

# Attachment B

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When recorded return to:  
MONTEREY COUNTY RESOURCE  
MANAGEMENT AGENCY  
PLANNING DEPARTMENT  
Attn: **Anna Quenga**  
1441 Schilling Pl, South 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025

Space above for Recorder's Use

No fee document pursuant to  
Government Code Section 27383

**Permit No.:** PLN 140353  
**Resolution No.:** 18-028  
**Owner Name:** Tramonto, LLC, a Delaware  
Limited Liability Company  
**Project Planner:** Anna Quenga  
**APN:** 008-491-024-000

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

  
\_\_\_\_\_  
Signature of Declarant or Agent

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

**THIS DEED** made as of the last dated signature hereunder, by and between  
TRAMONTO, LLC, a Delaware Limited Liability Company 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**, Combined Development Permit (File Number PLN 140353) (hereinafter referred to as the "Permit") was granted on **June 27, 2018** by the Monterey County Planning Commission pursuant to the Findings, Evidence and Conditions contained in Resolution No. 18-028 attached hereto as Exhibit "B" and hereby incorporated by reference (without sketches, maps, or plans), (hereinafter the "Resolution") subject to the following condition(s):

**Condition No. #30 Permanent Conservation Easement**

In order to ensure implementation of LUP Policy Nos. 13 and 20, all areas of environmentally sensitive habitat outside of the approved development envelope shall be placed into a permanent conservation easement and conveyed from the property owner to the County of Monterey or the Del Monte Forest Conservancy to protect the cypress habitat, delineated wetlands, and coastal bluff habitat. (RMA Planning)

**WHEREAS**, the specific resources being protected are Monterey cypress forest habitat, fragmented wetland area, coastal bluff and rocky supratidal habitat; and

**WHEREAS**, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in the Resolution granted the Permit to the Grantor upon condition (hereinafter the "Condition") described above requiring inter alia, that the Grantor record a conservation and scenic easement (hereinafter "easement") affecting a portion of the Property as shown in Exhibit "C" attached hereto and hereby incorporated by reference (the "Conservation and Scenic Easement Area"), and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal

resources and public access to the coast which could occur if the Property were not restricted in accordance with this easement; and

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

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

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

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

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

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

pipe or similar to Grantee's satisfaction 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.

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

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

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

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

6. At least 15 business days prior written notice is required from Grantor to Grantee whenever maintenance or construction activities will occur within or immediately adjacent to the Easement. Grantee may subsequently request that prior to submittal for County Approvals, Grantor shall provide Grantee with copies of all Site and Construction Plans (e.g. Site, Grading, Utility, Drainage, Erosion Control and Landscape plans, etc.) showing the location of existing and proposed facilities of the materials and specifications for proposed grading and construction within and immediately adjacent to the Easement area.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor with the understanding that the purpose of the easement is to preserve to the most feasible extent the Monterey cypress forest habitat, fragmented

wetland area, coastal bluff and rocky supratidal habitat and the natural vegetation and topography and that all exceptions and reservations of Grantor shall minimize disturbance to these features using the best available technologies and practices to be implemented consistent with the objectives, purposes and conditions of this easement in consultation with Grantee:

1. The right to demolish or remove any development and the right to maintain all existing private roads, bridges, trails, stairs, fences, and other structures upon 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 and removal of vegetation within the Conservation and Scenic Easement Area in accordance with Public Resources Code Section 4291 and the Permit on file with Monterey County RMA-Planning, including any applicable Forest Management Plan, Mitigation Monitoring Agreement, Fuel Management Plan, Landscape Plan, Erosion Control Plan, and the removal of any sick, diseased, dead, or non-native vegetation. Prospective new owners are encouraged to carefully review the above described plans and agreements.

4. Restoration and/or stabilization of eroded or similarly adversely impacted land, provided that said restoration and/or stabilization shall be performed in a manner which is consistent with maintaining the Conservation and Scenic Easement Area's habitat value and pursuant to an approved Coastal Development Permit.

5. Non-habitable accessory development limited to utilities and civil improvements in accordance with the Permit on file with Monterey County RMA Planning which are constructed in a manner which does not unreasonably compromise the habitat values of the Conservation and Scenic Easement Area.

6. Low intensity recreational uses such as hiking and picnicking in the Conservation and Scenic Easement Area which is not inconsistent with the habitat goals of this easement.

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

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the Property, and all obligations, terms, conditions,

and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the Del Monte Forest Conservancy on behalf of the County of Monterey and its successors and assigns forever. This grant shall further benefit the County of Monterey in the event that the Del Monte Forest Conservancy is unable to adequately manage the conservation and scenic easement for the intended purpose of scenic and visual resource protection.

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

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

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

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, the County, and their agencies,



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

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

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







**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.

A Nonprofit California Corporation

By: Ned Van Roekel  
Print Name: Ned Van Roekel

Dated: 8-31-2020

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

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

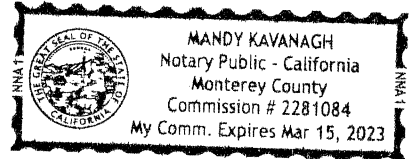
STATE OF CALIFORNIA    )  
  ) SS.  
COUNTY OF MONTEREY    )

On August 31, 2020 before me, Mandy Kavanagh, a Notary Public, personally appeared Ned Van Roekel, 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 Mandy Kavanagh



(Seal)

**EXHIBIT A**

**A.P.N. 008-491-024**

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

Beginning at the Northerlymost corner of the "Adjusted Area 2 016 A C " parcel as shown and designated on the Record of Survey Map filed April 10, 1992 In Volume 17 of Surveys, at Page 97, Monterey County Records, thence along the boundary of said Parcel,

- (1) South 25° 00' East, 330 00 feet to the Easterlymost corner of said Parcel, thence
- (2) South 65° 00' West, 320 37 feet to the Southerlymost corner of said Parcel, thence
- (3) North 56° 27' 30" West, 156 87 feet to the Westerlymost corner of said Parcel, thence
- (4) North 39° 00' East, 447 53 feet to the point of beginning

Together with that portion of land lying between the mean high tide of the Pacific Ocean and course #3 hereinabove described, being bordered on the North by the westerly prolongation of course #4 hereinabove described and bordered on the South by the westerly prolongation of course #2 hereinabove described.

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

In the matter of the application of:

**Luca and Katrina Maestri TRS (PLN140353)**

**RESOLUTION NO. 18-028**

Resolution by the Monterey County Planning  
Commission:

- 1) Adopting a Mitigated Negative Declaration;
- 2) Approving a Combined Development Permit consisting of:
  - a. Coastal Administrative Permit and Design Approval for the construction of a 10,776-square foot tri-level single family residence with an 802-square foot attached garage;
  - b. Coastal Administrative Permit and Design Approval for the construction of a 999-square foot attached Accessory Dwelling Unit;
  - c. Coastal Development Permit to allow the removal of two Monterey pine trees (one 8-inch and one 12-inch) and two declining Monterey cypress trees (one 21-inch and 24-inch multi-trunk and one 17-inch, 17-inch, 24-inch, and 24-inch multi-trunk);
  - d. Coastal Development Permit to allow development within 100-feet of environmentally sensitive habitat, and
  - e. Coastal Development Permit to allow development within 750-feet of a positive archaeological site; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan

[PLN140353, Luca and Katrina Maestri, TRS, 3180  
17-Mile Drive, Del Monte Forest Land Use Plan  
(APN: 008-491-024-000)]

**The Maestri application (PLN140353) came on for public hearing before the Monterey County Planning Commission on June 27, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

## FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - the 1982 Monterey County General Plan;
    - Del Monte Forest Land Use Plan (DMF LUP);
    - Monterey County Coastal Implementation Plan Part 5 (CIP); and
    - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. Communications were received during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents. Comments were addressed where appropriate. Comments found to have no merit were fully analyzed to ensure no issues remain. The subject property is located within the coastal zone; therefore, the 2010 Monterey County General Plan does not apply.
  - b) The property is located at 3180 17-Mile Drive (Assessor's Parcel Number 008-491-024-000), Del Monte Forest Land Use Plan. The parcel is zoned Low Density Residential, 2-acres per unit, Design Control, Coastal Zone or "LDR/2-D(CZ)," which allows for residential uses and accessory uses to primary residential uses. The project is for the construction of a single family dwelling with an attached garage and an accessory dwelling unit which is an allowed land use for this site.
  - c) Accessory Dwelling Unit (ADU) – Policy 76 of the DMF LUP encourages ADUs as appropriate means of providing affordable housing for caretakers, convalescent help, domestic employees, and others. New ADUs shall comply with all land use plan development standards. ADUs do not count towards density pursuant to Section 20.147.090.B.3 of the CIP and may be permitted at the maximum rate of one per lot. To consolidate development, the proposed ADU is attached to the main dwelling, which meets the setback, lot coverage, and floor area ratio requirements of the LDR zoning district, consistent with this policy and corresponding implementation regulation.
  - d) Design Control – Policy 66 of the DMF LUP requires County design review of all development in Del Monte Forest. Design Control or "D" overlay district, as provided in Chapter 20.44 of Title 20, requires design review of structures to assure protection of public viewshed, neighborhood character, and visual integrity without imposing undue restrictions on private property. Existing improved residential lots within proximity of the subject property contain dwellings that vary in setback from 17-Mile Drive and architectural style (e.g. Modern with sharp clean lines, Spanish with the use of stucco and clay roofing, and Gothic with high pitched roofs and the use of stone) but are of similar size and massing. The architectural style of the Maestri dwelling is neoclassic with symmetrical design features and variations in color and material. At the center, is a formal full-height entry porch with limestone columns, a material continuously used throughout the structure as the exterior walls, window sills and surrounds, and



entablature are made of light beige cut limestone. The standing seam roof, gutters, downspouts, and chimney caps will be made of zinc, a bluish-silver metal with a dull finish. Bronzed metal will be used for door and window casings and balcony posts and glass railings will be used in between the balcony posts. The majority of an existing wire fence along 17-Mile Drive will remain, except for the formal entry at the driveway approach consisting of four 6-foot tall columns separated by a span of cut stone 3-feet in height topped with burnished stainless steel pickets. The design, materials, and colors are consistent with the existing character of the neighborhood. Siting of the dwelling is consistent with visual resource policies of the DMF LUP (see Finding 5).

- e) Visual Sensitivity – Figure 3 of the DMF LUP illustrates that the subject property is within the viewshed of Point Lobos and 17-Mile Drive. As demonstrated in Finding 5, the project is consistent with DMF LUP policies and CIP regulations for the protection of scenic and visual resources and no issues remain.
- f) Tree Removal – Forest resource policies of the DMF LUP and standards contained in Section 20.147.050 of the CIP provide for protection of native forest areas and require development to be sited to minimize the amount of tree removal to the greatest extent feasible. As demonstrated in Finding 7, the project is consistent with DMF LUP policies and CIP regulations for forest resources and no issues remain.
- g) Environmentally Sensitive Habitat Areas (ESHA) – The proposed project allows development within ESHA. As demonstrated in Findings 6, 7, 8 and 9, the development, as sited, conditioned, and mitigated, is the least environmentally damaging alternative.
- h) Development within 750-feet of a Known Archaeological Resource – In accordance with Policy 58 of the DMF LUP and Section 20.147.080.B of the CIP, an Archaeological Report (see Finding 2, Evidence b) was submitted with the application. This report identified a potential for archaeological resources to exist onsite. As explained in Finding 8, mitigation measures have been incorporated to reduce potential impacts to these resources to a less than significant level. Therefore, the project is consistent with the Archaeological Resource protection policies of the DMF LUP and the standards found in Section 20.147.080 of the CIP.
- i) Public Access – As demonstrated in Finding 10, the development is consistent with public access policies of the DMF LUP.
- j) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on December 1, 2016. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the development required environmental review and approval at a public hearing. The LUAC reviewed the project and recommended approval with no suggested changes.
- k) Staff conducted site inspections on June 24, 2014; September 18, 2015; November 4, 2016; April 4, 2017; and January 29, 2018 to verify that the project on the subject property conforms to the plans listed above.

- l) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140353.
- m) As demonstrated in Finding 9, the strict application of the DMF LUP policies and development standards would deny reasonable use of the property. The proposed project is consistent with the allowed uses provided for in the Low Density Residential zoning district and the project has been sited, design, conditioned, and mitigated to be the least environmentally damaging alternative project. Therefore, approval is consistent with Section 20.02.060.B of Title 20.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Pebble Beach Community Services District (Fire), RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) Potential impacts to archaeological resources, biological resources, soil/slope stability, and geological hazards were identified. The following reports have been prepared and submitted with the application:
    - “A Biological Assessment of the Residence of Luca and Katrina Maestri” (LIB170328) prepared by Jeffrey B. Froke, Ph. D, Pebble Beach, CA., May 23, 2017.
    - “Maestri Residence Tree Resource Assessment Forest Management Plan” (LIB170329) prepared by Frank Ono, Certified Arborist, Pacific Grove, CA., May 2, 2017.
    - “Archaeological Letter” dated June 13, 2014 and “Update” dated November 11, 2016 (LIB140245) prepared by Archaeological Consulting, Salinas, CA.
    - “Luca and Katrina Maestri Residence Supplemental Tree Biology Report” (LIB160353) prepared by Adrian Juncosa, Ph. D. of EcoSynthesis scientific & Regulatory Services Inc., Truckee, CA., June 19, 2017.
    - “Feasibility Study for Assessor’s Parcel Number 008-491-024-000” (LIB160356) prepared by EMC, Monterey, CA., May 2008.
    - “Geological Hazards Report and Bluff Retreat Study,” dated January 12, 2016 and “Update,” dated November 19, 2016 (LIB160354) prepared by Earth Systems Pacific, Hollister, CA.
    - “Soils Engineering Investigation for The Maestri Residence” (LIB160355) prepared by LandSet Engineers, Inc., Salinas, CA., June 2014.
    - “Maestri Residence Wetland Determination” (LIB160357) prepared by Adrian Juncosa, Ph. D. of EcoSynthesis Scientific & Regulatory Services, Inc., Truckee, CA., July 13, 2015.

