

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: November 14, 2013 Time: 1:40 p.m.	Agenda Item No.: 2
Project Description: Amendment (PLN130458) to previously approved Combined Development Permit (PLN100550) to delete a condition of approval (Condition #6) requiring a Conservation & Scenic Easement Deed.	
Project Location: 1658 Crespi Lane, Pebble Beach	APN: 008-392-007-000
Planning File Number: PLN130458	Owner: Old Forest LLC Agent: Cynthia Spellacy
Planning Area: Del Monte Forest Land Use Plan	Flagged and staked: No
Zoning Designation: LDR/1.5-D (CZ) [Low Density Residential, 1.5 acres per unit, with Design Approval (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15301(Class 1) of the CEQA Guidelines	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Categorically Exempt the Amendment pursuant to Section 15301(Class 1) of the CEQA Guidelines; and
- 2) Approve the proposed Amendment to PLN100550 based on the findings and evidence contained on Exhibit C and subject to the amended conditions of approval.

PROJECT OVERVIEW:

The subject Permit Amendment was considered by the Zoning Administrator on August 29, 2013. The Zoning Administrator asked staff to bring the item back for: 1) status of the condition compliance for the project and 2) clarification and reasons why the condition of a Scenic Easement was placed on the property. The item has been continued twice, on September 26, 2013 and October 31, 2013 to allow the applicant time to work with the archaeologist and staff.

This permit (PLN130458) would amend the previous permit (PLN100550) to delete a condition of approval (Condition #6) requiring a Conservation & Scenic Easement Deed to allow the demolition of an existing 400 square foot greenhouse, demolition of 261 square feet of the residence and a 348 square foot porch roof in order to allow the construction of a 1,457 square foot first floor gallery and 536 square foot bedroom on the second floor.

When the property was subdivided in 2004 the county did not place any conditions on the property which would have protected this area from further disturbance. Subsequently the subject midden was destroyed in 2006 and was not on the site when the subject project was approved in 2011. The archaeologist did not conduct a site visit at this time and instead relied on an earlier report for the location and presence of the midden. The archaeologist has verbally confirmed that there is no midden left on the site. It is recommended that the county remove this condition of approval as it should not have been placed on the site in 2011. An existing condition (Condition 3) requiring a contract with an archaeologist be in place prior to the issuance of any building or grading permits will remain. For more discussion see **Exhibit B**.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
Environmental Health Bureau
- √ Water Resources Agency

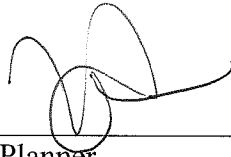
- √ Water Resources Agency
 - √ Pebble Beach Community Service District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by Water Resources Agency, Pebble Beach Community Service District, and Public Works have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The proposed Amendment was not referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review because the Amendment does not include any changes to the approved project (PLN100550). The approved project was reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) on February 3, 2011 and the LUAC recommended approval of the project on a 6-0 basis. The subject condition deletion does not involve any change to the previous project that was heard and built.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

/S/ Valerie Negrete



Valerie Negrete, Assistant Planner
(831) 755-5227, negretev@co.monterey.ca.us
(August 21, 2013)

cc: Front Counter Copy; Zoning Administrator; Pebble Beach Community Services District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; The Open Monterey Project; LandWatch, Delinda Robinson, Senior Planner; Laura Lawrence, Planning Services Manager; Valerie Negrete, Project Planner; Old Forest LLC, Owner; Cynthia Spellacy, Agent; Planning File PLN130458

- Attachments:
- Exhibit A Project Data Sheet
 - Exhibit B Project Discussion
 - Exhibit C Draft Resolution, including:
 - Amended Conditions of Approval
 - Exhibit D Vicinity Map
 - Exhibit E Letter from Archaeologist dated October 17, 2013 (chronology)

This report was reviewed by Laura Lawrence, Planning Services Manager

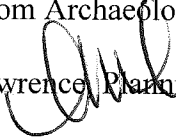


EXHIBIT A

Project Information for PLN130458

Application Name: Old Forest Investments Llc
Location: 1658 Crespi Ln, Pebble Beach
Applicable Plan: Del Monte Forest LUP
Advisory Committee: Del Monte Forest Advisory Committee
Permit Type: Permit Amendment
Environmental Status: Exempt
Zoning: LDR/1.5-D(CZ)

Primary APN: 008-392-007-000
Coastal Zone: Yes
Final Action Deadline (884): 9/14/2013
Land Use Designation: Residential - Density as indicated

Project Site Data:

