

Exhibit B

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**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

**3175 DEL CIERVO LLC AND DEL CIERVO REVOCABLE TRUST (PLN200124)
RESOLUTION NO. 21 -**

Resolution by the Monterey County Planning
Commission:

- 1) Finding that the project qualifies as a Class 5 Categorical Exemption pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations, and there are no exceptions pursuant to Section 15300.2, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of Parcel A (Assessor's Parcel Number 008-371-024-000; 2.32 acres) and Parcel B (Assessor's Parcel Number 008-371-025-000; 2.50 acres). The 0.60-acre lot line adjustment would result in two parcels of 1.72 acres (adjusted Parcel A) and 3.10 acres (adjusted Parcel B).

3175 and 3177 Del Ciervo Road, Pebble Beach
(Assessor's Parcel Numbers 008-371-024-000 and
008-371-025-000)

The 3175 Del Ciervo LLC and Del Ciervo Revocable Trust (PLN200124) was scheduled to come before the County of Monterey Planning Commission on February 23, 2022 at a public hearing. As this meeting was cancelled due to a lack of quorum, the matter it was re-scheduled and considered at a public hearing before the County of Monterey Planning Commission on March 9, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans, regulations, policies of the 1982 Monterey County General Plan, Del Monte Forest Land Use Plan, Monterey County Coastal Implementation Plan, Part 5 Regulations for Development in the Del Monte Forest Land Use Plan Area; the requirements of the applicable subdivision and zoning ordinances (Titles 19 and 20); and other County health, safety, and welfare ordinances related to land use development.

- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:
 - 1982 Monterey County General Plan;
 - Del Monte Forest Land Use Plan;
 - Monterey County Coastal Implementation Plan, Part 5; Regulations for Development in the Del Monte Forest Land Use Plan Area
 - Monterey County Zoning Ordinance – Coastal (Title 20); and
 - Monterey County Subdivision Ordinance – Coastal (Title 19).

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) Project Scope. The project involves a Lot Line Adjustment between two legal lots of record: Parcel A containing 2.32 acres (Assessor's Parcel Number 008-371-024-000) and Parcel B containing 2.50 acres (Assessor's Parcel Number 008-371-025-000). The lot line adjustment would transfer 0.6 acres from Parcel A to Parcel B, resulting in two parcels of 1.72 acres (adjusted Parcel A) and 3.10 acres (adjusted Parcel B).

A Driveway and Utilities Easement is recorded on Parcel A which provides Parcel B access to Del Ciervo Road. The purpose of the project is to adjust the parcel boundaries to provide Parcel B ownership over their driveway. The would also result in a larger setback between the defined building envelope of Parcel B and it's northern property line. At this time, the County is only authorizing and granting a Coastal Development Permit for a lot line adjustment. Future structural development on the adjusted parcels would be required to conform to applicable MCC requirements in effect at the time of the proposed development.

- c) Allowable Use. The properties are located at 3175 and 3177 Del Ciervo Road, Pebble Beach (Assessor's Parcel Numbers 008-371-024-000 and 008-371-025-000). The parcels are zoned Low Density Residential with a density of 1.5 acres a unit and a Design Control overlay, in the coastal zone (LDR/1.5-D[CZ]), which allows lot line adjustments with the granting of a Coastal Development Permit. Therefore, as proposed, the project involves an allowed land use for this site.
- d) Lot Legality. The Monterey County Minor Subdivision Committee (File MS-85-14) and California Coastal Commission (File 3-86-246) approved a minor subdivision to create the subject properties in the mid 1980's. In conformance with the Subdivision Map Act, a Parcel Map memorializing the subdivision was filed with the Monterey County Recorder in Volume 17 Parcel Maps Pg. 50. As such, the County recognizes the subject properties as legal lots of record.
- e) Map Act Consistency. Pursuant to Section 66412(d) of the Subdivision Map Act (SMA), the SMA is inapplicable to the lot line adjustments between four or fewer parcels, and a greater a greater number of parcels is not being created. The project is a lot line adjustment between two parcels, which would not create any additional parcels. See also Finding No. 7 and supporting evidence.

- f) Site Development Standards/Density. The site development standards for this zoning district are found in Title 20 Section 20.14.060. The minimum building site is 1 acre, while the proposed lots are 1.72 and 3.10 acres, respectively. The allowable density as shown in the section district map is 1.5 acres a unit. As both properties will be greater than 1.5 acres contain a single-family dwelling, they would be within the allowable density. The building site coverage maximum is 15%, and the floor area ratio maximum 17.5%, respectively. As shown in the tables below, the proposed lots would comply with these requirements:

<i>Parcel A</i>	<i>Allowable</i>	<i>Proposed</i>
Building Site Coverage	11,240 sq ft.	1,536 sq ft.
Floor Area Ratio	13,113 sq ft.	1,815 sq ft.
 <i>Parcel B</i>	 <i>Allowable</i>	 <i>Proposed</i>
Building Site Coverage	20,237 sq ft.	4,959 sq ft.
Floor Area Ratio	23,610 sq ft.	11,255 sq ft.

Therefore, both resulting parcels would be consistent with the density and site development standards for minimum lot size, building site coverage, and floor area ratio. Legal nonconforming conditions exist which are discussed in Evidence “g” and “h” below.

- g) Site Development Standards – Setbacks (Building Envelopes). Title 20 Section 20.14.060.E. indicates that in subdivisions where lots have a designated building envelope, the dwelling unit and accessory structures shall be wholly within the envelope.

