

WHEN RECORDED MAIL TO:

Clerk of the Board

168 W. Alisal St. 1st Floor

Monterey County Government Center

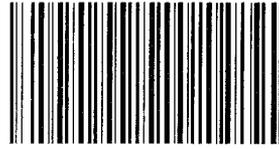
Salinas, CA93901

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
County of Monterey

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9/11/2014
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DOCUMENT: **2014042925**

Titles: 1/ Pages: 57



Fees....
Taxes...
Other...
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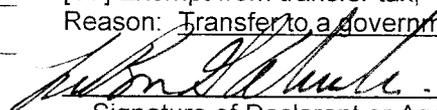
Conservation and Scenic Easement Deed (Coastal)

When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: Delinda Robinson
168 West Alisal St 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN100612
Resolution No.: 12-047
LEBON G. ABERCROMBIE AND
MARY J. ABERCROMBIE,
HUSBAND AND WIFE AS
COMMUNITY
PROPERTY WITH RIGHT OF
SURVIVORSHIP
Owner Name:
Project Planner: Delinda Robinson
APN: 008-261-005-000

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



Signature of Declarant or Agent
Mary J. Abercrombie

CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

THIS DEED made this 25TH day of SEPTEMBER, 2013, by and between
LEBON G. ABERCROMBIE AND MARY J. ABERCROMBIE, HUSBAND AND WIFE AS
COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP as Grantor, and the
DEL MONTE FOREST CONSERVANCY, a California non-profit corporation, as
Grantee, on behalf of the County of Monterey (hereinafter "County"),

WITNESSETH:

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



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

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

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

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

WHEREAS, a **Combined Development Permit** (Permit No. **PLN100612**) (hereinafter referred to as the "Permit") was granted on **October 31, 2012** by the Monterey County **Planning Commission** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **12-047**, attached hereto as Exhibit "B" and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

Condition No. 8: "A conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where environmentally sensitive habitats, remnant native sand dune habitats, habitats of rare, endangered and sensitive native plants and animals, and visually prominent areas exist. The easement shall be developed in consultation with a certified professional and the Del Monte Forest Foundation. These instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Foundation is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection. An easement deed shall be submitted to the Director of the RMA - Planning Department for review and approval prior to issuance of grading and building permits."

WHEREAS, the specific resources being protected are the remnant native dune habitat itself, and the public viewshed from 17-Mile Drive; and

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



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

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

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

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

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

NOW, THEREFORE, the Grantor does hereby grant and convey unto the Del Monte Forest Conservancy on behalf of the County of Monterey an estate, interest, and conservation and scenic easement in the Conservation and Scenic Easement Area of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of the Conservation and Scenic Easement Area 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 Conservation and Scenic Easement Area the various acts hereinafter mentioned.

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

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

1. That no structures will be placed or erected upon said Conservation and Scenic Easement Area. No Exceptions.
2. That no advertising of any kind or nature shall be located on or within the Conservation and Scenic Easement Area. No Exceptions.
3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area, except in accordance with the Dune Restoration Plan prepared by Zander Associates dated November 2011. This report is on file in the Monterey County RMA-Planning Department Library No. LIB110468.
4. That the Grantor shall make reasonable efforts to maintain and restore the remnant dune habitat within the Conservation and Scenic Easement Area as described in the Dune Restoration Plan prepared by Zander Associates dated November 2011 approved and on file in the Monterey County RMA – Planning Department Library No. LIB110468. After the Dune Restoration Plan has been implemented and the initial three year monitoring period is completed, such efforts shall include at least annual treatments to control invasive plants within and adjacent to the Conservation and Scenic Easement Area. No Exceptions.
5. That, except for the maintenance of public roads, public and private pedestrian trails, the general topography of the landscape shall be maintained in its



present condition and no excavation or topographic changes shall be made. No Exceptions.

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

7. Grantor shall provide Grantee with copies of all Site and Construction Plans (e.g., site, grading, utility, drainage, erosion control and landscape plans, etc.) showing the location of existing and proposed facilities and materials and specifications for proposed grading and construction within and immediately adjacent to the Conservation and Scenic Easement Area.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement and in consultation with Grantee:

1. The right to maintain all existing private roads, bridges, trails, utilities and structures upon or within the Conservation and Scenic Easement Area.

2. The use and occupancy of the Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.

3. Management of vegetation within the Conservation and Scenic Easement Area in accordance with the Dune Restoration Plan prepared by Zander Associates dated November 2011 approved with the Permit and on file in the Monterey County Planning Department Library No. LIB110468.

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 Conservation and Scenic Easement Area of the Property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the Del Monte Forest Conservancy on behalf of the County of Monterey and its successors and assigns forever. This grant shall further benefit the County of Monterey in the event that the Del Monte Forest Conservancy is unable to adequately



manage the Conservation and Scenic Easement Area for the intended purpose of environmentally sensitive habitat and scenic and visual resource protection.

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

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

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, the County, and their agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee or the County while in, upon, or in any way connected with the Property,



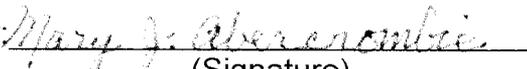
Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, the County and their agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee and the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

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

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

Executed this 25TH day of SEPTEMBER, 2013, at MONTEREY, California.

By: 
(Signature)

By: 
(Signature)

LEBON G. ABERCROMBIE

MARY J. ABERCROMBIE



STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

On September 25, 2013 before me, Kristie M. Campbell a ^{Kmc} ~~a~~ Abercrombie
Notary Public, personally appeared Leban G. Abercrombie and Mary J. Abercrombie ^{who} ~~he~~ Kmc
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~~
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.

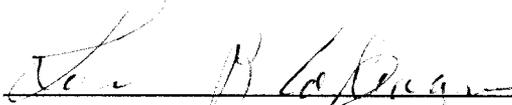
Signature Kristie M. Campbell

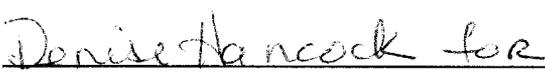


(Seal)



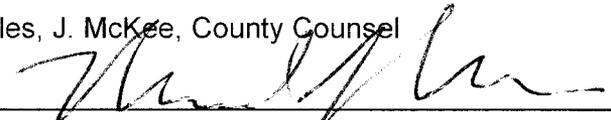
This is to certify that the interest in real property conveyed by the deed or grant dated _____ from LEBON G. ABERCROMBIE AND MARY J. ABERCROMBIE, HUSBAND AND WIFE AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP to the County of Monterey, a political corporation and/or governmental agency is hereby 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: 9-10-14. 
Type/Print Name: _____
Chair, Monterey County Board of Supervisors

ATTEST:
DATED: 9-10-14. 
Gail T. Borkowski
Clerk of Said Board

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel

By:  DATED: 10-17-13
Type/Print Name: Michael J. Whilden
Deputy County Counsel

CONSERVATION AND SCENIC EASEMENT DEED
SIGNATURE CONTINUATION PAGE

GRANTEE:

Accepted and Authorized to be Recorded by the Del Monte Forest Conservancy:
DEL MONTE FOREST CONSERVANCY, INC.

By: R.D. Verbanc

Dated: 25 October 2013

Print Name: R.D. VERBANEC

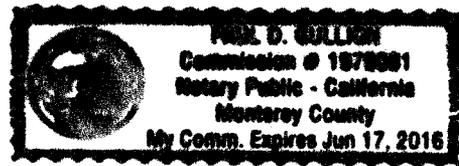
STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

On 10-25-13 before me, PAUL D. GULLION, a Notary Public, personally appeared R. D. VERBANEC, 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.

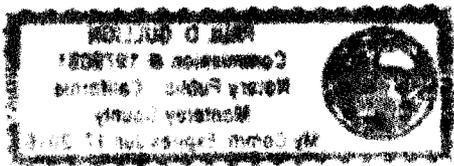
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



(Seal)



NOTARY SEAL
GOVERNMENT CODE SECTION 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary PAUL D GULLION

Commission Number 1979081

Date Commission Expires June 17, 2016

Place of Execution Salinas, CA Date 1-30-14

Signed Paul D Gullion



EXHIBIT A

Legal Description

THAT CERTAIN REAL PROPERTY, SITUATED IN THE UNINCORPORATED AREA OF COUNTY OF MONTEREY, STATE OF CALIFORNIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT DISTANT 30 FEET NORTH 56° 40' WEST FROM MONUMENT NO. 4109 AS SAID MONUMENT IS DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED, "LICENSED SURVEYOR'S MAP OF A PORTION OF EL PESCADERO RANCHO", ETC., FILED FOR RECORD OCTOBER 18, 1926 IN VOLUME 3 OF SURVEYS AT PAGE 111, RECORDS OF MONTEREY COUNTY, CALIFORNIA, AND RUNNING THENCE

- (1) SOUTHERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT (THE CENTER OF WHICH BEARS 56° 40' EAST 500 FEET DISTANT) A DISTANCE OF 218.28 FEET; THENCE
- (2) NORTH 81° 40' 45" WEST 228.71 FEET; THENCE
- (3) NORTH 6° 45' EAST 203.77 FEET; THENCE
- (4) SOUTH 83° 15' EAST 281.29 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF RANCHO EL PESCADERO, MONTEREY COUNTY, CALIFORNIA.

