

MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 31, 2012 Time: 9:00 A.M.		Agenda Item No.: 2
Project Description: Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage that will result in an increase to the internal floor area of more than 10 percent to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow Ridgeline Development.		
Project Location: 1158 Signal Hill Road, Pebble Beach		APN: 008-261-005-000
Planning File Number: PLN100612		Owner: LeBon and Mary Abercrombie Agent: Maureen Wruck
Planning Area: Del Monte Forest Area Land Use Plan		Flagged and staked: Yes
Zoning Designation: "LDR/1.5-D(CZ)" [Low Density Residential, 1.5 acres per unit with 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 a Mitigated Negative Declaration;
- 2) Approve Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow additions to a single-family dwelling that will result in an increase to the internal floor area of more than 10 percent and associated site improvements; 2) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) Coastal Development Permit to allow Ridgeline Development, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt a Mitigation Monitoring and Reporting Plan.

PROJECT OVERVIEW:

The project site is a 1.17-acre lot located in a developed residential neighborhood on Signal Hill in Pebble Beach, on top of a ridge overlooking 17-Mile Drive and the sea. Existing development on the site consists of a 2,325.8 square foot single-family dwelling with a 449.8 square foot detached garage, concrete patios and paths and an asphalt driveway. The applicant proposes to remodel and build additions to the existing single-family dwelling and construct associated site improvements. Because the project is located between the first public road and the sea and the proposed 1,513.4 square foot addition will result in an increase to the internal floor area of more than 10 percent, a Coastal Administrative Permit is required for the addition. The existing dwelling is visible from the viewshed of 17-Mile Drive and is also visible as ridgeline development from viewpoints to the south and north. The addition will increase the silhouette of the dwelling by approximately 4 percent; therefore a Coastal Development Permit to allow ridgeline development is required. Staff analysis of the proposed development in the context of the existing viewshed has determined that

the proposed addition will not create a substantially adverse visual impact. The project site is also located within environmentally sensitive native dune habitat (ESHA); therefore a Coastal Development Permit for development within 100 feet of ESHA is required. The proposed additions will be located entirely within areas of the site that have previously been disturbed by construction and/or grading; however, approximately 903 square feet of the additions will extend into area that is not currently developed with structures or hardscape. The project also includes a restoration plan to restore approximately 1 acre of site to native dune habitat. See **Exhibit B** attached to the Staff Report dated September 26, 2012 for further discussion.

The project was continued by the Planning Commission at the September 26, 2012 hearing. The Commission directed staff to clarify the Findings, Evidence and Conditions regarding environmentally sensitive habitat area (ESHA). Staff was specifically directed to focus on whether this particular application is subordinate to the protection of ESHA, to evaluate the balance between the benefits and the costs associated with development of this specific project within ESHA, and to identify the legal basis that would allow the County to approve the proposed development within ESHA.

The California Coastal Act recognizes that conflicts may occur between one or more policies within the act and calls for such conflicts to be resolved in a manner which, on balance, is the most protective of significant coastal resources (Public Resources Code Section 30007.5). The Key ESHA Policy in the Del Monte Forest Land Use Plan (LUP) calls for "environmentally sensitive areas of the Del Monte Forest to be protected, maintained, and where possible, enhanced and restored in accordance with the policies of this LUP." Specific LUP ESHA policies do not allow non-resource dependent development within ESHA. In this particular case, ESHA on the site is not pristine; the sand dune ESHA on the site is dominated by non-native, invasive iceplant. The project proposes to restore approximately 84.7 percent of the site (43,205 square feet) to native dune habitat and to dedicate a conservation and scenic easement over that area to ensure permanent protection of the habitat. The applicant has also agreed to payment of an in lieu fee for the purpose of financing dune habitat restoration, enhancement and maintenance elsewhere within the Asilomar Dunes complex. Without the project, restoration of ESHA would not occur. In this case, on balance, the benefits associated with offsite restoration and the restoration and permanent preservation of ESHA on more than 31 times the square footage of the proposed 1,358 square foot encroachment into ESHA, are clearly more protective of significant coastal resources. See also Finding No. 6 and associated Evidence.

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


- RMA - Public Works Department
- Environmental Health Bureau
- ✓ Water Resources Agency
- ✓ Pebble Beach Community Services District (Fire Protection District)
- Parks Department
- RMA - Building Department
- California Coastal Commission

Staff has also consulted with staff from the California Coastal Commission regarding ESHA concerns. Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by the Water Resources Agency and Pebble Beach Community Services District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was heard by the Del Monte Forest Land Use Advisory Committee (LUAC) at a public hearing on January 5, 2012. The LUAC recommended approval of the project as proposed by a vote of 5-to-0.

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

/S/ Delinda Robinson


Delinda Robinson, Senior Planner

(831) 755-5198, robinsond@co.monterey.ca.us

July 30, 2012

cc: Front Counter Copy; Planning Commission; Pebble Beach Community Services District (Fire Protection District); Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Delinda Robinson, Project Planner; LeBon and Mary Abercrombie, Owners; Maureen Wruck, Agent; John Bridges, Attorney; Anthony Lombardo; Jay Auburn; The Open Monterey Project; LandWatch; Planning File PLN100612

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Draft Resolution, including: <ul style="list-style-type: none">• Conditions of Approval and Mitigation Monitoring and Reporting Program• Site Plan, Floor Plan and Elevations
	Exhibit C	Vicinity Map
	Exhibit D	Land Use Advisory Committee Minutes (on CD)
	Exhibit E	Mitigated Negative Declaration, including <ul style="list-style-type: none">• Attachments (on CD)
	Exhibit F	Comments on Mitigated Negative Declaration (on CD)
	Exhibit G	Project Correspondence (on CD)

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT A

Project Information for PLN100612

Project Information:

Project Name:	ABERCROMBIE LEBON G & ABERCROMBIE MARY J	
Location:	1158 SIGNAL HILL RD PEBBLE BEACH	
Permit Type:	Combined Development Permit	
Environmental Status:	Mitigated Negative Declaration	Final Action Deadline (884): 7/10/2012
Existing Structures (sf):	2775.6	Coverage Allowed: 15%
Proposed Structures (sf):	1513.4	Coverage Proposed: 10.36%
Total Sq. Ft.:	4297.3	Height Allowed: 30'
Tree Removal:	0	Height Proposed: 16.25'
Water Source:	PUBLIC	FAR Allowed: 17.5%
Water Purveyor:	CAL AM	FAR Proposed: 8.4%
Sewage Disposal (method):	SEWER	Lot Size: 50965.2
Sewer District:	PBCSD/CAWD	Grading (cubic yds.): 0

Parcel Information:

Primary APN:	008-261-005-000	Seismic Hazard Zone:	III/UNDETERMINED
Applicable Plan:	Del Monte Forest LUP	Erosion Hazard Zone:	HIGH
Advisory Committee:	Del Monte Forest LUAC	Fire Hazard Zone:	HIGH
Zoning:	LDR/1.5-D(CZ)	Flood Hazard Zone:	NO
Land Use Designation:	RESIDENTIAL - 1 UNIT/1.5 ACRES	Archaeological Sensitivity:	HIGH
Coastal Zone:	YES	Viewshed:	17-MILE DRIVE
Fire District:	PBCSD	Special Setbacks on Parcel:	N

Reports on Project Parcel:

Soils Report #:	LIB110222
Biological Report #:	LIB110221, LIB110470
Geologic Report #:	LIB110222
Forest Management Rpt. #:	NONE
Archaeological Report #:	LIB060583
Traffic Report #:	NONE

EXHIBIT B
DRAFT RESOLUTION

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

In the matter of the application of:

LEBON AND MARY ABERCROMBIE (PLN100612)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Mitigated Negative Declaration;
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage that will result in an increase to the internal floor area of more than 10 percent to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow Ridgeline Development; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan

[PLN100612, LeBon and Mary Abercrombie, 1158 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan (APN: 008-261-005-000)]

The Abercrombie application (PLN100612) came on for public hearing before the Monterey County Planning Commission on October 31, 2012. 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) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Del Monte Forest Area Land Use Plan (LUP);
 - Monterey County Coastal Implementation Plan Part 5 (CIP);
 - 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. See Discussion section of staff report prepared for September 26, 2012 Planning Commission hearing.
 - b) The property is located at 1158 Signal Hill Road, Pebble Beach (Assessor's Parcel Number 008-261-005-000), Del Monte Forest Area Land Use Plan. The parcel is zoned "LDR/1.5-D (CZ)" [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)], which allows residential development. This project consists of additions to and the remodel of an existing single-family dwelling and associated site improvements. Therefore, the project is an allowed land use for this site.
 - c) This project consists of additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat.
 - d) Pursuant to Title 20 Section 20.70.120.A.4, a Coastal Development Permit is required for improvements that would result in an increase of greater than 10 percent of the internal floor area of an existing structure where the project is located between the first public road and the sea. The project site is located between the first public road and the sea and the proposed addition of 1,513.4 square feet to the existing 2,325.8 square foot single-family dwelling will result in an increase of greater than 10 percent of the internal floor area of the existing single-family dwelling. Therefore, a Coastal Development Permit is required.
 - e) A Coastal Development Permit is required for Ridgeline Development pursuant to Section 20.14.030.D. The existing single-family dwelling is located at the crest of a hill and the silhouette of the structure is visible from 17-Mile Drive, a public viewing area, and is considered to be Ridgeline Development as defined in Section 20.06.950. The proposed addition will slightly increase the silhouette. Therefore, a Coastal Development Permit is required. See **Finding 8** for more detail.
 - f) The site is subject to design review. The Abercrombie project has been reviewed for siting, design, colors, materials and height. The proposed project meets the development standards of the zoning district including

- height, setback, lot coverage, and floor area ratio and the proposed colors and materials are appropriate for the site and the neighborhood.
- g) The project site is located within an area identified in the LUP as an environmentally sensitive habitat area (ESHA). Pursuant to LUP Policy 12 and CIP Section 20.147.040.B, a biological report was prepared for the project by Jeffrey Froke, and a peer review of the biological report was prepared by Michael Zander (See Finding 2, Evidence b). The biological report prepared for the project identified ESHA on the project site. Pursuant to Monterey County Code Title 20, Section 20.14.030.E, a Coastal Development Permit is required for development within 100 feet of mapped or field identified environmentally sensitive habitat. Based on the analysis contained in the Mitigated Negative Declaration prepared for the project, as conditioned and mitigated, the project will have a less than significant impact on environmentally sensitive habitat. See **Finding 7** for more detail.
 - h) The project site is located within an area of high archaeological sensitivity. Pursuant to LUP Policy 58 and CIP Section 20.147.080.B, an archaeological survey was prepared for the project (see Finding 2, Evidence b). No evidence of cultural resources was observed on the site during the archaeological reconnaissance and the report concludes that there is no reason to delay development due to archaeological concerns. The standard archaeological condition has been incorporated as a condition of approval (**Condition No. 4**) to address the unanticipated discovery of resources during construction.
 - i) The project site is located within 1/8 mile of a potentially active fault. Pursuant to CIP Section 20.147.060.A, a geologic report was prepared for the project (See Finding 2, Evidence b). The report concludes that the proposed development is feasible from a geologic and soil engineering standpoint provided the recommendations included in the report are incorporated into the project. The standard condition requiring that all development be in conformance with the reports prepared for the project has been incorporated as a condition of approval (**Condition No. 5**)
 - j) The project is consistent with the development standards for the zoning district. The project site totals 50,965.2 square feet. The Development Standards for the LDR Zoning District allow maximum building site coverage of 15 percent with no limit on the amount of non-structural site improvements. The proposed project will result in building site coverage of 10.36 percent.
 - k) The project planner conducted site inspections on December 3, 2010 and January 5, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
 - l) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project requires environmental review and because it includes a Design Approval that will be heard at a public hearing. The project was heard by the LUAC at a public hearing on January 5, 2012. The LUAC recommended approval of the project as proposed by a vote

of 5-to-0

- m) 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 PLN100612.

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 Community Services District (Fire Protection District), Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Biological Resources, Archaeological Resources, Historical Resources, Visual Resources and Soil/Slope Stability. The following reports have been prepared:

- "Preliminary Cultural Resources Reconnaissance of Assessor's Parcel 008-261-005" (LIB060583) prepared by Susan Morley, M.A., Pacific Grove, CA, July 2006;
- "Biological Resources Letter Report" (LIB110221) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, May 13, 2011 and "Memo Attachment for Biological Report" dated June 9, 2011;
- "Peer Review, Biological Resources Letter Report" (LIB110470) prepared by Michael Zander, Zander Associates, San Rafael, CA, November 20, 2011;
- "Dune Restoration Plan, Abercrombie Property" (LIB110468) prepared by Zander Associates, San Rafael, CA, November 2011.
- "Geologic Report and Soil Engineering Investigation Update for the Abercrombie Residence Addition" (LIB110222) prepared by Landset Engineers, Inc., Salinas, CA, March 2010 and "Revised Foundation Recommendations" dated August 2, 2011.
- "Disturbed Area Analysis for the Abercrombie Residence Addition" (LIB110471) prepared by Landset Engineers, Inc., Salinas, CA, October 2010
- "Visual Study and Analysis" (LIB110469) prepared by John Mandurrango, Building Designer, Carmel, CA, September 2, 2011.
- "Historical Resource Assessment" (LIB110223) prepared by Anthony Kirk, Ph.D., Santa Cruz, CA, August 27, 2008.

The above-mentioned 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 has independently reviewed these reports and concurs with their conclusions.

- c) An Initial Study and Mitigated Negative Declaration (MND) were prepared for the project. The MND concludes that, as mitigated, the project will have a less than significant impact on the environment. See Finding 5 for further detail.
- d) Staff conducted site inspections on December 3, 2010 and January 5,

2012 to verify that the site is suitable for this use.

- e) 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 PLN100612.

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 the RMA - Planning Department, Pebble Beach Community Services District (Fire Protection District), Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. The existing residence is served by the California American Water Company (Cal-Am) for domestic water, the Pebble Beach Community Services District (PBCSD) and Carmel Area Wastewater District (CAWD) for sewer. The project will continue to utilize the existing utility connections. A Residential Water Release Form and Water Permit Application showing a net increase of 7.5 water fixture units was submitted and approved by the Water Resources Agency. Additional water for the project has been purchased from the Pebble Beach Company, which is available as a result of a water reclamation project sponsored by the Pebble Beach Company and others.
 - c) Staff conducted site inspections on December 3, 2010 and January 5, 2012 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 PLN100612.

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 site inspections on December 3, 2010 and January 5, 2012 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 PLN100612.

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) 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 (PLN100612).
 - c) The Initial Study identified several potentially significant effects, but revisions have been made to the project and applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.
 - e) The Draft Mitigated Negative Declaration ("MND") for PLN100612 was prepared in accordance with CEQA and circulated for public review from July 5, 2012 through August 3, 2012 (SCH#: 2012071016).
 - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, biological resources, cultural resources, geology/soils, greenhouse gas emissions, and land use/planning.
 - g) Potential impacts to Aesthetics due to potential glare and visibility of the structure from the protected viewshed from 17-Mile Drive were identified. Implementation of Mitigation Measure No. 1 (**Condition No. 27**) which requires that materials used in construction be non-reflective materials, painted in earth-tones or utilize earth-tone materials and that glass surfaces be grey-tinted "non-reflective" glass will reduce this potential impact to less than significant.
 - h) Potential impacts to Biological Resources (Black legless lizards, a California Species of Special Concern) were identified. Implementation of Mitigation Measure No. 2 (**Condition No. 28**) which requires preparation and implementation of a Black Legless Lizard Management Plan will reduce these potential impacts to less than significant.
 - i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and

information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN100612) and are hereby incorporated herein by reference.

- j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports birds, mammals and amphibians, including Black legless lizards, a California Species of Special Concern. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- k) Comments on the draft MND were received from Maureen Wruck and the Monterey Bay Unified Air Pollution Control District (**Exhibit G**). 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.
- l) The Monterey County Planning Department, located at 168 W. Alisal, 2nd 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:**

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 Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) The project site is a 50,965.2 square foot parcel. The total improved surface coverage of the site (structure footprint and paving) is 6,402 square feet, or 12.6 percent of the site. The proposed project will increase the total improved surface coverage by 1,358 square feet for a total of 7,760.5 square feet, or approximately 15.2 percent of the site. This increase includes the addition of approximately 903 square feet in the sandy area on the north side of the house and the conversion of approximately 455 square feet of landscaped area on the southwest side of the house to paved patio. Also included is the replacement of 2,295.5 square feet of asphalt driveway with 2,089.5 square feet of permeable pavers.
- c) The project site lies entirely within coastal dune scrub ESHA, on a

remnant of the indigenous coastal sand dunes known as the Asilomar Dunes complex. Pursuant to LUP Policies No. 12 and 16, the biology report and Dune Restoration Plan (See Finding 2, Evidence b) identify the locations of environmentally sensitive habitat on the site.

Implementation of the Dune Restoration Plan (**Condition No. 28**) will ensure protection of the sensitive species and habitat present on the site.

- d) Two special status species have been identified on the site: the federally endangered Tidestrom's lupine (*Lupinus tidestromii*) and Black legless lizards (*Anniella pulchra nigra*), a California species of special concern. The biology report prepared for the project concluded that because of the distance of the Tidestrom's lupine from the proposed addition, that no impacts are anticipated. Implementation of Mitigation Measure No. 2 (**Condition No. 28**) will reduce potential impacts to Black legless lizards to less than significant.
- e) The existing home on the site pre-dates the Coastal Initiative, (Prop. 20 in 1972), the Coastal Act (1976) and the Del Monte Forest Land Use Plan (originally adopted on September 24, 1984 and amended on May 22, 2012), including Coastal Act Section 30240 and Land Use Plan ESHA policies, the purpose of which is to protect environmentally sensitive habitat areas. The existing neighborhood within the remnant native dune ESHA is not consistent with either LUP Policy No. 8, which does not allow non-resource dependent uses within ESHA or LUP Policy 18, which requires that "uses of remnant native sand dune habitat shall be limited to low-intensity scientific, educational, and/or recreational activities dependent on the resource." Built in 1952, the existing residential use is a legal non-conforming use on the site.
- f) LUP Policies 8 and 18 would not ordinarily permit non-resource dependent development within ESHA. Dune ESHA on the site has been impacted by the invasive, non-native iceplant that dominates most of the site. The Key ESHA Policy states: "*The environmentally sensitive habitat areas of the Del Monte Forest are unique, limited, and fragile resources that are sensitive and important biologically, and that enrich Del Monte Forest enjoyment for residents and visitors alike. Accordingly, these areas shall be protected, maintained, and, where possible, enhanced and restored in accordance with the policies of this LUP. Except where specifically and explicitly authorized by the LUP, all categories of land use and development, both public and private, shall be subordinate to the protection of these areas.*" Pursuant to Section 30007.5 of the Public Resources Code, the legislature recognizes that conflicts may occur between one or more policies of the Coastal Act and "declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." For this project, the overall benefits to ESHA, which include restoration of approximately 84.7 percent of the degraded dune ESHA habitat on the property by eradication of exotic species and planting of appropriate native species, clearly outweigh the impacts due to the proposed development. Therefore, when restored, the development would be subordinate to the protection of ESHA and consistent with the LUP Key Policy on ESHA. The project is conditioned (**Condition No. 8**) to require that a

Conservation and Scenic Easement be conveyed to the Del Monte Forest Foundation over all areas of the property where environmentally sensitive habitats, remnant native sand dune habitats, habitats of rare, endangered and sensitive native plants and animals and visually prominent areas exist. The applicant has also agreed to a Condition of Approval (**Condition No. 17**) requiring payment of an in lieu fee in the amount of \$0.92¹ per square foot of net footprint expansion for the purpose of financing dune habitat restoration and maintenance elsewhere within the greater Asilomar Dunes system. The result of these dune protection, maintenance, enhancement and restoration efforts will be that approximately 0.99 acre of degraded dune habitat, including 6,379 square feet of previously disturbed dune ESHA on the site will be restored to and maintained in perpetuity as native dune habitat and additional offsite area within the Asilomar Dunes complex will be restored and maintained to offset the permanent loss of dune ESHA on the property resulting from the project. The approval of this project will result in restoration and protection of dune habitat where restoration or protection would not otherwise occur. On balance, this restoration effort results overall in more and better protection of coastal resources consistent with the LCP policies and regulations in that it will enhance and restore ESHA areas that would not otherwise be restored. Coastal Commission staff supports such restoration efforts. This approach to allow expansion of residential development within ESHA is similar to that taken for other projects that have been approved by the Coastal Commission within the Asilomar Dunes complex.