As one of the conditions of approval for PLN970138, the applicant was required to amend the Conservation and Scenic Easement on Parcel A to remove the residence from the scenic easement. The scenic easement deed which was prepared and approved by the Board of Supervisors amended the easement, and included an exhibit which indicated that both the scenic easement and the building envelope area were being amended. Although the amended Conservation and Scenic Easement on Parcel A removed the residence from the easement area, and despite the exhibit of that easement indicating both a modified scenic easement and a modified building envelope location; the building envelope on Parcel A was never formally amended, as this would require either a Certificate of Correction or amendment of the Parcel Map, pursuant to The Subdivision Ordinance Section 19.08.015. As such, the residence and a small, detached shed outside of the building envelope are considered existing nonconforming conditions on Parcel A.

Additionally, although the amended Conservation and Scenic Easement on Parcel B allowed landscaping, retaining walls, surface hardscape, a bocce ball court, and a shed in the easement area, the building envelope was similarly not modified. With the exception of the shed, these improvements are not considered “structures” and would therefore be allowable outside of the building envelope. As such, the shed outside of the building envelope is considered an existing nonconforming condition on Parcel B.

In order to address these oversights, Condition of Approval No. 6 is incorporated, which requires the applicant to submit for, and secure approval of, a Certificate of Correction which re-configures the building envelopes on both properties prior to the recordation of deeds memorializing the amended lot configurations. An amendment to the Parcel Map may also satisfy this requirement, although this cannot be required as a condition of a lot line adjustment, as specified in the Subdivision Map Act Section 6412.(d). The exact location and configuration of the new building envelopes would be at the discretion of the Board of Supervisors, who would consider the Certificate of Correction (or amendment of the Parcel Map) at a public hearing.

While the building envelope concept allows greater flexibility in the siting and configurations of setbacks, staff are also recommending that the revised building envelopes include a front setback from the street for Parcel A, and a side setback from the section of driveway being conveyed to Parcel B for Parcel A. This would be in greater consistency with the site development standards of the base zoning district. Siting potential future development away from Del Ciervo Drive also advances the Scenic and Visual Resources Policies of the Del Monte Forest Land Use Plan, which indicate development should be sited and designed in a manner minimize visual intrusiveness and protect public views.

Satisfaction of this condition would bring the property into full conformance with the setback requirements.

- h) Pescadero Watershed. The property is located within the Pescadero Watershed and is subject to Del Monte Forest Land Use Plan Policy 77, which requires residential development on properties be limited to 9,000 square feet of impervious surface coverage. Both properties presently exceed this 9,000 square foot limit. The lot line adjustment would convey 3,841 square feet of hardscape (the existing driveway) from Parcel A to Parcel B, which would bring Parcel A into compliance with the requirement, but Parcel B would be further out of conformance. However, this is still supportable as the lot line adjustment would not result in any increase in the total area of impervious surface. Should future physical development be proposed on Parcel B, the owner would be required to reduce hardscape to the greatest extent feasible to be consistent with the policy, or otherwise seek approval of a variance.

<i>Parcel A</i>	<i>Existing</i>	<i>Proposed</i>
Building Site Coverage	1,536 sq ft.	1,536 sq ft.
Other Impervious Surface	8,317 sq ft.	4,476 sq ft.
Total Impervious Surface	9,853 sq ft.	6,012 sq ft.
<i>Parcel B</i>	<i>Existing</i>	<i>Proposed</i>
Building Site Coverage	4,959 sq ft.	4,959 sq ft.
Other Impervious Surface	6,260 sq ft.	10,101 sq ft.
Total Impervious Surface	11,219 sq ft.	15,060 sq ft.

- i) Scenic Easement. Approval of the Minor Subdivision incorporated a condition of approval requiring a conservation and scenic easement be

placed over all portions of the property outside of the building envelopes other easements, excepting the existing caretaker's unit, for protection of both biological and visual resources. An easement to satisfy this condition was recorded and subsequently quit claimed, as the text of the easement did not allow driveway access to the designated building envelope areas. A revised easement was recorded on October 5, 1987, in Monterey County Reel 2153 Pg. 268 to 281, which remains in effect and applies to both properties. The easement was recorded over all areas excepting other easements and the building envelopes, including the caretaker's residence, which appears to have been a procedural oversight.

In 1997, a Combined Development Permit (File No. PLN970138) was filed requesting conversion of an existing caretakers residence into a two-story single-family dwelling. During review of the application, it was identified that the caretaker's residence was located outside of the building envelope and within the Conservation and Scenic Easement conveyed as part of the Minor Subdivision. To correct this oversight, the Zoning Administrator's approval of the entitlement incorporated a condition of approval requiring the applicant remove the residence from easement area by amending the Conservation and Scenic Easement (Document No. 9840220 recorded on June 22, 1998 with the Monterey County Recorder).

A viewing deck, walking path, and retaining wall currently exists within the scenic easement area on Parcel A, connecting it with Parcel B. The exact date of construction of these improvements is unknown but the viewing deck is visible in satellite imagery from 1986, prior to the recordation of the easement. These improvements appear to have been the result of the deconstruction of previous improvements on the site, including a garage on the same pad and is present in satellite images in 1976 and 1970. Site improvements and alterations to topography are generally not allowable within scenic easement areas. However, Section (B.) Restrictions, Subsection (4.) of the amended Conservation and Scenic Easement provides an exception for construction and maintenance of private pedestrian trails. Therefore, these improvements are allowable, as long as they do not materially alter the landscape or other scenic features of the land, as indicated in Subsection (5.).

