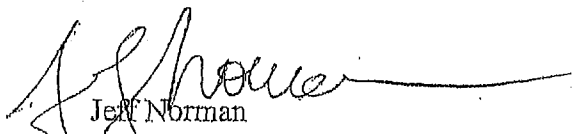
SUMMARY OF RESULTS: Preliminary field surveying and record searching indicate that the project may have impacts upon the following sensitive resources: Redwood Forest, considered an Environmentally Sensitive Habitat Area (ESHA) by the County of Monterey, and listed by the California Department of Fish and Game (DFG) as a rare plant community; Central Maritime Chaparral, a *de facto* ESHA listed by DFG as a rare plant community; the federally-listed endangered Yadon's rein-orchid (*Piperia yadonii*); and small-leaved lomatium (*Lomatium parvifolium*) and Monterey ceanothus (*Ceanothus cuneatus* var. *rigidus*), plants considered rare but not endangered by the California Native Plant Society (CNPS). Because field surveying has not yet been conducted during the blooming period for most plants that may be expected to occur on-site, further impacts to sensitive plants and animals may be implied by the proposed project.

Mitigation measures contained in this report will reduce the impacts of the project to insignificant levels that will sustain the long-term biotic resources of the property.

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Jeff Norman
22 November 2004

PLN 040569
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Preliminary Biological Report: Foster property (APN 418-132-007), Cushing Mountain, Big Sur.

INTRODUCTION: This report will consider the biological impacts of the proposed project, as well as mitigation measures designed to reduce the impacts of the project to levels that will support the environmental resources of the property for an indefinite period. The proposed project consists of a 3975 square foot main house, two studios (one of 1200 square feet [identified as "Gillian's Studio"], the other of 1150 square feet [identified as "Steven's Studio"]), an 850-square-foot caretaker's house, a 425-square-foot guest house, a 3200-square-foot barn, a garage (800 square feet); a shed (225 square feet), a swimming pool/patio area (square footage unknown), garden area (square footage unknown), as well as roads, pathways, utility lines, and septic system (all of unknown square footage).

An existing well, on APN 418-132-005 (Lot #5, on Rocky Creek Ranch to the east of the subject parcel), will supply water for the project; this water will be stored in a tank (or tanks) to be installed on APN 418-132-006 (east of the subject property within an area served by an easement for water storage). The project will require the excavation of 1850 cubic yards of overburden, with 625 cubic yards of fill; some 1225 cubic yards of material will be exported off-site. Clearing of vegetation for many of these improvements has already occurred. Further impacts will come from project implementation, including the establishment of fire clearance for the proposed structures.

REGIONAL SETTING: The project site is located ca. 1/2 mile east of Highway 1 on Cushing Mountain, a ridge that divides Rocky Creek and Las Piedras Canyon from Palo Colorado Canyon to the north. The property is one of several that have been created on this ridge during the past 20 years; these parcels adjoin many of the private holdings in the Palo Colorado-Rocky Creek area. The subject property is accessed from Palo Colorado Road, a narrow surfaced road (in some places consisting of one lane) that trends easterly from Highway 1 between the Carmel and Big Sur rivers.

LOCAL VEGETATION: The Big Sur coast is characterized by its Redwood Forest associations dominated by coast redwood (*Sequoia sempervirens*). Mixed Evergreen Forest is another component of the vegetation, supporting various species of oaks, as well as California laurel (*Umbellularia californica*), tan oak (*Lithocarpus densiflora*), scattered coast redwoods, etc. Close to the ocean, Coastal Sage Scrub and Coastal Bluff Scrub (the latter nearest to the sea) are encountered. In this area Northern Coastal Scrub is close to its southern geographic limit. Phases of Coast Range Grassland occur in many areas, and at all elevations. The rare Central Maritime Chaparral habitat is occasionally found, and can include rare and/or endangered plant taxa. Higher altitudes on the Big Sur Coast support such habitats as Chaparral and Montane Coniferous Forest.

Survey methods included consultation of the California Natural Diversity Data Base (CNDDB) maintained by the DFG. A preliminary field survey was conducted on 11 October 2004, with the understanding that essential follow-up surveying would be accomplished during appropriate periods in 2005. While in the field, the project area was criss-crossed on foot, and all plant and vertebrate animal species seen in the study area were noted, as were potential impacts associated with the project.

The following plant communities are present within the project area:

Preliminary Biological Report: Foster property (APN 418-132-007), Cushing Mountain, Big Sur.

Coastal Sage Scrub occupies a limited area adjoining the water tank site on APN 418-132-006, as well as more extensive areas on the lowest elevations of the property at and near its southern margin; the latter area will not be affected by the proposed project. This community is dominated by black sage (*Salvia mellifera*), with varying amounts of coyote brush (*Baccharis pilularis*), California sagebrush (*Artemisia californica*), southern lizard tail (*Eriophyllum staechadifolium* var. *artemisiaefolium*), and poison oak (*Toxicodendron diversilobum*). The water tank site is disturbed by existing concrete slabs and a gravel pad, and Coastal Sage Scrub here will be little impacted by the proposed project. No seacliff buckwheat (*Eriogonum parvifolium*) is present at the water tank site; thus no habitat exists there for the federally-listed endangered Smith's blue butterfly (*Euphilotes enoptes smithi*). Seasonal surveying must be conducted for rare plants, such as Hutchinson's larkspur (*Delphinium hutchinsonae*), which may be present in this habitat.

Northern Coastal Scrub occupies a portion of the guest house site. Some 1000 square feet of this community has been cleared to survey the site and install elevation netting. The dominant plant here is California coffee berry (*Rhamnus californica*); also present is coyote brush, northern sticky monkey flower (*Mimulus aurantiacus*), and Carmel ceanothus (*Ceanothus griseus* var. *griseus*).

Central Maritime Chaparral is present within a large percentage of the proposed project area, including the main house, both studios, and the garage/shed/garden area. The habitat on-site is dominated by Eastwood's manzanita (*Arctostaphylos glandulosa*); also present is shaggy-barked manzanita (*A. tomentosa*), chamise (*Adenostoma fasciculatum*), warty-leaved ceanothus (*Ceanothus papillosus* var. *papillosus*), the rare Monterey ceanothus (*C. cuneatus* var. *rigidus*), coast silk-tassel (*Garrya elliptica*), poison oak (*Toxicodendron diversilobum*), and yerba santa (*Eriodictyon californicum*). The habitat is suitable for the presence of the federally-listed endangered Yadon's rein-orchid (*Piperia yadonii*), which is present within Central Maritime Chaparral on another parcel on Cushing Mountain, less than 1/2 mile distant from the subject property. Although Yadon's rein-orchid was not seen during the preliminary survey, timely surveying must be conducted for this and other rare plants that could occur on-site.

Disturbance of the Central Maritime Chaparral habitat occurred a few months (or weeks) prior to my October survey. This disturbance occurred with the uprooting and chipping of ca. 1000 square feet of Central Maritime Chaparral at the site of the proposed swimming pool and patio, as well as the chipping of thousands of square feet of Central Maritime Chaparral at the sites of the proposed main house, studios, and garage/shed/garden area; within much of this area, the chipping waste was deposited over the soil surface to a depth of several inches in some places. This habitat was removed for the purpose (according to project representative Mary Ann Schicketanz) of ground surveying and staking of structural elevations. Further loss of this plant community occurred when manzanita plants, and other shrubs, were herbicided within the past several months; this amounts to a loss of ca. 300-400 square feet of this habitat. This disturbance greatly complicates the mitigation process, since no biotic surveying was done before the clearing was undertaken. Thus, rare plants which may have previously been present have now been removed. Future surveying, to be conducted next year, will be hindered by the thick layer of chipping waste; this will kill, or otherwise prevent the re-emergence of, much of the flora that once occupied the site.

Redwood Forest, an ESHA considered rare by DFG, is found within the project area between the main house and the caretaker's house. This community is dominated by coast redwood (*Sequoia*

Preliminary Biological Report: Foster property (APN 418-132-007), Cushing Mountain, Big Sur.

sempervirens), with tan oak (*Lithocarpus densiflorus*) also present. Due to the time of year, other expected Redwood Forest obligates were not to be seen. Little impact is expected upon this habitat from the proposed project, provided that mitigation measures are followed.

Mixed Evergreen Forest is found at or adjoining most elements of the proposed project, with the exception of the guest house. The habitat is dominated by coast live oak (*Quercus agrifolia*), with subordinate numbers of canyon live oaks (*Q. chrysolepis*) and Shreve oaks (*Q. parvula* var. *shrevei* [= *Q. wislizenii*]). Other tree species, including coast redwood (*Sequoia sempervirens*), tan oak (*Lithocarpus densiflorus*) and madrone (*Arbutus menziesii*) are also present. Understory species include poison oak, hairy honeysuckle (*Lonicera hispidula* var. *vacillans*), poison oak, California bedstraw (*Galium californicum* ssp. *californicum*), wood mint (*Stachys bullata*), round-fruited sedge (*Carex globosa*), and California brome (*Bromus carinatus*). In some areas, Central Maritime Chaparral occurs as an element of the understory vegetation, including the rare Monterey ceanothus. This habitat has already seen certain impacts: three months ago a large coast live oak was transplanted a short distance (ca. 50') from the main house, and much understory plant material (including Central Maritime Chaparral vegetation, other herbaceous and shrubby plants, and trees under 6" DBH) has been removed and chipped.

The major impacts upon this community have been evaluated, in part, by Staub Forestry and Environmental Consulting, in their Forest Management Plan prepared for the project and dated November 2004. According to the report, 19 trees between 6" DBH and 23" DBH (inclusive) will be removed; trees to be removed are: 14 coast live oaks, 4 canyon live oaks, and one coast redwood. Another 19 similarly sized trees (14 coast live oaks, 2 canyon live oaks, and 3 Shreve oaks) may be adversely impacted, or possibly killed, by the project.

Coast Range Grassland will be impacted by the proposed guest house, barn, septic system, and installation of utility lines. Mitigation for impacts to Mixed Evergreen Forest habitat may utilize this community for the replanting of oaks lost to other elements of the proposed project. The dominant plant found here is slender oat (*Avena barbata*). Other species seen on the day of the preliminary survey include riggut brome (*Bromus diandrus*), soft chess (*B. hordaceus*), a fescue (*Festuca* sp.), Indian thistle (*Cirsium brevistylum*), and genista, or French broom (*Genista monspessulana*). Many other annual and summer-dormant plant species (including the rare Hutchinson's larkspur) could occur here; these taxa cannot be identified until next spring. A native bunch grass, probably purple needlegrass (*Nassella pulchra*), is present in limited amounts. If this or other native grasses were predominant, the habitat designation of Coastal Prairie would be appropriate; further study during next year's field season will better serve to categorize the nature of the on-site grasslands. These grasslands, however, are threatened on a long-term basis by the presence of genista, which will eventually overtake this plant community.

RARE, THREATENED, AND ENDANGERED SPECIES AND HABITATS: The following sensitive elements are listed by the CNDDDB for the Soberanes Point 7.5' quadrangle:

<i>Arctostaphylos edmundsii</i>	Little Sur manzanita
<i>Arctostaphylos pumila</i>	sandmat manzanita
<i>Cupressus goveniana</i> ssp. <i>goveniana</i>	Gowen cypress
<i>Cupressus macrocarpa</i>	Monterey cypress
<i>Cypseloides niger</i>	Black Swift
<i>Danaus plexippus</i>	monarch butterfly
<i>Delphinium hutchinsoniae</i>	Hutchinson's larkspur

Preliminary Biological Report: Foster property (APN 418-132-007), Cushing Mountain, Big Sur.

<i>Eriogonum nortonii</i>	Pinnacles buckwheat
<i>Euphilotes enoptes smithi</i>	Smith's blue butterfly
<i>Fratercula cirrhata</i>	Tufted Puffin
<i>Oncorhynchus mykiss irideus</i>	southern steelhead
<i>Pelecanus occidentalis californicus</i>	California brown pelican
<i>Pinus radiata</i>	Monterey pine
<i>Piperia yadonii</i>	Yadon's piperia
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom
<i>Trifolium polyodon</i>	Pacific Grove clover
Central Maritime Chaparral	
Monterey Cypress Forest	
Monterey Pine Forest	

Negative Declarations: The project site does not support the following elements, and/or habitat for them:

<i>Arctostaphylos edmundsii</i>	Occurs in Coastal Bluff Scrub and Central Maritime Chaparral on sandy substrates. Flowers November-April.
<i>Arctostaphylos pumila</i>	Found in Closed-cone Coniferous Forest, Maritime Chaparral, Cismontane Woodland, Coastal Dunes, and Coastal Scrub with sandy soils. Blooms Feb.-May.
<i>Cupressus goveniana</i> ssp. <i>goveniana</i>	Found in Closed-cone Coniferous Forest and Maritime Chaparral. A Monterey County endemic.
<i>Cupressus macrocarpa</i>	Found in Closed-cone Coniferous Forest. A Monterey County endemic, although widely planted elsewhere.
<i>Cypseloides niger</i> (nesting)	Nests near waterfalls and in sea caves, May-August. DFG-listed Species of Special Concern.
<i>Danaus plexippus</i> (overwintering colonies)	Utilizes conifers and eucalypts as winter roosting sites. Nearest roosting site is >1 mile distant.
<i>Euphilotes enoptes smithi</i>	This Federally-listed endangered butterfly utilizes <i>Eriogonum parvifolium</i> and <i>E. latifolium</i> as host foodplants.
<i>Fratercula cirrhata</i> (nesting)	Nests on offshore rocks. Southernmost known nesting occurs at Farallones Islands. >3 miles distant.
A suspected breeding location is <i>Oncorhynchus mykiss irideus</i>	Southern steelhead. Spawns in cool, clear, well-oxygenated streams.
<i>Pelecanus occidentalis californicus</i> (nesting)	Nests on offshore rocks. Last successful nesting in Monterey Co. was at Pt. Lobos in 1959.
<i>Pinus radiata</i>	Found in Closed-cone Coniferous Forest and Cismontane Woodland. A Monterey County

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<i>Sidalcea malachroides</i>	endemic, although widely planted elsewhere. Occurs in Broadleaf Upland Forest, Coastal Prairie, and North Coast Coniferous Forest, often in disturbed areas. Flowers from May-August.
<i>Trifolium polyodon</i>	Occurs in Closed-cone Coniferous Forest, Coastal Prairie, Meadows, and Valley and Foothill Grasslands, in mesic places between 5-120 m. elev. Blooms April-June. A Monterey Co. endemic.
Monterey Pine Forest	Dominated by native stands of Monterey pine (<i>Pinus radiata</i>).
Monterey Cypress Forest	Dominated by native stands of Monterey cypress (<i>Cupressus macrocarpa</i>).

