

Attachment B

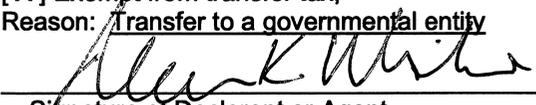
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When recorded return to:
MONTEREY COUNTY HOUSING AND
COMMUNITY DEVELOPMENT
DEPARTMENT - PLANNING
Attn: **KENNY TAYLOR**
1441 Schilling Pl, South 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN100579
Resolution No.: 11-030
Owner Name: Chevy Chase Trust, Trustee of
the Sunset Cove Nominee
Trust
Project Planner: Kenny Taylor
APN: 008-491-015-000

The Undersigned Grantor(s) Declare(s):
DOCUMENTARY TRANSFER TAX OF \$ 0
 computed on the consideration or full value of
property conveyed, OR
 computed on the consideration or full value less
value of liens and/or encumbrances remaining at
time of sale,
 unincorporated area; and
 Exempt from transfer tax,
Reason: Transfer to a governmental entity


Signature of Declarant or Agent

CONSERVATION AND SCENIC EASEMENT DEED (DEL MONTE FOREST - COASTAL)

THIS DEED made this 4th day of April, 2022, by and
between **Chevy Chase Trust, Trustee of the Sunset Cove Nominee Trust** as
Grantor, and the *DEL MONTE FOREST CONSERVANCY*, a California non-profit
corporation, as Grantee, on behalf of the County of Monterey (hereinafter "County")

WITNESSETH:

WHEREAS, said Grantor is the owner in fee of the real property more particularly
described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey
County, California (hereinafter the "Property"); and

WHEREAS, the Property of said Grantor has certain natural scenic beauty and
existing openness; and

WHEREAS, the Grantor and the Grantee desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of the Property of the Grantor; and

WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the "Act") requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program (LCP); and

WHEREAS, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and

WHEREAS, a **Combined Development Permit** consisting of a **Coastal Administrative Permit, Coastal Development Permits** and a **Design Approval** (File Number **PLN100579**) (hereinafter referred to as the "Permit") was granted on **September 14, 2011** by the Monterey County **Planning Commission** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **11-030**, attached hereto as Exhibit "B" (without sketches) and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

Condition No. 7

PD022(B) – EASEMENT – DMF CONSERVATION & SCENIC

A conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where environmentally sensitive habitats, remnant native sand dune habitats, habitats of rare, endangered and sensitive native plants and animals, and visually prominent areas exist. The easement shall be developed in consultation with a certified professional and the Del Monte Forest Foundation. These instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Foundation is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection. An easement deed shall be submitted to the Director of the RMA - Planning Department for review and approval prior to issuance of grading and building permits.

WHEREAS, the specific resources being protected are environmentally sensitive habitat area comprised primarily of Monterey cypress forest habitat; and

WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in the Resolution granted the Permit to the Grantor upon condition (hereinafter the "Condition") described

above requiring inter alia, that the Grantor record a conservation and scenic easement (hereinafter "easement") affecting a portion of the Property as shown in Exhibit "C" attached hereto and hereby incorporated by reference (the "Conservation and Scenic Easement Area"), and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the Property were not restricted in accordance with this easement; and

WHEREAS, the County has placed the Condition on the permit because a finding must be made under the law that the proposed development is in conformity with the provisions of the certified Local Coastal Program and that in the absence of the protections provided by the Condition said finding could not be made; and

WHEREAS, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the Permit; and

WHEREAS, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

WHEREAS, the said Grantor is willing to grant to the Del Monte Forest Conservancy the conservation and scenic use as herein expressed of the Property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantor through the imposition of the conditions hereinafter expressed;

NOW, THEREFORE, the Grantor does hereby grant and convey unto the Del Monte Forest Conservancy on behalf of the County of Monterey an estate, interest, and Conservation and Scenic Easement Area of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said Property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's Property the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. The portion of Property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described and depicted in Exhibit "C", attached hereto, and made a part hereof, and is the Conservation and Scenic Easement Area (as previously defined). Angle points of easement boundaries shall be permanently marked or monumented with surveyors' pipe or similar prior to commencement of grading so that the Conservation and Scenic Easement Area can be easily identified both during and after construction.

B. RESTRICTIONS. Except as otherwise provided herein, the restrictions hereby imposed upon the use of the Conservation and Scenic Easement Area by the Grantor and the acts which said Grantor shall refrain from doing upon the Conservation and Scenic Easement Area in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said Conservation and Scenic Easement Area except: No Exceptions.

2. That no advertising of any kind or nature shall be located on or within the Conservation and Scenic Easement Area except: No Exceptions.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area, except plants native to Del Monte Forest and approved by the County and the Grantee. Periodic efforts to control invasive non-native plants within the easement area are encouraged. No Exceptions.

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.

5. That no use of the Conservation and Scenic Easement Area which will or does materially alter the landscape or other attractive scenic features of said Property other than those specified above shall be done or suffered.

6. Grantor shall provide Grantee with copies of all Site and Construction Plans (e.g. Site, Grading, Utility, Drainage, Erosion Control and Landscape plans, etc.) showing the location of existing and proposed facilities of the materials and specifications for proposed grading and construction within and immediately adjacent to the Easement area. An advance notice is required from Grantor to Grantee whenever

maintenance or construction activities will occur within or immediately adjacent to the Easement.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor with the understanding that the purpose of the easement is to preserve to the most feasible extent the indigenous Monterey cypress habitat and the natural vegetation and topography and that all exceptions and reservations of Grantor shall minimize disturbance to these features using the best available technologies and practices to be implemented consistent with the objectives, purposes and conditions of this easement in consultation with Grantee:

1. The right to maintain all existing private roads, bridges, trails and structures upon the Conservation and Scenic Easement Area.
2. The right to install, repair, and maintain all utilities and drainage improvements as they relate to the construction and the use of the single family dwelling approved by the County in accordance with PLN100579 and the corresponding building and drainage plans; including but not limited to water lines, sanitary sewer lines, drainage lines, electrical lines, and connections and telecommunication cables. Any additional requests to install utilities or improvements within the Conservation and Scenic Easement Area not considered in the approval of PLN100579 shall be subject to the review and approval of the County.
3. The use and occupancy of the Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.
4. Restoration activities within the Conservation and Scenic Easement Area in accordance with the Cypress Habitat Restoration Plan prepared by Forester, Frank Ono, dated February 19, 2011 (File Number LIB110138) and approved with the Permit on file with Monterey County HCD-Planning.