On Parcel B, several site improvements, including landscaping, retaining walls, surface hardscape, a bocce ball court, and a shed were permitted and constructed outside of the building envelope and within the scenic easement between the 1990's and early 2000's. On September 28, 2016, a Minor & Trivial Amendment capturing all these changes (PLN160414) was approved to modify the easement and allow these improvements within the easement area. The revised easement was recorded on October 10, 2016 as Monterey County Recorder Document #2016063254.

Condition of Approval No. 5 has been incorporated, which would require removal of the existing Conservation and Scenic Easement and

subsequent amendments, and replacement with two new Conservation and Scenic Easement deeds, one for each property. This would align the legal description for the easements to each property, in accordance with the Del Monte Forest Land Use Advisory Committees comments, and specify the exact nature of the resources being protected. These resources are further discussed in evidences “k)” and “l)”.

- j) Design. Pursuant to MCC Chapter 20.44, the proposed project parcels and surrounding area are designated as a Design Control Zoning District (“D” zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The existing structures exterior finishes blend with the surrounding environment and are consistent with the surrounding residential neighborhood character, no new structural or hardscape development is proposed at this time, and any future proposed development would be evaluated for consistency with the criteria of the “D” district and the Del Monte Forest Land Use Plan Policies protecting Scenic and Visual Resources.
- k) Visual Resources. The property is mapped as being in an area which is potentially visible from Point Lobos, and the scenic easement recorded on the property includes a visual resource protection component, although it is not clearly defined by available records. The easement documents themselves discuss the natural scenic beauty and existing openness generally, while other approvals reference slopes in excess of 30%, Point Lobos, or 17-Mile Drive. A site visit was performed by staff on November 2, 2021, however, the conditions were foggy and did not allow for a thorough evaluation of the viewshed to Point Lobos. However, regardless of the visual resource in question, the proposed lot line adjustment would not affect visual resources. No structural or hardscape development is proposed at this time, and the subsequent the revised building envelopes and conservation and scenic easements would be evaluated for consistency with the Scenic and Visual Resources Policies of the Del Monte Forest Land Use Plan, based on the exact configuration proposed.
- l) Biological Resources. The report for the Coastal Development Permit allowing the subdivision (California Coastal Commission permit No. 3-86-246) describes the steep canyon running along the eastern portion of the property as a drainage swale and riparian habitat. This corresponds with the Del Monte Land Use Plan Figure 2a, which depicts an unnamed stream running east of the property and draining into the Carmel Bay. The driveway is on the opposite side of the property, over 200 feet from the top of the ravine, and the granting of this lot line adjustment wouldn’t permit any structural or hardscape development. Therefore, there’s no potential to impact biological resources.
- m) LUAC. The project was referred to the Del Monte Forest Land Use Advisory (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because it involves a lot line adjustment in the Coastal Zone.

The Del Monte Forest Land Use Advisory Committee (LUAC) reviewed the project at a duly-noticed public meeting on March 18, 2021, and voted

7 – 0, with 1 member absent to support the project as proposed. The LUAC commented that the legal descriptions of the scenic easements on the respective parcels may need to be updated. Staff is not recommending a condition for to require amending the scenic easement deed to modify the legal descriptions at this time, as the boundaries of the scenic easement are not proposed to be altered by the lot line adjustment.

- n) HCD-Planning staff conducted a site inspection on November 2, 2021, to verify that the proposed project conforms to the applicable plans and Monterey County Code (MCC).
- o) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200124.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Development Services, HCD-Environmental Services, Pebble Beach CSD (fire), and the Environmental Health Bureau. County staff reviewed the application materials and plans, as well as the County’s GIS database, to verify that the project conforms to the applicable plans, and that the subject property is suitable for the proposed development. There has been no indication from these departments/agencies that the site is not suitable for the proposed development.
 - b) The project planner reviewed the submitted plans and conducted a site visit on November 2, 2021, to verify that the project conforms to the plans listed above and that the project site is suitable for the proposed use. There are no physical or environmental constraints that would indicate that the property is not suitable for the use proposed. See also Finding Nos. 3 and 5, and supporting evidence.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD-Planning for the proposed development found in Project File PLN200124.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD-Public Works, HCD-Environmental Services, Pebble Beach CSD (fire), and Environmental Health Bureau.
 - b) Necessary public facilities are currently existing, and will not be affected by this project. Both properties are presently served and would continue to be served by California American Water Company (Cal-Am) for domestic water service and Pebble Beach Community Services District (PBCS) for wastewater service.
 - c) Both parcels are currently developed with single-family uses and no intensification of use is proposed or planned at this time. Any future

development will be subject to discretionary permit requirements and will be required to demonstrate adequate public facilities are available to serve the proposed development.

- d) Conditions have been incorporated to assure that the proposed lot line will not be injurious to the welfare future property owners. Condition No. 8 would require the portion of the driveway that connects to Parcel A from Parcel B be removed, and that area restored to a natural condition, to prevention contention regarding rights of access, and Condition No. 9 would require that Parcel A assume maintenance obligation of the retaining wall which principally runs through Parcel A to prevent controversy regarding future maintenance. Condition No. 9 would confer the property owner of Parcel A access to Parcel B in order to maintain the retaining wall.
- e) The project planner reviewed the submitted plans and conducted a site visit on November 2, 2021, to verify that the project, as proposed and conditioned, would not impact public health and safety.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD-Planning for the proposed development found in Project File PLN200124.

