File #: 11-546, **Version:** 1

CONSERVATION & SCENIC EASEMEN┐└►►┌►┘ Conservation and Scenic
Easement Deed
Robert S Enea et al.
PLN07 03 3 3
Board of Supervisors
May 17, 2011

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CONSERVATION & SCENIC EASEMEN┐└──┐─┘When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
168 West Alisal St 2"d Floor
Salinas, CA 93901
831) 755-5025
Space above for Recorder's Use
Permit No.: PLN070333
Resolution No.: 09049
Owner Name: ROBERT S ENEA ET AL
Project Planner: BETTENCOURT
APN: 008-331-007-000
The Undersigned Grantor(s) Declare(s):
DOCUMENTARY TRANSFER TAX OF $ 0
computed on the consideration or full value of
property conveyed, OR
computed on the consideration or full value less
value of liens and/or encumbrances remaining at

time of sale,
unincorporated area; and
X Exempt from transfer tax, Reason: Transfer to
a governmental entity
G/' V t7
Signature of Declarant or Agent
CONSERVATION AND SCENIC EASEMENT DEED
COASTAL)
by and between
THIS DEED made this 14 VAAK o \

ROBERT S. ENEA, CARLA A. ENEA, AND ENEA PROPERTIES COMPANY, LLC as Grantor, and the DEL MONTE FOREST FOUNDATION, 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, the County, 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 said property of the Grantor; and
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CONSERVATION & SCENIC EASEMEN┐└└┘WHEREAS, the California Coastal Act of 1976, hereinafter referred to as the Act") requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program LCP); and
WHEREAS, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and
WHEREAS, a combined development permit Permit No. PLN070333) was granted on November 18, 2009, by the Monterey County Planning Commission in accordance with the provisions of the Staff Recommendation and Findings, attached hereto as Exhibit B" and hereby incorporated by reference, subject in part to the following condition:
Condition #29 To insure the long term protection of sensitive resources, a conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where habitats of rare, endangered and sensitive native plants

exist. 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 prior to issuance of grading and building permits.
WHEREAS, the specific resources being protected are the Monterey pine forest habitat itself and the following listed and sensitive species: Yadon's piperia, Hickman's onion, pine rose, and Monterey pine.
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 Resolution No. 09049 attached hereto as Exhibit C" and hereby incorporated by reference, granted the permit to the Grantor upon condition hereinafter the Condition") requiring inter alia, that the Grantor record a conservation and scenic easement hereinafter easement") over the property as shown in Exhibit D" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on coastal
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CONSERVATION & SCENIC EASEMEN┐└└┘└┘ 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 Grantor is willing to grant to the Del Monte Forest Foundation on behalf of the County of Monterey the conservation and scenic use as herein expressed of the property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the property by the Grantor through the imposition

of the conditions hereinafter expressed;
NOW, THEREFORE, the Grantor does hereby grant and convey unto the Del Monte Forest Foundation on behalf of the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, the County, their successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.
A. LAND SUBJECT TO EASEMENT. The land 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 in Exhibit D", attached hereto, and made a part hereof, hereinafter referred to as the Conservation and Scenic Easement Area". Angle points of easement boundaries shall be permanently marked or monumented with surveyor's pipe or similar prior to commencement of grading so that
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CONSERVATION & SCENIC EASEMEN┐└►│►┘the Conservation and Scenic Easement Area can be easily identified both during and after construction.
B. RESTRICTIONS. The restrictions hereby imposed upon the use of said 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 within or erected upon the Conservation and Scenic Easement Area. No Exceptions.
2. That no advertising of any kind or nature shall be located on or within said Conservation and Scenic Easement Area. No Exceptions.
3. That the Grantor shall make reasonable efforts to maintain and restore the native Monterey pine forest habitat within the Conservation and Scenic Easement Area. Such efforts shall include at least annual treatments to control invasive plants within and adjacent to the Conservation and Scenic Easement Area and shall not plant nor permit to be planted any vegetation upon said Conservation and Scenic Easement Area except plants native to Monterey pine forest habitat and approved by the County and Grantee. No Exceptions.
4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic

changes shall be made. No Exceptions.
5. That no use of Conservation and Scenic Easement Area which will or does materially alter the landscape or other attractive scenic features of said Conservation and Scenic Easement Area 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 and materials and specifications for proposed grading and construction within and immediately adjacent to the Conservation and Scenic Easement Area.
C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement and in consultation with Grantee:

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CONSERVATION & SCENIC EASEMEN┐└──┘1. The right to maintain all existing private roads, bridges, trails and structures within Conservation and Scenic Easement Area.
2. The use and occupancy of said Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.
D. SUBJECT TO ORDINANCES. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the ordinances of the County of Monterey 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 Foundation 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 Foundation 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, the County, and their agents may enter onto the Conservation and Scenic Easement Area to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor. The public may enter onto the Conservation and Scenic Easement Area for scientific research purposes at times reasonably acceptable to the Grantor.
G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Conservation and Scenic Easement Area contrary to the terms of this

offer will be deemed a breach hereof. The Grantee or 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 County may pursue any appropriate legal and equitable remedies. The Grantee or 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 County to enforce the terms and provisions
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CONSERVATION & SCENIC EASEMEN┐└►►►┘hereof in the event of a breach shall not be deemed a waiver of Grantee's or 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 grant of easement.

1. 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 or the County to enter the property is strictly limited to preventing uses inconsistent with the interest granted, the property or Conservation and Scenic Easement Area are 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, the Grantee, and the County whether voluntary or involuntary.
K. CONSTRUCTION OF VALIDITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.
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CONSERVATION & SCENIC EASEMEN┐└►►◘►┘Executed this 10 day of VU IGLrA,- at z~~ California.
Signed: Robert S. Enea
Type or print name of above GRANTOR
Signed:
Carla A. Enea
Type or print name o1above GRANTOR
Signed:
Robert S. Enea, Mefnber of Enea Properties Company, LLC
Type or print name of above-GRANTOR
STATE OF CALIFORNIA
SS.
COUNTY OF-fdtO~`)I:_
On
Notary Public, personally appeared S. J~ne~',_ t I /Lo&,, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/ re
subscribed to the within instrument and acknowledged to me that he/she/ Yxecuted the
same in his/her ei uthorized capacity(ies), and that by his/he~ignature(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.
Seal)
JACKIE FRESE
COMM #1901670 a
Comm. Exp. AUG. 28, 2014
NOTARY PUBLIC CALIFORNIA n
CONTRA COSTA COUNTY
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CONSERVATION & SCENIC EASEMEN┐└►► ►┘This is to certify that a interest in real property conveyed by the deed or grant dated
//_A3,o_G'V from Robert S. Enea, Carla A. Enea, and Enea Properties
Company, LLC to the County of Monterey, a political corpora and/or over mental agency is
hereby accepted by order of the Board of Supervisors on // er
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 and the grantee consents to recordation thereof by its duly
authorized officer.
DATED:
ATTEST:
DATED:
e Parker
Char, Montpre ry County
Document Form/Content Acceptable:
Charles, J. McKee, County Counsel
By:
Type/Print Name: Cynthia L. Hasson
Deputy County Counsel
RMA: Pla g Department
DATED:
By: DATED:
Type/Pri
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Company, LLC to the County of Monterey, a political corpora and/or over mental agency is
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conferred by resolution of the Boaard of S seta adopted on
and the grantee consents to recordation thereof by its duly
authorized officer.
DATED:
ATTEST:
DATED:
Jane Parker
Chair, Monterey County Board of Supervisors
Gail T. Borkowski
Clerk of Said Board
Document Form/Content Acceptable:
Charles, J. McKee, County Counsel

By: r~v,

Type/Print Name: Cynthia L. Hasson
Deputy County Counsel

RMA: Plar)KfrSg Department

71-741141
DATED: 3`a3 I/
DATED: 4111
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CONSERVATION & SCENIC EASEMEN┐└►►
►┘CONSERVATION AND SCENIC EASEMENT DEED
SIGNATURE CONTINUATION PAGE
GRANTEE:
Accepted and Authorized to be Recorded by the Del Monte Forest Foundation:
DEL MONTE FOREST FOUNDATION, INC.
A Nonprofit, California Corporation
By:
Print Name: JC D VER.6AIJ EF c
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)
Dated: f6 A4-- 2-0
On 3 1$- Zo%I before me, PAVL 0- GV2_t_ *' a
Notary Public, personally appeared Z, 0 V F B AP C_ 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.
PAUL D. GULLION
Commission # 1802240
Notary Public California
Monterey County
My Comm. Expires Jun 17, 2012
Seal)

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CONSERVATION & SCENIC EASEMEN┐└►►
►┘Exhibit A
LEGAL DESCRIPTION
Real property in the unincorporated area of the County of Monterey, State of California,
described as follows:
PARCEL 1, AS SHOWN ON THE MAP FILED MARCH 19,1973 IN THE OFFICE OF THE COUNTY
RECORDER OF MONTEREY, STATE OF CALIFORNIA, IN VOLUME 4 OF PARCEL MAPS, AT PAGE

21.
APN: 008-331-007-000

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CONSERVATION & SCENIC EASEMEN┐└►►
►┘EXHIBIT B
MONTEREY COUNTY PLANNING COMMISSION
Meeting: November 18, 2009 Time: 9:00 A.M A enda Item No.: 2
Project Description: Combined Development Pen-nit Consisting of. 1) A Coastal Administrative Permit to allow the construction of a new 4,713 square foot, three-level, single family dwelling with a 619 square foot attached garage and approximately 86 cubic yards of cut and 380 cubic yards of fill; 2) A Coastal Administrative Permit to allow the construction of a new 849 square foot detached senior unit; 3) A Coastal Development Permit to allow removal of 33 Monterey pine Trees; 4) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat Yadon's Piperia); and 5) A Design Approval.
Project Location: 1440 Oleada Road, Pebble Beach APN: 008-331-007-000
Planning File Number: PLN070333 Owner: Robert Enea
Agent: David Prew
Planning Area: Del Monte Forest Land Use Plan Flagged and staked: Yes
Zoning Designation: LDR/1.5-D CZ) Low Density Residential, 1.5 acres per unit with a Design Control Overlay Coastal Zone)]
CEQA Action: Mitigated Negative Declaration
Department: RMA Planning Department
RECOMMENDATION:
Staff recommends that the Planning Commission adopt a resolution Exhibit C) to:
1) Adopt the Mitigated Negative Declaration Exhibit F);
2) Approve PLN070333, based on the findings and evidence and subject to the conditions of approval Exhibit C); and
3) Adopt the Mitigation Monitoring and Reporting Plan Exhibit C-1).
PROJECT OVERVIEW:
The applicant proposes construction of a new 4,713 square foot single family dwelling and 849 square foot senior unit is proposed at 1440 Oleada Road in Pebble Beach. The site is currently undeveloped and contains a stand of Monterey pine trees. The construction of the proposed structures, with associated improvements including the driveway and site grading, requires removal of 33, live, Monterey Pine trees. Six dead trees are also proposed for removal.
During review of the proposed development, potential resource impacts were identified. These include visual resources, archaeological resources, tree resources, and biological resources. The property is located an area mapped as visually sensitive because of its location on a south facing hillside of Pebble Beach that is visible from Carmel State Beach and Point Lobos, both sensitive public viewing areas. The site is also within an area that is mapped as high in archaeological

sensitivity. Biological resources discovered at the site include Monterey Pine trees 33 to be removed), the federally-endangered Yadon's Piperia 16 proposed for removal), Hickman's Onion, and pine rose to be retained).
Due to the potential for impacts to sensitive resources, an Initial Study was prepared. Potential impacts to visual and archaeological resources were found to be less than significant and minor design changes were made, which, in combination with the suggested mitigations, reduce the biological and tree impacts to a less than significant level. See Exhibit B for a more detailed discussion.
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed tl1's
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RMA Public Works Department age- v Pages
Enea PLN070333) Page 1

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CONSERVATION & SCENIC EASEMEN┐└►►►┘Environmental Health Division
Water Resources Agency
Pebble Beach Community Services District PBCSD)
California Coastal Commission
California Department of Fish & Game
Agencies that submitted comments are noted with a check mark Conditions recommended by RMA Planning, Water Resources Agency, and Pebble Beach Fire have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution Exhibit C).
The Enea project was referred to the Del Monte Forest Land Use Advisory Committee LUAC) for review.. On November 1, 2007, the LUAC voted to recommend approval of the project by a vote of 5-0. Two recommendations were suggested including, controlling ground water or storm water runoff) and restricting the use of the senior unit. Standard conditions of approval are recommended to require control of storm-water runoff and to deed restrict the use of the senior unit to those allowed by the Zoning Ordinance Title 20).
Note: The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.
/S/
Craig W. Spencer-,Assistant Planner
831) 755-5233, spencerc@co.monterey.ca.us
October 12, 2009
cc: Front Counter Copy; Planning Commission; Pebble Beach Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Regional Water Quality Control Board; Del Monte Forest Foundation; Laura Lawrence, Planning Services Manager; Craig Spencer, Project

Planner; Carol Allen, Senior Secretary; Robert Enea, Owner; David Prew, Agent;
Planning File PLN070333.
Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
1. Conditions of Approval and Mitigation Monitoring and
Reporting Program
2. Site Plan, Floor Plan and Elevations, Parcel Map, Tentative
Map
Exhibit D Vicinity Map
Exhibit E Land Use Advisory Committee Minutes
Exhibit F Mitigated Negative Declaration
Exhibit G Forest Management Plan
Exhibit H Biological Report
Exhibit I Comment letter from RWOCB
This report was reviewed by Laura Lawrec
ervices Manager
Exhibit
Page f~Pages
Enea PLN070333) Page 2

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CONSERVATION & SCENIC EASEMEN┐└►►►┘EXHIBIT A"
PROJECT DATA SHEET
Planning Commission
November 18, 2009

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CONSERVATION & SCENIC EASEMEN┐└└┤└┘ EXHIBIT A
Project Information for PLN070333
Project Title: ENEA ROBERT S ET AL
Location: 1440 OLEADA RD PEBBLE BEACH Primary APN:
Applicable Plan: Del Monte Forest Land Use Plan Coastal Zone: 008-331-007-000
Yes
Permit Type: Combined Development Permit Zoning: LDR/1.5-D(CZ'
Environmental Status: MND Plan Designation: RESIDENTIAL
Advisory Committee: Del Monte Forest Final Action Deadline 884): 9/24/2008
Project Site Data:

Lot Size: 38,115

Existing Structures sf): 0
Proposed Structures sf): 5562
Total Sq. Ft.: 5562
Coverage Allowed:

Coverage Proposed:
Height Allowed:
Height Proposed:
FAR Allowed:
FAR Proposed:
15%

13%
30FT
3OFT
17.5
14.6
Resource Zones and Reports:
Environm entally Sensitive Habitat: No Erosion Hazard Zone: II[
Biological Report#: LIB090381
Forest Management Rpt. #: LIB090383
Soils Report#: LIB070498
Archaeological Sensitivity Zone: HIGH
Archaeological Report#: LIB070497
Fire Hazard Zone: MODERATE
Geologic Hazard Zone: I
Geologic Report#: N/A
Traffic Report#: N/A
Other Information:
Water Source: PUBLIC
Water Dist/Co: CAL AM
Fire District: PEBBLE BEACH COMMUNITY
Tree Removal: 29/MONTEREY PINE
Sewage Disposal method): SEWER
Sewer District Name: PEBBLE BEAC
Grading cubic yds.): 466.0
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CONSERVATION & SCENIC EASEMEN┐└►►►┘EXHIBIT B
PROJECT DISCUSSION
PLN070333 Enea)

1. PROJECT SETTING AND DESCRIPTION:
Setting
The Enea property is approximately 0.875 acres and is located on Oleada Road in Pebble Beach. The parcel is zoned Low Density Residential 1.5 acres per unit with a Design Control Overlay, in the Coastal zone. Surrounding land use is residential, with established single family structures on neighboring lots. Overall, the site is predominantly disturbed Monterey Pine forest. The under story has been mowed and maintained in the past to reduce fire fuel loads. The underbrush now consists of non-native annual plants, approximately 1,200 Yadon's Piperia, and some isolated native plants including Coast live oak and shaggy-barked manzanitas. There are a fair amount of dead and declining trees on the property that shows evidence of topping sometime in the past.
Project Description
The project entails construction of a new 4,713 square foot two-story single family dwelling with a 619 square foot attached garage and a detached 849 square foot senior unit, 86 cubic yards of cut, 380 cubic yards of fill, removal of 33 live Monterey Pine trees and 6 dead ones, and removal of approximately 16 Yadon's Piperia. Pervious materials are proposed for the driveway access and walkways to the dwelling and senior unit.
II. ANALYSIS
Development Standards
The site is designated for low density residential development LDR/1-D CZ)). Standards for height, lot coverage, setbacks, and floor area ratio FAR) are all met. Additionally, the impermeable surface limitations of the Pescadero watershed are also met. During review of the application, staff identified potential impacts relative to compliance with the Del Monte Forest Land Use Plan policies tree removal, environmentally sensitive habitat, archaeological resources, and visual resources). The following discussion contains an analysis of LUP policy compliance and potential resource impacts associated with the main components and resources affected by the proposed project.
Senior Unit
Senior units are conditionally allowed based on the suitability of the site to allow for the use. Six 6) Monterey pines and six 6) Yadon's Piperia would be removed for the construction of the proposed senior unit. These twelve plants could be retained if the senior unit were eliminated from the project. The project, including the senior unit, has been found to have a less than significant effect on the protected plants at the site, and, as designed, appears appropriately sited. Justification for the senior unit has been submitted by the owner citing a need to provide housing for their parents, who, in return, may still be able to provide caretaker-like services for the property. Senior units are encouraged as an appropriate means of providing affordable housing for seniors. The property is served by the Pebble Beach Sanitary Sewer District, is not within a planned unit area shown on Figure 5 of the Del Monte Forest Land Use Plan and is allowed based on the current dwelling unit/density maximum for the Del Monte Forest Planning area see Finding 7 Evidence f). A standard condition of approval has been incorporated to insure compliance with senior unit standards Condition #13).
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Forest Resource policies within the Del Monte Forest Land Use Plan LUP) and Coastal Implementation Plan Part 5 CIP) require review of project design and siting to minimize removal of trees and vegetative cover LUP Policies 31 34). The subject project would disturb approximately 9,000 square feet of area for the construction of a new single family dwelling, senior unit, and driveway resulting in removal of 33 Monterey pine trees. Removal of 33 Monterey pines is the minimum required for the construction of the proposed improvements in this case. The proposed development was originally sited to minimize tree removal to the maximum extent; however, additional resource constraints e.g. Yadon's Piperia) were identified that required minor modification to the design. Subsequently, the tree removal numbers were increased by a total of 5 trees. In this case, significant development anywhere on the lot would require the removal of protected trees.
The Forest Management Plan FMP) prepared for the project states The driveway and house placement is located to take advantage of current openings in the canopy and to avoid disruption of protected plant species discovered during the biological assessment." It was discovered that the original proposed location of the house was in an area that did not contain large populations of sensitive meaning that only minor changes in siting were needed to further reduce impacts including rotating the orientation of the house slightly to the north and placing the proposed senior unit closer to the proposed dwelling. As the original siting was selected to minimize tree removal, the revised design still accomplishes this objective while also minimizing removal of other protected plant species.
Protection of the federally endangered Yadon's Piperia was given priority to protection of the Monterey pines while still attempting to minimize tree removal. This priority rating is due to the elevated sensitivity of the Piperia plant and the indication in the FMP that the health of the Pines at the site is poor due to past topping, over crowded conditions, and beetle infestation. The stand of pines at the site also lacks in continuity with the surrounding forest which is the result of past development mostly single family dwellings and infrastructure such as roads). Given these criteria, staff has determined that the house and senior unit are adequately located and meet the intent of the LUP Policies 31 through 34 by retaining to the maximum feasible degree the natural forest character and minimizing removal of vegetation.
Six additional dead Monterey pine trees are proposed for removal based on the Forester's recommendations because the trees are dead. According to the Del Monte Forest CIP, removal of native trees or other major vegetation requires a Coastal Development Permit. A waiver or exception can be given to pines that are dead, diseased, or hazardous Section 20.147.050.A.1 CIP). Recommendations contained in the report have been made conditions of approval to protect the trees not proposed for removal Condition 23). Replanting of six 6) Monterey pines at the site is proposed Condition 26). The LUP requires replanting on a 1:1 basis except where it is demonstrated by the forester that a 1:1 replacement will result in an overcrowded, unhealthy environment 20.147.050.D.4 CIP).
Environmentally Sensitive Habitat
Due to the potential for biological impacts stemming from known sensitive species in proximity to the project site and the required tree removal, a biologist was required CIP 20.147.040.A.2). A biological report, prepared by Ed Mercurio dated August 31, 2007, was submitted. That report identified the potential for sensitive resources at the site and recommended seasonal-specific surveys to identify the actual presence and location of any resources that may not have been identifiable at the time of the original report. Surveys were conducted by the biologist in mid-February, mid-April and late May in 2009. Three sensitive species, not previously identified,
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CONSERVATION & SCENIC EASEMEN┐└►►¶►┘ were discovered including many Yadon's rein orchards aka: Yadon's Piperia), one Hickman's onion, and three pine rose plants. These three sensitive plant species are in addition to the Monterey pines identified in the original report.
Tree impacts are discussed above and the biological relevance of the trees themselves are mainly from habitat association. The pine rose and Hickman's onion were found outside the improvement area where they can be preserved during construction.
Of the approximately 1,265 piperia plants were identified, 3 are within the proposed footprint of the new dwelling, 6 are within the proposed footprint of the senior unit, and approximately 7 are within the footprint of the proposed driveway for a total proposed removal of 16 plants. Yadon's Piperia is a federally endangered plant species and is the most common piperia plant in the project vicinity. When the presence of such a large population of plants were discovered on the lot, a meeting at the site was conducted at the site and included Planning Department staff, the applicants, the biologist, and a representative from the California Department of Fish & Game DFG).
Following that meeting, the applicant revised the plan slightly to avoid the plants as much as possible. In consultation with the project biologist, DFG, and U.S. Fish and Wildlife Service, mitigations were identified and incorporated in the Mitigated Negative Declaration. With the mitigations incorporated, impacts to approximately 16 out of approximately 1,265 plants at the site was determined to be less than significant.
The proposed project is consistent with LUP policies 8 through 15 by siting the project to minimize impacts to vegetation, and limiting the development to only the amount needed to construct a new driveway, single family dwelling, and senior unit Policy 14). Mitigations contained in the Mitigated Negative Declaration and required by LUP policy to protect the piperia and it's habitat, including removal of invasive species Policy 15) and dedication of an easement Policy 13) are included in the Conditions and Mitigation Monitoring and Reporting Plan Exhibit C-1).
Archaeological Resources
An archaeological survey is required for all development within the Del Monte Forest CIP Policy 20.147.080.B.1). A Preliminary Cultural Resources Reconnaissance, prepared by Archaeological Consulting, dated July 3, 2007, was submitted for the subject property. No potentially significant resources were discovered or are believed to exist on the property and the project is not within 750 feet of any known archaeological resources. However, lack of surface evidence of archeological resources does not preclude their subsurface existence. To project unforeseen resources, a standard condition of approval is suggested that requires work to stop and the appropriate level of review, by qualified individuals, to be conducted if resources are discovered during construction Condition 3).
Visual Resources
Figure 2C of the Del Monte Forest Land Use Plan LUP) maps the project area as visually sensitive. The mapped area is part of a south facing hillside of the Del Monte Forest that can be viewed across Carmel Bay from Carmel State Beach and Point Lobos State Park. The viewshed from Point Lobos and Carmel State Beach currently consists of a Monterey pine-covered, south facing hillside, highly fractured by structures and the golf course. The subject property, with the orange netting delineating the height and location of the proposed structures, is not readily visible from Point Lobos or Carmel State Beach due to the screening provided by trees between the two locations. Several trees lining the back of the property that faces Point Lobos and Carmel
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Initial Study and Mitigated Negative Declaration
Potential Impacts were identified during review of the project. An Initial Study was prepared for the proposed project and a Mitigated Negative Declaration was circulated from July 30, 2009 to August 31, 2009. The Initial Study IS) identified potential impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, and land use planning. Mitigations were recommended to reduce potential impacts to biological resources to a less than significant level. As mitigated the project was found to have a less than significant impact on the environment.
One comment was received from the California Regional Water Quality Control Board RWQCB) during the Initial Study comment period. The Regional Water Board commented that the Mitigated Negative Declaration MND)/Initial Study failed to address significant cumulative offsite environmental impacts to the Carmel River and concluded that any new connections, or additional diversions of water, from the Carmel River constitutes a cumulatively significant impact to the environment and therefore, an Environmental Impact Report EIR) is required.
Staff reviewed the RWQCB comments extensively and disagreed with their conclusions and the timing and nature of their comments in this case. In reviewing the comments of the RWQCB, key points in staffs initial responses were: first, that RWQCB misplaced their comments toward Cal-Am in this forum which entailed the comment period for the Enea project consisting of an application for a new single family dwelling and senior unit on a legal lot of record; and second, that RWQCB was relying on findings in a draft order that had not been adopted or vetted yet. Both of these initial responses from staff have been proven accurate given the State Water Board adoption of a new cease and desist order that clearly exempted Pebble Beach Water granted pursuant to the Carmel Area Wastewater District Water Reclamation Project, contrary to the draft findings that RWQCB was relying upon in their comment letter. Staff has talked with RWQCB staff and has requested a letter from RWQCB revising their position that an EIR is required for the Enea project. As of the drafting of this report the no letter is available.
The process and regulatory framework aside, staff contends that the subject MND was prepared in compliance with CEQA. The water source for the proposed development was identified and found to have no impact. This determination was made in reliance upon the permit issued by the appropriate authority MPWMD Permit Number 74) and based on the certified Water Reclamation Project EIR that contemplated this water source with related impacts. In other words, the impacts of the proposed water source have been pre-mitigated as evidenced by the permit and the certified EIR. This is consistent with Section 15162 of CEQA which states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence that major changes are required from the original EIR. In light of the RWQCB comments, County staff has determined that no subsequent EIR is required, based on substantial evidence in the record, including the Water Reclamation project EIR, Monterey Peninsula Water Management District MPWMD) Rules and Ordinances, the issued Water Use Permit, and the recent State Water Board action to recognize and exempt Pebble Beach water entitlements from the cease and desist order.

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CONSERVATION & SCENIC EASEMEN┐└►►│►┘EXHIBIT C
DRAFT RESOLUTION
Before the Planning Commission in and for the
County of Monterey, State of California
In the matter of the application of:
Robert Enea PLN070333)
RESOLUTION NO.
Resolution by the Monterey County Planning
Commission:
1) Adopting the Mitigated Negative Declaration;
2) Approving the Combined Development Permit
Consisting of. 1) A Coastal Administrative
Permit to allow the construction of a new 4,713
square foot, three-level, single family dwelling
with a 619 square foot attached garage and
approximately 86 cubic yards of cut and 380
cubic yards of fill; 2) A Coastal Administrative
Permit to allow the construction of a new 849
square foot detached senior unit; 3) A Coastal
Development Permit to allow removal of 33
Monterey pine Trees; 4) A Coastal Development
Permit to allow development within 100 feet of
environmentally sensitive habitat Yadon's
Piperia); and 5) A Design Approval; and
3) Adopting the Mitigation Monitoring and
Reporting Plan
PLN070333, Enea, 1440 Oleada Road, Pebble Beach,
Del Monte Forest Land Use Plan APN: 008-331-
007-000)
The Enea application PLN070333) came on for public hearing before the Monterey County Planning Commission on November 18, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:
FINDINGS
1. FINDING: CONSISTENCY The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) Plan Conformance During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
the Monterey County General Plan,
Del Monte Forest Land Use Plan, EE ibit
Coastal Implementation Plan Part 5, Page ii of / Page;
Monterey County Zoning Ordinance Title 20)
No conflicts were found to exist. No communications were received
Enea PLN070333) Page 7

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CONSERVATION & SCENIC EASEMEN┐└►►►►┘during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
b) Zoning Consistency The property is located at 1440 Oleada Road, Pebble Beach Assessor's Parcel Number 008-331-007-000), Del Monte Forest Land Use Plan. The parcel is zoned Low Density Residential, 1.5 acres per unit, with a Design Control Overlay, in the Coastal Zone LDRI1.5-D CZ)], which allows single family dwellings and senior units as principally permitted uses subject to a Costal Administrative Permit in each case. Therefore, the project is an allowed land use for this site.
c) Design Control Zoning at the site includes a Design Control Overlay or D" district which requires review of proposed development for the overall design concept including colors and materials. The proposed colors are similar to those previously permitted in the area including a light beige stucco body, clay tile roofing, and some stone veneer.
d) Site Visits The project planner conducted a site inspection on August 13, 2008 and March 24, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
e) Senior Unit The subject project meets the regulations, standards and circumstances for a senior unit size, height, public sewer and water, and setbacks). See Finding 7 for more detail.
f) Tree Removal The project minimizes tree removal in accordance with applicable goals and policies of the Del Monte Forest Land Use Plan. See Finding 9.
g) Sensitive Habitat The project has been sited and designed to minimize. impacts to environmentally sensitive habitat at the site. See Finding 8.
h) Viewshed The project site is within the area mapped in the Del Monte Forest Land Use Plan as visible from Point Lobos State Park across Carmel Bay Figure 2C). Due to screening from existing trees and topography, the proposed house and senior unit will not impact the viewshed from Point Lobos or Carmel State Beach.
i) Archaeological Resources The area is a high archaeological sensitivity zone. An archaeological report prepared for the project by Archaeological Consulting dated July 3, 2007 concluded that there was no surface evidence of potentially significant resources at the site and that the project should not be delayed for archaeological reasons. Conditions will be included to ensure that previously unidentified resources are not significantly impacted if they are discovered during construction Condition #3).
j) LUAC The project was referred to the Del Monte Forest Land Use Advisory Committee LUAC) for review. On November 1, 2007, the LUAC unanimously recommended approval of the project by a vote of 5-0. Two concerns were expressed including ground water control/runoff and the use of the senior unit. Conditions are included to restrict the use of the senior unit to those permitted by the zoning code and to retain storm water on site according to an approved plan prepared by a registered civil engineer Conditions 13 & 17).
k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development found in Project File Exhibit PLN070333. i0
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CONSERVATION & SCENIC EASEMEN┐└└┤└┘2. FINDING: SITE SUITABILITY The site is physically suitable for the use proposed.
EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA Planning Department, Pebble Beach Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
Preliminary Archaeological Reconnaissance" LIB070498) prepared by Archaeological Consulting, Salinas, CA, July 3, 2007.
Geotechnical & Geoseismic Report" LIB070497) prepared by Grice Engineering and Geology Inc, Salinas, CA, July 2005.
Biological Survey" LIBO 70502) prepared by Ed Mercurio, Salinas, CA, August 31, 2007.
Spring Biological Survey" LIB090381) prepared by Ed Mercurio, Salinas, CA, May 26, 2009.
Forest Management Plan" LIB090382) prepared by Frank Ono, Pacific Grove, CA, February 25, 2008.
Forest Management Plan LIB090383) prepared by Frank Ono, Pacific Grove, CA, June 25, 2009.
c) Staff conducted a site inspection on August 13, 2008 and March 24,. 2009 to verify that the site is suitable for this use.
d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development found in Project File PLN070333.
3. FINDING: HEALTH AND SAFETY The establishment, maintenance, or operation-of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
EVIDENCE: a) The project was reviewed by RMA Planning Department, Pebble Beach Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

b) Necessary public facilities are available including water purchased from the Pebble Beach Company 0.5 acre feet), sewer services. provided by the Pebble Beach Community Services District who carries the sewage to the Carmel Area Wastewater District, and electric and gas utilities Enea PLN070333) Page 9

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CONSERVATION & SCENIC EASEMEN┐└►►►┘from PG&E.
c) Preceding findings and supporting evidence for PLN070333.
4. FINDING: NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
EVIDENCE: a) Staff reviewed Monterey County RMA Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
b) Staff conducted a site inspection on August 13, 2008 and March 24, 2009 and researched County records to assess if any violation exists on the subject property.
c) There are no known violations on the subject parcel.
d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070333.
5. FINDING: CEQA Mitigated Neg Dec) On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
EVIDENCE: a) Public Resources Code Section 21080.d and California Environmental Quality Act CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference PLN070333).
c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative

Declaration.
d) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetic resources, air quality, biological resources, cultural' resources, geology and soils, and land use planning.
e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as Exhibit 1. The applicant must enter into an Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval Condition 6)
f) The Draft Mitigated Negative Declaration MND") for PLN070333 was prepared in accordance with CEQA and circulated for public review from July 30, 2009 through August 31, 2009 SCH#:
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CONSERVATION & SCENIC EASEMEN┐└►►◄◄┘Enea PLN070333)
2009071107).
g) Evidence that has been received and considered includes: the application, technical studies/reports see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings as applicable). These documents are on file in the RMA-Planning Department PLN070333) and are hereby incorporated herein by reference.
h) Staff analysis contained in,the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports Yadon's Piperia. For purposes of the Fish and Game Code, the project will have a significant adverse impact on, the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be

required to pay the State fee of $1,993.00 plus a fee of $50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination NOD).
i) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.
j) One comment was received during the comment period from July 30, 2009 through August 31, 2009. The Regional Water Quality Control Board RWQCB) suggested that the Mitigated Negative Declaration MND)/Initial Study failed to address significant cumulative offsite environmental impacts to the Carmel River. They supported their comments by saying that new diversions of water, in the form of new connections in the Cal-Am services district, violate Order WR 95-10 and the pending draft cease and desist order against Cal-Am. Staff considered the comments and maintains that the NIND is adequate and no EIR is required. RWQCB comments tie the Pebble Beach Company to the responsibility of Cal-Am for reduction in pumping from the Carmel River through the water reclamation project and Order WR 95-10. They fail to adequately describe and support with evidence there interpretation on the water reclamation project and the 365 acre feet of water per year granted to the Pebble Beach Company. The subject MND relied on Monterey Peninsula Water Management District's MPWMD) Water Use Permit and the history behind the reclamation project that includes a certified. EIR. That EIR contemplated the use of this water and its associated environmental effects. Pursuant to Section 15162 of CEQA, when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence, that major changes are required from the original EIR. RWQCB comments and contentions rest heavily on findings in a draft pending cease and desist order which, were overturned by the
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CONSERVATION & SCENIC EASEMEN┐└──┘ State Water Board on October 20, 2009. Given this decision by the State Water Board and the substantial evidence in the record, including a certified EIR, MPWMD Ordinances 39 and 109 which have been fully vetted and accepted for more than 5 years, and the Water Use Permit issued ministerially pursuant to the above-mentioned environmental documentation and operating laws, the no effect

determination made in the Enea MND is supported by the evidence and the law. There have been no substantial changes in circumstances that require major revisions to the certified EIR and no new effects have been identified that were not previously considered in the Water Reclamation project EIR.
k) Responses to comments received on the revised Initial Study contains information clarifying and amplifying information in the Mitigated Negative Declaration. No new significant impacts have been identified. Recirculation of the Initial Study is not required because the new information merely clarifies and amplifies information in the Initial Study.
1) There is no fair argument supported by substantial evidence the project would have a significant effect on the environment or that the mitigations suggested are inadequate to reduce potential impacts to a less than significant level. Potential impacts that were identified were mitigated or conditioned to reduce impacts to a less than significant level. The proposed water source was evaluated in a certified EIR and no substantial evidence requiring subsequent environmental review pursuant to Section 15162 of CEQA has been presented. Therefore, an ER is not required in this case.
m) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
6. FINDING: PUBLIC ACCESS The project is in conformance with the public access and recreation policies of the Coastal Act specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
EVIDENCE: a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Land Use Plan.
c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070333.
e) The project planner conducted a site inspection on August 13, 2008 and March 24, 2009.
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CONSERVATION & SCENIC EASEMEN┐└►►►┘f) Although the project is located between the sea and the first public road
Highway 1), the subject parcel is well inland from the coast, is located
in a residentially-zoned area, and essentially constitutes infill
development of a currently vacant lot.
7. FINDING: SENIOR UNIT The subject project meets the regulations, standards
and circumstances for senior units in accordance with the applicable
goals, policies, and regulations of the applicable area plan and zoning
codes.
EVIDENCE: a) That the establishment of the senior unit will not, under the
circumstances of the particular application, be detrimental to the health,
safety, peace, morals, comfort and general welfare of persons residing
or working in the neighborhood or to the general welfare of the County.
Finding 3)
b) The subject property upon which the senior unit is to be built is in
compliance with all rules and regulations pertaining to zoning uses,
subdivisions and any other applicable provisions of this Title. All
standards for height, setbacks, lot coverage, floor area, and Pescadero
watershed coverage limitations are met.
c) That adequate sewage disposal and water supply facilities exist or are
readily available, as approved by the Director of Environmental Health.
Water will be served by CalAm through the Pebble Beach Community
Services District and sewer will be provided by Carmel Area
Wastewater District CAWD) also through the Pebble Beach
Community Services District. A copy of the Monterey Peninsula Water
Management District Water Use Permit" demonstrating the availability
of 0.5 acre feet of water for use at the site is on file in the RMA-
Planning Department PLN070333) and is hereby incorporated herein.
by reference.
d) That the proposed senior unit will not adversely impact traffic
conditions in the area. The new house and senior unit are within the
build-out numbers considered in the Del Monte Forest Land Use Plan
see evidence f below). In addition, regional traffic impact fees are
assessed on the construction of new dwelling units based on the
Transportation Agency for Monterey County TAMC) nexus study
Condition 16). These fees are applied to needed regional traffic
projects that would alleviate congested or hazardous road conditions in
the general project vicinity.
e) The application, plans and supporting materials submitted-by the project
applicant to the Monterey County Planning Department for the
proposed development are found in Project File PLN070333.
f) Senior Units shall be subject to the overall buildout in Del Monte Forest
as defined by Table A in the Del Monte Forest Land Use Plan. Staff has
determined that adequate density exists in the Del Monte Forest Area
for the proposed project based on staffs review of maximum allowed
densities, current zoning designations, total acreages within each zoning
classification, number of units allowed, number of buildable lots,
number of existing vacant lots, and number of existing caretaker and
senior units. The most current information indicates that approximately
789 unit credits" remain in the Del Monte Forest Coastal Zone area.
The proposed project is outside the areas designated by Table A of the
Enea PLN070333) Page 13

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CONSERVATION & SCENIC EASEMEN┐└►◄┘ Del Monte Forest LUP for residential planned development densities.
8. FINDING: ESHA The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
EVIDENCE: a) The project includes application for development within 100 feet of environmentally sensitive habitat areas ESHA). In accordance with the applicable policies of the Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
b) The Del Monte Forest Land Use Plan contains policies 8-30a) that are intended to protect, promote, maintain, and where possible enhance and restore environmentally sensitive habitat areas. Applicable planning policies relative to the subject development project include: identification of species and habitat by a qualified biologist Policy 13), careful siting and design of development to avoid impacts to the maximum extent Policy 9), and long-term protection of resources through permanent conservation easements Policy 14).
c) The Enea property was surveyed by a qualified biologist to determine the location and extent of any environmentally sensitive habitat. Four species maintaining a protected status were identified during the biologist's surveys. Those species include numerous Monterey pine trees, one Hickman's onion, three individuals of pine rose, and approximately 1,265 Yadon's Piperia plants. All of these plant species maintain a California Native Plant society IB listing, meaning they are rare, threatened or endangered in California and elsewhere. In addition, the Yadon's Piperia is a Federally-listed endangered species. The plants were located and staked at the property.
d) Based on the locations of the resources at the site, minor modifications were made to the siting of the proposed structures in order to avoid direct impacts to the identified species at the site to the maximum extent. Given the revised design, removal of 33 Monterey pine trees, and approximately 16 Yadon's Piperia are required for the construction of the proposed improvements. The location of the driveway and structures takes advantage of openings in the tree canopy at the site which also happens to correspond with an area containing a significantly lower population of Yadon's Piperia than other areas on the site. The Hickman's onion and pine rose are located outside the development footprint and are expected to be protected and maintained.
e) Conditions and mitigations are recommended to ensure maximum protection of resources at the site including the use of temporary construction fencing, tree replacement planting, biological monitoring, and granting of a conservation easement in the front of the property where the distribution of Yadon's Piperia plants is most dense Conditions 24, 26, 27, 28, & 29).
f) The project planner conducted a site inspection on August 13, 2008 and March 24, 2009 to verify ESHA locations and potential project impacts to ESHA.
g) In consultation with United States Fish & Wildlife Services USFWS)

and the California Department of Fish & Game DFG), no take permits
or Habitat Conservation Plan HCP) is required for impacts to the
Enea PLN070333) Page 14

