2019044473
Stephen L. Vagnini
Monterey County Clerk-Recorder
10/04/2019 01:07 PM
Recorded at the request of:
MONTEREY PENINSULA COUNTRY C
Titles: 1 Pages: 41
Fees: $142.00
Taxes: $0.00
AMT PAID: $142.00

When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: Craig Smith
1441 Schilling Pl, South 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN 140432
Resolution No.: Resolution Number 15-012
Owner Name: Monterey Peninsula Country Club, a non-profit corporation
Project Planner: Craig Smith
APN: 007-361-001-000
007-371-013-000

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
[X] Exempt from transfer tax,
Reason: Transfer to a governmental entity

Signature of Declarant or Agent

CONSERVATION EASEMENT DEED (DEL MONTE FOREST – COASTAL)

THIS DEED made this 24th day of July, 2019, by and between, **MONTEREY PENINSULA COUNTRY CLUB, a non-profit corporation**, as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, as Grantee.

WITNESSETH:

WHEREAS, 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, a portion of the Property 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 stat of use of certain areas of the Property of the Grantor, in such a way as to ensure enhancement; protection, and management of such areas as protected areas in perpetuity; 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 (File Number PLN 140432; hereinafter referred to as the "Permit") was granted on January 28, 2015 by the Monterey County Planning Commission pursuant to the Findings, Evidence and Conditions contained in Resolution No. 15-012, attached hereto as Exhibit "B" (without plans) and hereby incorporated by reference (hereinafter the "Resolution"), subject to the following condition(s):

5. PD – CONSERVATION EASEMENT – ARCHAEOLOGICAL RESOURCES

Responsible Department:	RMA-Planning
Condition/Mitigation Monitoring Measure:	Consistent with the provisions of Chapter 20.147.080 C 3(c) of the Monterey County Coastal Implementation Plan – Part 5 – Regulations for Development in the Del Monte Forest Land Use Plan Area, the archaeological resources identified on the property shall be placed in a conservation easement.
Compliance or Monitoring Action to be Performed:	The project archaeologist shall recommend the area to be placed under the conservation easement. An easement deed shall be recorded prior to finalizing of the grading permit for the grading in the coastal portions of the renovation of the Golf Course.

WHEREAS, the specific resources being protected are located on the Dunes Golf Course, an 18-hole championship golf course owned by Grantor (the "Dunes Course"), and consist of archaeological sites; and

WHEREAS, the Grantee, 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 the conditions described above (hereinafter the "Condition") requiring, inter alia, that the Grantor record a conservation easement (hereinafter "Easement") affecting a portion of the Property as described in Exhibit "C" attached hereto and hereby incorporated by reference (the "Conservation Areas"), and agree to restrict development on and use of the Conservation Areas so as to preserve the open space, scenic, and/or natural resource values present on the Conservation Areas as protected areas in perpetuity, including to prevent the adverse direct and cumulative effects on these resources; and

WHEREAS, the Grantee 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 LCP , 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 Deed so as to enable Grantor to undertake the development authorized by the Permit; and

WHEREAS, it is intended that this Easement Deed is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that the 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 execute this Easement Deed for the conservation and scenic use as herein expressed of the Conservation Areas, and thereby enhance, protect, preserve, and manage the open space, scenic, and overall natural resource value by the restricted use and enjoyment of the Conservation Area by the Grantor through the imposition of the restrictions hereinafter expressed;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant and convey unto Grantee, for the benefit of the People of the State of California, an estate, interest, and archaeological conservation easement in perpetuity for the purpose of protection and resource conservation over the Conservation Areas in accordance with the following provisions (the "Easement"); and to that end and for the purposes of accomplishing the intent of the parties hereto, Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Conservation Areas the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. This Easement shall be over that portion of the Property identified in this Easement Deed as the Conservation Areas. The Conservation Areas consist of areas that contain archaeological resources. These areas have been identified by Archaeological Consulting, the project archaeologist, and are separately described in Exhibit C (the "Archaeological Sites").

B. RESTRICTIONS. Upon recordation of this Easement Deed and thereafter in perpetuity, the use of the Conservation Areas shall be limited to natural open space for habitat protection and resource conservation uses. No "development" (as defined in Section 20.06.310 of the LCP), including, but not limited to, removal of trees and other major or native vegetation, grading, paving, installation of structures such as signs, buildings, etc., and no grazing or agricultural activities shall occur or be allowed on the Conservation Areas with exception of the following (subject to compliance with any applicable governmental regulatory requirements):

1. The Archaeological Sites have been covered with soil, sand, and/or vegetation (including turf), and pedestrians, golfers, golf carts, and maintenance vehicles and equipment may go on and over them. The Archaeological Sites are a part of and "in

play" on the Dunes Course, and golf may be played from them. However, no structures shall be placed or erected upon the Archaeological Sites except utility lines and golf cart paths in fill placed over the top of the Archaeological Sites, and signs or markers related to the conduct of golf play. The Archaeological Sites shall not be excavated to a depth greater than the depth of fill over the sites without consulting the project archaeologist, or another archaeological monitor approved by Grantee.

2. Grantor has the right to utilize and maintain the Archaeological Sites as a regular part of the Dunes Course, including the right for persons to enter the sites to hunt for, retrieve, or play golf balls from such areas. In maintaining the Archeological Sites and adjoining golf course areas, Grantor has the right to employ all standard practices for golf course maintenance, including control of noxious plants and insects.

3. Grantor has the right to maintain all existing and authorized future private roads, bridges, trails, detention basins, and structures upon the Conservation Areas, and the right to restore, renovate, and maintain the Conservation Areas, in accordance with the conditions of the Permit.

4. Grantor has the right to the construction, maintenance, repair, and use of public service and utility lines, pipes, and transmission facilities (including those for gas, electricity, telephone, water, treated wastewater irrigation, sewer, and cable television), and facilities for drainage and erosion and sedimentation control, subject to provisions of subsection B.1 above.

5. Grantor shall not plant nor permit to be planted any vegetation upon the Conservation Areas except grass, plants native to Del Monte Forest, and/or vegetation specified in the Permit as appropriate for golf course areas of play. Periodic efforts to control invasive non-native plants within the Conservation Areas shall be undertaken.

6. Except for the construction, alteration, relocation, and maintenance of public and private pedestrian trails and golf course features allowed by the Permit, no use of the Conservation Areas which will or does materially alter the landscape or other attractive scenic features of said areas other than those specified above shall be done or suffered.

7. Grantor shall have the use and occupancy of the Conservation Areas not inconsistent with the conditions and restrictions herein imposed.

8. 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 and of the materials, and specifications for proposed grading and construction within and immediately adjacent to the Conservation Areas. An advance notice is required from Grantor to Grantee whenever major maintenance or construction activities will occur within or immediately adjacent to the Conservation Areas. Golf course maintenance activities shall not be subject to the advance notice requirement.

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

D. BENEFIT AND BURDEN. This Easement shall run with and burden the Conservation Areas, 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 Conservation Areas from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This Easement shall benefit Grantee on behalf of the People of the State of California and its successors and assigns forever.

E. RIGHT OF ENTRY. The Grantee, or its agents may enter onto the Property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor.