4. **FINDING:** **NO VIOLATIONS** - The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the properties.

- EVIDENCE:**
- a) County staff reviewed Monterey County HCD-Planning Services and HCD-Building Services records, and the County is not aware of any violations existing on the subject properties.
 - b) The project planner conducted a site inspection on November 2, 2021, and researched County records to assess if any violations exist on the subject properties.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN200124.

5. **FINDING:** **CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305 exempts minor alterations in land use limitations, which do not result in any changes to in land use or density. The lot line adjustment line would not alter the residential land use of the properties, and while the adjustment would increase the size of Parcel B such that a second unit could be placed on the property, the overall allowable density would remain within the existing base zoning district.
 - b) The Applicant proposes a minor lot line adjustment between two legal lots of record consisting of Parcel A (Assessor's Parcel Number 008-371-024-000; 2.32 acres) and Parcel B (Assessor's Parcel Number 008-371-025-000; 2.50 acres). The 0.60-acre lot line adjustment would result in two parcels of 1.72 acres (adjusted Parcel A) and 3.10 acres (adjusted Parcel B).

- c) No new lots would be created by the lot line adjustment. No demolition, construction, or other type of development is proposed under this entitlement.
- d) No adverse environmental effects were identified during staff review of the development application or during a site visit on November 2, 2021.
- e) No exceptions to this categorical exemption apply to the project. The project would not impact any environmental resources of hazardous or critical concern which have been precisely mapped and officially adopted by a local, state, or federal agency, there isn't the potential that future projects of the same manner could have a significant cumulative effect. No unusual circumstances exist that would create the reasonable possibility of an environmental impact, the project would not cause damage to any scenic or historic resources, and is not located on listed hazardous waste site.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200124.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject project site is not described as an area where the Local Coastal Program requires physical public access (Figure 8, Major Public Access and Recreational Facilities, in the Del Monte Forest Land Use Plan).
 - c) The subject project site not identified as an area where the Local Coastal Program requires visual public access (Figure 3, Visual Resources, in the Del Monte Forest Land Use Plan).
 - d) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200124.

7. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412(d) of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance – Coastal) of the Monterey County Code (MCC) allow a lot line adjustment that meets the following standards:

- 1. The lot line adjustment is between four or fewer existing adjoining parcels;
- 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
- 3. The parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

As proposed, the project meets these standards.

- EVIDENCE:**
- a) The parcels are zoned Low Density Residential, 1.5 units per acre, with a Design Control Overlay and in the Coastal Zone (LDR/1.5-D[CZ]).
 - b) The lot line adjustment is between 2 adjoining parcels.
 - c) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted, resulting in two contiguous separate legal parcels of record.
 - d) The proposed lot line adjustment is consistent the 1982 General Plan, Del Monte Forest Land Use Plan, Zoning Ordinance (Title 20) and other applicable building and other County health, safety, and welfare ordinances related to land use and development. See Finding No. 1 and supporting evidence.
 - e) The proposed lot line adjustment does not interfere with existing access and/or utility easements, which will remain unchanged.
 - f) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, updated deeds and a Certificate of Compliance for each adjusted lot is required (Condition 5).
 - g) The project planner conducted a site inspection on November 2, 2021, to verify that the project would not conflict with zoning or building ordinances.
 - h) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200124.

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

- EVIDENCE:**
- a) Board of Supervisors. Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allow an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission. Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use. The subject parcels is also located between the sea and the first through public road paralleling the sea.

DECISION

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

1. Find that the project qualifies as a Class 5 Categorical Exemption pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations, and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of Parcel A (Assessor's Parcel Number 008-371-024-000; 2.32 acres) and Parcel B (Assessor's Parcel Number 008-371-025-000; 2.50 acres). The 0.60-acre lot line adjustment would result in two parcels of 1.72 acres (adjusted Parcel A)

and 3.10 acres (adjusted Parcel B), in general conformance with the attached Lot Line Adjustment Plan (attachment 2), HCD-Planning staff's markup of said Lot Line Adjustment Plan (attachment 3) and subject to 9 conditions of approval (attachment 1), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of March, 2022, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Craig Spencer, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO THE APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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

NOTE

This permit expires 2 years after the above date of granting thereof unless certificates of compliance are recorded within this period.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN200124

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN200124) allows a Lot Line Adjustment between two legal lots of record consisting of Parcel A (Assessor's Parcel Number 008-371-024-000; 2.32 acres) and Parcel B (Assessor's Parcel Number 008-371-025-000; 2.50 acres). The 0.60-acre lot line adjustment would result in two parcels of 1.72 acres (adjusted Parcel A) and 3.10 acres (adjusted Parcel B). The properties are located at 3175 and 3177 Del Ciervo Road, Pebble Beach (Assessor's Parcel Numbers 008-371-024-000 and 008-371-025-000), Del Monte Forest Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Coastal Development Permit to allow a Lot Line Adjustment (Resolution Number _____) was approved by the County of Monterey Planning Commission for Assessor's Parcel Number 008-371-024-000 and Parcel Number Number 008-371-025-000 on March 9, 2022. The permit was granted subject to nine conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

4. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

5. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the expiration of the permit, owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

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

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
 2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN200124) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
 3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN200124) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:
"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN200124. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."
- PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.
4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