- g) There is conflict in this case between LUP Policies that protect ESHA and those that protect Scenic and Visual Resources. The existing one-story dwelling is located on the top of a ridge within the protected viewshed of 17-Mile Drive. This project consists of an addition that will extend into ESHA. While a second story addition would avoid additional development within ESHA, it would substantially increase the ridgeline silhouette as seen from 17-Mile Drive and would not be consistent with the Scenic and Visual Resources policies of the LUP. An addition further down the slope from the existing residence than the proposed would not substantially improve the ridgeline silhouette but would increase the amount of disturbance to ESHA and would not be as consistent with the ESHA policies of the LUP as the proposed project is. The proposed project provides a balance between ESHA and Scenic and Visual Resources policies in that the addition is designed to minimize impacts to ESHA through maintaining, enhancing and restoring ESHA on the site while still protecting the viewshed from 17-Mile Drive.
- h) Consistent with LUP Policy 11, the project has been designed to limit the intensity of use adjacent to ESHA. All access to the residence will be through areas that are currently paved and no doors or pathways will be located immediately adjacent to dune ESHA on the north side of the residence.
- i) Consistent with LUP Policies 13 and 17, the project is conditioned

¹ The dollar amount of \$40,000 per restoration acre or \$0.92 per square foot is based on the current cost of similar restoration in the Asilomar Dunes based on recent examples (e.g., the dune restoration recently undertaken at the margins of the Pacific Grove municipal golf course).

(**Condition No. 8**) to require dedication of a conservation and scenic easement to the Del Monte Forest Foundation over those portions of the property where ESHA, remnants of native sand dune habitats, rare, endangered and sensitive plants and animals and visually prominent areas exist.

- j) The project is consistent with LUP Policy 14 which states: "*Near environmentally sensitive habitat areas, native vegetation removal and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate reasonable development. Development shall be sited and designed to prevent impacts that would significantly degrade those nearby areas, and shall be compatible with the continuance of those habitat areas.*" The case at hand does not involve a vacant lot and thus the County is not obliged to approve the proposed residential expansion for reasons of avoiding a taking of private property. However grading will be limited to the removal of existing hardscape and driveway, and vegetation in the area of the proposed addition is dominated by invasive, non-native ice-plant. The foundation of the addition will be cast-in-place concrete pier and grade beam foundation or a helical anchor foundation bearing entirely into the bedrock to eliminate the need for overexcavation for the slab that would result in disturbance to adjacent ESHA. The proposed restoration of approximately 0.99 acreS of degraded ESHA on the site (all areas not approved for development) and the dedication of a permanent conservation and scenic easement over the restored area will result in the enhancement and preservation of approximately 84.7 percent of the site. Thus the development is subordinate to the ESHA on the site and is compatible with the continuance of those habitat areas. See also Finding 6, Evidence (f) above.
- k) Pursuant to LUP Policy 15, the project includes a Dune Restoration Plan (DRP) to restore the approximately 0.99 acre of remnant dune terraces and swales that will remain undeveloped following construction with native dune plants appropriate to the area. The standard landscape condition has been modified to require implementation of the DRP (**Condition No. 11**). Implementation of the DRP will result in eradication of non-natives on the site and restoration of the degraded dune areas to native dune habitat.
- l) Per the Coastal Act conflict resolution sections and consistent with the Del Monte Forest Land Use Plan which acknowledges the goal of balanced utilization and conservation of coastal zone resources as well as balancing between coastal zone resource conservation and development, the project is protective of significant coastal resources. Although the project allows some non-resource-dependent development in EHSA, on balance, the protection, maintenance, enhancement, and restoration of nearly an acre of dune habitat on Signal Hill coupled with location of the home addition along the previous development edge, where habitat has previously been developed, disturbed and degraded, is more protective of coastal resources.
- m) The project planner conducted site inspections on December 3, 2010 and January 5, 2012 to verify ESHA locations and potential project impacts to ESHA.

- n) 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 PLN100612.
- o) Evidence contained in the preceding and following Findings.

7. **FINDING:** **RIDGELINE DEVELOPMENT** – The subject project, as conditioned by this permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.
- EVIDENCE:**
- a) Pursuant to Section 20.66.010 of the Monterey County Zoning Ordinance, ridgeline development may be approved if, as conditioned or designed, the project will not create a substantially adverse visual impact when viewed from a common public viewing area.
 - b) The project site is located within the viewshed from 17-Mile Drive and vista points as shown on Figure 3 of the LUP. Section 20.147.020.P (definition of Public Viewshed) includes those areas visible from significant roads/streets such as 17-Mile Drive as part of the Public Viewshed.
 - c) The existing dwelling is located off of Signal Hill Road, on a promontory about 70 feet above and 300 feet from 17-Mile Drive and is visible as ridgeline development from points both north and south of the site on 17-Mile Drive. The proposed addition on the northern side of the existing dwelling will increase the size of the silhouette of the dwelling by approximately 4 percent; therefore a Coastal Development Permit to allow ridgeline development is required.
 - d) The project site is located on Signal Hill in an existing, developed residential neighborhood. Existing development on Signal Hill is highly visible from 17-Mile Drive because of its location on a sandy ridge above 17-Mile Drive. Several other homes in the immediate area of the project site also silhouette from points both north and south on 17-Mile Drive. The natural dune vegetation is short in stature and, except for planted trees, does not provide significant screening for structures. Given the existing state of the viewshed, the 4 percent increase in the ridgeline silhouette of the dwelling will not create a substantially adverse visual impact when viewed from 17-Mile Drive.
 - e) There is no alternative location on the subject site that would allow a reasonable development without potential for ridgeline development.
 - f) The area available for development on the site is limited by the location of the existing residence near the southern property boundary, slopes on the site and the fact that the project site is located within environmentally sensitive remnant sand dune habitat (ESHA). There is not sufficient room on the southern side of the residence to accommodate the addition. The only areas on the site that are at a lower elevation than the existing structure and could be developed without increasing the silhouette are within undisturbed ESHA. LUP policies requiring avoidance of impacts to Dune Habitat restrict uses within the remnant sand dune habitat to low-intensity scientific, educational, and /or recreational activities dependent on the resource. The proposed addition is sited within the documented area of previous disturbance on the north side of the existing residence to avoid ESHA.
 - g) In order to minimize the visual impact of the project, the 4-in-12 pitched

roof over the eastern portion of the residence will be replaced with a 3-in-12 pitched roof that will step down in 5 steps from the existing high point over the western end of the residence to a new low on the easternmost end.

- h) In order to minimize potential glare and visibility of the structure, Mitigation Measure No. 1 (**Condition No. 24**) requires that all materials used in construction of the addition be non-reflective materials, painted in earth-tone colors or utilize earth-tone materials and that all glass shall be grey-tinted "non-reflective" glass.
- i) The project planner conducted site inspections on December 3, 2010 and January 5, 2012 to verify that the project on the subject parcel conforms to the ridgeline development requirement to not create a substantially adverse visual impact.
- j) 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 PLN100612.

8. **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 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 8 in the Del Monte Forest Area 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 PLN100612
 - e) The project planner conducted site inspections on December 3, 2010 and January 5, 2012.

9. **FINDING:** **WILDFIRE PROTECTION STANDARDS IN STATE RESPONSIBILITY AREAS** – The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

- EVIDENCE:**
- a) The proposed project is within the Monterey County State Responsibility Area.
 - b) Access to the site is through a driveway that meets the standards set forth in Monterey Code Section 18.56.060.
 - c) The project does not meet the minimum 30 foot setback from the side property line as required by Section 18.56.090.2 and has therefore been conditioned to provide alternative fire protection measures as provided for in Section 18.56.050.B. **Condition No. 22** requires that the residence and attached garage be protected by an automatic fire sprinkler system and **Condition No. 25** requires installation of Class A

roofing.

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.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
- b) Section 20.86.080 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project is located between the first public road and the sea and because the project includes development which is permitted in the underlying zone as a conditional use.

DECISION

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

1. Adopt a Mitigated Negative Declaration;
2. Approve a Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage that will result in an increase to the internal floor area of more than 10 percent to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow Ridgeline Development, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 31st day of October, 2012 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Planning Commission

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

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

NOTES

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

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

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from 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.

Form Rev. 05-09-2012

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100612

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This permit is a Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow additions to and remodel of a 2,325.8 square foot one-story single family dwelling with a 449.8 square foot detached garage that will result in an increase to the internal floor area of more than 10 percent to include: a 1,513.4 square foot addition (master bedroom suite, dining room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove asphalt driveway and replace with permeable pavers, remove concrete patio and replace with tile patio, the addition of a fire pit and restoration of approximately 1 acre of native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow Ridgeline Development. 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 the RMA - Planning Department. 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 Department)

**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 which states: "A Combined Development Permit (Resolution No. _____) was approved by the Planning Commission for Assessor's Parcel Number 008-261-005-000 on October 31, 2012. The permit was granted subject to 28 conditions of approval including 2 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County Resource Management Agency - Planning Department."

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

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 Department.

3. 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 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, 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)

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 Department for review and signature by the County.

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

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

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 recovery.
(RMA - Planning Department)

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

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"The following reports have been prepared for the project:
- "Biological Resources Letter Report" (LIB110221) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, May 13, 2011 and "Memo Attachment for Biological Report" dated June 9, 2011;
- "Peer Review, Biological Resources Letter Report" (LIB110470) prepared by Michael Zander, Zander Associates, San Rafael, CA, November 20, 2011;
- "Dune Restoration Plan, Abercrombie Property" (LIB110468) prepared by Zander Associates, San Rafael, CA, November 2011.
- "Geologic Report and Soil Engineering Investigation Update for the Abercrombie Residence Addition" (LIB110222) prepared by Landset Engineers, Inc., Salinas, CA, March 2010 and "Revised Foundation Recommendations" dated August 2, 2011.
and are on file in the Monterey County RMA - Planning Department. All development shall be in accordance with these reports."

A copy of this language shall be incorporated as a note on all construction or grading plans for the project.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department and shall submit proof that the language has been included as a note on the construction plans.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the reports to the RMA - Planning Department.

6. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

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

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

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.

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

Responsible Department: Planning Department

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

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

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

8. PD022(B) - EASEMENT-DMF CONSERVATION & SCENIC

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the Del Monte Forest Foundation over those portions of the property where environmentally sensitive habitats, remnant native sand dune habitats, habitats of rare, endangered and sensitive native plants and animals, and visually prominent areas 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.

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

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

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

9. PD041 - HEIGHT VERIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site 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)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/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.

Prior to the foundation pre-pour inspection, the Owner/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 first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer 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.

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

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

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

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

All Air District standards shall be enforced by the Air District.

(RMA - Planning Department)

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

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

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

11. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

(NON-STANDARD CONDITION) The site shall be landscaped in accordance with the recommendations of the Dune Restoration Plan (LIB110468) prepared for the project. All plantings utilized in the landscape plan shall be native plants appropriate for the dune area. Prior to the issuance of building permits, three (3) copies of a detailed landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan and an estimate by the project biologist of the cost of supervision of the installation and the required monitoring. Before occupancy, the landscaping/dune restoration shall be installed. The landscaping and dune restoration shall be installed under the supervision of a qualified biologist.

Monitoring reports regarding the status of the dune restoration prepared by a qualified biologist shall be submitted to the RMA-Planning Department on a quarterly basis for the first year following initial non-native plant eradication and twice a year during the second and third years. The first monitoring report shall be submitted 6 months after completion of initial iceplant and European beach grass removal and subsequent reports shall be submitted at 3 month intervals for the first year. Monitoring reports shall be submitted in the spring and fall of each year for the second and third years. All recommendations for maintenance activities included in the monitoring reports shall be implemented.

Prior to occupancy: If the three year monitoring period has not yet been completed, prior to occupancy the applicant shall submit a completion bond for the cost of completing the restoration plan, including the preparation of any remaining monitoring reports.

All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

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

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and cost estimates to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Dune Restoration Plan (LIB110468) prepared for the project.

Prior to the issuance of building permits the owner/applicant shall submit a copy of a contract with a qualified biologist to perform the supervision of installation and monitoring/reporting required by this condition.

Monitoring reports on the dune restoration shall be submitted to the RMA-Planning Report beginning 6 months after completion of initial non-native plant eradication and shall continue for 3 years as outlined in the condition.

Prior to occupancy, landscaping/restoration plan shall be installed. If the three year monitoring period has not been completed prior to occupancy, a certificate of deposit or other form of surety made payable to Monterey County for the cost of completing the restoration plan including the preparation of any remaining monitoring reports shall be submitted to the Monterey County RMA - Planning Department.

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

12. PDSP002 - DUNE HABITAT PROTECTION DURING CONSTRUCTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Construction related activities shall be limited to the area shown as "Limits of Construction Activity" in the Dune Restoration Plan and all of the "Recommended Minimization Measures During Construction" found in Section 2.0 of the Restoration Plan shall be implemented throughout construction. The language contained in Section 2.0 of the Restoration Plan shall be incorporated as a note on any construction plans.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a grading or building permit applicant/owner shall submit evidence that the language contained in Section 2.0 of the Restoration Plan is incorporated as a note on the construction plans.

Ongoing: Applicant/owner shall comply with this condition throughout the construction phase of the project.

13. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

14. 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 the RMA - Planning Department, prior to the issuance of building permits.
(RMA - Planning Department)

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 the RMA - Planning Department 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.

15. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

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

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

16. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on September 26, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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

17. PDSP001 - OFFSITE DUNE HABITAT RESTORATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the issuance of a building or grading permit, the applicant/owner shall submit to the RMA-Planning Department for review and approval an offsite dune habitat restoration plan that provides for restoration of dune habitat within the Asilomar Dunes system at a ratio of 2:1 for any new dune habitat coverage over existing conditions (i.e. for any new areas of the site that are being converted from dune habitat to residential uses). The plan shall clearly identify each type of new dune habitat coverage (structural and non-structural) in site plan view with accompanying square footage calculations.

If the applicant provides off-site dune habitat restoration in situ, prior to final inspection the applicant shall provide evidence to the RMA-Planning Department for review and approval that the approved restoration plan has been implemented. In lieu of providing for off-site dune habitat restoration in-situ, the plan may be submitted with evidence that a dune restoration payment of \$0.92 per square foot of new dune habitat coverage over existing conditions has been deposited into an interest-bearing account to be established and managed by one of the following entities as approved by the RMA-Planning Department: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation for the sole purpose of financing dune habitat restoration and maintenance within the Asilomar Dunes system. All of the funds and any accrued interest shall be used for the above-stated purpose.

Compliance or Monitoring Action to be Performed: Prior to issuance of building or grading permit, applicant/owner shall submit to the RMA-Planning Department a dune habitat restoration plan which provides for either in-situ restoration or evidence that in-lieu payment has been made to one of the listed entities.

Prior to final inspection, if the applicant provides off-site dune restoration in situ, provide evidence to the RMA-Planning Department that the approved restoration plan has been implemented.

18. WRSP1 - DRAINAGE PLAN (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan to mitigate on-site and off-site impacts from impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

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

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

19. WRSP2 - WATER AVAILABILITY CERTIFICATION (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

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

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

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

20. FIRE007 - DRIVEWAYS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance 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 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 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 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 Community Services District)

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

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule Fire dept. clearance inspection.

21. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

(NON-STANDARD) Manage combustible vegetation from within a minimum of 100 feet of structures, or to the property line, whichever is closer. Trim tree limbs to a minimum height of 6 feet from the ground. Remove tree limbs from 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 shall require alternative fire protection, to be determined by Reviewing Authority and the Director of RMA-Planning Department. Responsible Land Use Department: Pebble Beach Community Services District/RMA-Planning Department

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

Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to issuance of grading and/or building permit, Applicant shall provide an alternative fire protection plan for all areas on the site within 100 feet of structures to the RMA-Planning Department for review and approval.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

22. FIRE021 - FIRE PROTECTION- SPRINKLER SYSTEM (STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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. Responsible Land Use Department: Pebble Beach Community Services District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

23. FIRE030 - OTHER STANDARD CONDITIONS - GENERATOR

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRE030 - GENERATOR (NON-STANDARD CONDITION)
Generator panel shut-off requirements and signage shall be installed as approved by the Fire District. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: 1. Prior to final building inspection, the applicant or owner shall schedule Fire dept. clearance inspection.

24. FIRE030 - OTHER NON-STANDARD CONDITIONS - SOLAR

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Solar panel shut-off requirements and signage shall be installed as approved by the Fire District. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: 1. Prior to final building inspection, the applicant or owner shall schedule Fire dept. clearance inspection.

25. FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule Fire dept. clearance inspection.

26. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its 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. 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 Community Services District)

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

1. Prior to issuance of building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule Fire dept. clearance inspection.

27. MM001 - MINIMIZE VISIBILITY AND POTENTIAL GLARE

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

MITIGATION MEASURE NO. 1: In order to minimize potential glare and visibility of the structure, all materials used in constructing the structure shall be non-reflective materials, painted in earth-tone colors, or utilize earth-tone materials. Glass surfaces shall be grey-tinted "non-reflective" glass.

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

Monitoring Action No. 1: Prior to the issuance of a building permit, the applicant/owner shall submit color cut sheets of final colors and materials proposed demonstrating compliance with the condition to the Director of RMA-Planning for review and approval. The approved specifications shall be incorporated into the construction plans submitted to the RMA-Building Services Department.

