

# Attachment D

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When recorded return to:

Monterey County Resource Management  
Agency Planning Department  
Attn:  
168 W. Alisal St., 2<sup>nd</sup> Floor  
Salinas, CA 93901

Space above for Recorder's Use

**CONSERVATION AND SCENIC EASEMENT DEED  
(COASTAL)**

Property Owner's Name: Casa Robro, LLC  
Project Name: Ranch Properties, LLC (PLN 000485)  
Permit (File) No.: PLN 020421  
Resolution No.: 020421  
Assessor's Parcel No.: 008-423-039  
Legal Description: See Exhibit "A"

**THIS DEED** made this 15<sup>th</sup> day of August, 2016, by and between CASA ROBRO, LLC, a California Limited Liability Company, as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, 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 (hereinafter "*the property*"); and

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

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

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

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

**WHEREAS**, a coastal development permit (Permit No. PLN020421) was granted on October 2, 2002, by the County in accordance with the provisions of the Staff Recommendation and Findings, attached hereto as Exhibit "B" and hereby incorporated by reference, subject to the following condition(s): **"A Scenic and Conservation Easement shall be conveyed to the County over those portions of the property where stream channel restoration will occur, including but not limited to where slopes exceed 30 percent as indicated on the plans dated September 09, 2002 contained in the project file and in accordance with the specifications detailed in the Restoration Plan by EcoSynthesis dated August 14, 2002 updated via email on September 6, 2002 also contained in the project file and filed with the Planning and Building Inspection Department as Library #LIB020219. The Scenic and Conservation Easement deed shall be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits and must include provision for the long-term maintenance of the restored stream channel."**

**WHEREAS**, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in Resolution No. 020421 attached hereto as Exhibit "C" and hereby incorporated by reference, granted the permit to the Grantor upon condition (hereinafter the "Condition") requiring inter alia, that the Grantor record a conservation and scenic easement over the property as shown in Exhibit "D" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the property were not restricted in accordance with this easement; and

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

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

**WHEREAS**, the said Grantor is willing to grant to the County of Monterey the scenic use as herein expressed of the said land, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of said property by the Grantor through the imposition of the conditions hereinafter expressed;

**NOW, THEREFORE**, for and in consideration of the premises the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conversation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.

A. 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 particularly described in Exhibit "D", attached hereto, and made a part hereof.

B. RESTRICTIONS. The restrictions hereby imposed upon the use of said property by the Grantor and the acts which said Grantor shall refrain from doing upon the said property in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said described premises except **SEE EXHIBIT "E"**

2. That no advertising of any kind or nature shall be located on or within said property except **(NONE)**

3. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises, except **SEE EXHIBIT "E"**

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, **SEE EXHIBIT "E"**

5. That no use of said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor

1. The right to maintain all existing private roads, bridges, trails and structures upon said land, and the right to **SEE EXHIBIT "F"**.

2. The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

D. 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.

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

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

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

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

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in, upon, or in any way connected with the property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the property which would be subject the Grantee to any liability occurring upon the land by virtue of the fact that the right of the Grantee to enter the land is strictly limited to preventing uses inconsistent with the interest granted, the property is not "property of a public entity" or "public property," and Grantee's rights here in do not include the right to enter the land for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

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

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

Executed this 15<sup>th</sup> day of August, 2016, at Dallas, Texas.

Casa Robro, LLC, a California limited liability company

By: [Signature]  
Robert C. Vaughn, 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.

**ACKNOWLEDGMENT**

STATE OF Texas )  
COUNTY OF Dallas )

On August 15, 2016, before me, Linda Greer Kent, a Notary Public, personally appeared Robert C. Vaughn who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are/is 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~~ <sup>Texas</sup> lyk that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Linda Greer Kent



This is to certify that the interest in real property conveyed by the deed or grant dated **October 2, 2002** from **CASA ROBRO, LLC, A California Limited Liability Company** to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on \_\_\_\_\_, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on \_\_\_\_\_,) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: \_\_\_\_\_.

Type/Print Name: \_\_\_\_\_  
Chair, Monterey County Board of Supervisors

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

STATE OF CALIFORNIA    )  
  ) SS.  
COUNTY OF MONTEREY    )

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, 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.

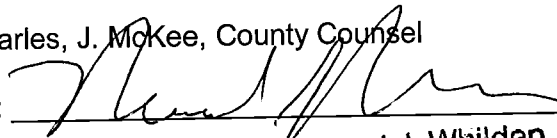
WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel

By:  \_\_\_\_\_

DATED: 9/13/16

Type/Print Name: Michael J. Whilden  
Deputy County Counsel

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Beginning at a point on the Southwesterly line of 17 Mile Drive, distant 201.87 feet South and 190.35 East from that certain monument numbered 2312, as said monument and road are shown and designated on that certain map entitled "Licensed Surveyor's Map of El Pescadero and Point Pinos Rancho" filed in Volume 3 of Surveys, at Page 3, Official Records of Monterey County, California; said point of beginning being the most Easterly corner of that certain 4.00 acre parcel of land conveyed by Del Monte Properties Company to Mildred Myers Cravens by deed recorded January 31, 1921 in Volume 179 of Deeds, at Page 457, Official Records, Monterey County, California; thence running from said point of beginning

- (1) South 36 degrees 56' West 329.31 feet; thence
- (2) North 73 degrees 56' West 140.44 feet; thence
- (3) North 28 degrees 40' East 214.93 feet; thence
- (4) South 61 degrees 20' E., 14.70 feet (15.00 feet in Grant Deed from A.W. Clark to Gene DeMatteo and Katherine DeMatteo, recorded July 3, 1984 in Reel 1748 at Page 808, Official Records of Monterey County, California); thence
- (5) North 33 degrees 39' 46" East 180.34 (180.32 feet in said Grant Deed), to a point on the Southwesterly line of said 17 Mile Drive; thence following said line of said Drive
- (6) S. 47 degrees 27' E., 158.64 feet to the point of beginning.