F. 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 Areas contrary to the terms of this Easement will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this 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 may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this of Easement Deed shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

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

H. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, and its agencies, departments, officers, directors, agents, employees, and authorized volunteers 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 determined to be caused by the sole negligence of the Grantee while in, upon, or in any way connected with the Conservation Areas, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, and its agencies, departments, officers, directors, agents, employees, and authorized volunteers from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the

Conservation Areas which would subject the Grantee to any liability occurring upon the Conservation Areas by virtue of the fact that the right of the Grantee to enter the Conservation Areas 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 Areas for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

I. TRANSFER OF TITLE. Grantor shall have the absolute right to transfer its right, title, and interest in and to all or any portion of the Conservation Areas and upon such a transfer the transferee, by acceptance of the deed (whether or not so stated in the deed), shall have assumed and shall be obligated to perform all of the covenants of Grantor under this Easement Deed and shall have all of the rights and obligations of and be deemed to stand in the place of the Grantor for all purposes under this Easement Deed, with respect to the land transferred; and upon such a transfer Grantor shall be fully relieved and discharged from all of Grantor's obligations under this Easement Deed with respect to the land transferred.

J. ASSIGNMENT.

1. Grantor shall have the right to assign its rights or delegate its obligations under this Easement Deed, in whole or in part. No such assignment or delegation by Grantor, however, shall relieve the owner or owners of the Conservation Areas from the obligations to perform the covenants in this Easement Deed, and such covenants shall continue as covenants running with the land as specified in Paragraph D above.

2. Grantee shall have the right to assign its rights and delegate its obligations under this Easement Deed, but only to a public agency or private entity which agrees to accept such rights and assume such obligations and is approved in writing in advance by the Grantor. Grantee shall not abandon the Easement, but may assign the Easement in accordance with the preceding sentence.

K. PUBLIC ENTRY AND USE OF ROADS IN DEL MONTE FOREST. This Easement Deed does not authorize access to or use of the Property (including Conservation Areas) by members of the public. The road system of Del Monte Forest is privately owned by Pebble Beach Company, and the use of the roads in Del Monte Forest is by permission of Pebble Beach Company and subject to the payment of a fee for motor vehicle use and rules and regulations imposed by Pebble Beach Company so long as they are consistent with the LCP and permits to which Pebble Beach Company is subject.

L. 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, whether voluntary or involuntary.

M. SEVERABILITY. If any provision of this Easement Deed is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

N. AMENDMENT/MODIFICATION. This Easement Deed may be amended, modified, or changed only with the written consent of the Grantor and the Grantee. In addition, an amendment to the Permit may be required, if necessary, as determined by the Grantee. Any amendment of this Easement Deed without the written consent of all three entities and any necessary amendment to the Permit shall be void and of no effect.

Executed this 24th day of July, 2019, at Pebble Beach California.

Monterey Peninsula Country Club, a non-profit corporation

By: _____ (Signature)

ROGER PEIRCE PRESIDENT
(Print or Type Name and Title)

AKA Roger L. Pierce

By: _____ (Signature)

JJ WEST GENERAL MANAGER
(Print or Type Name and Title)

AKA John J. West

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.

STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

On July 24, 2019 before me, Joan A. Lucido, a Notary Public, personally appeared Roger L. Peirce, 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.

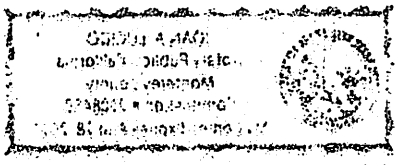
WITNESS my hand and official seal.

Joan A. Lucido

Signature

JOAN A. LUCIDO
Notary Public – California
Monterey County
Commission # 2208450
My Comm. Expires Aug 28, 2021

(Seal)



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)
) SS.
COUNTY OF MONTEREY)

On July 25th 2019 before me, JOAN A. LUCIDO, a Notary Public, personally appeared John J. West, 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.

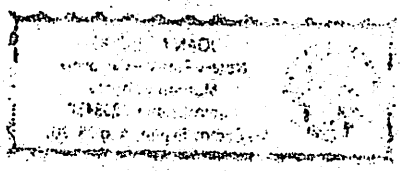
WITNESS my hand and official seal.

Joan A. Lucido

Signature

JOAN A. LUCIDO
Notary Public - California
Monterey County
Commission # 2208450
My Comm. Expires Aug 28, 2021

(Seal)



ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated **January 28, 2015** from **Monterey Peninsula Country Club, a non-profit corporation** to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on AUGUST 27, 2019, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on AUGUST 27, 2019,) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: 9-11-19.

John M. Phillips
Chair, Monterey County Board of Supervisors

ATTEST:
DATED: 9.11.19.

Valerie Ralph
Clerk of Said Board

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)
) SS.
COUNTY OF MONTEREY)

On September 11, 2019 before me, Irasema Lopez, a Notary Public, personally appeared John M. Phillips, 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.

IRASEMA LOPEZ
Notary Public - California
Monterey County
Commission # 2183521
My Comm. Expires Mar 14, 2021

Signature:

(Seal)

Document Form/Content Acceptable:

Charles J. McKee, County Counsel

By: DATED: 7-29-19

Type/Print Name: BRIAN BRIGGS, Deputy County Counsel

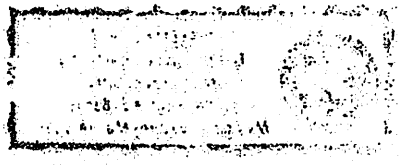


EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

All the following described real property situate in the County of Monterey, State of California:

Certain real property situate, lying and being in El Pescadero and Point Pinos Ranchos, County of Monterey, State of California, being within the boundaries of those certain tracts of land designated "Monterey Peninsula Country Club Subdivision No. 2", etc., the map of which was filed for record September 8, 1925, in Map Book 3 of "Cities and Towns" at Page 29, therein, Records of Monterey County, California, particularly described as follows:

That certain area described as "Club Lot 2" as said club lot is shown and so designated on said map entitled "Monterey Peninsula Country Club Subdivision No. 2".

PLN140432

Exhibit A

Page 1 of 1 Pages

Exhibit B

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

In the matter of the application of:
MONTEREY PENINSULA COUNTRY CLUB (PLN140432)
RESOLUTION NO. 15-012
Resolution by the Monterey County Planning Commission:

1) Certifying that the Planning Commission considered the adopted Mitigated Negative Declaration prepared for the renovation of the Dunes Golf Course, including the permits for the improvements of the Golf Course in both the Inland and Coastal portions of the Course; and
2) Adopting a Condition Compliance and Mitigation Monitoring Plan for the development of the improvements of the Golf Course in the Coastal Zone; and
3) Approving a Combined Development Permit consisting of 1) Coastal Administrative Permit and Design Approval for the renovation of the portions of the existing Dunes Golf Course located in the Coastal Zone (Hole Numbers. 9, 10, 11, 12 & 14) including replacement of the irrigation system; sand capping of the golf course (approximately 8,500 cubic yards of sand import); grading to adjust course contouring (approximately 34,183 cubic yards of cut and 43,398 cubic yards of fill); replacement of existing concrete cart paths with permeable surface paths; removal of one pedestrian bridge and two cart bridges on Hole No. 9 and replacement with two pedestrian bridges and two cart bridges; landscaping renovation; 2) Coastal Development Permit for restoration of portions of an environmentally sensitive habitat (Sawmill Gulch Creek) adjacent to Hole No. 9 including construction of 425 linear feet of cobble stone retraining walls between Hole Nos. 9 and 10; and 3) Coastal Development Permit for development within 750 feet from a known archaeological resource.