Lot Size: 3.3
Existing Structures (sf): 10386
Proposed Structures (sf): 1993
Total Sq. Ft.: 12379

Coverage Allowed: 15%
Coverage Proposed: 6%
Height Allowed: 30'
Height Proposed: 17'

FAR Allowed: 17.5%
FAR Proposed: 7.6%

Special Setbacks on Parcel:

Resource Zones and Reports:

Seismic Hazard Zone: UNDETERMINED
Erosion Hazard Zone: Moderate
Fire Hazard Zone: Very High
Flood Hazard Zone: X (unshaded)
Archaeological Sensitivity: high
Visual Sensitivity: Sensitive

Soils Report #: LIB100496
Biological Report #: NA
Forest Management Rpt. #: NA
Geologic Report #: LIB100496
Archaeological Report #: LIB130226
Traffic Report #: NA

Other Information:

Water Source: Public
Water Purveyor: Cal Am
Fire District: Pebble Beach CSD
Tree Removal: None

Grading (cubic yds.): 0
Sewage Disposal (method): Public
Sewer District Name: PBCSD

EXHIBIT B DISCUSSION

The subject Permit Amendment was continued by the Zoning Administrator on August 29, 2013 for staff clarification on: 1) status of the condition compliance for the project; and 2) clarification and reasons why the condition of a Scenic Easement was placed on the property. The item has been continued twice, on September 26, 2013 and October 31, 2013 to allow the applicant time to work with the archaeologist and staff.

Condition Compliance Status

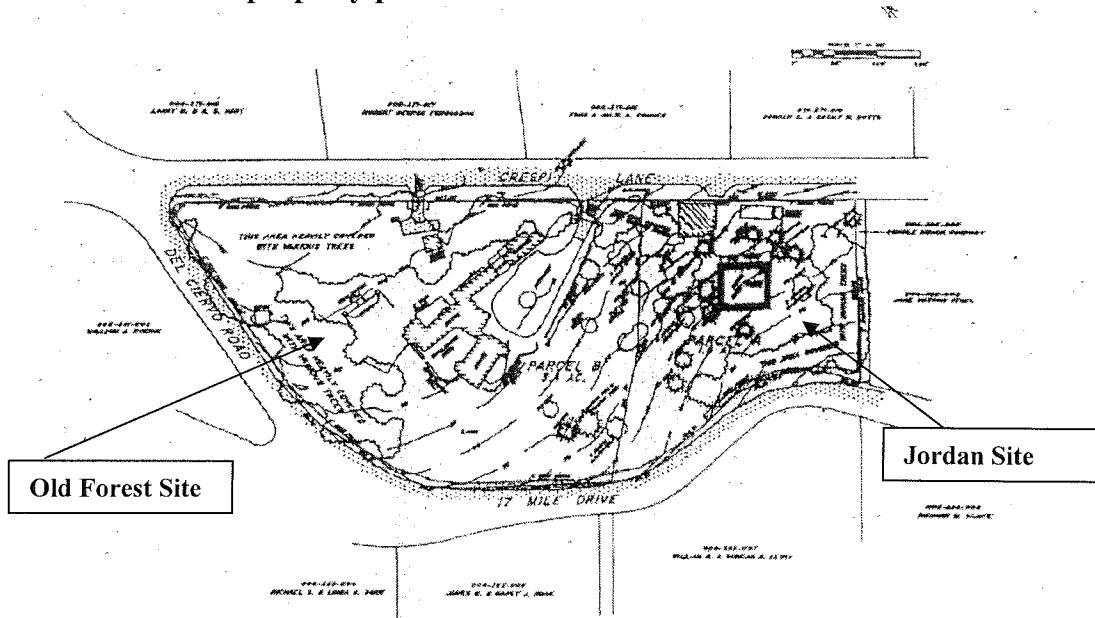
The applicant has complied with all of the “prior to issuance” conditions of approval and is seeking to final the building permit (11CP00346). The building permit was issued on January 14, 2012. Below is a summary of the conditions that needed to be cleared for issuance of the building permit.