A.P. NO.: 008-423-039

PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA

Exhibit B

RESOLUTION NO. 01051

A.P.# 008-423-039-000

FINDINGS & DECISION

In the matter of the application of  
**Ranch Properties LLC (PLN000485)**

**WHEREAS:** The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an amendment to a Combined Development Permit (Gerald Burnett - PC94092), located on a portion of Lot 9, Block 136B, Assessor's Map El Pescadero Ranch, Del Monte Forest area, fronting on and southwesterly of 17 Mile Drive, Coastal Zone, 3350 17 Mile Drive, came on regularly for hearing before the Planning Commission on August 29, 2001.

**WHEREAS:** Said amended proposal includes:

- 1) Combined Development Permit;
- 2) Coastal Development Permit for a single family dwelling, grading and tree removal (4),
- 3) Coastal Development Permit for a caretaker's quarters,
- 4) Coastal Development Permit for a guesthouse,
- 5) Variance to exceed square footage requirements for a caretaker' quarters,
- 6) Variance for reduction in front yard setback requirements, and
- 7) Design Approval

Said Planning Commission, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The subject Amendment and Variance to a previously approved Combined Development Permit (PC94092), as described in condition #1, and as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest Area Land Use Plan, Parts 5 and 6 of the Coastal Implementation Plan; and the Monterey County Zoning Ordinance (Title 20). The property is located at 3350 Seventeen Mile Drive (Assessor's Parcel Number 008-423-039-000), approximately 200 feet west of the intersection of Seventeen Mile Drive and Palmero Way, Del Monte Forest, in the Pebble Beach Planning Area of the Coastal Zone. The parcel is zoned "LDR/1.5-D" (Coastal Zone) or Low Density Residential, 1.5 acres/unit - Design Control District. The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EXHIBIT

Ex B

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- EVIDENCE:** The application and plans submitted for Combined Development Permit PC94092 and permit amendment PLN000485 in the project file at the Monterey County Planning and Building Inspection Department.
- EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the California Department of Forestry & Fire Protection – Monterey Peninsula. Where appropriate, each agency has recommended conditions for project approval.
- EVIDENCE:** The site is located within an archaeologically sensitive area. An Archaeological Report dated October 16, 2000 was prepared by Mary Doane and Trudy Haversat, RPA. The report concluded that although there is evidence of potentially significant redeposited archaeological resources in the landscape bermis, there is no evidence of a primary archaeological deposit on the parcel. Further recommendations of the report that address potential adverse impacts to archaeological resources have been incorporated as conditions of approval of the project.
- EVIDENCE:** The subject property is not located in an area where the Local Coastal Program requires access and is not in an existing visual access area or public viewpoint turnout of 17-Mile Drive.
- EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
- EVIDENCE:** The on-site inspection by the project planner on May 11, 2001.
- EVIDENCE:** Findings and Evidence numbers 4, 7, and 8.
2. **FINDING:** The proposed project will not have a significant environmental impact. The proposed project involves the replacement of the earlier approved house with a new design.
- EVIDENCE:** The proposed project is categorically exempt from environmental review under Section 15303, Class 3 of the State of California CEQA Guidelines. No adverse environmental impacts were identified during staff review of the development application.
3. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, California Department of Forestry and Fire Protection – Monterey Peninsula, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.
- EVIDENCE:** File and application materials contained in the project file.
4. **FINDING:** The project as proposed is consistent with policies of the Del Monte Forest Area Land Use Plan regarding visual resources and will have no significant impact on the public viewshed.
- EVIDENCE:** The proposed project was evaluated in terms of the impact upon the public viewshed from 17-Mile Drive. a) The project will not result in ridge development. b) Although the property is

EXHIBIT B

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located within the public viewshed as defined in the Scenic and Visual Resources section of the Del Monte Forest Land Use Plan (LUP Visual Resources Map), the existing wall and dwelling located on the property line fronting on 17-Mile Drive screen views of the proposed dwelling which is proposed at the lower portion of the property, beyond the 100 foot setback.

**EVIDENCE:** The on-site investigation by the project planner on May 11, 2001, pursuant to Chapter 20.147.070:A of the Monterey County Coastal Implementation Plan.

**5. FINDING:** The variance to exceed the allowable Pescadero Watershed structural and impervious surface coverage shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

**EVIDENCE:** Similar residential properties in the Del Monte Forest area of the Coastal Zone have been granted Variances to exceed the Pescadero Watershed structural and impervious surface coverage limitations. In many cases, these properties exceed the 9,000 square foot combined structural and impervious surface coverage.

**EVIDENCE:** The Board of Supervisors' resolution 94-149 (Steakley) established the precedent to allow a Variance to exceed the 5,000 square foot limit on structural coverage as long as stormwater runoff was controlled on site. Retaining stormwater on site and maintaining the combined structural and impervious surface coverage under the 9,000 square foot limit supports the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan, Part 5 regarding impervious coverage in the Pescadero Watershed.

**6. FINDING:** Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zone classification.

**EVIDENCE:** The intent of the Pescadero Watershed coverage limitations is to reduce the amount of stormwater runoff into Carmel Bay, thereby protecting an area of biological significance. Although, the proposed project exceeds the 5,000 square foot limit for structural coverage, the proposed impervious surface coverage is well below the allowable 4,000 square foot limit. Completion of the project will not exceed the 9,000 square foot combined structural and impervious surface coverage, therefore implementing the intent of the Pescadero Watershed coverage policy.

**EVIDENCE:** The subject site is capable of controlling the storm water runoff produced by the proposed development thereby meeting the intent of Section 20.147.030.A.1.b. The owner has agreed to a condition that would require all stormwater runoff from the development to be controlled on site, by means of retention/percolation facilities or infiltration trenches in accordance with plans by a registered civil engineer or architect (Condition No. 13).