The above-mentioned technical reports prepared by outside consultants demonstrate that there are no physical or environmental constraints

indicating the site is not suitable for the residential use. County staff has independently reviewed these reports and concurs with their conclusions.

- c) The residential use of the project is allowed in the Low Density Residential zoning of subject property and is suitable for the site.
- d) Staff conducted site inspections on June 24, 2014; September 18, 2015; November 4, 2016; April 4, 2017; and January 29, 2018 to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140353.

3. **FINDING:**

**HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

**EVIDENCE:**

- a) The project was reviewed by RMA-Planning, Pebble Beach Community Services District (Fire), RMA-Public Works, Environmental Health Bureau, RMA-Environmental Services, and Water Resources Agency (WRA). 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 will be provided. On August 15, 2014, the Environmental Health Bureau deemed the project application complete and found that domestic water service provided by Cal Am through the Pebble Beach Community Services District and wastewater service provided by Carmel Area Wastewater District through the Pebble Beach Community Services District acceptable.
- c) The project application includes a preliminary drainage plan addressing stormwater control. To ensure the final plans are consistent with WRA regulations, the project has been conditioned requiring the owner/applicant to submit a stormwater management plan for review and approval prior to issuance of construction permits.
- d) Policy 38 of the Del Monte Forest Land Use Plan requires new development to be sited and designed to minimize risk from geologic, flood, or fire hazards and assure stability and structural integrity; and to not threaten the stability of a site, contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas. As demonstrated Geological Hazards Report and Bluff Retreat Study submitted for the project (Finding 2, Evidence b), the bedrock at the southwest corner of the property has been weakened by subsurface drainage and susceptible to wave run-up action, resulting in an average rate of retreat of approximately 2 to 3 inches per year. The development is approximately 19-feet from the coastal bluff's edge, but out of the path of retreat. The project geologist concludes that the proposed setback is adequate to assure stability and does not include

recommendations for relocating the structure (at present or future) or the need for shoreline armoring over the life of the project.

- e) The project has been reviewed by RMA-Environmental Services for consistency with County health and safety codes for grading (Monterey County Code Section 16.08) and erosion control (Monterey County Code Section 16.12). No issues were identified and conditions of approval have been incorporated to ensure project implementation meets these requirements and development occurs in accordance with recommendations of the geotechnical report (Finding 2, Evidence b).
- f) Staff conducted site inspections on June 24, 2014; September 18, 2015; November 4, 2016; April 4, 2017; and January 29, 2018 to verify that the site is suitable for this use.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140353.

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 and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted site inspections on June 24, 2014; September 18, 2015; November 4, 2016; April 4, 2017; and January 29, 2018. County records were researched 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 Monterey County RMA-Planning for the proposed development are found in Project File PLN140353.

5. **FINDING:** **VISUAL SENSITIVITY** – The project, as proposed and conditioned, is compatible with the existing scenic and visual resources of Del Monte Forest and is consistent with the applicable scenic and visual resource protection policies set forth in the Del Monte Forest Land Use Plan (DMF LUP) and the Monterey County Coastal Implementation Plan, Part 5 (CIP).

- EVIDENCE:**
- a) Visual Sensitivity Determination – Figure 3 of the DMF LUP illustrates that the subject property is within the viewshed of Point Lobos and 17-Mile Drive. In accordance with Section 20.147.070.A.1 of the CIP, the project planner conducted site inspections on June 24, 2014; September 18, 2015; November 4, 2016; April 4, 2017; and January 29, 2018 to determine whether the project is within the public viewshed or affects visual access from public viewing areas. The subject property is within the viewshed of 17-Mile Drive and project is subject to DMF LUP scenic and visual resource protection policies.
  - b) Views from 17-Mile Drive – Existing views of the property from 17-Mile Drive consist of Monterey cypress forest habitat in the foreground and fragmented views of the Pacific Ocean obscured by existing vegetation. The elevation of the site drops from east to west, and

because of this topography feature, views of the rocky coastline cannot be seen from 17-Mile Drive. Policies 53 and 56 require new development, including fences, constructed between 17-Mile Drive and the sea to be designed and sited to minimize obstructions of and degradation to views from the road to the sea. Policy 84 requires development fronting on 17-Mile Drive to maintain an adequate natural buffer to protect public views of, from, and along the 17-Mile Drive corridor. In accordance with the aforementioned policies, the structure is been setback more than 150 feet from 17-Mile Drive, within an existing gap in the cypress tree canopy at an elevation 15-feet lower than the elevation at 17-Mile Drive. The portion of the structure facing 17-Mile Drive includes a large bank of windows which will create a new source of glare, impacting daytime and nighttime views. This issue is addressed through Mitigation Measure 13 which requires submittal and approval of an exterior lighting plan and the use of windows with a lower visual transmittance of light.

- c) Views from Point Lobos – Point Lobos State Reserve is 4 miles south of the project site and the proposed structure is setback approximately 119-feet from the landward edge of the mean high water line. Views of the structure would be difficult with unaided vision which is compatible with visual resource policies of the DMF LUP. However, the portion of the structure facing Point Lobos includes a large bank of windows which will create a new source of glare, impacting daytime and nighttime views. This issue is addressed through Mitigation Measure 13 which requires submittal and approval of an exterior lighting plan and the use of windows with a lower visual transmittance of light.
- d) Siting of Development – Policy 47 states that development with the potential to adversely impact views shall only be allowed where it protects, preserves, and if feasible enhances, such scenic resources. Policy 48 states development within areas identified in Figure 3 shall be sited and designed to avoid blocking or having a significant adverse impact on significant public views. Visual and biological resource policies limits development on least visually prominent are of the property. Consistent with these policies, the project is sited away from 17-Mile Drive and maintains the existing Monterey cypress forest to provide vegetative screening resulting in minimizing impacts to the greatest extent feasible.
- e) Design of Structures and Improvements – As discussed in Finding 1, Evidence d, the design, materials, and colors are consistent with the existing character of the neighborhood. The structure is sited and designed to harmonize with the natural setting and is not be visually intrusive as it allows the Monterey cypress forest in the foreground to remain the prominent visual feature of the site.
- f) Vegetation – Policy 51 prohibits live tree removal in undeveloped areas unless it is consistent with all other land use plan policies. Policy 52 requires development to provide an adequate structural setback to minimize the need for tree removal and alteration to natural landforms. Policy 54 requires that structures in public view of scenic areas utilize non-invasive native vegetation and topography to help provide visual compatibility and, when such structures cannot be sited outside of

public view, to provide screening from public viewing areas. The structure is setback over 150 feet from 17-Mile Drive within the least visible portion of the property and consistent with other siting criteria for development within ESHA. See Finding 7 for further discussion.

- g) Long-term Protection – Policies 47 and 49 requires open space conservation and scenic easements, to the fullest extent feasible for visually prominent areas. As demonstrated in Findings 6 and 8, a mitigation measure has been incorporated requiring the owner to convey all areas outside of the 13,058 square foot development envelope area to the Del Monte Forest Conservancy through a Conservation and Scenic Easement Deed for the protection of ESHA. Implementation of this mitigation results in the protection of scenic values of the site, consistent with these policies.
- h) The project planner reviewed plans, project staking, and visual simulations of the proposed development to verify that the structures will not impact visual resources or public visual access.

6. **FINDING:** **ENVIRONMENTALLY SENSITIVE HABITAT AREAS** – The project minimizes impacts on environmentally sensitive habitat areas (ESHA) in accordance with the applicable goals and policies of the 1982 Monterey County General Plan (1982 GP); Del Monte Forest Land Use Plan (DMF LUP); Monterey County Coastal Implementation Plan, Part 5 (CIP); and the Monterey County Zoning Ordinance (Title 20).

- EVIDENCE:**
- a) ESHA Determination – As described in subsequent Evidence b, biological reports were submitted for the project. These reports confirm the presence of Monterey cypress forest habitat (including individual cypress trees, canopies, and root systems) throughout the property, small fragmented wetland areas on the eastern portion of the property, and coastal bluff and rocky supratidal habitat on the westernmost portion of the property. The entire property is consistent with the DMF LUP’s definition of ESHA.
  - b) Report Requirement – Policies 12 and 16 and implementing regulations found in Section 20.147.040.B of the CIP, requires submittal of a biological report for developments proposed in or near documented ESHA. Policy 20 requires development within indigenous Monterey cypress habitat mapped in Figure 2a of the DMF LUP to be accompanied by a coordinated biological/arborist report. As demonstrated in Finding 2, Evidence b, the applicant has submitted the required reports. These reports meet the required elements described in the Section 20.147.040.B of the CIP.
  - c) Monterey Cypress Forest Habitat – Figure 2a of the DMF LUP, demonstrates that the subject property is within the range of indigenous Monterey cypress habitat and is therefore subject to the requirements of Policy 20 and implementing regulations contained in Section 20.147.040.D.2 of the CIP.
  - d) Monterey Cypress Forest Habitat (Critical Habitat Area) – The critical habitat area (CHA) of a site is the portion of Monterey cypress habitat that is to be avoided to protect against potential damage or degradation of cypress habitat, including the microhabitat of individual cypress

trees. Policy 20 defines CHA to be, at a minimum, the area within a 10-foot buffer applied to the outermost drip lines of all Monterey cypress trees on and adjacent to the site and any other areas on the site that are deemed critical to preservation of existing cypress trees, on and off site, or that are to be avoided due to high habitat sensitivity and/or cypress habitat preservation purposes for other reasons. The eastern portion of the site contains an almost continuous forest canopy, which is then broken up by a gap towards the west in the middle portion of the property. Consistent with the policy requirement, project plans submitted illustrates both the CHA and site improvements. The plans show Balcony Nos. 1 & 2 and the Covered Terrace encroaching into the CHA; however, the applicant intends to cantilever these areas above the ground and avoid land disturbance. The bulk of the improvements are within development area envelope outside of the CHA, except for the access driveway, a portion of the motor court that also serves as a fire truck turn around, the formal entry gate, and trash/utility pad. There are no alternatives available that would allow the driveway access to be located outside of the CHA.

- e) Monterey Cypress Forest Habitat (Relative Habitat Sensitivity) – Policy 20 requires that habitat areas be ranked from the highest to lowest sensitivity in terms of potential adverse impacts from development. Consistent with this policy requirement, the biological assessment (Froke, LIB170328) and supplemental tree biology report (Juncosa, LIB160353) analyzed the physical attributes of the project site and ranked areas from highest to lowest relative sensitivity to determine potential adverse impacts caused by development. These attributes, or factors, included the integrity of native vegetation, potential and timeline for revegetation resulting from disturbance, the interrelationship between different vegetation strata, presence of wetlands, and micro-watershed functions. Based on these criteria, it was determined that the eastern, higher elevation portion of the site towards 17-Mile Drive, excluding portions of fill from construction of the 17-Mile Drive roadway, contains the highest sensitivity areas. The eastern portion is entirely within the CHA. The bulk of the improvements are within the lowest sensitivity area, except for above mentioned improvement within the CHA.
- f) Monterey Cypress Forest Habitat (Siting of Development) – Policy 20 of the DMF LUP and Section 20.147.040.D.2 of the CIP provide specific standards for development within Monterey cypress habitat. These standards include: siting and design of development to avoid adverse impacts to individual cypress and cypress habitat, development shall be compatible with the objective of protecting cypress habitat, avoid potential damage or degradation of cypress habitat and located within existing hardscaped areas and outside of the dripline of individual cypress trees, fences shall be designed to protect view of natural habitat from 17-Mile Drive, and open space conservation and scenic easements shall be dedicated on undeveloped areas of the property. Siting of the dwelling is located within a gap in the Monterey cypress forest canopy in an area with relatively lower habitat sensitivity (see Evidence e). Due to site configuration and the location of the main

access road, 17-Mile Drive, it is not feasible to develop the property without traversing through the eastern portion containing highly sensitive Monterey cypress forest habitat or over wetland features (FEW-1). Therefore, the project has been designed to create a meandering permeable driveway to avoid individual cypress trees and install a bridge to avoid disruption of the wetland. Mitigation Measures 1 through 5 require: monitoring of grading and construction activities, installation of protective fencing, utilizing best management practices, implementation of tree and root protection methods during grading/excavation, and utilizing arborist recommended pruning guidelines. Mitigation Measure 12 has been incorporated require final adequate bridge design to prevent impacts to FEW-1. These mitigations require the applicant to contract with a certified arborist or qualified forester, a qualified biologist, and a qualified wetland delineator to ensure proper implementation of the mitigation measures and verification works has been completed in accordance with their requirements. Although the subject property is currently vacant and the project will result in the creation of 11,977 square feet of new surface coverage, the project has been sited, designed, conditioned, and mitigated to provide an overall net benefit to the cypress habitat on the subject property and surrounding area (also see Evidence g).

- g) Monterey Cypress Forest Habitat (Restoration) – The project is consistent with Policy 15 as the concept landscape plan submitted with the application includes restoration and/or enhancement of ESHA areas with limited ornamental planting native to the Del Monte Forest consistent with Section 20.147.040.C.10 of the CIP within the development envelope area. Mitigation Measure No. 6 has been incorporated to ensure a final Landscape and Habitat Restoration plan is submitted prior to issuance of construction permit which shall include the eradication of exotic/invasive species and onsite restoration of Monterey cypress habitat. Mitigation Measure No. 10 has been incorporated requiring the applicant to place all areas outside of the development envelope area within a permanent conservation easement which shall be conveyed to the Del Monte Forest Conservancy, consistent with Policies 13 and 20 of the DMF LUP.
- h) Wetlands – The eastern half of the subject property contains 5 distinct fragmented wetland features. FEW-1 is approximately 0.028-acres in size and runs the length of the property in a north/south direction. FEW-2 abuts FEW-1 and is approximately 0.011-acres in size. FEW-3 is a 0.032-acre depressed area abutting the western edge of the unpaved path/road. FEW-4 is 0.007-acres and approximately 30-feet from 17-Mile Drive. FEW-5 is 0.003 acres and is located on the southeastern portion of the property. Policy 25 of the DMF LUP requires a setback/buffer of at least 100 feet as measured from the edge of wetlands and prohibits landscape alterations within the setback/buffer area unless accomplished in conjunction with restoration and enhancement, and unless it is demonstrated that no significant disruption of environmentally sensitive habitat areas will result. As assessed in the Wetland Delineation report (Juncosa, LIB160355), the driveway and turnaround is less than 100-feet from FEW-1, FEW-3, and



FEW-4. Due to site constraints, relocation of the driveway is not feasible. Although the project avoids direct impacts to these wetland areas, creation of vehicular access would have a potential impact to FEW-1. To avoid disruption to this feature, the driveway includes a bridge to span the wetland. Mitigation Measure 12 has been incorporated requiring the owner/applicant to consult with a licensed civil engineer and project biologist to ensure the bridge is adequately sized and constructed to accommodate the maximum required vehicle load during construction and for the operational component of the project. Restoration activities of the unpaved path/road are also required to ensure the integrity of FEW-1 is maintained (Mitigation Measure 10).

