

WHEN RECORDED MAIL TO:

Clerk to the Board Office, 1<sup>st</sup> Floor

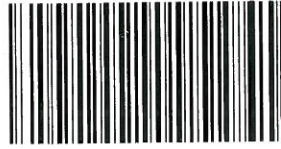
Monterey County Government Center

Salinas, CA 93901

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

CRREBECCA  
11/13/2013  
9:34:25

DOCUMENT: **2013069805**



Titles: 1/ Pages: 62

Fees....

Taxes...

Other... \_\_\_\_\_

AMT PAID

AMENDED SCENIC AND CONSERVATION  
EASEMENT DEED  
(COASTAL)

APN 008-491-010  
PLN130215  
3196 LLC

Re-Recorded due to typographical error in PLN No.

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

CRDAWN  
10/15/2013  
8:58:41

WHEN RECORDED MAIL TO:

Clerk to the Board Office, 1<sup>st</sup> Floor

Monterey County Government Center

Salinas, CA 93901

DOCUMENT: **2013064666** Titles: 1/ Pages: 61

Fees . . . .  
Taxes . . . .  
Other . . . .  
AMT PAID \_\_\_\_\_

THIS SPACE FOR RECORDER'S USE ONLY

AMENDED SCENIC AND CONSERVATION  
EASEMENT DEED  
(COASTAL)

APN 008-491-010

~~PLN1301245~~ *PLN1301215*

3196 LLC

*RA*

When recorded return to:  
MONTEREY COUNTY RESOURCE  
MANAGEMENT AGENCY  
PLANNING DEPARTMENT  
Attn: Luis A. Osorio  
168 West Alisal St 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN130125 *PLN 130215*  
Resolution No.: \_\_\_\_\_  
Owner Name: 3196 LLC  
Project Planner: Luis A. Osorio  
APN: 008-491-010-000

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

*Luis Osorio*

Signature of Declarant or Agent

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

This Amendment to the Scenic and Conservation Easement (hereinafter "Amendment") is made this 17 day of September, 2013, by and between 3196 LLC, a limited liability company, as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, as Grantee,

### **WITNESSETH:**

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

**WHEREAS**, a Coastal Development Permit (Permit No. PC 6613) was granted by Monterey County Planning Commission on August 31, 1988 subject to the Findings and Evidence and Conditions of Approval contained in Planning Commission Resolution No. 88-280, including the following Condition:

10. That a building envelope be placed on the parcel indicating that area noted for development. All other areas of the parcel shall be recorded in a Scenic Easement Deed granted to the County covering all other portions of the parcel. This scenic easement deed will include that portion of the parcel where archaeological resources have been identified and the balance of the area covered by Monterey Cypress habitat. The scenic easement deed shall be submitted to and approved by the Director of Planning and Building Inspection.

**WHEREAS**, as a condition of approval of permit number PC 6613, Grantors' predecessor in interest, Carmel Vista Associates, a California general partnership, granted a Scenic and Conservation Easement recorded September 30, 1991, at Reel 2699, Page 567, Official records of Monterey County, attached hereto as Exhibit B and incorporated herein by this reference (herein after the "1991 Easement"); and

**WHEREAS**, the improvements approved under Coastal Development Permit No. PC6613 have been constructed as approved by the Planning Commission; and

**WHEREAS**, it has come to the attention of the Grantor and the Grantee that a portion of the improvements approved under Coastal Development Permit No. PC6613 was built encroaching on the area of the recorded Scenic and Conservation Easement; and

**WHEREAS**, Grantors applied to the County for an Amendment of the Recorded Scenic and Conservation Easement (File Number **PLN130215**) (hereinafter referred to as the "Amended Easement") to amend the existing 1991 Easement to exclude the portion of the project encroaching on the area of the Easement; and

**WHEREAS**, Grantors are willing to grant the County of Monterey the conservation and scenic use to protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantors through the imposition of the conditions described in the 1991 Easement and hereinafter expressed; and

**WHEREAS**, no archaeological resources nor Monterey Cypress habitat will be affected by this Amended Easement; and

**WHEREAS**, the revised boundaries of the Amended Easement are depicted along with the meets and bounds description on Exhibit C attached hereto and incorporated herein by reference; and

**WHEREAS**, Grantors and Grantee intend that this Amendment shall amend the 1991 Easement insofar as the revised boundaries of the Easement on the Property, with all other terms to remain in effect; and

**WHEREAS**, it is intended that this Amended 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.

**NOW, THEREFORE**, Grantors and Grantee agree as follows:

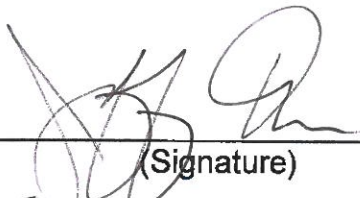
1. The boundaries and description of this Amended Conservation and Scenic Easement Deed as described and depicted on Exhibit C shall amend the Conservation and Scenic Easement Deed as recorded at Reel 2699, Page 567, Official records of Monterey County, and as shown on Exhibit B.
2. All other terms and conditions of the original Conservation and Scenic Easement Deed shall remain in full force and effect and are incorporated herein by this reference.
3. This Amended Conservation and Scenic Easement Deed shall run with the land 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 Grantors and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.
4. The Grantee or its agent may enter onto the property to ascertain whether the use restrictions set forth above are being observed at times reasonable acceptable to the Grantor. The public may enter onto the property only for scientific research purposes authorized by a coastal development permit, and at time reasonable acceptable to the Grantor.

5. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the property contrary to the terms of this offer will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to enforce 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 it shall bring an action in law or equity to enforce the terms and conditions of this grant of easement. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.
6. 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 Grantors, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.
7. 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 Grantors, or property of any kind whatsoever and to whomsoever belonging, including Grantors, 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, Grantors 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 land by virtue of the fact that the right of the Grantee to enter the land is strictly limited to preventing uses inconsistent with

the interest granted, the property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the land for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

8. 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 Grantors and the Grantee, whether voluntary or involuntary.
  
9. 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 7<sup>th</sup> day of AUGUST, 2013, at New York NY, ~~California~~. <sup>JT</sup>

By:   
(Signature)  
JEFFREY THOMAS, MANAGER  
(Print or Type Name and Title)  
3196 LLC <sup>JT</sup>

By: \_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Print or Type Name and Title)

NEW YORK  
STATE OF CALIFORNIA ) AZ  
WESTCHESTER ) SS.  
COUNTY OF MONTEREY ) AZ

On August 7, 2013 before me, Anita Zangrilli, a  
Notary Public, personally appeared Jeffrey Thomas, 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.

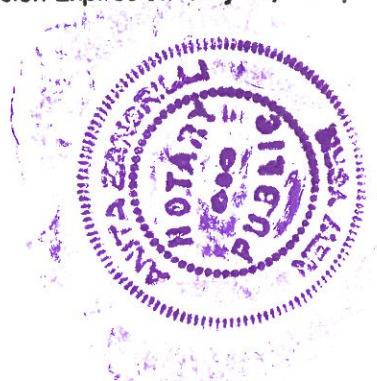
I certify under PENALTY OF PERJURY under the laws of the State of ~~California~~ New York that the  
foregoing paragraph is true and correct. AZ

WITNESS my hand and official seal.

ANITA ZANGRILLI  
Notary Public - State of New York  
No. 01ZA6216203  
Qualified in Westchester County  
My Commission Expires January 11, 2014

Signature Anita Zangrilli

(Seal)



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)





## EXHIBIT A

### DESCRIPTION OF PROPERTY

Real property situate in County of Monterey, State of California, described as follows:

Beginning at a point which bears S. 84° 07' W., 20.00 feet distant from that certain monument Numbered 2109, as shown on that certain map entitled "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos", etc., filed January 12, 1992 in Map Book 3 of Surveys at Page 3, Monterey County records; thence

- (1) Southeasterly along the arc of a circular curve to the left, described from a point bearing N. 84° 07' E., 240.0 feet distant from said point of beginning, through a certain angle of 52° 08' for a distance of 218.38 feet; thence
- (2) S. 36° 15' W., 109.76 feet; thence
- (3) S. 80° 35' W., 391.30 feet; thence
- (4) N. 2° 37' 30" W., 229.56 feet; thence
- (5) N. 73° 43' E., 364.45 feet to the point of beginning and being a portion of Rancho el Pescadero, Monterey County, California.

Together with all Right, Title and Interest of the Grantor in and to that certain Parcel of land lying between the line of ordinary mean high tide of the Pacific Ocean and the course Numbered (4) hereinabove; being bounded on the South by the Westerly prolongation of the course Numbered (3) herein above and being bounded on the North by the Westerly prolongation of the course being Numbered (5) hereinabove. (APN 008-491-010-000)

Exhibit A

Page 1 of 1 Pages

EXHIBIT B

REEL 2699 PAGE 567

RECORDED AT REGISTRY

COUNTY OF MONTEREY

Recording Requested by and  
When Recorded, Mail To:  
Monterey County Planning Dept.  
P.O. Box 1208  
Salinas, California 93902

57445 SEP 30 9 28 AM '91

OFFICE OF RECORDER  
COUNTY OF MONTEREY  
SALINAS, CALIFORNIA

Permit No. PC 6613  
Applicant Name: Carmel Vista Associates  
Project Planner: ~~H. Mergantini~~  
L. Beardall

NO FEE

GRANT OF SCENIC AND CONSERVATION EASEMENT

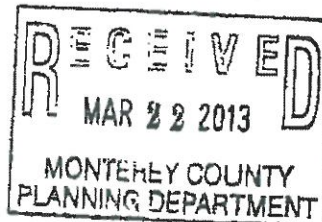
THIS DEED made this 13th day of August, 1991, by and  
between CARMEL VISTA ASSOCIATES, a California general partnership,  
as "Grantor", and the COUNTY OF MONTEREY, a political subdivision  
of the State of California, as "Grantee";

WITNESSETH:

WHEREAS, the said Grantor is the owner of the fee simple title and  
estate in and to that certain real property (hereinafter the  
"Property"), situated in Monterey County, California, and more  
particularly described in Exhibit "A", attached hereto and  
incorporated by reference herein; and

WHEREAS, the Property is currently in a substantially undisturbed  
natural and open state, has significant and unique natural scenic  
beauty; and

ENCLOSURE



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

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

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

WHEREAS, a coastal development permit (Permit PC 6613) was granted on August 31, 1988, by the County in accordance with the provision of the Staff Recommendation and Findings, attached hereto as Exhibit "B", and hereby incorporated by reference, subject to the following condition:

10. That a building envelope be placed on the parcel indicating including that area noted for development. All other areas of the parcel shall be recorded in a Scenic Easement deed granted to the County covering all other portions of the parcel. This scenic easement deed will include that portion of the parcel where archaeological resources have been identified and the balance of the area covered by Monterey Cypress habitat. This Scenic Easement deed shall be submitted to and approved by the Director of Planning and Building Inspection.

; and

WHEREAS, the County of Monterey, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the Findings contained in Resolution No. 88-220, attached

EXHIBIT B

Exhibit B

Page 2 of 46 Pages

hereto as Exhibit "C", and hereby incorporated by reference, granted Permit PC 5613 to the Grantor upon conditions (hereinafter the "Conditions") requiring, inter alia, that the Grantor record a scenic and conservation easement over a portion of the Property and agree to restrict development on and use of the scenic and/or natural resource values present on the Property, and so as to prevent the adverse direct and cumulative effects on coastal resources which could occur if the Property were not restricted in accordance with this easement; and

WHEREAS, the County has placed the Conditions 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 LCP and that in the absence of the protections provided by the Conditions, said finding could not be made; and

WHEREAS, Grantor has elected to comply with the Conditions 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 provisions of the California Revenue and Taxation Code, Section 402.1; and

WHEREAS, Grantor desires to transfer the right to protect and preserve the scenic, open space, natural habitat, aesthetic and ecological values and characteristics of the Property to Grantee,

XXXXXX

and Grantee desires to accept such responsibility, on the terms and conditions hereinafter set forth, the purpose of said transfer being to benefit the public by the preservation of such scenic, open space, natural habitat, aesthetic and ecological values through the imposition of the conditions hereinafter expressed.