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CONSERVATION & SCENIC EASEMEN┐└►►►┘federally-listed plant species.
h) Due to the density and distribution of Yadon's Piperia and Monterey pines at the site, development anywhere on the subject property would likely require impacts to these resources. The proposed development achieves the goals and policies of the Del Monte Forest Land Use Plan by minimizing impacts to sensitive species through appropriate siting and design. A good ratio of impacted plants to preserved plants has also been achieved. Because of the low ratio of impacted plants to preserved plants and given the recommended mitigations, the impacts of the development on ESHA were determined to be less than significant.
i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070333.
9. FINDING: TREE REMOVAL The subject project minimizes tree removal in accordance with the applicable goals and policies of the applicable land use plan and the Coastal Implementation Plan.
EVIDENCE: a) The project includes application for the removal of 33 Monterey pine trees. In accordance with the applicable policies of the Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
b) The Del Monte Forest Land Use Plan LUP) contains policies 31-39 intended to preserve the forested character of the Del Monte Forest for its many beneficial environmental qualities. The applicable policies try to accomplish this goal by requiring conformance with interrelated resource protection policies including marine resources, environmentally sensitive habitat, and visual resources Policy 31), minimizing removal of trees and vegetative cover and protecting trees not proposed for removal Policy 34), and appropriate siting and design of driveways with simple and direct access and replacement planting on a one to one basis where appropriate Policy 36).
c) Conformance with Environmentally Sensitive Habitat Policies related to the forest and habitat resources is described in Finding 8 with supporting evidence. Visual resource policies are addressed in Finding 1 Evidence h). As designed, conditioned, and mitigated, the project will

not have an impact on marine resources.
d) Forest Management Plan were prepared by Frank Ono for the property and the proposed development as amended. A condition of approval has been implemented requiring the applicant to record a notice stating that a Forest Management Plan has been prepared and any tree removal shall be in accordance with the approved plan 20.147.050.D.7 CIP).
Condition 11)
e) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots Condition 8). Additional protection measures in the form of a mitigation measure are suggested to ensure protection of trees and other sensitive plant species at the site
Conditions 24).
f) Originally, the project was designed and sited to minimize the removal of protected trees to the greatest extent feasible. Subsequently, other
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CONSERVATION & SCENIC EASEMEN┐└►► ►┘ sensitive species including the Federally endangered Yadon's Piperia were discovered at the site and minor design changes were made to protect the more sensitive, by designation, Piperia plants. The design changes were minor because the area where the structures were originally proposed turned out to be the most appropriate to avoid impacts to Yadon's Piperia in addition to Monterey pine trees. The changes made included moving the proposed senior unit closer to the proposed residence and realigning the driveway still simple and direct). These changes increased the number of pines to be removed by 5; however, given the circumstances, including the other protected species at the site, the proposed siting and design minimize impacts to native trees consistent with the goals and policies of the LUP.
g) Replanting on. a 1:1 basis was determined to be inappropriate in this case because of overcrowding of pines and because replanting pine trees could impact other sensitive plant species at the site. The project biologist recommended replanting 6 Monterey pines at the site in openings where competition from other trees and impacts to piperia plants can be avoided.
h) Staff conducted a site inspection on August 13, 2008 and March 24, 2009 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.

i) The application, plans and supporting materials submitted by the project
applicant to the Monterey County Planning Department for the
proposed development are found in Project File PLN070333.
10. FINDING: APPEALABILITY The decision on this project maybe appealed to the
Board of Supervisors and the California Coastal Commission
EVIDENCE: a) Section 20.86.030 of the Monterey County Coastal Implementation
Plan Part 1 Board of Supervisors).
b) The project may be appealed to the California Coastal Commission
pursuant to Section 20.86.080 of the Monterey County Coastal
Implementation Plan Part 1 because the site is located between the sea
Pacific Ocean) and the first public road paralleling the sea Highway
1). In addition the project involves conditional uses including
development with 100 feet of environmentally sensitive habitat, tree
removal, and a senior unit.
DECISION
NOW, THEREFORE, based on the above findings and evidence, the Planning Commission
does hereby:
A. Adopt the Mitigated Negative Declaration;
B. Approve a Combined Development Permit Consisting of. 1) A Coastal
Administrative Permit to allow the construction of a new 4,713 square foot, three-
level, single family dwelling with a 619 square foot attached garage and
approximately 86 cubic yards of cut and 380 cubic yards of fill; 2) A Coastal
Administrative Permit to allow the construction of a new 849 square foot detached
senior unit; 3) A Coastal Development Permit to allow removal of 33 Monterey Pine
Trees; 4) A Coastal Development Permit to allow development within 100 feet of
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CONSERVATION & SCENIC EASEMEN┐└►!►┘ environmentally sensitive habitat Yadon's Piperia); and 5) A Design Approval, in general conformance with the attached sketch Exhibit 2) and subject to the
conditions Exhibit 1), both exhibits being attached hereto and incorporated herein by
reference.
C. Adopt the Mitigation Monitoring and Reporting Program Exhibit 1)
PASSED AND ADOPTED this 18th day of November, 2009 upon motion of
seconded by by the following vote:
AYES
NOES:
ABSENT:
ABSTAIN:
Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON
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
THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT 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 the Monterey County Planning Department and Building Services Department office in Salinas.
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CONSERVATION & SCENIC EASEMEN┐└►►"►┘2. This permit expires 4 years after the above date of granting thereof unless construction or use is
started within this period.
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CONSERVATION & SCENIC EASEMEN┐└##┘RESOLUTION EXHIBIT 1 Project Name: Robert Enea
Monterey County Resource Management Agency
File No: PLN070333
APN: 008-331-007-000
Planning Department
Approved by: Planning Commission
Date: November 18,
2009
Condition Compliance and/or Mitigation Monitoring
Reporting Plan
*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.
MW
Planning Department
PD001- SPECIFIC USES ONLY
This Combined Development Permit PLN070333)
allows 1) A Coastal Administrative Permit to allow the
construction of a new 4,713 square foot, three-level,
single family dwelling with a 619 square foot attached
garage and approximately 86 cubic yards of cut and 380
cubic yards of fill; 2) A Coastal Administrative Permit
to allow the construction of a new 849 square foot
detached senior unit; 3) A Coastal Development Permit
Adhere to conditions and uses specified
in the permit.
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 the RMA Planning
Department.
Owner/
Applicant
RMA-
Planning
Ongoing
unless
otherwise
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CONSERVATION & SCENIC EASEMEN┐└►►$►┘ to allow removal of 33 Monterey pine Trees; 4) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat Yadon's Piperia); and 5) A Design Approval. The property is located at 1440 Oleada Road, Pebble Beach Assessor's Parcel Number 008-331-007-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. RMA-Planning Department)
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PDO02 NOTICE-PERMIT APPROVAL
The applicant shall record a notice which states: A permit Resolution was approved by the Planning Commission for Assessor's Parcel Number 008-331-007-000 on November 18, 2009. The permit was granted subject to 29 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA Planning Department." RMA-Planning Department)
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.
Obtain appropriate form from the RMA-Planning Department.

The applicant shall complete the form
and furnish proof of recordation of this
notice to the RMA Planning
Department.
Owner/
Applicant
RMA-
Planning
Prior to the
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PDO03(A) CULTURAL RESOURCES
NEGATIVE ARCHAEOLOGICAL REPORT
If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site surface or subsurface resources) work shall be halted immediately within 50 meters 165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA Planning 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. RMA Planning

Department)
Stop work within 50 meters 165 feet) of uncovered resource and contact the Monterey County RMA Planning Department 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.
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Owner/
Applicant/
Archaeo-
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4. PDO04 INDEMNIFICATION AGREEMENT Submit signed and notarized Owner/ Upon
The property owner agrees as a condition and in
The Indemnification Agreement to the Applicant demand of
consideration of the approval of this discretionary Director of RMA Planning Department County
development permit that it will, pursuant to agreement for review and signature by the County. Counsel or
and/or statutory provisions as applicable, including but not concurrent
limited to Government Code Section 66474.9, defend, Proof of recordation of the with the
indemnify and hold harmless the County of Monterey or Indemnification Agreement, as outlined, issuance of
its agents, officers and employees from any claim, action shall be submitted to the RMA building
or proceeding against the County or its agents, officers or Planning Department. pennits,
employees to attack, set aside, void or annul this approval, whichever
which action is brought within the time period provided occurs first
for under law, including but not limited to, Government and as
Code Section 66499.37, as applicable. The property applicable
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. RMA Planning
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5.
PDO05 FISH AND GAME FEE-NEG DEC/EIR
The applicant shall submit a check,
Owner/ in
Wit
Pursuant to the State Public Resources Code 753.5, State payable to the County of Monterey, to the Applicant working
Fish and Game Code, and California Code of Regulations, Director of the RMA Planning days of
the applicant shall pay a fee, to be collected by the Department. project
County, within five 5) working days of project approval. approval.

This fee shall be paid before the Notice of Determination If the fee is not paid within five 5) Owner/ Prior to
is filed. If the fee is not aid within five O 5 working days,
p
working days, the applicant shall submit
Applicant
issuance of
the project shall not be operative, vested or final until the
p
a check, payable to the County of
building or
filing fees are paid. RMA Planning Department) Monterey, to the Director of the RMA grading
Planning Department. permits
6. PDO06 MITIGATION MONITORING PROGRAM 1) Enter into agreement with the Owner/ Within 60
The applicant shall enter into an agreement with the County to implement a Mitigation Applicant days after
County to implement a Mitigation Monitoring and/or Monitoring Program. project
Reporting Plan in accordance with Section 21081.6 of the approval or
California Public Resources Code and Section 15097 of 2) Fees shall be submitted at the time prior to the
Title 14, Chapter 3 of the California Code of Regulations. the property owner submits the signed issuance of
Compliance with the fee schedule adopted by the Board mitigation monitoring agreement. grading
of Supervisors for mitigation monitoring shall be and
required and payment made to the County of Monterey building
at the time the property owner submits the signed permits,
mitigation monitoring agreement. RMA Planning whichever
Department) occurs
first.
7. PDO07 GRADING-WINTER RESTRICTION Obtain authorization from the Director of Owner/ Ongoing
No land clearing or grading shall occur on the subject RMA Building Services Department to Applicant
parcel between October 15 and April 15 unless authorized conduct land clearing or grading between
by the Director of RMA Building Services Department. October 15 and April 15.
RMA Planning Department and Building Services
Department)
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8. PD011- TREE AND ROOT PROTECTION Submit evidence of tree protection to Owner/ Prior to the
Trees which are located close to the construction site(s) the RMA Planning Department for Applicant issuance of
shall be protected from inadvertent damage from review and approval. grading
construction equipment by fencing off the canopy and/or
driplines and/or critical root zones whichever is greater) building
with protective materials, wrapping trunks with protective permits
materials, avoiding fill of any type against the base of the Submit on-going evidence that tree Owner/ During
trunks and avoiding an increase in soil depth at the feeding protection measures are in place Applicant/ Construc-
zone or drip-line of the retained trees. Said protection, through out grading and construction Arborist tion
approved by a certified arborist, shall be demonstrated phases. If damage is possible, submit
prior to issuance of building permits subject to the an interim report prepared by a
approval of the RMA Director of Planning. If there is certified arborist.
all work must stop in the area
any potential for damage

and a report, with mitigation measures, shall be submitted Submit photos of the trees on the Owner/ Prior to
by a certified arborist. Should any additional trees not property to the RMA Planning Applicant final
included in this permit be harmed, during grading or Department after construction to inspection
construction activities, in such a way where removal is document that tree protection has been
required, the owner/applicant shall obtain required successful or if follow-up remediation
permits.(RMA Planning Department) or additional permits are required.
9. PDO14(A) LIGHTING EXTERIOR LIGHTING Submit three copies of the lighting Owner/ Prior to the
PLAN plans to the RMA Planning Applicant issuance of
All exterior lighting shall be unobtrusive, down-lit, Department for review and approval. building
harmonious with the local area, and constructed or located Approved lighting plans shall be permits.
so that only the intended area is illuminated and off-site incorporated into final building plans.
glare is fully controlled. The applicant shall submit 3
copies of an exterior lighting plan which shall indicate the
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on, type, an
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catalog sheets for each fixture. The lighting shall comply The lighting shall be installed and Owner/ Prior to
with the requirements of the California Energy Code set maintained in accordance with the Applicant Occupancy
forth in California Code of Regulations, Title 24, Part 6. approved plan. /Ongoing
The exterior lighting plan shall be subject to approval by
the Director of the RMA Planning Department, prior to
the issuance of building permits. RMA Planning
Department)
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12.
PDO16 NOTICE OF REPORT
Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: A Biological report has been prepared for this parcel by Ed Mercurio, dated May 26, 2009 and is on record in the Monterey County RMA Planning Department, Library No. LIB0903 81. All development shall be in accordance with this report." RNA Planning Department)
PDO16(A) NOTICE OF REPORT
Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: A Forest Management Plan has been prepared for this parcel by Frank Ono, dated June 25, 2009 and is on record in the Monterey County RMA Planning Department, Library No. L113090383. All development shall be in accordance with this report." RMA Planning Department)

PDO16 B)- NOTICE OF REPORT
Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: A Geotechnical and Geoseismic report has been prepared for this parcel by Grice Engineering and Geology Inc., dated July 2005 and is on record in the Monterey County RMA Planning Department, Library No. LIB070497. All development shall be in accordance with this report." RMA Planning Department)
Proof of recordation of this notice shall be furnished to the RMA Planning Department.
Submit proof that all development has been implemented in accordance with the report to the RMA Planning Department for review and approval.
Proof of recordation of this notice shall be furnished to the RMA Planning Department.
Prior to the issuance of grading and building permits.
Prior to the issuance of grading and building permits.
Submit proof that all development has been implemented in accordance with the report to the RMA Planning Department for review and approval.
Proof of recordation of this notice shall be furnished to the RMA Planning Department.
Owner/ Applicant
Prior to the issuance of grading and building permits.
Submit proof that all development has been implemented in accordance with the report to the RMA Planning Department for review and approval.
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Owner/ Applicant
Prior to Occupancy

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CONSERVATION & SCENIC EASEMEN┐└**┘13.
PD020(B) DEED RESTRICTION SENIOR
CITIZEN UNIT COASTAL)
The applicant shall record a deed restriction stating the regulations applicable to a Senior Citizen Unit as follows:
An attached senior citizen unit shall not exceed 700 square feet. A detached senior citizen unit shall not exceed 850 square feet.
The senior citizen unit shall not be occupied by more than 2 persons, 1 of whom shall be sixty years of age or handicapped.
Not more than 1 senior citizen unit shall be permitted on any lot or parcel.
The senior citizen unit shall conform with all of the zoning and development standards of the zoning district which governs the lot.
The senior citizen unit shall be designed in such a manner as to be visually consistent and compatible with
Submit signed and notarized document
to the Director of RMA Planning
Department for review and signature by
the County:
Enea PLN070333) Page 26
Owner/
Applicant
Prior to the
issuance of
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CONSERVATION & SCENIC EASEMEN┐└►►+►┘the main residence on site and other residences in the area.
One 1) usable and accessible parking space shall be provided in addition to the parking required for other uses on-site.
Senior citizen units shall not be permitted on lots of less than two acres if located in an area not served by public sewer systems. In North County, senior citizen units shall not be permitted on lots of less than five acres if located in an area not served by public sewer systems.
Senior citizen units are not permitted on any lot less than 10 acres where a guesthouse or caretaker unit already exists. Such units may be converted to a senior unit, subject to a Coastal Administrative Permit.
Subsequent subdivisions which divide a main residence from the senior citizen unit shall not be permitted except where lots created meet the minimum lot size and density requirements of the existing zoning. RMA Planning Department)
Proof of recordation of the document shall be submitted to the RMA Planning Department.
Enea PLN070333) Page 27
Prior to occupancy or commencement of use
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CONSERVATION & SCENIC EASEMEN┐└►►,►┘PD032(A) PERMIT EXPIRATION
The permit shall be granted for a time period of 4 years, to
expire on November 18, 2013 unless use of the property
or actual construction has begun within this period. RMA
Planning Department)
PD041-HEIGHT VERIFICATION
The applicant shall have a benchmark placed upon the
property and identify the benchmark on the building
plans. The benchmark shall remain visible onsite until
final building inspection. The applicant shall provide
evidence from a licensed civil engineer or surveyor, to
the Director of the RMA- Building Services Department
for review and approval, that the height of the
structure(s) from the benchmark is consistent with what
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The applicant shall obtain a valid
grading or building permit and/or
commence the authorized use to the
satisfaction of the Director of Planning.
Any request for extension must be
received by the Planning Department at
least 30 days prior to the expiration
date.
1) The applicant shall have a benchmark
placed upon the property and identify
the benchmark on the building plans.
The benchmark shall remain visible
onsite until final building inspection
Enea PLN070333) Page 28
Owner/
Applicant
Owner/
Applicant
As stated
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CONSERVATION & SCENIC EASEMEN┐└►►-►┘was approved on the building permit associated with this project. RMA Planning Department and Building
Services Department)
2) The applicant shall provide evidence
from a licensed civil engineer or
surveyor, to the Director of the
RMA- Building Services
Department for review and approval,
that the height of the structure(s)
from the benchmark is consistent
with what was approved on the
building permit.
R1VIA. Pubhc Works,Department
PW0043 REGIONAL DEVELOPMENT IMPACT
FEE
Prior to issuance of building permits, applicant shall pay
the Regional Development Impact Fee RDIF) pursuant to
Monterey Code Chapter 12.90. The fee amount shall be
determined based on the parameters adopted in the current
fee schedule. Public Works)
Applicant shall pay Monterey County
Building Services Department the traffic
mitigation fee.
Monterey County4Water ResourcWAgency

17.
Enea PLN070333)
WR3 DRAINAGE PLAN RETENTION
The applicant shall provide the Water Resources
Agency a drainage plan prepared by a registered civil
engineer or architect addressing on-site and off-site
impacts. The plan shall include retention/percolation
facilities to mitigate the impact of impervious surface
stormwater runoff. Drainage improvements shall be
constructed in accordance with plans approved by the
Water Resources Agency. Water Resources Agency)
Submit 3 copies of the engineered
drainage plan to the Water Resources
Agency for review and approval.
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Prior to
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CONSERVATION & SCENIC EASEMEN┐└►►.►┘18.
WR40 WATER CONSERVATION MEASURES
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)
WR43 WATER AVAILABILITY CERTIFICATION
The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. Water Resources Agency)
Compliance to be verified by building inspector at final inspection.
Submit the Water Release Form to the Water Resources Agency for review and approval.
R w tire Agency
Pebble Beach Community Services District)
Enea PLN070333) Page 30
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Prior to final building inspect-ion/

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20. FIRE007 DRIVEWAYS Applicant shall incorporate Applicant Prior to
Driveways shall not be less than 12 feet wide specification into design and enumerate or owner issuance of
unobstructed, with an unobstructed vertical clearance of as Fire Dept. Notes" on plans. grading
not less than 15 feet. The grade for all driveways shall and/or
not exceed 15 percent. Where the grade exceeds 8 building
percent, a minimum structural roadway surface of 0.17 permit.

feet of asphaltic concrete on 0.34 feet of aggregate base
shall be required. The driveway surface shall be capable
of supporting the imposed load of fire apparatus 22
tons), and be accessible by conventional-drive vehicles,
including sedans. For driveways with turns 90 degrees
and less, the minimum horizontal inside radius of
curvature shall be 25 feet. For driveways with turns
greater than 90 degrees, the minimum horizontal inside
radius curvature shall be 28 feet. For all driveway turns,
an additional surface of 4 feet shall be added. All
driveways exceeding 150 feet in length, but less than Applicant shall schedule fire dept. Applicant Prior to
800 feet in length, shall provide a turnout near the clearance inspection or owner final
midpoint of the driveway. Where the driveway exceeds building
800 feet, turnouts shall be provided at no greater than inspection.
400-foot intervals. Turnouts shall be a minimum of 12
feet wide and 30 feet long with a minimum of 25-foot
taper at both ends. Turnarounds shall be required on
driveways in excess of 150 feet of surface length and
shall long with a minimum 25-foot taper at both ends.
Turnarounds shall be required on driveways in excess of
150 feet of surface length and shall be located within 50
feet of the primary building. The minimum turning
radius for a turnaround shall be 40-feet from the center
line of the driveway. If a hammerhead/T is used, the top
of the T" shall be a minimum of 60 feet in length.
Pebble Beach Fire)
Enea PLN070333)
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21. FIRE008 GATES Applicant shall incorporate Applicant Prior to
All gates providing access from a road to a driveway specification into design and enumerate or owner issuance of
shall be located at least 30 feet from the roadway and as Fire Dept. Notes" on plans. grading
shall open to allow a vehicle to stop without obstructing and/or
traffic on the road. Gate entrances shall be at least the building
width of the traffic lane but in no case less than 12 feet permit.
wide. Where a one-way road with a single traffic lane Applicant shall schedule fire dept. Applicant Prior to
provides access to a gated entrance, a 40-foot turning clearance inspection or owner final
radius shall be used. Where gates are to be locked, the building
installation of a key box or other acceptable means for inspection.
immediate access by emergency equipment may be
required. Pebble Beach Fire)
22. FIRE011- ADDRESSES FOR BUILDINGS Applicant shall incorporate Applicant Prior to
All buildings shall be issued an address in accordance specification into design and enumerate or owner issuance of
with Monterey County Ordinance No. 1241. Each as Fire Dept. Notes" on plans. building
occupancy, except accessory buildings, shall have its permit.
own permanently posted address. When multiple
occupancies exist within a single building, each
individual occupancy shall be separately identified by its
own address. Letters, numbers and symbols for
addresses shall be a minimum of 4-inch height, 1/2-inch
stroke, contrasting with the background color of the
sign, and shall be Arabic. The sign and numbers shall
be reflective and made of a noncombustible material.
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23.
Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Pebble
Beach Fire)
FIRE021- FIRE PROTECTION EQUIPMENT &
SYSTEMS FIRE SPRINKLER SYSTEM
STANDARD)
The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four 4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.
Pebble Beach Fire)
Applicant shall schedule fire dept.
clearance inspection
Applicant
or owner
Prior to
final
building
inspection
Applicant shall enumerate as Fire
Dept. Notes" on plans. Applicant
or owner Prior to
issuance of
building
permit.
Applicant shall schedule fire dept.
rough sprinkler inspection Applicant
or owner Prior to
framing
inspection
Applicant shall schedule fire dept. final
sprinkler inspection Applicant
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24. 1 MITIGATION MEASURE #1 PROTECTION Prior to the issuance of grading or Owner/ Prior to the
MEASURES building permits, the applicant shall Applicant/ issuance of
To minimize construction related impacts to sensitive submit evidence to the Resource Contractor grading or
species at the site, the locations of Yadon's rein orchid, Management Agency RMA) building
Hickman's onion, and Pine rose shall remain flagged Planning Department for review and permits
during the course of construction. Temporary orange approval that the plant species locations
construction fencing shall be placed around the plants are flagged and that temporary orange
and pine trees that are not proposed for removal to the construction fencing has been installed
effect that construction and staging areas are that clearly identifies access,
appropriately delineated to avoid construction related construction staging, and building
impacts to trees and sensitive plants at the subject footprint areas.
property. Prior to commencement of construction all Prior to the issuance of grading or Owner/ Prior to
construction personal and sub-contractors shall be building permits, the applicant shall Applicant/ commence-
instructed on the importance of the fencing and avoiding submit a statement from the appropriate Contractor/ ment of
impacts to the sensitive plants on site. RMA Planning construction personal that they have Biologist construction
Department) been informed of the purpose and
trained on the importance of avoiding
the sensitive plant species on site, to the
RMA-Planning Department for review
and approval.
Prior to final of the building permits, Owner/ Prior to
the applicant shall submit photos of the Applicant/ occupancy
protective fencing on the property to Contractor/ or final
the RMA Planning Department for Biologist inspection
review and approval after construction
to document that plant and tree
protection has been successful or if
follow-up remediation or additional
permits are required.

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25. 2 MITIGATION MEASURE #2 NESTING BIRDS The owner/applicant/contractor shall Owner/ At least one
To avoid impacting nesting avian species, trees shall only notify the RMA-Planning Department at Applicant/ week prior
be removed only during the non-breeding season of least one week prior to removing any Contractor/ to removing
nesting birds from September 1 through January 31. If trees at the site. If the tree removal is to Biologist any trees as
trees must be removed outside the non-breeding season occur during the bird breeding season applicable
the owner/applicant shall have a qualified biologist survey from February through August than the

the site for active nests and submit a report to the RMA owner/applicant shall have a qualified
Planning Department for review and approval prior to biologist survey the site for nesting birds
removal of trees. If active nests are found a no- no more than 30 days prior to the
disturbance" buffer shall be applied within 250 feet of all removal of trees and submit a report to
active nests. RMA Planning Department) the RMA-Planning Department for
review and approval. If active nests are
found a 250-foot no-disturbance buffer
shall be established around that nest until
a biologist determines that the birds have
fledged.
26. 3 MITIGATION MEASURE #3 TREE Proposed replacement tree planting Owner/ Prior to
REPLACEMENT locations shall be identified on the Applicant/ issuance of
To minimize impacts to the long-term health of the forest required landscaping plan. Landscape building
resources at the site, the applicant shall plant six new Architect permits
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resistant, stock, in the areas where dead trees will be Trees shall be planted according to the Owner/ Prior to final
removed. RMA Planning Department) approved landscaping plan and evidence Applicant/ inspection
of planting shall be supplied to the Landscape
satisfaction of the RMA-Planning Architect
Department prior to building pennit
final.
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MITIATION MEASURE #4 LANDSCAPING
To reduce long-term impacts of residentially-related uses within the sensitive habitat, landscaping at the site shall be minimized as much as possible. New landscaping adjacent to the home and driveway shall be compatible with the identified sensitive species and shall use only native plants. Additionally, the landscaping plans shall include removal of invasive species at the site where possible without affecting the sensitive plants. RMA Planning Department)
Prior to the issuance of grading or building permits, the applicant shall submit landscape plans to a qualified biologist for review and approval in order to verify that the plans coordinate with the recommendations made in the project's biological report. The applicant shall submit the landscape plans, the biologist's concurrence with the plan, and the contractor's estimate to the RMA Planning Department for review and approval. Landscaping plans shall include the recommendations from the Biological Survey and the tree replacement planting as applicable.
Landscaping shall be installed according to the approved landscape plans
Page 36
Owner/ Applicant/ Biologist/ Landscape Contractor
Owner/ Applicant/ Landscape Contractor
Prior to the issuance of grading or building permits
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To ensure proper implementation of mitigation measures
and best management practices, the applicant shall
submit periodic letters from a qualified biologist to the
RMA Planning Department for review and approval.
The reports shall be submitted once approximately two-
weeks prior to commencement of construction, once a
year in the spring season April 1 June 30) for a five-
year duration, and once prior to final of the building
permits. The reports shall be sufficient in detail to
identify the success of the mitigation measures and any
impacts incurred outside those analyzed in this project.
If additional impacts are discovered, the RMA
Planning Department may require additional permitting
and review. RMA Planning Department)
Prior to commencement of grading or
building activities, the applicant shall
submit a letter from a qualified
biologist describing the quality of
mitigation implementation required
prior to construction and any changes
necessary to protect resources at the
site, to the RMA Planning
Department for review and approval.
Prior to final of building permits, the
applicant shall submit a letter from a
qualified biologist describing the
quality of mitigation implementation
maintained during construction and any
unforeseen impacts that may have
occurred, to the RMA Planning
Department for review and approval.
Owner/
Applicant/
Biologist/
Contractor
Owner/
Applicant/
Biologist/
Contractor
Prior to
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Prior to
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Enea PLN070333) Page 38
Owner/
Applicant/
Biologist
Yearly, no
later than
July 31 of
any one
year, during
the course of
construction
As stated in
the
condition
Exhibit
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MITIGATION MEASURE #6 CONSERVATION
EASEMENT
To insure the long term protection of sensitive resources, a
conservation and scenic easement shall be conveyed to the
Del Monte Forest Foundation over those portions of the
property where habitats of rare, endangered and sensitive
native plants exist. 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
prior to issuance of grading and building permits. RMA

Planning Department)
END OF CONDITIONS
Prior to the issuance of grading or
building permits, the 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 RMA Planning
Department for review and approval.
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Owner/
Applicant/
Licensed
Surveyor
Prior to the
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ENEA PROPERTIES LLC
190 I.IARTZ AVENUE SUITE 260
DANVILLE. CALIFORNIA 94526
TEL. 925) 314-1410
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North Elevation
P R O J E C T 5 C O P E
New 4113 s.r 2 story 3 bath, 4 bedroom single
ramlly residence and 2 car garage with a detached
849 s.r. senior unit.
MICHAEL MARTIN ENGINEERING
550 HARTNELL SUITE F
MONTEREY, CALIFORNIA 93940
TEL. 831) 648-0300 FAX. 631) 645-0303
T-24 LLC
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Planning Commission
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DEL MOVIE FOREST LAND USE COMMITTEE
IIIURSDAY NU V.LM ER.. 1.,.-200-

MEETING CALLED TO ORDER: 3:00 pm.
MEMBERS PRESENT: CHAIRMAN PAUL DELAY, SECRETARY, LLOYD TOWNLEY, TED HUNTER, ROD DEWAR AND BILL CONNERS.
MEMBERS ABSENT: KIMBERLY CANEER AND-8ANDYGETREU.

APPROVAL OF 1 UNUTES OF SEPTEMBEk.6,4007 MOUON DEWAR'SECOND-HUNTER
PUBLIC COMMENT: NONE.
MEETING ADJOURNED: 3:30 PM.
NEXT MEETING: THURSDAY 11-15-2007
RESPECT'FI. J4Y SUBMITTED,
LLOYD M: TOWNLEY-COMMITTEE SECRETARY.
CC: COMIv ITTEE MEMBERS.
COUNTY PLANNING DEPT.

MICHAEL FREDRICH OFFICE ASSISTANT.
PEBBLE BEACH CO. ARE.
MARGARET LEIGHTON-ARB MANAGER
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CONSERVATION & SCENIC EASEMEN┐└►►F►┘ACTION OF LAND USE ADVISORY COMMITTEE
REFFERAL SHEET
DEL MONTE FOREST LAND USE COMMITTEE
PROJECT NAME: ENER, ROBERT S. ET AL.
FILE NU IBER: PLN070333
PROJECT LOCATION: 1440 OLEANDA RD. PEBBLE BEACH.
PROJECT PLANNER-G-SPENCER(CPI, 6)
AREA PLAN- DEL MONTE FOREST LAND USE PLAN.
PROJECT DESCRIPTION: COMBINRD DE Y'ELOF NT CONSISTING OF THE
FOLLOWING:1) COASTAL ADMINISTRATIVE PERMIT TO ALLOW THE
CONSTRUCTION OF A NEW 4,713 SQ. FT. THREE-LEVEL SINGLE FAMILY
DWELLING WITH AN ATTACHED 619 SQ. FT. GARAGE PLUS A 900 SQ. FT.
CELLEtRE/STORAGE ON TM LOWER LEVEL, 110 LINEAR FEET ON NEW
RETAINING WALL AND 466 CU. YRDS. OF GRADING; 2) COASTAL
ADMINISTRATIVE PERMIT TO ALLOW CONSTRUCTION OF A 849 SQ. FT.
DETACHED SENIOR UNIT; AND 3) COASTAL DEVELOPMENT PERMIT TO
ALLOW THE REMOVAL OF 29 MONTEREY PI~i ES.

OWNER/APPLICANT/REPRESENTATIVE PRESENT AT MEETING: DAVID
PREW-ARCH,
AREAS OF CONCERN: GROUND WATER CONTROL. ULTOMATE USE OF THE
SENIOR UNIT.
PUBLIC COMMENT: RUSHTON BACKER:NEIGHBOR-CONCERNED WITH
Wry TER FLOW. HEY WAS TOLD BY REPRESENTATIVE THAT GROUND WATER
WILL BE MAINTANED ON SITE.
RECOMMENDES CONDITIONS AND COMMENTS: RECOMMENDATION THAT
GROUND WATER. BE DRAFTED OFF SITE IT EXISTION DRAN i rE FACILITIES.
CONDITION-THE SR. UNIT WILL BE OCCUPIED BY A SR. COUPLE BUT THE
COMMITTEE REQUESTS THAT IF THE SENIORS LEAVE THE UNIT CAN NOT
BE RENTED AND THE KITHIN SHOULD BE REMOVED.
CONCUR WITH RECOMMENDATIONS: VOTE TO APPROVE PROJECT-5 FOR 0
AGAINST.
AYES: LL FIVE.

NOES: 0.
ABSTAIN: 0
ABSENT: CANNER AND GETREU.
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CONSERVATION & SCENIC EASEMEN┐└►►G►┘FILE #: f LN 0-7 0333
oVNMONTEREY COUNTY

Planning and Building Inspection Department
230 Church St Bldg 1, Salinas, Ca 93902 831) 755-5025; Fax 831) 755-5487
Marina, CA 93933 831) 883-7500; Fax 831) 384-3261
2620 First Avenue

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us/pbi
http://www.co.monterey.ca
i850.
P S P G S~ j a
ASSESSOR'S PARCEL NUMBER: D 331. 00-7.0Db
PROJECT ADDRESS: 1440 0G6 C3t.G 5924C-6-t1 42-4 13T53
PROPERTY OWNER: I/ A~Aa zD G=K, i Ex LLG Telephone: 16 si i4
Address: b kNA~ GE SLi I Z o Fax:
City/State/Zip: 4T/"'I 2 Email:
APPLICANT: M% J%AG I 1 G14 i rl PL 0 Telephone: Zi 5i O 3 00
Address: Fax: 0W1 O 3D_3
City/State/Zip: At 41* 1!j Email:
AGENT: Telephone:
Address: Fax:'
City/State/Zip: Email:
PROJECT DESCRIPTION: see scope of work) A/EW 4-713 S z S,7 Y 3 2. 3 6►
iCfJIZLr1M 5 17~ \N C-0 6h cir4P ET
MATERIALS TO BE USED: S Cf.T iA215-/o' 74S1 6440h IN/ / S to pbal2S
COLORS TO BE USED:
You will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, the Zoning Ordinance provides that no building permit be issued, nor any use conducted, otherwise than in accordance with the conditions and. terms of the permit granted or until ten days mailing o c of the granting of the permit.
PROPERTY OWNER/AGENT SIGNATURE: DATE:

M

R
ZONING: LI Iz/ I D c2) ADVISORY COMMITTEE RECOMMENDATION
GENERAL/AREA PLAN: D⊕e M OW k Pored' LU P
ADVISORY COMMITTEE: Dc I Montt Forest APPROVAL DENIAL

RELATED PERMITS: N161
/ For: Against: G Abst
LUAC REFERRAL: f.1'YES CINO j Absent:
ADMINISTRATIVE APPROVAL: 0 YES W 1O
PUBLIC HEARING: If]"ES ONO Was the Applicant Present? YES NO
DOES TBIS CORRECT A VIOLATION? ONES Ct1F(O
LEGAL LOT. rBP OYES ONO Recommended Cha es:
O.4 A.NLO iIM~
GIVEN OUT BY: DATE'--⊕. f_~`
ACCEPTED BY:

COMMENT:

Sj nature W-
Date:
APPROPRIATE AUTHORITY::" O DIRECTOR..OF P&BI ZONING ADMINISTRATOR PLANNING COMMISSION
ACTION:.` APPROVED DENIED
CONDITIONS:

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PROCESSED BY: DATE:
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CONSERVATION & SCENIC EASEMEN┐└►►H►┘EXHIBIT F"
MITIGATED NEGATIVE

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CONSERVATION & SCENIC EASEMEN┐└►►I►┘County of Monterey
State of California
MITIGATED NEGATIVE DECLARATION
Project Title:
Enea
JUL 2 7 2009
STEPHEN L. VAGNINI
DEP
File Number:
Owner:
Project Location:
Primary APN:
Project Planner:
Permit Type:
Project
Description:
PLN070333
Robert Enea
1440 Oleada Road, Pebble Beach
008-331-007-000
Craig Spencer
Combined Development Permit Coastal)
Combined Development Permit Consisting of. 1) A Coastal Administrative Permit to allow the construction of a new 4,713 square foot, three-level, single family dwelling with a 619 square foot attached garage and approximately 86 cubic yards of cut and 380 cubic yards of fill; 2) A Coastal Administrative Permit to allow the construction of a new 849 square foot detached senior unit; 3) A Coastal Development Permit to allow removal of 33 Monterey Pine Trees; 4) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat Yadon's Pieria); and 5) A Design A2E2.val,
THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:
a) That said project will not have the potential to significantly degrade the quality of the

environment.
b) That said project will have no significant impact on long-term environmental goals.
c) That said project will have no significant cumulative effect upon the environment.
d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.
Decision Making Bod Monterey County Zoning Administrator
Responsible Agency: County of Monterey
Review Period Begins: July 30, 2009
Review Period Ends: August 31, 2009
Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2"d Floor, Salinas, CA 93901 831) 755-5025
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CONSERVATION & SCENIC EASEMEN┐└►►J►┘MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
831) 755-5025 FAX: 831) 755-9516
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
MONTEREY COUNTY ZONINING ADMINISTATOR
NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit Enea, File Number PLN070333) at 1440 Oleada Road, Pebble Beach APN 008-331-007-000) see description below). The project involves the construction of a new single family dwelling, detached senior unit, removal of 33 Monterey Pine trees, and associated residential improvements. The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency Planning Department, 168 West Alisal, 2►d Floor, Salinas, California. The Planning Commission will consider this proposal at a meeting on September 30, 2009 at 1:30 in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from July 30, 2009 to August 31, 2009. Comments can also be made during the public hearing.
roject Description: Combined Development Permit Consisting of. 1) A Coastal Administrative Permit allow the construction of a new 4,713 square foot, three-level, single family dwelling with a 619 square oot attached garage and approximately 86 cubic yards of cut and 380 cubic yards of fill; 2) A Coastal Administrative Permit to allow the construction of a new 849 square foot detached senior unit; 3) A Coastal Development Permit to allow removal of 33 Monterey Pine Trees; 4) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat Yadon's Piperia); and

5) A Design Approval.
We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:
CEQAcomments(a),co.monterey.ca.us
An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.
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racsimile fax) copies will be accepted with a cover page describing the extent e.g. num
transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at 831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do g
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CONSERVATION & SCENIC EASEMEN┐└►►K►┘ Page 2
not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.
For reviewing agencies: The Resource Management Agency Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency

and how that language should be incorporated into the mitigation measure.
All written comments on the Initial Study should be addressed to:
County of Monterey
Resource Management Agency Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2"d Floor
Salinas, CA 93901
Re: Enea; File Number PLN070333
From: Agency Name:
Contact Person:
Phone Number:
No Comments provided
Comments noted below
Comments provided in separate letter
COMMENTS:
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DISTRIBUTION
1. State Clearinghouse 15 copies)-include Notice of Completion
2. California Coastal Commission
3. County Clerk's Office
4. Association of Monterey Bay Area Governments
5. Carmel Central School District
6. Pacific Gas & Electric
7. Pacific Bell
8. Monterey Bay Unified Air Pollution Control District
9. Pebble Beach Fire Protection District
10. Monterey County Water Resources Agency
11. Monterey County Public Works Department
12. Monterey County Parks Department
13. Monterey County Division of Environmental Health
14. Monterey County Sheriff's Office
15. David Prew; Agent
16. Robert Enea, Owner,
17. Property Owners within 300 feet Notice of Intent only)
8. Resource Management Agency Front Counter)

