

Attachment A

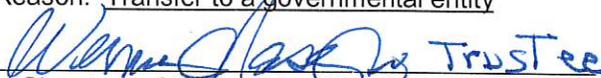
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When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: **NADIA GARCIA**
1441 Schilling Pl, South 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN150669
Resolution No.: 17-035
Owner Name: The Werner Nase, Jr. Trust
Project Planner: Nadia Garcia
APN: 008-232-003-000

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


Signature of Declarant or Agent

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

THIS DEED made this 30 day of May, 2020, by and between
The Werner Nase, Jr. Trust as Grantor, and the **DEL MONTE FOREST
CONSERVANCY**, a California non-profit corporation, as Grantee, on behalf of the
County of Monterey (hereinafter "County")

WITNESSETH:

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

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

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

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

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

WHEREAS, a **Combined Development Permit** (File Number **PLN150669**) (hereinafter referred to as the "Permit") was granted on **August 30, 2017** by the Monterey County **Planning Commission** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **17-035**, attached hereto as Exhibit "B" and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

Condition No.5

has been incorporated as a condition of approval requiring a conservation and scenic easement conveyed to the Del Monte Forest Conservancy over the 21,600 square foot Enhancement/Restoration Area on the eastern side of the Nase Property in accordance with the procedures in Monterey County Code Section 0.64.280.A.

WHEREAS, the specific resources being protected are 21,600 square feet of Monterey Pine forest and associated understory; and

WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in the Resolution granted the Permit to the Grantor upon condition (hereinafter the "Condition") described above requiring inter alia, that the Grantor record a conservation and scenic easement (hereinafter "easement") affecting a portion of the Property as shown in Exhibit "C" attached hereto and hereby incorporated by reference (the "Conservation and Scenic Easement Area"), and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the Property were not restricted in accordance with this easement; and

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

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

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

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

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

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

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

1. That no structures will be placed or erected upon said Conservation and Scenic Easement Area. No Exceptions.

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

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

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the construction, maintenance, repair and use of public service and utility lines, pipes and minor transmission facilities (including without limitation those for gas, electricity, telephone, water, sewer, and cable television), and facilities for drainage and erosion and sedimentation control; provided such uses are consistent with the Mitigation Plan, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.

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

6. Grantor shall provide Grantee with copies of all Site and Construction Plans (e.g. Site, Grading, Utility, Drainage, Erosion Control and Landscape plans, etc.) showing the location of existing and proposed facilities of the materials and specifications for proposed grading and construction within and immediately adjacent to the Easement area. An advance notice is required from Grantor to Grantee whenever maintenance or construction activities will occur within or immediately adjacent to the Easement.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor with the understanding that the purpose of the easement is to preserve to the most feasible extent the preserve to the most feasible extent the 21600

square-feet of Monterey Pine Forest and the natural vegetation and topography and that all exceptions and reservations of Grantor shall minimize disturbance to these features using the best available technologies and practices to be implemented consistent with the objectives, purposes and conditions of this easement in consultation with Grantee:

1. The right to maintain all existing private roads, bridges, trails and structures upon the Conservation and Scenic Easement Area, and the right to the construction, maintenance, repair and use of public service and utility lines, pipes and minor transmission facilities (including without limitation those for gas, electricity, telephone, water, sewer, and cable television), and facilities for drainage and erosion and sedimentation control; provided such uses are consistent with the Tree Resource Assessment Plan, dated December 29, 2015 prepared for the subject property by Frank Ono, Certified Arborist and with the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting.

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

3. Management of vegetation within the Conservation and Scenic Easement Area in accordance with the Fuel Management Plan approved with the Permit on file with Monterey County RMA-Planning.

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

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

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

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

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

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

however occurring. The Grantee and the County shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee or the County to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Conservation and Scenic Easement Area is strictly limited to preventing uses inconsistent with the interest granted, the Property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

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

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

Executed this 30 day of May, 20, at Sanoma, California.

The Werner Nase, Jr. Trust

By: Werner Nase, Jr. Trustee
(Signature)

Werner Nase, Jr., Trustee
(Print or Type Name and Title)

ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated August 30, 2017 from The Werner Nase, Jr. Trust to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on _____, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on _____,) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: _____.

Chris Lopez
Chair, Monterey County Board of Supervisors

ATTEST:

DATED: _____.

Valerie Ralph
Clerk of Said Board

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

STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

Document Form/Content Acceptable:
Leslie J. Girard, County Counsel-Risk Manager

By: [Signature] _____

DATED: 6-9-20

Type/Print Name: Brian Briggs, Deputy County Counsel

Exhibit "A"

the following described property in the unincorporated area of the County of **Monterey**, State of **California**:

BEGINNING AT "CORNER 30" AS SAID CORNER IS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY OF A PORTION OF RANCHO EL PESCADERO, MONTEREY COUNTY, CALIFORNIA", ETC., FILED FEBRUARY 5, 1952 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, IN MAP BOOK 4 OF SURVEYS AT PAGE 95 AND RUNNING THENCE:

(1) SOUTH 14° 50" WEST 182.01 FEET; THENCE

(2) NORTH 73° 00" WEST, 245.18 FEET; THENCE

(3) NORTH 14° 50" EAST, 172.75 FEET; THENCE

(4) SOUTH 75° 10" EAST, 245.00 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF RANCHO EL PESCADERO, MONTEREY COUNTY, CALIFORNIA.

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

In the matter of the application of:
NASE WERNER JR. TRUST (PLN150669)
RESOLUTION NO. 17 - 035

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Mitigated Negative Declaration;
and
- 2) Approving a Combined Development Permit
consisting of:
 - a. Coastal Administrative and Design
Approval for the construction of a
5,385 square foot one-story single
family dwelling with an attached
garage and covered porch;
 - b. Coastal Development Permit for the
removal of 44 Monterey pine trees;
 - c. Coastal Development Permit for
development within 100 feet of
Environmentally Sensitive Habitat
(ESHA- Yadon's Piperia and
Monterey pine forest); and
- 3) Adopting a Mitigation Monitoring and
Reporting Plan.