Monitoring Action No. 2: Prior to final inspection, the applicant/owner shall demonstrate that the approved colors and materials were installed according to the approved plan.

28. MM002 - BLACK LEGLESS LIZARDS

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

MITIGATION MEASURE NO. 2: In order to prevent impacts to Black legless lizards, prior to the issuance of a building or grading permit, a qualified biologist shall, in consultation with the California Department of Fish and Game (CDFG), prepare a Black Legless Lizard Management Plan (BLLMP), which shall be implemented throughout the construction period. A copy of the BLLMP and evidence that CDFG concurs with the contents of the plan shall be submitted to the RMA-Planning Department for review and approval. At a minimum, the plan shall include the following requirements: 1) A qualified biologist shall be present on the site during all ground disturbing activities to monitor for the presence of Black legless lizards. 2) If Black legless lizards are located within an area of active construction, the biologist shall have the authority to stop work until the animal has left the area or appropriate measures as approved in the plan have been taken. 3) Prior to the initiation of construction activities, all construction workers who will be working on the site will be trained regarding habitat sensitivity, identification of Black legless lizards and required practices. The training shall include a brief review of the biology of the species, the general measures that are being implemented to conserve the species as they relate to the project, guidelines to avoid impacts to the species during the construction period, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers onsite. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures and provide a copy to the RMA-Planning Department.

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

A copy of the language contained in this mitigation measure shall be included as a note on any grading or building permit plans.

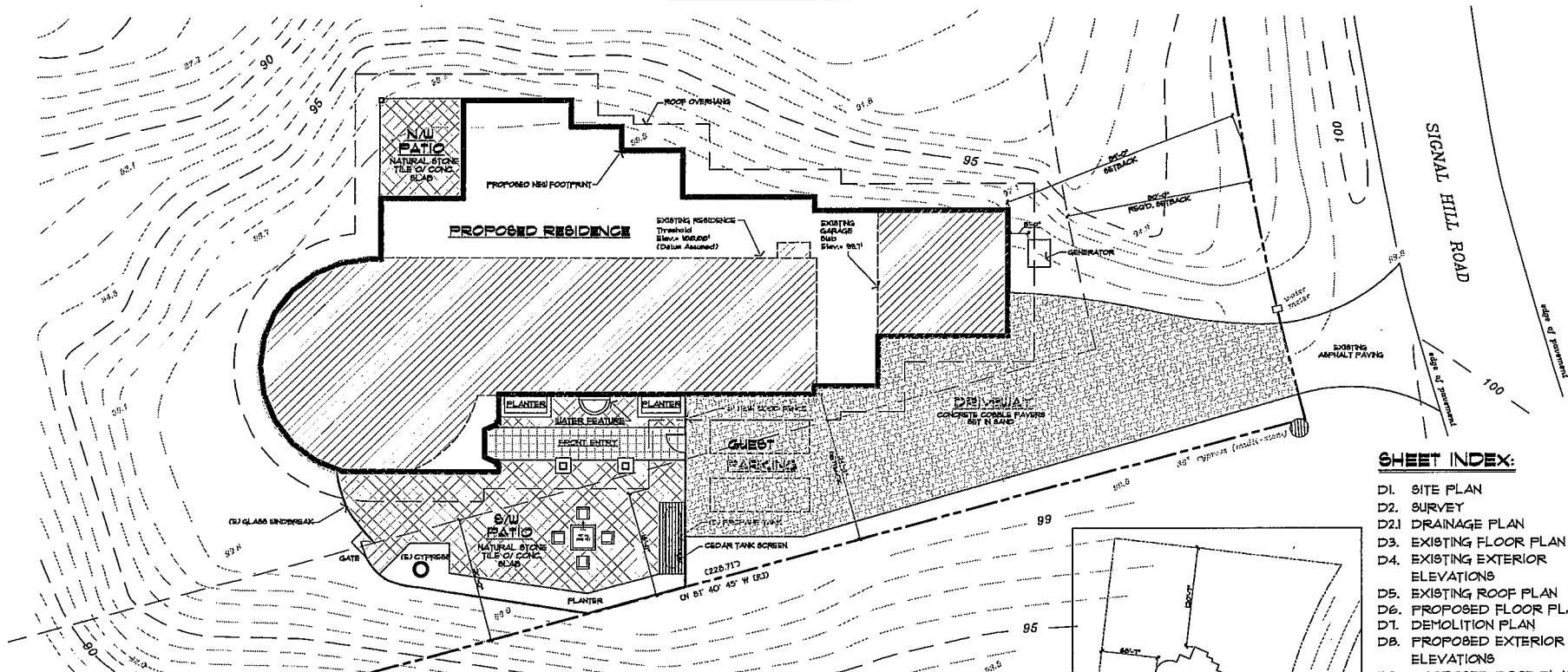
Monitoring Action No. 1: Prior to the issuance of a building or grading permit, the applicant/owner shall submit a BLLMP and evidence of CDFG concurrence with the contents of the plan to the RMA-Planning Department for review and approval.

Monitoring Action No. 2: Prior to the issuance of a building or grading permit, the applicant/owner shall submit a copy of a contract with a qualified biologist to perform required the training and monitoring.

Monitoring Action No. 3: Prior to the initiation of construction activities, the applicant/owner shall submit a copy of the training materials and the signed acknowledgements from the workers who attended the training.

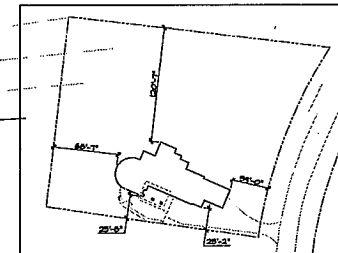
Monitoring Action No. 4: The approved BLLMP shall be implemented throughout the construction phase of the project.

ABERCROMBIE RESIDENCE



SHEET INDEX:

- D1. SITE PLAN
- D2. SURVEY
- D2J. DRAINAGE PLAN
- D3. EXISTING FLOOR PLAN
- D4. EXISTING EXTERIOR ELEVATIONS
- D5. EXISTING ROOF PLAN
- D6. PROPOSED FLOOR PLAN
- D7. DEMOLITION PLAN
- D8. PROPOSED EXTERIOR ELEVATIONS
- D9. PROPOSED ROOF PLAN
- D10. TYPICAL WALL SECTION
- D11. FILL DIAGRAM
- L1. LANDSCAPE PLAN

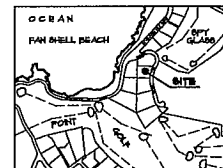


SET BACK MAP



Proposed SITE PLAN

SCALE: 1/8" = 1'-0"



VICINITY MAP

PROJECT INFORMATION:

APN: 000-261-000
 BLK: 31-A LOT: 31-C
 LOT SIZE: 1.11 ACRES OR 48,363.3 SF.
 ADDRESS: 106 SIGNAL HILL ROAD, PEBBLE BEACH, CALIFORNIA
 ZONING: LDR-18-D(2)

GRADING:

0 CUBIC FEET - NO GRADING WILL BE DONE.

NOTES:

1. WATER SUPPLY IS ON EXISTING CAL. AM. SYSTEM.
 2. EXISTING SEWER SERVICE PROVIDER IS PEBBLE BEACH COMMUNITY SERVICE DISTRICT.

BUILDING COVERAGE:

ALLOWED, 12% = 7,644.75 S.F.	
EXISTING:	
HOUSE FOOTPRINT	3,375.8 S.F.
DETACHED GARAGE FOOTPRINT	4,458 S.F.
RAVINE OF MORE THAN 36"	8,440 S.F.
TOTAL:	3,375.8 S.F.
PROPOSED:	
HOUSE W/ ATTACHED GARAGE FOOTPRINT	4,285.8 S.F.
RAVINE OF MORE THAN 36"	4,800 S.F.
COVERED FRONT ENTRY	284.1 S.F.
COVERED HWY PATIO	300.5 S.F.
TOTAL:	10.4% 5,766.4 S.F.

FLOOR AREA RATIO:

ALLOWED, 12% = 8,418.0 S.F.	
EXISTING:	
HOUSE	3,375.8 S.F.
DETACHED GARAGE	4,458 S.F.
TOTAL:	8.4% 2,710.6 S.F.
PROPOSED:	
HOUSE W/ ATTACHED GARAGE	4,285.8 S.F.
TOTAL:	8.4% 4,285.8 S.F.

ADDITION TO EXISTING FLOOR AREA 1,915.4 S.F.

LAND COVERAGE:

EXISTING	INTER-SEAL	PER-SEAL
FRONT CONCRETE PATIO	1,055 S.F.	
REAR CONCRETE WALK	840 S.F.	
AMPHIL DRIVEWAY	2,255.5 S.F.	
TOTAL:	3,624.4 S.F.	
PROPOSED:		
SW PATIO	885.4 S.F.	16,384.4 S.F.
DRIVEWAY		420 S.F.
GUEST PARKING		
TOTAL:	885.4 S.F.	2,099.3 S.F.

OWNERS:

LEON ABERCROMBIE
 P.O. BOX 1471
 PEBBLE BEACH, 93905
 (408) 624-3247

07-19-11
 11-08-11

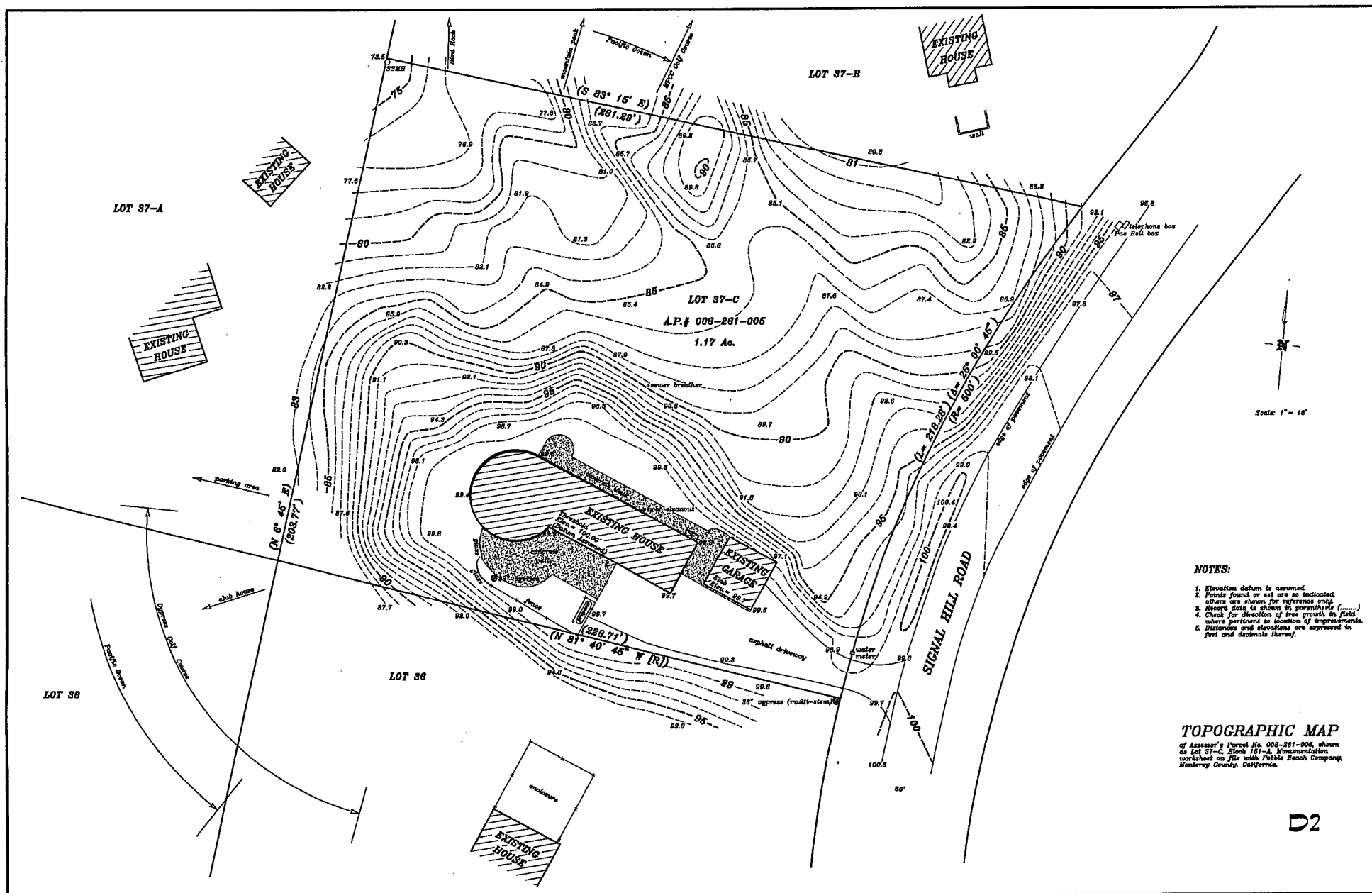
ABERCROMBIE RES.
 SINGLE FAMILY RESIDENCE & MASTER BEDROOM ADDITION
 A.P.N. 000-261-005
 1159 SIGNAL HILL ROAD, LOT 31-C, BLK. 31-A
 PEBBLE BEACH, CA.

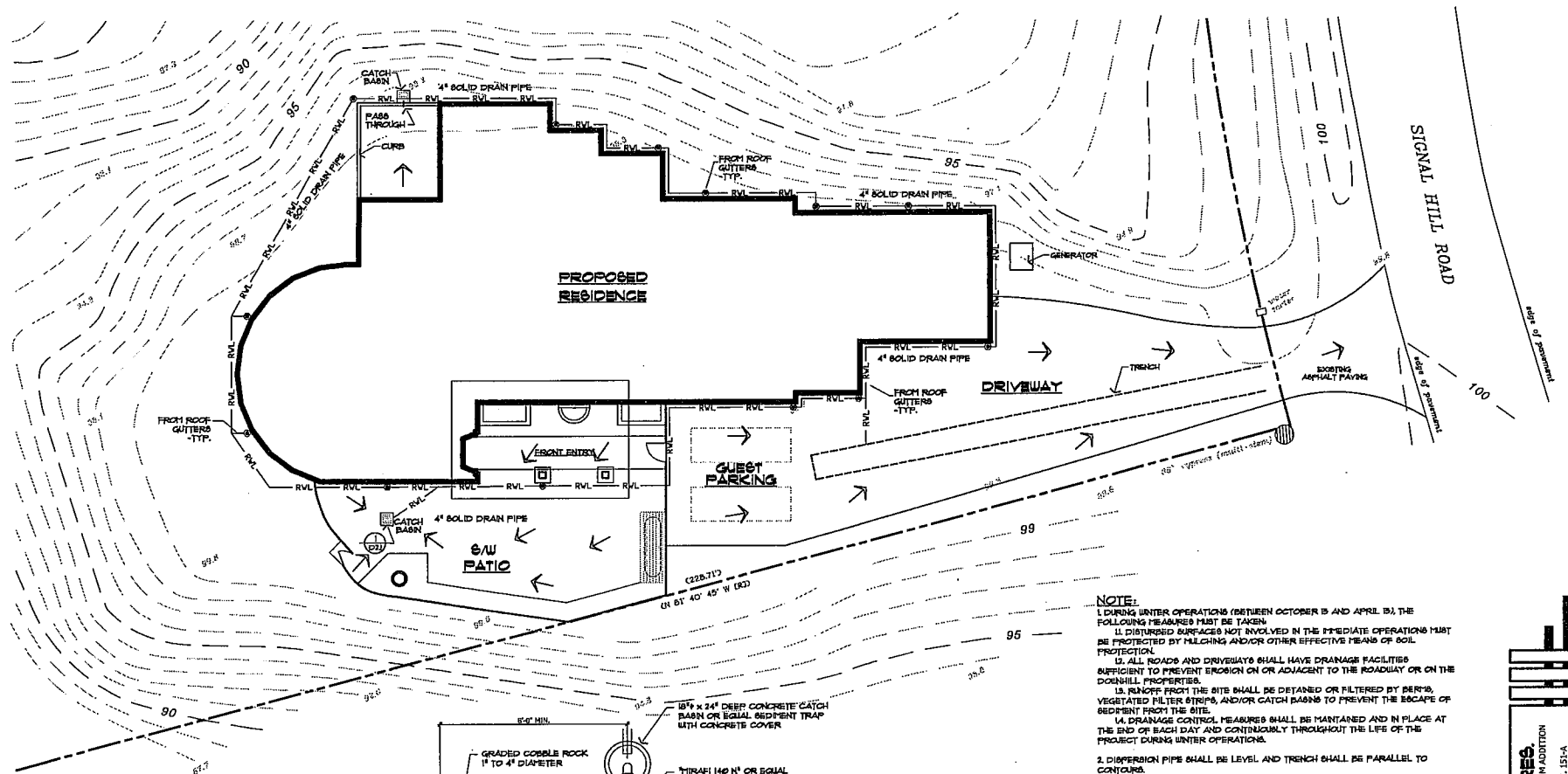
1005

D1

MANDURRAGO
 MANDURRAGO
 SULLIVAN, INC.