APN: 008-261-005-000

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

In the matter of the application of:

LEBON AND MARY ABERCROMBIE (PLN100612)

RESOLUTION NO. 12-047

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Mitigated Negative Declaration;
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage that will result in an increase to the internal floor area of more than 10 percent to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow Ridgeline Development; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan

[PLN100612, LeBon and Mary Abercrombie, 1158 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan (APN: 008-261-005-000)]

The Abercrombie application (PLN100612) came on for public hearing before the Monterey County Planning Commission on August 8, September 26 and October 31, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Del Monte Forest Area Land Use Plan (LUP);
 - Monterey County Coastal Implementation Plan Part 5 (CIP);
 - Monterey County Zoning Ordinance (Title 20);

[Handwritten signature and date]
1/30/13

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents. See Discussion section of staff report prepared for September 26, 2012 Planning Commission hearing.

- b) The property is located at 1158 Signal Hill Road, Pebble Beach (Assessor's Parcel Number 008-261-005-000), Del Monte Forest Area Land Use Plan. The parcel is zoned "LDR/1.5-D (CZ)" [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)], which allows residential development. This project consists of additions to and the remodel of an existing single-family dwelling and associated site improvements. Therefore, the project is an allowed land use for this site.
- c) This project consists of additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat.
- d) Pursuant to Title 20 Section 20.70.120.A.4, a Coastal Development Permit is required for improvements that would result in an increase of greater than 10 percent of the internal floor area of an existing structure where the project is located between the first public road and the sea. The project site is located between the first public road and the sea and the proposed addition of 1,513.4 square feet to the existing 2,325.8 square foot single-family dwelling will result in an increase of greater than 10 percent of the internal floor area of the existing single-family dwelling. Therefore, a Coastal Development Permit is required.
- e) A Coastal Development Permit is required for Ridgeline Development pursuant to Section 20.14.030.D. The existing single-family dwelling is located at the crest of a hill and the silhouette of the structure is visible from 17-Mile Drive, a public viewing area, and is considered to be Ridgeline Development as defined in Section 20.06.950. The proposed addition will slightly increase the silhouette. Therefore, a Coastal Development Permit is required. See **Finding 8** for more detail.
- f) The site is subject to design review. The Abercrombie project has been reviewed for siting, design, colors, materials and height. The proposed project meets the development standards of the zoning district including height, setback, lot coverage, and floor area ratio and the proposed colors and materials are appropriate for the site and the neighborhood.
- g) The project site is located within an area identified in the LUP as an environmentally sensitive habitat area (ESHA). Pursuant to LUP Policy 12 and CIP Section 20.147.040.B, a biological report was prepared for the project by Jeffrey Froke, and a peer review of the biological report was prepared by Michael Zander (See Finding 2, Evidence b). The biological report prepared for the project identified ESHA on the project site. Pursuant to Monterey County Code Title 20, Section 20.14.030.E, a

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Coastal Development Permit is required for development within 100 feet of mapped or field identified environmentally sensitive habitat. Based on the analysis contained in the Mitigated Negative Declaration prepared for the project, as conditioned and mitigated, the project will have a less than significant impact on environmentally sensitive habitat. See **Finding 7** for more detail.

- h) The project site is located within an area of high archaeological sensitivity. Pursuant to LUP Policy 58 and CIP Section 20.147.080.B, an archaeological survey was prepared for the project (see Finding 2, Evidence b). No evidence of cultural resources was observed on the site during the archaeological reconnaissance and the report concludes that there is no reason to delay development due to archaeological concerns. The standard archaeological condition has been incorporated as a condition of approval (**Condition No. 4**) to address the unanticipated discovery of resources during construction.
- i) The project site is located within 1/8 mile of a potentially active fault. Pursuant to CIP Section 20.147.060.A, a geologic report was prepared for the project (See Finding 2, Evidence b). The report concludes that the proposed development is feasible from a geologic and soil engineering standpoint provided the recommendations included in the report are incorporated into the project. The standard condition requiring that all development be in conformance with the reports prepared for the project has been incorporated as a condition of approval (**Condition No. 5**)
- j) The project is consistent with the development standards for the zoning district. The project site totals 50,965.2 square feet. The Development Standards for the LDR Zoning District allow maximum building site coverage of 15 percent with no limit on the amount of non-structural site improvements. The proposed project will result in building site coverage of 10.36 percent.
- k) The project planner conducted site inspections on December 3, 2010 and January 5, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- l) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project requires environmental review and because it includes a Design Approval that will be heard at a public hearing. The project was heard by the LUAC at a public hearing on January 5, 2012. The LUAC recommended approval of the project as proposed by a vote of 5-to-0
- m) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100612.

2. **FINDING:**

SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE:

- a) The project has been reviewed for site suitability by the following

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departments and agencies: RMA - Planning Department, Pebble Beach Community Services District (Fire Protection District), Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Biological Resources, Archaeological Resources, Historical Resources, Visual Resources and Soil/Slope Stability. The following reports have been prepared:
- "Preliminary Cultural Resources Reconnaissance of Assessor's Parcel 008-261-005" (LIB060583) prepared by Susan Morley, M.A., Pacific Grove, CA, July 2006;
 - "Biological Resources Letter Report" (LIB110221) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, May 13, 2011 and "Memo Attachment for Biological Report" dated June 9, 2011;
 - "Peer Review, Biological Resources Letter Report" (LIB110470) prepared by Michael Zander, Zander Associates, San Rafael, CA, November 20, 2011;
 - "Dune Restoration Plan, Abercrombie Property" (LIB110468) prepared by Zander Associates, San Rafael, CA, November 2011.
 - "Geologic Report and Soil Engineering Investigation Update for the Abercrombie Residence Addition" (LIB110222) prepared by Landset Engineers, Inc., Salinas, CA, March 2010 and "Revised Foundation Recommendations" dated August 2, 2011.
 - "Disturbed Area Analysis for the Abercrombie Residence Addition" (LIB110471) prepared by Landset Engineers, Inc., Salinas, CA, October 2010
 - "Visual Study and Analysis" (LIB110469) prepared by John Mandurrago, Building Designer, Carmel, CA, September 2, 2011.
 - "Historical Resource Assessment" (LIB110223) prepared by Anthony Kirk, Ph.D., Santa Cruz, CA, August 27, 2008.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) An Initial Study and Mitigated Negative Declaration (MND) were prepared for the project. The MND concludes that, as mitigated, the project will have a less than significant impact on the environment. See Finding 5 for further detail.
- d) Staff conducted site inspections on December 3, 2010 and January 5, 2012 to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100612.

3. **FINDING:**

HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals,

4/3/12

comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

- a) The project was reviewed by the RMA - Planning Department, Pebble Beach Community Services District (Fire Protection District), Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are available. The existing residence is served by the California American Water Company (Cal-Am) for domestic water, the Pebble Beach Community Services District (PBCSD) and Carmel Area Wastewater District (CAWD) for sewer. The project will continue to utilize the existing utility connections. A Residential Water Release Form and Water Permit Application showing a net increase of 7.5 water fixture units was submitted and approved by the Water Resources Agency. Additional water for the project has been purchased from the Pebble Beach Company, which is available as a result of a water reclamation project sponsored by the Pebble Beach Company and others.
- c) Staff conducted site inspections on December 3, 2010 and January 5, 2012 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100612.

4. **FINDING:**

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

EVIDENCE:

- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted site inspections on December 3, 2010 and January 5, 2012 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100612.

5. **FINDING:**

CEQA (Mitigated Negative Declaration) - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

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EVIDENCE:

- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN100612).
- c) The Initial Study identified several potentially significant effects, but revisions have been made to the project and applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.
- e) The Draft Mitigated Negative Declaration ("MND") for PLN100612 was prepared in accordance with CEQA and circulated for public review from July 5, 2012 through August 3, 2012 (SCH#: 2012071016).
- f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, biological resources, cultural resources, geology/soils, greenhouse gas emissions, and land use/planning.
- g) Potential impacts to Aesthetics due to potential glare and visibility of the structure from the protected viewshed from 17-Mile Drive were identified. Implementation of Mitigation Measure No. 1 (**Condition No. 27**) which requires that materials used in construction be non-reflective materials, painted in earth-tones or utilize earth-tone materials and that glass surfaces be grey-tinted "non-reflective" glass will reduce this potential impact to less than significant.
- h) Potential impacts to Biological Resources (Black legless lizards, a California Species of Special Concern) were identified. Implementation of Mitigation Measure No. 2 (**Condition No. 28**) which requires preparation and implementation of a Black Legless Lizard Management Plan will reduce these potential impacts to less than significant.
- i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN100612) and are hereby incorporated herein by reference.
- j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that

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the project will have no effect on fish and wildlife resources.