1412 Lisbon Lane, Pebble Beach, Del Monte Forest
Land Use Plan (APN: 008-232-003-000)

The Werner Nase Jr. Trust application (PLN150669) came on for public hearing before the Monterey County Planning Commission on August 30, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

- 1. **FINDING:** **CONSISTENCY / NO VIOLATIONS** – The proposed project and/or use, as conditioned, is consistent with the 1982 Monterey County General Plan, the Del Monte Forest Land Use Plan, the Monterey County Coastal Implementation Plan (Part 5), and the requirements of the applicable zoning ordinance (Title 20), to include Monterey County Code (MCC) Chapter 20.14 (Low Density Residential Zoning District) and Chapter 20.44 (Design Control Zoning District), and other County ordinances related to land use development. No violations exist on the property.
- EVIDENCE:** a) The proposed project involves the following: a Combined Development Permit consisting of: a) Coastal Administrative and Design Approval for the construction of a 5,385 square foot one-story single family dwelling

with an attached garage and covered porch; b) Coastal Development Permit for the removal of 44 Monterey pine trees; and c) Coastal Development Permit for development within 100 feet of Environmentally Sensitive Habitat (ESHA- Yadon's Piperia and Monterey pine forest.

- b) No conflicts were found to exist. No communications were received during review of the project indicating any inconsistencies with the text, policies, and regulations in the applicable plans and MCC.
- c) The property is located at 1412 Lisbon Lane, Pebble Beach (Assessor's Parcel Number 008-232-003-000), Del Monte Forest Land Use Plan, Coastal Zone. The parcel is zoned Low Density Residential, 1.5 acres per unit, with a Design Control Overlay (Coastal Zone) [LDR/1.5-D (CZ)], which allows single-family dwellings as a principal use, subject to granting of applicable coastal development permits. Therefore, the project is an allowed land use for this site.
- d) The project planner reviewed the project application materials and County records to verify that the proposed project on the subject parcel conforms to the plans listed above.
- e) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any active violations existing on the subject property.
- f) ESHA. Development within 100 feet of mapped or field identified environmentally sensitive habitats is nonexempt development and requires a Coastal Development Permit (MCC, Section 20.14.030 of Title 20). Biological studies identified Yadon's piperia and Monterey pine forest as ESHA. (*See Finding 4*).
- g) Condition 5 has been incorporated as a condition of approval requiring a conservation and scenic easement conveyed to the Del Monte Forest Conservancy over the 21,600 square foot Enhancement/Restoration Area on the eastern side of the Nase Property in accordance with the procedures in Monterey County Code Section 20.64.280.A.
- h) Cultural Resources. County records identify the project site located within an area of moderate sensitivity for prehistoric cultural (archaeological) resources. A Phase 1 Inventory of Archaeological Resources was prepared (LIB160030), which included research of available historic resources through the Northwest Information Center of the California Historical Resources Information System (NWIC) and a pedestrian survey of the site. This resulted in negative findings of archaeologically and historically significant cultural resources. However, because the NWIC records confirmed the existence of multiple negative archaeological reports in the vicinity area, the archaeologist concluded the subject region is highly sensitive as per extant historic and cultural resources. The archaeologist recommends that the project proceeds with construction related excavation, contingent upon the need to assure that archaeological monitoring accompanies any and all excavation given the archeological sensitivity of the area. Pursuant to Assembly Bill 52, County staff consulted with the most likely descendant (MLD) of the Ohlone/Costanoan-Esselen Nation prior to conducting this Initial Study. The MLD expressed concerns with the proposed project because areas located close to water

were frequented by their people. Therefore, the MLD recommended that a tribal monitor be onsite during any earth disturbing activities, which includes the transplantation of the Yadon's piperia from the site. Therefore, based on the recommendation of the archaeologist and the MLD, in order reduce potential impacts to archaeological resources such as artifacts, human remains, and/or a sacred site, the following mitigation measure has been recommended:

- Condition No. 3- Cultural Resources Negative Archaeological Report
- Condition No. 30; Mitigation Measure No. 3; Cultural Resources

Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of a County standard project condition and Mitigation Measure No. 3 (Condition 30).

- i) Tree Removal. The Del Monte Forest Land Use Plan and Monterey County Zoning Ordinance identify Monterey pine and Coast live oak trees as native tree species requiring protection and special consideration for their management. Specifically, Section 20.147.050, Forest Resources, states that a Forest Management Plan shall be required for all projects located in a forested area that require a discretionary permit. The *Tree Resource Assessment Management Plan dated December 29, 2015*, prepared by Frank Ono, Urban Forestry, certified arborist, states that the proposed development is within an existing stand of Monterey pine and Coast live oak trees and the removal of 46 Monterey pine trees on this site is will be unavoidable due to the heavily wooded site. In addition, the arborist recommends that seven (7) trees located near the construction activities be monitored. The arborist describes the population of pines on this site as overstocked for a one acre lot with approximately 200 trees; Many in dead, falling and in poor condition. Several of the oak trees are suppressed and range from poor to fair condition. Prior to the applicant's submittal of current development plans, the applicant worked with staff to reduce the tree removal by twelve trees, saving groupings of healthy landmark trees. This resulted in the proposed removal of 44 Monterey pine of the following sizes: Four (4) landmark sized (24 inches or greater in diameter); 11 trees in the 13 to 23 inches in diameter; and 29 trees in the 12 inches or less in diameter. Landmark trees are trees measuring 24 inches or more in diameter; and significant trees are trees measuring greater than 12 inches in diameter. (*See Finding 4*).
- j) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on February 4, 2016, continued the item to February 18, 2016, pending revisions made by the applicant, which included reduction of tree removal by 10 Monterey pines. On February 18, 2016, the LUAC recommended approval of the proposed project by a unanimous vote of 4 – 0 (2 absent) and expressed no concerns for the project.
- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN150669.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Pebble Beach Community Services District (Fire Protection District), RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) The following reports were prepared for the proposed project:
 - Phase 1 Inventory of Archaeological Resources Report (LIB160030) prepared by Archives & Archaeology, Salinas, CA November 10, 2015.
 - Geotechnical Report (LIB160033) prepared by Grice Engineering, Inc., Salinas, CA, December 2015.
 - Tree Resource Assessment Management Plan (LIB160032) prepared by Frank Ono, Certified Arborist, Pacific Grove, CA, December 29, 2015.
 - Biological Survey (LIB160031), prepared by Regan Biological & Horticultural Consulting, Carmel Valley, CA, November 14, 2016.
 - Biological Update-Potential Yadon’s piperia habitat (LIB170242), prepared by Regan Biological & Horticultural Consulting, Carmel Valley, CA, March 14, 2016.
 - Biological Spring Survey (LIB170243), prepared by Regan Biological & Horticultural Consulting, Carmel Valley, CA, April 15, 2016.
 - Mitigation and Monitoring Plan (LIB170244), prepared by Regan Biological & Horticultural Consulting, Carmel Valley, CA, December 2016, Revised February 8, 2017.
 - c) County staff independently reviewed these reports and concurs with their conclusions. With the implementation of mitigation measures for biological and cultural resources, there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed.
 - d) The proposed residence is not located on a site that is mapped as visually sensitive or a visual resource; nor located on or near a scenic vista.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150669.