- i) Coastal Bluff – Development will occur approximately 19-feet inland from the coastal bluff area. Although the project will not directly impact this ESHA, there is potential to create indirect impacts to ocean animals cause by new light sources, erosion, and drainage. Mitigation Measure 13 has been incorporated requiring the applicant to submit an exterior lighting plan to ensure lighting is not directed towards the ocean and windows facing the ocean are designed to allow lower visual transmittance of light. The project has been reviewed by the Water Resources Agency and RMA-Environmental Services and conditions of approval requiring submittal of final grading/erosion control plan and a final drainage plan. Implementation of the approved plan will ensure temporary and operational components of the projects meet County requirements.
- j) Wildlife – No special status wildlife species were found onsite. However, Del Monte Forest provides habitat for birds, deer, and other wildlife. To ensure construction activities are consistent with the Migratory Bird Treaty Act of 1918, a standard condition of approval has been incorporated requiring a qualified biologist conduct a bird survey prior to construction activities during bird nesting season.
- k) Tree Removal in ESHA – As discussed in subsequent Finding 7, the project includes the removal of 4 protected trees within ESHA.
- l) Consistency with Development Standards within ESHA – Consistency with the preceding ESHA policies result in a project consistent with standards for development within ESHA listed in Section 20.147.040.C of the CIP and the criteria to grant said permit have been met.
- m) Consistency with the Coverage Development Standard for Monterey Cypress Habitat – Sub-Section 20.147.040.D.2(c)(1) of the CIP lists specific standards for development on undeveloped lots within Monterey cypress habitat. These standards include a requirement for development to be no more than 15 percent of the cypress habitat area. As proposed, the project results in 13,058 square feet of new surface coverage, or 14.84 percent of the subject parcel. The bulk of the improvements are located within the development area envelope and outside of the Critical Habitat Area (CHA). The access driveway, a portion of the motor court that also serves as a fire truck turn around, the formal entry gate, and trash/utility pad would be located within the CHA; however, there are no alternatives available that would allow these improvements to be located outside of the CHA. (Also see information discussed in the preceding evidences of this finding.)

- n) Consistency with Section 20.02.060.B of Title 20 – As demonstrated in Finding 9, the strict application of the DMF LUP policies and development standards would deny reasonable use of the property. The proposed project is consistent with the allowed uses provided for in the Low Density Residential zoning district and the project has been sited, design, conditioned, and mitigated to be the least environmentally damaging alternative project. Therefore, approval is consistent with Section 20.02.060.B of Title 20.
- o) Staff conducted site inspections on June 24, 2014; September 18, 2015; November 4, 2016; April 4, 2017; and January 29, 2018 to verify that the site and proposed project meet the criteria for an exemption.
- p) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140353.

7. **FINDING:** **TREE REMOVAL** – Tree removal conforms with Del Monte Forest Land Use Plan (DMF LUP) policies and Coastal Implementation Plan (CIP) standards regarding water and marine resources, environmentally sensitive habitat areas, and scenic visual resources. The development has been sited, designed, and conditioned to minimize tree removal and protect retained trees.

- EVIDENCE:**
- a) The project includes the removal of two Monterey pine trees (one 8-inch and one 12-inch) and a clump of declining Monterey cypress trees (a 21-inch and 24-inch multi-trunk and a 17-inch, 17-inch, 24-inch, and 24-inch multi-trunk). alternative analysis has determined that due to site constraints, no available design and/or location alternatives that would allow for the avoidance of tree removal or limb pruning are available.
  - b) In accordance with Policy 31 of the DMF LUP and Section 20.147.050.B of the CIP, a Tree Resource Assessment Forest Management Plan and Supplemental Tree Biology Report (see Finding No. 2, Evidence b) has been submitted for the project. These reports meet the required elements described in the CIP.
  - c) Tree removal is limited to an area less than 400 square feet, which is less than 3% of the total development envelope. Therefore, tree removal does not significantly contribute to soil erosion of the site.
  - d) Tree that are removed do not significantly contribute to the scenic qualities of the site and are located over 200-feet from 17-Mile Drive. Their removal will not expose the development or detract from the scenic value of the area.
  - e) Policy No. 83 of the DMF LUP encourages clustering of development as a means of preserving forest resources. Previous design iterations did not require tree removal, but proposed an additional 4,500 square feet of development footprint. As explained in Finding No. 6, the tree removal allows for a more consolidated footprint. This reduction allows an increased distance from the building footprint to a healthy 36-inch Monterey cypress tree by 7-feet as well as an increased setback from 17-Mile Drive and the southern property line. As documented by the reports listed in Evidence b above, the two cypress trees (Tree Nos. 1764 and 1765) are in poor condition as they have succumbed to beetle and termite activity, a fire scared trunk basal area and root crown, and

little live crown area and the project arborist and biologists recommend their removal to reduce a future threat to structures and surrounding healthy trees.

- f) Due to site constraints and as a result of balancing policies for the protection of ESHA and scenic resources, the tree removal is the minimum amount required in this case.

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

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN140353).
  - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that would 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 Program" as Condition No. 5 of project approval.
  - e) The Draft Mitigated Negative Declaration ("MND") for PLN140535 was prepared in accordance with CEQA and circulated for public review from October 31, 2017 through November 30, 2017 (SCH#: 2017111006). Comments from the project applicant, Coastal Commission staff, and the representative of a neighboring property owner were received. The project applicant provided additional information to clarify statements in the IS/MND and submitted suggested revisions for a recirculated IS/MND. The Coastal Commission staff found the biological discussion, identified impacts to Monterey cypress habitat and wetland areas, and the proposed mitigation measures to reduce those impacts to a less than significant level adequate and did not provide any recommended changes. Commission staff did request clarification of the aesthetics discussion and the potential impact to public views when viewed from 17-Mile Drive. The representative of the neighboring property owner had concerns with potential inadequacy of the IS/MND's discussion on the identified baseline condition of the site, discussion of the environmental

- setting, delineation of wetland areas, vegetation and tree removal, and consistency with Policy 20 of the DMF LUP. These comments have been addressed in the recirculated MND discussed in Exhibit f below.
- f) The Draft Mitigated Negative Declaration (“MND”) for PLN140535 was prepared in accordance with CEQA and circulated for public review from May 9, 2018 through June 8, 2018. The suggested revisions provided by the applicant were incorporated in the document where appropriate. To address Coastal Commission staff’s comment on aesthetics, additional graphics and discussion were provided to clarify that there are no existing views of the shoreline and due to topography and protected vegetation on the site, the structure would not result in a significant visual impact. The extensive comments provided by the neighbor’s representative were addressed throughout the recirculated IS/MND. Additional technical detail was added to clarify the environmental setting of the property. The discussion on wetland determination in the coastal zone was expanded upon, providing additional technical detail and explanation<sup>1</sup>. Policy 20 of the DMF LUP was amended prior to recirculation of the IS/MND. Therefore, the respective discussion includes analysis of the project in light of the policy’s new language and implementing regulations contained in Section 20.147.040.D.2 of the CIP.
- g) Comments on the recirculated IS/MND were received from the project applicant and the neighboring property owner’s representative. Staff also received correspondence from the project applicant addressing the comment letter submitted by the neighbor’s representative. The applicant provided clarification of consistency requirements specified in Section 20.02.060.B of Title 20 and Section 30010 of the California Coastal Act relative to the project and Policies 8 and 20 of the DMF LUP, which establishes standards for approving development in ESHA. Clarification of tree removal, wetlands, and project implementation were also provided. No significant changes were recommended. Comments received from the neighbor’s representative stated that the project setting described still did not accurately: disclose the significance of the Monterey cypress forest habitat on the site, identify the critical habitat area, disclosed impacts to the public viewshed, use proper methodology to delineate wetland areas, and states that evidence provided does not support that the project is the least environmentally damaging alternative. Staff has determined that the information disclosed in the IS/MND accurately describes the setting and impacts to ESHA and public viewshed. No significant changes to the IS/MND are required to address these comments. No issues remain.
- h) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, tribal cultural resources, and utility/service systems.

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<sup>1</sup> See guidance provided to the California Coastal Commission by biologist Dr. John Dixon during a commission workshop held on November 10, 2005.

- i) The project was found to have potential impacts to biological, cultural, and tribal cultural resources. As discussed in Findings 1, 2, 5, 6, 7, and 9, mitigation measures have been incorporated to reduce impacts to these resources to a less than significant level.
- j) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN140353) and are hereby incorporated herein by reference.
- k) 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 the project will have no effect on fish and wildlife resources. The site supports indigenous Monterey cypress habitat and wetland features. 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).
- l) Monterey County RMA-Planning, located at 1441 Shilling Place, 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 Mitigated Negative Declaration is based.

9. **FINDING:** **TAKINGS** – No building permit, grading permit, land use discretionary permit, coastal administrative permit, coastal development permit, exemption, categorical exclusion, or other permit relative to land use may be approved if it is found to be inconsistent with the Monterey County Local Coastal Program. An exception may be considered if the strict application of the area land use plan policies denies all reasonable use of the subject property. In accordance with Section 20.02.060.B of Title 20, the decision making body, in this case the Planning Commission, finds that the parcel is otherwise undevelopable due to policies of the Del Monte Forest Land Use Plan, other than for reasons of public health and safety; that the grant of a coastal development permit would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use designation in which the subject property is located; that the parcel is not located within the critical viewshed of Big Sur as defined in Section 20.145.020 and Section 20.145.030 and in the Big Sur Land Use Plan; that any development being approved is the least environmentally damaging alternative project; and the development being approved under these provisions shall be one of the "allowable uses" as listed

under the parcel's zoning classification and that it shall be appealable to the California Coastal Commission in all cases.

- EVIDENCE:** a) Policy 8 limits new land uses within environmentally sensitive habitat areas (ESHA) to those that are dependent on the resources therein and Policy 71 states that environmentally sensitive habitat areas shall remain undeveloped except for resource-dependent development that will not significantly disrupt habitat values. As demonstrated in Finding No. 6 above, the entire Maestri parcel is considered ESHA, thus constraining development such that avoidance of disrupting ESHA is not feasible. Uses allowed in the Low Density Residential zoning district are limited to those that are residential, agricultural, public and quasi-public, recreational, and utility-type in nature. None of these uses are considered resource-dependent development, dependent specifically on Monterey cypress forest habitat, wetlands, or coastal bluffs. Therefore, denial of the project would deny all reasonable, and allowed pursuant to zoning, use of the subject property.
- b) Policy 20 requires indigenous Monterey cypress habitat to be protected from development impacts, enhanced, restored, and maintained. Policy 20 and its implementing regulations (Section 20.147.040.2.c.1 of the CIP) acknowledges the potential infeasibility for improvements on undeveloped lots to be sited only within non-cypress habitat portions of the site and recognizes how this limitation could result in a regulatory taking. Therefore, for development on vacant lots of record, the CIP refers to the standards in Section 20.02.060.B of Title 20 for ensuring development will result in the least amount of impact to the habitat and represent the least environmentally damaging alternative project. In order to make this finding, development shall be required to minimize development of structures and impervious surfaces to the amount needed to reduce environmental impacts to the greatest extent possible and shall be required to locate the development on the least environmentally sensitive portion of the parcel. All development pursuant to this section shall also satisfy the established requirements for protection and enhancement of cypress habitat values as specified in Sections 20.147.040.D.2.c.1 and 20.147.040.D.2.c.2.d, e, and f. As demonstrated in Finding 6, the dwelling has been sited outside of both the critical habitat area and the portion of the site with the highest relative habitat sensitivity. The development has been modified during the application process, decreasing the development area by 4,500 square feet, in order to reduce impacts to ESHA to the greatest extent feasible. The project, as proposed and mitigated, includes restoration of Monterey cypress forest habitat and places a scenic conservation easement outside of the development envelope area as well as provides for off-site restoration. Based on the above language and Findings 6 and 8, the development has been found to minimize the structural footprint and impervious surfaces to the amount needed to reduce environmental impacts to the greatest extent possible.
- c) Allowed Use and Special Privilege – Approval of the project would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the Residential – Low Density land use designation. Residentially developed properties within the

Indigenous Monterey cypress forest habitat area shown in Figure 2A of the DMF LUP are of similar in character and size as the project.

- d) Sufficiency of the Property Owners Interest – The current property owner’s purchased the property January 2, 2014 for \$9,000,000. Fair market value of the property at that time was \$9,506,208. Annual property tax paid for the property is currently \$98,000, which increases by 4% per year. From 2013 to 2018, costs incurred associated with this permit have been approximately \$943,200. A comparable market analysis conducted October 2013 compared the vacant subject property with a listing for a residentially developed property located at 3184 17-Mile Drive which sold for \$9,500,000. An updated comparable market analysis prepared May 29, 2018 compared the subject property with three residentially developed properties located at 3167 Del Ciervo Road, 3184 17-Mile Drive, and 3188 17-Mile Drive. The median listing price was \$9,500,000 and the average was \$9,316,667. This information demonstrates that the current property owners have a sufficient real property interest.
- e) Economic Impact of Denial – Denial would deprive the owners of all economically viable use. None of the uses allowed in the Low Density Residential zoning district are considered development dependent on Monterey cypress forest habitat, wetlands, or coastal bluffs. No identified resource-dependent uses have been identified that would have an investment-backed expectation then that of the project. Based on the residential zoning of the property and similar residential developments approved in the area, it is reasonable for the property owner to believe establishment of a dwelling on the site would be allowed.
- f) The project does not constitute a nuisance and is consistent with development standards for public health and safety. In accordance with Section 20.14.040 of Title 20, a single family residence and ancillary structures are principally allowed uses in the Low Density Residential zoning district. As demonstrated in Finding 2, the site has been found to be suitable for the proposed development.