The site supports birds, mammals and amphibians, including Black legless lizards, a California Species of Special Concern. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- k) Comments on the draft MND were received from Maureen Wruck and the Monterey Bay Unified Air Pollution Control District (**Exhibit G**). The County has considered the comments received during the public review period and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.
- l) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:**

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

EVIDENCE:

- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Del Monte Forest Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) The project site is a 50,965.2 square foot parcel. The total improved surface coverage of the site (structure footprint and paving) is 6,402 square feet, or 12.6 percent of the site. The proposed project will increase the total improved surface coverage by 1,358 square feet for a total of 7,760.5 square feet, or approximately 15.2 percent of the site. This increase includes the addition of approximately 903 square feet in the sandy area on the north side of the house and the conversion of approximately 455 square feet of landscaped area on the southwest side of the house to paved patio. Also included is the replacement of 2,295.5 square feet of asphalt driveway with 2,089.5 square feet of permeable pavers.
- c) The project site lies entirely within coastal dune scrub ESHA, on a remnant of the indigenous coastal sand dunes known as the Asilomar Dunes complex. Pursuant to LUP Policies No. 12 and 16, the biology report and Dune Restoration Plan (See Finding 2, Evidence b) identify the locations of environmentally sensitive habitat on the site. Implementation of the Dune Restoration Plan (**Condition No. 28**) will ensure protection of the sensitive species and habitat present on the site.
- d) Two special status species have been identified on the site: the federally endangered Tidestrom's lupine (*Lupinus tidestromii*) and Black legless lizards (*Anniella pulchra nigra*), a California species of special concern.

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The biology report prepared for the project concluded that because of the distance of the Tidestrom's lupine from the proposed addition, that no impacts are anticipated. Implementation of Mitigation Measure No. 2 (**Condition No. 28**) will reduce potential impacts to Black legless lizards to less than significant.

- e) The existing home on the site pre-dates the Coastal Initiative, (Prop. 20 in 1972), the Coastal Act (1976) and the Del Monte Forest Land Use Plan (originally adopted on September 24, 1984 and amended on May 22, 2012), including Coastal Act Section 30240 and Land Use Plan ESHA policies, the purpose of which is to protect environmentally sensitive habitat areas. The existing neighborhood within the remnant native dune ESHA is not consistent with either LUP Policy No. 8, which does not allow non-resource dependent uses within ESHA or LUP Policy 18, which requires that "uses of remnant native sand dune habitat shall be limited to low-intensity scientific, educational, and/or recreational activities dependent on the resource." Built in 1952, the existing residential use pre-dates this requirement.
- f) LUP Policies 8 and 18 would not ordinarily permit non-resource dependent development within ESHA. Dune ESHA on the site has been impacted by the invasive, non-native iceplant that dominates most of the site. The Key ESHA Policy states: *"The environmentally sensitive habitat areas of the Del Monte Forest are unique, limited, and fragile resources that are sensitive and important biologically, and that enrich Del Monte Forest enjoyment for residents and visitors alike. Accordingly, these areas shall be protected, maintained, and, where possible, enhanced and restored in accordance with the policies of this LUP. Except where specifically and explicitly authorized by the LUP, all categories of land use and development, both public and private, shall be subordinate to the protection of these areas."* Pursuant to Section 30007.5 of the Public Resources Code, the legislature recognizes that conflicts may occur between one or more policies of the Coastal Act and "declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." For this project, the overall benefits to ESHA, which include restoration of approximately 84.7 percent of the degraded dune ESHA habitat on the property by eradication of exotic species and planting of appropriate native species, clearly outweigh the impacts due to the proposed development. Therefore, when restored, the development would be subordinate to the protection of ESHA and consistent with the LUP Key Policy on ESHA. The project is conditioned (**Condition No. 8**) to require that a Conservation and Scenic Easement be conveyed to the Del Monte Forest Foundation over all areas of the property where environmentally sensitive habitats, remnant native sand dune habitats, habitats of rare, endangered and sensitive native plants and animals and visually prominent areas exist. The applicant has also agreed to a Condition of Approval (**Condition No. 17**) requiring payment of an in lieu fee in the

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amount of \$0.92¹ per square foot of net footprint expansion for the purpose of financing dune habitat restoration and maintenance elsewhere within the greater Asilomar Dunes system. The result of these dune protection, maintenance, enhancement and restoration efforts will be that approximately 0.99 acre of degraded dune habitat, including 6,379 square feet of previously disturbed dune ESHA on the site will be restored to and maintained in perpetuity as native dune habitat and additional offsite area within the Asilomar Dunes complex will be restored and maintained to offset the permanent loss of dune ESHA on the property resulting from the project. The approval of this project will result in restoration and protection of dune habitat where restoration or protection would not otherwise occur. On balance, this restoration effort results overall in more and better protection of coastal resources consistent with the LCP policies and regulations in that it will enhance and restore ESHA areas that would not otherwise be restored. Coastal Commission staff supports such restoration efforts. This approach to allow expansion of residential development within ESHA is similar to that taken for other projects that have been approved by the Coastal Commission within the Asilomar Dunes complex.

- g) Consistent with LUP Policy 11, the project has been designed to limit the intensity of use adjacent to ESHA. All access to the residence will be through areas that are currently paved and no doors or pathways will be located immediately adjacent to dune ESHA on the north side of the residence.
- h) Consistent with LUP Policies 13 and 17, the project is conditioned (**Condition No. 8**) to require dedication of a conservation and scenic easement to the Del Monte Forest Foundation over those portions of the property where ESHA, remnants of native sand dune habitats, rare, endangered and sensitive plants and animals and visually prominent areas exist.
- i) The project is consistent with LUP Policy 14 which states: *"Near environmentally sensitive habitat areas, native vegetation removal and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate reasonable development. Development shall be sited and designed to prevent impacts that would significantly degrade those nearby areas, and shall be compatible with the continuance of those habitat areas."* The case at hand does not involve a vacant lot and thus the County is not obliged to approve the proposed residential expansion for reasons of avoiding a taking of private property. However grading will be limited to the removal of existing hardscape and driveway, and vegetation in the area of the proposed addition is dominated by invasive, non-native ice-plant. The foundation of the addition will be cast-in-place concrete pier and grade beam foundation or a helical anchor foundation bearing entirely into the bedrock to eliminate the need for overexcavation for the slab that would result in disturbance to adjacent ESHA. The proposed restoration of approximately 0.99 acres of degraded ESHA on the site

¹ The dollar amount of \$40,000 per restoration acre or \$0.92 per square foot is based on the current cost of similar restoration in the Asilomar Dunes based on recent examples (e.g., the dune restoration recently undertaken at the margins of the Pacific Grove municipal golf course).

(all areas not approved for development) and the dedication of a permanent conservation and scenic easement over the restored area will result in the enhancement and preservation of approximately 84.7 percent of the site. Thus the development is subordinate to the ESHA on the site and is compatible with the continuance of those habitat areas. See also Finding 6, Evidence (f) above.

- j) Pursuant to LUP Policy 15, the project includes a Dune Restoration Plan (DRP) to restore the approximately 0.99 acre of remnant dune terraces and swales that will remain undeveloped following construction with native dune plants appropriate to the area. The standard landscape condition has been modified to require implementation of the DRP (**Condition No. 11**). Implementation of the DRP will result in eradication of non-natives on the site and restoration of the degraded dune areas to native dune habitat.
- k) Per the Coastal Act conflict resolution sections and consistent with the Del Monte Forest Land Use Plan which acknowledges the goal of balanced utilization and conservation of coastal zone resources as well as balancing between coastal zone resource conservation and development, the project is protective of significant coastal resources. Although the project allows some non-resource-dependent development in EHSA, on balance, the protection, maintenance, enhancement, and restoration of nearly an acre of dune habitat on Signal Hill coupled with location of the home addition along the previous development edge, where habitat has previously been developed, disturbed and degraded, is more protective of coastal resources.
- l) The project planner conducted site inspections on December 3, 2010 and January 5, 2012 to verify ESHA locations and potential project impacts to ESHA.
- m) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100612.
- n) Evidence contained in the preceding and following Findings.

7. **FINDING:**

RIDGELINE DEVELOPMENT – The subject project, as conditioned by this permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.

EVIDENCE:

- a) Pursuant to Section 20.66.010 of the Monterey County Zoning Ordinance, ridgeline development may be approved if, as conditioned or designed, the project will not create a substantially adverse visual impact when viewed from a common public viewing area.
- b) The project site is located within the viewshed from 17-Mile Drive and vista points as shown on Figure 3 of the LUP. Section 20.147.020.P (definition of Public Viewshed) includes those areas visible from significant roads/streets such as 17-Mile Drive as part of the Public Viewshed.
- c) The existing dwelling is located off of Signal Hill Road, on a promontory about 70 feet above and 300 feet from 17-Mile Drive and is visible as ridgeline development from points both north and south of the site on 17-Mile Drive. The proposed addition on the northern side of the existing dwelling will increase the size of the silhouette of the

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dwelling by approximately 4 percent; therefore a Coastal Development Permit to allow ridgeline development is required.