**EVIDENCE:** Other property owners in the vicinity and under identical zone classification have been afforded the same privileges granted to the property owner of this application.

**EVIDENCE:** Monterey County Board of Supervisors Resolution No. 94-149 granting the appeal of John and Danielle Steakley from a decision by the Planning Commission relating to the 5,000 square foot limitation to structural coverage in the Del Monte Forest Area. The Board's decision effectively granted the applicant a variance to exceed the aforementioned 5,000 square foot structural coverage limitation.

**7. FINDING:** The project as proposed is consistent with policies of the certified Local Coastal Program dealing with development in archaeologically sensitive areas. Two archaeological surveys have been conducted on the project site by the firm Archaeological Consulting. One by Anna Runnings and Charr Simpson-Smith on December 2, 1990 and one by Mary Doane and Trudy Haversat on October 16, 2000. Although the latter report indicated that there was evidence of potentially significant redeposited archaeological resources in the landscape berms, both reports concluded that there are no identifiable archaeological resources on site. Conditions recommended in the October 16, 2000 report have been incorporated to the project. These conditions require that work be stopped in the event that any archaeological resources are found on site.

**EVIDENCE:** The archaeological reports prepared by Archaeological Consulting that are contained in the project file; condition No. 24.

**8. FINDING:** The project, as conditioned is consistent with the policies and ordinances of the Del Monte Forest segment of the certified Local Coastal Program dealing with forest resources.

**EVIDENCE:** On October 25, 1993, Hugh E. Smith, Forester, prepared a forest management plan for the development previously approved on the subject property. Different trees are to be removed as part of the proposed project. The Forest Management Plan was amended on November 8, 2000 to reflect the changes proposed by the applicant. While the original proposal required the removal of a total of five (5) trees all of which were native species, under the current proposed project, only four (4) trees will be removed; of which only two (2) are native trees. The report states that the 38-inch Monterey Pine to be removed is directly in the footprint of the proposed structure and that it is over mature and probably in the last 5% of its life expectancy. Conditions of approval have been added to include the recommendations of the Forest Management Plan to plant one 5-gallon size Monterey Pine and four 5-gallon size Coast Live Oak in specific locations.

**EVIDENCE:** The Forest Management Plan prepared by Hugh Smith dated October 25, 1993 and amended on November 8, 2000; contained in file No. PLN000485; conditions of approval 6 & 25.

**9. FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

**DECISION**

**THEREFORE,** it is the decision of said Planning Commission, that said application for an amendment to a Combined Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject coastal development permit amendment consists of an increase to the square footage and design of an approved single-family dwelling, from 7,685 square feet to 13,305 square feet, comprising of a 5,519 sq. ft. first floor, a 2,812 sq. ft. second floor, and a 4,974 sq. ft. basement; approximately 2,500 cu. yds. of grading, removal of four (4) trees, two of which are protected: one 38" Monterey pine and one 8" Coast live oak, and a Variance relating to the 5,000 square foot limitation to structural coverage in the Pescadero Watershed, Del Monte Forest Area. The project is located at 3350 Seventeen Mile Dr, approximately 200 feet west of the intersection of Seventeen Mile Drive and Palmero Way, Del Monte Forest, Coastal Zone (Assessor's Parcel Number 008-423-039-000). The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are

met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)

**Prior to the Issuance of Grading and Building Permits:**

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action; County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (Planning and Building Inspection)
3. The applicant shall record a notice which states: "A permit (Resolution 01051) was approved by the Planning Commission for Assessor's Parcel Number 008-423-039-000 on August 29, 2001. The permit was granted subject to 38 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)
4. A scenic easement shall be conveyed to the County over those portions of the property in the vicinity of the drainage channel where the slope exceeds 30 percent. The scenic easement deed shall be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits. (Planning and Building Inspection Department)
5. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
6. The native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the ~~related tree.~~ Said EXHIBIT B

protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection Department)

7. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)
8. The applicant shall obtain a grading permit from the Building Inspection Division. (Planning and Building Inspection)
9. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion, subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
10. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Hugh Smith dated October 25, 1993 and amended on November 8, 2000 and is on record in the Monterey County Planning and Building Inspection Department. 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." This notice shall be recorded prior to issuance of building or grading permits. (Planning and Building Inspection Department)
11. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
12. The applicant shall record a deed restriction which states "The motor court and driveway shall be installed and maintained as pervious material to allow for permeability of stormwater. At no time shall the material be replaced with an impervious material without the authorization and/or permit approval of the Monterey County Planning and Building Inspection Department and the Pebble Beach Community Services District Fire Department". Proof of recordation of this deed restriction shall be furnished to the Director of Planning and Building Inspection prior to issuance of a building and/or grading permits or commencement of the use. Prior to installation of the pervious surface material, the applicant shall call for an inspection to verify that the pervious structure has been installed as designed and approved by the Planning and Building Inspection Department.
13. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities or infiltration trenches to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)
14. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. (Water Resources Agency)
15. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets

EXHIBIT

PAGE 6 OF 10 PAGES



that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.

