

Exhibit E

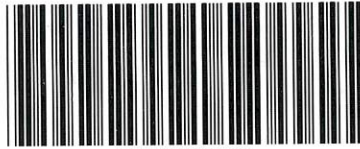
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Joseph F. Pitta
Monterey County Recorder
Recorded at the request of
Attorney

CRBARBARA
7/20/2001
15:44:09

When recorded return to:
**Monterey County Planning and
Building Inspection Department
240 Church Street, Room 116
P. O. Box 1208
Salinas, CA 93901
(408) 755-5025**

DOCUMENT: **2001060384**



2001060384

Titles: 1/ Pages: 16

Fees..... 53.00

Taxes....

Other... 1.00

AMT PAID \$54.00

Space above for Recorder's Use

Owner Name: TESCHER-LEVETT INVESTMENTS, INC.
Permit No: 000489
Applicant Name: TESCHER-LEVETT INVESTMENTS, INC.
Project Planner: Mc CUE

DEED RESTRICTION

I. **WHEREAS**, on this 18th day of July, 192001,
TESCHER-LEVETT INVESTMENTS, INC.,

hereinafter referred to as owner(s), is the record owner of the following real property:

(SEE EXHIBIT A)

_____, and as further set forth in Exhibit "A"
attached hereto and hereby incorporated by reference, hereinafter referred to as "the
subject property"; and

II. **WHEREAS**, Monterey County Board of Supervisors is acting on behalf of
the People of Monterey County; and

III. **WHEREAS**, the owner applied to the Monterey County for a
ADMINISTRATIVE PERMIT for the development on the subject property
described above; and

IV. **WHEREAS**, discretionary development Permit No. 000489 was granted
on MAY 30, 2001 by the ZONING ADMINISTRATOR in

accordance with the provision of the Findings contained in Resolution No. 000489 attached hereto as "Exhibit B", and hereby incorporated by reference; and

V. **WHEREAS**, Administrative discretionary development Permit No. 000489 was subject to the terms and conditions including, but not limited, to the following condition(s) set forth in Exhibit "C", attached herefor, and hereby incorporated by reference.

VI. **WHEREAS**, it is intended that this Deed Restriction is irrevocable and shall constitute enforceable restrictions; and

VII. **WHEREAS**, Owner has elected to comply with the condition imposed by the discretionary development Permit No. 000489 so as to enable owner to undertake the development authorized by the permit.

NOW, THEREFORE, in consideration of the granting of discretionary development Permit No. 000489 to the Owner by Monterey County, the owner hereby irrevocably covenants with Monterey County that there be and hereby is created the following restrictions on the use and enjoyment of said subject property, to be attached to and become a part of the deed to the property. The undersigned owner, for himself/herself and for his/her heirs, assigns, and successors in interest, covenants and agrees to those terms and conditions set forth in Exhibit "C", attached hereto, and hereby incorporated by reference.

If any provision of these restrictions is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the subject property described herein, and to that extent, said deed restriction is hereby deemed and agreed by owner to be a covenant running with the land, and shall bind owner and all his/her assigns or successors in interest.

The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his 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 the property, filing of the final map, 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. (Planning and Building Inspection Department)

Owner agrees to record this Deed Restriction in the Recorder's Office for the County of Monterey as soon as possible after the date of execution.

DATE: 6/18, ~~19~~ 2001

TESCHER-LEVETT INVESTMENTS, INC.

Signed: By: 

CHRIS TESCHER

Print or Type Name of Above

Signed: _____

Print or Type Name of Above

This is to certify that the Deed Restriction set forth above is hereby acknowledged by the Director of the Monterey County Planning and Building Inspection Department pursuant to the action of the ZONING ADMINISTRATOR on MAY 30, 2001 and that Monterey County consents to its recordation thereof.

