

# Attachment C

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# APPRAISAL REPORT

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*of*

**27217 THROUGH 27225 HIGHWAY 1, CARMEL, CA 93923**

**(2.2 ACRE PROPERTY)**

**Property Owner – Clinton Eastwood, as his sole and separate property,**

**as to an undivided 1/2 interest; Margaret Eastwood, Trustee  
of the Margaret Eastwood Trust U/D/T dated August 21, 1990,**

**as to an undivided 1/2 interest**

**Date of Value – March 26, 2024**

**Date of Appraisal Report June 10, 2024**

**Prepared for:**

**Monterey County Housing and Community Development**

***Carmel River Flood Plain Restoration and***

***Environmental Enhancement Project***

***Caltrans #: Unassigned***

**Prepared by:**

**Trentin P. Krauss, MAI**

**Krauss Appraisal, LLC**

**3093 Citrus Circle, #160**

**Walnut Creek, CA 94598**

June 10, 2024

Monterey County Housing and Community Development  
1441 Schilling Place  
South 2<sup>nd</sup> Floor  
Salinas, CA 93901

Re: Carmel River Flood Plain Restoration and Environmental Enhancement Project  
Owner: Eastwood  
Property Address: 27217 through 27225 Highway 1, Carmel, CA 93923 (2.2-acre property)  
Caltrans#: Unassigned

To Whom it May Concern:

Pursuant to my contract with Associated Right of Way Services Inc., an appraisal has been made of the fair market value of the above referenced parcel as requested for the Carmel River Flood Plain Restoration and Environmental Enhancement Project. The proposed property interests to be acquired include the permanent easement acquisition of a 0.29-acre area (E-3) and two temporary construction easements that will encumber 0.17 acres (E-1) and 0.36 acres (E-2) for a four year period. The final valuation conclusion is presented in the following report.

This Appraisal Report is prepared in conformance with the Uniform Standards of Professional Appraisal Practice, Standard Rule 2-2(a). This report contains a description of the subject property, the property rights to be acquired, a valuation conclusion for the property to be acquired and an estimate of market value. I have completed an inspection of the subject, gathered pertinent information, sales and other data relevant to the valuation and analyzed the data to reach my conclusions.

The property owner was sent a Notice of Decision to Appraise letter on December 20, 2022. Since the Notice of Decision to Appraise letter was sent, the proposed acquisitions have changed and this report relies on the updated appraisal map, which can be found in the Addenda. My most recent inspection of the subject property was on March 20, 2023. The client indicated the scope of this appraisal did not require a current site inspection. The date of value of this appraisal is March 26, 2024. The opinion of the fair market value of the property interest considered for acquisition for the Project is as shown in the following Summary of Salient Facts and Estimate of Just Compensation, which is made a part of this transmittal letter and appraisal report.

The opinion of the fair market value of the property interests considered for acquisition for the project is as shown in the following Appraisal Report, which is made a part of this transmittal letter.

The accompanying report is submitted for your review and approval for acquisition purposes and is subject to the Assumptions and Limiting Conditions included herein. The accompanying report is submitted for your review and approval for acquisition purposes, subject to the Assumptions and Limiting Conditions included herein.

Respectfully,

A handwritten signature in blue ink that reads "Trentin P. Krauss". The signature is fluid and cursive, with the first name being the most prominent.

Trentin P. Krauss, MAI  
State Certified General Appraiser  
CA License No. AG043134

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

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**SUMMARY OF SALIENT FACTS AND ESTIMATE OF MARKET VALUE**

Easement E-3 (Fee Interest)	Easement E-3 (CE Interest)	Temporary Easement (E-1) (Fee Interest)	Temporary Easement (E-1) (CE Interest)	Temporary Easement (E-2) (Fee Interest)	Temporary Easement (E-2) (CE Interest)	Damages	Benefits	Total Market Value of Acquisitions (rnd.)
\$62,047	\$12,412	\$13,784	\$2,757	\$6,852	\$1,372	\$0	Not Quantified	\$99,200

**Date of Valuation:** March 26, 2024

**Larger Parcel (Assessor’s Parcel Numbers):** 243-071-008

**Cal Trans Property No.:** None Assigned

**Subject Property Address:** 27217 through 27225 Highway 1, Carmel, CA 93923. Although the County Assessor has no address for the Property, there are five mailboxes on the Property with the following addresses 27217, 27219, 27221, 27223, and 27225.

**Owner of Record and Address:** Clinton Eastwood, as his sole and separate property, as to an undivided 1/2 interest; Margaret Eastwood, Trustee of the Margaret Eastwood Trust U/D/T dated August 21, 1990, as to an undivided 1/2 interest

**Owned Since:** Over ten years

**Occupied By:** Unknown

**Principal Improvements:** Five residential units and ancillary buildings (based on an exterior only site inspection)

**Gross Site Area (Larger Parcel):** 2.22 Acres (Right of Way Appraisal Map)

**Zoning:** MDR/3DSpTr(CZ)

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**General Plan Designation:**

Residential Medium Density

**Williamson Act Contract:**

None

**Highest and Best Use Estimate**

**As Vacant:**

Develop with a single-family residence.

**Highest and Best Use Estimate**

**As Improved:**

Continued use as a multiple residential dwelling property.

**Flood Hazard Zone:**

FEMA Flood Plain AE per FEMA map panel 06053C0316H dated June 21, 2017.

**Earthquake Information:**

Not located in an earthquake fault zone



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**STATEMENT OF LIMITING CONDITIONS**

The following Assumptions and Limiting Conditions have been relied upon and used in making this appraisal and estimating the respective values required by the purpose of the appraisal and its intended use.

1. The Appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The Appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The Property is appraised on the basis of it being under responsible ownership.
2. The Property is appraised as free and clear of any or all liens and encumbrances unless otherwise stated in this report.
3. Any sketch, plats, photographs, or maps included in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.
4. The Appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and have noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the Appraiser is not a surveyor, he makes no guarantees, express or implied, regarding this determination.
5. The Appraiser will not give testimony or appear in court, public hearing, pretrial conference, deposition, etc. because they made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
6. The Appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject or that they became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the Appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the Property more or less valuable, and have assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the Property. The Appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the Appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the Property.
7. The Appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he considers to be reliable and believe them to be true and

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correct. The Appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.

8. The Appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.

9. The distribution, if any, of the total valuations in this report between land and improvements applies only under the state program of utilization. The separate allocations for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.

10. It is assumed that the subject is in full compliance with all applicable Federal, State, and local environmental regulations and laws unless otherwise stated in this report.

11. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in this report.

12. It is assumed that all required licenses, certificates of occupancy, or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value conclusions contained in this report are based.

13. The Appraiser must provide prior written consent before the client specified in the appraisal report can distribute the appraisal report or any part of it (including conclusions about the property value, the Appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the Appraiser is associated) to anyone. The Appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, education, news, sales, or other media.

14. The Americans with Disabilities Act (ADA) became effective January 26, 1992. The Appraiser has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the Property, together with a detailed analysis of the requirements of the ADA, could reveal that the Property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the Property. Since the Appraiser has no direct evidence relating to this issue, they are not considered in noncompliance with the requirements of ADA in estimating the value of the Property.

15. The appraiser assumes no responsibility for the discovery of hidden or non-apparent conditions of the properties, subsoil, or the structures that render it more or less valuable. There are no known encroachments that impact the market value or marketability of the site.

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**APPRAISER'S CERTIFICATION**

The undersigned Appraiser certifies and agrees that to the best of his knowledge and belief:

1. To the best of my knowledge the statements of fact contained in this appraisal report are true and correct and the information upon which the opinions expressed are based is correct; subject to the Limiting Conditions detailed.
2. This appraisal may be used in connection with the proposed acquisition of the identified partial and temporary acquisitions; the appraisal has been made in conformity with the appropriate State laws, Title VI of the 1964 Civil Rights Act, and regulations, policies and procedures applicable to the appraisal of right of way for such purposes; and that to the best of my knowledge no portion of the value assigned to such property consists of items which are non-compensable under the established law of the State of California.
3. The reported analyses, opinions, and conclusions are limited only by the reported assumptions, limiting conditions, and legal instructions, and are the personal, impartial and unbiased professional analyses, opinions and conclusions of the Appraiser.
4. I have no present or prospective interest in the Property that is the subject of this report and no personal interest with respect to the parties involved.
5. I have no bias with respect to the Property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. I have made a personal inspection of the Property that is the subject of this report on April 11, 2023 and March 20, 2023, from the public right of way. The owner was provided a Notice of Decision to Appraise, but did not respond. The client indicated the scope of work for this assignment did not require a more current site inspection and a more recent personal inspection was not made for this current assignment.
9. No one other than the signing Appraiser has provided significant real property appraisal assistance in the preparation of this report.

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10. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, to the best of my knowledge and belief, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

11. The Appraisal Institute conducts a program of continuing education for its designated members. As of the date of this report, Trentin P. Krauss, MAI has completed the requirements of the continuing education program of Designated Members of the Appraisal Institute.

12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its authorized representatives.

13. I have previously completed an appraisal of the subject property in the last three years, but had no other business with the subject property within the three-year period immediately preceding the acceptance of this assignment.

14. The opinion of fair market value for the proposed acquisition of portions of the subject larger parcel as of the date of value is set forth in the Summary of Salient Facts and Estimate of Just Compensation and is based upon my independent appraisal and the exercise of professional judgement.

15. I have not revealed the findings and/or results of my appraisal to anyone other than the proper officials of the acquiring agency and I will not do so unless authorized by said officials, or until I am required to do so by due process of the law, or until I am released from this obligation by having publicly testified as to such findings.

16. Any decrease or increase in the fair market value of the real property prior to the date of value caused by the project or improvements for which portions of such property is acquired, or by the likelihood that the Property would be acquired for such project or improvements, other than due to physical deterioration within the reasonable control of the owner, has been disregarded in appraising the Property.

I hereby certify that my opinion of the market value of the property appraised as described in this report is included herein and that my opinion and conclusion were made subject to the Assumptions and Limiting Conditions in this report and without collusion, coercion or direction from anyone as to value.



Trentin P. Krauss, MAI  
State Certified General Appraiser  
CA License No. AG043134  
June 10, 2024

**APPRAISAL SUMMARY**

**Subject Property Identification:**

The property appraised has five residential dwelling units that have street addresses of 27217, 27219, 27221, 27223, and 27225 State Highway 1, Carmel, California 93722. The subject property is also identified as Monterey County Assessor's Parcel Number (APN) 243-071-008. The total land area is 2.22-acres. Ownership of the subject property is held in the name of Clinton Eastwood, as his sole and separate property, as to an undivided 1/2 interest; Margaret Eastwood, Trustee of the Margaret Eastwood Trust U/D/T dated August 21, 1990, as to an undivided 1/2 interest. The subject property is commonly identified as the "Property" throughout this appraisal report. The Property identified makes up the larger parcel appraised in this report.

**Client:**

The client of this assignment is Associated Right of Way Services Inc.

**Intended Use:**

This appraisal report is intended to be used to aid in negotiating the compensation due to the property owner for two proposed acquisitions; a proposed temporary construction easement that will encumber two areas E-1 is 0.17 acres and E-2 is 0.36 acres with a total land area of 0.53-acres of the Property for four years and a 0.29 acre Permanent Easement (E-3).

**Intended User:**

The intended users of this appraisal report are the Client and Monterey County Housing and

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Community Development and their duly authorized representatives.

**Purpose of Appraisal:**

The purpose of this appraisal is to aid in acquiring the identified acquisitions.

**Zoning:**

MDR/3DSpTr(CZ)

**General Plan Designation:**

Carmel Land Use Plan  
Residential Medium Density

**Williamson Act Contract:**

None

**Flood Hazard Zone:**

FEMA Flood Plain AE per FEMA map panel 06053C0316H dated June 21, 2017.

**Legal Description:**

A legal description is included in the Preliminary Title Report, in the Addenda.

**Site Analysis:**

The total land area of the parcel appraised is 2.22 acres. The parcel is irregularly shaped with mostly level topography. The entire Property is encumbered by a conservation easement.

**Site Improvements:**

The site is improved with an estimated five residential dwelling units, one storage building, and several smaller ancillary structures. The improvements are wood-frame construction and were constructed prior to 1998, based on aerial imagery. The improvements were noted to be in average to below average condition for the neighborhood.

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**Highest and Best Use Estimate**

**As Vacant:**

The highest and best use of the Property as vacant is to develop the site with a residential use.

**Highest and Best Use Estimate**

**As Improved:**

The highest and best use as improved is the continued use of the existing improvements.

**Final Estimated Value of the Subject**

**Property, Land Only, in the Before Condition:** \$600,000 (ignoring conservation easement)

**Final Estimated Value of the Remainder,**

**Land Only, in the After Condition:** \$525,541 (ignoring conservation easement)

**Estimated Value of the Proposed**

**TCE Acquisition (E-1):**

Fee Owner's Interest	\$ 13,784
1997 CE Interest	<u>\$ 2,757</u>
Total	\$ 16,541

**TCE Acquisition (E-2):**

Fee Owner's Interest	\$ 6,852
1997 CE Interest	<u>\$ 1,372</u>
Total	\$ 8,224

**Estimated Value of the Proposed**

**Permanent Easement Acquisition (E-3):**

Fee Owner's Interest	\$ 62,047
1997 CE Interest	<u>\$ 12,412</u>
Total	\$ 74,459

**Estimated Damages:**

None

**Estimated Benefits:**

Not Quantified

**Total Estimated Market Value of**

**Acquisitions:** \$99,200, rounded

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**Date of Value:** March 26, 2024

**Date of Inspection:** April 11, 2023

**Date of Report:** June 10, 2024

**Special Limiting Conditions:** The above value estimates specifically ignores any hidden or unapparent environmental and/or adverse subsoil contamination or conditions, or any building materials which may have an impact on the development costs, marketability, or mortgage-ability of the subject real estate.

**Estimated Marketing and**

**Exposure Time:**

Exposure time is presumed to be a reasonably adequate and sufficient period of time with adequate effort necessary to result in a sale fulfilling the definition of value. It is presumed to be a period immediately preceding the effective date of value. However, based on the definition of market value under the Code of Civil Procedure, developing an opinion of exposure time is not required. An opinion of exposure time has not been developed for this appraisal.

**Hypothetical Condition:**

The before condition analysis of the subject of this appraisal is made under the hypothetical condition that the project and steps leading up to the project do not exist.

The valuation of the subject remainder property in the condition after the proposed acquisitions and the construction and use of



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the project presumes a hypothetical condition. This is due to the fact that, as of the effective date of value, the part being acquired has not yet been severed from the subject property and the project has not yet been constructed.

**Extraordinary Assumption:**

It is an extraordinary assumption of this appraisal that the rights being acquired are consistent with the acquisition documents, which are included in the Addenda.

It is an extraordinary assumption of this appraisal that any site improvements damaged as a result of the acquisitions will be repaired or replaced in a like or better condition.

It is an extraordinary assumption of this appraisal that the TCE started on the recording date 7/1/2024 and terminates on 6/30/2028.

It is an extraordinary assumption that there has been no physical change to the Property between the last site inspection and the date of value of this appraisal.

It is an extraordinary assumption of this appraisal that the existing improvements were in place when the conservation easement was recorded and are allowed to remain, as a legal use.

It is assumed the Permanent Easement includes the rights to develop and maintain an access.

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### **Jurisdictional Exception Rule**

The Jurisdictional Exception Rule of the Uniform Standards of Professional Appraisal Practice (*USPAP*) is invoked where the USPAP requirements conflict with federal or state laws relating to appraisals for the acquisition of real property by public agencies. The exceptions include the disregard of the proposed public project, which is included as a hypothetical condition within this report. Disregarding the proposed public project as required by California Code of Civil Procedure Section 1263.330 is contrary to Standards Rule 1-2(e) because the effects of the public project and proposed acquisitions on the subject's property value are being ignored. In addition, Evidence Code Section 822 excludes using comparable data involving acquisitions by public agencies having the power of eminent domain, listings and offers, assessed values and appraising any property or property interest other than that being valued. This may conflict with Standards Rule 1-4, which requires the appraiser to collect, verify and analyze all information necessary for credible assignment results and further specifies that the appraiser analyze such comparable sales data as are available to indicate a value conclusion.

### **Definition of Market Value Relied on in this Appraisal:**

Under the Code of Civil Procedure Section 1263.310-1263.330 the definition of market value is defined as:

- (a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.
  
- (b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.



Aerial View (approximate boundaries are outlined in yellow)

The following pictures were taken by Trentin P. Krauss, MAI during the April 11 or March 20, 2023 site inspections.



**Subject Property – Access From Highway 1**



**Subject Property – View From Highway 1**



**Subject Property – Onsite Improvements**



**Acquisition Area Looking West**



**Subject Property – Acquisition Area Looking East**



**Street Scene – Subject is on the Right**

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**EFFECTIVE DATE, PURPOSE AND INTENDED USE/USER**

The effective date of value of this appraisal report is March 26, 2024. The Property was previously inspected by Trentin P. Krauss, MAI. The purpose of this appraisal report is to estimate the market value of the Property and the change in value resulting from the proposed acquisitions, to determine the appropriate compensation due to the property owner. The proposed acquisitions are being acquired to aid in the Carmel River Flood Plain Restoration and Environmental Enhancement Project. This appraisal report is intended to be used by the Client and Monterey County Housing and Community Development to aid in acquiring the proposed acquisitions described in detail later in this report.

**APPRAISAL PROBLEM**

The purpose of this appraisal is to estimate the fee market value of the Property as of the date of value and the market value of the identified acquisitions to be used to aid in offering the just compensation to the owner.

**INTEREST APPRAISED**

This appraisal addresses the change in value to the fee simple interest in the Property resulting from the proposed permanent and temporary acquisitions identified as parcels E-1, E-2, and E-3 on the Right of Way Appraisal Maps included in the Addenda. The value estimates are subject to covenants, conditions, restrictions, rights of way, and easements of record. A Preliminary Title Report prepared by Chicago Title Company dated September 8, 2023 is included in the Addenda. The site is encumbered by a conservation easement that is detailed later in this report. It is assumed that there are no other matters of title which will impact the Appraiser's opinions of value.

**SCOPE OF ASSIGNMENT**

It is the intent that all appropriate data deemed pertinent to the solution of the appraisal problem be collected, confirmed, and reported in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation. The appraisal problem for this assignment is to estimate the fair market

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value of the proposed acquisitions. This document is intended to be an appraisal report as defined by USPAP.

The Appraiser signing this report, Trentin P. Krauss, MAI, by virtue of his education and specific appraisal experience has the knowledge and experience to competently complete this appraisal assignment.

Activities undertaken by the Appraiser during the course of this appraisal are as follows:

-Completed a physical inspection of the Property and surrounding neighborhood on April 11 and March 20, 2023. The client indicated a new site inspection was not required for this assignment and a more recent personal was not made for this current assignment. A Notice of Decision to Appraise the Property was sent to the ownership on December 20, 2022, but they were unresponsive.

-Researched and investigated current market conditions relative to the property type being appraised, as well as the market sector with which the Property is identified.

-As part of the market data gathering process, the Appraiser interviewed brokers, property owners and/or managers regarding specific sales information and market conditions. The Appraiser interviewed a representative from the Monterey County Planning Department about land uses and the Property. The Appraiser also interviewed individuals from the County Assessor's office and the County Environmental Health Department in order to gain a better understanding of the improvements on the Property. Neither of these departments had any significant records of the improvements.

-Listings, pending sales, and real estate transactions of properties in the general market area of the Property were reviewed with brokers, agents, property owners, the local Multiple Listing Service, and other online sources. The market area researched for this assignment includes the surrounding neighborhood and other similar neighborhoods throughout the region. The market data used in this appraisal was selected based on similarity to the Property with regard to location, size, potential use, date of sale, and other characteristics.



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The final value conclusions are the result of the information gathered regarding the Property and its potential use, an analysis of the appropriate data, along with the Appraiser’s experience in the appraisal of this type of property. This appraisal report concludes with a compilation of the descriptions, reasoning and explanations leading to final value conclusions within this report.

**PROPERTY HISTORY**

The Property was previously identified as Odello (East) Fields and was part of a larger property that was at one time planned to be developed with a residential subdivision. The owner acquired the Property and adjacent parcels in 1995 and gifted the three adjacent parcels to the Big Sur Land Trust in two separate transaction in 1997 and in 2016. The terms of these transactions are unknown. There have been no known sales or listings of the Property in the last five years.

The owner was unresponsive to the Notice of Decision to Appraise and the Property was viewed from an easement that crosses the Property. The improvements are reportedly leased and occupied, but no income or expense data was provided.

The Property is encumbered by a conservation easement, which will be detailed later in this report.

**PROJECT DESCRIPTION**

The proposed acquisitions are for the Carmel River Floodplain Restoration and Enhancement Project. Caltrans issued a Project Study Report on November 1, 2010. The Proposed Project consists of two interdependent Project components: Floodplain Restoration and Causeway. The Floodplain Restoration Component consists of: (1) removing a portion of the non-structural earthen levees on the south side of the Carmel River channel; (2) grading to restore the site’s ecological function as a floodplain by creating the hydrogeomorphic characteristics necessary to support floodplain restoration activities; (3) grading to elevate approximately 23 acres of existing farmland above the 100-year floodplain elevation to create an agricultural preserve; and (4) implementation of a Restoration Management Plan (RMP). The RMP includes restoration of native habitats across the site in two phases, and maintenance, monitoring, and reporting protocols to ensure the success of the revegetation specific to compensatory mitigation requirements.

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The Causeway Component consists of replacing a portion of the State Route 1 (SR 1) roadway embankment with a causeway section to accommodate flood flows that enter into the south overbank area as a function of the removal of portions of the levees as described above and to restore hydrologic connectivity between the Project site and the Carmel Lagoon. The Project would result in the reconnection and restoration of approximately 100 acres of historic floodplain. Once construction of the Causeway is complete, SR 1 would remain a two-lane conventional highway with 12-foot travel lanes; however, the Causeway incorporates 8-foot wide shoulders, transitioning to match existing 4-foot-wide shoulders at the southern project limits. The Causeway would also include a southbound left turn lane at the Palo Corona Regional Park entrance and public trails.

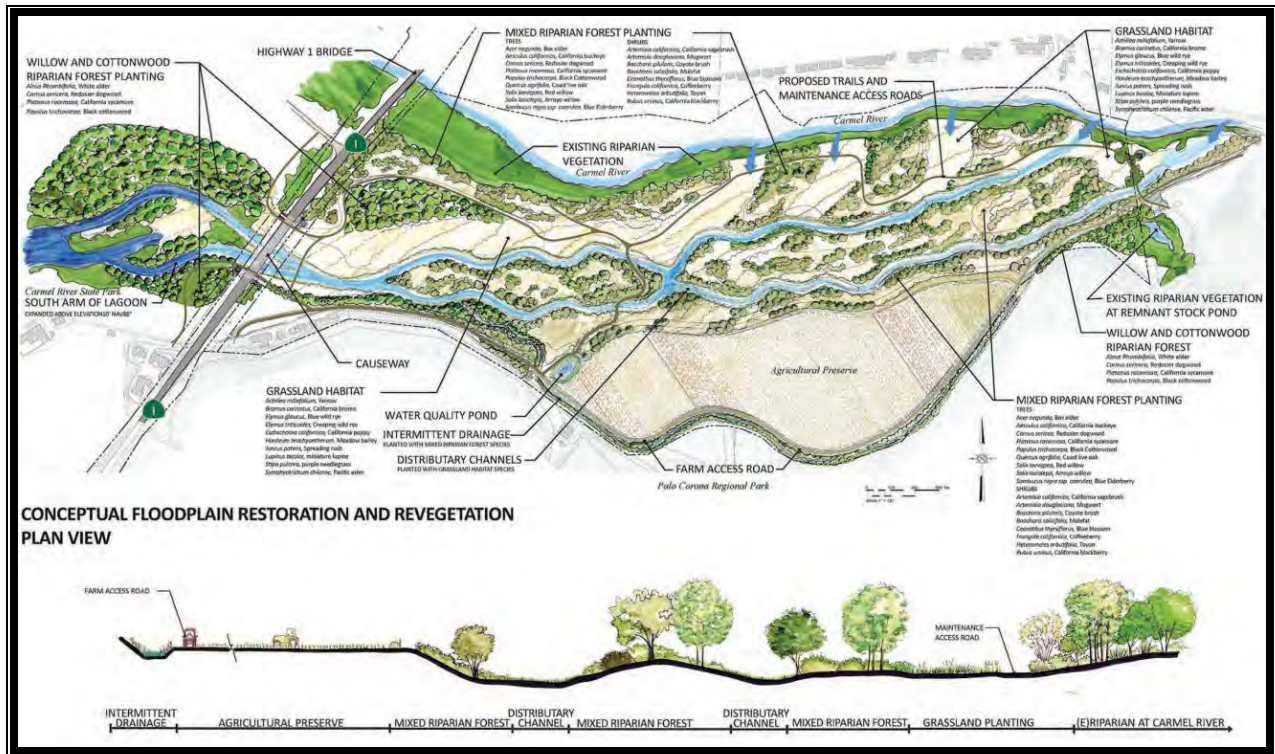
The objectives of the project were detailed in the environmental report as follows:

### **Project Objectives**

- Reduce flooding hazards along the north floodplain
- Improve the natural and historic functions and values of the lower Carmel River and Carmel Lagoon
- Create a self-sustaining hydrologic connection and interaction of the floodplain and south arm of the Carmel Lagoon
- Improve habitat conditions for sensitive wildlife species
- Restore approximately 100 acres of natural habitat
- Improve the quality of water entering the Carmel Lagoon
- Create conditions that allow for adaptation to sea level rise and other climate change impacts
- Maintain active agricultural operation

The following conceptual design shows the area after completion of the Project.

**Monterey County Housing and Community Development**  
**Carmel River Flood Plain Restoration and Environmental Enhancement Project**  
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**Project Conceptual Design Plan**

## **Monterey County Housing and Community Development**

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### **REGIONAL AND NEIGHBORHOOD DESCRIPTION AND ANALYSIS**

#### **MONTEREY COUNTY**

Monterey County is one of the fourteen counties that make up the western coast of California. The county is directly south of Santa Cruz County and makes up a large part of the Central California coastline. The County is home to 12 incorporated cities, 17 census-designated places, and 22 unincorporated communities. The County is also home to four national protected areas and nine marine protected areas. Most development in the county over the past 20+ years has been in the northern part of the county, near the cities of Salinas, Monterey, Carmel-by-the-Sea, and Seaside.

Monterey County is one of the original 27 counties in California and was created in 1850 at the time of statehood. The county encompasses approximately 3,281 square feet of land and 491 square miles of wetlands/water.

#### **Covid-19 Pandemic**

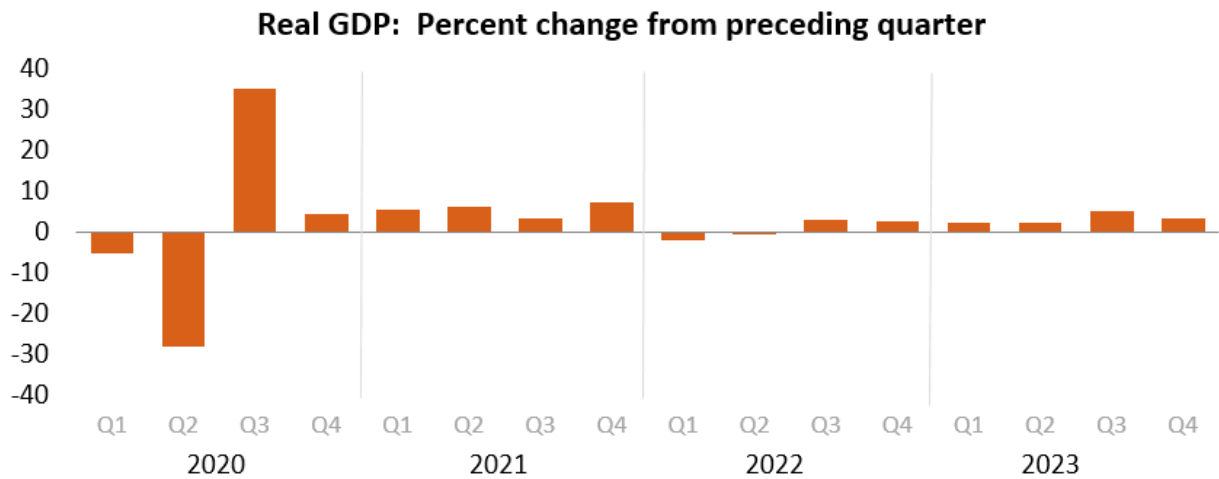
Since early 2020, the world has been dealing with the spread of the coronavirus, Covid-19, which was labeled as a global pandemic. The pandemic has grown in Monterey County to 117,000 confirmed cases and 798 deaths as of the writing of this report. This compares to 11.70 million cases and 100,445 deaths in California, over 99.7 million confirmed cases in the United States, with over 1 million deaths, and 654 million confirmed cases worldwide, where over 6.69 million people have died as a result. The economy initially experienced instability, with most major markets declining by over 20% in March and into early April 2020. Since then, most major markets have rebounded or even surpassed pre-pandemic levels.

Real gross domestic product (GDP) is a comprehensive measure of economic activity, and the most popular indicator of the nation's overall economic health. The trend in real GDP growth over the past several years through the fourth quarter of 2023 is shown in the following graph.

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U.S. Bureau of Economic Analysis

Seasonally adjusted annual rates

Many rural areas in Monterey County were largely unimpacted and demand for residential and recreational real estate increased. As of the date of value of this appraisal the Pandemic is no longer a significant issue and the economy remains strong. The long-term view supports that Monterey County will continue to be a desirable rural location for many for decades, and possibly result in increased demand in the real estate market.

### Transportation

Monterey County is accessed from the south by the State Route 1 and U.S. Route 101 which connects to San Luis Obispo County to the south and Santa Cruz County and on to the Silicon Valley and the Bay Area to the north. The rest of the county is serviced by State Routes 68, 146, 156, 183, and 198. Monterey County is served by Amtrak trains and Greyhound Lines buses. Monterey-Salinas Transit provides transit service throughout most of Monterey County, with buses to Big Sur and King City as well as in Monterey, Salinas and Carmel, and through to San Jose in Santa Clara County. Commercial flights are flown out of Monterey Regional Airport, and the County is home to Marina Municipal Airport and Salinas Municipal Airport.

### Employment

The median household income for the entire county was \$91,043 in 2022, whereas the California median was \$91,905 (2022). There are limited employment opportunities in the County and the economy relies heavily on tourism. Scenic features along the coastline - including Carmel-by-the-Sea, Big Sur, State Route 1, and the 17 Mile Drive on the Monterey Peninsula - have made the county famous around the world. Today, the economy of the county

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is mostly based on tourism in its coastal regions, and on agriculture in the region of the Salinas River valley. Most of the county's inhabitants live near the northern coast or in Salinas Valley; the southern coast and inland mountainous regions are sparsely populated.

### Unemployment Trends

The unemployment rate for Monterey County was 11.4% as of February 2024. During this same time period, the unemployment rates for Santa Cruz and San Luis Obispo Counties were 8.0% and 5.7%, respectively. The state-wide average for the same time period was 5.6%. All of these have increased by over 1.0% in the last year and fears of a larger recession remain.

### Market Trends - Housing

The nearby San Francisco Bay Area has among the highest housing costs and rental rates in the nation. Monterey County, however, offers a wide variety of housing types, price and rental ranges, including some of the most affordable housing alternatives in the state. Since late 2000, interest rates have been low by historic standards. The local housing market has been positive over the last five years. Recent data suggests that the number of sales of existing homes was strong throughout 2022, but has stabilized in the last year.

Single-family home prices in Monterey County have declined over the last several months and listing periods have lengthened. The median single-family home price in February 2024 was reported to be \$844,000, up 8.2% year over year. The following chart details the median home price in Monterey County ([www.redfin.com](http://www.redfin.com)).



Based on Redfin calculations of home data from MLS and/or public records.

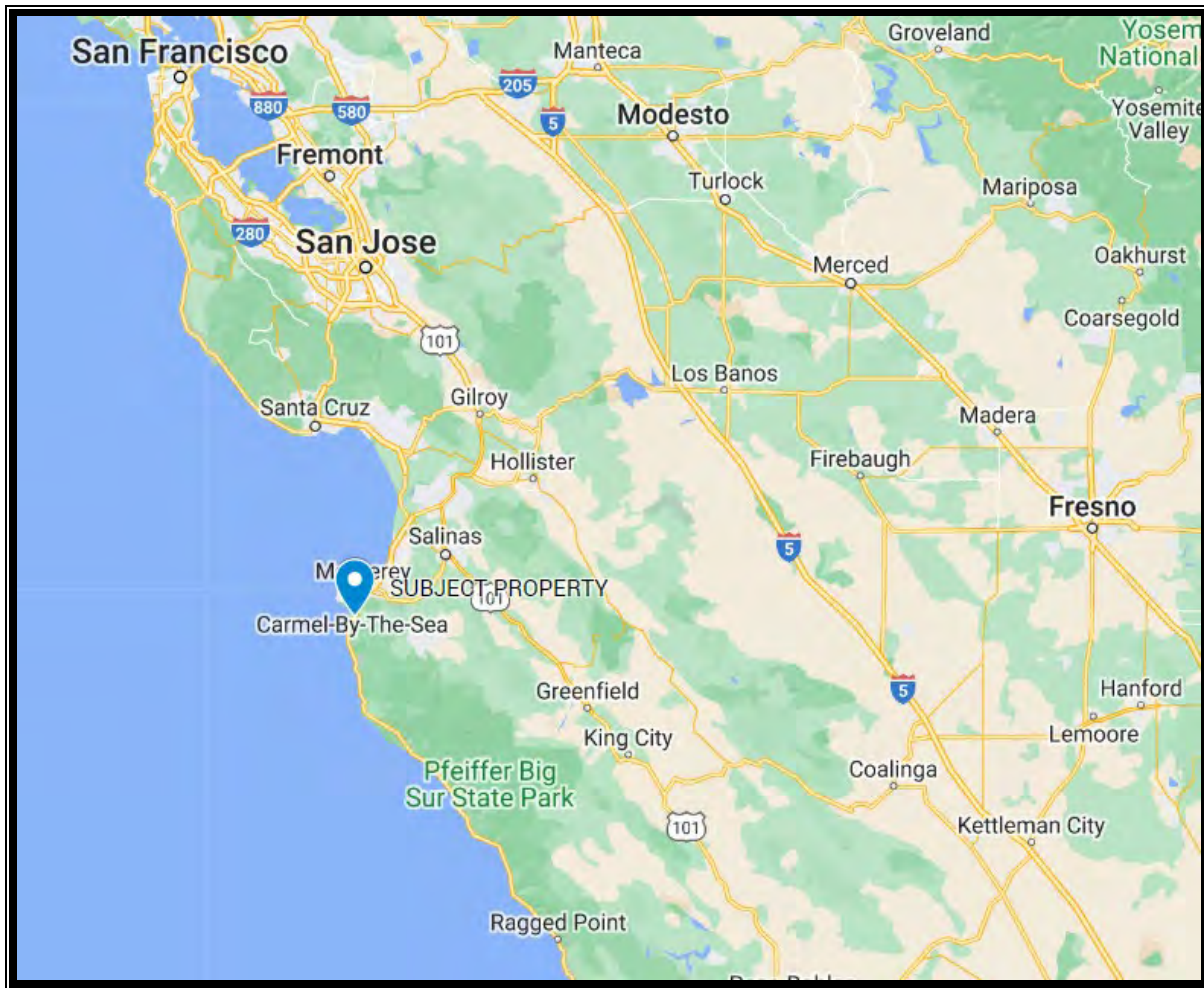
## Monterey County Housing and Community Development

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### Conclusion

In the long term, Monterey County is expected to continue its growth as a residential center, with the majority of the residential growth occurring in the northern areas of the county. The economy in the area has historically been stable, the unemployment rate has been higher than the statewide average and has increased over the last year. Market participants interviewed support the local residential real estate market has stabilized over the last year, but some online data supports increases.



Regional Map

**Monterey County Housing and Community Development**

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**LARGER PARCEL**

Larger parcel is defined in UASFLA as “The tract or tracts of land that possess a unity of ownership and have the same, or an integrated, highest and best use.” Elements of consideration in making a determination in this are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use. The three criteria or tests, for determining the larger parcel are analyzed for the Property:

**Unity of Ownership**

A review of public records indicates the current owner owns multiple parcels throughout the County, but none that are close enough to add value to the Property and do not contribute to the highest and best use of the Property.

**Contiguity**

There are no adjacent properties that are under the same ownership.

**Unity of Use**

There are no adjacent or nearby parcels under common ownership that would be viewed in this market as a single economic unit and constitute a larger parcel. The larger parcel appraised in this report is only APN 243-071-008.

**PROPERTY DESCRIPTION AND ANALYSIS**

**Physical Description**

The Property has a total land area of 2.2 acres that are irregular shaped with mostly level topography that is accessed from Highway 1. The parcel has only a narrow point that extends to Highway 1 and no other direct frontage on a public road. The site is accessed via an easement that crosses the adjacent parcel to the west, APN 243-071-007. The current access is a dirt driveway.

**On-Site Improvements**

There are multiple structures on the Property and what appears to be five residential dwelling units as well as one large barn that is used for storage. There are several other smaller storage buildings or garages as well. The improvements were noted to be of average quality and in average to below average condition. The proposed acquisitions do not physically impact the



## **Monterey County Housing and Community Development**

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existing improvements and the improvements have been ignored in this appraisal.

There were several items of personal property located in the acquisition area that are assumed to be relocated with minimal effort.

### **Utilities**

The environmental health department has no records of any wells or septic systems on the Property. The residences are assumed to be serviced with public water and power, which is adequate for their historical use. A representative from the County Public Works Departments indicated the Property most likely has one or more septic systems. The leach field locations of any septic systems are unknown and are assumed to not be impacted by any of the proposed acquisitions.

### **Off-Site Improvements**

The Property extends to a narrow point that fronts on Highway 1. Highway 1 is two lanes wide with no concrete curbs, gutters, or sidewalks located along the Property frontage. Highway 1 is typical of the surrounding neighborhood and is moderately trafficked. The areas along the frontage have increased noise from the Highway.

The Carmel River crosses the area in a mostly east to west direction, to the north of the Property, and terminates at the Pacific Ocean to the west of the Property.

### **Easements and Encroachments**

A Preliminary Report prepared by Chicago Title Company and dated September 8, 2023 was reviewed by the Appraiser. It is an assumption of this appraisal that there are no other matters of title which would impact the Appraiser's opinions of value. A review of online sources and the Right of Way Appraisal Map indicates the Property is impacted by multiple easements. The following is a brief description of the noted exceptions to title that impact the utility of the Property.

Exception 6 – This is an easement for water pipelines granted to Pacific Improvement Company. The location of the easement is not disclosed.

Exception 7 & 8 – Are a road and water pipeline easement granted to Sidney W. Fish on May 12, 1927. The water pipeline easement is eight feet wide and the width of the road easement is unknown.

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Exception 9 – This is an easement held by PG&E for public utilities. The location is identified in the recorded document.

Exception 10 – This is an easement for drainage and utilities held by Carmel Rancho Inc. The location is identified in the recorded document.

Exception 11 – This details and agreement between the previous owner and the Carmel Sanitary District. The document was reviewed, but it is unclear the location of this.

Exception 12 - This is an agreement between the previous owner and Stuyvesant Fish for reciprocal access rights across each other's properties.

Exception 13 – Details a 20-foot road crosses the Property in the approximate location of the existing onsite road.

Exception 14 - Details The Big Sur Land Trust has a road and utility easement across the Property.

Exception 15 – Details The Big Sur Land Trust has an agricultural and open space conservation easement. This easement encumbers the entire Property and is detailed later in this report.

Exception 16, 17, 18 – Details permit approval notices were recorded.

Exception 19 – This is a notice of an unrecorded grant agreement executed by Wildlife Conservation Board et al.

Exception 20 – This is an indemnification agreement executed by County of Monterey and Arroyo Carmel Homeowners Association Inc. et al.

Exception 21 – Permit approval notice

Exception 22 – The Property is within the County of Monterey proposed for annexation in the future.

Exception 23 & 24 – Are typical of exceptions that are requirements for the title insurance company.

There are no other known easements or encroachments that are anticipated to have a significant impact on the market value or marketability of the Property.

### **Mineral Rights**

There are no known commercially valuable mineral deposits on the Property. The mineral rights are assumed to be included in any sale of the Property. Mineral rights in this location have not historically impacted market values of similar properties.

### **Implied Dedication**

“Implied dedication” refers to prescriptive rights on behalf of the public that are acquired over private lands through use without the explicit consent of the owner. The Appraiser was not

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granted access onto the Property. There are various roadways on the property, but no significant signs of anything that may be perceived as an implied dedication were noted by the Appraiser.

### **Vegetation**

The Property is mostly covered with various grasses, with a variety of shrubs and trees. There does not appear to be any significant formal landscaping on the Property.

### **Seismic Hazard**

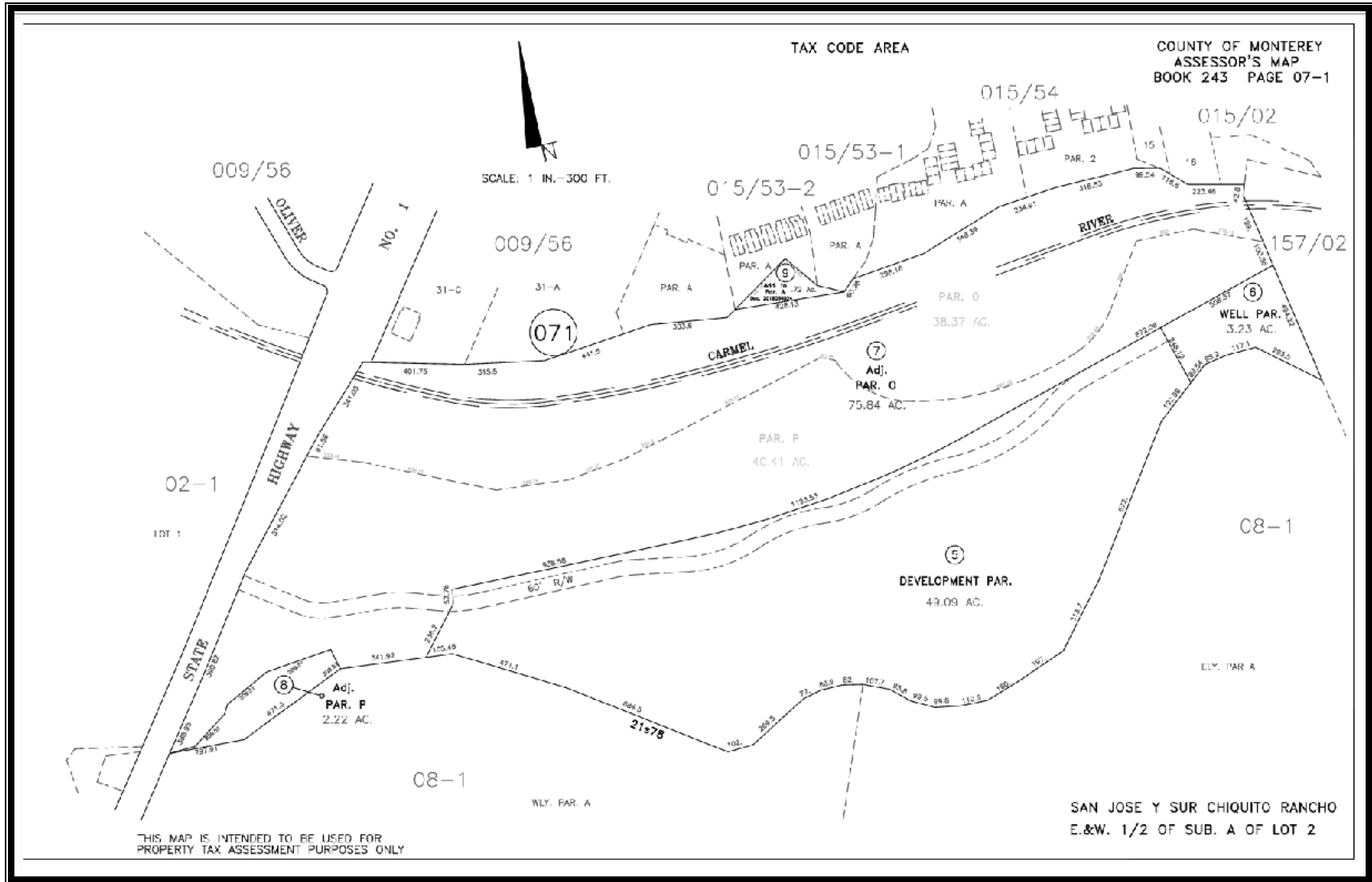
The Property is located in California, which is recognized by geologists and seismologists as one of the most seismically active regions in the United States. Several active faults that are capable of strong earthquakes are located within 30 miles of the Property. The Property is not located within a Special Study Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act, which establishes zones along geologic faults considered by the State Division of Mines and Geology to be active. An active fault is defined as an area that has experienced surface displacement during the past 11,000 years, considered to be recent geologic time, indicating that further movement may occur.

### **Biological Resources**

The Appraiser is unaware of any biotic studies or surveys that have been conducted on any portion of the Property. Based on studies that have occurred on similar lands and a field inspection of the premises (from the public right of way), almost the entirety of the subject property is covered with varying plants that are typical of the area.

### **Environmental Conditions**

A Final Environmental Impact Report / Environmental Assessment report dated January 28, 2020 was reviewed and no significant conditions were found on the Property. No conditions were noted during the site inspection that suggest there are environmental issues at the Property.



Portion of County Assessor's Parcel Map

**PROPERTY ASSESSED VALUES**

The property tax system in California was amended in 1978 by Article XIII to the State Constitution, commonly referred to as Proposition 13. It provides a limitation on ad valorem property taxes and a procedure to establish the current taxable value of real property by reference to a base year value, which is then modified annually to reflect inflation (if any). Annual increases cannot exceed 2% per year.

The base year was set at 1975-76, or any year thereafter in which the property is substantially improved or changes ownership. When either of these two conditions occur, the property is to be reappraised at market value, which becomes the new base year assessed value. Proposition 13 also limits the maximum tax rate to 1% of the value of the property, exclusive of bonds and supplemental assessments. Bonded indebtedness of a public agency that was approved by voters prior to 1978, any bonds subsequently approved by a two-thirds affirmative vote of voters in the district, or by a 55% affirmative vote if the election is conducted for a school district pursuant to Proposition 39 in June 2000, can be added to the 1% tax rate.

The appraised property is located in Tax Rate Area 060-194, which is subject to a tax rate of 1.0% plus voter approved taxes, taxing agency direct charges and special assessments, and fees. The most recent tax bill of the Property was unavailable from the County website. All property taxes due are marked paid.

**Assessed Value and Annual Tax Load, 2023/2024**

<u>Assessor's Parcel Number</u>	<u>Assessed Land Value</u>	<u>Assessed Improvement Value</u>	<u>Total Assessed Value</u>	<u>Tax Load</u>
243-071-008	\$ 33,555	\$ -	\$ 33,555	\$ 359
	Tax Rate	1.07%		

The county Assessor was contacted and indicated they were not sure why the improvements are not being taxed. They also indicated they would have the right to retroactively seek property tax payments for the improvements for up to eight years.

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**ZONING – LAND USE**

The Property is located in an unincorporated area of Monterey County and is subject to the zoning of the county. There are no foreseeable zoning changes anticipated. The Property is located in the Carmel Area Land Use Plan and is zoned *MDR/3-D-SpTr(CZ)*. The CZ label indicates the Property is located in the Coastal Zone. Generally, any development activity in the Coastal Zone requires a Coastal Development Permit from the Coastal Commission or local government with a certified LCP. Portions of the zoning code are included in the Addenda.

**Zoning Designation**

*MDR/3-D-SpTr(CZ), Medium Density Residential*

The purpose of the Medium Density Residential zoning is to support medium density development in areas with adequate public services. It is intended to require adequate on-site facilities and amenities to assure proper, usable and livable development while allowing sufficient design flexibility to provide such development. Uses allowed include single family residential, day care, etc. A complete list of legal uses is included in the zoning. The maximum density prescribed is three dwelling units per acre.



**Zoning Map (portion)**

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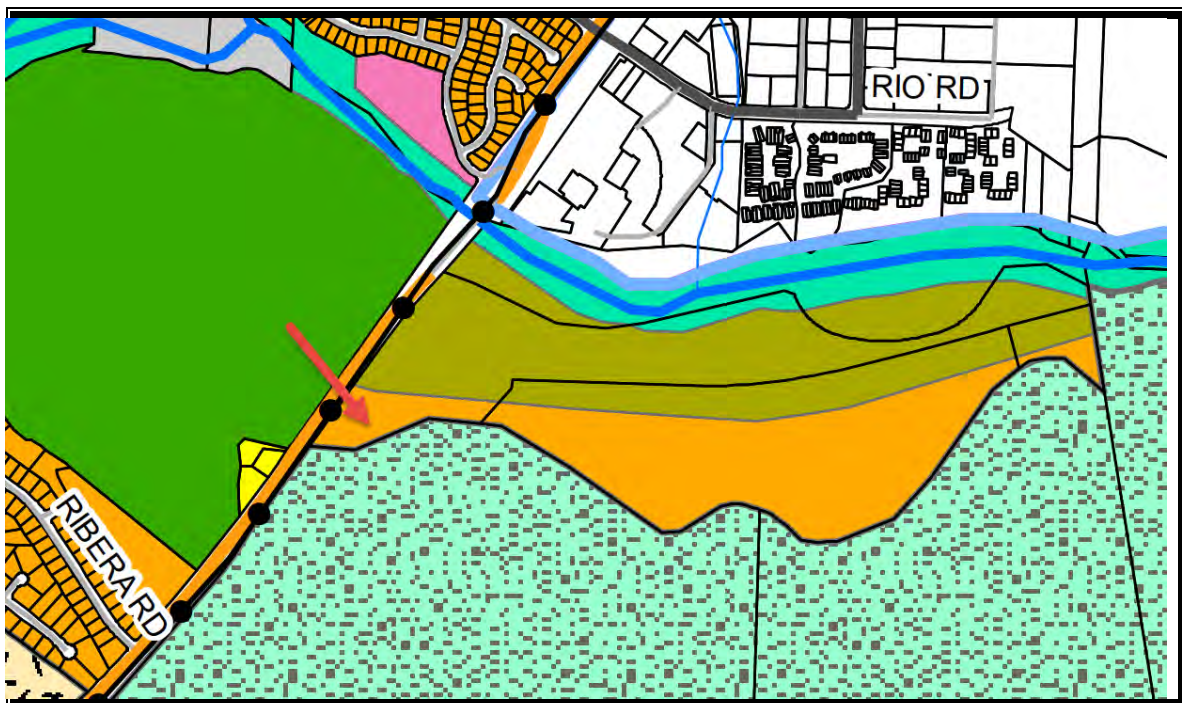
### General Plan Designation

#### *Residential Medium Density*

The medium density residential designation allows two dwelling units per acre.