#### GRANT

NOW, THEREFORE, for and in consideration of the premises, Grantor hereby voluntarily grants and conveys to the County of Monterey an estate, interest, and Scenic and Conservation Easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said Property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said Property the various acts hereinafter mentioned, subject to the rights reserved by Grantor herein.

#### TERMS AND CONDITIONS

A. Land Subject to Easement. The portion of the Property hereinafter referred to as the "Scenic and Conservation Easement Area" to which the provisions of this instrument apply, is situated

XXXXXX:3

in the County of Monterey, State of California, and is particularly described in Exhibit "D", attached hereto, and made a part hereof. The Grant conveys no rights in the portions of Grantor's Property not within the Scenic and Conservation Easement Area, nor does it contain any covenants or limitations affecting the same.

B. Restrictions of Use. The restrictions hereby imposed upon the use of the Scenic and Conservation Easement Area of the property of Grantor and the acts which said Grantor shall refrain from doing upon said Scenic and Conservation Easement Area in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said Scenic and Conservation Easement Area other than those specifically described or permitted under Permit PC 6613, or under the rights reserved herein.

2. That no advertising of any kind or nature shall be located on or within the Scenic and Conservation Easement Area other than as specifically described or permitted under Permit PC 6613, or under the rights reserved herein.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Scenic and Conservation Easement Area, other than as specifically described or permitted under Permit PC 6613, or under the rights reserved herein.

4. That no use of said Scenic and Conservation Easement Area which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered, except as specifically described

SCFFCS:3

Exhibit B

Page 5 of 46 Pages

or permitted under Permit PC 5613, or under the rights reserved herein.

C. Exception and Reservation of Rights. Subject to the ordinances of Grantee regulating the use of land, Grantor for himself, his successors and assigns, excepts and reserves from the foregoing grant and covenants, restrictions, and limitations, the following rights, which are consistent with Grantor's intentions and with this Scenic and Conservation Easement, though not an exhaustive recital of consistent use and practices:

1. The right to install stepping stones and/or stone patios.

Such reserved right includes the following incidental rights:

a. The right to repair and maintain such stepping stones and stone patios; and

b. The right to replace and relocate such stepping stones and stone patios in the event of destruction thereof, provided that if Grantor wishes to relocate such stepping stones and stone patios, the relocation shall be subject to Grantor's compliance with all applicable provisions of federal, state and local law and obtaining a coastal permit, and shall be consistent with the conservation and preservation of the Scenic Conservation Easement Area as scenic open space and natural habitat.

2. The right to install and construct utility and other service facilities, including without limitation power, gas, heat, water, sanitary water treatment, telephone, television and other tele-communication conduits, lines, pumps, storage tanks, and associated facilities. All utilities and facilities that are

EXHIBIT 1



installed or constructed after the date of this Grant of Scenic and Conservation Easement has been executed shall be placed underground to the extent they enter upon or over the Scenic and Conservation Easement Area, and upon completion of installation and construction thereof the surface of said Scenic and Conservation Easement Area shall be returned to its natural state as it existed prior to commencement of such installation or construction. Such reserved right includes the following incidental rights:

a. The right to maintain and repair such utilities and service facilities; and

b. The right to replace or relocate such utilities and facilities in the event of destruction thereof, provided that if Grantor wishes to relocate such utilities and facilities, the relocation shall be subject to Grantor's compliance with the applicable provisions of federal, state and local law.

3. The right to enter upon and use the Scenic and Conservation Easement Area for passive recreational purposes (such as hiking, picnicing, and nature observation) in a manner consistent with the conservation and preservation of the Scenic and Conservation Easement Area as scenic open space and natural habitat.

4. The right to enter upon the Scenic and Conservation Easement Area as necessary in order to inspect the Scenic and Conservation Easement Area and to prevent use of the Scenic and Conservation Easement Area in a manner inconsistent with public safety needs, and the need to protect natural resource areas from

REFRACE:3

overuse, as prescribed in Public Resources Code Sections 30210 and 30212. Said right is reserved for the benefit of and limited in its exercise to Grantor and Grantor's successors and assigns.

5. The right to construct, erect and install fencing. Such reserved right includes the following incidental rights:

- a. The right to repair and maintain such fencing; and
- b. The right to replace and relocate said fencing in the event of destruction thereof, provided that if Grantor wishes to construct or relocate such fencing, such action shall be subject to Grantor's compliance with all applicable provisions of federal, state and local law.

6. The right to enter upon the Scenic and Conservation Easement Area in order to gather fallen wood therefrom and to implement the Forest Management Plan/Biological Report required by and prepared in compliance with the Conditions of the Permit.

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

D. Benefit and Burden. This grant of Scenic and Conservation 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

RECORDS

Grantor and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

E. 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 enter onto the Property only for scientific research purposes authorized by a coastal development permit, and at times reasonably acceptable to the Grantor.

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

EXHIBIT 3

Exhibit B

Page 9 of 56 Pages

G. 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 Scenic and Conservation 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.

H. 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 land by virtue of the fact that the right of Grantee to enter the land is strictly limited to preventing uses inconsistent with the interest granted and does not include the right to enter the land for the purposes of correcting any dangerous conditions defined by

X0393C3.3

Exhibit BPage 10 of 76 Pages

California Government Code Section 830.

I. 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.

J. Construction of Validity. If any provision of this Scenic and Conservation Easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

K. Subject to Conditions of Record. This Grant of Scenic and Conservation Easement is subject to all rights, covenants, conditions, easements and other matters of record and shall not abrogate, impair or otherwise affect any rights that persons other than Grantor may have to use the Property pursuant to any such rights, covenants, conditions, easements and other matters of record.

L. Public Access Not Authorized. This Grant of Scenic and Conservation Easement does not authorize or permit, nor shall it be construed as authorizing or permitting access on or the use of Property, or any portion thereof, by the members of the general public, except as specifically set forth in paragraph E, above.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Grant of Scenic and Conservation Easement on the dates and at the

RETRACT:3

Exhibit B

Page 11 of 46 Pages

places set forth immediately below.

Executed this 13th day of August, 1991, at  
Los Angeles, California.

Dated: August 13, 1991

GRANTOR

CARMEL VISTA ASSOCIATES,  
a general partnership

By:

  
ROBERT KOYPLE,  
general partner

1000000000

STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) ss.

REEL 2699 PAGE 579

On this 13<sup>th</sup> day of August, in the year 1991, before me DIANE D. FORTNEY, a Notary Public, State of California, duly commissioned and sworn, personally appeared ROBERT KERNAC, known to me (or proved to me on the basis of satisfactory evidence) to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Los Angeles the day and year in this certificate first above written.



Diane D. Fortney  
NOTARY PUBLIC, State of California  
My Commission Expires:

EXHIBIT: ]

This is to certify that the Grant of Scenic and Conservation Easement set forth above is hereby acknowledged by the Board Chair on behalf of the Monterey County Board of Supervisors pursuant to the action of the Monterey County Planning Commission when it granted Coastal Development Permit PC 6613 on August 31, 1988, and the Monterey County Board of Supervisors consents to recordation thereof by its duly authorized officer.

Dated: September 24, 1991

Dan P. Kaur  
Chair, Monterey County Board of Supervisors

ATTESTED BY:

Dated: September 24, 1991

Nancy Lukenbill  
Nancy Lukenbill, Clerk to the Board  
for ERNEST K. MORISHITA  
Clerk, Monterey County Board of Supervisors, State of California

DOCUMENT FORM/  
CONTENT ACCEPTABLE:

Dated: August 5, 1991

By: J. R. Ramos  
County Counsel

Dated: 9-6-91

By: [Signature]  
Monterey County Planning & Building Inspection Department

NOTES:



STATE OF CALIFORNIA )  
COUNTY OF MONTEREY )

ss.

REEL 2699 PAGE 581

On this 24th day of September, 1991, before me, Ernest K. Morishita, Clerk of the Board of Supervisors, in and for said County and State, personally appeared SAM P. KARAS, known to me to be the Chairperson of said Board of Supervisors of the County of Monterey, and known to me to be the person who executed the within instrument on behalf of said political subdivision, and acknowledged to me that such County of Monterey executed the same.



ERNEST K. MORISHITA, Clerk of the  
Board of Supervisors of Monterey  
County, State of California

By: Ganey Lubenath  
Deputy Clerk

Exhibit B

Page 15 of 46 Pages

## DESCRIPTION OF THE PROPERTY

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

Beginning at a point which bears S. 84° 07' W., 20.00 feet distant from that certain monument Numbered 2109, as shown on that certain map entitled "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos", etc., filed January 12, 1922 in Map Book 3 of Surveys, at Page 3, Monterey County Records; thence

(1) Southeasterly along the arc of a circular curve to the left, described from a point bearing N. 84° 07' E., 240.0 feet distant from said point of beginning, through a central angle of 52° 08' for a distance of 218.38 feet; thence

(2) S. 36° 15' W., 109.76 feet; thence

(3) S. 80° 35' W., 391.30 feet; thence

(4) N. 2° 37' 30" W., 229.56 feet; thence

(5) N. 73° 43' E., 364.45 feet to the point of beginning and being a portion of Rancho El Pescadero, Monterey County, California.

Together with all Right, Title and Interest of the Grantor in and to that certain Parcel of land lying between the line of ordinary mean high tide of the Pacific Ocean and the course Numbered (4) hereinabove; being bounded on the South by the Westerly prolongation of the course Numbered (3) hereinabove and being bounded on the North by the Westerly prolongation of the course Numbered (5) hereinabove. (APN 8-491-10)

EXHIBIT A



PLANNING AND BUILDING INSPECTION DEPARTMENT  
 REPORT TO THE MONTEREY COUNTY  
 PLANNING COMMISSION

REEL 2699 PAGE 583

REPORT TO THE MONTEREY COUNTY PLANNING COMMISSION

Item #: **10**

Applicant: Carmel Vista Associates File #: PC 6623  
 Property Owner: Same Hearing Date: 31 August, 1988  
 Representative: Laurence P. Moran Hearing Time: 11:00 a.m.  
 Proposed Use: Single-family dwelling (including development within the environmentally sensitive Monterey Cypress habitat).  
 Permits Involved: Coastal Development Permit and Design Approval for a Single-Family dwelling. This project is appealable to the Board of Supervisors and the California Coastal Commission.  
 Location: Portion of Lot 18, Block 146, Assessor's Map of El Pescadero Rancho, Del Monte Forest Area. Fronting on and westerly of 17-Mile Drive, coastal zone.  
 Coastal Zone:  Yes  No  
 Applicable Plan: Del Monte Forest Land Use Plan  
 Zoning: LDR/1 (C2)  
 Plan Designation: Low Density Residential, 1 acre per unit.  
 Advisory Committee: Del Monte Recommendation: Approval  
 Lot Size: 2.80 acres

Environmental Status: A Negative Declaration has been prepared for this application (as per Appendix K, CEQA).

Discussion: This application proposes a two-story single-family dwelling (3982 square feet, including an attached garage). The proposed height of the dwelling is a maximum 30 feet. The project conforms to all existing zoning regulations of the LDR/1 (C2) zoning classification and development standards of the certified Coastal Implementation Plan, including 15% lot coverage and a maximum main structure height limitation of 30 feet.

