

Attachment A

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

Space above for Recorder's Use

Permit No.: PLN150809
Resolution No.: 16-031
Owner Name: Frank Geremia, a single man
Project Planner: Elizabeth Gonzales
APN: 008-112-036-000

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 (COASTAL)

THIS DEED made this 13th day of November 2017, by and between
Frank Geremia, a single man as Grantor, and the *COUNTY OF MONTEREY*, a political
subdivision of the State of California, as Grantee,

WITNESSETH:

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

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

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

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

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

WHEREAS, a **Combined Development Permit** (File Number **PLN150809**) (hereinafter referred to as the "Permit") was granted on **December 14, 2016** by the Monterey County **Planning Commission** pursuant to the Findings, Evidence and Conditions contained in Resolution No. 16-031. That resolution is attached hereto as Exhibit "B" (without sketches) and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

Condition No. #7: A Conservation Easement of approximately 4480 square feet to the west and northwest side of the proposed dwelling will be dedicated as a conservation easement or scenic easement (see map below). This will insure that this area remains in a natural state, with the exception of a driveway for Lot 41. This area includes most of the Pine roses not impacted by the project, includes the area of Pine roses transplanted from the area of proposed development and includes the three shaggy-barked manzanitas observed on the property. All native plants in this area will be preserved and invasive, non-native plants removed.

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") over the Property as shown in Exhibit "C" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects

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

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

A. PROPERTY SUBJECT TO EASEMENT. The Property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described and depicted in Exhibit "C", attached hereto, and made a part hereof, hereinafter referred to as the "Conservation and Scenic Easement Area".

B. RESTRICTIONS. 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, unless planted by a qualified biologist according to an approved habitat restoration plan.

4. That, except for the 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.

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

1. The right to maintain all existing private roads, bridges, trails and 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 of vegetation within the Conservation and Scenic Easement Area in accordance with the Fuel Management Plan approved with the Permit on file with the Monterey County Planning Department.

4. Trenching for the installation of Sewer, Water, and Gas main connections allowed subject to the location and provisions contained in the attached Utility Connection Plan. Lot 41 utility line connections are allowed within/under the approved Driveway Access Area. Any required trenching for future maintenance of the Sewer, Water and

Gas main in the future shall require the approval of Monterey County and shall be conducted according to the recommendations of a qualified biologist after the completion of a pre-construction survey, and require a biologist pre-site survey and on site monitoring.

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 County of Monterey and its successors and assigns forever.

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

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

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the Property or any interest or

easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in, upon, or in any way connected with the Property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee 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, whether voluntary or involuntary.

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

Executed this 13 day of November, 2017, at Salinas, California.

By:

Frank Geremia
(Signature)

Frank Geremia
(Print or Type Name & Title)

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)
COUNTY OF MONTEREY)

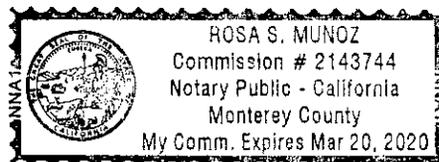
On Nov. 13, 2017 before me, Rosa S. Muñoz, a Notary Public, personally appeared Frank Geremia, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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: Rosa S. Muñoz

(Seal)



This is to certify that the interest in real property conveyed by the deed or grant dated **January 6, 2016** from **Frank Geremia, a single man** to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on _____, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on _____,) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: _____.

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

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

STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

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

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

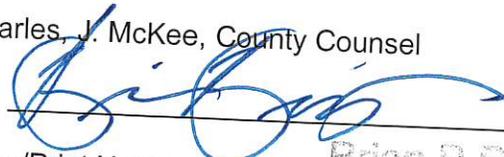
WITNESS my hand and official seal.

Signature _____

(Seal)

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel

By:  _____

DATED: 12-5-17

Type/Print Name: Brian P. Briggs
Deputy County Counsel

Exhibit A

Exhibit B

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

In the matter of the application of:

FRANK GEREMIA (PLN150809)

RESOLUTION NO. 16-031

Resolution by the Monterey County Hearing Body:

- 1) Certifying that the Planning Commission has considered an addendum together with the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15164;
- 2) Approving Combined Development Permit including: a) Coastal Development Permit for a Minor Subdivision of an approximately 0.54 acre parcel into two lots of approximately 0.25 acres (Lot 41) and 0.29 acres (Lot 42); and b) Coastal Administrative Permit and Design Approval to allow the construction of a 2,860 square foot two story single family residence with 532 square foot attached garage and 765 square foot veranda on the newly created Lot 42; and
- 3) Adopt a Mitigation Monitoring Reporting Plan.