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CONSERVATION & SCENIC EASEMEN┐└►►M►┘MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT
168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901
PHONE: 831) 755-5025 FAX: 831) 757-9516
INITIAL STUDY
L BACKGRO UND INFORMATION
Project Title: Enea Properties LLC
File No.: PLN070333
Project Location: 1440 Oleada Road, Pebble Beach
Name of Property Owner: Enea Properties LLC
Name of Applicant: Michael Martin Engineering
Assessor's Parcel Number(s): 008-331-007-000
Acreage of Property: 38,115 square feet
General Plan Designation: Low Density Residential 1 to 5 acres per unit
Zoning District: LDR/1.5-D CZ)
Low Density Residential, 1.5 acres per unit with a Design
Control Overlay in the Coastal Zone)
Lead Agency: County of Monterey
Prepared By: Craig W. Spencer
Date Prepared: June 17, 2009
Contact Person: Craig W. Spencer
Phone Number: 831) 755-5233
Exhibit
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Enea Properties Initial Study
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CONSERVATION & SCENIC EASEMEN┐└►►N►┘IL DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING
A. Project Description: The project entails construction of a new 4,713 square foot t yo-story single family dwelling with a 619 square foot attached garage and a detached 849 square foot senior unit, 86 cubic yards of cut, 380 cubic yards of fill, removal of 33 Monterey Pine trees, and approximately 16 Yadon's Piperia. Pervious materials are proposed for the driveway access and walkways to the dwelling and senior unit.
B. Environmental Setting and Surrounding Land Uses: The Enea property is approximately 0.875 acres, located on Oleada Road in Pebble Beach. The parcel is zoned Low Density Residential 1.5 acres per unit with a Design Control Overlay, in the Coastal zone. Surrounding land use is residential, with established single family structures on neighboring lots. Currently, the lot is vacant and occupied by a dense stand of Monterey Pine trees and a plethora of Yadon's Piperia. Yadon's Piperia is a federally listed rare or endangered plant species due to its limited distribution and threatened habitat. The surrounding pine forest is fractured by residential structures and infrastructure. The project area is mapped in the Del Monte Forest Land Use Plan LUP) as a sensitive visual and archaeological area Figures 2C & Policies 60-67 LUP). Most of the Del Monte Forest is a high archaeological sensitivity zone as described in the LUP policies referenced above.
Overall the site is predominantly disturbed Monterey Pine forest. The under story has been mowed and maintained in the past to reduce fire fuel loads. The underbrush now consists of non-native annual plants, approximately 1,200 Yadon's Piperia, and some isolated native plants including coast live oak and shaggy-barked manzanitas. There are a fair amount of dead and declining trees on the property that shows evidence of topping sometime in the past. Monterey Pines are listed on the California Natural Diversity Database CNDDB) 1B list, which includes plants that are rare, threatened and endangered but they are not a state or federally listed species. The CNDDB also shows four other rare and endangered plant species that are known to occur within a half mile radius including, Tidestrom's Lupine, Fragrant fritillary, Hickman's onion, and Pacific Grove clover IX. 10).
III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL
AND STATE PLANS AND MANDA TED LA WS
Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.
General Plan/Area Plan
Specific Plan
Water Quality Control Plan
0
General Plan / Local Coastal Program LUP
Air Quality Mgmt. Plan
Airport Land Use Plans
Local Coastal Program-LUP
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Enea Properties Initial Study
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CONSERVATION & SCENIC EASEMEN┐└►►O►┘The proposal was reviewed for consistency with the Del Monte Forest Land Use Plan and the Coastal Implementation Plans 1 & 5. The property is located within the Low Density Residential land use designation, which allows 1.5 units/acre and is suitable for the proposed use. The only policy area of the General Plan that is not addressed by the documents cited above is Noise Hazards. The project is consistent with these General Plan policies, as explained below in Section IV. A.5. Potential Impacts were identified regarding aesthetics due to the visibility of the project from Carmel State Beach and Point Lobos IX. 3 & 6), air quality due to minor construction.related emissions, biological resources due to tree removal and impacts to Yadon's Piperia plants and habitat IX. 10 & 15), cultural resources due to the project location within a mapped high sensitivity zone IX. 3), geology and soils due to potential for strong seismic events in the area-(IX. 8), and planning relative to compliance with the Local Coastal Program policies. The project was found to be consistent with other development standards provided in the Local Coastal Program LCP). The project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site Source: IX. 4, 5, & 12). CONSISTENT
Air Quality Management Plan
Consistency with the Air Quality Management Plan is an indication of a project's cumulative adverse impact on regional air quality ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would. not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP Source: IX. 5).
The Association of Monterey Bay Area Governments AMBAG), the 2008 Population, Housing Unit, and Employment Forecasts adopted by the AMBAG Board of Directors, are the forecasts used for this consistency determination. The proposed project includes construction of a new single family dwelling. The addition of one new residential lot will not exceed the population forecasts of the 2008 AQMP and would not result in substantial population changes. Therefore, the project is consistent with the 2008 regional forecasts and the Air Quality Management Plan Source: IX. 5). CONSISTENT
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CONSERVATION & SCENIC EASEMEN┐└►►P►┘Figure 1- Site Plan
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CONSERVATION & SCENIC EASEMEN┐└►►Q►┘IV. ENVIRONMENTAL FACTORS POTENTIALLYAFFECTED AND DETERMINATION
A. FACTORS
The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.
Aesthetics Agriculture Resources Air Quality

Biological Resources Cultural Resources Geology/Soils
Hazards/Hazardous Materials Hydrology/Water Quality Land Use/Planning
Mineral Resources Noise Population/Housing
Public Services Recreation Transportation/Traffic
Utilities/Service Systems
Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.
Check here if this finding is not applicable
FINDING For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in. the Environmental Checklist is necessary.
EVIDENCE: Many of the above topics on the checklist do not apply. Less than significant or, potentially significant impacts are identified for cultural resources and land use planning. Mitigation measures are provided as warranted. The project will have no quantifiable adverse environmental effect on the categories not, checked above, as follows:
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CONSERVATION & SCENIC EASEMEN┐└►►R►┘1. Agricultural Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance and project construction would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project site is located within a developed area and is not located adjacent to agriculturally designated lands. The site is several miles from the nearest agricultural area Source: IX.1, 3, 4, & 6). Therefore, the proposed project would not result in impacts to agricultural resources.
2. Hazards/Hazardous Materials. The proposal involves residential development where there would be no use of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. The

proposed residence would not involve stationary operations, create substantial hazardous emissions or handle hazardous materials Source: IX. 14). The site location and scale have no impact on emergency response or emergency evacuation and is not included on any list of hazardous materials sites. The property is not located near an airport or airstrip. The Pebble Beach Conununity Services District reviewed the project application and recommended conditions of approval regarding fire safety, including fire sprinklers and posting of the address for emergency services Source: IX. 1 & 3). Therefore, the proposed project would not result in impacts related to hazards/hazardous materials.
3. Hydrology/Water Quality. The proposed project will not violate any water quality standards or waste discharge requirements. The site is not located within the 100 year floodplain and the property is served by all public utilities, including public sewer Carmel Area Wastewater District) and water California American Water Company). The biological report, prepared by Ed Mercurio, dated August 31, 2007 Source: IX. 10), indicates that there are no wetlands or drainage ditches on the subj ect property. The Monterey County Water Resources Agency and Environmental Health Division have reviewed the project application and deemed that the project complies with applicable ordinances and regulations. Conditions have been recommended by the Water Resources Agency to prepare and provide engineered drainage plans to retain stormwater on site. Additionally, the proposed design conforms to the Pescadero Watershed requirements Source: IX. 1 & 3). Therefore, the proposed project would not result in any negative impacts related to hydrology/water quality.
4. Mineral Resources. The project consists of the construction of a new single family dwelling and a senior unit. No mineral resources or resource recovery sites have been identified on the site or in the area Source: IX. 1, 3, 6, & 8). Therefore, the proposed project would not result in impacts to mineral resources.
5. Noise. The construction of one single-family home and senior unit within a residential area would not expose others to noise levels or ground borne vibrations that exceed standards contained in the Monterey County General Plan and would not substantially increase ambient noise levels in the area. The project site is not located in the vicinity of an airport or private airstrip. The project is located within a residential neighborhood
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CONSERVATION & SCENIC EASEMEN┐└►►S►┘ and consists of the construction of one single family dwelling and senior unit. There is no evidence that the persons residing or working near the project site would be
significantly impacted by noise related to this project. Temporary construction activities
must comply with the County's noise requirements, as required in the County Code,
Chapter 10.60 Source: IX. 1, 2, 6, & 14). Therefore, the proposed project would not

result in impacts to noise.
6. Population/Housing. The proposed project would not induce substantial population in the area, either directly through the construction of one single-family home and senior unit or indirectly as no new infrastructure would be extended to the site. The project would not alter the location, distribution, or density of human population in the area in any significant way, or create a demand for additional housing. The project will actually provide housing for one single family and potentially two other people one of whom must be sixty years of age or handicapped on the legal residential lot and no one will be displaced as a result of the project Source: IX. 1, 3, 4, & 6). Therefore, the proposed project would not result.in impacts related to population and housing.
7. Public Services. The proposed project consists of the construction of one single-family home which will be served by public services and utilities. The project would have no measurable effect on existing public services. The Monterey County Water Resources Agency, Monterey County Public Works Department, the Environmental Health Division, and the Pebble Beach Community Service District have reviewed the project. These agencies provided comments on the project, which are incorporated into the project as recommended conditions of approval. None of the County departments/ service providers indicated that this project would result in potentially significant impacts Source: IX. 1). Therefore, the proposed project would not result in impacts related to public services.
8. Recreation. The project would not result in a substantial increase in use of existing recreational facilities. No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project. 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. The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 10 of the Public Access Maps shown in Appendix B of the Del Monte Forest Area Land Use Plan Source: IX. 1, 3, & 6). Therefore, the proposed project would not result in impacts related to recreation.
9. Transportation/Traffic. The construction of a single-family dwelling and senior unit on an existing lot of record will not generate a significant increase in traffic movements or create new traffic hazards. The County Department of Public Works has reviewed the project and deemed the project complete without conditions. The project is not located along a proposed trail as mapped in the County's Del Monte Forest Land Use Plan, Appendix B, Figure 10. The proposed dwelling and senior unit meets the parking requirements contained in the Zoning Ordinance Title 20. The project site is not located
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CONSERVATION & SCENIC EASEMEN┐└►►T►┘in the vicinity of an airport and would not result in a change in air traffic patterns Source IX. 1, 3, & 6). Therefore, the proposed project would not result in impacts related to traffic.
10. Utilities/Services. The proposed project consists of the construction of a single family home and senior unit that will be served by public utilities and services. Water will be provided by California American Water Company, Gas and Electric by Pacific Gas & Electric, sewage disposal by Pebble Beach Community Services District and Carmel Area Wastewater District. The proposed construction will not cause a substantial increase nor exceed the capacity of these utilities and services. The Monterey County Water Resources Agency has recommended a condition of approval that will require on-site retention of storm water which will avoid any potential impacts on storm water drainage facilities Source: IX. 1) Development of existing lots within the forest have been accounted for by the service providers with the exception of water. Water for the proposed development has been purchased from the Pebble Beach Company 0.50 acre/feet). A copy of the water purchase agreement is contained in the project file. Solid waste from the project will be collected by the Carmel Marina Corporation Waste Management, Inc.) and brought to the Monterey Regional Waste Management District's Material Recovery and Monterey Peninsula Landfill and Recycling Facility, located near the City of Marina. The landfill has the total capacity of 48 million tons, of which 40 million tons is remaining, which is expected to provide service through the year 2017. Therefore, the landfill is sufficient to accommodate the project's solid waste disposal needs and will have no impact, resulting in compliance with federal, state and local statutes and regulations related to solid waste. Source IX. 1, 3, & 16). Therefore, the proposed project would not result in impacts related to utilities/services.
B. DETERMINATION
On the basis of this initial evaluation:
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
I find that the proposed project MAY have a potentially significant impact" or potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal
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CONSERVATION & SCENIC EASEMEN┐└►►U►┘standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date
Craig Spencer Assistant Planner
V. EVALUATION OF ENVIRONMENTAL IMPACTS
1) A brief explanation is required for all answers except No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved e.g., the project falls outside a fault rupture zone). A No Impact" answer should be explained where it is based on project-specific factors as well as general standards e.g., the project will not. expose sensitive receptors to pollutants, based on project-specific screening analysis).
2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3) Once the lead agency has detennined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more Potentially Significant Impact" entries when the determination is made, an EIR is required.
Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from Potentially Significant Impact" to a Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than
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CONSERVATION & SCENIC EASEMEN┐└►►V►┘significant level mitigation measures from Section XVII, Earlier Analyses," may be

cross-referenced).
5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
a) Earlier Analysis Used. Identify and state where they are available for review.
b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
c) Mitigation Measures. For effects that are Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) The explanation of each issue should identify:
a) The significance criteria or threshold, if any, used to evaluate each question; and
b) The mitigation measure identified, if any, to reduce the impact to less than significance.
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CONSERVATION & SCENIC EASEMEN┐└►►W►┘VI. ENVIRONMENTAL CHECKLIST
1. AESTHETICS
Would the project:
a) Have a substantial adverse effect on a scenic vista?
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b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
c) Substantially degrade the existing visual character or quality of the site and its surroundings?
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
Discussion:
Aesthetics:
Figure 2C of the Del Monte Forest Land Use Plan LUP) maps the project area as visually sensitive. The mapped area is part of a south facing hillside of the Monterey Peninsula that can be viewed across Carmel Bay from Carmel State Beach and Point Lobos. The chemistry of that view is currently fractured with several large structures visible across the bay. The subject property, with the orange netting delineating the height and location of the proposed. structures, is not readily visible from Point Lobos or Carmel State Beach due to the screening provided by trees between the two locations. What is visible from Point Lobos and Carmel beach consists of a Monterey pine covered, south facing hillside, highly fractured by structures and the golf course. Impacts to aesthetics stem mainly from the proposed removal of 33 Monterey Pine trees and construction of a new driveway, senior unit, and two-story dwelling that is almost 30 feet in height in their place. Because the project is not visible from scenic public viewing areas, those impacts are predominately site and neighborhood specific.
Conclusion:
Aesthetics 1 b) No Impact
The subject property is not visible from Highway 1 or any other state scenic highway. In addition there are no known rock outcroppings or historic structures on or near the site Source IX. 1 & 6). Therefore, there are no impacts that would substantially degrade scenic resources within a state scenic highway.
Aesthetics 1 a) Less Than Significant
Continued build-out of the Del Monte Forest is evident when viewed from the scenic areas of Carmel State Beach and Point Lobos. Several large structures are visible in the fractures of the tree cover. There are several developed lots, with few remaining pine trees on the neighboring lots. Those neighboring improvements are not readily visible from these scenic vistas as are the
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CONSERVATION & SCENIC EASEMEN┐└►►X►┘larger dwellings and the commercial structures along the golf course, Several trees lining the back of the property that faces Point Lobos and Carmel State Beach southwestern side) are not
proposed for removal and will help to continue to screen the development from view. Tree

protection, height verification, and exterior lighting standard conditions will be applied to the proposed development to protect trees screening the development from damage during construction, to ensure compliance with maximum height limits in the zoning district and to provide down lit, unobtrusive exterior lighting. These conditions, combined with the proposed colors and materials consisting of beige stucco with some stone veneer, Spanish tile roofing, wrought iron rails, and copper fixtures, will be consistent with architectural character of the area and are consistent with the standards contained in the Del Monte Forest LUP and the Pebble Beach Architectural Review Board. Moving the proposed structures on the site, within the required setbacks, would not significantly reduce visual impacts due to the size of the proposed development in relation to the lot size. Staking and flagging have been erected at the site using orange construction netting to aid in the assessment of visual impacts. Site visits to the site, surrounding area, and the designated scenic vista areas by staff helped formulate the determination that, with the proposed development and suggested conditions above the project minimizes visual impacts Sources IX. 1, 3, & 6). Therefore, there will be less than significant impacts on scenic vistas.
Aesthetics 1 c) Less Than Significant
Currently the Enea property is an undeveloped stand of Monterey Pine trees. The project would remove 33 pine trees and place a driveway, large single family dwelling, and a senior unit on the site. This will change the character of the 38,115 square foot lot, from its current condition. The visual impact of the proposed change is not significant when put in the context of the size of the residentially zoned lot and the surrounding character of the forest and neighborhood. Lots along Oleada Road have been developed on both sides with single family residences in much the same manner as the proposed development. This has resulted in predominantly residential character, with improvements and landscaping surrounded by pine trees that were not removed for those improvements.
Of the over 100 Monterey Pine trees on the lot, 33 are proposed for removal to accommodate the proposed project. Del Monte Forest Land Use Plan Policies LUP) intended to minimize visual impacts of development include, minimizing tree removal LUP Policy 51) and siting and design to utilize native vegetation and topography to provide screening from viewing areas LUP Policy 57). The proposed development was originally sited to minimize tree removal to the maximum extent; however, additional resource constraints e.g. Yadon's Piperia) were identified that required minor modification to the design. Subsequently, the tree removal numbers were slightly increased by a total of 5 trees. These changes did not affect the trees that will remain around the entire perimeter of the site which provide screening of the proposed structure from off-site. The result of the revised design appears to be a well sited improvement that balances tree removal with impacts to the federally listed Yadon's Piperia plant.
Overall, the project is consistent with the resource protection goals of the LUP. As sited, designed, and conditioned the proposed development will blend well with the character of the
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CONSERVATION & SCENIC EASEMEN┐└►►Y►┘surroundings in the area Sources IX. 1, 3, 6, 9, 10, & 15). Therefore, the proposed development will not significantly degrade the visual character of the site and surroundings.
Aesthetics 1 d) Less Than Significant
As describe above, the Enea property is located in an area mapped as visually sensitive in the Del Monte Forest Land Use Plan due to the visibility of the southern facing hill side from scenic areas to the south. Unregulated lighting around the proposed dwellings could affect nighttime views of the hill side from these scenic areas. To protect against substantial light related nuisances, a standard Monterey County condition of approval will be applied to require submittal of exterior lighting plans showing proposed wattage, location, and fixtures to be used. The lights are required to be down-lit to illuminate only the area intended and to fully control off site glare Sources IX. 1 & 3). Therefore, the proposed project will have a less than significant impact that would affect day or nighttime views.
2. AGRICULTURAL RESOURCES
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model 1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			v	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				

Discussion/Conclusion/Mitigation: See Sections IV. A.1)
Exhibit j
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CONSERVATION & SCENIC EASEMEN┐└►►Z►┘3. AIR QUALITY
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Result in significant construction-related air quality impacts?				
e) Expose sensitive receptors to substantial pollutant concentrations?				
f) Create objectionable odors affecting a substantial number of people?				

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Discussion:
Air Quality
The Monterey Bay Unified Air Pollution Control District MBTJAPCD) prepared the Air Quality Management Plan AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and federal ambient air quality standards within the North Central Coast Air Basin NCCAB). Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Generally, in the long-term, the primary source of air emissions is vehicular traffic.
Conclusion:
Air Quality 3(a), e), & f) No Impact
The development on the project site for a single family home and senior unit will be in accordance with the AMBAG population projections, which is accommodated in the AQMP. Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is
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CONSERVATION & SCENIC EASEMEN┐└►►[►┘listed in the AQMP. If the population increase resulting from the proj ect would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP. The proposed development would not increase population that would exceed the forecast in the AQMP. The establishment of a single family dwelling at the site will not create or produce objectionable orders. Most potentially significant air quality issues related to construction of single family homes involve the site grading activities Source: IX. I & 5). Therefore, the project will have no impact on implementation of the Air Quality Plan or expose people to substantial pollutants or objectionable odors.
Air Quality 3 b), c), & d) Less Than Significant
The CEQA Air Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM10 to be 2.2 acres of disturbance per day. As less than 2.2 acres will be disturbed by this project, the grading proposed will not constitute a significant impact. Grading of the project site will result in minor increases in emissions from construction vehicles and dust generation. The estimated grading quantities are 86 cubic yards of cut and 380 cubic yards of fill on a 38,115 square foot, residentially zoned parcel. Given these estimates, approximately 30 round-trip truck trips would be required at 10 cubic yards per truck to import the required amount of fill material. These truck trips are minor in number, most likely to occur during normal business hours over the course of only a few days.
Emissions from heavy diesel equipment and truck trips have been a source of pollutant that has gained more attention in recent years. Title 13 of the California Code of Regulations has been established to limit commercial diesel vehicles from idling for more than five minutes to reduce public exposure to diesel particulate matter. Compliance with state and local laws and consistency with the AQMP are key factors in determining the significance of the project related construction impacts Source: IX. 1 & 5). Therefore the impacts to Air Quality from construction vehicles and equipment will be less than significant.
4. BIOLOGICAL RESOURCES
Would the project:
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
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CONSERVATION & SCENIC EASEMEN┐└►►\►┘4. BIOLOGICAL RESOURCES Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Would the project: Impact Incorporated Impact Impact
c) Have a substantial adverse effect on federally protected
wetlands as defined by Section 404 of the Clean Water
Act including, but not limited to, marsh, vernal pool,
coastal, etc.) through direct removal, filling,
hydrological interruption, or other means?
d) Interfere substantially with the movement of any native
resident or migratory fish or wildlife species or with
established native resident or migratory wildlife
corridors, or impede the use of native wildlife nursery
sites?
e). Conflict with any local policies or ordinances
protecting biological resources, such as a tree
preservation policy or ordinance?
f) Conflict with the provisions of an adopted Habitat
Conservation Plan, Natural Community Conservation
Plan, or other approved local, regional, or state habitat
conservation plan?
D E
Discussion:
Biological Resources
The California Natural Diversity Database CNDDB) shows the area as potential habitat for Monterey Pine forest, legless lizards, Tidestrom's Lupine, Fragrant fritillary, Yadon's rein orchid, Hickman's onion, Pacific Grove clover, Monarch butterfly, and Smith's Blue butterfly. Due to the potential for biological impacts, a report from a qualified biologist was required for the project pursuant to the Del Monte Forest Land Use Plan requirements CIP 20.147.040.A.2). A report, prepared by Ed Mercurio dated August 31, 2007, was submitted. That report identified the potential for sensitive resources at the site and recommended seasonal specific surveys to identify the actual presence and location of any resources at the site that may not have been identifiable at the time of the original report. Surveys were conducted by the biologist in mid-February, mid-April and late May in 2009. Three sensitive species, not previously identified, were discovered including many Yadon's rein orchards aka: Yadon's Piperia), one Hickman's onion, and three pine rose plants. These three sensitive plant species are in addition to the Monterey Pines identified in the original report.
Conclusion:
Biological Resources 4 c) & d) No Impact
Staff inspection of the project site and conclusions from the Biological Report Sources IX. 10) found no evidence of wetlands, drainage ditches, or other water courses that would meet the one parameter definition of a coastal wetland, as opposed to the Clean Water Act three-parameter definition, at the site. The site is 875 acres in size and contains mostly Monterey Pine trees and
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CONSERVATION & SCENIC EASEMEN┐└►►]►┘gradually sloping manicured vegetation, surrounded by residential development. Without wetlands, or the existence of suitable habitat, there will be no impact on fish or other related wetland habitat Source IX. 1, 6, 10, & 15). Therefore, there will be no impact to wetlands, or other water courses or related fish and wildlife species.
Biological Resources 4 e) & f) Less Than Significant
There is no known Habitat Conservation Plans governing development on the parcel. The prevailing governing document is the Del Monte Forest Land Use Plan LUP) which is an adopted part of the Monterey County Local Coastal Program. The site is zoned residential which allows new dwellings meeting the zoning density, as a principally permitted uses. Biologically-related LUP Policies are applied to protect, maintain, enhance, and restore where possible sensitive habitats within the forest.
Generally, the LUP requires minimal impacts and removal of resources through siting and design of development. With multiple sensitive plant species at the site, priority, based on classification, was required to determine the appropriate siting and design of the improvements. Preference for the protection of the federally listed endangered, Yadon's rein orchid was made priority followed by protection of the individual Hickman's Onion and the three pine rose plants, with the Monterey Pines taking a back seat. The priority for protection was determined based on the designation status from United States Fish & Wildlife Services USFWS #1), followed by the designation to the California Department of Fish & Game DFG #2), and then based on distribution at the site and as a whole. This priority is also made explicit in the Spring Biological, Survey Report from the biologist Ed Mercurio, dated May 26, 2009. With the stated priorities in mind, structure location changes were made to minimize impacts to the Yadon's rein orchid Source: IX. 1, 3, 6, 9, 10, & 15).
LUP Policy 36 requires that residential development be sited and designed to minimize cutting of trees. Although the amount of trees proposed for removal can be slightly decreased estimated 5-8 trees), tree removal in this case is the minimum given the other significant resources at the site. Protection of the Yadon's rein orchid, the pine rose, and the Hickman's onion plants are also consistent with the LUP Policies for Environmentally Sensitive Habitat Areas) and the conservation plans and expectations of USFWS and DFG. Overall, the siting of the proposed structures and design is appropriate to maximize protection of resources consistent with LUP goals and policies Sources IX. 1, 3, 6, 9, 10, 12, & 15). Therefore, the proposed development will have a less than significant impact on adopted conservation plans and will not significantly conflict with local policies or ordinances.
Biological Resources 4 a) & b) Less Than Significant with Mitigation Incorporated
According to the California Natural Diversity Data Base CNDDB) there are several rare or endangered plant and animal species known to occur in the area of the proposed project. To address potential impacts to these species, a biological report was required for the proposed development. Some of the species known to occur in the area required that seasonal-specific surveys be conducted because they are not identifiable during seasons in which they may be

dormant. The applicant's biologist Ed Mercurio conducted inspections of the site on August 31, 2007, with spring surveys in mid-February, mid-April, and late May of 2009. The presence of
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CONSERVATION & SCENIC EASEMEN┐└►►^►┘four 4) special status species was ultimately confirmed at the site. Those species include 127 Monterey Pines which have a California Native Plan Society CNPS) IB listing, 1 Hickman's Onion CNPS 1B listed), 3 Pine rose CNPS 1B listed), and approximately 1,265 Yadon's rein orchids which are Federally-listed as endangered and on the CNPS 1B list. None of the other special status species known to occur in the area were discovered.
Monterey Pines Monterey Pines are listed by the CNPS as a species of concern. The Del Monte Forest Land Use Plan Forestry and Soils Resources Policy Guidance Statement indicates that preservation of Monterey Pine forest and general forest resources are of a paramount concern due to their association with the environment for wildlife habitat and aesthetic values. The biological report and the Forest Management Plan FMP) both concur that the forest and individual trees at the site are in poor to very poor condition. Much of the new development in the Del Monte Forest requires removal of pine trees as new structures are placed within the forest setting. On a large scale, permanent conservation areas within the forest have been implemented to protect significant pockets of pines and forest resources. The other protections afforded include individual project design review for maximum protection of pines at privately owned sites Source: IX. 1, 3, 6, 9, & 15).
The proposed project would remove 33 of the 127 Monterey pines identified at the site, including 4 pines that are already dead. Review of the impacts on the area-wide basis reveal only minor impacts because of the developed nature of the surrounding parcels and environments. On the site, the project is sited to maximize protection of sensitive species while still limiting the impacts to trees as much as possible Source: IX. 1, 3, 6, 9, & 15). Mitigation proposed, if implemented will protect surrounding trees from construction related impacts and further minimize the short and long-term affects of tree removal at the site. Mitigations including; times and/or surveys for tree removal to protect nesting birds, exclusive fencing to protect trees not proposed for removal, and replanting to improve the health of the forest resources at the site, are suggested See mitigation measures in this section).
Hickman s onion and pine rose The one 1) Hickman's onion and three pine rose identified during the biological survey are located outside of the footprint of the proposed improvements and therefore can be saved provided some protective measures and monitoring occur to prevent construction related impacts. Mitigations are suggested to provide protective fencing and regular monitoring consistent with the biological report. With these mitigations in place, potential impacts to these two species are significantly reduced to the point where the impacts can and will likely be avoided.
Yadon's rein orchid Of the' approximately 1,265 piperia plants identified, 3 are within the

proposed footprint of the new dwelling, 6 are within the proposed footprint of the senior unit, and approximately 7 are within the footprint of the proposed driveway for a total proposed removal of 16 plants. Figure 1 Site Plan) and Figure 2 Flagged Yadon's rein orchids) illustrate the distribution of identified locations of piperia at the site. The distribution is such that reasonable development cannot be provided without impacting some plants. As a legal lot of record zoned for residential use, some inherent right to reasonable development must be presumed. This is not
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Mitigation:
Mitigation Measure #1 Protection measures
To minimize construction related impacts to sensitive species at the site, the locations of Yadon's rein orchid, Hickman's onion, and Pine rose shall remain flagged during the course of construction. Temporary orange construction fencing shall be placed around the plants and pine trees that are not proposed for removal to the effect that construction and staging areas are appropriately delineated to avoid construction related impacts to trees and sensitive plants at the subject property. Prior to commencement of construction all construction personal and sub-contractors shall be instructed on the importance of the fencing and avoiding impacts to the sensitive plants on site.
Monitoring Action #1A
Prior to the issuance of grading or building permits, the applicant shall submit evidence to the Resource Management Agency RMA) Planning Department for review and approval that the plant species locations are flagged and that temporary orange construction fencing has been installed that clearly identifies access, construction staging, and building footprint areas.
Monitoring Action #1B
Prior to the issuance of grading or building permits, the applicant shall submit a statement from the appropriate construction personal that they have been informed of the purpose and trained on the importance of avoiding the sensitive plant species on site, to the RMA-Planning Department for review and approval.
Monitoring Action #1C

Prior to final of the building permits, the applicant shall submit photos of the protective fencing on the property to the RMA Planning Department for review and approval after construction to document that plant and tree protection has been successful or if follow-up remediation or additional permits are required.
Mitigation Measure #2 Nesting Birds
To avoid impacting nesting avian species, trees shall only be removed only during the non-breeding season of nesting birds from September 1 through January 31. If trees must be removed outside the non-breeding season the owner/applicant shall have a qualified biologist survey the site for active nests and submit a report to the RMA Planning
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Monitoring Action #2A
The owner/applicant/contractor shall notify the RMA-Planning Department at least one week prior to removing any trees at the site. If the tree removal is to occur during the bird breeding season from February through August than the owner/applicant shall have a qualified biologist survey the site for nesting birds no more than 30 days prior to the removal of trees and submit a report to the RMA-Planning Department for review and approval. If active nests are found a 250-foot no-disturbance buffer shall be established around that nest until a biologist determines that the birds have fledged.
Mitigation Measure #3 Tree Replacement
To minimize impacts to the long-term health of the forest resources at the site, the applicant shall plant six new Monterey pine trees of locally genetic, pitch canker resistant, stock, in the areas where dead trees will be removed.
Monitoring Action #3A
Proposed replacement tree planting locations shall be identified on the required landscaping plan. Trees shall be planted according to the approved landscaping plan and evidence of planting shall be supplied to the satisfaction of the RMA-Planning Department prior to building permit final.
Mitigation Measure #4 Landscaping
To reduce long-term impacts of residentially-related uses within the sensitive habitat, landscaping at the site shall be minimized as much as possible. New landscaping adjacent to the home and driveway shall be compatible with the identified sensitive species and shall use only native plants. Additionally, the landscaping plans shall include removal of invasive species at the site where possible without affecting the sensitive plants.
Monitoring Action #4A

Prior to the issuance of grading or building permits, the applicant shall submit landscape plans to a qualified biologist for review and approval in order to verify that the plans coordinate with the recommendations made in the project's biological report. The applicant shall submit the landscape plans, the biologist's concurrence with the plan, and the contractor's estimate to the RMA Planning Department for review and approval. Landscaping plans shall include the recommendations from the Biological Survey and the tree replacement planting as applicable.
Mitigation Measure #5 Monitoring
To ensure proper implementation of mitigation measures and best management practices, the applicant shall submit periodic letters from a qualified biologist to the RMA Planning Department for review and approval. The reports shall be submitted once
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Monitoring Action #5A
Prior to commencement of grading or building activities, the applicant shall submit a letter from a qualified biologist describing the quality of mitigation implementation required prior to construction and any changes necessary to protect resources at the site, to the RMA Planning Department for review and approval.
Monitoring Action #5B
Prior to final of building permits, the applicant shall submit a letter from a qualified biologist describing the quality of mitigation implementation maintained during construction and any unforeseen impacts that may have occurred, to the RMA Planning Department for review and approval.
Monitoring Action #5C
The applicant shall submit yearly spring biological monitoring reports, no later, than July 31 of any one year, to the RMA Planning Department for review and approval. The biologist shall have the authority to recommend minor modifications to the implementation of mitigation measures associated with this permit for the purpose of habitat restoration and protection and based on the biologist report, subject to the discretion of the Director of the RMA Planning

Department. If unforeseen impacts are identified, corrective measures will be required to restore the impacted area to its original state subject to continued monitoring by a qualified biologist and until full restoration of unforeseen impacts is achieved.
Mitigation Measure #6 Conservation Easement
To insure the long term protection of sensitive resources, a conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where habitats of rare, endangered and sensitive native plants exist. 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 prior to issuance of grading and building permits.
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Prior to the issuance of grading or building permits, the 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 RMA Planning Department for review and approval.
As conditioned and mitigated the project will have a less than significant impact on sensitive species Sources IX. 1, 3, 4, 6, 7, 9, 10, 12, & 15).
Figure 2 Flagged Yadon's rein orchids
5. CULTURAL RESOURCES Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Would the project: Impact Incorporated Impact Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?
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CONSERVATION & SCENIC EASEMEN┐└►►c►┘5. CULTURAL RESOURCES Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Would the project: Impact Incorporated Impact Impact
c) Directly or indirectly destroy a unique paleontological 0
resource or site or unique geologic feature?
d) Disturb any human remains, including those interred
outside of formal cemeteries?
Discussion:
Cultural Resources
An archaeological survey is required for all development within the Del Monte Forest CIP Policy 20.147.080.B.1). A Preliminary Cultural Resources Reconnaissance prepared by Archaeological Consulting, dated July 3, 2007, was submitted for the subject property. No potentially significant resources were discovered or are believed to exist on the property and the project is not within 750 feet of any known archaeological resources; however, lack of surface evidence of archeological resources does not preclude their subsurface existence. The report makes recommendations to reduce potential project impacts to a less than significant level.
Conclusion:
Cultural Resources 5(a) No Impact
The proposed project includes construction of a new single family home and senior unit on a currently vacant site. Neighboring structures were constructed in 1975 and 1981, less than 50 years ago, and will not be affected by the proposed development. The.structure and site are not listed in any registrar of historic places and will have no impact on historical resources Source IX. 1, 11, & 13).
Cultural Resources 5(b), 5 c), & d) Less Than Significant
The archaeological report prepared for the subject property concluded that the project area does not contain surface evidence of potentially significant archaeological resources and the project should not be delayed for archaeological reasons; however a possibility exists that unidentified e.g., buried) cultural resources could be found so a standard condition of approval was recommended that states:
If, during the course of construction, cultural, archaeological, historical or paleontological

resources are uncovered at the site surface or subsurface resources) work shall be halted immediately within 50 meters 165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA Planning 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."
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CONSERVATION & SCENIC EASEMEN┐└►►d►┘ Incorporating this condition of approval and requiring notation on the plans to this effect is standard
practice of Monterey County Planning Department for negative archaeological reports and will
reduce the potential for impacts to a less-than-significant level f Source IX. 11).
6. GEOLOGY AND SOILS
Would the project:
a) Expose people or structures to potential substantial
adverse effects, including the risk of loss, injury, or
death involving:
i) Rupture of a known earthquake fault, as delineated
on the most recent Alquist-Priolo Earthquake Fault
Zoning Map issued by the State Geologist for the
area or based on other substantial evidence of a
known fault? Refer to Division of Mines and
Geology Special Publication 42.
ii) Strong seismic ground shaking?
iii) Seismic-related ground failure, including
liquefaction?
iv) Landslides?
b) Result in substantial soil erosion or the loss of topsoil?
c) Be located on a geologic unit or soil that is unstable, or
that would become unstable as a result of the project,
and potentially result in on- or off-site landslide, lateral
spreading, subsidence, liquefaction or collapse?
d) Be located on expansive soil, as defined in Table 18-1-B
of the Uniform Building Code 1994), creating

substantial risks to life or property?
e) Have soils incapable of adequately supporting the use of
septic tanks or alternative wastewater disposal systems
where sewers are not available for the disposal of
wastewater?
Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Impact Incorporated Impact Impact

Discussion:
Geology & Soils
Located on the Monterey Peninsula, the project site is not within 660 feet of potentially active faults but is subject to seismic-related ground shaking. Some cut and fill combined with removal of 33 Monterey Pine trees, are also proposed. Exposed soils from grading and tree removal create a potential for erosion, especially during the rainy season from October 15 April 15.
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CONSERVATION & SCENIC EASEMEN┐└►►e►┘ Conclusion:
Geology & Soils 6(a-i, iii, iv), 6(c), 6(d), & 6(e) No Impact
A Geologic and Soils Engineering Report, prepared by Grice Engineering and Geology Inc. in July 2005, was submitted for the proposed project. The report concluded that the site is not located within any Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act therefore having a low potential for surface rupture. Liquefaction and lateral spreading were determined to have a very low potential of occurrence, due to the soils on the site not having properties normally associated with these situations. Since the site is relatively flat and not in close proximity to significant slopes, there is no potential for adverse impacts from landslides. In general the soils at the site were found to be acceptable for foundation purposes provided the geotechnical report recommendations are followed. Compliance with the Uniform Building Code's current edition, seismic zone IV, Soil Type S0, for foundation design and construction was recommended in the report. Monterey County RMA-Building Department reviews all building permit applications for consistency with engineer specifications and compliance with the current building codes prior to issuance. Actual construction is than regularly inspected for compliance with plans and building code during construction by Monterey

County building inspectors and special contract inspectors where required.
The project will receive sewer service from the Pebble Beach Community Services District and Carmel Area Wastewater District so the adequacy of the soil for on-site sewage disposal is irrelevant. Sources IX. 1, 3, 6, & 8) Therefore, the project will not impact or expose people or structures to potentially substantial adverse effects due to fault rupture or seismic ground failure such as liquefaction or landslides.
Geology & Soils 6 a-ii) Less Than Significant
The Del Monte Forest Land Use Plan identifies high geologic hazard areas within 1/8 mile of an active or potentially active fault. The geotechnical report indicates that the nearest known potentially active fault is the Cypress Point Fault, located approximately 0.6 miles to the southwest. This fault is a Type C fault and is not expected to produce earthquakes and ground shaking at the intensity that the Type A San Andreas Fault is capable of. Because the site is not within 1/8 mile of a potentially active fault does not mean that the site is not subject to seismic related ground shaking. As all of Monterey County has the potential for ground shaking at some point in the future, the geotechmical engineer has made recommendations including locating the foundation in undisturbed native soils found at depth or on engineered fill and that the foundation be designed and constructed using the current Building Code standards for seismic zone IV. These recommendations will prevent resonance amplification between soils and the structure and is the standard for construction of habitable structures in Monterey County Sources IX. 1, 3, & 8). Therefore, the proposed project will have a less than significant impact related to seismic ground shaking.
Geology & Soils 6 b):-- Less Than Significant
Removal of native vegetation, including trees and the proposed cut and fill for the building pads, will leave exposed loose soils at the site. Loose, exposed top soils can erode rapidly when mixed
Exhibit
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CONSERVATION & SCENIC EASEMEN┐└►►f►┘ with water. The site drainage and erosion control plans are essential to reducing the impact of erosion on the site. Recommendations in the soils report echo Monterey County standard practices for drainage control. Permanent storm water runoff will be controlle in accordance with the conditions of approval recommended by the Monterey County Water Resources Agency which requires submittal and approval of a drainage plan. Monterey County Building Services Department requires erosion control plans and measures to be in place during the grading process when a grading permit is required. Standard erosion control practices include the use of covering or vegetating exposed soils, using silt fences or straw bales to contain surface runoff, and, where possible, to complete soil disturbing activities out side of the rainy season from October 15 through April 15. The Monterey County RMA-Building Department, Grading Division reviews all request for winter grading and must make an exception to allow grading during this time.

