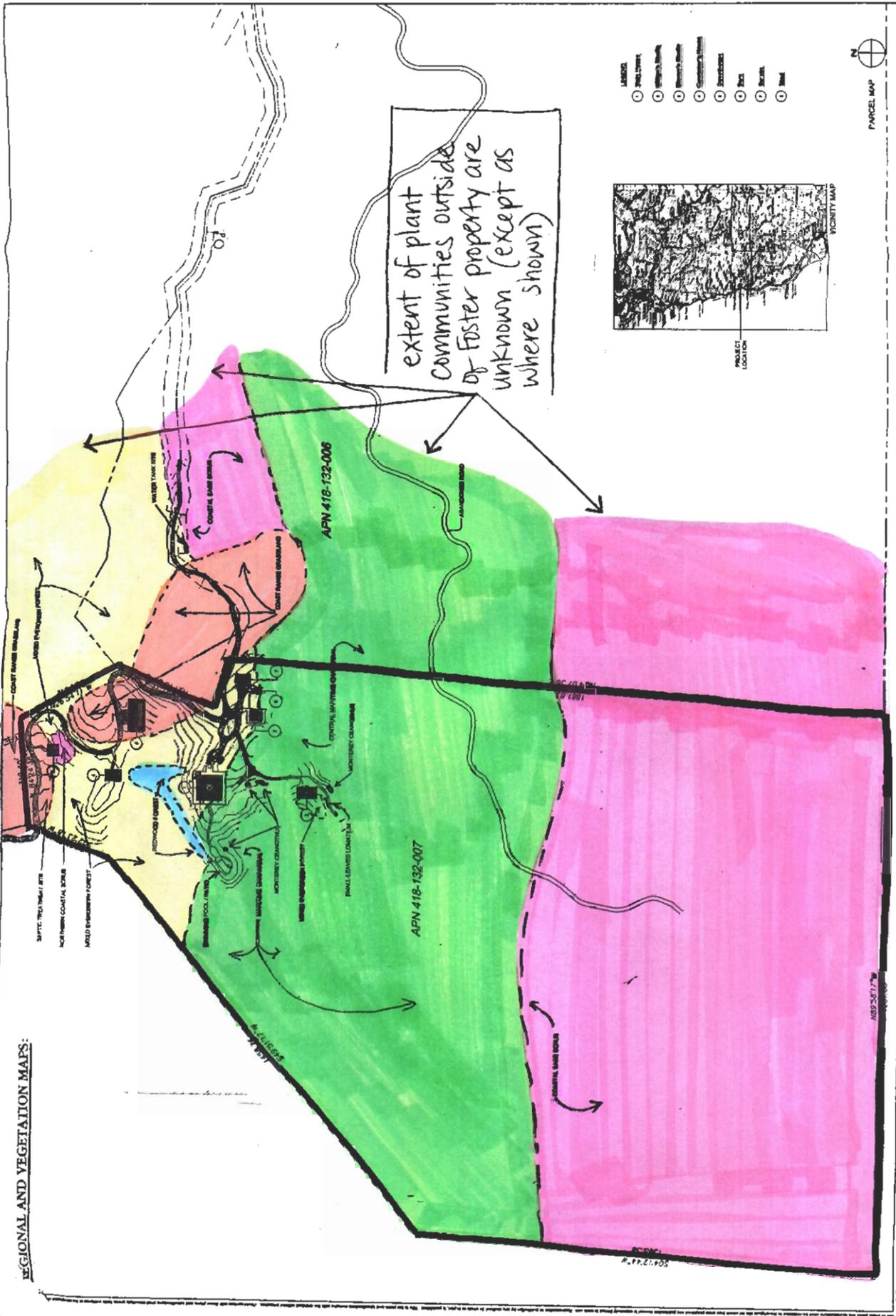


Source: Monterey County Planning and Building Inspection Department

Exhibit A
Regional Location Map

REGIONAL AND VEGETATION MAPS:



PARCEL MAP

PROJECT LOCATION

VICINITY MAP

LEGEND

- PINE TREE
- REDWOOD
- MIXED EVERGREEN
- COASTAL SAGE SCRUB
- CENTRAL MARITIME CHAPARRAL
- GRASSLAND
- ROCK
- SAND

Legend

- central maritime chaparral
- coastal sage scrub/northern coastal scrub
- coast range grassland
- mixed evergreen forest
- redwood forest
- Foster property

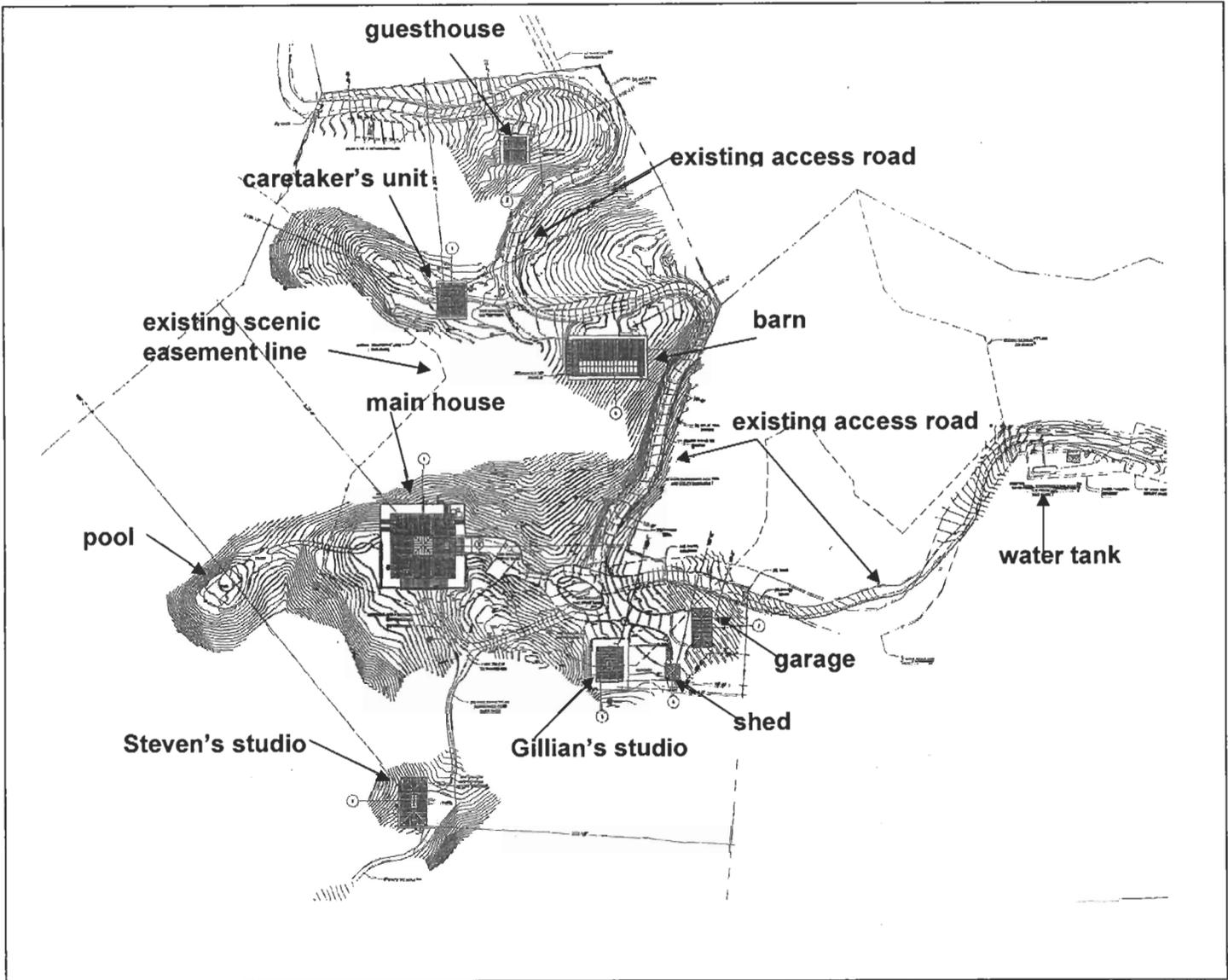
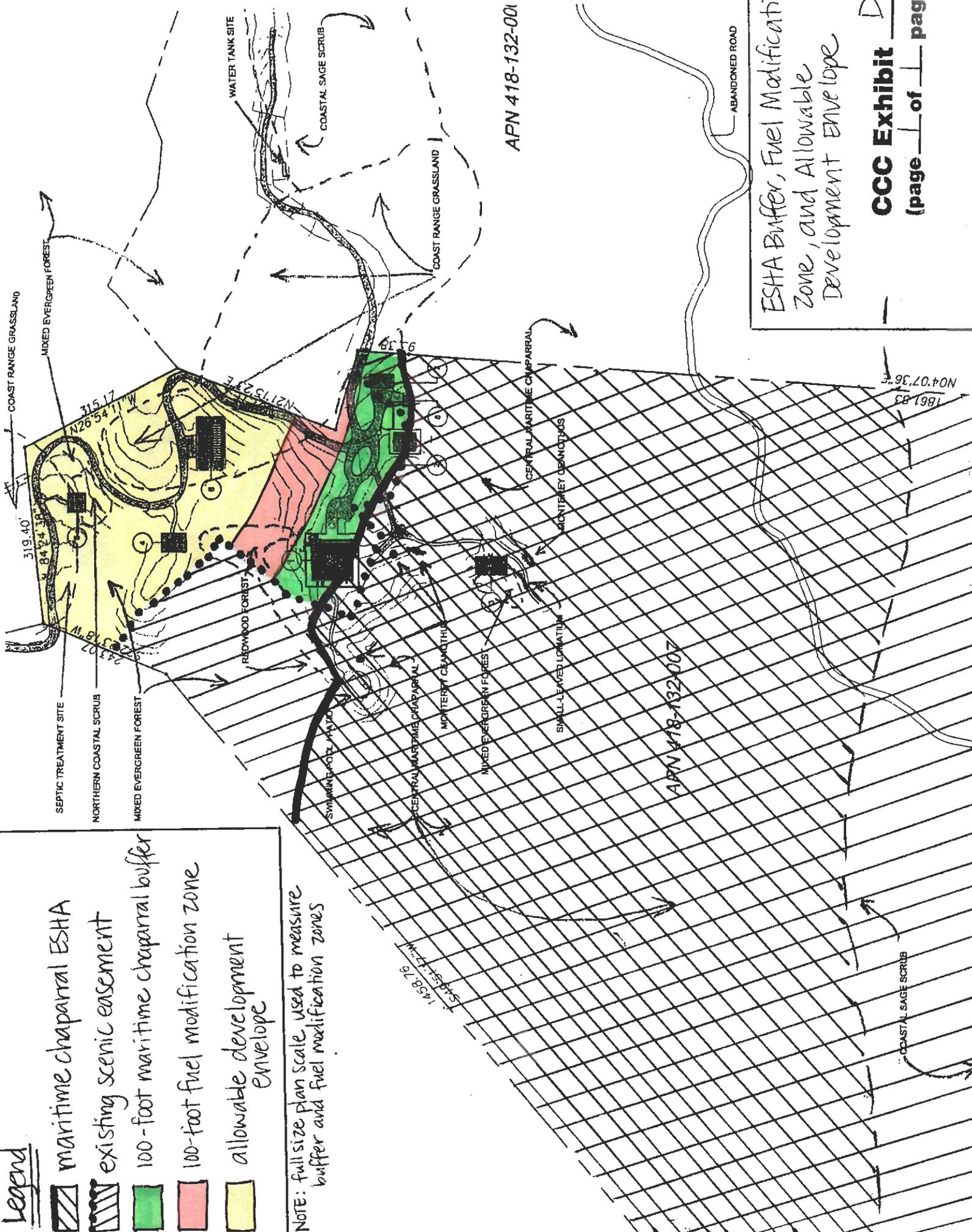


Exhibit C
Site Plan Details

Legend

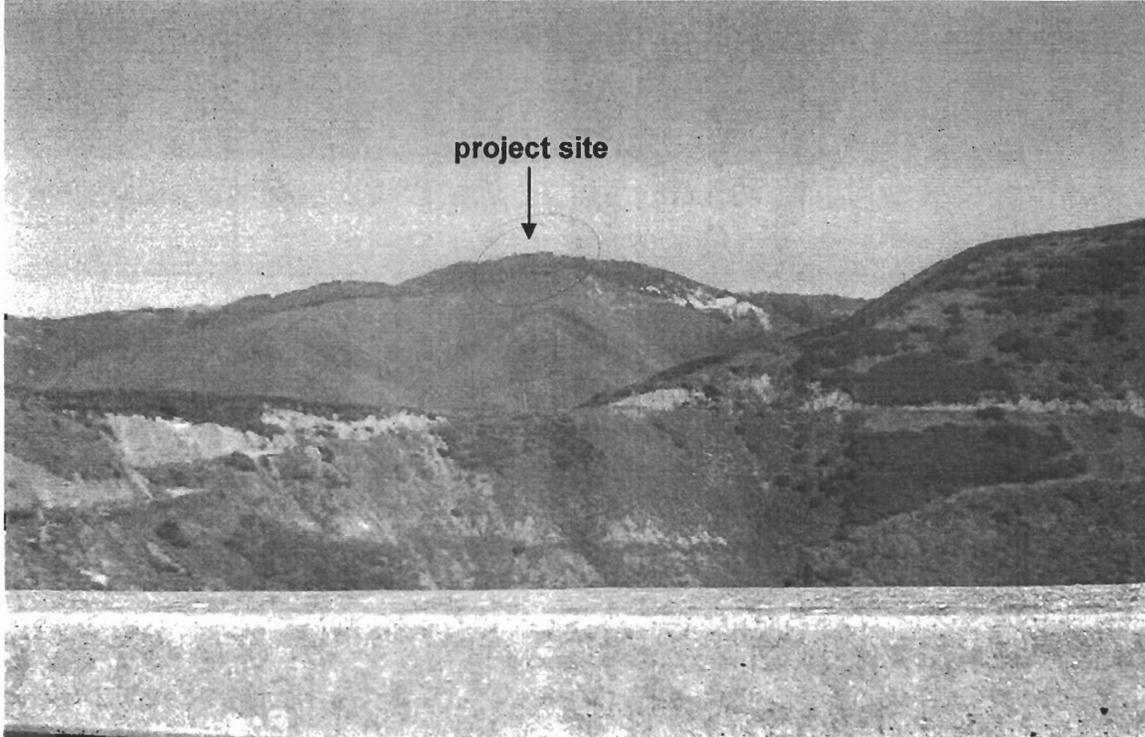
-  maritime chaparral ESHA
-  existing scenic easement
-  100-foot maritime chaparral buffer
-  100-foot fuel modification zone
-  allowable development envelope