[PLN150809, Frank Geremia, 4026 Sunset Lane, Pebble Beach, Del Monte Forest Land Use Plan (APN: 008-112-036-000)]

The Combined Development Permit application (PLN150809) came on for public hearing before the Monterey County Planning Commission on December 14, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit including a: 1) Coastal Development Permit for a Minor Subdivision of an approximately 0.54 acre parcel into two lots of approximately 0.25 acres (Lot 41) and 0.29 acres (Lot 42), and 2) a Coastal Administrative Permit to allow the construction of a 2,860 square foot two story single family residence with 532 square foot attached garage and 765 square foot veranda on the newly created Lot 42.
EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150809.
2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate

for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the 1982 Monterey County General Plan;
 - Del Monte Forest Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 5;
 - Monterey County Zoning Ordinance (Title 20);
 - Monterey County Subdivision Ordinance (Title 19);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 4026 Sunset Lane, Pebble Beach (Assessor's Parcel Number 008-112-036-000), Del Monte Forest Land Use Plan. The parcel is zoned "MDR/4-D (CZ)" [Medium Density Residential/4 units per acre-Design Control (Coastal Zone)], which allows for residential development. Therefore, the project is an allowed land use for this site.
- c) The properties are zoned "MDR/4-D (CZ)", Medium Density Residential/4 units per acre, Design Control in the Coastal Zone. Both parcels are proposed to be larger than the 10,890 square foot required density for each lot. The single family dwelling proposed for Lot 42 meets the site development standards required of the medium density zoning district. No development is proposed on Lot 41.
- d) Previous project: On August 30, 2013, a Combined Development Permit (PLN120701) consisting of: 1) a Coastal Development Permit for a Lot Line Adjustment to merge two existing lots of record (.27 acres and .27 acres) into a .54 acre parcel; 2) a Coastal Administrative Permit for the construction of a 3,636 square foot bi-level single family dwelling (1,127 square feet is a lower basement) and a 720 square foot two-car garage; 3) a Coastal Development Permit to allow the removal of 51 Monterey Pine trees (46 of the trees are less than 12 inches in diameter and 3 are 12 inches and above in diameter) and 2 Monterey Cypress trees; 4) a Coastal Development Permit to allow development within 100 feet of ESHA; and 5) Design Approval was approved for a previous owner.
- e) This is a subdivision to divide one legal lot of record into two lots and construct a single family dwelling on one of the resulting lots. Prior to the previous lot merger (PLN120701), parcel 0.54 was two legal lots of record. Pursuant to Section 20.147.040.C.6, Subdivisions may be approved only where potential adverse impacts to environmentally sensitive habitat areas from the subdivision or future development reasonably facilitated and expected due to the subdivision can be prevented. No residential subdivision shall be allowed unless it is first demonstrated that, for each new residential lot, normal residential development, including driveway and utility connections, is feasible without adverse impacts to any environmentally sensitive habitat area. Revisions to the project are more conducive to site design and will be compatible to the environmentally sensitive habitat on site. A condition of approval requires the applicant to submit final plans showing revised fencing materials and location, avoiding the pine roses and a reduced retaining wall and putting green. The subdivision is consistent with the

Subdivision Map Act (*see Finding #8*).