This application was previously reviewed by the Planning Commission as Special Permit PC 6055. The project, as then proposed, was found inconsistent with the Del Monte Forest Land Use Plan by the Planning Commission on September 9, 1987 and by the Board of Supervisors on November 24, 1987. The project consisted of a single-family dwelling near Cypress Point in the Pebble Beach area. Total square footage of the house was 7,414 square feet (including a 1,183 square foot garage) with a footprint of 5,996 square feet. It was the finding of the Monterey County Planning Commission and subsequently the Board of Supervisors that the project did not conform to the policies of the Del Monte Forest Land Use Plan regarding water and marine resources, environmentally sensitive habitat areas and scenic visual resources. The project required removal of cypress trees within their indigenous habitat and major disturbance of an identified archaeological resource. The driveway and other impervious surfaces did not conform to the requirement of simple, direct access and the structure was proposed upon the bluff top. After the denial, the applicant re-designed the

EXHIBIT B  
 Page 1 of 13

Exhibit B

project to be located outside of the archaeological resource. The design does not propose to remove, cut or trim any Monterey Cypress trees on-site. The driveway conforms to the requirement of simple and direct access and the house has been pulled away from the bluff-top so that no exceptional structural requirements are needed as per the Coastal Implementation Plan requirements for bluff-top development.

Recommendation (Findings & Conditions Attached): It is recommended that the Planning Commission adopt the Negative Declaration and approve the Carmel Vista Associates Coastal Development Permit subject to the findings, evidence contained in "exhibit A" and the condition contained in Exhibit B".

REL 2699 PAGE 584

EXHIBIT B  
Page 2 of 13

REEL 2699 PAGE 585

Sewage Disposal:  Septic System  Sewer Pebble Beach CSP (Agency)

Water Supply:  Private Well  Private System

Public Utility  Name of System: Cal-Am

Estimated Consumption: 0.411 acre-feet/year

Archaeologic Sensitivity Zone: High

Survey:  Yes  No  Waiver Library No.: PC 6613

Resources On Site:  Yes  No

Conclusion: A preliminary report indicated that the site is an established archaeological midden area. A subsequent letter reviewing the proposed location of development states that the location will have no impact on the archaeological resource on-site.

Geologic Hazard Zone: 3

Survey:  Yes  No Library No.: N/A

Conclusion: N/A

Environmentally Sensitive Habitat:  Yes  No

Survey:  Yes  No Library No.: PC 6613

Conclusion: A letter date June 28, 1988 states that "potential impacts to the mature cypress trees has been drastically reduced due to the relocation of the structure and the reduced building footprint".

Fire Hazard:  Low  Moderate  High  Very High

Fire District: CDF - Pebble Beach Community Services District

Grading:  Yes  No Cubic Yards: less than 100 cubic yards

Development on 30% Slopes:  Yes  No

Road Grades: 0-2%

Tree Removal: No Number: N/A Type: N/A

Forest Management Plan:  Yes  No Library No.: PC 6613

Miscellaneous Information: None

*Sheila Delimont*  
 Sheila Delimont, Supervising Planner  
 Department of Planning and Building  
 Inspection:  
 22 August, 1988

cc: Planning Commissioners; Efran Iglesias - County Counsel;  
 Health Department; Public Works; Flood Control; Coastal  
 Commission; Robert Slamon, Jr.; Dale Ellis; Nicholas  
 Chiulos; Sheila Delimont; Kellie D. Morgantini; Nikki  
 Gross; Applicant; File

Attachments: Exhibit A (Findings); Exhibit B (Conditions);  
 Location Map; Negative Declaration  
 Report prepared by Kellie D. Morgantini, Planner III

**EXHIBIT B**  
 Page 3 of 13

RECOMMENDED FINDINGS AND EVIDENCE FOR THE CARMEL VISTA ASSOCIATES  
COASTAL DEVELOPMENT PERMIT (PC 6613)

REF 2699 PAGE 586

1. **FINDING:** The development proposed in this application, together with the provisions of its design, is consistent with both the Del Monte Forest Land Use Plan and the development standards and the zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.147 "Regulations for Development in the Del Monte Forest Land Use Plan Area".
- EVIDENCE:** This area is designated as "LDR/1 (CZ) (Low Density Residential, 1 acre/unit). Staff research and field review of this project has determined that this project satisfies requirements of the development standards and zoning district regulations of the plan addressing such topics as set-back requirements, height limitations, lot coverages, accessory structures, development in environmentally sensitive areas, development in archaeologically sensitive areas, development in potentially visually sensitive areas, removal of native trees and all other development standards and zoning regulations of the Coastal Implementation Plan.
- EVIDENCE:** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with (1) the certified Del Monte Forest Coastal Land Use Plan, and (2) the certified Monterey County Coastal Implementation Plan. Staff determined that the project is fully in conformity with Chapter 20.114 of the Monterey County Coastal Implementation Plan - Regulations for Low Density Residential or "LDR" (CZ) Districts in the Coastal Zone, and is substantially in conformance with Chapter 20.147 of the Monterey County Coastal Implementation Plan - Regulations for Development in the Del Monte Forest Land Use Plan Area.
2. **FINDING:** The proposed development consists of a 5,982 square foot two-story single family dwelling (maximum 30 foot height) with attached garage. The subject site is a 2.80 acre parcel located westerly of and fronting on 17-Mile Drive. The proposed project is located within a recognized area of archaeological sensitivity and environmental sensitivity.
- EVIDENCE:** Planning Commission File No. PC-6613, along with materials and information derived from an on-site investigation by Planning and Building Inspection Department staff. A Scenic Easement

EXHIBIT B  
Page 4 of 13

deed shall be required as a condition of approval for the project on all areas not covered by the dwelling as currently proposed. The archaeological report prepared by Archaeological Consulting states that the project as currently proposed has no significant effect on the archaeological resources located on-site.

3. **FINDING:** The site of the proposed development is physically suitable for the type of development proposed. As determined by staff review of the project and a field check, site appears to be suitable for the development of a 5,982 square foot two-story single family dwelling (maximum 30 foot height) and attached garage as proposed.

**EVIDENCE:** The area proposed for the development has a slope of 0-10% with proposed grading of less than 100 cubic yards. The project has been sited for the most simple and direct access and will not impact any mature cypress trees on the parcel. A scenic and environmentally sensitive habitat easement will be required for the portion of the parcel not impacted by development and the area of archaeological sensitivity will require an archaeological easement.

4. **FINDING:** The project has no significant effect on the Public Viewshed as defined in Section 20.147.070.A.1 of the Monterey County Coastal Implementation Plan.

**EVIDENCE:** The Planning and Building Inspection staff conducted an on-site inspection of the subject parcel pursuant to Section 20.147.070.A.1 of the Monterey County Coastal Implementation Plan. After field review of the site by Planning staff, it was determined that, even though the site will be visible from the public viewshed, there will be no significant impact on the public viewshed by this proposed two-story single-family dwelling.

5. **FINDING:** That the project as proposed is consistent with Section 20.146.080 of the Coastal Implementation Plan dealing with development in archaeologically sensitive areas.

**EVIDENCE:** A preliminary archaeological survey has been conducted on the project site by Archaeological Consulting stating that the project as designed will not impact the archaeological resources on-site.

EXHIBIT B  
Page 5 of 13

Exhibit B

Page 21 of 46 Pages

6. **FINDING:** The project, as described in the application and accompanying materials, conforms with the applicable provisions of the Monterey County Code relative to (1) Grading, Chapter 16.08, and (2) Erosion, Chapter 16.12.
- EVIDENCE:** The project has been reviewed by the Department of Planning and Building Inspection. The Building Inspection section has determined that the project is in conformity with the Grading and Erosion Control Ordinances.
7. **FINDING:** In approving the proposed project, the Planning Commission finds that the establishment, maintenance or operation of the single-family dwelling as applied for will not, under the circumstances of the Coastal Development Permit process, be detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed single family dwelling or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** This project has been reviewed by all responsible agencies in the County and conditions of approval have been applied to this project as deemed necessary by the Departments of Planning and Building Inspection, Public Works, Flood Control and Health to insure the public health, safety and orderly development in the surrounding area.
8. **FINDING:** The recommended conditions regarding a landscaping plan, building envelope and deed restrictions have been applied to eliminate any significant environmental impacts from the project. The recommended condition regarding lighting has been applied to ensure that the character of the neighborhood is preserved, protected, and enhanced.
- EVIDENCE:** Section 20.144.070, Subsections C, E, and F, of the adopted and certified Monterey County Coastal Implementation Plan and Policy 26.1.20 of the Monterey County General Plan.
9. **FINDING:** This is not a significant wildlife habitat but does contain rare or endangered plant species (EMPRESSUS MACROCARPUS), but the mitigation reports as prepared have been deemed adequate to ensure that there will be no significant environmental damage to the site by the proposed

EXHIBIT 5  
Page 6 of 13



development of a single-family dwelling as proposed.

**EVIDENCE:** The Initial Study prepared for the project did not identify any significant environmental impacts resulting from the project that were not mitigatable by actions proposed within the biological, archaeological and forest management plans prepared for the parcel. An Initial Study was prepared for this project from which a Negative Declaration was prepared. This project is located within the Del Monte Forest Area Coastal zone which requires that the environmental document be circulated through the State Clearinghouse. The Negative Declaration was filed with the County Clerk's office and the State Clearinghouse. No comments have been received on this project.

10. **FINDING:** The project, as approved by the Coastal Development Permit, is appealable to the California Coastal Commission.

**EVIDENCE:** Section 20.140.080.J of the Monterey County Coastal Implementation Plan.

EXHIBIT B  
Page 7 of 13

RECOMMENDED CONDITIONS OF APPROVAL FOR THE CARMEL VISTA ASSOCIATES COASTAL DEVELOPMENT PERMIT (PC 6613)

1. At least three weeks prior to occupancy, two copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection. The landscaping plan shall be in sufficient detail to identify the location, species and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before a final consent of the building permit is given, the landscaping shall be either installed or a certificate of deposit or other form of surty (exclusive of a performance bond) made payable to Monterey County for that cost estimate shall be submitted to the Planning and Building Inspection Department.
2. That all landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.
3. That the applicant record a notice with the County Recorder's Office which states: "A Forest Management Plan/Biological Report has been prepared for the parcel by Hugh Smith and ISA Associates and is on file in the Monterey County Planning and Building Inspection Department library. All tree removal on the parcel must be in accordance with this Forest Management Plan as approved by the Director of Planning."
4. All landscaping procedures must be conducted in accordance with the Forest Management Plan/Biological Report prepared for the project by professional forester Hugh Smith, on file in the Monterey County Planning and Building Inspection Department library.
5. If, during the course of construction, archaeological resources are uncovered at the site (surface or sub-surface resources) work on the project shall be stopped immediately. The Monterey County Planning and Building Inspection Department (the project planner) and a qualified archaeologist (An archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. The mitigation plan, if deemed necessary by the archaeologist and the Department of Planning and Building Inspection, shall be developed as per

EXHIBIT B  
Page 8 of 13

the requirements and procedures outlined in Section 20.146.090 "Archaeological Resources Development Standards,

6. That the applicant provide suitable evidence to the Planning and Building Inspection Department indicating that the applicant and a qualified archaeologist have entered into a binding agreement to perform the services and recommended evaluations as summarized in the report prepared for the site by Archaeological Consulting dated June 17, 1988. This suitable evidence shall be in the form of a letter from the archaeologist retained for the project. This letter shall state that each recommended action and requirement contained in the letter (i.e. on-site observation during construction) shall be undertaken by the retained archaeologist. It shall also be the responsibility of the archaeologist to submit a summary report stating the results of the site observation and a statement that the applicant has complied with all recommendations contained in the archaeological report.
7. That the location, type and size of all antennas, satellite dishes and similar appurtenances be approved by the Director of Planning.
8. That all cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection.
9. That all land clearing or grading occurring on the subject parcel between October 15 and April 15 shall conform to the "Winter Operations" standards in Section 16.12.090, Title 16.08 - Grading". Applicant shall provide evidence to the Director of the Planning and Building Inspection Department that erosion control measures as discussed in Section 16.12.090 (b) 1. - 5. have been addressed by the proposed project.
10. That a building envelope be placed on the parcel indicating including that area noted for development. All other areas of the parcel shall be recorded in a Scenic Easement deed granted to the County covering all other portions of the parcel. This scenic easement deed will include that portion of the parcel where archaeological resources have been identified and the balance of the area covered by Monterey Cypress habitat. This Scenic Easement deed shall be submitted to and approved by the Director of Planning and Building Inspection.