NOTE: full size plan scale, used to measure buffer and fuel modification zones



ESHA Buffer, Fuel Modification Zone, and Allowable Development Envelope

CCC Exhibit D
(page 1 of 1 pages)



Applicant photo of site from Bixby Bridge



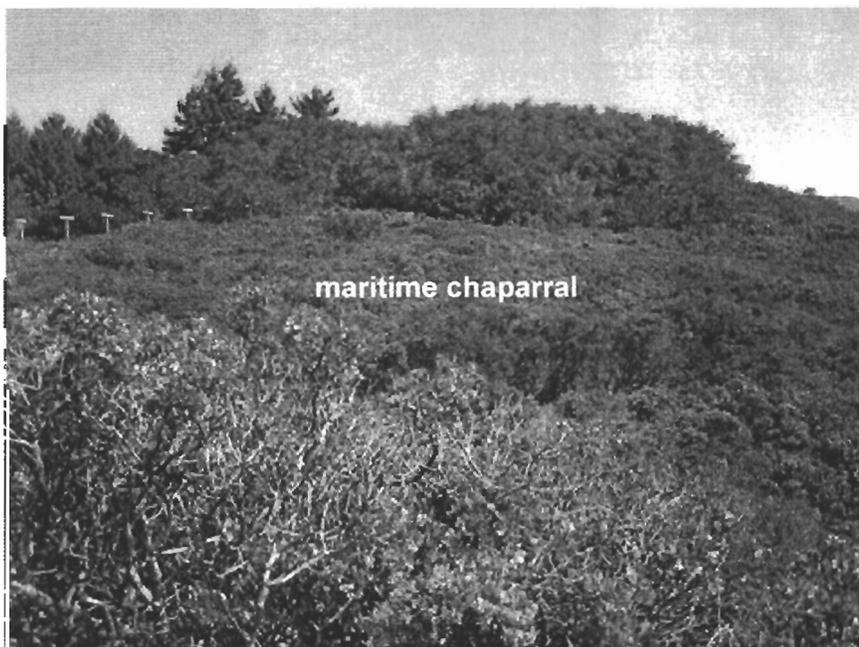
Applicant photo of site from Hurricane Point

Exhibit E
Applicant Photos of Site from Bixby Bridge and
Hurricane Point



Main house site

Main house site



**View east from pool site to
main house site**



maritime chaparral

View west down path to pool site

View south from main house site to Steven's studio site

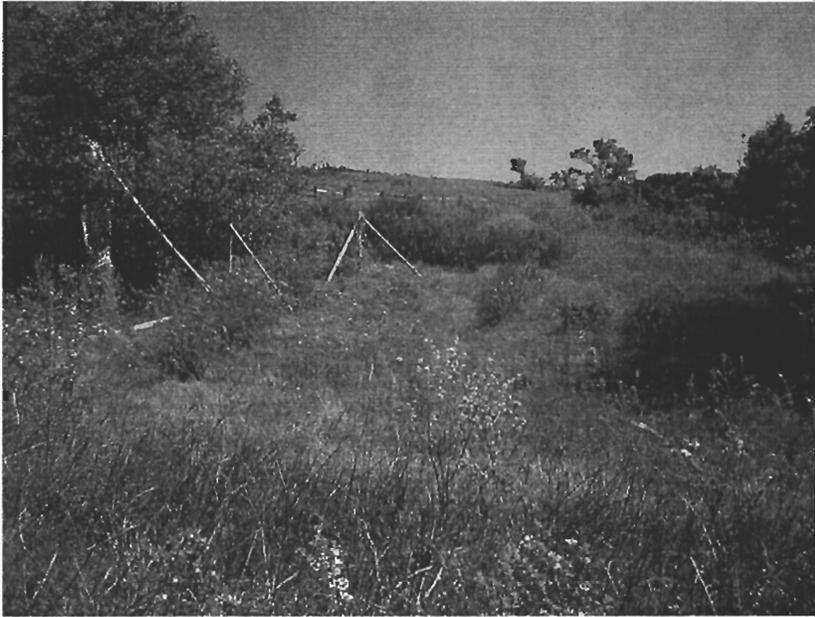


maritime chaparral



maritime chaparral

Gillian's studio site



Barn site



Caretaker's unit site



Guesthouse site



**Existing access road
along northern corner
of property.**

**Backside of ridge
(outside of maritime
chaparral and
viewshed)**



PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RECEIVED

MAR 15 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-MCO-06-094
APPEAL PERIOD 3/16-3/29/06

RESOLUTION NO. 06012

A.P. #418-132-007-000

418-132-006-000

418-132-005-000

FINDINGS AND DECISION

In the matter of the application of
STEVEN FOSTER TR (PLN040569)

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow a 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; 225 square foot shed; and 800 square foot garage; 1,200 square foot studio; 1150 square foot studio; septic system; pool and well; 2) a Coastal Administrative Permit to allow a 425 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 (14 coast live oaks; 4 canyon oak 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.

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

FINDINGS OF FACT

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.

CCC Exhibit 6
(page 1 of 40 pages)

- (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

CCC Exhibit 6
(page 2 of 40 pages)

- (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 not 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 EHSA 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

CCC Exhibit 6
 (page 5 of 40 pages)

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

CCC Exhibit 6 of 40 pages

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 Vandever.
 - 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

CCC Exhibit 5
(page 8 of 40 pages)

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...."

CCC Exhibit 6
(page 9 of 40 pages)

- (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.

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) and approve the Combined Development Permit as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 22nd day of February 2006, by the following vote:

AYES: Errea, Diehl, Sanchez, Salazar, Rochester, Wilmot
NOES: None
ABSENT: None
ABSTAIN: Brown, Isakson, Padilla, Vandevere


DALE ELLIS, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON MAR 02 2006

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAR 12 2006

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of

Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

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

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

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

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

CCC Exhibit 6
(page 12 of 40 pages)

<p>Exhibit C Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: <u>Foster Single Family Home and Caretaker Unit</u> File No: <u>PLN040569</u> APNs: <u>418-132-007-000 (project site),</u> <u>418-132-005-000 (well site), 418-132-006-000 (water storage site), 418-132-003-000</u> <u>(utility easement site).</u></p> <p>Approval by: <u>Planning Commission</u> Date: <u>February 22, 2006</u></p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

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)
1		<p>SPECIFIC USES ONLY</p> <p>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 shed, and associated grading 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	

CCC Exhibit 6
(page 13 of 40 pages)

Permit Cond. Number	Mittg. 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)
2		<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> <p>NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 06012) 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 43 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>		Owner/ Applicant PBI	Prior to Issuance of grading and building permits or start of use	

CCC Exhibit
(page 14 of 40 pages)

Permit Contd. 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)
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>	<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>	<p>Owner/ Applicant PBI</p>	<p>Prior to Issuance of Grading and/or Building Permits</p>	
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 PBI</p>	<p>Prior to issuance of grading and building permits.</p>	

CCC Exhibit 6
(page 15 of 40 pages)

Permit Contd. Number	Ming. 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 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. Exterior light sources that would be directly visible from critical viewshed viewing areas, as defined in Section 20.145.020, are prohibited. 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 PBI</p>	<p>Prior to Issuance of Grading and/or Building Permits Within 1 year after completion</p>	
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. (Planning and Building Inspection)</p>	<p>If applicable, apply and receive the appropriate grading permit from Monterey County Planning and Building Inspection.</p>	<p>Engineer/ Owner/ Applicant</p>	<p>Prior to Issuance of Grading or Building Permits</p>	

CCC Exhibit G
(page 16 of 40 pages)

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)
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>	<p>1) Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.</p>	Owner/Applicant	Prior to Issuance of Grading and Building Permits	
9		<p>PBD014 - GRADING-WINTER RESTRICTION</p> <p>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)</p>	None	Owner/Applicant	Ongoing	
10		<p>PBD034 - UTILITIES - UNDERGROUND</p> <p>All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)</p>	None	Applicant/Owner	Ongoing	

CCC Exhibit 6
(page 17 of 40 pages)

Permit Cond. Number	Ming. 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)
11		<p>PBD026 – NOTICE OF REPORT (GEOTECHNICAL)</p> <p>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)</p>	<p>Proof of recordation of this notice shall be furnished to PBI.</p>	Owner/ Applicant	Prior to issuance of grading and building permits	
12		<p>PBD032(A) - TREE PROTECTION</p> <p>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)</p>	<p>Submit evidence of tree protection to PBI for review and approval.</p>	Owner/ Applicant	Prior to issuance of grading and building permits	

CCC Exhibit 6
 (page 18 of 40 pages)

Permit Cond. Number	Minig. 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)
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	
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	

CCC Exhibit
(page 19 of 40 pages)

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 actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
17		<p>PBD030 - STOP WORK - RESOURCES FOUND</p> <p>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)</p>	<p>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.</p>	Owner/Applicant/Archaeologist	Ongoing	

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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 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	

CCC Exhibit 6
(page 21 of 40 pages)

Permit Cond. Number	Ming. 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)
20	3	LIGHT AND GLARE 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)	Submit a Lighting Plan that includes, but not be limited to: <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. Landscaping that screens lighting sources from view from Hwy 1 while maintaining security needs.	Owner/ Applicant	Prior to issuance of any building permit	
21	4	NESTING BIRDS 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)	The applicant shall provide the Director of Planning and Building Inspection with a copy of the results of the pre-construction survey.	Owner/ Applicant PBI	Between March 1 and July 31 (annually) and prior to issuance of building permit during this period	

CCC Exhibit 5
(page 22 of 40 pages)

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)
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 or building or grading permits. Amend the FMP to include the following biological recommendations:</p> <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>	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	

CCC Exhibit 6
 (page 23 of 40 pages)

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)
CCC Exhibit <u>5</u> (page <u>25</u> of <u>40</u> pages)						
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)	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.—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.	Owner/ Applicant/ Engineer	Prior to final inspection Ongoing	
			Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.		Prior to issuance of any grading or building permits	

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26		<p>WR45 - WELL INFORMATION</p> <p>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>	<p>Submit all applicable well information to the Water Resources Agency for review and approval.</p>	Owner/Applicant	Prior to issuance of any grading or building permits	
27		<p>WR040 - WATER CONSERVATION MEASURES</p> <p>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>	<p>Compliance to be verified by building inspector at final inspection.</p>	Owner/Applicant	Prior to final building inspection/occupancy	
MONTEREY COUNTY HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH						
28		<p>EH1 - WATER SYSTEM PERMIT</p> <p>Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)</p>	<p>Submit necessary application, reports and testing results to EH for review and approval.</p>	CA Licensed Engineer/Owner/Applicant	Prior to issuance of grading/building permits	

CCC Exhibit 6
(page 26 of 40 pages)

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)
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>	<p>Submit a report to EH for review and approval</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to the issuance of a building permit</p>	
30		<p>EH - NON-STANDARD ENGINEERED WASTEWATER DISPOSAL PLANS</p> <p>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 Prohibitions of the Basin Plan, RWQCB. (Environmental Health)</p>	<p>Provide two copies of the detailed septic design to the Division of Environmental Health for review and approval.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to the issuance of a building permit.</p>	

CCC Exhibit G
(page 27 of 40 pages)

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31		<p>EH – NON-STANDARD 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)</p>	<p>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.</p>	Owner/Applicant	Prior to the issuance of a building permit.	
CDF/CARMEL FIRE PROTECTION ASSOCIATES						
32		<p>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 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. 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 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.</p>	Applicant or owner	Prior to issuance of building permit.	
CCC Exhibit <u>6</u> (page <u>28</u> of <u>40</u> pages)						

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)
33		<p>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)</p>				
34		<p>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 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</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>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection.</p>	

CCC Exhibit 6
(page 29 of 40 pages)

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)
35		<p>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. (CDF/Carmel Fire Protection Associates)</p> <p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be 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</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>	

CCC Exhibit G
 (page 30 of 40 pages)

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)
36		<p>at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (CDF/Carmel Fire Protection Associates)</p> <p>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL) For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (CDF/Carmel Fire Protection Associates)</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>	
37		<p>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</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	<p>Prior to issuance of grading and/or building permit.</p>	

CCC Exhibit 6
 (page 31 of 40 pages)

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 actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
CCC Exhibit (page 32 of 40 pages) <u>G</u>		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 the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (CDF/Carmel Fire Protection Associates)	Applicant shall schedule fire dept. clearance inspection		Prior to final building inspection	
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	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	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection	

Permit Cond. Number	Ming. 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)
		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)	approval. Applicant shall schedule fire dept. clearance inspection.			
40		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)	Applicant shall enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. rough sprinkler inspection Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner Applicant or owner Applicant or owner	Prior to issuance of building permit. Prior to framing inspection Prior to final building inspection	
41		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)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
42		LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) - Non Standard 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	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	