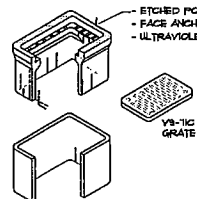
P. O. BOX 777 GARDEN GROVE, CA 92621 949-453-1000





NOTE:

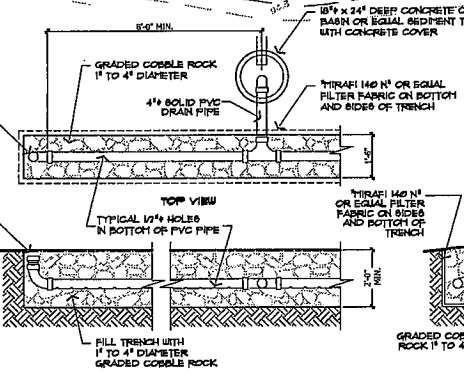
1. DURING WINTER OPERATIONS (BETWEEN OCTOBER 15 AND APRIL 15), THE FOLLOWING MEASURES MUST BE TAKEN:
2. DISTURBED SURFACES NOT INVOLVED IN THE IMMEDIATE OPERATIONS MUST BE PROTECTED BY MULCHING AND/OR OTHER EFFECTIVE MEANS OF SOIL PROTECTION.
3. ALL ROADS AND DRIVEWAYS SHALL HAVE DRAINAGE FACILITIES SUFFICIENT TO PREVENT EROSION ON OR ADJACENT TO THE ROADWAY OR ON THE DOWNHILL PROPERTIES.
4. RUNOFF FROM THE SITE SHALL BE DETAINED OR FILTERED BY PERMS, VEGETATED FILTER STRIPS, AND/OR CATCH BASINS TO PREVENT THE ESCAPE OF SEDIMENT FROM THE SITE.
5. DRAINAGE CONTROL MEASURES SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY THROUGHOUT THE LIFE OF THE PROJECT DURING WINTER OPERATIONS.
6. DISPERSION PIPE SHALL BE LEVEL AND TRENCH SHALL BE PARALLEL TO CONTOURS.
7. TYPICAL 1/2\"/>



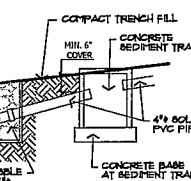
CHRISTY V8 DRAIN BOX
D2.1
NTB

ETCHED POLYETHYLENE FACE
- FACE ANCHORED IN CONCRETE
- ULTRAVIOLET INHIBITOR

LONG TURN 1/4\"/>



ROOF WATER DISPERSION OUTLET DETAIL
D2.1
SCALE: 1/8\"/>



SECTION

Proposed DRAINAGE PLAN

SCALE: 1/8\"/>

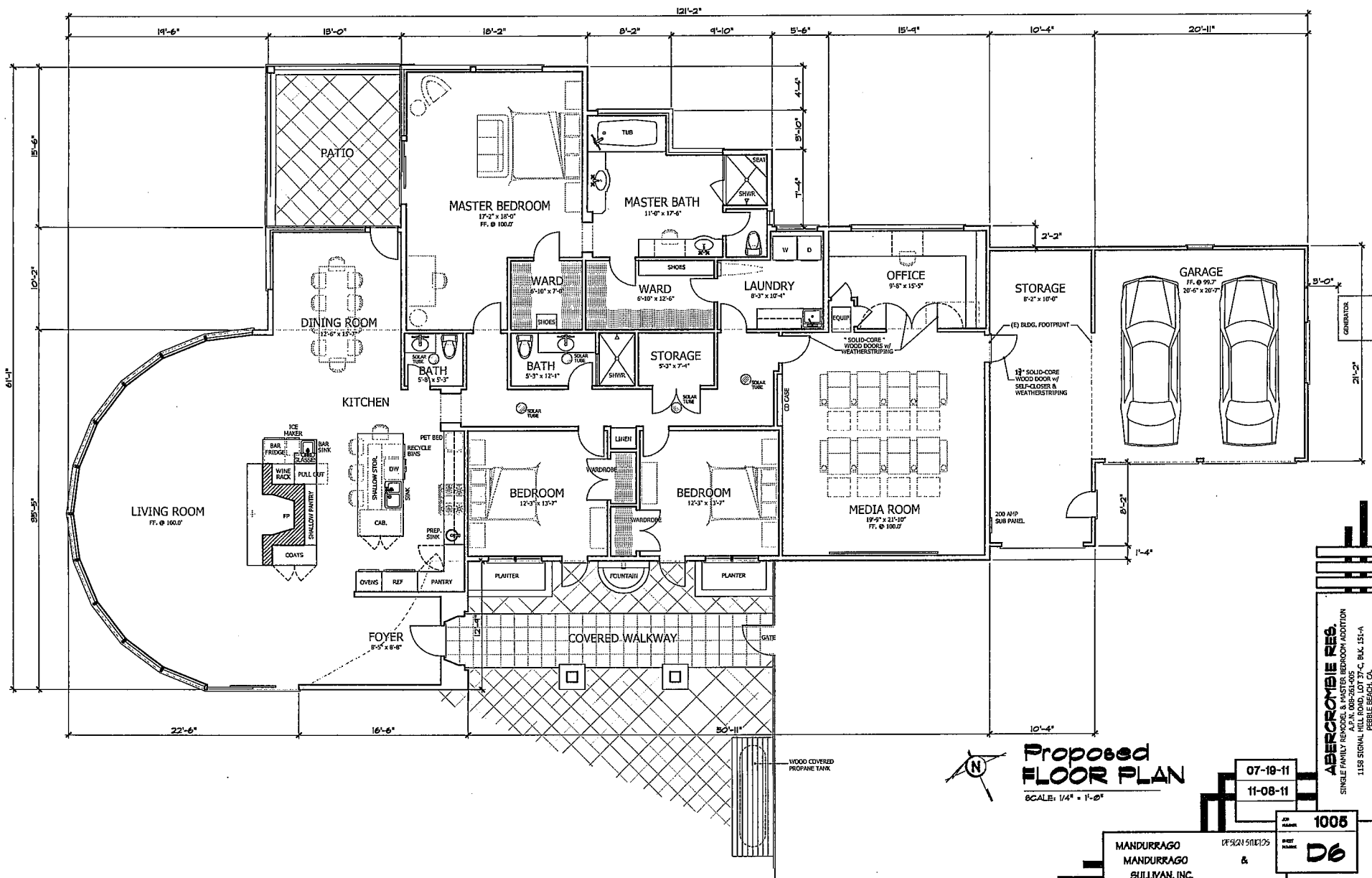
MANDURRAGO
MANDURRAGO
SULLIVAN, INC.

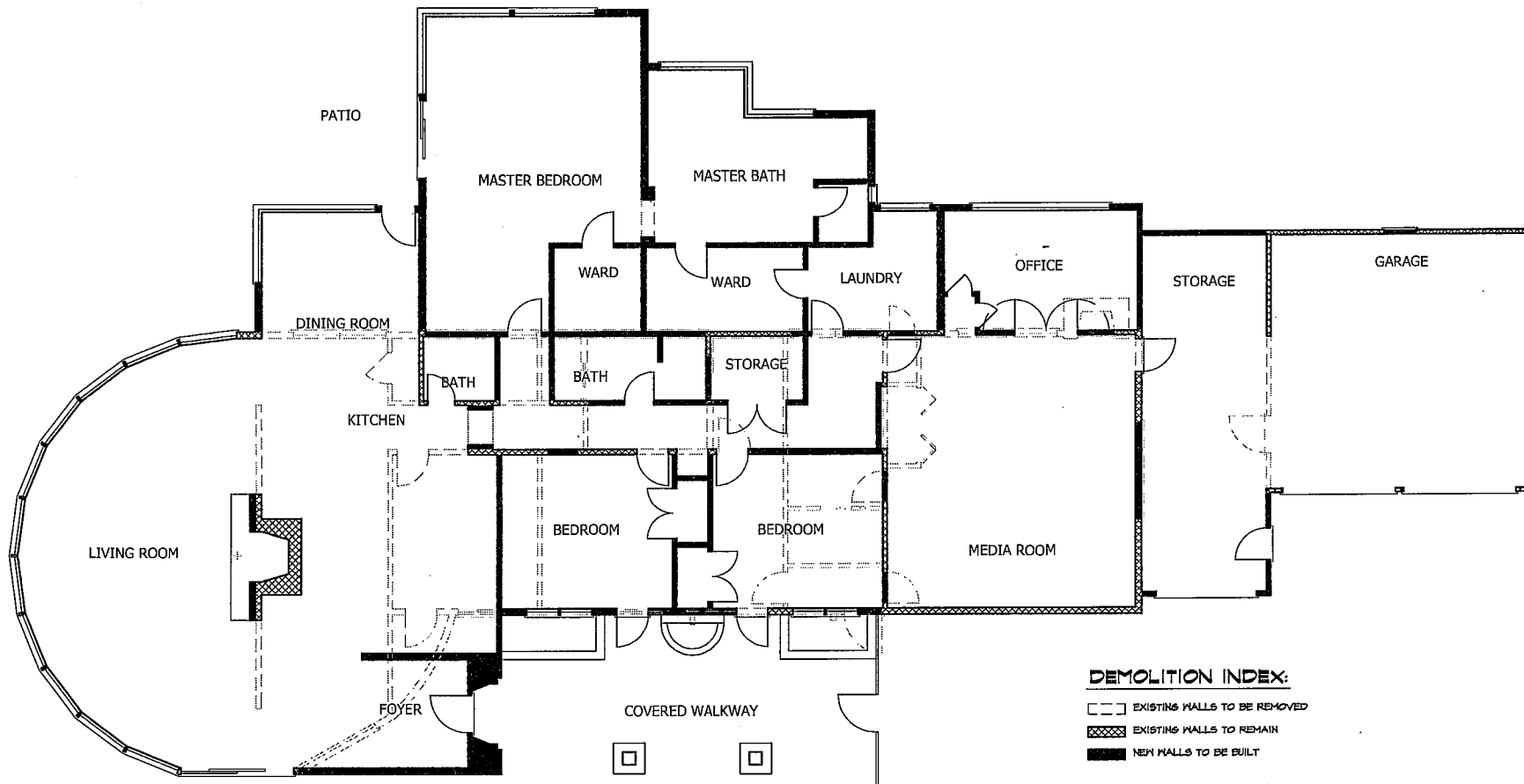
DESIGN STUDIOS
&

07-18-11
11-08-11

1005
D2.1

ABERCROMBIE RES.
SINGLE FAMILY RESHED & MASTER BEDROOM ADDITION
A.P.N. 08B-261-005
1158 SIGNAL HILL ROAD, LOT 27-C, BULK 151-A
PEBBLE BEACH, CA





DEMOLITION INDEX:

- EXISTING WALLS TO BE REMOVED
- EXISTING WALLS TO REMAIN
- NEW WALLS TO BE BUILT

WALL DEMOLITION

97.5% EXISTING EXTERIOR WALLS TO BE REMOVED



DEMOLITION PLAN

SCALE: 1/4" = 1'-0"

MANDURRAGO
MANDURRAGO
GULLIVAN, INC.

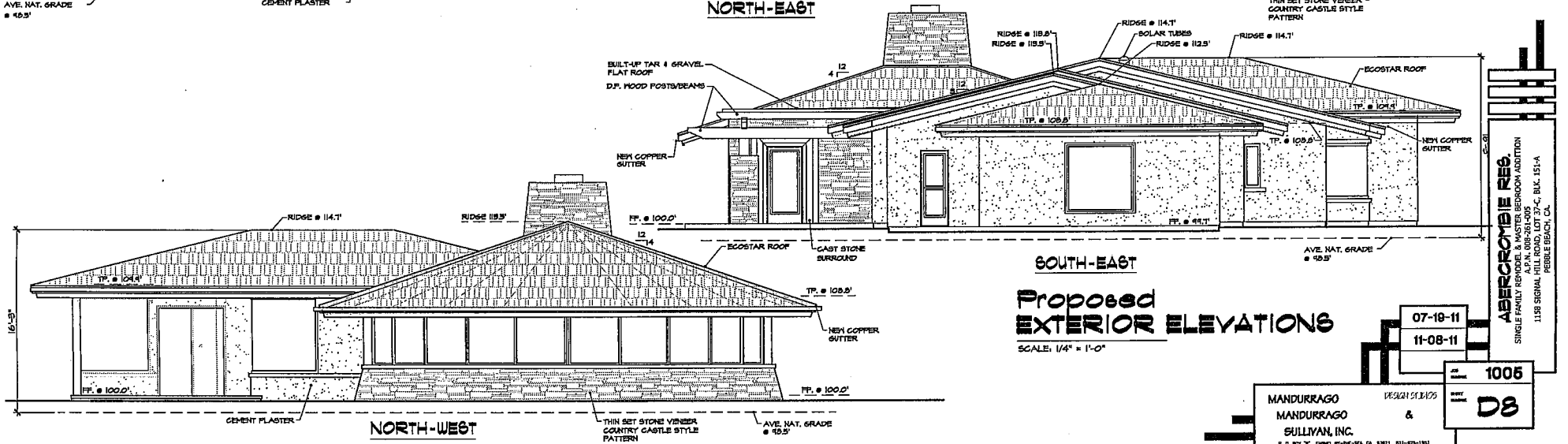
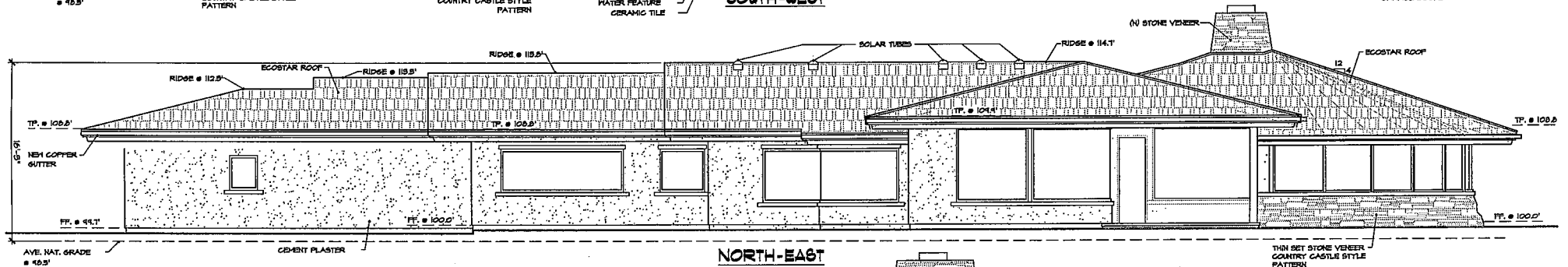
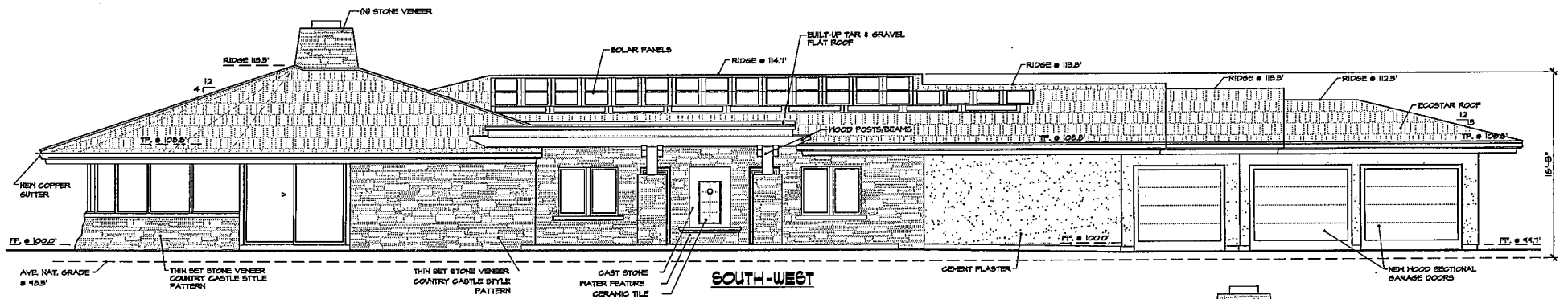
P.O. BOX 700 SAN DIEGO, CA 92111 619-422-1100

VERSION SHEET
&

07-10-11
11-08-11

1005
D7

ABERCROMBIE RES.
SINGLE FAMILY REMODEL & MASTER BEDROOM ADDITION
1155 SIGNAL HILL ROAD, LOT 37-C, BLK. 151-A
PEBBLE BEACH, CA.



Proposed EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"

07-18-11

11-08-11

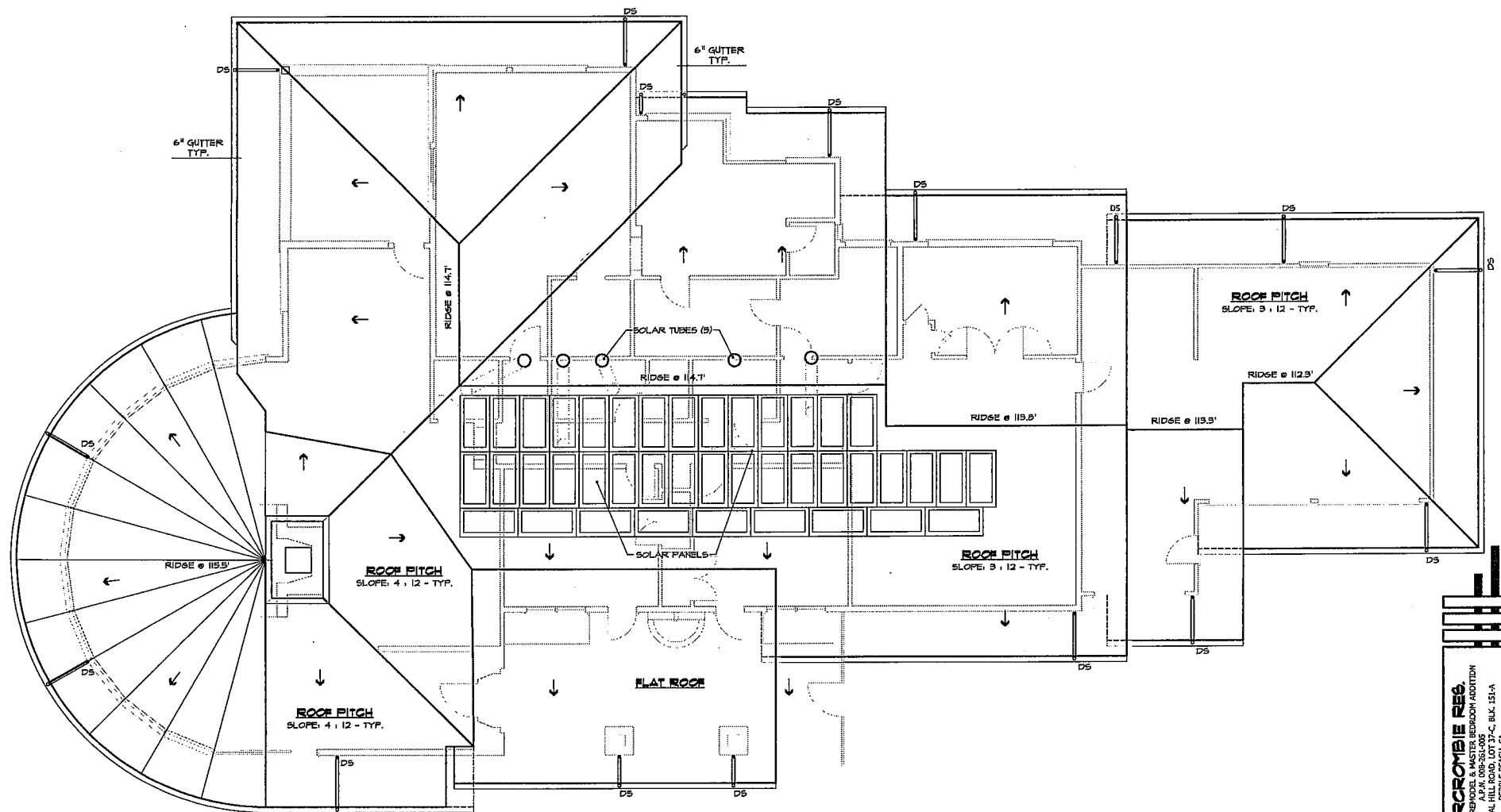
MANDURRAGO
MANDURRAGO
SULLIVAN, INC.