D. SUBJECT TO APPLICABLE LAWS. Land uses permitted or reserved to the Grantor by this instrument shall be subject to all applicable laws regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the Property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all of its

successors and assigns. This grant shall benefit the Del Monte Forest Conservancy on behalf of the County of Monterey and its successors and assigns forever. This grant shall further benefit the County of Monterey in the event that the Del Monte Forest Conservancy is unable to adequately manage the conservation and scenic easement for the intended purpose of scenic and visual resource protection.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the Property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor. The public may not enter onto the Property.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Conservation and Scenic Easement Area contrary to the terms of this grant of easement will be deemed a breach hereof. The Grantee or the County may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee or the County may pursue any appropriate legal and equitable remedies. The Grantee or the County shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee or the County to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's or the County's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee or the County shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the Property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee or the County for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, the County, and their agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from

any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee or the County, while in, upon, or in any way connected with the Property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, the County, and their agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee and the County shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee or the County to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Conservation and Scenic Easement Area is strictly limited to preventing uses inconsistent with the interest granted, the Property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

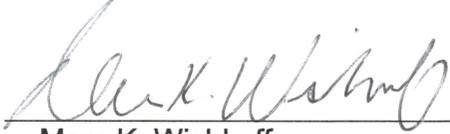
J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee and the County, whether voluntary or involuntary.

K. CONSTRUCTION OF VALIDITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

{Signatures on Next Page}

Executed this 6th day of APRIL, 2022, at BETHESDA, ^{MARYLAND} ~~California~~.

Chevy Chase Trust, Trustee of the Sunset Cove Nominee Trust

By: 
Marc K. Wishkoff
Senior Managing Director

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

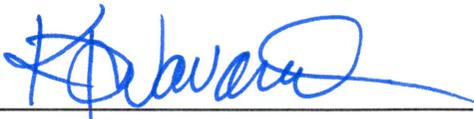
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

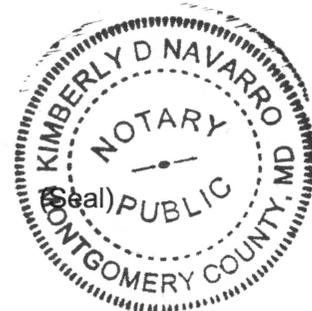
Maryland (M))
STATE OF ~~CALIFORNIA~~)
Montgomery) SS.
COUNTY OF ~~MONTEREY~~)

On April 6, 2022 before me, Kimberly Navarro, a Notary Public, personally appeared Marc K. Wishkoff, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Monterey }

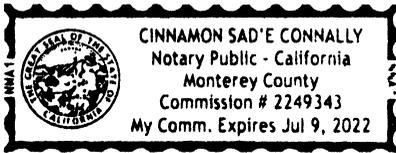
On May 3, 2022 before me, Cinnamon Sadé Connally, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Zigmont J. Letowt III
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature [Handwritten Signature]
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Corporate Officer – Title(s): _____

Partner – Limited General

Partner – Limited General

Individual Attorney in Fact

Individual Attorney in Fact

Trustee Guardian or Conservator

Trustee Guardian or Conservator

Other: _____

Other: _____

Signer is Representing: _____

Signer is Representing: _____

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of MONTEREY, State of CALIFORNIA, described as follows:

BEGINNING AT A 2" X 2" STAKE AT THE MOST NORTHERLY CORNER OF THAT CERTAIN 1.500 ACRE PARCEL OF LAND DESCRIBED IN DEED FROM JAMES SHEWAN, JR., ET UX. TO CHARLES A. CHAYNE, ET UX, DATED JULY 6, 1960 AND RECORDED IN VOLUME 2069, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA, AT PAGE 485; RUNNING THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL

(1) S. 67° 45' W., 285.36 FEET TO AN INTERSECTION WITH THE WESTERLY BOUNDARY OF PARCEL NO. 5 AS DESCRIBED IN DEED FROM HENRY L. SALSBURY, TRUSTEE TO JAMES SHEWAN, JR., DATED DECEMBER 11, 1942, AND RECORDED IN VOLUME 786, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA, AT PAGE 279; THENCE ALONG SAID WESTERLY BOUNDARY OF PARCEL NO. 5

(2) N. 28° 47' 30" W., 184.74 FEET; THENCE

(3) N. 56° 27' 30" W., 32.16 FEET; THENCE LEAVING SAID WESTERLY BOUNDARY OF PARCEL NO. 5

(4) N. 65° E., 320.37 FEET TO A 2" X 2" STAKE AT AN INTERSECTION WITH THE EASTERLY BOUNDARY OF PARCEL NO. 5 AS DESCRIBED IN SAID DEED; THENCE ALONG SAID EASTERLY BOUNDARY OF PARCEL NO. 5

(5) S. 25° 00' E., 180.88 FEET TO A 2" X 2" STAKE; THENCE

(6) 45.19 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 160 FEET (LONG CHORD BEARS S. 16° 54' 30" E., 45.04 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF SAID PARCEL NO. 5 DESCRIBED IN SAID DEED THEREOF AND BEING MORE PARTICULARLY THE NORTHERLY 1.500 ACRE PARCEL SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED AT VOLUME X-2 OF SURVEYS AT PAGE 128, RECORDS OF MONTEREY COUNTY, CALIFORNIA.