Impacts and mitigations for the following sensitive elements are given below:

<i>Ceanothus cuneatus</i> var. <i>rigidus</i>	Monterey ceanothus. Occurs in Central Maritime Chaparral; CNPS states: "threatened by development."
<i>Delphinium hutchinsoniae</i>	Occurs in Broadleaf Upland Forest, Chaparral, Coastal Prairie, and Coastal Scrub. Flowers March-June.
<i>Eriogonum nortonii</i>	Found in Chaparral and Valley and Foothill Grasslands. Blooms May-June.
<i>Lomatium parvifolium</i> var. <i>parvifolium</i>	Small-leaved lomatium. Occurs in Central Maritime Chaparral, and blooms March-June.
<i>Piperia yadonii</i>	Occurs in sandy soil in Coastal Bluff Scrub, Monterey Pine Forest and Central Maritime Chaparral. Flowers from May-Sept. Nearest population is < 1/2 mile distant.
Central Maritime Chaparral	Characterized on the Big Sur Coast by the presence of one or more rare taxa in <i>Arctostaphylos</i> , or, specifically, <i>A. tomentosa</i> taxa, rare or not.
Redwood Forest	Dominated by native stands of coast redwood (<i>Sequoia sempervirens</i>).

IMPACT ASSESSMENT AND MITIGATION MEASURES:

Impact 1. Monterey ceanothus. Specimens of this rare plant were found within the Central Maritime Chaparral plant community. Specimens that may be impacted occur near the main house site, near the proposed swimming pool, and along the path leading to the proposed "Steven's Studio." An unknown number of these plants were removed during recent site clearing. More plants could be eliminated if further removal of Central Maritime Chaparral occurs on the property.

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Mitigation 1. No further clearing of Central Maritime Chaparral on the subject property should occur, unless it is conducted under the supervision of a consulting biologist. To mitigate for the loss of an unknown number of these plants during previous clearing, five Monterey ceanothus specimens should be outplanted in a Central Maritime Chaparral mitigation area, the location of which is yet to be determined. Possible locations for this mitigation are present along an abandoned road that traverses the lower portion of the subject property. Details for the mitigation of this and other Central Maritime Chaparral plants will be developed after the results of springtime surveying are compiled. Outplanted specimens must be obtained from cuttings taken from Monterey ceanothus plants occurring on-site, and under the supervision of a consulting biologist. These outplantings must be irrigated until established, and kept free from competing vegetation. Such mitigation plantings should be monitored three times a year for five years, or until the outplantings are established and further maintenance is deemed unnecessary by the consulting biologist.

Impact 2. Hutchinson's larkspur. Impacts to this rare plant, should it be present (Hutchinson's larkspur prefers grassy locations), may have occurred with the habitat clearing that was conducted for surveying at the guest house site. Further impacts to this plant could arise in the future from construction associated with the proposed barn, and from installation of the utility line leading onto the subject property from Lot #3, as these project elements will occur within grassland habitats.

Mitigation 2. No further clearing of vegetation on the subject property should occur without the supervision of a consulting biologist. Surveying for Hutchinson's larkspur must be conducted next year during the flowering period of this plant. Should the plant be present, suitable mitigation measures will then be developed.

Impact 3. Pinnacles buckwheat. Impacts to this rare plant, should it be present (Pinnacles buckwheat prefers brushy and rocky locations), may have occurred with the habitat clearing that occurred at the water tank site on APN 418-132-006, as well as brush removal within the extensive areas supporting the Central Maritime Chaparral plant community. Further impacts to this plant could arise in the future from construction associated with the proposed main house, studios, swimming pool, and garage/garden/shed.

Mitigation 3. No further clearing of vegetation on the subject property should occur without the supervision of a consulting biologist. Surveying for Pinnacles buckwheat must be conducted next year during the flowering period of this plant. Should the plant be present, suitable mitigation measures will then be developed.

Impact 4. Small-leaved lomatium. This rare plant is present within the on-site Central Maritime Chaparral plant community. Many plants, not evident during the October survey, had resprouted from rootstocks and were seen near the proposed "Steven's Studio" by the time of my November visit. An unknown number of small-leaved lomatium plants may have been removed or disturbed during recent site clearing. More plants could be eliminated if further removal of Central Maritime Chaparral occurs on the property.

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Mitigation 4. No further clearing of vegetation on the subject property should occur without the supervision of a consulting biologist. Surveying for the complete on-site extent of small-leaved lomatium must be conducted next year during the flowering period of this plant. Mitigation for the loss of this plant should occur with the revegetation of other Central Maritime Chaparral plants.

Impact 5. Yadon's rein-orchid. This federally-listed endangered plant was recently found by this biologist on a nearby property within the Rocky Creek Ranch subdivision. Habitat conditions where the orchid was found are identical to those on the subject property, and it would be expected to occur here. Unfortunately, the particular habitat occupied by this rare plant, Central Maritime Chaparral, has been disturbed recently. Brushy plants within the on-site Central Maritime Chaparral community have been removed and chipped, and the resulting chipping waste has been spread over the ground surface where this plant community once existed. It is not known if the orchid is capable of sending forth leaves through chipping waste deposited to the depth (several inches in some places) seen within much of the project site, especially at the location of the proposed "Gillian's Studio" and garage/garden/shed. It is thus possible that a taking of this federally-listed plant has already occurred; further impacts to Yadon's rein-orchid may occur if more vegetation is removed.

Mitigation 5. No additional clearing of vegetation, and no further disturbance of the soil surface on the subject property should occur without the supervision of a consulting biologist. The chipping waste deposited on the soil surface could be reduced to better allow for the re-emergence of the basal leaves of Yadon's rein-orchid, which usually occurs in December; however, this procedure, if undertaken, should be overseen by a consulting biologist, since disturbance of the actual soil surface could damage the orchid plants. Surveying for Yadon's rein-orchid must be conducted next year during the May-July flowering period of this plant. Should the plant be present, suitable mitigation measures will then be developed.

Impact 6. Central Maritime Chaparral. This ESHA has already been disturbed by recent brush clearing activity. The amount of this habitat that has been removed to date is ca. 5000 square feet. These impacts may be broken down as follows: the main house has seen the removal of ca. 1800 square feet of Central Maritime Chaparral; for "Gillian's Studio," ca. 300 square feet; for "Steven's Studio," ca. 600 square feet; for the garage, ca. 400 square feet; for the shed, ca. 100 square feet; for the garden, ca. 800 square feet; for the swimming pool, ca. 1000 square feet. This represents a very small fraction of the Central Maritime Chaparral habitat that is present on the Foster property; however, due to the relatively level nature of the substratum within the project area, the habitat conditions for Central Maritime Chaparral are optimal, especially for the rare plants (described above) that are often associated with this habitat.

The 5000 square foot figure, however, does not include mandatory fire clearance for structures. This figure could conceivably more than double; consultation with the California Department of Forestry should be conducted in order to ascertain the full extent of potential impacts to Central Maritime Chaparral.

Mitigation 6. No further clearing of Central Maritime Chaparral may occur without the supervision of a consulting biologist. Biotic surveying within this habitat must occur during the

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field season in 2005. During this survey, any rare plant species found on-site will be documented; additionally, a tally will be made, based on visible crown-sprouting, of Central Maritime Chaparral habitat components that have been previously removed. This tally will facilitate mitigation efforts by offering a rough idea of the species of plants (and individual numbers) which have been (and/or will be) removed for the project.

These plant species will be replanted on a two-for-one basis in an area yet to be determined (although a potential site exists on an abandoned road at the lower elevation of the property), and will be monitored three times a year for a minimum of five years (although monitoring may be discontinued if the success standards are achieved prior to the end of the five-year period). Outplantings will be made from cuttings obtained on the subject property under the supervision of a consulting biologist, and such selections will be based on species composition and numbers determined during field work conducted in 2005. The extent of revegetation will be based on the actual square footage of Central Maritime Chaparral that will be removed. Success of the revegetation effort will occur with the permanent establishment of Central Maritime Chaparral plants at the one-to-one ratio.

Impact 7. Redwood Forest. This is a DFG-listed rare community, and is characterized by the dominant presence of coast redwood (*Sequoia sempervirens*). Areas where this habitat occurs approach the project near the sites of the proposed caretaker's house, main house, and swimming pool. The proposed project should have no direct impact upon this community; however, improper deposition of excavated material near the bases of coast redwoods during project implementation can cause the death of these trees. Erosion of excavated material from the project site could cover the shallow feeder roots of redwoods, and cause unwanted impacts. Fire clearance for the main house could also result in encroachment upon this habitat. Although they are not components of Redwood Forest, two isolated redwood trees are present near elements of the proposed project. One tree was found near the guest house, and another tree will be removed to build the main house

Mitigation 7. No excavated or otherwise disturbed soil may be allowed to accumulate beneath the canopies of redwood trees. Stabilization of excavated and otherwise disturbed soils, as described above, will be sufficient to prevent sedimentation of the soil surface beneath the redwood canopy. Fire clearance should avoid redwood trees and the soils associated with them. Mitigation for the loss of the tree at the main house site is discussed below, under Mixed Evergreen Forest. The redwood seen near the guest house site should be avoided during project implementation.

Impact 8. Mixed Evergreen Forest. This community is comprised of coast live oak (dominant), canyon live oak, Shreve oak, tan oak, coast redwood, and madrone. Impacts upon this habitat have already occurred across most of its extent within the project area on the Foster property. Construction of a yurt at the site of the proposed caretaker's house has already occurred within this habitat. Mature tree transplanting and limbing, and removal of small trees and understory vegetation, has more recently been conducted at the sites of the main house, both studios, and garage/garden/shed. Impacts to oaks may also occur at the septic treatment area. According to the November 2004 Forest Management Plan prepared by Staub Forestry and Environmental Consulting, a minimum of 18 oaks (between 6" and 23" DBH) and one 11" DBH coast redwood

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will be removed for the construction of the proposed main house, caretaker's house, "Steven's Studio," and "Gillian's Studio." An additional 19 oaks (between 6" and 23" DBH) are on an "evaluation list," meaning the extent of the proposed project may result in their removal as well. No quantification of trees under 6" DBH was made in the Staub report.

Further impacts to the habitat may occur if excavated soils are allowed to accumulate beneath the drip lines of retained trees, or if eroded material is deposited there. Operation of heavy equipment within the drip lines of any trees to be retained will compact the soil and could result in the death of such specimens. Landscaping around oaks, especially coast live oaks, can cause fungus diseases of these trees if irrigation is conducted during the dry season. Erosion from disturbed soil generated by excavation may also enter other plant communities beyond the Mixed Evergreen Forest habitat, causing additional environmental damage.

The trees constituting the Mixed Evergreen Forest on the subject parcel provide nesting habitat for a wide variety of avian species; thus impacts to bird breeding behavior are likely from the proposed project, due to the number of mature trees that are to be affected.

Mitigation 8. Recommendations contained in the Staub Forest Management Plan that are designed to reduce impacts to this habitat should, with a few exceptions, be adopted. These measures are described under the "Tree Replacement" section (pp. 4-5), the "Tree Care During Construction" section (pp. 5-6), and the "Forest Management Agreement" (p. 9). Exceptions to the Staub recommendations are as follows:

1. Under "Tree Replacement," the replanting of trees with a trunk diameter in of 12" or greater is advised. This measure strictly follows the Monterey County Code Section 20.145.060.D.6. However, this interpretation would only require the replanting of a maximum of 8 coast live oaks and 2 canyon live oaks as mitigation for the loss of 1/4 acre of Mixed Evergreen Forest (up to 38 trees). I recommend the re-establishing, on a 1-to-1 basis, of all trees of a trunk diameter of 10" or greater. Thus, the tally for trees that will definitely be replaced is 13, with a possible replacement of another 15. As advised by Staub, a tally of trees actually lost to construction will serve as the basis for quantifying this mitigation.