- f) Design Approval: Pursuant to Chapter 20.44, Design Control Zoning Districts, zoning for the project requires design review of structures to make sure they are appropriate to assure protection of the public viewshed, neighborhood character, and assure visual integrity. Proposed design of the structure consists of a contemporary California style design with a smaller second story proposed with lower roof pitching, thereby reducing the potential for massing. Colors and materials consist of dark tan stucco siding, Carmel stone columns, custom copper chimney cap and gutters, and reddish brown slate roofing materials that would blend into the site vegetation and character of the neighborhood. Therefore, the project is consistent with the design guidelines required of the Design Control District overlay.
- g) Driveway entrance onto Lot 42 is from Sunset Lane. The parcels have a gentle downward slope towards Los Altos Drive. The house steps down to follow the contour of the land. A retaining wall (3.5 feet maximum) will be located in the back of the house to accommodate a small backyard with a putting green. As required by Monterey County Code, the putting green shall consist of 20% of the allowable green grass within the landscape plan. All other landscaping will consist of drought tolerant native species (Condition #11).
- h) An additional driveway is proposed from Los Altos Drive for the future single family home on Lot 41. This driveway would go through the Conservation and Scenic easement. The proposed driveway will provide access to the future non-developed parcel and is located within the flattest area of the easement that does not contain any trees in that area.
- i) Fencing – Natural wood fencing will only be located in the front of the property off Sunset Lane. No fencing will be located near the pine roses in the middle of the property or near the conservation and scenic easement.
- j) Tree Removal/ESHA – The original project allowed for the removal of 51 Monterey Pine trees. The property contains Monterey Pine roses which are considered environmentally sensitive habitat (ESHA). Pursuant to Policy 69 of the Del Monte Forest Land Use Plan, environmentally sensitive habitat areas shall be protected from direct and indirect adverse impacts. A Conservation and Scenic Easement of approximately 4,480 square feet was required as mitigation for not being able to replant more than 10 trees. Three of the Pine roses are located right in the middle of the parcel and would have required replanting into the easement area; however the biologist recommends they remain in the same location. The easement consisted of 44 Monterey Pine trees and Pine roses, along with 10 new trees, for a total of 54 trees; sufficient for the ratio of a 1:1 replacement. Huckleberry Hill Habitat Area is located across the street and east of the property. It consists of protected, continuous stands of native Monterey Pine forest and offers a more continuous forested area within close proximity to the proposed Conservation and Scenic Easement (*see Finding #6*).
- k) Most of the Pine trees have already been removed with the exception of six smaller trees (four- 6” diameter, one- 7” diameter and one- 9” diameter). These trees have been topped and crown reduced and will

not grow to be fully functional. Entitlement to remove them was granted as part of PLN120701. A condition of approval requires the landscape plan to include replanting of the 10 trees within the conservation easement area (Condition #10).

- l) The original biological survey specified transplanting of pine roses that would be eliminated by the original development. An updated biological report for the current development plan confirms none of the pine roses would be eliminated due to being within boundaries of development. Because of this, the biologist recommends no transplantation of the pine roses take place at this time. The biologist confirms this lot configuration better achieves protection of the pine roses. For future development on Lot 41, the biologist will reassess possible potential impacts to the pine roses and will address whether transplantation will be required for the future development. The transplanting would then be verified and evaluated on the preconstruction survey. The five mitigation measures from the original project will be carried over into this permit as they relate to protection of the Pines roses on site (Condition #5 through #9).
- m) The project planner conducted a site inspection on July 7 and December 1, 2016 to verify that the project on the subject parcel conforms to the plans listed above.
- n) The proposed project was reviewed by the Del Monte Forest Land Use Advisory Committee on July 7, 2016. The LUAC recommended approval of the project by a vote of (4-1 vote). There was some concern from neighbors regarding the easement over the lot lines. However, after further discussions, the LUAC determined the easement concerns were speculative with no compelling experience to deny the project.
- o) 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 PLN150809.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Pebble Beach Community Services District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Biological Resources. The following updated reports have been prepared:
 - “Applicability of previous Geotechnical Engineering Report” (LIB160202) prepared by Earth Systems Pacific, Salinas CA, May 17, 2016;
 - “Updated Biological Survey” (LIB160200) prepared by Ed Mercurio, Biological Consultant, Salinas, CA, March 30, 2016;
 - “Updated Forest Management Plan” (LIB160201) prepared by Frank Ono, Certified Arborist, Pacific Grove, CA, April 4, 2016.The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would

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

- c) Staff conducted a site inspection on July 7 and December 1, 2016 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN150809.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, Pebble Beach Community Services District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available and will be provided by Cal Am Water and Pebble Beach Community Services District. This is the first single family dwelling on a legal lot of record and there are no issues with these facilities.

5. **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 a site inspection on July 7 and December 1, 2016 and researched County records to assess if any violation exists on the subject property.