CONDITIONS	Timing	STATUS
Condition 1 - Specific Uses		Ongoing
Condition 2 - Notice of Permit Approval	Prior to Issuance	Cleared 7/6/2011
Condition 3 - Cultural Resources Positive Report	Prior to Issuance	Cleared on 6/25/2011
Condition 4 - Exterior Lighting Plan	Prior to Issuance	Cleared on 7/6/2011
Condition 5 - Geotechnical Certification	Prior to Final	Cleared 11/29/2012
Condition 6 - Conservation and Scenic Easement	Prior to Issuance Prior to Final	Cleared 5/3/2011, submitted the conservation and scenic easement deed with easement boundary Would be Set for the Board of Supervisors to Accept
Condition 7 - Construction Management Plan (PW)	Prior to Issuance	Cleared 6/27/2011
Condition 8 - Water Availability (WR)	Prior to Issuance Prior to Final	Cleared 6/23/2011
Condition 9 - Gates (Fire)	Prior to Issuance Prior to Final	Cleared 7/6/2011
Condition 10 - Defensible Space (Fire)	Prior to Issuance Prior to Final	Cleared 7/6/2011

Archaeological Conservation and Scenic Easement Condition

REPORT 1 - In 1999, prior to the property being subdivided (Planning File No. PLN010100) an archaeological reconnaissance was conducted (LIB100497) and found that darker midden soil with fragments of *Mytilus* and *Haliotis* were visible. This mound of midden was the largest amount of midden found on the property at this time and it was thought to be either brought onto the property from elsewhere or it could have been distributed here with the construction of the original house. The 1999 report recommended that a monitor be present during any future construction activities.

Site Plan of the property prior to subdivision



The Parcel map was recorded (Volume 22 of Parcel Maps, Page 7) and there was no condition added to the subdivision requiring an archaeological monitor during construction activities.

REPORT 2 - In 2006, a new home was being built on the Jordan property (PLN060032). An archaeological reconnaissance was conducted (LIB100498) by Mary Doane and concluded that there were no resources on the site. At this time extensive landscaping took place on the Old Forest property still owned by the Jordans. The midden area was not protected by a Scenic Easement or any other condition.

In 2010, Old Forest LLC purchased the property and began plans to remodel the residence. An archaeological report, dated June 2010 referencing the 1999 and 2006, reports stated that there was no evidence of cultural resources. During staff's review of the Old Forest LLC remodel application, staff noticed that the 1999 report indicated midden on the site with monitoring and, therefore, staff asked the archaeologist to clarify the nature of the midden and where it was located.

REPORT 3 - In December 2010, an additional letter from the archaeologist was submitted to the County stating that there was in fact a "small area of midden soil, probably imported to create an elevated putting green in the southeast garden" located on the subject property. The midden was located in an area of the property which was not going to be developed given its location within 100 feet of 17 Mile Drive. The archaeologist did not visit the site at this time and relied on their previous reconnaissance. The Old Forest LLC remodel project was subsequently conditioned to place this area in Scenic Easement so as to protect the midden from any further disturbance. The County applied the requirement for a Conservation and Scenic Easement deed as a condition of approval of PLN100550 and the applicant agreed.

In February 2012, the applicant had the archaeologist visit the site to "attempt to relocate and assess the significance" of the midden. The applicant submitted a letter dated January 31, 2013 by Gary Breschini stating that the midden was no longer there.

Staff has been working with the applicant and the archaeologist in order to determine what happened to the midden. It was found that the property had been extensively landscaped in 2006. Today, no midden is present anywhere on the site and after reviewing the subdivision (PLN010100) and Parcel Map of the property, staff found that there was no condition placed on the subdivision requiring protection. According to the archaeologist, it was likely that the resource was significant given its isolated location. Staff continues to recommend that the condition of approval for a Conservation and Scenic Easement deed be removed.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:
Old Forest LLC (PLN130458)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the Amendment Categorically Exempt pursuant to Section 15301(Class 1) of the CEQA Guidelines; and
- 2) Approving an Amendment to a previously approved Combined Development Permit (PLN100550) to delete a condition of approval (Condition #6) requiring a Conservation & Scenic Easement deed.

[PLN130458, Old Forest LLC, 1658 Crespi Lane, Pebble Beach, Del Monte Forest Land Use Plan (APN: 008-392-007-000)]

The Old Forest LLC application (PLN130458) came on for public hearing before the Monterey County Zoning Administrator on November 14, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** The County has received and processed an amendment to PLN100550.
EVIDENCE:
 - a) An application for an Amendment was submitted on June 17, 2013.
 - b) The property is located at 1658 Crespi Lane, Pebble Beach (Assessor's Parcel Number 008-392-007-000, Del Monte Land Use Plan. The parcel is zoned LDR/1.5-D (CZ) [Low Density Residential, 1.5 acres per unit, with Design Approval (Coastal Zone)], which allows additions to single family dwellings. Therefore, the project is an allowed land use for this site.
 - c) On March 11, 2011, the Zoning Administrator approved (PLN100550) in Resolution No. Resolution No. 11-012 for a Combined Development Permit consisting of: 1) a Coastal Development Permit for development within 750 feet of a known archeological resource; demolition of an existing 400 square foot greenhouse, demolition of 261 square feet of the residence and a 348 square foot porch roof; and construction of a 1,457 square foot first floor gallery and 536 square foot bedroom on the second floor, and 2) a Variance for coverage within the Pescadero Watershed; and Design Approval.