EXHIBIT B  
Page 9 of 13

"Exhibit B"

RECOMMENDED CONDITIONS OF APPROVAL FOR THE CARMEL VISTA ASSOCIATES COASTAL DEVELOPMENT PERMIT (PC 6613)

Page -7-

REEL 2699 PAGE 592

11. Provide to the Director of Environmental Health evidence that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and Fire Flow standards.
12. Provide to the Director of Environmental Health evidence that Pebble Beach Community Services can and will supply sewer service.
13. Firefighting water supply from a Fire Department approved hydrant(s) to be 500 gpm at 20 psi residual, installed prior to construction (U.F.C Section 10.301c).
14. Applicant must install residential fire sprinklers (to meet NFPA) Standard 13D) or upgrade water mains off-site.
15. Road width, vertical clearance, grade, driveway and bridges to meet General Plan requirements (U.F.C. Sec. 10.207).
16. Road width shall be a 12 foot minimum width.
17. Prior to site work, street address, 3196 17-Mile Drive, must be posted, visible from street. 4" numerals contrasting with background (U.F.C. Section 10.208).
18. 30' minimum clearance of flammable vegetation as required by Public Resources Code Section 4291. *- Cypress?*
19. Finish roofing to meet ICBO standards for Class A Fire-Resistive construction (Monterey County General Plan Section 17.4.1).
20. Install smoke detectors on every floor and in vicinity of sleeping areas ((U.F.C. Section 1210a).
21. Access gates(s) must have keyed switch or padlock for fire department access to water supply (U.F.C. Section 10.301c).
22. This permit shall expire on August 31, 1990 unless construction or use as specified in this permit has begun within this time period.

kdm:koppla.pc2  
8:26 AM  
August 25, 1988

EXHIBIT B  
Page 10 of 13

Exhibit B  
Page 26 of 46 Pages

RESPONSIBLE AGENCY		DECISION MAKING BODY	
COUNTY OF MONTEREY		Planning Commission	
PROJECT TITLE			
CARMEL VISTA ASSOC.			
ADDRESS	CITY	STATE	ZIP CODE
P. O. Box 1208	Salinas	California	93902
CONTACT PERSON	AREA CODE	PHONE	EXTENSION
Kellie Morgantini	408	<del>433-4828x</del> 755-5025	

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- (a) That said project will not have the potential to significantly degrade the quality of the environment.
- (b) That said project will have no significant impact on long term environmental goals.
- (c) That said project will have no significant cumulative effect upon the environment.
- (d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

#### PROJECT DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES

Development of a <sup>6000</sup>7000 square foot single family dwelling in an archaeological sensitive resource area - Monterey Cypress.

#### PROJECT LOCATION

#### TIME PERIOD PROVIDED FOR REVIEW

7 Mile Drive, near Love Cypress begins: August 26, 1988

Ends: September 5, 1988

#### ADDRESS WHERE COPY OF APPLICATION AND INITIAL STUDY IS AVAILABLE

Monterey County Public Works Dept.

Parks & Recreation Dept.

Monterey County Planning Department

LAFCD

Monterey County Department of Building Inspection

P. O. Box 1208/Courthouse, Salinas, CA. 93902

BE FILED WITH COUNTY CLERK WHEN NO SIGNIFICANT EFFECT IS FOUND.

August 26, 1988

DATE FILED

EXHIBIT B

Page 11 of 13

283-10-043 (PG-6613)

FILE REFERENCE #

Exhibit B

Page 27 of 46 Pages

MEETING: Planning Commission OF 17 Aug 1987  
PROJECT: KOPPLE RESIDENCE FILE NO. EB3-10-043

APPLICATION TYPE: BUILDING PERMIT (SUBSEQUENT TO COASTAL PERMIT)

LOCATION: PEPPER BEACH, ASSESSOR'S PARCEL NUMBER 08-991-10  
WEST OF 17 MILE DRIVE OPPOSITE MARIANA LANE BETWEEN COASTAL STATE PARKS

PRESERVE: VACANT LOT WITH NATURAL MONUMENTARY CROSS  
BEHIND COASTAL FERRIS ( ) AND ARCHAEOLOGICAL SITE

PROPOSED: 1 FOOT SINGLE-FAMILY DWELLING AND  
DRIVEWAY

PLAN: Delineate Aesthetically Use Plans

PLAN DESIGNATION: Residential Unit/Lane

PROJECT CONSISTENCY STATUS:  CONSISTENT  INCONSISTENT



THE STAFF PLANNING COMMISSION OTHER MAKES

THE FOLLOWING ENVIRONMENTAL RECOMMENDATION FROM AN INITIAL STUDY (SEE REVERSE)

IT HAS BEEN DETERMINED THAT THIS PROJECT  MAY,  WILL NOT HAVE A SIGNIFICANT IMPACT(S) UPON THE ENVIRONMENT AND IT IS RECOMMENDED THAT A

- NEGATIVE DECLARATION, OR
- NEGATIVE DECLARATION WITH MITIGATION MEASURES (attached),
- OR
- ENVIRONMENTAL IMPACT REPORT (EIR), BE PREPARED.

PREPARED Kathleen DeMorgan TITLE Planner DATE July 14, 1987

IF YOU HAVE ANY QUESTIONS ABOUT THE MEANING OF THIS INFORMATION PLEASE CONTACT THE ENVIRONMENTAL SECTION OF THE COUNTY PLANNING DEPARTMENT PRIOR TO THE NEXT-TOO DATE AT THE TOP OF THIS PAGE BY CALLING 422-9018.

EXHIBIT B  
Page 12 of 13

SIGNIFICANT IMPACT  
CAN BE MITIGATED  
IMPACT

INITIAL STUDY

FILE NO. RC 6715

REEL 2699 PAGE 595

BASIC ENVIRONMENTAL QUESTIONS

SIGNIFICANT IMPACT	CAN BE MITIGATED	IMPACT	YES	NO	QUESTION
			X		1. Within a high seismic hazard zone? Zone:
			X		2. Development on slopes over 30%?
			X		3. Potential erosion problem?
			X		4. Evidence of geologic instability?
			X		5. Soil constraints for development?
			X		6. Potential to degrade surface water? Affected water(s):
					a. Reduce water quality?
					b. Reduce downstream availability?
			X		7. Potential to degrade groundwater?
					a. Quality?
					b. Increase overdraft?
			X		8. Would increased project runoff be detrimental?
			X		9. Within a 100 year floodplain?
	X	X			10. Eliminate native vegetation? Type: <u>See 11, 12</u>
	X	X			11. Rare or endangered species? Species: <u>Project shall be a total</u>
	X	X			12. Impact any unique or fragile biotic community? <u>Project shall be</u>
	X	X			13. Impact a wildlife use area? Type: <u>Project shall be a total</u>
	X	X			14. Designated scenic area? <u>See 915</u>
	X	X			15. Any significant visual impact? <u>1 mile dwelling on 1/2 mile from</u>
			X		16. Obnoxious odors?
			X		17. Unacceptable noise?
			X		18. Traffic impact? <u>Table BA</u>
			X		19. Conflict with any airport land use plan or land use?
			X		20. Project access inadequate?
			X		21. Air quality degradation on a
					temporary basis
					permanent basis
			X		22. Sewage disposal problem? <u>Sewerage district will take</u>
			X		23. Water supply problem? <u>City has well on</u>
			X		24. Inadequate school facilities? Districts
			X		25. Increased fire hazard?
			X		26. Inadequate access for fire trucks?
			X		27. Extension of utilities 1/2 mile or more?
			X		28. Inefficient use of energy?
	X	X			29. Archaeological site? <u>Archaeological site located in the project</u>
			X		30. Historical site? <u>See Archaeological Consulting</u>
			X		31. Loss of prime row crop or irrigated farmland?
			X		32. Loss of grazing land?
			X		33. Inconsistent with Growth Management Policies?
			X		34. Conflicts with neighboring land use?
			X		35. Generates the need for new housing?
			X		36. Adverse cumulative affect?
			X		37. Displace existing residents?
	X	X			38. Is growth inducing?
					39. Short term benefits at expense of long term benefits?
					40. Favors the conversion of land to inappropriate uses?

NOTES:

EXHIBIT B  
Page 13 of 13

RESOLUTION NO. 88-280

A.P. § 008-491-10

## FINDINGS AND DECISION

In the matter of the application of Carmel Vista Associates (PC-6613) for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.146 (Coastal Development Permits) of the Monterey County Code, to allow a single family dwelling and design approval, located on portion of Lot 1B, Block 146, Assessor's Map El Pescadero Rancho, Del Monte Forest area, fronting on and westerly of 17 Mile Drive, Coastal Zone, came on regularly for hearing before the Planning Commission on August 31, 1988.

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

FINDINGS OF FACT

1. **FINDING:** The development proposed in this application, together with the provisions of its design, is consistent with both the Del Monte Forest Land Use Plan and the development standards and the zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.147 "Regulations for Development in the Del Monte Forest Land Use Plan Area".
- EVIDENCE:** This area is designated as "LDR/1 (CZ) (Low Density Residential, 1 acre/unit). Staff research and field review of this project has determined that this project satisfies requirements of the development standards and zoning district regulations of the Plan addressing such topics as set-back requirements, height limitations, lot coverages, accessory structures, development in environmentally sensitive areas, development in archaeologically sensitive areas, development in potentially visually sensitive areas, removal of native trees and all other development standards and zoning regulations of the Coastal Implementation Plan.
- EVIDENCE:** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with (1) the certified Del Monte Forest Coastal Land Use Plan, and (2) the certified Monterey County Coastal Implementation Plan. Staff determined that the project is fully in conformity with Chapter 20.114 of the Monterey County Coastal Implementation Plan - Regulations for Low Density Residential or "LDR" (CZ) Districts in the Coastal Zone, and is substantially in conformance with Chapter 20.147 of the Monterey County Coastal Implementation Plan - Regulations for Development in the Del Monte Forest Land Use Plan Area.
2. **FINDING:** The proposed development consists of a 5,982 square foot two-story single family dwelling (maximum 30 foot height) with attached garage. The subject site is a 2.80 acre parcel located westerly of and fronting on 17-Mile Drive. The proposed project is located within a recognized area of archaeological sensitivity and environmental sensitivity.

EXHIBIT C  
Page 1 of 11

Exhibit B

Page 30 of 46 Pages



**EVIDENCE:** Planning Commission File No. PC-6613, along with materials and information derived from an on-site investigation by Planning and Building Inspection Department staff. A Scenic Easement deed shall be required as a condition of approval for the project on all areas not covered by the dwelling as currently proposed. The archaeological report prepared by Archaeological Consulting states that the project as currently proposed has no significant effect on the archaeological resources located on-site.

3. **FINDING:** The site of the proposed development is physically suitable for the type of development proposed. As determined by staff review of the project and a field check, site appears to be suitable for the development of a 5,952 square foot two-story single family dwelling (maximum 30 foot height) and attached garage as proposed.

**EVIDENCE:** The area proposed for the development has a slope of 0-10% with proposed grading of less than 100 cubic yards. The project has been sited for the most simple and direct access and will not impact any mature cypress trees on the parcel. A scenic and environmentally sensitive habitat easement will be required for the portion of the parcel not impacted by development and the area of archaeological sensitivity will require an archaeological easement.

4. **FINDING:** The project has no significant effect on the Public Viewshed as defined in section 20.147.070.A.1 of the Monterey County Coastal Implementation Plan.

**EVIDENCE:** The Planning and Building Inspection staff conducted an on-site inspection of the subject parcel pursuant to section 20.147.070.A.1 of the Monterey County Coastal Implementation Plan. After field review of the site by Planning staff, it was determined that, even though the site will be visible from the public viewshed, there will be no significant impact on the public viewshed by this proposed two-story single-family dwelling.

5. **FINDING:** That the project as proposed is consistent with Section 20.146.060 of the Coastal Implementation Plan dealing with development in archaeologically sensitive areas.