2. Regarding replanting stock (pp. 4-5), only acorns gathered on the subject property should be used to propagate revegetation material. Transplanting of saplings that are to be otherwise lost is also appropriate.

3. Sites for revegetation (p. 5) should also include the area around the proposed barn and guest house. Oaks used for mitigation purposes can be effectively used north of the proposed guest house for screening the subject property from development activity on adjoining parcels.

4. Under the "Clearing Methods" section (p. 9), no exotic material may be sown or otherwise introduced onto the subject property, with the exception of sterile grasses specially bred to be non-reproductive. In the long term, the establishment of native plants is the objective; the use of rye can permanently damage the local ecosystem.

5. Under the "Irrigation" section (p. 9), it is recommended that "Caution will be exercised to avoid overwatering around the trees within the greenbelt." I would further advise that no landscaping be conducted beneath retained oaks that requires dry-season irrigation, in order to avoid oak-root fungus and other pathogens that may be associated with excessive summertime moisture.

6. In addition to the revegetation measures contained in the Staub report, it is advisable to mitigate for the loss of the single 11" DBH coast redwood that will be removed for the main house construction.

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An additional mitigation should be adopted with regard to the avian habitat provided by the Mixed Evergreen Forest on-site. Tree removal should be conducted while avian breeding behavior is at a minimum, i.e., from August through December, inclusive. During this period, the nesting of such protected bird species as raptors is least likely to occur; breeding activity of most other bird taxa is also at a minimum. However, surveying for breeding activity could be conducted by a qualified biologist during the 2005 breeding season, with the objective of determining the presence or absence of breeding and/or nesting behavior. Should such activity be absent within the project area, tree removal could be conducted at any time.

Although no oaks are to be removed at the site of the water tanks to be installed on APN 418-132-006, the trees found here could be adversely impacted by improper equipment operation, severing of major roots, and the introduction of overburden onto the existing soil surface beneath these trees. Thus, recommendations contained in the Staub Forest Management Plan should be followed during the implementation of this phase of the project as well.

Impact 9. Coast Range Grassland. Project elements within this community are the utility lines, septic treatment area, barn, and guest house. The character of this habitat on the subject property varies from an apparently exotic-dominated community with a low percentage of native grasses and forbs, to what appears to be entirely ruderal grassland lacking native species. However, the habitat seen on-site could nevertheless support rare plant species such as Hutchinson's larkspur. Field surveying to be conducted in 2005 will serve to better evaluate the nature of these grasslands. In general, the habitat is already threatened by the presence of invasive exotic plant species such as genista and milk thistle (*Silybum marianum*). Project implementation will result in the loss of ca. 3200 square feet of the habitat at the barn ca. 300 square feet at the guest house. The septic treatment site will be located in this community, and will consist of two fields fifty feet long and eighteen feet wide. The area to be eventually utilized for mitigation for impacts to Mixed Evergreen Forest is also located in this habitat. Additional project-related loss could come from fire clearance and future landscaping.

The proposed project could cause an increase of exotic plant infestation, especially from soils disturbed during site grading. Site runoff could also create erosion problems that could result in deposition of eroded material into otherwise undisturbed habitat.

Mitigation 9. Field surveying must be conducted during the flowering period of Hutchinson's larkspur and other plants that could potentially be found on-site. Should rare or sensitive flora be encountered, appropriate mitigation measures will be developed.

To preserve existing grassland habitat that is to be retained, a focused exotic plant eradication plan should be instituted on the subject property. Genista plants should be hand-pulled when the soil is moist, and follow-up should occur each year until no more plants are to be found. Any flowering genista plants found should be removed prior to seed-set. Genista seedlings should be searched for and removed on a regular basis. Due to the long period in which genista seeds may lie dormant in the soil, this activity should be followed in perpetuity. Persistent eradication of milk thistle must also be instituted; these plants are best uprooted just before flowering. Any blossoming milk thistle plants should be pulled up and burned, bagged and taken to the dump, or otherwise destroyed.

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During the replanting of oaks (to satisfy the recommendations described under Mitigation 8.), sites should be selected that are the most ruderal, i.e., those grassland areas that are most heavily vegetated with exotic plants such as riggut brome, soft chess, and slender oat. These areas will be determined during field work to be conducted next year.

Landscaping and other alterations of the habitat beyond the actual structures should be minimized to further preserve the on-site Coast Range Grassland.

Impact 10. Coastal Sage Scrub. This habitat will be affected by the proposed project only on the adjoining parcel, APN 418-132-006, where water storage tanks are to be constructed. The condition of the habitat here is quite disturbed, as it has been graded years ago, and a concrete pad installed. Although it is not expected that the installation of the water tanks will have a direct impact upon this community, excavated material could nonetheless be deposited within Coastal Sage Scrub, with the result of a loss of habitat. Eroded material could wash into this area as well, and weeds could become established on disturbed soils. These impacts could also impact and reduce Coastal Sage Scrub habitat surrounding the water tanks.

Mitigation 10. Use of heavy equipment should be restricted to the disturbed area of the water tank site. No excavated material should be allowed to accumulate at otherwise undisturbed locations. Erosion from the site must be controlled, and exotic plants eradicated.

Impact 11. Northern Coastal Scrub. Some 1000 square feet of this community have already been removed for site surveying and elevation staking for the guest house. More may be removed for fire clearance. Additional impacts to the community may come from the operation of heavy equipment in areas adjoining the guest house site, or from storm water runoff from impermeable surfaces into the habitat. This community offers suitable habitat to several rare plant species, including Hutchinson's larkspur.

Mitigation 10. Springtime surveying should be conducted within the habitat (both cleared and undisturbed) prior to project implementation. Should rare species be present, appropriate mitigation measures will be adopted. Impacts to this habitat should be minimized during project implementation by restricting the use of heavy equipment to the guest house site only. At least 500 square feet (or at least 50% of this habitat which is actually lost to the development) will be replaced via revegetation. Potential mitigation areas for Northern Coastal Scrub may be found along the abandoned road on the lower portion of the Foster property. Exotic plant eradication (of French broom especially) is another mitigation measure that should be employed to conserve Northern Coastal Scrub on the Foster property.

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LIST OF SPECIES ENCOUNTERED ON-SITE:

Trees:

<i>Arbutus menziesii</i>	madrone
<i>Lithocarpus densiflora</i>	tan oak
<i>Quercus agrifolia</i>	coast live oak
<i>Quercus parvula</i> ssp. <i>shrevei</i>	Shreve oak
<i>Quercus chrysolepis</i>	canyon live oak
<i>Sequoia sempervirens</i>	coast redwood

Shrubs, Subshrubs and Woody Vines:

<i>Adenostoma fasciculatum</i>	chamise
<i>Arctostaphylos tomentosa</i>	shaggy-barked manzanita
<i>Arctostaphylos glandulosa</i>	Eastwood's manzanita
<i>Artemisia californica</i>	California sage-brush
<i>Baccharis pilularis</i>	coyote brush
<i>Ceanothus griseus</i> var. <i>griseus</i>	Carmel ceanothus
<i>Ceanothus cuneatus</i> var. <i>rigidus</i>	Monterey ceanothus
<i>Ceanothus papillosus</i> var. <i>papillosus</i>	warty-leaved ceanothus
<i>Eriodictyon californicum</i>	yerba santa
<i>Eriophyllum staechadifolium</i> var. <i>artemisiaefolium</i>	southern lizard tail
<i>Garrya elliptica</i>	coast silk-tassel
<i>Genista monspessulana</i>	French broom
<i>Heteromeles arbutifolia</i>	toyon
<i>Lonicera hispidula</i> var. <i>vacillans</i>	hairy honeysuckle
<i>Lupinus chamissonis</i>	silver beach lupine
<i>Mimulus aurantiacus</i>	northern sticky monkey flower
<i>Rhamnus californica</i>	California coffeeberry
<i>Salvia mellifera</i>	black sage
<i>Toxicodendron diversilobum</i>	poison oak

Herbaceous Species:

<i>Avena barbata</i>	slender oat
<i>Bromus carinatus</i>	California brome
<i>Bromus diandrus</i>	ripgut grass
<i>Bromus hordaceus</i>	soft chess
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Carex globosa</i>	round-fruited sedge
<i>Centaurea melitensis</i>	toçalote
<i>Cirsium brevistylum</i>	Indian thistle
<i>Cordylanthus rigidus</i> ssp. <i>rigidus</i>	bird's-beak
<i>Elymus glaucus</i>	blue wild rye
<i>Festuca</i> sp.	fescue
<i>Galium californicum</i> ssp. <i>californicum</i>	California bedstraw
<i>Gnaphalium californicum</i>	California everlasting
<i>Iris douglasiana</i>	Douglas's iris
<i>Lomatium parvifolium</i>	small-leaved lomatium
<i>Madia sativa</i>	coast tarweed

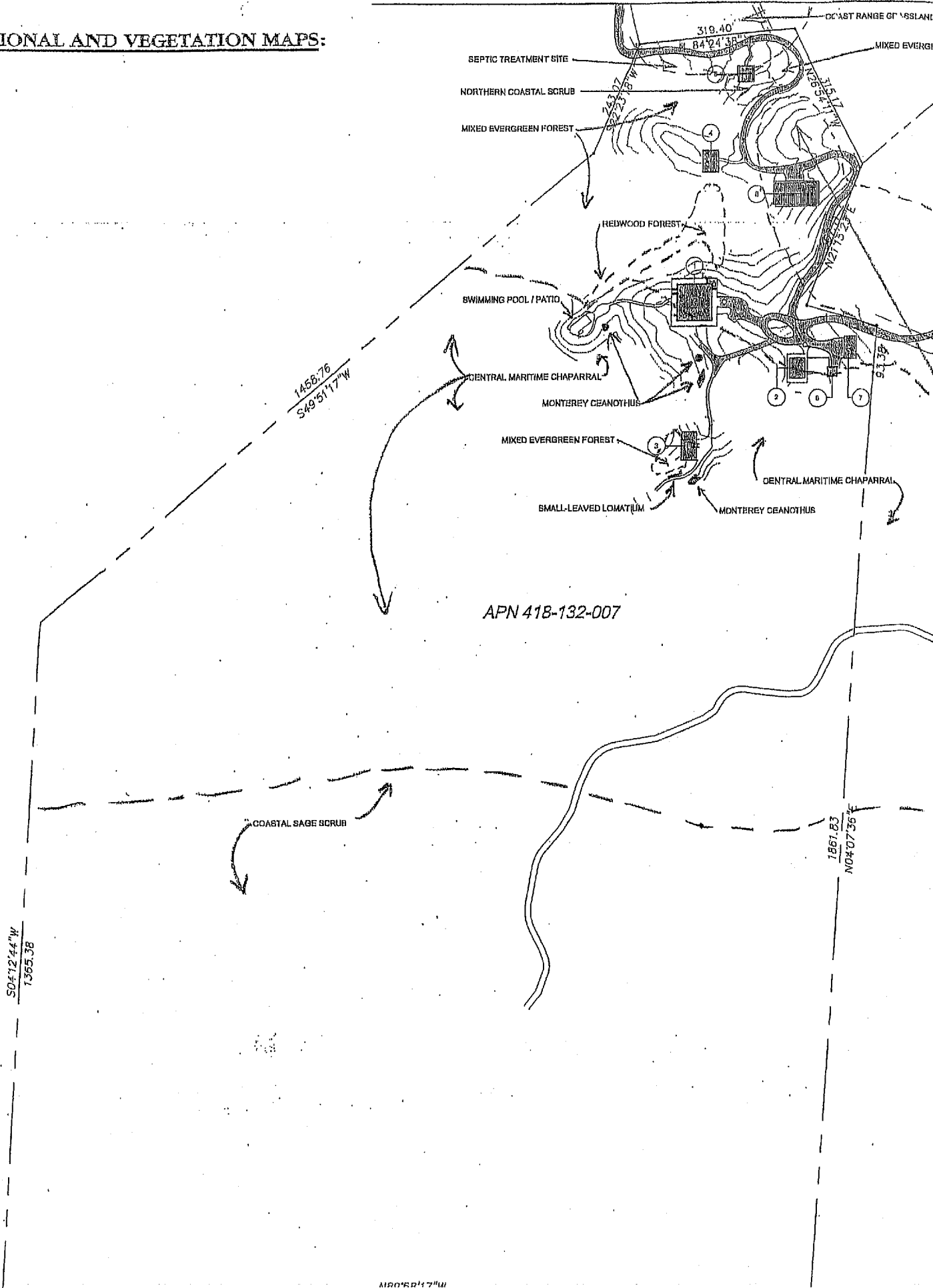
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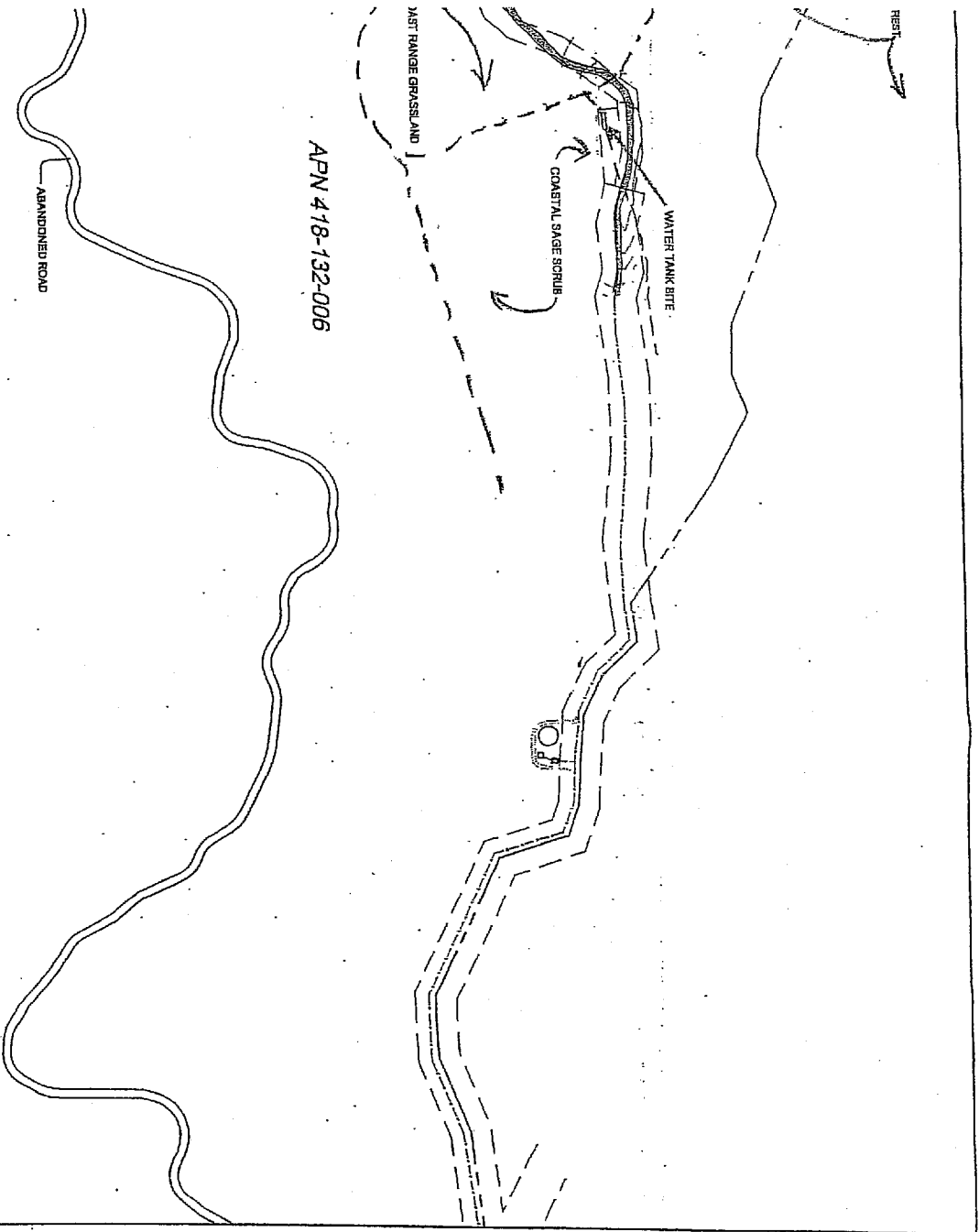
<i>Nassella</i> sp.	needlegrass
<i>Pteridium aquilinum</i> var. <i>pubescens</i>	western bracken
<i>Satureja chamissonis</i>	yerba buena
<i>Scrophularia californica</i> ssp. <i>californica</i>	coast figwort
<i>Sonchus asper</i>	prickly sow-thistle
<i>Stachys bullata</i>	wood mint
<i>Silybum marianum</i>	milk thistle
<i>Torilis nodosa</i>	hedge-parsley