- d) The proposed project is an Amendment to previously approved, PLN100550 to remove Condition No. 6 which requires a Conservation and Scenic Easement deed. This modification shall be in addition to the previously applied findings, evidence and conditions of the Combined Development Permit (PLN100550).
- e) In 2010, an archaeologist report was submitted stating that there was no evidence of cultural resources on the property. During the county's review of the 1999 report (previous reconnaissance), the applicant provided clarification as to the nature and location of midden referenced in an earlier report. In December 2010, an additional letter was submitted from the archaeologist stating that there was a "small area of midden soil, probably imported to create an elevated putting green in the southeast garden" located on the subject property. No plans to develop in this area were proposed. The archaeologist did not visit the site at the time of the 2010 report. The project, PLN100550, was conditioned to place this area in Scenic Easement so as to protect it from further disturbance.
- f) After further research by the archaeologist in 2013 it was found that the midden was not on the site when the 2010 permit. The midden was likely destroyed in 2006 by extensive landscaping and was not on the site when the subject project went underway. The archaeologist has confirmed that there is no midden anywhere on the property. There were no prior conditions of approval requiring protection of the subject resource and therefore there was no reasonable notice given to any future owners that a potential resource existed on the property. Therefore, the county is removing this condition of approval as it was not on the site at the time of the 2011 approval. An existing condition requiring protection of any cultural resource, if one is accidentally discovered, will remain.
- g) All applicable conditions of approval from PLN100550 have been carried forward to permit PLN130458. All of the conditions for issuance of building and grading permits have been complied with. The following deletion of said condition of approval has been incorporated into the attached Conditions of Approval and will allow the applicant to request a final inspection.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed Amendment found in Project Files in PLN130458 and PLN100550.

2. **FINDING:**

The project as proposed is consistent with the previously approved permit(s) pursuant to Monterey County Code Section 20.70.105.A/20.76.115.A and does not cause impacts not already assessed in original permit action. As approved and amended, permit number PLN130458 will become and be referred to as the approved permit.

- a) The proposed project is an Amendment to previously approved, Combined Development Permit (PLN130458) to remove Condition No. 6, which requires a Conservation and Scenic Easement deed for archaeological resources.

- b) The subject property is listed high for archaeological sensitivity and located within 750 feet of a known archaeological resource. The applicant submitted three Archaeological reports in accordance with the regulations of the Del Monte Forest Coastal Implementation Plan. The last archaeological report concluded that although there is a recorded site less than 1 kilometer to the west of the project parcel, there were no significant resources within the project area. A letter from the archaeologist dated December 27, 2010 stated that “a small area of midden soil, probably imported” was noted to the southeastern portion of the property. At this time the archaeologist had not been out the property and was not aware that the midden was no longer there. It was likely that the resource was not significant, according to the archaeologist and no midden is present anywhere on the site that may suggest the midden was spread or re-located. The site is conditioned to protect resources if any are accidentally discovered during the course of construction.
- c) At the time the original project, PLN100550, was processed there was no midden on the site and therefore a condition for a Scenic Easement should not have been applied.
- d) The proposed Amendment is consistent with the Findings, Evidence and Conditions of Approval contained in Zoning Administrator Resolution No. 11-012 dated March 11, 2011. All of the other conditions of approval contained in Resolution No. 11-012 are carried forward with this Amendment.
- e) The project planner conducted site inspections on November 5, 2010 and August 1, 2013 to verify that the project conforms to the plans listed above and is consistent with the Conditions of Approval. Staff has found that the project so far has been developed consistent with those conditions.
- f) The proposed Amendment was not referred to the Del Monte Forest Advisory Committee (LUAC) for review because the Amendment does not include any changes to the approved project.
- g) 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 Files PLN130458 and PLN100550.

3. **FINDING:** The Minor and Trivial Amendment does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. The original CEQA action on the project was categorically exempt per Section 15301(e) of the CEQA Guidelines.

EVIDENCE: a) The subject Amendment is to a previously approved Combined Development Permit (PLN100550) to delete Condition No. 6. Condition No. 6 was the requirement to place a 1,343 square foot midden area in a Conservation and Scenic Easement. The County received a letter from the archaeologist dated January 31, 2013 stating that the midden was no longer there. The midden was removed during extensive landscaping in 2006. Now that the midden area no longer exists and did not exist during the processing of the remodel (Planning File No. PLN100550), this condition should not have been applied to

the project. The applicant has no way to comply with this condition and therefore the condition is being removed.