### Compliance

The County Planner interviewed indicated they had no records of the existing improvements. It is assumed the existing improvements are a legal use of the Property. The following is the land use map from the Carmel Area Land Use Plan.



Residential	Resource Conservation
Residential - Low Density	Forest & Upland Habitat
Residential - Medium Density	Watershed & Scenic Conservation
Commercial	Wetlands & Coastal Strand
Recreation & Visitor-Serving	Recreation
Agricultural	Scenic & Natural Resource Recreation
Agricultural Conservation	Public/Quasi-Public
Agricultural Preservation	

### The Land Conservation (Williamson) Act

The Property is not enrolled in a Williamson Act contract. The California Land Conservation Act of 1965-commonly referred to as the Williamson Act-enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments

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which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The Open Space Subvention Act of 1971 provided local governments an annual subvention of forgone property tax revenues from the state through the year 2009; these payments have been suspended in more recent years due to revenue shortfalls.

### **CONSERVATION EASEMENT**

The Property is encumbered by a conservation easement that limits the use of the Property. The following is a brief description of the easement, the recorded document is provided in the Addenda. The easement encumbers the entire Property.

On December 31, 1997 an Agricultural and Open Space Conservation Easement Deed was recorded in Monterey County (Doc. #9777099). The easement was between Clinton Eastwood and Margaret Eastwood as undivided ½ interests each (Grantors) and the County of Monterey and the Big Sur Land Trust (Grantees). It is noted that one of the easement owners is the acquiring agency.

The easement encumbers the Property and portions of the adjacent parcel to the north and is intended to “preserve and conserve the use of a portion of the Property for agricultural and open space purposes...”. The following is an excerpt from the document that details some of the restrictions imposed.



**2. Restrictions. The restrictions hereby imposed upon the use of said Agricultural Parcel by the Grantor, and the acts which said Grantor shall refrain from doing upon the Agricultural Parcel in connection herewith are, and shall be, as follows:**

**a. That no use of said Agricultural Parcel, which will or does materially alter the use and preservation of adjacent land for agricultural purposes shall be done or suffered.**

**b. Structures will not be placed or erected upon the agricultural parcel except (1) those in existence at the time this agricultural easement is executed; (2) appurtenances to the primary use of the agricultural parcel; and, (3) as may be permitted under the Zoning Ordinance of Monterey County. Grantor and Grantee acknowledge that the uses described in Exhibit "B" to this agricultural easement are currently permitted as a matter of right or permitted subject to an administrative permit or a use permit.**

**c. That no advertising of any kind or nature shall be located on or within said agricultural parcel except as permitted by County ordinance.**

The easement allows the right to use, maintain and re-construct as necessary all structures which were in existence at the time the easement was executed. The document did not identify any specific structures which were in place and it is an extraordinary assumption of this appraisal that the existing improvements were in place when the conservation easement was recorded and are allowed to remain, as a legal use. The easement also appears to allow structures to be developed that are in line with the zoning and/or agricultural uses.

The property owner (Grantor) maintains "The right to construct new, and maintain all existing, private roads, easements, utilities or other subdivision related improvements..." They can also relocate, replace, and maintain any existing wells or construct new water wells or appurtenances.

This document does not address what the parties are to do in the event of eminent domain. The proposed acquisitions encroach into this easement.

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**HIGHEST AND BEST USE**

The Sixth Edition of The Dictionary of Real Estate Appraisal by the Appraisal Institute defines highest and best use as: The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible and that results in the highest value. The as though vacant analysis will determine if the highest and best use is to leave the site vacant or to improve it. If the conclusion is to improve the site, an ideal improvement is also concluded.

The four tests or criteria applied in highest and best use analysis are:

**Legally permissible:** What uses are permissible, given the applicable zoning ordinance(s), building codes, deed and lease restrictions, and environmental regulations?

**Physically possible:** What are the possible uses of the site given the physical characteristics as revealed in the site analysis?

**Financially feasible:** Which uses (that also meet the previous criteria) will provide positive net income after development and operation costs are paid?

**Maximum productivity:** Which use (that has met the previous criteria) will provide the highest rate of return for any investment made towards development of the property?

**HIGHEST AND BEST USE – With No Conservation Easement**

**AS THOUGH VACANT**

The zoning and General Plan designation allow for residential uses. The zoning suggests the site has potential to be developed with a multi-family residential use. No known plans to subdivide the Property have been submitted to the county. In addition, the location in an unincorporated area of the Property that is entirely located in a FEMA flood zone limits any significant development potential. Portions of the relevant Zoning Code are included in the Addenda. The lot size, access, and shape make the Property well-suited for development.

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Demand for a variety of residential uses in this location would be strong. However, any subdivision and development would require significant planning that would be costly and time consuming. The County planner indicated developing a subdivision in the flood plain is not likely and the cost to take a large area out of the flood plain is often cost prohibitive. In addition, any development would likely require a traffic study that could require a metered intersection, which would require approval from a variety of sources and may not be possible.

The large size of the Property and proximity to Carmel support the site is well suited for development with at least one single-family residence. Any additional subdivision potential is speculative until a significant amount of planning is completed, which is beyond the scope of this appraisal. The maximally productive use of the site is to develop it with a single-family residential use. It is the Appraiser's conclusion that the highest and best use of the Property, as vacant, is to develop the Property with a single-family residence. The speculative potential to subdivide the Property adds value, but until a significant amount of planning is completed it is speculative.

### **AS THOUGH IMPROVED**

The onsite improvements were developed many years ago and no records from the County were located. It is assumed the existing improvements are a legal non-conforming use of the Property. The existing improvements are a physically possible use of the Property based on their existence. The existing improvements are reportedly leased and demand for residential units in this location is anticipated to be strong. The units are smaller than most residences in the area and are accessed via a dirt/gravel road. The existing improvements appear to be in average to below average condition, but contribute value to the Property over the land value and are the maximally productive use of the Property. The highest and best use of the Property, as improved, is to get the existing improvements permitted if possible.

### **HIGHEST AND BEST USE – With Conservation Easements**

It is an extraordinary assumption of this appraisal that the conservation easement allows the continued use of the existing improvements. A variety of otherwise legal uses of the Property are diminished with the conservation easements in place. The highest and best use of the Property with the conservation easement is the continued use of the existing improvements.

**Monterey County Housing and Community Development**

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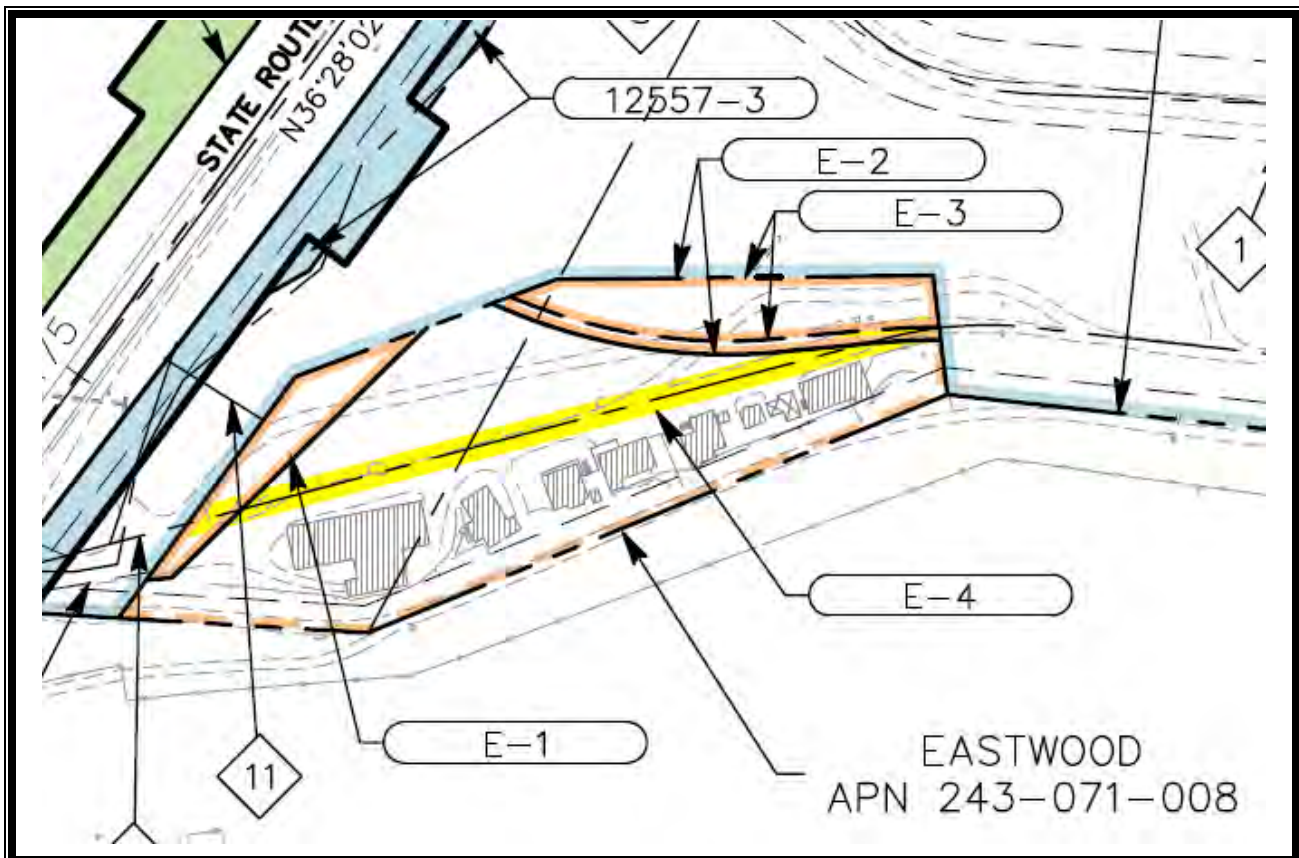
APN: 243-071-008

**HIGHEST AND BEST USE – After Proposed Acquisitions**

The highest and best use of the Property after the proposed acquisitions is unchanged. The acquisitions have no physical impact on the improvements and the improvements are ignored in this appraisal.

**PROPOSED ACQUISITIONS**

It has been determined that the acquisition of a 0.17-acre temporary construction easement (E-1) and a 0.36-acre temporary construction easement (E-2) for a four-year period is necessary for the construction of the Project. In addition, the Project requires a permanent access and maintenance easement that will encumber a total of 0.29 acres (E-3). The proposed acquisitions are located along the northern property line and do not physically impact any of the onsite improvements. The acquisitions are identified as parcels E-1, E-2, and E-3 on the Right of Way Appraisal Map provided. The map was not signed by the surveyor and it is an extraordinary assumption of this appraisal that the location or areas of the acquisitions will not change. The following is a portion of the map provided that identifies the location of the proposed acquisitions (highlighted and outlined in orange).



**Portion of Right of Way Appraisal Map**

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### **THE APPRAISAL PROCESS**

In the appraisal of real property, there are three basic approaches by which market data may be processed into an indication of value. These are the cost approach, the income approach, and the sales comparison approach.

The cost approach is used to estimate the replacement or reproduction cost of an improved property. The onsite improvements are not physically impacted by the proposed acquisitions and the cost approach would not yield results different from the sales comparison approach. The cost approach is not relied on in this report.

The income approach is relied on to estimate the market value of income-producing properties, or properties that have the potential to produce income. The Property is developed with multiple residential units, but the rental income is not anticipated to change from the proposed acquisitions. Therefore, the income approach would not yield reliable results regarding the appraisal problem and the income approach is not considered a relevant measure of value for the purpose of this appraisal.

The sales comparison approach relies on the economic principle of substitution to estimate the market value of the Property. This principle states that the maximum value of a property is usually established by the cost of acquiring an equivalent substitute property of the same utility, income potential, etc. Sales of similar properties are found in the market and used to estimate a value for the Property. For the purpose of this appraisal only the sales comparison approach is considered relevant to estimate a value for the Property and the proposed acquisitions. In this market this is typically the only approach relied on to estimate the value of similar properties.

### **SALES COMPARISON APPROACH**

In the sales comparison approach to value, the Appraiser attempts to select comparable sales that are similar with respect to location, size, and potential use. The sales comparison approach is based on the concept that an informed purchaser would pay no more for a property than the cost of acquiring a similar property with the same utility. This approach is most useful when an active market provides sufficient quantities of reliable data that can be verified from authoritative sources. The comparable sales will indicate a range of values applicable to the Property, these prices can be adjusted for differences.

The sales comparison approach is a method of comparing the Property to recent sales, listings, and offers of similar properties located in the neighborhood or competing areas. The most comparable sales are analyzed based on the degree of comparability between the Property and the comparable sales, the length of time since the sale transactions were completed, the accuracy of the sales data, and the absence of unusual conditions affecting the sale. Appropriate units of comparison are identified and compared to the Property. The unit of comparison most often used to estimate the value for this type of property is the total sale price.

The following table displays a summary of the selected sales which are most representative of current market conditions and the actions of buyers and sellers in the marketplace as of the date of value. A value is estimated for the Property under the assumption there are no conservation easements. Additional information regarding the comparable sales can be found in the Addenda.

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### LAND SALES SUMMARY

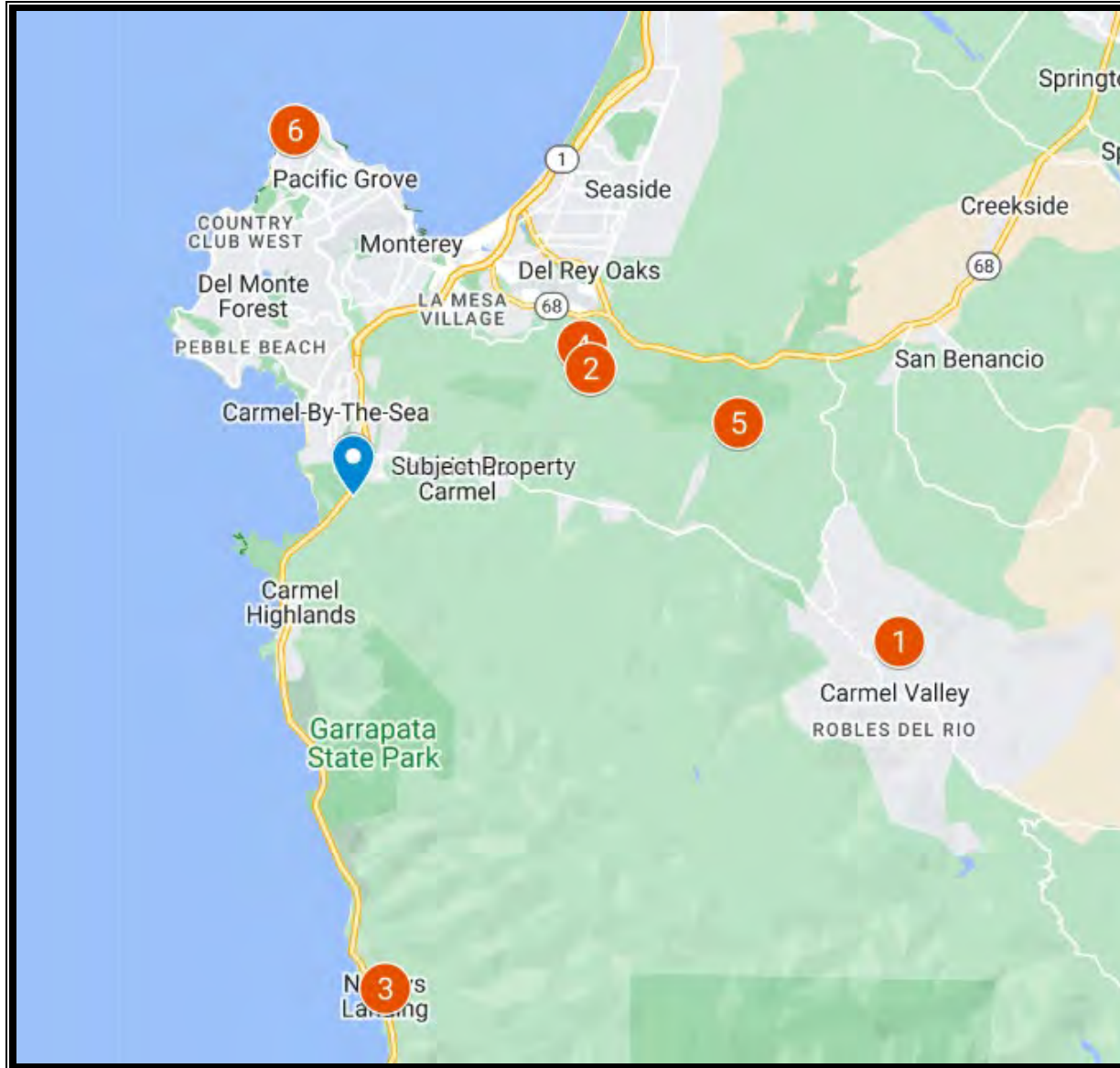
<u>Sale No.</u>	<u>Location</u> <u>APN</u>	<u>Sale Date</u> <u>Seller</u> <u>Buyer</u>	<u>Sale Price</u>	<u>Acres</u>	<u>Zoning</u>
Sub.	Highway 1 uninc. Monterey Cnty., CA 243-071-008	N/A	N/A	2.22	MDR/3-D-SpTr(CZ)
1	610 Country Club Dr. uninc. Monterey Cnty., CA 187-321-001	<u>Dec-23</u> <u>Gerritsen Family Tr.</u> Newman/Diepenbrock Tr.	<u>\$675,000</u>	2.06	LDR / 1-D-S-RAZ
2	Paseo Venado (Lot 116) uninc. Monterey Cnty., CA 259-161-020	<u>Jun-22</u> <u>Quatro LLC</u> Larry & Georgeann Anderson	<u>\$600,000</u>	2.37	MDR/3-D-SpTr(CZ)
3	Highway 1 uninc. Monterey Cnty., CA 243-301-018	<u>Apr-22</u> <u>Sharon May Living Tr.</u> Andreas Adkins Baer	<u>\$450,000</u>	4.99	RDR/40-D(CZ)
4	7586 Paseo Vista (Lot 78) uninc. Monterey Cnty., CA 259-171-011	<u>Feb-22</u> <u>Robert &amp; Michael Simpson</u> Vinod Lal & Gaile Ruth Mirchandani	<u>\$625,000</u>	1.14	RDR/10-UR-VS
5	10995 Saddle Rd. uninc. Monterey Cnty., CA 416-191-013	<u>Apr-21</u> <u>Rettinger Family Tr.</u> Edwin & Susan Bruce	<u>\$500,000</u>	2.89	RDR/5.1-D-S
6	1355 Lighthouse Ave. Pacific Grove, CA 007-031-017	<u>Mar-20</u> <u>Kevin &amp; Linda Smith</u> Otto Cove, LLC	<u>\$755,000</u>	1.94	R-1-B-4



**Monterey County Housing and Community Development**

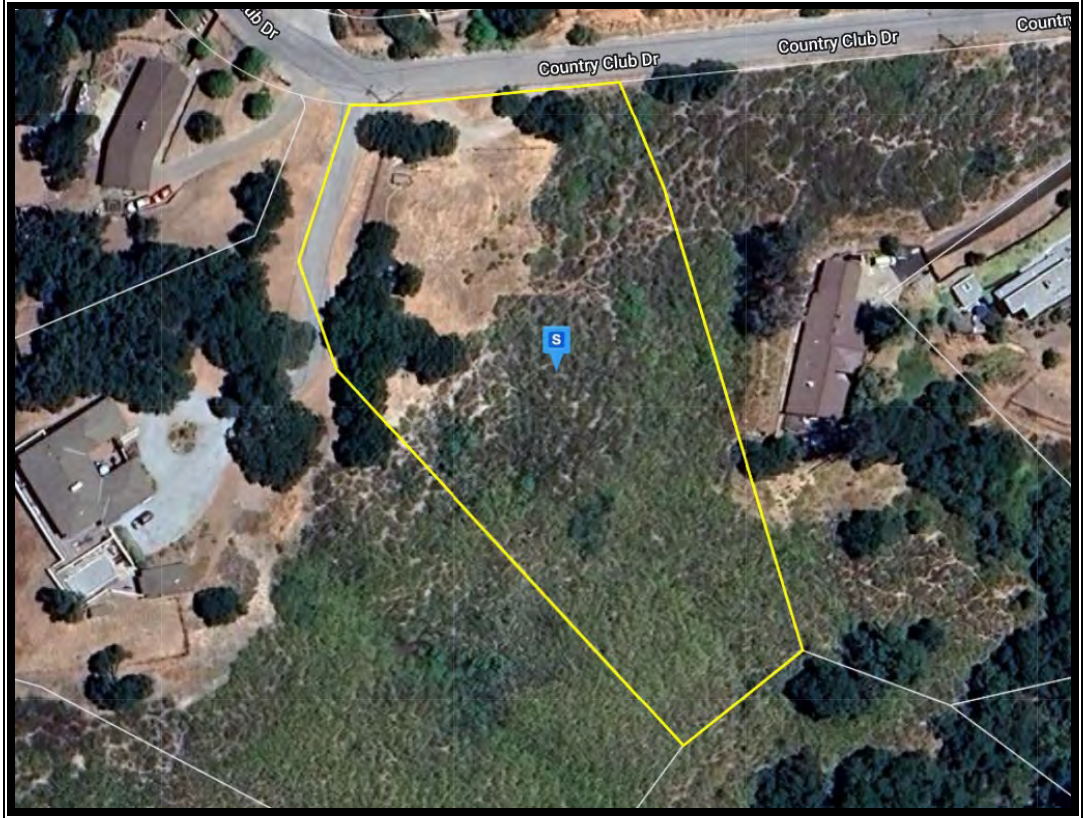
Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008



**Comparable Land Sales Map**

Land Sale 1



**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**Location:** 610 Country Club Dr., uninc. Monterey County, CA

**Buyer:** Larry W. & Georgeann M. Anderson

**Seller:** Gerritsen Family Tr.

**Assessor's Parcel:** 259-161-020

**Recording:** 23-42698

**Close of Escrow:** 12/6/2023

**List Date:** 11/3/2023

**Sale Price:** \$675,000

**Listing Price:** \$675,000

**Improvements:** None

**Land Area:** 2.06 acres

**Financing:** Cash or Equivalent

**Topography:** Level to downslope

**Zoning:** LDR/1-D-S- RAZ

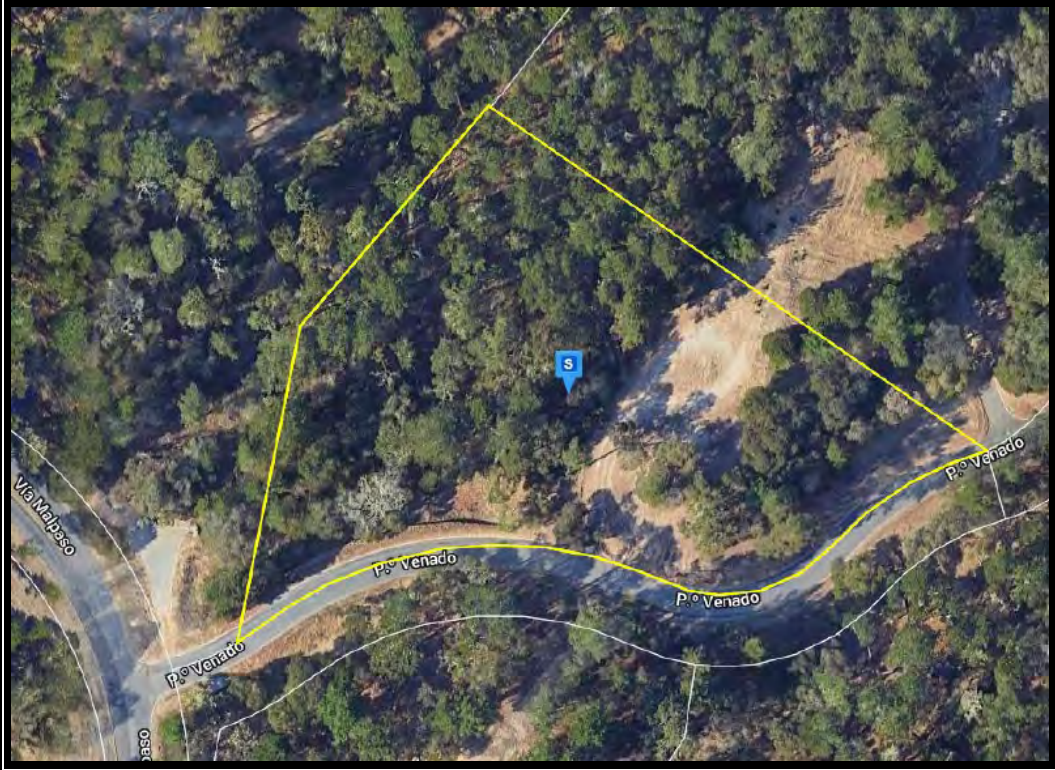
**Use:** Homesite

**Property Rights Conveyed:** Fee simple

**Source:** Public Records; Grant Deed; MLS; Listing Agent, Laura Ciucci (831-236-8571)

**Comments:** This is the sale of a 2.06-acre residential homesite with a level building pad. The site has topography that is level then slopes downward and provides panoramic views of the area. Public electricity is available to site. The sale sold with approved plans that the listing agent indicated added value. The listing agent indicated the buyer intends on developing the property with a residence. This was a market transaction.

Land Sale 2



\*Access was gated – picture is from MLS

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**Location:** Lot 116 Paseo Venado, uninc. Monterey County, CA

**Buyer:** Larry W. & Georgeann M. Anderson

**Seller:** Quatro, LLC

**Assessor's Parcel:** 259-161-020

**Recording:** 22-026140

**Close of Escrow:** 6/9/2022

**List Date:** 2/4/2022

**Sale Price:** \$600,000

**Listing Price:** \$749,000

**Improvements:** None

**Land Area:** 2.37 acres

**Financing:** Cash or Equivalent

**Topography:** Varying

**Zoning:** MDR/3-D-SpTr(CZ)

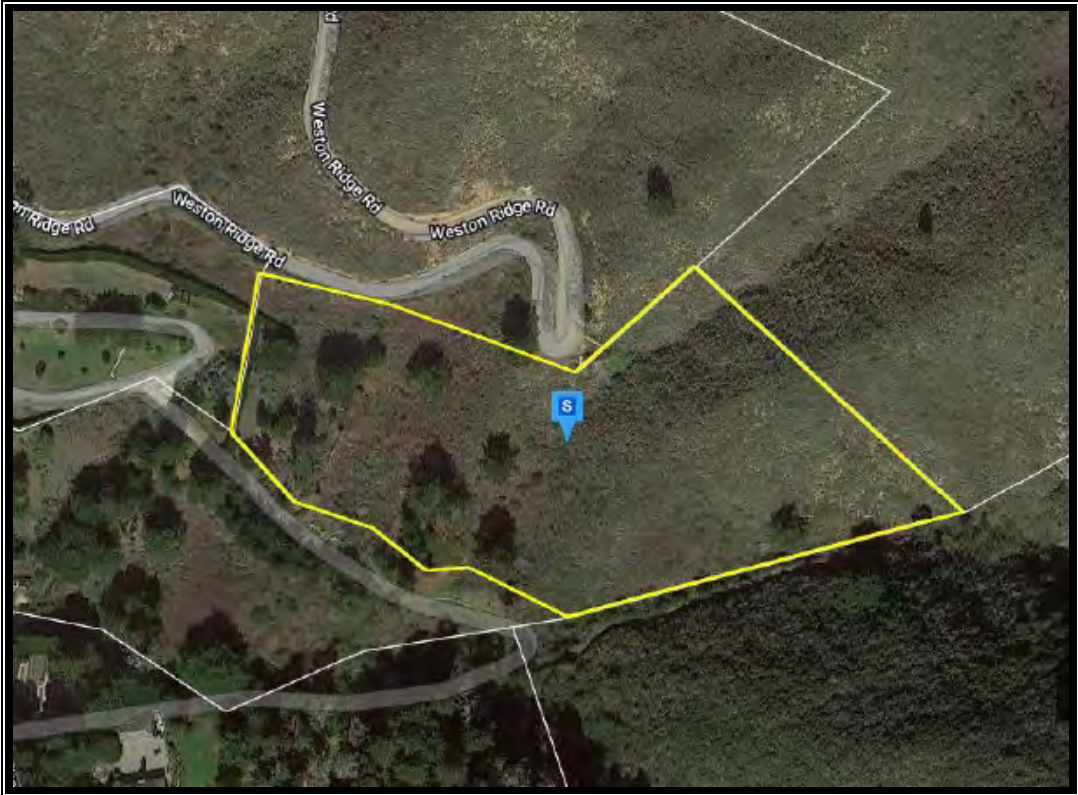
**Use:** Homesite

**Property Rights Conveyed:** Fee simple

**Source:** Public Records; Grant Deed; MLS; Listing Agent, Mike Jashinski (831-236-8913)

**Comments:** This is the sale of a 2.37-acre residential homesite that is located in the gated community of Monterra Ranch. The site has topography that slopes gently to the building site, which is mostly level. The site has a dedicated building envelope that is almost 0.75 acres in size. All standard utilities are in place to the site. There were no plans associated with this property. The listing agent indicated the buyer intends on developing the property with a residence. This was a market transaction.

Land Sale 3



**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**Location:** Weston Ridge Rd., uninc. Monterey County CA

**Buyer:** Andreas Adkins Baer

**Seller:** Sharon May Damon Living Tr.

**Assessor's Parcel:** 243-301-018

**Recording:** 22-18676

**Close of Escrow:** 4/18/2022

**List Date:** 6/2/2021

**Sale Price:** \$450,000

**Listing Price:** \$625,000

**Improvements:** None

**Land Area:** 4.99 acres

**Financing:** Cash or Equivalent

**Topography:** Varying

**Zoning:** RDR/40-D(CZ)

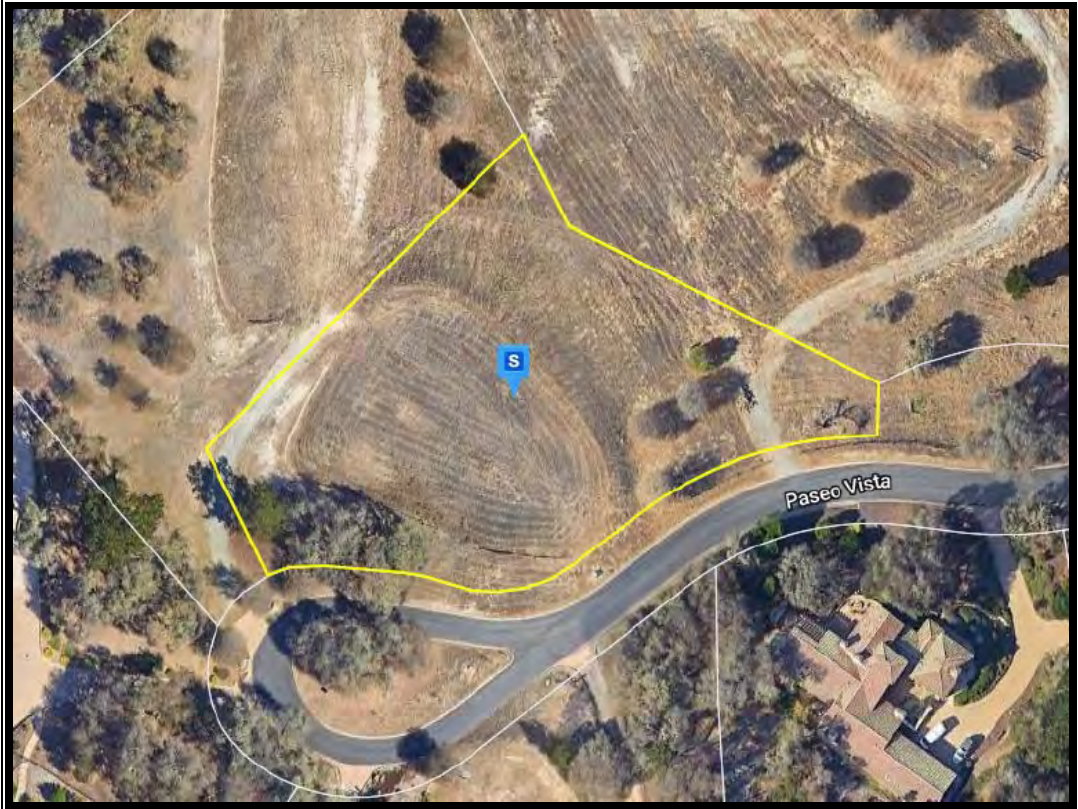
**Use:** Rural Homesite

**Property Rights Conveyed:** Fee simple

**Source:** Public Records; Grant Deed; MLS; Listing Agent, Laura Ciucci (831-236-8571)

**Comments:** This is the sale of a 4.99-acre residential homesite that is located in a rural area south of Carmel. The access road is a narrow asphalt paved shared driveway that is gated just before the Property. The location is just off of Highway 1 with some audible noise at the property. No development of a homesite or utilities has been completed. The site has topography that varies with areas that are steep. No utilities are in place. There were no plans associated with this property. The listing agent indicated the buyer intends on developing the property with a residence. This was a market transaction.

Land Sale 4



\*Access was gated – picture is from MLS



**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**Location:** 7586 Paseo Vista (Lot 78), uninc. Monterey County, CA

**Buyer:** Vinod Lai & Gail Ruch Mirchandani

**Seller:** Robert G. & Michael R. Simpson

**Assessor's Parcel:** 259-171-011

**Recording:** 22-007087

**Close of Escrow:** 2/10/2022

**List Date:** 7/22/2021

**Sale Price:** \$625,000

**Listing Price:** \$695,000

**Improvements:** None

**Land Area:** 1.14 acres

**Financing:** Cash or Equivalent

**Topography:** Varying

**Zoning:** RDR/10-UR-VS

**Use:** Rural Homesite

**Property Rights Conveyed:** Fee simple

**Source:** Public Records; Grant Deed; MLS; Listing Agent, Mike Jashinski (831-236-8913)

**Comments:** This is the sale of a 1.14-acre residential homesite that is located in the gated community of Monterra. The property sold with plans for a 4,000 square foot residence and has all utilities in place in the street. The site has varying topography with a mostly level building pad that is restricted to an identified building envelope. The location is at the end of a cul-de-sac and provides views of the area. The listing agent indicated the buyer intends on developing the property with a residence. This was a market transaction.

Land Sale 5



**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**Location:** 10995 Saddle Rd., uninc. Monterey County, CA

**Buyer:** Edwin G. & Susan L. Bruce

**Seller:** Rettinger Family Tr.

**Assessor's Parcel:** 416-191-013

**Recording:** 21-27696

**Close of Escrow:** 4/16/2021

**List Date:** 7/28/2020

**Sale Price:** \$500,000

**Listing Price:** \$575,000

**Improvements:** None

**Land Area:** 2.89 acres

**Financing:** Cash or Equivalent

**Topography:** Varying

**Zoning:** RDR/5.1-D-S

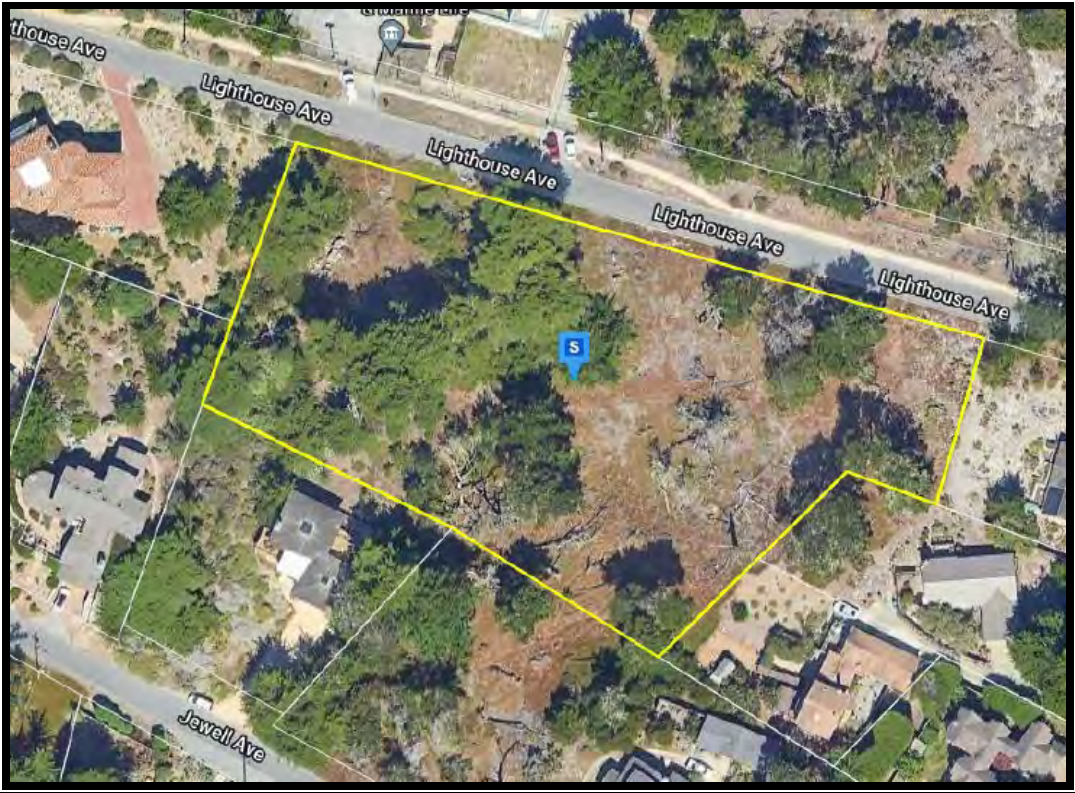
**Use:** Rural Homesite

**Property Rights Conveyed:** Fee simple

**Source:** Public Records; Grant Deed; MLS; Listing Agent, Paul Riddolis (831-293-4496)

**Comments:** This is the sale of a 2.89-acre residential homesite that was purchased to be developed with a residence. The listing agent indicated there were plans associated with the sale, but they would have to be updated and were not approved. The site has panoramic views in two directions and is crossed by Saddle Road with the most usable area on one side of the road. All public utilities are in place in the road. The property has an annual fee for private road maintenance. The listing agent could not recall the amount, but indicated it did not impact the purchase price. The listing agent indicated the buyer intends on developing the property with a residence. This was a market transaction.

Land Sale 6



**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**Location:** 1355 Lighthouse Ave., Pacific Grove, CA

**Buyer:** Otto Cove LLC

**Seller:** Kevin K. & Linda L. Smith

**Assessor's Parcel:** 007-031-017

**Recording:** 20-13631

**Close of Escrow:** 3/19/2020

**List Date:** 3/19/2020

**Sale Price:** \$755,000

**Listing Price:** \$825,000

**Improvements:** None

**Land Area:** 1.94 acres

**Financing:** All Cash

**Topography:** Mostly level

**Zoning:** R-1-B-4

**Use:** Rural Homesite

**Property Rights Conveyed:** Fee simple

**Source:** Public Records; Grant Deed; MLS; Buyer Agent, Lucie Campos (831-596-6118)

**Comments:** This is the sale of a 1.94-acre property that was purchased by the adjacent property owner in order to preserve their view and to hold it as an investment. The buyers agent indicated they felt the price was at market and that it included plans for a residence. However, at the time it sold there was no water available to the property. The buyers agent recalls that this was an all cash transaction, but the price was not impacted. The Property is irregular shaped with mostly level topography.

## **Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

### **Reconciliation of Comparable Sales**

The selected comparable sales represent the best available market data the Appraiser was able to confirm. All the comparable sales are of properties that have the same or a similar highest and best as the Property. While the comparable sales vary in location and size, they provide a range of values that supports a value for the Property on a total sale price unit of comparison. Given the unique location of the Property the search for comparable sales was broadened to include sales from further back in time and from varying locations. The chosen comparable sales are considered useful indicators of market value.

In order to account for the changing market conditions, as well as other differences between the Property and the comparable sales, the comparable sales are adjusted to match the Property. When possible, the adjustments are based on quantifiable evidence. However, some adjustments such as location are subjective. These adjustments have been based on the Appraiser's experience with the subject market, as well as interviews with real estate brokers, property owners, and market participants.

Attempts were made to derive adjustments from the market, but due to the limited sales data in the neighborhood this appraisal relies on qualitative adjustments. To facilitate clarity and consistency, seven levels of comparison are used to make the qualitative adjustments: similar, slightly inferior, inferior, far inferior, slightly superior, superior, and far superior. The degree of difference is expressed as one, two, or three pluses or minuses applied to each element in the following adjustment grid. When no adjustment is required, the cell is left blank.

While there are many variables that impact value in real estate, the adjustments made by the Appraiser account for those considered to be the most impactful variables. Qualitative adjustments are made to the comparable sales for differences between the properties and the Property.

The following table outlines the adjustments made to the comparable sales and is followed with a brief description of the adjustments.

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**SALES ADJUSTMENT TABLE - Land Value**

Element of Comparison	Subject	Sale 1	Sale 2	Sale 3	Sale 4	Sale 5	Sale 6
Sale Date		Dec-23	Jun-22	Apr-22	Feb-22	Apr-21	Mar-20
Sale Price		\$ 675,000	\$ 600,000	\$450,000	\$ 625,000	\$ 500,000	\$ 755,000
Size (Acres)	2.22	2.06	2.37	4.99	1.14	2.89	1.94
Real Property Rights Conveyed	Fee Simple						
Financing	Cash to						
Conditions of Sale	At Market						--
Expenditures After Sale	None						
Market Conditions	Stable		+	+	+	++	+++
Location	uninc. Monterey		-	++	-		---
Land Area (Ac)	2.22			-	+		
Land Use (Zoning)	MDR/3-D-SpTr(CZ)						
Site Utility	Flood Plain		-	-	-		-
Improvements/Utilities	None	-	-	+	-	-	
<b>Total Adjustment</b>		-	--	++	-	+	---

**Property Rights Conveyed**

None of the sales used in this section were leased and no adjustment for Property Rights Conveyed are necessary.

**Financing Terms**

Unless otherwise stated, the comparable sales described are considered to have been market transactions that were either consummated for cash or financing terms that were consistent with prevailing market rates and terms at the time of sale.

**Conditions of Sales**

Sale 6 was an assemblage purchase that was acquired by an adjacent property owner to prevent development on the site. A review of the market supports the price paid was a premium and a negative adjustment is warranted. No other adjustments are warranted for conditions of sale.

## **Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

### **Expenditures Incurred Immediately After Purchase**

No adjustments are warranted for expenditures after sale.

### **Market Conditions Adjustment**

All the sales took place in the last several years and are adjusted to account for changes in the market when appropriate. Sales 1 is the most recent sale and does not warrant an adjustment. Sales 2, 3, and 4 all required a positive adjustment, due to their older sales dates and market appreciation. Sales 5 and 6 are several years older and warrant larger positive adjustments.

### **Location**

An adjustment for location may be required when the location characteristics of a comparable sale are different from those of the subject property. Adjustments for location were based primarily on market factors such as surrounding land uses and proximity to Carmel or other commercial uses. Sale 1 is located further from Carmel but is in a more developed area that is in demand and any adjustment is offset. Sale 3 is located in rural location that is south of Carmel and warrants a positive adjustment. Sales 2 and 4 are located in a gated community which warrants a negative adjustment. Sale 6 is located in a desirable neighborhood in Pacific Grove and is in close proximity to the Pacific Ocean, with partial views. A negative adjustment is warranted for the desirable location and views.

### **Land Area**

The Property is valued on a total sale price unit of comparison which diminishes the need for a land area adjustment. Sales that are significantly larger are adjusted down and vice versa. Sale 3 is over double the size and a negative adjustment is warranted. Sale 4 is significantly smaller and warrants a positive adjustment. No other adjustments are warranted.

### **Land Use (Zoning)**

The Property has a zoning designation that supports the development of at least one single-family residence. The highest and best use of the Property and the comparable sales is to develop them with a single-family residence. Any value added for the speculative subdivision potential of the Property is anticipated to be nominal, until a significant amount of planning and expenditure is completed. While the comparable sales may have different zoning designations, all of them have the same highest and best use and no adjustments are warranted.



## Monterey County Housing and Community Development

Carmel River Flood Plain Restoration and Environmental Enhancement Project

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### Site Utility

The Property is irregularly shaped with mostly level topography and has limited utility because the entire site is in a FEMA flood zone. The planning department indicated any development of the Property would require bringing the development area out of the flood plain. No cost information was provided, but several developers were interviewed who suggested the cost to bring a larger area out of the flood plain is often not worth it. The location in a flood plain has a negative impact on the Property and all of the comparable sales are adjusted down. Sale 1 has a level building pad and areas that slope down and are largely unusable. The location outside of a FEMA flood zone is offset by the topography of the site. Sale 5 has a small building envelope with topography that slopes downward in each direction. A positive adjustment to Sale 5 is made for the sloping topography, but the adjustment is offset by the negative adjustment that accounts for the location outside of the flood plain.

### Improvements/Utilities

Sales 1, 2, 4, and 5 all have public utilities available at the street and warrant a negative adjustment. Sale 3 is in a rural location with no utilities and warrants a positive adjustment. Sale 6 has access to public electricity and sanitation, but at the time the site had no public water. The utilities offset and no adjustment is warranted.

### Conclusion

Were the Property listed for sale, demand is anticipated to be average for the subject real estate market. Overall, Sales 1, 2, 4, and 6 warrant negative adjustments and Sales 3 and 5 warrant positive adjustments. The comparable sales represent the best available data and support a value for the Property that is closer to middle of the range to account for the sites level topography and location in a flood plain. The final estimated land value for the Property, without the conservation easement, is estimated to be **\$600,000**.

**SALES COMPARISON APPROACH – WITH CONSERVATION EASEMENT**

To determine the value of the conservation easement, the subject property, is appraised again as encumbered by the existing conservation easement. The Property is encumbered by a conservation easement that was detailed previously in this report. The value of the underlying land without the easement was estimated to be \$600,000 and the value of the Property with the conservation easement is estimated in this section. The difference between the two numbers is the estimated value of the conservation easement and will be used to determine the percentage of fee ownership the various interests have.

The conservation easement that encumbers the Property also encumbers portions of the adjacent property and was acquired to preserve the undeveloped areas for agricultural uses. The easement encumbers the entire Property and places a variety of restrictions on the Property. The existing improvements are allowed to remain and are unchanged by the easement. However, the remaining land area has limited development potential. Because the onsite improvements are not changed and represent the highest and best use of the Property the value of the Property is based on the same set of comparable sales from the previous section.

While the highest and best use of the Property is unchanged, the easements limit the utility of the Property and imposes additional restrictions and the nuisance of having to get permission from the easement holders to utilize the encumbered areas. The following adjustment grid is relied on to estimate the value of the Property with the conservation easement. The adjustments are all the same as the previous adjustment grid, except the sales are adjusted down for their limited site utility due to the conservation easement.