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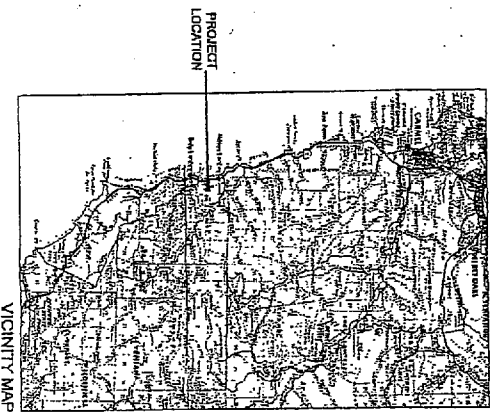
REGIONAL AND VEGETATION MAPS:

Plans and specifications shall be matched to the original sets for which they were prepared and publication hereof is expressly limited to such use. Reproduction or publication by any means, in whole or in part, is prohibited. This in the plans and specifications remains with the architect without prejudice. Visual contact with these plans and specifications shall constitute evidence of the acceptance of these plans and specifications.

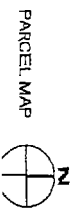




APN 418-132-006



- LEGEND**
- 1 Main House
 - 2 Gillian's Studio
 - 3 Steven's Studio
 - 4 Caretaker's House
 - 5 Guesthouse
 - 6 Barn
 - 7 Garage
 - 8 Shed



PARCEL MAP

FOSTER RESIDENCE
4855 BIXBY CREEK ROAD, CARMEL, CA. 93923

Carver + Schicketanz Architects
P.O. BOX 2684 CARMEL, CALIFORNIA 93921 U.S.A.
PHONE: 831.624.2304 FACSIMILE: 831.624.0364
WWW . CARVER SCHICKETANZ . COM



Date: 11-23-2004
Scale: NO SCALE
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Jdr: 0304
Title: COVER SHEET

Sheet:

Jud Vandevere
Biological Consulting
93 Via Ventura
Monterey, CA 93940
juan@mbay.net
372-6001
9 Mar 05

Eric Lee
Monterey County Planning and Building Inspection Department
2620 First Ave.
Marina, CA 93933

**Re: Performance criteria and cost estimate for restoration; Foster Project-
File No.: PLNO40569 (APN 418-132-007-000)**

Dear Eric::

I discussed the Foster Project with Jeff Norman on 24 Feb 05. On 28 Feb, Jeff underwent quadruple coronary bypass at Stanford Hospital.

Here is performance criteria and an estimate of time and costs for implementing a full restoration plan for the Foster property:

No further clearing of Maritime Chaparral should occur unless it is done under the supervision of a consulting biologist.

Mitigation 1 Under supervision of a consulting biologist, five Monterey ceanothus, *Ceanothus cuneatus* var. *rigidus*, obtained from cuttings taken from on-site. Monterey ceanothus, should be out planted in a Central Maritime Chaparral mitigation area, an abandoned road that traverses the lower portion of the property. These out plantings must be irrigated and kept free from competing vegetation until established. The plantings should be monitored once a year for three years, or until they are established, and further maintenance is deemed unnecessary by the consulting biologist.

The cost for implementing this measure is as follows:

- a. A biologist will visit the site when out planting occurs. This will require one hour of field work at \$80/hour, plus one hour of travel time at \$40/hour = **\$120**.
- b. A biologist will monitor the out plantings once a year for three years or until five Monterey ceanothus are established. Each visit should take fifteen minutes of field time with an hour for travel. This cost, with \$80/hr. for field time and \$40/hr. for travel would be **\$180**. This figure could be more if restoration should require more visits, but less if establishment of the plantings is achieved in less than three years. Photos of the

restoration will be taken by the biologist during each visit. Processing of 3 photos should cost ca. \$3..

c. After each monitoring visit the biologist will submit a report to the Monterey County Planning and Building Inspection Department including a photo and requiring an hour for report preparation, at \$80/hr. = **\$80.**

Mitigation 2. Steven's studio, the garden area, the shed and the garage have been removed from the current application. Restoration is unnecessary in the areas cleared for Steven's studio, the garden area, shed and garage because regrowth from the cut stumps is very vigorous. Restoration at the Gillian's studio site is unnecessary because no vegetation was removed there..

Mitigation 3. Full restoration for the removal of additional plants:.

On 2 Mar 05, Jay Auburn and I crisscrossed the property both within the footprints of the planned improvements and between the footprints. The leaves of Yadon's rein-orchid, *Piperia yadonii*, have been present since January in the Monterey City Forest Preserve below my home at 93 Via Ventura, Monterey. Jay and I saw no orchid leaves on the Foster property on 2 Mar. The absence of orchid leaves on the 2 March means that the property does not have Yadon's rein-orchid.

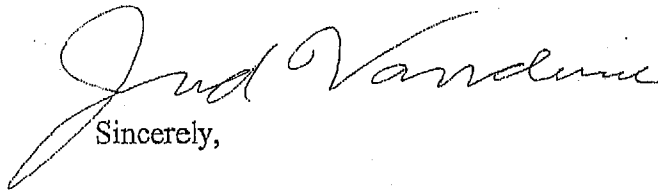
Should additional taxa of concern be observed during the spring census, and if plants of these taxa are thought to have been lost during earlier clearing, then these additional species will also be subject to restoration. And should it be realized that additional sensitive flora will be compromised during construction, restoration for this additional loss will be needed, and a plan for monitoring the implementation will have to be made. Spring censuses should occur in April, May, June and July. Each of these four searches, looking for sensitive taxa that have different blooming periods, should cost: with travel time – one hour **\$40** and with field work - **\$80**, a total of **\$480.**

After the spring census a restoration plan will be prepared which will include the following steps called for by you:

- A site plan clearly delineating the extent of the sensitive habitat that was removed.
- Inventory and analysis of the impacts of the disturbance.
- Recommended measures addressing impacts, such as replanting and replacement of sensitive species and habitat, weed eradication, erosion control, etc.
- Planting plan showing location and size of plantings, irrigation, etc.
- Performance criteria to be met to ensure success.
- Detailed monitoring actions, schedule and follow-up reports.
- Estimate of the costs involved for implementation and monitoring.

Mitigation 4. Weed eradication is required. The owners will be responsible for implementation of exotic eradication work. The person doing the work will meet on site with a biologist to ensure that sensitive taxa are not removed. This requires one hour of field work at \$80/hr. and one hour of travel time at \$40/hr. = **\$120**. Monitoring of this measure will occur during the visits called for in Mitigation 1. Success will be determined by the absence of exotic plants. When Mitigation 1 has been achieved, should exotics still be present, then weed eradication and periodic monitoring will continue until such plants are absent.

The total costs of a biologist performing these functions is **\$980**. The cost may come to more or less depending on the success of the implementation of these measures.


Sincerely,

Jud Vandevere
Biological Consulting
93 Via Ventura
Monterey, CA 93940
juan@mbay.net
372-6001
22 Mar 05

Eric Lee
Monterey County Planning and Building Inspection Department
2620 First Ave.
Marina, CA 93933

Re: Foster Project-File No.: PLNO40569 (APN 418-132-007-000)

Dear Eric:

I discussed the Foster Project again on 21 Mar 05 with Jeff Norman.

In response to your letter to Jay Auburn on 17 Mar 05:

The following taxa are resprouting and growing:

<i>Adenostoma fasciculatum</i>	chamise
<i>Arctostaphylos tomentosa</i>	shaggy-barked manzanita
<i>Arctostaphylos glandulosa</i> var. <i>cushingiana</i>	Eastwood's manzanita
<i>Artemisia californica</i>	coast sagebrush
<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	coyote brush
<i>Eriodictyon californicum</i>	yerba santa
<i>Garrya elliptica</i>	coast silk-tassel
<i>Lupinus chamissonis</i>	silver beach lupine
<i>Rhamnus californica</i>	California coffeeberry
<i>Salvia mellifera</i>	black sage
<i>Toxicodendron diversilobum</i>	poison oak

They are equivalent to the adjacent areas.

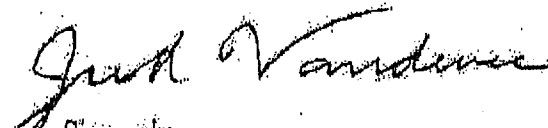
On page seven of Jeff's 22 Nov 04 preliminary biological report, under mitigation 1, is the sentence: "To mitigate for the loss of an unknown number of these plants (Monterey ceanothus) during previous clearing, five Monterey ceanothus specimens should be outplanted in a Central Maritime Chaparral mitigation area, the location of which is yet to be determined." Very few of these ceanothus occur on the property. Jay and I saw one in full bloom on the path to the proposed "Steven's Studio" on 2 Mar 05. Because few if

Foster Restoration, 22 Mar 05, Vandeyere, page 2

any were removed, five plantings should be adequate. There is access to the road. When grading begins, topsoil from on-site should be used in the holes dug in the road to receive the out-planting restoration plants. In this way mycorrhiza needed to well establish Maritime Chaparral plants will be present.

Exotic weeds or invasive species will be controlled.

On 2 Mar 05, Jay and I inspected the area on the edge of the house site and around the pool area. Re-emergence of much of the taxa that once occupied these areas is occurring at both sites. Crown sprouting of coffeeberry and shaggy-barked manzanita is occurring.