- d) The project site is located on Signal Hill in an existing, developed residential neighborhood. Existing development on Signal Hill is highly visible from 17-Mile Drive because of its location on a sandy ridge above 17-Mile Drive. Several other homes in the immediate area of the project site also silhouette from points both north and south on 17-Mile Drive. The natural dune vegetation is short in stature and, except for planted trees, does not provide significant screening for structures. Given the existing state of the viewshed, the 4 percent increase in the ridgeline silhouette of the dwelling will not create a substantially adverse visual impact when viewed from 17-Mile Drive.
- e) The existing house constitutes ridgeline development and the minor addition will not constitute a substantial adverse visual impact. The minor 4% addition will not be distinguishable from the existing residence.
- f) In order to minimize the visual impact of the project, the 4-in-12 pitched roof over the eastern portion of the residence will be replaced with a 3-in-12 pitched roof that will step down in 5 steps from the existing high point over the western end of the residence to a new low on the easternmost end.
- g) In order to minimize potential glare and visibility of the structure, Mitigation Measure No. 1 (**Condition No. 24**) requires that all materials used in construction of the addition be non-reflective materials, painted in earth-tone colors or utilize earth-tone materials and that all glass shall be grey-tinted "non-reflective" glass.
- h) The project planner conducted site inspections on December 3, 2010 and January 5, 2012 to verify that the project on the subject parcel conforms to the ridgeline development requirement to not create a substantially adverse visual impact.
- i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100612.

8. **FINDING:**

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

EVIDENCE:

- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 8 in the Del Monte Forest Area Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100612

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- e) The project planner conducted site inspections on December 3, 2010 and January 5, 2012.

9. **FINDING:** **WILDFIRE PROTECTION STANDARDS IN STATE RESPONSIBILITY AREAS** – The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

- EVIDENCE:**
- a) The proposed project is within the Monterey County State Responsibility Area.
 - b) Access to the site is through a driveway that meets the standards set forth in Monterey Code Section 18.56.060.
 - c) The project does not meet the minimum 30 foot setback from the side property line as required by Section 18.56.090.2 and has therefore been conditioned to provide alternative fire protection measures as provided for in Section 18.56.050.B. **Condition No. 22** requires that the residence and attached garage be protected by an automatic fire sprinkler system and **Condition No. 25** requires installation of Class A roofing.

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

- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project is located between the first public road and the sea and because the project includes development which is permitted in the underlying zone as a conditional use.

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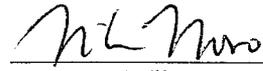
DECISION

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

1. Adopt a Mitigated Negative Declaration;
2. Approve a Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage that will result in an increase to the internal floor area of more than 10 percent to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow Ridgeline Development, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 31st day of **October, 2012** upon motion of Commissioner Diehl seconded by Commissioner Padilla, by the following vote:

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


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **NOV 02 2012**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **NOV 13 2012**

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

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

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NOTES

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

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

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

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

Form Rev. 05-09-2012

H. B.

Monterey County Planning Department
Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100612

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This permit is a Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage that will result in an increase to the internal floor area of more than 10 percent to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow Ridgeline Development. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

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

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

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2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice which states: "A Combined Development Permit (Resolution No. 12-047) was approved by the Planning Commission for Assessor's Parcel Number 008-261-005-000 on October 31, 2012. The permit was granted subject to 28 conditions of approval including 2 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County Resource Management Agency - Planning Department."

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

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

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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

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

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

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4. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning 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 recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"The following reports have been prepared for the project:
- "Biological Resources Letter Report" (LIB110221) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, May 13, 2011 and "Memo Attachment for Biological Report" dated June 9, 2011;
- "Peer Review, Biological Resources Letter Report" (LIB110470) prepared by Michael Zander, Zander Associates, San Rafael, CA, November 20, 2011;
- "Dune Restoration Plan, Abercrombie Property" (LIB110468) prepared by Zander Associates, San Rafael, CA, November 2011.
- "Geologic Report and Soil Engineering Investigation Update for the Abercrombie Residence Addition" (LIB110222) prepared by Landset Engineers, Inc., Salinas, CA, March 2010 and "Revised Foundation Recommendations" dated August 2, 2011.
and are on file in the Monterey County RMA - Planning Department. All development shall be in accordance with these reports."

A copy of this language shall be incorporated as a note on all construction or grading plans for the project.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department and shall submit proof that the language has been included as a note on the construction plans.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the reports to the RMA - Planning Department.

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6. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement.
(RMA - Planning Department)

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

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

7. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.
(RMA - Planning Department)

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

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

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8. PD022(B) - EASEMENT-DMF CONSERVATION & SCENIC

Responsible Department: Planning Department

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

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

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

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

9. PD041 - HEIGHT VERIFICATION

Responsible Department: Planning Department

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

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

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

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

10. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)

Responsible Department: Planning Department

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

1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;
2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;
3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.

All Air District standards shall be enforced by the Air District.
(RMA - Planning Department)

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

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

11. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD CONDITION) The site shall be landscaped in accordance with the recommendations of the Dune Restoration Plan (LIB110468) prepared for the project. All plantings utilized in the landscape plan shall be native plants appropriate for the dune area. Prior to the issuance of building permits, three (3) copies of a detailed landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan and an estimate by the project biologist of the cost of supervision of the installation and the required monitoring. Before occupancy, the landscaping/dune restoration shall be installed. The landscaping and dune restoration shall be installed under the supervision of a qualified biologist.

Monitoring reports regarding the status of the dune restoration prepared by a qualified biologist shall be submitted to the RMA-Planning Department on a quarterly basis for the first year following initial non-native plant eradication and twice a year during the second and third years. The first monitoring report shall be submitted 6 months after completion of initial iceplant and European beach grass removal and subsequent reports shall be submitted at 3 month intervals for the first year. Monitoring reports shall be submitted in the spring and fall of each year for the second and third years. All recommendations for maintenance activities included in the monitoring reports shall be implemented.

Prior to occupancy: If the three year monitoring period has not yet been completed, prior to occupancy the applicant shall submit a completion bond for the cost of completing the restoration plan, including the preparation of any remaining monitoring reports.

All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and cost estimates to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Dune Restoration Plan (LIB110468) prepared for the project.

Prior to the issuance of building permits the owner/applicant shall submit a copy of a contract with a qualified biologist to perform the supervision of installation and monitoring/reporting required by this condition.

Monitoring reports on the dune restoration shall be submitted to the RMA-Planning Report beginning 6 months after completion of initial non-native plant eradication and shall continue for 3 years as outlined in the condition.

Prior to occupancy, landscaping/restoration plan shall be installed. If the three year monitoring period has not been completed prior to occupancy, a certificate of deposit or other form of surety made payable to Monterey County for the cost of completing the restoration plan including the preparation of any remaining monitoring reports shall be submitted to the Monterey County RMA - Planning Department.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

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12. PDSP002 - DUNE HABITAT PROTECTION DURING CONSTRUCTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Construction related activities shall be limited to the area shown as "Limits of Construction Activity" in the Dune Restoration Plan and all of the "Recommended Minimization Measures During Construction" found in Section 2.0 of the Restoration Plan shall be implemented throughout construction. The language contained in Section 2.0 of the Restoration Plan shall be incorporated as a note on any construction plans.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a grading or building permit applicant/owner shall submit evidence that the language contained in Section 2.0 of the Restoration Plan is incorporated as a note on the construction plans.

Ongoing: Applicant/owner shall comply with this condition throughout the construction phase of the project.

13. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

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

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

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14. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

15. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geological/geotechnical report.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Planning Department and the RMA-Building Services Department showing project's compliance with the geological/geotechnical report.

16. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on October 31, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

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17. PDSP001 - OFFSITE DUNE HABITAT RESTORATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the issuance of a building or grading permit, the applicant/owner shall submit to the RMA-Planning Department for review and approval an offsite dune habitat restoration plan that provides for restoration of dune habitat within the Asilomar Dunes system at a ratio of 2:1 for any new dune habitat coverage over existing conditions (i.e. for any new areas of the site that are being converted from dune habitat to residential uses). The plan shall clearly identify each type of new dune habitat coverage (structural and non-structural) in site plan view with accompanying square footage calculations.

If the applicant provides off-site dune habitat restoration in situ, prior to final inspection the applicant shall provide evidence to the RMA-Planning Department for review and approval that the approved restoration plan has been implemented. In lieu of providing for off-site dune habitat restoration in-situ, the plan may be submitted with evidence that a dune restoration payment of \$0.92 per square foot of new dune habitat coverage over existing conditions has been deposited into an interest-bearing account to be established and managed by one of the following entities as approved by the RMA-Planning Department: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation for the sole purpose of financing dune habitat restoration and maintenance within the Asilomar Dunes system. All of the funds and any accrued interest shall be used for the above-stated purpose.

Compliance or Monitoring Action to be Performed: Prior to issuance of building or grading permit, applicant/owner shall submit to the RMA-Planning Department a dune habitat restoration plan which provides for either in-situ restoration or evidence that in-lieu payment has been made to one of the listed entities.