6. **FINDING:** **CEQA CEQA (Addendum):** - An Addendum to a previously certified Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

- EVIDENCE:**
- a) A Mitigated Negative Declaration (MND) was prepared for PLN120701 and was circulated between May 24, and June 24, 2013. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, when an MND has been certified, no subsequent MND shall be prepared for the project unless the agency determines that substantial changes are proposed which require major revisions or substantial changes occur with respect to the circumstances under which the project is undertaken due to new significant environmental effects. In this case,

no new information has been presented to warrant further environmental review.

- b) An Addendum to the Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines). The MND adopted for the previous project identified potential impacts to aesthetics, air quality, biological resources and greenhouse gas emissions. The proposed project will have the same or fewer impacts than the previous project.
- c) This is a subdivision to divide one legal lot of record into two and construct a single family dwelling on one of the resulting lots. Prior to the previous lot merger (PLN120701), parcel 0.54 was two legal lots of record.
- d) There were five mitigation measures associated with the MND. These Mitigation Measures were for the purpose of protecting the pine roses, which are considered ESHA in the Del Monte Forest Land Use Plan. These five mitigation measures have been carried over to this permit (Conditions #5 - #9/Mitigations #1 - #5).
- e) Although the revised biological report states that none of the pine roses will be affected by the proposed development, the mitigation measures requiring preconstruction meetings, onsite monitoring during construction to ensure protection of ESHA on site.
- f) Most of the Pine trees have already been removed with the exception of six smaller trees (four- 6" diameter, one- 7" diameter and one- 9" diameter). These trees have been topped and crown reduced and will not grow to be fully functional. Entitlement to remove them is covered under the original permit (PLN120701).
- g) No adverse environmental effects were identified other than what was analyzed in the MND during staff review of the development application during a site visit on July 7 and December 1, 2016.

7. **FINDING:**

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

- 1. That the proposed map is not consistent with the applicable general plan and specific plans.
- 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
- 3. That the site is not physically suitable for the type of development.
- 4. That the site is not physically suitable for the proposed density of development.
- 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

EVIDENCE:

- a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, Del Monte Forest Land Use

Plan, Coastal Implementation Plan, Part 5, and Monterey County Subdivision Ordinance (see Finding 1).

- b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. The lots, as proposed, meet all County requirements for minimum lot size, lot width, and lot depth.
- c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding 2).
- d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat (see Finding 6).
- e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding 3).
- f) Water Supply. MCC Section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long term water supply with the project. The existing parcel has an adequate allocation for water supply on two parcels, through Cal Am Water, and will continue to use the same supply allocated (see Finding No. 3).
- g) Sewage Disposal MCC Sections 19.03.015.K and 19.07.020.J require that provisions shall be made for adequate sewage disposal. Development sites would be served by existing public utility, the Pebble Beach Community Services District will provide sewer.
- h) Easements. The subdivision or the type of improvements will not conflict with easements. A Conservation and Scenic Easement is required for the protection of ESHA on site. There is an exception in the conservation easement area to allow for driveway access to Lot 41.
- i) Traffic. The project, as proposed, would not generate a significant amount of new traffic nor significantly increase the number of permanent vehicle trips. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. Construction-related activities would temporarily increase traffic from trips generated by the individuals on the construction site; however, no adverse impact is expected to occur due to the small scale of the proposed project. Public Works reviewed the project application and applied a condition of approval to require payment of the Regional Development Impact Fee (Condition #19).
- j) Affordable Housing. Subdivisions in Monterey County are subject to review by the Resource Management Agency – Housing and Redevelopment Office for conformance to the Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code. The project is exempt under the Inclusionary Housing Ordinance, per Chapter 18.40 of the County Code.
- k) Parks and Recreation. The Monterey County Parks Department reviewed the project application and determined that the project is exempt under the Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code.

- l) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150809.
- m) The project planner conducted a site inspection on July 7 and December 1, 2016.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 16 in the Del Monte Forest Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN150809.

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

- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project includes conditional uses (Coatal Development Permit) for development requiring a subdivision.