**EVIDENCE:** A preliminary archaeological survey has been conducted on the project site by Archaeological Consulting stating that the project as designed will not impact the archaeological resources on-site.

6. **FINDING:** The project, as described in the application and accompanying materials, conforms with the applicable provisions of the Monterey County Code relative to (1) Grading, Chapter 16.08, and (2) Erosion, Chapter 16.12.

**EVIDENCE:** The project has been reviewed by the Department of Planning and Building Inspection. The Building Inspection section has determined that the project is in conformity with the Grading and Erosion Control Ordinances.

EXHIBIT C  
Page 2 of 11

7. **FINDING:** In approving the proposed project, the Planning Commission finds that the establishment, maintenance or operation of the single-family dwelling as applied for will not, under the circumstances of the Coastal Development Permit process, be detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed single family dwelling or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** This project has been reviewed by all responsible agencies in the County and conditions of approval have been applied to this project as deemed necessary by the Departments of Planning and Building Inspection, Public Works, Flood Control and Health to insure the public health, safety and orderly development in the surrounding area.
8. **FINDING:** The recommended conditions regarding a landscaping plan, building envelope and deed restrictions have been applied to eliminate any significant environmental impacts from the project. The recommended condition regarding lighting has been applied to ensure that the character of the neighborhood is preserved, protected, and enhanced.
- EVIDENCE:** Section 20.144.070, Subsections C, E, and F, of the adopted and certified Monterey County Coastal Implementation Plan and Policy 26.1.20 of the Monterey County General Plan.
9. **FINDING:** This is not a significant wildlife habitat but does contain rare or endangered plant species (*Cupressus macrocarpa*), but the mitigation reports as prepared have been deemed adequate to ensure that there will be no significant environmental damage to the site by the proposed development of a single-family dwelling as proposed.
- EVIDENCE:** The Initial Study prepared for the project did not identify any significant environmental impacts resulting from the project that were not mitigatable by actions proposed within the biological, archaeological and forest management plans prepared for the parcel. An Initial Study was prepared for this project from which a Negative Declaration was prepared. This project is located within the Del Monte Forest Area Coastal zone which requires that the environmental document be circulated through the State Clearinghouse. The Negative Declaration was filed with the County Clerk's office and the State Clearinghouse. No comments have been received on this project.
10. **FINDING:** The project, as approved by the Coastal Development Permit, is appealable to the California Coastal Commission.
- EVIDENCE:** Section 20.140.080.J of the Monterey County Coastal Implementation Plan.

EXHIBIT C  
Page 3 of 11

DECISION

WHEREFORE, it is the decision of said Planning Commission that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. At least three weeks prior to occupancy, two copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection. The landscaping plan shall be in sufficient detail to identify the location, specie and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before a final consent of the building permit is given, the landscaping shall be either installed or a certificate of deposit or other form of surety (exclusive of a performance bond) made payable to Monterey County for that cost estimate shall be submitted to the Planning and Building Inspection Department.
2. That all landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.
3. That the applicant record a notice with the County Recorder's Office which states: "A Forest Management Plan/Biological Report has been prepared for the parcel by Hugh Smith and ISA Associates and is on file in the Monterey County Planning and Building Inspection Department library. All tree removal on the parcel must be in accordance with this Forest Management Plan as approved by the Director of Planning."
4. All landscaping procedures must be conducted in accordance with the Forest Management Plan/Biological Report prepared for the project by professional forester Hugh Smith, on file in the Monterey County Planning and Building Inspection Department library.
5. If, during the course of construction, archaeological resources are uncovered at the site (surface or sub-surface resources) work on the project shall be stopped immediately. The Monterey County Planning and Building Inspection Department (the project planner) and a qualified archaeologist (An archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. The mitigation plan, if deemed necessary by the archaeologist and the Department of Planning and Building Inspection, shall be developed as per the requirements and procedures outlined in Section 20.146.090 "Archaeological Resources Development Standards,
6. That the applicant provide suitable evidence to the Planning and Building Inspection Department indicating that the applicant and a qualified archaeologist have entered into a binding agreement to perform the services and recommended evaluations as summarized in the report prepared for the site by Archaeological Consulting dated June 17, 1988. This suitable evidence shall be in the form of a letter from the archaeologist retained for the project. This letter shall

EXHIBIT C  
Page 4 of 11

state that each recommended action and requirement contained in the letter (i.e. on-site observation during construction) shall be undertaken by the retained archaeologist. It shall also be the responsibility of the archaeologist to submit a summary report stating the results of the site observation and a statement that the applicant has complied with all recommendations contained in the archaeological report.

7. That the location, type and size of all antennas, satellite dishes and similar appurtenances be approved by the Director of Planning.
8. That all cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection.
9. That all land clearing or grading occurring on the subject parcel between October 15 and April 15 shall conform to the "Winter Operations" standards in Section 16.12.090, Title 16.08 - Grading". Applicant shall provide evidence to the Director of the Planning and Building Inspection Department that erosion control measures as discussed in Section 16.12.090 (b) 1. - 5. have been addressed by the proposed project.
10. That a building envelope be placed on the parcel indicating including that area noted for development. All other areas of the parcel shall be recorded in a Scenic Easement deed granted to the County covering all other portions of the parcel. This scenic easement deed will include that portion of the parcel where archaeological resources have been identified and the balance of the area covered by Monterey Cypress habitat. This Scenic Easement deed shall be submitted to and approved by the Director of Planning and Building Inspection.
11. Provide to the Director of Environmental Health evidence that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and Fire Flow standards.
12. Provide to the Director of Environmental Health evidence that Pebble Beach Community Services can and will supply sewer service.
13. Firefighting water supply from a Fire Department approved hydrant(s) to be 500 gpm at 20 psi residual, installed prior to construction (U.F.C Section 10.301c).
14. Applicant must install residential fire sprinklers (to meet NFPA Standard 13D) or upgrade water mains off-site.
15. Road width, vertical clearance, grade, driveway and bridges to meet General Plan requirements (U.F.C. Sec. 10.207).
16. Road width shall be a 12 foot minimum width.
17. Prior to site work, street address, 3196 17-Mile Drive, must be posted, visible from street. 4" numerals contrasting with background (U.F.C. Section 10.208).
18. 30' minimum clearance of flammable vegetation as required by Public Resources Code Section 4291.
19. Finish roofing to meet ICBO standards for Class A fire-resistant construction (Monterey County General Plan Section 17.4.1).

EXHIBIT C  
Page 5 of 11

20. Install smoke detectors on every floor and in vicinity of sleeping areas (U.F.C. Section 1210a).
21. Access gates(s) must have keyed switch or padlock for fire department access to water supply (U.F.C. Section 10.301c).
22. This permit shall expire on August 31, 1990 unless construction or use as specified in this permit has begun within this time period.

PASSED AND ADOPTED this 31th day of August, 1988, by the following vote:

AYES: Calcagno, Evans, Glau, Jimenez, Moore, Orrett, Riddle, Stallard

NOES: None

ABSENT: Reeves

  
ROBERT ELLRICH, JR.  
SECRETARY OF THE PLANNING COMMISSION

Copy of this decision mailed to applicant on September 21, 1988.

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

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE OCTOBER 1, 1988.

NOTES

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

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

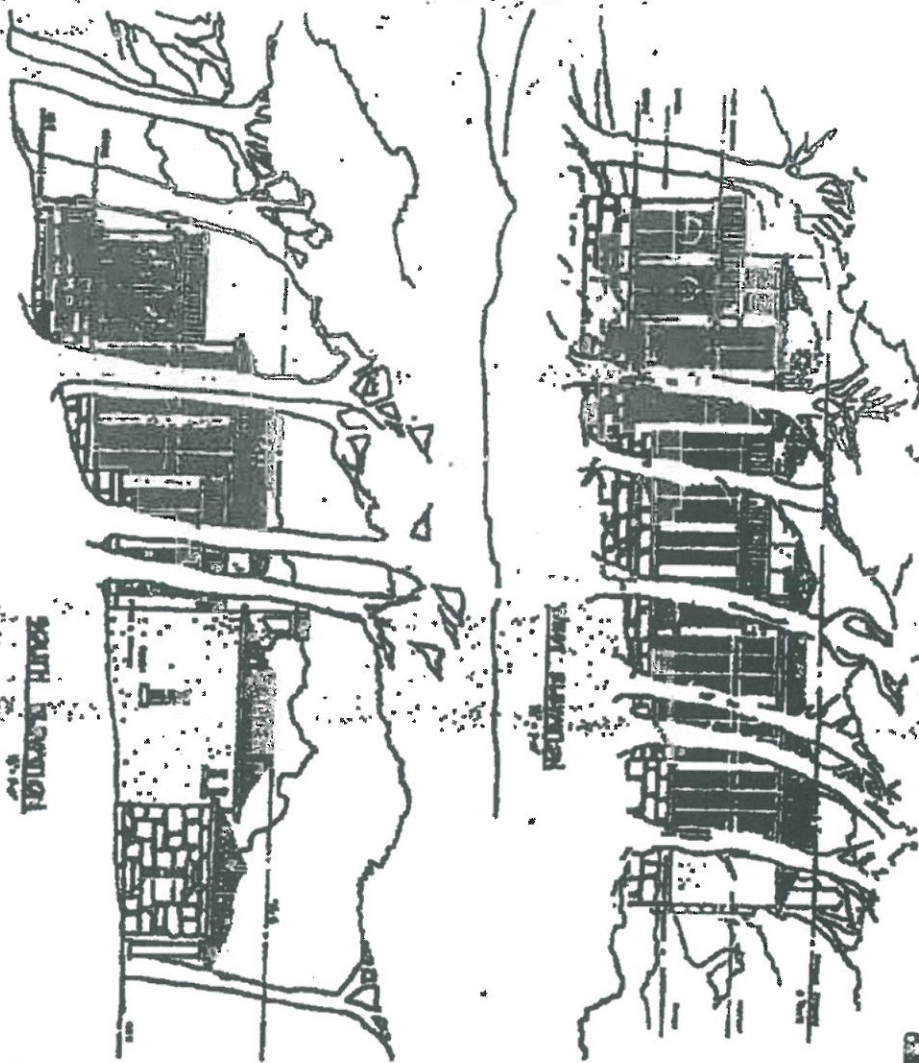
Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