Prior to final inspection, if the applicant provides off-site dune restoration in situ, provide evidence to the RMA-Planning Department that the approved restoration plan has been implemented.

18. WRSP1 - DRAINAGE PLAN (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan to mitigate on-site and off-site impacts from impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

19. WRSP2 - WATER AVAILABILITY CERTIFICATION (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at www.mcwra.co.monterey.ca.us.

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20. FIRE007 - DRIVEWAYS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Pebble Beach Community Services District)

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

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

21. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

(NON-STANDARD) Manage combustible vegetation from within a minimum of 100 feet of structures, or to the property line, whichever is closer. Trim tree limbs to a minimum height of 6 feet from the ground. Remove tree limbs from within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas shall require alternative fire protection, to be determined by Reviewing Authority and the Director of RMA-Planning Department. Responsible Land Use Department: Pebble Beach Community Services District/RMA-Planning Department

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

Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to issuance of grading and/or building permit, Applicant shall provide an alternative fire protection plan for all areas on the site within 100 feet of structures to the RMA-Planning Department for review and approval.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

22. FIRE021 - FIRE PROTECTION- SPRINKLER SYSTEM (STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Responsible Land Use Department: Pebble Beach Community Services District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

23. FIRE030 - OTHER STANDARD CONDITIONS - GENERATOR

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRE030 - GENERATOR (NON-STANDARD CONDITION)
Generator panel shut-off requirements and signage shall be installed as approved by the Fire District. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: 1. Prior to final building inspection, the applicant or owner shall schedule Fire dept. clearance inspection.

24. FIRE030 - OTHER NON-STANDARD CONDITIONS - SOLAR

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Solar panel shut-off requirements and signage shall be installed as approved by the Fire District. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: 1. Prior to final building inspection, the applicant or owner shall schedule Fire dept. clearance inspection.

25. FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.

2. Prior to final building inspection, the applicant or owner shall schedule Fire dept. clearance inspection.

26. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be 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. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed:

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

27. MM001 - MINIMIZE VISIBILITY AND POTENTIAL GLARE

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE NO. 1: In order to minimize potential glare and visibility of the structure, all materials used in constructing the structure shall be non-reflective materials, painted in earth-tone colors, or utilize earth-tone materials. Glass surfaces shall be grey-tinted "non-reflective" glass.

Compliance or Monitoring Action to be Performed: Monitoring Action No. 1: Prior to the issuance of a building permit, the applicant/owner shall submit color cut sheets of final colors and materials proposed demonstrating compliance with the condition to the Director of RMA-Planning for review and approval. The approved specifications shall be incorporated into the construction plans submitted to the RMA-Building Services Department.

Monitoring Action No. 2: Prior to final inspection, the applicant/owner shall demonstrate that the approved colors and materials were installed according to the approved plan.

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28. MM002 - BLACK LEGLESS LIZARDS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE NO. 2: In order to prevent impacts to Black legless lizards, prior to the issuance of a building or grading permit, a qualified biologist shall, in consultation with the California Department of Fish and Game (CDFG), prepare a Black Legless Lizard Management Plan (BLLMP), which shall be implemented throughout the construction period. A copy of the BLLMP and evidence that CDFG concurs with the contents of the plan shall be submitted to the RMA-Planning Department for review and approval. At a minimum, the plan shall include the following requirements: 1) A qualified biologist shall be present on the site during all ground disturbing activities to monitor for the presence of Black legless lizards. 2) If Black legless lizards are located within an area of active construction, the biologist shall have the authority to stop work until the animal has left the area or appropriate measures as approved in the plan have been taken. 3) Prior to the initiation of construction activities, all construction workers who will be working on the site will be trained regarding habitat sensitivity, identification of Black legless lizards and required practices. The training shall include a brief review of the biology of the species, the general measures that are being implemented to conserve the species as they relate to the project, guidelines to avoid impacts to the species during the construction period, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers onsite. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures and provide a copy to the RMA-Planning Department.

Compliance or Monitoring Action to be Performed: A copy of the language contained in this mitigation measure shall be included as a note on any grading or building permit plans.

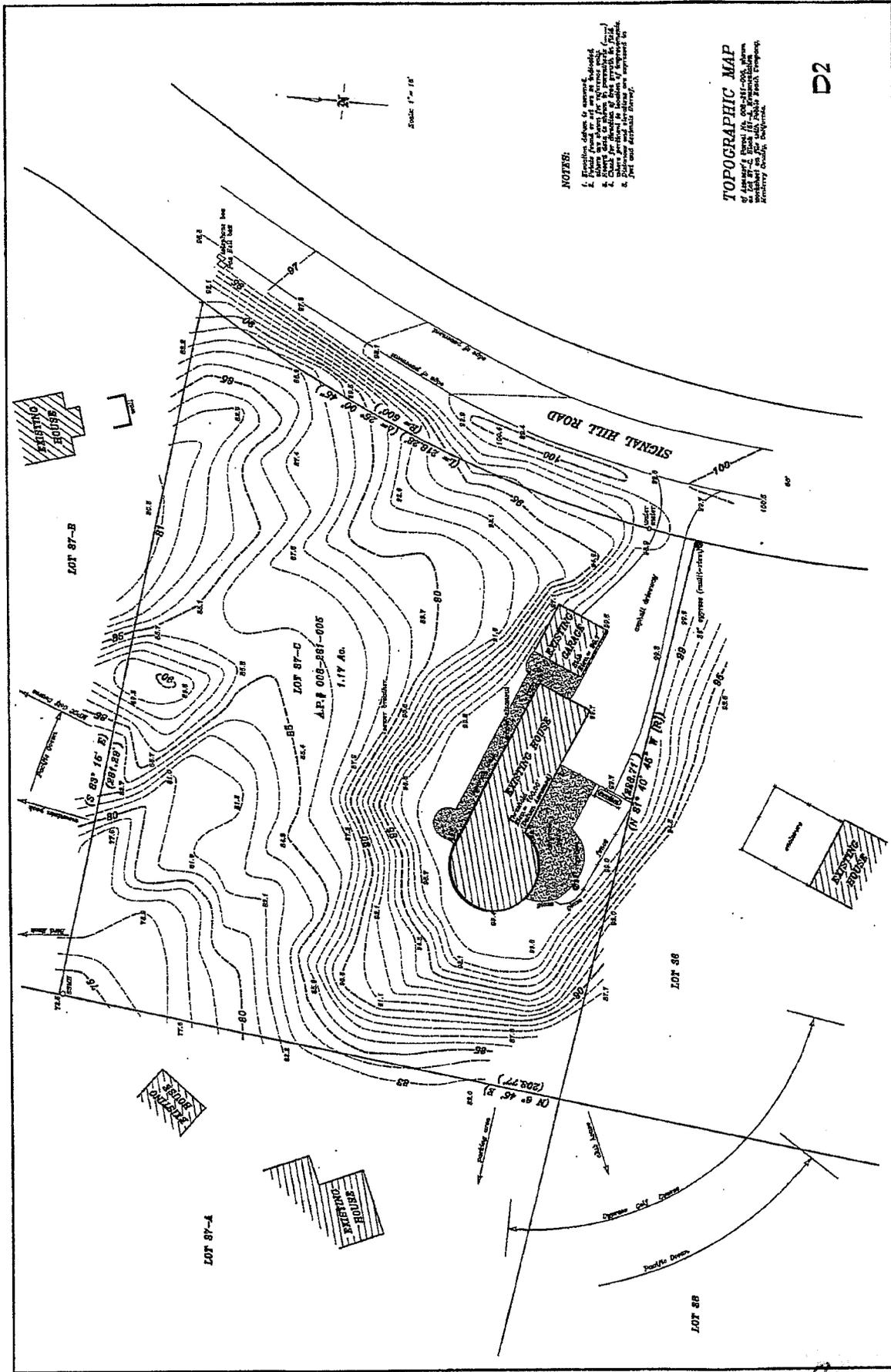
Monitoring Action No. 1: Prior to the issuance of a building or grading permit, the applicant/owner shall submit a BLLMP and evidence of CDFG concurrence with the contents of the plan to the RMA-Planning Department for review and approval.

Monitoring Action No. 2: Prior to the issuance of a building or grading permit, the applicant/owner shall submit a copy of a contract with a qualified biologist to perform required the training and monitoring.

Monitoring Action No. 3: Prior to the initiation of construction activities, the applicant/owner shall submit a copy of the training materials and the signed acknowledgements from the workers who attended the training.

Monitoring Action No. 4: The approved BLLMP shall be implemented throughout the construction phase of the project.