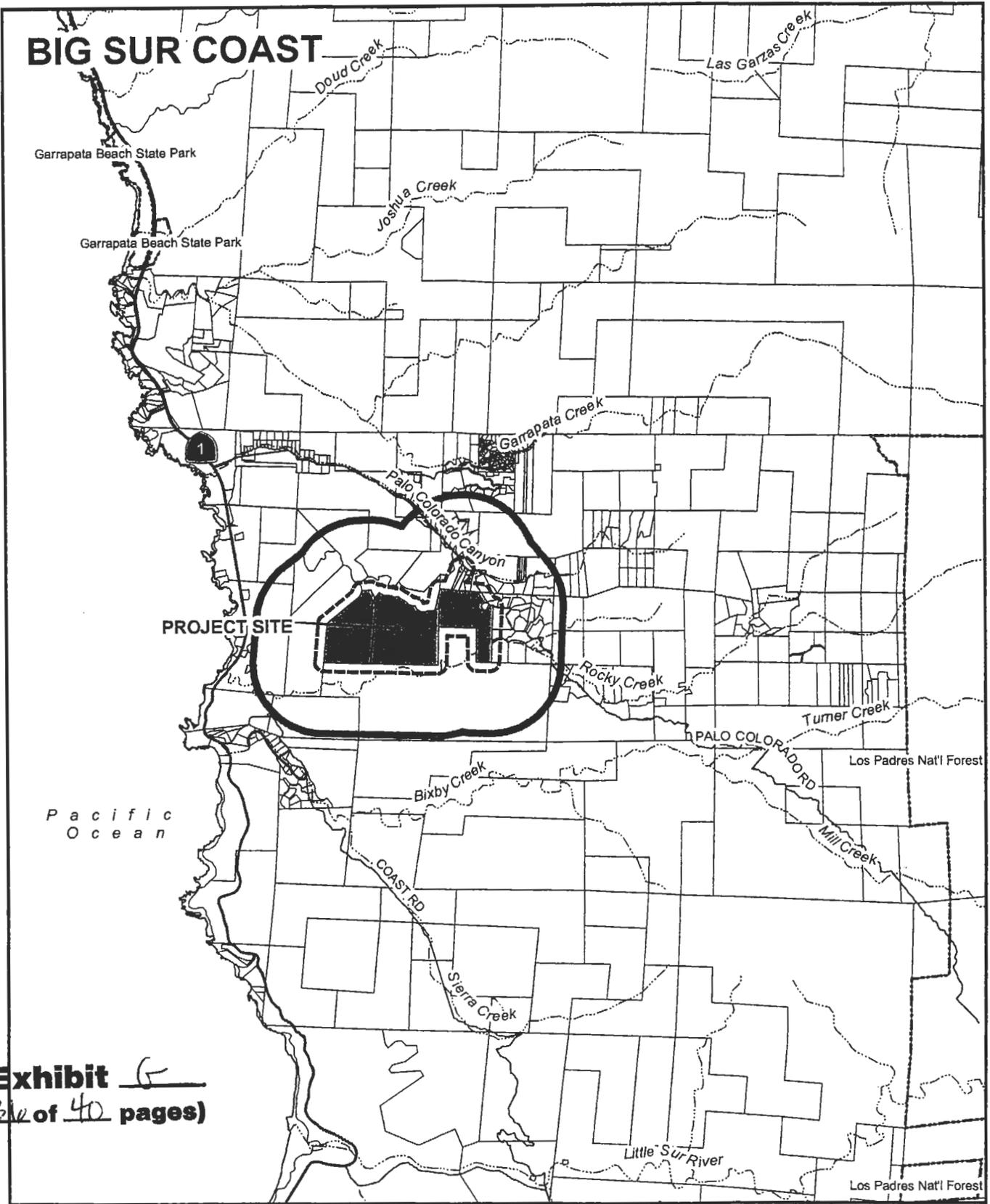
CCC Exhibit 9
(page 33 of 40 pages)

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 align="center">CCC Exhibit <u> </u> (page <u>34</u> of <u>40</u> pages)</p>		<p>Inspection for approval.</p> <p>The landscape Plan shall incorporate screening and 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.</p> <p>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)</p>	<p>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.</p>	<p>Owner/ Applicant</p>	<p>On-going</p>	
<p align="center">43</p>		<p>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</p>	<p>Require submission and approval of the Traffic Plan by the Public Works Department prior to issuance of grading or building permit</p>	<p>Applicant/ Owner</p>		

Permit Cond. Number	Ming. 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	Finding	Verification of Compliance (name/date)
		recommendations of the TMP are to be followed during the hauling operations.				

CCC Exhibit 6
(page 35 of 40 pages)

BIG SUR COAST



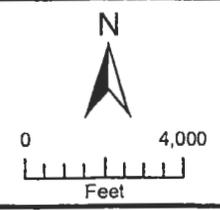
CCC Exhibit 6
 (page 312 of 40 pages)

APPLICANT: FOSTER

APN: 418-132-005 THRU 007

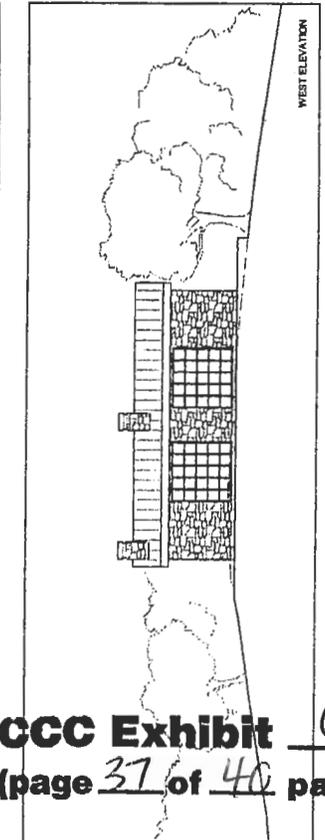
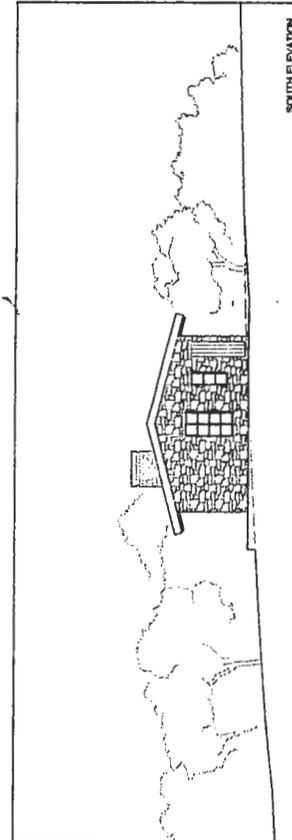
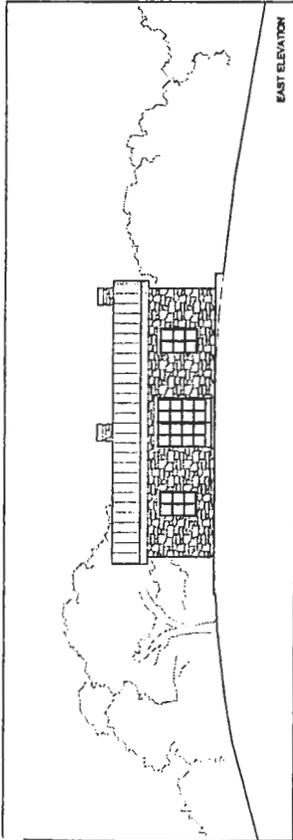
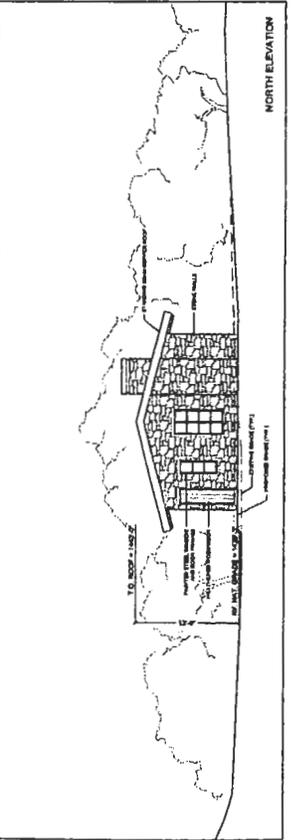
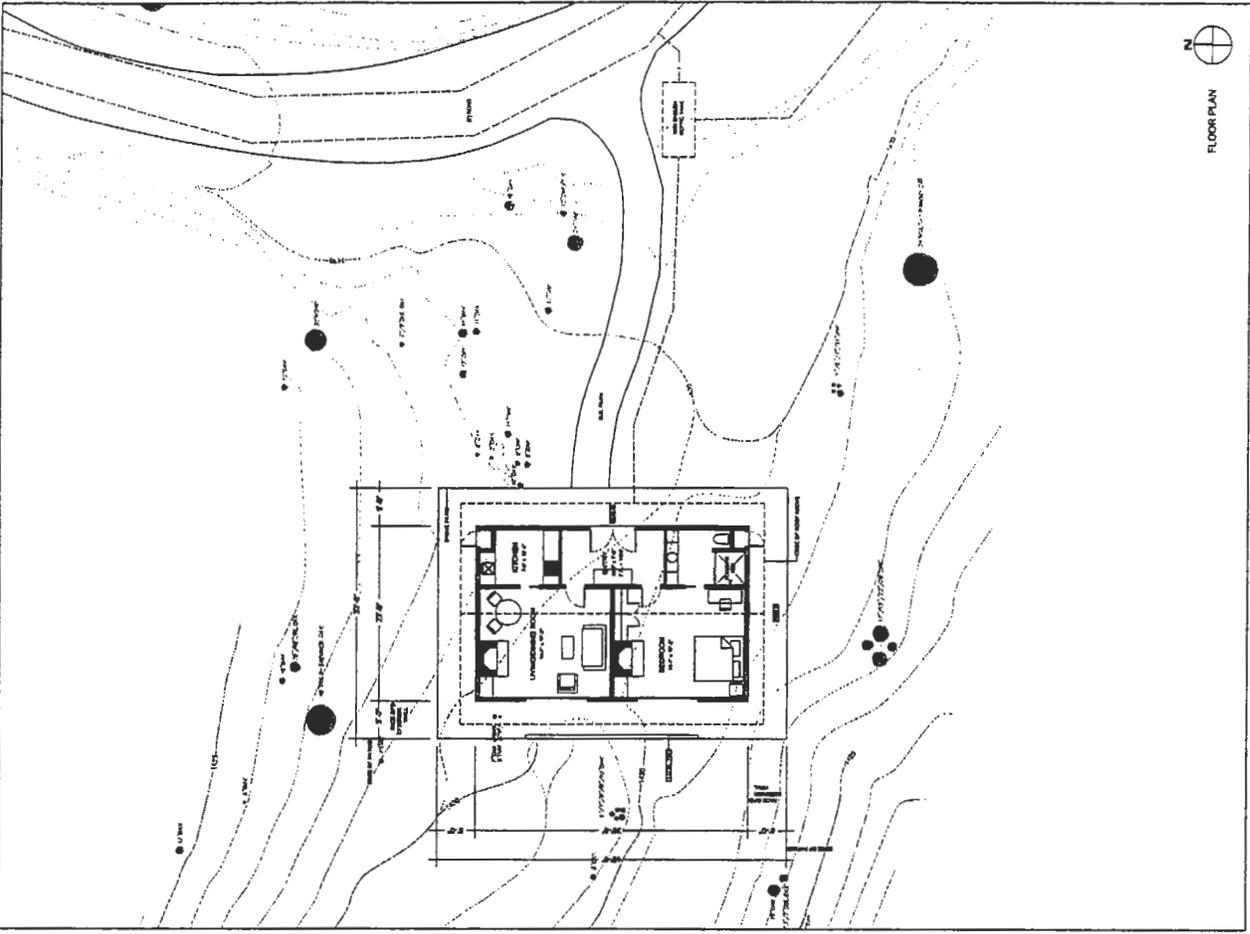
FILE # PLN040569

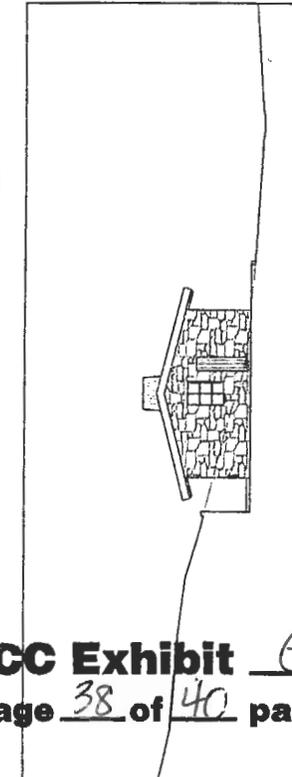
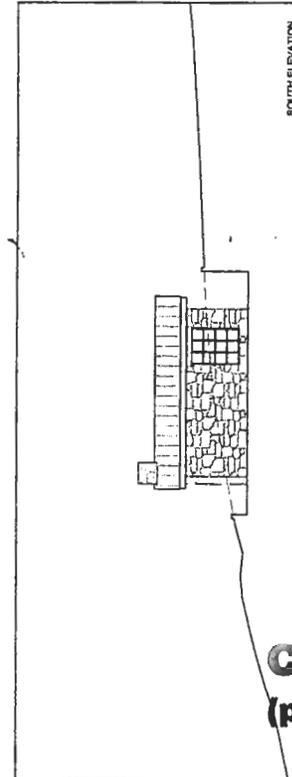
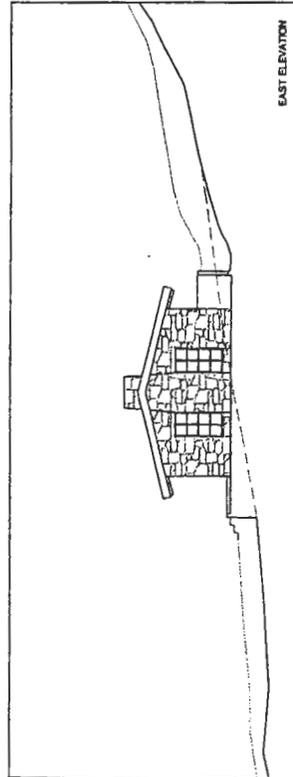
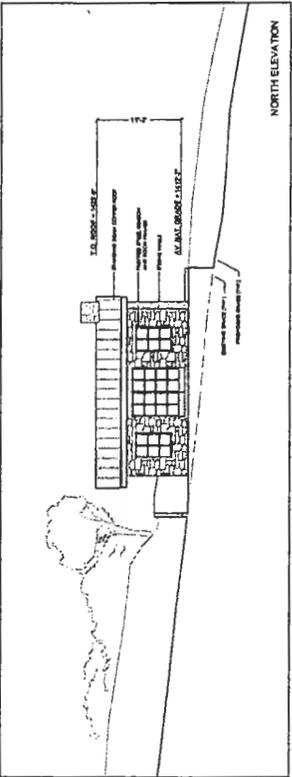
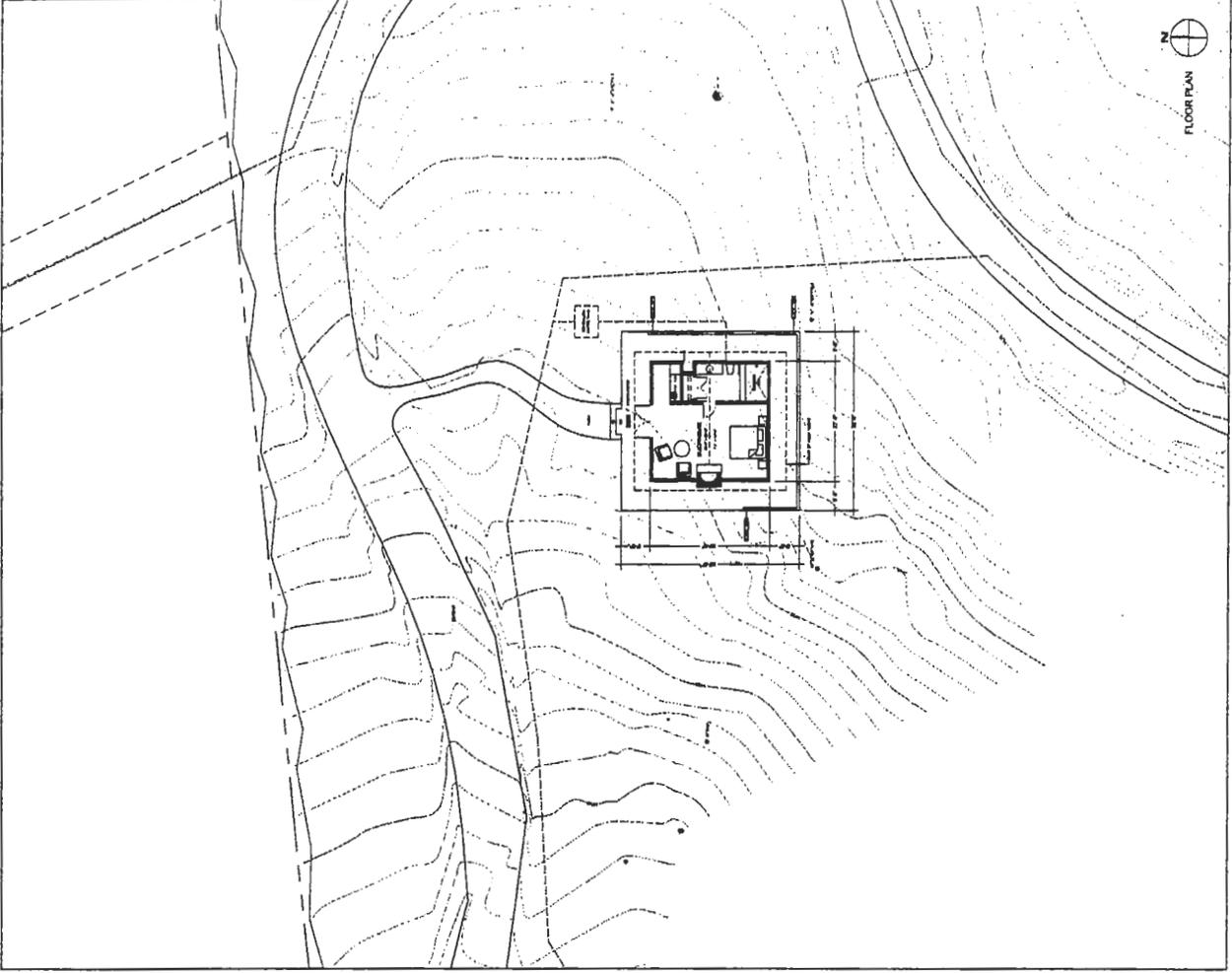
300' Limit
 2500' Limit
 City Limits