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

- EVIDENCE:** a) The project was reviewed by RMA-Planning, Pebble Beach Community

Services District (Fire Protection District), RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) Necessary public facilities are available. Public water and sewer connections will be provided by the California American Water Company and the Pebble Beach Community Services District (PBCSD)/Carmel Area Wastewater District (CAWD). The Environmental Health Bureau reviewed the project application, and did not require any conditions.
- c) See Finding Nos. 1 and 2, and associated evidence.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150669.

4. **FINDING:**

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

EVIDENCE:

- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN150669).
- c) The Initial Study identified several potentially significant effects, but revisions have been made to the project and applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval (Condition # 7).
- e) A Draft Mitigated Negative Declaration (MND) was prepared in accordance with CEQA and circulated for public review from July 5, 2017 to August 4, 2017. (SCH#:2017071011).
- f) Issues that were analyzed in the Mitigated Negative Declaration include: Biological Resources and Cultural Resources.
- g) Pursuant to Section 20.147.040, Environmental Sensitive Habitat Areas or ESHA of the Del Monte Forest Land Use Plan Area, areas that

support plan species for which there is compelling evidence or rarity [e.g. those areas designated 1b (rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but common elsewhere) by the California Native Plant Society. Biological surveys confirmed that two sensitive species occurred on the Nase property. They are the Monterey pine woodland and the *Piperia yadonii* (common name: Yadon's piperia).

- h) *Monterey pine forest*: The project includes the removal of 44 Monterey pines. A Tree Resource Assessment Management Plan prepared for the project identifies the project site as having an overstock of Monterey pines; 200 trees on the parcel of under one acre. The arborist report states that tree removal is unavoidable since the trees are scattered throughout the property. The 44 Monterey pines to be removed are within the proposed house footprint and the trees are in the following health conditions: six (6) dead; fifteen (15) poor and twenty-three (23) fair. Additionally, seven (7) Monterey pines, not within the construction footprint, but near the construction and grading activities, require monitoring. For residential development to occur on this site, tree removal is unavoidable. The area chosen for the development footprint is the least impactful to the forest because the development is concentrated on the west side of the property, allowing for a proposed enhancement/restoration area of approximately 21,600 square feet on the eastern portion of the Nase property. Mitigation measures have been incorporated to address the tree removal impacts. These include a 1:1 replacement ratio of forty-four (44) Monterey pines at five-gallon each, to be located on site and requiring monitoring to ensure successful growth. In addition, monitoring of the seven (7) Monterey pines located near the construction activities. See Condition 25; Mitigation Measure No. 1; Mitigation Action No. 1e.
- i) *Yadon's piperia*: This is an endangered orchid, federally listed Endangered species, State Rare plant rank 1B.1 (Rare, threatened, or endangered in California and elsewhere .1: Seriously endangered in California). This is a wildflower that may be dormant and not emerge above the soil surface until the spring, where it would leaf producing flowers on erect spikes. Within the Nase property and a section of Pebble Beach right-of-way along the southern side of Lisbon Lane are 5 individual separate areas of Yadon's piperia habitat containing a total of approximately 437 (at minimum) individual *Piperia* plants, fifty-nine (59) of which are located in the proposed house footprint area. The population of the *Piperia* is shaped like a capital T; with the top part to the T along the frontage part of the property on Lisbon Lane and the post of the T running south through the middle of the Nase property where the proposed south east corner of the residence would be located. The project involves the removal of approximately 437 individual Yadon's piperia from the Nase property and relocating these to a receiver site in Del Monte Forest. This mitigation was developed by the project's biologist in consultation with the United States Fish and Wildlife Service (USFWS), members of the Del Monte Forest Conservancy, the Del Monte Forest Open Space Advisory Committee and the Pebble Beach Company.

- j) Other alternatives were analyzed; these included: 1) Trying to avoid impacting the Piperia population by redesign of the proposed development footprint (driveway and house footprint); and 2) Large percentage of avoidance (by project's design) and partial mitigation off-site. Both alternative options failed because the long term indirect impacts of development and surrounding neighborhood would likely cause the decline of the Piperia population, especially if the Piperia remained in the Pebble Beach right-of-way. Proceeding with the proposed development plans and transplanting all of the known Piperia to the chosen receiver site, located in "Area H" of the Pebble Beach Company (a conservation site), is the best mitigation possible. The translocation of the Piperia can therefore be monitored for success, seedling recruitment and population size for five (5) years following transplanting. According to the biologist, five years should be sufficient to demonstrate survival of the transplants. See *Condition No. 27*; *Mitigation Measure No. 2*; *Mitigation Action No. 2a*; *Condition No. 28*; *Mitigation Action No. 2b*; and *Condition No. 29*, *Mitigation Action No. 2c*.
- k) See Finding 1, Evidence h (Cultural Resources).
- l) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN150669) and are hereby incorporated herein by reference.
- m) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. *Condition No. 5*.
- n) Staff received a comment letter from the Native American Heritage Commission (NAHC) during the public review period. The NAHC expressed concerns that although issues relating to tribal cultural resources were discussed in the IS/MND, the text was not contained within a distinct subsection of the Initial Study Checklist for Tribal Cultural Resources as found within the "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form." Pursuant to Section 15063(f) of the CEQA Guidelines, use of this form is only a suggestion and public agencies are free to devise their own format. In terms on content, Section 15063(d)(3) of the CEQA Guidelines states that environmental effects identified shall be explained indicating that there is some evidence to support the entry. The content of the IS/MND meets the content requirements of CEQA since it was disclosed that potential impacts to sacred tribal cultural resources were identified and based on the recommendation of the OCEN Tribe, a mitigation measure has been incorporated to reduce that impact to less than significant. *Condition No. 30*, *Mitigation Measure No.3*.