### SALES ADJUSTMENT TABLE - Land Value With Conservation Easement

Element of Comparison	Subject	Sale 1	Sale 2	Sale 3	Sale 4	Sale 5	Sale 6
Sale Date		Dec-23	Jun-22	Apr-22	Feb-22	Apr-21	Mar-20
Sale Price		\$ 675,000	\$ 600,000	\$450,000	\$ 625,000	\$ 500,000	\$ 755,000
Size (Acres)	2.22	2.06	2.37	4.99	1.14	2.89	1.94
Real Property Rights Conveyed	Fee Simple						
Financing	Cash to						
Conditions of Sale	At Market						--
Expenditures After Sale	None						
Market Conditions	Stable		+	+	+	++	+++
Location	uninc. Monterey		-	++	-		---
Land Area (Ac)	2.22			-	+		
Land Use (Zoning)	MDR/3-D-SpTr(CZ)						
Site Utility	Flood Plain	-	--	--	--	-	--
Improvements/Utilities	None	-	-	+	-	-	
<b>Total Adjustment</b>		--	---	+	--		-----

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

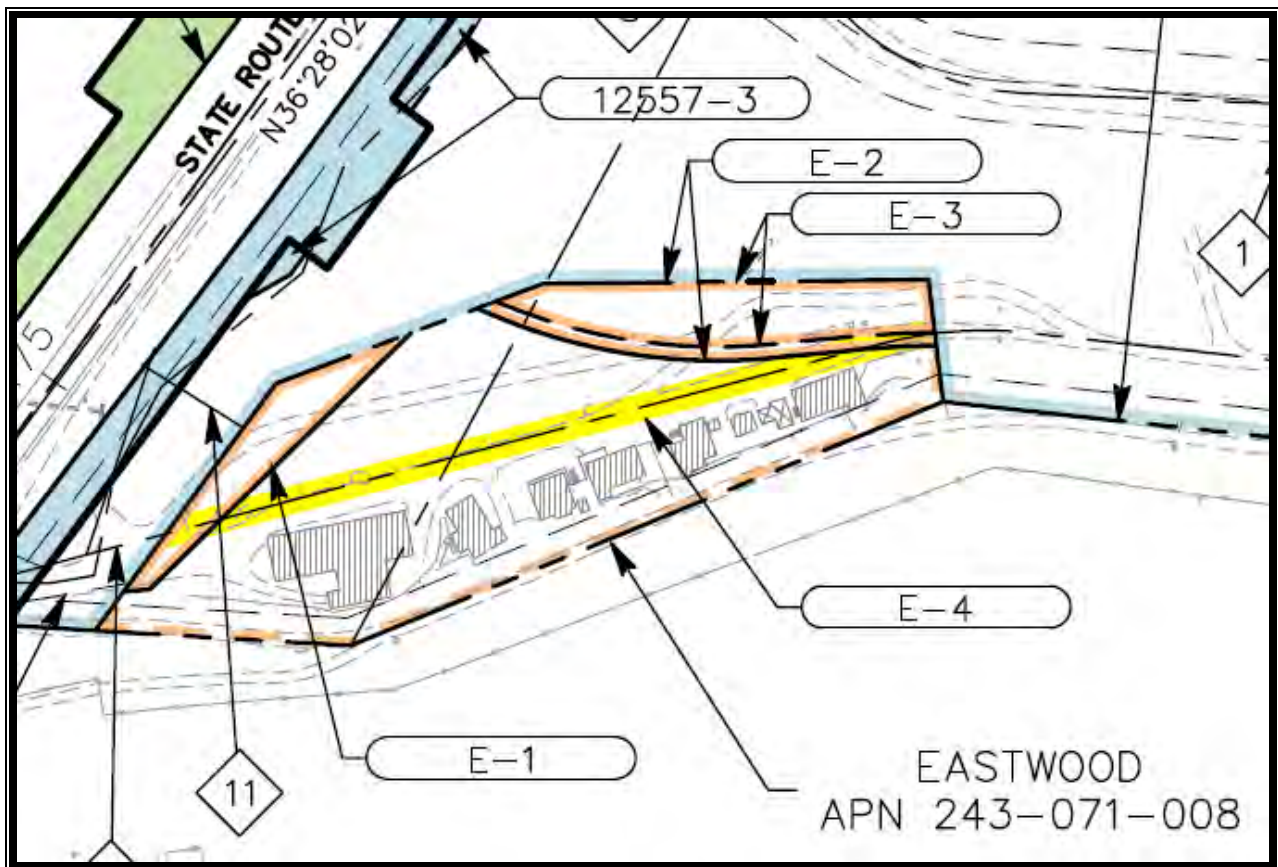
The adjustments support positive adjustments for one sale, negative adjustments for four sales, and one sale was found to be similar. The easement was found to have a negative impact on the value of the Property and as a result a value, with the conservation easement, is estimated for the Property that is below the previous value estimate. The value is based on a market survey of similar easements, market data, as well as the interview with BSLT. The market survey supports similar conservation easements are typically acquired at 15% to 50% of the underlying fee value.

A discount that is closer to the low end of the range is estimated, due to the use of the existing improvements not being impacted. The concluded value estimate of the Property with the conservation easement is **\$500,000**. This represents a 16.67% reduction in value resulting from the conservation easement.

**VALUATION OF PROPERTY TO BE ACQUIRED**

The Project requires three acquisitions from the Property; two proposed temporary construction easements that will encumber a 0.17-acre (E-1) portion and a 0.36-acre (E-2) portion of the Property for four years. A Permanent Easement, for access and maintenance is also required and it will encumber 0.29 acres (E-3). There are no significant structures located in the acquisition areas and any damage to any improvements is anticipated to be repaired as a part of the Project Construction Costs. The acquisitions will impact the 1997 Conservation Easement that is held by The Big Sur Land Trust and Monterey County.

The following is a portion of the Right of Way Appraisal Map provided which details the location of the proposed acquisition areas, outlined in orange. The highlighted area is the location of the existing 20 foot wide access road that will be quitclaimed to the Property owner. A full version of the Right of Way Appraisal Map is included in the Addenda.



Portion of Right of Way Appraisal Map

## Monterey County Housing and Community Development

Carmel River Flood Plain Restoration and Environmental Enhancement Project

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It has been determined that the acquisition of a 0.17 acre (E-1) and a 0.36 acre (E-2) temporary construction easement for a four-year period is necessary for the construction of the Project. In addition, the Project requires a Permanent Easement that will encumber a total of 0.29 acres (E-3). It is an extraordinary assumption of this appraisal that the Permanent Easement is for access and maintenance, as detailed by the client.

The first step in determining the just compensation associated with the area acquired is to value the parcel to be acquired as part of the larger parcel. The Property, land only, was previously valued in this report without the conservation easement at \$600,000. The total sale price is relied on to estimate the average price per acre of land of \$270,270 ( $\$600,000 / 2.22$  acres). This value estimate accounts for all areas of the Property and represents the average utility of the parcel including the existing easements (except the conservation easement) that encumber the Property.

The next step in the analysis is to determine the net damages, if any, that accrue to the remainder by reason of the acquisition and the construction of the project in the manner proposed. This analysis involves determining the value of the remaining property before and after the acquisition. The difference between the value of the remainder in the before condition, and the value of the remainder in the after condition, represents the loss in value that accrues to the remaining property by reason of the acquisition and the construction of the Project in the manner proposed.

Severance damages that are calculated are then offset by project benefits, if any. If mitigation costs are required to negate potential severance damages, they are included as part of the value of the property rights to be acquired and considered to be curable severance damages.

The 1997 easement encumbers the area of the proposed acquisitions and the acquisitions are found to damage the conservation easement, by altering the use of the area. According to the California Code of Civil Procedure 1240.055 "if the acquisition damages the conservation easement in whole or in part, compensation shall be determined consistent with Section 1260.220 and the value of the fee simple interest of the property shall be assessed as if it were not encumbered by the conservation easement."

Section 1260.220 states the following:

- (a) Except as provided in subdivision (b), where there are divided interests in property acquired by eminent domain, the value of each interest and the injury, if any, to the remainder of such interest shall be separately assessed and compensation awarded therefor.

## **Monterey County Housing and Community Development**

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(b) The plaintiff may require that the amount of compensation be first determined as between plaintiff and all defendants claiming an interest in the property. Thereafter, in the same proceeding, the trier of fact shall determine the respective rights of the defendants in and to the amount of compensation awarded and shall apportion the award accordingly. Nothing in this subdivision limits the right of a defendant to present during the first stage of the proceeding evidence of the value of, or injury to, the property or the defendant's interest in the property; and the right of a defendant to present evidence during the second stage of the proceeding is not affected by the failure to exercise the right to present evidence during the first stage of the proceeding.

As a result, the value of the acquisitions are estimated based on the unencumbered fee value then divided among the parties based on their ownership interests. The 1997 easement document was reviewed and makes no reference to the ownership interests held. The owner of the conservation easement was interviewed to determine what the allocation was at the time the easement was created and indicated they did not know.

The average price per acre was previously estimated to be \$270,270, assuming there is no conservation easement. The rights to the conservation easement holder were previously concluded to be 16.67% of the fee interest and the underlying landowner retains 83.33% interest. This supports an average price per acre for the fee owner of \$225,216 and a value to the easement holder of \$45,054 per acre. This is supported by the previous value analysis of the Property with and without the easement.

### **Value of Temporary Construction Easements (E-1) & (E-2)**

The proposed TCEs will encumber a 0.17-acre and a 0.36-acre portion of the Property. The TCEs will grant the County of Monterey the use of the areas to aid in the Carmel River Floodplain Restoration and Environmental Enhancement Project. The legal description of the TCEs was provided, a similar TCE was recorded as part of the Project on the adjacent parcel to the north. The purpose of the TCE is assumed to include similar rights as follows:

## Monterey County Housing and Community Development

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

### 2. PURPOSE:

The Easement Area shall be used for construction of the Carmel River Floodplain Restoration and Environmental Enhancement Project (the "Project"), including: demolition, grading, constructing, improving, landscaping, and other necessary work including but not limited to mobilization, trenching and installation of a temporary water pipeline and related testing and disinfection, with subsequent removal of the temporary water pipeline upon completion of the bridge and final piping;; storage of equipment, materials and vehicles; operation of equipment; and the movement of a work force, over, upon and across the described easement, together with the right of ingress and egress. GRANTEE shall repair damage caused by GRANTEE's use.

The TCEs will commence on July 1, 2024 and will be for a four year period. The duration is estimated based on the reasonable Project completion timeline as detailed by the client. The expiration date is June 30, 2028. Should the duration exceed this time period additional compensation would likely be required. During the easement period the TCE area will be under the control of Monterey County.

A value for the TCEs is estimated based on a fair rate of return or rent to the Property during the term of the easement. The TCEs will encumber 0.17 acres and 0.36 acres or 23.9% of the total land area of the Property. This is a large portion of the Property, but the easement does not impact the historical use of the site. The TCE is valued based on a return on the underlying land value. The TCE has no significant impact on the utility of the site, beyond limiting the use of the easement area over the duration of the easement.

Large portions of land similar to the proposed TCE are rarely leased on a short-term basis, and no direct comparables were available to determine a rental rate based on market data. Therefore, a rate of return on the value of land that could be achieved in the market place, on a temporary basis, is used in the valuation of the TCE. One would expect land rent factors, especially for relatively shorter lease terms similar to the proposed TCE, to be negotiated at higher rates than typical in the market. Typical ground lease rates in the subject market, are generally below 8.0%.

The following table details anticipated land lease rates from an investor survey and specifically details special purpose land rates to range from 7.77% to 20.54% with an average of 11.09%. These rates are derived from an investor survey prepared by *www.realtyrates.com* and suggest a discount rate for more usable properties.



<b>RealtyRates.com INVESTOR SURVEY - 1st Quarter 2024*</b>						
<b>LAND LEASES</b>						
<b>Property Type</b>	<b>Capitalization Rates</b>			<b>Discount Rates</b>		
	<b>Min.</b>	<b>Max.</b>	<b>Avg.</b>	<b>Min.</b>	<b>Max.</b>	<b>Avg.</b>
Apartments	4.38%	11.28%	8.70%	6.98%	11.78%	9.70%
Golf	5.10%	16.50%	10.81%	7.70%	17.00%	11.81%
Health Care/Senior Housing	5.18%	12.58%	9.30%	7.78%	13.08%	10.30%
Industrial	4.95%	12.28%	9.09%	7.55%	12.78%	10.09%
Lodging	5.30%	16.35%	9.37%	7.90%	16.85%	10.37%
Mobile Home/RV Park	5.00%	14.98%	9.96%	7.60%	15.48%	10.96%
Office	4.95%	12.15%	8.85%	7.55%	12.65%	9.85%
Restaurant	5.40%	18.50%	10.75%	8.00%	19.00%	11.75%
Retail	4.65%	12.38%	9.25%	7.25%	12.88%	10.25%
Self-Storage	4.95%	12.38%	10.13%	7.55%	12.88%	11.13%
Special Purpose	5.34%	18.50%	10.92%	7.77%	20.54%	11.09%
All Properties	4.38%	18.50%	9.74%	6.98%	19.00%	10.62%

\*4th Quarter 2023 Data

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**Land Lease Rates (www.realtyrates.com)**

For the purpose of this appraisal the fair market return is estimated to be 9.0% annually. This rate is above most rates of return in the market and accounts for the limited marketability of the irregular shape and size of the TCE areas. In addition, the rent is assumed to be flat, which supports a higher rate of return. The rents due will be paid for the four-year period in one lump sum at the commencement of the lease. Given the short to medium-length lease term and the lack of rent escalations, no discounting is appropriate.

E-2 is almost entirely overlapped by the proposed Permanent Easement identified as E-3. The permanent easement has a significant impact on the value of the encumbered area, which is detailed later in this section. Given the TCE will encumber portions of the area already encumbered by E-3, the value of the underlying land is discounted to account for the rights associated with E-3. The TCE and E-3 are required for the same project and a value is adjusted to avoid double counting. The table below details the analysis and relies on information from later in this section.

The value estimate is allocated between the fee owner and the conservation easement holder based on the previous value estimates. The following table outlines the estimated value of the proposed TCEs.

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**E-1 TCE- 48 Months**

Total Land Area of TCE		0.17		0.17
Indicated Fee Value (per acre)	\$	225,216	\$	45,054
	\$	38,287	\$	7,659
Annual Rate of Return	9%			
Annual Return	\$	3,446	\$	689
Monthly Return	\$	287	\$	57
Value of TCE (48 months)	\$	13,784	\$	2,757
Total			\$	16,541

**E-2 TCE- 48 Months**

Total Land Area of TCE		0.36		0.36
Indicated Fee Value (per acre)	\$	225,216	\$	45,054
	\$	81,078	\$	16,219
Less: Value of E-3	\$	62,047	\$	12,412
Remainder Value	\$	19,031	\$	3,807
Annual Rate of Return	9%			
Annual Return	\$	1,713	\$	343
Monthly Return	\$	143	\$	29
Value of TCE (48 months)	\$	6,852	\$	1,372
Total			\$	8,224

**Value of Permanent Easement (E-3)**

Acquisition Parcel E-3 is a Permanent Easement that will encumber 0.29 acres of the Property. The information provided does not detail the use of the easement, but the client has indicated the easement is for access and maintenance. It is an extraordinary assumption of this appraisal that the easement is for access and maintenance. The acquisition enters the Property along the northern side and crosses the parcel in a mostly south to east direction before exiting out the eastern boundary. The acquisition area was not staked at the time of inspection, but does not appear to encroach into any structures. The easement overlaps a portion of TCE (E-2) and an existing onsite driveway that is dirt paved. No improvements were noted in the area, but any improvements in the area will be

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

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repaired or replaced in like-kind as part of the Project. There is natural landscaping in the area, but the landscaping does not contribute value to the Property and no value is assigned.

The proposed Permanent Easement acquisition will provide access through the site. The Property is already crossed by a 20-foot-wide private roadway and utility easement for BSLT in this area (that is being quitclaimed as part of the Project) and a 40-foot-wide private roadway easement along the southern border (only half is on the Property). The easement is not located in the most usable areas of the Property, in the location of the existing improvements. The loss of the area has no significant impact on the utility of the site, beyond the loss of use of the area.

Similar access or ingress and egress easements are typically purchased for 75% to 99% of fee value, depending on the impact to the property. With the easement in place the underlying owner will have minimal rights to the area and a percentage of fee value of 95% is estimated. The discounted value for the proposed easement is estimated as follows:

	<b>Allocated Value</b>	<b>Acquisition</b>	<b>Allocated</b>	<b>% Diminution in</b>	<b>Estimated</b>
	<b>Per Acre</b>	<b>Area (acres)</b>	<b>Fee Value</b>	<b>Value Due To</b>	<b>Value</b>
				<b>Easement</b>	
Fee Owner	\$ 225,216	0.29	\$ 65,313	95%	\$ 62,047
Conservation Easement Owner	\$ 45,054	0.29	\$ 13,066	95%	\$ 12,412
Total Value Per Acre	\$ 270,270		\$ 78,378		\$ 74,459

**Improvements in Acquisition Area**

At the time of inspection, the Property had not been surveyed, but aerial imagery and the site inspection support there are no significant structures located in the acquisition areas. The location of any septic or irrigation systems is unknown. It is assumed that any damage to existing improvements will be repaired or replaced as part of the Project. There is no known formal landscaping or irrigation in the area and no site improvements are valued.

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**SEVERANCE DAMAGES**

Damages generally occur when the acquisition of a portion of a property results in the remaining property having less value after the acquisition and construction of the project in the manner proposed than it had as part of the original property prior to the taking. Stated another way, after the acquisition of a portion of the property and construction of the project in the manner proposed, the value of the remaining property is less than it was as part of the entire property before the taking.

The proposed project will result in superior flood control to the area and the Property will be the same size, but will be crossed by a permanent easement. However, in the after condition the most likely development area of the Property, which is the current location of the existing improvements is unchanged. Many of the comparable sales relied on are similar residential parcels with frontage along public sidewalks or roadways and the agents of the comparable sales interviewed supported many buyers in the market prefer to have public roads and sidewalks. In addition, the income potential of the existing improvements is not anticipated to change.

In the after condition the Property can still be developed consistent with the highest and best use. There are no anticipated severance damages to the Property resulting from the acquisitions or the Project.

**BENEFITS**

Under California eminent domain law, any potential benefits to the remainder can only be used to offset damages to the remainder. The Project will improve flooding in the area and will quitclaim the existing roadway easement that is on the Property, which are likely benefits to the Property. However, there are no quantifiable damages in the after condition and therefore no benefits are quantified.

**Construction Contract Work (CCW)**

It is assumed that any public utilities, wells, fences, gates, etc. that are affected by the project will be restored as part of the construction contract work. Furthermore, it is assumed that the areas of the TCE acquisition will be restored to a similar condition as they existed prior to the construction of the project as a cost of the project where disturbed.

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**Estimated Fair Market Value**

The proposed acquisitions will result in the permanent and temporary loss of usable land from the Property. No damages are anticipated and benefits are not quantified. In the after condition, the site will be the same size, but will be encumbered by one new easement and one existing easement will be quitclaimed to the owner. The highest and best use of the Property is not changed. The unallocated total estimated fair market value to be used as a basis for determining just compensation for the proposed acquisitions needed from the Property for the Project are summarized as follows (without the breakout for various interests):

**VALUATION SUMMARY**

			<u>\$ Per Acre</u>			<u>Item</u>
Value of the Whole Property Before, Land Only						
Fee Value		<u>2.22</u> Acres	\$ 270,270		\$ 600,000	A
Value of the Part Acquired						
Easement Acquisition (E-3)	95%	<u>0.29</u> Acres	\$ 270,270	<u>\$ 74,459</u>		
				\$ 74,459		B
Value of Remainder As Part of Whole (Land Only)			(A less B)		\$ 525,541	C
Value of the Remainder After Acquisition, Disregarding Damages or Benefits						
Fee Value	100%	1.93 Acres	\$ 270,270	\$ 521,621		
Easement Area	5%	<u>0.29</u> Acres	\$ 270,270	<u>\$ 3,920</u>		
		2.22			\$ 525,541	D
Severance Damages / Cost to Cure					\$0.00	E
Benefits					Not Quantified	F
<b>Market Value of Permanent Acquisitions</b>					\$ 74,459	G
Market Value of Temporary Construction Easement (E-1)					\$ 16,541	
Market Value of Temporary Construction Easement (E-2)					\$ 8,224	
Total Market Value of All Acquisitions					\$ 99,225	
				<b>rounded</b>	<b>\$ 99,200</b>	

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**FINAL RECONCILIATION**

The purpose of this appraisal report is to detail the Appraiser’s estimate of the total compensation due to the property owner resulting from one permanent easement acquisition and two temporary construction easements. The highest and best use of the Property is unchanged by the proposed acquisitions. There are no additional severance damages to the Property and in the absence of damages, benefits were not quantified. The following table details the estimated market value of the acquisitions to be used to aid in estimating the just compensation due.

Easement E-3 (Fee Interest)	Easement E-3 (CE Interest)	Temporary Easement (E-1) (Fee Interest)	Temporary Easement (E-1) (CE Interest)	Temporary Easement (E-2) (Fee Interest)	Temporary Easement (E-2) (CE Interest)	Damages	Benefits	Total Market Value of Acquisitions (rnd.)
\$62,047	\$12,412	\$13,784	\$2,757	\$6,852	\$1,372	\$0	Not Quantified	\$99,200

The valuation of the subject remainder property in the condition after the partial acquisition and the construction and use of the project presumes a hypothetical condition. This is due to the fact that, as of the effective date of value, the parts being acquired have not yet been severed from the subject property and the project has not yet been constructed.

It is an extraordinary assumption of this appraisal that any damage to the Property done during the course of the Project will be repaired, replaced, or compensated for and therefore is not accounted for in this appraisal report.

It is an extraordinary assumption of this appraisal that the rights being acquired are consistent with the acquisition documents, which are included in the Addenda.

It is an extraordinary assumption of this appraisal that a Preliminary Title Report would not yield any matters of title which would impact the Appraiser’s opinions of value.

It is an extraordinary assumption of this appraisal that the TCE started on 7/1/2024 and terminates on 6/30/2028 (four years).

It is an extraordinary assumption that there has been no physical change to the Property between the last site inspection and the date of value of this appraisal.

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

It is an extraordinary assumption of this appraisal that the existing improvements were in place when the conservation easement was recorded and are allowed to remain, as a legal use.

It is assumed the Permanent Easement includes the rights to develop and maintain an access.

**Monterey County Housing and Community Development**

Carmel River Flood Plain Restoration and Environmental Enhancement Project

APN: 243-071-008

**TRENTIN P. KRAUSS, MAI**  
**3093 Citrus Circle, #160**  
**Walnut Creek, CA 94598**  
**(925) 947-1140**  
**tkrauss@kraussappraisal.com**

**EXPERIENCE**

Mr. Krauss has over twenty years of experience as a real estate appraiser. Appraisal assignments have covered a wide range of existing and proposed properties, including residential developments, offices, industrial, retail, raw acreage, and special purpose properties. His clients include individuals, attorneys, lenders, and public agencies.

2003 to Present Krauss Appraisal, LLC (formerly Smyers & Krauss Appraisal, LLC)  
Walnut Creek, California

2000 to 2002 Investment Bank, Barclays Global Investors  
Walnut Creek, California

**EDUCATION**

**California Polytechnic State University, San Luis Obispo**

B.S. - Finance, Minor Economics (1999)

**Appraisal Institute**

Courses: Basic Appraisal Principles  
Basic Income Capitalization  
General Applications  
Advanced Income Capitalization  
Highest and Best Use and Market Analysis  
Advanced Sales Comparison and Cost Approaches  
Report Writing and Valuation Analysis  
Advanced Applications  
Condemnation Appraising: Basic Principles & Applications  
National USPAP Course

Seminars: Arbitration: What you Can't Learn from Books  
Inspecting Commercial Properties  
Real Estate Damage Economics  
Appraising Partial Interests  
Appraising Green Properties  
Appraising Outside the Box  
Liability, Errors, Omissions  
Investment Analysis  
Subdivision Analysis

**PROFESSIONAL CREDENTIALS**

**Appraisal Institute – MAI Designated Member # 413313**

**Certified General Real Estate Appraiser - State of California # AG043134**



# ADDENDA

## DEFINITIONS OF TERMS

The following definitions are reprinted from the *Uniform Standards of Professional Practice* as promulgated by the Appraisal Standards Board of The Appraisal Foundation, the California Code of Civil Procedure, USPAP, or *The Dictionary of Real Estate Appraisal*, which is published by the Appraisal Institute.

### **Market Value**

Under the Code of Civil Procedure Section 1263.310-1263.330 the definition of market value is defined as:

“(a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

(b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.”

This report relies on this definition of market value.

### **Cash Equivalent**

“A price expressed in terms of cash, as distinguished from a price expressed totally or partly in terms of the face amounts of notes or other securities that cannot be sold at their face amounts.”

### **Condominium**

“A form of fee ownership of separate units or portions of multi-unit buildings that provides for formal filing and recording of a divided interest in real property, where the division is vertical as well as horizontal; fee ownership of units in a multi-unit property with joint ownership of common areas.”

### **Dedication**

“A voluntary gift by the owner of private property for some public use, e.g., the dedication of land for streets and schools in a development.”

### **Easement**

“conveyance of certain property rights, but not ownership, to a parcel of real estate.”

### **Extraordinary Assumption**

“An assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser’s opinions or conclusions.

Comment: Uncertain information might include physical, legal, or economic characteristics of the subject property; or conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.”

### **Exposure Time**

“An opinion, based on supporting market data, of the length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.”

### **Fee Simple Estate**

“Absolute ownership unencumbered by any other interest or estate; subject only to the limitations of eminent domain, escheat, police power, and taxation.”

### **Floor Area Ratio**

“The relationship between the aboveground floor area of a building and the area of the plot on which it stands; in planning and zoning, often expressed as a decimal, e.g., a ratio of 2.0 indicates that the floor area of a building is twice the total land area.”

### **Hypothetical Condition**

“A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.”

### **Leased Fee Estate**

“An ownership interest held by a landlord with the right of use and occupancy conveyed by lease to others; usually consists of the right to receive rent and the right to repossession at the termination of the lease.”

### **Leasehold Estate**

“The right to use and occupy real estate for a stated term and under certain conditions; conveyed by a lease.”

### **Right of Way**

“A privilege to pass over the land of another in some particular path; usually an easement over the land of another; a strip of land used in this way for railroad and highway purposes, for pipelines or pole lines, and for private or public passage.”

# Property Detail Report

CA

APN: 243-071-008-000

# Addenda B

Monterey County Data as of: 03/18/2024

## Owner Information

Owner Name: Eastwood Clinton JR TR / Margaret Eastwood TR  
Vesting:  
Mailing Address: 11766 Wilshire Blvd #9, Los Angeles, CA 90025-6538  
Occupancy: Unknown

## Location Information

Legal Description: Vol 21 Survey Maps Pg 78, Portion Of Par P (Aka Adj Par P As Desc In Doc# 2016003232) 2.22 Ac  
County: Monterey, CA  
APN: 243-071-008-000  
Alternate APN:  
Munic / Twnshp: Twnshp-Rng-Sec:  
Subdivision: Tract #:  
Neighborhood: Carmel Unified School District  
Elementary School: Carmel River Eleme...  
Middle School: Carmel Middle Scho...  
High School: Carmel High School  
Latitude: 36.53277  
Longitude: -121.91436

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date: Price:  
Buyer Name: Seller Name: Transfer Doc #:  
Deed Type:

## Last Market Sale

Sale / Rec Date: Sale Price / Type: Deed Type:  
Multi / Split Sale: Price / Sq. Ft.: New Construction:  
1st Mtg Amt / Type: 1st Mtg Rate / Type: 1st Mtg Doc #: N/A  
2nd Mtg Amt / Type: 2nd Mtg Rate / Type: Sale Doc #: N/A  
Seller Name:  
Lender: Title Company:

## Prior Sale Information

Sale / Rec Date: Sale Price / Type: Prior Deed Type:  
1st Mtg Amt / Type: 1st Mtg Rate / Type: Prior Sale Doc #: N/A  
Prior Lender:

## Property Characteristics

Gross Living Area: Total Rooms: 0 Year Built / Eff:  
Living Area: Bedrooms:  
Total Adj. Area: Baths (F / H):  
Above Grade: Pool:  
Basement Area: Fireplace:  
Style: Cooling:  
Foundation: Heating:  
Quality: Exterior Wall:  
Condition: Construction Type: Roof Type:  
Roof Material:

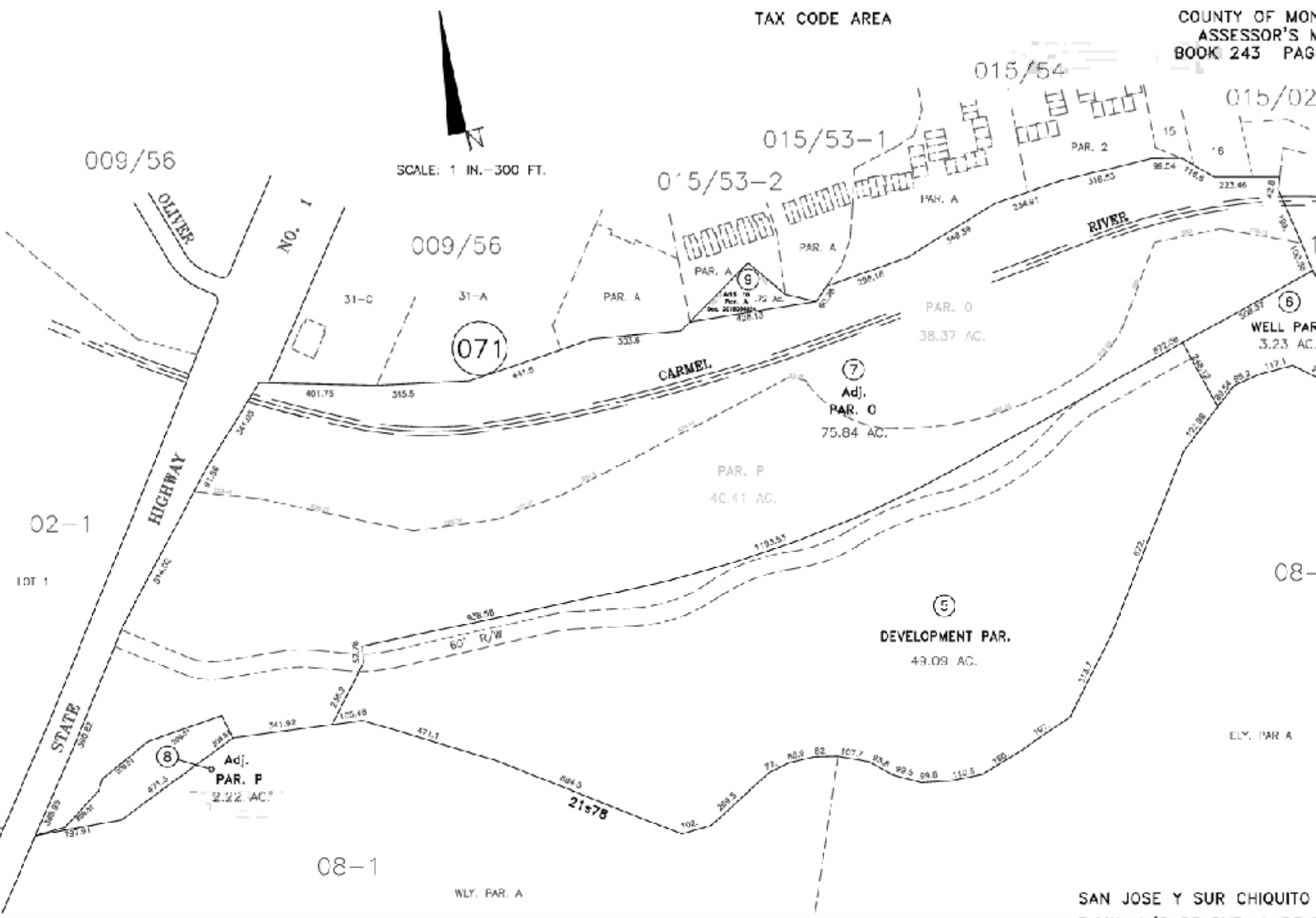
## Site Information

Land Use: Field & Seed Lot Area: 96,703 Sq. Ft. Zoning:  
State Use: Lot Width / Depth:  
County Use: 4C - Row Crop Usable Lot:  
Site Influence: Acres: 2.22 # of Buildings:  
Flood Zone Code: Ae Flood Map #: 06053C0316H Res / Comm Units:  
Water / Sewer Type:  
Community Name: Monterey County Flood Panel #: 0316H Flood Map Date: 06/21/2017  
Unincorporated Areas Inside SFHA: True

## Tax Information

Assessed Year: 2023 Assessed Value: Market Total Value:  
Tax Year: 2023 Land Value: \$33,555 Market Land Value:  
Tax Area: Improvement Value: Market Imprv Value:  
Property Tax: \$358.70 Improved %:  
Exemption: Delinquent Year: Market Imprv %:

SCALE: 1 IN. = 300 FT.



THIS MAP IS INTENDED TO BE USED FOR  
PROPERTY TAX ASSESSMENT PURPOSES ONLY

SAN JOSE Y SUR CHIQUITO  
E.&W. 1/2 OF SUB. A OF I



THE BEARINGS SHOWN HEREON ARE  
BASED ON CCS 1983, ZONE 4.

ADJUSTED PARCEL O  
DOC. #2016002231, O.R.

STATE HIGHWAY NO. 1

N69°33'39"E 37.05'

N89°22'20"E 283.89'

Δ=4°21'02"  
R=860.00'  
L=65.30'

POINT OF  
BEGINNING

S6°45'10"E  
39.10'

Δ=28°34'08"  
R=416.00'  
L=207.43'

S84°35'37"W  
55.43'

DESCRIBED AREA:  
±0.29 ACRES

ADJUSTED PARCEL P  
DOC. #2016002232, O.R.

S10°3'22"E (RADIAL)

PARCEL A  
VOL. 20, SURVEYS,  
PG. 66



SCALE: 1" = 100'

# EXHIBIT 'B' PLAT TO ACCOMPANY DESCRIPTION

MONTEREY COUNTY, CALIFORNIA  
MAY 2024



Civil Engineering +  
Land Surveying  
6 Harris Court  
Monterey, CA 93940  
831.649.5225  
whitsonengineers.com

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**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**

Certain real property situate in the County of Monterey, State of California, and being a portion of Adjusted Parcel P as described in the deed recorded January 14, 2016, as Document No. 2016002232 in the Official Records of said County, described as follows:

**Beginning** at the northeasterly corner of said Parcel; thence

- 1) South 06°45'10" East, 39.10 feet along the easterly boundary of said parcel; thence departing said boundary
- 2) Westerly 65.30 feet along the arc of a curve to the left, of which the radius point lies South 01°03'22" East, a radial distance of 860.00 feet, through a central angle of 04°21'02"; thence
- 3) South 84°35'37" West, 55.43 feet; thence
- 4) Westerly 207.43 feet along the arc of a tangent curve to the right having a radius of 416.00 feet, through a central angle of 28°34'08" to a point on the northwesterly boundary of said Parcel; thence along said boundary
- 5) North 69°33'39" East, 37.05 feet; thence
- 6) North 89°22'20" East, 283.89 feet to the POINT OF BEGINNING.

Containing 12,484 square feet, or 0.29 acres, more or less.

Attached hereto is a plat to accompany legal description, and by this reference made a part hereof.

The bearings contained in this description are based on the California Coordinate System of 1983, Zone 4.

**END OF DESCRIPTION**

PREPARED BY:  
WHITSON ENGINEERS



RICHARD P. WEBER P.L.S.  
L.S. NO. 8002  
Job No.: 2172

5/24/2024  
DATE





THE BEARINGS SHOWN HEREON ARE BASED ON CCS 1983, ZONE 4.

ADJUSTED PARCEL O  
DOC. #2016002231, O.R.

POINT OF BEGINNING  
AREA 2

$\Delta=29^{\circ}57'48''$   
 $R=426.00'$   
 $L=222.78'$

$\Delta=4^{\circ}25'04''$   
 $R=850.00'$   
 $L=65.54'$

$N89^{\circ}22'20''E$   
283.89'

$N69^{\circ}33'39''E$   
51.37'

$N36^{\circ}28'01''E$   
45.40'

$N69^{\circ}33'39''E$   
105.73'

$\Delta=0^{\circ}25'00''$   
 $R=19870.00'$   
 $L=144.51'$

DESCRIBED AREA:  
 $\pm 0.53$  ACRES

$N84^{\circ}35'37''E$   
55.43'

$S6^{\circ}45'10''E$   
49.15'

ADJUSTED PARCEL P  
DOC. #2016002232, O.R.

POINT OF BEGINNING  
AREA 1

$\Delta=0^{\circ}06'08''$   
 $R=19870.00'$   
 $L=35.48'$   
(TIE)

$S85^{\circ}55'39''W$  19.23'

$S54^{\circ}03'07''E$   
(RADIAL)

POINT OF COMMENCEMENT  
MOST WESTERLY CORNER,  
ADJUSTED PARCEL P

PARCEL A  
VOL. 20, SURVEYS,  
PG. 66

$S0^{\circ}59'20''E$   
(RADIAL)



SCALE: 1" = 100'

**EXHIBIT 'B'**  
**PLAT TO ACCOMPANY DESCRIPTION**  
**OF A TEMPORARY CONSTRUCTION EASEMENT**  
MONTEREY COUNTY, CALIFORNIA  
MAY 2024



Civil Engineering +  
Land Surveying  
6 Harris Court  
Monterey, CA 93940  
831.649.5225  
whitsonengineers.com

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**EXHIBIT 'A'**  
**LEGAL DESCRIPTION OF A**  
**TEMPORARY CONSTRUCTION EASEMENT**

Certain real property situate in the County of Monterey, State of California, described as follows:

Being a portion of that certain real property described as Adjusted Parcel P in the deed recorded January 14, 2016, as Document Number 2016002232 in the Official Records of said County, described as follows:

**Area 1**

Commencing at the most westerly corner of said Adjusted Parcel P; thence along the westerly boundary of said Parcel

Northeasterly 35.48 feet along the arc of a curve to the right, of which the radius point lies South 54°03'07" East, a radial distance of 19,870.00 feet, through a central angle of 00°06'08", to the **POINT OF BEGINNING**; thence continuing along said curve and boundary of said Parcel

- 1) Northeasterly 144.51 feet, through a central angle of 00°25'00"; thence tangentially
- 2) North 36°28'01" East, 45.40 feet; thence along the northerly boundary of said Parcel
- 3) North 69°33'39" East, 105.73 feet; thence departing the boundary of said Parcel
- 4) South 45°33'53" West, 269.38 feet; thence
- 5) South 85°55'39" West, 19.23 feet to the POINT OF BEGINNING.

Together with a portion of said Adjusted Parcel P:

**Area 2**

**Beginning** at the northeasterly corner of said Parcel; thence

- 6) South 06°45'10" East, 49.15 feet along the easterly boundary of said parcel; thence departing said boundary
- 7) Westerly 65.54 feet along the arc of a curve to the left, of which the radius point lies South 0°59'20" East, a radial distance of 850.00 feet, through a central angle of 04°25'04"; thence
- 8) South 84°35'37" West, 55.43 feet; thence
- 9) Westerly 222.78 feet along the arc of a tangent curve to the right having a radius of 426.00 feet, through a central angle of 29°57'48" to a point on the northwesterly boundary of said Parcel; thence along said boundary
- 10) North 69°33'39" East, 51.37 feet; thence
- 11) North 89°22'20" East, 283.89 feet to the POINT OF BEGINNING.

Containing a total of 0.53 acre, more or less.

Attached hereto is a plat to accompany legal description, and by this reference made a part hereof.

The bearings contained in this description are based on the California Coordinate System of 1983, Zone 4.

**END OF DESCRIPTION**

PREPARED BY:  
WHITSON ENGINEERS



RICHARD P. WEBER P.L.S.  
L.S. NO. 8002  
Job No.: 2172

5/24/2024  
DATE



## Chapter 21.12 - REGULATIONS FOR MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS OR "MDR" DISTRICTS

## 21.12.010 - Purpose.

The purpose of this Chapter is to provide a district to accommodate Medium Density Residential uses in those areas of the County of Monterey where adequate public services and facilities exist or may be developed to support medium density development. It is intended within this Chapter to require adequate on-site facilities and amenities to assure proper, usable and livable development while allowing sufficient design flexibility to provide such development.

## 21.12.020 - Applicability.

The regulations of this Chapter shall apply in all "MDR" Districts and are subject to Chapter 21.62 (Height and Setback Exceptions) of this Title.

## 21.12.030 - Uses allowed.

- A. The first single family dwelling per lot;
- B. The keeping of pets, but not more than four (4) dogs per dwelling unit;
- C. Guesthouses meeting the development standards of Section 21.64.020;
- D. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- E. Small family day care home;
- F. Small residential care facility;
- G. Water system facilities including wells and storage tanks serving four (4) or fewer service connections, pursuant to Chapter 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- H. Non-habitable accessory structures and accessory uses to any permitted use;
  - I. Cultivation, cutting and removal of Christmas trees;
  - J. Home occupations, pursuant to Section 21.64.090;
- K. Rooming and boarding of not more than two (2) persons;
- L. Other uses of a similar character, density and intensity to those listed in this section;
- M. Intermittent livestock farming or animal husbandry uses such as "4-H" projects on a minimum of twenty thousand (20,000) square feet;
- N. Accessory dwelling unit meeting the development standards of Section 21.64.030;

- O. Employee housing providing accommodations for up to six (6) employees;
- P. Supportive housing contained within the housing types of this section;
- Q. Transitional housing or transitional housing development contained within the housing types of this section.

(Ord. No. 5177, § 26, 5-24-2011; Ord. No. 5135, § 97, 7-7-2009)

21.12.040 - Uses allowed—Administrative permit required in each case (Chapter 21.70).

- A. Second single family dwelling provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map (Not in Del Monte Forest);
- B. The first duplex on a vacant lot, not exceeding two (2) dwelling units/acre provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map (Not in Del Monte Forest);
- C. Repealed;
- D. Tract sales or rental offices;
- E. Reduction in setback requirements of ten (10) percent or less of the required setbacks;
- F. Small water system facilities including wells and storage tanks of five (5) to fourteen (14) service connections;
- G. Other uses of a similar character, density and intensity to those listed in this section.
- H. Additions to existing approved wireless communications facilities, pursuant to Section 21.64.310;
  - I. Supportive housing contained within the housing types of this section;
  - J. Transitional housing or transitional housing development contained within the housing types of this section.

(Ord. No. 5177, § 27, 5-24-2011; Ord. 3938, 1997)

21.12.050 - Uses allowed—Use permit required in each case (Chapter 21.74).

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding two (2) dwelling units/acre, gross, and not exceeding four (4) units, total (Not in Del Monte Forest);
- B. Rooming houses and boardinghouses (ZA);
- C. Rest homes (ZA);
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction to an adjoining commercial or retail use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);

- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facility, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy conversion systems;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- M. Removal of minerals or natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days, and not involving construction of permanent facilities (ZA);
- O. Accessory structures and accessory uses prior to establishment of main use or structure (ZA);
- P. Large family day care home;
- Q. Cottage industries, pursuant to Section 21.64.095 (ZA);
- R. Other uses of a similar nature, density and intensity as those listed in this section;
- S. The exploration for and the removal of oil and gas (ZA);
- T. Mobile home parks, pursuant to Section 21.64.210.
- U. Wireless communications facilities, pursuant to Section 21.64.310;
- V. Large residential care facility (ZA);
- W. Supportive housing contained within the housing types of this section;
- X. Transitional housing or transitional housing development contained within the housing types of this section.

(Ord. No. 5177, § 28, 5-24-2011; Ord. 3938, 1997)

#### 21.12.060 - Site development standards.

- A. Minimum Building Site. The minimum building site which may be created shall be six thousand (6,000) square feet unless otherwise approved as part of a condominium, planned unit development or similar clustered residential subdivision.
- B. Development Density, Maximum. The maximum development density shall not exceed the units/acre as shown for the specific "MDR" District as shown on the zoning map. (e.g. "MDR/4" means an "MDR" District with a maximum gross density of four units per acre.)
- C. Structure Height and Setback Regulations. The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "MDR/5 (24)" would limit structure height to twenty-four (24) feet), setback requirements when combined with

a "B" District or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

In an approved planned unit development where the dwelling unit and accessory structures are to be located on a lot in the development, no setbacks from the lot lines are required except as necessary to meet Building Code and Fire Code requirements, unless otherwise noted on the recorded final, parcel map or Sectional District Map.

1. Main Structures.

a. Minimum Setbacks.

Front: twenty (20) feet;

Side: five feet;

Rear: ten (10) feet.

b. Height. Maximum height: thirty (30) feet;

2. Accessory Structures (Habitable).

a. Minimum Setbacks.

Front: fifty (50) feet;

Side: six feet;

Rear: six feet.

b. Height. Maximum height: fifteen (15) feet.

3. Accessory Structures (Non-habitable).

a. Minimum Setbacks.

Front: fifty (50) feet, or behind the main structure, whichever is less.

Side: six feet on front one-half of property; one foot on rear one-half of property;

Rear: one foot.

D. Minimum Distance Between Structures.

Main structures: ten (10) feet;

Accessory/Main structure: six feet;

Accessory/Accessory: six feet.

E. Building Site Coverage. Maximum: thirty-five (35) percent.

F. Parking Regulations. Parking for all development shall be established pursuant to Chapter 21.58.

G.

Landscaping Requirements. For development of more than two residential units on a lot, a minimum of ten (10) percent of the developed lot area shall be landscaped prior to occupancy, pursuant to a landscaping plan approved by the Director of Planning.

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.
2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.
3. Applications for construction permits which are subject to these lighting regulations must include the following information:
  - a. Plans indicating the location of each light fixture; and
  - b. Manufacturer's catalog specification sheet for each type of fixture.
  - c. The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

I. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60.

(Ord. No. 5135, § 98, 7-7-2009; Ord. 3784, 1994; Ord. No. 5262, § 4, 1-26-2016)

21.12.070 - Special regulations.

- A. Developments in excess of five dwelling units on a lot shall provide a trash enclosure area for the residents of the development. The location of and the design of the trash enclosure area shall be approved by the Director of Environmental Health, the Director of Planning. A plan showing the trash enclosure area shall contain the following:
  1. A site plan of the overall development;
  2. The location of the trash enclosure area;
  3. Elevations of the design of the trash enclosure area;
  4. Adequate fencing to ensure safety of the residents and the public;
  5. Adequate area for the separation and holding of recyclable materials.
- B. Developments in excess of five dwelling units on a lot shall provide a recreational area for the residents of the development. The location of and the design of the recreational area shall be approved by the Director of Planning. A plan showing the recreational area shall contain the following:
  1. A site plan of the overall development;
  2. The location of the recreational area;



- 3. A list and location of all recreational area facilities to be provided;
- 4. The recreational area shall consist of at least three percent of the lot.
- C. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements for conventional dwelling unit in this Chapter.
- D. The MDR District in the Del Monte Forest area is subject to the following development standards.
  - 1. Building Site Coverage/Floor Area Ratio

Density	Coverage/FAR
2 units or less per acre	25 %
More than 2 units per acre	35 %

For the purpose of this Section, floor area ratio means the total combined gross floor areas of all floors in all buildings on the building site as measured from the exterior face of the enclosing walls expressed as a percentage of the total lot area. Enclosed floor area constructed and maintained completely below ground shall not be counted as floor area.

- 2. Height of main structures: twenty-seven (27) feet.
- 3. Side Yard Setbacks.
  - a. First Story: ten (10) feet;
  - b. Second Story: twenty (20) feet.
- E. Any residential development of twenty-five (25) or more units are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title.
- F. The MDR District in the Rancho Cañada Village Subdivision, as shown on Section 21-16 of the Sectional District Maps, is subject to the following development standards.
  - 1. Minimum Building Site. The minimum building site which may be created shall be six thousand (6,000) square feet for single family detached homes. Minimum lot width/frontage shall be one hundred (100) feet.
  - 2. Main Structures
    - a. Minimum Setbacks.
      - Front: fifteen (15) feet.
      - Front, Corner lots: ten (10) feet along the front not shared with a key lot. Side, first story: four feet

Side, second story: seven feet Rear: twenty (20) feet

b. Height. Maximum height: twenty-four (24) feet

3. Accessory Structures (Habitable and non-habitable)

a. Minimum Setbacks.

Front: twenty (20) feet (The minimum front yard setback of any garage, carport, or parking pad is twenty (20) feet from the front property line.)

Side: as above for main structures. Rear: one foot.

4. Minimum Distance Between Structures. Main structures: ten (10) feet

5. Building Site Coverage. Maximum: forty percent (40%)

6. Floor Area Ratio (FAR): Maximum: forty percent (40%)

7. Design. Architectural features such as bay windows, chimneys, stairways, recesses or projections, elements characteristic of Carmel Valley residences are encouraged to avoid long, unmodulated building façades.

(Ord. No. 5135, § 99, 7-7-2009; Ord. 3784, 1994; Ord. No. 5360, § 4, 7-27-2021)

Chapter 21.36 - REGULATIONS FOR RESOURCE CONSERVATION ZONING DISTRICTS OR "RC" DISTRICTS

21.36.010 - Purpose.

The purpose of this Chapter is to provide a district to allow development in the more remote and mountainous areas in the County of Monterey while protecting the significant and substantial resources of those areas. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed, watershed, plant and wildlife habitat, streams and riparian corridors. The purpose of this Chapter is to be carried out by allowing only such development that can be achieved without adverse effect and which will be subordinate to the resources of the particular site and area.

21.36.020 - Applicability.

The regulations of this Chapter shall apply in all "RC" Districts subject to Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.36.030 - Uses allowed.

