

EXHIBIT D-2

Monterey County Visual Resource Development Standards, Monterey County Coastal Implementation Plan, Sections 20.145.030 & 20.145.020.V

Section 20.145.020.V

Critical Viewshed is everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the following specific locations: Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, Upper Sycamore Canyon Road (Highway 1 to Pias Road), and Pfeiffer Beach/Cooper Beach. (Ref. Policy 3.2.2.1)

Also included in the "Critical Viewshed" are those views of Pico Blanco from the Old Coast Road. All other views from the Old Coast Road shall be excluded from "Critical Viewshed" with the exception of those views also visible from Highway 1. Pico Blanco is defined as that land form bounded on the south by the south Fork of the Little Sur River on the north by the north Fork of the Little Sur River and on the east by the Ventana Wilderness Area. (Ref. Policy 3.8.4.4)

All locations are identified on the Zoning Maps of the Coastal Zone.

Section 20.145.030

Intent of Section: The intent of this Section is to provide development standards which will allow preservation of Big Sur's scenic resources and promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, all future public or private development which would be visible within the "Critical Viewshed", as defined in Section 20.145.020.V, shall be prohibited. All development not visible within the "Critical Viewshed" shall be conditioned as to siting and design, as provided in the development standards of this chapter. "Development", as used in this section only, shall be considered to include all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials. (Ref. Policy 3.2.1)

A. Development Within the Critical Viewshed

1. Critical Viewshed Determination.

a. The project planner shall make an on-site investigation in order to determine whether the project would intrude on the critical viewshed. Proposed buildings shall be accurately indicated as to dimensions, height, and rooflines by poles with flags. The staking may be waived by the Director of Planning where it can be determined through evaluation of topographic maps, prior investigations in the specific areas, or by similar means, that there is "no possibility that the proposed development will intrude on the critical viewshed. The grading for the development and the location of proposed access roads, including the centerline top of cut and toes of fill, shall be accurately indicated by stakes with flags. Both poles and stakes shall remain in place for the duration of the project review and approval process. The planner, in the course of the on-site investigation, shall record the proposed development photographically. The applicant may also be required to provide photographs upon which have been superimposed a representation of the proposed project. Where a project may intrude on the critical

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viewshed, the photographic representation may be required to be 2' x 3' in size for public hearing purposes. During the on-site investigation, the planner shall also review the project for conformance with the ordinance elements, and shall determine development alternatives which would bring the project into full conformance with the ordinance. (Ref. Policy 3.2.3.B.1)

b. Development shall be considered to be within the critical viewshed if any portion of the proposed development is visible from Highway 1, including pull-outs, right-of-ways, and walkways at the highways edge, or the major public viewing areas identified in the critical viewshed definition, as contained in Section 20.145.020.V. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season. As well, visibility shall be considered in terms of what portions of the development would be visible under existing conditions, regardless of landscaping or other techniques which could be later employed to screen the development. As such, development shall be considered to be within the critical viewshed if it would be visible from Highway 1 or major public viewing areas given existing conditions. The critical viewshed does not include areas visible from the hiking trails shown on the Trails Plan contained in the Big Sur Coast Land Use Plan.

Ocean views from Highway 1 shall not be obscured by artificial berming, mounding, or landscaping. Distant development, although technically within the line of sight from Highway 1 or other major public viewing area, shall not be considered to be within the critical viewshed if it has been designed and sited so as not to be seen from Highway 1 or other major public viewing areas as defined in Section 20.145.020.V. Exterior light sources shall be prohibited if such light source would be directly visible from Highway 1 or other major public viewing area as defined in Section 20.145.020.V.

All new development not in conformance with the approved representations shall be removed. (Ref. Policy 3.2.3.B.1)

2. Development Standards.

a. All new parcels created through the subdivision process must contain building sites outside the critical viewshed. An exception may be made for parcels which have been set aside for open space or which otherwise specifically preclude structural development, through zoning, deed restrictions and/or easements. Where initial application review indicates that development within the critical viewshed may result on a proposed lot, the applicant shall demonstrate that there is a building site and building height(s) available which will not create development within the critical viewshed. As such, possible building 'site dimensions and roof heights shall be delineated by poles with flags, subject to an on-site investigation by the planner prior to the application being considered complete. A condition of project approval shall be the establishment of a building site and a building height envelope that provides specifications for non-critical viewshed development on the lot(s) in question.