- o) Monterey County RMA-Planning, located at 1441 Schilling Place, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based.

5. **FINDING:** **DESIGN REVIEW**– The subject project is consistent with the regulations for Design Control Zoning District (pursuant to MCC Chapter 20.44), which regulates the location, size, configuration, materials, and colors of structures to assure protection of public viewshed, neighborhood character, and visual integrity of certain developments without imposing undue restrictions on private property.

- EVIDENCE:**
- a) The site is located in a Design Control Overlay Zoning District. The proposed residence is not located on a site that is mapped as visually sensitive or a visual resource; nor located on or near a scenic vista. The proposal is under the allowable lot coverage and floor area ratio limitations of the zoning district. Analysis of the project’s siting, bulk and mass, proposed site improvements such as tree removal and proposed landscaping has been done in order to evaluate impacts to the neighborhood. The proposed residence is an asymmetrical one-story Mediterranean Modern Farmhouse-style home with portico entrance, composition roof, cement plaster, wood trim and stone veneer. Being that the home is proposed as single-story and not a two-story home, this alone reduces the sense of bulk and mass. More contributing factors to a reduced bulk and mass is the U-shaped elevation proposal with varied roof forms and moderate roof pitches; the siting of the home is proposed approximately 45 feet from the edge of Lisbon Lane and 45 feet from the west side yard property line; with a much larger east side yard setback of 80 feet. This siting in addition to the proposed native planting landscaping, ensures separation between adjoining parcels and creates screening, buffers and privacy. The proposed native plant landscaping along the perimeter of the proposed parcel and along the proposed residence and driveway, which includes a restoration site on the east portion of the Nase property, contributes to the re-forestation of Del Monte Forest.
 - d) Color and Material Finishes. Colors proposed are grey roof, beige body, brown trim and beige stone façade. The style, colors and materials are in keeping with the homes in this area of Pebble Beach.
 - e) The proposed residence and site improvements are consistent with the Architectural Standards and Residential Guidelines for Del Monte Forest and proposed plans have been approved by the Del Monte Forest Architectural Review Board as well as receiving a recommendation of approval by the Del Monte Forest Land Use Advisory Committee.

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

- EVIDENCE:**
- a) Board of Supervisors: Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.

- b) California Coastal Commission: Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea, development within 300 feet of the mean high tide line of the sea where there is no beach, development within 300 feet of the top of the seaward face of any coastal bluff, and development that is permitted in the underlying zone as a conditional use (i.e.; development within 100 feet of environmentally sensitive habitat; tree removal).

DECISION

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

- 1) Adopt a Mitigated Negative Declaration; and
- 2) Approve a Combined Development Permit consisting of:
 - a. Coastal Administrative and Design Approval for the construction of a 5,385 square foot one-story single family dwelling with an attached garage and covered porch;
 - b. Coastal Development Permit for the removal of 44 Monterey pine trees;
 - c. Coastal Development Permit for development within 100 feet of Environmentally Sensitive Habitat (ESHA- Yadon's Piperia and Monterey pine forest); and
- 3) Adopt a Mitigation Monitoring and Reporting Plan.

In general conformance with the attached plans and subject to 20 conditions of approval and 10 mitigation measures, all being attached hereto and incorporated by reference.

PASSED AND ADOPTED this 30th day of August, 2017, upon motion of Commissioner Diehl, seconded by Commissioner Getzelman, by the following vote:

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


Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON SEP 07 2017

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE SEP 18 2017

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE

COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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

NOTES

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

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

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

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

Monterey County RMA Planning

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

PLN150669

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN150669) allows for the following: 1) a Coastal Administrative and Design Approval for the construction of a 5,385 square foot one-story single family dwelling with an attached garage and covered porch; 2) Coastal Development Permit for the removal of 44 Monterey pine trees; 3) Coastal Development Permit for development within 100 feet of Environmental Sensitive Habitat (ESHA -Yadon's Piperia and Monterey Pine forest). The property is located at 1412 Lisbon Lane, Pebble Beach (Assessor's Parcel Number 008-232-008-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

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

Monitoring Measure: "A Combined Development Permit (Resolution Number 17-035) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 008-232-003-000 on August 30, 2017. The permit was granted subject to 30 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

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

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

Responsible Department: RMA-Planning

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

Compliance or Monitoring The Owner/Applicant shall adhere to this condition on an on-going basis.
Action to be Performed:

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

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

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

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

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

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

5. (PD-Non-standard) Conservation & Scenic Easement Over Enhancement/Restoration Area

Responsible Department: RMA-Planning

Condition/Mitigation
Monitoring Measure:

A conservation and scenic easement shall be conveyed to the Del Monte Forest Conservancy over the 21,600 square foot Enhancement/Restoration Area of the Nase property in accordance with the procedures in Monterey County Code § 20.64.280.A. The easement conveyance shall include funding adequate to ensure the management and protection of the easement area over time. The easement shall be developed in consultation with a certified professional and the Del Monte Forest Conservancy Inc. A Subordination Agreement shall be required, where necessary. These instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Conservancy is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection. An easement deed shall be submitted to, reviewed, and approved by the Director of RMA - Planning and the Executive Director of the California Coastal Commission, and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to issuance of grading and building permits. (RMA - Planning)

Compliance or
Monitoring
Action to be Performed:

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

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

Prior to the issuance of grading and building permits, the Owner/Applicant, shall submit a signed and notarized Subordination Agreement, if required, to RMA - Planning for review and approval.