[PLN140432, Monterey Peninsula Country Club, 3000 Club Road, Pebble Beach, Del Monte Forest Area Land Use Plan (APN 007-361-001-000, & 007-371-013-000]

The renovation and redesign of Coastal Zone portions the Dunes Golf Course at the Monterey Peninsula Country Club application (PLN140432) had a public hearing before the Monterey County Planning Commission on January 28, 2015. 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:** **PROJECT DESCRIPTION** – The proposed project is the renovation and redesign of portions of Dunes Golf Course located in the Coastal Zone areas and the restoration of the Sawmill Gulch Creek where it crosses Hole No. 9 of the Golf Course.

   EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140432.

2. **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;
      - 2012 Del Monte Forest Area Land Use Plan;
      - Monterey County Coastal Implementation Plan Part 5 (Regulations for Development in the Del Monte Forest Land Use Plan Area);
      - Monterey County Zoning Ordinance (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 3000 Club Road, Pebble Beach (Assessor's Parcel Number APN 007-361-001-000, & 007-371-013-000), Del Monte Forest Area Land Use Plan. The area of the Golf Course in the Coastal Zone is zoned "RC-D (CZ) & OR-D (CZ)" [Resource Conservation and Open Space recreation with Design Review Overlay (Coastal Zone)]. The proposed project is the renovation of an existing golf course consistent with the Open Space zoning designation; and restoration of the Sawmill Gulch Creek consistent with the Resource Conservation district. Therefore, the project is an allowed land use for this site.

   c) The proposed project is consistent with the provisions of Chapter 20.147.080 (Cultural Resources) of the Monterey County Coastal Implementation Plan – Part 5 (Regulations for Development in the Del Monte Forest Land Use Plan Area). A Coastal Development Permit for development within 750 feet of a known archaeological resource is included in the project description consistent with Chapter 20.147.080 A; archaeological reports have been prepared consistent with Chapter 20.147.080 B. All the recommended mitigation measures in the archaeological reports have been made conditions of project approval consistent with the provisions of Chapter 20.147.080 C 3 (a). Conditions of approval requiring the applicant to request the rezoning of the site containing identified archaeological resources and requiring the recordation of a conservation easement over those areas, have been applied to the approval of the project consistent with the provisions

Chapter 20.147.080 C 3 (b) & (c).

d) The proposed project is consistent with the provisions of Chapter 20.147.040 (Environmentally Sensitive Habitat Areas) of the Monterey County Coastal Implementation Plan – Part 5 (Regulations for Development in the Del Monte Forest Land Use Plan Area). The project includes the restoration of the portion of the Sawmill Gulch Creek adjacent to Hole 9; the Creek qualifies as an environmentally sensitive habitat, and its restoration is consistent with the intent of Chapter 20.147.040 that these areas are protected, maintained, and, where possible, enhanced and restored. A biological report was prepared consistent with Chapter 20.147.040 B. The restoration of the Creek and required mitigation measures are designed to restore disrupted habitat values within the Creek; the use of the renovated/redesigned golf course, subject to all conditions of approval and mitigation measures, is compatible with the long-term maintenance of the Gulch Creek; therefore the project is consistent with Chapter 20.147.040 C (1) & (2). An open space conservation easement is required over the portions of the Creek through the Golf Course consistent with Chapter 20.147.040 C (3) (b).

e) The proposed project is consistent with the provisions of Chapter 20.147.030 (Freshwater and Marine Resources) of the Monterey County Coastal Implementation Plan – Part 5 (Regulations for Development in the Del Monte Forest Land Use Plan Area). The project includes the restoration of the Sawmill Gulch Creek in areas throughout the Golf Course including adjacent to Hole 9 in the Coastal Zone. The restoration design and the required conditions of approval and mitigation measures, are consistent with the intent of Chapter 20.147.030 of protecting riparian habitat and wetland vegetation and controlling grading to minimize erosion and sedimentation, and the effective collection and treatment of runoff.

f) 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 warranted referral to the LUAC because it was subject to environmental review. The LUAC considered the project on July 17, 2014 and recommended approval by a 4-0 vote, with one abstention, one recusal and one member absent.

g) The project planner conducted several site inspections to verify that the project on the subject parcel conforms to the plans listed above.

h) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140432.

3. 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, Pebble Beach Community Services District, RMA-Public Works, RMA-Environmental Services, 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) The proposed project is the renovation/redesign of an existing, well established golf course, which has been in operation since 1926. The project also includes the restoration of the Sawmill Gulch Creek which has degraded physically and environmentally over time. The golf course renovation would be limited to the boundaries of the existing course. The Creek restoration would be completed per the recommendations of project-specific technical reports and conditions of approval and mitigation measures contained therein. The Creek restoration would result in beneficial impacts to a key environmental resource in the area of the project and the Monterey Peninsula as a whole.

c) Potential impacts to Biological Resources, Cultural Resources, Soils, and Transportation/Traffic. The technical reports contained in the project file and referred to in the Initial Study/Mitigated Negative Declaration completed by outside consultants, identified potentially significant impacts and recommended mitigation measures. The reports do not indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

4. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance or operation of the project applied for will not under the circumstances of the 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 the RMA-Planning, Environmental Services, Pebble Beach Community Services District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of the persons either residing or working in the neighborhood.

b) Necessary public facilities are available. Reclaimed water has been used and will continue to be used for the irrigation of the Golf Course after the completion of the project. There would not be a need for the provision of any additional offsite infrastructure as a result of the project.

d) Staff conducted several site inspections to verify that the site is suitable for this use.

e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140432.

5. **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.

a) The project includes the restoration of the Sawmill Gulch Creek

adjacent to Hole No. 9 in the Coastal Zone. The Creek is an environmentally sensitive habitat area. The portion of Sawmill Gulch Creek proposed for restoration is currently disturbed, with steep eroded banks stabilized by concrete "sackcrete" walls and sedimentation resulting in a partial or nearly complete infill of the drainage in some sections. Many sections of the Creek drainage are in very poor condition, particularly due to excessive sediment deposition in the channel, sinkholes, and eroded banks. Native vegetation is lacking from some sections of the Creek within the Golf Course. The project includes improvements to a golf course 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), Coastal Development Permit is required and the criteria to grant said permit have been met.

b) See Evidence d and e under Finding No. 1 above.

c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140432.

6. **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 and Building Services Department records and is not aware of any violations existing on subject property.

b) Staff conducted several site inspections on and researched County records to assess if any violation exists on the subject property.

c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140432.

7. **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(c) and California Environmental Quality Act (CEQA) Guidelines Section 15063 require environmental review and the preparation of an Initial Study to determine if a project may have a significant environmental impact.

b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA for the renovation of the entire (both Inland and Coast Zone areas) Golf Course. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (File Nos. PLN140007 & PLN140432).

c) The Initial Study identified several potentially significant effects, but applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant

effects would occur.