APN: 008-491-015

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

In the matter of the application of:

MARK J. BYRNE (PLN100579)

RESOLUTION NO. 11-030

Resolution by the Monterey County Hearing Body:

- 1) Adopting a Mitigated Negative Declaration; Approving Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow for the demolition of an existing 3,914 square foot single family dwelling and the construction of a 14,123 square foot three-level single family dwelling with a 1,046 square foot three-car attached garage, removal of 13,661 square feet of existing hardscape (patios, pathways, terraces, parking areas, driveway) and construction of 7,666 new hardscape, new fence and gate at front property line and approximately 3,150 cubic yards of grading (2,650 cut/500 fill; 2) Coastal Development Permit for development within 750 feet of known archaeological resources; 3) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; 4) Coastal Development Permit for development on slope greater than 30%; 5) Coastal Development Permit to allow the removal of one 15-inch Monterey pine tree; 6) Coastal Development Permit to allow the construction of a 544 square foot attached caretaker unit; and 7) Design Approval (colors and materials to consist of: earthtone stucco and natural color slate, stone, bronze, copper and wood for the exterior finishes); and
- 2) Adopting a Mitigation Monitoring and Reporting Plan

[PLN100579, Mark J. Byrne, 3184 17 Mile Drive,
Pebble Beach, Del Monte Forest Land Use Plan
(APN: 008-491-015-000)]

The Byrne application (PLN100579) came on for public hearing before the Monterey County Planning Commission on September 14, 2011. 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 and policies which designate this area as appropriate for 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;
- Monterey County Zoning Ordinance (Title 20)

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) The property is located at 3184 17 Mile Drive, Pebble Beach (Assessor's Parcel Number 008-491-015-000), Del Monte Forest Land Use Plan. The parcel is zoned "LDR/2-D(CZ)" [Low Density Residential, 2 acres per unit with Design Control overlay (Coastal Zone)], which allows one single family dwelling as a Principal Allowed Use subject to a Coastal Administrative Permit in each case and an caretaker unit subject to a Coastal Development Permit in each case. Therefore, the project is an allowed land use for this site.

c) The project consists of a Combined Development Permit. Entitlements include: A Coastal Administrative Permit to allow the demolition of an existing single family residence and the construction of a new single family residence in the essentially the same footprint; a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; a Coastal Development Permit for development within 750 feet of a known archaeological resource; a Coastal Development Permit for development on slope greater than 30 percent; a Coastal Development Permit for tree removal (one 15-inch Monterey pine); a Coastal Development Permit to allow the construction of an caretaker unit; and Design Approval(colors and materials to consist of: earthtone stucco and natural color slate, stone, bronze, copper and wood for the exterior finishes). Staff has confirmed that the proposed project meets the development standards for the Low Density Residential zoning district.

d) The project planner conducted a site inspection on November 9, 2010 to verify that the project on the subject parcel conforms to the plans listed above.

e) Environmentally Sensitive Habitat (ESHA) – The project includes a Coastal Development Permit to allow development within 100 feet of ESHA. The project is consistent with the policies and regulations of the LUP and CIP pertaining to ESHA. See Finding 10.

f) Archaeological resources – The subject property is located within a "high" archaeological sensitivity area and the Monterey County Geographic Information System (GIS) indicates that the proposed development is located within 750 feet of a known archaeological resource. Pursuant to Section 20.147.080 of the Coastal Implementation

Plan Part 5, a Coastal Development Permit is required. An archaeological survey was required for the proposed project. The project avoids impacts to archaeological resources in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan. (See Finding 5, Evidence g).

- g) 30% Slope - Development on slopes that exceeds 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30/25%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. (See Finding 8)
- h) Caretaker unit - The Byrne project meets the regulations, standards and circumstances for a caretaker unit. (See Finding 7)
- i) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project is subject to CEQA review and includes a Design Approval that will be heard by the Planning Commission. The LUAC heard the project at a public hearing on January 6, 2011 and recommended approval of the project by a vote of 6 to 0.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100579.

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: RMA - Planning Department, Pebble Beach Community Services District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Aesthetics, Biological Resources and Archaeological Resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - “Biological Resources Report (Revised)(LIB110139), prepared by Jeffrey B. Froke, PhD, Pebble Beach, CA, February 19, 2011.
 - “Cypress Habitat Restoration Plan” (LIB110138), prepared by Frank Ono, Pacific Grove CA, February 19, 2011.
 - “Forest Management Plan” (LIB110021), prepared by Forest City Consulting (Matt Horowitz), Carmel, CA, December 2, 2010.
 - “Geotechnical and Geologic Hazards Report” (LIB110022), prepared by Grice Engineering, Inc., Salinas, CA, November 2010.
 - “Preliminary Archaeological Reconnaissance” (LIB110023),

prepared by Archaeological Consulting, Salinas, CA, February 22, 2010.

- "Plan Review Letter" (LIB110019), prepared by Archaeological Consulting, Salinas, CA, November 1, 2010.

- c) Staff conducted a site inspection on November 9, 2010 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100579.

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 Public Works, Environmental Health Bureau, Water Resources Agency and the Pebble Beach Community Services District (Fire). The respective departments/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.
 - b) Necessary public facilities are available. Sewer service is currently provided to the property by the Pebble Beach Community Services District and the Carmel Area Wastewater District. The project will utilize that same connection. Water service is provided by the California American Water Company. The proposed project will require 54.6 more fixture units than the existing residence. The applicant has purchased 55 fixture units from the Pebble Beach Company.
 - c) Preceding findings and supporting evidence for PLN100579.

4. **FINDING:** **NO VIOLATIONS** - 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. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 9, 2010 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100579.