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

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

Responsible Department: RMA-Planning

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

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

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

7. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

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

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

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

8. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

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

Responsible Department: RMA-Planning

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

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

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

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

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

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

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

Responsible Department: RMA-Planning

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

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

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

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

11. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

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

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

12. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: RMA-Public Works

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

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

13. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: RMA-Public Works

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

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

14. WR003 - DRAINAGE PLAN - RETENTION

Responsible Department: Water Resources Agency

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

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

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

15. EROSION CONTROL PLAN

Responsible Department: Environmental Services

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

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

16. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

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

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

17. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations in the project Geotechnical Report prepared by Grice Engineering, Inc. The grading plan shall also address the requirements of Monterey County Code Chapter 16.08, and the geotechnical inspection schedule shall be included on the plan. The applicant shall provide certification from the licensed practitioner that the grading plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

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

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

18. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

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

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

19. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

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

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

20. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

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

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

21. MITIGATION MEASURE NO. 1; Action 1a- ENHANCEMENT/RESTORATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure Action No. 1.a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall incorporate a note on all construction plans (for building and grading) that the project shall comply with the specifications contained in the Tree Resource Assessment Plan, dated December 29, 2015 prepared for the subject property by Frank Ono, Certified Arborist and with the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 1.a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall incorporate a note on all construction plans (for building and grading) that the project shall comply with the specifications contained in the Tree Resource Assessment Plan, dated December 29, 2015 prepared for the subject property by Frank Ono, Certified Arborist and with the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting.

22. MITIGATION MEASURE NO. 1; Action 1b- ENHANCEMENT/RESTORATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 1: In order to mitigate for the loss of approximately 10,800 square feet of Monterey pine woodland on the project site and the loss of forty-four (44) Monterey pine trees, the following shall be required to occur on an area of 21,600 square feet (Enhancement/Restoration Area) of the Nase property:

- Eradicate majority of non-native grasses, weeds and introduced landscape plants, from eastern portion of the Nase property.
- Restore 19,000 square foot area on east portion on Nase property using the dominant native species present on project site.
- 1: 1 replacement ratio of forty-four (44), five-gallon Monterey pine trees to be located on one continuous strip of land running north to south along the east side of the Nase property and fronted on the North by the Pebble Beach right of way along Lisbon Lane and on the South by the Nase Property line and corresponding fence line with the neighboring property to the south. This strip of land is approximately 21,600 square feet running approximately 240 feet from North end to South end and 90 feet from east to west, between the proposed house and the eastern neighboring property. Monterey pine replacement is incorporated into the landscape planting plan (see Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA prepared by Regan Biological and Horticultural Consulting, LLC (RBHC), revised on 2/08/2017 for the Hall Landscape Design Sheet L-5) throughout the approximately 1 acre project site. To the greatest degree feasible, all trees used for replacement trees will be grown from seed collected on the project site or within the Del Monte Forest.
- Prevent invasive non-native plant species from colonizing during construction.
- Maintain native plant habitat with less than 10% non-native species over the course of the monitoring period.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 1.b: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall incorporate a tree removal plan within the construction plans showing the proposed tree removal as shown in the Tree Resource Assessment Plan, dated December 29, 2015 prepared for the subject property by Frank Ono, Certified Arborist. The tree removal plan shall include the tree number identification matrix showing the trees to be removed (44 Monterey pines) and the seven (7) proposed root-pruned Monterey pines to be monitored.

23. MITIGATION MEASURE NO. 1; Action 1c- ENHANCEMENT/RESTORATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 1: In order to mitigate for the loss of approximately 10,800 square feet of Monterey pine woodland on the project site and the loss of forty-four (44) Monterey pine trees, the following shall be required to occur on an area of 21,600 square feet (Enhancement/Restoration Area) of the Nase property:

- Eradicate majority of non-native grasses, weeds and introduced landscape plants, from eastern portion of the Nase property.
- Restore 19,000 square foot area on east portion on Nase property using the dominant native species present on project site.
- 1: 1 replacement ratio of forty-four (44), five-gallon Monterey pine trees to be located on one continuous strip of land running north to south along the east side of the Nase property and fronted on the North by the Pebble Beach right of way along Lisbon Lane and on the South by the Nase Property line and corresponding fence line with the neighboring property to the south. This strip of land is approximately 21,600 square feet running approximately 240 feet from North end to South end and 90 feet from east to west, between the proposed house and the eastern neighboring property. Monterey pine replacement is incorporated into the landscape planting plan (see Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA prepared by Regan Biological and Horticultural Consulting, LLC (RBHC), revised on 2/08/2017 for the Hall Landscape Design Sheet L-5) throughout the approximately 1 acre project site. To the greatest degree feasible, all trees used for replacement trees will be grown from seed collected on the project site or within the Del Monte Forest.
- Prevent invasive non-native plant species from colonizing during construction.
- Maintain native plant habitat with less than 10% non-native species over the course of the monitoring period.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 1.c: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall incorporate an Enhancement/Restoration Area Plan within the construction plans consistent with the recommendations in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. This plan shall include the information listed in MM No. 1, planting stock information contained in Section 6.0 – Implementation Plan of the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting, which describes the responsible parties, describes planting stock, the list of plants, quantities, sizes, planting schedules, site preparation, maintenance activities, maintenance schedule, performance standards, final success criterion, monitoring, annual reports and for the Restoration/Enhancement and Preservation Areas.

24. MITIGATION MEASURE NO. 1; Action 1d- ENHANCEMENT/RESTORATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 1: In order to mitigate for the loss of approximately 10,800 square feet of Monterey pine woodland on the project site and the loss of forty-four (44) Monterey pine trees, the following shall be required to occur on an area of 21,600 square feet (Enhancement/Restoration Area) of the Nase property:

- Eradicate majority of non-native grasses, weeds and introduced landscape plants, from eastern portion of the Nase property.
- Restore 19,000 square foot area on east portion on Nase property using the dominant native species present on project site.
- 1: 1 replacement ratio of forty-four (44), five-gallon Monterey pine trees to be located on one continuous strip of land running north to south along the east side of the Nase property and fronted on the North by the Pebble Beach right of way along Lisbon Lane and on the South by the Nase Property line and corresponding fence line with the neighboring property to the south. This strip of land is approximately 21,600 square feet running approximately 240 feet from North end to South end and 90 feet from east to west, between the proposed house and the eastern neighboring property. Monterey pine replacement is incorporated into the landscape planting plan (see Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA prepared by Regan Biological and Horticultural Consulting, LLC (RBHC), revised on 2/08/2017 for the Hall Landscape Design Sheet L-5) throughout the approximately 1 acre project site. To the greatest degree feasible, all trees used for replacement trees will be grown from seed collected on the project site or within the Del Monte Forest.
- Prevent invasive non-native plant species from colonizing during construction.
- Maintain native plant habitat with less than 10% non-native species over the course of the monitoring period.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 1.d: Prior to the commencement of any grading or construction activities (except for the removal and transplantation of the Yadon's piperia), a pre-construction meeting shall be held on the site. The preconstruction meeting shall be facilitated by the agent of the project. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring (including the archaeological monitors, see mitigation measures for Cultural Resources), and the owner/applicant. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. A report of this meeting including date of meeting, content reviewed and list of attendees, shall be submitted to RMA-Planning, within five (5) business days of the preconstruction meeting date.