DESIGN SKETCHES
&

ABERCROMBIE RES.
SINGLE FAMILY RESIDENTIAL & MULTI-FAMILY RESIDENTIAL
A.P.N. 008-261-005
1158 SIGNAL HILL ROAD, LOT 37-C, B/LK 151-A
PEBBLE BEACH, CA

1005

D8



**Proposed
ROOF PLAN**
SCALE: 1/4" = 1'-0"

MANDURRAGO
MANDURRAGO
SULLIVAN, INC.
P.O. BOX 1000, CAROL, NY-13612, CA 93121 831-820-1362

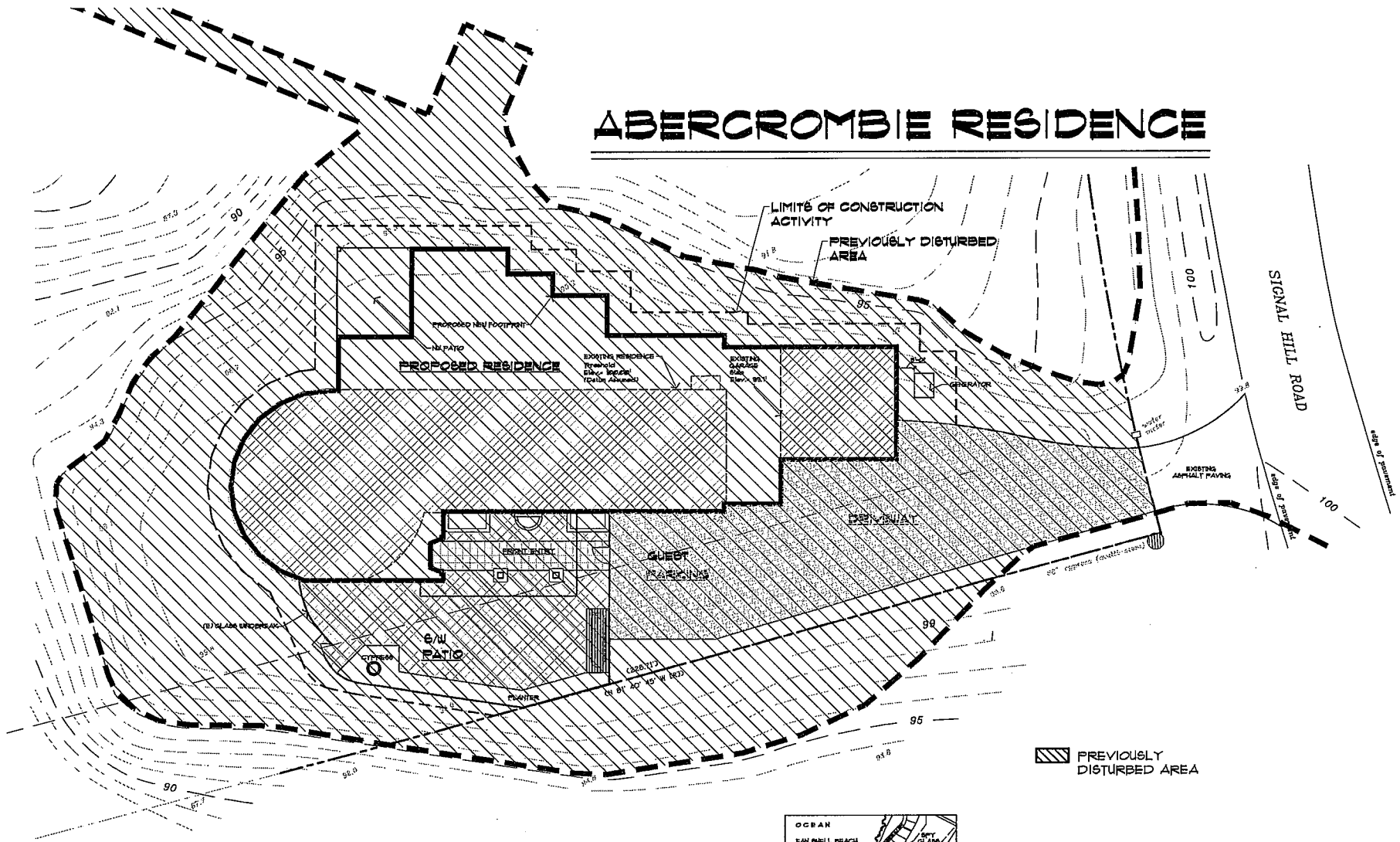
DESIGN STUDIOS
&

07-18-11
11-08-11

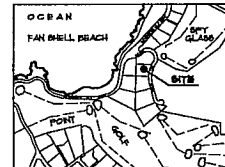
1005
D9

ABERCROMBIE REG.
SINGLE FAMILY RESIDENTIAL & MASTER BEDROOM ADDITION
1159 SIGNAL HILL ROAD, LOT 17-C, BLK. 151-A
PEBBLE BEACH, CA

ABERCROMBIE RESIDENCE



PREVIOUSLY
DISTURBED AREA



VICINITY MAP



FILL DIAGRAM SITE PLAN

SCALE: 1/8" = 1'-0"

MANDURRAGO
MANDURRAGO
SULLIVAN, INC.

P.O. BOX 707 CARPIS, KY-THO-SEA, CA 93711 831-822-1232

DESIGN 5112105

&

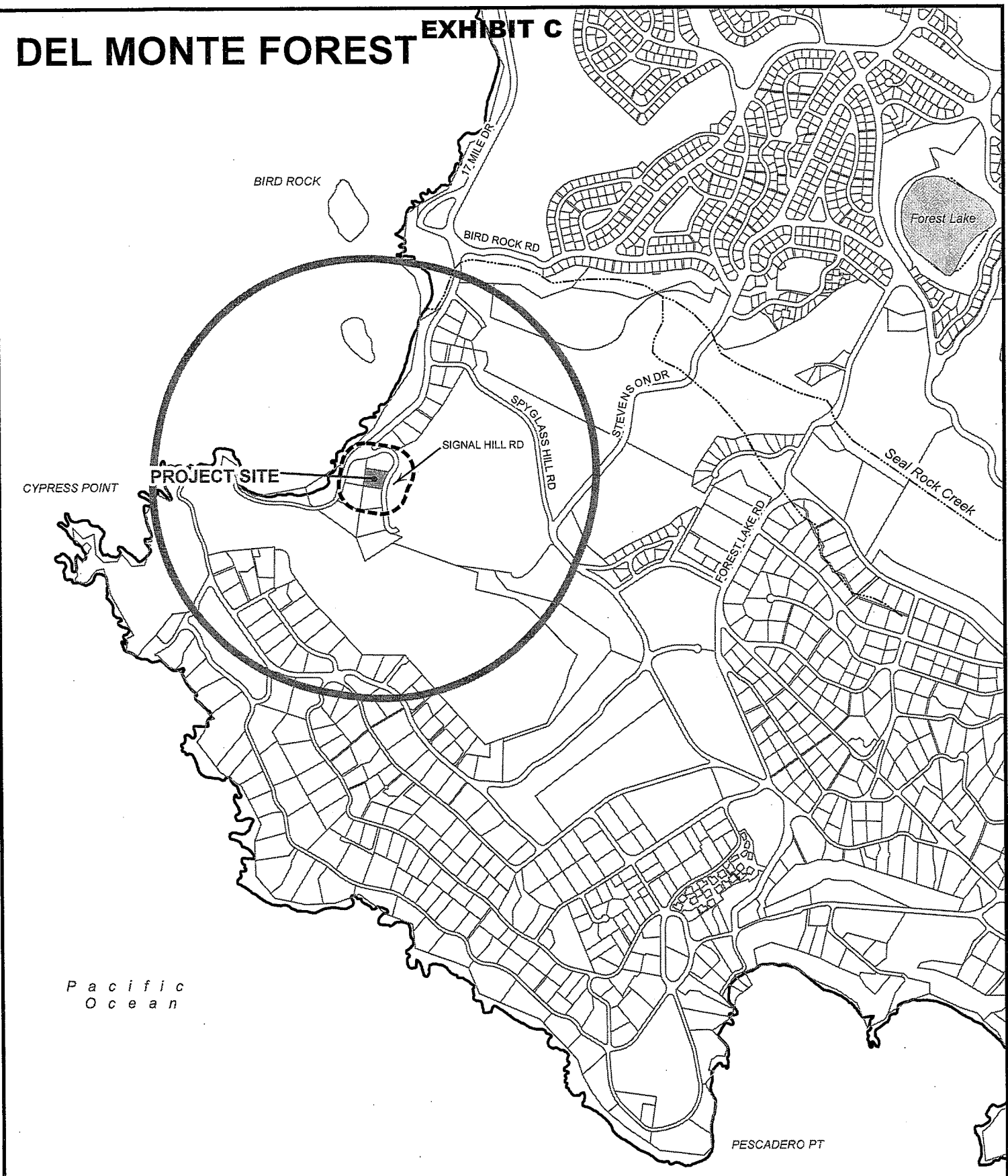
1005
DII

07-18-11
11-08-11

ABERCROMBIE RES.
SINGLE FAMILY RESIDENCE & MASTER BEDROOM ADDITION
11158 SIGNAL HILL ROAD, LOT 37-C, BLK. 151-A
PEBBLE BEACH, CA

DEL MONTE FOREST

EXHIBIT C



APPLICANT: ABERCROMBIE

APN: 008-261-005-000

FILE # PLN100612

Water



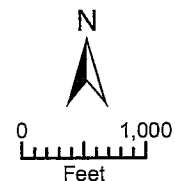
2500' Limit



300' Limit



City Limits



PLANNER: ROBINSON

EXHIBIT D
(Provided on CD and available online)

DEL MONTE FOREST
LAND USE ADVISORY COMMITTEE
MINUTES OF
JANUARY 5, 2012

EXHIBIT D
MINUTES

Del Monte Forest Land Use Advisory Committee
Thursday, January 5, 2012

1. Meeting called to order by DEWAR at 3:00 pm

2. Roll Call

Members Present: ROD L. DEWAR, KIM CANEER, SANDI VERBANEC, JOELLA SZABO, LORI LIETZKE, JUNE STOCK

Members Absent: SANDY GETREU

3. Approval of Minutes:

A. December 1, 2011 minutes

Motion: VERBANEC (LUAC Member's Name)

Second: CANEER (LUAC Member's Name)

Ayes: DEWAR, CANEER, VERBANEC, SZABO, LIETZKE, STOCK

Noes: φ

Absent: GETREU

Abstain: φ

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

NONE

5. **Scheduled Item(s)**

6. **Other Items:**

A) Election of Officers: **NO CHANGE**

LUAC member nominated for Chairperson: _____

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

LUAC member nominated for Secretary: _____

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

C) Announcements

NONE

7. Meeting Adjourned: 3:23 pm

Minutes taken by: LIETZKE

Minutes received via email January 6, 2012

EXHIBIT D
**Action by Land Use Advisory Committee
Project Referral Sheet**

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Del Monte Forest**

Please submit your recommendations for this application by: **January 5, 2012**

Project Title: ABERCROMBIE LEBON G & ABERCROMBIE MARY J

File Number: PLN100612

File Type: PC

Planner: ROBINSON

Location: 1158 SIGNAL HILL RD PEBBLE BEACH

Project Description:

Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow additions to an existing 2,325.8 square foot one-story single family residence with a 449.8 square foot detached garage to include: a 1,513.4 square foot addition (master bedroom suite, media room, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove existing asphalt driveway and replace with permeable pavers, remove existing concrete patio and replace with tile patio and the addition of a fire pit; 2) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 3) Coastal Development Permit to allow Ridgeline Development and 4) Design Approval. The property is located at 1158 Signal Hill Road, Pebble Beach (Assessor's Parcel Number 008-261-005-000), Del Monte Forest area, Coastal zone.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

OWNER: ABERCROMBIE

DESIGNER: MANDURRAGO

Was a County Staff/Representative present at meeting? DELINDA ROBINSON (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
ABERCROMBIE (OWNER) JOHN MANDURRAGO	X	X	PRESENTED PROJECT
STOCK	X		NO OBJECTION

EXHIBIT D
Page 4 of 5

LUAC AREAS OF CONCERN

EXHIBIT D

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

ADDITIONAL LUAC COMMENTS

DEWAR - NOT VISIBLE FROM SOUTH
ONLY REALLY ~~REALLY~~ VISIBLE FROM INTERSECTION

RECOMMENDATION :

Motion by VERBANEC (LUAC Member's Name)

Second by SZABO (LUAC Member's Name)

☒ Support Project as proposed

☐ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: DEWAR, CANEER, SZABO, VERBANEC, LIETZKE ~~REALLY~~

NOES: 4

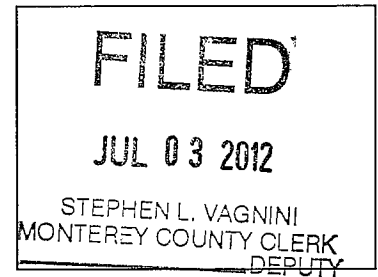
ABSENT: GETREU

ABSTAIN: 4

RECUSE: STOCK

EXHIBIT E

County of Monterey
State of California

MITIGATED NEGATIVE DECLARATION

Project Title:	Abercrombie
File Number:	PLN100612
Owner:	LeBon Abercrombie
Project Location:	1158 Signal Hill Road, Pebble Beach
Primary APN:	008-261-005-000
Project Planner:	Delinda Robinson
Permit Type:	Combined Development Permit
Project Description:	Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow additions to an existing 2,325.8 square foot one-story single family residence with a 449.8 square foot detached garage to include: a 1,513.4 square foot addition (master bedroom suite, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove existing asphalt driveway and replace with permeable pavers, remove existing concrete patio and replace with tile patio and the addition of a fire pit; 2) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 3) Coastal Development Permit to allow Ridgeline Development and 4) Design Approval.

AS MITIGATED 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 Body:	Monterey County Planning Commission
Responsible Agency:	County of Monterey
Review Period Begins:	July 5, 2012
Review Period Ends:	August 3, 2012

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, 2nd Floor, Salinas, CA 93901 (831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

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 (Abercrombie, File Number PLN100612) at 1158 Signal Hill Road, Pebble Beach (APN 008-261-005-000) (see description below). The project does not involve the burning of municipal wastes, hazardous waste, or refuse-derived fuel or is on a list enumerated under Section 65962.5 of the Government Code.

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, 2nd Floor, Salinas, California,. The Mitigated Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link:

<http://www.co.monterey.ca.us/planning/docs/environmental/circulating.htm>.

The Monterey County Planning Commission will consider this proposal at a meeting on August 8, 2012 at 9:00 a.m. 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 5, 2012 through August 3, 2012. Comments can also be made during the public hearing.

Project Description: Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow additions to an existing 2,325.8 square foot one-story single family residence with a 449.8 square foot detached garage to include: a 1,513.4 square foot addition (master bedroom suite, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove existing asphalt driveway and replace with permeable pavers, remove existing concrete patio and replace with tile patio and the addition of a fire pit; 2) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 3) Coastal Development Permit to allow Ridgeline Development and 4) 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@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.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being 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 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, 2nd Floor
Salinas, CA 93901

Re: Abercrombie; File Number PLN100612

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

____ No Comments provided
____ Comments noted below
____ Comments provided in separate letter

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. California Coastal Commission
4. California Department of Fish and Game, Region 4; Attn: Brandon Sanderson
5. Association of Monterey Bay Area Governments
6. Monterey Bay Unified Air Pollution Control District
7. California American Water Company
8. Pebble Beach Community Services District (Attn: Bo Lee, Fire Protection)
9. Pebble Beach Company, Architectural Review Services; Attn: Margaret Leighton
10. Monterey County Water Resources Agency
11. Monterey County Public Works Department
12. Monterey County Parks Department
13. Monterey County Environmental Health Bureau
14. LeBon Abercrombie, Owner
15. Maureen Wruck, Agent
16. John Bridges, Attorney
17. The Open Monterey Project
18. LandWatch
19. Property Owners within 300 feet (Notice of Intent only)

Revised 02-02-2012

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

I. BACKGROUND INFORMATION

Project Title: Abercrombie

File No.: PLN100612

Project Location: 1158 Signal Hill Road, Pebble Beach

Name of Property Owner: LeBon Abercrombie

Name of Applicant: LeBon Abercrombie

Assessor's Parcel Number(s): 008-261-005-000

Acreage of Property: 1.17 acre

General Plan Designation: Residential, 1 unit/1.5 acres

Zoning District: LDR/1.5-D(CZ)

Lead Agency: Monterey County

Prepared By: Delinda Robinson

Date Prepared: July 2, 2012

Contact Person: Delinda Robinson

Phone Number: (831) 755-5198

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

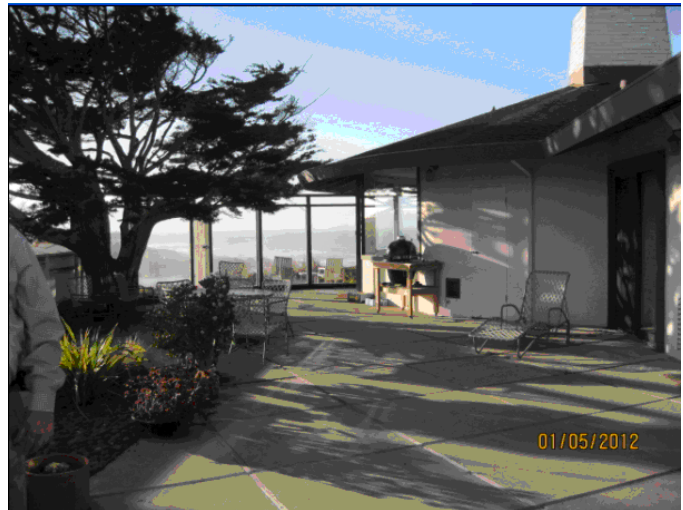
The project consists of the remodel and construction of additions to an existing 2,325.8 square foot one-story single family residence with a 449.8 square foot detached garage to include: a 1,513.4 square foot addition (master bedroom suite, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove existing asphalt driveway and replace with permeable pavers, remove existing concrete patio and replace with tile patio and the addition of a fire pit. Approximately 38 percent of the exterior walls of the existing residence will be demolished as part of the project. The existing detached garage is located 10 feet from the residence; the addition will result in the house being attached to the garage by a storage area. No trees are proposed for removal.



The existing detached garage is located 10 feet from the residence; the addition will result in the house being attached to the garage by a storage area. No trees are proposed for removal.

No grading is proposed for the project other than the removal of existing hardscape and excavation required for the foundation. The existing 2,295.5 square foot asphalt driveway will be removed and replaced with a new 2,089.5 square foot driveway

and guest parking area that will be a permeable system of concrete cobble pavers set in sand. The existing 789.9 square foot concrete patio on the south side of the house will be removed and replaced with a new 888.4 square foot patio made of natural stone tile set in concrete. An existing 541 square foot concrete walkway on the south side of the house will be removed for the construction of the new addition. To avoid disturbance to the slope adjacent to the addition, the foundation for the proposed building addition will be either a cast-in-place concrete pier and grade beam foundation or a CHANCE® type helical anchor foundation bearing entirely into the dense underlying bedrock. A new drainage system will include a new infiltration pit under the driveway to allow percolation of rainwater from the roof and patios.



The subject property is located within the Coastal Zone and the project will require four (4) entitlements. The project is a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow additions to the existing single-family residence and associated site improvements; 2) a Coastal Development Permit to allow development within 100 feet of

EXHIBIT E

environmentally sensitive habitat; 3) a Coastal Development Permit to allow Ridgeline Development; and 4) Design Approval.