Sincerely,

Jud Vandevere
Biological Consulting
93 Via Ventura
Monterey, CA 93940
juan@mbay.net
372-6001
jvan@mbay.net
1 May 05

Eric Lee
Monterey County Planning and Building Inspection Department
2620 First Ave.
Marina, CA 93933

Re: Foster Project-File No.: PLNO40569 (APN 418-132-007-000) April Census

Dear Eric:

On 18 Apr 05, Jay Auburn and I performed the April census at the Foster property. In my 24 Mar 05 letter to you I wrote: "I shall go on-site monthly for spring surveys, monitoring regrowth."

At the site for a garage, the following taxa are resprouting and growing:

<i>Arctostaphylos glandulosa</i>	Eastwood's manzanita
<i>A. tomentosa</i> ssp. <i>tomentosa</i>	shaggy-barked manzanita
(The manzanitas are sprouting from the burls and cuts)	
<i>Pteridium aquilinum</i>	western bracken
<i>Iris douglasiana</i>	Douglas iris
<i>Rhamnus californica</i>	California coffeeberry
<i>Toxicodendron diversilobum</i>	poison oak

Also present is an old *Neotoma fuscipes luciana*, Monterey dusky-footed woodrat's nest

At the site for a shed, in addition to some of the same resprouting plants at the garage site, are the following resprouting and growing species:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita.
<i>Ceanothus griseus</i> var. <i>griseus</i>	Carmel ceanothus
<i>Satureja douglasii</i>	yerba buena
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Rhamnus crocea</i>	redberry

At the site for Gillian's studio, in addition to some of the same resprouting plants at both the garage and shed sites, are the following growing species:

<i>Cirsium brevistylum</i>	Indian thistle
<i>Sanicula crassicaulis</i>	gambleweed
<i>S. laciniata</i>	coast sanicle
<i>Avena barbata</i>	slender wild oat
<i>Sonchus oleraceus</i>	common sow thistle

At the site for Steven's studio, in addition to some of the same resprouting plants at the garage, shed and Gillian's studio, is *Toxicodendron diversilobum*, poison oak. I also observed six *Ceanothus cuneatus* var. *rigidus* outside the disturbed areas on the north and south sides of the path leading to the site..

At the site for the main house, in addition to some of the same resprouting plants at the sites for the garage, shed, and Gillian's and Steven's studios, are the following growing taxa:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita
<i>Piperia yadonii</i>	(possibly) Yadon's rein-orchid
<i>Lactuca serriola</i>	prickly lettuce
<i>Phacelia malvifolia</i>	stinging phacelia
<i>Gnaphalium purpureum</i>	purple cudweed

About fifty *Piperia* have been located to the northeast and outside the building footprint of the main house. They are probably *P. yadonii*. That determination will have to be made when they bloom in May, June or July.

On 21 Apr 05, Jay Auburn had the orchids covered with wire to prevent them from being eaten by deer.

Before the Hospice facility was constructed, I moved *P. yadonii* from the footprint to a Monterey City Forest Preserve below my home at 93 Via Ventura in Monterey. Every year since then these orchids have bloomed. Therefore, the few that are close to the proposed deck could be moved.

At the swimming pool site, in addition to some of the same resprouting species at the sites for the garage, shed, Gillian's and Steven's studios and the main house, are the following growing plants:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita
<i>Garrya elliptica</i>	coast silk-tassel
<i>Crassula connata</i>	sand pygmy
<i>Salvia mellifera</i>	black sage
<i>Sequoia sempervirens</i> (not in disturbed area)	coast redwood

At the barn site, in addition to some of the same resprouting taxa at the sites for the garage, shed, Gillian's and Steven's studios, main house and swimming pool, are the following species:

<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	coyote brush
<i>Genista monspessulana</i>	French broom
<i>Mimulus aurantiacus</i> var. <i>aurantiacus</i>	sticky monkey flower
<i>Geranium dissectum</i>	cut-leaved geranium
<i>Sisyrinchium bellum</i>	blue-eyed grass
<i>Ranunculus californicus</i> var. <i>rugulosus</i>	California buttercup
<i>Rumex acetosella</i>	sheep sorrel
<i>Quercus agrifolia</i>	coast live oak
<i>Zigadenus fremontii</i> var. <i>fremontii</i>	Fremont's star lily
<i>Plantago lanceolata</i>	English plantain
<i>Calochortus albus</i> var. <i>albus</i>	globe lily
<i>Viola pedunculata</i> ssp. <i>pedunculata</i>	johnny jump-up
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Juncus effusus</i> var. <i>brunneus</i>	common rush
<i>Cryptantha intermedia</i>	common cryptantha
<i>Eriophyllum staechadifolium</i> var. <i>artemisiaefolium</i>	lizard-tail
<i>Stachys bullata</i>	California hedge-nettle
<i>Briza maxima</i>	quaking grass
<i>Bromus diandrus</i>	ripgut grass
<i>Gnaphalium purpureum</i>	purple cudweed

At the caretaker's house site, in addition to some of the same resprouting flora at the sites for the garage, shed, Gillian's and Steven's studios, main house, swimming pool and barn, are the following taxa:

<i>Stellaria media</i>	common chickweed
<i>Piperia yadonii</i>	(possibly)Yadon's rein-orchid

There is one rein-orchid outside the footprint, it is also covered to protect it from deer.

At the guesthouse site, in addition to some of the same resprouting taxa at the sites for the garage, shed, Gillian's and Steven's studios, main house, swimming pool, barn and caretaker's house, are the following species:

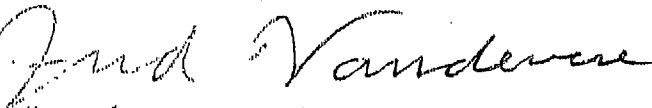
<i>Chlorogalum pomeridianum</i> var. <i>pomeridianum</i>	soap plant
<i>Silyburn marianum</i>	milk thistle
<i>Claytonia perfoliata</i>	miner's lettuce
<i>Symphoricarpos mollis</i>	creeping snowberry

After much rain and four months of regrowth the cut brush is growing back and there have been no erosion problems.

Evidence of three mammals were noted:

<i>Neotoma fuscipes luciana</i>	Monterey dusky-footed woodrat
<i>Scapanus latimanus</i>	broad-footed mole
<i>Thomomys bottae</i>	Botta pocket gopher

Should additional taxa of concern be observed during the spring census, and if plants of these taxa are thought to have been lost during earlier clearing, then these additional species will also be subject to restoration. And should it be realized that additional sensitive flora will be compromised during construction, restoration for this additional loss will be needed, and a plan for monitoring the implementation will have to be made. The remaining spring censuses should occur in May, June and July..


Sincerely,

Jud Vandevere
Biological Consulting
 93 Via Ventura
 Monterey, CA 93940
 jvan@mbay.net
 372-6001
 jvan@mbay.net
 22 Jun 05

Eric Lee
 Monterey County Planning and Building Inspection Department
 2620 First Ave.
 Marina, CA 93933

Re: Foster Project-File No.: PLNO40569 (APN 418-132-007-000)
May Census

Dear Eric:

On 19 May 05, Jay Auburn and I performed the May census at the Foster property.
 In my 24 Mar 05 letter to you I wrote: "I shall go on-site monthly for spring surveys, monitoring regrowth."

At the site for a garage, the following taxa are resprouting and growing:

<i>Arctostaphylos glandulosa</i>	Eastwood's manzanita
<i>A. tomentosa</i> ssp. <i>tomentosa</i>	shaggy-barked manzanita
(The manzanitas are sprouting from the burls and cuts)	
<i>Pteridium aquilinum</i>	western bracken
<i>Iris douglasiana</i>	Douglas iris
<i>Rhamnus californica</i>	California coffeeberry
<i>Toxicodendron diversilobum</i>	poison oak
<i>Sonchus asper</i>	prickly sow thistle
<i>Satureja douglasii</i>	yerba buena
<i>Silybum marianum</i>	milk thistle
<i>Filago gallica</i>	narrow-leaved filago
<i>Ceanothus griseus</i> var. <i>griseus</i>	Carmel ceanothus
<i>Zigaderus fremontii</i> var. <i>fremontii</i>	Fremont's star lily
<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	coyote brush
<i>Bromus diandrus</i>	riggut grass
<i>Scrophularia californica</i> ssp. <i>californica</i>	coast figwort

Foster Project - May Census - 2005

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Also present is an old *Neotoma fuscipes luciana*, Monterey dusky-footed woodrat's nest

At the site for a shed, in addition to some of the same resprouting plants at the garage site, are the following resprouting and growing species:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita.
<i>Ceanothus griseus</i> var. <i>griseus</i>	Carmel ceanothus
<i>Satureja douglasii</i>	yerba buena
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Rhamnus crocea</i>	redberry
<i>Erodium cicutarium</i>	red-stemmed filaree
<i>Agoseris grandiflora</i>	large-flowered agoseris
<i>Bromus hordeaceus</i>	soft chess
<i>Sonchus asper</i>	prickly sow thistle

At the site for Gillian's studio, in addition to some of the same resprouting plants at both the garage and shed sites, are the following growing species:

<i>Cirsium brevistylum</i>	Indian thistle
<i>Sanicula crassicaulis</i>	gambleweed
<i>S. laciniata</i>	coast sanicle
<i>Avena barbata</i>	slender wild oat
<i>Sonchus asper</i>	prickly sow thistle
<i>S. oleraceus</i>	common sow thistle
<i>Galium aparine</i>	goose-grass
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Bromus hordeaceus</i>	soft chess
<i>Genista monspessulana</i>	French broom
<i>Mimulus aurantiacus</i>	sticky monkey flower

At the site for Steven's studio, in addition to some of the same resprouting plants at the garage, shed and Gillian's studio, is *Toxicodendron diversilobum*, poison oak. I looked more carefully at the six *Ceanothus cuneatus* var. *rigidus*, Monterey ceanothus outside the disturbed areas on the north and south sides of the path leading to the site that I had observed in May and found that three of them were *Ceanothus papillosus*, wartleaf ceanothus.

Foster Project - May Census - 2005

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At the site for the main house, in addition to some of the same resprouting plants at the sites for the garage, shed, and Gillian's and Steven's studios, are the following growing taxa:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita
<i>Piperia yadonii</i>	(possibly) Yadon's rein-orchid
<i>Lactuca serriola</i>	prickly lettuce
<i>Phacelia malvifolia</i>	stinging phacelia
<i>Gnaphalium purpureum</i>	purple cudweed
<i>G. stramineum</i>	cotton-batting plant
<i>Ceanothus griseus</i>	Carmel ceanothus
<i>Briza maxima</i>	quaking grass
<i>Hypochaeris glaba</i>	smooth cat's ear
<i>Aria caryophyllaea</i>	silvery hair-grass
<i>Iris douglasiana</i>	Douglas iris
<i>Claytonia perfoliata</i>	miner's lettuce

About fifty *Piperia* have been located to the northeast and outside the building footprint of the main house. They are probably *P. yadonii*. That determination will have to be made when they bloom in June or July. They were not in bloom on 19 May 05.

On 21 Apr 05, Jay Auburn had the orchids covered with wire to prevent them from being eaten by deer. On 19 May, they were being well protected by the wire.

Before the Hospice facility was constructed, I moved *P. yadonii* from the footprint to a Monterey City Forest Preserve below my home at 93 Via Ventura in Monterey. Every year since then these orchids have bloomed. Therefore, the few that are close to the proposed deck could be moved.

At the swimming pool site, in addition to some of the same resprouting species at the sites for the garage, shed, Gillian's and Steven's studios and the main house, are the following growing plants:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita
<i>Garrya elliptica</i>	coast silk-tassel
<i>Crassula connata</i>	sand pygmy
<i>Salvia mellifera</i>	black sage

Ceanothus cuneatus var. *rigidus* Monterey ceanothus
 Foster Project - May Census - 2005 page 4

Sonchus asper prickly sow thistle
Sequoia sempervirens (not in disturbed area) coast redwood

At the barn site, in addition to some of the same resprouting taxa at the sites for the garage, shed, Gillian's and Steven's studios, main house and swimming pool, are the following species:

<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	coyote brush
<i>Genista monspessulana</i>	French broom
<i>Mimulus aurantiacus</i> var. <i>aurantiacus</i>	sticky monkey flower
<i>Geranium dissectum</i>	cut-leaved geranium
<i>Sisyrinchium bellum</i>	blue-eyed grass
<i>Ranunculus californicus</i> var. <i>rugulosus</i>	California buttercup
<i>Rumex acetosella</i>	sheep sorrel
<i>Quercus agrifolia</i>	coast live oak
<i>Zigadenus fremontii</i> var. <i>fremontii</i>	Fremont's star lily
<i>Plantago lanceolata</i>	English plantain
<i>Calochortus albus</i> var. <i>albus</i>	globe lily
<i>Viola pedunculata</i> ssp. <i>pedunculata</i>	johnny jump-up
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Juncus effusus</i> var. <i>brunneus</i>	common rush
<i>Cryptantha intermedia</i>	common cryptantha
<i>Eriophyllum staechadifolium</i> var. <i>artemisiaefolium</i>	lizard-tail
<i>Stachys bullata</i>	California hedge-nettle
<i>Briza maxima</i>	quaking grass
<i>Bromus diandrus</i>	ripgut grass
<i>Gnaphalium purpureum</i>	purple cudweed
<i>G. stramineum</i>	cotton-batting plant
<i>Vaccinium ovatum</i>	evergreen huckleberry
<i>Linum bienne</i>	narrow-leaved flax
<i>Hypochaeris glabra</i>	smooth cat's ear
<i>H. radicata</i>	hairy cat's ear
<i>Aria caryophyllea</i>	silvery hair-grass
<i>Hazardia squarrosa</i>	sawtooth goldenbush
<i>Rumex acetosella</i>	sheep sorrel
<i>Sanicula crassicaulis</i>	gambleweed

At the caretaker's house site, in addition to some of the same resprouting flora at the sites for the garage, shed, Gillian's and Steven's studios, main house, swimming pool and barn, are the following taxa:

Stellaria media common chickweed

Piperia yadonii

(possibly) Yadon's rein-orchid

Foster Project - May Census - 2005

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There is one rein-orchid outside the footprint, it is also covered to protect it from deer. It is doing well.