- b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)

16. Prior to the issuance of a building permit, the applicant shall provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that Cal-Arn can and will supply immediately upon demand, sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)

17. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances; and be capable of supporting the imposed load of fire apparatus. (Fire District)

18. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. (Fire District)

19. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Fire District)

20. The size of letters, numbers and symbols for addresses shall be a minimum of 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. (Fire District)

21. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. (Fire District)

22. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

*"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."* (Garage included) (Fire District)

23. The building(s) shall be fully protected with an automatic alarm system(s). The following notation is required on the plans when a building permit is applied for:

The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993. (Fire District)

EXHIBIT B

PAGE 7 OF 11 PAC

24. The following notation is required on the plans when a building permit is applied for: If during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an 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. (Planning and Building Inspection)
25. New utility and distribution lines shall be placed underground. (Planning and Building Inspection, Public Works)
26. The guesthouse shall share the same utilities with the main residence, unless prohibited by public health requirements. (Planning and Building Inspection)
27. The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens. (Planning and Building Inspection)
28. The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. (Planning and Building Inspection)
29. Prior to use of the existing structure designated as a guesthouse, the applicant shall record a deed restriction stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and shall not have cooking or kitchen facilities. (Planning and Building Inspection)
30. Subsequent land subdivisions which divide the main residence from the guesthouse shall not be permitted. (Planning and Building Inspection)
31. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site. (Planning and Building Inspection)
32. A minimum of one off-street parking space shall be provided for the caretaker unit. (Planning and Building Inspection)
33. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker whether compensation be direct or indirect. (Planning and Building Inspection)
34. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to any person other than the caretaker. (Planning and Building Inspection)
35. Subsequent subdivisions which divide the main residence from the caretaker unit shall not be permitted. (Planning and Building Inspection)
36. Conditions of approval 6,9,10,11, and 31 for the previously approved Combined Development Permit PC94092 are hereby deleted. (Planning and Building Inspection) *other conditions remain in effect*

**Prior to Final Building Inspection/Occupancy:**

37. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval: A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. The landscape plan shall also be consistent with the recommendations of the forest management plan prepared by Hugh E. Smith dated October 25, 1993 and the Addendum dated November 8, 2000 which include planting of one (1) 5-gallon size Monterey Pine and four (4) 5-gallon size Coast Live Oak in specific locations. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection Department)

**Continuous Permit Conditions:**

38. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)

**PASSED AND ADOPTED** this 29th day of August, 2001.

**AYES:** Errea, Hawkins, Parsons, Pitt-Derdivanis, Hernandez, Lacy, Wilmot  
**NOES:** Diehl  
**ABSENT:** Brennan, Sanchez