Incorporating the soils report recommendations, conditions of approval from Water Resources, and general policies of the RMA-Building Department throughout the project will reduce the impact of soil erosion to less than significant Sources IX. 1, 3, & 8).
7. HAZARDS AND HAZARDOUS MATERIALS Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Would the project: Impact Incorporated Impact Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
f)
For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
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Significant
Potentially With Less Than
Significant Mitigation Significant No
Would the project: Impact Incorporated Impact Impact
g)
Impair implementation of or physically interfere with an
adopted emergency response plan or emergency
evacuation plan?
h) Expose people or structures to a significant risk of loss,
injury or death involving wildland fires, including where
wildlands are adjacent to urbanized areas or where
residences are intermixed with wildlands?
Discussion/Conclusion/Mitigation: See Sections IV.A.2)
8. HYDROLOGY AND WATER QUALITY Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Would the project:
a) Violate any water quality standards or waste discharge
requirements?
b) Substantially deplete groundwater supplies or interfere
substantially with groundwater recharge such that there
would be a net deficit in aquifer volume or a lowering
of the local groundwater table level e.g., the
production rate of pre-existing nearby wells would drop
to a level which would not support existing land uses or
planned uses for which permits have been granted)?
c) Substantially alter the existing drainage pattern of the
site or area, including through the alteration of the
course of a stream or river, in a manner which would
result in substantial erosion or siltation on- or off-site?
d) Substantially alter the existing drainage pattern of the
site or area, including through the alteration of the
course of a stream or river, or substantially increase the
rate or amount of surface runoff in a manner which
would result in flooding on- or off-site?
e) Create or contribute: runoff water which would exceed
the capacity of existing or planned stormwater drainage
systems or provide substantial additional sources of
polluted runoff?
f)
Otherwise substantially degrade water quality?
Impact Incorporated Impact Impact

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CONSERVATION & SCENIC EASEMEN┐└►►h►┘8. HYDROLOGY AND WATER QUALITY Less Than
Would the project:
g)
Place housing within a 100-year flood hazard area as
mapped on a federal Flood Hazard Boundary or Flood
Insurance Rate Map or other flood hazard delineation
map?
h) Place within a 100-year flood hazard area structures
which would impede or redirect flood flows?
i) Expose people or structures to a significant risk of loss,
injury or death involving flooding, including flooding
as a result of the failure of a levee or dam?
j) Inundation by seiche, tsunami, or mudflow?
Significant
Potentially With Less Than
Significant Mitigation Significant No
Impact Incorporated Impact Impact

Discussion/Conclusion/Mitigation: See Sections IV.A.3)
9. LAND USE AND PLANNING
Would the project:
a) Physically divide an established community?
b) Conflict with any applicable land use plan, policy, or
regulation of an agency with jurisdiction over the project
including, but not limited to the general plan, specific
plan, local coastal program, or zoning ordinance)
adopted for the purpose of avoiding or mitigating an
environmental effect?
c) Conflict with any applicable habitat conservation plan or
natural community conservation plan?
Less Than
Significant
Potentially With

Less Than
Significant Mitigation Significant No
Impact Incorporated Impact Impact

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Discussion:
Land Use Planning
The main areas of potential conflict with adopted plans and policies include tree removal and the proposed senior unit. The Local Coastal Plan, including the Zoning Ordinance Title 20 and the Del Monte Forest Land Use Plan, are the main local regulatory documents governing development at the site. There are many policies within Del Monte Forest LUP that the proposed project complies with including Pescadero Watershed structural 5,000 square feet) and impervious 4,000 square feet) coverage limitations, site development standards, and design criteria. General policies relating to tree removal are geared towards minimizing removal to the maximum extent using appropriate siting and design. Tree removal policies relate to the senior
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CONSERVATION & SCENIC EASEMEN┐└►►i►┘unit proposal because at least five 5) trees will need to be removed for the senior unit construction. Senior units are also subject to overall buildout density established in the Del Monte Forest LUP.
Conclusion:
Land Use Planning 9 a) No Impact
The proposed dwelling will be located on a legal lot of record created by Minor Subdivision file number MS 73-47 within a residential neighborhood, surrounded by dwellings of a similar character. The subject property and surrounding properties are zoned Low Density Residential. There are no known Habitat or Natural Community Conservation Plans governing development on the parcel Sources IX. 1, 3, 6, & 12). Therefore, the construction of a new dwelling and senior unit on this legal lot will not divide the established community or conflict with established conservation plans at the site.
Land Use Planning 9 b) & c) Less Than Significant
Potential conflicts with the applicable land use plan and policies were identified including Forest resources and biological resources. Because of the presence of Yadon's rein orchid, consultation with United States Fish & Wildlife was required to address any conservation plans associated with the federally endangered species.
Forest Resource policies within the Del Monte Forest Land Use Plan LUP) and Coastal Implementation Plan Part 5 CIP) require review of project design and siting to minimize removal of trees and vegetative cover. The subject project would disturb approximately 9,000 square feet for the construction of a new single family dwelling, senior unit, and driveway requiring removal of 33 Monterey Pine trees. Removal of 33 Monterey Pines is not the minimum required as described in Section VI.4 Biological Resources) of this document. Also, the senior unit is a conditional use allowed that could be considered based on the suitability of the site to allow for the use. Six 6) Monterey Pines and six 6) Yadon's rein orchid would be removed for the construction of the proposed senior unit. These twelve plants could be retained if the senior unit were eliminated from the project. The project, including the senior unit, has been found to have a less than significant effect on the protected plants at the site, and, as designed, appears appropriately sited. Justification for the senior unit has been submitted by the owner citing a need to provide housing for their parents, who, in return, may still be able to provide caretaker-like services for the property Sources IX. 1, 3, 4, 9, & 15).
Based on conversations with USFWS and DFG, the proposed project does not conflict with any habitat conservation or natural community conservation plan. Overall, the project has been sited and designed appropriately and impacts to sensitive resources have been minimized and mitigated to a less than significant level Source: IX. 1, 3, 12, & 15).
The project use, a new single family dwelling on a legal lot of record within a residential zoning, is consistent with the Land Use Plan. The project has been designed consistent with the zoning ordinance including the site development standards. The proposed project as designed, conditioned, and mitigated has not been found to require any amendments to the applicable plans
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CONSERVATION & SCENIC EASEMEN┐└►►j►┘ or policies. Therefore, the impact of the project with respect to conflicts with the applicable plans, polices, or regulations is less than significant.
10. MINERAL RESOURCES Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Would the project: Impact Incorporated Impact Impact
a) Result in the loss of availability of a known mineral
resource that would be of value to the region and the
residents of the state?
b) Result in the loss of availability of a locally important
mineral resource recovery site delineated on a local
general plan, specific plan or other land use plan?
Discussion/Conclusion/Mitigation: See Sections IV.A.4)
11. NOISE Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Would the project result in: Impact Incorporated Impact Impact
a) Exposure of persons to or generation of noise levels in
excess of standards established in the local general plan
or noise ordinance, or applicable standards of other
agencies?
b) Exposure of persons to or generation of excessive
groundborne vibration or groundborne noise levels?
c) A substantial permanent increase in ambient noise
levels in the project vicinity above levels existing
without the project?
d) A substantial temporary or periodic increase in ambient
noise levels in the project vicinity above levels existing
without the project?
e) For a project located within an airport land use plan or,
where such a plan has not been adopted, within two
miles of a public airport or public use airport, would
the project expose people residing or working in the
project area to excessive noise levels?
fl
For a project within the vicinity of a private airstrip,
would the project expose people residing or working in
the project area to excessive noise levels?

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CONSERVATION & SCENIC EASEMEN┐└►►k►┘ Discussion/Conclusion/Mitigation: See Sections IV.A.5)
12. POPULATION AND HOUSING
Would the project:
Potentially
Significant
Impact
a) Induce substantial population growth in an area, either directly for example, by proposing new homes and businesses) or indirectly for example, through extension of roads or other infrastructure)?
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
11
Discussion/Conclusion/Mitigation: See Sections IV.A.6)
13. PUBLIC SERVICES
Would the project result in:
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
a) Fire protection?
b) Police protection?

c) Schools?
d) Parks?
e) Other public facilities?
Potentially
Significant
Impact
11
11
Discussion/Conclusion/Mitigation: See Sections IV.A.7)
Enea Properties Initial Study
PLN070333
Less Than
Significant
With Less Than
Mitigation Significant No
Incorporated Impact Impact
N
Less Than
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With Less Than
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CONSERVATION & SCENIC EASEMEN┐└►►I►┘14. RECREATION
Would the project:
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
Discussion/Conclusion/Mitigation: See Sections IV.A.8)

15. TRANSPORTATION/TRAFFIC Less Than
Would the project:
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
d) Substantially increase hazards due to a design feature e.g., sharp curves or dangerous intersections) or incompatible uses e.g., farm equipment)?
Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Impact Incorporated Impact Impact

Significant
Potentially With Less Than
Significant Mitigation Significant No
Impact Incorporated Impact Impact

e) Result in inadequate emergency access?
f)
Result in inadequate parking capacity?

g)
Conflict with adopted policies, plans, or programs supporting alternative transportation e.g., bus turnouts, bicycle racks)?

Discussion/Conclusion/Mitigation: See Sections IV.A.9)
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CONSERVATION & SCENIC EASEMEN┐└►►m►┘16. UTILITIES AND SERVICE SYSTEMS
Would the project:
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
g) Comply with federal, state, and local statutes and regulations related to solid waste?
Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Impact Incorporated Impact Impact
E

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Discussion/Conclusion/Mitigation: See Sections IV.A.10)
VII. MANDATORY FINDINGS OF SIGNIFICANCE
NOTE: If there are significant enviromnental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report EIR) process.
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CONSERVATION & SCENIC EASEMEN┐└►►n►┘ Does the project:
a) Have the potential to degrade the quality of the
environment, substantially reduce the habitat of a fish
or wildlife species, cause a fish or wildlife population
to drop below self-sustaining levels, threaten to
eliminate a plant or animal community, reduce the
number or restrict the range of a rare or endangered
plant or animal or eliminate important examples of the
major periods of California history or prehistory?
Less Than
Significant
Potentially With Less Than
Significant Mitigation Significant No
Impact Incorporated Impact Impact
N
b) Have impacts that are individually limited, but
cumulatively considerable? Cumulatively
considerable" means that the incremental effects of a
project are considerable when viewed in connection
with the effects of past projects, the effects of other
current projects, and the effects of probable future
projects)?
c) Have environmental effects which will cause substantial
adverse effects on human beings, either directly or
indirectly?

Conclusion:
a) Less Than Significant with Mitigation Incorporated
The project as proposed, conditioned, and mitigated will not have the potential to degrade the environment. Potential impacts to biological and forest resources will result from construction of the proposed project. Mitigations are recommended to reduce potential impacts to these resources to a less-than-significant level using biological monitoring and surveys, tree and root protection, replanting, and conservation easements See Sections VI, Number 4, Biological Resources).
b) Less Than Significant
The project includes the construction of a new single family dwelling and senior unit on an existing legal lot of record, created through a minor subdivision in 1973 MS 73-47). Development of this parcel was anticipated as the lot is within an approved subdivision and is zoned for residential use. Construction of the proposed project will not significantly increase population in the area, demand on utilities and services, increase in traffic and other cumulative subjects. The proposed project has been reviewed and found to be consistent with the Local Coastal Plan. Cumulative Air Quality impacts from grading and construction are accounted for in the Air Quality Management Plan. There is no foreseeable or observable cumulative impact to the enviromnent for this residential infill project Source:. Sections VI above).
c) No Impact
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CONSERVATION & SCENIC EASEMEN┐└►►o►┘There is no evidence in the record that the project will cause substantial effects to the environment that either directly or indirectly affect human beings Source: Sections IV and VI above).
VIII. FISHAND GAME ENVIRONMENTAL DOCUMENT FEES
Assessment of Fee:
The State Legislature, through the enactment of Senate Bill SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a de minimis" minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a de minimis" effect were exempt from payment of the filing fees.
SB 1535 has eliminated the provision for a determination of de minimis" effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
To be considered for determination of no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at 916) 631-0606 or through the Department's website at www.dfg.ca.gov.
Conclusion: The project will be required to pay the fee.
Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN070333 and the attached Initial Study / Proposed Mitigated) Negative Declaration.
IX. REFERENCES
1. Project Application/Plans contained in File Number PLN070333.
2. Monterey County General Plan, pages 84-89 regarding noise hazards.
3. Del Monte Forest Land Use Plan and Coastal Implementation Plan Part 5
4. Title 20 of the Monterey County Code Zoning Ordinance)
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008. http://www.mbuapcd.org/index.cfin/Cat/66.htm
6. Site visits conducted by the project planner on April 17, 2008 and March 24, 2009.
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8. Geotechnical and Geoseismic Report prepared by Grice Engineering and-Geology Inc,
dated July 2005.
9. Tree Assessment and Forest Management Plan, prepared by Frank Ono, dated February
25, 2008.
10. Biological Report, prepared by Ed Mercurio, dated August 31, 2007.
11. Preliminary Archaeological Reconnaissance, prepared by Archaeological Consulting,
dated July 3, 2007.
12. Meeting with the CA Department of Fish and Game staff on August 20, 2008.
13. Monterey County Assessor's Database.
14. Monterey County Code Chapter 10.60.
15. Supplemental biological report prepared by Ed Mercurio dated May 26, 2009.
16. Monterey Regional Waste Management District website.
http //www.mrwmd. org/pdf/mrwmd%20annual%20report%20200 8 %20.pdf
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1. Biological Reports, prepared by Ed Mercurio, dated August 31, 2007 and May 26, 2009.
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CONSERVATION & SCENIC EASEMEN┐└►►r►┘Tree Assessment, and
Forest Management Plan
Enea Residence
1440 OleadaRoad, Pebble Beach, CA
Prepared for:
Mr. Robert Enea
Enea Properties LLC
Prepared by:
Frank Ono
Forester
Society of American Foresters I.D. #48004
Certified Arborist #536
1213 Miles Avenue
Pacific Grove, CA 93950
February 25, 2008

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CONSERVATION & SCENIC EASEMEN┐└►►t►┘Owner:
Enea Properties LLC
Mr. Robert Enea
190 Hartz Avenue, Suite 260
Danville, CA 94526
925) 314-1470
Architect:
Mr. David Prew
P.O. Box 22114
Carmel CA 93922
Forester and Arborist
Frank Ono, Society of American Foresters # 048004, Certified Arborist #536
F.O. Consulting
1213 Miles Ave
Pacific Grove, CA 93950
831) 373-7086
Summary
Development has been proposed for the site located at 1440 Oleada requiring removal of 38 pine trees. The project proposes to build a multilevel structure, driveway, walkways and senior unit within a stand of trees that is in poor to moderate condition degraded from previous pruning topping) which has resulted in reduction of over 36% of the canopy. The majority of the pines proposed to be removed for the development is in poor condition or dead and are those near or within.the proposed construction areas. A tree assessment/forest management has been prepared that identifies and addresses these trees and affects that the project will have to the forested resources on site from the plans submitted to me as well as a list of recommendations for the project.
Introduction:
This tree assessment/forest management plan is prepared for Mr. Robert Enea the owner of the property located at 1440 Oleada Road, Pebble Beach CA by Frank Ono, Forester and Certified Arborist, Society of American Foresters #48004 and International Society of Arboriculture certified arborist #536 due to the proposed construction of a multilevel single family dwelling, garage and detached senior unit. The Del Monte Forest Land use Plan and Monterey County's Coastal Implementation Plan Sec. 20.146.060 requires an assessment be made of forested resources and a forest management plan is prepared when tree removal is necessary of protected native trees regardless of size or amount so as to preserve and maintain the forest and its beneficial uses. The County identifies Monterey pine trees as native tree species that require special consideration for management.

Frank Ono
F.O. Consulting
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CONSERVATION & SCENIC EASEMEN┐└►►u►┘Assignment/scope of project
Native Monterey pines forest this site in medium to dense concentrations. Development of this parcel will have various affects to the surrounding forest from construction of the residences and driveway. To ensure protection of the tree resources on site, the property owners, Mr. Robert Enea, has requested a tree/forest assessment of the trees in proximity to proposed development areas and a forest management/maintenance plan for trees that are proposed to be removed on this property. To accomplish this assignment, the following tasks have been completed;

Evaluate health, structure and preservation suitability for each tree within or adjacent 15 feet or less) to proposed development of trees greater than or equal to six diameter inches at 24 inches above grade.

Review proposed building site plans as provided by Mr. David Prew, Architect

Make recommendations for alternative construction methods and preconstruction treatments to facilitate tree retention.

Create preservation specifications, including a Tree Location/Preservation Map.

Determine the quantity of trees to be removed that meet Landmark" criteria as defined by the County of Monterey, Title 20 Del Monte Land Use Plan; as well as mitigation requirements for those to be removed.

Document findings in the form of a report as required by the County of Monterey Planning Department.

Limitations
This assignment is limited to the review of plans submitted to me dated September 1, 2007 by Mr. David Prew to assess affects from potential construction to trees within or adjacent to construction activities. The assessment has been made of these plans specifically and no other plans were reviewed. Impacts from utility line placement and/or planned landscaping are unable to be determined at the time of assessment.

Purpose:
This tree assessment/forest management plan is prepared for this parcel due to proposed construction activities that include proposed tree removal for the construction of a 4713 square foot single family residence, an attached 619 square foot garage, 110 feet of retaining walls and a detached 849 senior unit.

Goal:
The goal of this plan is to protect and maintain the Del Monte Forest forested resources through the adherence of development standards, which allow the protection, and maintenance of its forest resources. Furthermore it is the intended goal of this plan to offset any potential

negative effects of proposed development on the property while encouraging forest stability and sustainability, perpetuating the forested character of the property and the immediate vicinity.
Frank Ono
F.O. Consulting

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CONSERVATION & SCENIC EASEMEN┐└►►v►┘ Site Description
1) Assessor's Parcel Number: 008-331-007
2) Location: 1440 Oleada Road
3) Parcel size: 875 Acres
4) Existing Land Use: The parcel is undeveloped land zoned for residential use
5) Slope: The parcel is on a sloped lot. Slopes range from 10% to 20% averaging 15% with slope aspect facing to the south.
6) Soils: The parcel is located on Narlon series soil as identified by the Monterey county soils report that is composed of loamy fine sand about 12-20" deep. Clay subsoil is found generally at a depth of 15 to 20 inches. Runoff is slow to medium and erosion hazard is moderate. This is considered a moderately productive Monterey Pine soil type. Site index averages 75, which means that on average an 100-year old tree will be 75 feet tall. This soil type is considered to have severe windthrow hazard and equipment limitations.
7) Vegetation: The vegetation is a closed cone forest of the Monterey Pine Forest type. It is a mixture of some Monterey Pine forest with understory cover comprised of coastal live oak and acacia. Ground cover is manicured consisting of mowed grasses and cut poison oak.
8) Forest Condition and Health: The forest condition and health is evaluated with the use of the residual trees and those of the surrounding Monterey Pine Forest as a stand. The forest canopy is in decline and beginning to fragment apart. The stand of trees on the lot is considered to be in poor to moderate health and condition due to overcrowded growth and previous topping. It is composed of even aged Monterey pines with oak understory. The stand of pines has grown with crowns close together with lower branches on their stems that are dead or dying. A number of pines especially in the southern portion have been pruned topped) so that over 30% of the canopy is no longer present compromising the stand structure, leaving now only weakly attached lateral limbs to dying stem tops. Currently many of the trees in this stand are growing tall, thin and weak due to the overcrowded conditions each tree is competing with its neighbor for sunlight and as a result has very thin trunks) coupled with a number of large trees that are either dead or standing with only a few live branches left within

their canopy from the topping. All new growth has gone toward obtaining height, not girth. The crowded trees are constantly competing with one another but are also interdependent on each other as tall, thin trees cannot support the weight of their own branches by themselves. Pines, which are typically grown in large groupings, become interdependent upon each other by using root grafting as a common support as they become larger. The interwoven branches and roots of crowded trees provide support for one another. The site contains typical pests of the Monterey Pine tree which are of Red turpentine beetles, Dendroctonus valens) and Engraver beetles Ips paraconfusus). Red turpentine beetles usually are not considered a serious pest while Engraver beetles usually are.
Frank Ono F=et+. Pf gt
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CONSERVATION & SCENIC EASEMEN┐└►►w►┘Background
On February 7, 2008, I Frank Ono Consulting) visited the site with David Prew, the architect and Mr. Robert Enea the landowner, to review the site and plan that was submitted to me. At that time I was made to understand that this project has been previously assessed by Mr. Greg Ambrosio, forester, in June of 2007. When Mr. Ambrosio assessed the site it was recommended for the removal of 18 pine trees on this site to facilitate the project as it was designed at that time, however, due to the passage of time and design changes the tree removal count has since changed. Because of the dynamic nature of the site, coupled with environmental factors and degrading site conditions, changes to the tree removal count are inevitable and an increase in the number of trees proposed for removal as time passes are anticipated and required.
I was retained on February 2, 2008 Mr. Enea to review design changes and tree removal proposed, to conduct a tree assessment for trees adjacent to the proposed construction and to prepare a Forest Management Plan to work in conjunction with other conditions for approval of the building permit application. In order for this plan to succeed as proposed, this current design requires that a number of pine trees be removed within and immediately adjacent to the construction envelope.
After the initial site visit a second site visit was arranged in on February 15, 2008 to review the preliminary location of the site improvements that incorporates the general goals of the landowner. During the site visit the proposed improvements were assessed including complying with County Codes, preserving additional trees to the greatest extent feasible, and maintaining the view shed and general aesthetic quality of the area.
Trees within and immediately adjacent to the proposed development area were located, measured, inspected, flagged and recorded as a result of a focused study of the individual trees to determine the treatments necessary to complete the project and meet the goals of the

landowner. The assessment of each tree concluded with an opinion of whether the tree should be removed or preserved, based on the extent and effect of construction impacts to the short and long term health of the tree.
All meetings and field review were focused on the area immediately surrounding the proposed development however no alternate structure sites were discussed at the time.
Observations
The following list includes observations made while on site, and summarizes details discussed during this stage of the planning process.
Canopy dieback and tree stem failures are evident throughout this property. A majority of trees on site are declining in health, primarily evidenced by stem defects, thinning in the crown, and crown dieback which have created openings in the canopy
Pruning of canopies for major crown reduction has occurred on site in the past topping) contributing to the decline of a number of the trees. This has seriously compromised the structure and composition of the stand. Topping is the process whereby a tree is cut back to a few large branches. After 2 to 3 months, re-growth if available, on a topped tree is vigorous, bushy and upright. Topping seriously affects the tree's structure and
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CONSERVATION & SCENIC EASEMEN┐└►►x►┘ appearance. The weakly attached re-growth can break off during severe wind or rain storms. Topping also shortens the life of a tree by making it susceptible to attack by insect and disease. Pines do not tolerate topping well, if at all.

Other trees that have survived the topping are now growing erratically with over abundant lateral limbs creating poor growing trees and poor conditions below them.

Declining and dead trees are interspersed throughout the property; a number are concentrated where the proposed development is to be located.

Several landmark trees were observed in the area of the development. A majority of them are dead or declining.

The stand of trees on the property is in need of thinning to allow light to reach the forest floor. The most efficient available sunlight is cast on the slope from the south and west due to the aspect of the slope that faces south and west.

The site has grown overcrowded and currently not enough available sunlight is reaching the forest floor to allow for regeneration or release of new pines.

Removal or thinning of trees to the south will enable sufficient light to reach the forest floor and aid in the release of younger pine stock. Greater numbers of trees would be required to be thinned or removed of the upper northern) portion of the property to accomplish the same task of allowing enough light to reach the forest floor as trees cast shadows to the north.

The driveway and house placement is located to take advantage of current openings in

the canopy.
The driveway is configured to accommodate the requirements placed by California Department of Forestry for slope and turn around area, which is placed to coincide and take advantage with degraded areas of the tree stand.
Most of the trees proposed for removal are within the stand or on the edges existing openings and therefore have trees adjacent to or behind them.
Current placement and shape of the house is designed to save an aggregate of healthier trees located at the east and north greater sloped portion of the property that have improved copy and stem structure. The plan is to re-forest and supplement the areas that are denuded on the east and north portions of the property. This new planting will serve to act as visual buffers from neighboring sites and the roadway.
Alternate building sites would require removing more trees that are larger and in healthier condition. The forest stand would still require thinning and tree removal in the lower southern section.
The result of analyzing alternatives is to leave the home in its drawn location, as this would likely have less impact to the visual resources of the property and the neighborhood.
Many of the trees are in poor condition have been damaged by pruning and will grow stunted or fail on their own soon. Proactive management is warranted to preserve forested resources.
Description of construction effects to existing trees
Site inspections and review of the plans as presented identified numerous negative effects by construction to individual trees. The effects to trees are based on the development plans provided and surveyed tree locations. These construction effects are as follows:
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o These procedures require alteration of natural grade in the form of cut and/or fill. Roots shattered or torn during this process provide openings for opportunistic decay causing organisms degrading tree support systems and vigor.
Alteration of natural grade
o Cuts, lowering of natural grade, require the removal of soil until the desired elevation is reached. A cut within the trees Critical Root Zone can remove non-woody and woody roots. Non-woody absorbing) roots are responsible for transporting moisture and nutrients necessary for maintaining tree health. Larger significant cuts remove woody roots that provide structural

support, compromising the tree's ability to stand upright.
o Fill, increasing natural grade, often requires an initial cut to mix in and stabilize the material. This material is applied in layers and compacted in the process. Compaction breaks down soil structure by removing air and adding moisture, often anaerobic conditions develop, promoting decay. Absorbing roots can suffocate from lack of oxygen and structural roots may be compromised as a result of the decay.
Driveway construction- Chip Seal, Asphalt or Concrete
o Require a cut" to a depth of 6 to 12 inches below the existing grade. Soils are then stabilized and by applying base materials and compacted. Asphalt chip seal, decomposed granite or concrete are then applied to create the surface. The required grade alteration damages both woody and non-woody roots responsible for nutrient and moisture uptake as well as tree stability.
Driveway Construction- Pavers
o Require a cut" to a depth of 6 to 12 inches below the existing grade. Soils are then stabilized and by applying base materials and compacted then additional sand. Stone slabs, bricks or concrete pavers are then applied to create the surface. The required grade alteration that can be more readily adjusted because of its sand nature and flexible surface sometimes damages both woody and non-woody roots responsible for nutrient and moisture uptake as well as tree stability dependent on root depth or location.
Tree Removal
The plan proposes to construct a 4713 square foot single family residence, an attached 619 square foot garage, 110 feet of retaining wall and a detached 849 senior unit. In order for this design to succeed as drawn, removal of five dead pines and 33 pines with sparse or thin foliage for a total of 38 pines will be required for the construction of the driveway, parking
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CONSERVATION & SCENIC EASEMEN┐└►►z►┘areas, retaining walls, main structure and senior unit. Trees targeted for removal are trees that are of poor condition that present unacceptable risk to the proposed residence on site or to
surrounding properties, and to those trees impacted by construction located near or within the
proposed building footprint or driveway areas. These trees are listed in the following table:
Tree removal chart 38 Pines
ID # Diameter Species Condition Canopy Position Remove Comment
15 18 Pine Poor Co-dominant Yes Topped, in driveway
23 17 Pine Dead yes Near drivewa
24 24 Pine Poor Suppressed Yes In driveway
25 26 Pine Poor Dominant Yes Hip Canker, in driveway

26 12 Pine Fair Suppressed Yes In driveway
27 16 Pine Fair Suppressed Yes Topped, in driveway
29 24 Pine Poor Co-dominant Yes Canopy dieback 50%, in driveway

30
18
Pine
Poor
Suppressed
Yes Canopy dieback 50%, In building
footprint
31 29 Pine Fair Dominant Yes In building footprint
32 20+18 Pine Dead Yes In building footprint
33 20 Pine Dead Yes Near proposed building
35 18 Pine Poor Co-dominant Yes Topped, In building footprint
36 12 Pine Dead Yes Near building
37 13 Pine Poor Intermediate Yes jqpped, In walkway

38
27
Pine
Poor
Co-dominant
Yes
Topped, no canopy, Tight V-crotch, In
walkway
39 22 Pine Fair Co-dominant Yes Topped, In building footprint
40 6 Pine Poor Suppressed Yes In building footprint
43 10 Pine Fair Intermediate Yes Topped, In building footprint
44 10 Pine Fair Suppressed Yes In building footprint
45 10 Pine Fair Intermediate Yes In building footprint
46 17 Pine Fair Intermediate Yes Near building foundation
55 9 Pine Fair Suppressed Yes Topped
56 21 Pine Fair Co-dominant Yes In building footprint
57 15 Pine Fair Intermediate Yes In building footprint
58 10 Pine Poor Intermediate Yes Topped, In building footprint
59 15 Pine Poor Intermediate Yes Topped, In building footprint
60 13 Pine Fair Intermediate Yes Topped, In building footprint
61 27 Pine Fair Dominant Yes In building footprint
62 12 Pine Fair Suppressed Yes In building footprint
63 14 Pine Fair Intermediate Yes In building footprint

69
18
Pine
Poor
Co-dominant
Yes Topped, stem gall, In senior building
footprint
70 13 Pine Fair Co-dominant Yes Topped, In senior building footprint
71 14 Pine Dead Yes In senior building footprint

72
13
Pine
Poor
Co-dominant
Yes Topped, near walkway and
foundation senior building footprint
73 12 Pine Poor Co-dominant Yes Topped, In senior building footprint
74 18 Pine Fair Co-dominant Yes In senior building footprint
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Pine
Fair
Poor
Co-dominant
Co-dominant
Yes
Yes
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to ed
Five trees are dead listed as being proposed for removal #23, #32, #33, #26, and #71). These trees need to be abated because they may fragment apart, fall onto the proposed building or driveway or are in the proposed construction footprint.
Fifteen trees are rated as in poor condition to be removed #15, #24, #25, #29, #30, #35, #37, #38, #40, #50, #59, #69, #72, #73, and #84). These are trees that have serious structural flaws that cannot be over come over time. The trees present serious problems for the surrounding forest in the near future, or are in such irreversible health that they will soon fail or die. These are trees that are in or near the footprints of the buildings or driveway area and will be affected negatively.
Eighteen trees are in fair condition to be removed #26, #27, #31, #39, #43, #44, #45, #46, #55, #56, #57, #60, 61, #62, #63, #70, #74, and # 83). These are trees of lesser condition that have some structural problem or health factor limiting them from fully developing as healthy trees.
Five of these trees listed above are landmark size 24" or greater- # 24- 24" poor, #29-24" poor, #31-29" Fair, #38-27"poor, #61- 27" Fair). Trees are either in the walkway, driveway or building footprints.
Tree Planting
Because it is recommended that replacement of removed trees be undertaken replacement planting will be necessary. Trees should be planted in the immediate area just to the north and east of the proposed structure and those areas with the greatest opening in the stand to allow for a minimum of competition and maximum sunlight. Replacement trees should be five gallon stock or larger, if available and spacing between trees should be at least 8 feet. The site is overcrowded in areas but there appears to be enough light or room to plant and successfully regenerate at least. 25 trees on the remainder of the parcel; as many as possible should be replaced. Suggested planting areas are designated on the accompanying site map. Occasional deep watering more than two weeks apart) during the late spring, summer, and fall is recommended during the first two years after establishment. Grinding of stumps onsite is permissible.
Project Assessment

This proposal to build a single-family residence and driveway is planned to maintain the existing closed cone forest environment and will allow the forest to continue to exist and regenerate over time. The remainder of the property contains tree cover, which will remain undisturbed. No watercourses are near the planned construction.
Short Term Affects
Site disturbance will occur during driveway and home construction. Short term affects to the site are confined to the construction envelope and immediate surroundings where trees will be removed and trimmed and root systems reduced. The pruning of tree crowns above 30% and reduction of root area may have a short term impact on those trees treated, including a reduction of growth, dieback, and potentially death. Every attempt has been made to

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Long Term Affects
No significant long-term negative affects to the forest ecosystem are anticipated from this project. The site has been compromised from previous removal of over 30% of the crown ratio of trees resulting in disfigured erratic growth of pines and/or death of pines. The project as proposed will remove pines that exhibit poor crown ratio, poor height growth, and poor form from insects or disease. The introduction of new plantings attempts to aid in creating a mixed aged stand of pines to improve stand health. The project as proposed is not likely to significantly reduce the availability of wildlife habitat as stand improvement occurs over the long-term.
Whenever construction activities take place near trees, there is the potential for those trees to experience decline in the long-term as well. The greatest attempt has been made to identify and remove those trees likely to experience such a decline.
Recommendations
Replant Success Criteria To ensure the survivability and proper growth of the replacement trees success criteria will be defined to meet an 80% survival rate and implemented as follows.
A qualified professional monitor the newly planted trees at six 6) month intervals for a period of three years for the following:
Tree health and growth rates of new planting must be assessed
Trees suffering poor growth rates or declining health are identified.
Invigoration treatments if feasible be recommended and implemented.
Dead trees or trees in an irreversible state of decline will be replaced.

At the end of the three-year period the status of the new plantings will be assessed to make certain that success criteria has been met and all mitigation trees planted are performing well.
Implementation of these success criteria should be a condition of project approval.
Tree Preservation-The trees preserved around the project will have the greatest chance of success if the following practices are adhered to:
A) Do not deposit any fill around trees, which may compact soils and alter water and air relationships. Avoid depositing fill, parking equipment, or staging construction materials within 10 feet of the base of the trees within root zones for each tree not being removed. Covering and compacting soil around trees can alter water and air relationships with the roots. Fill placed within the drip-line may compact soils and encourage the development of oak rot fungus Armillaria mellea). As necessary, trees may be protected by boards, fencing or other materials to delineate protection zones.
B) Prior to construction, as necessary, trees will be protected by boards, fencing or other materials to delineate protection zones. Fencing should be approved by the project
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C) Excavation contractor shall be careful not to damage stems and/or exposed roots of trees with heavy equipment. The road building and grading contractor shall be careful not to damage stems and/or roots of trees within the proposed protection zones. Roots shall be severed along the extent of the cut prior to excavation to avoid additional damage to roots.
D) When trees inside the area of construction are cut; leave a high stump 24-36 inches) to aid in removal by mechanized equipment. Before excavating the stump and root system, first. locate all roots close to the ground surface by visual inspection and probing with a shovel. These roots should be cut before trying. to remove the stump. This will make stump removal easier and will insure minimal impact to other trees whose roots may be intertwined with the stump being removed.
E) Pruning shall be conducted so as not to unnecessarily injure the tree. General Principals of pruning include placing cuts immediately beyond the branch collar, making clean cuts by scoring the underside of the branch first, and for live oak, avoiding the period from February through May. Topping or heading of plants is discouraged.
F) Native live oaks are not adapted to summer watering and may develop crown or root rot as a result. Do not regularly irrigate within the drip line of oaks. Native, locally adapted,

drought resistant species are the most compatible with this goal.
G) Root cutting should occur outside of the springtime. Late June and July would likely be the best. Pruning of the live crown should not occur February through May.
G) Cut tree material greater than 3 inches in diameter remaining on site more that one month that is not cut and split into firewood should be covered with black plastic that is dug in securely around the pile. This will discourage infestation and dispersion of bark beetles.
H) Established pine trees require occasional deep watering accompanied by a light fertilization to remain healthy. To control the size of the tree, and to increase bushiness, the new growth, called candles, may be pruned in the spring as they appear. Remove dead or dying branches.
I) A mulch layer up to approximately 4 inches deep should be applied to the ground under selected trees following construction. Only 1 to 2 inches of mulch should be applied within 1 to 2 feet of the trunk,,and under no circumstances should any soil or mulch be placed against the root crown base) of trees. The best source of mulch would be from chipped material generated on site.
J) If trees along near the development are visibly declining in vigor, a Professional Forester or Certified Arborist should be contacted to inspect the site to recommend a course of action.
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CONSERVATION & SCENIC EASEMEN┐└►►~►┘Agreement by Landowner
The following standard conditions are made a part of all Monterey County Forest Management Plans:
A. Management Objectives
1. Minimize erosion in order to prevent soil loss and siltation.
2. Preserve natural habitat including native forest, understory vegetation and associated wildlife.
3. Prevent forest fire.
4. Preserve scenic forest canopy as located within the Critical View shed any public viewing area).
5. Preserve landmark trees to the greatest extent possible as defined below.
B. Management Measures
1. Tree Removal: No tree will be removed without a Forest Management Plan or an Amended Forest Management Plan.
2. Application Requirements: Trees proposed for removal will be conspicuously

marked by flagging or by paint. Proposed removal of native trees greater than six inches will be the minimum necessary for the proposed development. Removal not necessary for the proposed development will be limited to that required for the overall health and long term maintenance of the forest, as verified in this plan or in subsequent amendments to this plan.
3. Landmark Trees: All landmark trees will be protected from damage if not permitted to be removed as a diseased tree, which threatens to spread the disease to nearby healthy trees. or as a dangerous tree, which presents an immediate danger to human life or structures. Landmark trees are trees that are visually, historically, or botanically significant specimens or are greater than 24 inches or more in diameter at breast height DBH), or more than 1,000 years old.
4. Dead Trees: Because of their great value for wildlife habitat particularly as nesting sites for insect eating birds) large dead trees will normally be left in place. Smaller dead trees will normally be removed in order to reduce the fire hazard. Dead trees may be removed at the convenience of the owner.
5. Thinning: Trees less than six inches diameter breast height may be thinned to promote the growth of neighboring trees, without first developing a Forest Management Plan.
6. Protection of Trees: All trees other than those approved for removal shall be retained and maintained in good condition. Trimming, where not injurious to the health of the tree, may be performed wherever necessary in the judgment of the owner, particularly to reduce personal safety and fire hazards. Retained trees which are located close to the construction site shall be protected from inadvertent damage by construction equipment through wrapping of hunks with protective materials, bridging

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CONSERVATION & SCENIC EASEMEN┐└►►►┘ or tunneling under major roots where exposed in foundation or utility trenches and other measures appropriate and necessary to protect the well being of the retained
trees.
7. Fire prevention: In addition to any measures required by the local California
Department of Forestry fire authorities, the owner will;
A) Maintain a spark arrester screen atop each chimney.
B) Maintain spark arresters on gasoline-powered equipment.
C) Establish a greenbelt" by keeping vegetation in a green growing condition to a
distance of at least 50 feet around the house.