b. Planning techniques, including clustering of structures, sensitive site design, design control, and/or transfer of development credits shall be utilized to permit development of parcels located partially within the critical viewshed where such development will not intrude on the critical viewshed. (Ref. Policy 3.2.3.A.2)

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- c. Development proposals shall be modified for design, height, and/or bulk, or shall be resited, where such modifications will result in a project which does not intrude on the critical viewshed. (Ref. Policy 3.2.3.A.3)
- d. Not with standing Section 20.98.080, where it is determined that a proposed development cannot be resited, redesigned, or otherwise made to not intrude upon the critical viewshed, then the site shall be considered environmentally inappropriate for development. Landscaping, berming, or mounding shall not be utilized to screen development which would otherwise be within the critical viewshed. (Ref. Policy 3.2.3.A.5)
- e. Development of new roads, improvement to an existing road requiring more than 100 cubic yards of grading, or development of grading or excavations which require a coastal development permit, including all alterations of natural landforms by earth-moving equipment, will not be allowed to damage or intrude upon the critical viewshed. Such road construction or other work shall not commence until the entire project has completed the permit and appeal processes. These restrictions shall not be interpreted as prohibiting restoration of severely eroded water course channels or gulying, provided a plan is submitted and approved prior to commencing work. (Ref. Policy 3.2 -3-A. 4)
- f. When a structure is to be replaced, resiting or redesign should be required as necessary in order to better conform with the Intent of this section. Replacement or enlargement of existing structures, or structures lost in fire or natural disaster within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure. Replacement or enlargement of structures outside the critical viewshed shall be permitted as long as such replacement or enlargement does not cause the structure to intrude into critical viewshed. (Ref. Policy 3.2.3.A.7)
- g. (Not Applicable to the Property or the Easement)
- h. (Not Applicable to the Property or the Easement)
- i. Development constituting "ridgeline development" shall not be allowed unless a use permit is first obtained. "Ridgeline development" is development on the crest or side of a hill which creates a silhouette against the sky when viewed from a public viewing area. A coastal development permit for such development may only be granted if the decision-making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have significant adverse visual impacts due to required landscaping, required modifications to the proposal, or other conditions; or 3) development on the ridge will minimize grading, tree removal, or otherwise better meet resource protection policies of the Land Use Plan or development standards of this ordinance. The proposed development shall be modified for height, bulk, design, size, location, and siting, and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.

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j. New subdivisions and lot line adjustments shall not create or configure a lot so as to create a building site that will result in ridgeline development. Where initial application review indicates that ridgeline development may result on a proposed lot, the applicant shall demonstrate that there is a building site and building height(s) available which will not create ridgeline development. As such, possible building site dimensions and roof heights shall be delineated by poles with flags, subject to an on-site investigation by the planner prior to the application being considered complete. A condition of project approval shall be the establishment of a building site and a building height envelope that provides specifications for non-ridgeline development on the lot (s) in question.

B. Exceptions for Development in the Critical Viewshed

1. VSC (Visitor-Serving Commercial) Zoning Districts.

(Not Applicable to the Property or the Easement)

2. Essential Ranching and Agricultural Structures.

Essential agricultural structures required by commercial ranching and agriculture operations that cannot be feasibly located outside the viewshed shall be permitted under careful design and siting controls, as contained in Section 20.145.030.C.2. Examples of "essential agricultural structures" include barns, fences, windmills, water pumps, water tanks, stock ponds and corrals. However, all aquaculture facilities will be subject to the same resource protection criteria and environmental standards as other development. All uses permitted as essential structures shall conform to the non-critical viewshed standards contained in Section 20.145.030.C.2. (Ref. Policy 3.2.5.B)

3. Highway 1 Facilities.

a. Public Highway Facilities.