DECISION

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

1. Certifying that the Planning Commission has considered an addendum together with the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15164;
2. Approve a Combined Development Permit including: a) Coastal Development Permit for a Minor Subdivision of an approximately 0.54 acre parcel into two lots of approximately 0.25 acres (Lot 41) and 0.29 acres (Lot 42); and b) Coastal Administrative Permit and Design Approval to allow the construction of a 2,860 square foot two story single family residence with 532 square foot attached garage and 765 square foot veranda on the newly created Lot 42, and
3. Adopt a Mitigation Monitoring Reporting Plan, in general conformance with the attached sketch/tentative map and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 14th day of December, 2016 upon motion of Commissioner Diehl, seconded by Commissioner Ambriz, by the following vote:

AYES: Duflock, Getzelman, Mendez, Padilla, Roberts, Rochester, Ambriz, Hert, Diehl,
Vandervere
NOES: None
ABSENT: None
ABSTAIN: None



Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DEC 23 2016

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 SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

JAN 03 2017

(Coastal Projects)

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

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

NOTES

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

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

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

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

PLN150809

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit allows 1) Coastal Development Permit for a Minor Subdivision of an approximately 0.54 acre parcel into two lots of approximately 0.25 acres (Lot 41) and 0.29 acres (Lot 42), respectively, and 2) a Coastal Administrative Permit to allow the construction of a 2,860 square foot two story single family residence with 532 square foot attached garage and 765 square foot veranda on the newly created Lot 42. The property is located at 4026 Sunset Lane, Pebble Beach (Assessor's Parcel Number 008-112-036-000), 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 Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 16-031) was approved by Planning Commission for Assessor's Parcel Number 008-112-036-000 on December 14, 2016. The permit was granted subject to 25 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 grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

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

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

Responsible Department: RMA-Planning

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

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.
Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. 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.

5. SPPD001 - Preconstruction Meeting with Applicant and Contractor

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure #1:

A qualified biologist shall meet with the construction crew foreman and applicant at the project site prior to construction and determine if trees are to be removed or trimmed from April through August. If so, a preconstruction survey for the presence of breeding birds and other wildlife that could potentially be impacted, shall be conducted within ten days of the start of the work. Should a preconstruction survey be required, a copy of the survey shall be provided to the County of Monterey, RMA-Planning Department.

An agreement between the Contractor and the Applicant shall be signed stating that the contractor received and fully read and understood the Biological Survey Report, prepared by Ed Mercurio, Biological Consultant, dated April 14, 2013 and updated Biological Survey dated March 30, 2016. A note shall be put on the construction plans requiring that all recommendations of the report shall be adhered to during construction.

Compliance or Monitoring Action to be Performed:

Monitoring Action #1:

a) A copy of the signed agreement and if necessary, the preconstruction survey, shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

b) Copy of construction plans shall be submitted to the RMA – Planning Department that shows all recommendations of the biological report are required be adhered to during construction.

On-going Monitoring Action:

The text of the mitigation measures within the Biological Report shall be posted and maintained at the project site for the duration of construction.

6. SPPD002 - Contract with a Qualified Biologist

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure #2:

Prior to construction activities, the project proponent shall retain a qualified biologist. The contract will include language demonstrating that a qualified biologist shall be retained to be on-site during excavation of all development to fulfill the requirements of the biological mitigation measures required of this project, this includes the installation of all fencing. For future development, a biologist will reassess whether any transplanting of the Pine rose plants located in the middle of the two properties and to the west of Lot 41, would be required for the new development area.

Compliance or Monitoring Action to be Performed:

Monitoring Action #2:

A copy of a signed agreement between a qualified biologist and the applicant stating that "the biologist will be retained to be on-site during initial removal of the Pine rose plants to fulfill the requirements of the biological mitigation measures required of this project, such as transplanting the Pine rose plants to the area west of the proposed dwelling around which most of the Pine roses outside of the development area are currently growing shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

On-going Monitoring Action:

The text of the mitigation measures shall be posted and maintained at the project site for the duration of construction.

7. SPPD003 - Dedicate Conservation Easement on Property

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure #3:

Prior to construction activities, a Conservation Easement of approximately 4480 square feet to the west and northwest side of the proposed dwelling will be dedicated as a conservation easement or scenic easement (see map below). This will insure that this area remains in a natural state, with the exception of a driveway for Lot 41. This area includes most of the Pine roses not impacted by the project, includes the area of Pine roses transplanted from the area of proposed development and includes the three shaggy-barked manzanitas observed on the property. All native plants in this area will be preserved and invasive, non-native plants removed.

Compliance or Monitoring Action to be Performed:

Monitoring Action #3:

A copy of a draft conservation and Scenic Easement Deed along with the proposed map shall be submitted to the RMA-Planning Department for review and approval prior to issuance of grading/building permits.