25. MITIGATION MEASURE NO. 1; Action 1e- ENHANCEMENT/RESTORATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 1: In order to mitigate for the loss of approximately 10,800 square feet of Monterey pine woodland on the project site and the loss of forty-four (44) Monterey pine trees, the following shall be required to occur on an area of 21,600 square feet (Enhancement/Restoration Area) of the Nase property:

- Eradicate majority of non-native grasses, weeds and introduced landscape plants, from eastern portion of the Nase property.
- Restore 19,000 square foot area on east portion on Nase property using the dominant native species present on project site.
- 1: 1 replacement ratio of forty-four (44), five-gallon Monterey pine trees to be located on one continuous strip of land running north to south along the east side of the Nase property and fronted on the North by the Pebble Beach right of way along Lisbon Lane and on the South by the Nase Property line and corresponding fence line with the neighboring property to the south. This strip of land is approximately 21,600 square feet running approximately 240 feet from North end to South end and 90 feet from east to west, between the proposed house and the eastern neighboring property. Monterey pine replacement is incorporated into the landscape planting plan (see Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA prepared by Regan Biological and Horticultural Consulting, LLC (RBHC), revised on 2/08/2017 for the Hall Landscape Design Sheet L-5) throughout the approximately 1 acre project site. To the greatest degree feasible, all trees used for replacement trees will be grown from seed collected on the project site or within the Del Monte Forest.
- Prevent invasive non-native plant species from colonizing during construction.
- Maintain native plant habitat with less than 10% non-native species over the course of the monitoring period.

Compliance or Monitoring Action to be Performed:

Mitigation Measure Action No. 1.e: Prior to final inspection, the property owner/applicant shall restore as per the approved Enhancement/Restoration Area Plan (see MMA No. 1.c.) consistent with the recommendations in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. This requires the replacement of Monterey pine trees at a ratio of 1:1 for a total replanting of 46 Monterey pine trees of a five-gallon size to be planted within the Enhancement/Restoration area. Furthermore, the seven (7) proposed root-pruned Monterey pines shall be pruned pursuant to the recommendations, including monitoring requirements of the Tree Resource Assessment Management Plan, prepared by Frank Ono dated December 29, 2015. In addition, the Enhancement/Restoration Area Plan requires the restoration of other planting stock described in Table 2: Plants for Restoration/Enhancement and Preservation Areas of the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. The Staff shall conduct a site visit to ensure vegetation of the site has been restored according to the approved Enhancement/Restoration Area Plan.

26. MITIGATION MEASURE NO. 1; Action 1f- ENHANCEMENT/RESTORATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 1: In order to mitigate for the loss of approximately 10,800 square feet of Monterey pine woodland on the project site and the loss of forty-four (44) Monterey pine trees, the following shall be required to occur on an area of 21,600 square feet (Enhancement/Restoration Area) of the Nase property:

- Eradicate majority of non-native grasses, weeds and introduced landscape plants, from eastern portion of the Nase property.
- Restore 19,000 square foot area on east portion on Nase property using the dominant native species present on project site.
- 1: 1 replacement ratio of forty-four (44), five-gallon Monterey pine trees to be located on one continuous strip of land running north to south along the east side of the Nase property and fronted on the North by the Pebble Beach right of way along Lisbon Lane and on the South by the Nase Property line and corresponding fence line with the neighboring property to the south. This strip of land is approximately 21,600 square feet running approximately 240 feet from North end to South end and 90 feet from east to west, between the proposed house and the eastern neighboring property. Monterey pine replacement is incorporated into the landscape planting plan (see Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA prepared by Regan Biological and Horticultural Consulting, LLC (RBHC), revised on 2/08/2017 for the Hall Landscape Design Sheet L-5) throughout the approximately 1 acre project site. To the greatest degree feasible, all trees used for replacement trees will be grown from seed collected on the project site or within the Del Monte Forest.
- Prevent invasive non-native plant species from colonizing during construction.
- Maintain native plant habitat with less than 10% non-native species over the course of the monitoring period.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 1.f: Maintenance and monitoring of the Enhancement/Restoration Area on the Nase property shall occur as stipulated in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. Monitoring and reporting shall occur four times a year for five full years after completion of the project (i.e. construction of the home). A qualified biologist, shall maintain, monitor and report to RMA-Planning, as stipulated in the Mitigation and Monitoring Plan. An intermediate performance standard shall be measured at 100 percent survival of the planted Monterey pines in the fall of year 1 and 2. The final success criterion is 100 percent survival on planted Monterey pines in year 5.

27. MITIGATION MEASURE NO. 2; Action 2a- Yadon's Piperia

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

Mitigation Measure No. 2: In order to reduce the proposed construction impacts to the Yadon's piperia, an endangered orchid, federally listed Endangered species, State Rare plant rank 1B.1 (Rare, threatened, or endangered in California and elsewhere .1: Seriously endangered in California), to a less than significant level, removal of approximately 437 (or more if more are present) individual Yadon's piperia plants and transplanting these to a designated conservation site within Del Monte Forest, shall be required. The transplantation activities of the Yadon's piperia shall be conducted as stipulated in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. This includes, but is not limited to the following:

- A memorandum of understanding and appropriate legal documentation of liability and shared responsibilities between Mr. Nase (property owner) and the Pebble Beach Company shall be prepared and signed before any of these activities take place:
- Transplantation of all known and live Yadon's piperia tubers from the project impact area (as shown in the Mitigation and Monitoring Plan) into a receiver site along Spruance Road in Area H of the Pebble Beach Company's preservation property. Transplantation activities shall at the times stipulated in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting and in consultation with United States Fish and Wildlife Service (USFWS).
- Monitor for transplant success, seedling recruitment, and population size for five (5) years following transplantation.