6. PDSP002 - CERTIFICATE OF CORRECTION (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the recordation of grant deeds reflecting the amended property boundaries, issuance of certificates of compliance, and expiration of the entitlement, the owner/applicant shall submit for and secure approval of a Certificate of Correction for the Parcel Map shown in Volume 17 Parcel Maps Page 50, in accordance with Monterey County Code Section 19.08.015.A.7 which accomplishes the following:

1. Adjusts the Building Envelopes of both Parcels to incorporate the following existing structural development outside of the building envelopes: the "Two-Story Wood Frame & Stucco House" on Parcel A and the "Utility Shed" on Parcel B.
2. Removes the "Driveway & Utility Easement"
3. Adjusts the Building Envelope boundaries in a manner to create an appropriate front setback for Parcel "A", and driveway side setback for Parcel "B". The exact dimension such setbacks shall be at the discretion of the decision making authority, based on review and recommendation by HCD-Planning staff.

At the sole discretion of the owner/applicant, an Amending Parcel Map which accomplishes these objectives may be used to satisfy this condition. Approval of the Certificate of Corrector (or Amending Parcel Map) would be at the discretion of the Board of Supervisors.

Compliance or Monitoring Action to be Performed: Prior to the issuance of recordation of grant deeds reflecting the amended property boundaries, issuance of certificates of compliance, and expiration of the entitlement, the owner/applicant shall submit an application for a Certificate of Correction (or Amending Parcel Map) to HCD-Planning in accordance with 19.08.015.A.7.

Prior to the issuance of recordation of grant deeds reflecting the amended property boundaries, issuance of certificates of compliance, and expiration of the entitlement, the Certificate of Correction (or Amending Parcel Map) shall be considered and acted upon by the Board of Supervisors. Should the Board of Supervisors take action to approve the Certificate of Correction (or Amending Parcel Map), this condition shall be satisfied.

7. PDSP003 - SCENIC EASEMENT DEEDS (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of deeds for the amended property configurations, issuance of certificates of compliance, and expiration of the entitlement, the Conservation & Scenic Easement recorded on County of Monterey Recorder Reel 2153 Pages 268 through 281, and as subsequently amended, shall be removed and replaced with two new Conservation and Scenic Easements (one for amended Parcel A and one for Amended Parcel B). These easements shall be processed concurrently with the Certificate of Correction (or Amending Parcel Map) required by Condition No. 6, and shall accomplish the following:

1. Adjust the easement configurations to align with the amended property boundaries, which a legal description and survey plat for each easement.
2. Align the easement configurations to align with the final building envelope boundaries depicted on the Certificate or Correction (or Amending Parcel Map).
3. Specify in the text of the easement the specific resources intended for protection.

A conservation and scenic easement shall be conveyed to the County over those portions of the property where (insert resources to be protected) exist(s). The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and building permits, the Owner/Applicant/Certified professional shall submit the conservation and scenic easement amendment deed to HCD-Planning for review and approval.

Prior to issuance of grading and building permits, the Owner/Applicant shall submit a signed and notarized Subordination Agreement, if required, to HCD – Planning for review and approval.

Prior to any final inspection, the Owner/Applicant shall record the conservation and scenic easement amendment deed and submit a copy of the recorded deed to HCD – Planning.

8. PDSP004 - RESTORATION PLAN/DRIVEWAY REMOVAL (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the recordation of deeds for the amended property boundaries, issuance of certificates of compliance, and expiration of the entitlements, the connective decomposed granite (DG) driveway connecting amended Parcel A to Amended Parcel B shall be removed, and restored to a natural condition similar to the surrounding environment.

Compliance or Monitoring Action to be Performed:

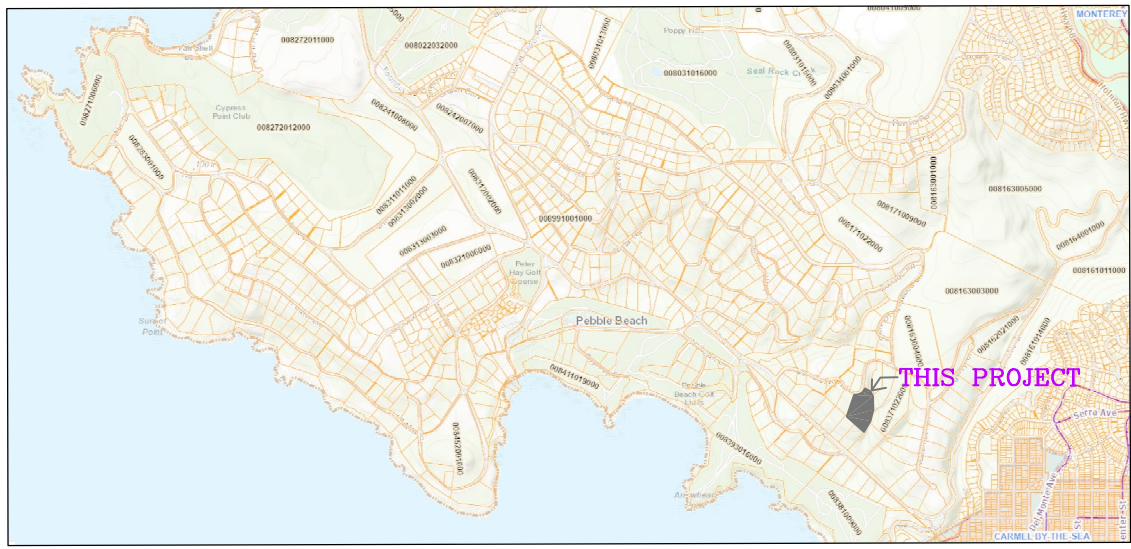
9. PDSP005 - RETAINING WALL MAINTENANCE AND ACCESS EASEMENT (NON-STANDARD)