At the guesthouse site, in addition to some of the same resprouting taxa at the sites for the garage, shed, Gillian's and Steven's studios, main house, swimming pool, barn and caretaker's house, are the following species:

<i>Chlorogalum pomeridianum</i> var. <i>pomeridianum</i>	soap plant
<i>Silybum marianum</i>	milk thistle
<i>Claytonia perfoliata</i>	miner's lettuce
<i>Symphoricarpos mollis</i>	creeping snowberry
<i>Madia sativa</i>	common tarweed
<i>Viola pedunculata</i> ssp. <i>tenuifolia</i>	Johnny jump-up
<i>Galium californicum</i> ssp. <i>californicum</i>	California bedstraw
<i>Calandrinia ciliata</i>	red maids
<i>Briza minor</i>	small quaking grass
<i>Pentagramma triangularis</i>	gold-back fern
<i>Chlorogalum pomeridianum</i> var. <i>pomeridianum</i>	soap plant

After much rain and five months of regrowth the cut brush is growing back and there have been no erosion problems.

Evidence of three mammals, eight birds, one lizard and one insect were noted:

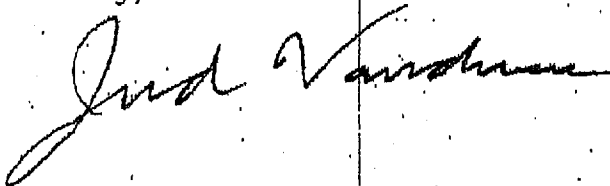
<i>Neotoma fuscipes luciana</i>	Monterey dusky-footed woodrat
<i>Scapanus latimanus</i>	broad-footed mole
<i>Thomomys bottae</i>	Botta pocket gopher
<i>Colaptes auratus</i>	northern flicker
<i>Pipilo maculatus</i>	spotted towhee
<i>Poecile rufescens</i>	chestnut-backed chickadee
<i>Cathartes aura</i>	turkey vulture
<i>Aphelocoma californica</i>	western scrub-jay
<i>Junco hyemalis</i>	dark-eyed junco
<i>Calypte anna</i>	anna's hummingbird
<i>Chamaea fasciata</i>	wrentit
<i>Sceloporus occidentalis</i>	western fence lizard
<i>Pogonomyrmex californicus</i>	California harvester ant

Foster Project - May Census - 2005

page 6

Should additional taxa of concern be observed during the spring census, and if plants of these taxa are thought to have been lost during earlier clearing, then these additional species will also be subject to restoration. And should it be realized that additional sensitive flora will be compromised during construction, restoration for this additional loss will be needed, and a plan for monitoring the implementation will have to be made. The remaining spring censuses should occur in June and July..

Sincerely,



Jud Vandevere
Biological Consulting
93 Via Ventura
Monterey, CA 93940
juan@mbay.net
372-6001
22 Jul 05

Jeff Main
Monterey County Planning and Building Inspection Department
168 W. Alisal St.
2nd Floor
Salinas, CA 93901

Re: Foster Project-File No.: PLNO40569 (APN 418-132-007-000)
July Census

Dear Jeff:

On 20 Jul 05, Jay Auburn and I performed the July census at the Foster property.

In my 24 Mar 05 letter to you I wrote: "I shall go on-site monthly for spring surveys, monitoring regrowth."

At the site for a garage, the following taxa are resprouting and growing vigorously::

<i>Arctostaphylos glandulosa</i>	Eastwood's manzanita
<i>A. tomentosa</i> ssp. <i>tomentosa</i>	shaggy-barked manzanita
(The manzanitas are sprouting from the burls and cuts)	
<i>Pteridium aquilinum</i>	western bracken
<i>Iris douglasiana</i>	Douglas iris
<i>Rhamnus californica</i>	California coffeeberry
<i>Toxicodendron diversilobum</i>	poison oak
<i>Sonchus asper</i>	prickly sow thistle
<i>Satureja douglasii</i>	yerba buena
<i>Silybum marianum</i>	milk thistle
<i>Filago gallica</i>	narrow-leaved filago
<i>Ceanothus griseus</i> var. <i>griseus</i>	Carmel ceanothus
<i>Zigadenus fremontii</i> var. <i>fremontii</i>	Fremont's star lily
<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	coyote brush
<i>Bromus diandrus</i>	rippgut grass
<i>Nassella pulchra</i>	purple needlegrass

<i>Scrophularia californica</i> ssp. <i>californica</i>	coast figwort
<i>Lotus scoparius</i> var. <i>scoparius</i>	deerweed
<i>Centaurea solstitialis</i>	yellow star thistle
<i>Gnaphalium stramineum</i>	cotton-batting plant
<i>Erechtites minima</i>	coast fireweed
<i>Gnaphalium purpureum</i>	purple cudweed
<i>G. ramosissimum</i>	pink everlasting
<i>Galium californicum</i> ssp. <i>californicum</i>	California bedstraw
<i>Centaureum davyi</i>	Davy's centaury
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Cirsium brevistylum</i>	Indian thistle
<i>Mimulus aurantiacus</i> var. <i>aurantiacus</i>	sticky monkey flower
<i>Centaurea melitensis</i>	tocalote
<i>Erodium cicutarium</i>	red-stemmed filaree
<i>Lithocarpus densiflora</i>	tan-bark oak
<i>Nassella pulchra</i>	purple needlegrass

Also present is an old *Neotoma fuscipes luciana*, Monterey dusky-footed woodrat's nest. This rat is no longer a species of concern.

At the site for a shed, in addition to some of the same resprouting plants at the garage site, are the following resprouting and growing species:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita.
<i>Ceanothus griseus</i> var. <i>griseus</i>	Carmel ceanothus
<i>Satureja douglasii</i>	yerba buena
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Rhamnus crocea</i>	redberry
<i>Erodium cicutarium</i>	red-stemmed filaree
<i>Agoseris grandiflora</i>	large-flowered agoseris
<i>Bromus hordeaceus</i>	soft chess
<i>Sonchus asper</i>	prickly sow thistle
<i>Rhamnus californica</i>	California coffeeberry
<i>R. crocea</i>	redberry

At the site for Gillian's studio, in addition to some of the same resprouting plants at both the garage and shed sites, are the following growing species:

<i>Cirsium brevistylum</i>	Indian thistle
<i>Sanicula crassicaulis</i>	gambleweed

<i>S. laciniata</i>	coast sanicle
<i>Avena barbata</i>	slender wild oat
<i>Sonchus asper</i>	prickly sow thistle
<i>S. oleraceus</i>	common sow thistle
<i>Galium aparine</i>	goose-grass
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Bromus hordeaceus</i>	soft chess
<i>Genista monspessulana</i>	French broom
<i>Mimulus aurantiacus</i>	sticky monkey flower
<i>Aira caryophylla</i>	silvery hair-grass
<i>Rhamnus californica</i>	California coffeeberry
<i>Epipactis helleborine</i>	hellebore
<i>Navarretia pubescens</i>	downy navarretia
<i>Cistus creticus</i>	rock-rose

At the site for Steven's studio, in addition to some of the same resprouting plants at the garage, shed and Gillian's studio, is *Toxicodendron diversilobum*, poison oak. I looked more carefully at the six *Ceanothus cuneatus* var. *rigidus*, Monterey ceanothus outside the disturbed areas on the north and south sides of the path leading to the site that I had observed in May and found that four of them were *Ceanothus papillosus*, wartleaf ceanothus. And on 24 June, Jay and I found an additional two wartleaf.

At the site for the main house, in addition to some of the same resprouting plants at the sites for the garage, shed, and Gillian's and Steven's studios, are the following growing taxa:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita
<i>Piperia transversa</i>	transverse rein-orchid
<i>Lactuca serriola</i>	prickly lettuce
<i>Phacelia malvifolia</i>	stinging phacelia
<i>Gnaphalium purpureum</i>	purple cudweed
<i>G. ramosissimum</i>	pink everlasting
<i>G. stramineum</i>	cotton-batting plant
<i>Ceanothus griseus</i>	Carmel ceanothus
<i>C. papillosus</i> var. <i>papillosus</i>	wartleaf ceanothus
<i>Briza maxima</i>	quaking grass
<i>Hypochaeris glaba</i>	smooth cat's ear
<i>H. radicata</i>	hairy cat's ear
<i>Aria caryophylla</i>	silvery hair-grass
<i>Iris douglasiana</i>	Douglas iris
<i>Claytonia perfoliata</i>	miner's lettuce

<i>Sonchus oleraceus</i>	common sow thistle
<i>S. asper</i>	prickly sow thistle
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Cistus creticus</i>	rock-rose
<i>Navarretia pubescens</i>	downy navarretia
<i>Toxicodendron diversilobum</i>	poison oak
<i>Quercus agrifolia</i>	coast live oak
<i>Erechtites minima</i>	coast fireweed
<i>Genista monspessulana</i>	French broom
<i>Madia sativa</i>	common tarweed
<i>Dryopteris arguta</i>	wood fern

About fifty *Piperia* have been located to the northeast and outside the building footprint of the main house. Now that they are in bloom, I have determined that they are not *P. yadonii*. They are *P. transversa*, transverse rein-orchid, a taxa that is not of concern

On 21 Apr 05, Jay Auburn had the orchids covered with wire to prevent them from being eaten by deer. On 24 Jun, they were being well protected by the wire.

Before the Hospice facility was constructed, I moved *P. yadonii* from the footprint to a Monterey City Forest Preserve below my home at 93 Via Ventura in Monterey. Every year since then these orchids have bloomed, and are now in bloom.

At the swimming pool site, in addition to some of the same resprouting species at the sites for the garage, shed, Gillian's and Steven's studios and the main house, are the following growing plants:

<i>A. glandulosa</i>	Eastwood's manzanita
<i>A. t. t.</i>	shaggy-barked manzanita
<i>Garrya elliptica</i>	coast silk-tassel
<i>Crassula connata</i>	sand pygmy
<i>Salvia mellifera</i>	black sage
<i>Ceanothus cuneatus</i> var. <i>rigidus</i>	Monterey ceanothus
<i>Cirsium brevistylum</i>	Indian thistle
<i>Sonchus asper</i>	prickly sow thistle
<i>Sequoia sempervirens</i> (not in disturbed area)	coast redwood

At the barn site, in addition to some of the same resprouting taxa at the sites for the garage, shed, Gillian's and Steven's studios, main house and swimming pool, are the following species:

<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	coyote brush
<i>Genista monspessulana</i>	French broom
<i>Mimulus aurantiacus</i> var. <i>aurantiacus</i>	sticky monkey flower
<i>Geranium dissectum</i>	cut-leaved geranium
<i>Sisyrinchium bellum</i>	blue-eyed grass
<i>Ranunculus californicus</i> var. <i>rugulosus</i>	California buttercup
<i>Rumex acetosella</i>	sheep sorrel
<i>Quercus agrifolia</i>	coast live oak
<i>Zigaderus fremontii</i> var. <i>fremontii</i>	Fremont's star lily
<i>Plantago lanceolata</i>	English plantain
<i>Calochortus albus</i> var. <i>albus</i>	globe lily
<i>Viola pedunculata</i> ssp. <i>pedunculata</i>	johnny jump-up
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Juncus effusus</i> var. <i>brunneus</i>	common rush
<i>Cryptantha intermedia</i>	common cryptantha
<i>Eriophyllum staechadifolium</i> var. <i>artemisiaefolium</i>	lizard-tail
<i>Stachys bullata</i>	California hedge-nettle
<i>Briza maxima</i>	quaking grass
<i>Bromus diandrus</i>	ripgut grass
<i>Gnaphalium purpureum</i>	purple cudweed
<i>G. stramineum</i>	cotton-batting plant
<i>Vaccinium ovatum</i>	evergreen huckleberry
<i>Linum bienne</i>	narrow-leaved flax
<i>Hypochaeris glabra</i>	smooth cat's ear
<i>H. radicata</i>	hairy cat's ear
<i>Aria caryophylla</i>	silvery hair-grass
<i>Hazardia squarrosa</i>	sawtooth goldenbush
<i>Rumex acetosella</i>	sheep sorrel
<i>Sanicula crassicaulis</i>	gambleweed
<i>Madia sativa</i>	common tarweed
<i>Daucus pusillus</i>	rattlesnake weed

At the caretaker's house site, in addition to some of the same resprouting flora at the sites for the garage, shed, Gillian's and Steven's studios, main house, swimming pool and barn, are the following taxa:

<i>Stellaria media</i>	common chickweed
<i>Triteleia laxa</i>	Ithuriel's spear
<i>Sanicula crassicaulis</i>	gambleweed
<i>Toxicodendron diversilobum</i>	poison oak
<i>Sequoia sempervirens</i>	coast redwood

A single 10 foot high redwood is about 15 feet south of the caretaker's house site.