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NOTES:

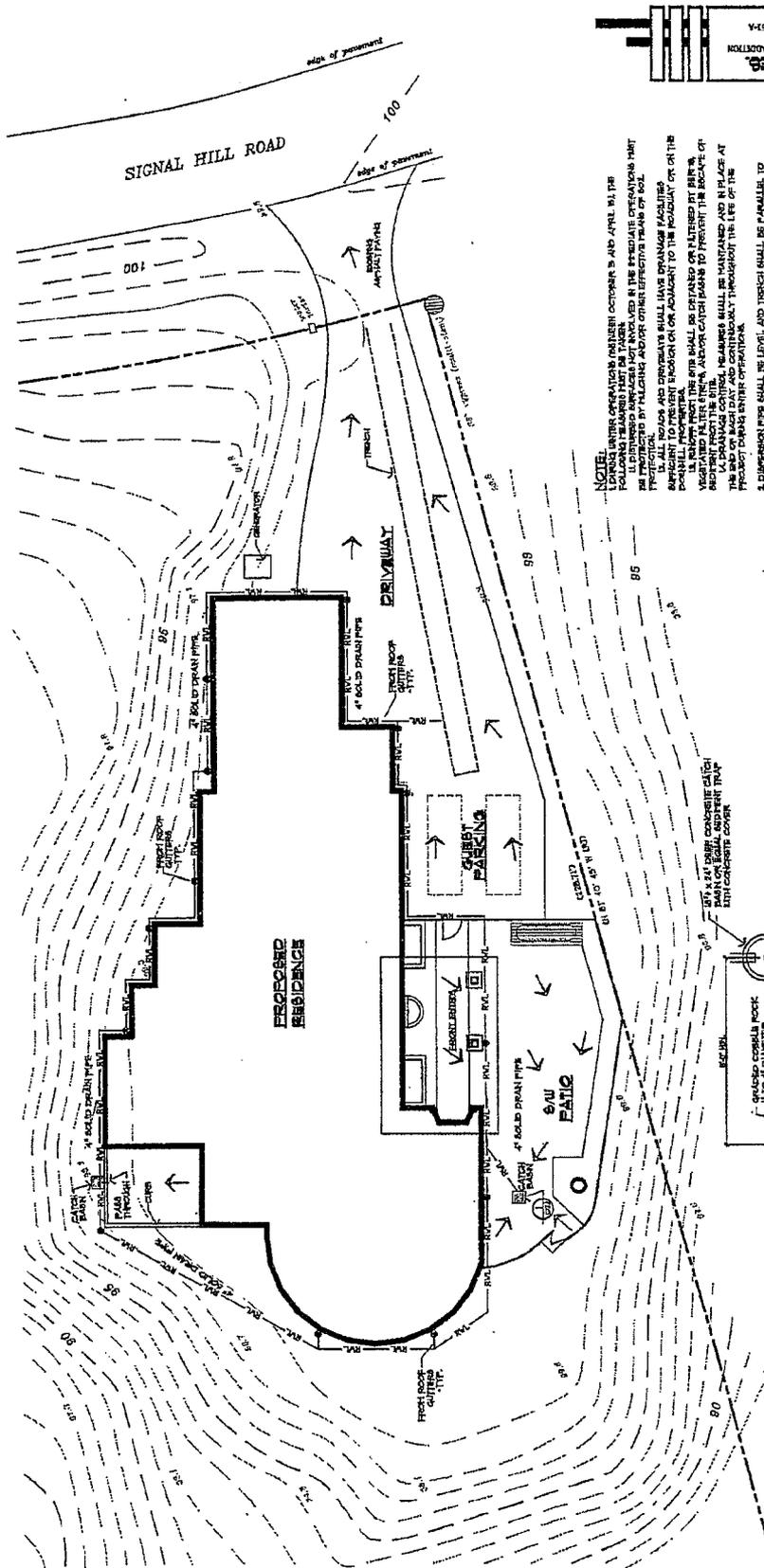
1. Elevation shown in contour lines.
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TOPOGRAPHIC MAP

Prepared by
 Surveying & Mapping
 Department
 State of California
 Sacramento, California

D2

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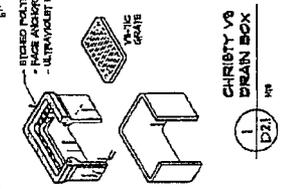
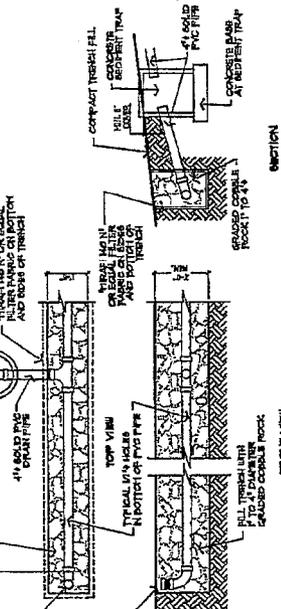
NOTE:

1. ALL EXISTING OPERATIONS (PRIOR TO OCTOBER 3 AND APRIL 19), THE FOUNDATION AND FOOTING SHALL BE RECONSTRUCTED TO MEET THE REQUIREMENTS OF THE 1997 IBC AND ALL OTHER APPLICABLE CODES.
2. ALL EXISTING OPERATIONS SHALL BE RECONSTRUCTED TO MEET THE REQUIREMENTS OF THE 1997 IBC AND ALL OTHER APPLICABLE CODES.
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10. ALL EXISTING OPERATIONS SHALL BE RECONSTRUCTED TO MEET THE REQUIREMENTS OF THE 1997 IBC AND ALL OTHER APPLICABLE CODES.

PROPOSED DRAINAGE PLAN

SCALE: 1/8" = 1'-0"

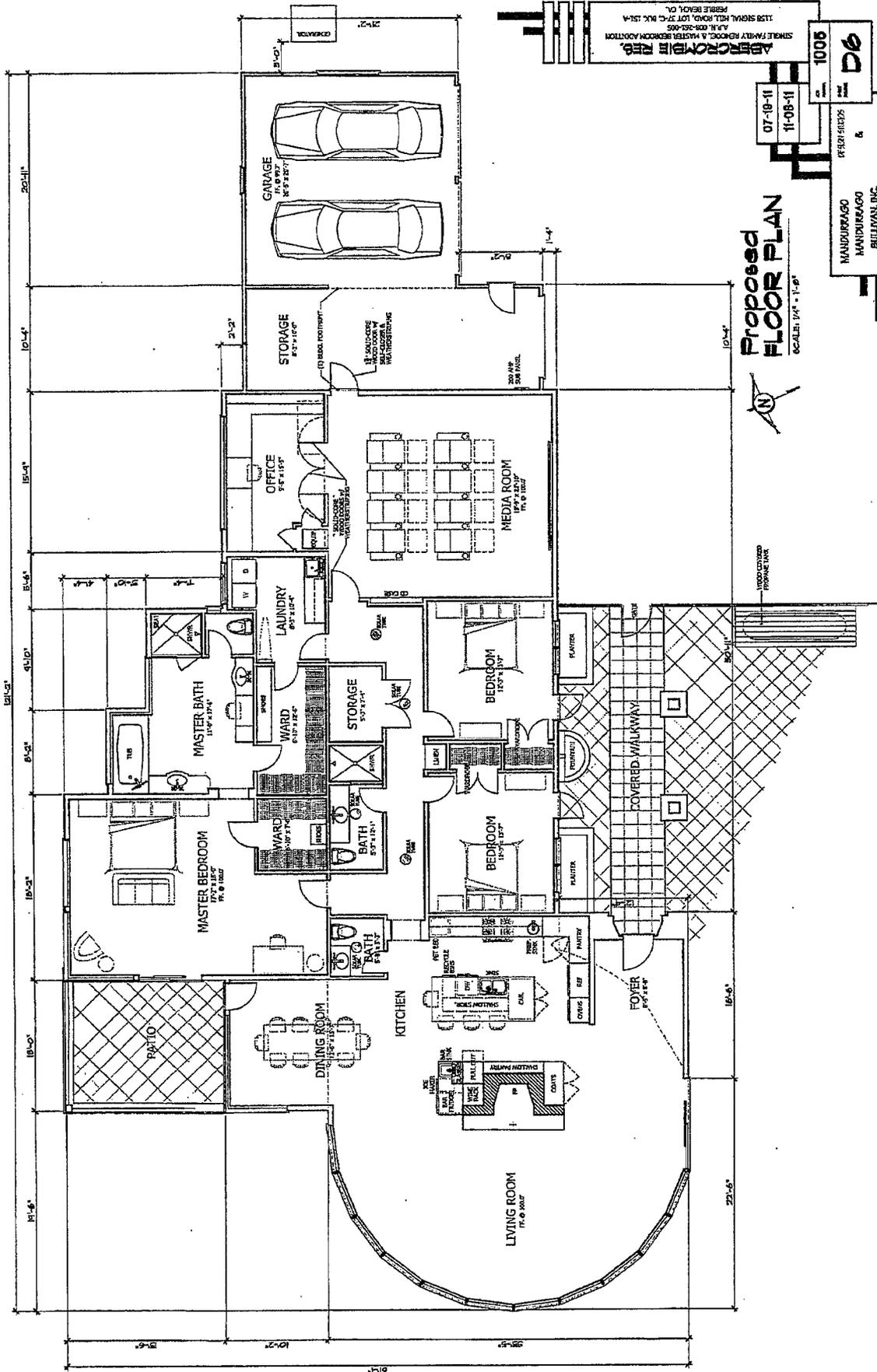
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MANDURRAGO
SULLIVAN, INC.
DESIGN STUDIOS &
GENERAL CONTRACTORS & CIVIL ENGINEERS