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

H10

EXHIBIT C  
Page 6 of 11

Exhibit B



			<b>CYPRESS COURT</b> 1/15/84	<b>BOLTON DESIGN GROUP, INC.</b> 1/15/84
--	--	--	---------------------------------	---

EXHIBIT C  
Page 7 of 11

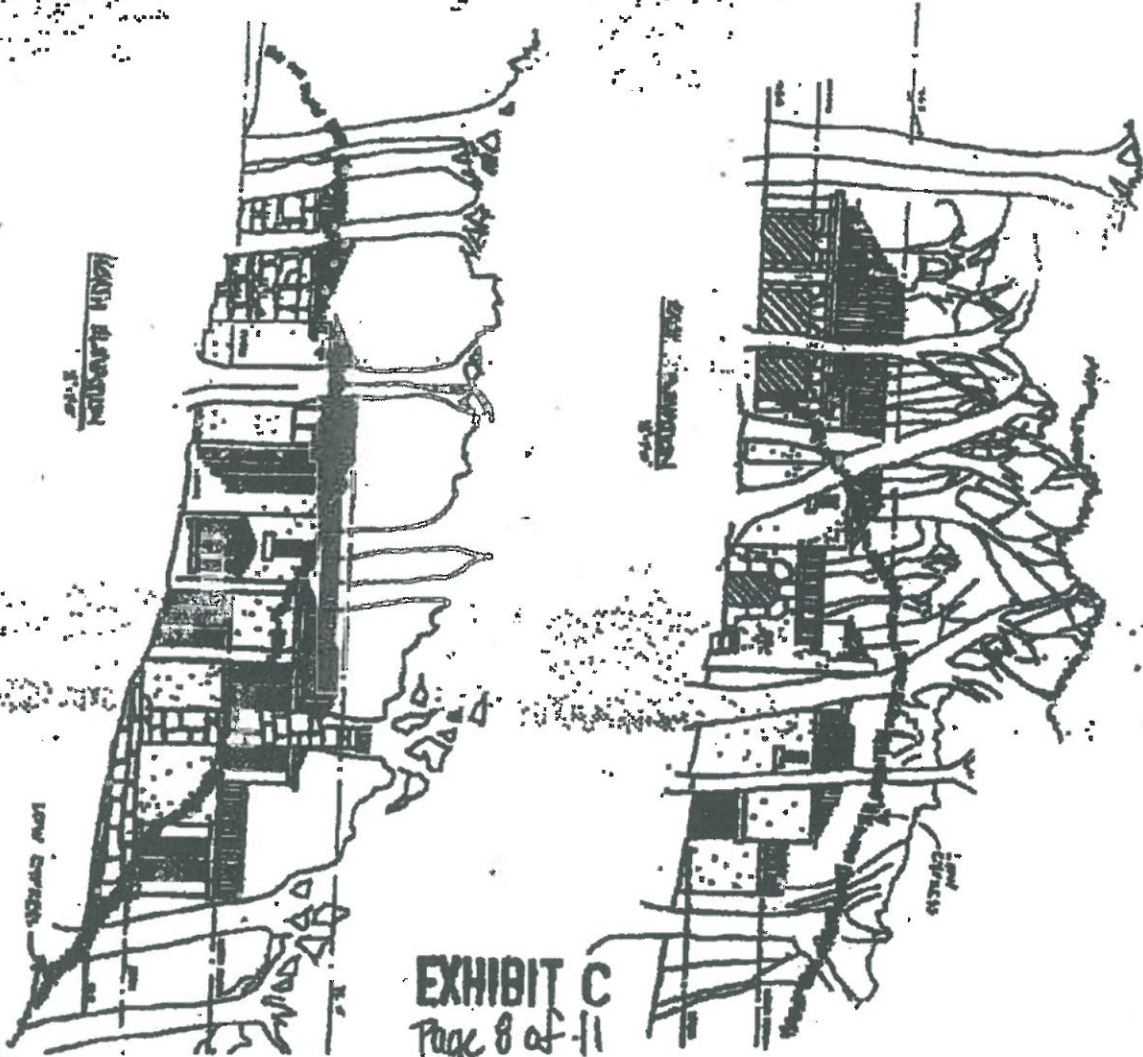


EXHIBIT C  
Page 8 of 11

1	2	3	<b>CYPRESS COURT</b> of the State of California	<b>BOLTON DESIGN GROUP, INC.</b> 10000 Wilshire Blvd., Suite 200 Beverly Hills, CA 90210 Tel: (310) 277-1111 Fax: (310) 277-1112
---	---	---	--	--

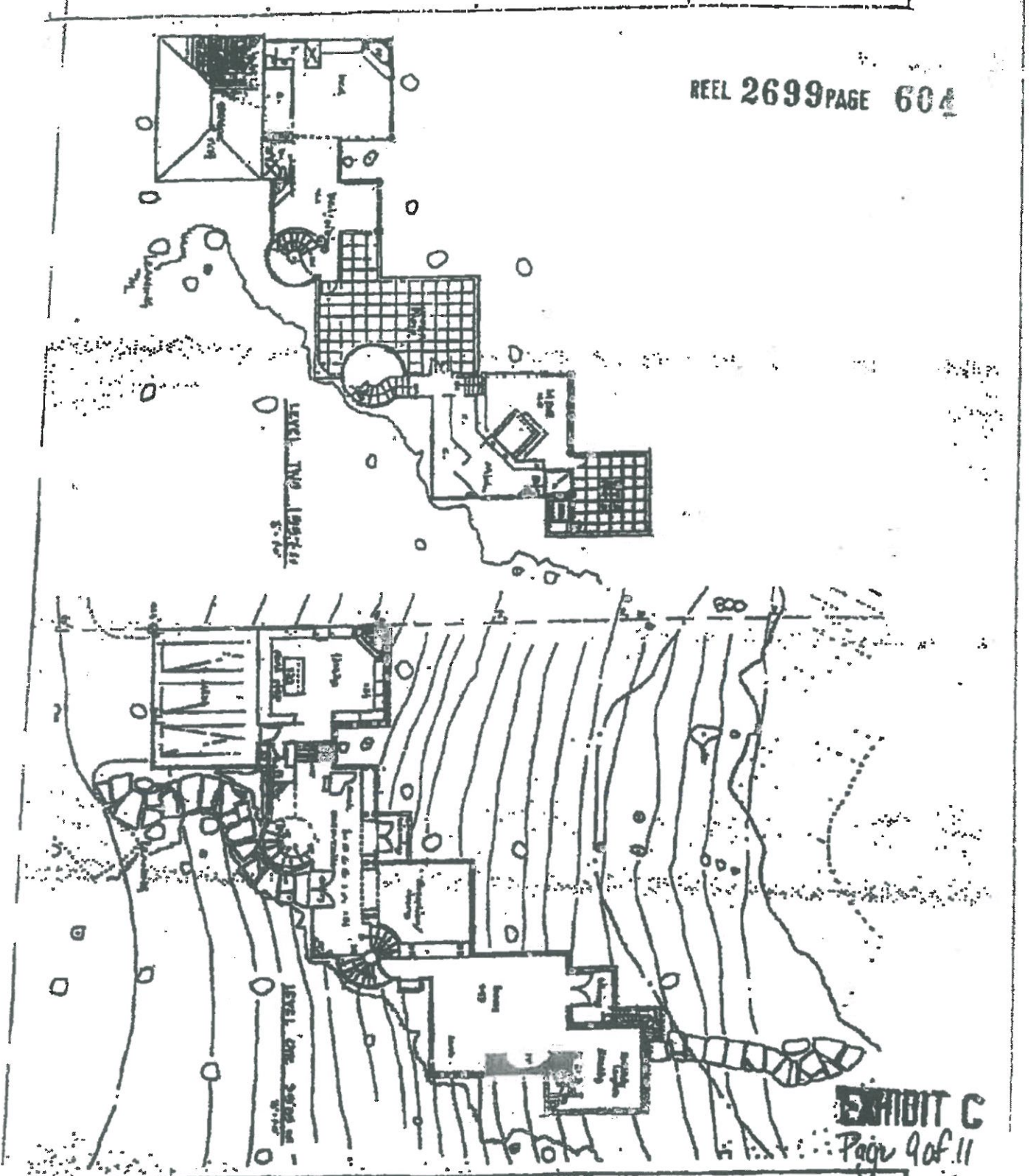
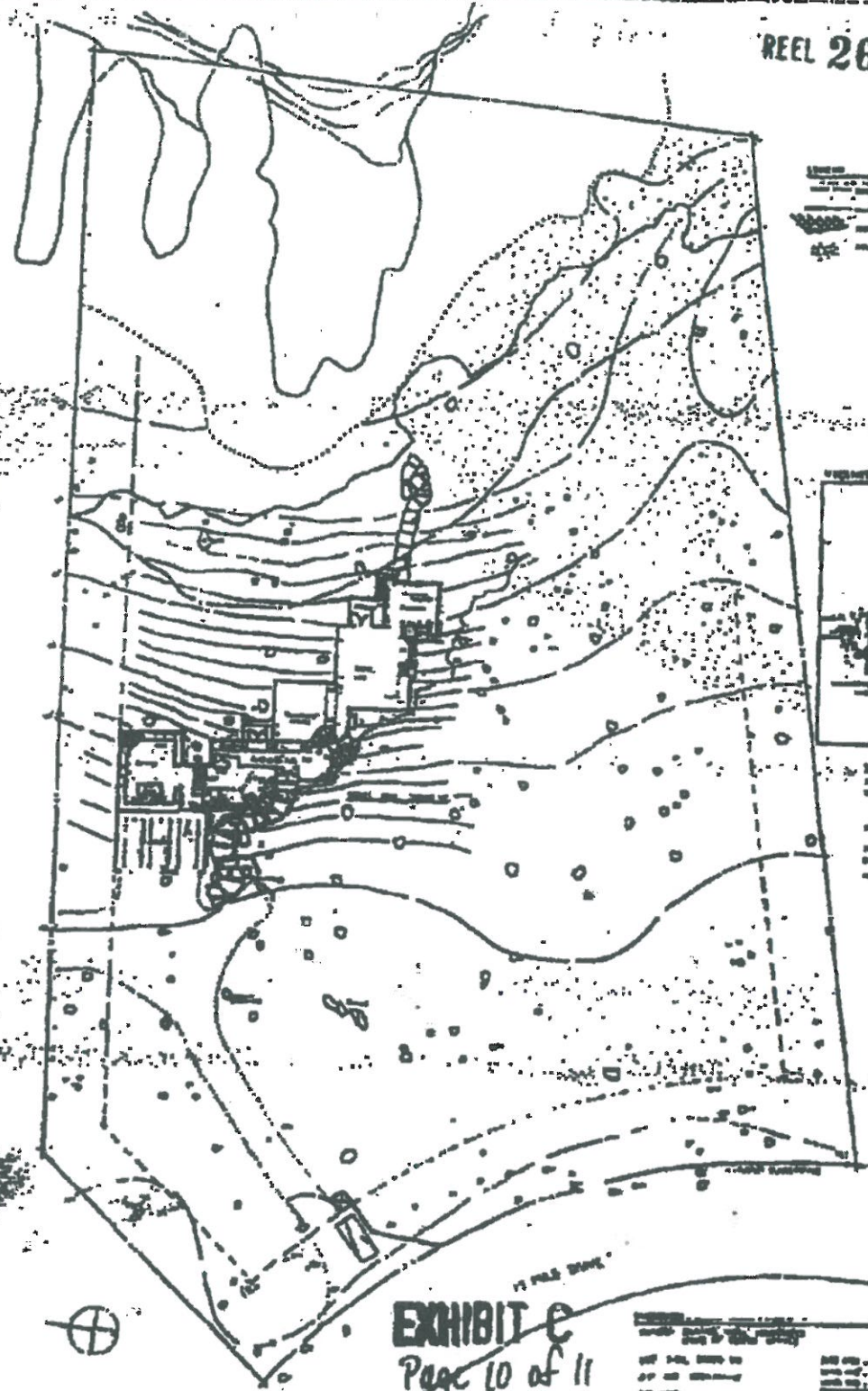


EXHIBIT C  
Page 9 of 11

<p>2</p>	<p>1</p>	<p>1</p>	<p><b>CYPRESS COURT</b>  <small>10000 S. W. 10th Ave. Miami, FL 33155</small></p>	<p><b>BOLTON DESIGN GROUP, INC.</b>  <small>10000 S. W. 10th Ave. Miami, FL 33155</small></p> <p><i>Richard W. ... (PL-6613)</i></p>
----------	----------	----------	---	--





\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

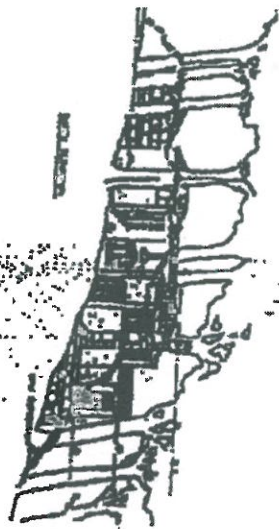


\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

EXHIBIT e  
 Page 10 of 11

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<p>_____</p>	<p>_____</p>	<p>_____</p>	<p><b>CYPRESS COURT</b></p> <p>_____</p>	<p><b>BOLTON DESIGN GROUP, INC.</b></p> <p>(60-1010-31)</p>
--------------	--------------	--------------	--	---



Title	Date	Scale	<b>CYPRESS COURT</b>	<b>BOLTON DESIGN GROUP, INC.</b>
-------	------	-------	----------------------	----------------------------------

EXHIBIT C  
Page 11 of 11

DESCRIPTION OF THE SCENIC AND CONSERVATION EASEMENT AREA

The land described in EXHIBIT A hereto, excepting these portions thereof described in EXHIBITS E and F hereto.