Additional on-going Monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

8. SPPD004 - Monitoring Inspections during Construction

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure #4:

The following monitoring inspections shall be completed once construction has commenced:

- 1) Once within two weeks of the start of construction, breeding birds and legless lizards will be searched for from the preconstruction survey, if prepared.
- 2) Once within three months following completion of development, a monitoring inspection will be done for the transplanting of the Pine rose plants, if transplanting is required for the future development on Lot 41.
- 3) Once per year for the following three years, a follow up inspection will be monitored in the spring season.

Compliance or Monitoring Action to be Performed:

Monitoring Action #4:

These monitoring inspections will be done by a qualified biologist and will monitor the quality for implementation of the mitigations. A report on each inspection shall be submitted to the RMA- Planning Department for review and approval.

Additional on-going Monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

9. SPPD005 - Protective Measures for Existing Trees

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure #5:

All healthy native trees and shrubs on the property will be protected from all impacts that may occur before, during and after construction as directed in the forestry report. This includes protection from direct damage to the branches and roots of the plants, deposition of removal of soil around the plants and compaction of soil around the plant through vehicle tires. The Monterey Pine Rose plants should be flagged during the installation of the home and driveway to make their locations obvious. Landscaping, revegetation and other plantings on the property, other than for the putting green near the home, will be composed of drought tolerant native plant species of local origin. A native seed mix from stock of local origin shall be used to restore impacted native understory and ground cover as well as for erosion control. Invasive exotic plants shall be removed from the property.

Compliance or Monitoring Action to be Performed:

Monitoring Action #5:

A conceptual landscape plan shall be submitted showing protection from all impacts that may occur before, during and after construction as directed in the forestry report of existing remaining trees, and proposed landscaping as recommended by the Biological report. A conceptual landscaping plan shall be submitted to the RMA-Planning Department for review and approval.

Additional on-going Monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

10. SPPD006 - REVISED SITE PLANS REQUIRED

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit REVISED plans to include:

1) Open air fencing proposed along Los Altos Drive in front of Lot 42 that comes up through the conservation easement along the property line between Lots 41 and 42. This special fencing consists of 2 x 2 redwood fence boards with skip spacing between each board to provide for filtered light into the easement areas and will be stained to match the tree trunk colors. The new fencing will also maintain continuity between the forest area Hill Natural Habitat area across the street. The fencing will continue up between the two lots and be constructed around the pine roses that are located in the middle of the properties. On-site monitoring by the biologist will ensure on pine roses will be protected during installation of the fencing.

2) A retaining wall (3.5 feet maximum) is proposed in the back of the house to accommodate a small backyard with a putting green. As required by Monterey County Code, the putting green shall consist of 20% of the allowable green grass within the landscape plan. All other landscaping will consist of drought tolerant native species.

Compliance or Monitoring Action to be Performed:

Prior to issuance of grading/building permits, the applicant shall submit three copies of a REVISED site plan to include revisions as outlined above: showing revised fencing materials and location, avoiding the pine roses and a reduced retaining wall and putting green.

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

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning . A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed drought tolerant landscaping materials., to include the replanting of 10 Monterey Pine trees within the Conservation and Scenic Easement. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by RMA-Planning, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to RMA-Building Services.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to Monterey County RMA - Planning.

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

12. PD014(A) - LIGHTING - 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. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the issuance of building permits.
(RMA - Planning)

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

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

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

13. 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 Engineering Report. (RMA- Environmental Services)

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.

14. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations from the project Geotechnical Engineering Report prepared by Earth Systems Pacific. 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.

15. 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.

16. 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.

17. 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.

18. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County 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.

19. PW0015 – UTILITY’S COMMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Map Owner/Applicant/Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW.

20. PW0031 - PARCEL MAP

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: File a parcel map delineating all existing and required easements or rights-of-way and monument new lines.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Parcel Map Owner/Applicant/Engineer Applicant’s surveyor shall prepare Parcel Map and submit to DPW for review and approval.

21. PW0036 - EXISTING EASEMENTS AND ROW

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights of way.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.

22. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

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

23. 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.

24. WR001 - DRAINAGE PLAN

Responsible Department: Water Resources Agency

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

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

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

25. 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.