Dated: 7/13/01
Dale Ellis

Dale Ellis
Planning & Building
Services Manager

APPROVED AS TO FORM:
COUNTY COUNSEL

[Signature] 7/9/01
by Deputy County Counsel

[Signature] 7/12/01
Planning and Building Inspection

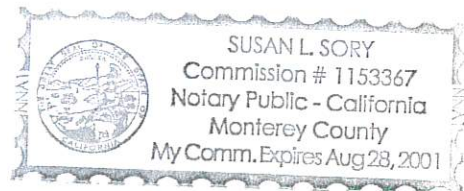
STATE OF CALIFORNIA)
COUNTY OF MONTEREY) SS.

On June 18, 2001 before me, Susan L. Sory, Notary Public, personally appeared CHAS TESCHER

_____, personally known to me (or 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.

WITNESS my hand and official seal.

Signature Susan L. Sory



(Seal)

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

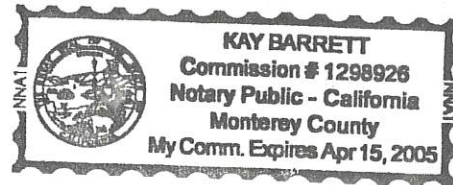
STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

On July 13, 2001 before me, Kay BARRETT, Notary
Public, personally appeared Dale Ellis

_____, personally known to me
(or 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.

WITNESS my hand and official seal.

Signature Ray Barrett



(Seal)

STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

On _____ before me, _____, Notary
Public, personally appeared _____

_____, personally known to me (or 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.

WITNESS my hand and official seal.

Signature _____

(Seal)

EXHIBIT A

Parcel A, in the County of Monterey, State of California, as shown on the map filed September 21, 1971, in Book 1 of Parcels, at page 119, in the Office of the County Recorder of said County.

APN: 008-341-037

EXHIBIT B

DALE ELLIS, AICP
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

NO. 000489

A.P.# 008-341-037-000

In the matter of the application of
Tescher-Levett Investments Inc. (PLN000489)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, for a Coastal Administrative Permit and Design Approval for a 2,200 sq. ft. addition to an existing two-story single family dwelling; the property is located at 1496 Bonifacio Rd, east of Cortez Rd, Pebble Beach, Del Monte Forest Area Land Use Plan, came on regularly for meeting before the Zoning Administrator on May 30, 2001.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The subject Coastal Administrative Permit (PLN 000489), as described in condition #1 of the attached Exhibit "B," and as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 1496 Bonifacio Road in the Del Monte Forest Area of the Coastal Zone. The parcel is zoned "LDR/1.5-D (CZ)" or Low Density Residential, 1.5 acres/ units Design Control District in the Coastal Zone. The site is physically suitable for the use proposed. 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). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: The application and plans submitted for the Coastal Administrative Permit in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The site is located in a low (I) geologically zoned area, while there are faults and fault related features in the area, the site is suitable for the development proposed.

EVIDENCE: An archaeological report prepared by Mary Doane, B.A. and Trudy Haversat, RPA, of Archaeological Consulting, which is contained in the project file, found that there were no significant archaeological resources. Condition #20

has been added to require that work be stopped in the event that any archaeological resources are found on site.

EVIDENCE: Forest management plan prepared by Glenn C. Flamik, dated December 20, 2000. A condition has been added to require implementation of the Forest Management Plan.

EVIDENCE: The project as proposed is consistent with policies of the Del Monte Forest Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed. Staff made a site visit and determined that the project as proposed would not be ridgeline or impact the public viewshed.

EVIDENCE: The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval of the Administrative Permit and Design Approval on December 7, 2000.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

2. **FINDING:** The project is consistent with Section 20.147.030.A.1 limiting structural coverage to 5000 square feet, including main and accessory structures, and impervious surface coverage to 4000 square feet – for a combined maximum coverage of 9,000 sq. ft. in the Pescadero, Seal Rock Creek and Sawmill Gulch Watershed and the smaller unnamed watersheds which drain into the Carmel Bay Area of Special Biological Significance.

EVIDENCE: The project application, including the site plan, contained in file PLN000489 proposes structural coverage of 4,017 square feet and impervious surface coverage of 4,983 square feet.

3. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15301 of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

4. **FINDING:** The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying material was reviewed by the Department of Planning and Building Inspection, applicable Fire Department, Public Works and Parks Departments, Environmental Health Division, and Water Resources Agency. The respective departments and Agency 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 or the County in general.

5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20, and all zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 20.14 and Chapter 20.147 of the Monterey County Coastal Implementation Plan. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

6. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for an Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Coastal Administrative Permit and Design Approval are for a 2,200 sq. ft. addition to an existing two-story single-family dwelling. 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 Planning and Building Inspection. 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.
(Planning and Building Inspection Department)

Prior to issuance of Grading or Building Permits:

2. The property owner agrees as a condition and in consideration of the 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 form 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his 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 the property, filing of the final map, 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. **(Planning and Building Inspection Department)**

3. The applicant shall record a notice which states: "A permit (Resolution 000489) was approved by the Zoning Administrator for Assessor's Parcel Number's 008-341-037-000 on May 10, 2001. The permit was granted subject to 20 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection Department)**
4. Size of letters, numbers and symbols for address shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Pebble Beach Community Services District)**
5. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance visible from both directions of travel along the road. In all cases, the address shall be posed at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Pebble Beach Community Services District)**
6. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is **required on the plans** when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." [Garage Included] **(Pebble Beach Community Services District)**

7. The building(s) shall be fully protected with an automatic alarm system(s). The following notation is required on the plans when a building permit is applied for:
 "The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993." **(Pebble Beach Community Services District)**
8. The applicants shall obtain from the Monterey County Water Resources Agency (MCERA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**
9. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
10. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 2 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection Department)**
11. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
12. All impervious pavers shall conform to County standards of 40 percent or greater open pass-through area. Engineering calculations shall be provided and approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
13. The applicant shall record a deed restriction which states: "That portion of the driveway shown on the approved plans as being pervious shall be installed and maintained as pervious material to allow for permeability of stormwater. At no time shall the material be replaced with an impervious material without the authorization and/or permit approval from the Monterey County Planning & Building Inspection Department and the Pebble Beach Community Services District Fire Department. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection Department)**

14. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Glenn C. Flamik dated December 20, 2000 and is on record in the Monterey County Planning and Building Inspection Department Library, File #PLN000489. All tree removal on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. (Planning and Building Inspection Department)
15. Trees located close to the construction site shall be protected from inadvertent damage from construction equipment by 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 shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
16. Applicant shall include the recommendations from the Erosion Control Report prepared by Neill Engineers Corp. on October 24, 2000 as notes on the building permit plan set. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

17. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**

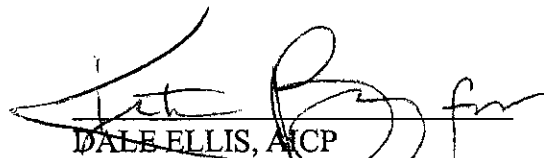
Continuous Permit Conditions:

18. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition and be maintained consistent with the recommendations contained in the forest management plan prepared by Glenn C. Flamik and specifically shown on pages 6 through 9. **(Planning and Building Inspection Department)**
19. If, during the course of construction, cultural, archaeological, historical or palentological resources are uncovered at the site (surface or subsurface resources) work shall be halted

immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection Department)**

20. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Pebble Beach Community Services District)**

PASSED AND ADOPTED this 30th day of May, 2001.


DALE ELLIS, AICP
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON MAY 30, 2001.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE MONTEREY COUNTY PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUNE 11, 2001.

NOTES

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

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

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

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

EXHIBIT C

The driveway shall be installed and maintained as pervious material to allow for permeability of stormwater. At no time shall the material be replaced with an impervious material without the authorization and/or permit approval from the Monterey County Planning & Building Inspection Department and the Pebble Beach Community Services District Fire Department. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use.

A Forest Management Plan has been prepared for this parcel by Glenn C. Flamik dated December 20, 2000 and is on record in the Monterey County Planning and Building Inspection Department Library, File #PLN000489. All tree removal on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection.

1005 - 8 JUL

END OF DOCUMENT