

Attachment A

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When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: David Mack
1441 Schilling Place
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN160179-AMD1
Resolution No.: 17-014
Owner Name: Casanova 5 SW LLC
Project Planner: David Mack
APN: 008-491-012-000

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

Signature of Declarant or Agent

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

THIS DEED made this 5 day of June, 2017, by and between
CASANOVA 5 SW LLC, A CALIFORNIA LIMITED LIABILITY COMPANY as Grantor, and
the DEL MONTE FOREST CONSERVANCY, a California non-profit corporation, as
Grantee, on behalf of the County of Monterey (hereinafter "County")

WITNESSETH:

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

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

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

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

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

WHEREAS, an **Amendment to a Coastal Administrative Permit** (File Number **PLN160179-AMD1**) (hereinafter referred to as the "Permit") was granted on **April 19, 2017** by the Monterey County **Director of RMA-Planning** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **17-014**. That resolution is attached hereto as Exhibit "B" (without sketches) and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

Condition No. #1: PDSP001 - Scenic and Conservation Easement (NON-STANDARD): Prior to issuance of building and/or grading permits, the Owner/Applicant shall prepare a Scenic and Conservation Deed to ensure protection of all areas located outside of the newly approved development envelope (PLN160179) in perpetuity. The Conservation and Scenic Easement shall be conveyed to the Del Monte Forest Foundation over the defined area(s). The easement shall be developed in consultation with a certified professional and the Del Monte Forest Foundation. These instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Foundation is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection. An easement deed shall be submitted to the Director of the RMA - Planning Department for review and approval. (RMA -Planning)

WHEREAS, the specific resources being protected are Monterey cypress habitat; and

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

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

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

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

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

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

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

successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's Property the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. The 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.

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

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area, except plants native to Del Monte Forest and approved by the County and the Grantee. Periodic efforts to control invasive non-native plants within the easement area are encouraged.

4. That, except for the construction, alteration, relocation and maintenance of existing private pedestrian trails, fences, gates, utilities, and drainage facilities, 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 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 Monterey cypress habitat and the natural vegetation and topography and that all exceptions and reservations of Grantor shall minimize disturbance to these features using the best available technologies and practices to be implemented consistent with the objectives, purposes and conditions of this easement in consultation with Grantee:

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

2. The right to maintain, repair and replace all existing private pedestrian trails, paths, fences, gates, utilities, and drainage facilities, upon the Conservation and Scenic Easement Area.

3. Restoration and/or stabilization of eroded or similarly adversely impacted land, provided that said restoration and/or stabilization shall be performed in a manner which is consistent with maintaining the Grantor's Open Space and Conservation and Scenic Easement values.

4. Demolition or removal of any development within the Conservation and Scenic Easement Area.

5. The removal of any sick, diseased, dead, or nonnative invasive vegetation and subject to written approval from the Grantee and all necessary government entitlements.

6. Habitat restoration with drought tolerant native plant species and subject to written approval from the Grantee and all necessary government entitlements.

7. Low intensity pedestrian and equestrian trails and accessory trail improvements such as benches and picnic tables which do not unreasonably compromise the open space values of the Property.

8. Fire protection measures which are required or recommended to be performed by the local fire protection authority including, but not limited to, constructing and maintaining fire breaks and fuel management.

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

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 Property 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.

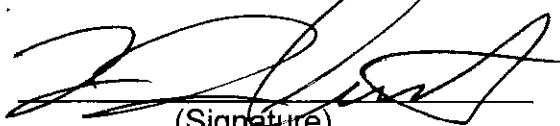
K. SEVERABILITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

{Signatures Follow On Next Page}

Executed this 5 day of June, 2017, at Monterey, California.

Casanova 5 SW LLC, a California limited liability company

By:


(Signature)

Kevin Chick, Member

(Print or Type Name and Title)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

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.

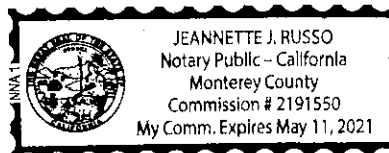
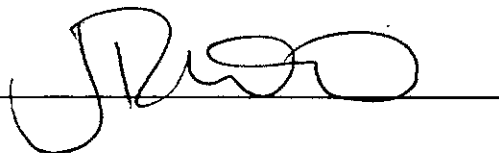
STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

On June 5, 2017 before me, Jeannette J. Russo, a Notary Public, personally appeared Kevin Chick, 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)

This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ 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: _____

Mary Adams
Chair, Monterey County Board of Supervisors

ATTEST:

DATED: _____

Gail T. Borkowski
Clerk of Said Board

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

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

STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

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

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

WITNESS my hand and official seal.