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 have been prepared in accordance with Monterey County regulations, are designed to ensure compliance during project implementation, and are 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 PLN140432 and PLN140077 was prepared in accordance with CEQA and circulated for public review from December 23, 2014 through January 21, 2015 (SCH#: 2014121078).

f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, noise and transportation/traffic.

g) The following potential significant impacts were identified in the Initial Study:

1. Biological impacts to special status species, resources and habitat for all portions of the project, both Coastal and inland;
2. Increased presence and spread of invasive species resulting from grading and other ground disturbance activities which would be detrimental to special status and sensitive species;
3. Potential impacts on special status wood rats where project activities require removal of brush in areas with wood rat middens;
4. Project activity occurring at Hole 15 adjacent to the pond, and project activity within drainages and seasonal wetland during the rainy season, immediately after precipitation events, or within the drainages when ponded water is present could result in impacts to the California Red-legged Frog that would be significant and require mitigation;
5. The Western Pond Turtle has not been reported from numerous years of biological survey at the course, and is not expected to be present in other areas of the project site, but could move into the site since suitable habitat is present, particularly during drought when other pond sources in the region may be limited. Project activity would not result in significant impacts to this species. However, if final designs would involve grading within 200 feet of either the pond adjacent to Hole No. 15 of the golf course or the drainages throughout, the mitigation is required to reduce impacts to western pond turtle to a less than significant level;
6. The project site contains suitable nesting habitats for a wide variety of birds. Project activity that occurs during the avian nesting season (February 1 to September 15) has the potential to directly impact nesting birds if nests are destroyed, or if project activity is sufficiently disruptive that birds abandon active nests;
7. Course renovation activities would require some work adjacent to but outside riparian, wetland, and stream habitats. Stream restoration

activities would temporarily impact streams and wetlands in both the Coastal zone and inland portions of the restoration project. Mixed oak-Monterey pine woodland and remnant native dune habitat occur outside but adjacent to proposed course renovation areas. To avoid unintended impacts to sensitive habitats outside the proposed project footprint, mitigation measures are required;

8. The proposed Sawmill Gulch Creek restoration would temporarily impact up to 0.15 acre of seasonal wetland under United States Army Corp of Engineers, California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board jurisdictions, as well as 2,841 linear feet and 0.22 acre of other waters of the U.S. and the State. The project also temporarily impacts 0.29 acre and 2,841 linear feet of CDFW stream channel (within top of bank) jurisdiction. Stream restoration would occur in three segments near Holes 4, 5, 8, and 9. Two sediment basins would be created to reduce sedimentation problems in the creek. Existing "sackcrete" walls would be removed and the channel reshaped to a more sinuous and natural alignment. A portion of the restoration site is within the Coastal Zone, where Sawmill Gulch Creek runs through and adjacent to Hole 9. No impacts to perennial wetland would occur. Temporary impacts would be offset by net improvements in habitat quality, channel stability, and sediment capture. However, temporary impacts could become significant impacts if appropriate mitigation measures are not implemented during the restoration of the Creek;
9. Grading activities near trees can result in impacts to native trees by damaging roots and causing decline of otherwise healthy trees if protective measures are not implemented.

h) The following mitigation measures have been identified and designed to reduce potential significant impacts:

1. **Worker Environmental Awareness Program.** A qualified biologist shall prepare and present a Worker Environmental Awareness Program to train all project staff regarding habitat sensitivity, identification of special status species, required practices, and limits of work. (MM # BIO-1)
2. **Personnel Training.** Training shall be conducted for new personnel before they join construction activities. (MM # BIO-2)
3. **Invasive Species Minimization.** In order to minimize potential biological impacts to native plant and animal resources and habitat, the applicant shall prepare a planting/restoration plan for the areas that will be naturalized. (MM # BIO-3)
4. **Avoidance and Minimization Measures for Monterey Dusky-footed (Large-eared) Woodrat.** Prior to removal of native or naturalized brushy or woody vegetation, the applicant shall consult with the California Department Fish and Wildlife on the current taxonomy and conservation status of woodrats on the Peninsula. (MM # BIO-4)
5. **Pre-disturbance Surveys for CRLF.** Prior to renovation activities at Hole 15, implementation of the proposed restoration, and other actions immediately adjacent to drainages, a qualified biologist shall perform two pre-disturbance surveys within suitable CRLF

habitats at the restoration site to determine if the species is present. (MM # BIO-5)

6. **CRLF Avoidance Measures.** Avoidance and minimization measures identified in Mitigation Measure No. **BIO-6** in the Mitigated Negative Declaration shall be implemented as recommended. (MM # BIO-6)
7. **Western Pond Turtle Pre-Disturbance Surveys and Avoidance.** A qualified biologist shall perform Western Pond Turtle focused surveys prior to renovation or stream restoration activities that require grading or vegetation removal within 200 feet of the ponds at any time or within 200 feet of drainages when the drainages contain standing water. (MM # BIO-7)
8. **Ground Disturbance Avoidance During Nesting Season.** Direct disturbance (clearing/grading/vegetation removal) to nesting habitat shall be conducted outside of the breeding season between September 16 and January 31 to the greatest extent possible. (MM # BIO-8)
9. **Pre-construction Nesting Bird Surveys.** For project activity that occur during the nesting season (between February 1 and September 15), the applicant's qualified biologist shall conduct a nesting bird survey not more than 14 days prior to any ground disturbance, removal of trees or other vegetation. (MM # BIO-9)
10. **Protection of Sensitive Habitats Outside the Proposed Project Footprint.** Prior to commencement of course renovation activities, limits of work shall be identified in the field through use of highly visible stakes, flagging, or fencing, and sensitive habitats shall be avoided. (MM # BIO-10)
11. **Wetland and Stream Habitat Restoration.** Temporary impacts to jurisdictional wetland and stream habitat shall be mitigated through restoration activity as established through the permitting process with CDFW, RWQCB, and USACE, but at a minimum ratio of not less than 1 to 1 (acres impacted to acres restored), such that for each acre of temporary impacts to wetlands, one acre of wetlands will be restored to pre-project condition or better, and for each acre of non-wetland stream habitat impacted, one acre of stream habitat shall be restored to pre-project condition or better. (MM # BIO-11)
12. **Tree Protection.** To minimize root disturbance, trunk damage, and other detrimental effects to CRPR 1B Monterey Pine and protected native oaks that would not be removed by the project, the tree protection measures identified in the Mitigated Negative Declaration shall be implemented. (MM # BIO-13)
13. **Cultural (Prehistoric) Resource Protection.** A qualified archaeological monitor shall identify the general areas containing potential historical resources. The archaeological monitor shall be present during excavation and grading for the areas of the identified potentially significant cultural resources. The monitor shall be authorized to halt work to examine any potentially significant archaeological/cultural resources that may be exposed by the grading. If the find is determined to be significant, work shall remain halted in that area until appropriate measures are

identified and implemented to protect the resources. (MM # CUL-1)

14. **Cultural Resource Protection.** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. (MM # CUL-2)
15. **Truck circulation schedule:** There shall be no truck circulation related to the project between the hours of 7-9 am and 4-6 pm in the following areas: 1) on the segment of Highway 68 (Holman Highway) between the Morse Drive entrance to Pebble Beach and the Highway 68/Highway 1 intersection; and 2) on the segment of Highway 1 between Highway 68 and the City of Seaside. Sand hauling truck traffic into the site and exiting truck traffic shall be scheduled accordingly. (MM # TRANS-1)
16. **Construction Management Plan for sand importation:** The applicant shall provide a construction management plan including truck access routes, material stockpile locations, and traffic control sign installation as specified in the Mitigate negative Declaration. (MM # TRANS-2)

i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 3/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN140432) and are hereby incorporated herein by reference.

j) 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 California Department of Fish and Wildlife (CDFW) 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 Wildlife determines that the project will have no effect on fish and wildlife resources. The site supports environmental resources including wetlands and riparian habitats supporting specific plant communities and animal species. For purposes of the Fish and Wildlife Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Wildlife for review, comment, and to 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).

k) The Mitigated Negative Declaration was prepared for the whole of the action, including the permits for the improvements of the Golf Course in both the Inland (PLN140077) and Coastal (PLN140432) portions of the

Course, and the Planning Commission adopted the Mitigated Negative Declaration in connection with the approval of the Permit for the improvements in the Inland portion of the Course.

l) The County has considered the comments received during the public review period and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.

m) Monterey County RMA-Planning, 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.