Responsible Department: RMA-Planning

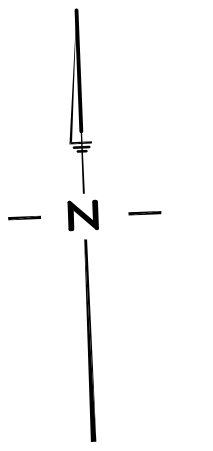
Condition/Mitigation Monitoring Measure: Prior to issuance of certificates of compliance and the expiration of the entitlement, an easement deed shall be recorded which confers maintenance obligation for the retaining wall which is principally on amended Parcel A, and extends into Parcel B. The easement deed shall specify that the owner of Parcel A has access as required to maintain the retaining wall.

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the owner/applicant shall submit an easement deed prepared by a qualified professional to HCD-Planning for Review and approval.

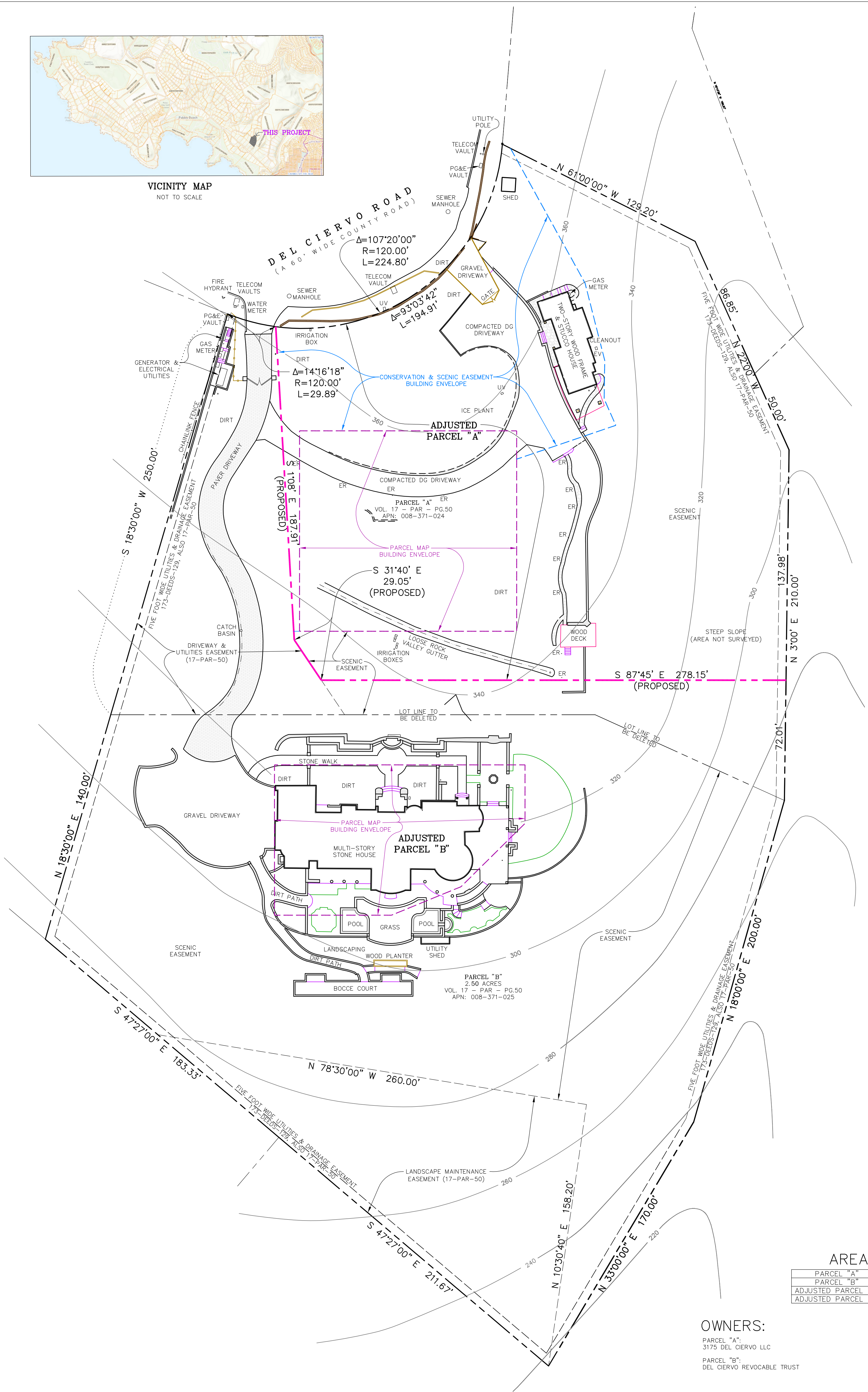
Prior to issuance of certificates of compliance the expiration of the entitlement, the owner/applicant shall record the deed, and provide evidence to HCD-Planning that it has been recorded. Evidence shall be the the form of a legible copy or scan of the deed document with the recorders stamp on the cover page.