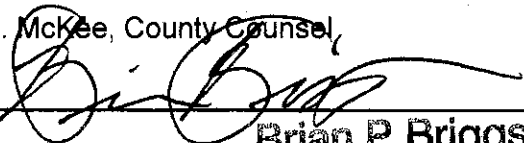
Signature _____

(Seal)

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel,

By: _____



Brian P. Briggs

Type/Print Name: _____

Deputy County Counsel

DATED: 6-20-17

**CONSERVATION AND SCENIC EASEMENT DEED
SIGNATURE CONTINUATION PAGE**

GRANTEE:

Accepted and Authorized to be Recorded by the Del Monte Forest Conservancy:

DEL MONTE FOREST CONSERVANCY, INC.

A Nonprofit California Corporation

By: _____

Dated: _____

Print Name: _____

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

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)

EXHIBIT "A"

LEGAL DESCRIPTION

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

PARCEL I

BEGINNING AT THE MOST EASTERLY CORNER OF THAT CERTAIN 3.661 ACRE PARCEL OF LAND DESCRIBED AS PARCEL NO. 5 IN DEED FROM HENRY L. SALSBUY, TRUSTEE, TO JAMES SHEWAN, JR., DATED DECEMBER 11, 1942, AND RECORDED IN VOLUME 786, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA, AT PAGE 279, RUNNING THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID PARCEL NO. 5.

- 1) 50.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET (CENTER BEARS S. 60° 00' W., LONG CHORD BEARS N. 34° 46' 30" W., 49.95 FEET); THENCE TANGENTIALLY
- 2) N. 39° 33' W., 42.91 FEET; THENCE
- 3) 128.74 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 240.00 FEET (CENTER BEARS N. 50° 27' E., LONG CHORD BEARS N. 24° 11' W., 127.20 FEET); THENCE TANGENTIALLY
- 4) N. 8° 49' W., 56.11 FEET TO THE POINT OF BEGINNING OF SAID PARCEL 5; THENCE LEAVING SAID EASTERLY BOUNDARY
- 5) S. 67° 45' W., 285.36 FEET TO AN INTERSECTION WITH THE WESTERLY BOUNDARY OF SAID PARCEL NO. 5; THENCE ALONG SAID WESTERLY BOUNDARY
- 6) S. 28° 47' 30" E., 158.95 FEET; THENCE
- 7) S. 23° 00' 30" E., 79.39 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL
- 8) N. 71° 00' E., 124.29 FEET; THENCE
- 9) N. 74° 00' E., 112.00 FEET; THENCE
- 10) N. 85° 49' 50" E., 48.00 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF SAID PARCEL NO. 5 DESCRIBED IN SAID DEED.

PARCEL II

ALL RIGHT, TITLE AND INTEREST OF THE GRANTOR IN AND TO THAT CERTAIN PARCEL OF LAND LYING BETWEEN THE LINE OF ORDINARY HIGH TIDE OF THE PACIFIC OCEAN AND COURSES NUMBERED 6 AND 7 HEREINABOVE; BEING BOUNDED ON THE SOUTH BY THE WESTERLY PROLONGATION OF COURSE NUMBERED (8) HEREINABOVE AND BEING BOUNDED ON THE NORTH BY THE WESTERLY PROLONGATION OF COURSE NUMBERED (5) HEREINABOVE.

APN: 008-491-012

EXHIBIT "B"

Before the Director of RMA-Planning in and for the County of Monterey, State of California

In the matter of the application of:

CASANOVA 5 SW LLC (PLN160179-AMD1)

RESOLUTION NO. 17-014

Resolution by the Monterey County Director of
RMA-Planning:

Approving an amendment to a previously
approved Coastal Administrative Permit for the
Casanova 5 SW LLC application (PLN160179)
to add the requirement of a Scenic and
Conservation Easement (CSE) as a condition of
approval to make the project consistent with
Policy 20 of the Del Monte Forest Land Use
Plan.