5. **FINDING:** **CEQA Mitigated Negative Declaration** - On the basis of the whole record before the Monterey County 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) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN100579).
 - c) The Initial Study identified several potentially significant effects, but the 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 RMA-Planning Department and is hereby incorporated by reference (PLN100579).
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
 - e) The Draft Mitigated Negative Declaration ("MND") for PLN100579 was prepared in accordance with CEQA and circulated for public review from June 9, 2011 through July 8, 2011 (SCH#: 20110610252).
 - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, biological resources, cultural resources and greenhouse gas emissions.
 - g) A previously unrecorded archaeological site exists on the subject property. The proposed construction will occur within the existing developed footprint and above the elevation of the archaeological deposit. Therefore, it is unlikely that impacts to the resource area will occur. However, due to the close proximity to the midden deposit and the potential for incidental impacts during demolition and construction, mitigation measures requiring a qualified archaeological monitor during initial earthwork and protection of the archaeological site with protective fencing during demolition and construction are required. With the implementation of these mitigation measures which are incorporated into **Exhibit 1** as Condition Nos. 28 & 29, impacts to cultural resources will be less than significant.
 - h) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN100579) and are hereby incorporated herein by reference.

- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
The site supports Monterey cypress habitat. 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. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- j) No comments from the public were received during the 30 day review period.
- k) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

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) Visual access is required as part of the project. No substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is described as an area where the Local Coastal Program requires public visual access (Figure 16 in the Del Monte Forest Land Use Plan). The project is located on the west side of 17 Mile Drive, between 17 Mile Drive and the sea.
 - c) LUP Policy No. 59 and CIP Section 20.147.130.D.5 require that existing visual access from 17 Mile Drive be permanently protected as an important component of shoreline access and public recreational use.
 - d) The view over the top of the existing residence includes only sky, so the increased height of the proposed residence will not impact that portion of the view. The project was re-designed to eliminate elements of the home that would have encroached into the views of the sea around the home. Visual simulations prepared for the project confirm that potential impacts to views will be minimal.
 - e) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100579.
 - g) The project planner conducted a site inspection on November 9, 2010.

7. **FINDING: CARETAKER UNIT**– The subject project meets the regulations, standards and circumstances for caretaker units in accordance with the applicable goals, policies, and regulations of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) That the establishment of the caretaker unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding 3).
 - b) The subject property upon which the caretaker unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title. The proposed 544 square foot caretaker unit will be located in the basement level of the new residence. Accessory structures attached to a main structure are subject to the height and setback regulations of the main structure. Staff has confirmed that the proposed residence conforms to all development regulations, including height and setbacks, applicable to main structures in a Low Density Residential District. At 544 square feet, the proposed caretaker unit is less than the maximum square footage allowed for a caretaker unit (850 square feet.)
 - c) That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health (see Finding 3). The Pebble Beach Community Services District and Carmel Area Wastewater District currently provide sewage disposal for the property and will provide sewage disposal for the proposed project. The California American Water Company provides water service to the property and will provide water service for the proposed project. The applicant has purchased sufficient additional water from the Pebble Beach Company for the project.
 - d) The project for a caretaker unit is an allowed use subject to securing a Coastal Development permit in accordance with Section 20.64.030.C and is consistent with the development standards of Section 20.14.060 and the regulations for caretaker units as provided at Section 20.64.030. A condition requires the applicant to record a deed restriction that this unit will be maintained in accordance with these standards (Condition No. 9.)
 - e) That the proposed caretaker unit will not adversely impact traffic conditions in the area. The person providing daily care for the property will live in the unit and thus will not need to drive to and from work each day.
 - f) The caretaker unit project is in conformance with policies of the Del Monte Forest Land Use Plan, specifically Policy 78a, which encourages “the use of caretakers accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees.”
 - g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100579.
 - h) Letter of justification for the caretaker unit, dated March 11, 2011. the

applicant states that the property owners will need full-time caretakers to maintain the property.

- i) Caretaker units are subject to the overall build-out limitation in the Del Monte Forest as defined by Table A in the Del Monte Forest Land Use Plan (Section 20.64.030.I). Out of the 1,067 new residential units allowed until buildout, 778 are remaining. Therefore, staff has determined that adequate density exists in the Del Monte Forest area for the proposed project.

8. **FINDING:** **DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance (Title 20) than other development alternatives.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met. A Coastal Development Permit is required because the slope where development will occur is steeper than 1 ½ horizontal to 1 vertical.
 - b) The project includes application for development on slopes exceeding 30%. The development on a slope greater than 30 percent consists of the removal stone terraces and paths and restoration of the area, which is less than 200 square feet. No structures are involved. The steep slopes were created when the terraces and paths were constructed. The project will restore the natural grades.
 - c) The proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives. The Policy Guidance Statement for Environmentally Sensitive Habitat Areas in the LUP states: “The environmentally sensitive habitat areas of the Del Monte Forest Area are unique, limited, and fragile resources, which are important to the enrichment of residents and visitors alike. Accordingly, they shall be protected, maintained, and, where possible, enhanced and *restored* in accordance with the policies of this LUP and the associated policies and maintenance standards of the OSAC Plan.” LUP Policy No. 21 requires that land uses on existing legal lots of record supporting indigenous Monterey Cypress habitat be compatible with the objective of protecting this environmentally sensitive coastal resource. The implementation of the Cypress Habitat Restoration Plan will cause Monterey Cypress habitat to be restored and is consistent with the intent of this section of the LUP. Therefore, the development on 30 percent slope better achieves the goals, policies and objectives of the Monterey County Local Coastal Program.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100579.
 - e) The project planner conducted a site inspection on November 9, 2010.
 - f) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area

plan and zoning codes.

- g) The applicant desires to restore Monterey Cypress habitat on the property.