- b) California Environmental Quality Act (CEQA) Guidelines Section 15301(e) categorically exempts additions to single family dwellings.
- c) The project planner conducted a site inspection on November 5, 2010 and August 1, 2013 to verify that the project conforms to the plans listed above and is consistent with the Conditions of Approval.
- 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 PLN130458.

4. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance allows an appeal to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the subject property is located between the sea and the first through public road and development within the sea and the first public road.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Categorically Exempt the project Amendment pursuant to Section 15301 (Class 1) of the CEQA Guidelines; and
2. Approve the proposed Amendment (PLN130458) to previously approved Combined Development Permit PLN100550, based on the findings and evidence and subject to the amended conditions of approval.

PASSED AND ADOPTED this 14th day of November, 2013.

AYES:
NOES:
ABSENT:
ABSTAIN:

Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 [DATE]

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.

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

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130458

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Permit is an Amendment (PLN130458) to delete a condition of approval (Condition #6) requiring a Conservation & Scenic Easement deed from previously approved Combined Development Permit PLN100550 which consists of: 1) a Coastal Development Permit for development within 750 feet of a known archeological resource; demolition of an existing 400 square foot greenhouse, demolition of 261 square feet of the residence and a 348 square foot porch roof; and construction of a 1,457 square foot first floor gallery and 536 square foot bedroom on the second floor, and 2) a Variance for coverage within the Pescadero Watershed; and Design Approval. The property is located at 1658 Crespi Lane, Pebble Beach (Assessor's Parcel Number 008-392-007-000), Del Monte Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"An Amendment (PLN130458) to Combined Development Permit, PLN100550, was approved by the Zoning Administrator on November 14, 2013 for Assessor's Parcel Number 008-392-007-000. The permit amendment was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

3. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and RMA - Planning within 24 hours.
- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.
- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or

Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.
 2. The descendant identified fails to make a recommendation; or
 3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.
- (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist to the Director of RMA-Planning for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

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

Responsible Department: Planning Department

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

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

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

5. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.
(RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to RMA-Building Services showing project's compliance with the geotechnical report.

6. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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

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

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

7. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: PW0044 - CONSTRUCTION MANAGEMENT PLAN
The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information:
Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of the Grading permit or building permit
On-going through construction phases

Applicant shall prepare a CMP and shall submit the CMP to the RMA -Planning Department and the Department of Public Works for review and approval.

The approved measure shall be implemented during the construction/grading phase of the project

8. WR43 - WATER AVAILABILITY CERTIFICATION

Responsible Department: Water Resources Agency

Condition/Mitigation WR43 - WATER AVAILABILITY CERTIFICATION

Monitoring Measure: 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 or Prior to issuance of any building permits

Monitoring

Action to be Performed:

Submit the Water Release Form to the Water Resources Agency for review and approval.

9. FIRRE008 - GATES

Responsible Department: Fire

Condition/Mitigation FIRRE008 - GATES

Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road . Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used . Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department: Pebble Beach Community Service District

Compliance or Prior to issuance of grading and/or building permits

Monitoring

Action to be Performed:

Prior to final building inspection

Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

Applicant shall schedule fire dept. clearance inspection

10. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

Responsible Department: Fire

Condition/Mitigation FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

Monitoring Measure: Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys . Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Responsible Land Use Department: Pebble Beach Community Service District

Compliance or Prior to issuance of grading and/or building permits.