VICINITY MAP
NOT TO SCALE



SCALE: 1" = 30'



AREA TABLE

PARCEL "A"	2.32 Ac.	100,861 SF
PARCEL "B"	2.50 Ac.	108,984 SF
ADJUSTED PARCEL "A"	1.72 Ac.	74,930 SF
ADJUSTED PARCEL "B"	3.10 Ac.	134,915 SF

OWNERS:

PARCEL "A":
3175 DEL CIERVO LLC
PARCEL "B":
DEL CIERVO REVOCABLE TRUST

LOT LINE ADJUSTMENT PROPOSAL

BETWEEN
PARCEL "A" & PARCEL "B" AS SHOWN ON
"PARCEL MAP, DIVISION OF 4.82 ACRE PARCEL IN EL
PESCADERO RANCHO" FILED IN
VOL. 17 OF "PARCEL MAPS" AT PG. 50
OFFICIAL RECORDS OF MONTEREY COUNTY

PEBBLE BEACH COUNTY OF MONTEREY STATE OF CALIFORNIA

PREPARED FOR
Jeffers Law Office

BY
CENTRAL COAST SURVEYORS
5 HARRIS COURT, SUITE N-11 MONTEREY, CALIFORNIA 93940
Phone: (831) 394-4930
Fax: (831) 394-4931

SCALE: 1" = 20' JOB No. 16-28 AUGUST 2020
PREPARED BY: LLJS

APN 008-371-024, 025

REVISED 15 FEB 2021: UPDATE ENTRY AREA FOR ADJUSTED PARCEL A
REVISED 8 FEB 2022: PARCEL A BUILDING ENVELOPE

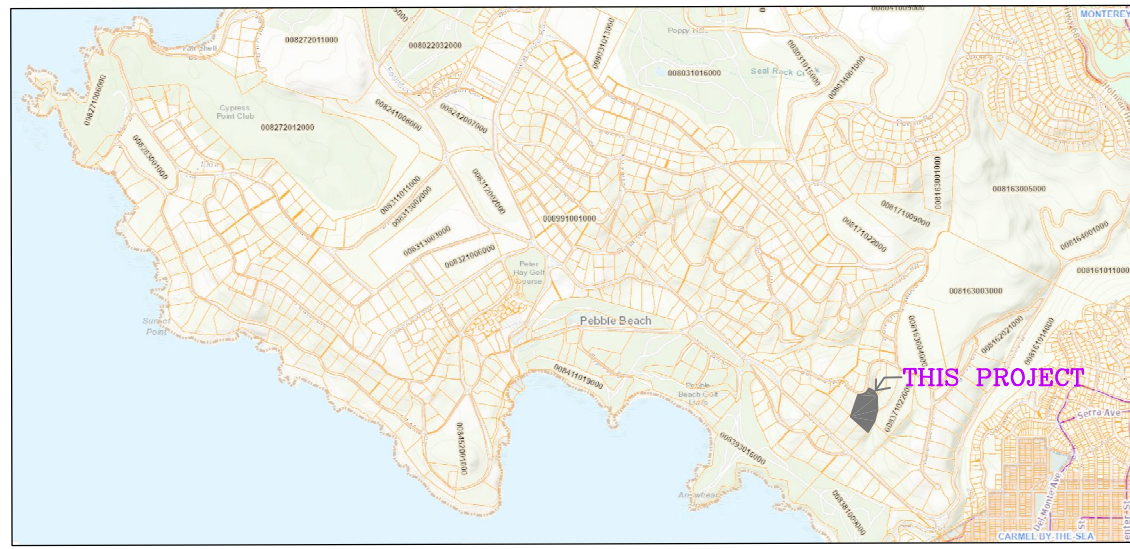
LEGEND:

- ER ELECTRICAL RISER
- EV ELECTRICAL VAULT
- UV UTILITY VAULT
- DENOTES A BUILDING ENVELOPE
- - - DENOTES A FLOWLINE
- - - DENOTES A STEP
- DENOTES A ELEVATED WOOD DECK
- DENOTES A WOOD FENCE
- DENOTES A WOOD PICKET FENCE
- DENOTES EDGE OF GRASS
- DENOTES A CONC. RETAINING WALL
- DENOTES A STONE WALK, UNLESS OTHERWISE NOTED.

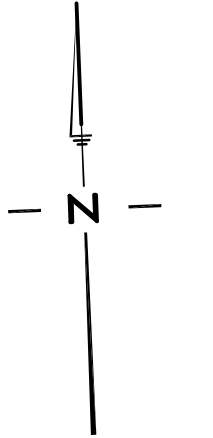
NOTES:

- ALL DISTANCES SHOWN HEREON ARE EXPRESSED FEET AND DECIMAL THEREOF.
- BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN ARE FROM THE RECORDS. THIS IS NOT A BOUNDARY SURVEY.
- THERE IS A CONSERVATION EASEMENT PER REEL 2153 PAGE 267 IN THE SAME LOCATION AS THE SCENIC EASEMENT SHOWN HEREON. LANDSCAPING, TREE TRIMMING AND PRIVACY EASEMENTS IN REEL 1917, PAGE 685 AND REEL 173, PAGE 129 ARE ON ADJACENT PROPERTY.
- SOURCE OF TOPOGRAPHY: USGS. CONTOUR INTERVAL = 20'.