9. **FINDING: TREE REMOVAL**

- EVIDENCE:**
- a) The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and the associated Coastal Implementation Plan.
 - b) The project includes application for the removal of one 15" Monterey pine tree. In accordance with the applicable policies of the Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
 - c) CIP Section 20.147.050 requires a Coastal Development Permit for the removal of a native tree. The project proposes to remove one 15-inch native Monterey pine.
 - d) A Forest Management Plan and supplemental reports was prepared by Matt Horowitz, Forest City Consulting (See Finding 2, Evidence B).
 - e) The Forest Management Plan and the Cypress Habitat Restoration Plan (See Finding 2, Evidence b) specify measures for tree protection during construction, including but not limited to: tree protection zones, trunk protection, hand excavation, bridging roots and monitoring by a qualified arborist or forester. Condition No. 8 requires that all development be in accordance with these reports and that the applicant provide evidence prior to occupancy that all development was in accordance with these reports.
 - f) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The tree proposed for removal is located within the footprint of the new driveway. The driveway is being relocated for traffic safety reasons. Other suitable, safe locations for the driveway that were considered would have involved the removal of additional trees.
 - g) The removal will not involve a risk of adverse environmental impacts. According to the Forest Management Plan prepared for the project, the tree proposed for removal is in poor condition, with only 55 percent of the living crown being green. As recommended by the arborist and required by the CIP, the tree will be replaced at a 1:1 ratio with a Monterey pine of local genetic stock.
 - h) Staff conducted a site inspection on November 9, 2010 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100579.

10. **FINDING: ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- i) The project includes application for development within 100 feet of

environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.

- j) The property is located within the mapped indigenous Monterey cypress habitat area within the Del Monte Forest, and Monterey cypress habitat is present on the property.
- k) A biological report, dated February 11, 2011 by Jeffrey B. Froke, Ph.D. was submitted (see Finding 2, Evidence b) to identify and address any potential impacts the project may have to biological resources. The report found that the site supports Monterey cypress and Monterey pine, both species that are classified by the California Native Plant Society as rare or endangered in their native ranges. The ecological communities that support native stands of either or both species are designated as environmentally sensitive habitat in the LUP.
- l) The project includes the demolition of an existing residence, the removal of existing hardscape, the construction of a new residence and the construction of new hardscape, including a relocated driveway. Except for the new driveway and utility area, the new development will be located within the previously developed area.
- m) LUP Policy Guidance Statement, Environmentally Sensitive Habitat Areas values the unique, limited and fragile environmentally sensitive habitat areas of the Del Monte Forest Area and requires that they be protected, maintained, and, where possible, enhanced and restored. A Cypress Habitat Restoration Plan (CHRP), dated February 19, 2011 by Frank Ono was submitted (see Finding 2, Evidence b) by the applicant. This is a plan to restore disturbed areas and to protect the existing indigenous Monterey cypress habitat on the property.
- n) LUP Policy 8: The project has been designed to be compatible with the long term maintenance of the Monterey cypress habitat and to prevent impacts which would significantly degrade the protected habitat. Condition No. 7 requiring dedication of a Conservation and Scenic Easement Deed over those areas of the property not approved for development will ensure long term protection of the habitat.
- o) LUP Policy 14: The project minimizes the removal of indigenous vegetation near ESHA and land disturbance (grading, excavation, paving) is the minimum necessary to accommodate development.
- p) The project planner conducted a site inspection on November 9, 2010 to verify ESHA locations and potential project impacts to ESHA.
- q) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100579.
- r) See also Finding No. 9.

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

EVIDENCE: a) Section 20.86.030 of the Monterey County Zoning Ordinance provides that an appeal may 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) Section 20.86.080.A.1 of the Monterey County Zoning Ordinance. The project is subject to appeal by/to the California Coastal Commission because the project is located between the sea and the first through public road paralleling the sea.
- c) Section 20.86.080.A.2 of the Monterey County Zoning Ordinance. The project is subject to appeal by/to the California Coastal Commission because the project is located within 300 feet of the top of the seaward face of a coastal bluff.
- d) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance. The project is subject to appeal by/to the California Coastal Commission because the project involves development that is permitted in the underlying zone as a conditional use.

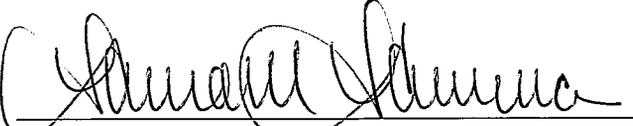
DECISION

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

1. Adopt a Mitigated Negative Declaration;
2. Approve Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow for the demolition of an existing 3,914 square foot single family dwelling and the construction of a 14,123 square foot three-level single family dwelling with a 1,046 square foot three-car attached garage, removal of 13,661 square feet of existing hardscape (patios, pathways, terraces, parking areas, driveway) and construction of 7,666 new hardscape, new fence and gate at front property line and approximately 3,150 cubic yards of grading (2,650 cut/500 fill; 2) Coastal Development Permit for development within 750 feet of known archaeological resources; 3) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; 4) Coastal Development Permit for development on slope greater than 30%; 5) Coastal Development Permit to allow the removal of one 15-inch Monterey pine tree; 6) Coastal Development Permit to allow the construction of a 544 square foot attached caretaker unit; and 6) Design Approval (colors and materials to consist of: earthtone stucco and natural color slate, stone, bronze, copper and wood for the exterior finishes), in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 14th day of September, 2011 upon motion of Commissioner Diehl, seconded by Commissioner Vandevere, by the following vote:

AYES: Vandevere, Roberts, Rochester, Getzelman, Mendez, Diehl
NOES: None
ABSENT: Brown, Salazar, Padilla, Hert
ABSTAIN: None



Laura Lawrence, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON

SEP 20 2011

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

SEP 30 2011

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.