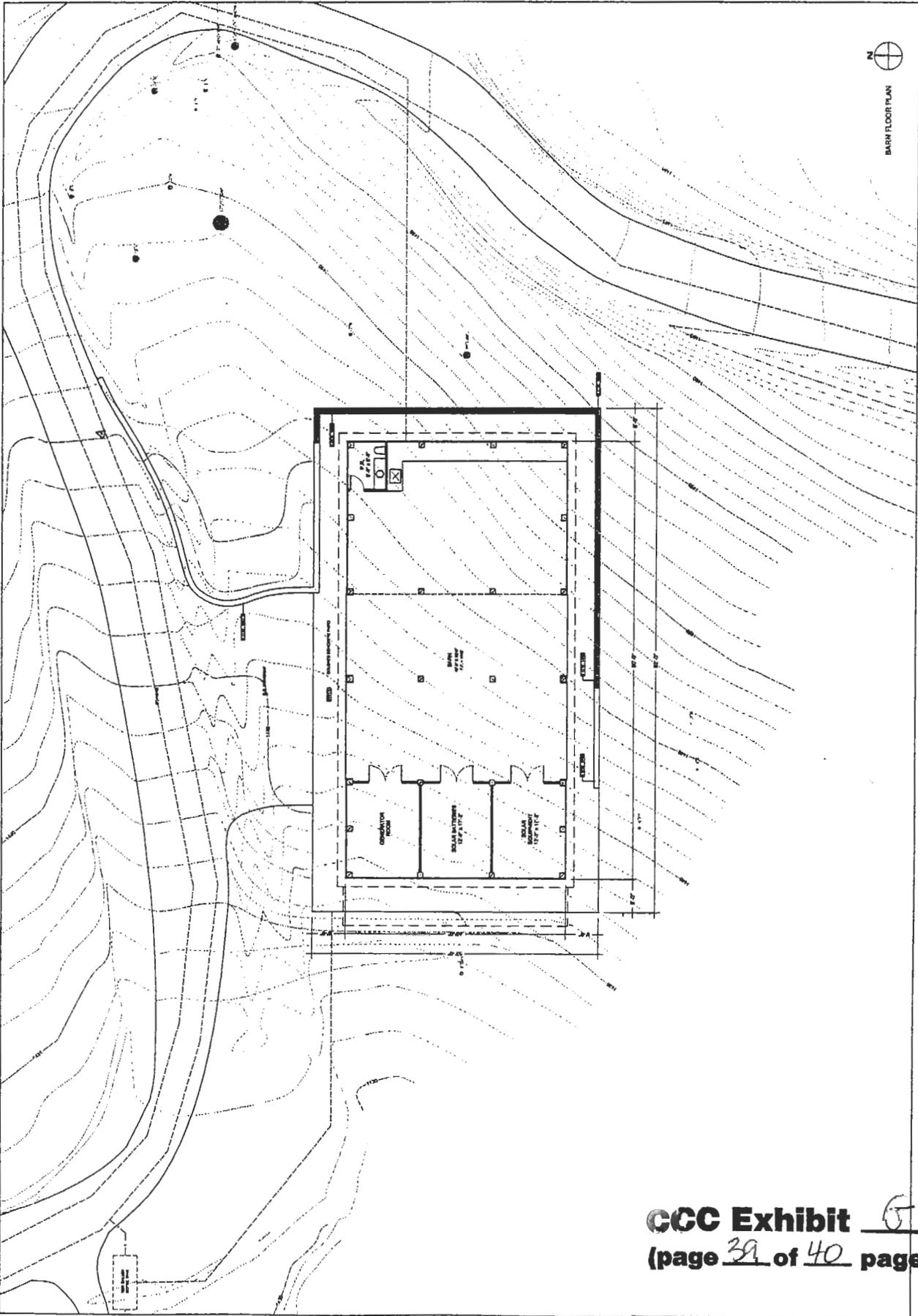
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Date:	11-22-2004
Scale:	1/8" = 1'-0"
Client:	ES
Arch:	CSA
Proj. No.:	0004
THESE DRAWINGS SHOW FLOOR PLAN, ELEVATIONS	
Sheet	





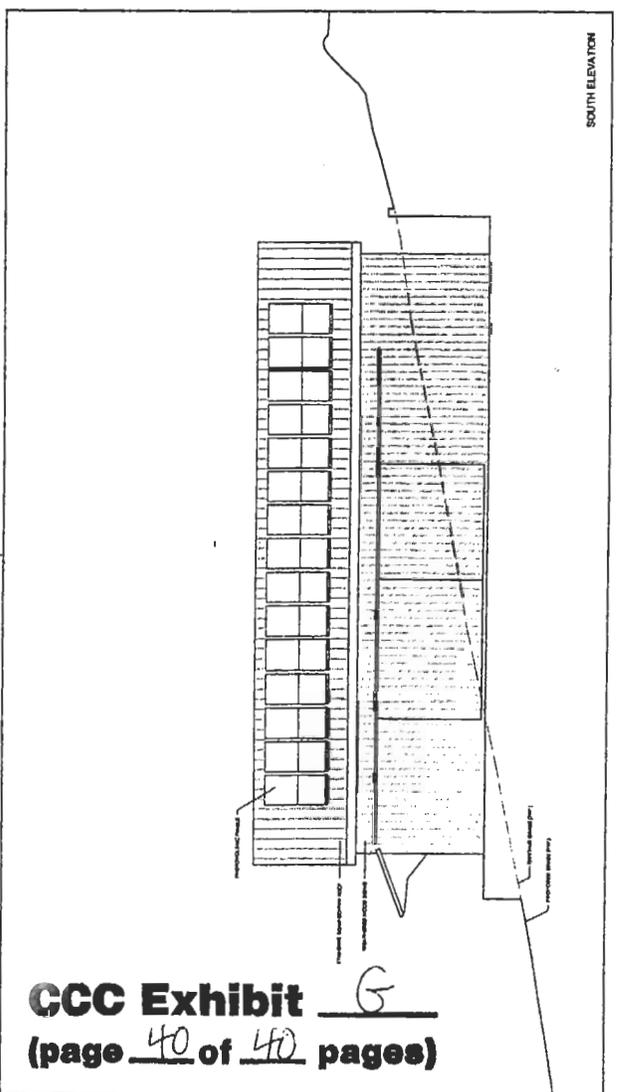
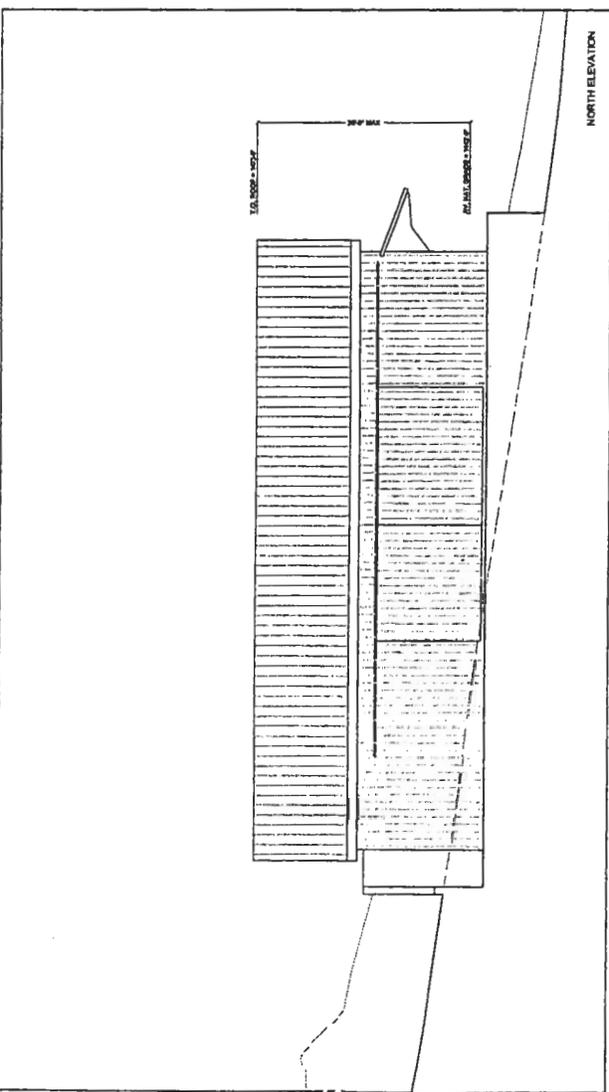
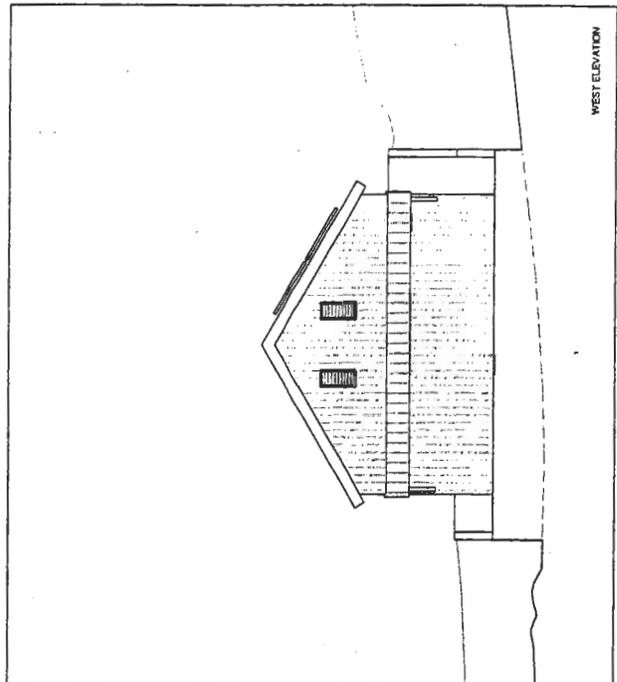
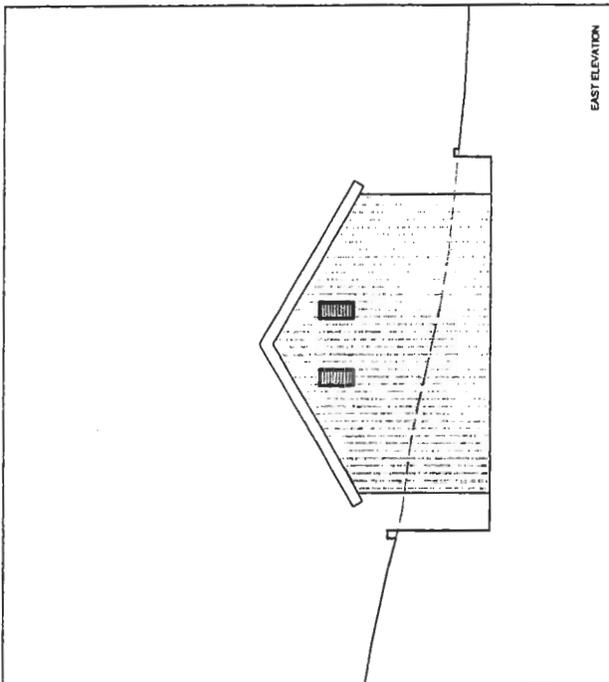
CCC Exhibit 6
 (page 38 of 40 pages)



FOSTER RESIDENCE
 3666 BOBBY CREEK ROAD, CARMEL, CA 95023

Carver + Schickelanz Architects
 P.O. BOX 2884 CARMEL, CALIFORNIA 95021 U.S.A.
 PHONE: 831.424.2266 FAX: 831.424.2268
 WWW: CARVER-SCHICKELANZ.COM

Date: 11-22-2004
 Scale: 1/8" = 1'-0"
 Sheet: ES
 Job: 0204
 The BARN
 ELEVATIONS
 Date:



CCC Exhibit G
 (page 40 of 40 pages)

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



RECEIVED

MAR 29 2006

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Please review attached appeal information sheet prior to completing this form

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Reilly	Commissioner Shallenberger
California Coastal Commission	California Coastal Commission
45 Fremont Street, Suite 2000	45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219	San Francisco, CA 94105-2219
(415) 904-5200	(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Monterey County

2. Brief description of development being appealed:

PLN040569 – Construction of 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 (“Steven’s studio”); 1,150 square foot studio (“Gillian’s studio”); 425 square foot guesthouse; 850 square foot caretaker’s unit; 225 square foot shed; 800 square foot garage; septic system; pool and well; tree removal (14 coast live oaks, 4 canyon oaks, and one redwood); development within 100 feet of environmentally sensitive habitat (maritime chaparral); associated grading (approximately 1,850 cubic yards cut and 625 cubic yards fill).