EXHIBIT D

Exhibit B

Page 41 of 46 Pages

## DESCRIPTION OF THE BUILDING ENVELOPE

A portion of the parcel of land described in deed from Stanley I. Glickman to Carmel Vista Associates, dated December 21, 1984 and recorded December 31, 1985 in Real 2046 at Page 570, Official Records of the County of Monterey, State of California, said portion being particularly described as follows:

Beginning at the most northerly corner of said parcel of land, on the southwesterly line of 17-Mile Drive, which corner bears S. 84° 07' W., 20.00 feet from that certain monument numbered 2109, as shown on "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranches", etc., filed for record in the office of the County Recorder of said County on January 12, 1922 in Volume 3 of Surveys at Page 3; thence, following the northeasterly boundary of said parcel of land and southwesterly line of 17-Mile Drive

- (1) Southeasterly along the arc of a circular curve to the left, with radius of 240 feet (center of said curve bears N. 84° 07' E. from said point of beginning), through a central angle of 52° 08', an arc distance of 218.38 feet, to the most easterly corner of said parcel of land; thence, leaving said line of 17-Mile Drive
- (2) S. 38° 15' W. along the southeasterly boundary of said parcel, 5.01 feet; thence, leaving said boundary
- (3) Northwesterly and parallel with course numbered (1) above, along a circular curve to the right with radius of 245 feet (center of said curve bears N. 32° 04' 14" E. from the terminus of the preceding course), through a central angle of 5° 03' 25", an arc distance of 21.62 feet, to a point from which the center of said curve bears N. 37° 07' 39" E.; thence
- (4) S. 80° 00' W., 16.91 feet; thence
- (5) S. 31° 35' W., 44.00 feet; thence
- (6) S. 88° 00' W., 61.00 feet; thence
- (7) S. 50° 35' W., 28.00 feet; thence
- (8) S. 9° 25' E., 28.00 feet, to the southerly boundary of said parcel of land; thence

EXHIBIT E

Exhibit BPage 42 of 46 Pages

-2-

- (9) S. 80° 35' W. along said boundary, 30.50 feet; thence, leaving said boundary
- (10) N. 9° 25' W., 10.00 feet; thence
- (11) S. 80° 35' W., 43.50 feet; thence
- (12) N. 9° 25' W., 9.60 feet; thence
- (13) S. 80° 35' W., 20.30 feet; thence
- (14) N. 9° 25' W., 9.20 feet; thence
- (15) S. 80° 35' W., 22.00 feet; thence
- (16) N. 64° 25' W., 91.00 feet, to the top of a low bluff falling away to the Pacific Ocean; thence
- (17) Southerly and southwesterly along said top of bluff, following the meanderings thereof, 100 feet, more or less, to intersection of said bluff line with the southerly boundary of the parcel of land described in said deed; thence
- (18) S. 80° 35' W. along said southerly boundary and its westerly prolongation, to intersection with the line of ordinary mean high tide of the Pacific Ocean; thence
- (19) In a generally northerly direction, following said line of mean high tide in all its meanderings, to intersection of said line with the westerly prolongation of the northerly boundary of said parcel of land; thence
- (20) N. 73° 43' E., along said westerly prolongation of said northerly boundary, to intersection with the top of bluff line to which reference is made hereinbefore; thence
- (21) In a generally southeasterly direction, following said bluff line in all its meanderings, 170 feet, more or less, to a point which bears N. 46° 22' 34" W., 29.05 feet from the northwesterly terminus of course numbered (16) above; thence, leaving said bluff line
- (22) N. 50° 35' E., 68.18 feet; thence
- (23) N. 80° 35' E., 20.00 feet; thence
- (24) S. 9° 25' E., 8.00 feet; thence

EXHIBIT E

- (25) N. 80° 35' E., 18.00 feet; thence
- (26) S. 9° 25' E., 9.75 feet; thence
- (27) N. 80° 35' E., 30.25 feet; thence
- (28) S. 9° 25' E., 10.50 feet; thence
- (29) N. 80° 35' E., 48.75 feet; thence
- (30) S. 9° 25' E., 22.57 feet; thence
- (31) S. 54° 25' E., 15.93 feet; thence
- (32) N. 35° 35' E., 14.00 feet; thence
- (33) S. 54° 25' E., 35.01 feet; thence
- (34) N. 66° 00' E., 43.87 feet; thence
- (35) N. 31° 35' E., 18.00 feet; thence
- (36) N. 58° 25' W., 9.00 feet; thence
- (37) N. 31° 35' E., 18.00 feet; thence
- (38) S. 58° 25' E., 5.00 feet; thence
- (39) N. 31° 35' E., 14.00 feet; thence
- (40) N. 11° 00' E., 8.00 feet; thence
- (41) N. 9° 00' W., 14.32 feet to the line of a circular curve of radius 245 feet, concentric with the curve described in course numbered (1) above, parallel with and 5.00 feet southwesterly of said course numbered (1), thence
- (42) Northwesterly along said curve of radius 245 feet (center thereof bears N. 51° 14' 50" E. from the terminus of the preceding course), through a central angle of 32° 39' 18", an arc distance of 139.63 feet, to intersection of said curve with the northerly boundary of said parcel, at a point from which the center of said curve of radius 245 feet bears N. 83° 54' 08" E.; thence
- (43) N. 73° 43' E., along said northerly boundary, 5.08 feet, to the point of beginning.

EXHIBIT B

Exhibit B

Page 44 of 46 Pages

## DESCRIPTION OF THE ARCHEAOLOGICAL EASEMENT AREA

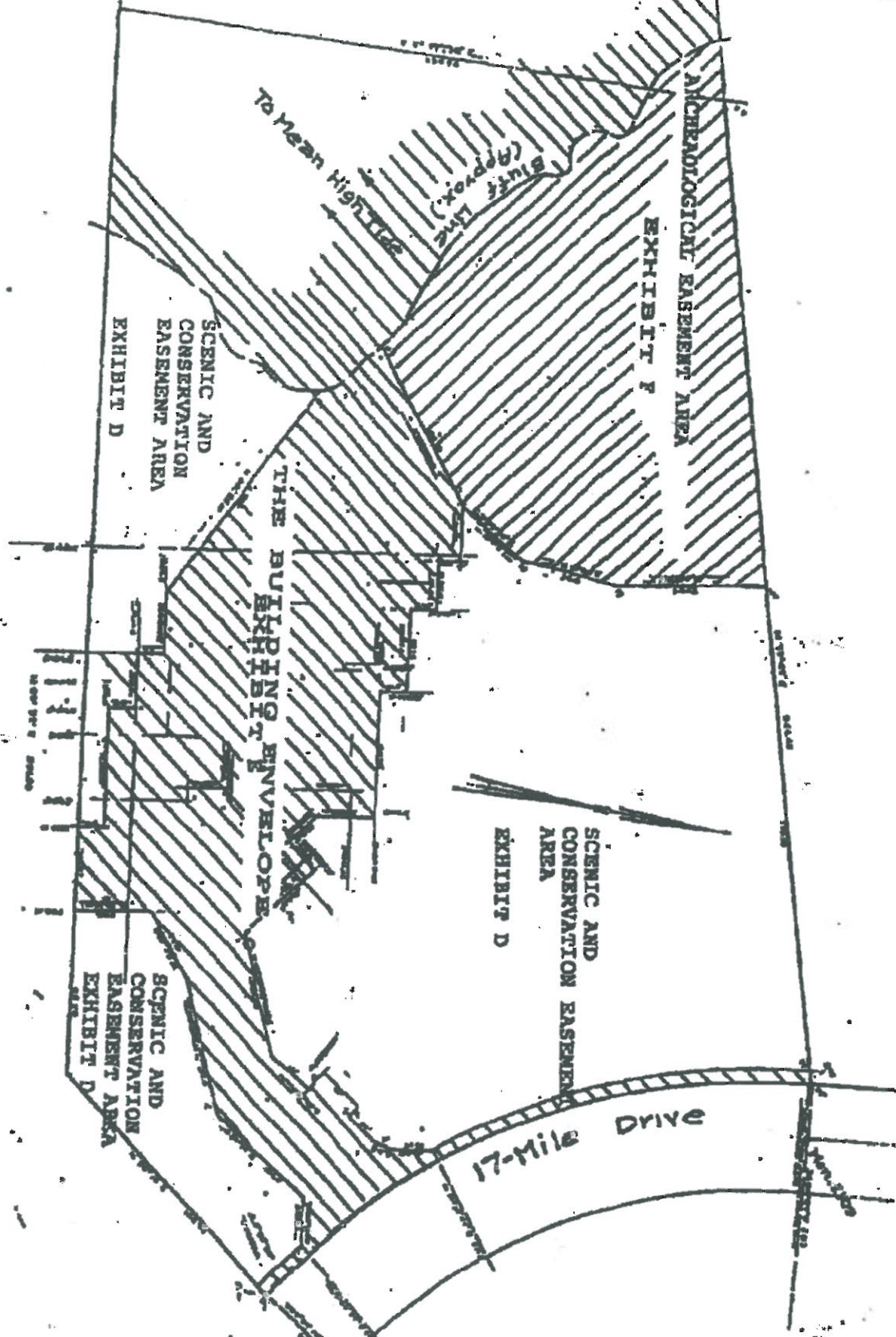
A portion of the parcel of land described in deed from Stanley I. Glickman to Carmel Vista Associates, dated December 21, 1984 and recorded December 31, 1985 in Reel 2048 at Page 570, Official Records of the County of Monterey, State of California, said portion being particularly described as follows:

Beginning at a point in the northerly boundary of said parcel of land distant thereon S. 73° 43' W., 183.27 feet from the most northerly corner of said parcel; thence, leaving said boundary

- (1) S. 11° 00' E., 53.12 feet; thence
- (2) S. 4° 00' W., 36.00 feet; thence
- (3) S. 32° 00' W., 30.00 feet, to the northeasterly terminus of course numbered (19) of the Building Envelope described in EXHIBIT E, attached hereto; thence
- (4) S. 50° 35' W. along said course numbered (19), a distance of 68.18 feet, to the southwesterly terminus of said course, at the top of a low bluff falling away to the Pacific Ocean; thence, leaving said Building Envelope boundary
- (5) Northwesterly along said top of bluff, following the meanders thereof, 180 feet, more or less, to intersection of said bluff line with the southwesterly projection of the northerly boundary of said parcel; thence
- (6) N. 73° 43' E. along said southwesterly projection and along said northerly boundary, to the point of beginning.

EXHIBIT F

Exhibit BPage 45 of 46 Pages



END OF DOCUMENT

Exhibit B

Page 46 of 46 Pages



# EXHIBIT C

## LEGAL DESCRIPTION

### ADJUSTED SCENIC & CONSERVATION EASEMENT AREA

Real property situated in the County of Monterey, State of California, described as follows:

Beginning at a point which bears S. 84° 07' W., 20.00 feet distant from that certain monument Numbered 2109, as shown on that certain map entitled "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos", etc.' filed January 12, 1922 in Map Book 3 of Surveys, at Page 3, Monterey County Records; thence

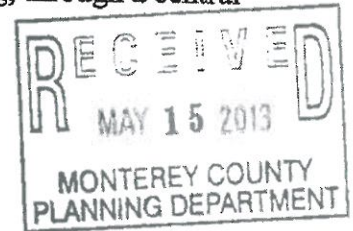
(1) Southeasterly along the arc of a circular curve to the left, described from a point bearing N. 84° 07' E., 240.00 feet distant from said point of beginning, through a central angle of 52° 08' for a distance of 218.38 feet; thence

(2) S. 36° 15' W., 109.76 feet; thence

(3) S. 80° 35' W., 391.30 feet; thence

(4) N. 2° 37' 30" W., 229.56 feet; thence

(5) N. 73° 43' E., 364.45 feet to the point of beginning and being a portion of Rancho El Pescadero, Monterey County, California.