10. **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) Figure 8 – Major Public Access & Recreational Facilities, of the Del Monte Forest Land Use Plan (DMF LUP) indicates that the subject property is not described in an area where physical public access is required.
  - b) Figure 3 – Visual Resources, of the Del Monte Forest Land Use Plan indicates that the subject property in an area where the Local Coastal Program requires visual public access. DMF LUP Policies 123 and 137 state that development shall not block significant public views and shall be compatible with the goal of retaining and enhancing public visual access, noting that specific attention to visual access along 17-Mile Drive corridor shall be given. As explained in Finding No. 5, the

structure does not significantly block existing public views from 17-Mile Drive.

- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140353.
- e) Staff conducted site inspections on June 24, 2014; September 18, 2015; November 4, 2016; April 4, 2017; and January 29, 2018.

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

- EVIDENCE:**
- a) Section 20.86.010 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 site is located between the sea and the first public road, the project is within 300 feet to the top of the seaward face of any coastal bluff, and it involves development that is permitted in the Low Density Residential zoning district as a conditional use.

### **DECISION**

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

1. Adopt a Mitigated Negative Declaration.
2. Approve a Combined Development Permit consisting of:
  - a. Coastal Administrative Permit and Design Approval for the construction of a 10,776-square foot tri-level single family residence with an 802-square foot attached garage;
  - b. Coastal Administrative Permit and Design Approval for the construction of a 999-square foot attached Accessory Dwelling Unit;
  - c. Coastal Development Permit to allow the removal of two Monterey pine trees (one 8-inch and one 12-inch) and two declining Monterey cypress trees (one 21-inch and 24-inch multi-trunk and one 17-inch, 17-inch, 24-inch, and 24-inch multi-trunk);
  - d. Coastal Development Permit to allow development within 100-feet of environmentally sensitive habitat; and
  - e. Coastal Development Permit to allow development within 750-feet of a positive archaeological site.
3. Adopt a Mitigation Monitoring and Reporting Program.

All of which subject to the attached conditions attached hereto and incorporated herein by reference.


**PASSED AND ADOPTED** this 27<sup>th</sup> day of June, 2018 upon motion of Commissioner Diehl, seconded by Commissioner Getzelman, by the following vote:

AYES: Diehl, Duflock, Getzelman, Gonzalez, Mendoza, Padilla, Roberts, Vandevere, Wizard

NOES: None



ABSENT: Ambriz, Padilla  
ABSTAIN: None

  
Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON

**JUL 03 2018**

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 ~~JUL 13 2018~~

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

NOTES

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

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

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

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

Form Rev. 5-14-2014

# Monterey County RMA Planning

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

PLN140353

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

This Combined Development Permit (PLN140353) allows: 1) Coastal Administrative Permit and Design Approval for the construction of a 10,776 square foot tri-level single family residence with a 802 square foot attached garage, 2) Coastal Administrative Permit and Design Approval to allow the construction of a 999 square foot attached Accessory Dwelling Unit, 3) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (indigenous Monterey cypress habitat), and 4) Coastal Development Permit to allow development within 750 feet of a positive archaeological site. The property is located at 3180 17 Mile Drive, Pebble Beach (Assessor's Parcel Number 008-491-024-000), Del Monte Forest Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

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

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:**

"A Combined Development Permit (Resolution Number 18-028) was approved by Planning Commission for Assessor's Parcel Number 008-491-024-000 on June 27, 2018. The permit was granted subject to 37 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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

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

## 3. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel

**Condition/Mitigation  
Monitoring Measure:**

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

**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, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

**4. PD005 - FISH & GAME FEE NEG DEC/EIR**

**Responsible Department:** RMA-Planning

**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)

**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 RMA - Planning.

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

**5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) 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 Agreement. The agreement shall be recorded. (RMA - Planning)

**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 an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

**6. PD011(A) - TREE REMOVAL**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

## 7. PD050 - RAPTOR/MIGRATORY BIRD NESTING

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

## 8. EROSION CONTROL PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Erosion Control Plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. (RMA-Environmental Services)

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

## 9. GEOTECHNICAL CERTIFICATION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Report.

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

## 10. GEOTECHNICAL REPORT

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Geotechnical Report with project specific recommendations. The report shall include data regarding the nature, distribution, and strength of existing soils, as well as, a description of the site geology and any applicable geologic hazards. (RMA - Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a Geotechnical Report to RMA-Environmental Services for review and approval.

## 11. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Grading Plan incorporating the recommendations from the project Geotechnical Report. The Grading Plan shall include contour intervals and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The Grading Plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. The applicant shall also provide certification from the licensed practitioner that the Grading Plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

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

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed the Grading Plan for conformance with the geotechnical recommendations.

## 12. INSPECTION-PRIOR TO LAND DISTURBANCE (DURING THE RAINY SEASON)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

## 13. INSPECTION-DURING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

#### 14. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

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

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

#### 15. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** RMA-Public Works

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

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

#### 16. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** RMA-Public Works

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

**Compliance or Monitoring Action to be Performed:** 1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.

2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

**17. WR049 - WATER AVAILABILITY CERTIFICATION**

**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](http://www.mcwra.co.monterey.ca.us).

**18. WRSP1 - STORMWATER MANAGEMENT PLAN - DEL MONTE FOREST**

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall incorporate measures to ensure runoff is minimized and stormwater infiltration is maximized. New development including replaced impervious surfaces shall comply with the freshwater and marine resource policies of the Del Monte Forest Area Land Use Plan. Provisions shall be made to collect and conduct runoff to drainage areas/devices capable of polluted runoff filtration/treatment (e.g., vegetated filtration strips, detention/retention basins, storm drains, etc). A registered civil engineer or other qualified professional shall design a stormwater management plan to the satisfaction of the Water Resources Agency. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permits, the Owner/Applicant shall submit a stormwater management plan to the Water Resources Agency for review and approval.

**19. WRSP2 - DRIVEWAY RUNOFF - DEL MONTE FOREST**

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall incorporate permeable materials or surfaces into the project design. The new or replaced driveway surface shall comply with the freshwater and marine resource policies of the Del Monte Forest Area Land Use Plan. The driveway surface shall be designed to minimize runoff through the use of permeable materials, filtration strips, engineered collection/treatment units, or similar. A registered civil engineer or other qualified professional shall design the driveway runoff measures to the satisfaction of the Water Resources Agency. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permits, the Owner/Applicant shall submit details for the pervious driveway design to the Water Resources Agency for review and approval.



**20. WRSP3 - WRA INSPECTION - PRIOR TO FINAL**

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with the Water Resources Agency to ensure all necessary drainage and stormwater controls are in place and the project is compliant with respective water resources policies. This inspection requirement shall be noted on the stormwater management plan. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the Owner/Applicant shall schedule an inspection with the Water Resources Agency.

## 21. MM01 - (PART 1 OF 2) MONITORING OF GRADING AND CONSTRUCTION ACTIVITIES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** For the protection of Monterey cypress forest habitat, wetland habitat, and native reptiles and birds; and order to ensure grading and construction activities are conducted in accordance with the recommendations contained in the Maestri Tree Assessment and Forest Management Plan (Planning File LIB170329), the Maestri Biological Assessment (Planning File LIB170328), the Supplemental Tree Biology Report (Planning File LIB160353), and the Maestri Residence Wetland Determination (Planning File LIB160355); the owner/applicant shall enter into a contract with a certified arborist or qualified forester (project arborist/forester), a qualified biologist (project biologist), and a qualified wetland delineator (project wetland delineator). The owner/applicant shall agree that a letter certifying consistency shall be submitted to RMA-Planning prior to issuance of construction permits. Each contract shall include:

- Review the construction documents (grading plan, building plan, and construction management plan) to verify consistency with the preliminary plans and reports listed above.
- Review and approval of the protective fencing plan in accordance Mitigation Measure No. 2.
- Review and approval of grading, building, and construction management plans (including any future modified construction plans) for consistency with and incorporation of Mitigation Measure No. 3.
- Review the Final Landscape and Habitat Restoration Plan in accordance with Mitigation Measure No. 6.
- The owner/applicant shall delegate responsibility and authority to the project biologist to stop construction in the event the work is found to be inconsistent with the approved plans, BMP's, or if tree resources are not adequately protected. The contractor and project biologist, and if necessary, the project arborist/forester and/or project wetland delineator, shall develop a plan to remediate and/or revise procedures and methods to accomplish the objective of Mitigation Measure Nos. 2 through 12.
- Prepare and submit quarterly monitoring reports to RMA-Planning for review and approval summarizing required actions that occurred in accordance with the scope of work and the status and effectiveness of implementation of Mitigation Measure Nos. 2 through 12.
- Prepare and submit a final report to RMA-Planning for review and approval indicating that the protection measures in place were successful.  
(RMA-Planning)

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

Mitigation Measure Monitoring Action No. 1a: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a certified arborist or qualified forester (referred to as the project Arborist/forester). The contract shall be submitted to the RMA-Planning for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval. In addition to the contract requirements established in Mitigation Measure No. 1, the scope of work performed by the project arborist/forester shall also include the following:

- Develop and implement a tree (from root to canopy) education program for construction personnel. The program shall include, but not be limited to, what the protected tree resource look like, where they can be found, and locations of any special protection areas. Construction personnel sign in sheets verifying biological training was administered and received shall be incorporated within the required quarterly monitoring reports.
- Establish set criteria by which successful implementation of Mitigation Measure Nos. 4 and 5 shall be determined.
- Verify successful implementation of Mitigation Measure Nos. 4 and 5.

Mitigation Measure Monitoring Action No. 1b: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a qualified biologist (referred to as the project biologist). The contract shall be submitted to the RMA-Planning for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval. In addition to the contract requirements established in Mitigation Measure No. 1, the scope of work performed by the project biologist shall also include the following:

- Develop and implement a biological education program for construction personnel. The program shall include, but not be limited to, what the protected biological resource look like, where they can be found, and locations of any special protection areas. Construction personnel sign in sheets verifying biological training was administered and received shall be incorporated within the required quarterly monitoring reports.
- Establish set criteria by which successful implementation of Mitigation Measure Nos. 2, 3, 7, 8, 9, 11, and 12 shall be determined, including the long-term success of Mitigation Measure Nos. 7, 8, and 9.

**21. MM01 - (PART 2 OF 2) MONITORING OF GRADING AND CONSTRUCTION ACTIVITIES**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** For the protection of Monterey cypress forest habitat, wetland habitat, and native reptiles and birds; and order to ensure grading and construction activities are conducted in accordance with the recommendations contained in the Maestri Tree Assessment and Forest Management Plan (Planning File LIB170329), the Maestri Biological Assessment (Planning File LIB170328), the Supplemental Tree Biology Report (Planning File LIB160353), and the Maestri Residence Wetland Determination (Planning File LIB160355); the owner/applicant shall enter into a contract with a certified arborist or qualified forester (project arborist/forester), a qualified biologist (project biologist), and a qualified wetland delineator (project wetland delineator). The owner/applicant shall agree that a letter certifying consistency shall be submitted to RMA-Planning prior to issuance of construction permits. Each contract shall include:

- Review the construction documents (grading plan, building plan, and construction management plan) to verify consistency with the preliminary plans and reports listed above.
- Review and approval of the protective fencing plan in accordance Mitigation Measure No. 2.
- Review and approval of grading, building, and construction management plans (including any future modified construction plans) for consistency with and incorporation of Mitigation Measure No. 3.
- Review the Final Landscape and Habitat Restoration Plan in accordance with Mitigation Measure No. 6.
- The owner/applicant shall delegate responsibility and authority to the project biologist to stop construction in the event the work is found to be inconsistent with the approved plans, BMP's, or if tree resources are not adequately protected. The contractor and project biologist, and if necessary, the project arborist/forester and/or project wetland delineator, shall develop a plan to remediate and/or revise procedures and methods to accomplish the objective of Mitigation Measure Nos. 2 through 12.
- Prepare and submit quarterly monitoring reports to RMA-Planning for review and approval summarizing required actions that occurred in accordance with the scope of work and the status and effectiveness of implementation of Mitigation Measure Nos. 2 through 12.
- Prepare and submit a final report to RMA-Planning for review and approval indicating that the protection measures in place were successful.

(RMA-Planning)

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

Mitigation Measure Monitoring Action No. 1c: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a qualified biologist for wetland delineation (referred to as the project wetland delineator). The contract shall be submitted to the RMA-Planning for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval. In addition to the contract requirements established in Mitigation Measure No. 1, the scope of work performed by the project arborist/forester shall also include the following:

- Develop and implement a wetland education program for construction personnel. The program shall include, but not be limited to, what the protected wetland habitat looks like, where habitat can be found, and locations of any special protection areas. Construction personnel sign in sheets verifying biological training was administered and received shall be incorporated within the required quarterly monitoring reports.

Mitigation Measure Monitoring Action No. 1d: Prior to the final of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning final reports prepared by the project arborist/forester, project biologist, and project wetland delineator to RMA-Planning for review and approval. The final report shall document mitigation measures that were implemented and their success. Any deviation from measures, occurrences of halting construction, and/or any other issues shall be identified and how the protection objectives have been met shall be explained.