[PLN160179-AMD1, Casanova 5 SW LLC, 3188
17-Mile Drive, Pebble Beach, Del Monte Forest
Land Use Plan (APN: 008-491-012-000)]

The Director of the RMA-Planning, having considered the application and all the written and documentary evidence presented relating thereto, finds and decides as follows:

FINDINGS AND EVIDENCE

- 1. FINDING:** **PROJECT DESCRIPTION** - The County has received and processed a request to modify the adopted Condition Compliance Reporting Plan for an approved Coastal Administrative Permit (PLN160179).
- EVIDENCE:**
- (a) A request for modification of the adopted Condition Compliance Reporting Plan for an approved Coastal Administrative Permit (PLN160179) was submitted on March 23, 2017.
 - (b) The property is located at 3188 17-Mile Drive, Pebble Beach (Assessor's Parcel Number: 008-491-012-000), Del Monte Forest Land Use Plan.
 - (c) On March 1, 2017, the Director of RMA-Planning approved PLN160179 in Resolution No. 16-078 for a Coastal Administrative Permit and Design Approval to allow the demolition of an existing 5,392 square foot one-story single family dwelling and construction of a 8,303 square foot two-story single family dwelling; Coastal Administrative Permit to allow development within 750 feet of known archaeological resources; and Coastal Administrative Permit to allow development within environmentally sensitive habitat (Monterey Cypress habitat), and adopted a Condition Compliance Reporting Plan.
 - (d) The Condition Compliance Reporting Plan has been modified to add a new condition (Condition 18), resulting in a total of 18 conditions of approval for the original permit (PLN160179). This modification shall be in addition to the previously applied findings and evidence

of the Coastal Administrative Permit PLN160179.

- (e) Modification of the Condition Compliance Reporting Plan does not affect or result in any changes to the original project description or proposal.
- (f) All conditions of approval from PLN160179 remain in full effect, and the addition of the Scenic and Conservation Easement (Condition 18) results in a total of 18 conditions in the modified Condition Compliance Reporting Plan.
- (g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN160179 and PLN160179-AMD1.

2. FINDING:

CONSISTENCY – Modification of the adopted Condition Compliance Reporting Plan to an approved Coastal Administrative Permit is consistent with Monterey County Code Section 20.76.115.A for amendments to Coastal Administrative Permits and does not cause impacts not already assessed in original permit action.

- EVIDENCE:**
- (a) The addition of a condition requiring the implementation of a Scenic and Conservation Easement, for all areas outside of the approved development area (PLN160179) is consistent with the requirements found in Policy 20 of the Del Monte Forest Land Use Plan, which requires an open space conservation and scenic easement to be recorded on all undeveloped areas of a parcel within the Monterey cypress habitat area. This requirement was inadvertently not included in the original project approval (PLN160179) and therefore is required to be added to the project. This amendment adds a new condition requiring the Scenic and Conservation Easement.
 - (b) Modification of the Condition Compliance Reporting Plan does not affect or result in any changes to the original project description or proposal, or environmental review; therefore the amendment is minor and trivial in nature.
 - (c) See preceding and following Findings and Evidence.

3. FINDING:

CEQA - The Minor and Trivial Amendment does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. The original CEQA action on the project was categorically exempt per CEQA Guidelines Section 15302.

- EVIDENCE:**
- (a) California Environmental Quality Act Guidelines Section 15302 categorically exempts the replacement or reconstruction of existing structures when the new structure will be located on the same site as the structure replaced and will have substantially the same purpose as the structure replaced.
 - (b) The addition of the Scenic and Conservation Easement will not change the original project description or proposal, and does not result in any new potential environmental impacts. In fact the purpose of the Easement is to protect environmentally sensitive habitat (Monterey Cypress) and is a beneficial impact to the project site and environment.

EXHIBIT "B" PAGE 2 of 18

- (c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN160179 and PLN160179-AMD1.

4. FINDING:

PUBLIC NOTICE - Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 20.84.040.A of Monterey County Code Title 20 (Zoning).

- EVIDENCE:**
- (a) On April 3, 2017, notices were mailed to residents within 300 feet of the project site and posted in at least 3 different public places on and near the subject property.
 - (b) No objections were received during the notification period from April 4, 2017 to April 17, 2017.
 - (c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN160179 and PLN160179-AMD1.

5. FINDING:

APPEALABILITY - The project, as approved, is appealable to the Director of RMA-Planning and to the California Coastal Commission.