At the guesthouse site, in addition to some of the same resprouting taxa at the sites for the garage, shed, Gillian's and Steven's studios, main house, swimming pool, barn and caretaker's house, are the following species:

<i>Chlorogalum pomeridianum</i> var. <i>pomeridianum</i>	soap plant
<i>Silybum marianum</i>	milk thistle
<i>Claytonia perfoliata</i>	miner's lettuce
<i>Symphoricarpos mollis</i>	creeping snowberry
<i>Madia sativa</i>	common tarweed
<i>Viola pedunculata</i> ssp. <i>tenuifolia</i>	Johnny jump-up
<i>Galium aparine</i>	goose-grass
<i>G. californicum</i> ssp. <i>Californicum</i>	California bedstraw
<i>Calandrinia ciliata</i>	red maids
<i>Briza minor</i>	small quaking grass
<i>Pentagramma triangularis</i>	gold-back fern
<i>Chlorogalum pomeridianum</i> var. <i>pomeridianum</i>	soap plant
<i>Hypochaeris glabra</i>	smooth cat's ear
<i>H. radicata</i>	hairy cat's ear
<i>Anagallis arvensis</i>	scarlet pimpernel
<i>Sisyrinchium bellum</i>	blue-eyed grass
<i>Sanicula crassicaulis</i>	gambleweed
<i>Avena barbata</i>	slender oat
<i>Pteridium aquilinum</i>	western bracken
<i>Cirsium brevistylum</i>	Indian thistle
<i>Genista monspessulana</i>	French broom
<i>Rhamnus californica</i>	California coffeeberry
<i>Gnaphalium californicum</i>	California cudweed
<i>G. ramosissimum</i>	pink everlasting
<i>Sonchus asper</i>	prickly sow thistle
<i>Ceanothus griseus</i> var. <i>griseus</i>	Carmel ceanothus
<i>Mimulus aurantiacus</i>	sticky monkey flower
<i>Daucus pusillus</i>	rattlesnake weed
<i>Sisyrinchium bellum</i>	blue-eyed grass
<i>Rubus ursinus</i>	California blackberry
<i>Toxicodendron diversilobum</i>	poison oak
<i>Rumex acetosella</i>	sheep sorrel
<i>Dryopteris arguta</i>	wood fern
<i>Bromus diandrus</i>	rippgut grass
<i>Marah fabaceus</i>	wild cucumber

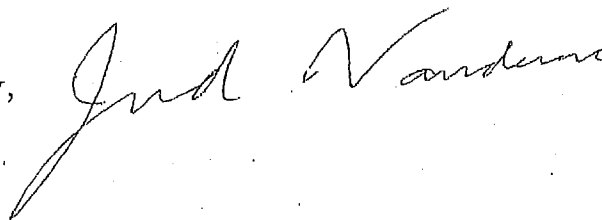
After much rain and five months of regrowth the cut brush is growing back and there have been no erosion problems.

Evidence of four mammals, ten birds, one lizard and six insects were noted:

<i>Procyon lotor</i>	raccoon (scat contains manzanita berries)
<i>Neotoma fuscipes luciana</i>	Monterey dusky-footed woodrat
<i>Scapanus latimanus</i>	broad-footed mole
<i>Thomomys bottae</i>	Botta pocket gopher
<i>Calypte anna</i>	anna's hummingbird
<i>Colaptes auratus</i>	northern flicker
<i>Pipilo maculatus</i>	spotted towhee
<i>Poecile rufescens</i>	chestnut-backed chickadee
<i>Cathartes aura</i>	turkey vulture
<i>Aphelocoma californica</i>	western scrub-jay
<i>Junco hyemalis</i>	dark-eyed junco
<i>Calypte anna</i>	Anna's hummingbird
<i>Thryomanes bewickii</i>	Bewick's wren
<i>Chamaea fasciata</i>	wrentit
<i>Sceloporus occidentalis</i>	western fence lizard
<i>Pogonomyrmex californicus</i>	California harvester ant
<i>Schistocerca nitens</i>	gray bird grasshopper
<i>Bombylus major</i>	greater bee fly
<i>Vespula</i> subgenera <i>Vespula</i>	yellowjacket
<i>Apis mellifera</i>	honey bee
<i>Junonia coenia</i>	(mating) buckeye butterflies

Should it be realized that additional sensitive flora will be compromised during construction, restoration for this additional loss will be needed, and a plan for monitoring the implementation will have to be made.

Sincerely,



Jud Vandevere
Biological Consulting
93 Via Ventura
Monterey, CA 93940
juan@mbay.net
372-6001
25 Jul 05

Jeff Main
Monterey County Planning and Building Inspection Department
168 W. Alisal St.
2nd Floor
Salinas, CA 93901

Re: Foster Project-File No.: PLNO40569 (APN 418-132-007-000)
Restoration Plan

Dear Jeff:

SUMMARY: In my opinion, the small stands of coast redwood, *Sequoia sempervirens*, on the property will not be impacted by the planned development, provided mitigation measures are followed. Staub did report in 04, that one redwood would be removed.

Although I found small-leaved lomatium, *Lomatium parvifolium* var. *parvifolium*, on the Bliss property on Lobos Ridge, in my many plant surveys at the Foster site, March, April, May, June and July, I did not find any lomatium. It blooms from March to June. Jeff Norman reported encountering many resprouting lomatium near the proposed "Steven's Studio" in November 04. I did not find lomatium and do not believe mitigation for this CNPS List 4 taxa is necessary

For years I have been showing my students Hutchinson's larkspur, *Delphinium hutchinsoniae*, in Malpaso Canyon, which blooms in April and May. During my five monthly plant surveys, I saw not a single species of delphinium. Because of fire hazard, the owner should be permitted to mow grassland habitats, without disturbing the soil, once or twice a year, without the supervision of a consulting biologist.

I did find Monterey ceanothus, *Ceanothus cuneatus* var. *rigidus* as did Jeff Norman, near the proposed swimming pool and along the path leading to the proposed "Steven's Studio". I did not find Monterey ceanothus near the main house site. Because Jeff Norman and I found so few Monterey ceanothus on the Foster property and because

none came up in the areas where brush was cut, I do not believe any were lost during plant removal. Therefore, outplantings from cuttings taken on-site should not be a requirement. Further clearing of Central Maritime Chaparral should be conducted under the supervision of a consulting biologist.

Neither Jeff Norman nor I found Pinnacles buckwheat, *Eriogonum nortonii*. Its blooming period is May and Jun. Nor did we find any species of buckwheat on the Foster property; thus no habitat exists for the federally-listed endangered Smith's blue butterfly, *Euphilotes enoptes smithi*.

Mitigation for rare Yadon's rein-orchid is unnecessary because the *Piperia* that is present is not a species of concern.

Jeff Norman wrote that ca. 5000 square feet of brush had been cut and that this figure could conceivably more than double when mandatory fire clearance for structures is required. Brush was cut as follows: ca. 300 sq. ft. for Gillian's Studio, ca. 600 sq. ft. for Steven's Studio, ca. 400 sq. ft. for the garage, ca. 100 sq. ft. for the shed, ca. 800 sq. ft. for the garden, ca. 1000 sq. ft. for the swimming pool. He also wrote that the amount of cleared plants represented a very small fraction of the Central Maritime Chaparral habitat that is present on the Foster property. Therefore, to require that the chaparral plants that have been and will be removed be replaced with cuttings obtained on the property on a two-for-one basis and planted in an area yet to be determined is not necessary in my opinion. If the fire department agrees that we can retain all plants, but cut them to an 18" height, I would not consider that this trimming would constitute habitat loss.

I concur with Jeff Norman's impacts 7-10 and his mitigations 7-10 in his *Preliminary Biological Report: Foster property 22 Nov 04*. I also agree with his impact 11. However, I did not find larkspur at the proposed guest house site or anywhere on the Foster property.

In his mitigation 11 (which is misnumbered 10) He calls for: "At least 500 square feet (or at least 50% of this habitat which is actually lost to the development) will be replaced via revegetation". I do not believe revegetation is necessary.

INVENTORY AND ANALYSIS OF THE IMPACTS OF THE DISTURBANCE:

The disturbance:	Analysis:
<p><u>Northern Coastal Scrub</u> occupies a portion of the guest house site. In some 1000 square feet of this community brush was cut for surveying and installing elevation netting.</p>	<p>Much of the regrowth had reached three feet as seen in photographs taken by Jay Auburn on 20 July 05.</p>
<p><u>Central Maritime Chaparral</u> is present within a large percentage of the proposed project area, including: the main house, both studios and the garage/shed/garden areas. Chipping of ca. 1000 square feet of this chaparral occurred at the site of the proposed swimming pool and patio as well as of thousands of square feet at the sites of the main house, studios and garage/shed/garden areas. Within much of this area, chipping waste was deposited to a depth of several inches in some places.</p>	<p>The quantity of chaparral removed was small when compared to the acres of Central Maritime Chaparral that are present.</p> <p>Much of the regrowth had reached three feet as seen in photographs taken by Jay Auburn on 20 July 05.</p>
<p><u>Redwood Forest</u>. There are two small stands, one between both the proposed main and caretaker's houses and the other on the north side of the path from the proposed main house to the proposed pool.</p>	<p>There has been no disturbance to these stands.</p>
<p><u>Mixed Evergreen Forest</u> is found at or adjoining most elements of the proposed project, with the exception of the guest house.</p>	<p>The Forest Management Plan evaluates the impacts to this community when work on the project begins.</p>
<p><u>Coast Range Grassland</u> will be</p>	<p>During the four spring censuses,</p>

impacted by the proposed guest house, barn, septic system and installation of utility lines.

native grasses were rare.. Ruderal plants predominate. This spring purple needlegrass, *Nassella pulchra* was present again in limited amounts. Unless controlled, French broom, *Genista monspessulana*, will overtake the grassland.

RECOMMENDED MEASURES ADDRESSING IMPACTS, SUCH AS REPLANTING AND REPLACEMENT OF SENSITIVE SPECIES AND HABITAT, WEED ERADICATION AND EROSION CONTROL:

Revegetation has been so successful that replanting is not necessary

Only a few Monterey ceanothus plants occur on the Foster property. Apparently none were removed during clearing. No new Monterey ceanothus have appeared with the new growth of Carmel ceanothus and other forbs in the areas that had been cleared. Therefore Monterey ceanothus need not be planted.

Now that the orchids are in bloom, I have determined that they are the transverse rein-orchid, *Piperia transversa* a taxa that is not of concern.

No further brush in the Central Maritime Chaparral should be cut without the supervision of a consulting biologist.

Improper deposition of excavated material near the bases of coast redwoods or over the shallow feeder roots should be prevented. Excavated soils should not be allowed to accumulate beneath th drip lines of other retained trees. Heavy equipment should not operate within the drip lines of retained trees. .Overwatering around trees should not occur. No landscaping that requires dry-season irrigation should be planted under oaks so as to prevent oak-root fungus and other pathogens.

A site runoff plan needs to be made to prevent erosion problems, to prevent soil from entering undisturbed habitat.

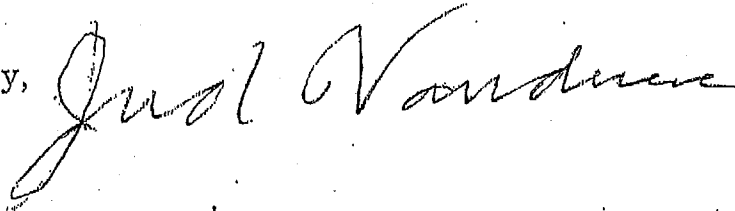
The grasslands are threatened by French broom, *Genista monspessularia* and milk thistle, *Silybum marianum*, therefore an exotic plant eradication plan should include: hand-pulled broom (as Jay has been doing). Broom should be removed each year prior to seed-set. Milk thistle is best uprooted and destroyed just before flowering.

Weeds can become established in disturbed soils.

A consulting biologist should supervise the placement of fencing to protect undisturbed areas, and should make a pre-construction visit to ensure satisfactory construction practices.

The measures recommended here should reduce the impacts of the project to insignificant levels that will sustain the long-term biotic resources of the property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Vanderveer". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jud Vandevere
Biological Consulting
93 Via Ventura
Monterey, CA 93940
372-6001
juan@mbay.net
29 Sep 02

Stephanie Strelow
Monterey County Planning and Building Inspection Department
168 W. Alisal St., 2nd Floor
Salinas 93901

Re: Foster Project-File No.: PLNO-40569 (APN 418-132-007-000)
Habitat Impacts

Dear Stephanie Strelow:

On page four of my letter to Jeff Main, on 25 July 05, I wrote,
Revegetation has been so successful that replanting is not necessary.

As development takes place, some Central Maritime Chaparral will be lost.

The parcel size is 77.1 acres. Each acre comprises 43,560 square feet.
So, 77.1 acres contains 3,358,476 square feet.