## 22. MM02 - PROTECTIVE FENCING

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to prevent construction activities from damaging tree resources, wetland habitat, and/or native reptiles and birds onsite, the owner/applicant, in consultation with the project arborist/forester, project biologist, and project wetland delineator, shall develop a protective fencing plan. The fencing plans shall be submitted to RMA-Planning for review and approval. The owner/applicant shall incorporate the fencing plan within the construction plans for grading and/or building.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 2a: Prior to issuance of construction permits for grading and building, the owner/applicant shall develop a protection fencing plan, in consultation with the project arborist/forester, project biologist, and project wetland delineator. The applicant shall submit the finalized protective fencing plan to RMA-Planning for review and approval and the RMA-Planning approved protective fencing plan shall be incorporated into the approved set of job-site and office-copy construction plans for grading and building. The plans shall incorporate following components:

- A project site plan clearly delineating all resources and areas to be protected, all locations where protective fencing shall be installed, and identify the protective fencing materials to be used.
- Signatures of the project arborist/forester, project biologist, and project wetland delineator and their corresponding statements certifying that the protective fencing plan is consistent with Mitigation Measure No. 2.
- Protective fencing materials shall consist of chain link, snowdrift, hay bales, or mesh/field fencing (with openings greater than 1-inch and consistent with the California Coastal Commission 2012 bulletin on Wildlife-Friendly Plastic-Free Netting in Erosion and Sediment Control Products). If hay bales are used, bales shall be composed of sterile or clean straw, e.g. rice straw, free of seed and weed elements and certified as weed-free by the hay vendor.
- Protection fencing shall remain in place and be maintained in proper working order during the entire construction period.
- Tree Protection – Protection fencing for trees shall be free-standing and placed at a minimum of 5 to 10-feet from the trunk. If this setback is not feasible, the project arborist/forester, and if necessary the project biologist, shall clearly notate these areas on the site plan as “special tree protection areas” as well as include viable alternative protection measures such as wrapping of the trunk.
- Wetland Habitat Protection – Due to potential fluctuation of hydrology on the site, the established protective fencing location(s) for wetland habitats shall be modified if project wetland delineator identifies a greater protection area is warranted. Any change to the plan shall be documented in the reporting requirements outlined in Mitigation Measure No. 1.
- Native Reptiles and Birds Protection – The installation of any mesh-reinforced silt fencing shall be consistent with the BMP’s outlined in Mitigation Measure No. 3.

Mitigation Monitoring Action No. 2b. Prior to final of construction permits for grading and building, the owner/applicant shall submit documentation that implementation of the protective fencing plan has been successful to RMA-Planning for review and approval.

**23. MM03 - BEST MANAGEMENT PRACTICES**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to ensure construction activities include best management practices that provide overall protection measures for tree resources, wetland habitat, and native reptiles and birds onsite, the following shall be included as a note on the construction plans.

- Depositing fill, parking equipment, or staging construction materials near existing trees shall be prohibited.
- Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall prohibited adjacent to trees and within protective fenced areas.
- Tree material greater than 3-inches in diameter remaining on site more than one month that is not cut and split into firewood shall be covered with clear plastic that is dug in securely around the pile to discourage infestation and dispersion of bark beetles.
- If trees along near the development are visibly declining in vigor, a Professional Forester or Certified Arborist should be contacted to inspect the site to recommend a course of action.
- Use of mulch – The use of a temporary 4-inch layer of mulch shall be placed at the edges of the tree protection perimeter. Placement of mulch, or any other materials, near the base of trees shall be prohibited.

(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 3a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure No. 3 to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 3b: Prior to final of construction permits for grading and/or building, RMA-Planning staff shall field verify that implementation of the best management practices was successful.

**24. MM04 - TREE PROTECTION STANDARDS DURING GRADING AND EXCAVATION - ROOT PROTECTION**

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

In order to ensure impacts to cypress trees during excavation, trenching, and construction of foundations are minimized, the following measures shall be implemented and approved by the arborist/forester:

- The project arborist/forester shall be on site during excavation activities to direct any minor field adjustments that may be needed. If necessary, the project architect shall be consulted if field adjustments require redesign of the structure.
- All trenching, grading or any other digging or soil removal that is expected to encounter tree roots shall be monitored by a qualified arborist or forester to ensure against drilling or cutting into or through major roots.
- Root cutting shall occur outside of the springtime. Late June and July would likely be the best. Pruning of the live crown should not occur February through May.
- Trenching for retaining walls or footings located adjacent to any tree shall be done by hand where practical and any roots greater than 3-inches diameter shall be bridged or pruned appropriately.
- Removal of the organic layer of the upper soil profile for installation of the driveway and motor court shall be done by hand. If any roots encountered are larger than 1 -inch, they shall be preserved within the aggregate base material, subject to evaluation by the project arborist/forester.
- Installation of utility connections shall be outside cypress driplines to the greatest extent feasible. Trenching shall be accomplished by hand, air, or water, with all roots larger than 1-inch to be preserved to the greatest extent, compatible with the placement of the utility conveyances into their trenches.
- Any roots that must be cut shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment.
- Any roots damaged during grading or excavation shall be exposed to sound tissue and cut cleanly with a saw. This activity shall be observed or conducted by the project arborist/forester.

If at any time potentially significant roots (over 3-inches in diameter) are discovered:

- The project arborist/forester is authorized to halt excavation until appropriate mitigation measures are formulated and implemented.
- If significant roots are identified that must be removed that will destabilize or negatively affect the target trees (not anticipated with the present design), the property owner and project arborist shall be notified immediately. A determination for removal shall be assessed and made as required by law for treatment of the area that will not risk death, decline, or instability of the tree consistent with the implementation of appropriate construction design approaches to minimize affects, such as hand digging, bridging or tunneling under roots, etc.  
(RMA-Planning)

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

Mitigation Measure Monitoring Action No. 4a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure No. 4 to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 4b: Prior to final of construction permits for grading and/or building, the owner, applicant, or project arborist shall submit a final report to RMA-Planning demonstrating that implementation of the tree protection measures was successful.



## 25. MM05 - PRUNING GUIDELINES

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Pruning of retained trees is expected for this site and shall be limited to only those areas necessary for a safe working and living environment. In order to ensure long-term health of each individual tree, the owner/applicant shall incorporate these specified guidelines during tree pruning activities.

- Pruning shall be conducted by the project arborist/forester and/or their designee. General-principals shall include of pruning include not to unnecessarily injure the tree, placing cuts immediately beyond the branch collar, and making clean cuts by scoring the underside of the branch first.
- Pruning shall be limited to trees that have major deadwood that present significant risk or are exhibiting some structural defect or disease that must be compensated.
- Trees shall be monitored for health and vigor after pruning. Decline of health and vigor of any tree pruned shall be treated as appropriately recommended by the project arborist/ forester.
- Trees shall be pruned first for safety, next for health, and finally (only if necessary), for aesthetics.
- Type of pruning is determined by the size of branches to be removed. General guidelines for branch removal are:
  - o Fine Detail pruning – Limbs under 2-inches in diameter are removed.
  - o Medium Detail Pruning – Limbs between 2 and 4-inch in diameter.
  - o Structural Enhancement – Limbs greater than 4-inches diameter.
  - o Broken and cracked limbs – Will be removed in high traffic areas of concern.
- Crown thinning is the cleaning out of or removal of dead diseased, weakly attached, or low vigor branches from a tree crown. All trees shall be assessed on how a tree will be pruned from the top down.
  - o Trimmers shall favor branches with strong, U- shaped angles of attachment and where possible remove branches with weak, V-shaped angles of attachment and/or included bark.
  - o Lateral branches shall be evenly spaced on the main stem of young trees and areas of fine pruning.
  - o Branches that rub or cross another branch may be removed where possible.
  - o Lateral branches may be no more than one-half to three-quarters of the diameter of the stem to discourage the development of codominant stems where feasible.
  - o Trimmers shall not remove more than one-quarter of the living crown of a tree at one time. If it is necessary to remove more, it shall be conducted over successive years.
- Crown raising removes the lower branches of a tree to provide clearance for buildings, vehicles, pedestrians and vistas.
  - o Live branches on at least two-thirds of a tree's total height shall be maintained wherever possible as the removal of many lower branches will hinder the development of a strong stem.
  - o All basal sprouts and vigorous epicormic sprouts shall be removed where feasible.
- Crown reduction is used to reduce the height and/or spread of trees and is used for maintaining the structural integrity and natural form of a tree.
  - o Crown reduction pruning shall be used only when absolutely necessary. Pruning cuts shall be at a lateral branch that is at least one third the diameter of the stem to be removed wherever possible.
  - o When it is necessary to remove more than half of the foliage from a branch it may be necessary remove the entire branch.

(RMA-Planning)

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

Mitigation Measure Monitoring Action No. 5a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure No. 5 to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 5b: Prior to final of construction permits for grading and/or building, the owner, applicant, or project arborist/forester shall submit a final report to RMA-Planning demonstrating that implementation of the tree protection measures was successful.

**26. MM06 - SUBMITTAL OF FINAL LANDSCAPE AND HABITAT RESTORATION PLAN**

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

In order to ensure landscape planting and habitat restoration meets the intent of the preliminary landscape/restoration plan, incorporates the recommendations contained in the Maestri Tree Assessment and Forest Management Plan (Planning File LIB170329), the Maestri Biological Assessment (Planning File LIB170328), the Supplemental Tree Biology Report (Planning File LIB160353), and the Maestri Residence Wetland Determination (Planning File LIB160355); and is consistent with the development restrictions illustrated in the Conservation Easement Site Plan and the Monterey Cypress Habitat Site Plan, the owner/applicant shall submit a Final Landscape and Habitat Restoration Plan to RMA-Planning for review and approval. The plan shall incorporate the requirements and implementation actions established in Mitigation Measure Nos. 7, 8, and 9.  
(RMA-Planning)

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

Mitigation Measure Monitoring Action No. 6a: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit a final Landscape and Habitat Restoration Plan incorporating:

- A statement signed by the project arborist/forester indicating review and approval of the plan.
- A statement signed by the project biologist indicating review and approval of the plan.
- A statement signed by the project wetland delineator indicating review and approval of the plan.
- Omits any reference to Zone 1 planting or improved surface paths/walkways outside of the development envelope consistent with the Conservation Easement Site Plan and the Monterey Cypress Habitat Site Plan (both dated 4/27/18). Paths or walkways outside the development envelope shall be bare, mineral soils.
- Installation of a root inhibitory material in accordance with Mitigation Measure No. 7.
- Eradication of exotic species in accordance with Mitigation Measure No. 8.
- Monterey cypress habitat restoration in accordance with Mitigation Measure No. 9.

Mitigation Measure Monitoring Action No. 6b: Prior to final of construction permits for grading or building, the owner, applicant, or contractor of record shall notify RMA-Planning that installation of landscape and restoration has been completed. This notification shall include written documentation from the project arborist/forester, biologist, and wetland delineator stating installation of landscaping and restoration has occurred according to the Final Landscape and Habitat Restoration Plan. RMA-Planning staff shall conduct a final site visit to verify successful implementation.

**27. MM07 - PROTECTION FROM EXCESSIVE ROOT COMPETITION**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to ensure individual Monterey cypress trees, Monterey cypress forest habitat, and Monterey cypress forest understory on the subject property is protected from long-term impacts caused by excessive root competition, degradation of the vigor of existing native understory vegetation, and preclusion of natural regeneration of Monterey cypress and other native species within the ESHA, caused by dense planting on an adjacent property, the owner/applicant shall install material that inhibits the growth of new roots along the border of the southern property line. Proper installation and maintenance of the root barrier shall be included on the Final Landscape and Restoration plan for the project.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Action No. 7: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit Final Landscape and Habitat Restoration Plan incorporating information describing proper installation and maintenance of a root-inhibitory material (BioBarrier® or functional equivalent) along the southern parcel boundary. This material shall not affect the woody roots of existing mature trees, but inhibit the growth of small lateral roots that subsequently will proliferate into the major parts of the root systems of the new plantings.

**28. MM08 - EXOTIC SPECIES ERADICATION**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** To preserve and enhance the existing Monterey cypress understory focused exotic plant eradication shall be instituted on the property. Exotic species eradication shall be included as part of the final Landscape and Restoration Plan. Invasive Prickly Moses (*Acacia verticillata*), Hottentot fig or "freeway iceplant" (*Carpobrotus edulis*), and sea fig (*C. chilensis*) shall be thoroughly removed from the site. Eradication shall include hand-pulling of the central root system(s) of the acacia(s) and solarize or apply herbicide to kill the iceplant. Eradication shall minimize soil disturbance and avoid root impacts to native cypress tree critical root zones. Acacia vegetation shall be promptly and responsibly disposed of at an approved offsite solid waste facility and the dead iceplant shall remain in place to avoid causing erosion.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 8: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit a Final Landscape and Restoration Plan incorporating measures for the eradication of exotic species specified in Mitigation Measure No. 8. Kill and removal of the exotic and invasive vegetation through the use of pesticides shall be carried out by a Qualified Applicator certified by the California Department of Pesticide Regulation.

**29. MM09 - RESTORATION OF MONTEREY CYPRESS HABITAT**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to ensure the subject property maintains a "high-value and self-functioning" habitat ecology of the Monterey cypress forest habitat, the Final Landscape and Habitat Restoration plan shall incorporate specific measures to achieve restoration and/or enhancement and shall include the following:

- Restoration area:
  - o The southeast corner and alongside the boundary with the southerly neighbor shall be utilized for replanting and restoration. Replanting of Monterey cypress trees shall occur in a natural placement and distribution of saplings to better complement and increase present Monterey cypress cover as high-value and self-functioning forest habitat.
  - o The eastern side of the property shall be restored by improving the understory associated with the overall cypress forest. Restoration planting shall include woody and herbaceous cover consisting of exclusively native species.
  - o All other areas of Monterey cypress habitat outside of the building envelope shall be restored and/or enhanced through measures identified in the biological/arborist reports.
- Replacement Monterey cypress trees shall be a 5-gallon stock or as determined by the landscape architect and verified by the project biologist, and obtained from a local genetic stock species. Cypress seedlings found near or within proposed construction area shall be retained through the careful digging of the plant and placement in containers for safe keeping until replanting can occur.
- Habitat management and landscaping onsite shall emphasize the value of bare mineral soils and light-duff cover site-wide. The selection of understory vegetation shall utilize groundcover plants that do not form dense thatch or litter, e.g., compatible species including Seaside Fleabane, Douglas Iris and Seaside Bentgrass.
- Ornamental landscape planting shall be consistent with the requirements set forth in Section 21.147.040.C.10 of the DMF LUP, which states that the use of plant species native to the Del Monte Forest shall be required. A limited amount of landscape located immediately around developed areas may include non-native, non-invasive plant species, subject to review and approval of a Landscape Plan by RMA-Planning.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 9: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit a Final Landscape and Habitat Restoration Plan incorporating Monterey cypress habitat restoration activities specified in Mitigation Measure No. 9.