  
**DALE ELLIS, SECRETARY**

**COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON SEP 17 2001**

**IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE SEP 27 2001**

**THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.**

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

**EXHIBIT 3**  
**PAGE 9 OF 11 PAGES**

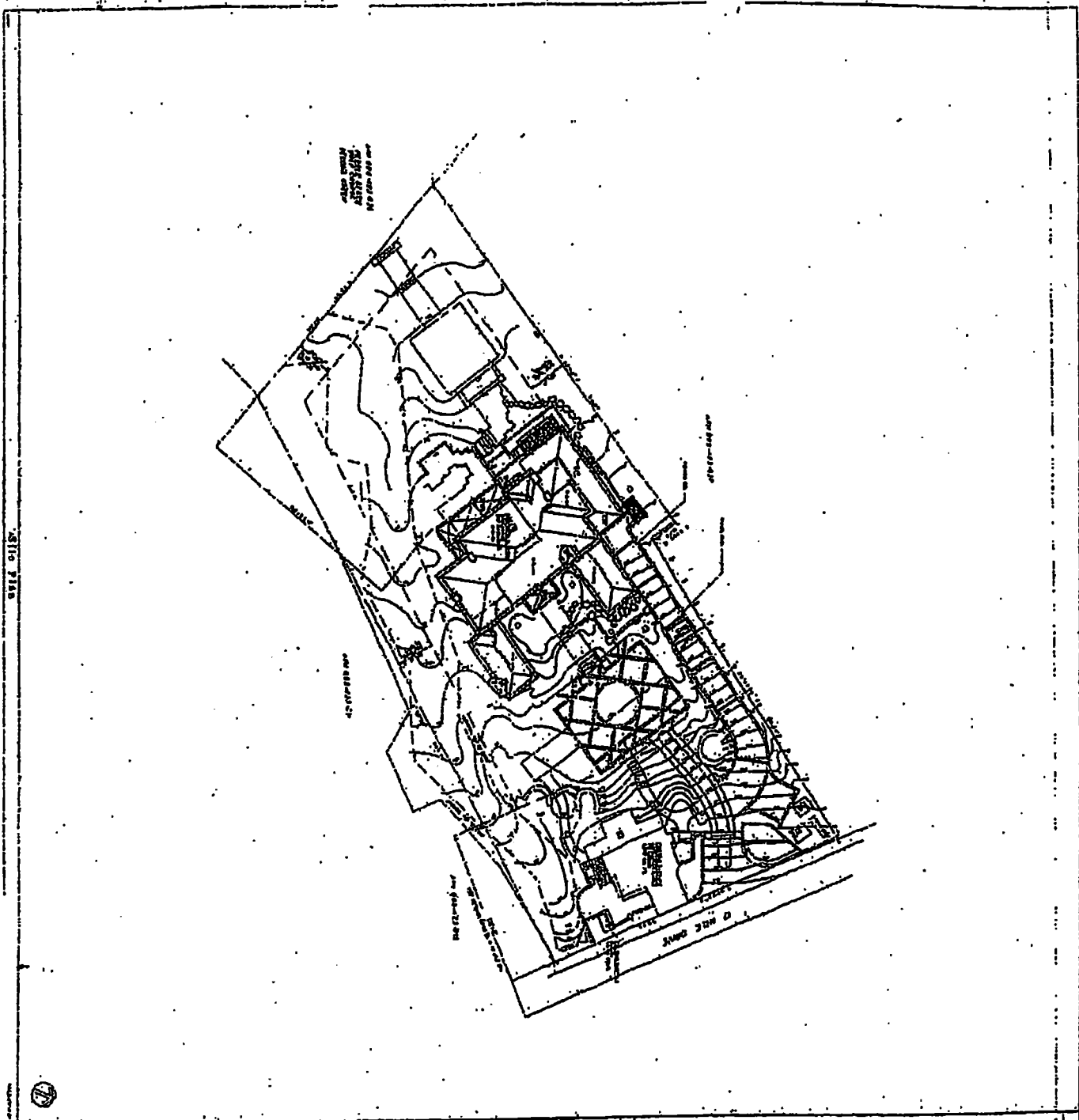
**NOTES**

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

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



**Exhibit B**

**Site General Notes**

1. The site is located at the intersection of [illegible] and [illegible].
2. The site is zoned [illegible].
3. The site is currently vacant.
4. The site is bounded by [illegible] to the north, [illegible] to the south, [illegible] to the east, and [illegible] to the west.
5. The site is approximately [illegible] acres in size.
6. The site is bounded by [illegible] to the north, [illegible] to the south, [illegible] to the east, and [illegible] to the west.
7. The site is bounded by [illegible] to the north, [illegible] to the south, [illegible] to the east, and [illegible] to the west.
8. The site is bounded by [illegible] to the north, [illegible] to the south, [illegible] to the east, and [illegible] to the west.
9. The site is bounded by [illegible] to the north, [illegible] to the south, [illegible] to the east, and [illegible] to the west.
10. The site is bounded by [illegible] to the north, [illegible] to the south, [illegible] to the east, and [illegible] to the west.

**Table**

Item	Description	Quantity	Unit
1	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	[illegible]
6	[illegible]	[illegible]	[illegible]
7	[illegible]	[illegible]	[illegible]
8	[illegible]	[illegible]	[illegible]
9	[illegible]	[illegible]	[illegible]
10	[illegible]	[illegible]	[illegible]

**MONTEREY COUNTY PLANNING AND BUILDING  
INSPECTION DEPARTMENT**

SCOTT HENNESSY  
DIRECTOR OF PLANNING AND  
BUILDING INSPECTION



STATE OF CALIFORNIA  
COUNTY OF MONTEREY

FILE NO. PLN020421

**Minor and Trivial Amendment to Combined Coastal Development  
Permit (PLN000485) Del Monte Forest (Coastal Area)**

**FINDINGS AND DECISION**

In the matter of the application by Ranch Properties for a Minor and Trivial Amendment (PLN020421) to the previously approved Combined Coastal Development Permit No. PLN000485 in accordance with Monterey County Code Title 20 (Zoning) Section 20.70.105 (Amendments to a Coastal Development Permits), the minor and trivial amendment is hereby approved. The original approval allowed the construction of a 13,305 sq. ft. single-family dwelling, (4,974 sq. ft. below grade - garage, basement and mechanical room), tree removal (2 protected trees: 1 - 8" Coast Live Oak; 1 - 38" Monterey Pine); grading (approximately 2,500 cu. yds. of cut/fill), and a Variance to the 5,000-square foot limitation to structural coverage in the Pescadero Watershed. The amendment consists of: 1) Deletion of the guesthouse from the project description and approval; 2) Demolition of 167 square feet of the existing 1-story gatehouse and the existing 1-story studio adjacent to Seventeen Mile Drive leaving only a 1-story, 850 square-foot caretaker unit at that location; 3) Restoration of the existing stream channel located along on south-east end of the property line. The property is located at 3350 Seventeen Mile Dr., approximately 200 feet west of the intersection of Seventeen Mile Drive and Palmero Way, Pebble Beach. (Assessor's Parcel Number 008-423-039-000; Del Monte Forest Land Use Plan Area of the Coastal Zone.

The Director of Planning and Building Inspection, having considered the application and the evidence presented relating thereto, finds:

**FINDINGS OF FACT**

1. **FINDING:** The applicant filed an application, (PLN020421), for an amendment to a Combined Coastal Development Permit (PLN000485).  
**EVIDENCE:** Materials contained in Planning and Building Inspection File No. PLN020421.
2. **FINDING:** The project as proposed is consistent with the previously approved use on the property.  
**EVIDENCE:** Plans and documents in File No: PLN000485 and PLN020421.
3. **FINDING:** Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 20.70.105.  
**EVIDENCE:** Materials in Planning and Building Inspection File No. PLN020421.
4. **FINDING:** Notice of the permit amendment has been carried out pursuant to Section 20.84.040(A) of the Coastal Implementation Plan.  
**EVIDENCE:** Documents in file PLN020421.
5. **FINDING:** The project, as approved, is appealable to and the California Coastal Commission.  
**EVIDENCE:** Section 20.86.080 of the Monterey County Coastal Implementation Plan.

THEREFORE, it is the decision of the Director of the Planning and Building Inspection Department to approve said application, (PLN020421), for a minor and trivial amendment to Combined Coastal Development Permit (PLN000485) to allow: 1) Deletion of the guesthouse from the project description and approval; 2) Demolition of 167 square feet of the existing 1-story gathouse and the existing 1-story studio adjacent to Seventeen Mile Drive leaving only a 1-story, 850 square-foot caretaker unit at that location; 3) Restoration of the existing stream channel located along on south-east end of the property line as shown on the plot plans and elevations by Dickson & Associates, Inc., Haro Kasunich & Associates, Inc., Bestor Engineering, Inc., Jerry Tucker & Associates, Inc., EcoSynthesis Scientific and Regulatory Services, and George W. Girvin Associates, Inc. dated August 16, 2002 contained in the project file and attached to this resolution in reduced form. Permit amendment approval is subject to the conditions listed below.