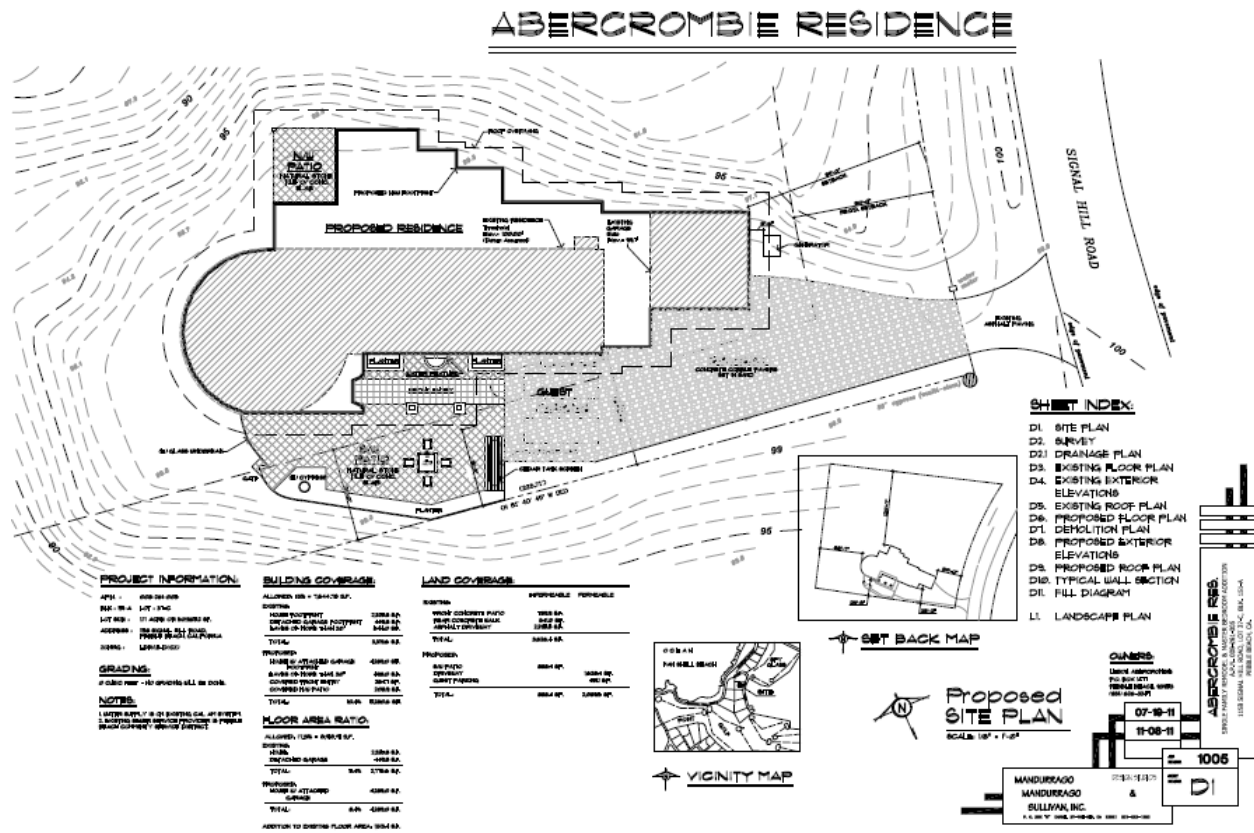


Figure 1: Proposed site plan

Environmentally Sensitive Habitat

Section 20.14.030.E of the Monterey County Zoning Ordinance (Title 20) requires a Coastal Development Permit for development within 100 feet of mapped or field identified environmentally sensitive habitat.



The project site is located on a remnant of the indigenous coastal sand dunes, which are identified in the Del Monte Forest Area Land Use Plan (LUP) as environmentally sensitive habitat; therefore, a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat is required for this project. LUP Policy 14

requires that development near environmentally sensitive habitat areas (ESHA) be restricted to

EXHIBIT E

the minimum amount necessary to accommodate reasonable development. In this case, the applicant has submitted documentation to show that the addition will be constructed entirely within the existing pad that was created when the site was originally developed and in areas that are currently developed with structures or hardscape. (Source IX. 22) Although identified as ESHA, the undeveloped portion of the project site has been heavily colonized by iceplant (*Carpobrotus* spp.). European beach grass is also present, particularly in the open sand areas adjacent to the existing residence. Both of these non-native species are recognized as being aggressive invasives. According to the biology reports prepared for the project, iceplant on the site is outcompeting native dune species for light, moisture and space. As part of the project, the applicant has submitted a dune restoration plan that includes eradication of the non-natives on the site and will restore native coastal strand and dune scrub vegetation and wildlife habitat values on the approximate 0.99 acre undeveloped portion of the site. (Source IX. 16, 17, 18, 19, 20)

In addition, the applicant will be required to place the ESHA on the property in Conservation and Scenic Easement to the Del Monte Forest Foundation in accordance with LUP Policy 13. See Section VI.4 for further discussion.

Ridgeline Development

Monterey County Zoning Ordinance Section 20.66.010 requires a Coastal Development Permit for ridgeline development, which is defined as “development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area”. In the LUP, the public viewshed includes “all areas visible from major public use areas.” 17-Mile Drive is identified in LUP as an important visitor destination and as such, is considered to be a major public use area. The existing residence is located off of Signal Hill Road, on a promontory about 70 feet above and 300 feet from 17-Mile Drive and is visible as ridgeline development from points both north and south of the site on 17-Mile Drive. The proposed addition on the southern side of the existing residence will increase the size of the silhouette of the residence; therefore a Coastal Development Permit to allow ridgeline development is required.

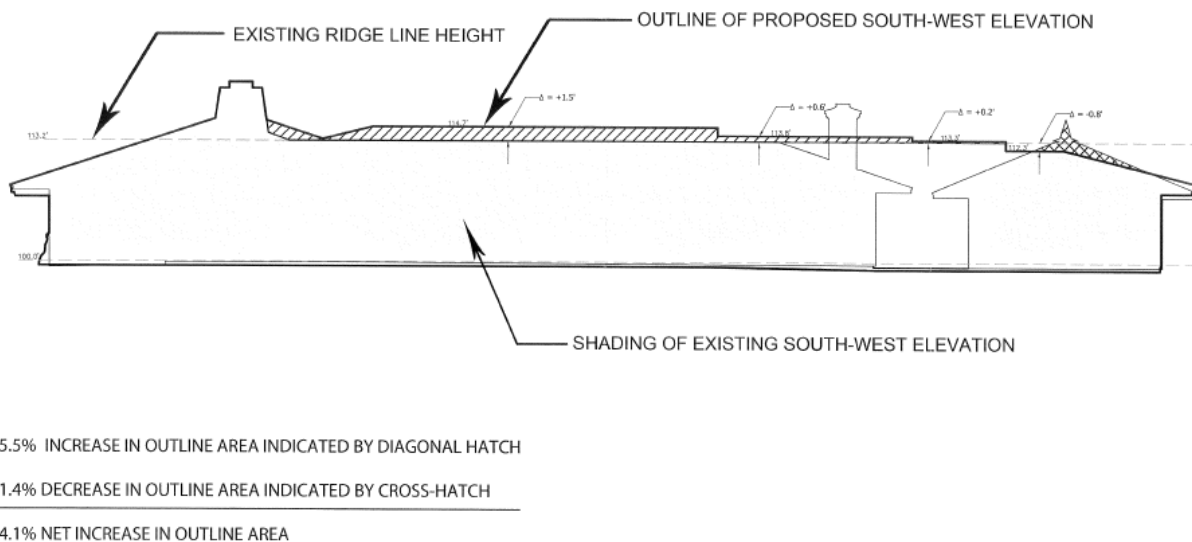


Figure 2: Southwest Elevation Silhouette (Source: IX.23)

EXHIBIT E

As part of the project, the existing roof on all but the half-round shaped living room on the westerly portion of the house will be replaced. The existing residence includes a hipped, dark colored shingle roof, pitched at 4-in-12 over the main section of the house with the ridge at 113.2 feet. The living room is a half-round shape on the west end, also with a 4-in-12-shingle roof and a ridge height of 115.5 feet. The pitch of the existing detached garage roof is 5:12 with a ridge height of 113.5 feet. In order to keep the roofline as low as possible and to minimize the visual impact of the project, the new roof will have a 3:12 pitch and the ridgelines will step down in 5 steps from 115.5 feet on the far west to 112.3 on the east. The roof-mounted photovoltaic system will cover approximately 550 square feet of the southward facing roof. See **Section VI.1** for further discussion.

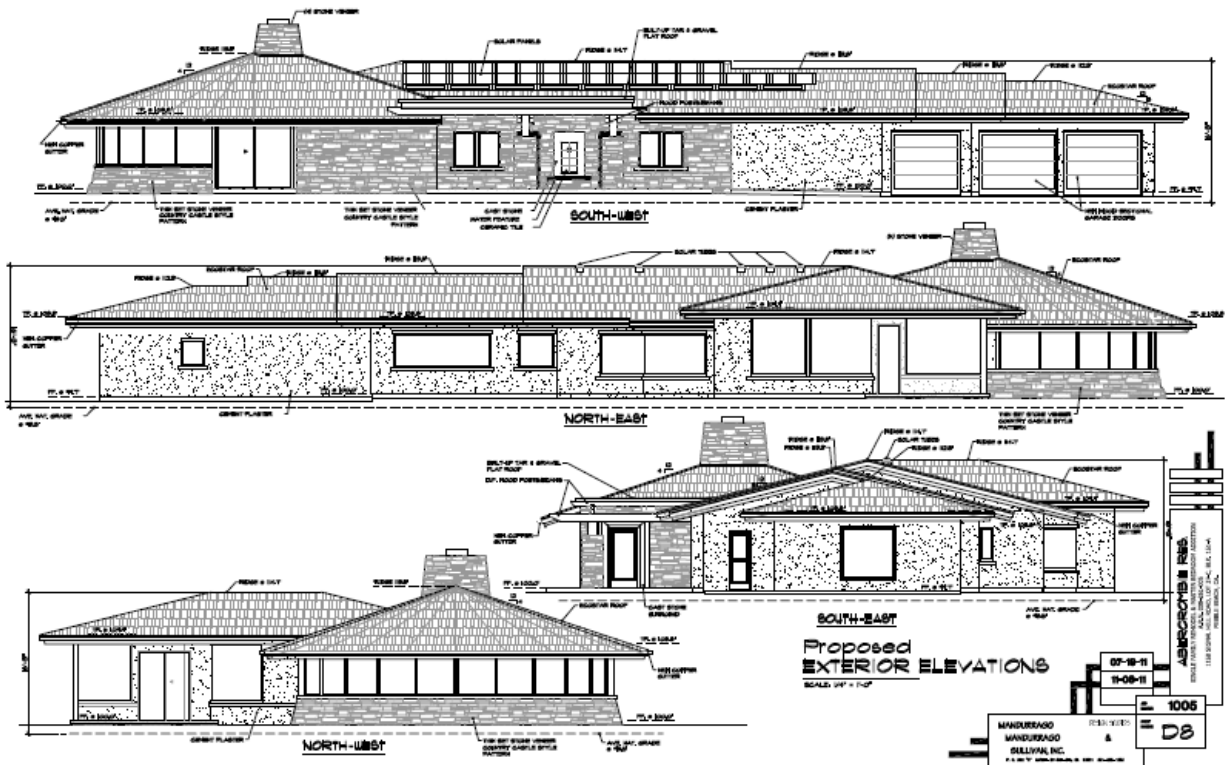


Figure 3: Proposed Elevations

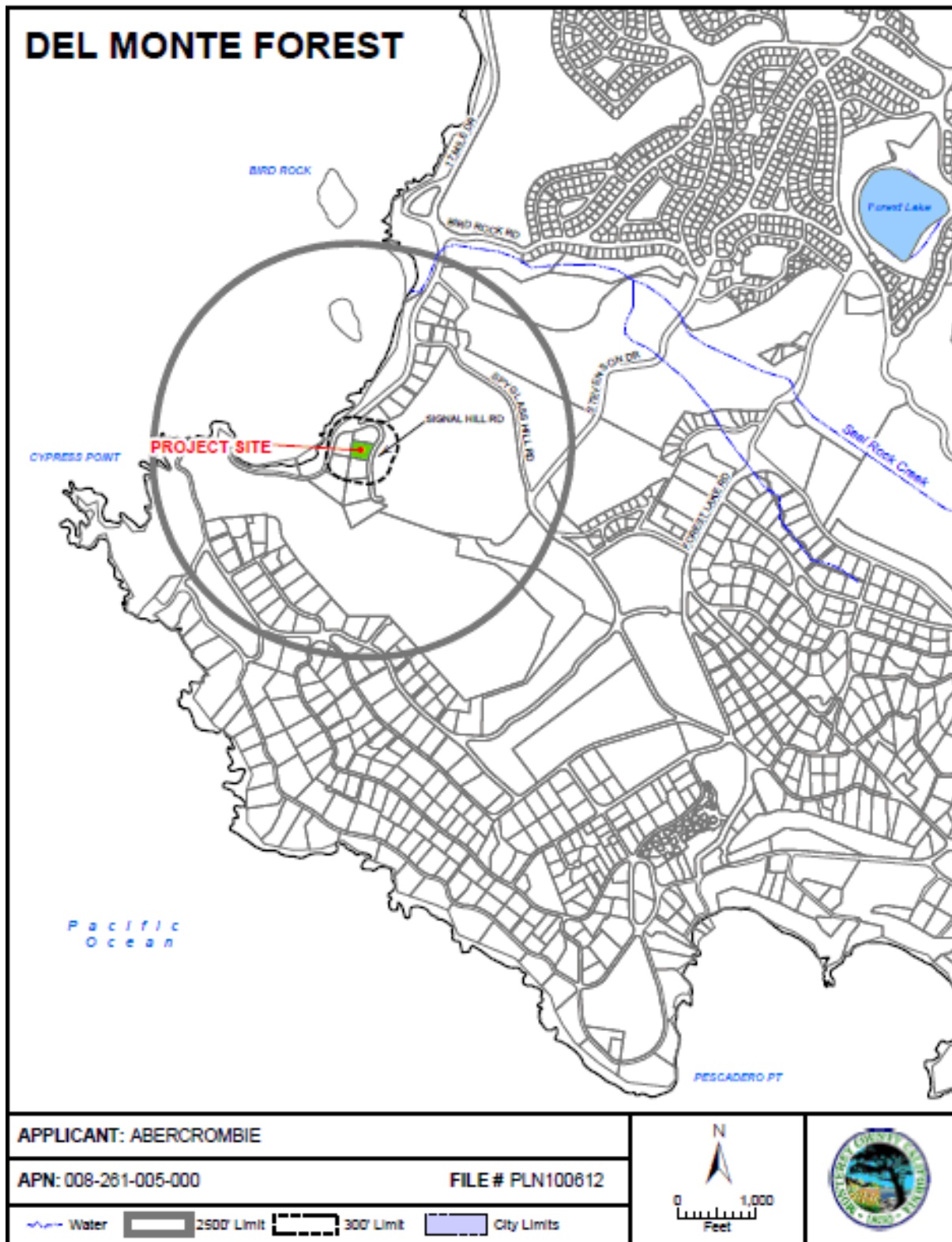


Figure 4: Vicinity Map

B. Surrounding Land Uses and Environmental Setting:

The project site is a 1.17-acre parcel located at 1158 Signal Hill Road within the Pebble Beach Planning Area of the Del Monte Forest, Monterey County, California. Surrounding land uses include residential development to the north, south and west and the southwestern end of the Spyglass Hill Golf Course property across Signal Hill Road to the east. The residential properties are zoned Low Density Residential, 2 acres per unit in the Coastal Zone. The site sits



approximately 100 feet above sea level and has a sweeping view of the Pacific Ocean to the north and west, with Fanshell Beach visible to the west and Seal Rock to the north. The site consists of rolling sand dunes with the residence located on a flat pad on the southerly portion of the site. Northerly from the pad, the site slopes down toward 17-Mile Drive

through sandy dune terraces and swales, with an elevation change of about 25 feet between the high point on the southern side and the low point on the northwest corner of the property.

The site is located on a remnant of the Asilomar Dunes complex that is protected as ESHA by the policies of the Del Monte Forest Land Use Plan. Soils on the site are unconsolidated sand dune deposits and undocumented fill material composed of reworked dune sand over granitic basement rocks. Two mature Monterey cypress trees are growing near the house and according to the project biologist, appear to have been planted as landscape elements. Most of the undeveloped portion of the site has been heavily colonized by iceplant (*Carpobrotus* spp.) but there are also areas of sparsely vegetated open sand and coastal dune scrub. Two special status species have been identified on the site: the federally endangered Tidestrom's lupine (*Lupinus tidestromii*) and Black legless lizards (*Anniella pulchra nigra*), a California species of special concern.

The Pebble Beach Community Services District provides sewer service to the property and the California-American (Cal-Am) Water Company provides water service to the existing residence. (Source IX 1, 7).

C. Other public agencies whose approval is required:

1. Construction permits will be required by the Monterey County RMA-Building Services Department.

EXHIBIT E

2. If it should be necessary to handle Black legless lizards, a permit from California Department of Fish and Game is required.

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

General Plan / Local Coastal Program-LUP

The proposed project was reviewed for consistency with 1982 General Plan, the Del Monte Forest Land Use Plan (LUP), the Monterey County Coastal Implementation Plan Part 5 and the Monterey County Zoning Ordinance (Title 20). The additions and remodel are accessory to the residential use of the property. The property is located within a Low Density Residential district, which allows for the proposed use subject to the entitlements listed in Section I above. Potential impacts were identified during staff review and are further discussed in Section VI. **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 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. 1, 5). The project is located on a developed residential lot and will not result in an increase in population.

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 construction of additions to the existing single family residence will not contribute to an increase in 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**

Water Quality Control Plan. Monterey County is included in the Central Coast Regional Water Quality Control Board – Region 3 (CCRWCB). The CCRWCB regulates the sources of water quality related problems that could result in actual or potential impairment or degradation of beneficial uses or degradation of water quality. The proposed project will offset the increase in

EXHIBIT E

structural impervious surfaces by replacing approximately 2,090 square feet of existing asphalt driveway with pervious pavers, thereby reducing the amount of on-site impervious surfaces, and does not include land uses that introduce new sources of pollution. Therefore, the project will not contribute runoff that will exceed the capacity of stormwater drainage systems or provide substantial additional sources of polluted runoff. The proposed project will not result in water quality impacts or be inconsistent with the objectives of this plan. **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED 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.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

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:

2. Agricultural and Forest Resources: The subject property is located within an established residential neighborhood and is zoned for residential use. There are no agricultural uses on or within the vicinity of the property and the property is not under a Williamson Act Contract. Furthermore, according to the California Department of Conservation Farmland Mapping and Monitoring Program, the site has not been mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and falls within the classification of Urban Built-Up Land. Therefore, the project will have no impact on agricultural resources. The project site is zoned for residential use and harvesting of timber is not allowed in this zoning district. The trees on the site are Monterey cypress, a protected species that could not be harvested as timber per the land use plan policies. No tree removal is proposed as part of the project. Thus, the project will have no impact on forest resources.