D) Break up and clear away any dense accumulation of dead or dry underbrush or plant litter, especially near landmark trees and around the greenbelt.
8. Use of fire for clearing, etc.): Open fires will be set or allowed on the parcel only as a forest management tool under the direction of the Department of Forestry authorities, pursuant to local fire ordinances and directives.
9. Clearing Methods: Brush and other undergrowth, if removed, will be cleared through methods, which will not materially disturb the ground surface. Hand grubbing, crushing and mowing will normally be the methods of choice
10. Irrigation: In order to avoid further depletion of groundwater resource, prevent root diseases and otherwise maintain favorable conditions for the native forest, the parcel will not be irrigated except within developed areas. Caution will be exercised to avoid over watering around trees.
11. Exotic Plants: Care will be taken to eradicate and to avoid introduction of the following pest species:
A) Pampas grass
B) Genista Scotch broom, French broom)
C) Eucalyptus large types)
Amendments
The Monterey County Director of Planning may approve amendments to this plan, provided that such amendments are consistent with the provisions of the discretionary permit or building submittal. Amendments to this Forest Management Plan will be required for proposed tree removal not shown as part of this Plan, when the proposed removal fans within the description of a Forest Management Plan or Amendment to an existing Forest Management Plan.
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CONSERVATION & SCENIC EASEMEN┐└►►►┘Amended Forest Management Plan
A) An amended forest Management Plan shall be required when:
1. The Monterey County Director of Planning has previously approved a Forest Management Plan for the parcel.
2. The proposed tree removal as reviewed as part of a development has not been shown in the previously approved Forest management plan
B) At a minimum, the Amended Forest Management Plan shall consist of.
1. A plot showing the location, type and size of each tree proposed for removal, as

well as the location and type of trees to be replanted,
2. A narrative describing reasons for the proposed removal, alternatives to minimize the amount and impacts of the proposed tree removal, tree replanting information and justification for removal of trees outside of the developed area if proposed.
Compliance
It is further understood that failure to comply with this Plan will be considered as failure to comply with the conditions of the Use Permit.
Transfer of Responsibility
This plan is intended to create a permanent forest management program for the site. It is understood, therefore, that in the event of a change of ownership, this plan shall he as binding on the new owner as it is on the present owner. As a permanent management program, this Plan will be conveyed to the future owner upon sale of the property.
Report Prepared,By:

2/27/2008
Frank Ono, SAF Forester #48004 and ISA Certified Arborist #536 Date
Recommendations Agreed to by landowner:
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Landowner
Forest Management Plan approved by:
Director of Planning
Frank Ono
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CONSERVATION & SCENIC EASEMEN┐└►►►┘Tree Chart
The trees listed in the following table have been tagged in the field and are rated Good, Fair, or Poor according to their health, vigor and structural condition. Trees with a good rating are trees that are in the best condition and health for the surrounding climate. Trees that are rated as fair are usually trees of lesser condition that may have some structural problem or health factor limiting them from fully developing as a healthy tree. Trees that are rated poor are of less quality condition and have either structural flaws that cannot be over come over time, or that are in poor health.
Tree vigor correlates with canopy position within the stand and is measured by leaf and crown area. Tree rated Dominant and co-dominant are trees that generally have larger crowns capable of supporting more leaves, and have a generally healthy and appealing growth form. Dominant trees are trees with wide crowns above the level of the forest canopy that

receive sunlight from above as well as the sides. Co-dominant trees are large crowned trees at the general level of the forest canopy that receive sunlight from above and partly. from the sides. Crowns are somewhat smaller than dominant but healthy and vigorous. Trees rated intermediate and particularly suppressed trees have smaller crowns and are therefore less vigorous. Intermediate trees have much of the canopy below the general level of the forest or are pinched at the sides. They will receive sunlight from above but very little to none from the sides. Suppressed trees are trees that are overtopped by large trees and receive no direct sun from above or from the sides.

ID # Diameter Species Condition Position Remove Comment
10 17 Pine Poor Co-dominant Stem gall places
11 6 Pine Dead
12 16 Pine Dead Stump
13 16 Pine Poor Intermediate stem gall, no canopy
14 18 Pine Dead
15 18 Pine Poor Co-dominant Yes Topped
16 8 Pine Poor Suppressed No canopy
17 16 Pine Fair Intermediate Stem gall
18 7 Oak Fair Suppressed
19 6 Oak Poor Suppressed Lean
20 16 Pine Fair Intermediate
21 9 Pine Fair Intermediate
22 15 Pine Dead
23 17 Pine Dead yes
24 24 Pine Poor Suppressed Yes
25 26 Pine Poor Dominant Yes Hip Canker
26 12 Pine Fair Suppressed Yes
27 16 Pine Fair Suppressed es Topped
28 21 Pine Fair Dominant
29 24 Pine Poor Co-dominant Yes canopy dieback 50%
30 18 Pine Poor Suppressed Yes canopy dieback 50%
31 29 Pine Fair Dominant Yes
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CONSERVATION & SCENIC EASEMEN┐└►►►┘ ID # Diameter Species Condition Position Remove Comment
32 20+18 Pine Dead Yes
33 20 Pine Dead Yes
34 9 Pine Fair Intermediate

35 18 Pine Fair Co-dominant Yes Topped
36 12 Pine Dead Yes
37 13 Pine Poor Intermediate Yes Topped
38 27 Pine Poor Co-dominant Yes topped, no canopy
39 22 Pine Fair Co-dominant Yes Topped
40 6 Pine Poor Suppressed Yes
41 6 Oak Fair Suppressed
42 16 Pine Dead
43 10 Pine Fair Intermediate Yes Topped
44 10 Pine Fair Suppressed Yes
45 10 Pine Fair Intermediate Yes
46 17 Pine Fair Intermediate Yes
47 14 Pine Fair Intermediate
48 8 Oak Fair Suppressed
49 15 Oak Fair Suppressed
50 12 Pine Fair Intermediate
51 15 Pine Fair Co-dominant
52 24 Pine Fair Co-dominant
53 23 Pine Fair Co-dominant Topped
54 16 Pine Fair Suppressed
55 9 Pine Fair Suppressed Yes Topped
56 21 Pine Fair Co-dominant Yes
57 15 Pine Fair Intermediate Yes
58 10 Pine Poor Intermediate Yes Topped
59 15 Pine Poor Intermediate Yes Topped
60 13 Pine Fair Intermediate Yes Topped
61 27 Pine Fair Dominant Yes
62 12 Pine Fair Suppressed Yes
63 14 Pine Fair Intermediate Yes
64 11 Pine Fair Intermediate
65 18 Pine Fair Co-dominant topped
66 14 Pine Fair Co-dominant topped
67 15 Pine. Poor Intermediate topped
68 20 Pine Fair Co-dominant
69 18 Pine Poor Co-dominant Yes topped, stem all
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70 13 Pine Fair Co-dominant Yes Topped
71 14 Pine Dead Yes
72 13 Pine Poor Co-dominant Yes Topped
73 12 Pine Poor Co-dominant Yes topped
74 18 Pine Fair Co-dominant Yes
75 14 Pine Fair Intermediate
76 13 Pine Fair Intermediate
77 24 Pine Dead
78 11 Pine Dead
79 21 Pine Poor Intermediate Topped
80 13 Pine Fair Intermediate Topped
81 14 Pine Fair Intermediate Topped
82 21 Pine Fair Co-dominant Topped
83 12 Pine Fair Co-dominant Yes
84 17 Pine Poor Co-dominant Yes topped
85 16 Pine Fair Co-dominant
86 26 Pine Fair Intermediate Topped
87 21 Pine Poor Intermediate To ed
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CONSERVATION & SCENIC EASEMEN┐└►►┘Photographs
Much of the canopy of the stand of trees have been topped which has compromised the stand of trees from removal of over 30% of the canopy of individual trees.
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CONSERVATION & SCENIC EASEMEN┐└►►►┘Trees are growing in crowded conditions creating tall thin trees that are weaker in structure
Understory is sparse from lack of light to forest floor
Frank Ono
F.O. Consulting
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CONSERVATION & SCENIC EASEMEN┐└►►►┘Stem and hip cankers are prevalent in many of the trees
Topping of trees has resulted in death or disfigured growth of pines on site

Frank Ono pc o
n
F.O. Consulting

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CONSERVATION & SCENIC EASEMEN┐└►►►┘Stem fungus as shown here form hip cankers that weaken or disfigure trees
Frank Ono
F.O. Consulting
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CONSERVATION & SCENIC EASEMEN┐└◆◆◆┘Tree canopy has been topped resulting in death or disfigurement. No new growth from the main stem will occur. Branches become heavy with new growth and ultimately will break and
fall apart.
Canopy has been compromised from pruning- removal of Over 30% of canopies of trees will
result in death of the trees.
Frank Ono

F.O. Consulting Pa e
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CONSERVATION & SCENIC EASEMEN┐└►►►┘Trees with less than 30% canopy will die in the short term
Frank Ono
F.O. Consulting
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CONSERVATION & SCENIC EASEMEN┐└►►►┘Definition of Terms
Abatement Reduction in hazard, either by treatment of tree or removal of target

Basal flare- The rapid increase in diameter that occurs at the confluence of trunk and root crown,. associated with both stem and root tissue
Bleeding Flow of sap from wounds and/or other injuries, may be accompanied by foul odor
Bole The central stem of the tree
Bracket- Fruiting or spore producing body of wood decay fungi, fanning on the external surface of the stem or trunk
Branch angle The angle of attachment between two stems, measured at or near the point of attachment; in contrast, branch angle is sometimes measured as the angle between stem and the end of branch
Branch attachment The structural linkage of branch to stem
Branch bark ridge- Swelling of bark tissue on the upper side of the branch junction; normal pattern of development contrast with embedded and included bark)
Branch collar Wood which forms around a branch attachment, frequently more pronounced below the branch
Buttress Support of branch, stem or root; usually associated with exaggerated growth
Buttress root A large woody root located at the base of the trunk the root crown) which is important to the overall stability of the tree due to its contributions to basal flare
Buttress wood Wood under tension, in a structurally critical portion of a trunk or branch; also known as holding wood"
Canker A localized area of dead tissue on a stem or branch, caused by fungal or bacterial organisms, characterized by callus development on the periphery; may be perennial or annual
Cavity An open wound, characterized by the presence of extensive decay and resulting in a hollow
Central leader The main stem of the tree; bole
Co-dominant Equal in size and relative importance, usually associated with either the trunks/stems or scaffold limbs/branches in the crown; in the context of crown class, trees whose crowns form the bulk of the upper layer of the canopy but which are crowded by adjacent trees
Crotch The point or angle) at which two branches or branch and the leader) meet
Crown Parts of the tree above the trunk, including leaves, branches and scaffolds
Crown class Relative size of individual tree in relation to others in the stand; usually designated as dominant, co-dominant, intermediate, suppressed
Crown clean pruning Removal of dead, dying, diseased, rubbing, structurally unsound branches, etc
Crown raise pruning Pruning technique where lower limbs are removed, thereby lifting the overall crown above the ground
Crown reduction pruning- Removal of large branches and/or cutting back to large laterals to reduce the height or width of the crown; frequently referred to as drop crotch" pruning or natural pruning" utility arboriculture); corresponds to National Arborist Association Class IV pruning
Frank Ono B~' i bit
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CONSERVATION & SCENIC EASEMEN┐└◆◆◆┘Crown restructure pruning Restoration of natural and/or structurally sound form to a tree which has been previously

topped or damaged synonym-crown restoration)
DBH- Diameter of the trunk, measured at breast height 54 inches above the ground)
Decay- Process of degradation of woody tissues by fungi and bacteria through decomposition of cellulose and lignin
Decurrent Referring to crowns which are made up of a system of co-dominant scaffold branches; lacking a central leader contrast with excurrent)
Defect Any structural weakness or deformity
Dieback Death of shoots and branches, generally from tip to base
Dominant- In crown class, trees whose crowns extend above the general stand canopy and are not restricted by adjacent trees
Dripline- The width of the crown, as measured by the lateral extent of the foliage
Dwarf mistletoe Parasitic flowering plants which infect branches; infections may result in structural defects and/or loss of wood strength
Embedded bark Pattern of development at branch junctions where bark is turned inward rather than pushed out synonym-included bark; contrast with branch bark ridge)
End weight The concentration of foliage at the distal ends of branches
Epicormic Shoots which result from adventitious or latent buds
Evaluation interval/cycle- Time period between hazard evaluations
Fork Bifurcation of branches, usually equal in size and occurring at a narrow angle
Gall In branches and stems, an abnormal, localized growth, generally seen as a large knob of undifferentiated woody tissues, caused by bacteria; in leaves, an abnormal growth and/or distortion of the blade caused by insects or mites
Girdling root Root which circles and constricts the stem or roots causing death of phloem and/or cambial tissue
Growth crack- Longitudinal split in the bark due to normal expansion of cambium and xylem contrast with cracks); not considered a defect
Hazard-The combination of a failure of tree or tree part) with the presence of an adjacent target
Hazard abatement- Reduction in the likelihood that failure of a tree or a part will result in injury to people or damage to property
Heading Pruning technique where the cut is made to a bud, weak lateral branch or stub
Heart rot Decay in the center of the tree heartwood)
Hip canker Localized depression in the trunk, caused by rust fungi; primarily seen in pines
Included bark- Pattern of development at branch junctions where bark is turned inward rather than pushed out synonym-embedded bark); contrast with branch bark ridge
Intermediate In crown class, trees whose crowns extend into the level of dominant and co-dominants but are quite crowded on all sides
Frank Ono Ex-hlblt 28
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CONSERVATION & SCENIC EASEMEN┐└►►►┘ Latent bud A bud that is more than one year old, which has grown enough to be located just below the surface
of the bark

Lean Departure of trunk from the vertical or near vertical position
Live crown ratio- The relative proportion of green crown to overall tree height
Natural target cut- Pruning technique where only branch tissue is removed, with removal occurring just beyond the branch collar
Over-thinning- Excessive pruning of lateral branches at their point of origin, usually associated with removal of large amounts of live tissue
Root crown Area at the base of a tree where the roots and stem merge synonym root collar)
Root crown inspection- Extensive examination of the junction of root and stem, and the area immediately below, aimed at determining stability, presence of disease, decay, etc.
Scaffold limb Primary structural branch of the crown
Seam- Callus ridge formed by included bark at branch junctions; also formed when two edges of callus/wound wood meet at the center of a wound
Self-corrected lean Lean which has naturally corrected by the development of reaction wood
Split Longitudinal breakage in stem, affecting bark, cambium and xylem synonym crack)
Structural defect- Internal or external points of weakness which reduce the stability of the tree
Sudden limb drop Sudden failure of branch in warm, still weather
Suppressed- In crown class, trees which have been overtopped and whose crown development is restricted from above
Target People or property potentially affected by tree failure
Thinning- Pruning technique where branches are removed to their point of origin or to a large lateral at least one-half the diameter of the removed branch) or forestry term, removal of individual trees to improve the density of a stand
Topping- Pruning technique to reduce height; heading of large branches whereby a tree is cut back to a few large branches. Amer 2 to 3 months, re-growth on a topped tree is vigorous, bushy and upright. Topping seriously affects the tree's structure and appearance. The weakly attached re-growth can break off during severe wind or rain storms. Topping may also shorten the life of a tree by making it susceptible to attack by insect and disease.
Vertical spacing of branches Relative distance between branches along the stem
Vigor Overall health; capacity to grow and resist physiological stress
Wood loss Reduction in overall amount of secondary xylem in a stem
Wound Any injury which induces a compartmentalization response
Woundwood- Lignified, partially differentiated tissue which develops from the callus associated with wounds
Frank Ono Page
F.O. Consulting

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INSPECTION DEPT.
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Mr. Craig Spencer
Assistant Planner
Monterey County Resource Management Agency
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901
May 26, 2009
RE: Spring biological surveys and impacts from proposed development for the Enea
Property, 1440 Oleada Road, Pebble Beach, California,93953. APN 008-331-007.

Dear Mr. Spencer:
I conducted spring biological surveys for the Enea Property in mid February, mid April and late May. Twenty one additional plant species not observed on the original survey were observed on the spring surveys. These are indicated on the revised plant list by an s) before their scientific name. Of these 21 additional species, 17 are native plants, 3 are sensitive species and 17 are naturalized, non-native species. The three sensitive species are Yadon's rein orchid Piperia yadonii), Hickmann's onion Allium hickmanii) and pine rose Rosa pinetorum).
METHOD OF SURVEYS
On each survey, I surveyed the entire property on foot, identifying plant and wildlife species for the species list and assessing possible impacts to biological values. Inaccessible portions of trees on Enea Property and relevant nearby areas of natural habitat on other properties were surveyed from a distance with binoculars.
Locations of sensitive plant species were marked with wire flags. All colors other than yellow were used to indicate the locations of Yadon's rein orchids and other Piperias potentially) as observed by their leaves in February. Yellow was used to indicate locations of other sensitive plant species as well as the locations of some other plants uncommon on the property. Most of the sensitive plant species other than Yadon's rein orchids were observed and flagged in April or May.
Project manager, Mr. David Prew, provided all relevant information for the property, including maps, a detailed site plan and on-site marking.
THE PROPERTY AND PROJECT
The Enea Property is 875 acre in size and is roughly square in shape. Its northeastern side fronts on Oleada Road. The property is primarily a southwesterly facing slope between 492 and 523 feet above sea level and approximately one half mile from the nearest ocean shore. The property is generally disturbed, but undeveloped, Monterey pine forest habitat at this time. There are no major drainages on the property. E,bit 26
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CONSERVATION & SCENIC EASEMEN┐└►►┘2
Proposed developments include new single-family residence complex and driveway with a total structural coverage of 4979 square feet, This is 13,06% of the property area. This includes a 2885 square foot-two story single-family residence and a 849 square foot caretaker unit. Walkways will be paved with pervious material over a pervious substrate,
ENVIRONMENTAL OVERVIEW
There are two plant communities on the property, using the terminology of the California Department of Fish and Game's Preliminary Descriptions of the Terrestrial Natural Communities of California by Robert F. Holland, 1986. They are Monterey pine forest and non-native grassland. The dominant plant community on the property is Monterey pine forest. Non-native grassland is present as the dominant understory and in the more disturbed areas. Mature Monterey pines are. the dominant tree on the property and surrounding area. Coast live oaks are also present on the

property. The majority of the herbaceous understory plants are non-native annuals, although some native annual plants are present.
There are 127 Monterey pines on the Enea Property and ten of them are dead. The dead trees will be removed. On the revised plan, 33 Monterey pine trees, of which four are dead, will need to be removed to accommodate the proposed developments.
The property had been cleared of much of its underbrush in the past, before current ownership and the property has been mowed in the late spring to reduce fire fuel load.
Three shaggy-barked manzanitas Arctostaphylos tomentosa) are among the few native shrubs present on the property. Although these shrubs often occur in dense stands in the central maritime chaparral plant community on the Monterey Peninsula, they can also occur in other habitats, as they are here, as isolated individuals.
Invasive non-native species, such as a thorny Acacia, French broom, periwinkle, Hottentot fig ice plant) velvet grass and pampas grass are present on the property and some are abundant on some portions.
SENSITIVE HABITAT
The most abundant sensitive habitat in Monterey County is central maritime chaparral. Although it occurs in the general area, no central maritime chaparral habitat was found on the Enea' Property. As mentioned above, shaggy-barked manzanitas are present on the property and they often occur in dense stands in central maritime chaparral on the Monterey Penninsula, but they can also occur in other habitats as isolated individuals. Since the Enea Property had been cleared prior to present ownership, estimation of total past coverage by shaggy-barked manzanitas took some detective work. These plants produce large, distinctive burls, which remain in the soil long after the plants are gone. A search of the property for burls revealed that they were few and scattered, indicating presence as isolated individuals, and not part of a central maritime chaparral community, in the understory of the present Monterey pine forest. They could have been present in larger numbers, perhaps as chaparral, in an earlier stage of succession before the development of the present forest climax community. T,,
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CONSERVATION & SCENIC EASEMEN┐└►►┘3
Wetland communities are also classified as sensitive habitats by the Monterey County Planning and Building Inspection Department. On the Monterey Peninsula, they are most often present in riparian habitats in and around drainages and in marshy or pond areas in swales between dunes. As mentioned previously, there no drainages on the property and no evidence for the presence of wetland habitat was observed on the Enea Property on my survey.
SENSITIVE PLANT SPECIES
The Monterey Peninsula is known for its abundance of sensitive plant species. Some are state or federally listed and some are classified by various agencies as species of special concern,

protected or sensitive species. Some of the latter are candidates for listing and many are simply uncommon and/or restricted in distribution.
One sensitive species, Monterey pine Pinus radiata), was observed on my initial survey of the Enea Property done in August of 2007. This plant is not a state or federally listed species. It is on California Native Plant Society's list 1 B, which includes plants rare, threatened and endangered in California and elsewhere.
Three additional sensitive plant species were observed on the spring surveys. They are:
Yadon's rein orchid Pipers yadonii), which is federally listed endangered and is on California Native Plant Society's list 1 B.
Hickman's onion Allium hickmanii), which is on California Native Plant Society's list 1 B.
Pine Rose Rosa pinetorum), which is on California Native Plant Society's list I B.
There are five sensitive plant species known to occur less.than one half mile from the Enea Property from California Department of Fish and Game Natural Diversity Data Base records for the Monterey Quadrangle and surrounding area. They are Yadon's rein orchid, pine rose and the following:
Tidestrom's Lupine Lupinus fidestromii), which is federally listed endangered and state listed endangered.
Fragrant fritillary Fritillaria liliacea), which is a federal species of special concern and is on California Native Plant Society's list 1 B.
Pacific Grove clover Trifolium polyodon), which is state listed rare and is on California Native Plant Society's list 1B.
There are also California Natural Diversity Data Base records for several other sensitive species within a one-mile radius of the property. The sensitive species in this group that could be present on the habitats present on the Enea Property are the following:
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CONSERVATION & SCENIC EASEMEN┐└***┘4
Gowen's cypress Cupressus goveniana ssp. goveniana), which is federally listed as threatened and is on California Native Plant Society's list I B.
Sandmat manzanita Arctostaphylos pumila);-which is on the California Native Plant Society's list 1 B.
Monterey clover Trifolium trichocalyx), which is federally listed endangered and state listed endangered.
Deb Hillyard, California Department of Fish and Game biologist, also informed me of another sensitive plant species in the local area that I should look for. This species is Hickmann's cinquefoil Potenfilla hickmanii), which is federally listed endangered and state listed endangered and on the California Native Plant Society's list 1B.
All of these sensitive plant species were thoroughly searched for on all of the surveys on the Enea

Property and only Yadon's rein orchid, Hickmann's onion, pine rose and Monterey pine were observed.
On my February survey for evidence of Yadon's rein orchid from leaves, approximately 1265 individuals of, most likely, this species were observed and flagged and the distribution of the flags was mapped. A copy of the map is included with this report.
One individual of Hickmann's onion was observed on my mid April survey and three newly emergent individuals of pine rose were observed on my late May survey.
One more survey, in June, will be necessary to determine the species of Piperias present on the property by their flowers. Approximately 100 of the Piperlas observed on the February survey are sending up flower stalks and the flowers should be open in June. Yadon's rein orchid is, by far, the most likely Piperia to be present, but there is a possibility of the presence of at least two other species. There is also the possibility of additional individuals of pine rose being observed at this time.
SENSITIVE ANIMAL SPECIES
No sensitive animal species were found on the property on any of my surveys.
There are no sensitive animal species known to occur on the Enea Property from California Department of Fish and Game Natural Diversity Data Base records for the Monterey Quadrangle and surrounding area. There are records for three sensitive species of animals on the Monterey Quadrangle and surrounding area that could be present in the habitats present on the Enea Property, They are the California legless lizards, Smith's blue butterfly and monarch butterfly. California Natural Diversity Data Base locations for Smith's blue butterfly and monarch butterfly are over two miles from the Enea Property.
There are two subspecies of California legless lizards and both are likely to be present in the local area. They are the silvery legless lizard Anniella pulchra pulchra) and the black legless lizard Anniella pulchra nigra). The black legless lizard is usually only found on the Monterey Peninsula.bit
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CONSERVATION & SCENIC EASEMEN┐└►►►┘Both subspecies are classified by the California Department of Fish and Game as California special concern species and by the USDA Forest Service as sensitive species. California legless lizards burrow in loose, sandy soils and are often present on the immediate coast. They are highly secretive and difficult to find but appear to be widespread in sandy soils throughout the County. The California Natural Diversity Data Base printout does not show any records of them on or near the Enea Property. No evidence for their presence was observed on my survey from surface observations, from superficial scraping of the surface soil, and from overturning down wood and other objects. This was not a protocol level survey for these reptiles.
Smith's blue butterfly Euphilotes enoptes smithi) is federally listed as endangered. None of these butterflies were observed on the property, Its presence in an area is often indicated by the presence of seacliff buckwheat and coast buckwheat, its host plants. Neither of these plants was observed on the Enea Property on my surveys.

Monarch butterfly Danaus plexippus) is included in California Natural Diversity Data Base records, in part, due to its vulnerability during Its winter roosting period in trees along the coast of central California. I know of no butterfly trees" in the immediate local area and it is unlikely that trees on the Enea Property are winter roosting sites. No roosting monarch butterflies were observed on the property on any of the spring surveys.
There are three listed species of amphibians that have been found in and near wetland habitats in Monterey County, These species are the California red-legged frog Rana aurora draytonii), the California tiger salamander Ambystoma figrinum califomiense) and the Santa Cruz long-toed salamander Ambystoma macrodactylum croceum).
The California red-legged frog is federally listed as threatened and is a state species of special concern, the California tiger salamander is federally listed as threatened and the Santa Cruz long-toed salamander is listed as endangered by both the state and federal governments. The California red-legged frog and California tiger salamander are much more likely to be present in suitable habitats in this area than the Santa Cruz long-toed salamander. Temporary as well as permanent water sources can serve as breeding areas for these amphibians. Breeding in California red-legged frogs has even been observed in roadside drainage ditches and cattle troughs.
There are no California Natural Diversity Data Base records for these species close to the Enea Property. The closest suitable habitat for breeding for these amphibians is in drainages containing ephemeral streams which are over one half mile away. During the dry season, these amphibians may also be found in upland habitats away from wetlands.
My survey was not a protocol level survey for these amphibians,
There are several other significant animal species with ranges that include the local area that are classified by various agencies as species of special concern, protected or sensitive species. These species are the western pond turtle Clemmys marmorata), California homed lizard Phrynosoma coronatum frontale), two-striped garter snake Thamnophis hammondii), white-tailed kite Elanus leucurus), burrowing owl Athene cunicularia), ornate shrew Sorex ornatus), pallid bat Antrozous pallidus), Monterey dusky-footed woodrat Neotoma fuscipes luciana), and badger Taxidea taxus).
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CONSERVATION & SCENIC EASEMEN┐└►►►┘No evidence for the presence of these animal species on the property was observed on my survey.
Monterey dusky-footed woodrats are abundant in local forests. Their characteristic nests of sticks were searched for on my survey and none were found, They are most likely to be present-in-cpast live oak forest habitat and the areas around the coast dive oaks on the property were most carefully searched for the nests of these animals.
IMPACTS
Yadon's rein orchid, Hickmann's onion, pine rose and Monterey pine are sensitive plant species that were observed to be present on the property and most of the consideration of impacts from the

proposed development will involve these species
1. Some of the approximately 1265 Yadon's rein orchids and potentially other Piperias) will be within the footprint of the proposed development.
2. On the revised plan, 33 Monterey pines, of which four are dead, will need to be removed to accommodate the proposed developments. The Monterey pines on the Enea Property are generally rather senescent. Ten of them are dead, In the forestry report it was stated that the dead trees all exhibited evidence of past bark beetle infestations. The forestry report also stated that among the 18 trees originally tagged for removal, 11 were dead, 7 had less than 10 percent of their original canopies present, none of these 7 had more than three live branches and three had active bark beetle infestations. Removal of trees necessary for the development is recommended in the forestry report and I agree with that. On my survey, I observed that virtually all of the Monterey pines on the property show at least some evidence of infection with pine pitch canker.
3. The one observed individual of Hickmann's onion and the three observed individuals of pine rose do not appear to be within the footprint of the proposed single family dwelling and caretaker unit, but their closeness to where development will take place increases the possibility that they could be impacted.
4. Some native herbaceous plants and possibly one or more native shrubs will be removed to accommodate the proposed developments.
MITIGATIONS CONDITIONS FOR APPROVAL
1. The development footprint for the Enea Property shall be configured so as to minimize the number of and Yadon's rein orchids, pine roses and the Hickmann's onion impacted. The protection and preservation of these plants should be the first priority. The protection and preservation Monterey pines and coast live oaks, although very important, is secondary to the protection and preservation of Yadon's rein orchids, pine roses and.the Hickmann's onion.
The site plan has been revised to reflect this. In the new plan, 3 Yadon's most likely) rein orchids were oserved within the footprint of the house, 6 within the footprint of the caretaker unit and between 5 and 7 within the projected footprint of the driveway. The pine jQ

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roses and the Hickmann's onion were observed to be outside of the footprints of house, caretaker unit and driveway.
2. Some..Ypdon's rein orchids, the pine roses and the Hickmann's onion are located outside of the footprints of house, caretaker unit and driveway, but are close enough to where development will take place to potentially be impacted if not identified and protected. Flags identifying the locations of the Yadon's rein orchids, pine roses and the Hickmann's onion will remain in place throughout the period of construction. Orange construction fencing will be placed around the boundaries of the areas of Yadon's rein orchids close enough to the

areas of development to potentially be impacted and around the area of pine roses and the Hickmann's onion. Construction personnel will be informed of the importance of avoidance of impacts to these plants.
3. Most of the property other than the landscaped area around the home, shall remain in a natural state. Restoration plantings shall be done over the entire property to replace some of what was scraped off by the previous owner and to replace what will have been impacted by this development. This restoration, however, must be modest enough to not impact the Piper!as on the property. These Piperias may have had their success increased by the surface scraping done by the previous owner, which reduced competition by reducing of the numbers of other herbaceous plants, especially the naturalized non-native annuals. Restoration plantings, and other plantings on the property, including garden areas near the home, if desired, shall be composed of native plants of local origin. A native seed mix from stock of local origin shall be used to restore impacted native understory and ground cover as well as for erosion control.
Walkways, if paved, will be paved with permeable pavement. Where feasible, permeable pavement will be used in other paved areas.
4. As much of the property as possible will be dedicated as scenic easement or conservation easement, in order to permanently protect the populations of Yadon's rein orchids and other sensitive species on the property and their habitat.
5. The forestry report does not recommend mitigation planting of Monterey pines for the removed trees due to the density of this stand. I would like to see a minimum of six Monterey pines from local stock that is genetically resistant to pine pitch canker planted in the more open areas of the property where dead pines were removed. This will help start the establishment of a pine pitch canker resistant forest on this property where this disease Is now virtually universal.

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6. All healthy native trees and shrubs on the property shall be protected from all impacts that may occur before, during and after construction. This includes protection from direct damage to the branches and roots of the plants, deposition or removal of soil around the plants and compaction of soil around the plants through vehicle use. Care shall be taken to make sure that the soil levels within driplines and especially around the trunks of native trees and shrubs are not altered and to make sure that drainage slopes away from trunks. These plants should be flagged, if necessary, during the installation of the home, caretaker unit and driveway to make their locations obvious.
7. Less than one third of branches shall be removed from any native tree or shrub that may need to be trimmed. Less than one third of area under the dripline of any native tree or shrub should be paved. There should be no pavement closer than four feet from the trunks of trees unless permeable pavement is used in these areas and surface roots are deep

enough to allow paving without their extensive removal.
8. Invasive exotic plants shall, as much as possible, be removed from the property. Invasive exotics observed to be on the property on my survey are: Acacia Acacia sp.), French broom Genista monspessulana), Hottentot fig Carpobrotus edulis), periwinkle Vinca major), pampas grass Cortaderia jubata) and velvet grass Holcus lanatus).
9. Curbs, if present at the edges of roads, parking areas, or driveways, shall be rolled. They should be at a low angle, 40﹪ to 50﹪ or less and have S-shaped rounded contours, to allow amphibians, reptiles, invertebrates and other small animals to cross them easily.
I recommend Central Coast Wilds of Santa Cruz 831-459-0656, centralcoastwilds.com) and Rana Creek Habitat Restoration in Carmel Valley 831-659-3820, ranacreek,com) as sources for native plants of local origin including erosion control seed mixes and plantings and for recommendations on planting and maintaining plants. Native grass mulches and hay bales are recommended and can also be obtained here.
MONITORING AND ADDITIONAL WORK
Monitoring inspections on the Enea Property shall be done by a qualified biologist once within two weeks of the start of construction preconstruction survey), once within the three months following completion of the development, and once per year, in the spring season, for the following five years. These inspections will monitor the quality of implementation of the mitigations conditions for approval, such as the placement of the construction fencing, the protection and survival of the Yadon's rein orchids, pine roses and the Hickmann's onion and the planting and survival of the six or more planted pine pitch canker resistant Monterey pines. The preconstruction survey will also check for breeding birds. A report on each inspection will be submitted to the Monterey County Resource Management Agency.
One more survey, in June of this year, will be necessary to determine the species of Piperias present on the property by their flowers. Approximately 100 of the Piperias observed on the February survey are sending up flower stalks and the flowers should be open in June. Yadon's rein orchid is, by far, the most likely Piperia to be. present, but there is a possibility of the presence of at,fo

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least two other species. There is also the possibility of additional individuals of pine rose being observed at this time.
RECOMMENDATIONS ON THE PROJECT
With the successful implementation of the conditions for approval listed above, impacts to biological values on the Enea Property should be at a level of insignificance and in compliance with the regulations and standards of the Monterey County Resource Management Agency and state and federal agencies concerned with the maintenance of habitat quality and protection of biological resources.
Mr. Enea and his team have done a great job in modifying their site plan to reflect the need for

protection and preservation of the large numbers of Piperias on the property, as well as the pine roses and Hickmann's onion, while not substantially increasing the number of Monterey pines that will be removed. With the new site plan, only between 14 and 16 Piperias out of the approximately 1265 present on the property are within the footprint for the Home, caretaker unit and driveway.
Please call me if you have any questions.
Ed Mercurio,
Biological Consultant

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CONSERVATION & SCENIC EASEMEN┐└►►┘ Piperla protected)
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By Ed Mercurio, Biological Consultant. September 2007
Updated for Spring Plant Survey in May 2009
s) Observed and added to list on Spring Plant Survey-v..
NATIVE AND NATURALIZED VASCULAR PLANTS OF THE ENEA PROPERTY**
Scientific Name
DIVISION CONIFEROPHYTA
PINACEAE
Pinus radiata
DIVISION ANTHOPHYTA
CLASS DICOTYLEDONEAE
AIZOACEAE
Carpobrotus edulis*
ANACARDIACEAE
Toxicodendron diversiioba
APIACEAE
Sanicula crass!caulis

APOCYNACEAE
Vinca major*
ARALIACEAE
Hederia helix*
ASTERACEA
Achillea millefolium
Agoseris sp.
Aster chilensis
Aster radulinus
Baccharis pilularis
Erechtites glomerata*
s) Erigeron glaucus
Gnaphalium californicum
Gnaphalium luteo-album
Hypochaeris glabra*
Hypochaeris radicata*
Picris echioides*
Senecio vulgaris
Common Name
CONIFERS
PINE FAMILY
Monterey Pine
FLOWERING PLANTS
DICOTS Two seed-leaved flowering plants)
ICEPLANT FAMILY
Hottentot Fig
SUMAC FAMILY
Poison Oak
CARROT FAMILY
Gambleweed
DOGBANE FAMILY
Periwinkle
GINSENG FAMILY.
English Ivy
SUNFLOWER FAMILY
Common Yarrow
Agoseris
Common California Aster
Rough-Leaved Aster
Coyote Brush
Cut-leaved Fireweed
Seaside Daisy
California Everlasting
Weedy Cudweed
Smooth Cat's Ear
Hairy Cat's Ear
Ox Tongue
Common Groundsel
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Sonchus oleraceus*
BRASSICACEAE
Brassica rapa*
s) Cardarnine oligosperma
Raphanus sativus*
CAPRIFOLIACEAE
s) Symphoricarpos mollis
CARYOPHYLLACEAE
Cerastium arvense
CRASSULACEAE
Crassula connata
ERICACEAE
Arctostaphylos tomentosa
FABACEAE
Acacia sp*.
Genista monspessulana*
Medicago polymorpha*
Trifolium angustifolium*
s) Vicia ludoviciana
Vicia sativa*
FAGACEAE
Quercus agrifolia
GERANIACEAE
Erodium botrys*
Geranium bicknelii*
LAMIACEAE
Satureja douglasii
Stachys bullata
MALVACEAE
Malva parviflora*
OXALIDACEAE
Oxalis albicans ssp. pilosa
Oxalis pes-caprae*
Common Sow Thistle
MUSTARD FAMILY
Field Mustard
Bitter Cress
Wild Radish
HONEYSUCKLE FAMILY
Creeping Snowberry
PINK FAMILY
Field Chickweed
STONECROP FAMILY
Sandy Pygmy
HEATH FAMILY
Shaggy-barked Manzanita
PEA FAMILY
Acacia
French Broom
Bur-Clover
Narrow-Leaved Clover
California Vetch
Spring Vetch
BEECH FAMILY
Coast Live Oak

GERANIUM FAMILY
Long-Beaked Filaree
Bicknell's Geranium
MINT FAMILY
Yerba Buena
Hedge Nettle
MALLOW FAMILY
Cheeseweed
OXALIS FAMILY
Hairy Wood Sorrel
Bermuda Buttercup
PLANTAIN FAMILY
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PLANTAGINACEAE
Cut-leaved Plantain
Plantago coronopus

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Plantago lanceolata*
POLEMONIACEAE
Navarretia hamata
POLYGONACEAE
Polygonum argyrocoleon*
Rumex acetosella*
Rumex crispus*
PRIMULACEAE
Anagallis arvensis*
ROSACEAE
s) Rosa pinetorum
Rubus ursinus
RUBIACEAE
Galium aparine*
Galium californicum
SCROPHULARIACEAE
Mimulus aurantiacus
VIOLACEAE
s) Viola Pedunculata
CLASS MONOCOTYLEDONEAE
CYPERACEAE

Cyperus eragrostis
s) Cyperus harfordii
Cyperus tumulicula.
IRIDACEAE
Sisyrinchium bellum
Iris douglasiana
s) iris pseudoacorus*
JUNCACEAE
s) Juncus patens
Ribwort
PHLOX FAMILY
Hooked Navarretia
BUCKWHEAT FAMILY
Silversheath Knotweed
Sheep Sorrel
Curly Dock
PRIMROSE FAMILY
Scarlet Pimpernel
ROSE FAMILY
Pine Rose
California Blackberry
MADDER FAMILY
Goose Grass
California Bedstraw
FIGWORT FAMILY
Sticky Monkey Flower
VIOLET FAMILY
Johnny jump-up
MONOCOTS one seed-leaved flowering plants)
SEDGE FAMILY
Tall Cyperus
Monterey Sedge
Foothill Sedge
IRIS FAMILY
Blue-eyed Grass
Douglas' Iris_
Yellow flag Iris
RUSH FAMILY
Spreading Rush
LILACEAE LILY FAMILY
s) Allium hickmanii Hickman's Onion
s) Calochortus albus Globe Lily Exi it
s) Calochortus invenustus Plain Mariposa Lily pace,
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CONSERVATION & SCENIC EASEMEN┐└◆◆◆┘4
s) Dichelostemma capitatum
Zigadenus fremontii
Blue Dicks
Star Lily
ORCHIDACEAE
s) Epipactis helleborine*
s) Piperia yadonii
POACEAE
Agrostis pallens
Avena fatua*
Briza maxima*
s) Briza minor*
s) Bromus cahnatus
Bromus hordaceus*
Bromus rigidis*
Cortaderia jubata*
Cynosurus echinatus*
s) Digitaria sanguinalis*
s) Elymus glaucus
Holcus lanatus*
Lolium multiflorum*
s) Melica imperfecta
s) Nasella pulchra
ORCHID FAMILY
Hellebore
Yadon's Rein Orchid
GRASS FAMILY
Leafy Bent Grass
Wild Oat
Rattlesnake Grass
Small Quaking Grass
California Brome
Soft Chess Grass
Ripgut Grass
Pampas Grass
Dog-Tail Grass
Crab Grass
Western Ryegrass
Velvet Grass
Italian Rye Grass
Coast Range Melica
Purple Needlegrass
* Naturalized species not native to the Enea Property.
Based on field studies done by Ed Mercurio in September of 2007 and spring of 2009.
s) Observed and added to list on Spring Plant Survey of 2009.
WILDLIFE LIST FOR THE ENEA PROPERTY
More common Birds Observed or Likely to Occur on the Property**
HAWKS, FALCONS, VULTURES ORDER FALCONIFORMES)
Turkey Vulture
Black-shouldered Kite
Sharp-shinned Hawkw
Cooper's Hawk"
Red-tailed Hawk
Red-shouldered Hawk
Golden Eagle
Northern Harrier Marsh Hawk)w
American Kestrel Sparrow Hawk)
QUAILS, PHEASANTS, GROUSE ORDER GALLIFORMES)
California Quail