Monitoring

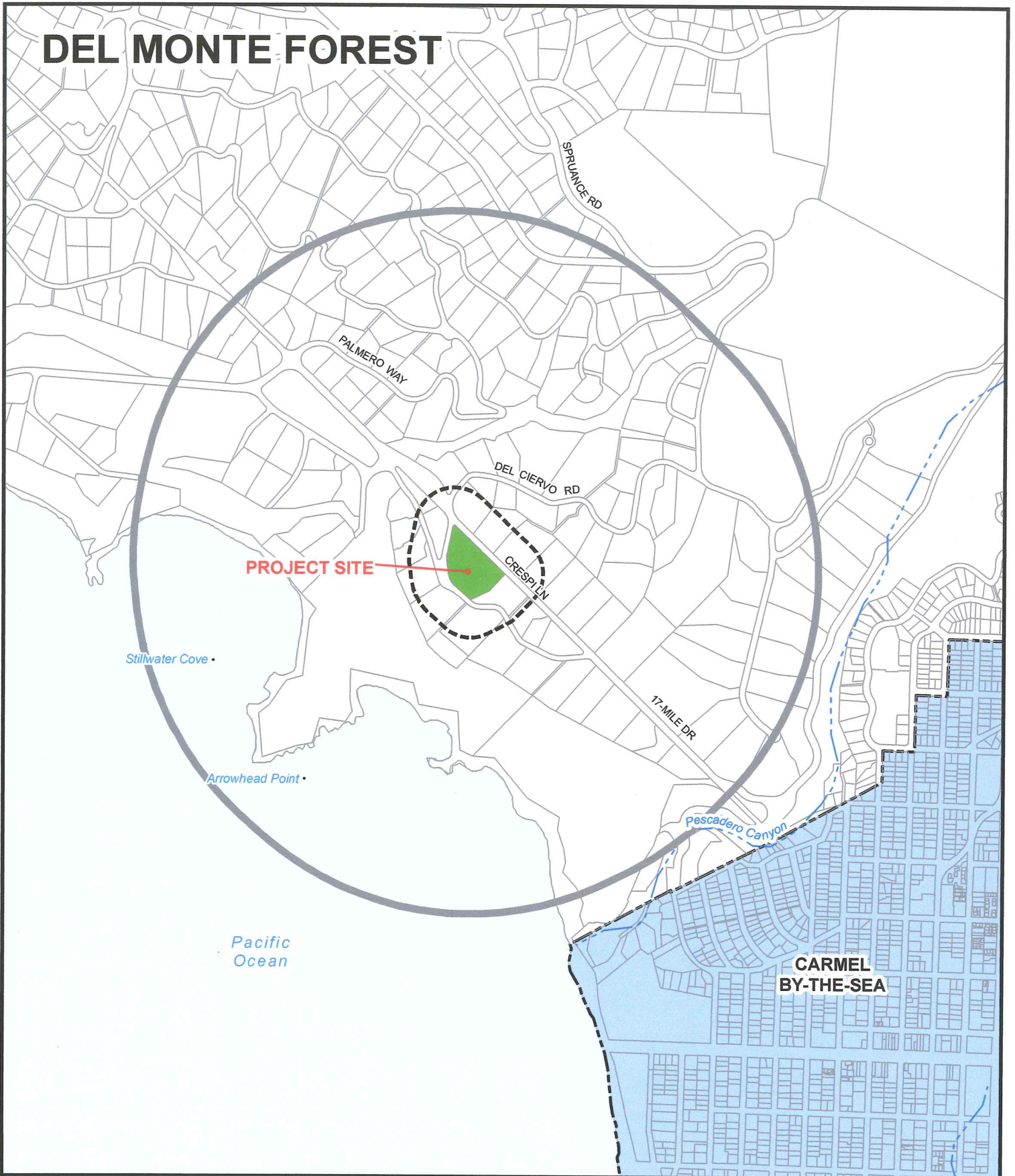
Action to be Performed:

Prior to final building inspection

Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans

Applicant shall schedule fire dept. clearance inspection

DEL MONTE FOREST



APPLICANT: OLD FOREST INVESTMENTS LLC

APN: 008-392-007-000

FILE # PLN130458

2500' Limit 300' Limit Water City Limits

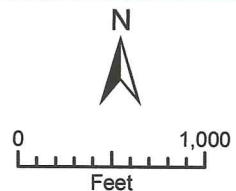


EXHIBIT D

PLANNER: NEGRETE

EXHIBIT E

ARCHAEOLOGICAL CONSULTING

P.O. BOX 3377
SALINAS, CA 93912
(831) 422-4912
FAX (831) 422-4913

October 17, 2013

Cynthia Spellacy
Stocker & Allaire
21 Mandeville Ct.
Monterey, CA 93940

Re: APN 008-392-007

Dear Ms. Spellacy:

At your request we have examined our records for the dates and findings of site visits to the above parcel, now the Zembrano parcel at 1658 Crespi Lane in Pebble Beach, Monterey County, California (see Maps 1 and 2). Our records show that Mary Doane made an initial survey of the area in 1999 and that she and Patrick Cave made a site assessment for the Jordan project on January 5, 2006.

At that time no plans were proposed that would cause impacts in the southeastern garden area, in which we had previously noted a small area of probably imported midden in a putting green. However, since that visit the landscaping has been greatly altered and the small midden area is no longer visible.