3. Development’s location (street address, assessor’s parcel number, cross street, etc.):

APN 418-132-005, located at 4855 Bixby Creek Road, Rocky Creek Ranch, Big Sur, Monterey County.

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: X
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

CCC Exhibit H
(page 1 **of** 8 **pages)**

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-06-018
DATE FILED: 3/29/06
DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of d. Other

6. Date of local government's decision: February 22, 2006

7. Local government's file number: PLN040569 (Resolution No. 06012)

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Mr. Steven Foster
13977 Aubrey Road
Beverly Hills, CA 90210

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jeff Main
Monterey County Planning & Building Inspection
168 W. Alisal St., 2nd Floor, Salinas, CA 93902

(2) Mr. Mark Blum (applicant's rep)
P.O. Box 3350
Monterey, CA 93942

(3) Ms. Mary Anne Schicketanz
Carver & Schicketanz Architects
P.O. Box 2684
Carmel, CA 93921

SECTION IV. Reasons Supporting This Appeal

See attached "Reasons for Appeal"

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached Reasons for Appeal

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary Challenberger
Appellant or Agent

Date: March 29, 2006

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached Reasons for Appeal

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: *Onie Kelly*
Appellant or Agent

Date: March 29, 2006

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

Reasons for Appeal of Monterey County Coastal Development Permit PLN040569 (Foster SFD and Accessory Structures, Big Sur)

Monterey County Coastal Development Permit PLN040569 authorizes the construction of 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 (“Steven’s studio”); 1,150 square foot studio (“Gillian’s studio”); 425 square foot guesthouse; 850 square foot caretaker’s unit; 225 square foot shed; 800 square foot garage; septic system; pool and well; tree removal (14 coast live oaks, 4 canyon oaks, and one redwood); development within 100 feet of environmentally sensitive habitat (maritime chaparral); associated grading (approximately 1,850 cubic yards cut and 625 cubic yards fill) at 4855 Bixby Creek Road, of Rocky Creek Ranch, Big Sur.

The locally approved project is inconsistent with the Monterey County certified Local Coastal Program (LCP) for the following reasons:

1. The project is inconsistent with LCP ESHA policies protecting central maritime chaparral habitat.

The project site includes the following vegetation communities: central maritime chaparral, coastal sage scrub, northern coastal scrub, redwood forest, mixed evergreen forest, and coast range grassland. Central maritime chaparral is considered an environmentally sensitive habitat area (ESHA) in the Big Sur 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 is also recognized as a sensitive habitat in the California Department of Fish and Game’s (CDFG) California Natural Diversity Database (CNDDDB).

The key ESHA policy in the Big Sur LUP requires that all practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur’s environmentally sensitive habitats. The key policy also states that all categories of land use, both public and private, should be subordinate to the protection of these critical areas. LUP Policy #4 states that for developments approved in ESHA, the guiding philosophy shall be to limit the area of disturbance, to maximize the maintenance of the natural topography of the site, and to favor structural designs that achieve these goals. LCP policies also require structures to be clustered in the least environmentally sensitive areas (LUP Policy #6). Furthermore, LUP policy #8 states that new development adjacent to ESHA shall only be at densities compatible with the protection and maintenance of the adjoining resources.

The County approved project is inconsistent with these LCP ESHA policies because it does not protect the maritime chaparral habitat on the site. Approximately 1,600 square feet of central maritime chaparral was removed without permits during staking of the proposed structures, and the County permit authorizes the removal of an additional 1,200 square feet of central maritime chaparral at the pool and Steven’s studio locations. Additional loss of maritime chaparral habitat is posed by the construction of other proposed structures, including the main house, Gillian’s studio, the garage, and shed, and the vegetation clearance necessary to protect these structures from fire. As a result, the project is inconsistent with LCP policies that limit the disturbance of ESHA (LUP Policy #4) and require clustering of development in the least sensitive areas (LUP Policy #6).

The extent of ESHA disturbance associated with the project is further inconsistent with the Big Sur LUP Key policy requiring new land uses to be subordinate to, and protect, environmentally sensitive habitat areas. Finally, the density of the proposed development, which includes eight structures and a pool scattered throughout the native landscape, does not protect or maintain the sites natural resources, and is therefore inconsistent with Big Sur LUP ESHA Policy #8.

2. The project is inconsistent with LCP policies protecting the critical viewshed in Big Sur.

The project site is located in a highly scenic area of Big Sur, and its southern and western slopes are visible from Highway 1 and the Hurricane Point and Bixby Bridge turnouts. The key visual resource policy in the Big Sur LUP prohibits all future public and private development visible from Highway 1 and major public viewing areas (the critical viewshed). This restriction applies to all structures, the construction of public and private roads, utilities, lighting, and grading. Policy 3.2.3.A.3. requires that where an alternative building site is determined to be available on a parcel that would result in conformance with the key policy, the applicant is required to modify the project proposal.

As a result of the highly visible nature of the subject parcel, a conservation and scenic easement was recorded for those portions of the parcel within the critical viewshed as a condition of approval of the Rocky Creek Ranch lot line adjustment in 1991. The easement prohibits structural development within the critical viewshed; however, it would allow for a structure to be erected within the easement area provided that it can be “proven to be out of the critical viewshed and does not require significant vegetation removal increasing exposure to the critical viewshed.” These terms reflect the fact that the boundary of the easement were an approximation of the portions of the site within the critical viewshed, and that project specific analyses would be required to ensure that future development would not extend within the viewshed.

In this case, the visual impacts of the proposed project have not been adequately evaluated to ensure that the development will not extend within the critical viewshed. As approved by the County, the garage, shed, Steven’s studio, half of Gillian’s studio, the pool, and pathways to the pool and Steven’s studio are sited within the easement area and have the potential to be visible from Highway One and the Hurricane Point turnout. In addition, the primary residence, which is not within the previously established easement area, may be visible from Highway One as well as the Hurricane Point and Bixby Bridge turnouts. The project’s reliance upon existing vegetation to screen the development does not ensure compliance with Big Sur scenic resource policies, because such vegetation may need to be removed or thinned to accommodate the development and address fire hazards, may not be dense enough to prevent the development from being visible, and will eventually die.

As a result, the County approved project may be inconsistent with the Big Sur key policy that prohibits new development within the critical viewshed, as well as with Policy 3.2.3.A.3 that requires the resiting of development to prevent intrusions within the critical viewshed. A more detailed visual assessment of the proposed development is necessary to address the project’s consistency with these standards.

3. The project is inconsistent with LCP land use and development standards.

The Big Sur LUP and zoning allow for accessory structures such as artist's studios. The proposed project includes the following accessory structures: 1,200 square foot artist studio with plumbing, 1,150 square foot artist studio with plumbing, and 3,200 square foot barn with a bathroom. Given their sizes and plumbing, these accessory structures have the potential to be used as living spaces. To address this situation, Code Section 20.145.140.B.5.c requires:

Where the design of the accessory structure does not preclude use of the structure as a dwelling unit or living space, a condition of project approval shall be that the applicant record a deed restriction, prior to issuance of building permits, stating the applicable regulations, including that the structure may not be inhabited nor contain cooking or kitchen facilities. (Ref. Policy 5.4.3.J.2)

However, the County approval does not contain such a condition and is therefore inconsistent with LCP Policy 5.4.3.J.2 and Ordinance 20.145.140.B.5.c.

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COASTAL COMMISSION
CENTRAL COAST AREA

August 8, 2006

Mark Blum
Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook
P. O. Box 3350
Monterey, CA 93942

Subject: Characterization of Chaparral at Foster Project Site

Dear Mark,

This letter report provides a discussion of the distinguishing characteristics of maritime chaparral in the central coast region, specifically the area south of the Monterey Peninsula, and a comparison of the characteristics of the vegetation of the immediate vicinity of the site where the Foster residence and associated buildings are proposed to be built with the consensus definition of maritime chaparral.

The description of what seems to be the consensus view of the ecological and vegetational definition of maritime chaparral is based upon review of some of the scientific literature, study of information downloaded from the Elkhorn Slough Reserve Coastal Training Program (CTP) internet website, and telephone discussion with Mr. Grey Hayes (of CTP) about the Proposed Definition of Maritime Chaparral that is found at that site. The information about the characteristics of the Foster site that is available to me at present includes reports by Jeff Norman and Jud Vandevere, the map provided by Carter & Schicketanz (based upon Mr. Vandevere's field work), and telephone discussion with Mr. Vandevere. He also provided a brief summary of vegetation observations that he has made at a number of sites in the region south of the Monterey peninsula, which provide a context for application of the definition of chaparral types.

Essentially, the central question is whether the chaparral where structures are sited on the Foster parcel is either maritime chaparral, or any other uncommon vegetation type that is rare or unique and would therefore fit the Coastal Act definition of environmentally sensitive habitat area. On the one hand, the species and genera that comprise California chaparral vegetation are generally believed to have evolved in place within the California floristic province, therefore both the species and the vegetation type are of very great antiquity. (Example: there are about 60 species of *Arctostaphylos* [manzanita], 56 of which are native to California.) On the other hand, Hanes (1977) states that chaparral is the most extensive vegetation type in California (presumably in areal coverage), therefore it is clearly important for any subtype of chaparral, in order to be regarded as a rare type meriting protection under the Coastal Act, to be relatively clearly delimited in species composition or ecologically, or both, so that the definition does not end up including so much of the area of existing chaparral that recognition as ESHA becomes illogical.

Throughout this report, I occasionally use the common name manzanita for the genus *Arctostaphylos* as a whole. However, for the individual taxa, I use only scientific names, because there is confusion among different sources of information in the equivalence of common and scientific names. For example, *A. glandulosa* is widely known as Eastwood's manzanita (justly honoring Alice Eastwood, one of the most important botanists in the history of California, and the discoverer or describer of many special-status taxa). However, the California Native Plant Society (CNPS) Inventory (CNPS, 2001) and CNDDDB use that common name for *A. tomentosa* ssp. *eastwoodiana*, a special-status taxon from Santa Barbara County. *Arctostaphylos tomentosa* (various subspecies) are collectively referred to as either shaggy-barked or woolly-leaved manzanita.

Mark Blum
August 8, 2006
page 2

Endemic species are those that have distribution limited to a particular region of interest. Thus, as noted above, a great number of California chaparral species are endemic to California itself. California endemics may have geographic ranges of millions of acres and populations ranging probably up into the billions. In this report, I use the terms "narrow endemics" (noun) or narrowly endemic (adjective) to apply to species or varieties (taxa; or, if singular, taxon) that have distribution limited to small areas within California, specifically to the Monterey or central coast area. Some of these narrow endemics are CNPS List 1 species, and/or are listed as rare, threatened, or endangered by CDFG or by U. S. Fish and Wildlife Service, and are collectively referred to as special-status species. Others of the narrow endemics are CNPS List 4 plants (a watch list of plants of limited distribution that are presently regarded as having low vulnerability or susceptibility to threat).

General References on Classification and Vegetation

Holland (1986) describes Northern Maritime Chaparral as dominated (50 percent or more of canopy coverage) by *Arctostaphylos tomentosa* ssp. *tomentosa*, with at least one other narrowly distributed manzanita species. It is my understanding that the Holland system of plant community characterization was created for the California Department of Fish and Game (CDFG) Natural Heritage Program and has since been replaced by the various revisions of the California Natural Diversity Data Base (CNDDDB) community classification system.

CNDDDB (2003) uses the terms alliance and association for the two lowest (narrowest) levels of vegetation definition. This reference categorizes maritime chaparral as an association under the alliance "*Arctostaphylos tomentosa* ssp. *tomentosa* chaparral," which in turn is found under the general habitat type "chaparral with *Arctostaphylos* as principal indicator." The CNDDDB alliances and associations are very numerous and are very closely defined by dominant species. For example, there is a specific alliance for *Arctostaphylos glandulosa* chaparral, with four associations (same rank as "Northern Maritime Chaparral"), each dominated by one or another subspecies of *A. glandulosa*. Despite the great number of finely circumscribed associations, the hierarchical nature of the CNDDDB system is ideally suited to accommodating that whole range of variation in vegetation that is observed in the field: by merely stepping up to the next rank (alliance), a category is found that will accommodate intermediate or patchy vegetation.

Sawyer and Keeler-Wolf (1995) cites the Holland maritime chaparral types in one place only, under *Arctostaphylos tomentosa* ssp. *tomentosa* chaparral.

Hanes (1995, in Barbour and Major, *Terrestrial Vegetation of California*) does not use the term maritime chaparral. I have re-read this chapter since our telephone calls and did not find the term either in this chapter or in the general index of the book.

Keeley and Keeley (1988, in Barbour and Billings, *North American Terrestrial Vegetation*) also do not use the term, but note that certain endemic species of *Arctostaphylos* and *Ceanothus* occur on particular substrates within marine influence.

Finally, the Proposed Definition of Maritime Chaparral found on the Elkhorn Slough National Estuarine Research Reserve – Coastal Training Program (CTP) website (CTP, 2003; attached to the end of the pdf file of this letter report) states that many areas of maritime chaparral are dominated by *A. tomentosa* but that others are not, and provides a list of 24 *Arctostaphylos* and *Ceanothus* species or varieties (which I refer to below as indicator species) that may be dominant in vegetation that would be recognized by the Proposed Definition as maritime chaparral. In our telephone conversation, Mr. Grey Hayes of the

Mark Blum
August 8, 2006
page 3

CTP indicated that the Proposed Definition incorporated the views of several (likely all) of the academic experts who are active in chaparral ecology; the names that he mentioned were all ones that I recognized as co-authors of recent papers on the subject. I asked Mr. Hayes specifically about *A. glandulosa*, which is common in some patches near the proposed structures on the Foster site, and he stated that the experts all felt that this species is definitely not indicative of maritime chaparral, but instead of the more inland type of coastal chaparral that is outside the maritime climatic influence. He also indicated that one or more of the species on the list should be a substantial component of the vegetation, not merely one to several scattered individuals, to determine a vegetation type as maritime chaparral.