Together with all Right, Title and Interest of the Grantor in and to that certain Parcel of land lying between the line of ordinary mean high tide of the Pacific Ocean and the course numbered (4) hereinabove; being bounded on the South by the Westerly prolongation of the course numbered (3) hereinabove and being bounded on the North by the Westerly prolongation of the course numbered (5) hereinabove. (APN 008-491-010)

### EXCEPTING THEREFROM

A portion of the parcel of land described in deed from Stanley I. Glickman to Carmel Vista Associates, dated December 21, 1984 and recorded December 31, 1986 in Reel 2046 at Page 570, Official Records of the County of Monterey, State of California, said portion being particularly described as follows:

Beginning at the most northerly corner of said parcel of land, on the southwesterly line of 17-Mile Drive, which corner bears S. 84° 07' W., 20.00 feet from that certain monument numbered 2109, as shown on "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos", etc., filed for record in the office of the County Recorder of said County on January 12, 1922 in Volume 3 of Surveys at Page 3; thence, following the northeasterly boundary of said parcel of land and southwesterly line of 17-Mile Drive.

Exhibit C

Page 1 of 6 Pages

- (1) Southeasterly along the arc of a circular curve to the left, with radius of 240 feet (center of said curve bears N. 84° 07' E. from said point of beginning), through a central angle of 52° 08', an arc distance of 218.38 feet, to the most easterly corner of said parcel of land; thence, leaving said line of 17-Mile Drive
- (2) S. 36° 15' W. along the southeasterly boundary of said parcel, 5.01 feet; thence, leaving said boundary
- (3) Northwesterly and parallel with course numbered (1) above, along a circular curve to the right with radius of 245 feet (center of said curve bears N. 32° 04' 14" E. from the terminus of the preceding course), through a central angle of 5° 03' 25", an arc distance of 21.62 feet, to a point from which the center of said curve bears N. 37° 07' 39" E.; thence
- (4) S. 80° 00' W., 16.91 feet; thence
- (5) S. 31° 35' W., 44.00 feet; thence
- (6) S. 66° 00' W., 51.00 feet; thence
- (7) S. 50° 35' W., 28.00 feet; thence
- (8) S. 9° 25' E., 28.00 feet, to the southerly boundary of said parcel of land; thence
- (9) S. 80° 35' W., along said boundary, 30.50 feet; thence, leaving said boundary
- (10) N. 9° 25' W., 10.00 feet; thence
- (11) S. 80° 35' W., 43.50 feet; thence
- (12) N. 9° 25' W., 9.60 feet; thence
- (13) S. 80° 35' W., 20.30 feet; thence
- (14) N. 9° 25' W., 9.90 feet; thence
- (15) S. 80° 35' W., 22.00 feet; thence
- (16) N. 64° 25' W., 91.00 feet, to the top of a low bluff falling away to the Pacific Ocean; thence
- (17) Southerly and southwesterly along said top of bluff, following the meanderings thereof, 100 feet, more or less, to intersection of said bluff line with the southerly boundary of the parcel of land described in said deed; thence

(18) S. 80° 35' W., along said southerly boundary and its westerly prolongation, to intersection with the line of ordinary mean high tide of the Pacific Ocean; thence

(19) In a generally northerly direction, following said line of mean high tide in all its meanderings, to intersection of said line with the westerly prolongation of the northerly boundary of said parcel of land; thence

(20) N. 73° 43' E., along said westerly prolongation of said northerly boundary, to intersection with the top of bluff line to which reference is made hereinbefore; thence

(21) In a generally southeasterly direction, following said bluff line in all its meanderings, 170 feet, more or less, to a point which bears N. 46° 22' 34" W., 29.05 feet from the northwesterly terminus of course numbered (16) above; thence, leaving said bluff line

(22) N. 50° 35' E., 66.18 feet; thence

(23) N. 80° 35' E., 20.00 feet; thence

(24) S. 9° 25' E., 8.00 feet; thence

(25) N. 80° 35' E., 18.00 feet; thence

(26) S. 9° 25' E., 9.75 feet; thence

(27) N. 80° 35' E., 30.25 feet; thence

(28) S. 9° 25' E., 9.50 feet; thence

(29) N. 80° 35' E., 46.75 feet; thence

(30) S. 9° 25' E., 23.57 feet; thence

(31) S. 54° 25' E., 13.93 feet; thence

(32) N. 35° 35' E., 14.00 feet; thence

(33) S. 54° 25' E., 35.01 feet; thence

(34) N. 66° 00' E., 43.87 feet; thence

(35) N. 31° 35' E., 18.00 feet; thence

(36) N. 58° 25' W., 9.00 feet; thence

(37) N. 31° 35' E., 18.00 feet; thence

- (38) S. 58° 25' E., 5.00 feet; thence
- (39) N. 31° 35' E., 14.00 feet; thence
- (40) N. 11° 00' E., 8.00 feet; thence
- (41) N. 9° 00' W., 14.32 feet to the line of a circular curve of radius 245 feet, concentric with the curve described in course numbered (1) above, parallel with and 5.00 feet southwesterly of said course numbered (1), thence
- (42) Northwesterly along said curve of radius 245 feet (center thereof bears N. 51° 14' 50" E., from the terminus of the preceding course), through a central angle of 32° 39' 18", an arc distance of 139.63 feet, to intersection of said curve with the northerly boundary of said parcel, at a point from which the center of said curve of radius 245 feet bears N. 83° 54' 08" E.; thence
- (43) N. 73° 43' E., along said northerly boundary, 5.08 feet, to the point of beginning

ALSO EXCEPTING THEREFROM

A portion of the parcel of land described in deed from Stanley I. Glickman to Carmel Vista Associates, dated December 21, 1984 and recorded December 31, 1986 in Reel 2046 at Page 570, Official Records of the County of Monterey, State of California, said portion being particularly described as follows:

Beginning at a point in the northerly boundary of said parcel of land distant thereon S. 73° 43' W., 183.27 feet from the most northerly corner of said parcel; thence, leaving said boundary

- (1) S. 11° 00' E., 53.12 feet; thence
- (2) S. 4° 00' W., 36.00 feet; thence
- (3) S. 32° 00' W., 30.00 feet, to the northeasterly terminus of course numbered "(19) of the previous excepted portion;" thence
- (4) S. 50° 35' W., along said course numbered (19), a distance of 66.18 feet, to the southwesterly terminus of said course, at the top of a low bluff falling away to the Pacific Ocean; thence, leaving said boundary of the previous excepted portion.
- (5) Northwesterly along said top of bluff, following the meanders thereof, 180 feet, more or less, to intersection of said bluff line with the southwesterly projection of the northerly boundary of said parcel; thence

(6) N. 73° 43' E. along said southwesterly projection and along said northerly boundary, to the point of beginning.

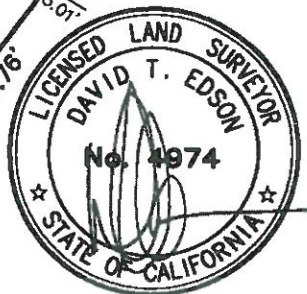
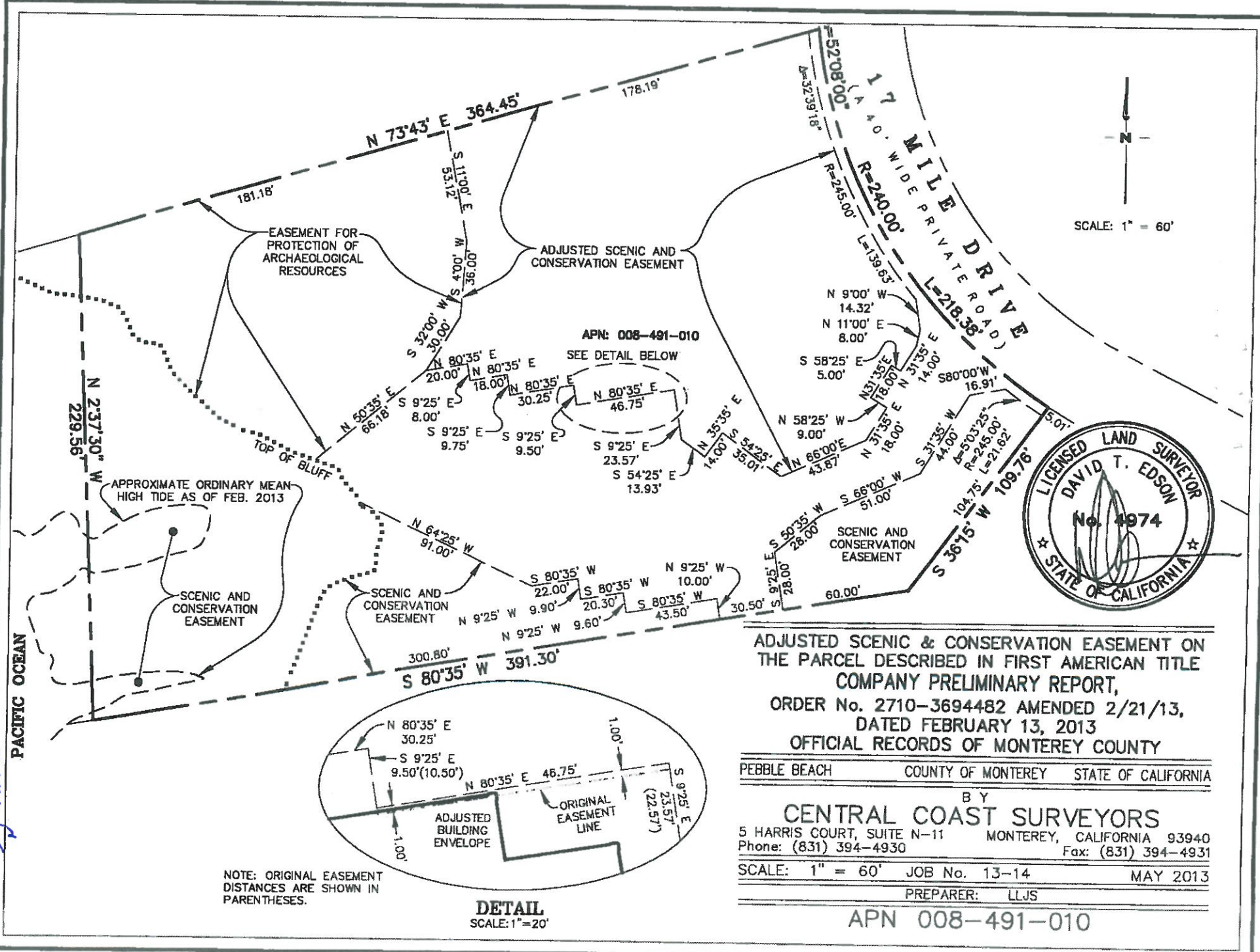
END OF LEGAL DESCRIPTION



END OF DOCUMENT

Page 6 of 6 Pages

Exhibit 4



ADJUSTED SCENIC & CONSERVATION EASEMENT ON  
 THE PARCEL DESCRIBED IN FIRST AMERICAN TITLE  
 COMPANY PRELIMINARY REPORT,  
 ORDER No. 2710-3694482 AMENDED 2/21/13,  
 DATED FEBRUARY 13, 2013  
 OFFICIAL RECORDS OF MONTEREY COUNTY

PEBBLE BEACH COUNTY OF MONTEREY STATE OF CALIFORNIA

BY  
**CENTRAL COAST SURVEYORS**  
 5 HARRIS COURT, SUITE N-11 MONTEREY, CALIFORNIA 93940  
 Phone: (831) 394-4930 Fax: (831) 394-4931

SCALE: 1" = 60' JOB No. 13-14 PREPARER: LLJS  
 MAY 2013

APN 008-491-010

NOTE: ORIGINAL EASEMENT DISTANCES ARE SHOWN IN PARENTHESES.

**DETAIL**  
 SCALE: 1"=20'