Approximately 45% of the 77.1 acres contains Central Maritime Chaparral.
45% of 77.1 acres is 34.70 acres, which is 1,511,532 square feet

No chaparral needs to be removed from the existing access roadway. Development is planned for the following eleven areas:

PROJECT AREA

Gillians' studio had been cleared before 1989. No chaparral is present.
Main House will be located in a Mixed Evergreen Forest
Caretakers will be located in a Mixed Evergreen Forest
Barn will be located in Coast Range Grassland.
Guesthouse will be located in Northern Coastal Scrub
Garage will be located in what is now Poison Oak Chaparral *
Shed will be located in what is now Poison Oak Chaparral *
Driveway to garage and shed is now Poison Oak Chaparral *

Stephanie Strelow, 29 Sep 05

page 2

Pool and path to pool had been cleared before 1989. A few manzanitas are a few inches high.

Pool patio. About 400 sq. ft. of Central Maritime Chaparral will be removed

Steven's studio. About 771 sq. ft. of Central Maritime Chaparral will be removed.

Therefore, 1,171 sq. ft. of Central Maritime Chaparral will be lost.

Because the property contains 1,511,532 sq. ft. of Central Maritime Chaparral, the 1,171 sq. ft. to be removed is 0.078% of the total, which is an insignificant amount.

*Jeff Norman, in his 22 Nov 04 report, believed the vegetation that had been removed from the garage, shed and driveway was probably Central Maritime Chaparral. I believe it was Poison Oak Chaparral, and today it is certainly Poison Oak Chaparral. Poison Oak Chaparral is a chaparral dominated by poison oak. The approximate plant composition in these three areas is as follows:

Poison oak-60%, California coffeeberry-25%, toyon-5%, western bracken-5%, deerweed-2%, coast figwort-1%, Eastwood's manzanita-1%, shaggy-barked manzanita-1%

In letters addressed to "To Whom It May Concern", Kevin Rider wrote on 3 Jan 05, *Rider Construction staked and flagged of the proposed structures on the Foster property at Rocky Creek Ranch. This work would not have been possible with out the removal of the vegetation at those sites. The dense brush was impenetrable, and presence of Poison Oak posed a hazard to which I could not have exposed my work crew.* And Roger A. Peterson wrote on 6 Jan 05, *We were requested to conduct additional survey work at the direction of the architectural firm Carver + Schicketanz, specifically to create a topographic plat showing slope above and below 30% in the area of Steven's Studio. We could not see the cross slope of the land to be surveyed due to heavy brush and poison oak. We requested that the brush in the area be trimmed down in order to conduct the necessary work with the proper accuracy.*

In addition, we were asked to survey the area of the proposed garage and garden. "This area was dense with poison oak and we requested it to be trimmed as well, in order to access this area safely."

CDF is requesting thinning of combustible brush 30' from structures. Therefore the areas of combustible brush to be thinned are, West of the Main House - 770 sq. ft. and at Steven's Studio - 4,223 sq. ft., which is a total of 4,993 sq. ft. or 0.33% of the 1,511,532 sq. ft. of Central Maritime Chaparral, which is not significant. The CDF contact person is: Art Black at 624-8903.

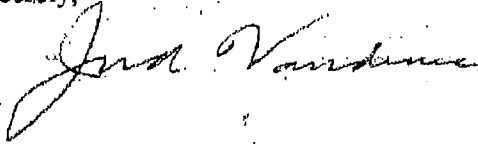
The areas behind Gillian's Studio and the Shed are beyond the 30' area for thinning.

Because the areas of Central Maritime Chaparral to be cleared or thinned are such a small percentage of the total, replacement of chaparral is unnecessary.

Stephanie Strelow, 29 Sep 05

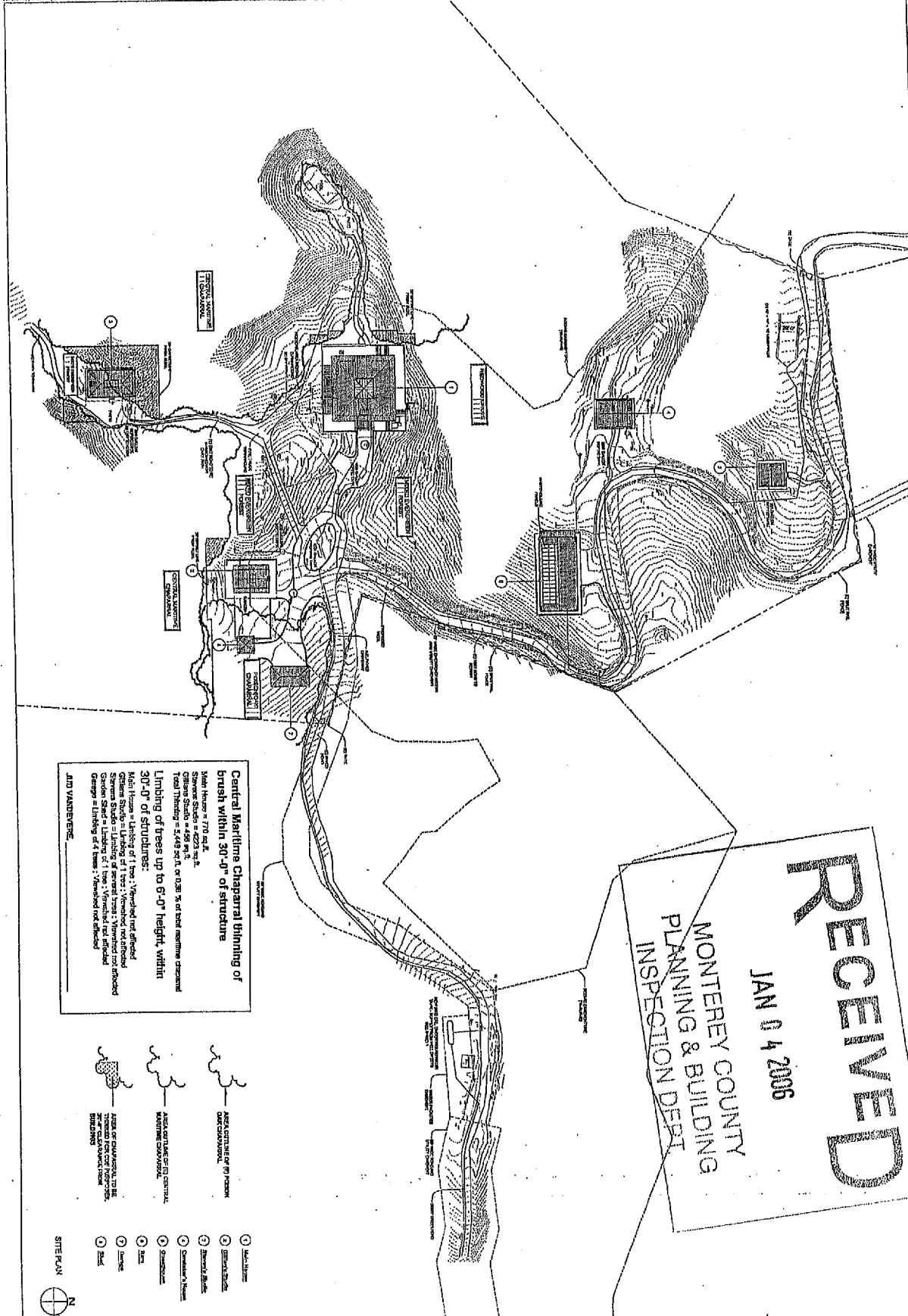
page 3

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Van Dine".

Literature Cited: Poison Oak Chaparral identified as per *Terrestrial Natural Communities of California* by Robert F. Holland, Ph.D., October 1986

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 MONTEREY COUNTY
 PLANNING & BUILDING
 INSPECTION DEPT

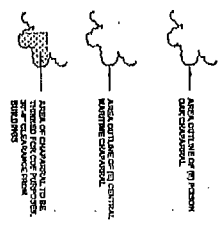
Central Maritime Chaparral thinning of brush within 30'-0" of structure

Main House = 770 sq ft.
 Storage Shed = 4273 sq ft.
 Total Thinning = 5,043 sq ft. or 0.28 % of total maritime chaparral

Limbing of trees up to 6'-0" height, within 30'-0" of structures:

Main House = Limbing of 1 tree; Viewshed not affected
 Storage Shed = Limbing of 1 tree; Viewshed not affected
 Screen Shed = Limbing of 1 tree; Viewshed not affected
 Garage = Limbing of 4 trees; Viewshed not affected

J.M. VANDERBERG



- ① Main House
 - ② Storage Shed
 - ③ Screen Shed
 - ④ Garage
 - ⑤ Limbing
 - ⑥ Thinning
 - ⑦ Thinning
 - ⑧ Thinning
- SITE PLAN

<p>Carver + Schlicketanz Architects A.O. BOX 2884 CARMEL, CALIFORNIA 95021 U.S.A. PHONE: 831.624.2304 FAX/SIMILIE: 831.624.0564 WWW.CARVERBSCHLICKETANZ.COM</p>	<p>FOSTER RESIDENCE 4855 RIXBY CREEK ROAD, CARMEL, CA. 95023</p>	REVISIONS 1 2 3 4 5 6 7 8 9 10	SHEET B-2
		DATE: 10-24-2005 SCALE: 1"=50' DRAWN BY: J.M.V. CHECKED BY: J.M.V. DATE: 10-24-2005 TITLE: SITE PLAN VEGETATION THINNING	PROJECT: Foster Residence CLIENT: J.M. Vanderberg

S:\Projects\Foster Steve & Gillian_091413 Drawings\Architectural\Preliminary Plans.dwg, B-2, 1/14/2005 10:22:22 AM

EXHIBIT "H"
Public Comments

Main, Jeff x5195

From: Katie Morange [kmorange@coastal.ca.gov]
Sent: Wednesday, February 01, 2006 3:57 PM
To: Main, Jeff x5195
Cc: Rick Hyman
Subject: RE: Foster (PLN040569)

Hi Jeff,
Was this project approved at the 1/25 PC hearing?

Thanks,
Katie

> -----Original Message-----

> From: Katie Morange
> Sent: Tuesday, January 24, 2006 4:59 PM
> To: 'mainj@co.monterey.ca.us'
> Cc: Rick Hyman
> Subject: Foster (PLN040569)

>
> Hi Jeff,
> Coastal staff has reviewed the staff report for Foster (PLN040569) along with the Mitigated Negative Declaration and our previous email of January 4, 2005 to Eric Lee. Please transmit the following comments to the Planning Commission for tomorrow's hearing.
> We recommend that the project be redesigned so that all of the structures be located outside of the area within the scenic easement and outside of the environmentally sensitive maritime chaparral. Although the project is to be conditioned to screen, remove, or relocate structures if they are to become visible in the future due to trees dying or being removed, we would recommend erring on the side of caution and simply locating the structures where topography alone will render them invisible from Highway One and other public viewing areas. There appears to be ample room on the site to do so and the intent of the original condition of approval requiring the scenic easement would support such an approach.

> Additionally, some of these structures are to be located in environmentally sensitive maritime chaparral. Again, since relocation/redesign is possible, they need to be moved from the habitat area.

> Finally, the findings do not reference the required "evidence which demonstrates necessity for the caretaker's unit by demonstrating that: a) there is a security problem, or b) some type of continuous care is required, and c) the owner is unable to personally perform the needed function, or requires additional assistance to a sufficient degree to warrant a caretaker. Acceptable evidence shall include such items as a letter from a doctor stating medical needs, a letter from a police department...". Given these requirements, the limit of only 50 new caretakers units in Big Sur, and all of the other proposed development (e.g., studios, guesthouse), it is not apparent that a caretakers unit is warranted on this site.

>
>
>
> Katie Morange
> California Coastal Commission
> Central Coast District Office
> 725 Front Street, Suite 300
> Santa Cruz, CA 95060
> P: (831) 427-4863
> F: (831) 427-4877
>
>

Allen, Carol x5178

From: Tony [tony@lomgil.com]
Sent: Tuesday, January 24, 2006 3:25 PM
To: maryann@carverschicketanz.com
Cc: hellge1@aol.com; kvandevere@netpipe.com; juansanchez3983@sbcglobal.net; aureliosalazarjr@salinaslulac.org; don-15440@msn.com; padillacast@aol.com; mserrea@aol.com; sharon.jim.parsons@worldnet.att.net; acmedad@redshift.com; john@marinacomputers.com; mvdiehl@mindspring.com; Allen, Carol x5178
Subject: FOSTER COASTAL DEVELOPMENT PERMIT PLN040569

Mary Ann:

Our firm represents the owners of the parcel adjacent to your clients' parcel. The building site for their property is located adjacent to the proposed location of the Foster guest house.

My clients would very much appreciate it if your clients would consider relocating the guesthouse to an area in closer proximity to your clients' main house so the location of the guest house would not have such a potential impact on the privacy of the building site on Parcel 8. Considering the area available for development and the number of structures your client is proposing, it would appear that there should be some solution that would screen the proposed guest house to be built in closer proximity to your clients' home and screened from the view of the neighboring property owners.

Thank you for your consideration.

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Anthony L. Lombardo

LOMBARDO & GILLES, PC

318 Cayuga Street

Salinas, CA 93901

Phone: (831) 754-2444 x 333

Fax: (831) 754-2011

Email: tony@lomgil.com