- A. One single family dwelling per lot;
- B. Guesthouses meeting the development standards of Section 21.64.020;
- C. The keeping of pets;

# Property Detail Report

818 Country Club Dr, Carmel Valley, CA 93924-9557

APN: 187-321-001-000

# Addenda E

Monterey County Data as of: 03/19/2024

## Owner Information

Owner Name:	Newman / Diepenbrock Family Revocable Trust / Newman Josh / Diepenbrock Martha	Recent Sale:	\$675,000
Vesting:	Family Revocable Trust	Occupancy:	Absentee Owner
Mailing Address:	2312 Lassen Pl, Davis, CA 95616-6605		

## Location Information

Legal Description:	Rancho Del Monte No 10 L 17 Blk 2 2.07 Ac	County:	Monterey, CA
APN:	187-321-001-000	Alternate APN:	
Munic / Twnshp:		Census Tract / Block:	011000 / 2001
Subdivision:	Rancho Del Monte No 10	Legal Lot / Block:	17 / 2
Neighborhood:	The Portofino Inn	Tract #:	
Elementary School:	Tularcitos Element...	School District:	Carmel Unified School District
Latitude:	36.49369	Middle School:	Carmel Middle Scho...
		High School:	Carmel High School
		Longitude:	-121.73171

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	12/01/2023 / 12/06/2023	Price:	\$675,000	Transfer Doc #:	2023.42698
Buyer Name:	Newman / Diepenbrock Family Revo / Newman Josh	Seller Name:	Gerritsen Family Trust	Deed Type:	Grant Deed

## Last Market Sale

Sale / Rec Date:	12/01/2023 / 12/06/2023	Sale Price / Type:	\$675,000 / Full Value	Deed Type:	Grant Deed
Multi / Split Sale:		Price / Sq. Ft.:		New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2023.42698
Seller Name:	Gerritsen Family Trust			Title Company:	Chicago Title
Lender:					

## Prior Sale Information

Sale / Rec Date:	11/08/2017 / 11/22/2017	Sale Price / Type:	\$385,000 / Full Value	Prior Deed Type:	Grant Deed
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	2017.64845
Prior Lender:					

## Property Characteristics

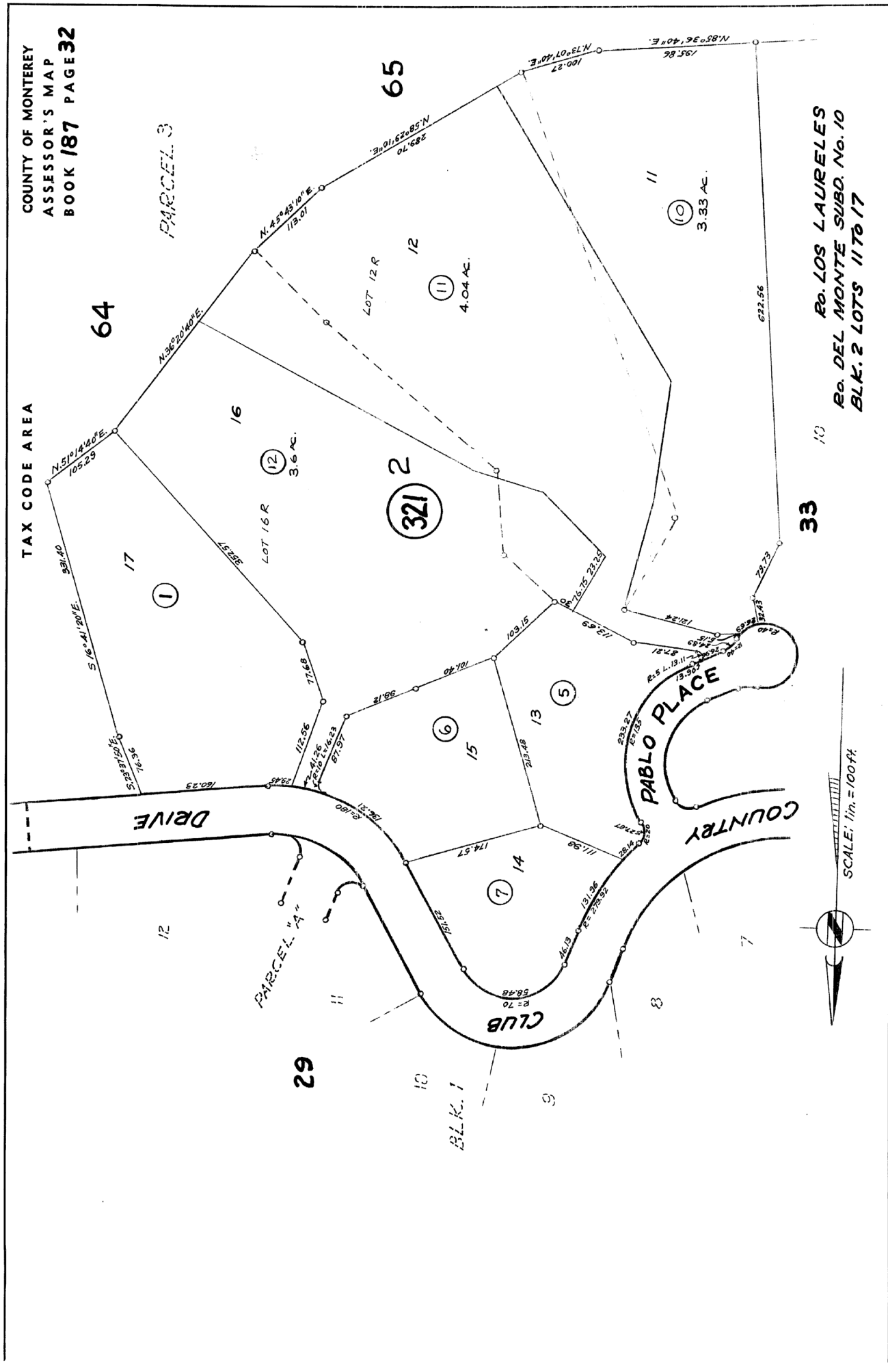
Gross Living Area:		Total Rooms:	0	Year Built / Eff:	
Living Area:		Bedrooms:		Stories:	
Total Adj. Area:		Baths (F / H):		Parking Type:	
Above Grade:		Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:		Patio Type:	
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

## Site Information

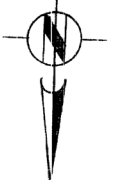
Land Use:	Vacant -Residential Land	Lot Area:	89,734 Sq. Ft.	Zoning:	
State Use:		Lot Width / Depth:		# of Buildings:	
County Use:	1A - Vac-Res 1 Site	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	2.06	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	06053C0530G	Flood Map Date:	04/02/2009
Community Name:	Monterey County Unincorporated Areas	Flood Panel #:	0530G	Inside SFHA:	False

## Tax Information

Assessed Year:	2023	Assessed Value:		Market Total Value:	
Tax Year:	2023	Land Value:	\$421,052	Market Land Value:	
Tax Area:		Improvement Value:		Market Imprv Value:	
Property Tax:	\$4,520.96	Improved %:		Market Imprv %:	
Exemption:		Delinquent Year:			



SCALE: 1 in. = 100 ft.



Ro. LOS LAURELES  
 Ro. DEL MONTE SUBD. No. 10  
 BLK. 2 LOTS 11 TO 17

**Xochitl Marina Camacho**  
MontereyCounty Clerk-Recorder

Recorded at the request of:  
CHICAGO TITLE CARMEL - 3785

**2023042698**

12/06/2023 08:59:32  
Titles: 1 Pages: 3

Fees: \$19.00  
Taxes: \$742.50  
AMT PAID: \$761.50

**RECORDING REQUESTED BY:**  
Chicago Title Company

**When Recorded Mail Document  
and Tax Statement To:**

Josh Newman and Martha Diepenbrock, Ttees  
The Newman/Diepenbrock Family Rev Trust of  
Mar. 4, 2003, as Amended Mar. 5, 2007  
2312 Lassen Place  
Davis, CA 95616

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Escrow No.:** FWMN-5272300382

Property Address: 610 Country Club Drive,  
Carmel Valley, CA 93924

APN/Parcel ID(s): 187-321-001-000

**GRANT DEED**

**The undersigned grantor(s) declare(s)**

- This transfer is exempt from the documentary transfer tax.  
 **The documentary transfer tax is \$742.50** and is computed on:  
 the full value of the interest or property conveyed.  
 the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in  an Unincorporated area.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,** Hans A. Gerritsen, Trustee of The Gerritsen Family Trust dated October 28, 1998

**hereby GRANT(S) to** Josh Newman and Martha Diepenbrock, Trustees of The Newman/Diepenbrock Family Revocable Trust of March 4, 2003, as Amended March 5, 2007

**the following described real property in the** Unincorporated Area of the County of Monterey, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**PROPERTY COMMONLY KNOWN AS:** 610 Country Club Drive, Carmel Valley, CA 93924

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

**GRANT DEED**  
(continued)

APN/Parcel ID(s): 187-321-001-000

Dated: December 1, 2023

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Hans A. Gerritsen, Trustee of The Gerritsen Family Trust dated October 28, 1998

BY: [Signature]  
Hans A. Gerritsen, Trustee

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

State of California  
County of Monterey

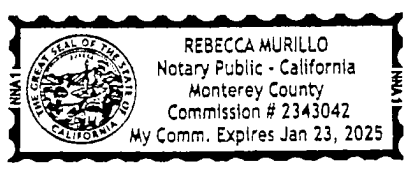
On 12/4/23 before me, Rebecca Murillo, Notary Public,  
(here insert name and title of the officer)

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

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

WITNESS my hand and official seal.

[Signature]  
Signature



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 187-321-001-000**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 17, BLOCK 2 AS SAID LOT AND BLOCK ARE SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP OF TRACT NO. 290, RANCHO DEL MONTE SUBDIVISION NO. 10, FILED FOR RECORD JULY 3, 1956 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, IN VOLUME 6 OF MAPS, "CITIES AND TOWNS", AT PAGE 85 THEREIN.

# Property Detail Report

CA

APN: 259-161-020-000

Monterey County Data as of: 03/29/2023

## Owner Information

Owner Name:	Larry W Anderson And Georgeann M Anderson Revocable Family T / Anderson Larry W / Anderson Georgeann M Trust	Recent Sale:	\$600,000
Vesting:	Trust	Occupancy:	Unknown
Mailing Address:	Po Box 1237, Lodi, CA 95241-1237		

## Location Information

Legal Description:	Monterra Ranch Phase 7 Subdivision Vol 22 C& T Page 57 Tract No 1420 Lot 116 2.378 Ac. Except Portion Dedicated To S.E. Per Doc 2004062129		County:	Monterey, CA	
APN:	259-161-020-000	Alternate APN:		Census Tract / Block:	
Munic / Twnshp:		Twnshp-Rng-Sec:		Legal Lot / Block:	116 /
Subdivision:	Monterra Ranch Phase 7 Subdivision	Tract #:	1420	Legal Book / Page:	
Neighborhood:		School District:	Monterey Peninsula Unified School District		
Elementary School:	Foothill Elementar...	Middle School:	Walter Colton	High School:	Monterey High Scho...
Latitude:	36.5668	Longitude:	-121.83754		

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	06/10/2022 / 08/25/2022	Price:		Transfer Doc #:	2022.35497
Buyer Name:	Larry W Anderson And Georgeann / Anderson Larry W	Seller Name:	Larry W Anderson And Georgeann M Anderson Revocable Family T	Deed Type:	Grant Deed

## Last Market Sale

Sale / Rec Date:	06/03/2022 / 06/09/2022	Sale Price / Type:	\$600,000 / Full Value	Deed Type:	Grant Deed
Multi / Split Sale:		Price / Sq. Ft.:		New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2022.26140
Seller Name:	Quatro LLC			Title Company:	Chicago Title
Lender:					

## Prior Sale Information

Sale / Rec Date:		Sale Price / Type:		Prior Deed Type:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	N/A
Prior Lender:					

## Property Characteristics

Gross Living Area:		Total Rooms:	0	Year Built / Eff:	
Living Area:		Bedrooms:		Stories:	
Total Adj. Area:		Baths (F / H):		Parking Type:	
Above Grade:		Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:		Patio Type:	
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

## Site Information

Land Use:	Vacant Land (NEC)	Lot Area:	103,237 Sq. Ft.	Zoning:	
State Use:		Lot Width / Depth:		# of Buildings:	
County Use:	3A - Vac-Rural	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	2.37	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	06053C0329G	Flood Map Date:	04/02/2009
Community Name:	Monterey County Unincorporated Areas	Flood Panel #:	0329G	Inside SFHA:	False

## Tax Information

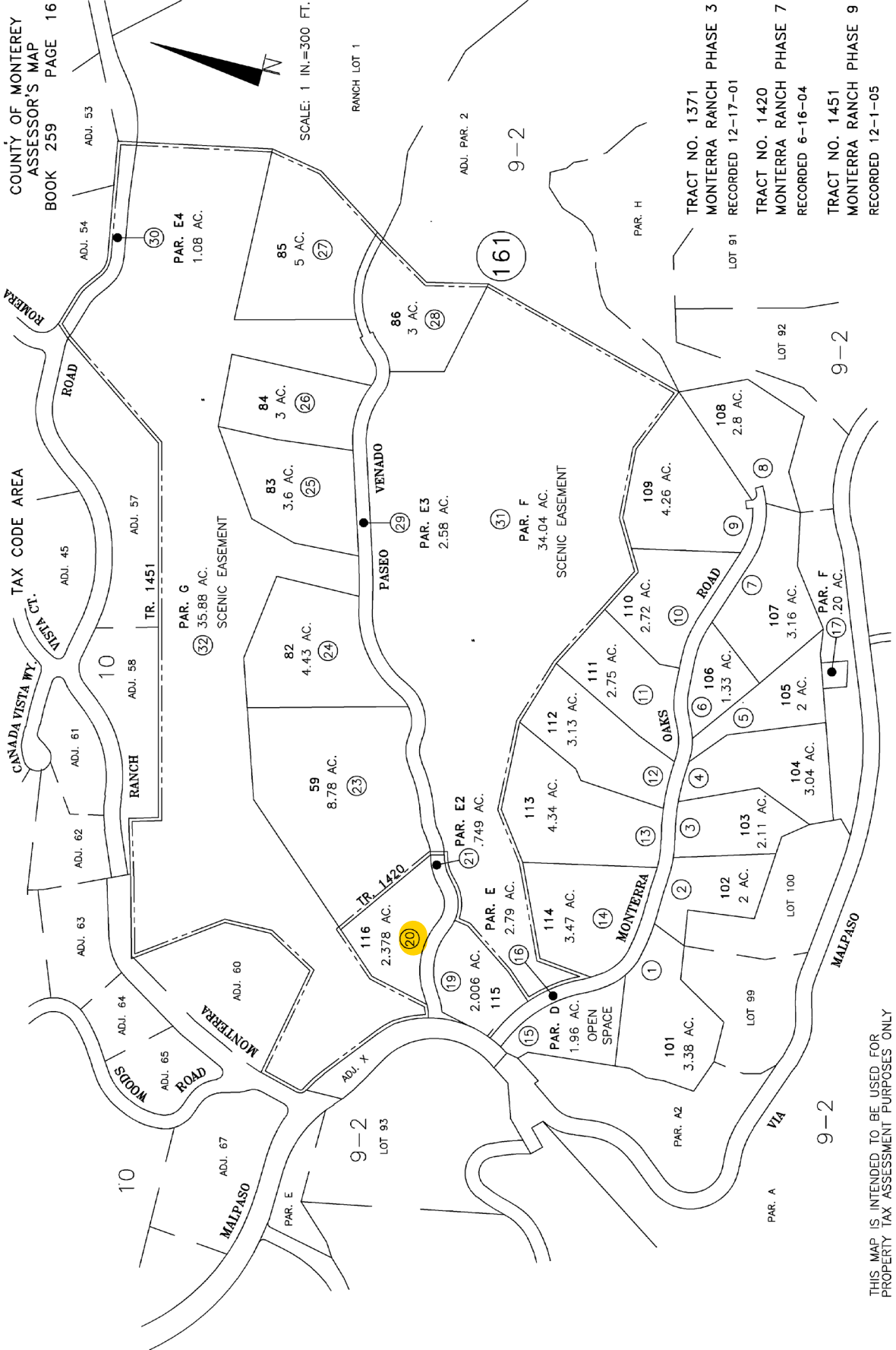
Assessed Year:	2022	Assessed Value:	\$600,000	Market Total Value:	
Tax Year:	2022	Land Value:	\$600,000	Market Land Value:	



Tax Area: 096-065  
Property Tax: \$7,011.62  
Exemption:

Improvement Value:  
Improved %:  
Delinquent Year:

Market Imprv Value:  
Market Imprv %:



THIS MAP IS INTENDED TO BE USED FOR  
 PROPERTY TAX ASSESSMENT PURPOSES ONLY

**Stephen L. Vagnini**  
MontereyCounty Clerk-Recorder

Recorded at the request of:  
CHICAGO TITLE COMPANY | SALI

**2022026140**

06/09/2022 08:23:35  
Titles: 1 Pages: 3

Fees: \$19.00  
Taxes: \$660.00  
AMT PAID: \$679.00

**RECORDING REQUESTED BY:**  
Chicago Title Company

**When Recorded Mail Document  
and Tax Statement To:**  
Larry W. Anderson and Georgeann M.  
Anderson, Trustees  
1420 S. Mills Avenue, Suite E  
Lodi, CA 95242

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Escrow Order No.:** FWMN-5222200469

Property Address: 0 Paseo Venado, Lot 116,  
Monterey, CA 93940  
APN/Parcel ID(s): 259-161-020

## GRANT DEED

**The undersigned grantor(s) declare(s)**

- This transfer is exempt from the documentary transfer tax.  
 **The documentary transfer tax is \$660.00** and is computed on:  
 the full value of the interest or property conveyed.  
 the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in  an Unincorporated area.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,**

Quatro, LLC

hereby **GRANT(S)** to

Larry W. Anderson and Georgeann M. Anderson, Trustees of The Larry W. Anderson and Georgeann M. Anderson  
Revocable Family Trust dated August 9, 2004

**the following described real property in the Unincorporated Area of the County of Monterey, State of California:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**PROPERTY COMMONLY KNOWN AS:** 0 Paseo Venado, Lot 116, Monterey, CA 93940

## MAIL TAX STATEMENTS AS DIRECTED ABOVE

**GRANT DEED**  
(continued)

APN/Parcel ID(s): 259-161-020

Dated: June 3, 2022

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Quatro, LLC

BY: Carolyn Samson  
Carolyn Samson  
Managing Member

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

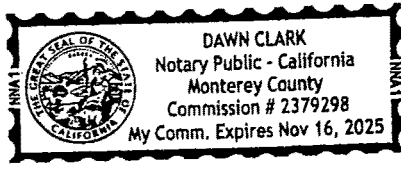
State of California  
County of Monterey

On 6-7-2022 before me, Dawn Clark, Notary Public,  
(here insert name and title of the officer)

personally appeared Carolyn Samson,  
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.  
Dawn Clark  
Signature



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 259-161-020**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**

Lot 116, as shown on that certain Map of "Tract No. 1420, Monterra Ranch, Phase 7", filed June 16, 2004 in Volume 22, Maps of "Cities and Towns", at Page 57, in the Office of the County Recorder of the County of Monterey, State of California.

**PARCEL II:**

A non-exclusive easement for road and utility purposes over that certain Parcel E2, as shown on the Map filed June 16, 2004 in Volume 22, Maps of "Cities and Towns", at Page 57, Official Records of Monterey County, California.

**PARCEL III:**

An access, utility, and drainage easement above, over, across, and through that certain real property situate in the County of Monterey, State of California, being Parcel R, as shown on that map filed October 3, 2003 in Volume 21 of Parcel Maps, at Page 98, Official Records of Monterey County, California, and Parcel "Z" and Parcel "X", as shown on that map filed July 24, 1998 in Volume 21 of Surveys, at Page 126, Official Records of Monterey County, California.

# Property Detail Report

CA

APN: 243-301-018-000

Monterey County Data as of: 03/29/2023

## Owner Information

Owner Name:	Baer Andreas Adkins	Recent Sale:	\$450,000
Vesting:	Unmarried Man		
Mailing Address:	380 W Carmel Valley Rd, Carmel Valley, CA 93924-9415	Occupancy:	Unknown

## Location Information

Legal Description:	Assrs Map San Jose Y Sur Chiquito Ro Por Of Lot 20 Lyg E Of Hwy Shown As Par D In Vol 3 Of Par Maps Pg 41	County:	Monterey, CA
APN:	243-301-018-000	Alternate APN:	
Munic / Twnshp:		Twncshp-Rng-Sec:	
Subdivision:	Assrs Map San Jose Y Sur Chiquito Ro	Tract #:	
Neighborhood:		School District:	Carmel Unified School District
Elementary School:	Carmel River Eleme...	Middle School:	Carmel Middle Scho...
Latitude:	36.40702	Longitude:	-121.90713
		High School:	Carmel High School

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	03/17/2022 / 04/18/2022	Price:	\$450,000	Transfer Doc #:	2022.18676
Buyer Name:	Baer Andreas Adkins	Seller Name:	Sharon May Damon Living Trust	Deed Type:	Grant Deed

## Last Market Sale

Sale / Rec Date:	03/17/2022 / 04/18/2022	Sale Price / Type:	\$450,000 / Full Value	Deed Type:	Grant Deed
Multi / Split Sale:		Price / Sq. Ft.:		New Construction:	
1st Mtg Amt / Type:	\$200,000 / Conventional	1st Mtg Rate / Type:	4.5 / Adjustable	1st Mtg Doc #:	2022.18677
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2022.18676
Seller Name:	Sharon May Damon Living Trust			Title Company:	Chicago Title
Lender:	US Bank National Association				

## Prior Sale Information

Sale / Rec Date:		Sale Price / Type:		Prior Deed Type:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	N/A
Prior Lender:					

## Property Characteristics

Gross Living Area:		Total Rooms:	0	Year Built / Eff:	
Living Area:		Bedrooms:		Stories:	
Total Adj. Area:		Baths (F / H):		Parking Type:	
Above Grade:		Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:		Patio Type:	
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

## Site Information

Land Use:	Vacant Land (NEC)	Lot Area:	217,507 Sq. Ft.	Zoning:	
State Use:		Lot Width / Depth:		# of Buildings:	
County Use:	3A - Vac-Rural	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	4.993	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	06053C0491H	Flood Map Date:	06/21/2017
Community Name:	Monterey County Unincorporated Areas	Flood Panel #:	0491H	Inside SFHA:	False

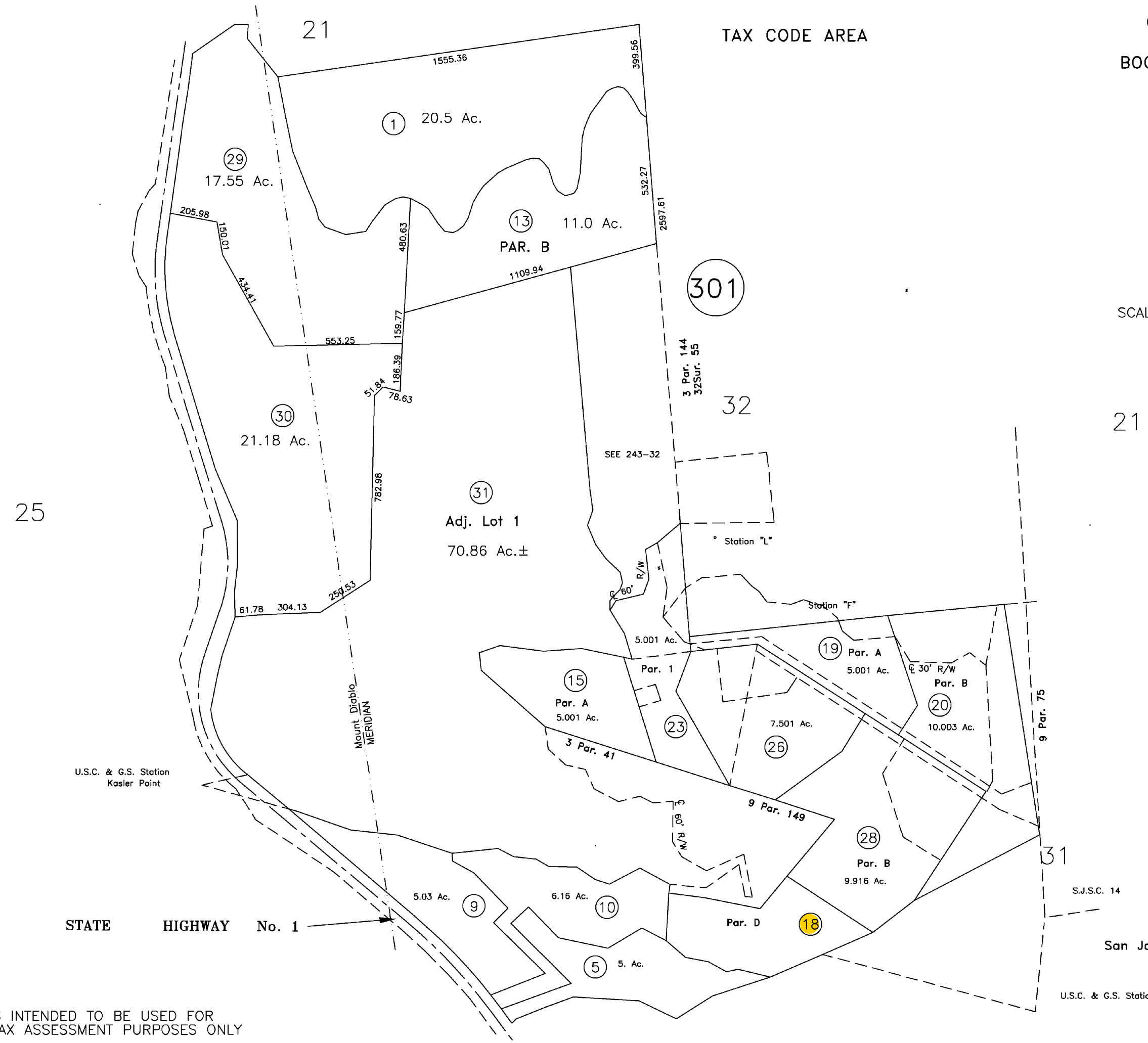
## Tax Information

Assessed Year:	2022	Assessed Value:	\$450,000	Market Total Value:	
Tax Year:	2022	Land Value:	\$450,000	Market Land Value:	
Tax Area:	060-029	Improvement Value:		Market Imprv Value:	
Property Tax:	\$7,528.18	Improved %:		Market Imprv %:	

TAX CODE AREA



SCALE: 1 IN.=400 FT.



THIS MAP IS INTENDED TO BE USED FOR  
PROPERTY TAX ASSESSMENT PURPOSES ONLY

**Stephen L. Vagnini**  
Monterey County Clerk-Recorder

Recorded at the request of:  
CHICAGO TITLE COMPANY | SALI

**2022018676**

04/18/2022 01:04:22  
Titles: 1 Pages: 7

Fees: \$31.00  
Taxes: \$495.00  
AMT PAID: \$526.00

**RECORDING REQUESTED BY:**

Chicago Title Company

**When Recorded Mail Document  
and Tax Statement To:**

Andreas Baer  
380 West Carmel Valley Rd  
Carmel Valley, CA 93924

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Escrow Order No.:** FWMN-5222200123

Property Address: 0 Highway 1,  
Carmel, CA 93923

APN/Parcel ID(s): 243-301-018

**GRANT DEED**

**The undersigned grantor(s) declare(s)**

- This transfer is exempt from the documentary transfer tax.
- The documentary transfer tax is \$495.00** and is computed on:
  - the full value of the interest or property conveyed.
  - the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in  an Unincorporated area.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,** Wells Fargo Bank, N.A., Successor Trustee of The Sharon May Damon Living Trust UAD March 30, 1995, and as restated in its entirety March 5, 2001

**hereby GRANT(S) to** Andreas Adkins Baer, an unmarried man

**the following described real property in the** Unincorporated Area of the County of Monterey, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**PROPERTY COMMONLY KNOWN AS:** 0 Highway 1, Carmel, CA 93923

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**



**GRANT DEED**

(continued)

APN/Parcel ID(s): 243-301-018

Dated: March 17, 2022

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Wells Fargo Bank, N.A., Successor Trustee of The Sharon May Damon Living Trust UAD March 30, 1996, and as restated in its entirety March 5, 2001

BY: [Signature]  
Georgory Antognoli  
Senior Real Estate Asset Manager

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

State of CALIFORNIA  
County of FRESNO

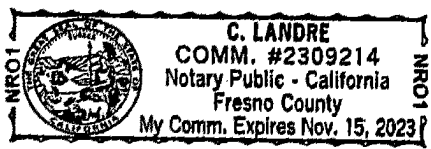
On MARCH 4, 2022 before me, C. LANDRE, Notary Public,  
(here insert name and title of the officer)

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

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

WITNESS my hand and official seal.

[Signature]  
Signature



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 243-301-018**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**

Parcel D as said parcel is shown on that certain Parcel Map filed for record October 20, 1972, in Volume 3 of Parcel Maps, at Page 41, Records of Monterey County, California.

**PARCEL II:**

A non-exclusive right of way for road purposes over that portion of a strip of land 60 feet wide, lying 30 feet on each side of the following described centerline, lying outside the boundaries of Parcel I as said parcel is described in the deed of Merle Salvail, an unmarried woman recorded May 7, 1965 in Reel 404 of Official Records at Page 363, (said right of way deed to Salvail) bearing thereof stated in said deed to Salvail being 1° 43' counter-clockwise of those stated below:

Beginning at a point on course numbered (40) of the boundary of said parcel conveyed to Salvail, as described in said deed, distant thereon S. 39° 43' E., 239.88 feet from the Northwesterly terminus of said course numbered (49) said boundary here being the Northeasterly line of California State Highway No. 2, Route V-Mon-56-G (Engineer's Station 338+95.73 of the centerline survey of said highway bears S. 50° 17' W., 40.00 feet distant from said Northwesterly terminus of said course (49) of said Salvail boundary); thence leaving said boundary and said highway line

- (1) S. 60° 33' 30" E., 283.34 feet; thence
- (2) S. 73° 56' 40" E., 184.62 feet; thence
- (3) S. 61° 02' 40" E., 243.45 feet; thence
- (4) S. 84° 00' 45" E., 194.99 feet; thence
- (5) S. 49° 17' 15" E., 80.24 feet; thence
- (6) S. 76° 08' 25" E., 95.21 feet; thence
- (7) S. 50° 28' 45" E., 67.12 feet; thence
- (8) S. 78° 05' 15" E., 128.83 feet; thence
- (9) S. 44° 24' 45" E., 99.09 feet; thence
- (10) S. 62° 56' E., 63.46 feet; thence
- (11) N. 72° 00' 30" E., 145.26 feet; thence
- (12) S. 52° 42' 15" E., 147.38 feet; thence
- (13) S. 72° 26' 30" E., 149.40 feet; thence

**EXHIBIT "A"**  
Legal Description  
(continued)

- (14) N. 65° 20' 15" E., 180.01 feet; thence
- (15) S. 1° 43' 30" E., 147.81 feet; thence
- (16) S. 74° 51' E., 25.49 feet; thence
- (17) N. 1° 05' E., 182.57 feet; thence
- (18) S. 79° 03' 15" E., 174.26 feet; thence
- (19) N. 48° 51' 35" W., 114.45 feet; thence
- (20) N. 22° 36' 35" E., 70.44 feet; thence
- (21) N. 10° 38' 55" E., 174.51 feet; thence
- (22) N. 83° 03' 35" W., 86.35 feet; thence
- (23) N. 55° 21' 20" W., 62.74 feet; thence
- (24) S. 85° 59' 50" W., 98.11 feet; thence
- (25) N. 49° 11' 40" W., 121.20 feet; thence
- (26) N. 14° 56' 40" W., 84.50 feet; thence
- (27) N. 64° 44' 40" W., 84.19 feet; thence
- (28) N. 38° 56' 55" W., 102.78 feet; thence
- (29) N. 3° 38' 20" E., 111.28 feet to the northwesterly terminus of course numbered (10) of the boundary of Parcel 1 of said deed to Salvail; thence along the boundary of said Salvail parcel
- (30) N. 38° 21' 55" W., 363.65 feet; thence
- (31) N. 3° 54' 35" E., 72.38 feet; thence
- (32) N. 82° 30' 05" E., 107.80 feet; thence
- (33) S. 72° 40' 25" E., 177.96 feet; thence
- (34) S. 83° 02' 25" E., 175.37 feet; thence
- (35) S. 67° 07' 25" E., 194.96 feet; thence leaving the boundary of said Salvail Parcel 1
- (36) N. 1° 03' 50" E., 117.01 feet; thence
- (37) N. 20° 30' 40" E., 111.33 feet; thence

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

- (38) N. 40° 41' 05" E., 50.72 feet; thence
- (39) N. 86° 36' 15" E., 122.60 feet; thence
- (40) N. 28° 00' 15" 70.52 feet; thence
- (41) N. 3° 29' 45" E., 120.45 feet; thence
- (42) N. 72° 03' 05" E., 54.99 feet; thence
- (43) S. 1° 24' 10" E., 203.86 feet; thence
- (44) S. 18° 57' 50" W., 120.40 feet; thence departing from the centerline of said right of way described as the third reservation in said Salvail deed
- (45) S. 30° 00' E., 127.00 feet; thence
- (46) S. 55° 00' 112.92 feet to the boundary of said Parcel 1 in said Salvail deed at a point on course numbered (17) of said boundary; thence along said boundary
- (47) S. 85° 32' 14" E., 214.28 feet to the easterly terminus of said course numbered (17); thence following course numbered (18) of said boundary
- (48) S. 46° 45' E., 1154.64 feet to a point which lies on course numbered (60) of the boundary of said parcel conveyed to Salvail by said deed.

**PARCEL III:**

Situate in Rancho San Jose y Sur Chiquito, in the County of Monterey, State of California, being a portion of that certain parcel of land designated as Parcel II in the certain deed from Gerald Douglas Barton and Leanne Joan Barton, dated March 27, 1987, and recorded in Reel 2079 of Official Records, at page 543, Records of Monterey County, being more particularly described as follows:

An easement for ingress, egress and roadway purposes on, over, and across that certain parcel of land being more particularly described as follows:

Beginning at the southeasterly terminus of Course No. 7, in Parcel II, as described in the aforesaid deed; thence from said point of beginning and along Course No. 8, in said Parcel II, in said deed

- (1) S. 35° 05' 00" E., 55.23 feet; thence leaving said Course No. 8
- (2) N. 52° 40' 53" E., 311.50 feet to a point in the southwesterly line of that certain 60 foot wide right of way described in deed from Merle Salvail to Robert Gilcrest and Margaret M. Gilcrest, dated April 6, 1967, and recorded in Reel 503 of Official Records, at page 892, Records of Monterey County, thence along said southwesterly line
- (3) S. 61° 02' 40" E., 139.73 feet; thence leaving said southwesterly line
- (4) S. 5° 00' 00" E., 120.62 feet, at 0.62 feet the northwesterly terminus of the aforesaid Course No. 7, 120.62 feet to the point of beginning.

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

**PARCEL IV:**

A two foot wide non-exclusive easement for under ground water pipe line over and across a portion of that certain property described in Grant Deed from Merle Salvail to Hal J. Giblin and Mary E. Giblin, recorded August 3, 1966, in Reel 471, at page 961 at the Office of the Monterey County Recorder, State of California, being more particularly described as follows:

Beginning at a point on the easterly side line of California State Highway V-MON-56-G, State Sign Route No. One, said point of beginning also being the terminus of course numbered (1) of the above mentioned Deed; thence

Coincident with, an southerly of course (2) through (13) inclusive, of the above mentioned Deed to a point at the most easterly corner of said deed lands.

**PARCEL V:**

A twenty foot wide right of way for road purposes over and across that certain portion of land as described in Grant Deed from Gerald Barton and Leanne Joan Barton to Warren K. Nobusada and Barbara C. Nobusada, recorded June 11, 1990 in the Recorder's Office, County of Monterey, State of California, in Reel 2519, at page 24. Said twenty foot road right of way lies then feet on each side of the following described centerline:

Being at a point on the west boundary of Parcel "D", as said parcel is shown on Volume 3 of Parcel Maps at page 41, filed for record October 20, 1972, in the Office of the Monterey County Recorder, from which the most westerly angle point of said Parcel "D" bears S. 12° 41' 00" W., 11.99 feet; thence

(1) N. 49° 57' 45" W., 28.16 feet; thence

(2) N. 32° 30' 20" W., 16.97 feet; thence

(3) N. 38° 23' 42" W., 26.63 feet; thence

(4) N. 40° 46' 09" W., 18.98 feet; thence

(5) N. 61° 31' 57" W., 26.08 feet to a point in the approximate centerline of an existing paved driveway; thence in a northwesterly direction, following said approximate centerline of driveway

(6) S. 79° 05' 10" W., 28.25 feet; thence

(7) S. 70° 16' 15" W., 23.69 feet; thence

(8) S. 77° 21' 32" W., 55.04 feet; thence

(9) S. 88° 32' 59" W., 42.69 feet; thence

(10) N. 79° 34' 14" W., 23.64 feet; thence

(11) N. 71° 20' 47" W., 91.86 feet; thence

(12) N. 63° 55' 29" W., 58.02 feet; thence

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

- (13) N. 55° 12' 42" W., 38.57 feet; thence
- (14) N. 40° 47' 22" W., 108.94 feet; thence
- (15) N. 51° 44' 44" W., 31.21 feet; thence
- (16) N. 64° 53' 30" W., 40.47 feet to a point from which the terminus of course number (4) as said course is designated and so described in Deed from Marie Salvall to Hal J. Giblin and Mary E. Giblin, recorded August 3, 1966, in Reel 471 at page 961, at the Office of the Monterey County Recorder, bears S. 23° 00' 00" E., 10.10 feet; thence
- (17) N. 68° 43' 11" W., 48.98 feet; thence
- (18) N. 59° 00' 03" W., 31.37 feet; thence
- (19) N. 39° 12' 08" W., 113.70 feet; thence
- (20) N. 47° 47' 34" E., 28.57 feet; thence
- (21) N. 62° 20' 53" W., 35.01 feet; thence leaving said approximate centerline of paved road
- (22) N. 35° 05' 00" W., 13.40 feet to a point from which the terminus of course (7) in Exhibit "A", as said course and exhibit are designated and so described in Deed from Warren K. Nobusada and Barbara C. Nobusada to the Count of Monterey, recorded January 7, 1992 in Reel 2739, at page 1175 at the Office of the Monterey County Recorder, bears S. 46° 57' 30" W., 10.10 feet; thence parallel to and 10.00 feet northeasterly of the above mentioned of said Exhibit "A"
- (23) N. 51° 00' 00" W., 114.53 feet; thence
- (24) N. 17° 58' 17" E. (N. 17° 58' 17" W. in Reel 2739, at page 1175) 25.92 feet more or less to a point in the centerline of that certain 60 foot wide road right of way (Parcel II) designated and so described in Deed from Lydia Reese, Trustee under that cretin Trust Agreement dated July 2, 1969, as amended to Lydia Reese, Trustee of the Lydia Reese Family Trust 1987 recorded December 7, 1987 at the Office of the County Recorder in Reel 2775, at page 182, from which the terminus of course (3) of the above described Parcel II of Reel 2175, page 182, bears N. 84° 00' 45" W., 10.22 feet.

# Property Detail Report

7586 Paseo Vista Pl, Monterey, CA 93940-7311

APN: 259-171-011-000

Monterey County Data as of: 03/29/2023

## Owner Information

Owner Name:	2015 Mirchandani Revocable Trust / Mirchandani Vinod Lal / Mirchandani Gail Ruth		
Vesting:	Revocable Trust		
Mailing Address:	1116 Bellingham Sq, San Ramon, CA 94582-5281	Occupancy:	Absentee Owner

## Location Information

Legal Description:	Monterra Ranch Phase 4 Subdivision; Vol 22 C&T Page 38 Tract No 1401; Lot 78; Conservation & Scenic Easement Doc#2003104814.		County:	Monterey, CA	
APN:	259-171-011-000	Alternate APN:	Census Tract / Block: 013200 / 1040		
Munic / Twnshp:		Twnshp-Rng-Sec:	Legal Lot / Block: 78 /		
Subdivision:	Monterra Ranch Phase 4 Subdivision	Tract #:	1401	Legal Book / Page:	
Neighborhood:		School District:	Monterey Peninsula Unified School District		
Elementary School:	Foothill Elementar...	Middle School:	Walter Colton	High School:	Monterey High Scho...
Latitude:	36.57333	Longitude:	-121.83868		

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	02/07/2022 / 02/10/2022	Price:	\$625,000	Transfer Doc #:	2022.7087
Buyer Name:	2015 Mirchandani Revocable Tru / Mirchandani Vinod Lal	Seller Name:	Simpson Family Trust	Deed Type:	Grant Deed

## Last Market Sale

Sale / Rec Date:	02/07/2022 / 02/10/2022	Sale Price / Type:	\$625,000 / Full Value	Deed Type:	Grant Deed
Multi / Split Sale:		Price / Sq. Ft.:		New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2022.7087
Seller Name:	Simpson Family Trust				
Lender:			Title Company:	Chicago Title	

## Prior Sale Information

Sale / Rec Date:	08/12/2014 / 08/20/2014	Sale Price / Type:	\$450,000 / Full Value	Prior Deed Type:	Grant Deed
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	2014.38990
Prior Lender:					

## Property Characteristics

Gross Living Area:	Total Rooms:	0	Year Built / Eff:
Living Area:	Bedrooms:		Stories:
Total Adj. Area:	Baths (F / H):		Parking Type:
Above Grade:	Pool:		Garage #:
Basement Area:	Fireplace:		Garage Area:
Style:	Cooling:		Porch Type:
Foundation:	Heating:		Patio Type:
Quality:	Exterior Wall:		Roof Type:
Condition:	Construction Type:		Roof Material:

## Site Information

Land Use:	Vacant -Residential Land	Lot Area:	49,658 Sq. Ft.	Zoning:	
State Use:		Lot Width / Depth:		# of Buildings:	
County Use:	1A - Vac-Res 1 Site	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	1.14	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	06053C0329G	Flood Map Date:	04/02/2009
Community Name:	Monterey County Unincorporated Areas	Flood Panel #:	0329G	Inside SFHA:	False

## Tax Information

Assessed Year:	2022	Assessed Value:	\$625,000	Market Total Value:
Tax Year:	2022	Land Value:	\$625,000	Market Land Value:
Tax Area:	096-065	Improvement Value:		Market Imprv Value:

Property Tax: \$5,558.64  
Exemption:

Improved %:  
Delinquent Year:

Market Imprv %:



TAX CODE AREA

NOTES:

- B.E. BUILDING ENVELOPE
- D.E. DRAINAGE EASEMENT
- N.D.E. NATURAL DRAINAGE EASEMENT
- S.E. SCENIC EASEMENT
- S.S.E. S.S.E.

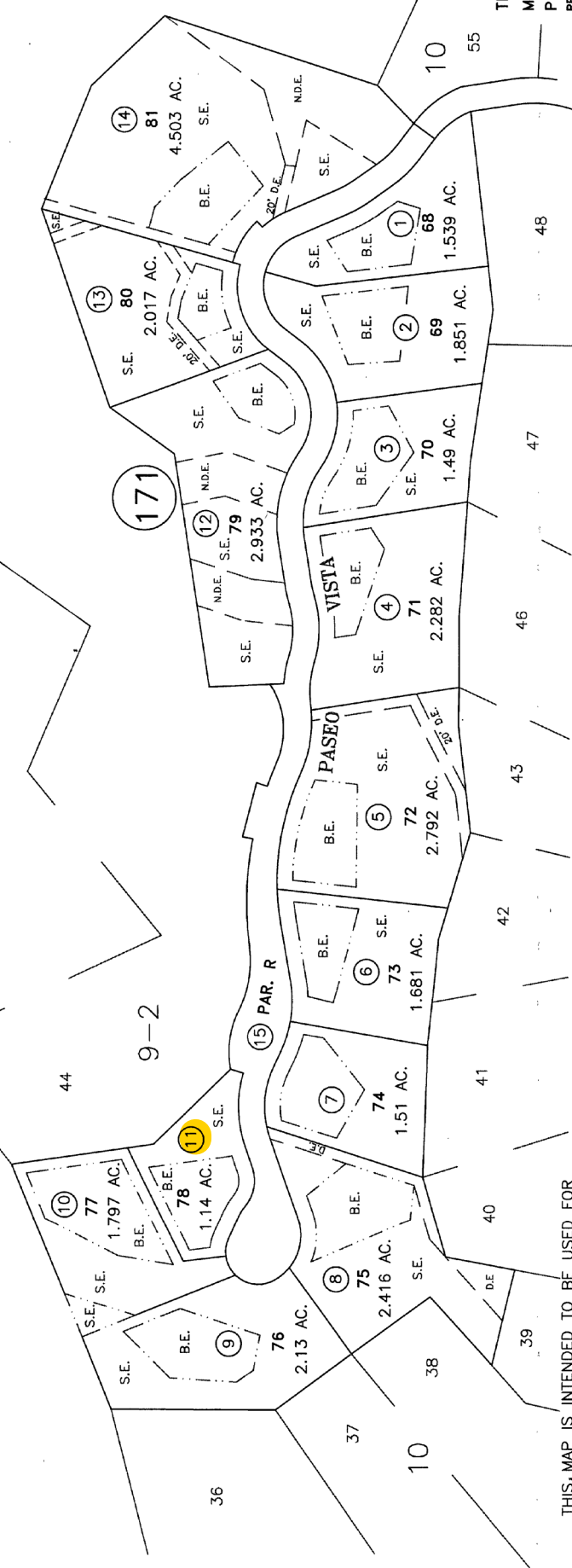


SCALE: 1 IN.=200 FT.

9-2

9-2

9-2



TRACT NO. 1401  
MONTEREY RANCH  
PHASE 4  
RECORDED 9-23-03

THIS MAP IS INTENDED TO BE USED FOR  
PROPERTY TAX ASSESSMENT PURPOSES ONLY

**Stephen L. Vagnini**  
Monterey County Clerk-Recorder

Recorded at the request of:  
CHICAGO TITLE COMPANY | SALI

**2022007087**

02/10/2022 01:29:51  
Titles: 1 Pages: 3

Fees: \$19.00  
Taxes: \$687.50  
AMT PAID: \$706.50

**RECORDING REQUESTED BY:**

Chicago Title Company

**When Recorded Mail Document  
and Tax Statement To:**

Vinod Lal Mirchandani and Gail Ruth  
Mirchandani, Trustee of The 2015 Mirchandani  
Revocable Trust  
1116 Bellingham Square  
San Ramon, CA 94582

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Escrow Order No.:** FWMN-5222200005

Property Address: 7586 Paseo Vista,  
Monterey, CA 93940

APN/Parcel ID(s): 259-171-011

**GRANT DEED**

**The undersigned grantor(s) declare(s)**

- This transfer is exempt from the documentary transfer tax.  
 **The documentary transfer tax is \$687.50 and is computed on:**  
 the full value of the interest or property conveyed.  
 the full value less the liens or encumbrances remaining thereon at the time of sale.  
The property is located in  an Unincorporated area.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,** Robert G. Simpson and Michael R. Simpson, Trustees of The Simpson Family Trust dated 5/11/2005

hereby **GRANT(S)** to Vinod Lal Mirchandani and Gail Ruth Mirchandani, Trustee of The 2015 Mirchandani Revocable Trust

the following described real property in the Unincorporated Area of the County of Monterey, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**PROPERTY COMMONLY KNOWN AS:** 7586 Paseo Vista, Monterey, CA 93940

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

**GRANT DEED**  
(continued)

APN/Parcel ID(s): 259-171-011

Dated: February 7, 2022

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Simpson Family Trust dated 5/11/2005

BY: [Signature]  
Robert G. Simpson  
Trustee

BY: [Signature]  
Michael R. Simpson  
Trustee

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 Arizona

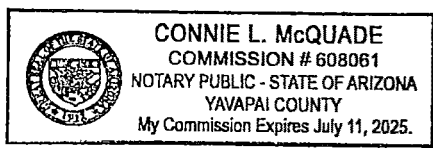
County of Yavapai

On 02-08-2022 before me, [Signature], Notary Public,  
(here insert name and title of the officer)

personally appeared Robert G. Simpson & Michael R. Simpson,  
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 Arizona that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
[Signature]  
Signature



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 259-171-011**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**

Lot 78, as shown on that certain map entitled, "Tract No. 1401, Monterra Ranch, Phase 4", filed September 23, 2003 in Volume 22, Maps of "Cities and Towns", at Page 38, in the Office of the County Recorder of the County of Monterey, State of California.

**PARCEL II:**

A non-exclusive easement for public utilities and private roadway over Parcel "R", Paseo Vista, as shown on said map referenced hereinabove.

**PARCEL III:**

A non-exclusive easement for public utilities and private roadway over Monterra Ranch Road, as shown on that certain Record of Survey filed February 6, 2001 in Volume 24 of Surveys, at Page 53, Official Records of Monterey County, California.

**PARCEL IV:**

A non-exclusive easement for utilities and road over Monterra Ranch Road, as shown on that certain Record of Survey filed July 24, 1998 in Volume 21 of Surveys, at Page 126, Official Records of Monterey County, California.

**PARCEL V:**

An access, utility and drainage easement over, across and through that certain real property, situate in the County of Monterey, being Parcel "R", as shown on that certain Parcel Map filed October 3, 2003 in Volume 21 of Parcel Maps, at Page 98, Official Records of Monterey County, California, and Parcel "Z", as shown on that certain map filed July 24, 1998 in Volume 21 of Surveys, at Page 126, Official Records of Monterey County, California.