### 30. MM10 - PERMANENT CONSERVATION EASEMENT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to ensure implementation of LUP Policy Nos. 13 and 20, all areas of environmentally sensitive habitat outside of the approved development envelope shall be placed into a permanent conservation easement and conveyed from the property owner to the County of Monterey or the Del Monte Forest Conservancy to protect the cypress habitat, delineated wetlands, and coastal bluff habitat.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 10. Prior to final of construction permits for grading or building, the owner/applicant shall develop, in consultation with the project biologist, arborist, and appropriate fire authority, a Permanent Open Space and Conservation easement for all areas outside of the development envelope that contain cypress habitat, delineated wetlands, and coastal bluff habitat. The conservation easement shall also include language which details the areas and extent of fire clearance needed to satisfy the requirements of the appropriate fire agency. The owner/applicant shall submit a final draft of the easement to RMA-Planning and the Coastal Commission for review and approval. Once the language has been approved by the respective agencies, the easement shall be conveyed to the County of Monterey or the Del Monte Forest Conservancy and approved by the Board of Supervisors as may be required. This easement shall be recorded with the Monterey County Recorders Office.

### 31. MM11 - RESTORATION AND ENHANCEMENT OF OFF-SITE MONTEREY CYPRESS HABITAT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** All areas of new coverage shall be offset through restoration and/or enhancement (as high value and self-functioning Monterey cypress habitat) of an off-site area located within the Monterey cypress habitat area, as mapped in Del Monte Forest Land Use Plan Figure 2a at a ratio of 2:1 and/or payment of a mitigation fee, commensurate with the cost to restore/enhance such an area, to an acceptable public agency or private group effectively able to both manage such a fee and to implement such measures. Such off-site restoration/enhancement areas shall be selected for their potential to result in the greatest amount of overall benefit to the native Monterey cypress habitat in the Del Monte Forest.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 11a: Prior to issuance of construction permits for grading or building, the owner/applicant shall work with RMA-Planning and the Del Monte Forest Conservancy to determine if there is an appropriate off-site area for restoration or if an off-set fee shall be paid.

Mitigation Measure Monitoring Action No. 11b: Prior to final of construction permits for grading or building, the owner/applicant shall submit sufficient evidence to RMA-Planning demonstrating compliance with Mitigation Measure No. 11.

**32. MM12 - ADEQUATE BRIDGE DESIGN**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to ensure the proposed bridge allowing vehicular access over the identified wetland feature FEW-1 to the development site would not significantly impact the wetland feature, the owner/applicant shall work in consultation with a licensed civil engineer and project biologist to develop an appropriately sized bridge that will accommodate the widest and heaviest vehicle load that would drive over it. Should a temporary bridge be used during construction, the owner/applicant shall work in conjunction with a licensed civil engineer and the project biologist to develop an appropriately sized bridge adequate to accommodate the width and weight of a typical construction equipment utilizing the bridge. The biologist shall confirm that either design adequately protects the wetland area.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Action No. 12a: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a final civil drawings and details incorporating measures for adequate bridge design specified in Mitigation Measure No. 12. These details shall include construction methods avoiding disruption of FEW-1 during construction/installation of the bridge. The plans shall be accompanied by a note or letter from the project biologist indicating review and approval of the proposed design.

Mitigation Measure Monitoring Action No. 12b: Prior to final of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a final compliance letter from both the civil engineer and project biologist stating that bridge has been installed according to the plans and the wetland feature has been protected. RMA-Planning staff shall conduct a final site visit to verify successful installation.

### 33. MM13 - EXTERIOR LIGHTING PLAN

**Responsible Department:** RMA-Planning

**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. Outdoor lighting capable of shining toward the ocean and onto coastal rocks from locations alongside (north and south) and westward of the single family dwelling. Exterior windows on the structure shall be designed to allow a lower visual transmittance of light. The applicant shall submit 3 copies of an exterior lighting plan to RMA-Planning 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 RMA-Planning, prior to the issuance of building permits.  
(RMA-Planning)

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

Mitigation Measure Action No. 13a. Prior to issuance of construction permits for building, the owner/applicant shall submit 3 copies of an exterior lighting incorporating the criteria specified in Mitigation Measure No. 13 to RMA-Planning for review and approval.

Mitigation Measure Action No. 13b. Prior to final of construction permits for building, the owner/applicant shall submit evidence to RMA-Planning documenting that exterior lighting has been installed and will be maintained in accordance with the approved lighting plan. RMA-Planning staff shall conduct a final site visit to verify successful installation.

**34. MM14 - ONSITE ARCHAEOLOGICAL MONITOR**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to reduce potential impacts to cultural resources that may be discovered during development of the site, a qualified archaeological monitor shall be present during soil disturbance activities. If at any time, potentially significant archaeological resources or intact features are discovered, the monitor shall temporarily halt work until the find can be evaluated by the archaeological monitor. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated, with the concurrence of the RMA-Planning, and implemented.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 14a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure No. 14. The owner/applicant shall submit said plans to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 14b: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a qualified archaeological monitor. The contract shall include provisions requiring the monitor be present during all activities involving soil disturbance, how sampling of the excavated soil will occur, authorizing the monitor to stop work in the event resources are found, and any other logistical information such as providing the monitor sufficient notice of when soil disturbance will occur. In addition, the contract shall include preparation of a report suitable for compliance documentation to be prepared within four weeks of completion of the data recovery field work. The contract shall be submitted to RMA-Planning for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

Mitigation Measure Monitoring Action No. 14c: If archaeological resources are unexpectedly discovered during construction, work shall be halted on the parcel until the find can be evaluated and appropriate mitigation measures are formulated and implemented. Data recovery shall be implemented during the construction and excavation monitoring. If intact cultural features are exposed, they shall be screened for data recovery using the appropriate method for site and soil conditions. The owner/applicant shall allow the onsite Tribal Monitor (see Mitigation Measure No. 16) an opportunity to make recommendations for the disposition of potentially significant cultural materials found.

Mitigation Measure Monitoring Action No. 14d: A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to RMA-Planning and the Northwest Regional Information Center at Sonoma State University.



**35. MM15 - UNIDENTIFIED CULTURAL RESOURCES**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Due to the development's proximity to previously recorded archaeological sites, there is potential for human remains to be accidentally discovered during excavation. In order to ensure uncovered remains are handled properly, work shall be halted within 50-meters (165-feet) of the find until evaluation by a qualified professional archaeologist occurs. If archaeological resources or human remains are inadvertently encountered, RMA-Planning and a qualified archaeologist shall be immediately contacted by the responsible individual on-site. When contacted, the project planning and archaeologist shall immediately visit the site to determine the extent of the resources and develop property mitigation measures required for the discovery.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 15a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language within Mitigation Measure No. 15. The owner/applicant shall submit plans to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 15b: If human remains are accidentally discovered during construction activities, there shall be no further excavation or disturbance within 50-meters (165-feet) of the find until an evaluation by a qualified archaeologist can be performed. In addition, the following actions shall occur:

- The owner, applicant, or contractor shall contact Monterey County RMA-Planning and inform the project planner of the find.
- The owner, applicant, or contractor shall contact the Monterey County Coroner to determine that no investigation of the cause of death is required.
- If the coroner determines the remains to be Native American:
  - The coroner shall contact the Native American Heritage Commission and RMA-Planning within 24-hours.
  - The Native American Heritage Commission shall identify the person or persons from the recognized local tribe of the Esselen, Salinan, Costanoan/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
  - The most likely descendent may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposition of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993. When human remains are exposed, Health and Safety Code Section 7050.5 requires that no further excavation or disturbance occurs in the area and that the County Coroner is called so that the coroner can verify that remains are not subject to medical jurisprudence. Within 24-hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Commission reports to the most likely descendant (MLD). The MLD has 48 -hours to respond. All work shall halt within 50-meter radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided by the MLD.

**36. MM16 - PROTECTION OF CULTURAL RESOURCES AND SACRED PLACES**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to reduce potential impacts to cultural resources and sacred places, earth disturbance activities shall be observed by a Native American Tribal Monitor for the Ohlone/Costanoan-Esselen Nation (OCEN), as approved by the OCEN Tribal Council. If more than one earth moving equipment is deployed at different locations the same time, more than one tribal monitor shall be present during those periods. If at any time, potentially significant cultural resources, sacred places, or intact features are discovered, the contractor shall temporarily halt work until the find can be evaluated by the tribal monitor and archaeological monitor. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated, with the concurrence of RMA-Planning, and implemented. This mitigation shall service notice that the OCEN Tribal Council has requested that any sacred burial items discovered be given to the tribe by the property owner. This mitigation shall work in conjunction with the measures for the protection of archaeological resources listed in Mitigation Measure No. 14.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action No. 16a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure No. 16. The owner/applicant shall submit said plans to RMA-Planning for review and approval.

Mitigation Monitoring Action No. 16b: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit a contract with an OCEN approved Native American Tribal Monitor to RMA-Planning for review and approval. The contract shall outline logistics for monitoring during earth disturbance activities as well as how uncovered cultural resources will be handled, in coordination with the project archaeologist.

Mitigation Monitoring Action No. 16c: An on-site preconstruction meeting shall be held between the applicant, the archaeologist, and OCEN Tribal monitor, and contractor to discuss and assure the understanding of the mitigation measures required of this permit and scheduling of construction with regard to monitoring. Prior to issuance of any construction permits for grading or construction, the preconstruction meeting between all parties shall be conducted and a letter summarizing what was discussed shall be submitted to RMA-Planning.

Mitigation Monitoring Action No. 16d: During earth disturbance activities, the OCEN approved Native American Tribal Monitor shall be onsite observing the work, consistent with the approved contract discussed in Mitigation Measure No. 16. Prior to final of construction permits for grading or building, the owner/applicant shall submit a letter for the Native American Tribal Monitor verifying all work was done consistent with the contract to RMA-Planning.

**37. PDSP001 - ACCESSORY DWELLING UNIT (RESTRICTED USE)**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Accessory Dwelling Unit shall not be utilized for short term rental purposes. (RMA-Planning)

**Compliance or Monitoring:** On-Going

**Action to be Performed:**



EXHIBIT C

CONSERVATION EASEMENT

Portion of Adjusted 2.016 Acre Parcel – Volume 32 of Surveys, at Page 83  
Records of the County of Monterey  
A.P.N. 008-491-024

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

An easement for **Conservation Purposes**, said easement being more particularly described as follows:

That certain Adjusted 2.016 Acre Parcel, as said Parcel is shown and so designated on that certain map entitled, "Record of Survey of Corrected Lot Line Adjustment of A.P.N. 008-491-022, 023 & 024 as shown on the Record of Survey Map filed in Volume 17 of Surveys, at Page 97, Records of Monterey County in Rancho El Pescadero, Monterey County, California", filed for record February 6, 2014 in Volume 32 of Surveys, at Page 83, Records of Monterey County

Containing **87,804.34 Square Feet**, more or less

Excepting therefrom "**Improved Areas "A" & "B"**" particularly described as follows:

**Improved Area "A"**

Being a portion of said Adjusted 2.016 Acre Parcel, more particularly described as follows:

**BEGINNING** at a point lying on the easterly boundary of said Adjusted 2.016 Acre Parcel, from which the most northerly corner of said Parcel bears N 25° 00' 00" W, 137.28 feet distant; thence leaving said easterly boundary and running

- 1) S 65° 00' 00" W, 0.43 feet to a point of beginning of a non-tangent curve; thence
- 2) Southwesterly 8.72 feet along the arc of a circular curve to the right, the center which bears N 59° 01' 46" W, 11.34 feet distant, through a central angle of 44° 03' 02" to a point; thence

- 3) S 75° 01' 50" W, 19.05 feet; thence
- 4) N 4° 55' 22" W, 2.32 feet; thence
- 5) S 85° 06' 03" W, 1.00 foot; thence
- 6) N 4° 54' 17" W, 15.30 feet to a point of beginning of a non-tangent curve; thence
- 7) Northeasterly 20.41 feet along the arc of a circular curve to the left, the center which bears N 37° 05' 46" W, 96.09 feet distant, through a central angle of 12° 10' 16" to a point of non-tangency; thence
- 8) S 25° 01' 45" E, 0.85 feet; thence
- 9) N 64° 58' 15" E, 3.00 feet; thence
- 10) N 24° 31' 00" W, 3.00 feet; thence
- 11) S 64° 58' 15" W, 3.03 feet; thence
- 12) S 24° 59' 58" E, 1.05 feet to a point of beginning of a non-tangent curve; thence
- 13) Southwesterly 21.20 feet along the arc of a circular curve to the right, the center which bears N 49° 32' 19" W, 95.09 feet distant, through a central angle of 12° 46' 29" to a point of non-tangency; thence
- 14) S 4° 54' 34" E, 15.85 feet; thence
- 15) S 85° 06' 03" W, 1.00 foot; thence
- 16) S 4° 54' 26" E, 3.00 feet to a point of beginning of a non-tangent curve; thence
- 17) Westerly 15.94 feet along the arc of a circular curve to the right, the center which bears N 6° 05' 33" W, 188.52 feet distant, through a central angle of 4° 50' 35" to a non-tangent point of reverse curvature; thence
- 18) Southwesterly 38.56 feet along the arc of a circular curve to the left, the center which bears S 0° 32' 55" W, 42.00 feet distant, through a central angle of 52° 36' 33" to a non-tangent point of compound curvature; thence
- 19) Southwesterly 25.73 feet along the arc of a circular curve to the left, the center which bears S 52° 15' 49" E, 45.55 feet distant, through a central angle of 32° 21' 55" to a point of non-tangency; thence