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 08-24-2011

Monterey County Planning Department

Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100579

Compliance or Monitoring
Actions to be Performed

Responsible
Department

- | Conditions of Approval and/or Mitigation Monitoring Measures | Responsible
Department | Compliance or Monitoring
Actions to be Performed |
|---|---------------------------|---|
| <p>1. PD001 - SPECIFIC USES ONLY</p> <p>This permit allows a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow for the demolition of an existing 3,914 sf one-story SFD & the construction of a 14,123 sf three-level SFD with a 1,046 sf three-car attached garage, removal of 13,661 sf of existing hardscape (patios, pathways, terraces, parking areas, driveway) & construction of 7,666 sf new hardscape, new fence and gate at front property line & approximately 3,150 cy of grading (2,650 cut/500 fill); 2) Coastal Development Permit for development within 750' of known archaeological resources; 3) Coastal Development Permit for development within 100' of ESHA; 4) Coastal Development Permit for development on slope >30%; 5) Coastal Development Permit to allow the removal of one 15" Monterey pine; 6) Coastal Development Permit to allow the construction of a 544 sf attached caretaker unit; and 6) Design Approval. 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 the RMA - Planning Department. 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 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.</p> | <p>Planning</p> | <p>The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.</p> |
| <p>2. PD002 - NOTICE PERMIT APPROVAL</p> | | |

Conditions of Approval and/or Mitigation Monitoring Measures

The applicant shall record a Permit Approval Notice. This notice shall state "A permit (Resolution 11-030) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 008-491-015-000 on September 28, 2011. The permit was granted subject to 30 conditions of approval including 2 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

Planning

3. PD004 - INDEMNIFICATION AGREEMENT

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 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, 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.
(RMA - Planning Department)

Planning

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

4. PD006 - MITIGATION MONITORING

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.
(RMA - Planning Department)

Planning

Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.

**Compliance or Monitoring
Actions to be Performed**

**Responsible
Department**

Conditions of Approval and/or Mitigation Monitoring Measures

5. **PD005 - FISH & GAME FEE NEG DEC/EIR**
Pursuant to the State Public Resources Code Section 753.5, 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) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.
(RMA - Planning Department)
6. **PD009 - GEOTECHNICAL CERTIFICATION**
Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.
(RMA - Planning Department and Building Services Department)
7. **PD022(B) - EASEMENT-DMF CONSERVATION & SCENIC**

Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

Planning

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

Planning

Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

**Compliance or Monitoring
Actions to be Performed**

**Responsible
Department**

Conditions of Approval and/or Mitigation Monitoring Measures

A conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where environmentally sensitive habitats, remnant native sand dune habitats, habitats of rare, endangered and sensitive native plants and animals, and visually prominent areas exist. The easement shall be developed in consultation with a certified professional and the Del Monte Forest Foundation. These instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Foundation is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection. An easement deed shall be submitted to the Director of the RMA - Planning Department for review and approval prior to issuance of grading and building permits.

Prior to final/parcel map or prior to the issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the Del Monte Forest Foundation for review and approval.

Prior to final/parcel map or prior to the issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.

Prior to final/parcel map, prior to the issuance of grading and building permits, or commencement of use, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA-Planning Department.

8. PD016 - NOTICE OF REPORT

Conditions of Approval and/or Mitigation Monitoring Measures

Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "The following reports have been prepared for this property:
 "Biological Resources Report (Revised)"(LIB110139), prepared by Jeffrey B. Froke, PhD, Pebble Beach, CA, February 19, 2011.
 "Cypress Habitat Restoration Plan" (LIB110138), prepared by Frank Ono, Pacific Grove CA, February 19, 2011.
 "Forest Management Plan" (LIB110021), prepared by Forest City Consulting (Matt Horowitz), Carmel, CA, December 2, 2010.
 "Geotechnical and Geologic Hazards Report" (LIB110022), prepared by Grice Engineering, Inc., Salinas, CA, November 2010.
 "Preliminary Archaeological Reconnaissance" (LIB110023), prepared by Archaeological Consulting, Salinas, CA, February 22, 2010.
 "Plan Review Letter" (LIB110019), prepared by Archaeological Consulting, Salinas, CA, November 1, 2010.
 These reports are on file in the Monterey County RMA - Planning Department. All development shall be in accordance with these reports.
 (RMA - Planning Department)

Compliance or Monitoring Actions to be Performed

Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department.
 Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the reports to the RMA - Planning Department.

Responsible Department

Planning

9. PD018(B) - DEED RESTRICTION-CARETAKER UNIT (COASTAL)

Conditions of Approval and/or Mitigation Monitoring Measures

The applicant shall record a Deed Restriction stating the regulations applicable to a caretaker unit:

- * Only 1 (one) caretaker unit per lot shall be allowed.
- * The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under same ownership.
- * The minimum lot size for establishment of a caretaker unit in areas not served by sewers shall be 2 acres. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres.
- * Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretaker units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems.
- * The maximum floor area for a caretaker unit is 850 square feet.
- * A minimum of 1 covered off-street parking space shall be provided for the caretaker unit.
- * The caretaker unit shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
- * Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.
- * Caretaker units are not permitted on any lot less than 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal Administrative Permit.
(RMA - Planning Department)

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the RMA-Planning Department.

Planning

10. PD011 - TREE AND ROOT PROTECTION

Conditions of Approval and/or Mitigation Monitoring Measures

NON-STANDARD

All of the recommendations for tree protection found in the Cypress Habitat Restoration Plan (LIB110138) and the Forest Management Plan (LIB110021) prepared for the project shall be implemented. Trees which are located close to 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, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.
(RMA - Planning Department)

Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection and a contract with a qualified arborist or forester to provide required monitoring services to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

11. PD048 - TREE REPLACEMENT/RELOCATION

(NON_STANDARD) Within 60 days of the issuance of a grading or building permit, the applicant shall replace and or relocate each tree approved for removal as follows:
- Replacement ratio: 1:1
- Other: Trees shall be replaced by either Monterey pine or Monterey cypress trees of local genetic stock.
Replacement tree(s) shall be located within the same general location as the tree being removed.

The Owner/Applicant shall submit evidence of tree replacement to the RMA-Planning Department for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

12. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist to the Director of the RMA-Planning Department for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and the RMA - Planning Department within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.
 - The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or
- Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendant identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.
(RMA - Planning Department)

13. PD041 - HEIGHT VERIFICATION

**Compliance or Monitoring
Actions to be Performed**

**Responsible
Department**

Conditions of Approval and/or Mitigation Monitoring Measures

The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of the RMA - Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning Department and Building Services Department)

Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

14. PD035 - UTILITIES UNDERGROUND

All new utility and distribution lines shall be placed underground.
(RMA - Planning Department; Public Works)

Planning

On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

15. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

Conditions of Approval and/or Mitigation Monitoring Measures

The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. 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 include an irrigation plan. The plan 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 RMA - Planning 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. (RMA - Planning Department)

Compliance or Monitoring Actions to be Performed

Responsible Department

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures.