# Property Detail Report

10995 Saddle Rd, Monterey, CA 93940

APN: 416-191-013-000

Monterey County Data as of: 03/29/2023

## Owner Information

Owner Name:	Bruce Edwin G / Bruce Susan L	Occupancy:	Absentee Owner
Vesting:	Husband And Wife / Joint Tenant		
Mailing Address:	1625 The Alameda #610, San Jose, CA 95126-2224		

## Location Information

Legal Description:	Assrs Mp Of Mty City Lands Tr 2 & Assrs Mp Of Laguna Seca Ro Por Of L 3 Shown As Parcel C In Vol 10S Pg 93 2.88 Ac	County:	Monterey, CA
APN:	416-191-013-000	Alternate APN:	
Munic / Twnshp:		Census Tract / Block:	013000 / 3007
Subdivision:	Assrs Mp Of Mty City Lands	Legal Lot / Block:	3 /
Neighborhood:		Legal Book / Page:	
Elementary School:	Foothill Elementar...	School District:	Monterey Peninsula Unified School District
Latitude:	36.55217	Middle School:	Walter Colton
		High School:	Monterey High Scho...
		Longitude:	-121.78643

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	04/13/2021 / 04/16/2021	Price:	\$500,000	Transfer Doc #:	2021.27696
Buyer Name:	Bruce Edwin G / Bruce Susan L	Seller Name:	Rettinger Family Trust	Deed Type:	Grant Deed

## Last Market Sale

Sale / Rec Date:	04/13/2021 / 04/16/2021	Sale Price / Type:	\$500,000 / Full Value	Deed Type:	Grant Deed
Multi / Split Sale:		Price / Sq. Ft.:		New Construction:	
1st Mtg Amt / Type:	\$250,000 / Conventional	1st Mtg Rate / Type:	3.0 / Estimated	1st Mtg Doc #:	2021.27697
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2021.27696
Seller Name:	Rettinger Family Trust			Title Company:	Chicago Title
Lender:	US Bank National Association				

## Prior Sale Information

Sale / Rec Date:	/ 09/05/1985	Sale Price / Type:	\$82,500 /	Prior Deed Type:	Deed
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	1875.83
Prior Lender:					

## Property Characteristics

Gross Living Area:		Total Rooms:	0	Year Built / Eff:	
Living Area:		Bedrooms:		Stories:	
Total Adj. Area:		Baths (F / H):		Parking Type:	
Above Grade:		Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:		Patio Type:	
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

## Site Information

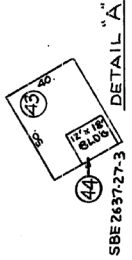
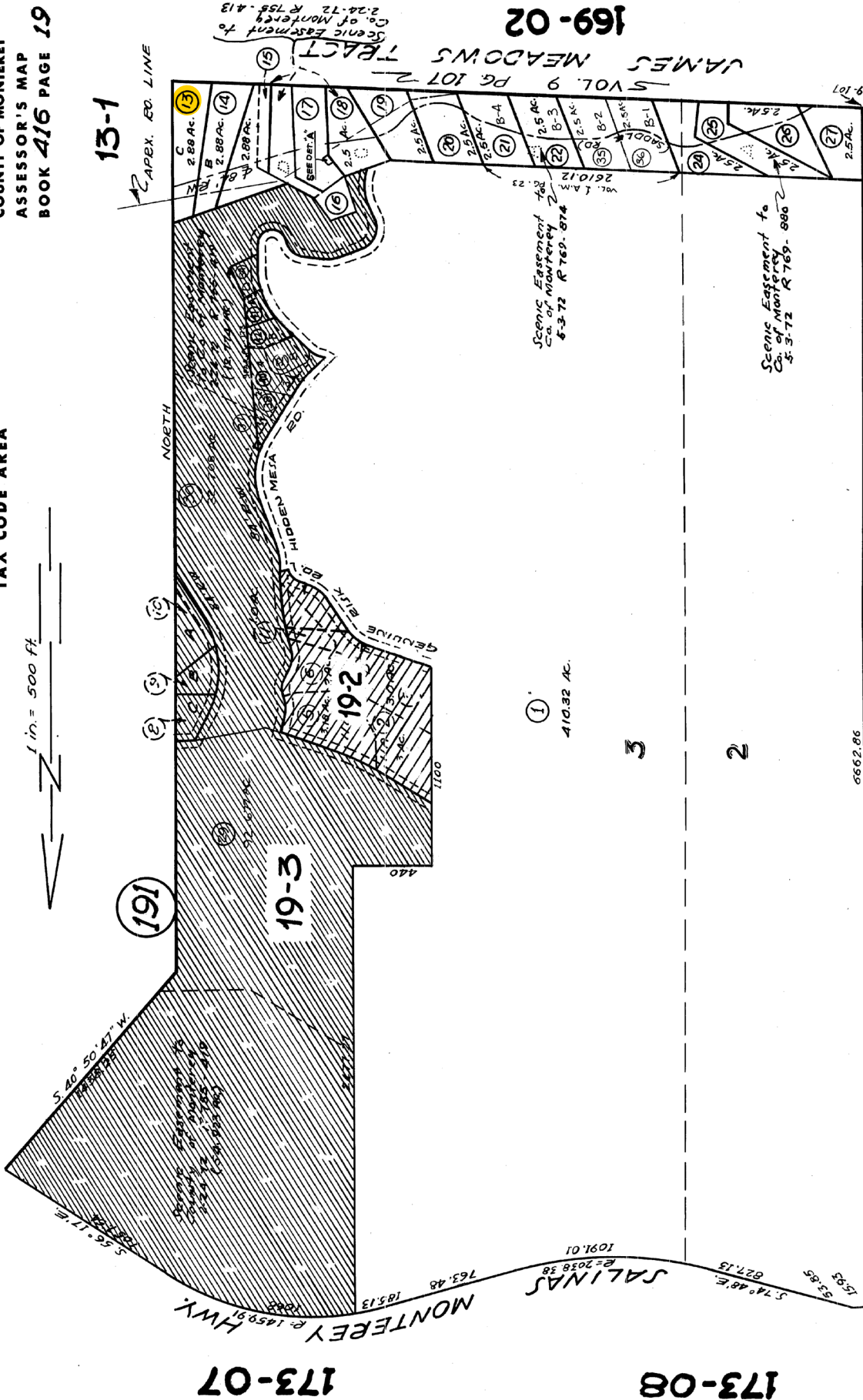
Land Use:	Vacant -Residential Land	Lot Area:	125,888 Sq. Ft.	Zoning:	
State Use:		Lot Width / Depth:		# of Buildings:	
County Use:	1A - Vac-Res 1 Site	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	2.89	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	06053C0345G	Flood Map Date:	04/02/2009
Community Name:	Monterey County Unincorporated Areas	Flood Panel #:	0345G	Inside SFHA:	False

## Tax Information

Assessed Year:	2022	Assessed Value:	\$510,000	Market Total Value:	
Tax Year:	2022	Land Value:	\$510,000	Market Land Value:	
Tax Area:	096-045	Improvement Value:		Market Imprv Value:	
Property Tax:	\$5,562.60	Improved %:		Market Imprv %:	
Exemption:		Delinquent Year:			

TAX CODE AREA

1 in. = 500 ft.



MONTEREY CITY LANDS  
 TR. 2 LOTS 2 & 3  
 T. 16 S., R. 2 E., P. 08. SEC. 7

169-02

173-07

173-08

259-01

10

3

2

①  
 410.32 AC.

6662.06  
 NORTH

191

19-3

19-2

13-1

**Stephen L. Vagnini**  
Monterey County Clerk-Recorder

Recorded at the request of:  
CHICAGO TITLE COMPANY (CA)

**2021027696**

04/16/2021 10:12:24  
Titles: 1 Pages: 3

Fees: \$39.00  
Taxes: \$550.00  
AMT PAID: \$589.00

**RECORDING REQUESTED BY:**  
Chicago Title Company

**When Recorded Mail Document  
and Tax Statement To:**  
Edwin G. Bruce and Susan L. Bruce  
1625 The Alameda, Suite 610  
San Jose, CA 95126

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Escrow Order No.:** FWMN-5222100351

Property Address: 10995 Saddle Road,  
Monterey, CA 93940  
APN/Parcel ID(s): 416-191-013

## GRANT DEED

**The undersigned grantor(s) declare(s)**

- This transfer is exempt from the documentary transfer tax.  
 **The documentary transfer tax is \$550.00** and is computed on:  
 the full value of the interest or property conveyed.  
 the full value less the liens or encumbrances remaining thereon at the time of sale.  
The property is located in  an Unincorporated area.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,**

Anthony Michael Rettinger and Virginia Lee Rettinger, Trustees of The Rettinger Family Trust under Agreement dated February 5, 1999

**hereby GRANT(S) to**

Edwin G. Bruce and Susan L. Bruce, husband and wife as joint tenants

**the following described real property in the Unincorporated Area of the County of Monterey, State of California:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**PROPERTY COMMONLY KNOWN AS:** 10995 Saddle Road, Monterey, CA 93940

## MAIL TAX STATEMENTS AS DIRECTED ABOVE

**GRANT DEED**  
(continued)

APN/Parcel ID(s): 416-191-013

Dated: April 13, 2021

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Rettinger Family Trust under Agreement dated February 5, 1999

BY: Anthony Michael Rettinger  
Anthony Michael Rettinger, Trustee

BY: Virginia Lee Rettinger  
Virginia Lee Rettinger, Trustee

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

State of California

County of Monterey

On April 14, 2021 before me, Susan M. Rindermann, Notary Public,  
(here insert name and title of the officer)

personally appeared Anthony Michael Rettinger and Virginia Lee Rettinger  
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.  
Susan M. Rindermann  
Signature





**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 416-191-013**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**

Parcel "C", as shown on that certain Record of Survey Map filed March 3, 1972 in Volume 10 of Surveys, at Page 93, in the Office of the County Recorder of the County of Monterey, State of California.

EXCEPTING THEREFROM any and all water rights, rights to receive water and riparian rights, as granted in the Deed to Carmel Valley Mutual Water Company, a California Corporation, recorded November 29, 1978 in Reel 1293, Page 692, of Official Records.

**PARCEL II:**

A non-exclusive easement for ingress, egress and public utilities over all those lands described in the following Deeds:

(A) From Indian Ridge Development Corporation, a Massachusetts Corporation recorded March 10, 1970 in Reel 642, Page 628, of Official Records.

(B) From Utah Construction and Mining Company, a Delaware corporation recorded March 10, 1970 in Reel 642, Page 635, of Official Records.

# Property Detail Report

1355 Lighthouse Ave, Pacific Grove, CA 93950-2019

APN: 007-031-017-000

Monterey County Data as of: 03/29/2023

## Owner Information

Owner Name: Otto Cove LLC  
Vesting:  
Mailing Address: 120 Asilomar Blvd, Pacific Grove, CA 93950-2004  
Occupancy: Absentee Owner

## Location Information

Legal Description: Assrs Map Of Pacific Grove Acres Sub A Of Ptn Of Lots 1 & 2 Blk 314 Lots 5 & 6 Blk 314 Exc Por Desc In R457 Pg 1045  
County: Monterey, CA  
APN: 007-031-017-000  
Alternate APN:  
Munic / Twnshp: Twnshp-Rng-Sec:  
Census Tract / Block: 012402 / 3007  
Legal Lot / Block: 1 / 314  
Subdivision: Assrs Map Of Pacific Grove Acres Sub A  
Tract #:  
Legal Book / Page:  
Neighborhood: Asomilar Dunes  
School District: Pacific Grove Unified School District  
Elementary School: Robert Down Elemen...  
Middle School: Pacific Grove Midd...  
High School: Pacific Grove High...  
Latitude: 36.63113  
Longitude: -121.93457

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date: 03/17/2020 / 03/19/2020  
Price: \$755,000  
Transfer Doc #: 2020.13631  
Buyer Name: Otto Cove LLC  
Seller Name: Smith K & Linda L Trust  
Deed Type: Grant Deed

## Last Market Sale

Sale / Rec Date: 03/17/2020 / 03/19/2020  
Sale Price / Type: \$755,000 / Full Value  
Deed Type: Grant Deed  
Multi / Split Sale:  
Price / Sq. Ft.:  
New Construction:  
1st Mtg Amt / Type:  
1st Mtg Rate / Type:  
1st Mtg Doc #: N/A  
2nd Mtg Amt / Type:  
2nd Mtg Rate / Type:  
Sale Doc #: 2020.13631  
Seller Name: Smith K & Linda L Trust  
Lender:  
Title Company: Chicago Title Co

## Prior Sale Information

Sale / Rec Date: 09/09/2015 / 09/25/2015  
Sale Price / Type: \$460,000 / Full Value  
Prior Deed Type: Grant Deed  
1st Mtg Amt / Type:  
1st Mtg Rate / Type:  
Prior Sale Doc #: 2015.54013  
Prior Lender:

## Property Characteristics

Gross Living Area:  
Living Area:  
Total Adj. Area:  
Above Grade:  
Basement Area:  
Style:  
Foundation:  
Quality:  
Condition:  
Total Rooms: 0  
Bedrooms:  
Baths (F / H):  
Pool:  
Fireplace:  
Cooling:  
Heating:  
Exterior Wall:  
Construction Type:  
Year Built / Eff:  
Stories:  
Parking Type:  
Garage #:  
Garage Area:  
Porch Type:  
Patio Type:  
Roof Type:  
Roof Material:

## Site Information

Land Use: Vacant -Residential Land  
State Use:  
County Use: 1A - Vac-Res 1 Site  
Site Influence:  
Flood Zone Code: X  
Community Name: City Of Pacific Grove  
Lot Area: 84,700 Sq. Ft.  
Lot Width / Depth:  
Usable Lot:  
Acres: 1.944  
Flood Map #: 06053C0168H  
Flood Panel #: 0168H  
Zoning:  
# of Buildings:  
Res / Comm Units:  
Water / Sewer Type:  
Flood Map Date: 06/21/2017  
Inside SFHA: False

## Tax Information

Assessed Year: 2022  
Tax Year: 2022  
Tax Area: 004-000  
Property Tax: \$8,521.66  
Exemption:  
Assessed Value: \$778,077  
Land Value: \$778,077  
Improvement Value:  
Improved %:  
Delinquent Year:  
Market Total Value:  
Market Land Value:  
Market Imprv Value:  
Market Imprv %:

01-1

LIGHT

HOUSE

RESERVATION

01-1

OCEAN VIEW  
BLVD.

LIGHTHOUSE  
AVE.

BLVD.

AVE.

LIGHTHOUSE

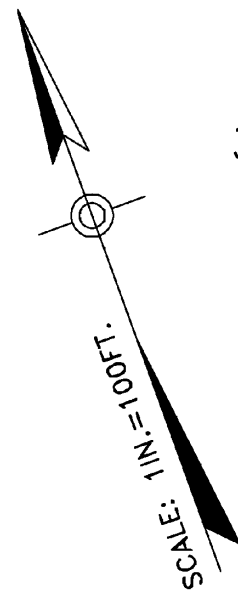
DARY OF U.S. LIGHTHOUSE RESERVATION

006/11

02-1

9  
314

316



DR.  
SUNSET

8  
PARCEL "A" (14)

7  
PARCEL "B" (10)

13 (13)  
15 (15)  
16 (16)  
PARCEL "C"  
PARCEL "D"

314 (031)

1  
2  
4  
5  
SUB 3

8  
9  
SUB 2  
SUB 1

JEWEL

AVE.

ASILOMAR

JEWEL AVE.

317

318

04-1

ASILOMAR  
BLVD.

**Stephen L. Vagnini**  
Monterey County Clerk-Recorder

Recorded at the request of:  
CHICAGO TITLE COMPANY SALINA

**2020013631**

03/19/2020 08:11:26  
Titles: 1 Pages: 3

Fees: \$19.00  
Taxes: \$830.50  
AMT PAID: \$849.50

**RECORDING REQUESTED BY:**  
Chicago Title Company

**When Recorded Mail Document  
and Tax Statement To:**

**Otto Cove, LLC**  
**Attn: Gregory Edenholm**  
120 Asilomar Avenue  
Pacific Grove, CA 93950

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Escrow Order No.:** FWMN-5222000473

**Property Address:** 1355 Lighthouse Avenue,  
Pacific Grove, CA 93950

**APN/Parcel ID(s):** 007-031-017

## GRANT DEED

**The undersigned grantor(s) declare(s)**

- This transfer is exempt from the documentary transfer tax.
- The documentary transfer tax is \$830.50** and is computed on:
- the full value of the interest or property conveyed.
  - the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in  the **City of Pacific Grove**.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,**

Kevin K. Smith and Linda L. Smith, Trustees Kevin K. and Linda L. Smith Trust, U/A dated January 19, 1994

**hereby GRANT(S) to**

Otto Cove, LLC, a California Limited Liability Company

**the following described real property in the City of Pacific Grove, County of Monterey, State of California:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

**GRANT DEED**  
(continued)

APN/Parcel ID(s): 007-031-017

Dated: March 17, 2020

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Kevin K. and Linda L. Smith Trust, U/A dated January 19, 1994

BY: [Signature]  
Kevin K. Smith  
Trustee

BY: [Signature]  
Linda L. Smith  
Trustee

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

State of California  
County of Monterey

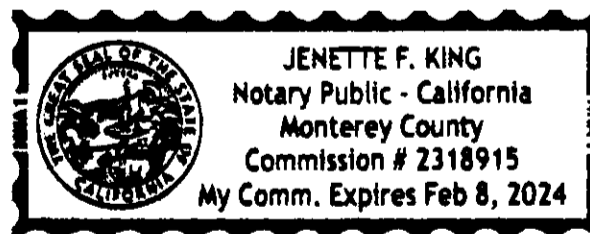
On March 17, 2020 before me, Jenette F. King, Notary Public,  
(here insert name and title of the officer)

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

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

WITNESS my hand and official seal.

[Signature]  
Signature



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 007-031-017**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PACIFIC GROVE, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel C, as shown and designated on that certain Record of Survey Map filed August 22, 1966 in Volume X-4 of Surveys, at Page 41, in the Office of the County Recorder of the County of Monterey, State of California.



For Domestic and International Use

Label 107, May 2014



US POSTAGE  
\$09.00<sup>9</sup>



Priority Mail

Mailed From 94523

12/20/2022

032A 00671857 463



c/o AR/WS, 2300 Contra Costa Boulevard, Suite 525, Pleasant Hill, CA 94523

Clinton Eastwood, Jr., Trustee of the 1988  
Clinton Eastwood Trust U/D/T dated May 16, 1988 and  
Margaret Eastwood, Trustee of the Margaret Eastwood  
Trust U/D/T dated August 21, 1990

c/o Michael Waxer, AIA, LEED AP  
Carmel Development Company  
7145 Carmel Valley Road  
Carmel, CA 93921

# Addenda F



USPS TRACKING #



9114 9022 0078 9747 4343 60

Label 400 Jan. 2013  
7690-16-000-7948

# MONTEREY COUNTY

## HOUSING AND COMMUNITY DEVELOPMENT

Erik V. Lundquist, AICP, Director



HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

1441 Schilling Place, South 2nd Floor  
Salinas, California 93901-4527

(831)755-5025  
www.co.monterey.ca.us

December 20, 2022

Clinton Eastwood, Jr., Trustee of the 1988  
Clinton Eastwood Trust U/D/T dated May 16, 1988,  
and Margaret Eastwood, Trustee of the Margaret  
Eastwood Trust U/D/T dated August 21, 1990  
c/o Michael Waxer, AIA, LEED AP  
Carmel Development Company  
7145 Carmel Valley Road  
Carmel, CA 93921

### Notice of Decision to Appraise

Re: Carmel River Flood Plain Restoration and Environmental Enhancement Project  
Site Address: State Route 1, Carmel, California, APN: 243-071-008

Dear Property Owner:

The County of Monterey (County) is considering acquiring property for the Carmel River Flood Plain Restoration and Environmental Enhancement Project (Project). Attached is the draft Right of Way Appraisal Map indicating the proposed property right of way required for the proposed Project. Your property, as shown on the attached map, is located within this area.

Mr. Trentin Krauss of Krauss Appraisal has been engaged to appraise a portion of your property for a possible property acquisition by the County. A portion of your property, as shown on the attached map, will be appraised by Mr. Krauss who will be visiting and reviewing your property. Please call Mr. Krauss at (925) 947-1140 to arrange a mutually acceptable appointment for the site visit. Mr. Krauss will also be available to answer any questions you may have regarding the appraisal process.

A Property Owner Information Handbook Regarding Property Acquisition Efforts, generally explaining the rights and benefits of a property owner is enclosed. All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex, in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.) and Section 162(a) of the Federal Highway Act of 1973 (23 U.S.C. 324).

For questions relating to the project itself, please contact me at (831) 784-5643. This notice does not constitute an offer to purchase your property. After completion of the appraisal and the County's authorization to proceed, you will be contacted by an acquisition representative from Associated Right of Way Services, Inc. (AR/WS). AR/WS has been retained by the County to manage the right of way process.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Carroll".

Shandy Carroll, Management Analyst  
HCD - Advance Planning-Land Use

*Enclosures: Right of Way Appraisal Maps, Property Owner Information Handbook Regarding Acquisition Efforts.*



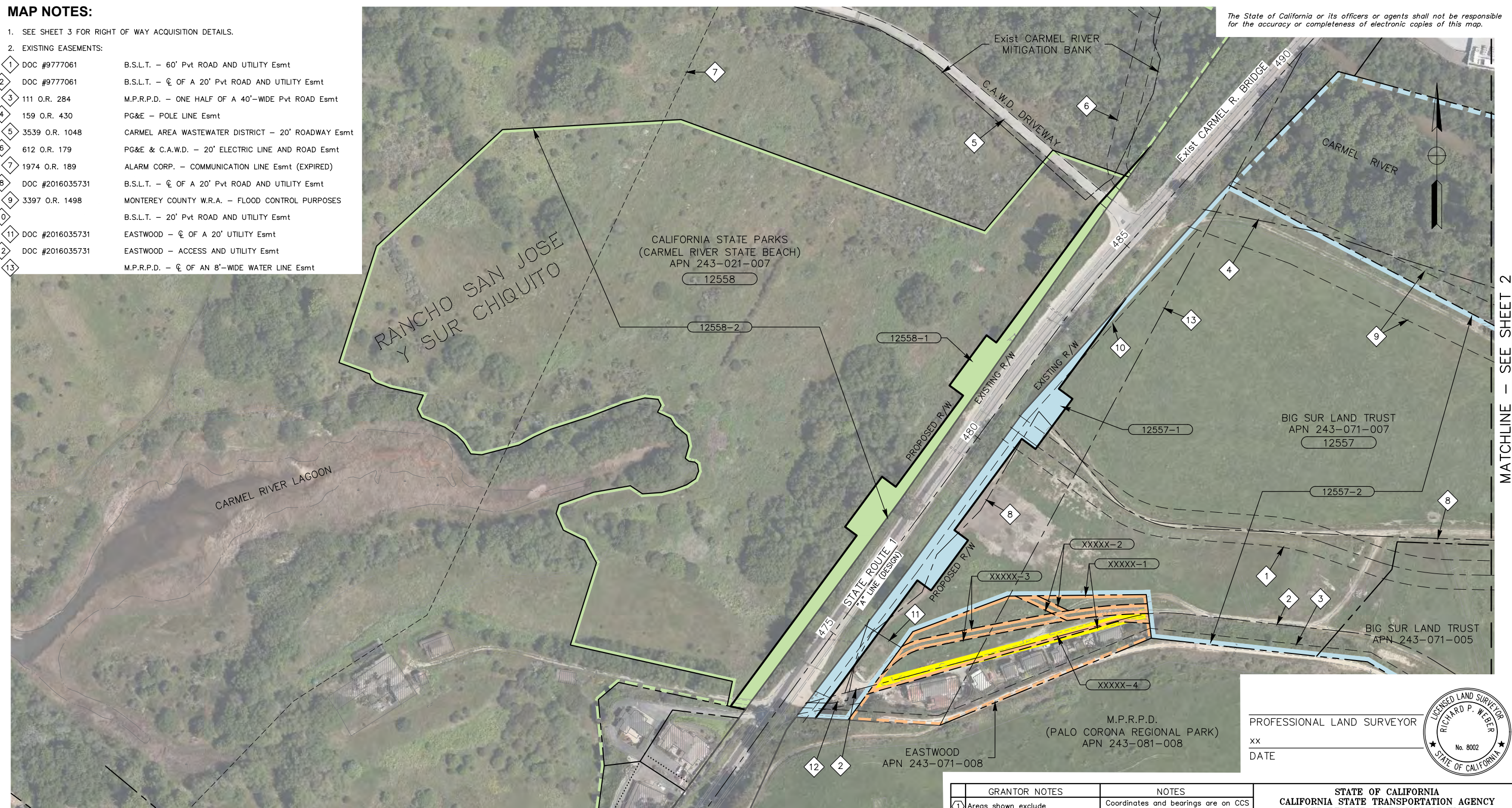
cc: Erik V. Lundquist, Director, Monterey County Housing and Community Development  
Randel Ishii, Director, Monterey County Public Works, Facilities, Parks  
George K. Salcido, Monterey County PWF - Real Property Specialist  
Alan Williams, Carmel Development Company  
Trentin Krauss, Krauss Appraisal  
Nathaniel Milam, Whitson Engineers  
Steve Castellano, AR/WS

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this map.

**MAP NOTES:**

- SEE SHEET 3 FOR RIGHT OF WAY ACQUISITION DETAILS.
- EXISTING EASEMENTS:
  - 1 DOC #9777061 B.S.L.T. - 60' Pvt ROAD AND UTILITY Esmt
  - 2 DOC #9777061 B.S.L.T. - C of A 20' Pvt ROAD AND UTILITY Esmt
  - 3 111 O.R. 284 M.P.R.P.D. - ONE HALF OF A 40'-WIDE Pvt ROAD Esmt
  - 4 159 O.R. 430 PG&E - POLE LINE Esmt
  - 5 3539 O.R. 1048 CARMEL AREA WASTEWATER DISTRICT - 20' ROADWAY Esmt
  - 6 612 O.R. 179 PG&E & C.A.W.D. - 20' ELECTRIC LINE AND ROAD Esmt
  - 7 1974 O.R. 189 ALARM CORP. - COMMUNICATION LINE Esmt (EXPIRED)
  - 8 DOC #2016035731 B.S.L.T. - C of A 20' Pvt ROAD AND UTILITY Esmt
  - 9 3397 O.R. 1498 MONTEREY COUNTY W.R.A. - FLOOD CONTROL PURPOSES
  - 10 B.S.L.T. - 20' Pvt ROAD AND UTILITY Esmt
  - 11 DOC #2016035731 EASTWOOD - C of A 20' UTILITY Esmt
  - 12 DOC #2016035731 EASTWOOD - ACCESS AND UTILITY Esmt
  - 13 M.P.R.P.D. - C of A 8'-WIDE WATER LINE Esmt

BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	



MATCHLINE - SEE SHEET 2

PROFESSIONAL LAND SURVEYOR  
 xx  
 DATE

RICHARD P. WEBER  
 No. 8002  
 STATE OF CALIFORNIA

PARCEL NO.	TITLE CODE (2)	GRANTOR	AREAS (in square feet or as noted)				REMARKS	RECORDATION		
			TOTAL	REQUIRED (1) [UF]	EXCESS (1) [UF]	REMAINDER		TYPE (3)	DATE	DOC. # (4)
12557-1	F	BIG SUR LAND TRUST	37.5 ac ±	0.85 ac	-	36.65 ac ±	FEE ACQUISITION FOR HIGHWAY			
12557-2	TCE	BIG SUR LAND TRUST	128.2 ac ±	108.02 ac	-	210.2 ac ±	TCE OVER 3 BSLT PARCELS	ED	08/12/22	2022034112
12558-1	O	STATE OF CALIFORNIA (PARKS DEP'T)	153.9 ac ±	0.93 ac	-	153.0 ac ±	TRANSFER OF CONTROL			
12558-2	TCE	STATE OF CALIFORNIA (PARKS DEP'T)	153.9 ac ±	23.09 ac	-	130.8 ac ±	TEMPORARY CONSTRUCTION EASEMENT			
XXXXX-1	TCE	EASTWOOD	2.22 ac	1.13 ac	-	1.09 ac	TEMPORARY CONSTRUCTION EASEMENT			
XXXXX-2	E	EASTWOOD	2.22 ac	0.12 ac	-	2.10 ac	20' PUBLIC TRAIL ESMT			
XXXXX-3	E	EASTWOOD	2.22 ac	0.25 ac	-	1.97 ac	20' ACCESS ESMT			
XXXXX-4	E	EASTWOOD	2.22 ac	-	0.27 ac	-	20' ACCESS ESMT TO BE QUITCLAIMED			
XXXXX-1	TCE	M.P.R.P.D.	520.8 ac ±	0.68 ac	-	520.1 ac ±	TEMPORARY CONSTRUCTION EASEMENT	ED	08/12/22	2022034118
XXXXX-2	TCE	M.P.R.P.D.	150 ac ±	2.87 ac	-	147 ac ±	TEMPORARY CONSTRUCTION EASEMENT			

**GRANTOR NOTES**

(1) Areas shown exclude underlying fee in the adjoining public way.  
 [ ] Indicates Underlying Fee (UF) Area  
 [Y] Indicates Indeterminate UF

(2) TITLE CODES:  
 A=Access rights only  
 F=Fee  
 E=Easement  
 TCE= Temp Const. Easement  
 T=Other Temp Ease (see remarks)  
 O=Other (see remarks)

(3) TYPE:  
 GD=Grant Deed  
 ED=Easement Deed  
 QC=Quitclaim  
 DD=Director's deed  
 DE=Director's easement deed  
 FOC=Final Order of Condemnation  
 HE=Highway easement deed  
 REL=Relinquishment  
 VAC=Vacation  
 JUA=Joint use agreement  
 CCUA=Consent to common use agreement

(4) Document or Instrument number

**NOTES**

Coordinates and bearings are on CCS 1983(1991.35) Zone 5. Distances shown hereon are grid distances. Multiply grid distances by 1.00006707 to obtain ground distances. Areas are shown in grid units. All distances are in feet unless otherwise noted.

**LEGEND**

Access Prohibited

- Indicates Found Caltrans Std. 6"x6" Conc. Monument
- Indicates Found Monument (as noted)
- Indicates Found Caltrans Control point
- Indicates calculated point (does not imply monument set)
- Title to State
- Required for Others

STATE OF CALIFORNIA  
 CALIFORNIA STATE TRANSPORTATION AGENCY  
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY APPRAISAL MAP**

SCALE AT FULL SIZE 1" = 100'

TO DESIGN: EA: 1F650 FA: NONE

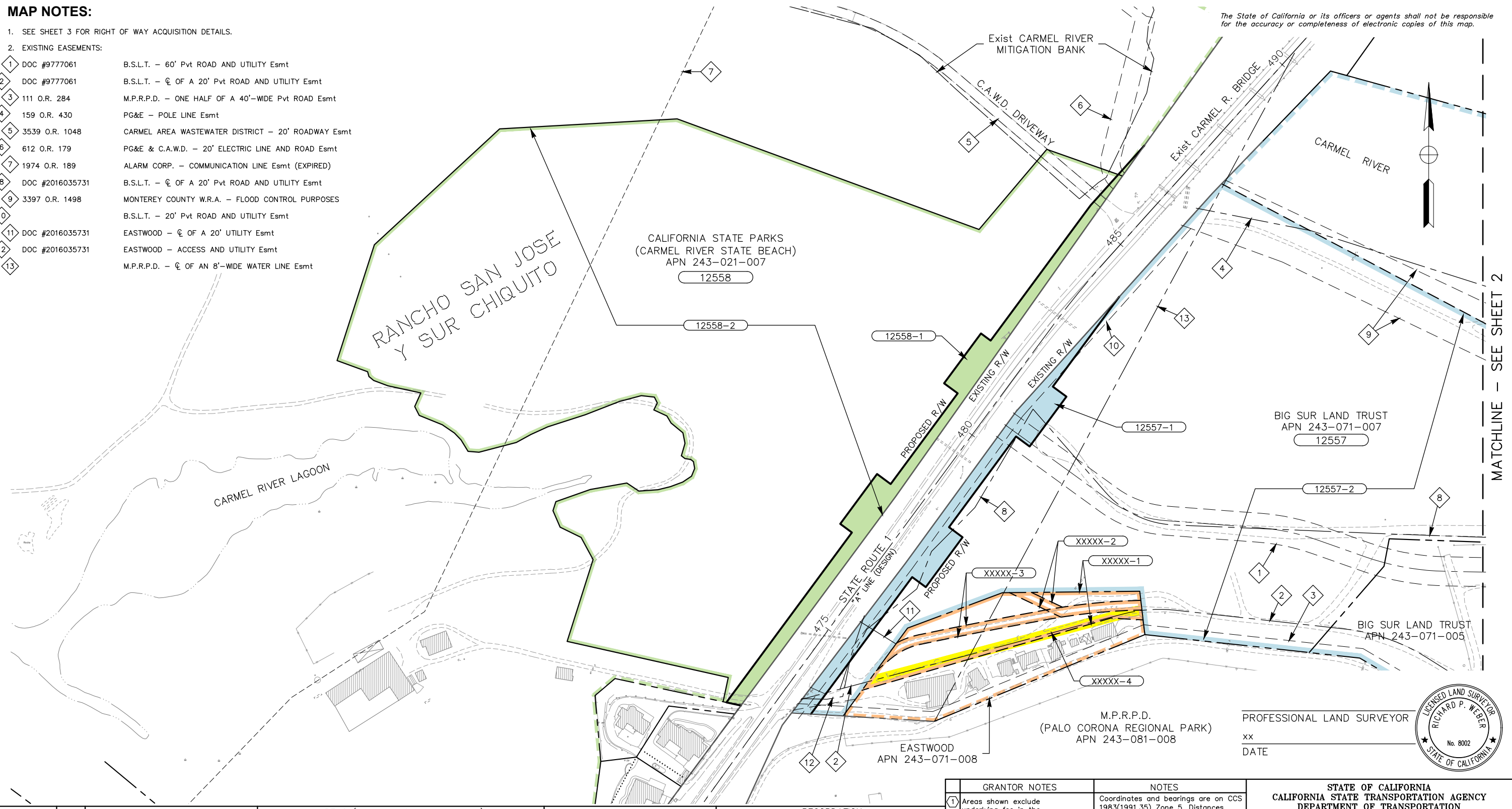
DISTRICT	COUNTY	ROUTE	PM	SHEET NO.	TOTAL SHEETS
05	MON	001	71.9/72.3	1	2

FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES

BY	
REVISIONS	
DATE	
BY	
REVISIONS	
DATE	
BY	
REVISIONS	
DATE	
Date	
Name	
Calculated By:	
Checked By:	
Checked By:	
Checked By:	
Project Surveyor:	

**MAP NOTES:**

- SEE SHEET 3 FOR RIGHT OF WAY ACQUISITION DETAILS.
- EXISTING EASEMENTS:
  - 1 DOC #9777061 B.S.L.T. - 60' Pvt ROAD AND UTILITY Esmt
  - 2 DOC #9777061 B.S.L.T. - C of A 20' Pvt ROAD AND UTILITY Esmt
  - 3 111 O.R. 284 M.P.R.P.D. - ONE HALF OF A 40'-WIDE Pvt ROAD Esmt
  - 4 159 O.R. 430 PG&E - POLE LINE Esmt
  - 5 3539 O.R. 1048 CARMEL AREA WASTEWATER DISTRICT - 20' ROADWAY Esmt
  - 6 612 O.R. 179 PG&E & C.A.W.D. - 20' ELECTRIC LINE AND ROAD Esmt
  - 7 1974 O.R. 189 ALARM CORP. - COMMUNICATION LINE Esmt (EXPIRED)
  - 8 DOC #2016035731 B.S.L.T. - C of A 20' Pvt ROAD AND UTILITY Esmt
  - 9 3397 O.R. 1498 MONTEREY COUNTY W.R.A. - FLOOD CONTROL PURPOSES
  - 10 B.S.L.T. - 20' Pvt ROAD AND UTILITY Esmt
  - 11 DOC #2016035731 EASTWOOD - C of A 20' UTILITY Esmt
  - 12 DOC #2016035731 EASTWOOD - ACCESS AND UTILITY Esmt
  - 13 M.P.R.P.D. - C of AN 8'-WIDE WATER LINE Esmt



The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this map.

MATCHLINE - SEE SHEET 2

PARCEL NO.	TITLE CODE (2)	GRANTOR	AREAS (in square feet or as noted)				REMARKS	RECORDATION		
			TOTAL	REQUIRED (1) [UF]	EXCESS (1) [UF]	REMAINDER		TYPE (3)	DATE	DOC. # (4)
12557-1	F	BIG SUR LAND TRUST	37.5 ac ±	0.85 ac	-	36.65 ac ±	FEE ACQUISITION FOR HIGHWAY			
12557-2	TCE	BIG SUR LAND TRUST	128.2 ac ±	108.02 ac	-	210.2 ac ±	TCE OVER 3 BSLT PARCELS	ED	08/12/22	2022034112
12558-1	O	STATE OF CALIFORNIA (PARKS DEP'T)	153.9 ac ±	0.93 ac	-	153.0 ac ±	TRANSFER OF CONTROL			
12558-2	TCE	STATE OF CALIFORNIA (PARKS DEP'T)	153.9 ac ±	23.09 ac	-	130.8 ac ±	TEMPORARY CONSTRUCTION EASEMENT			
XXXXX-1	TCE	EASTWOOD	2.22 ac	1.13 ac	-	1.09 ac	TEMPORARY CONSTRUCTION EASEMENT			
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XXXXX-3	E	EASTWOOD	2.22 ac	0.25 ac	-	1.97 ac	20' ACCESS ESMT			
XXXXX-4	E	EASTWOOD	2.22 ac	-	0.27 ac	-	20' ACCESS ESMT TO BE QUITCLAIMED			
XXXXX-1	TCE	M.P.R.P.D.	520.8 ac ±	0.68 ac	-	520.1 ac ±	TEMPORARY CONSTRUCTION EASEMENT	ED	08/12/22	2022034118
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GRANTOR NOTES	NOTES
(1) Areas shown exclude underlying fee in the adjoining public way. [ ] Indicates Underlying Fee (UF) Area. [Y] Indicates Indeterminate UF.	Coordinates and bearings are on CCS 1983(1991.35) Zone 5. Distances shown hereon are grid distances. Multiply grid distances by 1.00006707 to obtain ground distances. Areas are shown in grid units. All distances are in feet unless otherwise noted.
(2) TITLE CODES: A=Access rights only F=Fee E=Easement TCE= Temp Const. Easement T=Other Temp Ease (see remarks) O=Other (see remarks)	<b>LEGEND</b> [     ] Access Prohibited [X] Indicates Found Caltrans Std. 6"x6" Conc. Monument ● Indicates Found Monument (as noted) ▲ Indicates Found Caltrans Control point ○ Indicates calculated point (does not imply monument set) [ ] Title to State [ ] Required for Others
(3) TYPE: GD=Grant Deed ED=Easement Deed QC=Quitclaim DD=Director's deed DE=Director's easement deed FOC=Final Order of Condemnation REL=Relinquishment VAC=Vacation JUA=Joint use agreement CCUA=Consent to common use agreement	(4) Document or Instrument number

**STATE OF CALIFORNIA  
CALIFORNIA STATE TRANSPORTATION AGENCY  
DEPARTMENT OF TRANSPORTATION**

**RIGHT OF WAY  
APPRAISAL MAP**

SCALE AT FULL SIZE 1" = 100'

TO DESIGN:	EA: 1F650	FA: NONE			
DISTRICT	COUNTY	ROUTE	PM	SHEET NO.	TOTAL SHEETS
05	MON	001	71.9/72.3	1	2



FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES

# Property Owner Information Handbook

## Regarding Property Acquisition Efforts



County of Monterey  
Resource Management Agency  
Office of the County Surveyor  
1441 Schilling Place, South 2nd Floor  
Salinas, California 93901  
(831) 755-4800

*This is an informational pamphlet only. It is not intended to give a complete statement of all State and Federal laws and regulations pertaining to the purchase your property for public use, the relocation assistance program, technical legal definitions, or any form of legal advice.*

## ***Introduction:***

This informational handbook is provided by the County of Monterey ("County") to give you general information about property acquisitions for projects. It is not intended to be a definitive summation of the law or to provide specific advice. For such purposes, the County recommends consulting your personal attorney or other advisor of your choice.

***Please note that property acquisitions for projects may include the acquisition of either permanent (e.g. fee simple, easements) or temporary rights (e.g. construction easements, access easements), or both.***

## ***What Right Does the County Have to Acquire My Property?***

Every County has certain powers which are necessary for it to operate effectively. For example, States have the power to levy taxes and the power to maintain order. Another power is the power to acquire private property for public purposes. This is known as the power of eminent domain.

The rights of each of us are protected, however, by laws such as the Fifth and Fourteenth Amendments to the United States Constitution, the State Constitution, and eminent domain laws. These laws guarantee that if a County takes private property it must pay "just compensation" to the owner. Further, the owner may have additional protections, some of which are explained in this informational handbook.

Title VI of the Civil Rights Act of 1964 (42USC 2000d et. seq.) sets forth the policy of the United States, within constitutional limits, to ensure that all services and/or benefits will be administered without regard to race, color, national origin, or sex.

Pursuant to California regulations, property leasebacks will generally not be offered if the property is scheduled to be used within two years of its acquisition.

## ***How Will the County Determine How Much to Offer Me for My Property?***

Before making an offer of compensation to you, the County will obtain at least one appraisal by a competent state-licensed real property appraiser who is familiar with local property values. The appraiser will inspect your property and provide the County with an appraisal report stating his or her opinion of the fair market value of the property rights to be acquired by the County. The appraisal report will be reviewed by the County to confirm that the estimate of value is fair.

The County is required to offer you just compensation for your property. This amount, with limited exceptions, is the fair market value of the property rights to be acquired.

### ***What is "Just Compensation"?***

"Just compensation" is generally considered to be fair market value. The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

### ***How Does an Appraiser Determine Fair Market Value of My Property?***

Each parcel of real property is different and, therefore, no single formula can be devised to appraise all properties. Among the factors an appraiser typically considers in estimating the value of real property are:

- How it compares with similar properties in the area that have been sold recently;
- How much it would cost to reproduce the buildings and other structures, less any depreciation;
- How much rental income it could produce;
- Other factors affecting use of the property.

### ***Will I Have A Chance to Talk to the Appraiser?***

**YES.** You must be contacted and given the opportunity to accompany the appraiser on his inspection of your property. You may then inform the appraiser of any special features which you believe may add to the value of your property. It is in your best interest to provide the appraiser with all the useful information you can in order to ensure that nothing of allowable value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property represent you.

### ***How Soon Will the County Give Me a Written Purchase Offer?***

Generally, you should receive a purchase offer within 60 days of the approved appraisal. The timing of a purchase offer depends on the following factors:

- The amount of work required to appraise your property;
- The availability of funding; and
- Possible project delays caused by factors outside the control of the County.

### ***What is in the County's Statement of the Basis for Its Determination of Just Compensation?***

The County's statement of the basis for its determination of just compensation must be provided to you with the written purchase offer. Among other things, this statement will include:

- A general statement of the County's proposed use for the property.
- An accurate description of the property to be acquired.
- A list of the improvements covered by the offer and any conditions.
- The amount of the offer.
- An indication that the offer does not reflect any relocation payments or other relocation assistance which you may receive under other regulations.
- The recognized definition of the term "fair market value".

### ***Can I Have My Own Appraisal Done?***

**YES.** You may decide to obtain your own appraisal of the property in negotiating the fair market value with the County. At the time of making its initial offer to you, the County must offer to reimburse you the reasonable costs, not to exceed \$5,000, of an independent appraisal of your property. To be eligible for reimbursement, the independent appraisal must be conducted by an appraiser licensed by the California Bureau of Real Estate Appraisers. Please discuss the reimbursement process with the County's acquisition representative.

### ***Does the County Consider Buildings, Structures, and Improvements?***

Sometimes buildings, structures, or other improvements considered to be real property are located on the property to be acquired. If this is the case, the County must offer to acquire buildings, structures, or other improvements if they must be removed or if the County decides that the improvements will be adversely affected by the public program or project.

When an improvement can be considered real property if owned by the owner of the real property on which it is located, then this improvement will be treated as real property.

### ***Does the County Consider Tenant-Owned Buildings, Structures and Improvements?***

Sometimes tenants lease real property and build or add improvements for their use. Frequently they have the right or obligation to remove the improvements at the expiration of the lease term. If, under State law, the improvements are considered to be real property, the County must make an offer to the tenants to acquire these improvements.

In order to be paid for these improvements, the tenant-owner must assign, transfer, and release to the County all right, title, and interest in the improvements. Also, the owner of the real property on which the improvements are located must disclaim all interest in the improvements.

Just compensation for an improvement will be the amount that the improvement contributes to the fair market value of the whole property, or its value for removal from the property (*salvage value*), whichever is greater.

### ***May I Keep Any of the Buildings or Other Improvements on My Property?***

Very often, many or all improvements on a property are not required by the County. This might include such items as a fireplace mantel, your favorite shrubbery, or even an entire house. If you wish to keep any improvements, please let the County know as soon as possible. Retention of improvements by the property owner will require an appropriate adjustment to the purchase price.

### ***Must I Accept the County's Initial Offer?***

**NO.** You are entitled to present your evidence as to the amount you believe is the value of your property and to make suggestions for changing the terms and conditions of the offer. The County must make reasonable efforts to consider and respond to your evidence and suggestions.

### ***May I Have Someone Represent Me During Negotiations?***

**YES.** If you would like an attorney, real estate agent, or anyone else to represent you during negotiations, please so inform the County in writing. However, state law does not require the County to pay the costs of any such representation.



### ***If I Agree to Accept the County's Offer, How Soon Will I Be Paid?***

If you reach a voluntary agreement to sell your property and your ownership (*title*) is clear of encumbrances, payments will be made at the earliest possible date or a mutually acceptable time. Generally, this should be possible within 90 days after you sign a purchase contract. If your ownership is not clear, you may have to pay the cost of clearing title sufficiently to convey clear title on your property. (*Title evidence is basically a legal record of the ownership of the property. It identifies the owners of record and lists any restrictive deed covenants and recorded mortgages liens, and other instruments affecting your ownership of the property.*)

### ***What Happens if I Don't Agree to the Purchase Offer by the County?***

If you are unable to reach a voluntary agreement with the County, a public hearing of the County Board of Supervisors will be held to determine the need and necessity for the acquisition of your property. You will be notified of the action and given reasonable advance notice of your right to attend the hearing. After the hearing, assuming need and necessity have been determined, the County will file a suit in court to acquire your property through a condemnation proceeding.

### ***What Happens if the County Condemns My Property?***

Condemnation proceedings are procedures through a court to acquire real property under the power of eminent domain. Beginning with a necessity hearing and during the condemnation proceedings and trial, you will be provided an opportunity to introduce your evidence as to the need for acquisition and the value of your property to be acquired by the County. Of course, the County will have the same opportunity. After hearing the evidence of all parties during the trial, the court or jury will determine the right to acquire and the amount of just compensation. To help you in presenting your case in a condemnation proceeding, you may wish to consider employing an attorney and other experts. However, the costs of these professional services and other costs which you incur in presenting your evidence to the court may be your responsibility.

If construction must begin prior to the condemnation trial, the County may obtain a court's order of immediate possession.

### ***What is an Order for Possession?***

An order for possession is a procedure within a condemnation proceeding. The order for possession issued by the court allows the County to have the use of the portion of your property which is the subject of the proceeding prior to an award of just compensation in court. This procedure is used typically only where the use of your property is necessary to accomplish timely construction of the project for which your property is required.

To obtain an order for possession, the County must deposit with the court an amount not less than its appraisal of the fair market value of the property to be acquired. Sometimes, the owner is then permitted to withdraw a portion of or all of this amount, depending upon the individual circumstances. It is recommended that you have the help of an attorney if you intend to do this. Should the court award exceed the amount deposited by the County, you will be paid the difference, plus any interest that may be provided by State Law.

### ***What Can I Do If I Am Not Satisfied With the Court's Determination?***

If you are not satisfied with the court's determination of the amount for just compensation, you may file an appeal with the appropriate appellate court for the area in which your property is located. The County may also file an appeal if it believes the amount of the court judgment is too high.

### ***Will I Have to Pay any Settlement Costs?***

You will not be responsible for the reasonable and necessary costs of typical services required to complete the sale, recording fees, transfer taxes, and any similar expenses which are incidental to transferring ownership of your property to the County.

### ***Can the County Take Only A Part of My Property?***

**YES.** But, if the purchase of only a part of your property reduces the value of the remaining part(s), you must be paid for the loss in value. The determination of any loss in value is an appraisal problem involving variables in which a brief explanation might not adequately cover all situations. Should this situation be involved, a County representative will fully explain the effect of a partial purchase on your remaining property.

### ***If the County Does Acquire My Property, How Soon Must I Move?***

Every reasonable effort will be made to give you ample time to relocate after the acquisition of your property. In most cases, a mutually satisfactory arrangement can be worked out. Except in an unusual instance where there is an urgent need for your property, you cannot be required to move from your residence or to move your business or farm operation without at least 90 days advance written notice of the date by which your move is required.

If you reach a voluntary agreement to sell your property, you cannot be required to move before you receive the agreed purchase price. In the case of a condemnation, you cannot be required to move before the estimated fair market value of your property has been deposited with the court (or into escrow) so that you can withdraw your share.

If you are being displaced from your residence, decent, safe and sanitary replacement housing must be available before you can be required to move.

### ***Will I Receive Assistance with Relocation?***

**YES.** If eligible and, in addition to any compensation paid through the property acquisition process, the County will provide relocation referral assistance and cash payments for eligible moving expenses. The amount of relocation expense is determined on a case-by-case basis in accordance with the Federal Uniform Act and State Guidelines. A Relocation Assistance Program brochure describing relocation benefits will be available from the County, if the project proceeds.

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954.

### ***I'm A Veteran, How About My GI Loan?***

After your GI home mortgage loan has been repaid, you may be permitted to obtain another GI loan to purchase another property. Check on such arrangements with your nearest VA office.

### ***Will I Be Compensated for the Loss of Goodwill for My Business?***

If you own a business located and conducted on the real property to be acquired, you may have a right to claim compensation for loss of goodwill. See your acquisition representative.

### ***If My Property, which the County is Acquiring, is Worth More Now than When I Bought it, Must I Pay Capital Gains Tax on the Increase?***

It is recommended that you consult your tax advisor or the appropriate tax agencies if you have questions concerning these issues. Also, Internal revenue Service (IRS) Publication 544, "Sales and Other Dispositions of Assets", is available from the IRS. (NOTE: The number of this publication may change from time to time.) It explains how the Federal income tax would apply to a gain or loss under the threat of condemnation for public purposes. If you have any questions about the IRS rules, you should discuss your particular circumstances with your personal tax advisor or your local IRS office. The State of California Franchise Tax Board should be able to provide information regarding any State tax due, if any, resulting from the purchase by the County.