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

EVIDENCE:

a) No access is required as part of the project as no substantial impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.

b) The subject property is not described as an area where the Local Coastal Program requires public access (Del Monte Forest Land Use Area Plan).

c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA- Planning for the proposed project are found in Project File PLN060703.

e) The project planner conducted multiple site inspections.

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

EVIDENCE:

a) Section 20.86.030 A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

b) Section 20.86.080 A (1) of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Coastal Commission because a portion of the project in the Coastal Zone is located within 300 feet of the inland extent of the beach.

DECISION

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

1. Certifies that the Commission considered the adopted a Mitigated Negative Declaration prepared for the renovation of the Dunes Golf Course, including the permits for the improvements of the Golf Course in both the Inland (PLN140077) and Coastal (PLN140432) portions of the Course;
2. Adopts a Condition Compliance and Mitigation Monitoring Plan for the development of the improvements of the Golf Course in the Coastal Zone; and

3. Approves a Combined Development Permit including: 1) Coastal Administrative Permit and Design Approval for the renovation of the portions of the existing Dunes Golf Course located in the Coastal Zone (Hole Numbers. 9, 10, 11, 12 & 14) including replacement of the irrigation system; sand capping of the golf course approximately 8,500 cubic yards of sand import); grading to adjust course contouring (approximately 34,183 cubic yards of cut and 43,398 cubic yards of fill); replacement of existing concrete cart paths with permeable surface paths; removal of one pedestrian bridge and two cart bridges on Hole No. 9 and replacement with two pedestrian bridges and two cart bridges; landscaping renovation; 2) Coastal Development Permit for restoration of portions of an environmentally sensitive habitat (Sawmill Gulch Creek) adjacent to Hole No. 9 including construction of 425 linear feet of cobble stone retraining walls between Hole Nos. 9 and 10; and 3) Coastal Development Permit for development within 750 feet from a known archaeological resource, in general conformance with the attached sketches and project description and subject to the attached conditions and mitigation measures, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 28th day of January, 2015 upon motion of Commissioner Vandevere, seconded by Commissioner Diehl, by the following vote:

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

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON FEB 0 5 2015

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 FEB 1 7 2015

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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

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

Monterey Peninsula Country Club
Dunes Golf Course Renovation
Hole by Hole Project Description
Coastal (PLN140432)

Hole #9 – PAR 5

1. Renovation work will reduce the current mechanical look that feels like a basin & ridge shaping of the fairway by lowering the left hand side – particularly the high knob near the landing zone to improve the natural character of the golf hole.
2. Moving the previously installed sand/turf line on the right side of the golf hole will further naturalize and remove what is a very unnatural straight line today.
3. Shift the green into the ice plant area immediately west of the existing green and position so as to lengthen the golf hole on the scorecard for the gold/black/blue tees.
4. The white/silver tees would stay virtually the same, while the silver tee would move forward.

Hole #10 – PAR 3

Shift the tees on the top of the dune slightly to the west, in combination with newly shaped sandscape behind the green. This will retain the ocean views while lessening the exposure to a nearby parking area and traffic on Spanish Bay Road.

Hole #11 – PAR 4

Starting with the second half of the 11th hole and continuing through the finish of the course, the plan calls for the creation of large areas of sandscape to frame, enhance and define the Dunes Course to a large extent.

1. The tees on the eleventh will adjust slightly with the gold/black tee gaining approximately seven yards each, the blue tee moving up fourteen yards, the white tee remaining essentially in place, the green tee gaining twenty-five yards and the silver tee repositioned thirty yards forward. The blue/white/green/silver tees would have a more direct and visual line.
2. Sandscape would extend from the tee zone up the right side of the golf hole.
3. The green complex would be brought down in elevation and to the left, and would be back dropped by sandscape that would extend from the cypress grove short right and encompass the space between the current green and the Dune Shelter.
4. Separation would be left between the sandscape and Dune Shelter so as to provide a buffer from wind swept sand encroachment.

Hole #12 – PAR 4

1. Shift the gold/black/blue tees to the left allowing the existing tree line to form a natural frame and screen the Dunes Course from the adjoining residential development.

2. The gold/black/blue /green tees would be close to the current yardage. The white and silver tees would shorten.
3. In addition to shifting the tees left, the left side of the golf hole would be shaped into a sandscape that would provide interest and enclose from the golf hole from development.
4. The green complex would move the green further back into the space behind the current green. This would potentially add as much as 40-50 yds to the gold/black/blue tee positions.
5. The space between the current green complex and 17 Mile Drive would be incorporated with the sandscape area extending from the eleventh tees to provide a more interesting back ground and screen traffic on the roadway.

Hole #14 – PAR 3

1. Reshape the green complex to work in conjunction with the shape of the shoreline. This will create more hole locations along the ocean periphery of the green and a greater variety of distances and set up.
2. Place sandscape along the inside line of 17 Mile Drive that will screen cars/traffic and complete a more aesthetic design for the golf hole.
3. The hole may shorten slightly for the gold/black/silver tees and stay close to existing yardage for the blue/white/green.

PAGES 15 - 19 REMOVED FOR RECORDING PURPOSES

Maps / Pages on file with Monterey County Planning Commission Resolution No. 15-012.

PAGES 15 - 19
REMOVED FOR
RECORDING
PURPOSES

Monterey County RMA Planning

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

PLN140432

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN140432) allows the renovation and redesign of the portions of the Dunes Golf Course located in the designated coastal zone areas; and the restoration of the Sawmill Gulch Creek where adjacent to Hole No. 9 of the Golf Course. The property is located at 3000 Golf Club Road, Pebble Beach (Assessor's Parcel Numbers 007-361-001-000, & 007-371-013-000), Del Monte Forest Area Land Use Plan. 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 RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 15-012) was approved by the Planning Commission for Assessor's Parcel Numbers 007-361-001-000, & 007-371-013-000 on January 28, 2015. The permit was granted subject to 26 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: 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.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

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

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

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

4. PD - ADDITION OF HISTORICAL RESOURCE ("HR") OVERLAY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Consistent with the provisions of Chapter 20.147.080 C 3 (b) of the Monterey County Coastal Implementation Plan - Part 5 - Regulations for Development in the Del Monte Forest Land Use Plan Area, the applicant shall request in writing the addition of the "HR" (Historical Resources) Overlay to the parcels where archaeological resources have been identified.

Compliance or Monitoring Action to be Performed: Prior to finalizing of the grading permit for grading in the coastal portions of the Golf Course renovation.

5. PD - CONSERVATION EASEMENT - ARHAEOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Consistent with the provisions of Chapter 20.147.080 C 3 (c) of the Monterey County Coastal Implementation Plan - Part 5 - Regulations for Development in the Del Monte Forest Land Use Plan Area, the archaeological resources identified on the property shall be placed in a conservation easement.

Compliance or Monitoring Action to be Performed: The project archaeologist shall recommend the area to be placed under the conservation easement.