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

Mitigation Measure Action No. 2a: Prior to the commencement of transplantation activities for the Yadon's piperia, a memorandum of understanding (MOU) and appropriate legal documentation of liability and shared responsibilities between Mr. Nase (property owner) and the Pebble Beach Company shall be prepared and signed by both parties. The document shall include a depiction of the receiver site, a 2,700 square foot area on the west side of Spruance Road (Area H) along with a reference that the work shall be performed in accordance to the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. A copy of the signed MOU and any other appropriate legal documentation shall be furnished to RMA- Planning for review and approval before the commencement of the transplantation activities.

28. MITIGATION MEASURE NO. 2; Action 2b- Yadon's Piperia

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 2: In order to reduce the proposed construction impacts to the Yadon's piperia, an endangered orchid, federally listed Endangered species, State Rare plant rank 1B.1 (Rare, threatened, or endangered in California and elsewhere .1: Seriously endangered in California), to a less than significant level, removal of approximately 437 (or more if more are present) individual Yadon's piperia plants and transplanting these to a designated conservation site within Del Monte Forest, shall be required. The transplantation activities of the Yadon's piperia shall be conducted as stipulated in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. This includes, but is not limited to the following:

- A memorandum of understanding and appropriate legal documentation of liability and shared responsibilities between Mr. Nase (property owner) and the Pebble Beach Company shall be prepared and signed before any of these activities take place:
- Transplantation of all known and live Yadon's piperia tubers from the project impact area (as shown in the Mitigation and Monitoring Plan) into a receiver site along Spruance Road in Area H of the Pebble Beach Company's preservation property. Transplantation activities shall at the times stipulated in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting and in consultation with United States Fish and Wildlife Service (USFWS).
- Monitor for transplant success, seedling recruitment, and population size for five (5) years following transplantation.

Compliance or Monitoring Action to be Performed: Mitigation Measure Action No. 2b: The 2,700 square foot receiver site where the Yadon's piperia will be transplanted from the Nase property, is located on the west side of Spruance Road, approximately 2/10ths of a mile north of the intersection with Spruance and Ronda Roads. Previous to translocating the Piperia tubers from the Nase property to this location it will be prepared by removing the entire Acacia plants as well the Genista and the fallen oak tree as recommended in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. Just east of this location, on the other side of Spruance road is a population of the Yadon's piperia that will be used as a reference population to compare with the translocated plants to determine expected foliage emergence and flowering and reproduction in each year of the monitoring of the translocated plants. The preparation of the receiver site shall be monitored by the qualified biologist pursuant to the recommendations contained in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting.

29. MITIGATION MEASURE NO. 2; Action 2c- Yadon's Piperia

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 2: In order to reduce the proposed construction impacts to the Yadon's piperia, an endangered orchid, federally listed Endangered species, State Rare plant rank 1B.1 (Rare, threatened, or endangered in California and elsewhere .1: Seriously endangered in California), to a less than significant level, removal of approximately 437 (or more if more are present) individual Yadon's piperia plants and transplanting these to a designated conservation site within Del Monte Forest, shall be required. The transplantation activities of the Yadon's piperia shall be conducted as stipulated in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting. This includes, but is not limited to the following:

- A memorandum of understanding and appropriate legal documentation of liability and shared responsibilities between Mr. Nase (property owner) and the Pebble Beach Company shall be prepared and signed before any of these activities take place:
- Transplantation of all known and live Yadon's piperia tubers from the project impact area (as shown in the Mitigation and Monitoring Plan) into a receiver site along Spruance Road in Area H of the Pebble Beach Company's preservation property. Transplantation activities shall at the times stipulated in the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach (Revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting and in consultation with United States Fish and Wildlife Service (USFWS).
- Monitor for transplant success, seedling recruitment, and population size for five (5) years following transplantation.

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

Mitigation Measure Action No. 2c: Transplanting of Yadon's rein orchid from within the project impact area on Lisbon Lane into the preservation area receiver site on Spruance Road will take place between October 15 and March 15. This allows for transplant to occur while all tubers are dormant up to the point when the majority of tubers have sent up vegetative shoots but before flower stalks appear.

Even if permitting and construction schedules prevent implementation of the transplanting plan during the October to March period, to avoid disrupting seed production, the transplant process will be restricted to that period in which the plants are dormant, post flower and seed production up until the first flowering stalks are observed to be rising out of the foliage of known *Piperia* plants on the Lisbon Lane site. A qualified Biologist on the Monterey County list of approved consulting Biologists will monitor the population up until the date that the project is approved to proceed, then confer with USFWS and Pebble Beach company biologists to evaluate the status of the plants and whether it is feasible to commence transplantation efforts. During this monitoring period, all plants sending up new foliage will be documented and marked with flags other than the orange color used during the initial monitoring in Spring 2016. This will assist in determining the size of each patch for the tree spade operator and simplify the transplant process, if it becomes necessary to do it in the fall of 2017 by marking every foliage producing tuber even after all above ground growth has withered and senesced. Based on the monitoring, the project biologist will determine when the transplant will occur and how much area will be scooped out and transferred to the Spruance road receiver site. If, at the point the project is approved to proceed, plants in the Lisbon Lane property are observed to be sending up flowering stalks, the project will be delayed until plants have gone dormant in the fall of 2017. It may be possible to move some of the Lisbon Lane population even after some plants begin flowering, but this decision will be made in consultation with USFWS staff. In 2016, plants in the eastern portion had flowered and senesced by late July and some plants in the Western portion had not yet put up flowering stalks until September.

30. MITIGATION MEASURE NO. 3; Action 3a and 3b- Cultural Resources

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:** Mitigation Measure No. 3. In order to reduce potential impacts to cultural resources and sacred places, earth disturbance activities (including Yadon's *piperia* transplantation from the subject site and tree removal) shall be observed by a qualified archaeologist and by an Ohlone/Costanoan-Esselen Nation tribal monitor (MLD).

**Compliance or
Monitoring
Action to be Performed:** Mitigation Measure Action No. 3.a. Prior to the Yadon's *piperia* transplantation from the subject site, the owner/applicant shall submit a copy of the agreed upon contract to RMA-Planning, between the Ohlone/Costanoan-Esselen Nation and the owner of the subject project, outlining the logistics for monitoring during earth disturbance activities as well as how cultural resources will be handled if uncovered.