### ***Won't My Property Taxes Increase Substantially When I Purchase A New Home Because of the Proposition 13 Re-Assessment Formula?***

**NO.** Not as long as the replacement property's purchase price does not exceed 120% of the sales price for the acquired property. Section 2(d) of Article XIII A of the California Constitution provides that property tax relief shall be granted to any real property owner who acquires comparable replacement property after having been displaced by the County. If the full cash value of the comparable replacement property does not exceed 120% of the purchase price or the court judgment of the property acquired or taken, then the adjusted base year value of the property acquired or taken shall be transferred to the comparable replacement property. An application for this property tax relief adjustment must be filed with the County Assessor as soon as possible after the settlement of the purchase of the replacement property, governmental acquisition or condemnation proceedings. Contact the County Assessor's office and/or your tax advisor with questions you may have regarding this real property tax relief provision.

### ***Is it Possible to Donate My Property to the County?***

**YES.** However, prior to accepting a donation, the County must inform the owner in writing of the amount it believes to be just compensation for the property to be acquired. The property owner must indicate in writing that although he/she understands he/she cannot be required to sell his/her property for less than just compensation, he/she voluntarily agrees to do so or to contribute the property without payment of compensation. You are advised to consult with a tax advisor and lender(s) prior to making a donation.

## *Definitions*

The language used in relation to eminent domain proceedings may be new to you. These are some terms you may hear. Please note that these definitions are general and are provided to assist in the discussion related to the proposed acquisition. They are not intended to be legal definitions.

**Acquire** – To purchase.

**Answer** – The property owner's written reply, in appropriate legal form, filed with the court in response to the complaint and as requested by the summons.

**Compensation** – The amount of money to which a property owner is entitled under the law for the purchase or damage to the property.

**Complaint** – The document filed with the court by the County which initiates an eminent domain proceeding.

**Condemnation** – The legal process by which a proceeding in eminent domain is accomplished.

**Counsel** – An attorney or attorneys.

**Eminent Domain** – The right of government to purchase private property for public use.

**Final order of condemnation** – The instrument which, when recorded, transfers title to public ownership.

**Judgment** – The court's formal decision based on applicable law and the verdict.

**Loss of goodwill** – A loss in the value of a business caused by the County's acquisition of property that cannot be reasonably prevented by relocation of the business or the owner adopting prudent or reasonable steps that preserve the value of the business goodwill.

**Market value** – The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

**Parcel** – Usually means the property that is being acquired.

**Plaintiff** – The public agency that desires to purchase the property.

**Possession** – Legal control; to have the right to use.

**Property** – The right or interest which an individual has in land, including the rights to use or possess. Property is ownership; the exclusive right to use, possess or dispose of a thing.

**Summons** – Notification of filing of a lawsuit in eminent domain and of the necessity to file an answer or other responsive pending.

**Title** – Legal ownership.

**Trial** – The hearing of facts from plaintiff and defendant in court, either with or without a jury.

**Verdict** – The amount of compensation to be paid for the property.



**APPRAISAL SUMMARY (RW 7-9)**

**CONFIDENTIAL**

This document contains personal information and subject to Civil Code 1798.24, it shall be kept confidential in order to protect against unauthorized disclosure.

APN 243-071-008	F.P.#	PARCEL NO. xxxxx
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22-104C.2 Report No.	06/10/24 Date	Reg/Dist	Co	Rte	P.M.	Exp Auth	Map No.
-------------------------	------------------	----------	----	-----	------	----------	---------

Owner: Clinton Eastwood, Jr., Trustee of the 1988 Clinton Eastwood Trust U/D/T dated May 16, 1988, and Margaret Eastwood, Trustee Proj. ID:

Property Address: 27217 through 27225 Highway 1, Carmel, CA 93923 Locale:

Zone: MDR/3-D-SpTr(CZ) Present Use: Residential Best Use: SFR

Entire Property: Land: \$600,000 Imps. Total: \$600000 (no CE)

Possible Hazardous Waste (Include underground tanks): [ ] Yes [ x ] No

Date Acquired: Over 10 years DTT: Consideration:

Total Prop. Area: 95,832 Square Feet [ ] Full [ x ] Part (Include Access Rts.) [ ] Yes [ x ] No  
2.22 Acres

Fair Market Value of Required Property: \$99,225  
Rounded To: \$99,200

Land Value:

**Fee Simple Acquisitions**

ID No.	Area (Acre)	x	Unit Value (\$/Acre)	Percentage of Fee	=	Fair Market Value
Easement E-3	Fee Owner	0.29	\$225,216	95%	=	\$62,047
	CE Owner	0.29	\$45,054	95%	=	\$12,412
					=	\$74,459

**Temporary Construction Easement Acquisition**

ID No.	Area (Acre)	x	Unit Value (\$/Acre)	x	Rental Rate / Year	x	Duration (Years)	=	Fair Market Value
Temporary Construction Easement (E-1)	Fee Owner	0.17	\$225,216	9%	4.00	=	\$13,784		
	CE Owner	0.17	\$45,054	9%	4.00	=	\$2,757		
						=	\$16,541		
Temporary Construction Easement (E-2)	Fee Owner	0.36	\$225,216	9%	4.00	=	\$29,188		
	CE Owner	0.36	\$45,054	9%	4.00	=	\$5,839		
						=	\$35,027		
						=	\$8,224		

Total Land, rounded: = \$99,200.00

Total Improvements: =

Total Damages: =

Total Benefits: = Not Quantified

Construction Contract Work: It is assumed that unless otherwise addressed in this report, any site improvements and utilities impacted by the project that are removed, damaged, or destroyed will be repaired, replaced, or relocated in a similar or like-kind manner as the existing condition. The appraisal assumes that any repairs and/or replacements of site improvements and utilities impacted by the project will be at no cost to the property owner.

\* some values are off slightly due to rounding

Inspected Dates: 04/11/23 By: Trentin Krauss, MAI  
Date of Value: 03/26/24

**PARCEL OCCUPANCY DATA FORM (RW 7-2)**

**CONFIDENTIAL**  
This document contains personal information and subject to Civil Code 1798.24, it shall be kept confidential in order to protect against unauthorized disclosure.

Co Rte KP (P.M.) Parcel No. Exp. Auth. AR #

Property Address: 27217 through 27225 Highway 1  
City: Carmel Zip Code: 93923

**Property Data**

**Residential**

**Name**

**Address**

**\*Owner(O)**

**\*Tenant (T)**

The Property appears to be leased to a variety of tenants. None of the tenants were contacted.

**Name of Business Owner**  
**(Name of Business)**

**Business/Other (Personal Property Only)**

**Address**

**Owner (O)**

**Tenant (T)**

The Information Was Obtained By: Trentin Krauss, MAI 4/11/2023 & 3/20/2023  
Appraiser Name Date

\*Head of household only (Residential)





PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein, **Chicago Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(ies) of title insurance to be issued hereunder will be policy(ies) of Chicago Title Insurance Company, a Florida corporation.

**Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Authorized Officer or Agent



Visit Us on our Website: [www.ctic.com](http://www.ctic.com)



**ISSUING OFFICE:** 50 Winham Street, Salinas, CA 93901

**FOR SETTLEMENT INQUIRIES, CONTACT:**

Chicago Title Company  
50 Winham Street • Salinas, CA 93901  
(831)424-8011 • FAX (831)757-9272

**Another Prompt Delivery From Chicago Title Company Title Department  
Where Local Experience And Expertise Make A Difference**

## PRELIMINARY REPORT

Title Officer: Rebecca Smith  
Email: [Smithreb@ctt.com](mailto:Smithreb@ctt.com)  
Title No.: FWMN-5212301020-RS

Escrow Officer: Joanna Gilman  
Email: [Joanna.gilman@ctt.com](mailto:Joanna.gilman@ctt.com)  
Escrow No.: FWMN-5212301020 -JG

TO: County Monterey

Attn:

**PROPERTY ADDRESS(ES):** [APN: 243-071-008, Carmel, CA](#)

**EFFECTIVE DATE: September 8, 2023 at 07:30 AM**

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Owner's Policy - 2022  
ALTA Loan Policy 2006

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

Fee simple as to Parcel(s) I

Easement(s) more fully described below as to Parcel(s) II and III

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS [VESTED IN:](#)

**Clinton Eastwood, as his sole and separate property, as to an undivided 1/2 interest;**

**Margaret Eastwood, Trustee of the Margaret Eastwood Trust U/D/T dated August 21, 1990, as to an undivided 1/2 interest**

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): [243-071-008](#)**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**

Certain real property situate in the Rancho San Jose Y Sur Chiquito as conveyed to Clinton Eastwood and Margaret Eastwood by Deed recorded September 19, 1995 in [Reel 3277, Page 34](#), Official Records of Monterey County, State of California, particularly described as follows:

A portion of Parcel P as shown on the Record of Survey, filed December 8, 1997 in [Volume 21 of Surveys at Page 78](#), records of Monterey County, more particularly described as follows:

Beginning at a point in the southerly boundary of said Parcel P, being distant South 88 ° 16' 00" East, 109.25 feet from the southwesterly corner of said Parcel P, said point identified as P.O.B. on the plat attached to that certain Certificate of Compliance, recorded January 14, 2016, [Document No. 2016002232, Official Records](#), thence along said southerly boundary,

- (1) South 88 ° 16' 00" East, 188.66 feet; thence
- (2) North 65 ° 58' 00" East, 471.30 feet; thence leaving said southerly boundary of Parcel P
- (3) North 8 ° 24' 40" West, 90.40 feet; thence
- (4) South 87 ° 42' 50" West, 283.91 feet; thence
- (5) South 67 ° 54' 09" West, 209.51 feet; thence
- (6) South 34 ° 48' 31" West, 45.40 feet; thence along the arc of a tangent curve, concave to the southeast, having a radius of 19,870.00 feet
- (7) 179.99 feet along said curve, through a central angle of 0 ° 31' 08", to the Point of Beginning.

Said property is as described in the Certificate of Compliance, recorded January 14, 2016, [Document No. 2016002232, Official Records](#), and as shown on the Record of Survey filed August 12, 2022, [Volume 36, Surveys, Page 23](#).

**PARCEL II:**

A non-exclusive appurtenant easement in perpetuity for the purpose of ingress, egress, and for public utilities including but no limited to water, sewer, gas and drainage pipes, poles, overhead lines, electrical lines, cable, TV, telephone, internet, and other appurtenances over, under, and upon certain real property situate in the Rancho San Jose Y Sur Chiquito as conveyed to Clinton Eastwood and Margaret Eastwood by Deed recorded September 19, 1995, in [Reel 3277, Page 34](#), Official Records of Monterey County, State of California, particularly described as follows:

A portion of that certain parcel of land described as "Adjusted Parcel O" in the Certificate of Compliance filed for record on January 14, 2016 in the Office of the Recorder for Monterey County, State of California, as [Document No. 2016002231](#), described more particularly as follows:

Beginning at a point in the westerly boundary of said "Adjusted Parcel O", distant North 35 ° 30' 40" East, 7.07 feet from the most southwesterly corner of said point Identified as P.O.B. on Exhibit B3 attached to the Grant Deed

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

recorded June 29, 2016, [Document No. 2016035731, Official Records](#); thence along said westerly boundary of said "Adjusted Parcel O"

(1) North 35 ° 30' 40" East, 59.70 feet; thence leaving said westerly boundary of said "Adjusted Parcel O"

(2) South 67 ° 32' 13" East, 36.89 feet; thence

(3) North 78 ° 25' 32" East, 78.53 feet to a point in the westerly boundary of that certain parcel of land described as "Adjusted Parcel P" in the Certificate of Compliance filed for record on January 14, 2016, in the Office of the Recorder for Monterey County, State of California, as Document: 2016002232; thence along said westerly boundary of said "Adjusted Parcel P" and along a non-tangent curve concave to the southeast, the center of which bears South 55 ° 30' 11" East, and having a radius of 19, 870.00 feet

(4) 28.81 feet along said curve through a central angle of 0 ° 04' 59"; thence leaving said westerly boundary of said "Adjusted Parcel P",

(5) South 78 ° 25' 32" West, 132.08 feet to the point of beginning.

Said easement was reserved in the Grant Deed recorded June 29, 2016, [Document No. 2016035731, Official Records](#).

**PARCEL III:**

A non-exclusive appurtenant easement in perpetuity for the purposes of public utilities including but not limited to water, sewer, gas and drainage pipes, poles, overhead lines, electrical lines, cable, TV, telephone, internet and other appurtenances over, under and upon certain real property situate in the Rancho San Jose Y Sur Chiquito as conveyed to Clinton Eastwood and Margaret Eastwood by Deed recorded September 19, 1995 in [Reel 3277, Page 34](#) of Official Records of Monterey County, State of California, particularly described as follows:

A 20 foot wide strip of land across a portion of that certain parcel of land described as "Adjusted Parcel O" in the Certificate of Compliance filed for record on January 14, 2016 in the Office of the Recorder of Monterey County, State of California, as Document 2016002231, the centerline of which is described more particularly as follows:

Beginning at a point in the westerly boundary of said "Adjusted Parcel O", distant North 35 ° 30' 40" East, 237.05 feet from the most southwesterly corner, said point identified as P.O.B. on Exhibit B4 attached to the Grant Deed recorded June 29, 2016, [Document No. 2016035731, Official Records](#); thence

(1) South 59 ° 48' 40" East, 88.11 feet to a point in the westerly boundary that certain parcel of land described as "Adjusted Parcel P" in the Certificate of Compliance filed for record on January 14, 2016 in the Office of the Recorder of Monterey County, State of California, as Document 2016002232

The sidelines of said 20 foot wide strip of land shall be prolonged or foreshortened to intersect the boundary of said "Adjusted Parcel O" and the boundary of said "Adjusted Parcel P".

Said easement was reserved in the Grant Deed recorded June 29, 2016, [Document No. 2016035731, Official Records](#).

**AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:**

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2023-2024.
2. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.
3. Assessments and charges due the Monterey One Water Agency.

Further information may be obtained by contacting:  
District Billing Manager  
P.O. Box 2109  
Monterey, CA 93942  
(831) 372-2385

4. The herein described property lies within the boundaries of a Mello-Roos Community Facilities District (CFD) as follows:

CFD No.: 2016-01  
For: Monterey Regional Park District (Parks, Open Space and Coastal Preservation)  
Disclosed by: Notice of Special Tax Lien  
Recording Date: April 11, 2017  
Recording No.: 2017019116, Official Records

This property, along with all other parcels in the CFD, is liable for an annual special tax. This special tax is included with and payable with the general property taxes of the County of Monterey. The tax may not be prepaid.

5. Water rights, claims or title to water, whether or not disclosed by the public records.
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Improvement Company  
Purpose: water pipelines  
Recording Date: March 3, 1906  
[Recording No.:](#) [Book 91, Page 45, of Deeds](#)

The exact location and extent of said easement is not disclosed of record.

**EXCEPTIONS**  
(continued)

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Sidney W. Fish  
Purpose: private road  
Recording Date: May 12, 1927  
Recording No.: [Volume 111, Page 284, Official Records](#)  
Affects: as stated therein

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Sidney W. Fish  
Purpose: water pipeline  
Recording Date: May 12, 1927  
Recording No.: [Volume 112, Page 113, Official Records](#)  
Affects: as stated therein

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Gas and Electric Company  
Purpose: public utilities  
Recording Date: August 2, 1928  
[Recording No.:](#) [Book 159, Page 430, Official Records](#)  
Affects: as stated therein

10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Carmel Rancho Inc., a corporation  
Purpose: drainage and utilities  
Recording Date: January 2, 1964  
Recording No.: [Reel 269, Page 301, Official Records](#)  
Affects: as stated therein

11. Matters contained in that certain document

Entitled: Agreement Granting Parcels of Real Property in Fee, Granting an Easement,  
Together with Specifications of The Conditions Imposed Thereon  
Dated: February 19, 1971  
Executed by: Odello Brothers, a limited partnership and Carmel Sanitary District  
Recording Date: February 22, 1971  
Recording No.: [Reel 688, Page 106, Official Records](#)

Reference is hereby made to said document for full particulars.

**EXCEPTIONS**  
(continued)

12. Matters contained in that certain document

Entitled: Memorandum of Real Property Agreement  
Dated: May 14, 1972  
Executed by: Odello Brothers and Stuyvesant Fish  
Recording Date: June 13, 1972  
Recording No.: [Reel 777, Page 1031, Official Records](#)

Reference is hereby made to said document for full particulars.

13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as delineated on or as offered for dedication on

Map/Plat: Record of Survey  
Recording Date: December 9, 1997  
Recording No.: [Volume 21, Surveys, Page 78](#)  
Purpose: 20 foot road  
Affects: as shown on the map

14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The Big Sur Land Trust  
Purpose: road and utility  
Recording Date: December 31, 1997  
[Recording No.:](#) [9777061, Official Records](#)  
Affects: as stated therein

15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The Big Sur Land Trust  
Purpose: agricultural and open space conservation  
Recording Date: December 31, 1997  
[Recording No.:](#) [9777099, Official Records](#)  
Affects: as stated therein

Reference is made to said document for further particulars.

16. A Notice

Entitled: Permit Approval Notice  
Recording Date: June 10, 2004  
[Recording No.:](#) [2004060144, Official Records](#)

Reference is hereby made to said document for full particulars.

**EXCEPTIONS**  
(continued)

17. A Notice

Entitled: Permit Approval Notice  
Recording Date: May 18, 2005  
[Recording No.: 2005049972, Official Records](#)

Reference is hereby made to said document for full particulars.

18. A Notice

Entitled: Permit Approval Notice  
Recording Date: February 1, 2007  
[Recording No.: 2007008961, Official Records](#)

Reference is hereby made to said document for full particulars.

19. Matters contained in that certain document

Entitled: Notice of Unrecorded Grant Agreement  
Executed by: Wildlife Conservation Board et al  
Recording Date: August 26, 2011  
[Recording No.: 2011046765, Official Records](#)

Reference is hereby made to said document for full particulars.

20. Matters contained in that certain document

Entitled: Indemnification Agreement  
Executed by: County of Monterey and Arroyo Carmel Homeowners Association Inc. et al  
Recording Date: January 5, 2016  
[Recording No.: 2016000464, Official Records](#)

Reference is hereby made to said document for full particulars.

21. A Notice

Entitled: Permit Approval Notice  
Recording Date: January 5, 2016  
[Recording No.: 2016000465, Official Records](#)

Reference is hereby made to said document for full particulars.



**EXCEPTIONS**  
(continued)

22. A Notice

Entitled:: Map Information Sheet  
For: Establish boundaries of proposed Community Facilities District No. 2014-1 (Clean Energy)  
Recording Date: March 18, 2016  
[Recording No.:](#) [2016014152, Official Records](#)

Reference is hereby made to said document for full particulars.

23. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately.

In order to close this pending transaction, we will need the following information:

1. Completion of the attached Owner's Declaration
2. Completed Escrow Owner Information Sheet
3. A statement from escrow providing the complete name of the account that proceeds are going to.

The Company reserves the right to add additional items and/or make further requirements after review of the requested documentation.

24. The Company will require either (a) a complete copy of the trust agreement and any amendments thereto certified by the trustee(s) to be a true and complete copy with respect to the hereinafter named trust, or (b) a Certification, pursuant to California Probate Code Section 18100.5, executed by all of the current trustee(s) of the hereinafter named trust, a form of which is attached.

Name of Trust: **Margaret Eastwood Trust U/D/T dated August 21, 1990**

**END OF EXCEPTIONS**

## NOTES

- Note 1.** Note: The policy of title insurance will include an arbitration provision. The Company or the insured may demand arbitration. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Please ask your escrow or title officer for a sample copy of the policy to be issued if you wish to review the arbitration provisions and any other provisions pertaining to your Title Insurance coverage.
- Note 2.** Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- Note 3.** Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- Note 4.** Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the seller/borrower must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
- Note 5.** Note: If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.
- Note 6.** Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.
- Note 7.** Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

<u>Tax Identification No.:</u>	<u>243-071-008</u>
Fiscal Year:	2022-2023
1st Installment:	\$173.54
2nd Installment:	\$173.54

**NOTES**  
(continued)

**Note 8.** The following Exclusion(s) are added to preliminary reports, commitments and will be included as an endorsement in the following policies:

A. 2006 ALTA Owner's Policy (06-17-06).

6. Defects, liens, encumbrances, adverse claims, notices, or other matters not appearing in the Public Records but that would be disclosed by an examination of any records maintained by or on behalf of a Tribe or on behalf of its members.

B. 2006 ALTA Loan Policy (06-17-06)

8. Defects, liens, encumbrances, adverse claims, notices, or other matters not appearing in the Public Records but that would be disclosed by an examination of any records maintained by or on behalf of a Tribe or on behalf of its members.
9. Any claim of invalidity, unenforceability, or lack of priority of the lien of the Insured Mortgage based on the application of a Tribe's law resulting from the failure of the Insured Mortgage to specify State law as the governing law with respect to the lien of the Insured Mortgage.

C. ALTA Homeowner's Policy of Title Insurance (12-02-13) and CLTA Homeowner's Policy of Title Insurance (12-02-13).

10. Defects, liens, encumbrances, adverse claims, notices, or other matters not appearing in the Public Records but that would be disclosed by an examination of any records maintained by or on behalf of a Tribe or on behalf of its members.

D. ALTA Expanded Coverage Residential Loan Policy - Assessments Priority (04-02-15).

12. Defects, liens, encumbrances, adverse claims, notices, or other matters not appearing in the Public Records but that would be disclosed by an examination of any records maintained by or on behalf of a Tribe or on behalf of its members.
13. Any claim of invalidity, unenforceability, or lack of priority of the lien of the Insured Mortgage based on the application of a Tribe's law resulting from the failure of the Insured Mortgage to specify State law as the governing law with respect to the lien of the Insured Mortgage.

E. CLTA Standard Coverage Policy 1990 (11-09-18).

7. Defects, liens, encumbrances, adverse claims, notices, or other matters not appearing in the public records but that would be disclosed by an examination of any records maintained by or on behalf of a tribe or on behalf of its members.
8. Any claim of invalidity, unenforceability, or lack of priority of the lien of the insured mortgage based on the application of a tribe's law resulting from the failure of the insured mortgage to specify state law as the governing law with respect to the lien of the insured mortgage.

**END OF NOTES**



Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do **NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## **FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE**

Effective January 1, 2023

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: [aginquiries@ag.state.nv.us](mailto:aginquiries@ag.state.nv.us).

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

For Virginia Residents: For additional information about your Virginia privacy rights, please email [privacy@fnf.com](mailto:privacy@fnf.com) or call (888) 714-2710.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice; Notice Changes**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

### **Accessing and Correcting Information; Contact Us**

If you have questions or would like to correct your Personal Information, visit FNF's [Privacy Inquiry Website](#) or contact us by phone at (888) 714-2710, by email at [privacy@fnf.com](mailto:privacy@fnf.com), or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

# ATTACHMENT ONE

## CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990 (11-09-18)

### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

### EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the public records at Date of Policy.

### EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART II

*(Variable exceptions such as taxes, easements, CC&R's, etc., are inserted here)*



# ATTACHMENT ONE (CONTINUED)

## CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE OWNER'S POLICY (02-04-22)

### EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
  - i. the occupancy, use, or enjoyment of the Land;
  - ii. the character, dimensions, or location of any improvement on the Land;
  - iii. the subdivision of land; or
  - iv. environmental remediation or protection.
- b. any governmental forfeiture, police, regulatory, or national security power.
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.  
Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
  - a. created, suffered, assumed, or agreed to by the Insured Claimant;
  - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - c. resulting in no loss or damage to the Insured Claimant;
  - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
  - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
  - a. fraudulent conveyance or fraudulent transfer;
  - b. voidable transfer under the Uniform Voidable Transactions Act; or
  - c. preferential transfer:
    - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
    - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy.  
Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

### EXCEPTIONS FROM COVERAGE

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage.**

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

#### PART I

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records at Date of Policy but that could be (a) ascertained by an inspection of the Land, or (b) asserted by persons or parties in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy.
4. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor, material or equipment unless such lien is shown by the Public Records at Date of Policy.
7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.

#### PART II

*(Variable exceptions such as taxes, easements, CC&R's, etc., are inserted here)*

**ATTACHMENT ONE  
(CONTINUED)**

**CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (7-01-21)  
EXCLUSIONS FROM COVERAGE**

The following matters are excluded from the coverage of this policy and We will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
    - i. the occupancy, use, or enjoyment of the Land;
    - ii. the character, dimensions, or location of any improvement on the Land;
    - iii. the subdivision of land; or
    - iv. environmental remediation or protection.
  - b. any governmental forfeiture, police, or regulatory, or national security power.
  - c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23, or 27.
2. Any power to take the Land by condemnation. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 17.
  3. Any defect, lien, encumbrance, adverse claim, or other matter:
    - a. created, suffered, assumed, or agreed to by You;
    - b. not Known to Us, not recorded in the Public Records at the Date of Policy, but Known to You and not disclosed in writing to Us by You prior to the date You became an Insured under this policy;
    - c. resulting in no loss or damage to You;
    - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 5, 8.f., 25, 26, 27, 28, or 32); or
    - e. resulting in loss or damage that would not have been sustained if You paid consideration sufficient to qualify You as a bona fide purchaser of the Title at the Date of Policy.
  4. Lack of a right:
    - a. to any land outside the area specifically described and referred to in Item 3 of Schedule A; and
    - b. in any street, road, avenue, alley, lane, right-of-way, body of water, or waterway that abut the Land.Exclusion 4 does not modify or limit the coverage provided under Covered Risk 11 or 21.
  5. The failure of Your existing structures, or any portion of Your existing structures, to have been constructed before, on, or after the Date of Policy in accordance with applicable building codes. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 14 or 15.
  6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transfer of the Title to You is a:
    - a. fraudulent conveyance or fraudulent transfer;
    - b. voidable transfer under the Uniform Voidable Transactions Act; or
    - c. preferential transfer:
      - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
      - ii. for any other reason not stated in Covered Risk 30.
  7. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
  8. Negligence by a person or an entity exercising a right to extract or develop oil, gas, minerals, groundwater, or any other subsurface substance.
  9. Any lien on Your Title for real estate taxes or assessments, imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 9 does not modify or limit the coverage provided under Covered Risk 8.a or 27.
  10. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

**LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 5,000.00

**ATTACHMENT ONE  
(CONTINUED)**

**CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)  
EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
  - a. building;
  - b. zoning;
  - c. land use;
  - d. improvements on the Land;
  - e. land division; and
  - f. environmental protection.This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
  - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
  - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
  - c. that result in no loss to You; or
  - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
  - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
  - b. in streets, alleys, or waterways that touch the Land.This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

**LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 5,000.00

# ATTACHMENT ONE (CONTINUED)

## ALTA OWNER'S POLICY (07-01-2021) EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
  - i. the occupancy, use, or enjoyment of the Land;
  - ii. the character, dimensions, or location of any improvement on the Land;
  - iii. the subdivision of land; or
  - iv. environmental remediation or protection.
- b. any governmental forfeiture, police, regulatory, or national security power.
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.  
Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
  - a. created, suffered, assumed, or agreed to by the Insured Claimant;
  - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - c. resulting in no loss or damage to the Insured Claimant;
  - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
  - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
  - a. fraudulent conveyance or fraudulent transfer;
  - b. voidable transfer under the Uniform Voidable Transactions Act; or
  - c. preferential transfer:
    - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
    - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments, imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

## EXCEPTIONS FROM COVERAGE

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage.**

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

*NOTE: The 2021 ALTA Owner's Policy may be issued to afford either Standard Coverage or Extended Coverage. In addition to variable exceptions such as taxes, easements, CC&R's, etc., the Exceptions from Coverage in a Standard Coverage policy will also include the Western Regional Standard Coverage Exceptions listed as 1 through 7 below:*

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records at Date of Policy but that could be (a) ascertained by an inspection of the Land or (b) asserted by persons or parties in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy.
4. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor, material or equipment unless such lien is shown by the Public Records at Date of Policy.
7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.

# ATTACHMENT ONE (CONTINUED)

## 2006 ALTA OWNER'S POLICY (06-17-06)

### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

*NOTE: The 2006 ALTA Owner's Policy may be issued to afford either Standard Coverage or Extended Coverage. In addition to variable exceptions such as taxes, easements, CC&R's, etc., the Exceptions from Coverage in a Standard Coverage policy will also include the Western Regional Standard Coverage Exceptions listed below as 1 through 7 below:*

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records at Date of Policy but that could be (a) ascertained by an inspection of the Land, or (b) asserted by persons or parties in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy.
4. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor, material or equipment unless such lien is shown by the Public Records at Date of Policy.]
7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.

## Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Not all discounts are offered by every FNF Company. The discount will only be applicable to the FNF Company as indicated by the named discount.

### **FNF Underwritten Title Companies**

CTC - Chicago Title Company  
CLTC - Commonwealth Land Title Company  
FNTC - Fidelity National Title Company of California  
FNTCCA - Fidelity National Title Company of California  
TICOR - Ticor Title Company of California  
LTC - Lawyer's Title Company  
SLTC - ServiceLink Title Company

### **Underwritten by FNF Underwriters**

CTIC - Chicago Title Insurance Company  
CLTIC - Commonwealth Land Title Insurance Company  
FNTIC - Fidelity National Title Insurance Company  
FNTIC - Fidelity National Title Insurance Company  
CTIC - Chicago Title Insurance Company  
CLTIC - Commonwealth Land Title Insurance Company  
CTIC - Chicago Title Insurance Company

### **Available Discounts**

#### **DISASTER LOANS (CTIC, CLTIC, FNTIC)**

The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within twenty-four (24) months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be fifty percent (50%) of the appropriate title insurance rate.

#### **CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC, FNTIC)**

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be fifty percent (50%) to seventy percent (70%) of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be forty percent (40%) to fifty percent (50%) of the appropriate title insurance rate, depending on the type of coverage selected.

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SCALE 1 IN. = 200 FT.



009/56

015/53-2

015/53-1

015/54

015/02

157/02

02-1

LINE 1

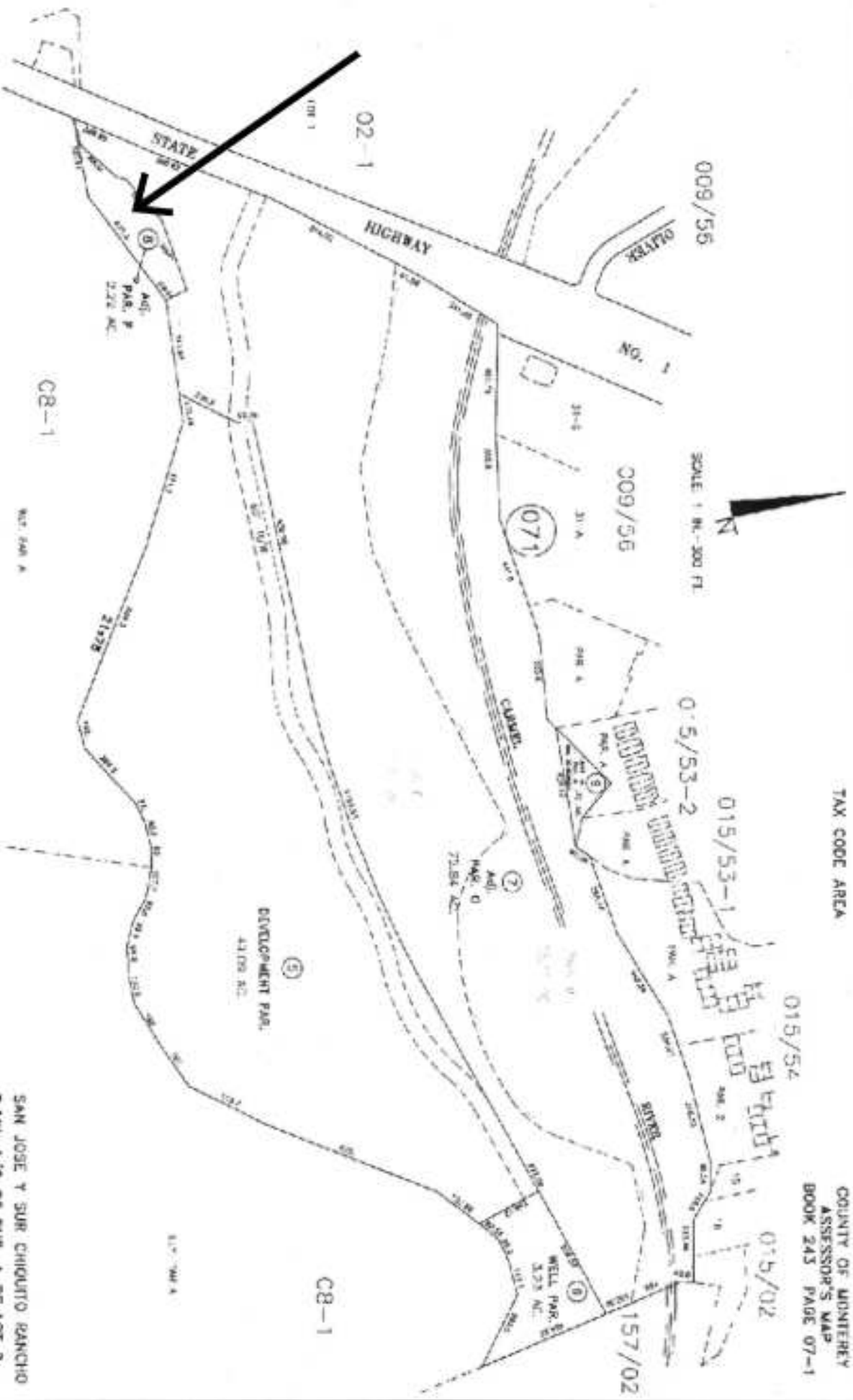
STATE HIGHWAY

02-1

NO. 500 A

SAN JOSE Y SUR CHICOUTO RANCHO  
E. & N. 1/2 OF SUB. A OF LOT 2

THIS MAP IS INTENDED TO BE USED FOR  
PROPERTY TAX ASSESSMENT PURPOSES ONLY



# Addenda H

Recording Requested by and  
When Recorded, Mail to:

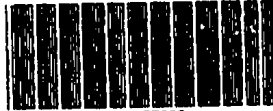
Bruce A. Reeves  
Monterey County Recorder  
Recorded at the request of  
Chicago Title

CRBARBARA  
12/31/1997  
8:00:00

Monterey County Planning and  
Building Inspection Department  
P. O. Box 1208  
Salinas, CA 93902

DOCUMENT: 9777099

Titles: 1 / Pages: 61



Fees...  
Taxes...  
Other...  
AMT PAID

1297-19

## AGRICULTURAL AND OPEN SPACE CONSERVATION EASEMENT DEED

THIS DEED made this 10<sup>th</sup> day of December, 1997, by and between CLINTON EASTWOOD, as his sole and separate property, as to an undivided 1/2 interest and MARGARET EASTWOOD, Trustee of the Margaret Eastwood Trust U/D/T dated August 21, 1990, as to an undivided 1/2 interest, as "Grantor", and the COUNTY OF MONTEREY, a political subdivision of the State of California, and THE BIG SUR LAND TRUST, a California nonprofit public benefit corporation, as "Grantee".

### WITNESSETH:

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

WHEREAS, a portion of the Property of said Grantor meets the criteria of agricultural land as described in the Monterey County General Plan, Zoning Ordinance; and

WHEREAS, Grantor and Grantee desire to preserve and conserve the use of a portion of the Property for agricultural and open space purposes; and

WHEREAS, the Coastal Act ("the "Act") requires that any coastal development permit approved by the Board of Supervisors for the County of Monterey (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

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WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, approved a Coastal Development Permit and a Standard Subdivision (the "Permit") on June 25, 1991 in accordance with the findings contained in the Board of Supervisors Findings and Decision for Application PC-6847, attached hereto as Exhibit "B" and incorporated herein by this reference. Said permit was granted to Grantor requiring *inter alia* that Grantor record an agricultural and open space conservation easement over a portion of the Property and agree to restrict development on, and the use of, a portion of the Property so as to preserve the use of that portion for agricultural and open space purposes; and

WHEREAS, the County has placed the above requirement on the Permit to support a finding that the proposed development is in conformity with the provisions of the certified Local Coastal Program, and that in the absence of the protection provided by this requirement said finding could not be made; and

WHEREAS, Grantor has elected to comply with this requirement and execute this agricultural and open space conservation easement to enable Grantor to undertake the development authorized by the Permit; and

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

WHEREAS, Grantee, by acceptance of this agricultural and open space conservation easement does not, nor does it intend to, waive any of its rights or powers authorized by the Constitution or laws of the State of California.

NOW, THEREFORE, for and in consideration of the premises, the Grantor does hereby grant and convey unto the Grantee, an agricultural and open space conservation easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.

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1. Land Subject to Easement. The land of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is more particularly described in Exhibit "C" attached hereto and incorporated herein by this reference (the "Agricultural Parcel").

2. Restrictions. The restrictions hereby imposed upon the use of said Agricultural Parcel by the Grantor, and the acts which said Grantor shall refrain from doing upon the Agricultural Parcel in connection herewith are, and shall be, as follows:

a. That no use of said Agricultural Parcel, which will or does materially alter the use and preservation of adjacent land for agricultural purposes shall be done or suffered.

b. Structures will not be placed or erected upon the agricultural parcel except (1) those in existence at the time this agricultural easement is executed; (2) appurtenances to the primary use of the agricultural parcel; and, (3) as may be permitted under the Zoning Ordinance of Monterey County. Grantor and Grantee acknowledge that the uses described in Exhibit "B" to this agricultural easement are currently permitted as a matter of right or permitted subject to an administrative permit or a use permit.

c. That no advertising of any kind or nature shall be located on or within said agricultural parcel except as permitted by County ordinance.

3. Exceptions and Reservations. The following are excepted and reserved to the Grantor:

a. The right to construct new, and maintain all existing, private roads, easements, utilities or other subdivision related improvements as shown on the approved Tentative Map attached hereto as Exhibit "D" and incorporated herein by this reference.

b. The right to relocate, replace and maintain existing wells, and to construct new water wells and appurtenances, on the Agricultural Parcel.

c. Use and occupancy of the Agricultural Parcel not inconsistent with the requirements and restrictions herein.

d. The right to withdraw water from the Carmel River subterranean stream flow pursuant to Permit No. 20905 of the State Water Resources Control Board, Division of Water Rights.

e. The right to plant and maintain all or part of the Agricultural Parcel with indigenous grasses or other native vegetation.

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f. The right to use, maintain and re-construct as necessary all structures which are in existence at the time this agricultural and open space conservation easement is executed.

4. Subject to Ordinances. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the ordinances of Grantee regulating the use of land.

5. Benefit and Burden. This grant of agricultural and open space conservation easement shall run with and burden the Agricultural Parcel, and all obligations, terms, requirements, 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 Agricultural Parcel from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the Grantee and its successors and assigns forever.

6. Right of Entry. The Grantee or its agent may enter onto the property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor.

7. 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 Agricultural Parcel contrary to the terms of this offer will be deemed a breach hereof. The County of Monterey ("County") or The Big Sur Land Trust, ("BSLT"), may bring any action in court necessary to enforce this grant of agricultural 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 County and/or BSLT may pursue any appropriate legal and equitable remedies. County or BSLT shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the County or BSLT to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of BSLT's or County's rights regarding any subsequent breach.

8. Liability and Indemnification. Grantor agrees to hold the Grantee harmless against, and to indemnify it for, any liability resulting from injury to persons or damage to property arising out of any act or omission with respect to the use of the Agricultural Parcel, lawful or otherwise, by any person, except for injury or damage proximately caused by the

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negligent or intentional acts of the Grantee or its agents.

9. 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 Grantor and Grantee, whether voluntary or involuntary.

10. Construction of Validity. If any provision of this agricultural easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 10<sup>th</sup> day of December, 1997, at Monterey County, California.

GRANTOR:

*Clinton Eastwood*  
CLINTON EASTWOOD

*Margaret Eastwood*  
MARGARET EASTWOOD, Trustee

GRANTEE:

This is to certify that the Agricultural Conservation Easement Deed set forth above is hereby acknowledged by the Board Chair on behalf of the Monterey County Board of Supervisors pursuant to the action of the Monterey County Board of Supervisors on June 25, 1991 when it granted Coastal Development Permit No. PC-6847 the Monterey County Board of Supervisors consents to recordation thereof by its duly authorized officer.

DATED: Dec 10, 1997

By: *Simon Salinas*  
Simon Salinas, Chair  
Monterey County Board of Supervisors

ATTEST:

DATED: December 10, 1997

By: *Carrie Wilkinson*  
Clerk of Said Board  
Carrie Wilkinson

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APPROVED AND ACCEPTED ON DEC. 10, 1997, at Carmel, California:

THE BIG SUR LAND TRUST, a California nonprofit benefit corporation

By: [Signature]  
MAX CHAPLIN, President

By: [Signature]  
ROD MILLS, Secretary

By: [Signature]  
ZAD ZHAWY, General Manager/General Counsel

(Document Form/Content Acceptable:

[Signature] 12/10/97  
County Counsel, Deputy

[Signature] 12/11/97  
Planning and Building Inspection Department

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF MONTEREY )

On Dec. 10, 1997, before me, Robin K. Jepsen, Notary Public, personally appeared Max Chaplin & Rod Mills, personally known to me (or 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.



WITNESS my hand and official seal.

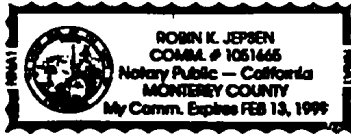
[Signature]

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STATE OF CALIFORNIA )  
 )  
COUNTY OF MONTEREY )

On Dec. 10, 1997, before me, Robin K. Jepsen, Notary Public, personally appeared Zad Leavy, personally known to me (or 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.

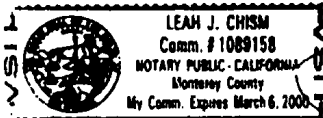


WITNESS my hand and official seal.

*Robin K. Jepsen*

STATE OF CALIFORNIA )  
 )  
COUNTY OF MONTEREY )

On DEC. 10, 1997, before me, LEAH J. CHISM, Notary Public, personally appeared CLINTON EASTWOOD, personally known to me (or 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.



WITNESS my hand and official seal.

*Leah J. Chism*

STATE OF CALIFORNIA )  
 )  
COUNTY OF MONTEREY )

On DEC. 10, 1997, before me, LEAH J. CHISM, Notary Public, personally appeared MARGARET EASTWOOD, personally known to me (or 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.



WITNESS my hand and official seal.

*Leah J. Chism*

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EXHIBIT "A"

PARCEL I:

Certain real property situate in Rancho San Jose y Sur Chiquito, County of Monterey, State of California, particularly described as follows:

Beginning at the intersection of the Southeasterly line of California State Highway No. 1 with the Southerly boundary of that tract of land awarded to Kate H. Hatton, et al, in Superior Court Action No. 3862, dated February 8, 1904 as described in that certain Deed dated March 28, 1932 and recorded in Volume 342 of Official Records of Monterey County at Page 110; thence along said Highway Line,

- (1) S. 33° 52' 30" W., 474.48 feet; thence
- (2) S. 34° 26' 50" W., 500.00 feet; thence
- (3) S. 34° 18' 30" W., 400.00 feet; thence
- (4) S. 15° 30' 40" W., 388.95 feet to a point on the Northerly boundary of that certain parcel described in deed from Elizabeth Ann Oliver to Sidney W. Fish, dated April 28, 1927 and recorded in Volume 111 of Official Records of Monterey County at Page 284. Said point also lying on that certain Course No. 14 of above said Parcel; thence leaving said highway line and running along said course and boundary.
- (5) S. 88° 16' E., 297.91 feet to the Easterly terminus of said course; thence continuing along said Northerly boundary,
- (6) N. 65° 58' E., 471.3 feet; thence
- (7) S. 85° 27' E., 447.4 feet; thence
- (8) S. 61° 03' E., 471.1 feet; thence
- (9) S. 56° 03' E., 684.5 feet; thence
- (10) N. 86° 27' E., 102.0 feet; thence
- (11) N. 59° 54' E., 269.5 feet; thence
- (12) N. 75° 37' E., 77.0 feet; thence
- (13) N. 88° 51' E., 86.9 feet; thence
- (14) S. 79° 08' E., 82.0 feet; thence
- (15) S. 67° 42' E., 107.7 feet; thence
- (16) S. 48° 34' E., 93.8 feet; thence
- (17) S. 62° 37' E., 99.5 feet; thence

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- (18) S. 81° 13' E., 99.8 feet; thence
- (19) S. 89° 06' E., 110.8 feet; thence
- (20) N. 70° 27' E., 160.0 feet; thence
- (21) N. 67° 49' E., 197.0 feet; thence
- (22) N. 39° 04' E., 313.7 feet; thence
- (23) N. 33° 43' E., 672.0 feet; thence
- (24) N. 49° 40' E., 282.5 feet; thence
- (25) N. 78° 57' E., 95.2 feet; thence
- (26) N. 87° 05' E., 117.1 feet; thence
- (27) S. 51° 18' E., 293.5 feet to a point on the boundary common to both Rancho El Potrero de San Carlos and Rancho San Jose y Sur Chiquito; thence leaving said Northerly boundary and running along said common boundary and the Northerly prolongation thereof.
- (28) N. 10° 44' 55" W., 767.3 feet to a 6" x 6" post marked "SC4.WP" as described in last said deed; thence continuing along said boundary of Rancho El Potrero de San Carlos.
- (29) N. 18° 29' E., 42.8 feet to an intersection with the Southerly boundary of said Parcel of land awarded to Kate H. Hatton, et al, in Superior Court Action No. 3862; thence leaving last said rancho boundary and running along said Southerly boundary.
- (30) N. 78° 16' W., 222.7 feet; thence
- (31) N. 47° 00' W., 118.8 feet; thence
- (32) N. 57° 15' W., 13.55 feet to the most Easterly corner of that certain Parcel 1 as described in deed from W.B. Dickman, et al, to Dick L. Kolbus, et ux, dated December 13, 1971 and recorded December 22, 1971 in Reel 742 of Official Records of Monterey County at Page 1031; thence leaving last said Southerly boundary and running along the Southerly line of said Parcel 1,
- (33) N. 78° 00' W., 100.00 feet; thence
- (34) S. 89° 00' W., 320.00 feet; thence
- (35) S. 84° 00' W., 236.00 feet; thence
- (36) S. 71° 00' W., 350.00 feet; thence
- (37) S. 83° 00' W., 399.54 feet to the most Westerly corner of said Parcel 1, as

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said corner also being a point on said Southerly boundary of said Parcel awarded to Kate H. Hatton, et al; thence leaving said Southerly line and running along said Southerly boundary,

(38) S. 46° 37' W., 61.26 feet; thence

(39) N. 64° 06' 30" W., 110.6 feet; thence

(40) N. 37° 20' W., 165.00 feet to a point on the Southerly Patent Survey boundary of Rancho Canada de La Segunda, as shown on that certain map entitled "Partition Map of Hatton Property in Rancho Canada de La Segunda", a copy of which map is attached to the certified copy of order granting consent to partition, recorded March 17, 1927 in Volume 109 of Official Records of Monterey County at Page 1; thence leaving said boundary of said Parcel awarded to Kate H. Hatton, et al, and running along said Patent Survey boundary,

(41) S. 56° 45' W., 327.4 feet to "C.S. 26" as shown on said partition map; thence

(42) N. 83° 00' W., 303.6 feet to the most Easterly corner of first said tract of land awarded to Kate H. Hatton, et al; thence leaving said Patent Survey boundary and running instead along said Southerly boundary of said tract,

(43) S. 83° 30' W., 441.5 feet; thence

(44) N. 80° 22' W., 315.5 feet; thence

(45) N. 76° 30' W., 400.0 feet; thence

(46) N. 63° 25' W., 130 feet, more or less, to the point of beginning.

EXCEPTING any portion of the described property within the natural bed of the Carmel River below the line of Ordinary High Water where it was located prior to any man-made or avulsive changes in the shoreline.

PARCEL II:

A non-exclusive appurtenant easement for ingress and egress, over a strip of land 20 feet wide, lying contiguous to an Easterly of that certain line, situate in the Rancho Canada de La Segunda, County of Monterey, State of California, particularly described as follows:

Beginning at the Southwestern corner of Rio Road, as said corner and road are shown on that certain map entitled "Tract No. 443, Carmel Rancho No. 2", filed in Volume 1 of Maps, "Cities and Towns", at Page 105, Monterey County Records, running thence along the Western boundary of Parcel "D", as said boundary and parcel are shown on that certain "Record of Survey of Lot 15, Hatton Partition, in Rancho Canada de La Segunda, Monterey County, California" filed in Volume 5 of Surveys, at Page 154, Monterey County Records,

(1) S. 1° 36' 28" W., 803.93 feet to the Southwestern corner of said Lot "D".