#### CONDITIONS OF APPROVAL

1. All conditions of the original Combined Development Permit (File No. PLN000485) shall remain in effect and are not changed by this amendment, except for original condition #4, which is modified as indicated in condition #4 of this amendment. (Planning And Building Inspection Department)
2. The applicant shall record a notice that states: "A permit Amendment (File No. PLN020421) was approved by the Monterey County Director of Planning and Building Inspection Department for Assessor's Parcel Number 008-423-039-000 on September 26, 2002. The permit amendment was granted subject to 4 conditions of approval, which run with the land. The conditions of approval for the original application (File No. PLN000485) remain in effect and are not changed and apply to this amendment, except for condition #4, which is modified as shown in condition #4 of this amendment. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of a building permit or commencement of the use. (Planning and Building Inspection Department)
3. A notice shall be recorded with the Monterey County Recorder which states: "A Stream Channel Restoration Plan has been prepared for this parcel by EcoSynthesis dated August 14, 2002 and amended via email on September 6, 2002 and is on record in the Monterey County Planning and Building Inspection Department as Library # LIB020219. All stream channel restoration and maintenance must be in accordance with the Stream Channel Restoration Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. (Planning and Building Inspection Department)
4. Condition #4 of PLN000485 shall be modified as follows (text deleted in strikethrough; new text underlined):

"A scenic and conservation easement shall be conveyed to the County over those portions of this property where stream channel restoration will occur, including but not limited to where slopes exceed 30 percent, as indicated on the plans dated September 02, 2002 contained in the project file and in accordance with the specifications detailed in the Restoration Plan by EcoSynthesis dated August 14, 2002 updated via email on September 6, 2002 also contained in the project file and filed with the Planning and Building Inspection Department as Library # LIB020219, in the vicinity of the drainage channel where the slope exceeds 30 percent. The scenic and conservation easement deed shall be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits and must include provisions for the long-term maintenance of the restored stream channel. (Planning and Building Inspection Department)"

Ex C  
2

PASSED AND ADOPTED THIS 2<sup>ND</sup> DAY OF OCTOBER, 2002

AD Mr. For  
DALE ELLIS, ASSISTANT DIRECTOR  
PLANNING AND BUILDING INSPECTION DEPARTMENT

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT AND THE CALIFORNIA  
COASTAL COMMISSION ON OCT 12 2002

**NOTE:**

You will need a building and/or grading permit and must comply with the Monterey  
County Building (and/or Grading) Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued; nor  
any use conducted, otherwise than in accordance with the conditions and terms of the  
permit granted or until ten working days after the mailing of the notice of the granting of  
the permit by the appropriate authority, or after granting of the permit by the Board of  
Supervisors in the event of an appeal.

Do not start any construction or occupy any building until you have obtained the necessary  
permits and use clearances from the Monterey County Planning and Building Inspection  
Department office in Marina.

Ex C  
3



**asmussen Land Surveying, A.C.**  
**PO Box 3135**  
**Monterey, California 93942**  
**(831)375-7240 Fax: (831)375-2545**

June 4, 2004

## **EXHIBIT D**

### **CONSERVATION AND SCENIC EASEMENT**

A conservation and scenic easement over and across a portion of that certain parcel of land described in "Grant Deed in Lieu of Foreclosure", recorded October 28, 2003 in Document: #2003131106, Official Records of Monterey County, State of California, more particularly described as follows:

**BEGINNING AT** a point on the northeasterly boundary of said parcel of land and the southwesterly sideline of Seventeen Mile Drive, distant North 47°27'00" West, 2.00 feet from a ¼" iron pipe marking the most easterly corner of said parcel of land; thence southwesterly

- 1.) South 51°39'19" West, 26.58 feet; thence
- 2.) South 46°10'45" West, 17.81 feet; thence
- 3.) South 19°01'45" West, 30.58 feet; thence
- 4.) South 26°48'34" West, 11.96 feet to the southeasterly boundary of said parcel of land; thence along said southeasterly boundary
- 5.) South 37°00'56" West (South 36°56'00" West described in deed of said parcel), 75.83 feet; thence leaving said boundary
- 6.) South 62°47'06" West, 7.84 feet; thence
- 7.) South 37°48'26" West, 52.98 feet; thence
- 8.) South 73°05'45" West, 28.02 feet; thence
- 9.) South 58°54'14" West, 31.20 feet; thence
- 10.) South 06°50'23" East, 13.67 feet; thence
- 11.) South 16°00'11" West, 9.80 feet;
- 12.) South 68°26'19" West, 43.14 feet; thence
- 13.) South 26°58'51" East, 23.13 feet to the southwesterly boundary of said parcel; thence along said boundary

- 14.) North 73°59' West (North 73°56'00" West described <sup>line</sup> of said parcel), 31.90 feet; thence leaving said boundary
- 15.) North 06°22'38" West, 31.09 feet; thence
- 16.) North 39°58'56" East, 8.63 feet; thence
- 17.) North 66°11'02" East, 21.74 feet; thence
- 18.) North 44°22'11" East, 23.66 feet; thence
- 19.) North 61°19'01" East, 19.08 feet; thence
- 20.) North 74°37'47" East, 12.11 feet; thence
- 21.) North 68°12'44" East, 18.17 feet; thence
- 22.) North 54°54'23" East, 28.42 feet; thence
- 23.) North 41°57'38" East, 23.51 feet; thence
- 24.) North 29°56'09" East, 13.65 feet; thence
- 25.) North 52°01'48" East, 35.11 feet; thence
- 26.) North 13°30'27" East, 15.80 feet; thence
- 27.) North 34°49'41" East, 9.42 feet; thence
- 28.) North 63°54'09" East, 17.22 feet; thence
- 29.) North 33°38'51" East, 5.58 feet; thence
- 30.) North 18°59'19" East, 51.42 feet; thence
- 31.) North 53°05'08" East, 44.45 feet to the northeasterly boundary of said parcel and the southwesterly sideline of Seventeen Mile Drive; thence southeasterly, along said boundary and sideline
- 32.) South 47°27'00" East, 16.11 feet to the Point of Beginning.

Containing 0.18 Acres, more or less.

The Basis of Bearings herein being North 47°27' West between found survey pipes along the southwesterly sideline of Seventeen Mile Drive, said bearing being shown between centerline monuments numbered 2312 & 2313 on that certain map entitled, "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos", filed for record at Page 3 of Surveys at Page 3, Monterey County Records.