3. Air Quality: The project area is located within the North Central Coast Air Basin and is subject to the jurisdictional regulations of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and, to a lesser extent, the California Air Resources Board. The proposed project involves additions to an existing single family residence with a detached garage to include: a 1,513.4 square foot addition (master bedroom suite, laundry room, office and storage), a 284.7 square foot covered front entry, a 208.9 square foot covered patio, a new roof, the installation of a roof-mounted photovoltaic system, remove existing asphalt driveway and replace with permeable pavers, remove existing concrete patio and replace with tile patio and the addition of a fire pit; on a lot that is developed with a single family residence in a residential area. No grading is proposed for the project other than the removal of existing hardscape and excavation required for the foundation. The nearest structure to the project site is a residence approximately 50 feet to the south. It is anticipated that particulate matter (PM₁₀) would be the primary air pollutant resulting from project construction activities. The project would only result in a significant air quality impact if direct emissions of more than 82 pounds/day (lbs/day) of PM₁₀ were to occur. Construction activities would involve relatively small crews for a small residential project, and would involve limited construction equipment; therefore, the project is not anticipated to emit more than 82 lbs/day of PM₁₀. The project will also not disturb more than 8.1 acres per day, the threshold established by the MBUAPCD above which the project could have a significant impact for PM₁₀. Disturbed areas would be watered or treated with an appropriate dust palliative; therefore, fugitive dust emissions would be limited and impacts from PM₁₀ resulting from fugitive dust emissions are not anticipated. After completion of construction activities, the project will not create any air emissions beyond those associated with normal residential uses. The nearest school to the project site is the Robert Louis Stevenson School, which is located approximately 2/3 mile east of the project. Because of the significant distance between the school and the project site, it is not anticipated that the project would impact this sensitive receptor. The two nearest residences could be impacted by PM₁₀ (dust) impacts during construction activities. However, the dust effects would be localized and limited because there would be a small amount of daily ground disturbance and construction activities associated with the project. Operation of construction vehicles could generate airborne odors (e.g., diesel exhaust); however, such emissions would be localized to the immediate area under construction and would be short in duration. Therefore, the project would not conflict with or

obstruct the implementation of the applicable Air Quality Management Plan (identified above in Section III), would not violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment, would not expose sensitive receptors to substantial pollutant concentrations, nor create objectionable odors affecting a substantial number of people (Source: IX. 1, 5, 6). The proposed project will not increase the population of the area nor generate additional vehicle trips. Construction related air quality impacts would be temporary in nature and controlled by standard Conditions of Approval that require watering, erosion control and dust control measures. There would be no impacts to Air Quality.

8. Hazards/Hazardous Materials

The project includes additions and modifications to an existing single family residence consisting of: a 1,513.4 square foot addition to the residence, the addition of a covered front entry, a covered patio, a new roof, the installation of a roof-mounted photovoltaic system, the replacement of an existing asphalt driveway with permeable pavers and the addition of a fire pit. The project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a residence, the project does not involve the transport, use, or disposal of hazardous materials other than those found within a typical residence. The project does not involve the demolition of structures where there is the potential for the release of asbestos. The nearest school is Robert Louis Stevenson School, which is approximately 2/3 mile from the project site. Construction activities will not release hazardous materials, substances, or waste within one-quarter of an existing school. The standard Planning Department condition of approval requiring compliance with Monterey Bay Unified Air Pollution Control District standards for demolition and deconstruction has been applied to the project. The project is not located within airport land use plan or within two miles of a public airport, public use airport or private airstrip; therefore the project will not result in a safety hazard for people residing or working in the project area. The project will not physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site is within a high fire hazard area and within a State Responsibility Area; however, the project, as proposed, does not increase the hazards associated with development in a high fire hazard area. The project has been conditioned by the Pebble Beach Community Services District with standard conditions of approval, including a condition requiring Class A roofing and a condition requiring that the residence be fully protected by an automatic sprinkler system. Therefore, there will be no impacts from Hazards/Hazardous Materials.

9. Hydrology/Water Quality

The residential addition and driveway replacement will not violate any waste discharge requirements, deplete groundwater supplies or alter an existing drainage pattern. The existing residential use on the property is connected to a public water system and a public sewer system and the 1,513.4 square foot addition is not expected to result in a significant increase in potable water use or wastewater generation. The project will result in the addition of the addition of 5.5 fixture units (0.055 acre-feet of water), which the property owners have purchased from the Pebble Beach Company. Standard erosion control measures will be placed on the project to reduce any potential run-off associated with the proposed project. There are no streams or rivers located on the project site. Based upon the FEMA Flood Insurance Rate Map, the property is not

located in a Special Flood Hazard Area. It is located in Zone X (shaded), as shown on FEMA Flood Insurance Rate Map 06053C-0305G, effective date April 2, 2009. There are no levees, dams, or other water detention facilities upstream of the project site capable of causing flooding on the site. The project site is located near the coast but the proposed project area is not within a tsunami inundation area according to the California Department of Conservation Tsunami Inundation Map for Emergency Planning, Monterey Quadrangle. There are no bodies of water in the vicinity of the project large enough to produce a seiche. Therefore, there will be no impact to hydrology or water quality. **(Source IX. 1, 2, 10)**

11. Mineral Resources

Based on review of maps in the Monterey County 1982 General Plan, the Del Monte Forest Land Use Plan, SMARA Designation Report No. 7 and the California Department of Conservation Division of Mines and Geology Mineral Land Classification maps for Monterey County, the subject property is not located in an area where mineral resources are known to exist nor have any mineral resources been identified on the site. Therefore, the project will not result in the loss of availability of a known mineral resource that is of value to the region and the residents of the state nor will it result in the loss of availability of a locally-important mineral resource recovery site as delineated in the Monterey County General Plan or the Del Monte Forest Land Use Plan. Therefore, the project will have no impact to mineral resources. **(Source: IX 1, 2, 3, 7)**

12. Noise

The closest sensitive receptors (residences) are located on Signal Hill approximately 45 feet to the south and approximately 40 feet to the west, as measured from the nearest property line to the neighboring structure. Noise generated from the property will not be more than what is associated with a typical residential use; therefore, there will be no substantial increase in ambient noise above existing levels. Construction activities may generate noise and vibrations; therefore, there could be a periodic increase in ambient noise levels in the project vicinity during construction. However, noise levels are not expected to expose people to or generate of noise levels in excess of standards established in the 1982 General Plan or Monterey County Code Chapter 10.60. Some groundborne vibrations and groundborne noise levels may be associated with the grading activities proposed. With the nearest offsite residence more than 40 feet away, exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels is not expected. The project is not located within airport land use plan or within two miles of a public airport, public use airport or private airstrip; therefore the project will not result in excessive noise levels for people residing or working in the project area. Therefore, there will be no impact to noise. **(Source IX 1, 2, 6, 7, 8)**

13. Population/Housing

The proposed project consists of the construction of additions to an existing residence and site improvements on an existing residential parcel that is developed with a single family residence. The project would not induce substantial population in the area, either directly through the construction of the structures within a residential area or indirectly, as no new infrastructure would be extended to the site. The project is associated with the existing use of a developed lot. There are no plans for additional housing or for demolition of any housing. 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. Therefore, the project will have no impact on population or housing. **(Source: IX. 1, 2, 3)**

14. Public Services

The proposed project involves the construction of additions to an existing residence and site improvements on an existing residential parcel, which would continue to be served by existing services and utilities. Water service is provided by California American Water Company and wastewater service is provided by the Pebble Beach Community Services District (PBCSD) and the Carmel Area Wastewater District. Emergency response is provided by PBCSD (fire) and the Monterey County Sheriff's Department. The project will result in the addition of the addition of 5.5 fixture units (0.055 acre-feet of water), which the property owners have purchased from the Pebble Beach Company. The project would have no measurable effect on existing public services in that the project will not result in an intensification of the residential use on the property nor will it require expansion of any services to serve the project. County Departments and service providers reviewed the project application and did not identify any impacts **(Source: IX. 1, 7)**. Therefore, there will be no impacts on public services.

15. Recreation

The proposed project consists of the construction of additions to an existing residence and site improvements on an existing residential parcel that is developed with a single family residence. Due to the small scale of the project, it would not result in an increase in use of existing recreational facilities causing substantial physical deterioration. Parks, trail easements, or other recreational opportunities would not be adversely impacted by the proposed project. The project would not create significant recreational demands, and would not result in impacts to Recreation. The project does not include recreational facilities, nor does it require the construction or expansion of recreational facilities, nor does it require the construction or expansion of recreational facilities that might have an adverse effect on the environment. Therefore, there will be no impact on recreation **(Source: IX. 1, 2, 3, 6, 7)**.

16. Transportation/Traffic

The project is located on Signal Hill Road in Pebble Beach and is accessed from an existing asphalt driveway. The project includes additions to an existing single-family residence and associated site improvements including the replacement of the existing asphalt driveway with permeable pavers. The proposed project is consistent with the Del Monte Forest Land Use Plan circulation policies and the 2010 Regional Transportation Plan for Monterey County because no intensification of use or access is proposed. The project is not located within airport land use plan or within two miles of a public airport or public use airport; therefore the project will not result in a change of air traffic patterns. The driveway replacement is replacing an existing driveway; therefore, the project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, there will be no impact to transportation or traffic. **(Source IX 1, 3, 6, 7)**

17. Utilities/Service Systems

EXHIBIT E

The proposed project involves the construction of additions to an existing single-family residence on a developed, residential lot that will not cause a change in water use or wastewater flow from the property. Although 5.5 new fixture units are proposed, the project will not result in the addition of bedrooms to the residence and the project is not expected to result in significant additional water use (Source IX. 1). The plans submitted for the project indicate that the home contains a master bedroom, a bedroom and an office however, the Assessor's record and the Monterey Peninsula Management District audit both recognize the home as a three-bedroom residence. The project will result in a three-bedroom home. The project will not exceed wastewater treatment capacity nor create sufficient demand to warrant construction of new wastewater treatment facilities. The Carmel Area Wastewater District (CAWD) treatment facility has a capacity of three million gallons per day, and currently operates at approximately 67% of capacity. Moreover, the Pebble Beach Community Services District (PBCSD) retains rights to one-third of the CAWD treatment facility capacity (or one million gallons per day), and currently uses approximately 50% of that capacity. Similarly, the amount of solid waste generated by the proposed project would not impact the area's solid waste facilities. Utilities such as electricity and phone service are already in place and the construction of the proposed remodel and addition would not create a sufficient demand to warrant the expansion of the current infrastructure (**Source: IX. 1**). Therefore, there will be no impact on utilities or service systems.

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 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

EXHIBIT E

(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.

Delinda G. Robinson
Signature

July 3, 2012
Date

Delinda G. Robinson
Senior 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 determined 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.
- 4) "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 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:

EXHIBIT E

- 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.
- 6) 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.

EXHIBIT E

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3,4, 6, 7, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 2, 3, 6, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Aesthetics 1 (a) and (c): Less than Significant

The project site is located on Signal Hill Road, above and on the east side of 17-Mile Drive and is identified on the LUP Visual Resources Map (Figure 3) as part of the view area from 17-Mile Drive. Although the site is part of the view area from 17-Mile Drive, the coast and views to the sea are the views that are most significant. The existing viewshed includes residential development on Signal Hill Road and the east side of 17-Mile Drive. Landforms all along 17-Mile Drive slope upward from the coast, and many of the existing residences in the area are visible as ridgeline development, as defined in Title 20. The existing residence, which is located on a sandy ridge that overlooks the ocean and 17-Mile Drive, is prominently visible as ridgeline development from points both to the north and south on 17-Mile Drive. The most distinctive feature of the existing residence is the half-round living room on the west end that faces the ocean has windows all around. The highest point on the existing residence is over the living room at 115.5 feet. The ridgeline on the main portion of the house, which extends eastward from the living room, is lower at 113.2 feet and the detached garage ridgeline is at 113.5 feet.

The proposed project includes a 1,513.4 square foot single-story addition located primarily on the south side of the residence and will not extend further to the east or west than the existing residence. As part of the project, all but the roof over the living room will be replaced. In order to minimize site disturbance and hence disturbance to adjacent environmentally sensitive dune habitat, the finished floor level of the proposed addition will be the same as the existing residence. As discussed in **Section II.A**, the existing house roof is pitched at 4-in-12 and the garage roof at 5-in-12. In order to minimize the visual impact of the project and to keep the addition at the minimum height possible, the new roof will have a 3-in-1 pitch and will be stepped down in 5 steps from the existing high point over the living room to a new low over the garage at 112.3 feet. The result will be that the ridgeline over the main portion of the addition

will be ½ foot to 1.5 feet taller than the existing main portion of the residence but at the eastern end over the garage, the ridgeline will be a little over 1 foot shorter than the existing. The Visual Study and Analysis prepared for the project concludes that the construction of the addition will result in a 4.1 percent increase in the silhouette of the residence. However, when considering the viewshed from 17-Mile Drive as a whole, this increase will not have a significant impact on the existing scenic vista nor will it substantially degrade the existing visual character or quality of the site and its surroundings.

Aesthetics 1 (b): No Impact

The project site is located within Pebble Beach, where all of the roadways are private. The site is not visible from any Officially Designated or Eligible State Scenic Highway. The section of Highway 1 in this area and the section of Highway 68 from Highway 1 to the Salinas River are both Designated State Scenic Highways but the project site is visible from neither. There would be no impact.

Aesthetics 1 (d): Less than Significant with Mitigation

The proposed addition on the south side of the residence will be visible from 17-Mile Drive. The building code requires exterior lighting at each door. There is an existing door leading from the dining room to the outside on this side of the residence and the proposed project will include



634 – View from north end of turnout opposite intersection of Signal Hill Road and 17 Mile Drive.

a door in approximately the same location that will lead to the proposed covered patio. The standard lighting condition requiring that exterior lighting be downlit, only illuminate the intended area and minimize offsite glare will apply. It is also anticipated that since the patio roof

will cover this light, the impact will be reduced over the existing condition. The amount of glazing on this side of the residence will increase by approximately 50% and would potentially be a source of substantial light that could adversely affect nighttime views and/or a source of glare that could affect daytime views from 17-Mile Drive. Implementation of Mitigation Measure No. 1 will reduce this impact to less than significant.

Mitigation Measure No. 1: In order to minimize potential glare and visibility of the structure, all materials used in constructing the structure shall be non-reflective materials, painted in earth-tone colors, or utilize earth-tone materials. Glass surfaces shall be grey-tinted “non-reflective” glass.

Monitoring Action No. 1: Prior to the issuance of a building permit, the applicant/owner shall submit color cut sheets of final colors and materials proposed demonstrating compliance with the condition to the Director of RMA-Planning for review and approval.

EXHIBIT E

The approved specifications shall be incorporated into the construction plans submitted to the RMA-Building Services Department.

Monitoring Action No. 2: Prior to final inspection, the applicant/owner shall demonstrate that the approved colors and materials were installed according to the approved plan.

2. AGRICULTURAL AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:		Potentially Significant Impact	Less Than Significant 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.2 for discussion.

EXHIBIT E

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	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.3 for discussion.

EXHIBIT E

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: 1, 3, 6, 17, 18, 19, 20)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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? (Source: 1, 3, 6, 17, 18, 19, 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? (Source: 1, 3, 6, 7, 16, 17, 18, 19, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: 1, 3, 6, 16, 17, 18, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 2, 3, 16, 17, 18, 19, 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? (Source: 1, 3, 6, 7, 11, 16, 17, 18, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Biological Resources 1 (a): Less than Significant with Mitigation

The subject development application, PLN100612 (Abercrombie) involves a remodel and addition to an existing single-family residence, the replacement of an existing asphalt driveway with permeable pavers and the replacement of an existing concrete patio. As proposed, the project meets all setback and site development standards, is a residential project located within a residentially-zoned district, and does not require any variances.

EXHIBIT E

Two special status species have been identified on the site: the federally endangered Tidestrom's lupine (*Lupinus tidestromii*) and Black legless lizards (*Anniella pulchra nigra*), a California species of special concern. The small colony of Tidestrom's lupine is located on the northwest corner of the property, on the opposite side from the proposed addition. Because of the distance between the proposed development and this colony, no adverse impacts to Tidestrom's lupine are anticipated. A survey for Black legless lizards was conducted on the site in 2006 by Black legless lizard biologist Patricia Kreiberg with positive results. Because suitable habitat exists throughout the site, presence of legless lizards on the rest of the site is assumed. Construction of the proposed project could have an adverse impact on Black legless lizards. Implementation of Mitigation Measure No. 2 will reduce this impact to less than significant.

Mitigation Measure No. 2: In order to prevent impacts to Black legless lizards, prior to the issuance of a building or grading permit, a qualified biologist shall, in consultation with the California Department of Fish and Game (CDFG), prepare a Black Legless Lizard Management Plan (BLLMP), which shall be implemented throughout the construction period. A copy of the BLLMP and evidence that CDFG concurs with the contents of the plan shall be submitted to the RMA-Planning Department for review and approval. At a minimum, the plan shall include the following requirements: 1) A qualified biologist shall be present on the site during all ground disturbing activities to monitor for the presence of Black legless lizards. 2) If Black legless lizards are located within an area of active construction, the biologist shall have the authority to stop work until the animal has left the area or appropriate measures as approved in the plan have been taken. 3) Prior to the initiation of construction activities, all construction workers who will be working on the site will be trained regarding habitat sensitivity, identification of Black legless lizards and required practices. The training shall include a brief review of the biology of the species, the general measures that are being implemented to conserve the species as they relate to the project, guidelines to avoid impacts to the species during the construction period, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers onsite. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures and provide a copy to the RMA-Planning Department.

Monitoring Action No. 1: Prior to the issuance of a building or grading permit, the applicant/owner shall submit a BLLMP and evidence of CDFG concurrence with the contents of the plan to the RMA-Planning Department for review and approval.

Monitoring Action No. 2: Prior to the issuance of a building or grading permit, the applicant/owner shall submit a copy of a contract with a qualified biologist to perform required the training and monitoring.

Monitoring Action No. 3: Prior to the initiation of construction activities, the applicant/owner shall submit a copy of the training materials and the signed acknowledgements from the workers who attended the training.

Monitoring Action No. 4: The approved BLLMP shall be implemented throughout the construction phase of the project.

Biological Resources 1 (b): Less than Significant

EXHIBIT E

The site is located on a remnant of native dune is that is identified in the LUP to be environmentally sensitive habitat (ESHA). Three vegetation types occur on the property: iceplant dominant, sparsely vegetated open sand and coastal dune scrub. Although considered to be ESHA, the undeveloped portions of the site are heavily colonized by the non-native, invasive iceplant (*Carpobrotus* spp.), which is present in dense mats over the majority of the site and exists as an understory beneath the patches of coastal dune scrub. European beach grass, also an invasive non-native, is present in the open sand areas immediately surrounding the residence.