- EVIDENCE:**
- (a) Monterey County Code Section 20.76.115.A and B states that if objections are received, the amendment shall be considered by the original decision making body.
 - (b) No objections were received during the notification period from April 4, 2017 to April 17, 2017.
 - (c) Monterey County Code Section 20.86.080.A.1 of the Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project site is located between the sea and the first public road (State Route 1) paralleling the sea.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Director of RMA-Planning does hereby:

Approve a Minor and Trivial Amendment (PLN160179-AMD1) to a previously approved Coastal Administrative Permit (PLN160179) to add the requirement of a Scenic and Conservation Easement (CSE) as a condition of approval to make the project consistent with Policy 20 of the Del Monte Forest Land Use Plan, in general conformance with the attached sketch and subject to the attached conditions, and subject to the revised 18 total conditions found in PLN160179 (Resolution No. 17-014) all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 19th day of April, 2017.


Jacqueline R. Onciano, RMA Chief of Planning

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT AND THE CALIFORNIA COASTAL COMMISSION ON **APR 21 2017**

THIS APPLICATION IS ALSO APPEALABLE TO THE **COASTAL COMMISSION**. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE DIRECTOR OF PLANNING, 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 95060.

NOTE:

1. You may need a building and/or grading permit and must comply with the Monterey County Resource Management Agency-Building Services Department 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 working days after the mailing of the 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 an 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.

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

Monterey County RMA Planning

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

PLN160179-AMD1

1. PDSP001 - Scenic and Conservation Easment (NON-STANDARD)

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

Prior to issuance of building and/or grading permits, the Owner/Applicant shall prepare a Scenic and Conservation Deed to ensure protection of all areas located outside of the newly approved development envelope (PLN160179) in perpetuity. The Conservation and Scenic Easement shall be conveyed to the Del Monte Forest Foundation over the defined area(s). The easement shall be developed in consultation with a certified professional and the Del Monte Forest Foundation. These instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Foundation is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection. An easement deed shall be submitted to the Director of the RMA - Planning Department for review and approval. (RMA - Planning)

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

Prior to issuance of grading and building permits, the Owner/Applicant shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the Del Monte Forest Foundation for review and approval. After the deed is approved by the Del Monte Forest Foundation, the deed shall be submitted to the RMA- Planning Department for review and approval. Once approved, the deed and map showing the approved conservation and scenic easement shall be recorded. Submit a copy of the recorded deed and map to the RMA – Planning Department.

**Before the Director of RMA-Planning
in and for the County of Monterey, State of California**

In the matter of the application of:

CASANOVA 5 SW LLC (PLN160179)

RESOLUTION NO. 16-078

Resolution by the Monterey County Director of
RMA-Planning:

- 1) Finding the project exempt from CEQA per Section 15302 of the CEQA Guidelines; and
- 2) Approving a Coastal Administrative Permit and Design Approval to allow the demolition of an existing 5,392 square foot one-story single family dwelling and construction of an 8,303 square foot two-story single family dwelling; Coastal Administrative Permit to allow development within 750 feet of known archaeological resources; and Coastal Administrative Permit to allow development within environmentally sensitive habitat (Monterey Cypress habitat).

(PLN160179), Casanova 5 SW LLC, 3188 17-Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan (APN: 008-491-012-000)

The Casanova 5 SW LLC application (PLN160179) came on for an administrative hearing before the Monterey County Director of RMA-Planning on March 1, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Director of RMA-Planning finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY / SITE SUITABILITY** - The proposed project and/or use, as conditioned, is consistent with the policies of the Local Coastal Program (LCP) and other County health, safety, and welfare ordinances related to land use development. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). The site is physically suitable for the use proposed.
EVIDENCE:
 - a) No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Pebble Beach Community Services Fire Protection District, RMA-Public Works, RMA-Environmental Services, 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.