END OF DESCRIPTION

*Ex. 2*

Page 2 of 3

CONSERVATION AND SCENIC EASEMENT

LINE	BEARING	DISTANCE
L1	S51°39'19"W	26.58
L2	S46°10'45"W	17.81
L3	S19°01'45"W	30.58
L4	S26°48'34"W	11.98
L5	S37°00'56"W	75.83
L6	S82°47'08"W	7.84
L7	S37°48'26"W	52.98
L8	S73°05'45"W	28.02
L9	S58°54'14"W	31.20
L10	S08°50'23"E	13.67
L11	S18°00'11"W	9.80
L12	S68°26'19"W	43.14
L13	S26°58'51"E	23.13
L14	N73°59'26"W	31.90
L15	N06°22'38"W	31.09
L16	N39°56'56"E	8.63
L17	N66°11'02"E	21.74
L18	N44°22'11"E	23.66
L19	N61°19'01"E	19.08
L20	N74°37'47"E	12.11
L21	N68°12'44"E	18.17
L22	N54°54'23"E	28.42
L23	N41°57'38"E	23.51
L24	N29°56'09"E	13.65
L25	N52°01'48"E	35.11
L26	N13°30'27"E	15.80
L27	N34°49'41"E	9.42
L28	N63°54'09"E	17.22
L29	N33°38'51"E	5.58
L30	N18°59'19"E	51.42
L31	N53°05'08"E	44.45
L32	S47°27'00"E	16.11

Page 3 of 3

APN 008-423-037

APN 008-423-039

APN 008-423-014

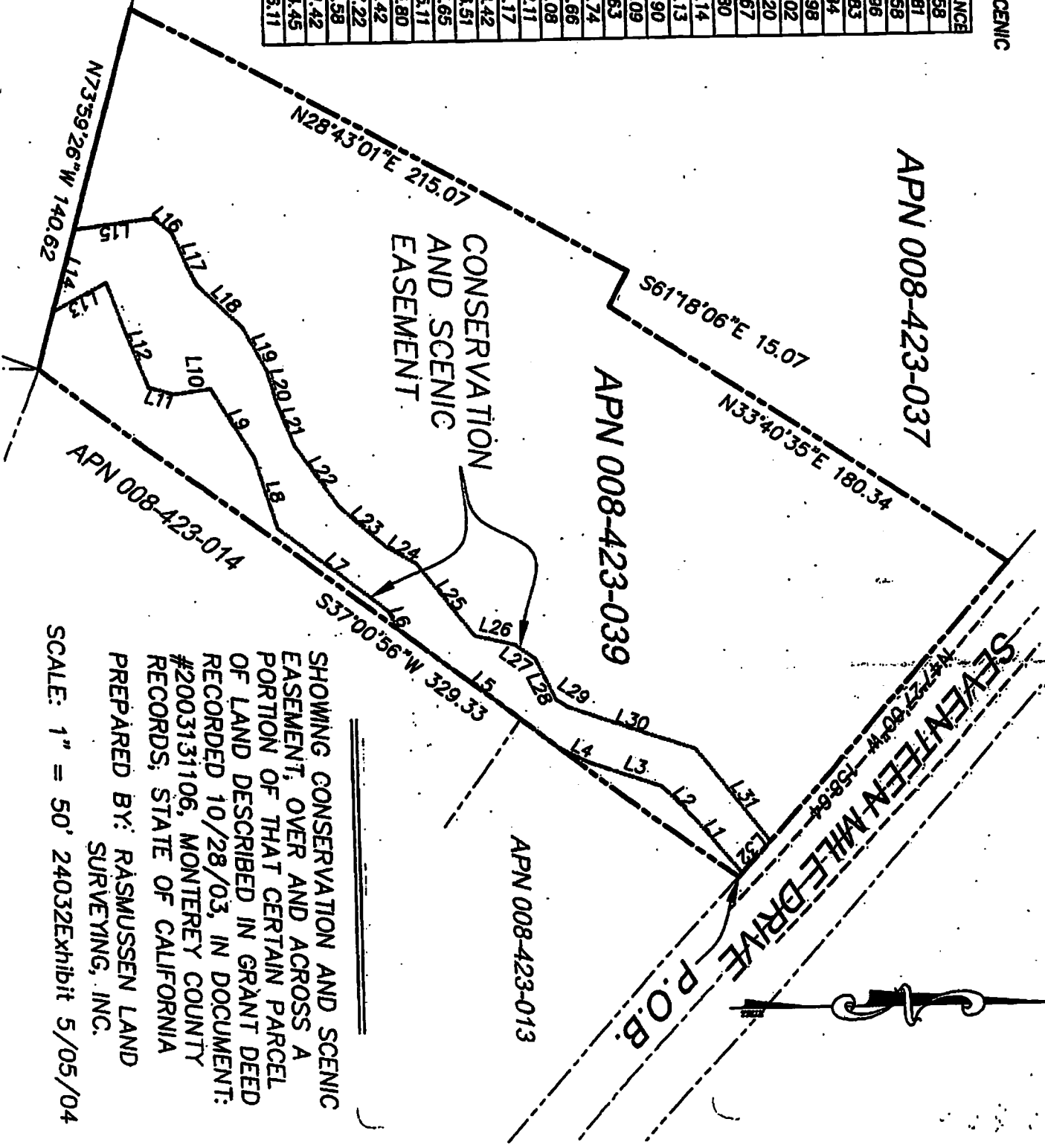
APN 008-423-013

CONSERVATION AND SCENIC EASEMENT

SEVENTEEN MILE DRIVE P.O.B.