An easement deed shall be recorded prior to finalizing of the grading permit for the grading in the coastal portions of the renovation of the Golf Course.

6. PD - GRADING PERMIT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit grading plans addressing the requirements of Monterey County Code Chapter 16. The application shall include all the site grading, soil compaction and utility trench backfill recommendations from the several geotechnical reports prepared for the project, as they may apply to specific sections of the golf course. The application shall also include all applicable Best Management Practices during and post-construction identified in the Storm Water Pollution Prevention Plan (SWPP) prepared for the project.

Compliance or Monitoring Action to be Performed: Grading plans shall be submitted prior to issuance of any grading permit for grading in the coastal portions of the project. All monitoring shall be conducted as specified in the Stormwater Pollution Prevention Plan and as required by the grading permit.

6. PD - OPEN SPACE/CONSERVATION AND SCENIC EASEMENT - SAWMILL GULCH CREEK

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Consistent with the provisions of Chapter 20.147.040 C 3 (b) of the Monterey County Coastal Implementation Plan - Part 5 - Regulations for Development in the Del Monte Forest Land Use Plan Area, the portion of the Gulch Creek located in the coastal zone shall be placed in an open space and conservation easement.

Compliance or Monitoring Action to be Performed: Open Space and Conservation and scenic easement deed to be recorded prior to issuance of the final of the grading permit for the grading in the coastal portions of the Golf Course.

7. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan addressing the requirements of Monterey County Code Chapter 16.12. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

8. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a WDID# certifiying the project is covered under the California Construction General Permit. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a WDID# certifiying the project is covered under the California Construction General Permit.

9. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading, erosion control, and stormwater regulations. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

11. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

12. MM #1 & #2 - WORKER ENVIRONMENTAL AWARENESS PROGRAM

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A qualified biologist shall prepare and present a Worker Environmental Awareness Program (WEAP) to train all project staff regarding habitat sensitivity, identification of special status species, required practices, and limits of work. The training shall include a brief review of the biology of sensitive species known or with potential to occur on the project site (including but not limited to California Red Legged Frog (CRLF), Monterey large-eared woodrat, white-tailed kite, Cooper's hawk and nesting birds and raptors), the general measures that are being implemented to conserve these species as they relate to the project, guidelines to avoid impacts to these species during the construction period, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers on-site. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures. The applicant shall provide a copy to the RMA-Planning Department. The WEAP must contain the following specific information regarding CRLF: photographs describing and illustrating potentially occurring CRLF; a discussion of measures to be implemented for avoidance of the special status species and the identification of an on-site contact on in the event of the discovery of sensitive species on the site. Training shall be also be conducted for new personnel before they join construction activities. The contractor shall be responsible for ensuring that all personnel working on-site comply with the guidelines.

Compliance or Monitoring Action to be Performed: Prior to the start of construction, the applicant shall provide a copy of written materials to be provided to employees as part of the WEAP training to the RMA-Planning Department. Prior to new construction employees beginning work, the project biologist/ecologist shall conduct WEAP training for new employees and documentation (sign-in sheets) as described above shall be provided to the RMA-Planning Department no later than the end of the following month.

13. MM # 3 - INVASIVE SPECIES MINIMIZATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to minimize potential biological impacts to native plant and animal resources and habitat, prior to the issuance of a grading permit, the applicant shall prepare a planting/restoration plan for the areas that will be naturalized to be submitted to the RMA-Planning Department for review and approval. The plan shall be developed in consultation with a qualified biologist and arborist and shall include the following at a minimum: 1) utilize locally sourced plants or seeds that are native to the immediate area; 2) utilize topsoil from forested and naturally vegetated areas which are being converted to irrigated turf; 3) include a plan for eradication of aggressive non-native species including but not limited to French broom (Genista monspessulana) and Myoporum (Myoporum laetum); and 4) monitoring for a period of a minimum of five (5) years to ensure that the plantings are thriving. The restoration shall be considered successful when replacement requirements for trees (see measure BIO-12) are met and 80 percent of other planted native vegetation have survived and are evaluated by the project biologist and project arborist as being in good health. Further invasive non-native species shall occupy less than 10 percent of restored areas and cover of these shall be in decline as illustrated by cover data trends for the monitoring period. In the event of loss of plant materials due to mortality, the plants shall be replaced and the monitoring shall begin again. The approved planting/restoration plan shall be implemented prior to final inspection.

Compliance or Monitoring Action to be Performed: Prior to the start of construction, the applicant shall provide a copy of the planting/restoration plan for areas that will be converted to native/naturalized vegetation and the invasive species management plan to the RMA-Planning Department for review and approval.

Prior to final inspection, the applicant shall provide a report documenting that restoration planting and invasive species measures have been implemented.

The applicant/owner shall submit a monitoring report prepared by a qualified biologist once per year for a minimum of five (5) years, beginning one year after initial installation is complete. The monitoring report shall include an evaluation of the health status of the plantings and recommendations regarding measures to improve the success of the plantings if they are not thriving. Tree survival reports as required by measure BIO-12 can be submitted as part of this report or separately depending on how restoration plantings are managed. The applicant/owner shall implement recommendations made in annual monitoring reports. The requirement for monitoring reports shall end after five (5) years or whenever the required success rate of 80 percent survival for replanted vegetation other than trees, and 90 percent eradication of non-native species has been met, whichever occurs later

14. MM # 4 - MINIMIZATION OF IMPACTS ON DUSKY-FOOTED WOODRAT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall consult with the California Department of Fish and Wildlife (CDFW) on the current taxonomy and conservation status of woodrats on the Peninsula. The applicant shall provide documentation from CDFW regarding the taxonomy and conservation status of woodrats in the project area, and any required avoidance and minimization practices for removal of woodrat middens and relocation of woodrats.

If the applicant does not obtain written documentation from CDFW, the project biologist shall survey for presence of woodrat middens. If middens are discovered, they shall be dismantled slowly using a long-handled pitchfork or layer by layer with a small piece of heavy equipment, to allow any wood rats present in the midden to escape unhindered. Midden materials shall be placed at the edge of the disturbance area to allow salvage and reuse by the relocated woodrat individuals.

Compliance or Monitoring Action to be Performed: Prior to removal of native or naturalized brushy or woody vegetation the applicant shall provide evidence of consultation with the CDFW or shall provide the results of the biologist's survey and recommendations.

15. MM #5 - PRE-DISTURBANCE SURVEYS FOR CRLF

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pre-disturbance Surveys for CRLF. Prior to renovation activities at Hole 15, implementation of the proposed restoration, and other actions immediately adjacent to drainages, a qualified biologist shall perform two pre-disturbance surveys within suitable CRLF habitats at the restoration site to determine if the species is present .
The surveys shall consist of one nighttime or 'eye shine' survey and one daytime survey, to be completed within 48 hours prior to start of construction activities in or immediately adjacent to suitable habitat (ponds, drainages, and wetlands). If this species is not detected during the survey(s), then CRLF Avoidance Measures (BIO-6) shall be implemented and no further mitigation would be required (unless required by other permitting agencies as a condition of permits to conduct stream restoration). However, if a CRLF is found within the project site during the survey(s), project activity affecting suitable habitat shall be halted until the frog has left the work area of its own accord, and the applicant shall report the finding to USFWS within 48 hours. If a CRLF takes up residence in the work area, the applicant shall halt work, and consult with USFWS prior to continuing project activities to determine if take authorization is required, and to determine additional avoidance and minimization measures to protect CRLF, if required. Take authorization would be required to relocate individual CRLF out of the work area, and additional avoidance and minimization measures may include, but would not be limited to: full time monitoring for all activities within suitable habitat, and use of temporary exclusion fencing for activities adjacent to suitable habitat.