EXHIBIT "B" PAGE 6 of 18

- c) Public Access: The subject property is not described as an area where the Local Coastal Program requires public access (Figure 8 of the Del Monte Forest Land Use Plan. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) Design Approval: The subject properties include a "D" (Design Control) zoning overlay, which requires that a Design Approval application be approved prior to issuance of building permit for the construction of any structures in the "D" district (MCC Section 20.44.030). A Design Approval is incorporated in this permit. The project proposal is consistent with the intent and purpose of the "D" district, as the project is consistent with the existing residential development and neighborhood character of the surrounding area. Natural colors and materials are proposed that will assist the project in blending into the natural landscape and existing topography at the site.
- e) Cultural Resources: According to County resource maps, the subject property is located within 750 feet of a known archaeological resource. Pursuant to Section 20.145.120.B.1 of the Coastal Implementation Plan, Part 5, an archaeological survey is required for projects located within 750 feet from a known resources. An archaeological report was prepared for the proposed project by Susan Morley (LIB160263). The report did not identify any of the materials (dark midden soil, fragments of weathered marine shell, flaked or ground stone, bone or bone fragments, fire-affected rock(s), bedrock mortars, etc.) frequently associated with historic and/or prehistoric cultural resources in the area of the proposed construction during the field reconnaissance. No impacts to cultural resources are anticipated because development will occur entirely within the footprint previously disturbed when the existing structures (proposed for demolition) were built. A standard condition of approval has been applied to the project to ensure proper measures are in place in the event resources are uncovered during construction (Condition 3).
- f) Development within the Monterey Cypress Habitat Area: The project site is located within the Monterey Cypress Habitat, which is considered Environmental Sensitive Habitat Area (ESHA). This particular project, however, will not have an effect on the surrounding ESHA, including Monterey Cypress specimens, as the project involves the demolition of the existing single story residence and reconstruction of a two-story single family dwelling within the same footprint. Hardscape coverage will be reduced from 8,048 square feet (existing) to 2,813 square feet (proposed). This reduction in hardscape coverage increases the distance between the development area and the existing Monterey Cypress trees and habitat on the project site and returns that portion of the site to potential habitat area. The project will increase Cypress habitat by approximately 5,300 square feet by reducing the total development footprint. (See page A-0.4 of Attachment A.2). Furthermore, all construction

staging and parking will occur on areas of existing paving/hardscape and will not be located within the Monterey Cypress Habitat area. (See Page CMP of Attachment A.2).

- g) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on September 1, 2016. The LUAC recommended approval of the project as proposed by a vote of 6-0 (2 members absent) (**Attachment C**).
- h) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160179.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA-Planning, Pebble Beach Community Fire Protection District, RMA-Public Works, RMA-Environmental Services, 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) The project involves the demolition of an existing 5,392 square foot one-story single family dwelling and construction of an 8,303 square foot two-story single family dwelling, located in Pebble Beach, where all public services (water, sewer, gas/electric) and facilities (fire/police) are available. The project will be consistent with the maximum development permissible under the Del Monte Forest Land Use Plan and within the LDR(CZ) zoning designations.
 - c) See preceding and following Findings and Evidence.

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

EVIDENCE: Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property.

4. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15302 categorically exempts the replacement or reconstruction of existing structures when the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
 - b) The project involves the demolition of an existing 5,392 square foot

one-story single family dwelling and construction of an 8,303 square foot two-story single family dwelling within the same footprint.

- c) No adverse environmental effects were identified during staff review of the development application.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
- e) See preceding and following Findings and Evidence.

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

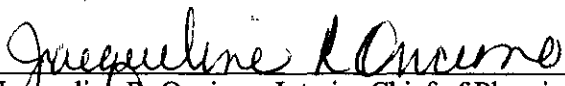
- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance (Board of Supervisors).
 - b) Section 20.86.080.A.1 of the Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project site is located between the sea and the first public road (State Route 1) paralleling the sea.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Director of RMA-Planning does hereby:

- A. Find the project exempt from CEQA per Section 15302 of the CEQA Guidelines; and
- B. Approve a Coastal Administrative Permit and Design Approval to allow the demolition of an existing 5,392 square foot one-story single family dwelling and construction of a 8,303 square foot two-story single family dwelling; Coastal Administrative Permit to allow development within 750 feet of known archaeological resources; and Coastal Administrative Permit to allow development within environmentally sensitive habitat (Monterey Cypress habitat), in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 1st day of March, 2017.


Jacqueline R. Onciano, Interim Chief of Planning
Resource Management Agency

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAR 03 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 **MAR 13 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 Department office in Salinas.

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

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation

Monitoring and Reporting Plan

PLN160179

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

This Coastal Administrative Permit and Design Approval (PLN160179) allows the demolition of an existing 5,392 square foot one-story single family dwelling and construction of a 8,303 square foot two-story single family dwelling, development within 750 feet of a known archaeological resource, and development within environmentally sensitive habitat (Monterey Cypress). The property is located at 3188 17-Mile Drive, Pebble Beach (Assessor's Parcel Number 008-491-012-000), 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 Coastal Administrative Permit (Resolution Number 16-078) was approved by the Interim Chief of Planning for Assessor's Parcel Number 008-491-012-000 on March 1, 2017. The permit was granted subject to 17 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 Prior to the issuance of grading and building permits, certificates of compliance, or
Monitoring commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Action to be Performed: 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 The Owner/Applicant shall adhere to this condition on an on-going basis.
Monitoring

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. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (RMA-Planning)

Compliance or Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

5. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

6. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

7. 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.

8. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on March 1, 2020 unless use of the property or actual construction has begun within this period. (RMA-Planning)

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

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

Responsible Department: RMA-Planning

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

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

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

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

10. 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.

11. 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.

12. 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.

13. 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.

14. WR049 - WATER AVAILABILITY CERTIFICATION

Responsible Department: Water Resources Agency

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

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

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

15. WRSP1 - STORMWATER MANAGEMENT PLAN - DEL MONTE FOREST

Responsible Department: Water Resources Agency

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

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

16. WRSP2 - DRIVEWAY RUNOFF - DEL MONTE FOREST

Responsible Department: Water Resources Agency

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

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

17. WRSP3 - WRA INSPECTION - PRIOR TO FINAL

Responsible Department: Water Resources Agency

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

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

Project plan sheets are omitted from this Exhibit "B" - Resolution 17-014 because the plan sheets do not meet the Monterey County Recorder's standards for recordation in the Official Records of Monterey County when reduced to 8.5" x 11". The omitted plan sheets comprised Exhibit "B" Pages 18 through 37 of the original 37-page Exhibit "B". A complete copy of Resolution 17-014 with all project plan sheets is on file and available for review at the Monterey County Resource Management Agency – Planning Department at 1441 Schilling Place, Salinas, CA 93901.

EXHIBIT "C"

LEGAL DESCRIPTION

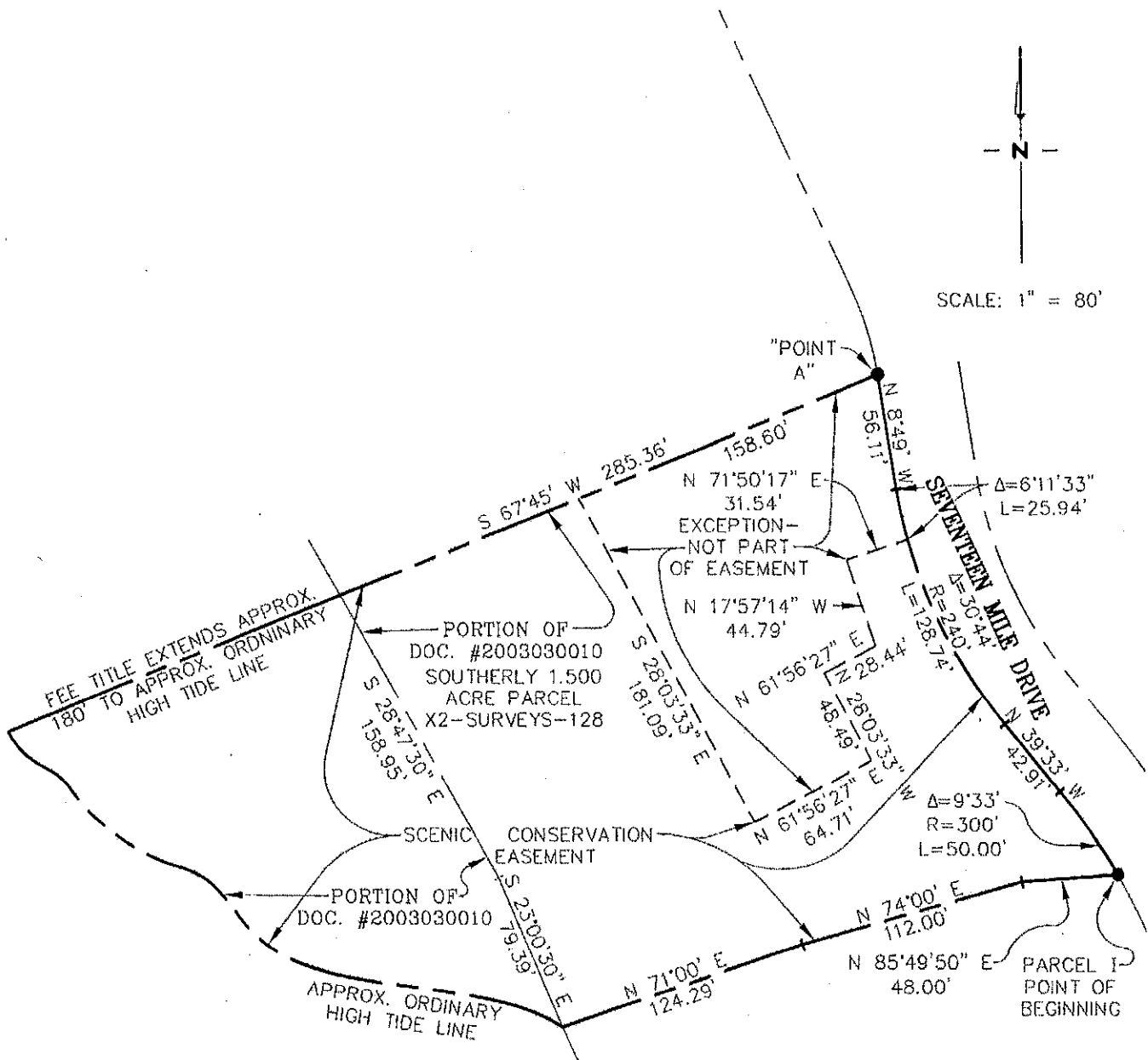
SITUATE IN PEBBLE BEACH IN THE UNINCORPORATED AREA OF
MONTEREY COUNTY, CALIFORNIA,