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CONSERVATION & SCENIC EASEMEN┐└►►►┘5
SHOREBIRDS ORDER CHARADRIIFORMES)
Killdeer
PIGEONS, DOVE(ORDER COLUMBIFORMES)
Band-tailed Pigeon
Rock Dove
Mourning Dove
OWLS ORDER STRIGIFORMES)
Barn Owl
Western Screech Owl
Great Homed Owl
NIGHTJARS ORDER CAPRIMULGIFORMES)
Common Poorwill
SWIFTS, HUMMINGBIRDS ORDER APODIFORMES)
Anna's Humminbird
Rufous Humminbird
Allen's Hummingbirds
WOODPECKERS ORDER PICIFORMES)
Common Flicker Red Shafted)
Acorn Woodpecker
Red-breasted Sapsuckerw
Hairy Woodpecker
Downy Woodpecker
Nuttall's Woodpecker
PERCHING BIRDS ORDER PASSERIFORMES)
TYRANT FLYCATCHERS FAMILY TYRANNIDAE)
Olive-sided Flycatchers
Western Wood Pewees
Black Phoebe
Western Flycatchers
SWALLOWS FAMILY HIRUNDINDIDAE)
Violet-green Swallow
Barn Swallows
Cliff Swallows
JAYS, CROWS, MAGPIES FAMILY CORVIDAE)
Scrub Jay
Steller's Jay
EI~ft
OF uses

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CONSERVATION & SCENIC EASEMEN┐└►►┘6
American Crow
CHICKADEES, BUSHTITS FAMILY PARIDAE)
Chestnut-backed. Chickadee
Plain Titmouse
Bushtit
WRENS FAMILY TROGLODYTIDAE)
House Wrens
Bewick's Wren
KINGLETS, ETC. SUBFAMILY SYLVIINAE)
Ruby-crowned Kingletw
THRUSHES SUBFAMILY TURDIDAE)
American Robin
Varied Thrush w
Hermit Thrush w
BABBLERS SUBFAMILY TIMALIINAE)
Wrentit
MOCKINGBIRDS, THRASHERS FAMILY MIMIDAE)
Northern Mockingbird
California Thrasher
WAXWINGS FAMILY BOMBYCILLIDAE)
Cedar Waxwingw
SHRIKES FAMILY LANIIDAE)
Loggerhead Shrikew
STARLINGS FAMILY STURNIDAE)
European Starling*
VIREOS FAMILY VIRIONIDAE)
Hutton's Vireo
Warbling Vireos
WOOD WARBLERS SUBFAMILY PARULINAE)
Orange-crowned Warbler
Yellow Warblers
Yellow-rumped Warbler Myrtle & Audubon's Warblers)w
Townsend's Warblerw
Common Yellowthroat
Wilson's Warblers

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CONSERVATION & SCENIC EASEMEN┐└►►┘7
SPARROWS SUBFAMILY EINBERIZINAE)
Rufous-sided Towhee
Brown Towhee
Savannah Sparrow
Junco Oregon)
Dark-eyed Sparrow
White-crowned Sparroww
Golden-crowned Sparroww
Fox Sparroww
Song Sparrow
Lincoln's Sparroww
GROSBEAKS, BUNTINGS SUBFAMILY CARDINALINAE)
Black-headed Grosbeaks
Lazuli Buntings
BLACKBIRDS, ORIOLES FAMILY ICTERINAE)
Red-winged Blackbird
Northern Orioles
Brewer's Blackbird
Brown-headed Cowbird
FINCHES FAMILY FRINGILLIDAE)
Purple Finch
House Finch
Pine Siskenw
Lesser Goldfinch
Lawrence's Goidfinchs
WEAVERS FAMILY PASSERIDAE)
House Sparrow*
* naturalized species not native to the Enea Property.
** Based on National Audubon Society data base printout for the greater local area;
and field studies done by Ed Mercurio in September of 2007 and spring of 2009.
w likely to be present only in winter.
s likely to be present only in summer.
More common Amphibians, Reptiles and Mammals
Observed or Likely to Occur on the Enea Property**
Common Name Scientific Name
AMPHIBIANS CLASS AMPHIBIA
SALAMANDERS ORDER CAUDATA

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CONSERVATION & SCENIC EASEMEN┐└►►┘8
MOLE SALAMANDER FAMILY
California tiger salamander
NEWT FAMILY
Coast range newt
LUNGLESS SALAMANDER FAMILY
Monterey salamander
Arboreal salamander
Pacific slender salamander
FROGS AND TOADS
TRUE TOAD FAMILY
California toad
TREEFROG FAMILY
Pacific treefrog
REPTILES
LIZARDS AND SNAKES
IGUANID FAMILY
Northwestern fence lizard
Coast homed lizard
SKINK FAMILY
Skilton skink
ALLIGATOR LIZARD FAMILY
California alligator lizard
San Francisco alligator lizard
CALIFORNIA LEGLESS LIZARD FAMILY
Black legless lizard
Silvery legless lizard
BOA FAMILY
Pacific rubber boa
COLUBRID FAMILY
Monterey ringneck snake
Sharp-tailed snake
Western yellow-bellied racer
Alameda whipsnake
Pacific gopher snake
AMBYSTROMATIDAE
Ambystoma tigrinum ca/ fomiense
SALAMANDRIDAE

Taricha torosa torosa
PLETHODONTIDAE
Ensatina eschscholtzii eschoscholtzii
Aneides lugubris
Batrachoseps pacificus
ORDER SALIENTIA
BUFONIDAE
Bufo boreas halophilus
HYLIDAE
Hyla regilla
CLASS REPTILIA
ORDER SQUAMATA
IGUANIDAE
Sceloporus occidentalis occidentalls
Phrynosoma coronatum
SCINCIDAE
Eumeces skiffonianus skiltonianus
ANGUIDAE
Gerrhonotus multicarinatus multicarinatus
Gerrhonotus coeruleus coeruleus
ANNIELLIDAE
Annie/a pulchra nigra
Annlella pulchra pulchra
BOIDAE
Charina bottae bottae
COLUBRIDAE
Diadophis punctatus vandeburghi
Contia tenuis
Coluber constrictor mormon
Masticophis lateralis lateralis
Pituotphis melanoleucus catenifer
la'=shy bit

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CONSERVATION & SCENIC EASEMEN┐└►►►┘9
California kingsnake
Coast garter snake
VIPER FAMILY

Northern Pacific rattlesnake
MAMMALS
POUCHED MAMMALS
OPOSSUM FAMILY
Oppossum*
INSECT EATERS
SHREW FAMILY
Trowbridge shrew
Ornate shrew
MOLE FAMILY
Shrew-mole
Broad-handed mole California mole)
BATS
EVENING BAT & PLAINNOSE BAT FAMILY
Little brown myotis
Yuma myotis
Long-eared' myotis hairy-winged myotis)
California myotis
Small-footed myotis
Western pipistrel
Big brown bat
Red bat
Hoary bat
Western big-eared bat Lump-nosed bat)
Pallid bat
FREETAIL BAT FAMILY
Brazilian freetail bat Mexican freetail bat)
FLESHEATERS
RACCOON FAMILY,
Raccoon
Lampropeltis getulus califomiae
Thamnophis elegans terrestris
VIPERIDAE
Crotalus viridis oreganus
CLASS MAMMALIA
ORDER MARSUPIALIA
DIDELPHIDAE
Didelphis virgin ana
ORDER INSECTIVORA
SORICIDAE
Sorex trowbridgei
Sorex omatus
TALPIDAE
Neurotrichus gibbs!
Scapanus latimanus
ORDER CHIROPTERA
VESPERTILIONIDAE
Myotis lucifugus
Myotis yurnanensis
Myotis vofans
Myotis californicus
Myotis leibii
Pipistrellus hesperus
Eptesicus fuscus
Lasiurus borealis
Lasiurus cinereus
Plecotus townsendi
Antrozous pallidus
MOLOSSIDAE
Tadarida brasiliensis
ORDER CARNIVORA
PROCYONIDAE
Procyon lotor
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RINGTAIL FAMILY
Ringtail
WEASEL AND SKINK FAMILY
Longtail weasel
Badger
Spotted skunk
Striped skunk
DOG, WOLF AND FOX FAMILY
Coyote
Red fox*
Gray fox
CAT FAMILY
Mountain lion
Bobcat
GNAWING ANIMALS
SQUIRREL FAMILY
California ground squirrel
Western gray squirrel
Eastern gray squirrel*
Fox squirrel*
POCKET GOPHER FAMILY
Valley pocket gopher
POCKET MOUSE AND KANGAROO RAT FAMILY
California pocket mouse
Heermann kangaroo rat
RAT AND MOUSE FAMILY
Western harvest mouse
California mouse
Deer mouse
Pinon mouse
Dusky-footed woodrat
California meadow mouse California vole)
OLD WORLD RAT AND MOUSE FAMILY
House mouse*
Norway rat*
Black rat*
BASSARISCIDAE
Bassariscus astutus
MUSTELIDAE
Mustela frenata

Taxidea taxus
Spilogale putorius
Mephitis mephitis
CANIDAE
Canis latrans
Vulpes fulva
Urocyon cinereoargenteus
FELIDAE
Fells concolor
Lynx rufus
ORDER RODENTIA
SCIURIDAE
Spermophilus beecheyi
Sciurus griseus
Sciurus carolinensis
Sciurus niger
GEOMYIDAE
Thomomys bottae
HETEROMYIDAE
Perognathus califomicus
Dipodomys heermanni
CRICETIDAE
Reithrondontomys megalotis
Peromyscus califomicus
Peromyscus maniculatus
Peromyscus truei
Neotoma fuscipes
Microtus califoricus
MURIDAE
Mus musculus
Rattus norvegicus
Rattus rattus
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CONSERVATION & SCENIC EASEMEN┐└►►►┘HARES AND RABBITS
HARE AND RABBIT FAMILY
Blacktail jackrabbit
Audubon cottontail Desert Cottontail)

Brush rabbit
EVEN-TOED UNGULATES
DEER FAMILY
Mule deer Blacktail deer)
ORDER LAGOMORPHA
LEPORIDAE
Lepus californicus
Sylvilagus auduboiii
Sylvilagus bachmani
ORDER ARTIODACTYLA
CERVIDAE
Odocoileus hemionus
*Naturalized species not native to the Enea Property.
**Based on Checklist of the Amphibians, Reptiles and Mammals of Elkhorn Slough National Estuarine Sanctuary and Vicinity, 1986, Erica Schafer; and field studies done by Ed Mercurio in September of 2007,
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CONSERVATION & SCENIC EASEMEN┐└►►►┘California Regional Water Quality Control Board
Central Coast Region
Linda S. Adams
Secretary for
Environmental
Protection
Internet Address: http://www.waterboards.ca.gov/centralcoast
895 Aerovista. Place, Suite 101, San Luis Obispo, California 9340.1
Phone 805) 549-3147 FAX 805) 543-0397
August:31, 2009
County of Monterey
Resources Management Agency Planning Department
Attn: Mike Novo, Director of Planning
h
1.8 West Alisal., 2"a Floor
Salinas, CA 93901
Arnold Schwarzenegger
Governor
Dean Mr. Novo:
RESPONSE TO MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR
ENEA PROPERTIES LLC, COMBINED DEVELOPMENT PERMIT FOR 11:40
QLEADA ROAD, PEBBLE`BEACH, MONTEREY COUNTY'- PLN 070:33.3..
Central Coast Regional Water Quality control Board; Water Board) staff reviewed the June 27, 2009.., Mitigated Negative Declaration and June 17,.20.09. Initial Study prepared by Monterey County for the Enea Properties LL'Cproject PLN 070333). The project consists of'the construction. of a single: family dwelling and detached senior unit on OleadaRoadin Pebble Beach.
The e Initial Study indicates the proposed project will be served by California American Water Company Cal Am) with water rights 0:50 acre-feetlyear afy]) purchased fron the Pebble. Beach Company if is assumed that these water rights are associated with;a 365 ii f y water entitlement from the Monterey Peninsula Water Management District MPWMD). for developing properties Within Del:Monte, Forest with new connections, to the Cal-Arm water system. Consequently, the water supply for the' Enea Properties LLC project will be derived from the: Carmel River.
We are providing comments onthis CEQA::document as:a responsible agency primarily, based on our expertise regarding the beneficial uses of the Carmel River and Carmel River'Lagoon. Although beneficial uses of the Carmel River and Carmel River Lagoon will be,impaired by the proposed project, we do not have authority over the water supply issues causing the impairments and have-no approval. oversight of the project outside Of' our authority governing waste discharges from the proposed project,
The Mitigated Negative Declaration and Initial Study fail to identify and address significant cumulative offsite environmental impacts to the riparian and aquatic habitats of Carmel River and Carmel River Lagoon, and the federally listed steelhead that are dependent on these habitats for their survival. We present the following findings. to substantiate this statement:
1. Cal-Am owns and operates the San Clemente Dam, the Los Padres Dam and 21 downstream alluvial wells that divert water from the Carmel River. The alluvial wells
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divert water from the underflow of the river-and supply about 69 percent of the water needs to Cal-Am customers within the Monterey Peninsula cities and unincorporated areas of the Carmel Valley and Carmel Highlands.
2..Cal-Am has a current legal right to water in. the. Carmel River of 5,562 afy1. Cal-Am has diverted an. average of 7,632-afy from the Carmel River in excess of this water right for the past 13 years currently diverting about 7,150 afy) for a total diversion of approximately 1.2,712 afy2.
3 Cal-Am is responsible for approximately 85 percent of the total water diversions the Carmel River and its associated subterranean flow2.
4. The Carmel River is home to a genetically distinct steelhead population commonly identified as the California Central Coast Steelhead3. The California. Central Coast Steelhead are listed as threatened under the Federal Endangered Species Act ESA)4: In addition,. the Carmel River is listed as a. critical habitat for the survival of the California Central Coast Steelhead,
5, The Carmel River and Carmel.. River Lagoon are also documented habitats for California Red Legged Frogs, which, ar.e'also listed as threatened under the. ESA.
6 It. is well-documented that Cai Am's ongoing diversions from the Carmel. River are the largest single contributor to significant cumulative impacts to the public trust resources and beneficial uses of the Carmel River and Carmel River Lagoons
7. The Central Coast Water Quality Control Plan Bashi Plan) lists the following as beneficial uses of the Carmel River
a.. Municipal & Domestic Water Supply.
b, Agricultural Water Supply
c Industrial Process Supply
d. Ground'Water Recharge
State Water Resources Control Board July 27, 2009, Draft Cease and Desist Order against California American Water Company; legal water rights consist of:3,316 afy recognized in Order No.WR95-10 plus 2,246 afy under Permit 208Q8A
2 State Water Resources Control Board July 27 2009;. Draft Cease and Desist Order against California American Water Company
3 South-.Central California. Coast SCCC) steelhead Distinct Population Segment DPS) Oncorhynchs mykiss)
Listed as a, threatened. species. under the Endangered Species, Act ESA), on August 18, 1997 62 Fed.Reg 43973). The threatened. status of-the steelhead was. later reaffirmed under the ESA on January 5, 2006 T1 Fed.Reg. 834,.859).
The Carmel River was listed as a critical habitat for the survival of the California Central Coast Steelhead on September 2, 2005 70 Fed.Reg. 52488)
6 Monterey Peninsula Water Management District April 1990, Water Allocation Program Final Environmental Impact Report and subsequent Mitigation Program Annual Reports; State Water Resources Control Board July 6, 1995, Order No. WR'95-10;.State Water Resources Control Board July

27, 2009,. Draft Cease and Desist Order against California American Water Company; National Marine Fisheries Service June 3, 2002, report on i.nstream Flow needs for Steelhead in the Carmel River. California Environmental Protection.Agency I,z$ v<
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e. Water Contact Recreation
f. Non-.Contact Water Recreation
g. Wildlife Habitat.
h. Cold Fresh Water Habitat
i. Warm Fresh Water Habitat
j. Migration. of Aquatic Organisms
k. Spawning, Reproduction, and/or Early Development
1. Preservation of Biological Habitats of Special Significance
M. Rare, Threatened, or Endangered.►Spepies
n. Freshwater Repledishment
o.. Commercial and Sport Fishing
8: The Central Coast Water Quality Control, Plan Basin Plan) lists the following as
beneficial uses ofthe Carmel River Estuary Lagoon]:
a. Ground Water Recharge
b. Water Contact Recreation
c: Non-Contact,.Water Recreation

d. Wildlife Habitat.
e. Cold Fresh Water Habitat:
f. Migration of Aquatic-Organisms
Spawning, Reproduction, and/orEarly:Development
h. Preservation of Biological Habitats of Special Significance
i Rare,. Threatened, or Endan9ered rSpecies:
j, Estuarine Habitat
k Commercial andSport Fishing
I. Shellfish`harvesting
ongoing significant impacts to he public trust resources and beneficial uses 6f the
Carmel River:and Carmel River Lagoon~due::to C.al-Am's ongoing diversions include,
but are not limited to the following
a. The.:Carmel River.generally.goes. dry downstream from,the Narrows River
Mile 9.5.) by July of each year resulting in the loss of aquatic habitat for food

production and outmigration necessary for the survival of juvenile steelhead returning back to the Pacific Ocean. Steelhead stranded in pools are subject to predation, starvation and mortality due to poor water quality conditions primarily high temperature and low dissolved. oxygen). and desiccation.
b. Ongoing loss of riparian vegetation along the Carmel River due. to lack of water low groundwater and decreased soil moisture) for sufficient growth. The loss of riparian vegetation results in 1) stream. bank erosion and sedimentation within the river that adversely impact steelhead due to loss of habitat necessary for food production, 22) the loss of foliar shading to control temperature, which directly affects dissolved oxygen concentrations within the river, thereby increasing the potential for algal blooms due to nutrient loading,
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and 3) the loss of woody debris within the river that provide food production
and shelter from predators for steelhead.
c. Fresh water inputs to the Carmel River Lagoon wheresteelhead smolt mature
and acclimate to saline conditions prior to migrating to the Pacific Ocean in
the fall/winter are significantly decreased, and often limited to groundwater
seeps, in the late spring and early summer.. Decreased fresh water inputs to
the lagoon result in 1) loss and impairment of riparian and aquatic habitat for
food production and maturation, 2) increased predation,. and 3:) increased
salinity and temperature stratification due to the lagoon water
quantity/quantity conditions being dictated by tidal influences through the,
sand. bar. Increased salinity and temperature stratification within the.lagoon
result in poor water quality conditions for maturing smolt and drives them to.
the:thin. and cooler fresh water lens at the" surface,where:.they are subject to
increased predation.
10.The ongoing significant cumulative impacts to the public- trust resources. and
beneficial uses of the Carmel River and Carmel River Lagoon as a result of Cal-
Am's ongoing excess diversions are essentially unmitigated because Cal-Am has
failed to develop any meaningful.: source of supply and the. relative*.quantity of water
delivered from the Carmel` River to.Cal: Am"customers within the Monterey Peninsula
has not materially changed. since the issuance of Order No. WR 95-1`0 against Cal-
Am in 1995'..
11.The water service connection to Cal--An,'s distribution system for the proposed
project constitutes an additional diversion of up to 0 5

afyfrom the` Carmel River. that
will contribute to the. ongoing significant cumulativeimpacts. to the public trust
resources..and'benefcial uses of`the Carmel River and" Carmel RiverLagoon.
Additional 4v0s16ns of water from the: Carmel River as a result of providing a
water supply for:the proposed project via a connection to the Cal Am distribution
system would be rn direct violation of.Order"No WR 95-1.0 and Section 1.052 052.6f the
Water. Code.
Cal-Am is currently in violation of Order No: WR 95-10 and the prohibition contained
within Section 1052 of the Water Code against the unauthorized diversion or use of
water. Approval of the proposed. project would facilitate and add to the ongoing
violation of Order No.. WR 95-10 and Water Code Section. 1052 in addition to the
ongoing unmitigated significant cumulative: impacts to.the public. trust resources" of the
Carmel River and Carmel River Lagoon as noted above. In addition, the proposed
project would be in violation of a pending draft cease. and desist order" against Cal Am
if it is adopted in its current form. The cease and desist order is being considered
Issued to California America Water Company by the State Water Resources Control Board on July 6,
1.995 for its illegal diversion of water from the Carmel River
a A July 27, 2009 draft of the Cease and Desist Order is currently. scheduled for a State Water Resources
Control Board public workshop in Sacramento on September 2, 2009.
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against. Cal-Am for its ongoing failure to comply with Order No. WR 95-10 and violation of Water Code Section 1052.
The findings. of Order No. WR 95-10 and draft cease and desist order clearly state that Cal-Am's riparian rights to water from the Carmel River or Carmel River Alluvial Aquifer] do not extend to water that is served outside the Carmel Valley or. water: served to non-riparian: parcels located withinthe valley such as parcels in Pebble Beach or Del Monte Forest).
The use. of Pebble Beach Company water entitlements obtained from the. Monterey Peninsula. Water Management District,(MPWMD.) constitute additional diversions of water from the Cannel. River and are not exempt from Order WR 95-10 and the pending draft cease and desist order: against Cal-Am.
The Pebble Beach Company is. currently seeking to. have its 365 afy water entitlement from the MPWMD. for new connections to Cal-Am''s mater- system excluded from any

limitation placed on Cal-Am's withdrawals from the Carmel River. The Pebble: Beach Company's argument for this exemption is based in part. on. the assertion that the entitlement is based on water offsets generated as a result of the Carmel Area, Wastewater District and Pebble Beach Community Services District Wastewater' Reclamation Project. The reclamation project provides reclaimed wastewater for' the irrigation of golf courses and other recreational spaces. located in Pebble Beach and Del: Monte: forest. It was intended to free up potable water from Cal-Am for new development on land owned by the Pebble Beach Company formerly used to irrigate Pebble BeaachCompany was granted a 365 afy potable water
these areas. The
entitlement by the◆MPWMDas part of a contractual agreement in exchange for financial guarantees to fund-the reclamation project. The 3.65 afy entitlement dates back to at least 1989 prior to the issuance of Order No. WR 9510): and was based upon an overestimate: of the. water supply legally available to Cal-Am and the offsets generated from the reclamation project as documented in order No. WR 0% and the pending draft cease and desist order against' Cal Am. Based on'this,entitlement, water has been sold to over 500 homeowners in the Del Monte Forest for new connections to Cal-Am's water system. Meanwhile Cal-Am has failed toAevelop an alternative watersupply and. substantially reduce its diversion of waterfrom the Carmel River. As evidenced by this and other projects, the latter is partly due to the fact that water diversion offsets from the Carmel River generated through conservation efforts and the reclamation project are commonly handed out for new development within the: Cal-Am water service areas.. Based on findings presented within the pending draft cease and desist order against Cal-Am, the State Water Resources Control Board may determine that increased diversions from the Carmel River by Cal-Am for new development should be prohibited and that deliveries made under the Pebble Beach Company's entitlement from MPWMD should not be excluded from this prohibition.
Providing a water supply for the. proposed project or any project via a connection to the Cal-Am distribution system diverting water from the Carmel River would be inconsistent with the public trust doctrine.
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As stated in the findings of the pending draft cease and desist order, exempting the entitlements from Cal-Am's ongoing illegal diversion would be inconsistent with Cal Am's duty to protect public trust resources given the well-documented significant cumulative impacts on the public trust resources of the Carmel River and Carmel River

Lagoon' associated with Cal-A's ongoing excess diversion of water from the river. To be certain, this determination is applicable to any public agency with the power to approve water supply-related projects given no party can obtain a vested right to appropriate water in:a manner harmful to-the us_ es protected by the public trust doctrine': Consequently, allowing increased dewatering of the Carmel River for new growth is incompatible with Monterey County's affirmative duty as the lead CEQA agency to protect:the public trust given the above:noted findings.
The ongoing excess diversion of water from the Carmei River by Cal:-Am resulting in significant cumulative impacts to the public trust resources of the Carmel River is currently unmitigated. Cal Am's diversions. will continue to have significant adverse effects on the public trus resources of the river: and lagoon until alternative supplies are implemented to offset~the:ongoing:diversion.
Some have.argued.:that the above-noted impacts to the Carmel. River are being mitigated by the implementation of. the MPWMD Mitigation Programs for the preservation of Carmel River environmental resources We would strongly disagree: with this argument because. the applied mitigation measures;0 are merely band=aid-approaches applied to. the symptoms of the real problem-dewatering:.of the Carmel River due to overdrafting of the alluvial aquifer-=and given: the. riparian: and aquatic: habitats of the Carmel River and Lagoon would likely be unable, to: sustain a viable: steelhead population without them for very long unless, water diversions. are substantially reduced. Although appropriate whale diversions are: being reduced, fish rescues, rearing facilities, monitoring and ongoing habitat restoration should not be considered as viable mitigation measures in. support of new, projects or long-term-solutions to inadequate flows within the Carmel River. This; is especially pertinent given the lack of low necessary to sustain viable riparian and aquatic habitats pis primarily due to, the. well-documented excess. diversion of-water by. Cal-Am.
It could also be. argued that using water offsets generated from' conservation. efforts for new connections or. development sufficiently mitigates additional significant cumulative impacts.. This argument is flawed because it ignores the real problem and provides no
9 Developed in response to the Monterey Peninsula Water Management District April 1990, Water Allocation Program Final Environmental Impact Report. Order No. WR 95-10 requires Cal-Am to implement any portion of the Mitigation Program not implemented by the MPWMD. The MPWMD currently implements the.prograrn with funding from fees paid by Cal: Am's water customers.
10 The Mitigation Program focuses on potential impacts related to fisheries,, riparian vegetation and wildlife, and the Carmel River Lagoon and includes special status species and aesthetics. Activities required to avoid or substantially reduce negative impacts to the environment include irrigation and erosion control programs, fishery enhancement programs, establishing flow releases from the existing dams to protect the fish and riparian habitat; monitoring water quality, reducing municipal water demand, and regulating activities within the riparian corridor.
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incentive for the communities within Cal-Am's water supply service. area to develop the alternative water supplies need to mitigate the. existing significant cumulative. impacts to the. public trust resources of the Carmel River and Lagoon as a result of Cal-Am's ongoing excess diversions.
Consequently, the only appropriate. mitigation measure is the complete offset ofCal-Am's excess diversion with suitable alternative water supply sources prior to any new connections or development within the Cal-Am water service area.. In addition, water from. any new;sources.should only become available for new growth within the Cal-Am water service area after the excess diversions have been completely offset by the new.. sources; Applying water usage offsets to support new growth should not be an allowable mitigation measure,
The proposed project will have a sigrl.if cant effect on the, environment and a. mitigated negative declaration is not consistent with the.:. California Environmental Quai!ty Act.
Findings of significance not just potential significance:)
items within the environmental.;checklist:
Biological Resources iterns:4.a b, c.-and-d.
Hydrology and Water Quality. items 8a and:,f.
are.. required for the following,
Land'Use:Plan ning items9 b and c..
Utilities and Service Systems item 16d.
Ip addition, mandatory findings of sagnifrr ance are requ~retl for items a, and b Within

section VII of the Initial Study
Please note that these findings of significance are applicable to any and all. projects with a water supply component within the Cal Am water service area within the Monterey Peninsula, Carmel Valley and Carmel Highlands or individual projects within the Carmel Valley not within the Cal-Am service::area.
As noted above, Cal-Am's combined diversions from the, Carmel River have the largest single impact. on the public trust resources of the river: However, diversions by other water users within Carmel Valley also contribute to the well-documented significant cumulative impacts to the public trust resources and beneficial uses of the Carmel River. and Carmel River Lagoon.. Consequently, all projects that are diverting water from the Carmel River, including the alluvial aquifer, should be subject to the same findings. of significance regardless of their size and relative impact.
Please forward all future CEQA documents with a water-supply component either within the Cal-Am water service area or areas of the Carmel Valley not within the Cal-Am water service area directly to this office and the State Water Resources Control Board Division of Water Rights at,
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August 31, 2009
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Please do this in addition to. checking these agencies off on the Project Sent to the
Following State Agencies" list on the Notice of Completion form.
If you have: any questions regarding this matter, please, contact Matthew Keeling at.
805) 5494685 or mkeeling waterboards:ca.oov, or Burton Chadwick at 805-542-
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Central Coast Region
Linda S. Adams
Secretary for
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Protection
November 2, 2009
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County of Monterey
Resources Management Agency- Planning Department
Attn: Mike Novo, Director of Planning
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Salinas, CA 939.01
Dear'Mr. Novo..
Arnold Schwarzenegger
Governor
FOLLOW-UP, RESPONSE TO MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR ENEA PROPERTIES LLC, COMBINED DEVELOPMENT PERMIT FiOR 1140 OLEADA ROAD, PEBBLE BEACH, MONTEREY COUNTY PLN 070333
This letter is in, follow-up to our August 31., 2009 letter regarding the above-noted project. On October 20:, 2009, the State Water Resources Control Board SWRCB) adopted Order WR 20.09-006,0. approving a cease and desist order against California American Water Company Cal.-Am);for unauthorized diversions from the Carmel River, The adopted Order is posted at.
httt IAwww.swrcb.ca:gov/watereiohts/board decisions/adopted orders/orders1wro2009 s html
Based on findings presented within the July, 27, 2009, draft cease and desist order against Cal-Am, our August 31, 20.07"letter stated that the SWRCB may determine that increased diversions from the. Carmel River by C.al Am':for new development should be prohibited and that deliveries made under the Pebble Beach Company's entitlement. from MPWMD should not be excluded from this prohibition." Potablewater.service for the Enea, project is to be provided by a new connection to the Cal-Am distribution system based on a 0.5 acre-foot per year portion of the water entitlement purchased by the project applicant from the Pebble Beach. Company PBC].)
Contrary to the July 27, 2009 draft order and statement above, the SWRCB has conditionally. exempted the PBC water entitlement from the prohibition of increased diversions from the Carmel River by Cal-Am, The final paragraph of section 19.1 within Order WR 2:009-0060 states:
We conclude, therefore, that the State Water Board should not prohibit any increased diversions from the river by Cal Am for deliveries made under PBC's entitlement from MPWMD. Nevertheless, any water users who receive water under the PBC entitlement should not be exempted from any conservation program or other effort to reduce Cal-Am's unauthorized diversions.
See paragraph 3.a.(6) of Order WR 20D9-0060
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Based on the final SWRCB determination regarding the PBC entitlement as noted above and to the extent existing environmental documents2 address the significant cumulative. impacts to the public trust resources and beneficial uses of the Carmel River and Carmel River Lagoon as a result of the use of the PBC water entitlement, we withdraw our August 31, 2009 comments on the Enea project.
Our withdrawal of these comments is predicated on removing potentially time-consuming and unresolvable permitting obstacles related to CEQA compliance. for the proposed project, particularly in'light of the project applicant's,: good faith effort to permit the project and purchase of a portion of the water- entitlement from PBC. with the understanding that water was available for the proposed project.
Notwithstanding our withdrawal of the comments for the. Enea project, We do not favor projects with the potential to increase water diversionsfrom the Carmel River including Carmel River Alluvial. Aquifer) due to the ongoing, well-documented, significant cumulative impacts to the public trust resources and beneficial uses of the Carmel River and Carmel River Lagoon. Consistent with our: August 31, 0.9 comment letter, findings of significance warranting full environmental impact report review pursuant to CEQA, or project denial as appropriate, are applicable to any and a11 projects with a Carmel River water. supply component within the. Cal-Am wate.r service area within the Monterey Peninsula, Carmel Valley and Carmel Highlands or individual projects within. the Carmel Valley not within the..Cal-Am service area. Monterey County must consider our August 31, 2009 comments and Order WR 2009-0060 in reviewing any new projects with a Carmel River water supply component.
if. you have any question's regarding this matter, please cant act Matthew, Keeling at 805) 54:9 4.646 or mkeeling waterboards;'ca poll, or Burton Chadwick. at 80.5-542-4786.
Sincerely,
Roger W. Briggs
Executive Officer"
PaperFile:
EiedrohicFile.:S:WRS\Carmel River.& Lagoon\EneaPLN070333:update:doc
Task Code: 12601..
2.June 1989, CSDIPBCSD Wastewater Reclamation Project Final EIR certified by the MPWMD on October 3, 19:89 MPWMD Resolution No. $9-21.) and the CEQA findings:related to the adoption of MPWMD Ordinance No. 109., or other related environmental documents.
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CONSERVATION & SCENIC EASEMEN┐└┘ Mike Novo
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CONSERVATION & SCENIC EASEMEN┐└►►►┘Exhibit C
Before the Planning Commission in and for the
County of Monterey, State of California
In the matter of the application of:
Robert Enea PLN070333)
RESOLUTION NO. 09049
Resolution by the Monterey County Planning
Commission:
1) Adopting the Mitigated Negative Declaration;
2) Approving the Combined Development Permit
Consisting of. 1) A Coastal Administrative
Permit to allow the construction of a new 4,713
square foot, three-level, single family dwelling
with a 619 square foot attached garage and
approximately 86 cubic yards of cut and 380
cubic yards of fill; 2) A Coastal Administrative
Permit to allow the construction of a new 849
square foot detached senior unit; 3) A Coastal
Development Permit to allow removal of 33
Monterey pine Trees; 4) A Coastal Development
Permit to allow development within 100 feet of
environmentally sensitive habitat Yadon's
Piperia); and 5) A Design Approval; and
3) Adopting the Mitigation Monitoring and
Reporting Plan
PLN070333, Enea, 1440 Oleada Road, Pebble Beach,
Del Monte Forest Land Use Plan APN: 008-331-
007-000)
FILE COPY
The Enea application PLN070333) came on for public hearing before the Monterey County Planning Commission on November 18, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:
FINDINGS
1. FINDING: CONSISTENCY The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) Plan Conformance During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
the Monterey County General Plan,
Del Monte Forest Land Use Plan,
Coastal Implementation Plan Part 5,
Monterey County Zoning Ordinance Title 20)
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) Zoning Consistency The property is located at 1440 Oleada Road, Pebble Beach Assessor's Parcel Number 008-331-007-000), Del Monte

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CONSERVATION & SCENIC EASEMEN┐└►►►┘Forest Land Use Plan. The parcel is zoned Low Density Residential, 1.5 acres per unit, with a Design Control Overlay, in the Coastal Zone LDR/1.5-D CZ)], which allows single family dwellings and senior units as principally permitted uses subject to a Costal Administrative Permit in each case. Therefore, the project is an allowed land use for this site.
c) Design Control Zoning at the site includes a Design Control Overlay or D" district which requires review of proposed development for the overall design concept including colors and materials. The proposed colors are similar to those previously permitted in the area including a light beige stucco body, clay tile roofing, and some stone veneer.
d) Site Visits The project planner conducted a site inspection on August 13, 2008 and March 24, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
e) Senior Unit The subject project meets the regulations, standards and circumstances for a senior unit size, height, public sewer and water, and setbacks). See Finding 7 for more detail.
f) Tree Removal The project minimizes tree removal in accordance with applicable goals and policies of the Del Monte Forest Land Use Plan. See Finding 9.
g) Sensitive Habitat The project has been sited and designed to minimize impacts to environmentally sensitive habitat at the site. See Finding 8.
h) Viewshed The project site is within the area mapped in the Del Monte Forest Land Use Plan as visible from Point Lobos State Park across Carmel Bay Figure 2C). Due to screening from existing trees and topography, the proposed house and senior unit will not impact the viewshed from Point Lobos or Carmel State Beach.
i) Archaeological Resources The area is a high archaeological sensitivity zone. An archaeological report prepared for the project by Archaeological Consulting dated July 3, 2007 concluded that there was no surface evidence of potentially significant resources at the site and that the project should not be delayed for archaeological reasons. Conditions will be included to ensure that previously unidentified resources are not significantly impacted if they are discovered during construction Condition #3).
j) LUAC The project was referred to the Del Monte Forest Land Use Advisory Committee LUAC) for review. On November 1, 2007, the LUAC unanimously recommended approval of the project by a vote of 5-0. Two concerns were expressed including ground water control/runoff and the use of the senior unit. Conditions are included to restrict the use of the senior unit to those permitted by the zoning code and to retain storm water on site according to an approved plan prepared by a registered civil engineer Conditions 13 & 17).
k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development found in Project File PLN070333.
2. FINDING: SITE SUITABILITY The site is physically suitable for the use proposed.
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CONSERVATION & SCENIC EASEMEN┐└►►►┘EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA Planning Department, Pebble Beach Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
Preliminary Archaeological Reconnaissance" LIB070498) prepared by Archaeological Consulting, Salinas, CA, July 3, 2007.
Geotechnical & Geoseismic Report" LIB070497) prepared by Grice Engineering and Geology Inc, Salinas, CA, July 2005.
Biological Survey" LIB070502) prepared by Ed Mercurio, Salinas, CA, August 31, 2007.
Spring Biological Survey" LIB090381) prepared by Ed Mercurio, Salinas, CA, May 26, 2009.
Forest Management Plan" LIB090382) prepared by Frank Ono, Pacific Grove, CA, February 25, 2008.
Forest Management Plan" LIB090383) prepared by Frank Ono, Pacific Grove, CA, June 25, 2009.
c) Staff conducted a site inspection on August 13, 2008 and March 24, 2009 to verify that the site is suitable for this use.
d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development found in Project File PLN070333.
3. FINDING: HEALTH AND SAFETY The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
EVIDENCE: a) The project was reviewed by RMA Planning Department, Pebble Beach Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

b) Necessary public facilities are available including water purchased from
the Pebble Beach Company 0.5 acre feet), sewer services provided by
the Pebble Beach Community Services District who carries the sewage
to the Carmel Area Wastewater District, and electric and gas utilities
from PG&E.
c) Preceding findings and supporting evidence for PLN070333

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CONSERVATION & SCENIC EASEMEN┐└└┘4. FINDING: NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
EVIDENCE: a) Staff reviewed Monterey County RMA Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
Staff conducted a site inspection on August 13, 2008 and March 24, 2009 and researched County records to assess if any violation exists on the subject property.
c) There are no known violations on the subject parcel.
d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070333.
5. FINDING: CEQA Mitigated Neg Dec) On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
EVIDENCE: a) Public Resources Code Section 21080.d and California Environmental Quality Act CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference PLN070333).

c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration.
d) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetic resources, air quality, biological resources, cultural resources, geology and soils, and land use planning.
e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as Exhibit 1. The applicant must enter into an Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval Condition 6)
f) The Draft Mitigated Negative Declaration MND") for PLN070333 was prepared in accordance with CEQA and circulated for public
2009 through August 31, 2009 SCH#:
review from July 30