Other Scientific Literature About Chaparral

The total body of scientific literature on California chaparral is enormous, and I did not carry out a comprehensive search of all of it for this initial review. Of the 10-15 papers about chaparral vegetation ecology that I examined, only a few use the term maritime chaparral; most authors of studies of ecological questions instead just describe the vegetation by location, structure, and species composition.

The seminal paper on the subject and this vegetation type is Griffin (1978); as far as I could determine from my review, this paper is probably the origin of the term maritime chaparral. Some of Griffin's study sites were revisited and studied by Dyke et al. (2001), providing a very useful picture of successional changes that occurred over about 20 years.

One of Griffin's main points was to distinguish chaparral types that have very limited geographic extent and are dominated by one or another narrowly endemic *Arctostaphylos* species or variety. He carefully points out that, since the objective of the study was to describe stands containing or dominated by narrow endemics, use of his descriptions of associations for regional vegetation classification is not appropriate. He provides the following ecological definition:

"Maritime chaparral consists of variable sclerophyll shrub communities within a scrub-live oak forest region that is best developed on sandy soils within the summer fog zone. This chaparral is frequently dominated by forms of *Arctostaphylos tomentosa* plus one or more of four endemic manzanita taxa. *Adenostoma fasciculatum* [chamise] is a common sub-dominant."

Several points are notable about this definition. One is that the definition is fundamentally ecological, based upon vegetation structure (sclerophyll, or tough-leaved, shrubs), substrate, and microclimate. With regard to species composition, all of the sources that define maritime chaparral on the basis of dominance by *A. tomentosa* derive this idea directly or indirectly from Griffin. In the definition and throughout the paper, Griffin emphasizes that the unique character of maritime chaparral derives from its providing occupied or potential habitat for narrowly endemic species, and that the vegetation type that he recognized as maritime chaparral has very limited geographic occurrence, hence the importance of its protection.

Providing a perspective from a more distant geographic area, D'Antonio et al. (1993) referred to the vegetation of their study site in northern Santa Barbara County as maritime chaparral; it was dominated by *Adenostoma fasciculatum* and *Arctostaphylos purissima* (a Proposed Definition indicator species). To the extent that they use the term maritime chaparral at all (instead of merely characterizing the dominant species), other papers from studies in the same region follow the same principle: maritime

Mark Blum
August 8, 2006
page 4

chaparral in that area is co-dominated by *A. purissima* or other even more narrowly distributed manzanita species.

Van Dyke, Holl, and Griffin (2001), in the resampling of as many of Griffin's original study sites as was feasible, adhered to the usage established by Griffin in 1978: dominance by *A. tomentosa* and/or narrowly endemic species such as *A. pajaroensis*, *A. hookeri*, or others (not including, of course, *A. glandulosa* which is exceptionally widespread in geographic distribution). The same comments apply to Van Dyke and Holl (2001).

The most comprehensive recent study of the nature and occurrence of maritime chaparral in the central coast area is Van Dyke and Holl (2003). The geographic scope of this study extended from southern Santa Cruz County to the Palo Corona region, thus ending somewhere north of the Foster site. Within this area, using a combination of aerial imagery and limited ground verification, they mapped over 15,000 acres of maritime chaparral and an additional 2,000 acres of non-maritime chaparral that provided habitat for narrowly endemic chaparral species. The report includes one statement that is particularly relevant to the present project, and which I quote in its entirety:

"Chaparral in the Toro Park/Pine Canyon area is dominated by *Adenostoma fasciculatum* [chamise], but includes scattered individuals and moderate-density stands of *Arctostaphylos tomentosa* and *A. montereyensis*. Although not true maritime chaparral, this habitat type was digitized and incorporated in our survey because of the presence of *A. montereyensis* and other maritime chaparral-associated endemic species, including scattered *Ceanothus cuneatus* var. *rigidus* and occasional *Ericameria fasciculata*."

This statement indicates that the authors do not regard areas that have scattered individuals and moderate density stands of *A. tomentosa* as maritime chaparral, and that they implicitly link conservation importance of such non-maritime chaparral to presence of narrowly endemic taxa.

Vegetation of Other Sites

Jud Vandevere was kind enough to provide for me a summary of the vegetation notes that he has from a partial list of his many site surveys in the area south of the Carmel River, which, for want of a better term, I refer to below as the Point Lobos to Palo Colorado region (project region). We hoped that this might provide some indication of where maritime chaparral does and does not occur in this central coast area, or whether it is readily recognized when it does occur.

My preconceived hypothesis (that elevation or proximity to the coastline might correlate reasonably closely with occurrence of maritime chaparral, as a consequence of the importance of fog and moderate temperatures) was quite well supported by his notes and verbal comments, but with a few relevant nuances. It does seem that the community is relatively clearly discriminated from other types of chaparral, and that maritime chaparral is much more consistently found in the region relatively close to the Monterey area, and/or at lower elevations which are subject to more fog. For example, all four sites he has sampled on Point Lobos Ridge supported easily recognized maritime chaparral, with a dominant, co-dominant, or at least substantial component of one or more of the indicator species.

The general conclusion that I can derive from the several sites described by Mr. Vandevere in the project region is that the occurrence of maritime chaparral is very distinct (when it occurs) but is highly patchy. It is not necessarily limited to the immediate coastal area, but occurs, in at least one site, at an elevation of 1,200 feet. However, the notes from that site show co-dominance by *A. tomentosa* ssp. *bracteosa* and

Mark Blum
August 8, 2006
page 5

A. edmundsii, both of which are regarded as maritime chaparral indicators by the Proposed Definition. Thus, it seems an easy call that this is maritime chaparral.

In the San Francisco Bay area, fog intrudes because rising interior air (over the hot Central Valley) sucks in a lot of air from relatively far off shore, where fog is formed by condensation over cold water. However, the areas in the central coast that are subject to the most frequent fog are located where deep (colder) water is present close to the coastline, most notably Monterey Bay and Carmel Valley. The stretch of coastline extending south to Point Sur adjoins a wide area of shallow continental shelf, so it is not surprising that this area supports much less maritime chaparral than does the immediate Monterey region.

This is supported by Mr. Vandevere's study site notes: the only one that was very far south and still exhibited clear maritime chaparral was in the Garrapata-Doud Creek area (maritime chaparral dominated by *A. tomentosa* ssp. *bracteosa* and *A. edmundsii*). Regarding this site, he specifically remarked that "these two species occur along the lowest part of the road on the Doud Ranch, down to Highway One. At 1,200 ft., chaparral is dominated by *Adenostoma fasciculatum* with *A. g.* [*Arctostaphylos glandulosa*]." Thus, the sole available example in the project region of an elevational transect suggests that maritime chaparral occurs at low elevation near the ocean (as befits the term maritime), and that there is a complete transition to non-maritime chamise-*A. glandulosa* chaparral at higher elevation. Lying at over 1,400 ft, the Foster residence site is situated above the transition that Mr. Vandevere found on the Doud Ranch.

Description of the Foster Site

My understanding of the vegetation of the Foster Residence Site is based upon the reports by Jeff Norman and Jud Vandevere and the site map showing vegetation mapping and occurrences of individual *Arctostaphylos* plants in the immediate vicinity of the proposed structures. When the potential for direct impacts on a special-status species is at issue, the exact location of a particular plant within or outside a building envelope is important. However, in making a determination of the vegetation type of the area where a building project is located, occurrences of plants that are nearby enough that an observer studying the building footprints sees them are certainly relevant. Thus, even though only one *A. tomentosa* plant and no *Ceanothus cuneatus* var. *rigidus* plants are located within building (or construction-related) impact footprints, it is my understanding that scattered additional *A. tomentosa* and four *C. c.* var. *rigidus* are present in the overall area within which the several buildings are proposed, and I considered them in my determination of the vegetation type. To my knowledge, there is information available only for this small upper part of the 78-acre Foster parcel.

Based on my review of relevant agency and scientific literature and the available information for the project site, the chaparral vegetation of the portion of the Foster site where building is proposed would fall under one or another of the following types (names, with one exception, from CNDDDB, 2003):

- Chamise-Eastwood Manzanita (*A. glandulosa*) Chaparral;
- Eastwood Manzanita (*A. glandulosa*) Chaparral or Eastwood Manzanita-Interior Live Oak; or
- Poison Oak Chaparral.

In CNDDDB (2003), Poison Oak Scrub is an association under Chaparral with Red Shank (*Adenostoma sparsifolium*) as principal indicator. I am not able to judge at present whether this ecological affiliation pertains perfectly to the Foster site, since *Adenostoma sparsifolium* is not recorded in the species lists

Mark Blum
August 8, 2006
page 6

from the site. Therefore, I would incline to use the old Holland term Poison Oak Chaparral, which seems eminently applicable to a portion of the Foster site as it is described in the reports and our phone conversations.

Characterization of the chaparral under the Sawyer and Keeler-Wolf (1995) system would be the same, except that they do not recognize poison-oak dominated vegetation as its own series, but instead categorize it into the community types identified by other woody species. In the present case, based upon Mr. Vandevere's field data, this would be Chamise Series or Interior Live Oak – Shrub Series. Although I agree with the ecological principle that poison oak dominance is often, probably usually, an indicator of early seral-stage ecological succession, many of the other vegetation series recognized by Sawyer and Keeler-Wolf are also transitional, so it seems incorrect not to recognize patches of vegetation that are overwhelmingly composed of poison oak for exactly what they are.

The sources I examined were unanimous in considering that dominance by *A. tomentosa*, or by one or more narrow endemics, including the long list of *Arctostaphylos* and *Ceanothus* species found in the Proposed Definition, is necessary to determine a vegetation type as maritime chaparral. At the Foster site, *A. tomentosa* is present only as scattered individuals, never even as a "moderate density stand" (terminology of Van Dyke and Holl, 2003). Even with the occurrence of moderate density stands of *A. tomentosa*, the vegetation was not considered to be maritime chaparral by those eminent authors.

Instead, the manzanita component at the Foster building sites, to the extent that manzanita of any species is an important element in the canopy, is almost all *A. glandulosa*. According to Keeley and Keeley (1988) and Stuart and Sawyer (2001), *A. glandulosa* has a wider geographic range than any other species of manzanita that occurs in chaparral of the California Coast Ranges, and is specifically absent from most areas along the immediate coast. As noted above, the experts who developed the CTP's Proposed Definition considered that *A. glandulosa* should not be included in the list of species that are indicators of maritime chaparral.

Thus, notwithstanding the presence of a few individuals of one of the Monterey-region endemics (*Ceanothus cuneatus* var. *rigidus*) in the general building area, the majority of information from the scientific literature, and information pertaining to the Foster site specifically, seem clearly to indicate that the chaparral habitat at the building sites is not maritime chaparral.

Although I do not represent this letter report as providing a comprehensive review of all potential biological issues relating to the proposed Foster project, and, to the best of my knowledge, there is no field information available from any source that might bear upon the presence or absence of maritime chaparral in the non-impact portions of the 78-acre site, my analysis of available scientific and site-specific information suggests that the proposed building project is not situated within maritime chaparral vegetation.

Sincerely,

[hard copy signed]

Adrian Juncosa, Ph.D.
Senior Ecologist

Mark Blum
August 8, 2006
page 7

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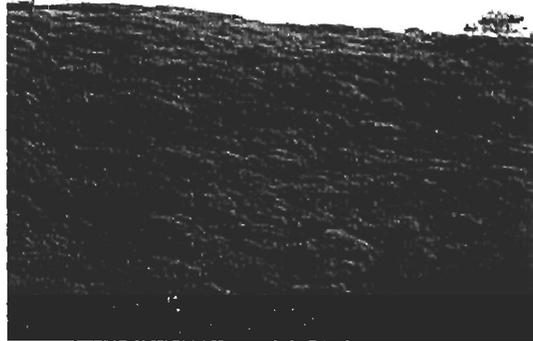
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The Ecology and Conservation of California's Maritime Chaparral

Proposed Definition of Maritime Chaparral



The "Woolly leaf manzanita series" as described by Sawyer and Keeler-Wolf (Sawyer & Keeler-Wolf 1995), best describes many areas of maritime chaparral:

"forms of woolly leaf manzanita dominant or important shrub with one or more rare ceanothus or manzanita in canopy; black sage, California buckwheat, California coffeeberry, California sagebrush, chamise, coyote brush, poison oak, and/ or toyon may be present. Emergent birch leaf mountain-mahogany, and /or coast live oak may be present. Shrubs < 3 m; canopy continuous. Ground layer sparse."

However, there are several areas of maritime chaparral not dominated or even partially occupied by woolly leaf manzanita. The following manzanita species dominate large areas of maritime chaparral and qualify for designation as unique series in future updated versions of the Sawyer and Keeler-Wolf text:

- *Arctostaphylos andersonii*
- *A. canescens*
- *A. crustacea*
- *A. edmundsii*
- *A. glutinosa*
- *A. hookeri hearstiorum*
- *A. hookeri hookeri*
- *A. montaraensis*

- *A. montereyensis*
- *A. morroensis*
- *A. nummularia sensitiva*
- *A. ohlone* pro. sp.
- *A. pajaroensis*
- *A. pumila*
- *A. purissima*
- *A. silvicola*
- *A. tomentosa* (all subspecies and forms)
- *Ceanothus cuneatus* var. *rigidus*
- *Ceanothus hearstiorum*
- *Ceanothus maritimus*
- *Ceanothus cuneatus* var. *fascicularis*
- *Ceanothus gloriosus* var. *gloriosus*
- *Ceanothus gloriosus* var. *exaltatus*
- *Ceanothus gloriosus* var. *porrectus*

This new description combines, among other things, the following previous definitions:

Chaparral on ancient sand deposits at Ft. Ord, Nipomo, Vandenberg, Morro Bay (Griffin 1978).

Northern Maritime Chaparral, Central Maritime Chaparral, Southern Maritime Chaparral:
 Owithin the zone of summer fog incursion (Holland 1986).

Ecologically, maritime chaparral is separated from interior chaparral by having greater exposure to summer fog, humidity, and mild temperatures moderating drought pressures and, potentially leading to adaptations to different disturbance regimes (less frequent fire).