(Not Applicable to the Property or the Easement)

b. Private Highway Improvements. Private driveway entrances, gates, roadside fences, mailboxes, and signs shall be of a design complementary to the rural setting and character of Big Sur. Such structures shall be composed of natural materials, including wood and stone. The design of all structures shall be subject to the approval of the Director of Planning as a condition of project approval. (Ref. Policy 3.2.5.C.2)

4. Utilities.

Utilities shall be installed underground, except as follows:

Overhead power or telephone lines shall be permitted only where overriding natural or physical constraints exist. Such constraints may include slopes of 30% or greater, landmark trees, or environmentally sensitive habitats. Where permitted the poles will be placed in the least conspicuous locations out of public, and, where possible, private view. Where the above ground development involves exterior lighting, a lighting plan shall be submitted to and approved by the Director of Planning as a condition of project approval to be completed prior to issuance of building or grading permits. Exterior lighting will require shielding to reduce its long-range visibility, and to cause the light source to not be visible. Further, exterior lighting shall be down

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lit and minimal to reduce as much as possible light pollution. Transmitter towers and power facilities must not appear in the critical viewshed. Water lines or underground conduits should be buried or otherwise located so that they are obscured from public view by vegetation. (Ref. Policy 3.2.5.D)

5. State Park Parking.

(Not Applicable to the Property or the Easement)

6. Rocky Point Area Parcels.

(Not Applicable to the Property or the Easement)

7. Otter Cove

(Not Applicable to the Property or the Easement)

8. Coastal-dependent Uses Exception.

Coastal-dependent uses, natural resource management needs, and certain necessary public facilities as specified below are permitted provided that in each case there be a finding that no reasonable alternative exists, that no significant adverse visual impacts will result, and that all such uses are in conformance with Section 20.145.030.C.2 and all other relevant standards. The exceptions are limited to:

a. Removal of non-native trees with the exception of landmark trees, as per Section 20.145.060.D.1 or trees whose removal would result in the expose of structures in the critical viewshed, as per Section 20.145.060.D.1.;

b. (Not Applicable to the Property or the Easement);

c. (Not Applicable to the Property or the Easement)

d. On-shore navigational aids (lights, radio beacons, weather stations) needed by the commercial fishing industry; and

e. (Not Applicable to the Property or the Easement).

f. (Not Applicable to the Property or the Easement)

C. Development Not Within the Critical Viewshed

1. Non-Critical Viewshed Determination.

The project planner shall make an on-site investigation, where necessary, to determine whether the project would intrude on the critical viewshed. Proposed buildings shall be accurately indicated as to dimensions, height, and rooflines by poles with flags. The location of proposed access roads shall be accurately indicated by stakes with flags. Both poles and stakes shall remain in place for the duration of the project review and approval process. The planner, in the course of the on-site investigation, may record the proposed development photographically. The applicant may also be required to provide photographs upon which have been superimposed a representation of the proposed project. Where needed, the photographic representation may be

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required to be 2' x 3' in size. During the on-site investigation, the planner shall review the project for conformance with the ordinance elements, and shall determine development alternatives which would bring the project into full conformance with the development standards. (Ref. Policy 3.2.4.B)

2. Development Standards.

a. All structures, whether residential, commercial, agricultural, or public, and access thereto, shall be designed and sited so as not to detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline. (Ref. Policy 3.2.4.A.1)

b. Buildings shall be located so as to minimize their visual impact upon public views as well as the views and privacy of neighbors. New structures shall be located on that portion of a parcel least visible from public viewpoints. New structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges. Sites shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover. (Ref. Policy 3.2.4.A.2, 3.7.3.A.1 and 5.4.3.L.4)

c. New development shall incorporate appropriate material, colors, or other techniques in order to blend with and be subordinate to its surrounding environment. Modifications shall be required for siting, structural design, size, shape, color, textures, building materials, access, and screening, where such modifications will provide for greater blending with the surrounding environment. (Ref. Policy 3.2.4.A.3)

d. Landscape screening shall be required as a condition of project approval where needed to mitigate a development's visual impact upon public or private views. The screening materials shall consist of plant species similar to and compatible with those of the surrounding environment. In addition, the screening shall, wherever possible, act as an extension of surrounding native forested or chaparral areas. (Ref. Policy 3.2.4.A.4)

e. New structures shall be sited so as to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction. (Ref. Policy 3.2.4.A.5)

f. Development of new private roads outside of the critical viewshed shall conform to the standards of Section 20.145.130.D. (Ref. Policy 3.2.4.A.6)

g. Television antennas shall be unobtrusive. Antenna design, location, color, and size shall be subject to the approval of the Director of Planning as a condition of project approval. (Ref. Policy 3.2.4.A.8)

h. Development outside of the critical viewshed shall be subject to ridgeline development standards, as contained in Section 20.145.030.A.2.i and 20.145.030.A.2.j.