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CONSERVATION & SCENIC EASEMEN┐└►►┘g) Evidence that has been received and considered includes: the application, technical studies/reports see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings as applicable). These documents are on file in the RMA-Planning Department PLN070333) and are hereby incorporated herein by reference.
h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no

effect on fish and wildlife resources. The site supports Yadon's Piperia. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee of $1,993.00 plus a fee of $50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination NOD).
i) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.
j) The only comment received during the public review period from July 30, 2009 through August 31, 2009 was from the Regional Water Quality Control Board RWQCB). An August 31, 2009 letter from the RWQCB contended that the project would have unmitigatable significant environmental impacts because the proposed water supply from Cal Am would cause additional diversion from the Carmel River. On November 2, 2009, the RWQCB withdrew its August 31, 2009 comments. Exh. lto Nov. 18, 2009 staff report to the Planning Commission.) The RWQCB withdrew its comments after the State Water Resources Control Board issued a Cease and Desist Order to Cal-Am which conditionally exempts the Pebble Beach Company water entitlement from the State Board's prohibition on increased diversions from the Carmel River by Cal-Am. Order WR 2009-006 0 of the State Water Resources Control Board adopted Oct. 20,2009) hereafter Order").) As explained in the Order, the Pebble Beach Company was granted an entitlement of 365 afy from the Monterey Peninsula Water Management District for developing properties within the Del Monte Forest as part of a contractual arrangement wherein the Pebble Beach Company provided financial guarantees for public financing of a wastewater reclamation project. Order, at p. 50.) The reclamation project has resulted in less diversion from the Carmel River than would have been the case without the reclamation project. According to the Order, the wastewater reclamation project supplied an average of 706 afy of reclaimed water, while utilizing 267 afy of potable water, between 1994-95 and 2006-2007. Order, at 51.) With recent
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CONSERVATION & SCENIC EASEMEN┐└►►┘ improvements, it is expected that the reclamation project will operate without needing potable water. Order, at 51.) The State Water Resources Control Board thus recognized, that the wastewater reclamation project will not result in a net increase in diversions from the Carmel River and, in the interim while Del Monte Forest property is being developed, the net diversions from the river to serve Del Monte Forest properties will be less than the level that would have occurred if the reclamation project had not been developed." Order at 53.) For the proposed project, the water 5 afy) has been purchased from the Pebble Beach Company from the Pebble Beach Company's entitlement. Because this project's water supply, as part of the Pebble Beach Company entitlement, stems from the reclamation project which resulted in less diversion from the Carmel River than would otherwise have been the case without the reclamation project, the proposed project will not result in a net increase in diversion from the Carmel River. Consequently, the Planning Commission finds that this project's water use will not have a significant environmental impact.
k) Responses to comments received on the revised Initial Study contains information clarifying and amplifying information in the Mitigated Negative Declaration. No new significant impacts have been identified. Recirculation of the Initial Study is not required because the new information merely clarifies and amplifies information in the Initial Study.
1) There is no fair argument supported by substantial evidence the project would have a significant effect on the environment or that the mitigations suggested are inadequate to reduce potential impacts to a less than significant level. Potential impacts that were identified were mitigated or conditioned to reduce impacts to a less than significant level. Therefore, an EIR is not required in this case.
m) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
6. FINDING: PUBLIC ACCESS The project is in conformance with the public access and recreation policies of the Coastal Act specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
EVIDENCE: a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Land Use Plan.
c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
d) The application, plans and supporting materials submitted by the project ambit
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CONSERVATION & SCENIC EASEMEN┐└►►┘applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070333.
e) The project planner conducted a site inspection on August 13, 2008 and March 24, 2009.
f) Although the project is located between the sea and the first public road Highway 1), the subject parcel is well inland from the coast, is located in a residentially-zoned area, and essentially constitutes infill development of a currently vacant lot.
7. FINDING: SENIOR UNIT The subject project meets the regulations, standards and circumstances for senior units in accordance with the applicable goals, policies, and regulations of the applicable area plan and zoning codes.
EVIDENCE: a) That the establishment of the senior unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Finding 3)
b) The subject property upon which the senior unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title. All standards for height, setbacks, lot coverage, floor area, and Pescadero watershed coverage limitations are met.
c) That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health. Water will be served by CalAm through the Pebble Beach Community Services District and sewer will be provided by Carmel Area Wastewater District CAWD) also through the Pebble Beach Community Services District. A copy of the Monterey Peninsula Water Management District Water Use Permit" demonstrating the availability of 0.5 acre feet of water for use at the site is on file in the RMA-Planning Department PLN070333) and is hereby incorporated herein by reference.
d) That the proposed senior unit will not adversely impact traffic conditions in the area. The new house and senior unit are within the build-out numbers considered in the Del Monte Forest Land Use Plan see evidence f below). In addition, regional traffic impact fees are assessed on the construction of new dwelling units based on the Transportation Agency for Monterey County TAMC) nexus study Condition 16). These fees are applied to needed regional traffic projects that would alleviate congested or hazardous road conditions in the general project vicinity.
e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070333.
f) Senior Units shall be subject to the overall buildout in Del Monte Forest as defined by Table A in the Del Monte Forest Land Use Plan. Staff has determined that adequate density exists in the Del Monte Forest Area for the proposed project based on staff's review of maximum allowed densities, current zoning designations, total acreages within each zoLnsin it Enea PLN070333) Page o
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CONSERVATION & SCENIC EASEMEN┐└►►►┘ classification, number of units allowed, number of buildable lots, number of existing vacant lots, and number of existing caretaker and senior units. The most current information indicates that approximately 789 unit credits" remain in the Del Monte Forest Coastal Zone area. The proposed project is outside the areas designated by Table A of the Del Monte Forest LUP for residential planned development densities.
8. FINDING: ESHA The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
EVIDENCE: a) The project includes application for development within 100 feet of environmentally sensitive habitat areas ESHA). In accordance with the applicable policies of the Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
b) The Del Monte Forest Land Use Plan contains policies 8-30a) that are intended to protect, promote, maintain, and where possible enhance and restore environmentally sensitive habitat areas. Applicable planning policies relative to the subject development project include: identification of species and habitat by a qualified biologist Policy 13), careful siting and design of development to avoid impacts to the maximum extent Policy 9), and long-term protection of resources through permanent conservation easements Policy 14).
c) The Enea property was surveyed by a qualified biologist to determine the location and extent of any environmentally sensitive habitat. Four species maintaining a protected status were identified during the biologist's surveys. Those species include numerous Monterey pine trees, one Hickman's onion, three individuals of pine rose, and approximately 1,265 Yadon's Piperia plants. All of these plant species maintain a California Native Plant society 1B listing, meaning they are rare, threatened or endangered in California and elsewhere. In addition, the Yadon's Piperia is a Federally-listed endangered species. The plants were located and staked at the property.
d) Based on the locations of the resources at the site, minor modifications were made to the siting of the proposed structures in order to avoid direct impacts to the identified species at the site to the maximum extent. Given the revised design, removal of 33 Monterey pine trees, and approximately 16 Yadon's Piperia are required for the construction of the proposed improvements. The location of the driveway and structures takes advantage of openings in the tree canopy at the site which also happens to correspond with an area containing a

significantly lower population of Yadon's Piperia than other areas on
the site. The Hickman's onion and pine rose are located outside the
development footprint and are expected to be protected and maintained.
e) Conditions and mitigations are recommended to ensure maximum
protection of resources at the site including the use of temporary
construction fencing, tree replacement planting, biological monitoring,
and granting of a conservation easement in the front of the property
where the distribution of Yadon's Piperia plants is most dense

Conditions 24, 26, 27, 28, & 29). R,t17btL
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CONSERVATION & SCENIC EASEMEN┐└►►►┘f) The project planner conducted a site inspection on August 13, 2008 and March 24, 2009 to verify ESHA locations and potential project impacts to ESHA.
g) In consultation with United States Fish & Wildlife Services USFWS) and the California Department of Fish & Game DFG), no take permits or Habitat Conservation Plan HCP) is required for impacts to the federally-listed plant species.
h) Due to the density and distribution of Yadon's Piperia and Monterey pines at the site, development anywhere on the subject property would likely require impacts to these resources. The proposed development achieves the goals and policies of the Del Monte Forest Land Use Plan by minimizing impacts to sensitive species through appropriate siting and design. A good ratio of impacted plants to preserved plants has also been achieved. Because of the low ratio of impacted plants to preserved plants and given the recommended mitigations, the impacts of the development on ESHA were determined to be less than significant.
i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070333.
9. FINDING: TREE REMOVAL The subject project minimizes tree removal in accordance with the applicable goals and policies of the applicable land use plan and the Coastal Implementation Plan.
EVIDENCE: a) The project includes application for the removal of 33 Monterey pine trees. In accordance with the applicable policies of the Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance

Title 20), a Coastal Development Permit is required and the authority
to grant said permit has been met.
b) The Del Monte Forest Land Use Plan LUP) contains policies 31-39
intended to preserve the forested character of the Del Monte Forest for
its many beneficial environmental qualities. The applicable policies try
to accomplish this goal by requiring conformance with interrelated
resource protection policies including marine resources,
environmentally sensitive habitat, and visual resources Policy 31),
minimizing removal of trees and vegetative cover and protecting trees
not proposed for removal Policy 34), and appropriate siting and design
of driveways with simple and direct access and replacement planting on
a one to one basis where appropriate Policy 36).
c) Conformance with Environmentally Sensitive Habitat Policies related to
the forest and habitat resources is described in Finding 8 with
supporting evidence. Visual resource policies are addressed in Finding
1 Evidence h). As designed, conditioned, and mitigated, the project will
not have an impact on marine resources.
d) Forest Management Plan were prepared by Frank Ono for the property
and the proposed development as amended. A condition of approval has
been implemented requiring the applicant to record a notice stating that
a Forest Management Plan has been prepared and any tree removal shall
be in accordance with the approved plan 20.147.050.D.7 CIP).
Condition 11)
e) Measures for tree protection during construction have been incorporated
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CONSERVATION & SCENIC EASEMEN┐└►►►►┘as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots Condition 8). Additional protection measures in the form of a mitigation measure are suggested to ensure protection of trees and other sensitive plant species at the site Conditions 24).
f) Originally, the project was designed and sited to minimize the removal of protected trees to the greatest extent feasible. Subsequently, other sensitive species including the Federally endangered Yadon's Piperia were discovered at the site and minor design changes were made to protect the more sensitive, by designation, Piperia plants. The design changes were minor because the area where the structures were originally proposed turned out to be the most appropriate to avoid

impacts to Yadon's Piperia in addition to Monterey pine trees. The changes made included moving the proposed senior unit closer to the proposed residence and realigning the driveway still simple and direct). These changes increased the number of pines to be removed by 5; however, given the circumstances, including the other protected species at the site, the proposed siting and design minimize impacts to native trees consistent with the goals and policies of the LUP.
g) Replanting on a 1:1 basis was determined to be inappropriate in this case because of overcrowding of pines and because replanting pine trees could impact other sensitive plant species at the site. The project biologist recommended replanting 6 Monterey pines at the site in openings where competition from other trees and impacts to piperia plants can be avoided.
h) Staff conducted a site inspection on August 13, 2008 and March 24, 2009 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070333.
10. FINDING: APPEALABILITY The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission
EVIDENCE: a) Section 20.86.030 of the Monterey County Coastal Implementation Plan Part 1 Board of Supervisors).
b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan Part 1 because the site is located between the sea Pacific Ocean) and the first public road paralleling the sea Highway 1). In addition the project involves conditional uses including development with 100 feet of environmentally sensitive habitat, tree removal, and a senior unit.
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CONSERVATION & SCENIC EASEMEN┐└────┘DECISION
NOW, THEREFORE, based on the above findings and evidence, the Planning Commission

does hereby:
A. Adopt the Mitigated Negative Declaration;
B. Approve a Combined Development Permit Consisting of. 1) A Coastal Administrative Permit to allow the construction of a new 4,713 square foot, three-level, single family dwelling with a 619 square foot attached garage and approximately 86 cubic yards of cut and 380 cubic yards of fill; 2) A Coastal Administrative Permit to allow the construction of a new 849 square foot detached senior unit; 3) A Coastal Development Permit to allow removal of 33 Monterey Pine Trees; 4) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat Yadon's Piperia); and 5) A Design Approval, in general conformance with the attached sketch Exhibit 2) and subject to the conditions Exhibit 1), both exhibits being attached hereto and incorporated herein by reference.
C. Adopt the Mitigation Monitoring and Reporting Program Exhibit 1)
PASSED AND ADOPTED this 18th day of November, 2009 upon motion of Commissioner Diehl and seconded by Commissioner Rochester, by the following vote:
AYES: Getzelman, Brown, Rochester, Vandevere, Sanchez, Diehl, Ottone
NOES: None
ABSENT: Isakson, Salazar, Padilla
ABSTAIN: None
Mike Novo, Plannin
g Commission Secretary
COPY OF THIS DECISION MAILED TO APPLICANT ON NOV 25 2009
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 DEC 0 5 Z009
THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT 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.
Exhibit U-'
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CONSERVATION & SCENIC EASEMEN┐└────┘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 Department and Building Services Department office in Salinas.
2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.
Exhibit

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CONSERVATION & SCENIC EASEMEN┐└────┘RESOLUTION 09049- EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan
Project Name: Robert Enea
File No: PLN070333
APN: 008-331-007-000
Approved by: Planning Commission Date: November 18, 2009
*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.
I i iA' aPlann n'g`Department
1.
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PD001- SPECIFIC USES ONLY
This Combined Development Pen-nit PLN070333)

allows 1) A Coastal Administrative Permit to allow the construction of a new 4,713 square foot, three-level, single family dwelling with a 619 square foot attached garage and approximately 86 cubic yards of cut and 380 cubic yards of fill; 2) A Coastal Administrative Permit to allow the construction of a new 849 square foot detached senior unit; 3) A Coastal Development Permit to allow removal of 33 Monterey pine Trees; 4) A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat Yadon's Piperia); and 5) A Design Approval. The property is located at 1440 Oleada Road, Pebble Beach Assessor's Parcel Number 008-331-007-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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
Adhere to conditions and uses specified in the permit.
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 the RMA Planning Department.
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.
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is allowed unless additional permits are approved by the
appropriate authorities. RMA-Planning Department) to c~io
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2. PDO02 NOTICE-PERMIT APPROVAL Obtain appropriate form from the RMA- Owner/ Prior to the
The applicant shall record a notice which states: A Planning Department. Applicant issuance of
permit Resolution 09049) was approved by the Planning grading
Commission for Assessor's Parcel Number 008-331-007- The applicant shall complete the form RMA- and
000 on November 18, 2009. The permit was granted and furnish proof of recordation of this Planning building
subject to 29 conditions of approval which run with the notice to the RMA Planning permits or
land. A copy of the pen-nit is on file with the Monterey Department. com-
County RMA Planning Department." RMA-Planning mencement
De artment of use.
3. PDO03(A) CULTURAL RESOURCES Stop work within 50 meters 165 feet) of Owner/ Ongoing
NEGATIVE ARCHAEOLOGICAL REPORT uncovered resource and contact the Applicant/
If, during the course of construction, cultural, Monterey County RMA Planning Archaeo-
archaeological, historical or paleontological resources are Department and a qualified archaeologist logist
uncovered at the site surface or subsurface resources) immediately if cultural, archaeological,
work shall be halted immediately within 50 meters 165 historical or paleontological resources
feet) of the find until a qualified professional archaeologist are uncovered. When contacted, the
can evaluate it. The Monterey County RMA Planning project planner and the archaeologist
Department and a qualified archaeologist i.e., an shall immediately visit the site to
archaeologist registered with the Society of Professional determine the extent of the resources and
Archaeologists) shall be immediately contacted by the to develop proper mitigation measures
responsible individual present on-site. When contacted, required for the discovery.
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. RMA Planning
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4. PDO04 INDEMNE ICATION AGREEMENT Submit signed and notarized Owner/ Upon
The property owner agrees as a condition and in Indemnification Agreement to the Applicant demand of
consideration of the approval of this discretionary Director of RMA Planning Department County
development permit that it will, pursuant to agreement for review and signature by the County. Counsel or
and/or statutory provisions as applicable, including but not concurrent
limited to Government Code Section 66474.9, defend, Proof of recordation of the with the
indemnify and hold harmless the County of Monterey or Indemnification Agreement, as outlined, issuance of
its agents, officers and employees from any claim, action shall be submitted to the RMA building
or proceeding against the County or its agents, officers or Planning Department. pennits,
employees to attack, set aside, void or annul this approval, whichever
which action is brought within the time period provided occurs first
for under law, including but not limited to, Government and as
Code Section 66499.37, as applicable. The property applicable
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. RMA Planning Department)
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5. PDO05 FISH AND GAME FEE-NEG DEC/EIR The applicant shall submit a check, Owner/ Within 5
Pursuant to the State Public Resources Code 753.5, State payable to the County of Monterey, to the Applicant working
Fish and Game Code, and California Code of Regulations, Director of the RMA Planning days of

the applicant shall pay a fee, to be collected by the Department. project
County, within five 5) working days of project approval. approval.
This fee shall be paid before the Notice of Determination If the fee is not paid within five 5) Owner/ Prior to
is filed. If the fee is not paid within five 5) working days, working days, the applicant shall submit Applicant issuance of
the project shall not be operative, vested or final until the a check, payable to the County of building or
filing fees are paid. RMA Planning Department) Monterey, to the Director of the RMA grading
Planning Department. permits

6. PDO06 MITIGATION MONITORING PROGRAM 1) Enter into agreement with the Owner/ Within 60
The applicant shall enter into an agreement with the County to implement a Mitigation Applicant days after
County to implement a Mitigation Monitoring and/or Monitoring Program. project
Reporting Plan in accordance with Section 21081.6 of the approval or
California Public Resources Code and Section 15097 of 2) Fees shall be submitted at the time prior to the
Title 14, Chapter 3 of the California Code of Regulations. the property owner submits the signed issuance of
Compliance with the fee schedule adopted by the Board mitigation monitoring agreement. grading
of Supervisors for mitigation monitoring shall be and
required and payment made to the County of Monterey building
at the time the property owner submits the signed permits,
mitigation monitoring agreement. RMA Planning whichever
Department) occurs
first.

7. PDO07 GRADING-WINTER RESTRICTION Obtain authorization from the Director of Owner/ Ongoing
No land clearing or grading shall occur on the subject RMA Building Services Department to Applicant
parcel between October 15 and April 15 unless authorized conduct land clearing or grading between
by the Director of RMA Building Services Department. October 15 and April 15.
RMA Planning Department and Building Services
Department)

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8. PD011-TREE AND ROOT PROTECTION Submit evidence of tree protection to Owner/ Prior to the
Trees which are located close to the construction site(s) the RMA Planning Department for Applicant issuance of
shall be protected from inadvertent damage from review and approval. grading
construction equipment by fencing off the canopy and/or
driplines and/or critical root zones whichever is greater) building
with protective materials, wrapping trunks with protective pen-nits
materials, avoiding fill of any type against the base of the Submit on-going evidence that tree Owner/ During
trunks and avoiding an increase in soil depth at the feeding protection measures are in place Applicant) Construe
zone or drip-line of the retained trees. Said protection, through out grading and construction Arborist tion
approved by a certified arborist, shall be demonstrated phases. If damage is possible, submit
prior to issuance of building permits subject to the an interim report prepared by a
approval of the RMA Director of Planning. If there is certified arborist.
all work must stop in the area
otential for damage
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and a report, with mitigation measures, shall be submitted Submit photos of the trees on the Owner/ Prior to
by a certified arborist. Should any additional trees not property to the RMA Planning Applicant final
included in this permit be harmed, during grading or Department after construction to inspection
construction activities, in such a way where removal is document that tree protection has been
required, the owner/applicant shall obtain required successful or if follow-up remediation
permits.(RMA Planning Department) or additional permits are required.
9. PD014(A) LIGHTING EXTERIOR LIGHTING Submit three copies of the lighting Owner/ Prior to the
PLAN plans to the RMA Planning Applicant issuance of
All exterior lighting shall be unobtrusive, down-lit, Department for review and approval. building
harmonious with the local area, and constructed or located Approved lighting plans shall be permits.
so that only the intended area is, illuminated and off-site incorporated into final building plans.
glare is fully controlled. The applicant shall submit 3
copies of an exterior lighting plan which shall indicate the
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location, type, and wattage of all light fixtures an
The lighting shall be installed and
Owner/
Prior to
catalog sheets for each fixture. The lighting shall comply maintained in accordance with the Applicant Occup-
with the requirements of the California Energy Code set approved plan. ancy/On-
forth in California Code of Regulations, Title 24, Part 6.
The exterior lighting plan shall be subject to approval by going
the Director of the RMA Planning Department, prior to
the issuance of building permits. RMA Planning
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10. PDO16 NOTICE OF REPORT Proof of recordation of this notice shall Owner/ Prior to the
Prior to issuance of building or grading permits, a notice be furnished to the RMA Planning Applicant issuance of
shall be recorded with the Monterey County Recorder Department. grading
which states: A Biological report has been prepared for and
this parcel by Ed Mercurio, dated May 26, 2009 and is on building
record in the Monterey County RMA Planning permits.
Department, Library No. LIB090381. All development Submit proof that all development has Owner/ Prior to
shall be in accordance with this report." RMA been implemented in accordance with Applicant Occupancy
Planning Department) the report to the RMA Planning
Department for review and approval.
11. PDO16(A) NOTICE OF REPORT Proof of recordation of this notice shall Owner/ Prior to the
Prior to issuance of building or grading permits, a notice be furnished to the RMA Planning Applicant issuance of
shall be recorded with the Monterey County Recorder Department. grading

which states: A Forest Management Plan has been and
prepared for this parcel by Frank Ono, dated June 25, building
2009 and is on record in the Monterey County RMA permits.
Planning Department, Library No. LIB090383. All Submit proof that all development has Owner/ Prior to
development shall be in accordance with this report." been implemented in accordance with Applicant Occupancy
RMA Planning Department) the report to the RMA Planning
Department for review and approval.

12. PDO16 B)- NOTICE OF REPORT Proof of recordation of this notice shall Owner/ Prior to the
Prior to issuance of building or grading permits, a notice be furnished to the RMA Planning Applicant issuance of
shall be recorded with the Monterey County Recorder Department. grading
which states: A Geotechnical and Geoseismic report has and
been prepared for this parcel by Grice Engineering and building
Geology Inc., dated July 2005 and is on record in the p ermits.
Monterey County RMA Planning Department, Library Submit proof that all development has Owner/ Prior to
No. L1B070497. All development shall be in accordance been implemented in accordance with Applicant Occupancy
with this report." RMA Planning Department) the report to the RMA Planning
Department for review and approval.

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PD020(B) DEED RESTRICTION SENIOR
CITIZEN UNIT COASTAL)
The applicant shall record a deed restriction stating the
regulations applicable to a Senior Citizen Unit as
follows:
An attached senior citizen unit shall not exceed 700 cC
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Submit signed and notarized document
to the Director of RMA Planning

Department for review and signature by
the County. Mf'o
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Owner/
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square feet. A detached senior citizen unit shall not Proof of recordation of the document Owner/ Prior to
exceed 850 square feet. shall be submitted to the RMA Applicant occupancy
The senior citizen unit shall not be occupied by more Planning Department. or com-
than 2 persons. mence-
Not more than 1 senior citizen unit shall be permitted on ment of
any lot or parcel. use
The senior citizen unit shall conform with all of the
zoning and development standards of the zoning district
which governs the lot.
The senior citizen unit shall be designed in such a
manner as to be visually consistent and compatible with
the main residence on site and. other residences in the
area.
One 1) usable and accessible parking space shall be
provided in addition to the parking required for other
uses on-site.
Senior citizen units shall not be permitted on lots of less
than two acres if located in an area not served by public
sewer systems. In North County, senior citizen units shall
not be permitted on lots of less than five acres if located
in an area not served by public sewer systems.
Senior citizen units are not permitted on any lot less than
10 acres where a guesthouse or caretaker unit already
exists. Such units may be converted to a senior unit,
subject to a Coastal Administrative Permit.
Subsequent subdivisions which divide a main residence
from the senior citizen unit shall not be permitted except
where lots created meet the minimum lot size and density
requirements of the existing zoning. RMA Planning
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PD032(A) PERNIIT EXPIRATION
The permit shall be granted for a time period of 4 years, to expire on November 18, 2013 unless use of the property or actual construction has begun within this period. RMA Planning Department)
PD041- HEIGHT VERIFICATION
The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. RMA Planning Department and Building Services Department)
The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.
1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until fmal building inspection
2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.
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PW0043 REGIONAL DEVELOPMENT IMPACT FEE
Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. Public Works)
Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.

Owner/
Applicant
As stated
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of approval
Prior to the
issuance of
grading or
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permits
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17. WR3 DRAINAGE PLAN RETENTION Submit 3 copies of the engineered Owner/ Prior to
The applicant shall provide the Water Resources drainage plan to the Water Resources Applicant/ issuance of
Agency a drainage plan prepared by a registered civil Agency for review and approval. engineer grading or
engineer or architect addressing on-site and off-site building
impacts. The plan shall include retention/percolation permits
facilities to mitigate the impact of impervious surface
stormwater runoff. Drainage improvements shall be
constructed in accordance with plans approved by the
Water Resources Agency. Water Resources Agency)
18. WR40 WATER CONSERVATION MEASURES Compliance to be verified by building Owner/ Prior to
The applicant shall comply with Ordinance No. 3932, or inspector at final inspection. Applicant final
as subsequently amended, of the Monterey County building
Water Resources Agency pertaining to mandatory water inspect-
conservation regulations. The regulations for new ion/
construction require, but are not limited to: occupancy

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)
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CERTIFICATION
The applicant shall obtain from the Monterey County
Water Resources Agency, proof of water availability on
the property, in the form of an approved Monterey
Peninsula Water Management District Water Release
Form. Water Resources Agency)
20.
Submit the Water Release Form to the
Water Resources Agency for review
and approval.
FireAgencyN T
Pebble2BeachCom"munity. Services District
feet of asphaltic concrete on 0.34 feet of aggregate base Applicant shall schedule fire dept.
shall be required. The driveway surface shall be capable clearance inspection
of supporting the imposed load of fire apparatus 22
tons), and be accessible by conventional-drive vehicles,
including sedans. For driveways with turns 90 degrees
and less, the minimum horizontal inside radius of
curvature shall be 25 feet. For driveways with turns
greater than 90 degrees, the minimum horizontal inside
radius curvature shall be 28 feet. For all driveway turns,
an additional surface of 4 feet shall be added. All

driveways exceeding 150 feet in length, but less than
800 feet in length, shall provide a turnout near the
midpoint of the driveway. Where the driveway exceeds
800 feet, turnouts shall be provided at no greater than
400-foot intervals. Turnouts shall be a minimum of 12
feet wide and 30 feet long with a minimum of 25-foot
taper at both ends. Turnarounds shall be required on
driveways in excess of 150 feet of surface length and
shall long with a minimum 25-foot taper at both ends.
Turnarounds shall be required on driveways in excess of
not less than 15 feet. The grade for all driveways shall
not exceed 15 percent. Where the grade exceeds 8
percent, a minimum structural roadway surface of 0.17
Driveways shall not be less than 12 feet wide specification into design and enumerate
unobstructed, with an unobstructed vertical clearance of as Fire Dept. Notes" on plans.
FIRE007 DRIVEWAYS Applicant shall incorporate
Prior to
final
building
inspection.
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150 feet of surface length and shall be located within 50
feet of the primary building. The minimum turning
radius for a turnaround shall be 40 feet from the center
line of the driveway. If a hammerhead/T is used, the top
of the T" shall be a minimum of 60 feet in length.
Pebble Beach Fire)
21. FIRE008 GATES Applicant shall incorporate Applicant Prior to
All gates providing access from a road to a driveway specification into design and enumerate or owner issuance of
shall be located at least 30 feet from the roadway and as Fire Dept. Notes" on plans. grading
shall open to allow a vehicle to stop without obstructing and/or
traffic on the road. Gate entrances shall be at least the building
width of the traffic lane but in no case less than 12 feet pen-nit.

wide. Where a one-way road with a single traffic lane Applicant shall schedule fire dept. Applicant Prior to
provides access to a gated entrance, a 40-foot turning clearance inspection or owner final
radius shall be used. Where gates are to be locked, the building
installation of a key box or other acceptable means for inspection.
immediate access by emergency equipment may be
required. Pebble Beach Fire)

22. FIRE011- ADDRESSES FOR BUILDINGS Applicant shall incorporate Applicant Prior to
All buildings shall be issued an address in accordance specification into design and enumerate or owner issuance of
with Monterey County Ordinance No. 1241. Each as Fire Dept. Notes" on plans. building
occupancy, except accessory buildings, shall have its permit.
own permanently posted address. When multiple

occupancies exist within a single building, each Applicant shall schedule fire dept. Applicant Prior to
individual occupancy shall be separately identified by its clearance inspection or owner final
own address. Letters, numbers and symbols for
building
addresses shall be a minimum of 4-inch height, 1/2-inch
stroke, contrasting with the background color of the inspection
sign, and shall be Arabic. The sign and numbers shall
be reflective and made of a noncombustible material.
Address signs shall be placed at each driveway entrance
and at each driveway split. Address signs shall be and
visible from both directions of travel along the road. In
all cases, the address shall be posted at the beginning of
construction and shall be maintained thereafter. Address
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FIRE 021- FIRE PROTECTION EQUIPMENT &

SYSTEMS FIRE SPRINKLER SYSTEM
STANDARD)
The building(s) and attached garage(s) shall be fully
protected with automatic fire sprinkler system(s).
Installation shall be in accordance with the applicable
NFPA standard. A minimum of four 4) sets of plans
for fire sprinkler systems must be submitted by a
California licensed C-16 contractor and approved prior
to installation. This requirement is not intended to delay
issuance of a building permit. A rough sprinkler
inspection must be scheduled by the installing contractor
and completed prior to requesting a framing inspection.
Pebble Beach Fire)
MITIGATION MEASURE #1- PROTECTION
MEASURES
To minimize construction related impacts to sensitive
species at the site, the locations of Yadon's rein orchid,
Hickman's onion, and Pine rose shall remain flagged
during the course of construction. Temporary orange
construction fencing shall be placed around the plants
and pine trees that are not proposed for removal to the
effect that construction and staging areas are
Applicant shall enumerate as Fire
Dept. Notes" on plans.
Applicant shall schedule fire dept.
rough sprinkler inspection
Prior to
issuance of

building
permit.
Applicant shall schedule fire dept. final Applicant Prior to
sprinkler inspection or owner final
building
inspection
Prior to the issuance of grading or
building permits, the applicant shall
submit evidence to the Resource
Management Agency RMA)
Planning Department for review and
approval that the plant species locations
are flagged and that temporary orange
construction fencing has been installed
that clearly identifies access,
Prior to the
issuance of

grading or
building
permits
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appropriately delineated to avoid construction related construction staging, and building
impacts to trees and sensitive plants at the subject footprint areas.
property. Prior to commencement of construction all
construction personal and sub-contractors shall be
instructed on the importance of the fencing and avoiding
impacts to the sensitive plants on site. RMA Planning
Department)
Prior to the issuance of grading or Owner/ Prior to
building permits, the applicant shall Applicant/ commence-
submit a statement from the appropriate Contractor/ ment of
construction personal that they have Biologist construction
been informed of the purpose and
trained on the importance of avoiding
the sensitive plant species on site, to the
RMA-Planning Department for review
and approval.
Prior to final of the building permits, Owner/ Prior to
the applicant shall submit photos of the Applicant/ occupancy
protective fencing on the property to Contractor/ or final
the RMA Planning Department for Biologist inspection
review and approval after construction
to document that plant and tree
protection has been successful or if
follow-up remediation or additional
permits are required.
25. 2 MITIGATION MEASURE #2 NESTING BIRDS The owner/applicant/contractor shall Owner/ At least one
To avoid impacting nesting avian species, trees shall only notify the RMA-Planning Department at Applicant/ week prior
be removed only during the non-breeding season of least one week prior to removing any Contractor/ to removing
nesting birds from September 1 through January 31. If trees at the site. If the tree removal is to Biologist any trees as
trees must be removed outside the non-breeding season occur during the bird breeding season applicable
the owner/applicant shall have a qualified biologist survey from February through August than the
the site for active nests and submit a report to the RMA owner/applicant shall have a qualified
Planning Department for review and approval prior to biologist survey the site for nesting birds
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removal of trees. If active nests are found a no- no more than 30 days prior to the
disturbance" buffer shall be applied within 250 feet of all removal of trees and submit a report to
active nests. RMA Planning, Department) the RMA-Planning Department for
review and approval. If active nests are
found a 250-foot no-disturbance buffer
shall be established around that nest until
a biologist determines that the birds have
fledged.

26. 3 MITIGATION MEASURE #3 TREE Proposed replacement tree planting Owner/ Prior to
REPLACEMENT locations shall be identified on the Applicant/ issuance of
To minimize impacts to the long-term health of the forest required landscaping plan. Landscape building
resources at the site, the applicant shall plant six new Architect permits
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stock, in the areas where dead trees will be
resistant Trees shall be planted according to the Owner/ Prior to final

removed. RMA Planning Department) approved landscaping plan and evidence of Applicant/ inspection
planting shall be supplied to the satisfaction Landscape
of the RMA-Planning Department prior to Architect
building permit final.

27. 4 MITIATION MEASURE #4_ LANDSCAPING Prior to the issuance of grading or Owner/ Prior to the
To reduce long-term impacts of residentially-related uses building permits, the applicant shall Applicant/ issuance of
within the sensitive habitat, landscaping at the site shall be submit landscape plans to a qualified Biologist/ grading or
minimized as much as possible. New landscaping biologist for review and approval in Landscape building
adjacent to the home and driveway shall be compatible order to verify that the plans coordinate Contractor permits
with the identified sensitive species and shall use only with the recommendations made in the
native plants. Additionally, the landscaping plans shall project's biological report. The
include removal of invasive species at the site where applicant shall submit the landscape
possible without affecting the sensitive plants. RMA plans, the biologist's concurrence with
Planning Department) the plan, and the contractor's estimate
to the RMA Planning Department for
review and approval. Landscaping
plans shall include the

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recommendations from the Biological
Survey and the tree replacement
planting as applicable.
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Landscaping shall be installed Owner/ On-going
according to the approved landscape Applicant/
plans Landscape
Contractor
28. 5 MITIGATION MEASURE #5 MONITORING Prior to commencement of grading or Owner/ Prior to
To ensure proper implementation of mitigation measures building activities, the applicant shall Applicant/. commencem
and best management practices, the applicant shall submit a letter from a qualified Biologist/ ent of
submit periodic letters from a qualified biologist to the biologist describing the quality of Contractor grading or
RMA Planning Department for review and approval. mitigation implementation required building
The reports shall be submitted once approximately two- prior to construction and any changes activities
weeks prior to commencement of construction, once a necessary to protect resources at the
year in the spring season April 1 June 30) for a five- site, to the RMA Planning
year duration, and once prior to final of the building Department for review and approval.
permits. The reports shall be sufficient in detail to Prior to final of building permits, the Owner/ Prior to

identify the success of the mitigation measures and any applicant shall submit a letter from a Applicant/ building
impacts incurred outside those analyzed in this project. qualified biologist describing the Biologist/ permit final
If additional impacts are discovered, the RMA quality of mitigation implementation Contractor
Planning. Department may require additional permitting maintained during construction and any
and review. RMA Planning Department) unforeseen impacts that may have
occurred, to the RMA Planning
Department for review and approval.
The applicant shall submit yearly Owner/ Yearly, no
spring biological monitoring reports, no Applicant/ later than
later than July 31 of any one year, to Biologist July 31 of
the RMA Planning Department for any one
review and approval. The biologist year, during
shall have the authority to recommend the course of
minor modifications to the construction
implementation of mitigation measures As stated in
associated with this permit for the the
purpose of habitat restoration and. condition
protection and based on the biologist
report, subject to the discretion of the
Director of the RMA Planning
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CONSERVATION & SCENIC EASEMEN┐└────┘29.
MITIGATION MEASURE #6 CONSERVATION EASEMENT
To insure the long term protection of sensitive resources, a conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where habitats of rare, endangered and sensitive native plants exist. 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 prior to issuance of grading and building permits. RMA Planning Department)
END OF CONDITIONS
Enea PLN070333)
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Department. If unforeseen impacts are identified, corrective measures will be required to restore the impacted area to its original state subject to continued monitoring by a qualified biologist and until full restoration of unforeseen impacts is achieved.
Prior to the issuance of grading or building permits, the 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 RMA Planning Department for review and approval.
Owner/
Applicant/
Licensed
Surveyor
Prior to the
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grading or
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CONSERVATION & SCENIC EASEMEN┐└────┘1440 OLEADA ROAD

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P R 0 J ECT CONSULTANTS
OWNER:
D E 5 1 G N E R
TITLE 2 4
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ENEA PROPERTIES LLC
190 HARTZ AVENUE SUITE 260
DANVILLE, CALIFORNIA 94526
TEL. 925) 314-1410
North Elevation
PROJECT 5 C O P E
New 4113 as 2 Gtorg 3 bath, 4 bedroom single
ra nII9 reGIdence and 2 1 car garage: with a detached
849 G.r. center unit.
MICHAEL MARTIN ENGINEERING
550 14ARTNELL SUITE F
MONTEREY. CALIFORNIA 93940
TEL. 831) 648-0300 FAX. 831) 648-0303
T-24 LLC
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e Understory ornamentals to 12'
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CONSERVATION & SCENIC EASEMEN┐└────┘Rasmussen Land Surveying, Inc.
PO Box 3135
Monterey, CA 93942
Tel: 831) 375-7240 Fax: 831) 375-2545
March 10, 2010
K%Whit D
DESCRIPTION OF CONSERVATION AND
SCENIC EASEMENT DEED COASTAL)
A conservation and scenic easement over a portion of Parcel 1 as said parcel is shown and so designated on that certain Parcel Map recorded March 19, 1973 in Volume 4 of Parcel Maps at Page 21, records of the County of Monterey, State of California, said easement being more particularly described as follows:
FIRST
BEGINNING AT A POINT on the northeasterly boundary line of said Parcel 1, distant South 47◆27'00 East, 48.15 feet from a 5/8' capped iron bar, tagged LS2369, marking the most northerly corner of said Parcel 1; thence leaving said northeasterly boundary
1) South 66◆36'15" West, 29.04 feet; thence
2) South 43◆49`05" West, 73.44 feet; thence
3) South 00◆50'16" East, 16.19 feet; thence
4) South 63◆13'15" East, 55.09 feet; thence
5) North 26◆4645" East, 12.50 feet; thence
6) South 63◆13'15" East, 49.18 feet; thence
7) North 25◆50'58" East, 15.69 feet; thence
8) South 63◆15'59" East, 5.00 feet; thence
9) North 26◆44'01" East, 5.94 feet; thence
10) South 63◆15'59" East, 30.45 feet; thence
11) South 13◆40'54" East, 10.22 feet; thence
12) South 26◆44'01" West, 36.79 feet; thence
13) North 63◆15'59" West, 20.01 feet; thence
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CONSERVATION & SCENIC EASEMEN┐└────┘Rasmussen Land Surveying, Inc.
3/11/2010
Page 2
14) South 26◆44'02" West, 2.44 feet; thence
15) North 63◆13'15" West, 24.55 feet; thence
16) South 26◆45'10" West, 42.79 feet; thence
17) North 51◆31'48" West, 22.05 feet; thence
18) South 32◆56'17" West, 7.76 feet; thence
19) South 39◆33'11" East, 59.94 feet to a point on the southeasterly boundary of said Parcel 1, distant South 45◆01'18" West South 45◆00' West on said Parcel Map), 44.84 feet from a 3/4" iron pipe, tagged RCE15310, marking the most southerly corner of said Parcel 1; thence northeasterly along said southeasterly boundary
20) North 45◆01' 18" East, 155.25 feet to a 3/4" iron pipe, tagged RCE 15310, marking the most easterly corner of said Parcel 1; thence along said northeasterly boundary line
21) North 47◆27'00" West, 155.93 feet to the Point of Beginning.
Containing: 0.36 Acres of land, more or less.
SECOND
BEGINNING AT A POINT on the southwesterly boundary of said Parcel 1, distant South 44◆59'05" West South 45◆00'West on said Parcel Map), 111.84 feet from said most northerly corner; thence along said boundary
1) South 44◆59'05" West, 15.00 feet; thence leaving said boundary
2) South 45◆00'55" East, 9.77 feet; thence
3) Tangentially, along a circular curve to the left with a radius of 7.50 feet, through a central angle of 180◆, an are distance of 23.56 feet; thence
4) North 45◆00'55" West, 9.77 feet to the Point of Beginning.
Containing 235 square feet, more or less.
EXCEPTING THEREFROM easements and other rights, previously granted, lying within said conservation easement.
See Attached
END OF DESCRIPTION
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OLEADA ROAD
A 40' WIDE PRIVATE ROAD)

5' WIDE UTILITY EASEMENT
B00K1632, P.326) 10' WIDE SEWER EASEMENT /
B00K1632, P.326) I

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SECOND
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5' WIDE UTILITY EASEMENT
B00K1632, P.326)