- 20) S 12° 36' 17" W, 0.83 feet; thence
- 21) S 80° 46' 21" E, 0.30 feet; thence
- 22) S 9° 14' 29" W, 22.00 feet; thence
- 23) S 13° 07' 17" W, 2.00 feet to a point of beginning of a non-tangent curve;  
thence
- 24) Southwesterly 27.47 feet along the arc of a circular curve to the right, the center which bears N 76° 23' 07" W, 152.88 feet distant, through a central angle of 10° 17' 39" to a point of non-tangency; thence
- 25) N 69° 27' 10" W, 0.67 feet to a point of beginning of a non-tangent curve;  
thence
- 26) Southwesterly 10.63 feet along the arc of a circular curve to the right, the center which bears N 69° 27' 10" W, 27.57 feet distant, through a central angle of 22° 06' 08" to a non-tangent point of compound curvature; thence
- 27) Southwesterly 5.82 feet along the arc of a circular curve to the right, the center which bears N 48° 05' 58" W, 24.54 feet distant, through a central angle of 13° 35' 14" to a non-tangent point of compound curvature; thence
- 28) Southwesterly 22.06 feet along the arc of a circular curve to the right, the center which bears N 35° 19' 19" W, 27.50 feet distant, through a central angle of 45° 58' 24" to a non-tangent point of compound curvature; thence
- 29) Northwesterly 23.19 feet along the arc of a circular curve to the right, the center which bears N 16° 29' 40" E, 46.97 feet distant, through a central angle of 28° 17' 03" to a point of non-tangency; thence
- 30) N 45° 39' 40" W, 4.48 feet; thence
- 31) S 44° 20' 20" W, 29.44 feet to a point of beginning of a non-tangent curve;  
thence
- 32) Southerly 11.93 feet along the arc of a circular curve to the right, the center which bears S 70° 02' 40" W, 21.33 feet distant, through a central angle of 32° 02' 00" to a non-tangent point of reverse curvature; thence
- 33) Southerly 16.45 feet along the arc of a circular curve to the left, the center which bears S 84° 45' 25" E, 24.94 feet distant, through a central angle of 37° 47' 26" to a point of non-tangency; thence

- 34) S 44° 20' 13" W, 6.64 feet; thence
- 35) N 45° 39' 28" W, 9.33 feet; thence
- 36) N 44° 20' 18" E, 4.04 feet; thence
- 37) N 45° 48' 44" W, 15.75 feet; thence
- 38) N 44° 20' 18" E, 3.54 feet; thence
- 39) N 45° 39' 42" W, 4.98 feet; thence
- 40) N 44° 20' 20" E, 2.00 feet; thence
- 41) N 45° 39' 34" W, 12.50 feet; thence
- 42) S 44° 20' 18" W, 2.00 feet; thence
- 43) N 45° 39' 50" W, 4.98 feet; thence
- 44) S 44° 20' 18" W, 3.54 feet; thence
- 45) N 45° 39' 39" W, 15.50 feet; thence
- 46) S 44° 20' 20" W, 18.96 feet; thence
- 47) S 45° 39' 39" E, 5.50 feet; thence
- 48) S 44° 20' 08" W, 5.00 feet; thence
- 49) S 45° 39' 31" E, 10.00 feet; thence
- 50) S 44° 20' 12" W, 10.21 feet; thence
- 51) S 45° 39' 42" E, 22.00 feet; thence
- 52) S 44° 20' 18" W, 11.35 feet; thence
- 53) S 45° 39' 42" E, 15.54 feet; thence
- 54) S 44° 30' 51" W, 13.94 feet; thence
- 55) S 45° 38' 12" E, 35.50 feet; thence
- 56) S 44° 17' 17" W, 0.98 feet; thence

- 57) S 45° 39' 37" E, 3.90 feet; thence
- 58) S 44° 20' 00" W, 9.00 feet; thence
- 59) S 45° 39' 42" E, 16.00 feet; thence
- 60) N 44° 18' 54" E, 9.00 feet; thence
- 61) S 45° 39' 41" E, 4.11 feet; thence
- 62) N 44° 20' 19" E, 26.29 feet; thence
- 63) S 45° 41' 50" E, 2.50 feet; thence
- 64) N 44° 20' 42" E, 4.16 feet; thence
- 65) S 45° 39' 42" E, 4.17 feet; thence
- 66) N 44° 20' 18" E, 8.00 feet; thence
- 67) N 45° 39' 42" W, 0.30 feet; thence
- 68) N 44° 20' 18" E, 17.14 feet; thence
- 69) S 45° 39' 39" E, 5.13 feet; thence
- 70) N 44° 20' 43" E, 15.42 feet; thence
- 71) S 45° 39' 42" E, 2.21 feet; thence
- 72) N 44° 20' 19" E, 35.00 feet; thence
- 73) N 45° 39' 40" W, 22.92 feet; thence
- 74) N 44° 14' 56" E, 1.00 foot; thence
- 75) N 45° 41' 04" W, 2.99 feet; thence
- 76) S 46° 22' 13" W, 0.33 feet to a point of beginning of a non-tangent curve;  
thence
- 77) Northeasterly 21.62 feet along the arc of a circular curve to the right, the center  
which bears N 45° 40' 32" E, 11.33 feet distant, through a central angle of 109°  
19' 08" to a point of reverse curvature; thence



- 78) Northeasterly 12.10 feet along the arc of a circular curve to the left, the center which bears N 23° 59' 05" W, 40.97 feet distant, through a central angle of 16° 55' 48" to a non-tangent point of compound curvature; thence
- 79) Northeasterly 19.18 feet along the arc of a circular curve to the left, the center which bears N 40° 39' 22" W, 40.89 feet distant, through a central angle of 26° 52' 17" to a point of non-tangency; thence
- 80) N 67° 31' 34" W, 0.67 feet to the point of beginning of a non-tangent curve; thence
- 81) Northeasterly 31.19 feet along the arc of a circular curve to the left, the center which bears N 66° 06' 54" W, 170.56 feet distant, through a central angle of 10° 28' 39" to a point of non-tangency; thence
- 82) N 10° 05' 05" E, 4.46 feet; thence
- 83) N 9° 29' 19" E, 17.55 feet; thence
- 84) N 8° 09' 09" E, 1.99 feet; thence
- 85) Northerly 8.98 feet along the arc of a circular curve to the right, the center which bears S 82° 04' 12" E, 98.24 feet distant, through a central angle of 5° 14' 13" to a non-tangent point of compound curvature; thence
- 86) Northeasterly 25.68 feet along the arc of a circular curve to the right, the center which bears S 74° 06' 48" E, 29.92 feet distant, through a central angle of 49° 10' 53" to a point of non-tangency; thence
- 87) S 25° 02' 49" E, 0.67 feet to the point of beginning of a non-tangent curve; thence
- 88) Easterly 16.32 feet along the arc of a circular curve to the right, the center which bears S 25° 00' 00" E, 29.34 feet distant, through a central angle of 31° 52' 45" to a point of compound curvature; thence
- 89) Southeasterly 4.80 feet along the arc of a circular curve to the right, the center which bears S 6° 53' 07" W, 270.69 feet distant, through a central angle of 1° 00' 55" to a point of non-tangency; thence
- 90) N 7° 54' 02" E, 0.63 feet to the point of beginning of a non-tangent curve; thence
- 91) Southeasterly 9.45 feet along the arc of a circular curve to the right, the center which bears S 5° 27' 22" W, 53.49 feet distant, through a central angle of 10°

- 07' 24" to a point of non-tangency; thence
- 92) S 4° 55' 20" E, 3.00 feet; thence
- 93) N 85° 04' 40" E, 1.00 foot; thence
- 94) S 4° 55' 20" E, 4.94 feet to the point of beginning of a non-tangent curve;  
thence
- 95) Easterly 38.71 feet along the arc of a circular curve to the right, the center  
which bears S 3° 52' 37" E, 206.43 feet distant, through a central angle of 10°  
44' 41" to a point of non-tangency; thence
- 96) S 24° 58' 14" E, 0.91 feet; thence
- 97) N 65° 01' 46" E, 3.12 feet; thence
- 98) N 25° 00' 00" W, 3.00 feet; thence
- 99) S 65° 00' 00" W, 3.12 feet; thence
- 100) S 24° 58' 14" E, 0.92 feet to the point of beginning of a non-tangent curve;  
thence
- 101) Westerly 37.30 feet along the arc of a circular curve to the left, the center  
which bears S 6° 49' 58" W, 202.10 feet distant, through a central angle of 10°  
34' 29" to a point of non-tangency; thence
- 102) N 4° 55' 20" W, 3.96 feet; thence
- 103) N 85° 05' 09" E, 1.00 foot; thence
- 104) N 4° 55' 20" W, 2.30 feet; thence
- 105) N 84° 31' 52" E, 27.00 feet; thence
- 106) Easterly 9.21 feet along the arc of a circular curve to the right, the center  
which bears S 4° 59' 56" E, 25.42 feet distant, through a central angle of 20° 45'  
42" to a point of non-tangency, said point also lying on the easterly boundary of  
said Adjusted 2.016 Acre Parcel; thence running along said easterly boundary
- 107) N 25° 00' 00" W, 28.11 feet to the **POINT OF BEGINNING**.

Containing **12,681.19 Square Feet**, more or less.

**Improved Area "B"**

Being a portion of said Adjusted 2.016 Acre Parcel, more particularly described as follows:

**BEGINNING** at a point lying inside of said Adjusted 2.016 Acre Parcel, from which the most northerly corner of said Parcel bears N 20° 02' 05" W, 178.91 feet distant; thence running

- 1) N 65° 00' 00" E, 10.00 feet; thence
- 2) S 25° 00' 00" E, 19.00; thence
- 3) S 65° 00' 00" W, 10.00 feet; thence
- 4) N 25° 00' 00" W, 19.00 feet to the **POINT OF BEGINNING.**

Containing **190.00 Square Feet**, more or less.

Said **Conservation Easement** containing **74,933.15 Square Feet**, more or less (the difference between the total Adjusted 2.016 Acre Parcel and the sum of Improved Areas "A" & "B").

All is shown on the **Conservation Easement Plat** attached hereto and by this reference being a part hereof.

**END OF DESCRIPTION**

This real property description has been prepared by Me, or under my direction, in conformance with the Professional Land Surveyor's Act.

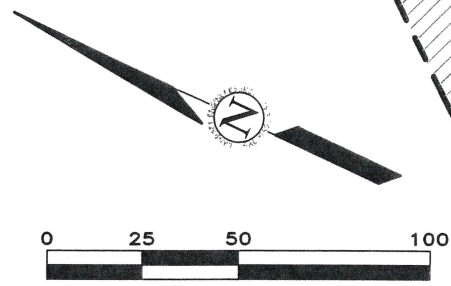
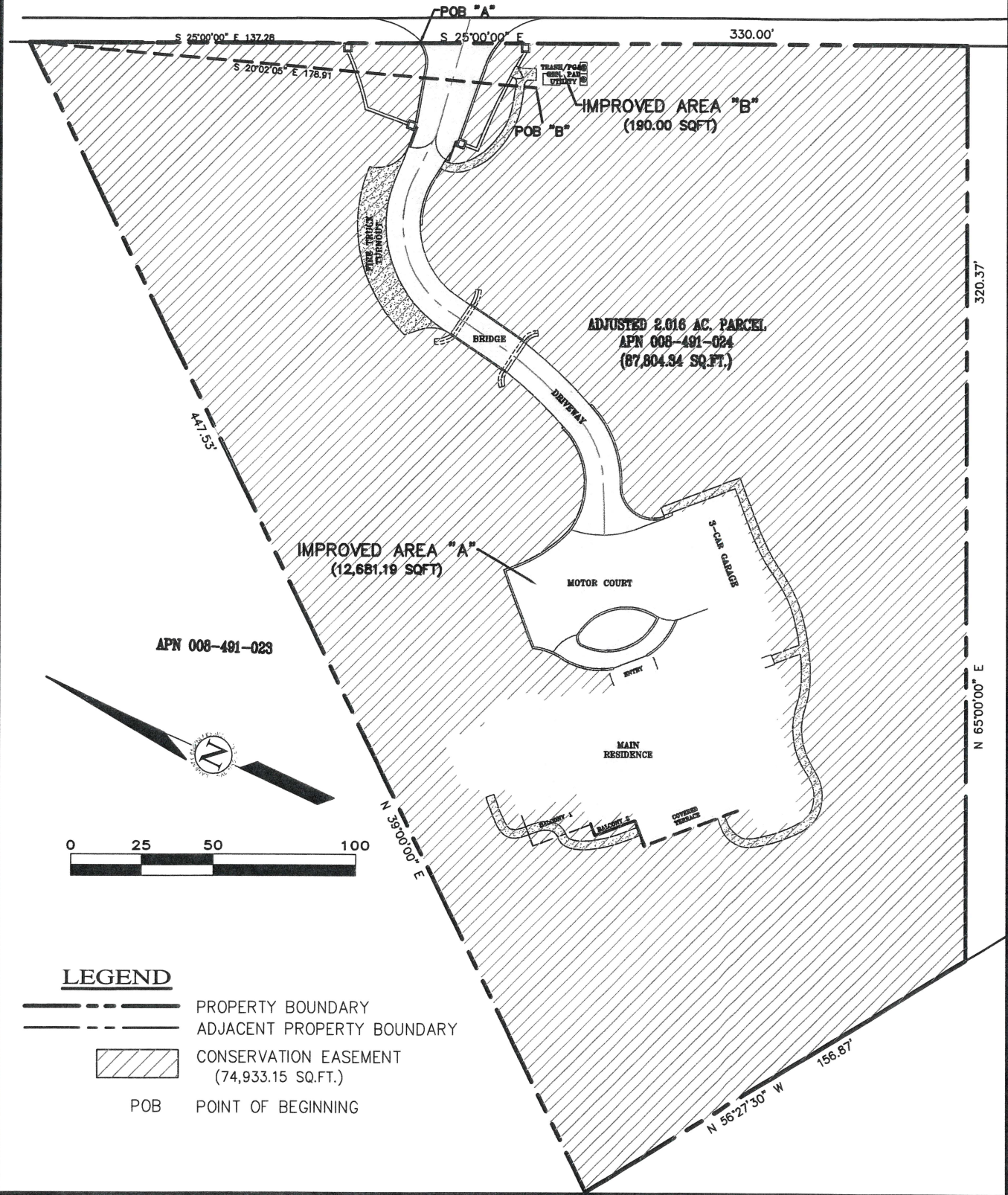
Signature \_\_\_\_\_ *[Handwritten Signature]*