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The aforesaid non-exclusive easement is and appurtenance to the following described Parcel of land:

Certain real property situate in Rancho San Jose y Sur Chiquito, County of Monterey, State of California, particularly described as follows:

Beginning at a 4" x 4" post marked "SC, MCA, EGH", standing at the Southwest corner of Lot D, as said post, corner and lot are shown on that certain map entitled "Record of Survey of Lot 15, Hatton Partition in Rancho Canada de La Segunda", filed in Volume 5 of Surveys, at Page 154, Monterey County Records; running thence along the Southerly line of said lot,

- (1) N. 58° 21' 39" E., 272.17 feet to an iron pipe; thence
- (2) S. 35° 42' 30" E., 166.15 feet to an iron pipe; thence
- (3) S. 62° 29' E., 75.86 feet; thence leaving said line,
- (4) S. 82° 15' W., 518.92 feet; thence
- (5) S. 71° 01' W., 140.69 feet; thence
- (6) S. 69° 23' 30" W., 105.63 feet; thence
- (7) S. 62° 23' 30" W., 102.28 feet; thence
- (8) S. 84° 00' W., 163.97 feet; thence
- (9) N. 70° 30' W., 248.61 feet; thence
- (10) N. 57° 17' W., 123.71 feet; thence
- (11) N. 59° 57' W., 272.22 feet; thence
- (12) N. 55° 30' W., 107.90 feet to a point on the Southerly line of Lot 17, Hatton Partition, as said line and lot are shown on that certain map entitled, "Partition Map of Hatton Property in Rancho Canada de La Segunda", a copy of which map is attached to the certified order granting consent to partition, recorded March 17, 1927 in Volume 109 of Official Records of Monterey County at Page 1; thence running along said line of said Lot 17,
- (13) S. 74° 42' E., 189.92 feet (shown as S. 76° 30' E., on said Partition Map); thence
- (14) S. 78° 34' E., 316.61 feet (shown as S. 80° 22' E., 315.5 feet on said Partition Map); thence
- (15) N. 85° 21' 12" E., 442.80 feet (shown as N. 83° 30' E., 441.5 feet on said Partition Map); thence

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(16) S. 81° 19' 48" E., 303.63 feet (shown as S. 83° 00' E. 303.6 feet on said Partition Map); thence

(17) N. 58° 21' 39" E., 44.60 feet (shown as N. 56° 45' E., on said Partition Map) to the point of beginning, and being a portion of said Rancho San Jose y Sur Chiquito.

A.P. No. 243-071-002

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**EXHIBIT "B"**

**BOARD OF SUPERVISORS  
COUNTY OF MONTESUMO, STATE OF CALIFORNIA**

**A.P. # 243-071-02**

**FINDINGS AND DECISION**

In the matter of the application of Coast Ranch (7C-6847)  
The Board of Supervisors, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located on Subdivision A of Lot 2, Rancho San Jose Y Sur Chiquito, Carmel area, fronting on and easterly of State Highway 1, Coastal Zone. The Coastal Development Permit and Subdivision came on regularly for hearing before the Planning Commission on September 26, 1990, March 27, 1991, January 9, 1991, April 24, 1991 and May 8, 1991. After considering the evidence presented by staff and the public testimony introduced at the hearings and after discussion, on June 25, 1991, the Board of Supervisors makes the following findings:

**FINDINGS OF FACT FOR APPROVAL OF THE COAST RANCH COMBINED**

**DEVELOPMENT PERMIT**

1. Finding: The proposed development consists of a Coast Development Permit and a Standard Subdivision to allow the division of a 134.2 acre parcel into the following parcels: 1) a residential use parcel of 48.7 acres containing a subdivision of 76 lots, 2) several parcels of open space totaling 36.3 acres and an agricultural parcel of 52.2 acres. The proposed development will also include inclusionary housing as required by Inclusionary Housing Ordinance. The proposed development will require extensive grading in order that the floor level of proposed habitable structures be at least one foot above the 100 year frequency flood.

The site, is located near the mouth of Carmel Valley and is bounded by Highway One on the west and Carmel River on the north. Currently approximately 90 acres of the site is in agricultural production, 26.2 is in the riparian area, 8.4 in soil stockpile area, 9.6 in roads and agricultural housing and processing area. A flood control levee extends along the south side of the Carmel River between Highway One and the eastern project boundary. Two walls for agricultural use are located just south of the river. One is currently used for irrigation of the artichoke fields on the site.

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Evidence: 1) The application and plans submitted for a Combined Development Permit. 3) Planning Department EIR file No. 87-011 and (PC-6847) Supplemental analysis to EIR 87-011.

A. EVIDENCE FOR CORRECTION OF FINAL EIR 87-011 PREPARED FOR THE COAST RANCH COVERED DEVELOPMENT PERMIT (PC-6847).

1. Finding: That an Initial Study conducted by the County of Monterey upon application for the subdivision, coastal development and use permits needed to approve this project, indicated the potential for a significant environmental impact and that an environmental impact report should be prepared, CEQA Guideline, Section 15063.

Evidence: Initial Study dated November 2, 1987 contained in Planning Files and Subdivision file PC-6847 in Salinas, California.

2. Finding: That findings of significance required the preparation of an EIR.

Evidence: The Initial Study in EIR file 87-011 and the Applicant/County contract signed by Bruna Odello, Applicant dated March 1988 and amended by contract February 20, 1990. All documents in planning file EIR 87-011, Monterey County Planning and Building Inspection Department, Salinas, California 93901.

3. Finding: That the EIR process has been followed pursuant to CEQA Guidelines and Monterey County processes.

A Notice of Preparation was required and was filed pursuant to CEQA Guidelines Section 15062. Evidence: Notice of Preparation and Responses in EIR File 87-011.

There has been early public consultation pursuant to CEQA Guideline 15063.

Evidence: The Scope of Work and the Draft EIR indicate that early contacts were specified and that the Consultant contacted these people prior to preparation of the Administrative Draft EIR. See Administrative Draft EIR 87-011 in EIR 87-011 file in County Planning Department files in Salinas, California. The County had the EIR prepared under contract pursuant to CEQA Section 15064 d(2).

Evidence: Contracts in EIR File 87-011.

The County independently reviewed the EIR prepared under contract CEQA 15064e.

Evidence: Letter returning the Administrative Draft EIR with correction for conversion to a Draft EIR dated August 2, 1988.

A Letter of Completion accompanied the Draft EIR circulation, the State was notified as required by CEQA Section 15065.

Evidence: Letter to State Clearinghouse, a CA-189 Form, in EIR File 87-011.

Notification requirements for the EIR were met as required by CEQA Section 15067.

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Evidence: Copies were sent to local libraries and availability was posted locally in Carmel and advertised. Notices and newspaper articles are in EIR File 87-011.

Comments were reviewed by the County staff and forwarded to the Consultant for construction of a Final Draft EIR ready for certification.

Evidence: Package of Comments returned to Consultant in EIR File 87-011.

The Comments and Responses were incorporated into the Draft Final EIR as required by 15046 of CEQA Guidelines.

Evidence: Final EIR dated June 1990.

4. Finding: That the EIR contents are as required by CEQA.

The EIR contains the Table of Contents required by CEQA Section 15123.

Evidence: Page i of the Final EIR.

The EIR contains a Summary (CEQA 15123) and the summary itemizes Mitigation Measures and Alternatives, areas of controversy and issues to be resolved.

Evidence: See Pages 5-1 through 5-6 of the Final EIR.

The Final EIR contains the Project Description required by 15124 of CEQA Guidelines, Environmental Setting (15125), discusses environmental impact (15126), including significant impacts, impacts to be avoided and Mitigation Measures for minimizing those impacts as well as Alternatives (15126d), organizations and persons consulted (15129), and Cumulative Impacts (15130).

Evidence: See Final EIR Pages 1-186.

5. Finding: That the items required in the Final EIR are all present as required by CEQA Section 15122.

Evidence: The entire Draft EIR is incorporated with changes to the Draft clearly marked in the Final EIR. Also, the comments of the Consultant are on Pages 1 through 90, Appendix A represents the list of all comments verbatim received on the Draft EIR and the EIR is on file in PC-6847 at the Monterey County Department of Planning and Building Inspection in Salinas, California.

6. Finding: That the EIR meets requirements of CEQA Section 15151 in providing a sufficient level of detail to enable the decision-makers to reach a reasoned conclusion about the environmental effects of the project.

Evidence: The text of the EIR corresponds to the project application in Planning Department File PC-6847 and agrees with the natural environment as viewed by the Planning Staff in the field on January 7, 1991.

7. Finding: That the EIR process included proper public participation and included adequate time for review and comment.

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**Evidence:** The EIR was available for 45 days from December 1, 1989 until January 16, 1990, and the Supplemental Analysis was available for 45 days from January 14, 1991 to March 4, 1991. The review was posted and legally advertised. (See Notices in EIR Files # 87-011).

8. **Findings:** That the Board of Supervisors finds that the EIR for Coast Ranch project PC-6847 has been completed in compliance with CEQA Section 15091 and used to review and consider the project in its environmental aspects as required by CEQA Section 15091.

**Evidence:** 1) Statements of the Planning Commission on tapes of the March 27, 1991 and 2) minutes of May 28, 1991 Board of Supervisors meeting and 3) the other seven above mentioned findings.

9. **FINDINGS FOR APPROVAL OF THE TENTATIVE MAP FOR COAST RANCH SUBDIVISION**

1. **Findings:** That the Tentative Map is consistent with the Carmel Area Land Use Plan, Coastal Implementation Plan and Title 19 (Subdivision Ordinance).

**Evidence:** 1) Regulation for development in a Medium Density Residential 3 acre/unit Special Treatment and Coastal Agricultural preservation or MDR/3 SpTR (OS) and CAP(OS) found in Chapter 20.112 and Chapter 20.120 of the Coastal Implementation Plan. 2) Policy analysis prepared by staff in conjunction with initial review, contained in Planning Commission File PC-6847, and policy analysis prepared by EIR Consultant in Pages 14 through 157 of the Final EIR 3) Letter from Donald G. Hubbard to Nick Chinios, Chief of Planning Services, Monterey County Planning and Building Inspection Department, dated December 20, 1990.

2. **Findings:** That the project has received environmental analysis prior to Tentative Map consideration as required by County Code Section 19.03.025B(2).

**Evidence:** The Subdivision File for PC-6847 shows that EIR 87-011 was submitted to all required hearing bodies: the Subdivision Committee, the Planning Commission and Monterey County Board of Supervisors. Findings 1 - 8 of this Exhibit describe the environmental review of this project.

3. **Findings:** By providing 12 inclusionary units on the site, in the form of 6 existing farm labor units that will be rehabilitated by the applicant and 6 units that will be incorporated into the 76 lot subdivision, the project will be in compliance with the requirements of the Inclusionary Housing Ordinance. The units will be in addition to the 76 lot subdivision because the units will be built on-site.

**Evidence:** Discussion at Planning Commission hearing on March 27, 1991, April 24, 1991 and May 8, 1991 and Monterey County Board of Supervisors on May 28, 1991.

**Evidence:** Plans submitted as Alternative A-1 in Planning Commission File PC-6847.

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**C. COASTAL ACT AND COASTAL PLAN FINDINGS**

1. **Finding:** The project, as described in the application and accompanying materials, and as conditioned, conforms with the plans, policies, requirements, and standards of the Monterey County Local Coastal Program.  
**Evidence:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with 1) the certified Carmel Land Use Plan, and 2) the certified Monterey County Coastal Implementation Plan regulations for Medium Density Residential/Special Treatment (MDR/SP TR) (CZ) Districts in the Coastal Zone, and 3) Chapter 20.146 of the Monterey County Coastal Implementation Plan regulations for development in the Carmel Land Use Plan Area.
  
2. **Finding:** The property is governed by the policies of the Carmel Area Land Use Plan and County of Monterey Coastal Program. The Carmel Area Local Coastal Program provides specific policies on visual resources, environmentally sensitive habitat, water and marine resources, geologic hazards, transportation and land use and development, which apply to this proposed development.  
**Evidence:** Monterey County General Plan and Monterey County Carmel Area Land Use Plan, Local Coastal Program (Adopted by the Monterey County Board of Supervisors October 19, 1982.) Governing policies of the Monterey County General Plan include, but are not limited to, the following: Policies for Natural Resources; Open Space Conservation, pp. 16, Soils Conservation, pp. 17 and 18, Preservation of Agricultural Lands, pp. 18 and 19, Water Resources, pp. 19 and 20, Vegetation and Wildlife Habitats, pp. 20 - 22, Environmentally Sensitive Areas, pp. 23 and 24, Archaeological Resources, pp. 24, and Energy Resources, pp. 25 and 26. Policies for Seismic and Geologic Hazards, pp. 35 - 38, including Figure 6, 100-Year Flood Plain. Policies for Flood Hazards and Other Hazards, pp. 50 - 58. Policies for Air and Water Quality, pp. 68 - 71. Policies for Noise Hazards, pp. 77 - 79. General Land Use Policies, pp. 97 - 105, Holding Capacity and Zoning Policies, pp. 108 - 109, Transportation Policies, pp. 117 - 125, Public Service and Facilities Policies, pp. 131 - 141, Housing Policies, pp. 147 - 152 and County Land Use Plan Map, pp. 155, and Land Use Designations, pp. 154 - 160.  
**Evidence:** Governing Policies of the Carmel Area Local Coastal Program include, but are not limited to, the following: Key Policy 2.2.2 and General Policies 2.2.3. Specific Policies 2.2.4. Environmentally Sensitive Habitat General Policies 2.2.3. Specific policies on Riparian Corridor (2.2.3) and Recommended Actions (2.2.3). Water Resources Key and General Policies 2.4.2 and Specific Policies 2.4.4. Agricultural Policies 2.6.2, 2.6.3, and 2.6.4. Hazards Key, 2.7.1, 2.7.2, 2.7.3, and 2.7.4 General and Specific Policies. Archaeological Resources Policies 2.8.2 and 2.8.3. Transportation Policies 2.2.3, Water Supply Policies 3.2.3. Wastewater Treatment Facilities Policies 3.3.3. Land Use and Development Objectives 4.4, and Policies. (Land Use and Development Key and General Policies.

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Specific Policies. Special Treatment Policies and Development of Large Properties and Ranches, Land Use Map Policies and Map, Figures 1 and 2.) Public Access Policies, 5.3.2 (Figure 3.)

3. **Finding:** The Monterey County General Plan, Carmel Area Land Use Plan and Coastal Implementation Plan provide protective land use policies to govern the development of the Odello property.  
**Evidence:** Monterey County General Plan and Monterey County Carmel Area Land Use Plan, Local Coastal Program (Adopted by the Monterey County Board of Supervisors on October 19, 1982, Certified by the California Coastal Commission on April 14, 1983; Amended by the Monterey County Board of Supervisors on October 23, 1984; and Amended and Certified by the California Coastal Commission on January 23, 1985.)
4. **Finding:** The project is consistent with the Carmel Area Land Use Plan policies identified above. The project, however, proposes a lower density than is currently allowed under the LUP (76 residential single-family lots have been proposed on the 134-acre site, a maximum of 162 units are allowed under the LUP and special treatment zone). The Carmel Area Land Use Plan presents a range of policies in the areas of resource management, public services, land use and development, and public access. A review of these policies was made to determine how the project as proposed is consistent with this Plan.  
**Evidence:** The Resource Management component of the Plan presents policies regarding visual resources, environmentally sensitive habitats, water and marine resources, forestry and soil resources, agriculture, hazards and archaeological resources.
5. **Finding:** The proposed development is consistent with Section 30251 of the Public Resources Code because the development protects a significant portion of the open vista of Odello-East, and the development of the commercial area has been deleted in order that the development will not detract from the natural slopes of Palo Corona. Carmel LUP Policies 2.2.3.1, 2.2.3.4 and 2.2.3.6 and 2.2.3.10C are sufficient to adequately protect the scenic resources of the project and mitigate any adverse visual impacts to the extent feasible. The plan's protection of critical open vistas, the project's deletion of a significant amount of development within the critical viewshed, (essentially maintaining the existing viewshed on 900 feet fronting Highway 1) and the applicable policies of the LUP (including the requirement for design review of all structures) results in conformance with sections 30251 and 30252(9).  
**Evidence:** Final Certified EIR 87-011, Tentative Map and Conditions of Approval for the Subdivision.
6. **Finding:** The project is consistent with visual resources policies of the LUP (2.3).  
**Evidence:** The visual resources policy in the Carmel Area Land Use Plan indicates all future development within the identified viewshed must "harmonize" and be "subordinate to the natural scenic character of the area." A corridor along Highway 1 on the east and a large portion of the riparian area of the project site are located within the coastal

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viewshed. The Carmel Area Land Use Plan states that all development "must conform to the basic viewshed policy of minimum visibility" except where otherwise indicated in the Plan. The visual survey prepared for the project by the EIR indicates that homesites could be visible from Highway One in the mid-range view. The FEIR proposes guidelines and requirements designed to mitigate visual impacts. Mitigation measures include specific architectural and design requirements, landscaping of a buffer area along the proposed access road and between the residential portion of the project and Highway 1, and Architectural Board review and approval. With the mitigation measures proposed for the project, impacts to the public viewshed will be mitigated.

7. **Finding:** The proposed development has been sited and designed to identify and protect onsite and adjacent environmentally sensitive areas and to protect rare and endangered species in compliance with Section 30240 of the Public Resources Code. The area of the development is substantially disturbed agricultural land with little value for wildlife habitat. The environmentally sensitive riparian area will not be disturbed by the development of the residential units, located a minimum of 500 feet from the edge of the riparian. Additional plantings will be developed to enhance a wildlife corridor on the site.
- Evidence:** Certified Final EIR 87-011, Tentative Map and conditions of approval for this subdivision.
8. **Finding:** The project is consistent with Environmentally Sensitive Habitat Policies of the Plan (2.3).
- Evidence:** The Environmentally Sensitive Habitats section of the Carmel Area Land Use Plan identifies the Carmel River corridor as an environmentally sensitive habitat both as riparian corridor and sensitive habitat. No potential areas of rare, endangered or sensitive plants were identified in the Final EIR. The biotic report prepared for the EIR indicates the presence of no endangered or listed species. The biotic report also indicates that the proposed homesites are located primarily on agricultural land areas and no impacts upon sensitive plant habitats are anticipated. The project proponent plans to retain all undeveloped property (+88 acres) in agricultural use/open space, which would protect on-site habitats, including designated environmentally sensitive habitat area of the riparian corridor.
9. **Finding:** The proposed development is consistent with Section 30231 of the Public Resources Code which requires the maintenance of the quality of coastal waters. The development plans call for the onsite containment sedimentation of runoff. The project will be serviced by the Carmel Area Wastewater District (CAND) and such service is conditioned upon the annexation of the property to the CAND.
- Evidence:** Certified Final EIR 87-011, Tentative Map and conditions of approval for this subdivision.
10. **Finding:** The project is consistent with Water and Marine Resources Policies of the Plan (2.4).

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**Evidence:** The Water and Marine Resources portion of the Carmel Area Land Use Plan seeks to protect water quantity and quality, wildlife and fish habitat, and recreational and scenic values. Project homesites are situated over 400 feet from Carmel River; therefore these impacts are minimal. Runoff and erosion impacts are to be mitigated through implementation of proper erosion control and drainage plans. The specifics of these plans have been developed for the project (Whitson Engineers, 1989 Erosion Control Report and Drainage Plan). Soils investigations have been prepared and are part of the mitigation measures proposed by the soils engineer and consulting geologist in the EIR.

11. **Finding:** The proposed development is in conformity with Public Resources Code 30250 in that there are adequate public services available and the development will not have a significant adverse impact on coastal resources. The subdivision is also consistent with the adopted land use plan for the county.

**Evidence:** Certified Final EIR 87-011, Tentative Map and conditions of approval for the subdivision.

12. **Finding:** The project is consistent with the Public Service Policies of the Plan (3.2 and 3.3).

**Evidence:** The project will be served by the California-American Water Company. Written verification of water availability for the proposed project has been made. On-site wells will continue to be used for the agricultural operations; a hydrologic report which discusses certifying the net water savings from this project has been prepared. This report must be approved and accepted by the Division of Environmental Health and Monterey Peninsula Water Management District prior to the filing of the final map. Water conservation measures and use of native landscaping have been incorporated into the project plans as mitigations of the EIR and conditions of project approval. There is a net savings of water by a change from agricultural to residential uses of 80 acre feet/year.

13. **Finding:** The proposed development is consistent with Sections 30253(1) and (2), 30259 and 30274 of the Public Resources Code in that it avoids development in high hazard areas, adequately mitigates erosion and geologic hazard impacts, and allows for the provision of a necessary area-wide Flood Control Project on the project site.

**Evidence:** Certified Final EIR 87-011, Conditions of Approval for the Subdivision and Covenant of Easement in gross with the Monterey County Water Resources sited in Condition 71.

14. **Finding:** The project is consistent with the Hazards Policies of the Plan (3.7).

**Evidence:** In regard to the Hazards Section of the Plan, the applicant has had geotechnical and soils reports prepared by qualified professionals, as required in the Land Use Plan. The soils report provided recommendations for site development, grading and erosion and drainage control. Adequate erosion control will also be required per the Erosion Control Report. On-site geologic hazards were identified with regard to slope stability and seismic hazards from possible liquefaction. The geologic report presents recommendations for protection against hazards, including locations for the homesites in areas of least geologic

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hazard. The project will be consistent with these policies.

15. **Finding:** The proposed development is consistent with Section 30244 of the Public Resources Code which requires reasonable mitigation of any adverse impact upon archaeological resources. The project site was subjected to an archaeological reconnaissance and secondary field investigation. Adequate mitigations in accordance with CEQA requirements are incorporated into the project.
- Evidence:** Certified Final EIR 87-011, Tentative Map and conditions of approval for this subdivision.
16. **Finding:** The project is consistent with archaeological Policies of the Plan (3.8).
- Evidence:** The archaeological resource section of the Carmel Area Land Use Plan applicable to the proposed project requires an archaeological report to identify and mitigate impacts to on-site resources. An archaeological survey was completed, and mitigation measures presented to mitigate potential on-site resources were identified.
17. **Finding:** The proposed development is consistent with Section 30254 of the Public Resources Code. Highway One is experiencing capacity problems and this condition may be exacerbated by this development. However, the Board of Supervisors finds that the additional traffic from this subdivision can be considered a consequence of the necessary flood control project which is made possible by the approval of the development. Thus, on balance consistency with Section 30007.5 is achieved, as flood control, as made possible by this project, is more protective of significant coastal resources than lower traffic (as applicable Sections 30250a and 30254 would require) and those mitigations which are feasible to reduce traffic impacts have been required for this subdivision.
- Evidence:** Certified Final EIR 87-011, and conditions of approval for this project (87, 43-50).
18. **Finding:** The project is consistent with Public Services Transportation Policies of the Plan (3.1).
- Evidence:** The Public Service section of the Land Use Plan presents policies regarding transportation, water supply and wastewater treatment facilities. Relative to transportation policies, the project proposes construction of a new access road from Highway 1. Although the residential portion of the project may not be a priority use, the remainder of the uses are. Furthermore, the project affords the opportunity for the County of Monterey to implement its long needed flood control project and the California Coastal Commission found that "flood control, as made possible by the LUP, is more protective of significant coastal resources than lower traffic... because flood control involves protecting natural and man-made resources, while traffic reduction only indirectly affects such resources." Finally, project traffic impacts upon the highway have been reviewed in the EIR, and the impacts are expected to be mitigated by: Mitigation measures in the final EIR, mitigations discussed in the supplemental analysis, applied conditions and the residential only reduced project alternative.

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19. **Finding:** The proposed development is consistent with Public Resources Code Section 30212.8 which requires parking be located so as to mitigate adverse impacts. The project has been reduced in size and a portion of the project (the commercial uses and parking area) has been deleted, which avoids adverse impacts.
- Evidence:** Certified Final EIR 87-011, revised Tentative Map for this project.
20. **Finding:** The project is consistent with the land use and development policies of the Plan (4.1 through 4.6).
- Evidence:** The Land Use Development section of the Plan presents specific policies regarding viewshed and protection of the scenic quality east of Highway 1 is emphasized in the Plan. As such, a key policy is that new development be "consistent with and subordinate to the foremost policy of protecting the area's scenic beauty and natural resource values." The project is consistent with all resource policies. Proper siting, design and mitigation can protect scenic resources as outlined in the previous discussions and in the following viewshed analysis. In addition, the project can meet all land development criteria outlined in the Plan. (See letter from Donald G. Hubbard to Nick Chiulo, Chief of Planning Services, Monterey County Planning and Building Inspection Department, dated December 20, 1990). Water availability is documented.
- Evidence:** The proposed land use density and layout is consistent with Plan designations. The property is designated as a "Special Treatment" area in the Plan in order to allow among other things, the future use of part of the property for a flood way. Project density and development location are specified. The "Special Treatment" designation of the project property defines and limits project density. The project is consistent with the proposed land use densities, and in fact proposes fewer units than the number that is allowed. The Plan shows the developable portion of the project on 84 acres of the site in the southerly portion.
21. **Finding:** The proposed development provides for a dedicated easement to provide public access in conformity with public access and public recreational policies contained in Public Resources Code Section 30216.
- Evidence:** Certified Final EIR 87-011, and conditions of approval for this subdivision.
22. **Finding:** The project is consistent with the public access policies of the Plan (5.3).
- Evidence:** The public access policy section of the Plan deals with public access across the site. The dedication of a public access easement is planned along the levee on the south side of the Carmel River, consistent with the LUP.
23. **Finding:** The proposed development is consistent with Section 30241 of the Public Resources Code and the Board of Supervisors finds that the balancing Section of 3000 7.8 applies in this case, since flood control, as made possible by the proposed project, is more protective of significant coastal resources than retaining a greater portion of Odele lands in agricultural use.
- Evidence:** Certified Final EIR 87-011, Tentative Map and conditions of approval for the subdivision.

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**D. FLOOD CONTROL FINDINGS**

1. **Finding:** The Board of Supervisors adopted Resolution #85-396 supporting a flood control project on the lower Carmel River and citing findings that a flood hazard exists in the lower Carmel River, there was potential for loss of life and property along the river, and that a flood control project is necessary to alleviate this danger.  
**Evidence:** Board of Supervisors Resolution #85-396, dated June 25, 1986.
2. **Finding:** The California Coastal Commission approved the Land Use Plan, among other reasons, "because of overriding considerations to implement the flood control project envisioned by the County..."  
**Evidence:** Findings adopted by the California Coastal Commission on July 8, 1986 and attached hereto as Exhibit D.
3. **Finding:** The County of Monterey supports a proposed Flood Mitigation project for the lower Carmel River.  
**Evidence:** Draft Carmel Valley Master Plan, October 1985, as revised by the Planning Commission and recommended for approval to the Board on November 12, 1986, and adopted by the Board of Supervisors on December 16, 1986.
4. **Finding:** The Nolte Report, a report completed by Nolte Engineers analyzing potential solutions to the flood hazard problems in the lower Carmel Valley prepared for the Monterey County Flood Control and Water Conservation District, considered alternative projects for river protection and flood control. All alternative projects were analyzed in lowering of the levee on the Odello property and the flooding of a major portion of the property during severe storms in order to provide critical flood protection for the development areas surrounding the Odello site and downstream from the property. This study, accepted by the Monterey County Flood Control and Water Conservation District cites flooding of the Odello property as a preferred plan to protect the large residential and commercial areas of Mission Fields and the Rio Road area from potential flooding.  
**Evidence:** George Nolte and Associates, Flood Hazard Mitigation Study for the Lower Carmel River prepared for the Monterey County Flood Control and Water Conservation District, July 1981 and updated in October 1984. Administrative EIR prepared for the Rancho Odello Subdivision and Rezoning, County EIR # 84-011, prepared for the County of Monterey, October 1984, on file with the Monterey County Planning and Building Inspection Department. Coast Ranch EIR, County EIR # 87-011, prepared for the County of Monterey, June 1990, on file with the Monterey County Planning and Building Inspection Department.
5. **Finding:** Development of the property under the Carmel Area Land Use Plan supports the continued agricultural production on the land.

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**Evidence:** General Policies 2.6.2, of the Carmel Area Land Use Plan Local Coastal Program (Adopted by the Monterey County Board of Supervisors October 19, 1982.) Testimony presented by Phillip Darst of John Harroff and Associates at the September 1990 Planning Commission hearing.

**E. ENVIRONMENTAL FINDINGS**

1. **Finding:** Development of the Odello property in conformity with the proposed plan will result in a reduction in post-project water usage compared to existing agricultural water usage.

**Evidence:** Correspondence from Lee & Pierce Engineers, dated January 15, 1990, and submitted to Monterey County Planning and Building Inspection Department. Planning Commission Minutes and tapes from October 8, 1986 and September 26, 1990 on file in Monterey County Planning and Building Inspection Department, Salinas, California.

2. **Finding:** There is no significant potential impact to the air quality of the area from increased emissions from added vehicular traffic from the Odello project and the project is consistent with the Air Quality Management Plan.

**Evidence:** Final EIR prepared for the Coast Ranch Project, EIR # 87-011, prepared for the County of Monterey Planning Department. Letter from the Association of Monterey Area Governments (ANRAG), dated December 3, 1990.

3. **Finding:** That the Coast Ranch project will have a cumulative adverse impact upon the area road system; specifically in the Highway One corridor and at the intersections of Highway One and Carmel Valley Road and Rio Road. Mitigation Measures 1, 2, 3, 4, and 5 on pages 109 through 111 in the Final EIR, the mitigation discussed in the Supplemental Analysis, the applied conditions, and the adoption of the Residential Only Reduced Project Alternative will reduce project specific traffic impacts to a minimum.

**Evidence:** Final EIR and supplemental analysis prepared for the Coast Ranch Project, EIR #87-011, prepared for the County of Monterey Planning & Building Inspection Department. Memorandum from Public Works dated January 15, 1991. Planning Commission minutes and tapes on the project and correspondence are on file in the Monterey County Planning and Building Inspection Department, Salinas, California.

4. **Finding:** There is no significant potential impact to services. Since the Odello property is to be serviced by the Carmel Area Wastewater District for wastewater services, the development of the property will not adversely impact the groundwater quality of the area (since septic systems will not be used). Future water for the development will be provided through the California-American Water Company. The property currently uses more water than will be required after the project is developed.

**Evidence:** Administrative EIR prepared for the Rancho Odello Subdivision and Rezoning, County EIR # 84-011, prepared for the County of Monterey, October 1984, correspondence from Denise Duffy & Associates to the Monterey County Planning and Building Inspection Department, August 27, 1986, also included is correspondence from Donald G. Hubbard

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to the Monterey County Board of Supervisors, dated November 19, 1986. Carmel Area Land Use Plan, Local Coastal Program for the County of Monterey, 1986 Draft Carmel Valley Master Plan, page 41 for allowed maximum density of the Odello Property. Contract between Carmel Area Waste-water District and the Odellos on file with the County of Monterey Planning and Building Inspection Department. Final EIR prepared by LSA Associates, EIR # 87-011.

5. **Findings:** That the site upon which this project is to be constructed is physically suitable for the project.

**Evidence:** Topographic plot plans show that the site terrain is acceptable. The site is large enough (134 acres) for the project, and technical studies of the soils and geologic substrata have shown that the development proposed on the site is feasible. (See studies contained in File PC-6847 and in the Final EIR, in the Monterey County Planning and Building Inspection Department, Salinas, California.

6. **Finding:** That the Tentative Subdivision Map has been processed according to the procedure and in the form established by the Subdivision Ordinance, County Code Title 19, Chapter III, Sections 19.03.003 through 19.023.025.

**Evidence:** Forms, applications, reports, minutes, public hearing notices, legal ads, maps and charts contained in EIR File 87-011 and in Planning Commission File PC-6847 located in the Monterey County Department of Planning and Building Inspection located in the north wing of the County Courthouse, 240 Church Street, Salinas, California, which show that the Tentative Map for the Coast Ranch subdivision project has been reviewed by the public in the EIR review process, and at public hearings by the Subdivision Committee.

**Evidence:** That the Monterey County Planning Commission and Board of Supervisors has reviewed all environmental impacts associated with this project as noted in the certified Final EIR (Findings 5), and made the following specific findings with regard to each cited impact pursuant to CEQA Sections 15091, 15093a, 15093b.

7. POTENTIAL SIGNIFICANT IMPACTS

A. POTENTIAL IMPACTS:

GEOLOGY/SOILS:

1. Possible seismically-induced damage and injury. Potential for injury and damage can be reduced, but not avoided in severe seismic event. (P. 30)
2. Initial geotechnical reports noted possible land slide hazards to the area near the eastern drainage channel and the barn area if surface and subsurface water builds up after heavy rains. This impact could be avoided by nondevelopment in areas identified with potential hazards, or other mitigation measures. However, more recent reports indicate that potential landslide hazards are less significant than previously thought. (P. 31)
3. Liquefaction hazards to structures would be possible. (30)

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**MITIGATIONS**

**GEOLOGY/SOILS:**

1. That all structures shall be designed and constructed as required by the Uniform Building Code. That all structures be set back at least 200 feet from the southerly Carmel River levee. (Planning and Building Inspection). (MM1, 2)
2. All setbacks for living areas of the buildings should be 40 feet from the toe of the slopes in areas identified on Figure 1D in the January 1989 Myron Jacobs & Associates report. The setback may vary slightly in each area depending on local site-specific conditions. The final construction setback should be reviewed by a qualified geotechnical consultant, prior to construction, to determine if any reduction in the setback line can be made. (MM3)
3. The recommendations from the January 26, 1989 Myron Jacobs report (#4159-M251-CS16) shall be implemented. All earthwork shall be done in conformance with specifications recommended in the Jacobs Raas & Associates, Jacobs & Associates and Whitson Engineers reports. These measures, are described in detail on pages 8-21 of the Jacobs, Raas & Associates, pages 2-4 of the Whitson Engineer's report, and pages 14-27 of the Jacobs & Associates report. (Planning and Building Inspection). (MM 4, 7, 8, 11, 12, 15)
4. A geotechnical engineer shall be present on the site during grading operations to make field observations and observe testing to determine the adequacy of fill materials and assess the compliance of earthwork with recommended specifications. (Planning and Building Inspection). (MM 9, 11)
5. That the approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Building Inspection section of the Monterey County Department of Planning Building Inspection. (Department of Planning and Building Inspection).
6. That a Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. (Department of Planning and Building Inspection).
7. That all bared areas and/or cut and fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion, subject to the approval of the Director of Planning and Building Inspection. (Department of Planning and Building Inspection). (MM1)
8. Fill slopes shall be constructed with engineered fill. No fill or cut slopes greater than 2:1 (horizontal/vertical) shall be constructed. Fill slopes shall be keyed if over five feet in height, and appropriate drainage and erosion control measures and setbacks shall be developed as detailed in recommendations #22-28 of the Jacobs & Associates report. (Planning and Building Inspection). (MM13)
9. Soil stockpiled in the "blister" area shall be properly sorted prior to use as project fill. (Planning and Building Inspection) (MM14)
10. A note shall be placed on the Final Subdivision Map: "All habitable structures shall be founded on reinforced concrete mat foundations. This shall be the responsibility of the individual lot owner at such time as such owner proposes to build a single-family residence on the lot". Specific design criteria shall be agreed upon prior to recordation of the final map. (Planning and Building Inspection). (MM16)
11. That all development shall comply with the drainage and erosion control provisions of the Monterey County Coastal Implementation Plan. (Flood Control and Water Conservation

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District). Surface drainage, roof gutters, and irrigation shall be in conformance with recommendations #42-47 of the Jacobs & Associates study and pages 3-4 of the Whitson Engineers study. (Planning and Building Inspection). (MGL17)

12. All erosion control measures identified in the Preliminary Erosion Control Report (Whitson Engineers, 1989), shall be implemented and refined in a final erosion control report. Prior to issuance of building or grading permits a notice to be recorded with the Monterey County Recorder which states: An erosion control plan has been prepared for this parcel by Whitson Engineers and is on record in the Monterey County Planning Library No. PC-6847. (Planning and Building Inspection) (MML14)
13. For all structures which utilize uncoated steel, in contact with soil; special design features in conformance with plumbing installations and foundations criteria contained in the appropriate state building codes and standards shall be incorporated into plans for said structures. (Public Works Department) (MML19)

#### **KINDS AND EVIDENCE**

For geologic and soils impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Conditions 4, 5, 6, 7, 8, 9, 10, 11, 13, and 16 will reduce the impacts to an insignificant level.

Evidence: PHIR 87-011, the January 26, 1989 Myron Jacobs report (#4159-M251-C516), Whitson Engineers Report, and conditions in Exhibit B attached hereto.

#### **B. POTENTIAL IMPACTS:**

##### **AGRICULTURAL:**

1. Conversion of 47.8 acres of capability unit I soils to urban uses. The conversion of prime agricultural land to residential and commercial use would be an unavoidable impact of development. (P. 39, 149)

##### **MITIGATIONS:**

##### **AGRICULTURAL:**

1. Prior to recordation of the Final Map, the applicant shall prepare an agricultural management plan program for review by the County Agricultural Advisor which shall include any separations between land uses, fencing, or other techniques necessary to protect the proposed agricultural operations and prevent land-use conflicts with nearby residences. Adequate buffers shall be included as appropriate in the subdivision map to be approved by the County Agricultural Advisor and the Director of Planning and Building Inspection. (Planning and Building Inspection). (County Agricultural Advisor). (MML 20, 21)
2. A seven foot tall solid wood fence shall be constructed along the rear property lines of Lots 1 through 39 and Lots 74 through 81 (or as renumbered). The easterly and westerly ends of the wood fence shall be joined to the existing fence on the southerly boundary of the subdivision by a six foot high chain link fence. Access to the portion of Parcel E lying between the residential lots and the property south of the subdivision shall be limited to the required for maintenance purposes only. Maintenance access to this area shall be through locked gates. All fence post shall be galvanized steel and shall be set in at least three feet of concrete. The fence line along the northerly line of Parcel E shall be landscaped. The fence and landscaping shall be maintained by the Homeowner Association.

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Final fence design shall require the approval of the Planning Commission. (Planning and Building Inspection). (MS7)

**FINDINGS AND EVIDENCE:**

For agricultural impacts related to agricultural buffer and impacts to the Fish Ranch noted above, the Monterey County Board of Supervisors finds that these required mitigations noted above, applied as Conditions 14 and 67 will reduce the impacts to an insignificant level.

Evidence: FEIR 87-011, March 16, 1990 Philip Darst letter report and conditions in Exhibit B attached hereto.

**C. POTENTIAL IMPACTS:**

**HYDROLOGY/FLOOD CONTROL**

1. A number of acres of new impervious surfaces, and increased runoff detained on-site. (P. 52)
2. There would be additional erosion and sedimentation potential during construction because of the need for 360,000 cubic yards of fill for the site, as well as the possible removal of subsoils from underneath the agricultural fields. This would be an avoidable impact if the south levee were improved to prevent flooding. However, the CALF and the findings of the California Coastal Commission have found that the lowering of the levee on the Odelle property would protect property from a 100-Year flood further downstream, along the Carmel River (P. 53)

**MITIGATIONS:**

**HYDROLOGY/FLOOD CONTROL:**

1. The applicant shall enter into a Covenant of Easement in Gross with the Monterey County Water Resources Agency in substantially the form attached hereto and marked Exhibit "E" for recordation concurrent with the Final Map. (Flood Control and Water Conservation District). (MS23)
2. The project shall include a form of sedimentation pond or detention basin, whether it be the existing farmland or a modified system, to be approved by the County Water Resources Agency. (Flood Control and Water Conservation District).
3. The project shall include an internal drainage system capable of handling at least the 100-year flows through the site. (Flood Control and Water Conservation District). (MS 5, 28)
4. All habitable structures shall be designed so that minimum floor elevations are at least one foot above the 100-year flood elevation subject to adjustment by the Monterey County Water Resource Agency. (Flood Control and Water Conservation District). (MS26)
5. The applicant shall follow all of the recommendations of the Preliminary Erosion Control Report prepared by Whitson Engineers (March 1989). These include restrictions on grading, revegetation criteria, drainage criteria, and provision of energy dissipators and detention ponds. (Flood Control and Water Conservation District). (MS 27, 29)
6. No grading shall occur during the October-to-April rainy season unless the project sponsor complies with the County Winter Grading Rules. (Planning and Building Inspection and Public Works Department) (MS 28, 30)
7. All hared areas in the developed portion of the site shall

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- be revegetated immediately after development, and prior to the start of the rainy season, in conformance with the final erosion control report. (Planning and Building Inspection). (M031)
8. The drainage swales on the site shall be lined with grass immediately after development. (Planning and Building Inspection). (M032)
  9. Project plans shall include design features which facilitate percolation of runoff induced by site development, to be approved by the Water Resource Agency. (Flood Control and Water Conservation District). (M033)
  10. The stormwater drainage facilities to be located at the base of the hill shall be designed to carry 100-year flood design flows. (Flood Control and Water Conservation District). (M034)

**FINDINGS AND EVIDENCE:**

For the hydrological and flood control impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Conditions 12, 15, 16, 17, 68, 69, 70, and 71 will reduce the impacts to an insignificant level.

Evidence: PEIR 87-011, the January 14, 1991 Supplemental Analysis report prepared by LSA and the Monterey County Water Resource Agency, and conditions in Exhibit B attached hereto.

**D. POTENTIAL IMPACTS:**

**PUBLIC ACCESS TRAIL:**

1. Construction of the public access trail would result in the removal of some small trees and the pruning of willow branches. The use of fill material to grade portions of the levee would cover tree roots, and would adversely affect the health of these trees. The use of heavy trail building equipment in the riparian woodland during trail construction could damage or destroy willow and cottonwood trees. This would be a significant impact. (P. 68)

**MITIGATIONS:**

**PUBLIC ACCESS TRAIL:**

1. The project applicant shall dedicate a ten foot wide easement for public access along the top of the south levee at a location to be approved by the Monterey County Water Resources Agency. The issues surrounding the construction of a trail in said easement will be considered at such time as a trail is proposed to be constructed in the future.
2. Prior to recordation of the Final Map the Public Access Management Plan shall be revised to require signage at the end of the easement that clearly informs persons using the same that trespassing is forbidden on the Fish Ranch Property. (Planning and Building Inspection). (M042)

**FINDINGS AND EVIDENCE:**

For public access impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Conditions 18 and 19 will reduce the impacts to an insignificant level.

Evidence: PEIR 87-011, the 1989 Public Access Plan and letter report prepared by Denise Duffy & Associates and conditions in Exhibit B attached hereto.

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**E. POTENTIAL IMPACTS:**

**WILDLIFE HABITAT:**

1. The proposed project would impede access to the Carmel River for wildlife that currently travel to the river from the Palo Corona area south of the project site. This would be a significant impact. (P. 67)

**MITIGATIONS:**

**WILDLIFE HABITAT:**

1. The loss of Monterey pines shall be replaced with black cottonwood and arroyo willows. The replacement plantings shall be along the landside of the levee and/or at the western and eastern boundaries of the project site. Preference is to mitigate at the landside of the levee to enhance the existing areas of riparian habitat. Minimum square footage coverage per tree type, as discussed in the Forest Management Plan shall be adhered to. (Planning and Building Inspection). (NM43)
2. The design of the landscape screening shall utilize native species. With the exception of willows, which can be easily trimmed, trees should not be planted beneath electric and telephone lines. (Planning and Building Inspection) (NM44)
3. Accessibility of the Carmel River by wildlife shall be maintained by planting native tree or shrub vegetation at the eastern boundary of the project site between Fish Ranch and the Carmel River. The subdivision lot and the end of the street on the eastern end of the project site has been adjusted so as to provide wild life accessibility. (Planning and Building Inspection). (NM45)
4. If required to mitigate the impact of the residential units, trees shall be planted along Highway 1 to form a more complex wildlife corridor between the hills to the south of the project site and the Carmel River. These trees shall include arroyo willow and black cottonwood. (Planning and Building Inspection). (NM39)
5. Walls or other barriers to wildlife dispersal shall not be included in the project design within the wildlife corridors. (Planning and Building Inspection). (NM40)

**FINDINGS AND EVIDENCE:**

For wildlife habitat impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Conditions 22, 23, 24 and 25 will reduce the impacts to an insignificant level.

Evidence: FKR 87-011, and conditions in Exhibit B attached hereto.

**F. POTENTIAL IMPACTS:**

**VIEWSHED:**

1. Alteration of visual character from rural to suburban on developed portion of site. (p.60)

**MITIGATIONS:**

**VIEWSHED:**

1. That landscaping plans shall be provided as discussed in the wildlife mitigations. (NM39, 43-45)

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2. If required, a windbreak of tree species typically used as a windbreak in the California rural landscape shall be planted along all of the northern edge (except for the far east portion) and parts of the southern edge of the project's access road. Trees should be planted at a typical interval for windbreaks, roughly 20 feet on center. (Planning and Building Inspection) (MS49)
3. The fence line along the northerly line of Parcel E shall be landscaped. The fence and the landscaping shall be maintained by the homeowner's association of the Coast Ranch project. Final fence design shall require the approval of the Planning Commission. (Planning and Building Inspection). (MS51)

**IMPACTS AND MITIGATION:**

For viewed impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Conditions 27, 31, and 67 the adoption of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis, will reduce the impacts to an insignificant level.

Evidence: PHIR 87-011, the concept map for the reduced alternatives and Conditions 27, 28, and 32 in Exhibit B attached hereto and the evaluation of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis.

**6. POTENTIAL IMPACTS:**

**WATER:**

1. Increase of 43.91 acre-feet per year of Cal-Am potable quality water consumption; however, there would be an overall net decline of 80 acre-feet per year in the total water consumption because approximately 40 percent of the irrigated farmland would be converted to residential uses. This impact would result in the conservation of a natural resource. (P, 129)

**MITIGATION:**

**WATER:**

1. That landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (discharges less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. (Department of Planning and Building Inspection). (MS71)

**IMPACTS AND MITIGATION:**

For water service impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Condition 87 in Exhibit B attached hereto and the adoption of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis, will reduce the impacts to an insignificant level.

Evidence: PHIR 87-011, the testimony of Frank Pierce of Lee & Pierce Inc., at the September 26, 1990 Planning Commission hearing and the evaluation of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis.

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**H. POTENTIAL IMPACTS:**

**HOUSING:**

1. Temporary housing has not been provided for the farm laborers and their families who would be displaced during the period when the six housing units are torn down and replaced. This would be an impact. (P. 122)

**MITIGATIONS:**

1. Under the Residential Only Reduced Project Alternative these units will not be torn down.

**FINDINGS AND EVIDENCE:**

For housing impacts noted above, the Board of Supervisors finds that not tearing down these units will reduce the impacts to an insignificant level.

Evidence: FEIR 87-011, and the evaluation of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis.

**J. POTENTIAL IMPACTS:**

**SEWER SERVICE:**

1. Increase wastewater to Carmel Area Wastewater District. (P. 129)
2. The proposed 76-lot project and inclusionary lots may have a significant adverse impact on the water quality of the Carmel Bay from project increases in sewage flow to the Carmel Area Waste Water District Plant. The plant in the past, violated water quality discharge standards as cited in the Cease and Desist order now imposed on the plant by the Regional Water Quality Control Board.

The project could potentially result in a significant adverse impact if it contributed to increased flows which cause the sewage plant to violate water quality discharge standards.

**MITIGATIONS:**

1. The project site shall be annexed to the Carmel Area Wastewater District prior to any grading or filing the Final Subdivision Map for the project. Annexation shall be subject to review and approval of LAPCO. (LAPCO and CSD.) (MS9)

**FINDINGS AND EVIDENCE:**

For sewer impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Condition 59 and the adoption of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis, will reduce the impacts to an insignificant level.

Evidence: Cease and Desist Order 90-42 imposed by the Regional Water Quality Control Board cites past violations and imposes certain limitations upon the operation of the sewage treatment plant. Testimony from previous Planning Commission hearings and the testimony of District Manager Michael Sanborn at the March 27, 1991 hearing indicate that the sewage treatment plant can accommodate the relatively minor flows from the project.

Refer to the Flood Control project statement which

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permits the project to proceed even though there may be temporary adverse impacts. The project can proceed and is deemed consistent with Public Resource Code Section 11081 (c) and Government Code Section 66474.6 because the overriding considerations herein set forth outweigh the temporary nature of any adverse impacts.

Evidence: FEIR 87-011, and the evaluation of the Residential Only Reduced project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis, and Agreement Granting Parcels of Real Property in Fee, Granting An Easement, together with specifications of the conditions imposed hereon between Odelle Brothers and the Carmel Area Wastewater District dated February 16, 1971; and letter from Mike Zambory of the Carmel Area Wastewater District to Donald G. Hubbard dated March 20, 1991; and letter from Mike Zambory of the Carmel Area Wastewater District to William Leonard dated January 25, 1991.

#### K. POTENTIAL IMPACTS:

##### OTHER SERVICES:

1. Increased demand on school, police and fire services. (P. 126-143)

##### MITIGATIONS:

1. The project shall be annexed into County Service Area 43. (CEA 43 and LAFCD). (M74)
2. All development on the project site shall conform to the standards set forth in the 1988 Uniform Fire Code. (CEA 43). (M75)
3. The County Service Area 43 and the County of Monterey Public Works Department shall review the project improvement plans and make any necessary recommendations prior to recordation of the Final Map. (CEA 43). (M76)

##### FINDINGS AND EVIDENCE:

For services impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Conditions 61, 62, and 63 and the adoption of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis, will reduce the impacts to an insignificant level.

Evidence: FEIR 87-011, and the evaluation of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis.

#### L. POTENTIAL IMPACTS:

##### ARCHAEOLOGY:

1. Potential to uncover archaeological resources during construction activities.

##### MITIGATIONS:

1. If, during the course of construction, cultural, archaeological or paleontological resources are uncovered at the site (surface or subsurface resources), work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist.

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The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., a archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. If the find is determined to be significant, appropriate mitigation measures shall be formulated pursuant to Monterey County Coast Implementation Plan Regulation 20.146.090.5.4, and implemented. (Planning and Building Inspection). (MS86)

**FINDINGS AND EVIDENCE:**

For archaeological impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Condition 66 in Exhibit B attached hereto and the adoption of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 L&A Supplemental Analysis, will reduce the impacts to an insignificant level.

Evidence: FEIR 87-011, and the evaluation of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 L&A Supplemental Analysis.