Planning

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by the RMA-Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit the RMA-Planning Department approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to the RMA-Building Services Department.

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
		<p>Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the 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 RMA - Planning Department.</p> <p>On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>
<p>16. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)</p>	<p>Planning</p>	<p>Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.</p>
<p>17. PD007- GRADING WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA - Planning Department and Building Services Department)</p>	<p>Planning</p>	<p>The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.</p>
<p>18. PD010 - EROSION CONTROL PLAN</p>		

**Compliance or Monitoring
Actions to be Performed**

**Responsible
Department**

Conditions of Approval and/or Mitigation Monitoring Measures

The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. 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 RMA - Planning and RMA - Building Services. 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 RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

Planning

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

19. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPGD RULE 439)

In accordance with Monterey Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:

Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor shall incorporate a "Demolition/Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.

Planning

1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;

2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;

3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.
All Air District standards shall be enforced by the Air District.
(RMA - Planning Department)

During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition activities as required by the Air District.

20. WR43 - WATER AVAILABILITY CERTIFICATION

The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Water

Prior to issuance of any building permits, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

21. WR1 - DRAINAGE PLAN

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. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Water

Prior to issuance of any grading or building permits, the owner/applicant shall submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.

22. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.

Conditions of Approval and/or Mitigation Monitoring Measures

Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

23. PW0044 - CONSTRUCTION MANAGEMENT PLAN

The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project. (Public Works)

24. 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 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. (Pebble Beach Community Services District)

25. FIRE008 - GATES

1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

Fire

1. Prior to issuance of grading and/or building permit, Applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, Applicant or owner shall schedule fire dept. clearance inspection.

Compliance or Monitoring Actions to be Performed

Responsible Department

Conditions of Approval and/or Mitigation Monitoring Measures

All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Pebble Beach Community Services District)

1. Prior to issuance of grading and/or building permit, Applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

2. Prior to final building inspection, Applicant or owner shall schedule fire dept. clearance inspection

26. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS -

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 (Pebble Beach Community Services District)

1. Prior to issuance of building permit, Applicant shall enumerate as "Fire Dept. Notes" on plans.

2. Prior to framing inspection Applicant shall schedule fire dept. rough sprinkler inspection

3. Prior to final building inspection Applicant shall schedule fire dept. final sprinkler inspection

27. FIRE030-Other Non-Standard Condition

FIRE030 - GENERATOR SIGNAGE (NON-STANDARD)

Signage required that states "This service connection is fed by a secondary emergency generator located at "Stated Location" (Pebble Beach Community Services District)

1. Prior to final signage must be displayed at main electrical panel.

2. Required by contractor or owner prior to final.

28. MM001 - CULTURAL RESOURCES MONITORING

In order to mitigate potential impacts to cultural resources, a qualified archaeological monitor shall be present during initial earthwork (i.e., grading and excavation). If no cultural materials are found under existing fill, within the proposed footprint or in staging areas, continued monitoring of earthwork may be terminated at the discretion of the monitor. The monitor shall have the authority to temporarily halt work to examine any potentially significant materials. If potentially significant archaeological resources are discovered, work shall be halted in the area of the find until it can be evaluated and, if necessary, data recovery is conducted. The applicant shall retain a qualified archaeologist to monitor and ensure conduct of the requirements of the mitigation and monitoring plan. (RMA-Planning Department)

Prior to the issuance of a demolition permit, the applicant shall provide to the RMA-Planning Department a copy of the contractual agreement with a qualified archaeologist for review and approval. The applicant or archaeologist shall also submit evidence of on-site monitoring, including archaeologist certification, to the RMA-Planning Department. If additional mitigation measures are determined to be required, they shall be formulated and implemented by the monitoring archaeologist, after review and approval by the RMA-Planning Department. The requirements of this measure shall be included as a note on all grading and building plans.

29. MM002 - CULTURAL RESOURCES PROTECTION

Compliance or Monitoring
Actions to be Performed

Responsible
Department

Conditions of Approval and/or Mitigation Monitoring Measures

Prior to the issuance of a demolition permit, the applicant shall submit evidence of exclusionary fencing to the RMA-Planning Department for review and approval. The requirements of this measure shall be included as a note on all grading and building plans.

During demolition and construction, the archaeological site shall be protected with exclusionary fencing to minimize the potential for unanticipated impacts to cultural resources. (RMA-Planning Department)

30. **PDSP001 - FENCE DESIGN**

Fencing shall be of a type and height that will not impede views of the ocean from 17 Mile Drive. (RMA-Planning Department)

Prior to issuance of a building permit, the applicant shall provide a suitable fence design to the RMA-Planning Department for review and approval. Prior to final, the applicant shall provide evidence to the RMA-Planning Department that the installed fencing meets the intent of the condition.

Planning

Planning

Legal Description
Conservation Easement

Situate in the County of Monterey, California, and being a portion of that certain real property as described in Document 2010015290, Official Records of Monterey County, California.
A conservation easement on, over and across a parcel of land being more particularly described as follows:

Beginning at the most Northwesterly corner of said parcel; thence from said Point of Beginning and along the Northerly boundary of said Parcel

- 1) N. 65°00'00" E., 315.37 feet; thence leaving said Northerly boundary
- 2) S. 25°00'00" E., 33.92 feet; thence
- 3) S. 29°23'21" W., 20.98 feet; thence
- 4) N. 86°24'04" W., 54.61 feet; thence
- 5) S. 65°00'00" W., 112.18 feet; thence
- 6) S. 33°52'31" W., 37.09 feet; thence
- 7) S. 08°16'26" E., 35.29 feet; thence
- 8) S. 35°16'14" E., 73.45 feet; thence
- 9) S. 61°34'16" E., 45.26 feet; thence
- 10) N. 67°45'13" E., 91.10 feet; thence
- 11) N. 36°49'06" E., 26.94 feet; thence
- 12) S. 62°26'22" E., 28.97 feet; thence
- 13) S. 89°26'22" E., 24.26 feet; thence
- 14) N. 65°00'00" E., 11.83 feet; thence
- 15) S. 25°00'00" E., 4.21 feet; thence
- 16) N. 65°00'00" E., 10.02 feet; thence
- 17) S. 14°46'50" E., 14.59 feet to a point on the Southerly boundary of said parcel; thence Westerly along said boundary
- 18) S. 67°45'01" W., 281.17 feet to the Southwesterly corner of said parcel;
Thence Northerly along the Westerly boundary of said parcel
- 19) N. 28°47'30" W., 184.75 feet to an angle point on the Westerly boundary;
- 20) N. 56°27'30" W., 32.16 to the Point of Beginning.