It is important to recognize that, imposing inappropriate disturbance regimes can result in maritime chaparral being replaced by other community types. Inappropriately frequent or out of season fire or some types of land clearing can convert maritime chaparral to grassland or species-poor coastal scrub (Stylinski & Allen 1999, Odion & Tyler 2002). Infrequent disturbance or invasion of non-native species can temporarily change maritime chaparral to woodland or coastal scrub communities, but in such cases, seed bank remains awaiting fire or clearing (Van Dyke & Holl 2001). Delineation of maritime chaparral, therefore, should include analysis of historical air photos to determine prior extent of the community.

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If you would like to dispute or clarify this definition, please contact Grey Hayes at grey@elkhornslough.org or (831) 728-2822. Grey also appreciates hearing who has found this definition valuable: a quick email to him stating how this definition was helpful would very valuable.

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June 18, 2007

JUN 20 2007

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Foster Project Vegetation and Impact Evaluation

Dear Mark,

This letter provides additional detail on subjects that have been raised in the time period since my original letter report dated August 8, 2006. The present letter incorporates additional scientific literature review; observations made during site visits to the Foster parcel on January 23 and March 16, 2007 (the latter including Mary Cain, Jonna Engel, Grey Hayes, Katie Morange, Steve Monowitz, and Mike Vasey); and other communications with scientific experts. I also address issues in addition to the designation of vegetation type that are pertinent to the potential that the project could have any environmental effects.

I comment on four main subject areas, which can be summarized by the following statements:

- Maritime chaparral as currently defined does not occur on the Foster parcel.
- In the project vicinity, thinning of chaparral canopy for fire protection does not have substantial adverse impacts on the habitat's long-term sustainability or function.
- In this particular project setting, applicable scientific information does not support the necessity of a buffer zone setback to protect the chaparral habitat functions and values.
- The project as a whole will not have any significant adverse environmental impacts.

CHAPARRAL VEGETATION ON THE FOSTER PARCEL

Two related factors are identified as distinguishing maritime chaparral: frequent incursion of summertime fog, and vegetation. (see, for one example, the proposed definition from the Elkhorn Slough Research Reserve Coastal Training Program [CTP], available from their web site; CTP, 2003, provided previously as an attachment to the August 8, 2006, letter). Soils have sometimes been mentioned as being important, but it is my understanding from scientific literature and personal observation that maritime chaparral in the Monterey Bay area and elsewhere occurs on diverse substrates including sandstone, shale, and decomposed granite. Although loamy soils generally tend to support grassland and/or oak woodland, it seems that any rocky or coarse-grained soil is potentially suitable to support maritime or non-maritime chaparral.

Climate

In the central coast area, the most frequent incursions of fog occur, unsurprisingly, either where deeper (cooler) sea water lies close to the shore (e.g., the surroundings, including hills, around Monterey Bay and San Francisco Bay), or where low elevation land, canyons, or valleys allow fog to flow inland. We observed exactly this common pattern during the March 16 site visit: the lowest elevations near the coast line (below about 200-300 feet elevation above sea level), and the major canyons such as Palo Colorado canyon, were covered in fog nearly for the entire day, while the sun shone without pause throughout the day at elevations higher than a few hundred feet.

Anecdotal reports from residents of the higher elevations in the general area between Carmel and Big Sur corroborate that this is the typical climatic pattern in the area: the ridge tops (e.g. Rocky Ridge) are relatively fog-free, whereas the low seaward slopes and the canyons are foggy. In the Coast Ranges of California, fog in the form of low clouds that impinge upon hillsides or ridgetops does occasionally occur, but much less frequently than does the low valley fog.

Accordingly, both the climate-science references that I could find, and the limited direct observations that we have from the vicinity of the site, indicate that the Foster parcel does not experience the climatic conditions that are stated as characterizing maritime chaparral. Based upon the applicable climate science, upon scientific references that describe maritime chaparral (see citations both in this letter and the previous one), and upon available empirical observations, the climate of the site indicates that any chaparral present would be properly determined as non-maritime.

Vegetation

ONLY NON-MARITIME MANZANITA IS PRESENT

Many sources point to the occurrence of certain species and subspecies of manzanita (*Arctostaphylos*) as indicators of maritime climatic conditions (for example: Griffin, 1978; CTP, 2003). From the time of origination of the term "maritime chaparral" by Griffin, and in the current Department of Fish and Game list of communities recognized in the California Natural Diversity Data Base (DFG, 2003) and Sawyer and Keeler-Wolf (1995), maritime chaparral has been considered to be a vegetation type in which *Arctostaphylos tomentosa* is dominant or important. Other recent sources identify, in addition to *A. tomentosa*, several other narrowly distributed species and subspecies of the genus (referred to below as proposed indicator species) that are important, characteristic, or dominant within maritime chaparral (see lists in CTP and NatureServe, 2006).

However, one of the most important results of the March 16 site visit is the confirmation by Mr. Vasey, with corroborating observations made by Coastal Commission staff, of my conclusion that neither *A. tomentosa* nor any other of these proposed indicator manzanita taxa occurs within the Foster parcel. Mr. Vasey is an expert on the taxonomy of *Arctostaphylos* and was invited to participate in the site visit by Coastal Commission staff. Although biology reports on the parcel by Jeff Norman and Jud Vandeverre state

that *A. tomentosa* is present, we (myself and all others present on site on March 16, 2007) closely examined the specific plant that had been identified as *A. tomentosa*, and found that it was in fact *A. glandulosa* instead. With the aid of a 20x hand lens that I had brought, I, Mr. Vasey, and Dr. Engel (and others, too, I believe) were all able to observe numerous stomates on both surfaces of the leaves of this and other manzanita plants on the site; this is the character that distinguishes *A. glandulosa* from *A. tomentosa*. Many hundreds of manzanita plants were inspected during our collective site visit on March 16, and all belonged to *A. glandulosa* (either to ssp. *glandulosa* or to plants that are presently characterized in the Jepson Manual as ssp. *glandulosa* forma *cushingiana*, soon to be elevated to ssp. *cushingiana*). Mr. Vasey stated during the field trip and confirmed later by e-mail that, based on his observation and to the best of his knowledge, there is no *A. tomentosa* on the Foster site. He is very knowledgeable in manzanita identification, and is preparing the taxonomic revision of *Arctostaphylos* with J. Keeley and J. Sawyer for the new edition of the Jepson Manual.

We examined hundreds of manzanita plants throughout the Foster site, and at no time during the site visit did anyone produce a plant that would be identified as any species of *Arctostaphylos* other than *A. glandulosa* under either under any published treatment of the genus, or under the draft revision by Mr. Vasey et al. Given the number of observers, the intensive level of survey effort in and near the proposed building areas during this and my previous visit (in January), the very large number of plants examined, the extent of our observations throughout the site, and the interest of all those who participated in the March 16 site visit in being sure of the manzanita identifications, the only reasonable conclusion is that *A. tomentosa* does not occur on the site. There is no concrete evidence of which I am aware that suggests that *A. tomentosa* or any other proposed indicator species of manzanita is present on the Foster parcel.

The taxa (species and subspecies) of manzanitas are notoriously difficult to identify, and our experience on the Foster site itself shows that misidentifications, even by field biologists with significant experience in the central coast region, occasionally occur. Therefore, it is my opinion that any representation regarding the presence of *A. tomentosa* or other limited-range manzanita taxon in the general region of the project should not be relied upon for any scientific or regulatory purpose without the opportunity to examine the growing plant material or a voucher specimen deposited in a publicly accessible herbarium with a high-quality dissecting microscope. It was my examination, with such a microscope, of the plant that had previously been misidentified as *A. tomentosa* that contributed to the careful reassessment of the manzanitas present on the site that occurred on March 16. I would also add that not only Mr. Vasey, but even those who were new to the observation of difficult-to-observe plant leaf characters, were able to confirm in the field, using a hand lens with higher than normal magnification, that my identification of the plant as *A. glandulosa* was correct.

The presence of widespread (inland and coastal) species such as chamise (*Adenostoma fasciculatum*) or *Arctostaphylos glandulosa* does not disqualify an area from being potentially maritime chaparral. However, in a site where the vegetation is dominated by *Arctostaphylos*, occurring in a region where maritime-indicator *Arctostaphylos* taxa (or at

least, one taxon) are present in other sites at lower elevations, but not a single plant of any of the indicator *Arctostaphylos* taxa is present on the site in question, there is no reasonable scientific conclusion other than that the ecological indications of the dominant vegetation are non-maritime.

Based upon my review of herbarium specimens, Jud Vandeveré's unpublished site survey reports from a variety of sites in the region, and published sources (Wells, 2000), *A. tomentosa* is definitely present at low elevations along Highway 1 between Carmel and Big Sur. Eric Van Dyke has stated that there is a gradual replacement of *A. tomentosa* by *A. glandulosa* as one moves inland from Highway 1 in this region. The considerable amount of cumulative field study, including the March 16 site visit, supports the conclusion that *Arctostaphylos tomentosa* definitely does not occur within the Foster parcel, where the lower elevations (700 to 1,100 feet) support a chaparral community that is completely devoid of *Arctostaphylos*. (It is black sage, poison oak, chamise, and some coyote bush and California sagebrush.) From the elevation where *Arctostaphylos* begins to appear again, it is all *A. glandulosa* (one subspecies or another). There is no specimen or other verifiable source affirming the presence of *A. tomentosa* or any of the other proposed maritime indicator species of manzanita above the lower elevational limit of the Foster parcel (about 700 feet). Thus, all of the empirical data available, corroborated by the observations of all of the scientists who were present with Mr. Vasey on March 16, indicate that there is no *A. tomentosa* present on the Foster parcel and that the manzanita vegetation is indicative of non-maritime conditions.

HETEROFACIAL LEAVES

With regard to the *A. glandulosa* plants present on the Foster site, Mr. Vasey has raised an additional point regarding the relative numbers of stomates on the two surfaces of the leaves. The typical plant leaf has stomates (tiny gas-exchange pores that can open and close in response to water stress) on only the lower surface. However, many plants deviate from this typical pattern. In the genus *Arctostaphylos*, leaves are described as either iso-facial (=unifacial; having stomates on both sides) or bifacial (stomates on one surface; hence, the two surfaces different, or having two faces). The term "heterofacial" refers to leaves which are morphologically isofacial, but have fewer stomates on one of the surfaces, thus, intermediate in a sense between the two other conditions.

If I understand correctly, Mr. Vasey and Dr. Engel state or imply that the occurrence of heterofacial leaves in one (or more?) of the *A. glandulosa* plants found on the Foster parcel is indicative of maritime conditions at the site. Although I do not in the least dispute Mr. Vasey's statement that certain other taxa with maritime distributions have heterofacial or bifacial leaves, there are also at least 10 other *Arctostaphylos* species that are either proposed maritime indicator species or have low-elevation coastal geographic ranges that have fully unifacial leaves (according to available references). Thus, the correlation between maritime habitat and bifacial/heterofacial leaves is simply not sufficiently scientifically supported to say that the latter indicates the former.

More importantly, the fact that the Foster site, and a huge area of the Coastal Zone generally, experiences higher humidity than regions further inland is not in dispute. What matters is whether this difference is enough to call it maritime vs. non-maritime, and whether that labeling is consistent with considering the scrub habitat on the site as an ESHA that meets the applicable Coastal Act criteria, in particular of rarity. In this regard, it is significant to note that the "Central Maritime Chaparral" listed in the most current published version of the CNDDDB natural communities list (DFG, 2003), and identified by means of an asterisk as a rare community type, is a sub-type of woolly manzanita (*A. tomentosa*) chaparral; no sub-types of Eastwood's manzanita (*A. glandulosa*) chaparral are identified by that source as rare plant communities.

MONTEREY CEANOTHUS

Biology reports about the Foster site state that Monterey ceanothus (*Ceanothus cuneatus* var. *rigidus*) is present on the site, and we confirmed this fact during the March 16 site visit. We did not count plants, but saw about 10-15 plants of this taxon. It might be suggested that the presence of these several individuals is sufficient to contradict the clear ecological indication of the manzanita taxa that the site is not maritime chaparral. (Conversely, it would be my opinion that the ecologically correct interpretation of the list of indicator species in the CTP proposed definition is that, if manzanitas are absent or at least not dominant - as for example shortly after a fire - then it is correct to rely on an interpretation based upon the *Ceanothus* species.) In a region where *A. tomentosa* is unequivocally present at low elevations, it makes no ecological sense that it would not be present in manzanita-dominated vegetation where the physical conditions were those of maritime chaparral. In every area of vegetation classification and description in which I have worked, if the dominant species indicate one ecological judgment, but the indication from a single uncommon taxon is different, the scientifically correct judgment is the one based upon the long-term dominant species. Applied to the present case, this would mean that the correct identification of the vegetation, under the applicable CNDDDB list (cited in the August 2006 letter) is Eastwood's manzanita [*Arctostaphylos glandulosa*] chaparral, a non-maritime type, which is not regarded by the CNDDDB as a rare plant community type.

Although the question and answer document about maritime chaparral available from the CTP indicates that the presence of a few individuals of an indicator species could carry the same weight as dominance, this principle cannot properly be extended to all species. Although it is true that, in habitats that include *Ceanothus* species (both chaparral and forest), those species are more abundant shortly after a fire, the density of shrubs that regenerate by seed (including *Ceanothus*) returns to close to the pre-fire density within about five years. (Keeley, et al., 2006). Dr. Engel (and others of us who were present on March 16) note that evidence of fire was observed, in the vicinity of the proposed building sites, but she suggests that the time since the last fire at exactly this location has been very long. I would incline toward an opposite viewpoint, namely, that the fact that evidence of fire was easily observable indicates that the duration since that fire has not been a particularly long interval. Thus, the canopy composition that one

observes today on the Foster site is in fact exactly, or is a close approximation of, the long-term stable vegetation composition of the site's climax community. *Ceanothus cuneatus* var. *rigidus* is a very minor component of this vegetation, and cannot be relied upon to characterize the community as maritime chaparral when the indications from *Arctostaphylos*, which is the long-term dominant genus, are exactly the opposite.

This would be a useful place to correct a misstatement in the written record about this project site, pertaining to the rarity of *C. cuneatus* var. *rigidus*. It is *not* a rare species. It is a California Native Plant Society (CNPS) List 4 plant (plants of limited distribution). The current extension designation (4.2) denotes that the CNPS considers subjectively that between 20 and 80 percent of the populations of the plant might be at risk of loss to one or another threat category. I would imagine that even the 20 percent is higher than the reality, because I am not aware of populations of the taxon being extirpated by any type of threat (e.g., development); probably not even a few individuals lost without an equal or greater number replaced as mitigation.