In order to establish a timeline for the landscape alterations we have examined the historic Google maps online. The map dated December 31, 2004 shows the old landscaping that was still in place at the time of our site visit in January of 2006. However, the Google Map dated May 24, 2006 shows that extensive landscaping changes were already underway on the Jordan parcel at that time (see Google Map attached). Paths and planting beds had been laid out but all of the planting was not completed. This is the same landscaping configuration of the Zembrano property today.

If you require anything more in this matter, please do not hesitate to call us.

Sincerely,



Gary S. Breschini, Ph.D., RPA
GSB/mkd

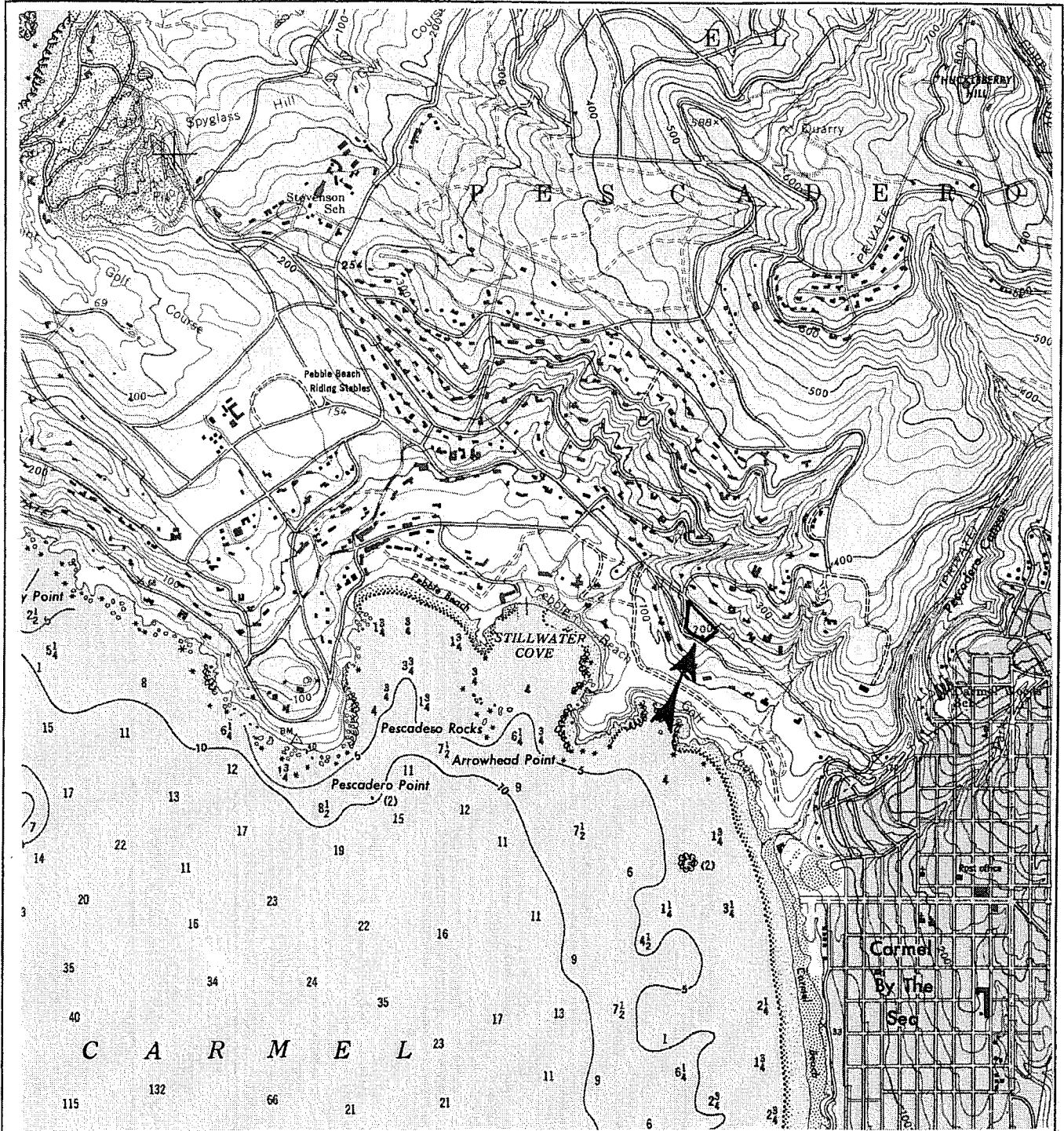
REFERENCES

Breschini, G. S.