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Exhibit "A"

For APN/Parcel ID(s): 008-112-036

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

That portion of Lot 5, all of Lots 41 and 42, all in Block 204, as said Lots and Block are shown and designated on that certain Map entitled, "Tract No. 169, Del Monte Forest Subdivision No. 2", filed August 3, 1948 in Volume 5, Maps of "Cities and Towns", at Page 21, Official Records of Monterey County, California, described as follows:

Beginning at a 1" iron pipe, tagged LS 5083, marking the Northwest corner of said Lot 42; thence along the northerly line of said Lot,

- (1) North 85° 10' 00" East, 132.73 feet to the Northwesterly corner of said Lot 42; thence along the Westerly boundary of said Lot 5,
- (2) North 2° 30' 00" West, 33.05 feet; thence along the Northwesterly boundary of said Lot 5,
- (3) North 66° 00' 00" East, 21.21 feet; thence along the Northerly boundary of said Lot 5,
- (4) South 69° 00' 00" East, 22.32 feet; thence leaving the Northerly boundary of said Lot 5,
- (5) South 21° 00' 00" West, 100.83 feet to the Southwesterly corner of said Lot 5; thence along the Easterly boundary of said Lots 42 and 41,
- (6) South 3° 45' West, 88.17 feet; thence continuing along the Easterly boundary of said Lot 41,
- (7) South 15° 40' 40" West, 54.55 feet to the Southeasterly corner of said Lot 41; thence along the Southerly boundary of said Lot 41,
- (8) North 72° 15' 00" West, 113.08 feet to the Southwesterly corner of said Lot 41; thence along the Westerly boundary of said Lots 41 and 42 and the Easterly sideline of Los Altos Drive as said road is shown and designated on said Map, along the Westerly boundary of said Lots 41 and 42,
- (9) Northerly, along the arc of a circular curve to the left (the center of which bears North 72° 15' West, 210 feet) through a central angle of 32° 15' 00" for a distance of 118.20 feet; thence tangentially and continuing along said Easterly line,
- (10) North 14° 30' West, 40.00 feet to the point of beginning.

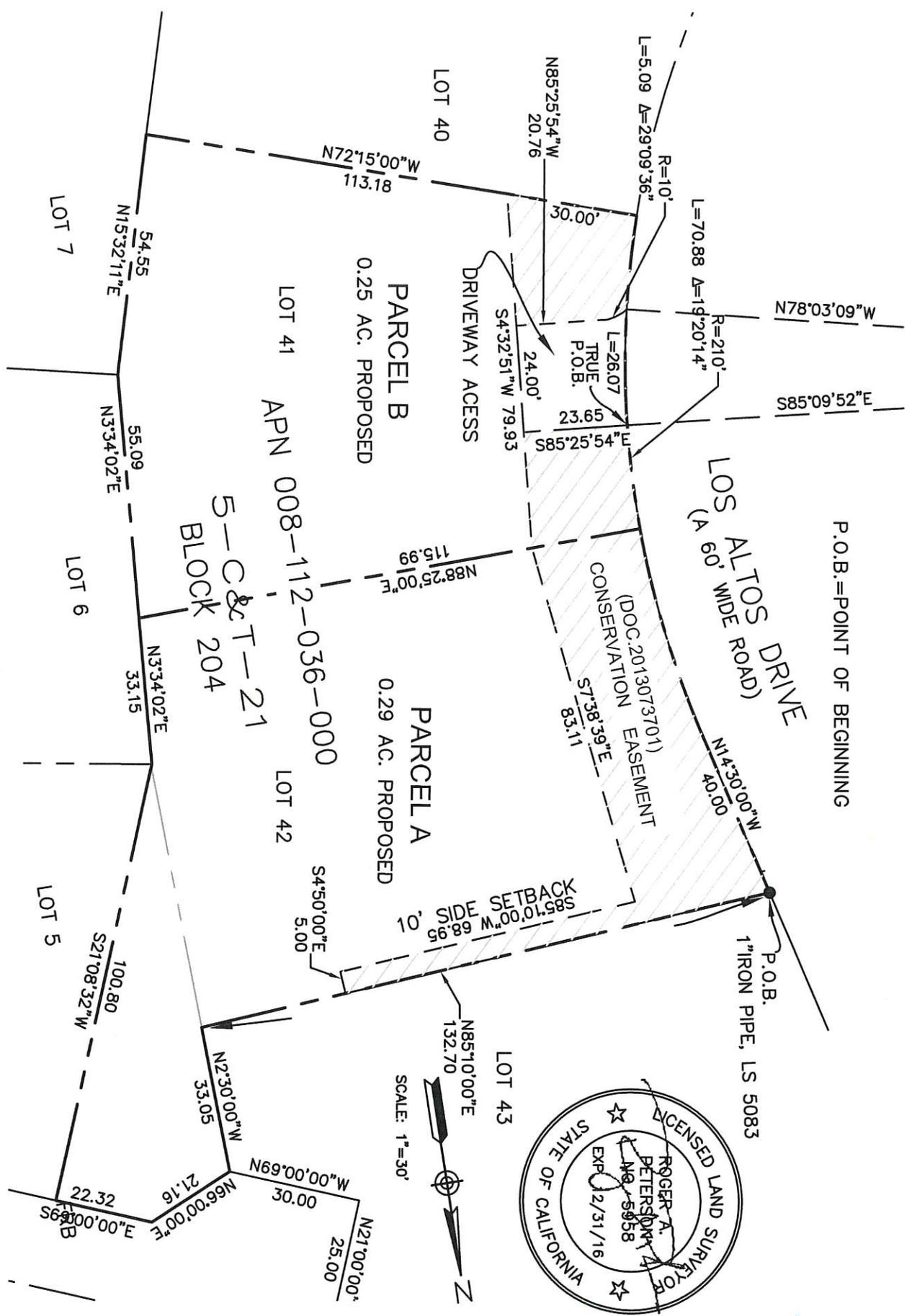
Certificate of Compliance recorded November 15, 2013, in Document No. 2013070478, of Official Records.