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CONSERVATION-U02
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SCENIC-U02
EASEMENT-U02
DEED-U02
LI21329-U03
FO96183-U03
FO96184-U03
FO99716-U03
MG99754-U03
AS99780-U03
AS99785-U03
AI101719-U03
DO101722-U03
C1-U03
GENERAL-U03
DOCUMENTS-U03
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ROTHARMELL-U04
16478-U05
1-U06
A.-U07
ACCEPT-U07
THE-U07
CONSERVATION-U07
SCENIC-U07

EASEMENT-U07
DEED-U07
THE-U07
ENEA-U07
PROPERTY;-U07
B.-U07
AUTHORIZE-U07
THE-U07
CHAIR-U07
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293-P&BI-U08
ROTHARMEL-U09
LINDA-U09
ROTHARMELL-U10
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BEACH,-U012
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PLAN,-U012
COASTAL-U012
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AGREEMENT◀◆T◆◆¶"┐◆|E┐└◆e┌─◆┘ Subordination Agreement
Robert S Enea et al.
PLN0703 3 3
Board of Supervisors
May 17, 2011

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40689-U01
AGREEMENT-U02
LI21329-U03
FO96183-U03
FO96184-U03
FO99716-U03
MG99754-U03
AS99780-U03
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AGREEMENT◀◆T◆◆¶"┐◆|E┐└◆e┐─◆┘ Recording Requested by and
When Recorded, Mail To:
Monterey County Resource Management Agency
Planning Department
168 West Alisal St, 2nd Floor
Salinas, CA 93901
Space above for Recorder's Use
Permit Number: PLN070333
Resolution No: 09049
Owner Name: Robert S. Enea et al
Project Planner: Bettencourt
SUBORDINATION AGREEMENT
NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR
SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO
AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR
LATER SECURITY INSTRUMENT. THIS NOTICE REQUIRED BY
CALIFORNIA CIVIL CODE SECTION 2953.3)
This subordination agreement is made between Peter M. Zuber and Donna R. Zuber, as Trustees of the Zuber 1993 family Trust, hereinafter called Beneficiary", and Enea Properties Company LLC, and Robert S Enea and Carla A. Enea, hereinafter called Trustor". The undersigned beneficiary under Deed of Trust dated December 23, 2004 and recorded on January 4, 2005 as Instrument No. 2005000549, Official Records in the Office of the County Recorder of Monterey County, encumbering the real property described in Exhibit A to this document, which Deed of Trust has as Trustee First American Title insurance Company, hereby acknowledges the Conservation and Scenic Easement Deed Coastal) dated 5 c y5S I executed by
1

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AGREEMENT-U02
LI21329-U03
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FO99716-U03
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AS99785-U03
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C1-U03
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ROTHARMELL-U04
16478-U05
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A.-U07
ACCEPT-U07
THE-U07
CONSERVATION-U07
SCENIC-U07
EASEMENT-U07
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PROPERTY;-U07
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AUTHORIZE-U07
THE-U07
CHAIR-U07
OF-U07
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ROTHARMEL-U09
LINDA-U09
ROTHARMELL-U10
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SUPERVISORS-U012
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AGREEMENT◀T►T►►¶"┐►|E┐└►e└─►┘Roberts S. Enea and Carla A. Enea, recorded concurrently herewith, and does hereby subordinate the interests of its Deed of Trust thereto on behalf of the People of the State
of California.
All signatures must be notarized.
By:

SIGNATURE OF TBENEFICIARY SIGNATURE OF THW RUSTOR
Peter M. Zuber, Tee Robert S. Enea,,

SIGNATURE OF THE BENEFICIARY SIGNATURE OF THE TRUSTOR
Donna R. Zuber, Trustee Carla A. Enea
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COASTAL-U012
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AGREEMENT◀T⁂¶"┐⁂|E┐└⁂e┘─⁂┘NOTE TO NOTARY PUBLIC: If any party signing the attached subordination agreement is signing on behalf of a corporation, public agency, trust, partnership, etc., please use the property notary acknowledgement jurat).
STATE OF CALIFORNIA)
COUNTY OF MQN-T~)

On 9 1 jV-C 4 t// before me, la4t, jam) rPib~._.Cf.%LtA__ a
Notary Public, personally appeared Peif'r tm r pia h Pl'- Dnwjii, P-e 2i e(, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s),A ibscribed to the within instrument and acknowledged to me that.hehshe/they executed the same in-his1ber/their authorized capacity(ies), and that by him/her/their signature(s) on the instrument the person(s), or

the entity upon behalf of which the person(s) acted, executed the instrument.
l 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
IAN M. DUNCAN
Commission # 1917330'
Notary Public California
Alameda County
My Comm. Expires Jan 13, 2015
Seal)
STATE OF CALIFORNIA)
COUNTY OF M~60
0 OL1 a
On &-1(7- i j before me

Notary Public, personally appeared' ri j:;_+ 4, e& I L ftj,_ roved to
me on the basis of satisfactory evidence to be the person(s) whose name(s)
subscribed to

the within instrument and acknowledged to me that he/she/t ey lxecuted the same in his/her/i
eu
authorized capacity(ies), and that by his/her/t it ignature(s) on the instrument the person(s),-or
the entity upon behalf of which the person(s) acted, executed the instrument.
l certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.
WITNESS rp ha 4 official seal.
Signature
Seal
3
JACKIE FRESE
COMM. #1901670
NOTARY PUBLIC CA IFORNIA
CONTRA COSTA COUNTY
Comm. Exp. AUG. 28, 2014

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AGREEMENT-U02
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AGREEMENT◀◆T◆◆¶"┐◆|E┐└◆e│─◆┘This page for County use only)
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)
On M4 c- 2 K L 011 before me, yo r' a
Notary Public, personally appeared NI E',c_ tom) 0,j who proved
to me on the basis of satisfactory evidence to be the person(.&) whose name(.&) is/ate
subscribed to the within instrument and acknowledged to me that he/she* hey executed

the same in his/ltteir authorized capacity(iesj-, and that by his/lIteir signature(.} on
the instrument the person(..), or the entity upon behalf of which the person(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
COUNTY OF MONTEREY
Dated: 3 7f
APPROVED AS TO FORM:
Charles McKee, County Counsel
By:
Seal)
By: v
Mike Novo
Director of Planning Department
eputy County Counsel
Cynthia L. Hasson
ANY EXHIBIT(S) MUST BE NO LARGER OR SMALLER THAN 8 1/2" x 11"
4

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40689-U01
AGREEMENT-U02
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AGREEMENT◀◆T◆◆¶"┐◆|E┐└◆e└─◆┘Exhibit A
LEGAL DESCRIPTION
Real property in the unincorporated area of the County of Monterey, State of California, described as follows:
PARCEL 1, AS SHOWN ON THE MAP FILED MARCH 19,1973 IN THE OFFICE OF THE COUNTY RECORDER OF MONTEREY, STATE OF CALIFORNIA, IN VOLUME 4 OF PARCEL MAPS, AT PAGE 21.
APN: 008-331-007-000

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COMPLETED BOARD ORDER¶"┐►|E┐└►X┌
►┘34
Before the Board of Supervisors in and for the
County of Monterey, State of California
a. Accept the Conservation and Scenic Easement Deed
for the Enea property;
b. Authorize the Chair of the Board of Supervisors to
execute the Conservation and Scenic Easement Deed;
c. Direct the Clerk of the Board to submit the
Conservation and Scenic Easement Deed and
Subordination Agreement to the County Recorder for
filing and recordation. PLN070333/Enea)
Upon motion of Supervisor Potter, seconded by Supervisor Salinas, and carried by those
members present, the Board hereby;
a. Accepted the Conservation and Scenic Easement Deed for the Enea property;
b. Authorized the Chair of the Board of Supervisors to execute the Conservation
and Scenic Easement Deed;
c. Directed the Clerk of the Board to submit the Conservation and Scenic
Easement Deed and Subordination Agreement to the County Recorder for
filing and recordation.
PASSED AND ADOPTED on this 17"' day of May, 2011, by the following vote, to wit:
AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter
NOES: None
ABSENT: None
I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby
certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered
in the minutes thereof of Minute Book 75 for the meeting on May 17, 2011.
Dated: May 19, 2011 Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California
By
Deputy

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40689-U01
COMPLETED-U02
BOARD-U02
ORDER-U02
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FO96183-U03
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16478-U05

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USE-U012

PLAN,-U012
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COMPLETED BOARD ORDER¶"┐►|E┐└►X┐
►┘WHEN RECORDED MAIL TO:
Clerk to the Board Office, 1st Floor
Monterey County Government Center
Salinas, CA 93901
THIS SPACE FOR RECORDER'S USE ONLY
CONSERVATION AND SCENIC EASEMENT DEED COASTAL)
PLN070333
Robert S. Enea, Carla A. Enea, and Enea Properties Company, LLC, Grantor
05-17-11 No. 34

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COMPLETED BOARD ORDER¶"┐►|E┐ └►X└
►┘ When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
168 West Alisal St 2nd Floor
Salinas, CA 93901
831) 755-5025
Space above for Recorder's Use
Permit No.: PLN070333
Resolution No.: 09049
Owner Name: ROBERT S ENEA ET AL
Project Planner: BETTENCOURT
APN: 008-331-007-000
The Undersigned Grantor(s) Declare(s):
DOCUMENTARY TRANSFER TAX OF $ 0
computed on the consideration or full value of property conveyed, OR
computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
unincorporated area; and
X Exempt from transfer tax, Reason: Transfer to a governmental entity
Signature of Declarant or Agent

CONSERVATION AND SCENIC EASEMENT DEED
COASTAL)
THIS DEED made this t' R&
by and between
ROBERT S. ENEA, CARLA A. ENEA, AND ENEA PROPERTIES COMPANY, LLC as Grantor, and the DEL MONTE FOREST FOUNDATION, 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, the County, 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 said property of the Grantor; and
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►┘ WHEREAS, the California Coastal Act of 1976, hereinafter referred to as the Act") requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program LCP); and
WHEREAS, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and
WHEREAS, a combined development permit Permit No. PLN070333) was granted on November 18, 2009, by the Monterey County Planning Commission in accordance with the provisions of the Staff Recommendation and Findings, attached hereto as Exhibit B" and hereby incorporated by reference, subject in part to the following condition:
Condition #29 To insure the long term protection of sensitive resources, a conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where habitats of rare, endangered and sensitive native plants exist. 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 prior to issuance of grading and building permits.
WHEREAS, the specific resources being protected are the Monterey pine forest

habitat itself and the following listed and sensitive species: Yadon's piperia, Hickman's onion, pine rose, and Monterey pine.
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 Resolution No. 09049 attached hereto as Exhibit C" and hereby incorporated by reference, granted the permit to the Grantor upon condition hereinafter the Condition") requiring inter alia, that the Grantor record a conservation and scenic easement hereinafter easement") over the property as shown in Exhibit D" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on coastal
2

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COMPLETED BOARD ORDER¶"┐►|E┐└►X│
►┘ 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 Grantor is willing to grant to the Del Monte Forest Foundation on behalf of the County of Monterey the conservation and scenic use as herein expressed of the property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the property by the Grantor through the imposition of the conditions hereinafter expressed;
NOW, THEREFORE, the Grantor does hereby grant and convey unto the Del Monte Forest Foundation on behalf of the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, the County, their successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts

hereinafter mentioned.
A. LAND SUBJECT TO EASEMENT. The land 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 in Exhibit D", attached hereto, and made a part hereof, hereinafter referred to as the Conservation and Scenic Easement Area". Angle points of easement boundaries shall be permanently marked or monumented with surveyor's pipe or similar prior to commencement of grading so that
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COMPLETED BOARD ORDER¶"┐►|E┐└►X─
►┘ the Conservation and Scenic Easement Area can be easily identified both during and after construction.
B. RESTRICTIONS. The restrictions hereby imposed upon the use of said 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 within or erected upon the Conservation and Scenic Easement Area. No Exceptions.
2. That no advertising of any kind or nature shall be located on or within said Conservation and Scenic Easement Area. No Exceptions.
3. That the Grantor shall make reasonable efforts to maintain and restore the native Monterey pine forest habitat within the Conservation and Scenic Easement Area. Such efforts shall include at least annual treatments to control invasive plants within and adjacent to the Conservation and Scenic Easement Area and shall not plant nor permit to be planted any vegetation upon said Conservation and Scenic Easement Area except plants native to Monterey pine forest habitat and approved by the County and Grantee. No Exceptions.
4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made. No Exceptions.
5. That no use of Conservation and Scenic Easement Area which will or does materially alter the landscape or other attractive scenic features of said Conservation and Scenic Easement Area 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 and materials and specifications for proposed grading and construction within and immediately adjacent to the Conservation and Scenic Easement Area.
C. EXCEPTIONS AND RESERVATIONS. The following are excepted and

reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement and in consultation with Grantee:
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►┘1. The right to maintain all existing private roads, bridges, trails and structures within Conservation and Scenic Easement Area.
2. The use and occupancy of said Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.
D. SUBJECT TO ORDINANCES. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the ordinances of the County of Monterey 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 Foundation 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 Foundation 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, the County, and their agents may enter onto the Conservation and Scenic Easement Area to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor. The public may enter onto the Conservation and Scenic Easement Area for scientific research purposes at times reasonably acceptable to the Grantor.
G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Conservation and Scenic Easement Area contrary to the terms of this offer will be deemed a breach hereof. The Grantee or 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 County may pursue any appropriate legal and equitable remedies. The Grantee or 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 County to enforce the terms and provisions
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►┘ hereof in the event of a breach shall not be deemed a waiver of Grantee's or 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 grant of easement.
1. 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 or the County to enter the property is strictly limited to preventing uses inconsistent with the interest granted, the property or Conservation and Scenic Easement Area are 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, the Grantee, and the County whether voluntary or involuntary.
K. CONSTRUCTION OF VALIDITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.
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COMPLETED BOARD ORDER¶"┐►|E┐└►X
►┘ Executed this 0 day of Q> C-k at
Signed:
k e
Robert S. Enea
dle
California.
Type or print name of above GRANTOR
Signed:
C
A. Enea
Type or print name above GRANTOR
Signed: 44-L
Robert S. Enea, M ber of Enea Properties Company, LLC
Type or print name of above-GRANTOR
STATE OF CALIFORNIA
SS.
COUNTY OF
On L2_)' t I 1 before me., Y 1
Notary Public, personally appeared n z iiL 0&z.-1i A Q
A,q,A who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/ re
subscribed to the within instrument and acknowledged to me that he/she/tJxecuted the
same in his/her ei uthorized capacity(ies), and that by his/het ignature(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)
COMM. #1901670
NOTARY PUBLIC CALIFORNIA
CONTRA COSTA COUNTY
JACKIE FRESE
Comm. Exp. AUG. 28, 2014
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COMPLETED BOARD ORDER¶"┐►|E┐└►X

►┘ Ibis is t,o(certify that, the interest in real property conveyed by the deed or grant dated
fill//L.o_-3,o__s' from Robert S. Enea, Carla A. Enea, and Enea Properties
Company, LLC to the County of Monterey, a political corporal and/o over mental agency is
hereby accepted by order of the Board of Supervisors on r
//
conferred by resolution of the Bewd of Sup ors adopted on
and the grantee consents to recordation thereof by its duly
authorized officer.
DATED: i 7-/(
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nt a County and
ATTEST: In / /
DATED: 6 11
or owski
Clerk of Said Board
Document Form/Content Acceptable:
Charles, J. McKee, County Counsel
By:
Type/Print Name: Cynthia L. Hasson
Deputy County Counsel
DATED: 3- J3 //
DATED:
8

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16478-U05

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COMPLETED BOARD ORDER¶"┐►|E┐└►X

►┘CONSERVATION AND SCENIC EASEMENT DEED
SIGNATURE CONTINUATION PAGE
GRANTEE:
Accepted and Authorized to be Recorded by the Del Monte Forest Foundation:
DEL MONTE FOREST FOUNDATION, INC.
A Nonprofit, California Corporation
By: e,O
Print Name: 6AQE
Dated: /S l4--L Za/(
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)
On 3 1~- 20 before me, fAVL 0- GVLL-yol- a
Notary Public, personally appeared 17 V Q-QANIEC 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.
PAUL D. GULLION
WITNESS pfh~nd aid pffic al seal'/ I A► Commission # 1802240
Signature
Notary Public California
Monterey County
My Comm. Expires Jun 17, 2012
Seal)

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COMPLETED BOARD ORDER¶"┐►|E┐└►X

►┘ Exhibit A
LEGAL DESCRIPTION
Real property in the unincorporated area of the County of Monterey, State of California,
described as follows:
PARCEL 1, AS SHOWN ON THE MAP FILED MARCH 19,1973 IN THE OFFICE OF THE COUNTY

RECORDER OF MONTEREY, STATE OF CALIFORNIA, IN VOLUME 4 OF PARCEL MAPS, AT PAGE 21.
APN: 008-331-007-000

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SUBORDINATION AGREEMENT RECOR┐└►►┌┌►┘ Recording Requested by and
When Recorded, Mail To:
Monterey County Resource Management Agency
Planning Department
168 West Alisal St, 2nd Floor
Salinas, CA 93901
Stephen L. Vagnini RANJELIQUE
Monterey County Recorder 6/01/2011
Recorded at the request of 9:46:53
County of Monterey
DOCUMENT: 2011030755
Titles: 1/ Pages: 5
Fees.... 24.00
Taxes...
Other...
AMT PAID $24.00
Space above for Recorder's Use
Permit Number: PLN070333
Resolution No: 09049
Owner Name: Robert S. Enea et al
Project Planner: Bettencourt
SUBORDINATION AGREEMENT
NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR
SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO
AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR
LATER SECURITY INSTRUMENT. THIS NOTICE REQUIRED BY
CALIFORNIA CIVIL CODE SECTION 2953.3)
This subordination agreement is made between Peter M. Zuber and Donna R. Zuber, as Trustees of the Zuber 1993 family Trust, hereinafter called Beneficiary", and Enea Properties Company LLC, and Robert S Enea and Carla A. Enea, hereinafter called Trustor". The undersigned beneficiary under Deed of Trust dated December 23, 2004 and recorded on January 4, 2005 as Instrument No. 2005000549, Official Records in the Office of the County Recorder of Monterey County, encumbering the real property described in Exhibit A to this document, which Deed of Trust has as Trustee First American Title Insurance Company, hereby acknowledges the Conservation and Scenic

Easement Deed Coastal) dated 5 S3 I executed by
I

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DEED RECORDED PAGE¶"┐►|E┐└►►┌┌►┘WHEN RECORDED MAIL TO:
Clerk to the Board Office, 1S` Floor
Monterey County Government Center
Salinas, CA 93901
Stephen L. Vagnini RANJELIQUE
Monterey County Recorder 6/01/2011
Recorded at the request of 9:46:53
County of Monterey
DOCUMENT: 2011030756
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Titles: I/ Pages:223
Fees....
Taxes...
Other...
AMT PAID
CONSERVATION AND SCENIC EASEMENT DEED COASTAL)
PLN070333
Robert S. Enea, Carla A. Enea, and Enea Properties Company, LLC, Grantor
05-17-11 No.34

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IRREVOCABLE OFFER►¶"┐►|E┐┘┤n┌↑►┘ Exhibit A
EL253OPAGE 422
RECOPD
Recording Requested by and Permit Number:
Permit No. PC-6365
Applicant Name: State of California
Project Planner:
When Recorded, Mail To:
Monterey County Planning Department
P.O. Box 1208
Salinas, CA 93906
40659
IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENTS
AND
DECLARATION OF RESTRICTIONS
THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND
DECLARATION OF RESTRICTIONS hereinafter offer") is made this j. day
of I 19_qO by The State of California, acting by and
through its Director of General Services and the California State Coastal
Conservancy, hereinafter referred to as Grantor").
1. WHEREAS, Grantor is the legal owner of a fee interest of certain
real properties located in the County of Monterey, State of California,
and described in the attached Exhibit A" hereinafter referred to as the
Property"); and
II. WHEREAS, all of the Property is located within the coastal zone
as defined in Section 30103 of the California Public Resources Code
which code is hereinafter referred to as the Public Resources Code");
and
III. WHEREAS, the California Coastal Act of 1976, hereinafter
referred to as the Act") creates the California Coastal Commission,
hereinafter referred to as the Commission") and requires that any
coastal development permit approved by the Commission or local government
as defined in Public Resources Code Section 30109 must be consistent with
Exhibit Pc
Page-J-0 f_Pages
COUNTY OF MONTEREY
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OFFICE OF RECORDER
COUNTY OF MONTEREY
A O.RRIA
FEE SALINAS:

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IRREVOCABLE OFFERΦ¶"┐Φ|E┐┘┤n┐↑Φ┘EEL UPAGE 4~J
the policies of the Act set forth in Chapter 3 of Division 20 of the
Public Resources Code; and
IV. WHEREAS, Pursuant to the Act, Grantor applied to Monterey County
for a permit to undertake development as defined in the Act within the
coastal zone of Monterey County hereinafter the Permit"); and
V. WHEREAS, a coastal development permit Permit No. PC-6365) was
granted on May 11, 1988, by the Planning Commission in accordance with
the provision of the Findings, contained in Resolution No. 88-140,
attached hereto as Exhibit B," and hereby incorporated by reference,
subject to the following condition:
That the applicant record an irrevocable offer to dedicate an
easement for vertical public access. The form and content of the
easement must be approved pursuant to Section 20.142.130 and utilize
Appendix 6 of the Monterey County Coastal Implementation Plan. The
offer to dedicate must be recorded prior to the transfer of the first
development credit TDC) to a receiver site designated through the
coastal development permit process, or prior to the expiration of
this coastal development permit whichever comes first. Such easement
encompassed by the offer to dedicate shall be ten feet wide and shall
extend 1) from the edge of the Cal Trans right-of-way at the
southern end of the existing pull-out, extending west across the
property generally along the alignment of the existing foot trail, to
the seaward extremity of the parcel; 2) from a point at the eastern
edge of the afore-mentioned trail, extending along the eastern edge
of the property, to provide access from the trail to Abalone Cove
beach area below the Cal Trans overlook; and 3) from a point at the
eastern edge of the afore-mentioned trail, extending along the bluff
at the southern edge of the property to provide access to scenic
overlook at the seaward extremity of the parcel. The document
shall provide that, prior to opening or improvement of the trail for
public access, a qualified archeologist i.e. member of the Society
of Professional Archaeologists) shall be retained to determine: 1)
the exact area extent of the on-site archaeological deposits; 2) the
archaeological significance of the deposits; and 3) necessary
measures to mitigate any identified adverse impacts to the
archaeological resources due to public access. The offer shall be
recorded free of prior liens which the County of Monterey determines
may affect the interest being conveyed, and free of any other
encumbrances which may affect said interest."
VI. WHEREAS, the subject property is a parcel located between the
2
Exhibit A
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IRREVOCABLE OFFER
first public road and the shoreline; and
VII. WHEREAS, under the policies of Sections 30210 through 30212 of the California Coastal Act of 1976, public access to the shoreline and along the coast is to be maximized, and in all new development projects located between the first public road and the shoreline shall be provided; and
VIII. WHEREAS, Monterey County found that but for the imposition of the above condition, the proposed development could not be found consistent with the public access policies of Section 30210 through 30212 of the California Coastal Act of 1976 and the Local Coastal Program as defined in Public Resources Code Section 30108.6 and that therefore in the absence of such a condition, a permit could not have been granted;
IX. WHEREAS, it is intended that this Offer is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said Offer, when accepted, shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1;
NOW, THEREFORE, in consideration of the granting of Permit No. PC-6365 to Grantor by Monterey County, the Grantor hereby offer(s) to dedicate to the County of Monterey and/or a public agency or non-profit organization acceptable to the Monterey County Board of Supervisors an easement in perpetuity for the purposes of vertical public access located on the subject property ten feet in width and extending: 1) from the edge of the Cal Trans right-of-way at the southern end of the existing pull-out, extending west across the property generally along the alignment of the existing foot trail, to the seaward extremity of the
3
Exhibit A
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IRREVOCABLE OFFER&#65533;¶"┐&#65533;|E┐┘┤n┘↑&#65533;┘KLLL 21 5 2 0 NaoL 4 25
parcel 2) from a point at the eastern edge of the afore-mentioned trail, extending along the eastern edge of the property, to provide access from the trail to Abalone Cove beach area below the Cal Trans overlook; 3) from a point at the eastern edge of the afore-mentioned trail, extending along the bluff at the southern edge of the property to provide access to scenic overlook at the seaward extremity of the parcel; and 4) as specifically set forth by attached Exhibit C" hereby incorporated by reference. Dedicated accessway shall not be required to be opened to public use until the People of Monterey County and/or a public agency or private non-profit association acceptable to the Monterey County Board of Supervisors referred to herein as Grantee") agrees to accept responsibility for maintenance and liability of the accessway. Prior to the opening or improvement of the trail for public access, a qualified archeologist i.e. member of the Society of Professional Archaeologists) shall be retained to determine: 1) the exact area extent of the on-site archaeological deposits; 2) the archaeological significance of the deposits; and 3) necessary measures to mitigate any identified adverse impacts to the archaeological resources due to public access.
1. BENEFIT AND BURDEN. This Offer 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 successors and assigns. This Offer shall benefit the people of the State of California.
2. DECLARATION OF RESTRICTIONS. This Offer of dedication shall
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IRREVOCABLE OFFER
not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the Property.

3. ADDITIONAL TERMS, CONDITIONS AND LIMITATIONS. Prior to the opening of the accessway, the Grantee, in consultation with and upon the approval of, the Grantor, may record additional reasonable terms, conditions, and limitations on the use of the subject property in order to assure that this Offer for public access is effectuated.
4. CONSTRUCTION OF VALIDITY. 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.
5. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this Offer shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.
6. TERM. This irrevocable offer of dedication shall be binding for a period of 21 years starting from the date of recordation. Upon recordation of an acceptance of this Offer by the Grantee, this Offer and terms, conditions, and restrictions shall have the effect of a grant of access easement in gross and perpetuity that shall run with the land and be binding on the parties, heirs, assigns, and successors. The County of Monterey, in whose jurisdiction the subject property lies, or a public agency or a private non-profit association acceptable to the Board of Supervisors of Monterey County may accept this offer.
7. LIABILITY. This Offer to Dedicate is made upon the express condition that, upon acceptance of this Offer by the Grantee, the
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IRREVOCABLE OFFER
Grantor, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantee, or property of any kind whatsoever and to whomsoever belonging, including Grantee, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantor, while in, upon, or in any way connected with the use of this public access easement, Grantee hereby covenanting and agreeing to hold harmless the Grantor, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring.
Acceptance of the Offer is subject to a covenant which runs with the land, providing that any Grantee to accept the easement may not abandon it but must instead offer the easement to other public agencies

or private non-profit associations acceptable to the Board of Supervisors
of Monterey County for the duration of the term of the original Offer to
Dedicate.
Executed on th i s' WI-day of at v~ vv
California.
OFFICE OF REAL ESTATE AND DESIGN SERVICES
Peter Grenell
Executive Officer
State Coastal Conservancy
SALA Y s't Chief
a ifornia Departm
Gner1 SOtvic
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Exhibit A
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IRREVOCABLE OFFER►¶"┐►|E┐┘┤n●↑►┘ State of California)
ss.
County of Alameda
F 2530PAGE 428
CERTIFICATE OF ACKNOWLEDGEMENT
On this IU day of fl 19 before me, Donna Greene,
Notary Public, State of California, personally appeared Peter Grenell, personally known to me to be the person who executed this instrument as the Executive Officer of the State Coastal Conservancy and acknowledged to me that said agency executed it.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City of Oakland, County of Alameda, on the date set forth above in this certificate.
OFFICIAL SEAL
DONNA GREENE
NOTARY PUBLIC CALIFORNIA
ALAMEDA COUNTY
My comm. expires M T 16, 1992
Notary Public, State of California
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IRREVOCABLE OFFER◆¶"┐◆|E┐┘┤n◘↑◆┘ STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
OFF FI CIA L. SEAL
On this 16th day of MAY 19 90 before me, the undersigned, a Notary Public in and
for the State of California, personally appeared PHILLIP J. SALAMY
personally known to be or proved to me on
the basis of satisfactory evidence to be the person who executed this instrument as Assistant Chief
of the Office of Real Estate and Design Services. Department of X enPra1 Servirea
of the State of California, and acknowledged to me that the State of California executed it.
WITNESS my hand and official seal.
If!;CE rhTLOCK
P/ N or... 991
State of California)
ss.
County of Alameda
REEL 2530PAGE 429
EUNICE I. MATLOCK
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA
ACKNOWLEDGEMENT
On this day of 1990, before me, Donna Greene,
Notary Public, State of California, personally appeared Ronald W.
Kukulk-a, personally known to me to be the person who executed this
instrument as the Deputy Executive Officer of the State Coastal
Conservancy, and acknowledged to me that said agency executed it.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official
seal in the City of Oakland, County of Alameda, on the date set forth
above in this certificate.
Notary Public, State of California
My commission expires
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IRREVOCABLE OFFER►¶"┐►|E┐┘┤n ↑►┘REEL 2 5 3 Q PAGE 430
This is to certify that the offer) deed restriction) set forth above is
hereby acknowledged by the Director of the Monterey County Planning
Department pursuant to the action of the iiitOp Y GOL1('TL/ Pt-Af-Ghl I~(Cj
G0 1-i1 LS5(Df4
on / It and that Monterey County consents
to its recordation thereof.
Dated: 2 2 q U
Robert Slimmon, Jr.
Director of Planning
ACKNOWLEDGEMENT
State of California
SS
County of Monterey
On P/LP IC19-1
t undersigned Notary Public, personally appeared Robert Slimmon,
jr_, known to me to be the Director of the Monterey County Planning
Department, who executed the within instrument and acknowledged to me
that he executed the same.
My Commission expires
Document Content/Form Acceptable:
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Planning Department
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IRREVOCABLE OFFER<¶"┐<|E┐┘┤n

↑◆┘rfSAFEC◆
EXHIBIT A a c=
161153
DE S CRI P' I0!:
Page 1
DESCRIPTION
REEL 2 5 3 WAGE 431
PARCEL 1:
Parcel C, as said Parcel is designated on that certain survey map, filed for record October 18, 1961 in Volume X-2 of Surveys at page 223, Records of Monterey County, California.
PARCEL II:
A non-exclusive right of way for road and utility purposes over the following described Parcel:
BEGINNING at the Southeasterly corner of that certain Parcel designated B", as shown on the map referred to in Parcel I above; and running thence along the boundary of said Parcel B
1) N. 36◆ 44' 23" W., 58.08 feet; thence non-tangentially
2) 123.05 feet along the arc of a curve concave to the Southwest having a radius of 150 feet through a central angle of 47◆ 00' long chord bears 56' W., 119.62 feet); thence leaving said boundary of Parcel B, non-tangentially N. 59◆
3) S. 6◆ 34' W., 50.00 feet to a point on the Southerly line of of said map; thence along said line non-tangentially Parcel A"
4) 62.03 feet along the arc of a curve concave to the Southwest having a radius of 100 feet through angle of 47◆ 00' long chord 79.75 feet); thence leaving said line non-tangentially bears S. 59◆ 56' E.,
5) S. 31◆ 06' 15" E., 83.97 feet; thence
6) S. 64◆ 26' E., 40.07 feet to a point on the Westerly line of State Highway 1; thence non-tangentially
7) Northerly along said Westerly line of State Highway 1, 71.87 feet along a curve concave to the East having a radius of 540 feet through a central angle of 7◆ 37' 31" to the point of beginning
PARCEL III:
A non-exclusive right of way for road and utility purposes over the following described Parcel:
BEGINNING at the most Southerly corner of Parcel I above described; and running thence
Exhibit A
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IRREVOCABLE OFFER	"┐|E┐┘┤n

↑◆┘REEL 253OPAGE 432
EXHIBIT A r

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161153
DE S C P.1PTI0i
Page 2
J
CO
TI-__ tSJ GLACE
1) Along the Southerly line of Parcel I, 145.45 feet along the arc of a
curve concave to the Southwest having a radius of 200 feet through a central
angle of 41◆ 40' 28" Long chord bears 1N. 62◆ 35' 46" W., 142.29 feet); thence
leaving said Southerly line of Parcel I
2) S. 6◆ 34' W., 50.00 feet; to the Southerly line of Parcel B" as shoam on
said map; thence along said line
3) 123.05 feet along the Southerly line of Parcel B on the arc of a curve
concave to the Southwest having a radius of 150 feet through a central angle
of 47◆ 00' long chord bears S. 59◆ 56' E., 119.62 feet); thence non-
tangentially
4) S. 36◆ 44' 23" E., 58.08 feet to a point on the Westerly line of State
Highway 1; thence along said Westerly line of State Highway 1
5) N. 3◆ 55' 58" W., 90.87 feet to the point of beginning.
EXCEPTING FROM PARCEL I above all coal, and minerals as reserved in the deed
from Carmelo Land & Coal Company, a corporation, to John Sozier, dated
February 25, 1891 and recorded March 10, 1891 in Volume 31 of Deeds at page
427, Monterey County Records.
A.P. NO. 243-251-14
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IRREVOCABLE OFFER►¶"┐►|E┐┘┤n
↑►┘PC-6365
EXHIBIT B
PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA REEL 2 1 5
4300
RESOLUTION NO. 88-140
A. P. # 243-251-14
FINDINGS AND DECISION
In the matter of the application of California Coastal

Conservancy PC-6365) for a Coastal Development Permit in
accordance with Title 20.1 Monterey County Coastal
Implementation Plan Ordinances) Chapter 20.140 Coastal
Development Permits) of the Monterey County Code, to allow
designation of a donor site for transfer of development credits,
located on Parcel C, portion of Lot 20, Rancho San Jose Y Sur
Chiquito, Garapatos area, fronting on and westerly of State
Highway 1, Coastal Zone, came on regularly for hearing before
the Planning Commission on May 11, 1988.
Said Planning Commission, having considered the application and
the evidence presented relating thereto,
FINDINGS OF FACT
1. FINDING: The Coastal Conservancy project PC-6365)
consists of a Coastal Dvelopment Permit to
designate the Kasler Point parcel APN 243-251-
14) as a donor site" pursuant to Coastal
Implementation Plan Section 20.156, thereby
creating two transferable development credits and
retiring the donor site as a buildable parcel.
The parcel is located west of and fronting on
Highway 1 at Abalone Cove, north of Kasler Point
in Big Sur. The project is appealable to the
California Coastal Commission.
EVIDENCE: The project is described in the application and
accompanying map contained in file number PC-
6365.
2. FINDING: The Coastal Conservancy parcel is located
entirely within the critical viewshed and is thus
rendered unbuildable.
EVIDENCE: Staff made an on-site field inspection and
determined that the entire parcel is visible from
Highway 1 and is thus within the critical
viewshed pursuant to Section 20.145.020.V of the
Coastal Implementation Plan. Section 20.145.030
Intent of Section) prohibits development within
the critical viewshed; thus, the Basler Point
parcel is rendered unbuildable.
3. FINDING: The Coastal Conservancy parcel is appropriate for
designation as a donor site pursuant to Coastal
Implementation Plan Section 20.156, as it is: 1)
a buildable parcel; and 2) a viewshed lot.
EVIDENCE: The parcel has been determined to be buildable.
Adequacy of water and sewer has been verified by
the Health Department. As well, a geologic
report prepared by Earth Systems Consultants
August 1997) indicated that the site can be
easily developed for a single family residential
structure". Finally an archaeological report by
Archaeological Consulting July, 1987) identified
two archaeological sites but did not indicate
that the sites would render the parcel
unbuildable. Rather, further survey work and
mitigations would be required in the advent of
development on the parcel.
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↑►┘California Coastal Conservancy PC-6365)
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REEL 2530 PAGE 434
The parcel has been determined to be a viewshed
lot, as detailed in the second finding see
above).
4. FINDING: The project will not have adverse impacts on
visual resources.
EVIDENCE: The result of the project will be to retire the
subject lot as a building site by placing the
entire lot into scenic easement, pursuant to
Coastal Implementation Plan Section 20.156.040.5.
No development will occur on the parcel other
than what may be necessary for public access.
Development credits will later be transferred to
a non-viewshed parcel through the Coastal
Development Permit process.
5. FINDING: The project will not pose and/or experience
significant adverse impacts from geologic,
seismic, or fire hazards.
EVIDENCE: The site will be retired as a building site;
thus, no impacts will be posed by seismic,
geologic, or fire hazards. Conditions requiring
deed restrictions regarding geologic and fire
hazards, pursuant to Sections 20.145.080.A.2 and
Section 20.145.080.C.1, are not required as the
property is in public ownership.
6. FINDING: The project will not adversely impact
archaeological resources.
EVIDENCE: The site is located in a high archaeological
sensitivity" zone according- to County resource
maps. An archaeological survey by Archaeological
Consulting July, 1967) identified two
archaeological sites and recommended that the
sites be surveyed prior to any proposed
development. As a result of the project, the
parcel will be retired as a buildable lot. No
physical development will thus take place;
consequently, the archaeological sites will not
be impacted.
At a later date public access may be provided on
the parcel subject to obtaining a Coastal
Development Permit. Provision of public access
has potential to impact the archaeological sites.
In order to assure that there are no significant
impacts, a condition of approval requires that
the sites besurveyed and mitigations implemented
pursuant to Archaeological Consulting's
recommendation.
Coastal Implementation Plan Section
20.145.120.D.2 provides mitigations which have

been incorporated into the conditions of
approval. As such, rezoning to include an HR"
Historical Resources) district is required.
Also the archaeological sites are to be placed in
an easement as part of the required scenic
easement. A:- condition to record a notice
regarding the archaeological report, pursuant to
Section 20.140/O80.L.IO, is not required as the
parcel is in public ownership.
7. FINDING: The project conforms to the public access
requirements of the Coastal Implementation Plan.
EVIDENCE: The parcel was analyzed according to the public
access requirements of the Coastal Implementation
Plan. Staff determined that public access, in
Exhibit
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REEL 2 5 3 0 PAGE 435
the form of an easement or an offer to dedicate,
is required pursuant to Section 20.145.150.D.I.a
and D.1.b. Prescriptive rights appear to exist
over the parcel as there are trails currently
reversing the parcel and the public was observed
on the property. Public access is required where
prescriptive rights are identified, according to
the Coastal Act and Implementation Plan. As
well, public access is required for bluff top
access and for access to Abalone Cove.
8. FINDING: The project is consistent- with the Big Sur Coast
Land Use Plan, Coastal Implementation Plan, and
California Coastal Act.
EVIDENCE: The project is consistent with all applicable
policies of the Big Sur Coast Land Use Plan and
with development regulations of the Coastal
Implementation Plan, as detailed in the above
findings.
9. FINDING: The project will not have significant adverse
impacts on the environment.
EVIDENCE: As a result of the project, the parcel will be

retired as a building site. Consequently, the
Initial Study prepared for the project did not
identify any significant environmental impacts
and a Negative Declaration was filed on March 31,
1988.
10. FINDING: The establishment, maintenance, or operation of
the use or building applied for will not under
the circumstances of the particular case, be
detrimental to 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: This is evidenced by the above findings and
supporting evidence.
Decision
THEREFORE, it is the decision of said Planning commission that
said application for a Coastal Development Permit be granted as
shown on the attached sketch, subject to the following
conditions:
1. That the applicant record a scenic easement, as dedicated
to the County of Monterey, over the entire parcel. The
form and content of the easement must be approved pursuant
to Section 20.142.130 and utilize Appendix 10 of the
Monterey County Coastal Implementation Plan. The easement
must be recorded prior to the transfer of the first
development credit TDC) to a receiver site designated
through the coastal development permit process or prior to
the expiration of this coastal development permit,
whichever occurs first. The easement shall provide that no
structures will be placed or erected nor shall the grantor
plant nor permit to be planted any vegetation upon said
premises-;:.. except as may. be permitted through a coastal
development permit for the purposes of public access
occurring within an overlying public access easement.
2. That the applicant request a rezoning of the parcel to a
TMWSC/40/HR CZ)" Watershed and Scenic Conservation;
Historical or Archaeological Resources) zoning district,
prior to the transfer of the first development credit TDC)
to a designated receiver site or prior to the expiration
this coastal development permit, whichever occurs first.
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