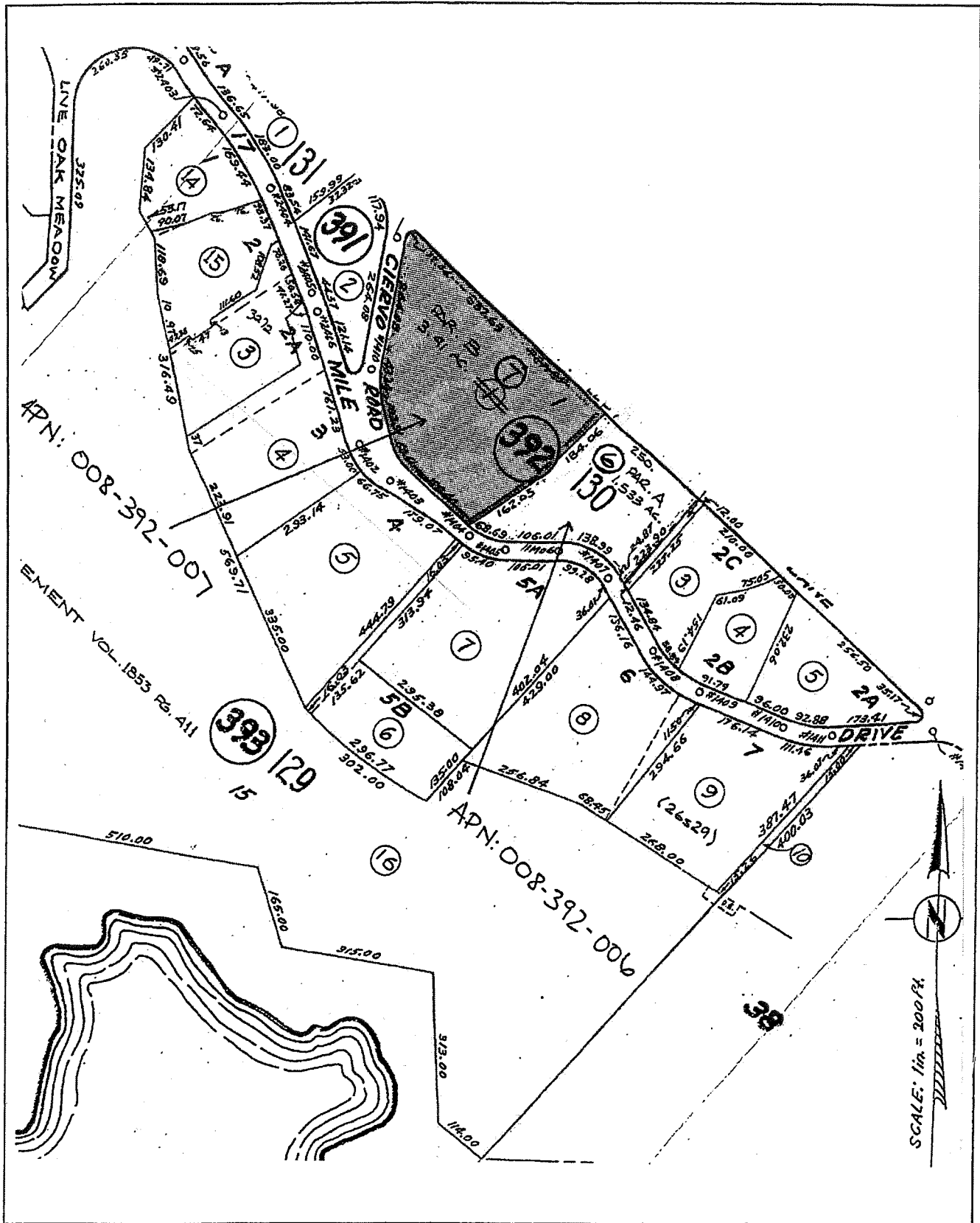
- 2010 Letter Report: Jordan Residence, APN 008-392-007, Pebble Beach, Monterey County, California. Report on file with the Northwest Information Center, Sonoma State University.
- 2013 Letter Report: APN 008-392-007, Pebble Beach, Monterey County, California. Report on file with the Northwest Information Center, Sonoma State University.

Doane, M. and T. Haversat

- 1999 Preliminary Archaeological Reconnaissance of Assessor's Parcel Number 008-392-001, Pebble Beach, Monterey County, California. Report on file with the Northwest Information Center, Sonoma State University.
- 2006 Supplementary Archaeological Reconnaissance of APN 008-392-007, Pebble Beach, Monterey County, California. Report on file with the Northwest Information Center, Sonoma State University.



Map 1. Project Location.



Map 2. Project Location.