VICINITY MAP
NOT TO SCALE



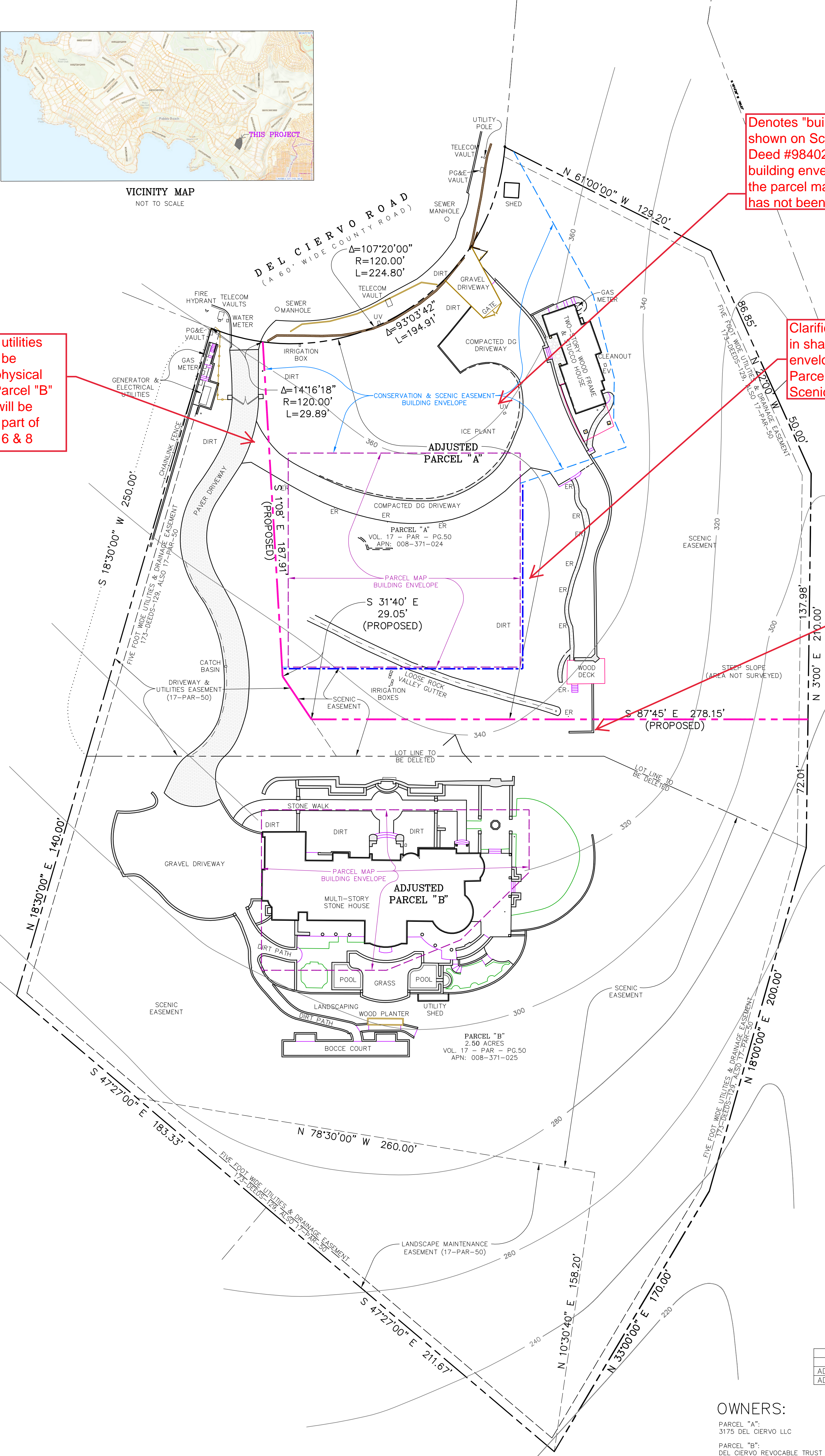
SCALE: 1" = 30'

Driveway and utilities easement will be deleted, and physical access from Parcel "B" to Parcel "A" will be removed as a part of Condition No. 6 & 8

Denotes "building envelope" shown on Scenic Easement Deed #9840220, the actual building envelope shown on the parcel map 17-PAR-50 has not been amended

Clarification, this blue dashed line in shared with the building envelope as it's shown both in the Parcel Map 17-PAR-50 and Scenic Easement Deed

Easement will be conveyed to Parcel "A" for maintenance of this retaining wall as part of Condition No. 9



AREA TABLE

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PARCEL "B"	2.50 Ac.	108,984 SF
ADJUSTED PARCEL "A"	1.72 Ac.	74,930 SF
ADJUSTED PARCEL "B"	3.10 Ac.	134,915 SF

OWNERS:
PARCEL "A":
3175 DEL CIERVO LLC
PARCEL "B":
DEL CIERVO REVOCABLE TRUST

- LEGEND:
- ER ELECTRICAL RISER
 - EV ELECTRICAL VAULT
 - UV UTILITY VAULT
 - DENOTES BUILDING ENVELOPE
 - - - DENOTES A FLOWLINE
 - DENOTES A STEP
 - DENOTES A ELEVATED WOOD DECK
 - DENOTES A WOOD FENCE
 - DENOTES A WOOD PICKET FENCE
 - DENOTES EDGE OF GRASS
 - DENOTES A CONC. RETAINING WALL
 - DENOTES A STONE WALK, UNLESS OTHERWISE NOTED.

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- ALL DISTANCES SHOWN HEREON ARE EXPRESSED FEET AND DECIMAL THEREOF.
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