Together with the following conservation easement more particularly described as commencing at the most Southeasterly corner of the above described parcel thence

- 21) N. 23°21'34" W., 46.78 feet to the True Point of Beginning; thence
- 22) N 25°00'00" W., 75.93 feet; thence
- 23) N 70°00'00" W., 19.94 feet; thence
- 24) S. 24°05'51" E., 42.28 feet; thence
- 25) S. 00°48'18" E., 22.18 feet; thence
- 26) S. 36°49'06" W., 28.45 feet; thence
- 27) S. 69°12'17" E., 15.48 feet; thence
- 28) N. 69°34'05" E., 37.52 feet to the True Point of Beginning

Containing a total of 32,482 square feet of land, more or less.



3/31/22

Conservation Easement Exhibit

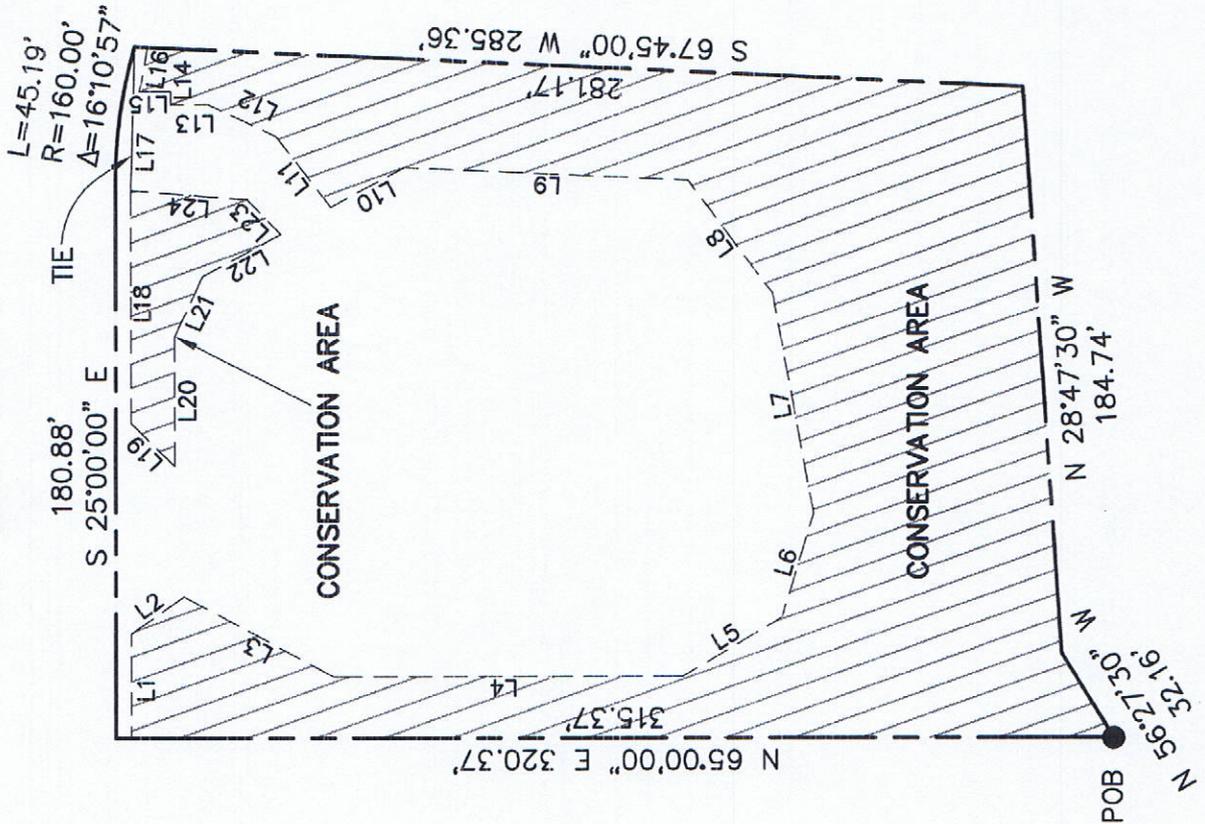
3184 17 Mile Drive
Pebble Beach, CA

APN 008-491-015

17 Mile Drive



SCALE: 1" = 60'



LINE	LENGTH	BEARING
L1	33.92	S25°00'00"E
L2	20.98	S29°23'21"W
L3	54.61	N86°24'04"W
L4	112.18	S65°00'00"W
L5	37.09	S33°52'31"W
L6	35.29	S08°16'26"E
L7	73.45	S35°16'14"E
L8	45.26	S61°34'16"E
L9	91.10	N67°45'13"E
L10	26.94	N36°49'06"E
L11	28.97	S62°26'22"E
L12	24.26	S89°26'22"E
L13	11.83	N65°00'00"E
L14	4.21	S25°00'00"E
L15	10.02	N65°00'00"E
L16	14.59	S14°46'50"E
L17	46.78	N23°21'34"W
L18	75.93	N25°00'00"W
L19	19.94	N70°00'00"W
L20	42.28	S25°05'51"E
L21	22.18	S00°48'18"E
L22	28.45	S36°49'06"W
L23	15.48	S69°12'17"E
L24	37.52	N69°34'05"E