**M. POTENTIAL IMPACTS:**

**TRAFFIC:**

1. Although the project would not change the level of service on any intersections on Highway 1, the existing traffic volumes exceed LOS D at certain intersections. (Final EIR, page 93-109).
2. For traffic considerations noted in the Final EIR, the Board of Supervisors finds that this Coast Ranch Project will have no project specific adverse impacts but will have a significant and unavoidable cumulative adverse impact upon traffic entering Highway 1; specifically upon the segments of Highway 1 between and including the intersections of Rio Road and Highway 1, Carmel Valley Road and Highway 1, Ocean Avenue and Highway 1 and Carpenter Street and Highway 1. The Board further finds that the Mitigation Measures 1, 2, 3, 4 and 5 on pages 109 through 111 in the Final EIR and the mitigations discussed in the Supplemental Analysis and applied as Conditions and the adoption of the Residential Only Reduced Project Alternative do not reduce cumulative traffic impacts of this Coast Ranch project to insignificant levels, but do mitigate project specific impacts.
3. The Board of Supervisors further finds that this project and other proposed projects cited in the FEIR create a situation where the levels of service of the intersections listed in the FEIR Table 8 may be degraded. The mitigation of this temporary impact is dependent upon both State improvements to Highway 1 and County improvements to Carmel Valley Road, neither being certain at this time. The Board of Supervisors therefore makes the findings for traffic. Also refer to the Statement of Overriding Consideration adopted for this project.

**MITIGATIONS:**

1. The design of the project shall include the following roadway improvements:
  - a. A southbound left turn storage lane at the project entrance including storage and deceleration.
  - b. Construction of a two-lane project access road.
  - c. Provision of a left-turn storage lane for south-

- bound traffic at Highway 1/project access road;  
and
- d. Provision of stop control sign on the project access road at the intersection with SR 1.
  - e. Right turn acceleration and deceleration tapers shall be provided in accordance with the Caltrans Highway Design Manual for Public Road Intersections. (Public Works Department and Caltrans). (MSB, 59)
2. If deemed warranted by Monterey-Salinas Transit and Caltrans, bus stops, built to the design standards recommended by Caltrans shall be created on both sides of the project site on Highway 1. (Caltrans). (MSB, 60)
  3. If required by the Department of Public Works, a left turn lane providing access to the Coast Ranch site on southbound Highway 1 shall be constructed prior to importing fill to the site to minimize construction traffic impact on Highway 1. (Caltrans)
  4. The project applicant shall obtain all necessary encroachment permits from Caltrans prior to grading and construction activities on the project site. (Caltrans)
  5. Trucks carrying imported fill to the project site shall enter the site during off-peak hours only (the six-hour period between nine AM and three PM). (Caltrans)
  6. The project applicant shall provide traffic control as required by Caltrans during the construction period, to minimize traffic conflicts, when construction related vehicles enter and exit the project site. (Caltrans) (MSB1)

**FINDINGS AND EVIDENCE:**

For traffic impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as conditions 47, 48, and 49 and the adoption of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis, will reduce the non-cumulative impacts to an insignificant level.

Evidence: FMR 87-011, and the evaluation of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LSA Supplemental Analysis. Testimony presented by Paul Krupka, Wilbur Smith & Associates at the September 26, 1990 Planning Commission hearing, letter from Public Works Department dated January 15, 1991.

**V. POTENTIAL IMPACTS:**

**NOISE:**

1. Increased noise during project construction and because of agricultural operations nearby .

**MITIGATIONS:**

1. The construction and general maintenance activities, except in an emergency, shall be limited to specific hours and shall utilize the quietest equipment practical. Construction shall be limited to 7 AM to 7 PM on weekends only. (Planning and Building Inspection). (MSB3)
2. Building Code noise insulation standards shall be enforced prior to issuing building permits. (Planning and Building Inspection) (MSB3)
3. The operation of any machine, mechanical device, or contrivance which produces a noise level greater than 100 dB within 50 feet of any noise receptor shall be prohibited. (Planning and Building Inspection) (MSB4)

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4. Agricultural equipment operations shall not be conducted within 200 feet of residential uses between 8 PM and 6 AM except during adverse weather conditions necessary to protect or salvage crops, and such equipment shall be equipped with a proper muffler and an air intake silencer. Stationary source noise emitters such as booster pumps shall similarly maintain a minimum 200-foot buffer zone from residential uses. Disclosure shall be made to buyers of properties on the site as to ongoing agricultural activities. (Planning and Building Inspection) (MSS)

**FINDINGS AND EVIDENCE:**

For noise impacts noted above, the Board of Supervisors finds that those required mitigations noted above, applied as Conditions 28, 29, and 30 and the adoption of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LEA Supplemental Analysis, will reduce the impacts to an insignificant level.

Evidence: FEIR 87-011, and the evaluation of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LEA Supplemental Analysis.

**8. CUMULATIVE IMPACTS:**

**FINDINGS RELATING TO CUMULATIVE AND GROWTH INDUCING IMPACTS**

Significant Effects: -- Approval of the project along with other proposed projects in the area would cumulatively have the following effects:

1. Increased congestion along sections of Highway 1;
2. Increased use of potable water;
3. Increased wastewater to Carmel Area Wastewater District

**FINDINGS AND EVIDENCE:**

1. Although the project would not change the level of service at any intersection on Highway 1, the existing traffic volumes at certain intersections exceed LOS D. Increased traffic volumes due to cumulative future development in the project area would result in an overall reduction in available traffic capacity. (Final EIR, page 93-109).
2. The Board of Supervisors further finds that this project and other proposed projects cited in the FEIR create a situation where the capacity of the intersections listed in the FEIR exceed their limits. The mitigation of this temporary impact is dependent upon both State improvements to Highway 1 and County improvements to Carmel Valley Road, neither being certain at this time. The Board of Supervisors therefore makes the findings for traffic.

Also refer to the Statement of Overriding Consideration adopted for this project.

Evidence: FEIR 87-011, and the evaluation of the Residential Only Reduced Project Alternative, evaluated in the January 14, 1991 LEA Supplemental Analysis, testimony presented by Paul Krupka, Wilbur Smith and Associates at the September 26, 1990 Planning Commission hearing, letter from Public Works Department dated January 15, 1991.

2. There will be a beneficial impact of increased water supply.

Evidence: Of the total water supply available for allocation, approximately 8,771 acre-feet (AF) or 94.5 percent of the Monterey County allocation (8,111 AF) is allocated to existing development. Taking into account water consumption estimated for

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cumulative projects, approximately 231.67 AF or 3.79 percent of the allocated water supply would still be available for future development. Cumulatively, this is a significant impact. (P. 157) However, as noted above this project will reduce the present pumping from the lower Carmel Valley aquifer by 80 acre feet per year resulting in substantial benefit to the community.

3. The proposed 76 lot project and inclusionary lots and other proposed projects cited in the FEIR may have a significant adverse impact on the water quality of the Carmel Bay from project increases in sewage flow to the Carmel Area Wastewater District Plant. The plant has, in the past, violated water quality discharge standards as cited in the Cease and Desist Order now imposed on the plant by the Regional Water Quality Control Board.

Evidence: Cease and Desist Order 90-42 imposed by the Regional Water Quality Control Board cites past violations and imposes certain limitations upon the operation of the sewage treatment plant. Testimony from previous Planning Commission hearings and the testimony of District Manager Michael Zambo at the March 27, 1991 hearing indicate that the sewage treatment plant can accommodate the relatively minor flows from the project.

Refer to the Flood Control project statement, which permits the project to proceed even though there may be temporary adverse impacts. The project can proceed and is deemed consistent with Public Resources Code Section 21901 (c) and Government Code Section 6447.6 because the overriding considerations herein above set forth outweigh the temporary nature of any adverse impacts.

9. SHORT-TERM IMPACTS

Growth-Inducing Impacts

Finding: Growth-inducing impacts will be limited and not cumulatively significant.

Evidence: While the Final EIR states that there may some pressure for the growth-inducement on development of the San Carlos and Palo Corona Ranches, to the east and south respectively, the Board of Supervisors finds on the basis of statements in EIR 87-011, pages 171 and 172 that growth inducement is limited due to the design of the Coast Ranch Project, topographic constraints, existing access facilities, land use policies of the Carmel Area Land Use Plan, Carmel Valley Master Plan (including that plan's provisions for a quota limitation on new housing over the 20-year (2006) life of the plan).

Evidence: Final Subsequent EIR 87-011, pages 171-172 and the Carmel Valley Master Plan policy 27.3.5(CV) and pages 43-48.

10. EVIDENCE RELATING TO ALTERNATIVES AND THEIR FEASIBILITY

Finding: The Board of Supervisors finds that the Coast Ranch Subdivision EIR, per Section 15128(d) of the CEQA Guidelines, analyzes a range of alternatives to the proposed projects. The alternatives in the EIR provide reasonable alternate choices for decision makers when reviewing the proposed Coast Ranch Project.

Evidence: The CEQA Guidelines (Section 15126, D, 2) state

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that the specific alternative of "no-project" shall also be evaluated along with its impacts and if the environmentally superior alternative is the "no project alternative", the EIR shall identify an environmentally superior alternative among the other alternatives. Each alternative is summarized below and specific environmental, social or economic considerations rendering such alternative as infeasible are set forth.

#### 10.1 THE NO-PROJECT ALTERNATIVE

The No-Project alternative assumes that the site will remain in its present condition. The Board of Supervisors hereby finds that this alternative would, temporarily at least, avoid all impacts associated with the proposed Coast Ranch Project. The No-Project alternative is the environmentally superior alternative but would not meet the inclusionary housing or residential housing which is the project objective. Additionally, this alternative would not reduce the traffic level of service, cause a net reduction in water use onsite or provide for an agreement between the property owner and the County to accommodate and facilitate a flood control project which may be done by the County, or provide an additional six inclusionary housing units on site. For this reason, the no-project alternative is rejected.

#### 10.2 Alternatives such as "Visitor-Serving Recreational Project" or "162-unit Residential Project" and the "Reduced Residential Lot Only Project Alternative"

Alternatives such as "Visitor-Serving Recreational Project" or "162-unit Residential Project" on pages 172-179 in the Final EIR and the "Reduced Residential Lot Only Project Alternative" discussed in the Supplemental Analysis provide various options to the proposed project. The Board of Supervisors finds that, after review of each of these project alternatives in light of the adverse environmental effects which may result from the original proposed Coast Ranch Project, that all but the "Reduced Residential Lot Only Project Alternative" would cause more adverse environmental effects than the original proposed Coast Ranch Project.

Therefore, the "Reduced Residential Lot Only Project" is hereby found to reduce the impacts of the Coast Ranch Project as cited in the Final EIR for the following reasons:

**Finding:** 76-Residential Lot Only Alternative reduces project impacts compared to the original project analyzed in the Final EIR in all cases, as follows. References are to the Supplemental Analysis prepared by LSA Associates, dated January 14, 1991.

**Evidence:** Viewshed: As stated in the Summary of the Supplemental Analysis (SA) on page 2-4, the 76- Residential Lot Only Alternative would reduce the viewshed intrusion by the elimination of the commercial area. Although not specifically referenced in the SA, the Residential Lot Only Alternative would reduce the number of structures on the site in comparison to the original project analyzed in the Final EIR by the retention of the 4 farm labor units and deletion of the originally proposed new inclusionary buildings. It would also reduce the number of units close to Highway One a scenic highway. This represents a significant reduction in level of viewshed impact.

**Geology:** As cited on page 21 of the SA, the 76-lot Residential Lot Only Alternative deletes the commercial area, thereby reducing in numbers

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those people who would be subject to potential geologic hazards. (The Residential Lot Only Alternative in comparison to the original project analyzed in the Final EIR would also reduce the number of future new residents on the site by the retention of the 6 farm labor units and deletion of the originally proposed new in-situ buildings). This represents a significant reduction in level of impact.

Water: As stated in the Summary on page 8-5, the 76-Residential Lot Only Alternative would require less water and therefore, have a greater reduction in existing water demand (an overall net reduction of 89 acre-feet per year). This is 22 acre-feet per year less than the original project (using figures from page 28 of the SA). This represents a significant reduction in level-of impact.

Sewer: As stated in the Summary on page 8-6, the 76-Residential Lot Only Alternative would require less sewer demand than the original project. This represents a reduction in level of impact.

Air Quality: As stated in the Summary on page 8-7, the 76-Residential Lot Only Alternative would generate less dust compared to the original project. (Although not specifically referenced in the SA, the Residential Lot Only Alternative would also reduce the amount of fill required for the project, therefore reducing the impacts caused from construction (dust) and vehicular emissions compared to the original project.

The 76-Residential Lot Only Alternative project is consistent with the population projections of the Air Quality Management Plan by ARBAG, according to page 29 of the SA. This represents a significant reduction in level of impact compared to the original project.

Traffic: As stated on page 38 of the SA, the 76- Residential Lot Only Alternative would result in a daily gross vehicle trip reduction of 734 compared to the original project. This is a significant reduction in level of impact compared to the original project.

Findings: The Board of Supervisors further finds that, after review of each of these other project alternatives in light of the adverse environmental effects which may result from the proposed Coast Ranch Project, all would cause more adverse environmental effects than the "Reduced Residential Lot Only Project" and are hereby rejected as viable alternatives to the Project as cited in the Final EIR for the following reasons:

Evidence: Alternative 162-Unit Residential Project - Given the demonstrated planning for housing and the relatively high cost of improving the site, consideration was given an alternative which would develop more units on site thus reducing per unit costs, and also requiring that a flood control project be developed on the site per Carmel Area Coastal Implementation Policy 4.4.3.B.8. Despite the economic and social benefits of this alternative, it is rejected because it would further impact traffic, visual, air quality and water resources (See also "Statement of Overriding Considerations").

Additionally, this alternative would not reduce traffic, or provide for reduced visual impacts as would the "Reduced Residential Lot Only Project Alter-

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native" discussed in the Supplemental Analysis.

**Evidence:** Alternative: Visitor Servicing Recreational - Although no formal alternative site plans were developed for analysis in the EIR, conceptual consideration was given to building a commercial complex on the portion of the site adjacent to Highway 1. As discussed in the Final EIR, the proposed alternative concentrates the location of the buildings on the Highway. This alternative also minimizes paving and allows for concentration of open space. This alternative does not reduce the visual impact cited in the Final EIR. There is no evidence that alternative site plans would avoid or reduce the potential environmental effects of the project, and the clustering of commercial adjacent to Highway 1 is not consistent with the rural character of Highway 1.

Additionally, this alternative would not reduce traffic, cause a net reduction in water use onsite or provide for an agreement between the property owner and the County to accommodate and facilitate a flood control project which may be done by the County as would the "Reduced Residential Only Project Alternative" discussed in the Supplemental Analysis.

**F. FINDINGS FOR APPROVAL FOR THE PROJECT AND FINDINGS OF OVER-RIDING CONSIDERATIONS:**

**Finding:** The Board of Supervisors finds that, except for certain cumulative traffic and sewage impacts and loss of agricultural land, the Coast Ranch Project as approved will not have a significant effect on the environment.

**Evidence:** As shown in the above Findings, the Board of Supervisors has eliminated or substantially lessened all significant effects of the Coast Ranch Project on the environment where feasible and within the power of the County of Monterey. All of the mitigation measures and alternatives recommended in the Final EIR to avoid or reduce all significant environmental effects of the Coast Ranch Project have been required in or incorporated in the Coast Ranch Project by the County of Monterey to the full extent within the power of the County of Monterey, or as otherwise provided for as explained in these Findings. Further feasible mitigation measures or alternatives to further reduce or completely avoid any remaining adverse environmental effects have not been identified in the Final EIR or otherwise by the County of Monterey.

**Evidence:** On the evidence in the record, the incorporation of the mitigation measures and the approval of the "Reduced Residential Only Alternative" will substantially mitigate significant effects and reduce all remaining unavoidable adverse effects to the extent feasible, and there is no reasonable basis or support in the record for finding such unavoidable adverse effects to be significant except for the cumulative traffic and sewage impacts and loss of agricultural land. With respect to such cumulative traffic and sewage impacts and impacts from loss of agricultural land, and any other unavoidable adverse environmental facts that may be found to be significant by any person for any reason, the County of Monterey finds them to be "acceptable" and approves the Coast Ranch Project because the benefits of the project outweigh such unavoidable adverse environmental effects. The

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specific, social, economic, environmental and other benefits of the project are cited in Statement of Overriding Considerations" for the Coast Ranch Project.

**6. STATEMENT OF OVERRIDING CONSIDERATION FOR THE COAST RANCH PROJECT**

The Final Environmental Impact Report (Final EIR) for this project describes the impact of loss of prime farmland as unavoidable adverse impact. It also describes increased traffic as an unavoidable although insignificant adverse impact and notes that if the Natton Canyon Freeway Project or other significant capacity expansion project is not constructed prior to project occupancy, significant unavoidable cumulative traffic impacts could occur if other projects are built out. Upon review of the evidence in the Final EIR, the Planning Commission agrees that there may be an unavoidable temporary impact on cumulative traffic (not project traffic) and a loss of prime agricultural farmland. On balance, however, the Board of Supervisors has decided to approve the project because the benefits of the proposed project outweigh the unavoidable adverse environmental effects, and thus the adverse environmental effects may be considered "acceptable", per CEQA Guidelines Section 15093.

The benefits of the proposed project which outweigh its unavoidable adverse environmental effects as described are:

1. Although the Lower Carmel River Flood Control Project is not a part of (nor is it a mitigation for) the Coast Ranch Project, the Coast Ranch Project enables the long-planned Flood Control Project and is considered a substantial public benefit of the Coast Ranch Project. This is evidenced by the "Minority Report to the Monterey County Planning Commission" prepared by the Monterey County Flood Control and Water Conservation District and submitted by General Manager William F. Kurst. In this report, the District states that "there are environmental impacts associated with this development, as there are with development anywhere in this County. In this case, however, we believe that the positive benefits to be derived from a flood control project clearly outweigh the negative impacts. The phase of the (flood control) project associated with the Odello development is essential to the implementation of the whole project (Lower Carmel River Flood Control Project." Therefore, the long-term social environmental effect and benefit to the County outweighs the short-term impact upon traffic and the potential loss of prime agricultural farmland.
2. The serious threat to life and property in the area has been documented in studies by the U.S. Army Corps of Engineers, Federal Emergency Management Agency (FEMA), the Monterey County Flood Control and Water Conservation District (Wolts & Associates Flood Hazard Mitigation Study for the Lower Carmel River). The "Wolts Study" evaluated a number of alternatives for mitigation of flood hazards and concluded that the one factor common to all of the alternatives studied involved lowering or removal of the south bank levees located on the Coast Ranch project property. By lowering these levees and flooding a major portion of the Coast Ranch Project site, a "floodway" is created in the south overbank open space area which will allow major floods to spread, thus reducing the flow velocities that cause erosion and significantly reducing the flood elevations in the north overbank developed areas.
3. Upon development of the Coast Ranch Project, the majority of the property (approximately 88 acres or 66%) will be left in permanent open space as either agricultural lands or Carmel River Open space. This open space and the agricultural lands will serve as a periodic floodway, after the County lowers the Odello South Bank Levee as part of its Lower Carmel River Flood Control Project. Allowing periodic-

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ic flooding to occur on the agricultural lands of the Odello property will substantially reduce the serious threat of flooding of the northern bank area (including Mission Fields, Carmel Center, Crossroads, Riverwood and Arrcye Carmel Condominiums) of the Carmel River.

4. The impacts of the Flood Control Project will involve long-term cost impacts on the agricultural lands of the Coast Ranch property, in the form of crop damage and erosion. The Flood Control Project will lower the levee substantially and flood the agricultural lands more frequently.
5. The necessity for lessening of this flood hazard and for a flood control project along the lower Carmel River had also been confirmed by the Board of Supervisors in Board Resolution 88-396, adopted on June 25, 1985. In addition, The Lower Carmel River Citizens Advisory Committee, for the Local Coastal Program appointed by the Board of Supervisors to evaluate the flood control study, recommended that some consideration be given to the Odellos in return for their cooperation with the County regarding the flood control project. In a memo dated January 30, 1982 to the Board of Supervisors, this committee recognized that the simplest, most economically viable and most equitable way to accomplish the goals of the flood control project was to reach an agreement with the Odellos. As a result of the County's acceptance of this approach, the Odello lands were designated in the Carmel Area LUP for "Special Treatment" which prescribed a certain level of development (LUP Section 4.4.3.P.2). Specific conditions of approval for the Coast Ranch development will give the District the right to lower the levee and create the necessary floodway. The Odellos have agreed to accept the greater risks of flooding and crop damage that will result, conditioned, however, upon the Coast Ranch Project being permitted by all governmental agencies having jurisdiction in the premises.
6. A statement of overriding considerations regarding the Coast Ranch Project and its relationship to the Flood Control Project was adopted by the State Coastal Commission on July 8, 1986. The Commission found that "under Section 30007.5's balancing criteria, the county-determined public safety needs of existing downstream development threatened by flooding are overriding, and all the specific tests for conversion under Section 30241 do not have to be met. This finding is based on the unique circumstances of Odello-East and does not imply approval of development on any other prime soils." The Flood Control and Water Conservation District concurred with the finding of the State Coastal Commission that "flood control, as made possible by the LUP, is more protective of significant coastal resources than lower traffic..." In addition, the Coastal Commission found that, "to the extent that the potential traffic generation appears greater than available highway capacity, it can be attributed to the need to assign enough development to Odello-East as determined by Monterey County to allow the necessary flood control project." Therefore, the long-term environmental effect and benefit outweighs the short-term cumulative impact upon traffic and the potential loss of agricultural land.
7. The benefits of this flood Control Project will include lowered flood elevations, with a reduction in the flood elevation in the main channel of approximately 4 to 5 feet after the project, reduced exposure to people and property, with reductions in flood elevations up to 7 feet and reduced Highway 1 flooding, providing substantially reduced potential for damage and disruption of traffic. The reduction of flooding on Highway 1 will, in the future, alleviate traffic for many other persons in the County other than the applicant. Therefore, the long-term environmental effect and benefit outweighs the short-term cumulative impact upon traffic and the potential loss of agricultural land.

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8. The economic benefits from the Flood Control Project will include reduced potential for damage to the developed areas on the north side of the river. This is substantial; estimates for damages to property in this area in a 100-year flood are \$10 million. Additionally, flood insurance rates will be reduced substantially. The benefits from increased flood protection will, in the future, alleviate flooding and reduce associated damage costs for many other persons in the County other than the applicant. Therefore, the long-term environmental effect and benefit outweighs the short-term cumulative impact upon traffic and the potential loss of agricultural land.
9. As stated in the Final EIR for the Coast Ranch Project (Supplemental Analysis, Summary page 2-3), the 76- Residential Lot Only Alternative will result in an overall reduction in existing water demand as compared to existing water use. An overall net reduction of 88 acre-feet per year is projected which will be of benefit to the entire community.
10. The proposed subdivision of Coast Ranch calls for viewshed protection by siting homesites outside of the primary viewshed and reducing the allowed density under the Carmel Area Use Plan by more than half which will be of benefit to the entire community.
11. The applicant will be providing 12 inclusionary units in addition to the 76 market-rate lots. The 12 units consist of six refurbished farm-labor units and six new units. The applicant is building units as well as creating the inclusionary lots. By approving this project the County is increasing the availability of low and moderate income housing in the Carmel Land Use Planning Area, an area in extreme need of such priced units.

On the basis of the unique opportunity presented by the proposed Coast Ranch, the potential for flood protection afforded by the approval of this development, the retention of agricultural lands and open space, economic and social benefits of the flood control project, reduced water usage on the site, and the reduced density of the project and viewshed protection, the above benefits are hereby deemed to supersede any adverse cumulative impact upon traffic over the relatively short-term until the Matton Canyon Freeway (or some other regional transportation improvement) is built, and traffic impacts are alleviated.

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DECISION

WHEREFORE, it is the decision of said Board of Supervisors:

- 1) that said Environmental Impact Report 87-011 and supplemental analysis be certified as complete and in compliance with CEQA Guidelines and
- 2) that said project application be granted as approved, subject to Findings and Evidence and Statements of Overriding Considerations set forth above and subject to the Conditions of Approval attached hereto as Exhibit B.
- 3) that 12 inclusionary housing units be provided on site as shown as alternative A-1.

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Coast Ranch (PC-4447)  
Page -33-

On motion of Supervisor Strasser Knuffman, seconded by Supervisor Shipnuck, the foregoing findings and decision is adopted this 25th day of June, 1993, by the following vote:

AYES: Del Piero, Faras, Perkins, Shipnuck, Strasser Knuffman

NOES: None

ABSENT: None

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.99.033, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON JUNE 25, 1993. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFORESAID EXPIRATION DATE.

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (408) 479-3511 OR AT 640 CAPITOLA ROAD, SANTA CRUZ, CA

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**EXHIBIT "B"**  
**COAST RANCH CONDITIONS OF APPROVAL FOR**  
**COMBINED DEVELOPMENT PERMIT/STANDARD SUBDIVISION**

- 1.. That a scenic easement be conveyed to the County over those portions of the property where the slope exceeds 30 percent. Scenic easement deed to be submitted to and approved by Director of Planning and Building Inspection prior to filing of the Final Map. (Planning and Building Inspection)
2. The subdivider owner agrees as a condition of the approval that he will, pursuant 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, officer or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for in Government Code Section 66499.37.

An agreement to this effect shall be recorded concurrent with the filing of the Final Map. The County shall promptly notify the subdivider 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. (Planning and Building Inspection)

3. A notice shall be recorded prior to filing of the Final Map with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by LSA Associates dated June 1990 and is on record in the Monterey County Planning Department Library No. PC-6847. All tree removal on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection", prior to issuance of building or grading permit. (Mitigation Measure 38)
4. All setbacks for the living areas of buildings should be 40 feet from the toe of the slopes in areas identified on Figure 1D in the January 1989 Myron Jacobs & Associates report. The setback may vary slightly in each area depending on local site-specific conditions. The final construction setback should be reviewed by a qualified geotechnical consultant, prior to construction, to determine if any reduction in the setback line can be made. (Planning and Building Inspection). (Mitigation Measure 3)

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5. The recommendations from the January 26, 1989 Myron Jacobs report (#4159-M251--C516) shall be implemented. (Planning and Building Inspection). (Mitigation Measures 4, 6, 7, 8, 10, 11, 12, 13, 17)
6. A geotechnical engineer shall be present on the site during grading operations to make field observations and observe testing to determine the adequacy of fill materials and assess the compliance of earthwork with recommended specifications. Prior to final on grading permit, applicant shall submit to the Monterey Planning and Building Inspection Department a report on the adequacy of the fill material from the geotechnical engineer. (Planning and Building Inspection). (Mitigation Measures 9, 11)
7. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. (Planning and Building Inspection).
8. Soil stockpiled in the "blister" area shall be properly sorted, to insure that it's properly compacted for its intended use, prior to use as project fill. The blister area shall be restored before construction of single family dwellings. (Planning and Building Inspection). (Mitigation Measure 14)
9. A note shall be placed on the Final Subdivision Map: "That all habitable structures shall be founded on reinforced concrete mat foundations and that all structures shall be setback at least 200 feet from the southerly Carmel River Levee. This shall be the responsibility of the individual lot owner at such time as such owner proposes to build a habitable structure on the lot." Specific design criteria shall be established by the applicant's geotechnical consultant prior to recordation of the final map. (Planning and Building Inspection). (Mitigation Measure 16)
10. That all development shall comply with the drainage and erosion control provisions of the Monterey County Coastal Implementation Plan. (Monterey County Water Resources Agency).

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11. All erosion control measures identified in the Preliminary Erosion Control Report (Whitson Engineers, 1989), shall be incorporated and refined in a final erosion control report, and shall be subject to the approval of the Monterey County Planning and Building Inspection Department. The final report shall be implemented into the project final design prior to filing of Final Map and implemented as appropriate prior to filing of Final Map.
12. Prior to filing of Final Map a notice to be recorded with the Monterey County Recorder which states: An erosion control plan has been prepared for this parcel by Whitson Engineers and is on record in the Monterey County Planning Library No. PC-6847. (Planning and Building Inspection). (Mitigation Measures 10, 15, 17, 18, 27)
13. All structures which utilize uncoated steel in contact with soil, special design features in conformance with plumbing installations and foundations criteria contained in the appropriate state building codes and Monterey County standards shall be incorporated into plans for said structures. (Public Works Department). (Mitigation Measure 19)
14. Prior to recordation of the Final Map, the applicant shall prepare an agricultural management plan for review and approval by the County Agricultural Advisor which shall include any separations between land uses, fencing, or other techniques necessary to protect the proposed agricultural operations and prevent land-use conflicts with nearby residences. An adequate buffer as determined by the Agricultural Advisor, shall be included as appropriate in the final subdivision map. That a note be recorded and placed on the final map, stating that an agricultural management plan has been prepared and is on file with the Planning Department and that all future development must be in accordance with the plan. (Monterey County Agricultural Advisor) (Mitigation Measures 20, 21)
15. No grading shall occur during the October 15-to-April 15 rainy season unless approved by the Director of Planning and Building Inspection and the Director of Public Works and the project sponsor complies with the County Winter Grading Rules. (Planning and Building Inspection and Public Works Department) (Mitigation Measures 28, 30)
16. All bared areas in the developed portion of the site shall be revegetated immediately after development, and prior to the start of the rainy season, in conformance with the final erosion control report. (Planning and Building Inspection) (Mitigation Measure 31)

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17. The drainage swales on the site shall be lined with grass immediately after development. (Planning and Building Inspection). (Mitigation Measure 32)
18. The project applicant shall dedicate to the County of Monterey a ten foot wide easement for public access along the top of the south levee at a location to be approved by the Monterey County Water Resources Agency and Monterey County Planning and Building Inspection.
19. Prior to recordation of the Final Map the Public Access Management Plan shall be revised to require signage at the end of the public access easement that clearly informs persons using the easement that the trail shall be limited to pedestrian use only and that trespassing is forbidden on the Fish Ranch Property. (Planning and Building Inspection) (Mitigation Measure 42)
20. In order to avoid disturbing the Monterey Pine tree roots in the western boundary of the project site, an area five feet beyond the dripline of the trees adjacent to the proposed project access road shall be fenced during the construction phase, where possible. (Planning and Building Inspection and Caltrans) (Mitigation Measure 43)
21. Any disturbance to willow trees by the project access road shall be mitigated by watering and fertilizer applications. (Planning and Building Inspection). (Mitigation Measure 43)
22. The loss of Monterey Pines shall be replaced with black cottonwood and arroyo willows. The replacement plantings shall be along the land side of the levee and/or at the western and eastern boundaries of the project site. Preference is to mitigate at the land side of the levee to enhance the existing areas of riparian habitat. Minimum square footage coverage per tree type, as discussed in the Forest Management Plan shall be adhered to. (Planning and Building Inspection) (Mitigation Measure 43)
23. Accessibility of the Carmel River by wildlife shall be maintained by planting native tree or shrub vegetation at the eastern boundary of the project site between Fish Ranch and the Carmel River. This wildlife corridor shall be at least 100 feet wide to allow unimpeded access to the Carmel River. (Planning and Building Inspection) (Mitigation Measure 45)

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24. If required to mitigate the impact of the residential units, trees shall be planted along Highway 1 to form a wildlife corridor between the hills to the south of the project site and the Carmel River. These trees shall include arroyo willows and black cottonwood. (Planning and Building Inspection) (Mitigation Measure 46)
25. Walls or other barriers to wildlife dispersal shall not be included in the project design within the wildlife corridors. (Planning and Building Inspection) (Mitigation Measure 47)
26. That new utility and transmission lines shall be placed underground. (Planning and Building Inspection)
27. A windbreak of tree species typically used as a windbreak in the California rural landscape shall be planted along all of the northern edge (except for the far east portion) and parts of the southern edge of the project's access road. Trees should be planted at a typical interval for windbreaks, roughly 20 feet on center. (Planning and Building Inspection). (Mitigation Measure 49)
28. The construction and general maintenance activities, except in an emergency, shall be limited to specific hours and shall utilize the quietest equipment practical. Construction shall be limited to weekdays only between 7 AM to 7 PM. (Planning and Building Inspection). (Mitigation Measure 52)
29. The operation of any machine, mechanical device, or contrivance which produces a noise level greater than 100 dB within 50 feet of any noise receptor shall be prohibited. (Planning and Building Inspection). (Mitigation Measure 54)
30. Agricultural equipment operations shall not be conducted within 200 feet of residential uses between 8 PM and 6 AM except during adverse weather conditions necessary to protect or salvage crops, and such equipment shall be equipped with a proper muffler and an air intake silencer. Stationary source noise emitters such as booster pumps shall similarly maintain a minimum 200-foot buffer zone from residential uses. Disclosure shall be made to buyers of properties on the site as to ongoing agricultural activities. (Planning and Building Inspection). (Mitigation Measure 55)

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31. Prior to recordation of the Final Map, three copies of a landscaping installation and maintenance plan for the entire parcel, including Parcel E shall be submitted to the Director of Planning and Building Inspection for approval. The landscaping shall be maintained by the homeowner's association of the Coast Ranch project. (Planning and Building Inspection) (Mitigation Measure 49)

The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before recordation of the Final Map, a Certificate of Deposit or other form of surety made payable to Monterey County in the amount of the cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. Landscaping shall be installed prior to the sale of any lots. (Planning and Building Inspection) (Mitigation Measure 51)

That landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. (Planning and Building Inspection)

32. The subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company, Pacific Telephone Company, and water company. Utility companies shall submit their recommendations, if any, to the Public Works Director for all required easements. (Public Works Department)
33. The exact location, number, size of all utilities, and other pertinent information shall be approved at the time the final improvement plans are submitted. (Public Works Department)
34. All material necessary to present the subdivision to the Board of Supervisors shall be submitted in final form to the County Surveyor one month prior to the presentation. (Public Works Department)
35. The initial submission of the improvement plans for checking shall be in complete form and accompanied by all required reports. The initial submission of the Final map shall be in complete form and accompanied by the traverse sheets and map checking fee. (Public Works Department)

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36. The subdivider shall pay for all maintenance and operation of private roads, street lights, fire hydrants and storm drainage from the time of installation until acceptance of the improvements for the subdivision by the Board of Supervisors as completed in accordance with the agreement or until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works Department)
37. That a drainage report be submitted for all areas contributing to natural drainage originating in, or running through, the subdivision. (Public Works Department)
38. That all natural drainage channels be designed on the Final Map by easement labeled "Natural Drainage Easements". (Public Works Department)
39. Where cuts or fills at property line exceed 5 feet, driveways shall be rough graded in when streets are rough graded and positive drainage and erosion control provided. (Public Works Department)
40. That all graded areas of the street right-of-way be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted to the satisfaction of the County Surveyor and include the following: (Public Works Department)
  - (a) That the cut and fill slopes can be stabilized.
  - (b) Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy Item (a).
  - (c) Type and amount of maintenance required to satisfy Item (a).
  - (d) Native and drought resistant plant material shall be used.
41. That cut slopes not exceed 1-1/2 to 1 except as specifically approved in concurrence with the erosion control report and as shown on the erosion control plan. Slope rounding shall be a minimum of 10' x 10' to include replacement of topsoil. ((Planning and Building Inspection) (Public Works Department)
42. That street cross sections at 50' intervals be submitted to the County Surveyor with the improvement plans. Slope easement may be required. (Public Works Department)

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43. That Coast Ranch Road, Coast Hills drive and Coast Hills Circle be constructed as a standard secondary road including sidewalk as shown on the tentative map. (Public Works Department)
44. That the roads be designated on the Final Map as follows: "Private Roads". (Public Works Department)
45. That a sign be placed at the subdivision entrance indicating that the road is private. (Public Works Department)
46. That the title block on the Final map indicate that this is a private road subdivision. (Public Works Department)
47. "Obtain an Encroachment Permit from Caltrans and construct left turn channelization including acceleration and deceleration tapers and a bus stop on Highway One at the subdivision entrance as approved by Caltrans and the Department of Public Works. This shall be done prior to on site grading and pre-construction activity, if required by the Department of Public Works." (Public Works)
48. The project applicant shall obtain all necessary encroachment permits from Caltrans prior to grading and construction activities on the project site. (Mitigation Measure 61) (Caltrans)
49. Trucks carrying imported fill to the project site shall enter the site during off-peak hours only (the six-hour period between 9 AM and 3 PM). (Mitigation Measure 61)
50. That the area subject to inundation by 100-year frequency flood be delineated on the Final Map. (Water Resources Agency)
51. That a notation be placed on the Final Map that the floor level of all habitable dwellings shall be at least one foot above the 100-year frequency flood. (Water Resources Agency)
52. That utility services be located within the area of rough graded driveways to eliminate trenching through cut slopes where possible. (Public Works)
53. That improvement plans be submitted to the local fire district for review. (Public Works)
54. That the proposed street names be approved by the County. (Public Works)

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55. The project applicant shall phase the project development so as to ensure consistency of the project with AMBAG population forecasts. (AMBAG) (Mitigation Measures 62)
56. Dust control measures shall be implemented during construction to minimize dust emissions, in accordance with County ordinance. (Planning and Building Inspection) (Mitigation Measures 65)
57. Phase grading activities west-to-east, from Highway 1 inland to the maximum extent possible so that new construction shall be downwind of already finished site uses. (Planning and Building Inspection) (Mitigation Measures 66)
58. Construction vehicles shall be routed and scheduled to prevent queuing near pollution sensitive receptors, to the maximum extent possible. (Planning and Building Inspection) (Mitigation Measures 67)
59. Provide evidence that LAFCO has approved annexation of the project site to the Carmel Area Wastewater District prior to any grading or the filing of the Final Subdivision Map. (LAFCO and CSD) (Mitigation Measures 69)
60. Prior to recordation of the Final Map, the Monterey Peninsula Water Management District and the Monterey County Health Department shall review and approve the water analysis prepared by the hydrologic consultant. (Planning and Building Inspection) (Mitigation Measures 70)
61. Provide evidence that LAFCO has approved annexation of the project into County Service Area 43 and that all annexation fees have been paid, prior to any grading or recordation of the Final Map. (CSA 43 and LAFCO) (Mitigation Measures 74) (California Division of Forestry)
62. All development on the project site shall conform to the standards set forth in the Uniform Fire Code and requirements of Monterey County General Plan. (CSA 43) (Mitigation Measures 75)
63. CSA 43 and the County of Monterey Public Works Department shall review and approve the project improvement plans prior to recordation of the Final Map., (CSA 43) (Mitigation Measures 76) (California Department Forestry)

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64. House numbers or property identification shall be posted on the property so as to be clearly visible from the road. House numbers shall be posted when building construction begins. (Planning and Building Inspection) Mitigation Measures 78)
65. The following measures and conditions as referenced in Exhibit B shall be incorporated in the CC&R's for development or the Homeowner's Association rules and regulations:
- a. Levels of lighting, shall be muted to conform to the rural residential setting.
  - b. Shrubbery and landscaping directly surrounding residential structures shall not obstruct windows and main entrances.
  - c. Address numbering shall be consistent for the project.
  - d. Numbering of homes shall be at least four inches in size and provide a light-on-dark or dark-on-light contrast for visibility.
  - e. Main doors and door from garage into homes shall be of solid core construction and have a one-inch deadbolt as a locking device. If glass is within 40 inches of these doors, the deadbolt lock shall be a double cylinder deadbolt. Sliding glass doors should have auxiliary locks and window construction shall also incorporate a secondary auxiliary locking device.
  - f. Residents who intend to incorporate alarm systems into their homes shall, from the outset, be advised of Sheriff's Department and Communications Department policies and asked to consult with the representatives of these two departments prior to installation. According to County ordinance, alarm systems must be registered with the Sheriff's Department prior to installation. (Planning and Building Inspection (Mitigation Measures 79)
  - g. That access to parcel "E" shall not occur from any residential lot abutting parcel "E".

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66. If, during the course of construction, cultural, archaeological or palentological resources are uncovered at the site (surface or subsurface resources), work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., a archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. If the find is determined to be significant, appropriate mitigation measures shall be formulated pursuant to Monterey County Coastal Implementation Plan Regulation 20.146.090.D.4, and implemented. (Planning and Building Inspection) (Mitigation Measures 86)
67. A seven foot tall solid wood fence shall be constructed along the rear property lines of Lots 1 through 29 and Lots 74 through 82 (or as renumbered). The easterly and westerly ends of the wood fence shall be joined to the existing fence on the southerly boundary of the subdivision by six foot high chain link fence. Access to the portion of Parcel E lying between the residential lots and the property south of the subdivision shall be limited to that required for maintenance purposes only. Maintenance access to this area shall be through locked gates. All fence posts shall be galvanized steel and shall be set in at least three feet of concrete. The fence line along the northerly line of Parcel E shall be landscaped. The fence and landscape shall be maintained by the Homeowners Association. Final fence design shall require the approval of the Planning Commission. (Planning and Building Inspection)
68. A drainage plan shall be prepared by a registered civil engineer addressing stormwater runoff originating in, or flowing through the property, including the routing of runoff to the Carmel River. (Mitigation Measures 5, 25, 27, 33, 34)
69. A stormwater/sediment detention pond shall be constructed in accordance with plans by a registered civil engineer, in the low area near Highway 1. (Mitigation Measures 24)
70. The landowner shall enter into a covenant of easement in gross with the Monterey County Water Resources Agency in substantially the form attached hereto and marked as Exhibit "E" for recordation concurrently with the Final Map. (Water Resources Agency)

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71. The lowest floors and attendant utilities of proposed residential structures shall be constructed at least one foot above the 100-year flood elevation, to be certified by a registered civil engineer or land surveyor. (Mitigation Measures 26) (Water Resources Agency)
72. The homeowners' association shall be formed for the maintenance of roads, drainage facilities and open spaces. Documents for formation of the association shall be approved by the Director of Public Works, Director of Planning and Building Inspection, and the Flood Control District, prior to filing of Final Map. C.C/ & R.'s shall include provisions for a yearly report by a registered civil engineer monitoring impacts of drainage and maintenance of drainage facilities, to be approved by the Water Resources Agency. (Water Resources Agency)
73. If the homeowners's association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right to enter any and all portions of the property, and to perform the repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the individual lot owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. An agreement to this effect shall be entered into concurrent with filing of the Final Map of the subdivision. (Water Resources Agency)
74. Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions, and a copy of the recorded notice shall be provided to the Water Resources Agency. (Water Resources Agency)
75. The subdivider shall apply for a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency, to change the flood plain boundary and remove the developed area from the 100 year flood plain designation, prior to recordation of the final map. (Water Resources Agency)
76. The subdivider shall provide certification to the Water Resources Agency that all Federal, State and local permits required for development in a flood plain have been obtained. (Water Resources Agency)

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77. The applicant shall implement the mitigations in accordance with the mitigation monitoring plan attached as Exhibit "C".
78. That a note be placed on the Final map indicating that "underground utilities are required in this subdivision in accordance with Chapter 19.12.140 (M) Title 19 of the Monterey County Code. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (Planning and Building Inspection)
79. Applicant shall comply with the requirements of the Inclusionary Housing Ordinance by providing 12 inclusionary units on-site. The units shall be in the form of six existing farm labor units that will be rehabilitated by the applicant to meet current health, safety and building codes and 6 units that will be incorporated into the 76 lot subdivision, in accordance with alternate A-1. These 12 units shall be in addition to the 76 lot subdivision, because the units will be provided on-site. (Planning and Building Inspection)
80. That the subdivider comply with the recreation requirements of the subdivision ordinance prior to the filing of the Final map. (Parks Department)
81. Provide a letter from the State Lands Commission that permits have been obtained or are not necessary. (Planning and Building Inspection) (SLC)
82. That the design of all structures, signs and fences be approved by the Planning Commission. (Planning and Building Inspection)
83. Applicant shall submit evidence to the Monterey County Planning and Building Inspection that the Coastal Commission has approved the development approved by this permit. (Planning and Building Inspection)
84. Pursuant to the State Public Resources Code and the State Fish and Game Code, the applicant shall pay a fee to be collected by the County of Monterey for the amount of \$875. This fee shall be paid prior to filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to commencement of use, or the issuance of building and/or grading permits. (Planning and Building Inspection)

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85. "That the subdivider enter into an agreement with the County to contribute his proportionate share of the cumulative traffic mitigation identified in the report titled "Traffic Impacts of Alternative Project." Carmel Coast Ranch Project Supplemental EIR date January 7, 1991. The contribution shall be based on an engineers estimate provided by the subdivider and approved by the Public Works Department of the cost of that cumulative traffic mitigation. The proportionate share (percentage) per lot shall be based upon the 24 hour traffic generated by the Coast Ranch Project using Highway One immediately south of Rio Road compared to the short term cumulative 24 hour traffic volume including existing plus project traffic on Highway One at the same location. The agreement will provide for a contribution for each residential lot to be made at the time that the lot is sold by the original subdivider. The agreement will provide that the fair share contribution per lot to be applied at the time of the actual sale shall be adjusted in accordance with the Consumer Price Index (All Urban Consumers. U.S. City Average 1982-1984 = 100). The agreement will also provide that if cumulative traffic mitigation is provided for the Highway One corridor between Carmel River and Carmel Hill and funded from some other source then the fair share contributions will be returned to the subdivider." (Public Works)
86. That the applicant shall request in writing concurrently with the filing of the final map a "CAP-D" (cz) (Coastal Agricultural Preservation/Design), MDR-D-B-6 (cz) Medium Density Residential/ Design B-6 and O (Open Space) zoning district. (Planning and Building Inspection)
87. The CCR&Rs shall include a requirement that all homes shall incorporate the use of low water use plumbing fixtures; that front yards shall be landscaped with low water use "xeriscape" landscaping; that water efficient irrigation systems shall be installed, and; that turf grass shall be limited to no more than 15% of the entire landscape, or 25% if a drought tolerant species is used.
88. That Parcel E be maintained as a 50 foot agricultural buffer (between the Fish property and the Coast Ranch property). (Planning and Building Inspection)
89. The tentative map shall be revised to delete street lighting prior to recordation of final map.

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**EXHIBIT "C"**

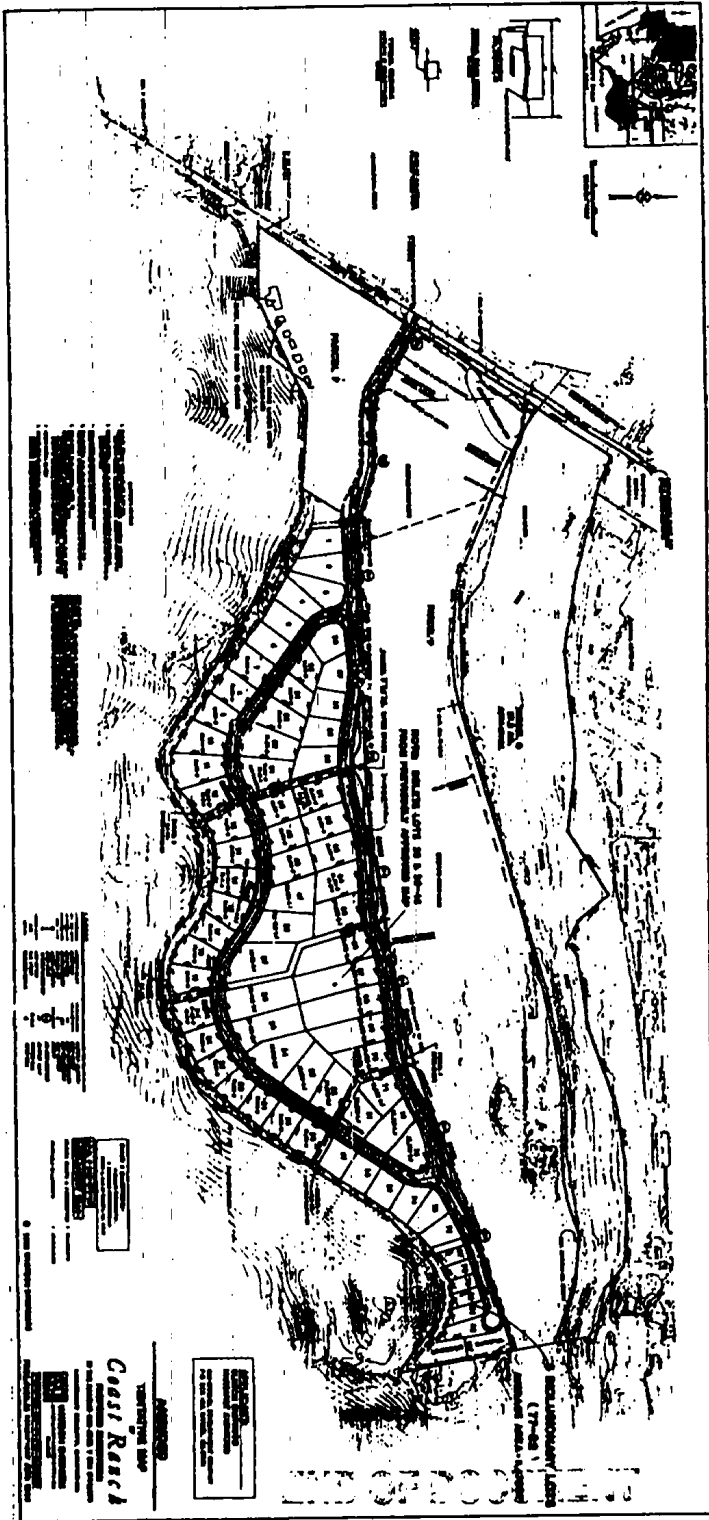
**Parcel P as shown on that certain Record of Survey recorded on December 9, 1997 at  
Volume 21 of Surveys, Page 78, Official Records of Monterey County, California**

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□

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EXHIBIT "D"



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