AN EASEMENT FOR SCENIC & CONSERVATION PURPOSES OVER AND
ACROSS A PORTION OF THE PARCEL DESCRIBED IN THE DEED RECORDED
AS DOCUMENT #2003030010, AND BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

PARCEL I

BEGINNING AT THE MOST EASTERLY CORNER OF THAT CERTAIN 3.661
ACRE PARCEL OF LAND DESCRIBED AS PARCEL NO. 5 IN DEED FROM
HENRY L. SALSBUURY, TRUSTEE, TO JAMES SHEWAN, JR, DATED DECEMBER
11, 1942, AND RECORDED IN VOLUME 786, OFFICIAL RECORDS OF
MONTEREY COUNTY, CALIFORNIA, AT PAGE 279, RUNNING THENCE
NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID PARCEL NO. 5

- 1) 50.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
RADIUS OF 300.00 FEET (CENTER BEARS S. 60°00' W., LONG CHORD
BEARS N. 34°46'30" W., 49.95 FEET); THENCE TANGENTIALLY
- 2) N. 39°33' W., 42.91 FEET; THENCE
- 3) 128.74 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT
HAVING A RADIUS OF 240.00 FEET (CENTER BEARS N. 50°27' E., LONG
CHORD BEARS N. 24°11' W., 127.20 FEET); THENCE TANGENTIALLY
- 4) N. 8°49' W., 56.11 FEET TO A POINT DESIGNATED "POINT A" FOR
REFERENCE; THENCE LEAVING SAID EASTERLY BOUNDARY
- 5) S. 67°45' W., 285.36 FEET TO AN INTERSECTION WITH THE WESTERLY
BOUNDARY OF SAID PARCEL NO. 5; THENCE ALONG SAID WESTERLY
BOUNDARY
- 6) S. 28°47'30" E. 158.95 FEET; THENCE
- 7) S. 23°00'30" E., 79.39 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY
OF SAID PARCEL
- 8) N. 71°00' E., 124.29 FEET; THENCE
- 9) N. 74°00' E., 112.00 FEET; THENCE



NOTE:

ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION OF A SCENIC CONSERVATION EASEMENT OVER AND ACROSS THE PARCEL DESCRIBED IN DOCUMENT #2003030010, BEING THE SOUTHERLY 1.500 ACRE PARCEL AS SHOWN ON THE RECORD OF SURVEY DATED OCTOBER 31, 1960, FILED IN VOL. X-2-SUR-PG. 128, TOGETHER WITH THE LAND BETWEEN SAID 1.500 AC. PARCEL AND THE PACIFIC OCEAN OFFICIAL RECORDS OF MONTEREY COUNTY

PEBBLE BEACH COUNTY OF MONTEREY STATE OF CALIFORNIA

B Y

CENTRAL COAST SURVEYORS

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

SCALE: 1" = 80' JOB No. 15-104 MAY 2017

PREPARER: DRZ

APN 008-491-012

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