Mitigation Measure Action No. 3.b. During earth disturbance, which includes the Yadon's *piperia* transplantation, tree removal, and all other construction related activities, the Ohlone/Costanoan-Esselen Nation approved tribal monitor and the qualified archaeologist shall be onsite observing the work. The work shall be done consistent with the Ohlone/Costanoan-Esselen Nation approved contract discussed in Mitigation Measure Action No. 3a. Prior to final of construction permits for grading and/or building, the owner/applicant shall submit a letter from the tribal monitor verifying all work was done consistent with the contract to RMA-Planning for review and approval.

Exhibit "C"

Conservation Easement

New Conservation Easement over and across a portion of the 0.998 Acre Parcel as shown on that certain map entitled "Record of Survey of a Portion of Rancho El Pascadero, Monterey County, State of California," filed February 5, 1952 in the office of the County Recorder of the County of Monterey, State of California, in Volume 4 of Surveys at Page 95 and being more particularly described as follows:

Beginning at a point on the Easterly boundary of said Parcel from which "Corner 30" bears North 14°50'00" East 10.00 feet, as said corner is shown on said Record of Survey; thence from said Point of Beginning, departing the Easterly boundary of said Parcel,

1. North 75°10'00" West, 161.34 feet; thence,
2. South 14°50'00" West, 24.18 feet; thence,
3. South 68°42'19" East, 72.71 feet; thence,
4. South 14°50'00" West, 88.42 feet; thence,
5. North 82°35'16" West, 78.49 feet; thence,
6. South 17°00'00" West 34.74 feet to a point on the Southerly boundary of said Parcel; thence along said Southerly boundary,
7. South 73°00'00" East, 168.35 feet to the most Southeasterly corner of said Parcel; thence along the Easterly boundary of said Parcel,
8. North 14°50'00" East, 172.01 feet to the Point of Beginning.

Containing 20,453 square feet, more or less.

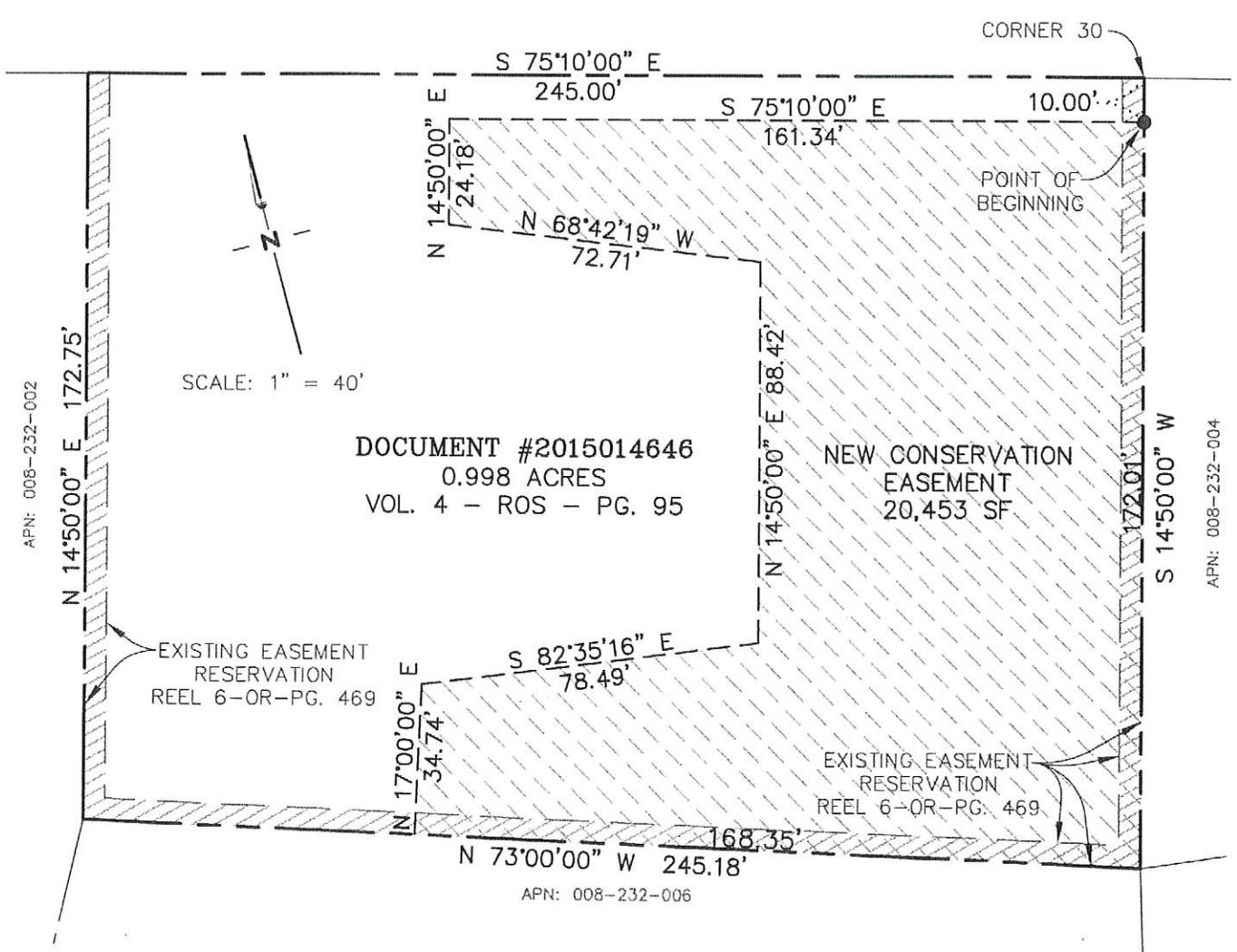
END OF DESCRIPTION



5/22/20

L I S B O N L A N E

(A 60' W I D E P R I V A T E R O A D)



PLAT EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION OF
CONSERVATION EASEMENT
OVER AND ACROSS A PORTION OF
THE 0.998 ACRE PARCEL
AS SHOWN ON THE "RECORD OF SURVEY OF
A PORTION OF RANCHO EL PASCADERO"
FILED IN, VOL 4 - ROS - PG. 95
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" = 40' JOB No. 15-29 FEBRUARY 2018
PREPARER: LLJS

Exhibit C
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