Date 5/29/20



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17 MILE DRIVE  
(A 40' WIDE PRIVATE ROAD)



**LEGEND**

- PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- CONSERVATION EASEMENT  
(74,933.15 SQ.FT.)
- POB POINT OF BEGINNING

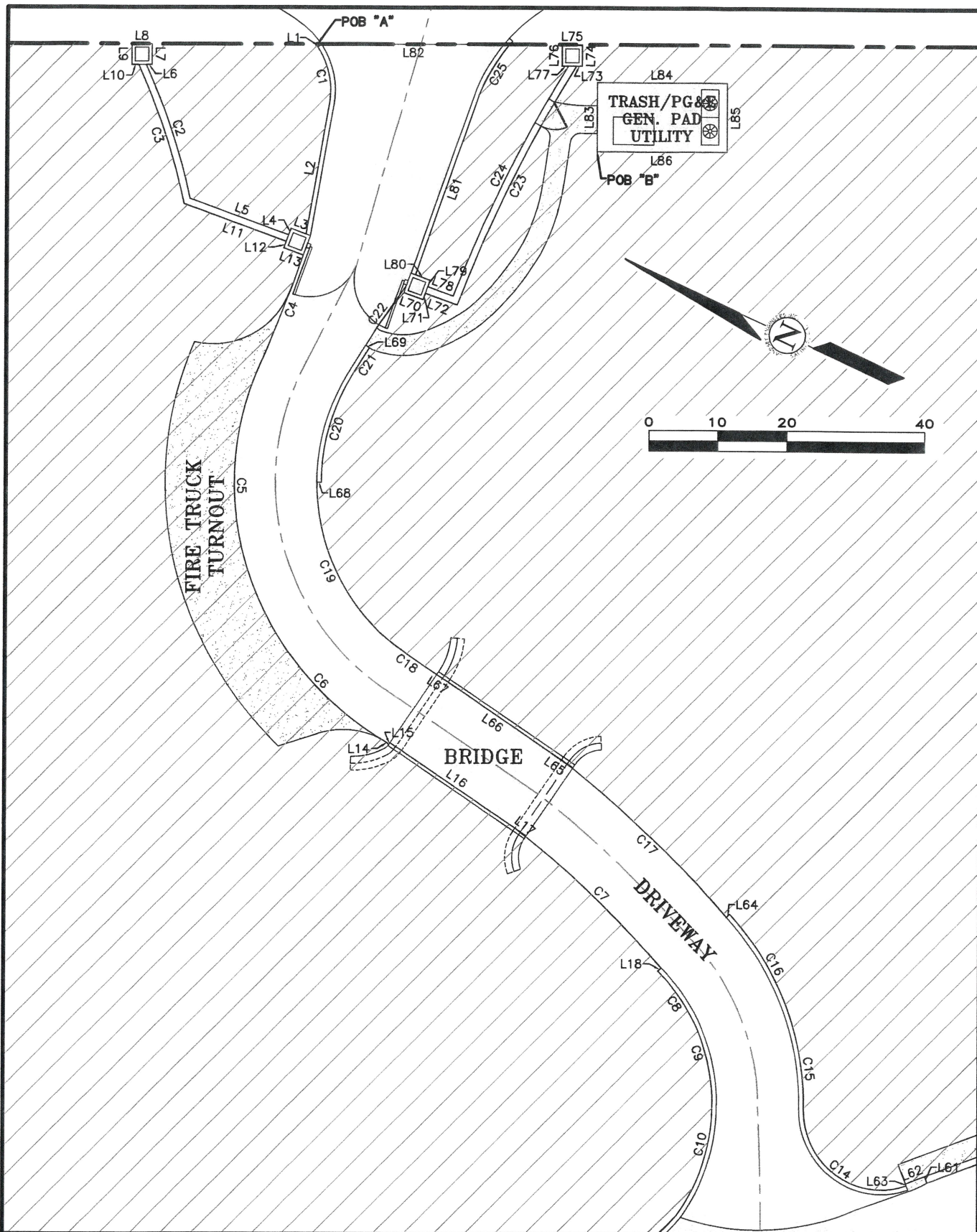


**LANDSET**  
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**CONSERVATION EASEMENT PLAT**  
THAT CERTAIN 2.016 ACRE PARCEL AS SHOWN ON  
VOLUME 32 OF SURVEYS AT PAGE 83  
MONTEREY COUNTY RECORDS  
PEBBLE BEACH, CALIFORNIA  
PREPARED FOR: MR. & MRS. LUCA AND KATRINA MAESTRI

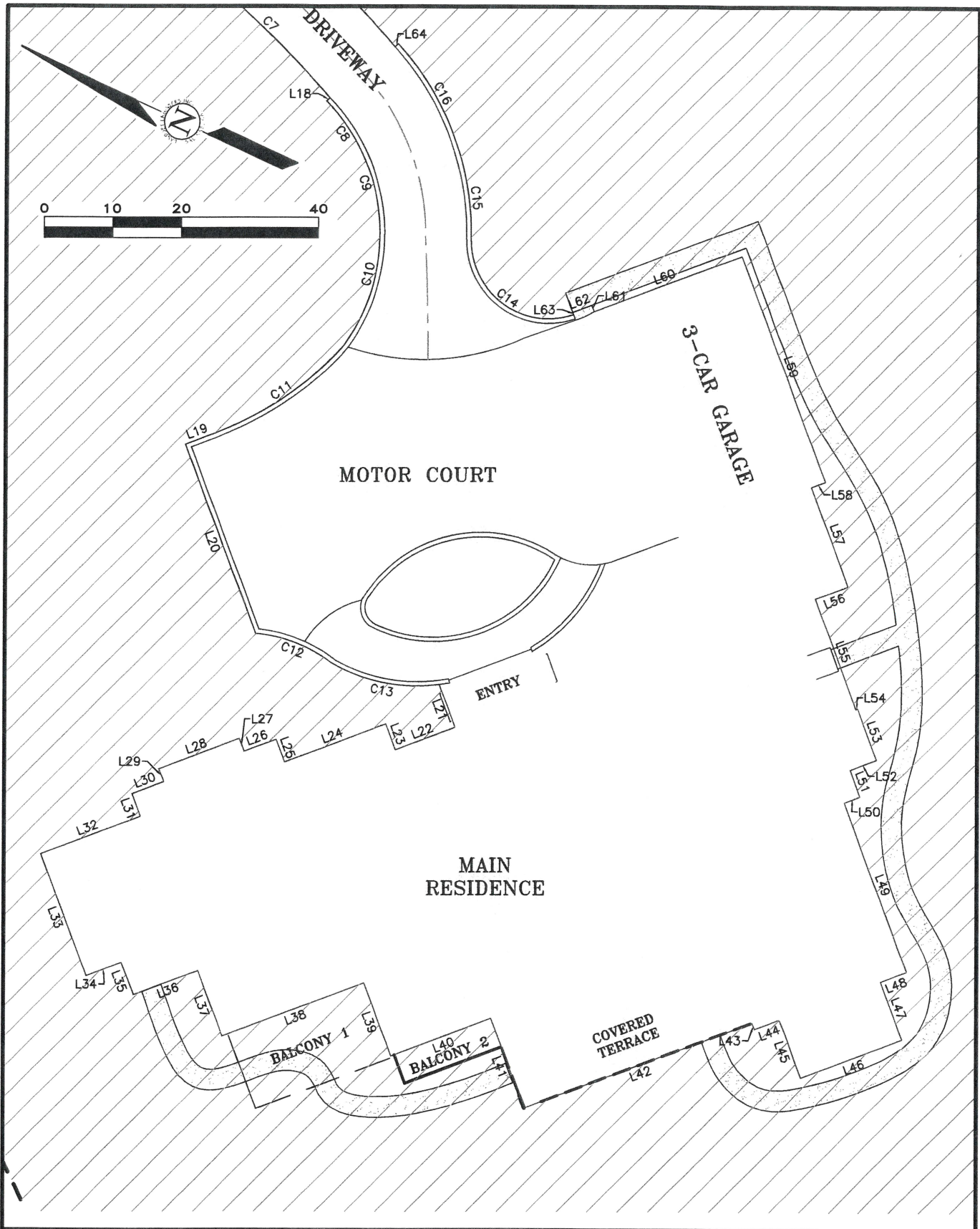
SCALE: 1"= 50'
DATE: APRIL 2020
PROJECT NO: 1318-04
PAGE 1 OF 4



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PAGE 3 OF 4

LINE TABLE

LINE #	BEARING	DISTANCE
L1	S65° 00' 00"W	0.43
L2	S75° 01' 50"W	19.05
L3	N4° 55' 22"W	2.32
L4	S85° 06' 03"W	1.00
L5	N4° 54' 17"W	15.30
L6	S25° 01' 45"E	0.85
L7	N64° 58' 15"E	3.00
L8	N24° 31' 00"W	3.00
L9	S64° 58' 15"W	3.03
L10	S24° 59' 58"E	1.05
L11	S4° 54' 34"E	15.85
L12	S85° 06' 03"W	1.00
L13	S4° 54' 26"E	3.00
L14	S12° 36' 17"W	0.83
L15	S80° 46' 21"E	0.30
L16	S9° 14' 29"W	22.00
L17	S13° 07' 17"W	2.00
L18	N69° 27' 10"W	0.67
L19	N45° 39' 40"W	4.48
L20	S44° 20' 20"W	29.44
L21	S44° 20' 13"W	6.64
L22	N45° 39' 28"W	9.33
L23	N44° 20' 18"E	4.04
L24	N45° 48' 44"W	15.75
L25	N44° 20' 18"E	3.54
L26	N45° 39' 42"W	4.98
L27	N44° 20' 20"E	2.00
L28	N45° 39' 34"W	12.50
L29	S44° 20' 18"W	2.00
L30	N45° 39' 50"W	4.98
L31	S44° 20' 18"W	3.54
L32	N45° 39' 39"W	15.50
L33	S44° 20' 20"W	18.96
L34	S45° 39' 39"E	5.50
L35	S44° 20' 08"W	5.00
L36	S45° 39' 31"E	10.00
L37	S44° 20' 12"W	10.21
L38	S45° 39' 42"E	22.00
L39	S44° 20' 18"W	11.35
L40	S45° 39' 42"E	15.54
L41	S44° 30' 51"W	13.94
L42	S45° 38' 12"E	35.50
L43	S44° 17' 17"W	0.98

LINE #	BEARING	DISTANCE
L44	S45° 39' 37"E	3.90
L45	S44° 20' 00"W	9.00
L46	S45° 39' 42"E	16.00
L47	N44° 18' 54"E	9.00
L48	S45° 39' 41"E	4.11
L49	N44° 20' 19"E	26.29
L50	S45° 41' 50"E	2.50
L51	N44° 20' 42"E	4.16
L52	S45° 39' 42"E	4.17
L53	N44° 20' 18"E	8.00
L54	N45° 39' 42"W	0.30
L55	N44° 20' 18"E	17.14
L56	S45° 39' 39"E	5.13
L57	N44° 20' 43"E	15.42
L58	S45° 39' 42"E	2.21
L59	N44° 20' 19"E	35.00
L60	N45° 39' 40"W	22.92
L61	N44° 14' 56"E	1.00
L62	N45° 41' 04"W	2.99
L63	S46° 22' 13"W	0.33
L64	N67° 31' 34"W	0.67
L65	N10° 05' 05"E	4.46
L66	N9° 29' 19"E	17.55
L67	N8° 09' 09"E	1.99
L68	S25° 02' 49"E	0.67
L69	N7° 54' 02"E	0.63
L70	S4° 55' 20"E	3.00
L71	N85° 04' 40"E	1.00
L72	S4° 55' 20"E	4.94
L73	S24° 58' 14"E	0.91
L74	N65° 01' 46"E	3.12
L75	N25° 00' 00"W	3.00
L76	S65° 00' 00"W	3.12
L77	S24° 58' 14"E	0.92
L78	N4° 55' 20"W	3.96
L79	N85° 05' 09"E	1.00
L80	N4° 55' 20"W	2.30
L81	N84° 31' 52"E	27.00
L82	N25° 00' 00"W	28.11
L83	N65° 00' 00"E	10.00
L84	S25° 00' 00"E	19.00
L85	S65° 00' 00"W	10.00
L86	N25° 00' 00"W	19.00

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C1	8.72	11.34	44°03'02"
C2	20.41	96.09	12°10'16"
C3	21.20	95.09	12°46'29"
C4	15.94	188.52	4°50'35"
C5	38.56	42.00	52°36'33"
C6	25.73	45.55	32°21'55"
C7	27.47	152.88	10°17'39"
C8	10.63	27.57	22°06'08"
C9	5.82	24.54	13°35'14"
C10	22.06	27.50	45°58'24"
C11	23.19	46.97	28°17'03"
C12	11.93	21.33	32°02'00"
C13	16.45	24.94	37°47'26"
C14	21.62	11.33	109°19'08"
C15	12.10	40.97	16°55'48"
C16	19.18	40.89	26°52'17"
C17	31.19	170.56	10°28'39"
C18	8.98	98.24	5°14'13"
C19	25.68	29.92	49°10'53"
C20	16.32	29.34	31°52'45"
C21	4.80	270.69	1°00'55"
C22	9.45	53.49	10°07'24"
C23	38.71	206.43	10°44'41"
C24	37.30	202.10	10°34'29"
C25	9.21	25.42	20°45'42"

COURSE TABLES



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Exhibit C  
Page 12 of 12 Pages

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