Compliance or Monitoring Action to be Performed: Pre-construction surveys must be conducted within 48 hours prior to construction activities within 200 feet of suitable habitat (drainages, wetlands, ponds). Results must be reported to the County before start of work in these areas.

16. MM #6 - CRLF AVOIDANCE MEASURES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Avoidance and minimization measures shall include the following (adapted from the Programmatic Formal Endangered Species Act Consultation on Issuance of Permits under Section 404 of the Clean Water Act or Authorizations under the Nationwide Permit Program for Projects that May Affect the California Red-legged Frog issued on January 1999 by the United States Fish and Wildlife Service (USFWS). The United States Army Corp of Engineers (USACE) consults with USFWS under Section 7 of the Endangered Species Act if Section 404 permits are issued for the project, to determine if the project is covered under programmatic formal consultation through issuance of USACE permits under Section 404 of the Clean Water Act. If USACE permits are not pursued, the applicant shall consult informally with USFWS that take of federally protected species is not anticipated through implementation of the measures below.

• Work activities in or adjacent to (within 200 feet of) suitable habitat (ponds and drainages) shall be completed between April 15 and October 15.
• A USFWS-approved biologist shall be present on-site during all initial ground disturbing activities, including vegetation removal, grading, and any exclusion fence installation and removal, for renovation activities at Hole 15, course renovation activities immediately adjacent to streams, and for stream restoration activities. Once these activities have been completed, the approved biologist shall conduct periodic inspections of the work site of not less than once per week when construction activities are occurring in/adjacent to suitable habitat. Additional site visits shall occur during rain events when special status amphibians are likely to be mobile to ensure that they are not entering work areas.
• The applicant shall designate a representative who will oversee implementation of all avoidance and minimization measures when the USFWS-approved biologist is not present. This representative shall be trained by the USFWS-approved biologist in the identification of special status amphibians and in the implementation of all avoidance and minimization measures. This representative shall not have the authority to handle special status species.
• Both the applicant's representative and the USFWS-approved biologist shall have the authority to halt any action which may result in take of special status species.
• All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near wetland habitat, drainages, or water bodies.
• At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
• All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
• The USFWS-approved biologist shall remove invasive aquatic species such as bullfrogs and non-native crayfish from suitable aquatic habitat whenever observed and shall dispatch them in a humane manner and dispose of properly.
• If any federally protected species are harmed, the USFWS-approved biologist shall document the circumstances that led to harm. Unless take authorization has been obtained from USFWS, project activities shall cease until consultation with USFWS can be completed. Dead or injured special status species shall be disposed of at the discretion of USFWS. All incidences of harm shall be reported to USFWS within 48 hours.

Compliance or Monitoring Action to be Performed: Avoidance measures shall be implemented at any time that project activities require ground breaking or vegetation removal in and near (within 200 feet) streams, wetlands, or ponds. The project biologist shall submit regular monthly reports to the County summarizing implementation of avoidance measures, and any corrective actions taken, until all project activities affecting these habitat types are complete . Reports can be combined with other reporting requirements where appropriate.

17. MM #7 - WESTERN POND TURTLE AVOIDANCE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to renovation or stream restoration activities that require grading or vegetation removal within 200 feet of the ponds at any time, or within 200 feet of drainages when the drainages contain standing water, a qualified biologist shall perform western pond turtle focused surveys. If Western Pond Turtles are observed during these surveys, their locations shall be recorded and no work shall be allowed within 200 feet of these areas until the qualified biologist has determined that the animal(s) have left the area on their own, or the qualified biologist has relocated the animal(s) to a safe location with suitable habitat.

Compliance or Monitoring Action to be Performed: Surveys must be completed within 48 hours prior to commencing activities that require grading or vegetation removal within 200 feet of ponds, drainages, or wetlands. Results of the survey and any additional monitoring needs must be submitted to the County prior to commencing construction work.

18. MM #8 - GROUND DISTURBANCE AVOIDANCE DURING NESTING SEASON

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Direct disturbance (clearing/grading/vegetation removal) to nesting habitat shall be conducted outside of the breeding season between September 16 and January 31 to the greatest extent possible. Early removal of nesting structures shall prevent mated pairs from nesting in areas subject to disturbance.

Compliance or Monitoring Action to be Performed: Surveys must be completed within 14 days prior to ground disturbance or tree removal. Results must be provided to the County RMA – Planning Department prior to commencing activities. If buffers and follow-up monitoring are required, the biologist shall submit a monthly monitoring report identifying active nests, monitoring results, and condition of buffer zones. Reports can be combined with other reporting requirements where appropriate.

19. MM #9 - PRE-CONSTRUCTION NESTING BIRD SURVEYS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: For project activity that occur during the nesting season (between February 1 and September 15), the applicant's qualified biologist shall conduct a nesting bird survey not more than 14 days prior to any ground disturbance, removal of trees or other vegetation. The survey must include a buffer of 500 feet, as accessible, into adjacent vegetation to identify common and special raptor nests in close proximity to work areas. If no active nests are present, then activities can proceed as scheduled. If an active nest is detected during the survey, then the establishment of a protective buffer zone from each active nest (typically 500 feet for special status birds of prey, 300 feet for other raptors and special status passerine species, and 50-100 feet for common native passerine species and waterfowl) shall be established by the qualified biologist, in consultation with CDFW if special status species are involved, and all work within this buffer shall be avoided until a qualified biologist determines that juvenile bird (s) have fledged or the nest has otherwise become inactive. Buffer zones vary depending on the nesting bird species and type of work proposed and may be reduced through consultation with CDFW. The buffer zone shall be clearly delineated to avoid disturbance to nesting birds. Depending on their proximity to disturbance areas, buffer zones may be designated in the field in various ways, including flagging, fencing, and/or signage.

Compliance or Monitoring Action to be Performed: Surveys must be completed within 14 days prior to ground disturbance or tree removal. Results must be provided to the County RMA – Planning Department prior to commencing activities. If buffers and follow-up monitoring are required, the biologist shall submit a monthly monitoring report identifying active nests, monitoring results, and condition of buffer zones. Reports can be combined with other reporting requirements where appropriate.

20. MM #10 - SENSITIVE HABITAT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to commencement of course renovation activities, limits of work shall be identified in the field through use of highly visible stakes, flagging, or fencing, and sensitive habitats shall be avoided. A qualified biologist or ecologist must verify limits of work are marked clearly in the field, and are properly placed, particularly for activities that require removal of native or naturalized (non-maintained or landscaped) vegetation, or that occur immediately adjacent to woodland, dune, riparian, wetland, or stream habitats. Where trees are immediately adjacent to work areas, the project arborist or forester shall also be consulted, as noted in measure BIO-13.

Compliance or Monitoring Action to be Performed: The project biologist shall submit regular monthly reports to the County summarizing implementation of sensitive habitat avoidance measures, and any corrective actions taken. Reports can be combined with other reporting requirements where appropriate.