SHOWING CONSERVATION AND SCENIC EASEMENT, OVER AND ACROSS A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN GRANT DEED RECORDED 10/28/03, IN DOCUMENT #2003131106, MONTEREY COUNTY RECORDS, STATE OF CALIFORNIA  
 PREPARED BY: RASMUSSEN LAND SURVEYING, INC.  
 SCALE: 1" = 50' 24032EXhibit 5/05/04



**EXHIBIT "E"**

Paragraph B.1 reads as follows:

**B.1. That no structure shall be placed or erected upon said described premises except:**

**(a) any governmentally approved project relating to the restoration, repair and maintenance of the existing drainage channel on the property (the "channel restoration work"), including without limitation the work reflected in: (1) Coastal Development Permit No. PLN020421; (2) any approved Fish and Game Code Section 1603 Agreement; (3) any approved Army Corps of Engineer Section 404 Permit; (4) any Regional Water Quality Control Board or State Water Resources Control Board approved Stormwater Pollution Prevention Plans; or (5) the Restoration Plan by EcoSynthesis dated August 14, 2002, updated by email on September 6, 2002 (collectively referred to as the "Restoration Plan"); and/or**

**(b) any utilities, structures, landscaping or irrigation which are a component of said Restoration Plan or of any County approved landscape plan for the property ("Landscape Plan").**

Paragraph B.3. reads as follows:

**3. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises, except in accordance with the Restoration Plan or Landscape Plan for the property.**

Paragraph B.4. reads as follows:

**4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the above-described channel restoration work and work pursuant to the Landscape Plan for the property, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.**

**EXHIBIT "F"**

**Paragraph C.1 reads as follows:**

1. The right to maintain all existing private roads, bridges, trails and structures upon said land, and the right to construct, install, repair, and maintain the structures described in Section B.1 above, the right to engage in planting and landscaping as described in paragraph B.3, above, the right to implement the channel restoration work described in paragraph B.1., and the right to construct all other lawfully approved development outside of the boundaries of the subject easement without setback therefrom.



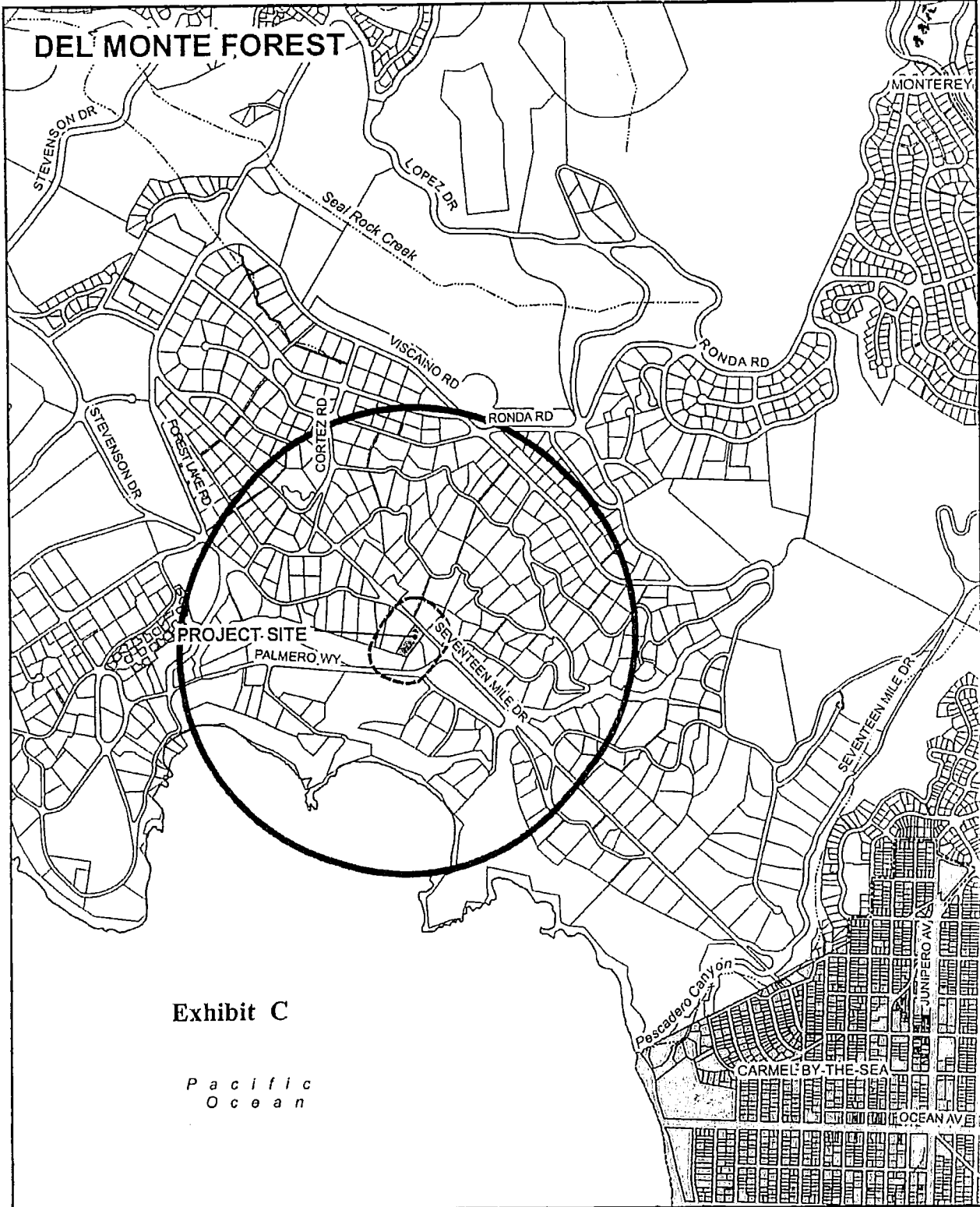
EXHIBIT     F      
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JUN 14 2004

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.

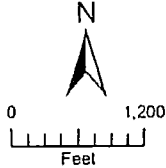


APPLICANT: RANCH PROPERTIES, LLC

APN: 008-423-039-000

FILE # PLN020421

300' Limit
  2500' Limit
  City Limits



PLANNER: MENDOZA

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