ROCK WATER DISPERSION OUTLET DETAIL
SCALE: 1/8" = 1'-0"

CHRISTY V8 DRAIN BOX
SCALE: 1/8" = 1'-0"

31
630



Proposed FLOOR PLAN
 SCALE: 1/4" = 1'-0"

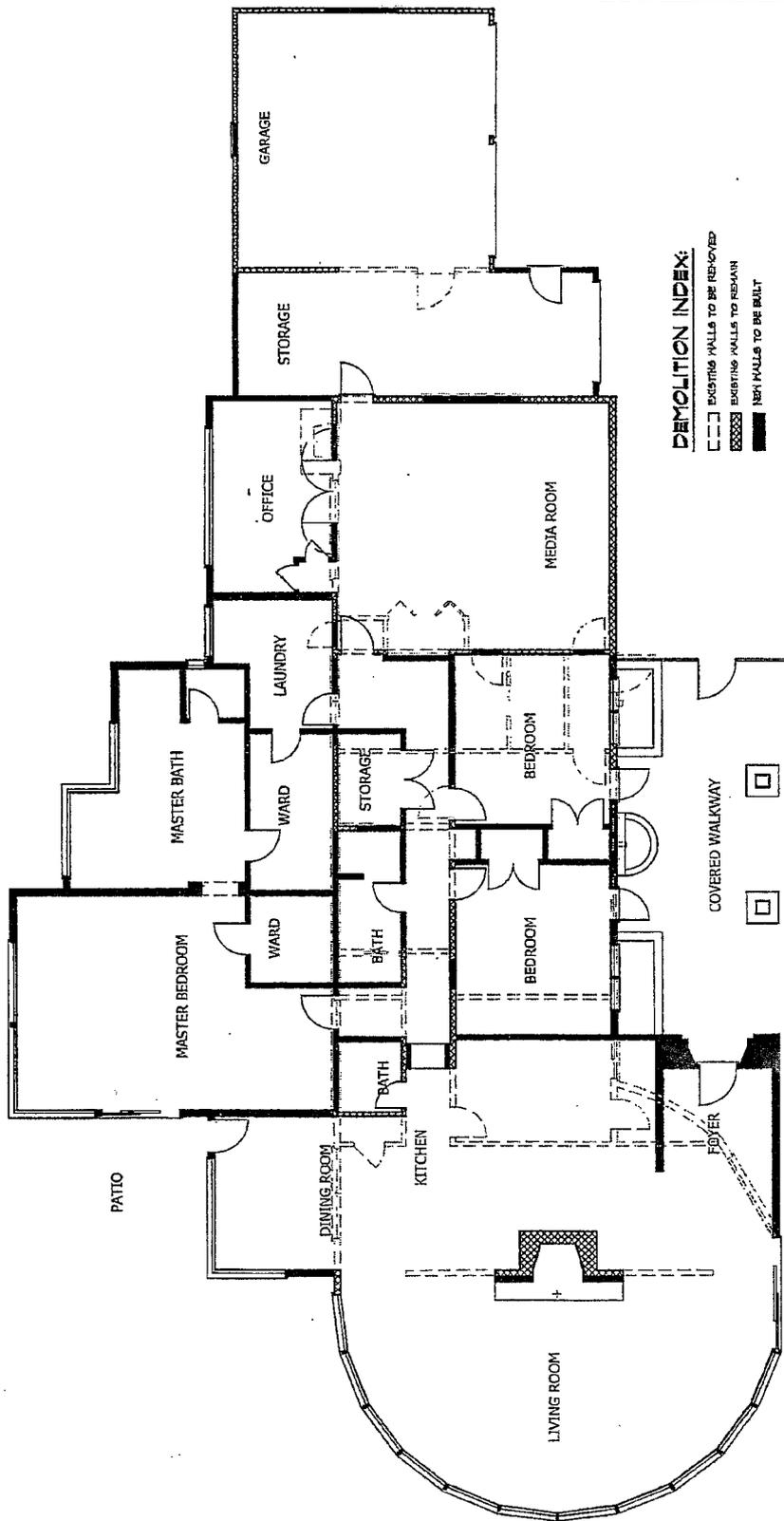


WOOD LAMINATE
 PROPANE TANK

ABERCROMBIE FIB. SINGLE FAMILY RESIDENCE & MASTER BEDROOM ADDITION
 1150 SIVAN HILL ROAD, LOT 27-C, BK. 121-A
 4.16 AC. 200-24-05

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 11-08-11
 1006
D6
 MANDURRAGO PERM SERVICES &
 MANDURRAGO SULLIVAN INC.
 1150 SIVAN HILL ROAD, SUITE 201, BEVERLY HILLS, CA 90210

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DEMOLITION INDEX:

- EXISTING WALLS TO BE REMOVED
- - - EXISTING WALLS TO REMAIN
- ▨ NEW WALLS TO BE BUILT

WALL DEMOLITION

EXISTING EXTERIOR WALLS TO BE REMOVED



DEMOLITION PLAN

SCALE: 1/4" = 1'-0"

07-18-11

11-08-11

1006

DT

MANDURRAGO
 MANDURRAGO
 &
 BULLIVAN, INC.
 P. O. BOX 11000, WASHINGTON, D. C. 20036

ABERDEEN IN ASS.
 SINGLE FAMILY RESIDENTIAL & MULTI-FAMILY RESIDENTIAL ADAPTATION
 4720 29th Street
 1154 Signal Hill Road, Lot 37-C, Bldg. 151-A
 PEBBLE BEACH, CA

33 34

EXHIBIT C

Legal Description for a Conservation & Scenic Easement

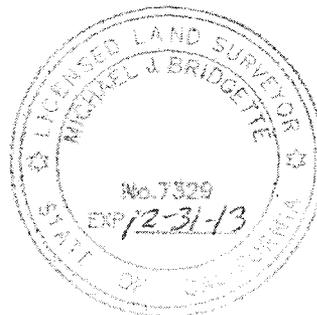
SITUATE in the El Pescadero Rancho, County of Monterey, State of California.

BEING an easement for conservation and scenic purposes over a portion of the lands of LeBon G. and Mary J. Abercrombie as described in that deed recorded in Document Number 2010030995, Monterey County Records and more particularly described as follows:

BEGINNING at the northeast corner of the lands of LeBon G. and Mary J. Abercrombie as described in that deed recorded in Document Number 2010030995, Monterey County Records, said Point of Beginning being on the west boundary of Signal Hill Road, thence from said Point of Beginning, along the east boundary of the said lands of Abercrombie and along the said west boundary of Signal Hill Road, along a curve to the left (the radius point bears S 56°40' E 500.00 feet distant) having a radius of 500.00 feet, through a central angle of 23°03'33" for an arc length of 201.23 feet; thence leave said east boundary of Abercrombie and said west boundary of Signal Hill Road N 75°10'01" W 3.85 feet; thence N 53°28'57" W 33.93 feet; thence N 23°37'19" E 7.00 feet; thence N 66°22'41" W 3.00 feet; thence N 23°33'25" E 8.01 feet; thence N 66°26'35" W 31.19 feet; thence N 23°29'22" E 2.17 feet; thence N 66°30'38" W 21.25 feet; thence N 23°29'22" E 7.33 feet; thence N 66°30'38" W 12.33 feet; thence N 23°29'22" E 1.33 feet; thence N 66°30'38" W 5.67 feet; thence N 23°29'22" E 6.83 feet; thence N 66°30'38" W 39.17 feet; thence S 23°29'22" W 26.04 feet to the beginning of a curve to the left (the radius point bears S 18°02'13" W 21.842 feet), thence along said curve having a radius of 21.842 feet, through a central angle of 152°52'31" for an arc length of 58.279 feet; thence S 9°47'29" W 10.88 feet; thence S 25°31'56" E 8.98 feet; thence S 43°56'04" E 6.14 feet; thence S 65°13'13" E 29.31 feet to the south boundary of the said lands of Abercrombie; thence along said south boundary N 81°40'45" W 109.26 feet to the southwest corner of the said lands of Abercrombie; thence along the west boundary of the said lands of Abercrombie N 6°45' E 203.77 feet to the northwest corner of the said lands of Abercrombie; thence along the north boundary of the said lands of Abercrombie S 83°15' E 281.29 feet to the Point of Beginning.

Containing 0.95 acres

Prepared by: Bridgette Land Surveying
January 23, 2013 13-01



A handwritten signature in black ink, appearing to read "Michael J. Bridgette", written over a horizontal line.