It is probably appropriate to quote from the CNPS Inventory text pertaining to List 4: "The 554 plants in this category are of limited distribution or [are] infrequent throughout a broader area in California, and their vulnerability or susceptibility to threat appears relatively low at this time. **While we cannot call these plants "rare" from a statewide perspective, [emphasis added]** they are uncommon enough that their status should be monitored regularly. Very few of the plants constituting List 4 meet the definitions of Sec. 1901, Chapter 10 ... or Secs. 2062 and 2067 of the California Fish and Game Code [thus, are not rare, threatened, or endangered]. ..." The text continues regarding consideration in CEQA documentation, specifically in several exceptional circumstances that do not apply in the present case. Thus, statements that *C. c.* var. *rigidus* is rare, or that its rarity should be considered in evaluating whether ESHA occurs on the Foster site, are incorrect in the context of the actual language from the CNPS Inventory regarding what the designation of List 4 plants signifies.

It is incomplete to quote only the "fairly endangered" words without also including CNPS's own statements that they do not consider List 4 plants to be rare, threatened or endangered; merely having limited geographic distributions (exactly how limited is not defined). *Ceanothus c.* var. *rigidus* is also on the Sacramento U. S. Fish and Wildlife Service list of "species of concern." This is an informal designation, not recognized federally by the U. S. Fish and Wildlife Service (not all offices have such lists at all). These species are not rare, threatened, endangered, or candidate for any of these listings.

In fact, *C. cuneatus* var. *rigidus* is not uncommon throughout most of its range, which extends from Santa Cruz to San Luis Obispo County, and up to about 1,800 feet elevation. There is good reason why CNPS does not regard it as a List 1 or 2 plant (rare in California). Although Mr. Vasey made the statement that he thought that the Foster site might be one of the most southerly populations of the taxon, this is not correct according to CNPS, which states that its distribution extends at least to the boundary between Monterey and San Luis Obispo Counties, some 50 or more miles further south.

In my own personal experience, I have seen *C. c. var. rigidus* only on soils derived from granite or coarse sandstone, and I suspect that, although the taxon occurs within the coastal zone (as do a very large number of unremarkable species), the substrate may be a more important determinant of habitat suitability than the occurrence of truly maritime conditions (frequent summertime fog occurring on the microsite). However, I have not verified this suggestion by means of comprehensive herbarium or field study.

OTHER SPECIES PRESENT

It has been suggested informally by Mr. Vasey, but not by any published source of which I am aware, that *Vaccinium ovatum* and *Chrysophyllum chrysophylla* (specifically var. *minor*) are species that are indicative of maritime chaparral. Based upon the whole geographic ranges of these two taxa, I would respectfully disagree on this particular point. These species have very extensive inland ranges and, in my opinion, cannot properly be considered to be indicative of maritime conditions. The former ranges up to elevations over 2,500 feet, and inland to the San Gabriel/San Bernardino Mountains of southern California, as well as to El Cajon Mtn., about 30 miles inland in San Diego County. To the north, the range of *V. ovatum* goes inland to Trinity National Forest; the limit could be as much as 100 miles inland, two major mountain ridges inland from the coast, according to Stuart and Sawyer (2001).

Chrysophyllum chrysophylla var. *minor* ranges throughout the coast ranges up to 6,000 feet elevation, including on the transmontane (inland) sides of the coastal mountain ranges (e.g., in Lake County, no part of which extends to the coastal zone).

It is just not correct, in the context of the whole picture of the ranges of these two taxa, to represent them as being indicative of maritime chaparral; in fact, they're not primarily chaparral species at all. The distribution of *V. ovatum*, at least in central and southern California, is quite definitely associated with soil chemistry that results from granitic and some sandstone parent materials; this is a much better correlation than with maritime climatic influence. Similarly, I suspect, for *Ceanothus cuneatus* var. *rigidus*: it is the soil, rather than the climate, of the Foster parcel that provides suitable conditions for the plant.

In conclusion, considering the whole range of applicable science that is available from the published literature and observations of the site, neither the climate nor the vegetation of the Foster parcel fits the definition(s) of maritime chaparral that are currently proposed.

FUEL MANAGEMENT

Regardless of the vegetation label that is applied to the manzanita-dominated chaparral on the Foster site, construction of the main house, Gillian's studio, caretaker's house, guesthouse, and barn would not result in the removal or type-conversion of any of this habitat. However, for fire protection, there would need to be some thinning of the fuel load within 30 feet of the nearest structures. Construction of Steven's studio would

result in some removal of manzanita-dominated chaparral, and construction of the garage and shed would result in removal of poison-oak chaparral in which manzanita occurs as a small number of scattered individuals.

The effects of vegetation modification for fire protection in forest and shrublands in California were studied by Merriam et al. (2006). In essence, they found that the traditional fire breaks in the form of clearing to the mineral soil, whether done with machinery or by hand with shovels and picks, has significant deleterious effects and can result in substantial invasion of formerly native vegetation by non-native species. However, they also indicate that thinning of the woody fuel load without soil disturbance has few to no adverse impacts from the perspective of invasion by non-natives (which was the topic of importance to these studies). That is, if executed correctly, the vegetation after treatment can be exactly the same as before, no native species removed and no non-natives now present, except that the amount of flammable fuel is lower. I have confirmed this inference by means of e-mail communications with two of the co-authors of the Merriam study and by direct observation of thinned manzanita-dominated chaparral in the Foster project vicinity.

In fact, statements from the literature strongly indicate that some thinning of the dense manzanita canopy is in fact beneficial to the habitat in providing some new opportunity for native species that are suppressed by the canopy to germinate and reproduce. For example, Van Dyke et al. (2001) state: "Loss of species diversity caused by shading is associated with canopy height...the introduction of prescribed burning, or perhaps mechanical disturbance [thinning?] with smoke or charate treatment, may be necessary to open the canopy, facilitate seedling establishment, and slow the advance of oaks." Elsewhere: "Land managers should consider the reintroduction of wildfire, *or practices that mimic the effects of fire*, to assure the long-term survival of maritime chaparral vegetation communities." [Emphasis mine.] These statements provide unequivocal support for the biodiversity benefits of opening the chaparral canopy (whether maritime or not), if accomplished without the drastic soil disturbance that can result in invasion by non-natives.

We all observed exactly this process at the Hain property nearby, where fuel thinning has been carried out almost exactly as proposed for the Foster project. It was first brought to our collective attention by Grey Hayes, pointing out plants of the native chaparral species *Lotus scoparius*, which is entirely absent or extremely rare on the Foster parcel, but is now growing in the small canopy gaps created by the thinning on the Hain site.

In essence, thinning provides some of the ecological benefits of a fire. For the record, Dr. Keeley and others have presented data suggesting that the fire regime throughout the chaparral of the Coast Ranges – not just in maritime chaparral - is one of much longer return intervals than is widely believed, and that proposal to renew seed banks by means of prescribed fire is more likely to have deleterious than beneficial effects (Syphard et al., 2006). In the event of a natural fire, the thinned vegetation will certainly burn, but at temperatures that are sufficiently low that nearby structures will not be consumed.

During our site visit on March 16, I did not observe any non-native species within the minor disturbances within the *Arctostaphylos glandulosa* chaparral, and I did not observe any within the fuel treatment area at the nearby Hain property, which the access road passes through. Mr. Vasey states that he cannot recall seeing non-natives in these specific places either, although neither of us can supply written field notes to that effect.

In summary, there is no basis in the scientific literature nor in any of the field observations made on site to suggest that there would be any significant adverse impact on the chaparral habitat from the type of fuel reduction that is being proposed. When this subject was raised, Mr. Vasey made a statement on the site essentially to the effect that (paraphrasing according to my best recollection) this chaparral "is not going anywhere," that is, will remain essentially as it is today, indefinitely, even with the fuel thinning. Accordingly, the thinning treatment will not substantially reduce the long-term viability of the habitat to remain in a condition that retains all of the present ecological functions. With no invasion by non-native species, it is reasonable to conclude that the essential functions of the habitat would not be significantly impaired, and in fact would be benefited by the treatment. Finally, with the proposed chipping of a portion of the trimmed material, the soil surface would not be substantially more vulnerable to erosion than it is today.

Even though the applicable scientific context (published literature, informal comments and e-mails from knowledgeable experts, and empirical observations from the site) entirely supports the conclusion that there is no adverse impact, it is useful also to consider that this thinning is proposed to occur in only a minute proportion of the chaparral habitat on the site. For the main house and Gillian's studio, this would be 2,166 square feet (0.05 acre), which is calculated by Carver + Schicketanz Architects to be 0.14 percent of the total chaparral on site. (I think this proportion is higher than the reality; 0.07 to 0.10 percent seems more likely to me if one considers the whole area of non-manzanita chaparral further down slope, remote from the entire proposed building area.) For Steven's studio, the garage, and shed, the combined area of direct impact (on mostly non-manzanita dominated chaparral) and fuel thinning is 0.88 percent. In my lengthy experience with environmental review, including several projects within the Coastal Zone, this small of a percentage of impact (about one percent) would not be considered to be a significant adverse impact, even if some specific negative ecological impact could be identified (which is not the case with the Foster project).

BUFFER ZONE

It is conventional, in specific types of ecological settings, to allow for a buffer zone or setback between habitat areas and developed areas when projects are constructed. In the most typical example, where wetlands or other water bodies (including briefly seasonal tributaries) are present, the specific indirect impacts are known, and the ways in which the buffer zone works to protect the habitat can be identified. For example, surface runoff from impervious areas such as pavement, or disturbed/compacted soil surfaces can contain pollutants such as hydrocarbons or elevated fine sediment levels. If such

runoff flows over a vegetated buffer zone where it can infiltrate and the vegetation and duff can immobilize the pollutants, then water quality is thereby protected. Depending upon the topography and nature of the soils and vegetation, this process may require a buffer zone of up to 100 feet. In my own project-related experience, I have once suggested a much wider buffer zone for water quality protection, at a site where very steep slopes and relatively non-pervious soil profiles suggested that it was appropriate.

However, as suggested by the CTP, the width and nature of buffer zones should be based upon some scientific assessment of the actual impacts and potential to reduce them by other means than mere separation in distance. For example, for certain types of habitats where bright direct lighting might justifiably be considered to have a negative impact on species that are known to breed there, 50 or even 100 feet of distance might not be nearly as useful in mitigating the impact, as would be a reorientation of lighting, or placement of physical screening (vegetation or otherwise) to provide shading. (This is example is to illustrate a principle; for the Foster project, there is no outside lighting proposed on the side of the structures toward the habitat with which we are concerned.)

As briefly explained below, it is my considered opinion that there are no indirect impacts from the placement of the structures proposed on the Foster site that require a buffer zone for mitigation.

Firstly, I am not aware of any native vertebrate wildlife that is characteristic of chaparral that would be deterred from passing through, foraging within, or even reproducing within, a 100 foot wide area adjacent to a structure. Such species as deer, coyote, rodents, and small birds use habitat immediately adjacent to structures without hesitation. Although I live in non-chaparral habitat, we regularly have all of the groups of mammals noted above coming within a few feet of the house, and native ground-nesting birds nesting within 10-20 feet of the house. I am not aware of any scientific reason to suppose that the vertebrates that presently use the low shrubby habitat on the Foster parcel will cease to do so in the 30-foot wide area required by CDF to be thinned around the future structures, or in any larger area proposed by staff.

Secondly, the possibility that the structures might have an adverse impact upon pollinators has been raised in a meeting with Commission staff on January 24, 2007. Again, I am not aware of any scientific evidence or line of reasoning that supports this contention for the specific circumstances of the proposed project. Manzanitas are pollinated by hummingbirds, small native bees, and probably by some other small insects as well. Ceanothus are pollinated by very tiny bees, wasps, and flies; perhaps also by some diurnal moths or small butterflies. Not one of these groups is deterred in the slightest way by the presence of structures or human beings. Hummingbirds are quite pugnacious and fearless birds, fully aware that no building or slow-moving animal such as a human poses any threat; they immediately accept and begin to visit feeders hung on porches and houses. Similarly with small insects: they ignore one's presence until one is virtually within arm's reach. Again, in my own case, I observe a huge variety of insect pollinators (easily 15-20 families in at least four orders) foraging in the native plantings right up to the edge of my deck; the plants set abundant seed every year.

Finally, another type of indirect effect that can adversely affect native habitat is the application of irrigation and/or gardening chemicals (pesticides or fertilizers) to landscaping. However, there is no landscaping proposed for this project, so there is no such impact in the case of the Foster project.

In summary, there is no reason that is applicable to the present project that supports the necessity of a 100-foot buffer zone around the structures, or alternatively between the outer extent of the thinned area and the chaparral, to protect the ecological function of the chaparral habitat (whatever its designation).

The nature and severity of edge effects, where they occur at all, is greatly determined by the relative proportions of the areas of undisturbed habitat and developed areas. Where the developed areas occupy most, or at least a large proportion, of the landscape area and the habitats are reduced to gerrymandered islands and corridors, the edge effects are greater. Where nearly the entire landscape will remain, in perpetuity, as undisturbed habitat, and the developed areas are the small islands, the edge effects tend to be minimal, if present at all. Thus, the scientific literature from pervasively developed landscapes in southern California, pertaining to the effects of the development on nearby chaparral habitat, are not relevant to the present project and cannot properly be cited as justifying the need for a buffer zone.

OVERALL ENVIRONMENTAL EFFECTS

I would like to close with a few comments pertaining to the specific project design and landscape-scale view of the project and its region. I know this was not one of my assigned topics, but it should be considered by the Coastal Commission in evaluating the appeal.

In my opinion, the proposed project is exactly the sort of development that should be encouraged in the coastal zone: moderate-sized structures carefully placed in areas of long-standing existing disturbance, with no surrounding ecologically barren "no-man's land" and no inappropriate non-native landscaping. It is not the type of massive mountain top villa with a wide completely cleared surrounding area, as one often sees imposed heavily upon chaparral landscapes in Los Angeles and San Diego counties. The regional site planning and architectural ethic in the Carmel/Big Sur region is a quite different, and I think appropriate one for the ecosystem, and it is a planning and development approach that should be encouraged.

In Rocky Ridge particularly, the maximum potential area that might be affected by development is a cluster of relatively small building areas, surrounded by an extremely large area that will remain undeveloped forever. This is exactly what scientists and applied ecologists have been striving for decades to get accepted as the appropriate way to allow for virtually no-impact development with preservation of large unbroken expanses of native habitat.

I hope that these comments and citations help achieve a scientifically based evaluation of the project appeal. Please do not hesitate to contact me if you have any additional questions or needs for information.

Sincerely,



Adrian M. Juncosa, Ph.D.
Senior Ecologist

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