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Exhibit C

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EXHIBIT C-1



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Exhibit D

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EXHIBIT C-1

August 22, 2016

RESERVATION TO CONSERVATION and SCENIC EASEMENT

That Certain Conservation and Scenic Easement situate in the unincorporated area of the County of Monterey, depicted on Exhibit C-1, said easement to be subject to the placement of a 24 foot wide concrete driveway with integrated perimeter retaining walls for access from said Los Altos Drive, a 60-foot wide private road, through said Conservation and Scenic Easement area, said driveway access being more particularly described as follows:

BEGINNING AT the 1" iron pipe, tagged "LS 5083", previously described herein as said "Point of Beginning"; thence along the easterly sideline of said Los Altos Drive, the following two courses: South $14^{\circ}30'00''$ East, 40.00 feet; thence along the arc of a tangent curve to the right having a radius of 210.00 feet, through a central angle of $19^{\circ}20'08''$, an arc distance of 70.87 feet to the TRUE POINT OF BEGINNING; thence leaving said sideline

- 1) South $85^{\circ}25'54''$ East, 23.65 feet to the easterly limit of said Scenic and Conservation Easement previously described herein; thence along said easterly limit
- 2) South $04^{\circ}32'51''$ West, 24.00 feet; thence leaving said easterly limit
- 3) North $85^{\circ}25'54''$ West, 20.76 feet; thence
- 4) Along a non-tangent curve to the left having a radius of 10.00 feet, through a central angle of $29^{\circ}09'36''$ (the long chord of which bears South $71^{\circ}15'51''$ West, 5.03 feet to said sideline of Los Altos Drive; thence along said sideline
- 5) Along a curve to the left, the center of which bears North $78^{\circ}03'09''$ West, 210.00 feet, through a central angle of $07^{\circ}06'43''$ (the long chord of which bears North $08^{\circ}23'29''$ East, 26.05 feet, an arc distance of 26.07 feet to the True Point of Beginning.

See Exhibit C-1, attached hereto.

END OF EASEMENT DESCRIPTION

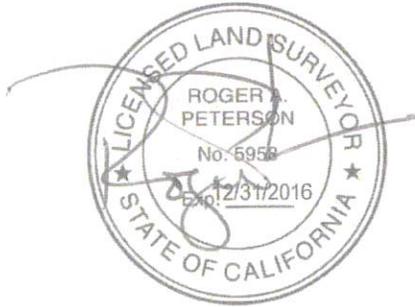


Exhibit E

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