Michael J. Bridgette, PLS 7329
Renew: 12-31-2013

Page 1 of 2

Scale: 1" = 40'



to 17-Mile Drive

APN 008-261-004

Point of Beginning

(S 83°16' E 281.29)

APN 008-261-005
 1158 Signal Hill Road
 Parcel Total: 1.17 acres
 Document 2010030995,
 Monterey County Records

CONSERVATION & SCENIC EASEMENT
 Area: 0.95 acres (shaded)

Improvement Area: 0.22 acres

(N 6°45' E 203.77)

109.26 (N 81°40'45" W 228.71)

APN 008-261-006

Pebble Beach, Monterey County, California



January 21, 2013

TABLE OF COURSES

C1	S	65°13'13"	E	29.31
C2	S	43°56'04"	E	6.14
C3	S	25°31'56"	E	8.98
C4	S	9°47'29"	W	10.88
C5	R=21.842	L=58.279		
	Δ=152°52'31"			
C6	S	23°29'22"	W	26.04
C7	N	66°30'38"	W	39.17
C8	N	23°29'22"	E	6.83
C9	N	66°30'38"	W	5.67
C10	N	23°29'22"	E	1.33
C11	N	66°30'38"	W	12.33
C12	N	23°29'22"	E	7.33
C13	N	66°30'38"	W	21.25
C14	N	23°29'22"	E	2.17
C15	N	66°26'35"	W	31.19
C16	N	23°33'25"	E	8.01
C17	N	66°22'41"	W	3.00
C18	N	23°37'19"	E	7.00
C19	N	53°28'57"	W	33.93
C20	N	75°10'01"	W	3.85

Easement: R=500.00 L=201.23
 Hill
 Road

Boundary:
 (R=500.00)
 (L=218.28)

Signal

Attachment to EXHIBIT C

Conservation & Scenic Easement
 prepared by

BRIDGETTE LAND SURVEYING
 80 Aspen Way, Suite A Watsonville, Ca 95076
 831.722.5800 www.bridgettelandsurveying.com
 APN 008-261-005, Monterey County 1 of 1

Attachment B

**Recording Requested by and
When Recorded, Mail To:**

Monterey County Resource Management Agency
Planning Department
168 West Alisal St, 2nd Floor
Salinas, CA 93901

Space above for Recorder's Use

File No: **PLN100612**
Project Title: **Abercrombie**
Resolution No: **12-047**
Owner Name: **Lebon G. Abercrombie and Mary J. Abercrombie, husband
and wife as Community Property with right of survivorship**
Project Planner: **Robinson**

SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT. (THIS NOTICE REQUIRED BY CALIFORNIA CIVIL CODE SECTION 2953.3)

This subordination agreement is made between **Mortgage Electronic Registration Systems, Inc.** hereinafter called "Beneficiary", and **Lebon G. Abercrombie and Mary J. Abercrombie, husband and wife as Community Property with right of survivorship** hereinafter called "Trustor". The undersigned beneficiary under Deed of Trust dated **May 18, 2010** and recorded on **June 4, 2010** as **Instrument No. 2010030996**, Official Records in the Office of the County Recorder of Monterey County, encumbering the real property described in Exhibit A to this document, which Deed of Trust has as Trustee **First American Title Company**, hereby acknowledges the **Conservation and Scenic Easement Deed (Coastal)** Dated SEPTEMBER 25, 2013.

and granted
executed by **Lebon G. Abercrombie and Mary J. Abercrombie, husband and wife as**
to be the Monte Forest Conservancy, a California non-profit corporation
Community Property with right of survivorship, recorded concurrently herewith, and
the County of Monterey and
does hereby subordinate the interests of its Deed of Trust thereto on behalf of the People
of the State of California.

All signatures must be notarized

Dated: SEPTEMBER 25, 2013

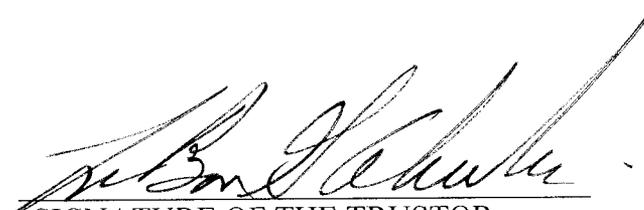
By:

Dated: 10/14/13

Mortgage Electronic Registration
Systems, Inc., as nominee for Lender,
RiverSource Life Insurance Company
FKA Ameriprise Bank, FSB


SIGNATURE OF THE BENEFICIARY
Authorized Signer: Stacy Weidner
Title: Assistant Vice President

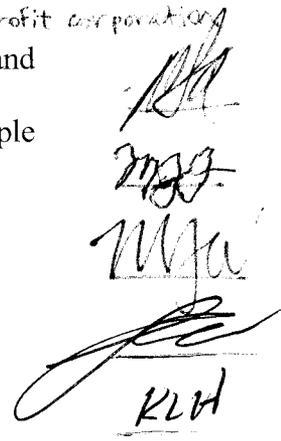
Dated: SEPTEMBER 25, 2013


SIGNATURE OF THE TRUSTOR
Lebon G. Abercrombie

Mortgage Electronic Registration
Systems, Inc., as nominee for Lender,
RiverSource Life Insurance Company
FKA Ameriprise Bank, FSB


SIGNATURE OF THE BENEFICIARY
Authorized Signer: Kyle Holthus
Title: Assistant Secretary


SIGNATURE OF THE TRUSTOR
Mary J. Abercrombie


KLH

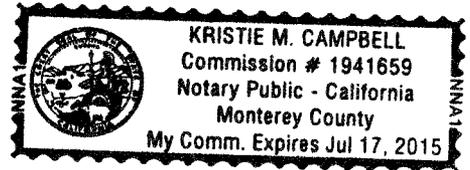
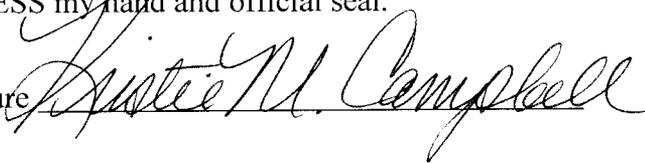
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On September 25, 2013, before me, Kristie M. Campbell, a Notary Public, personally appeared Lebon G. Abercrombie and Mary J. Abercrombie, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons 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)

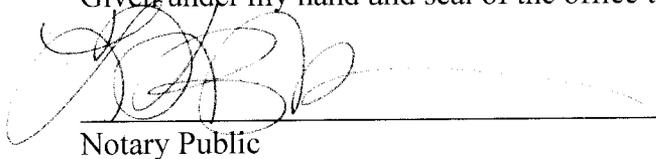
STATE OF MINNESOTA)

SS

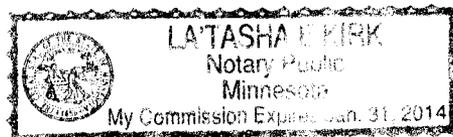
COUNTY OF HENNEPIN)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 14 day of October 2013, personally appeared Stacy Weidner, Assistant Vice President and Kyle Holthus, Assistant Secretary, to me know to be the identical persons who subscribed the names of the maker thereof to the foregoing instrument as its Assistant Vice President and its Assistant Secretary and acknowledged to me that they executed the same as the free and voluntary act and deed of said Corporation, for the uses and purposes therein set forth.

Given under my hand and seal of the office the day and year last above written.



Notary Public





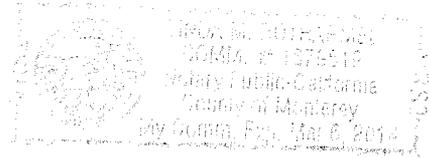
(This page for County use only)

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On October 31, 2013 before me, Linda M. Rotharmel, a Notary Public, personally appeared Mike Novo, 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 Linda M. Rotharmel

(Seal)

COUNTY OF MONTEREY

Dated: 10/31/13

By: Mike Novo
Mike Novo
Director of Planning Department

APPROVED AS TO FORM:
Charles McKee, County Counsel

By: Michael Whilden
Deputy County Counsel
Michael Whilden

ANY EXHIBIT(S) MUST BE NO LARGER OR SMALLER THAN 8 1/2" x 11"

EXHIBIT A

Legal Description

THAT CERTAIN REAL PROPERTY, SITUATED IN THE UNINCORPORATED AREA OF COUNTY OF MONTEREY, STATE OF CALIFORNIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT DISTANT 30 FEET NORTH 56° 40' WEST FROM MONUMENT NO. 4109 AS SAID MONUMENT IS DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED, "LICENSED SURVEYOR'S MAP OF A PORTION OF EL PESCADERO RANCHO", ETC., FILED FOR RECORD OCTOBER 18, 1926 IN VOLUME 3 OF SURVEYS AT PAGE 111, RECORDS OF MONTEREY COUNTY, CALIFORNIA, AND RUNNING THENCE

- (1) SOUTHERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT (THE CENTER OF WHICH BEARS 56° 40' EAST 500 FEET DISTANT) A DISTANCE OF 218.28 FEET; THENCE
- (2) NORTH 81° 40' 45" WEST 228.71 FEET; THENCE
- (3) NORTH 6° 45' EAST 203.77 FEET; THENCE
- (4) SOUTH 83° 15' EAST 281.29 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF RANCHO EL PESCADERO, MONTEREY COUNTY, CALIFORNIA.

APN: 008-261-005-000

END OF DOCUMENT