21. MM #11 - WETLAND & STREAM HABITAT RESTORATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Temporary impacts to jurisdictional wetland and stream habitat shall be mitigated through restoration activity as established through the permitting process with California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB); and United States Army Corp of Engineers (USACE), but at a minimum ratio of not less than 1 to 1 (acres impacted to acres restored), such that for each acre of temporary impacts to wetlands, one acre of wetlands will be restored to pre-project condition or better, and for each acre of non-wetland stream habitat impacted, one acre of stream habitat shall be restored to pre-project condition or better. Restoration shall be consistent with the prepared Restoration and Monitoring Plan developed for the project, or as modified by agency permit requirements. If modifications to the Restoration Plan are made, the revised plan shall be submitted to the County RMA – Planning Department. The Plan shall be implemented for no less than five (5) years or until Monterey County and/or the permitting authority (e.g., CDFW, USACE, RWQCB) has determined that restoration has been successful. The applicant shall submit monitoring reports to the County for all years in which monitoring actions are conducted. The final restoration plan shall be submitted to Monterey County and/or CDFW for review prior to implementation of the plan.

Compliance or Monitoring Action to be Performed: Prior to the start of construction, the applicant shall provide a copy of the final stream Restoration and Monitoring Plan to the RMA-Planning Department for review and approval.

Prior to final inspection, the applicant shall provide a report documenting that stream restoration actions have been implemented.

The applicant/owner shall submit a monitoring report prepared by a qualified biologist once per year for a minimum of five (5) years, beginning one year after initial installation is complete. The monitoring report shall include an evaluation of restoration success according to criteria outlined in the Restoration and Monitoring Plan. The applicant/owner shall implement recommendations made in annual monitoring reports. The requirement for monitoring reports shall end after five (5) years or whenever the required success criteria are met.

22. MM #13 - TREE PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: To minimize root disturbance, trunk damage, and other detrimental effects to CRPR 1B Monterey Pine and protected native oaks that would not be removed by the project, the following tree protection measures shall be implemented:

1. For trees that would be retained and are located adjacent to project impact areas, prior to any grading activities, tree protection measures shall be installed and approved by the project arborist/forester. Tree protection fencing shall consist of 4-foot-tall orange mesh safety fencing firmly attached to 6-foot-tall steel fence posts driven a minimum of 14 inches into the ground. The protection fencing locations shall be included in the project construction site plans and staked on the ground.
2. Fencing shall be limited to areas within 100 feet of trees where grading is planned unless otherwise required by the project arborist/forester. In general, the fencing shall follow the canopy driplines (which would encompass the Critical Root Zone and Tree Protection Zone) of the retained trees and native vegetation to prevent tree damage and soil compaction. Where equipment might be operating close to the tree trunks, the trunk and any low branches subject to potential damage shall be wrapped with straw wattles and firmly tied. No attachments to the trees are allowed.
3. Tree protection measures shall remain intact and effective for the duration of all construction activities. The project arborist/forester shall monitor the site weekly during construction activities to ensure protection measures remain in place. If special needs require temporary removal of the fencing, it shall be under the direction of and monitored by the project arborist/forester.
4. Should structural pruning (of limbs four [4] inches or greater in diameter) or crown raising be required by the project, it shall be completed prior to the installation of the fencing and under the direct supervision of the project arborist /forester. Pruning shall be completed by a licensed tree care contractor with properly trained personnel.
5. Root impacts on roots over two (2) inches in diameter shall be reduced by cutting them cleanly and sealing with a paint or root sealer to prevent decay. Exposed roots shall be kept moist until backfill is installed. If roots are anticipated to be exposed for more than 24 hours, they shall be covered with wet burlap or other similar material to avoid desiccation.
6. Soils shall not be deposited around or over any trees in the project area.
7. The project arborist/forester shall prepare a written log for site visit monitoring activities and will communicate to the contractor's superintendent any follow-up measures to be undertaken to protect trees during construction.

Compliance or Monitoring Action to be Performed: Prior to the start of construction, the applicant shall provide documentation that a project arborist/forester has been retained.

The project arborist/forester shall provide regular monitoring reports and copies of monitoring logs on a monthly basis during construction.

23. MM #14 - CULTURAL (PREHISTORIC) RESOURCE PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A qualified archaeological monitor shall identify the general areas containing potential historical resources. The archaeological monitor shall be present during excavation and grading for the areas of the identified potentially significant cultural resources. The monitor shall be authorized to halt work to examine any potentially significant archaeological/cultural resources that may be exposed by the grading. If the find is determined to be significant, work shall remain halted in that area until appropriate measures are identified and implemented to protect the resources.

Compliance or Monitoring Action to be Performed: Areas containing potential historical resources shall be identified by the archaeologist before grading.

24. MM #15 - CULTURAL (ARCHAEOLOGICAL) RESOURCE PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

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. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

25. MM #16 - TRUCK CIRCULATION SCHEDULE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: There shall be no truck circulation related to the project between the hours of 7-9 am and 4-6 pm in the following areas: 1) on the segment of Highway 68 (Holman Highway) between the Morse Drive entrance to Pebble Beach and the Highway 68/Highway 1 intersection; and 2) on the segment of Highway 1 between Highway 68 and the City of Seaside. Sand hauling truck traffic into the site and exiting truck traffic shall be scheduled accordingly.

Compliance or Monitoring Action to be Performed: The truck circulation schedule shall be maintained during the duration of the sand hauling operations.

26. MM #17 - CONSTRUCTION MANAGEMENT PLAN FOR SAND IMPORTATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall provide a construction management plan including the following: 1) Between the Morse Drive entrance to Pebble Beach and the project site, truck drivers shall be instructed to utilize Morse drive, Congress Road and Bird Rock Road to access and egress the site; 2) any sand stockpile that may be necessary shall be located at a minimum of 250 feet from any road right-of-way to allow sufficient truck maneuvering areas and to avoid queue spillover onto the roads; and 3) traffic control signs shall be installed at and near the golf course access points for the sand hauling operation during the duration of the project:

a) "Truck Entrance" warning signs on Sloat Road, Bird Rock Road and other roads utilized to access the golf course;

b) A special sign providing a phone number for persons with questions, problems or complaints. The special sign is recommended to read "Monterey Peninsula Country Club Renovation. We want to be good neighbors. If you have any questions or problems, call (xxx) xxx-xxxx."

Compliance or Monitoring Action to be Performed: The location of the signs shall be approved and the signs located prior to and throughout the duration of the sand hauling operation.

EXHIBIT "C"
CONSERVATION AREAS
ARCHAEOLOGICAL SITES

That certain real property, situated in the County of Monterey, State of California and more particularly described as follows:

A portion of the El Pescadero and Point Pinos Ranchos, being within the boundaries of those certain tracts of land designated "Monterey Peninsula Country Club Subdivision No. 2" which was filed for record September 6, 1925 in Map Book 3 of "Cities and Towns" at page 29, Official Records of Monterey County, California and more particularly described as follows:

PARCEL 1

That portion of Club Lot 1 containing archaeological site CA-MNT-2265 as described in a December 13, 2013 report prepared by Archaeological Consulting (Project 4782D3); said report on file with the Monterey County Resource Management Agency in File No. PLN140432.

PARCEL 2

That portion of Club Lot 2 containing archaeological sites CA-MNT-1422 and CA-MNT-148 as described in a December 13, 2013 report prepared by Archaeological Consulting (Project 4782D1); said report on file with the Monterey County Resource Management Agency in File No. PLN140432.