The applicant has submitted a Disturbed Area Analysis for the addition (LIB110471), which documents the historical limits of development on the parcel. The proposed development will be built entirely within the existing, previously developed pad and has been designed to avoid disturbance to the undeveloped dune ESHA. The foundation of the addition will be cast-in-place concrete pier and grade beam foundation or a CHANCE® type helical anchor foundation bearing entirely into the dense underlying bedrock to eliminate the need for overexcavation for the slab that would result in disturbance to the ESHA located adjacent to the addition. The applicant has prepared and submitted a Dune Restoration Plan (DRP) (LIB110468) Implementation of the CHRP will result in eradication of non-natives on the site and restoration of the degraded areas to native dune habitat. The County will require a standard Condition of Approval to ensure completion and monitoring of restoration activities in accordance with the submitted CHRP. Impacts to native dune habitat would be less than significant.

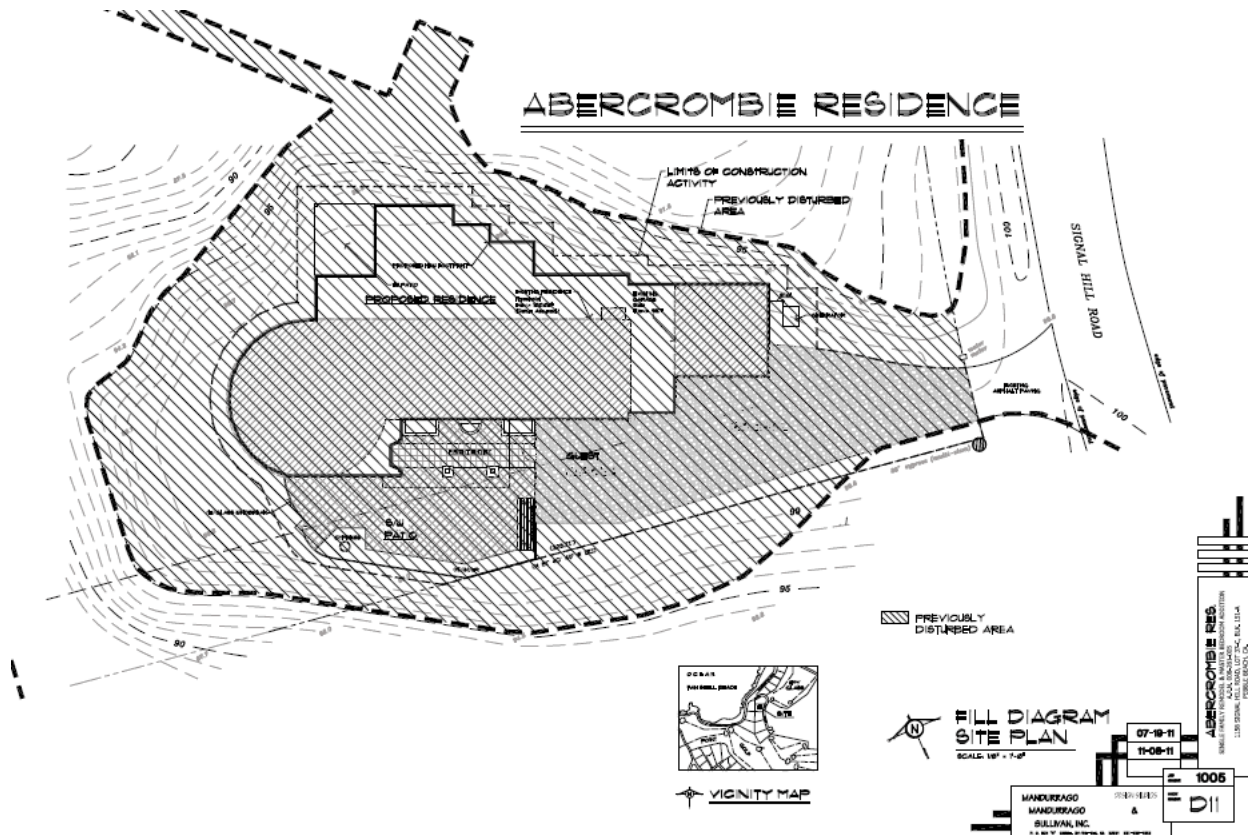


Figure 5: Historical Limits of Development (Source: IX. 1)

EXHIBIT E

Biological Resources 1 (c): No Impact

The project site does not contain any federally protected wetlands as defined by Section 404 of the Clean Water Act. The site slopes is located approximately 100 feet above sea level on a sand dune. No wetlands were noted on the site in the Biological or Geotechnical reports prepared for the project. Therefore, there would be no impact.

Biological Resources 1 (d): No Impact

No tree removal is proposed as part of the project and none of the biological surveys prepared for the site identified any migratory birds or other native migratory wildlife on the site. The project will be limited to existing, previously disturbed areas on the site. There will be no impact.

Biological Resources 1 (e): Less than Significant

As discussed above, the project site is located within environmentally sensitive Monterey cypress habitat and the project site supports the federally endangered Tidestrom's lupine (*Lupinus tidestromii*) and Black legless lizards (*Anniella pulchra nigra*), a California species of special concern. The policies of the Del Monte Forest LUP protect environmentally sensitive plants and habitats. As designed and subject to the requirements of Mitigation Measure 2 above, the project would be consistent with all local policies and ordinances protecting biological resources. The impact would be less than significant

Biological Resources 1 (f): No Impact

As discussed below in Section 10(c), the project site is not within the boundaries of any adopted Habitat Conservation Plan or Natural Community Conservation Plan. Based on research of County records, the project site is also not located within any other approved local, regional, or state habitat conservation plan. There would be no impact.

5. CULTURAL RESOURCES	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 7, 15, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 2, 3, 7, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 2, 3, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 6, 7, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:**Cultural Resources 1 (a) and (c): No Impact**

According to County records, no historical sites are known to be on or in the immediate vicinity of the project area and the historical resource assessment prepared for the project concluded that the existing residence does not meet any of the criteria to be considered a historical resource. In addition, based on research of County records no paleontological resources or unique geologic features are identified as associated with this site. The archaeological report prepared for the site identified no cultural resources on the site and concluded that no indicators of a prehistoric archaeological site are present on the site. No impacts would occur to historical resources, paleontological resources or unique geologic features. There will be no impact.

Cultural Resources 1 (b) and (d): Less than Significant

Numerous prehistoric sites are located within a mile of the project site but none have been identified within 750 feet of the site. The archaeological survey prepared for the project found that the soils on the site were clearly observable and no evidence of archaeological resources was found. The archaeologist stated that in her professional opinion, this parcel does not contain significant prehistoric cultural resources. Staff observations of the site and research of County records found no record of any cemeteries on the site. The standard County archaeological condition will be applied to the project to address the possibility that cultural resources may unexpectedly be discovered on the site during construction. The impact would be less than significant.

6. GEOLOGY AND SOILS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: 1, 3, 7, 14, 21, 22, 23).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 3, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 3, 7, 14, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 1, 3, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 3, 7, 13, 21, 22, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXHIBIT E

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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? (Source: 1, 3, 7, 14, 21, 22, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: 1, 7, 21, 22, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project involves the remodel and construction of a 1513.4 square foot addition to an existing single family residence and the replacement of an existing asphalt driveway with a permeable paving system. Del Monte Forest Area Land Use Plan policies require that grading and site disturbance be minimized. The addition will be located within the flat pad that was created for the original construction of the residence. Site disturbance will be limited to excavations for foundations, trenching for the installation of a new drainage system and the removal of the existing asphalt driveway, concrete patio and concrete path. To avoid disturbance to the slope adjacent to the addition, the foundation for the proposed building addition will be either a cast-in-place concrete pier and grade beam foundation or a CHANCE® type helical anchor foundation bearing entirely into the dense underlying bedrock.

Conclusion/Mitigation:

Geology and Soils 6(a) (i, iii, iv): No Impact

The Geologic Report and Soil Engineering Investigation prepared for the project indicates that the project site is not located within an Earthquake Fault Zone as established in accordance with the Alquist-Priolo Earthquake Fault Zoning Act of 1972 and determined that the potential for surface rupture to occur on the site is low. The investigation found that the potential for liquefaction, lateral spreading and ridge-top shattering is also low. No evidence of past or present slope instability has been mapped and no landslides were noted in the investigation. The Monterey County GIS database also indicates that the site has a low potential for landslides. There will be no impact.

Geology and Soils 6(a) (ii): Less than significant

The Geologic Report and Soil Engineering Investigation prepared for the project, based on site investigation and applicable literature did not observe nor identify any significant, site-specific geological hazards. Although the project site would be exposed to ground-shaking from any of

the faults that traverse Monterey County, the project would be required to be constructed in accordance with applicable seismic design parameters in the California Building Code, which would reduce the impact from seismic ground shaking to less than significant.

Geology and Soils 6(b): Less than significant

The project site is located on a remnant of a native sand dune and the site includes slopes that range from 5 percent to over 30 percent. The Monterey County GIS database indicates that the site has a high potential for erosion. The USGS Soil Conservation Service has mapped the soils on the project site as “Df” or Dune land. This soil type is characterized by excessive drainage and high permeability, with a high soil blowing hazard. The Geologic Report and Soil Engineering Investigation prepared for the project found that the site soils and earth materials are highly erodible and recommends that stringent erosion control measures be implemented to provide surficial stability of the site soils. Implementation of the standard erosion control condition of approval and the County’s grading and erosion control ordinances related to grading and soil erosion prevention, impacts due to soil erosion or the loss of topsoil will reduce the impact from erosion to less than significant.

Geology and Soils 6(c): No impact

The Geologic Report and Soil Engineering Investigation prepared for the project did not identify any unstable soil or geologic unit or that would become unstable as a result of the project and potentially result in a landslide, lateral spreading, subsidence, liquefaction or collapse. Subsurface materials on the site consist of loose to medium dense sand with weathered, granitic rocks of the Salinian block. The potential for liquefaction and lateral spreading was determined to be low. There would be no impact.

Geology and Soils 6(d): No impact

The Geologic Report and Soil Engineering Investigation prepared for the project found the site soils to be poorly graded sand, which are considered to be non-plastic or non-expansive. There would be no impact.

Geology and Soils 6(e): No impact

The existing residence is connected to the Pebble Beach Community Services District public sewer and wastewater from the site goes to the Carmel Area Wastewater District treatment facility. No on-site wastewater disposal exists on the site, nor is any proposed as part of the current project. There will be no impact.

EXHIBIT E

7. GREENHOUSE GAS EMISSIONS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project consists of the remodel and addition to an existing single-family residence, the removal and replacement of an existing concrete patio with tile on concrete and the removal and replacement of an existing asphalt driveway with a permeable paving system. A new drainage system, with all site drainage being directed to dispersion trenches below the new driveway will also be installed. No new uses or intensification of the existing residential use are proposed as part of the project.

Conclusion/Mitigation:

Greenhouse Gas Emissions 7(a): Less than Significant

The Office of Planning and Research (OPR) is the state-wide, comprehensive planning agency that is responsible for making policy recommendations and coordinating land use planning efforts. The OPR also coordinates the state-level review of environmental documents pursuant to the CEQA. Currently, the OPR's stance on greenhouse gases (GHG) significance thresholds has been to allow each lead agency to determine their own level of significance. At this time, the Monterey Bay Unified Air Pollution Control District (MBUAPCD) has not finalized specific GHG thresholds of significance. On October 24, 2008, the California Air Resources Board (CARB) released their interim CEQA significance thresholds for GHG impacts dictating that a project would be considered less than significant if it meets minimum performance standards during construction and if the project, with mitigation, would emit no more than approximately 7,000 million metric tons of carbon dioxide per year during operation.

The primary source of criteria air pollutant and GHG emissions would stem from the use of heavy equipment, including large trucks and earth-movers, during construction of the new garage and driveway. However, heavy equipment use is anticipated to be intermittent and limited to site preparation, and some construction activities. Pollutant emissions resulting from heavy equipment use during construction are not anticipated to exceed significance thresholds established by the CARB for GHG because the duration of use is expected to be very limited. Moreover, once constructed, the project would not create any air emissions beyond those associated with current uses established on the property. Since the use of the property would not intensify beyond residential uses, the impacts would be less than significant.

Greenhouse Gases 7(b): No Impact

EXHIBIT E

As described previously, the project's construction and use emissions are below the applicable GHG significance thresholds established by CARB, and the MBUAPCD has no established GHG thresholds. The project would not conflict with any local or state GHG plans or goals. Therefore, there would be no impacts.

8. HAZARDS AND HAZARDOUS MATERIALS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.8 for discussion.

EXHIBIT E

9. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <u>erosion or siltation</u> on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <u>flooding</u> on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.9 for discussion.

EXHIBIT E

10. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 3, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Land Use and Planning 10(a): No impact

The project involves the remodel and additions to an existing residence and the replacement of an existing asphalt driveway with permeable pavers on an existing, developed residential lot. No new roads, bridges or structures that might serve to divide the community are proposed. There would be no impact.

Land Use and Planning 10(b): Less than Significant

The project was reviewed for consistency with the Monterey County 1982 General Plan (GP), the Del Monte Forest Land Use Plan (LUP), the Monterey County Coastal Implementation Plan, Part 5 (CIP), and Title 20 (Zoning Ordinance). The analysis contained in this Initial Study Checklist addressed the potential conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental impact. Based on this analysis, it was determined that the project could potentially have significant impacts on Aesthetics and Biological Resources.

Implementation of Mitigation Measures 1 and 2 is required to reduce impacts to scenic and biological resources protected by the policies of the LUP. With the implementation of Mitigation Measures 1 and 2, the project is consistent with the goals of the LUP and is in conformance with the regulations and standards found in the CIP and Title 20. The impact would be less than significant.

Land Use and Planning 10(c): No Impact

According to the U.S. Fish and Wildlife Service listing of Habitat Conservation Plans (HCP) in California, this site is not located within the area of an HCP. According to the California Department of Fish and Game summary of Natural Community Conservation Plans (NCCP), the project site is not located within and NCCP. There would be no impact.

EXHIBIT E

11. MINERAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.11 for discussion.

12. NOISE				
Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.12 for discussion.

EXHIBIT E

13. POPULATION AND HOUSING				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.13 for discussion.

14. PUBLIC SERVICES				
Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.14 for discussion.

EXHIBIT E

15. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.15 for discussion.

16. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXHIBIT E

16. TRANSPORTATION/TRAFFIC				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.16 for discussion.

17. UTILITIES AND SERVICE SYSTEMS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: No Impact – See Section IV.17 for discussion

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental 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.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: 1, 2, 3, 6, 7, 9, 11, 12, 15, 16, 17, 18, 19, 24)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 5, 6, 7, 8, 14, 21, 22, 23, 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Mandatory Findings of Significance VII(a): Based upon the analysis throughout this Initial Study, the project may 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. The biological resources analysis above indicates that there are special status plants and animals and a sensitive natural community on the site that is considered to be environmentally sensitive habitat (ESHA). With implementation of the mitigation measure identified in Section V.4, impacts to Biological resources will be less than significant. The cultural resources analysis above indicates that although the project site is located in an area of high archaeological sensitivity, no resources have been found or are thought to exist in the site. As discussed in Section IV.A.2, there will be no impacts to Agricultural or Forest Resources.

Mandatory Findings of Significance VII(b): No Impact

The project involves a remodel and addition to an existing single-family residence and the replacement of an existing concrete patio with tile on concrete and the replacement of an existing asphalt driveway within a developed, residentially-zoned district. As a result, impacts related to agricultural and forest resources, air quality, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems attributable to the project would not result in intensification of the use of the site. As proposed and conditioned, implementation of the project would not result in impacts that are cumulatively considerable.

Mandatory Findings of Significance VII(c): Less than Significant With Mitigation

The project would result in no impacts to Air Quality, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic or Utility and Service Systems. Construction related air quality impacts would be temporary and controlled by standard Conditions of Approval that require watering, erosion control, and dust control measures. No new traffic is anticipated to result from the construction of the remodel and addition to the existing single-family residence. The project as proposed would have no long-term impacts to air quality. Implementation of the project would result in less than significant impacts to human beings, either directly or indirectly. Impacts to Geology and Soils would be less than significant due to the limited nature of the project. The project is located in an area identified in the land use plan as a valuable scenic resource. Construction of the project as proposed would have the potential to contribute to the cumulative degradation of views from 17-Mile Drive, so the mitigation measure identified in Section VI.1 has been incorporated to reduce the impact of the project on Aesthetics. As proposed, conditioned and mitigated, the project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. FISH AND 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 PLN100612 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. REFERENCES

1. Project Application/Plans;
2. Monterey County 1982 General Plan;
3. Del Monte Forest Land Use Plan (LUP) and Monterey County Coastal Implementation Plan, Part 5 (CIP);
4. Title 20 of the Monterey County Code (Zoning Ordinance);
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008;
6. Site Visits conducted by the project planner on , January 5, 2012;
7. Monterey County Geographic Information System (GIS);
8. Monterey County Code Chapter 10.60;
9. State of California Department of Conservation Farmland Mapping and Monitoring Program Website, <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx> , accessed April 25, 2012;
10. State of California Department of Conservation, Monterey County Tsunami Inundation Maps Website, http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Monterey/Pages/Monterey.aspx , accessed June 26, 2012;
11. United States Fish and Wildlife Service Habitat Conservation Plan Page http://ecos.fws.gov/conserv_plans/PlanReportSelect?region=1&type=HCP, accessed May 28, 2012;

EXHIBIT E

12. “Summary of Natural Community Conservation Plans (NCCPs), prepared by the California Department of Fish and Game, January, 2012;
13. “Soil Survey of Monterey County, California”, published by the United States Department of Agriculture Soil Conservation Service in cooperation with the U.S. Forest Service and University of California Agricultural Experiment Station, Issued 1978;
14. “Fault Rupture Hazard Zones in California, Special Publication 42, Interim Revision 2007”, published by the State of California Conservation Department, 2007;
15. “Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel 008-261-005” (LIB060583) prepared by Susan Morley, M.A., Pacific Grove, CA, July 2006;
16. “Preliminary Biotic Findings and Mitigation Possibilities at 1158 Signal Hill Rd., Pebble Beach, Monterey County” (LIB060598) prepared by Jeff Norman, Big Sur, CA, June 1, 2006;
17. “Biological Report” (LIB060584) prepared by Jeff Norman, Big Sur, CA, September 1, 2006;
18. “Biological Resources Letter Report” (LIB110221) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, May 13, 2011 and “Memo Attachment for Biological Report” dated June 9, 2011;
19. “Peer Review, Biological Resources Letter Report” (LIB110470) prepared by Michael Zander, Zander Associates, San Rafael, CA, November 20, 2011;
20. “Dune Restoration Plan, Abercrombie Property” (LIB110468) prepared by Zander Associates, San Rafael, CA, November 2011.
21. “Geologic Report and Soil Engineering Investigation Update for the Abercrombie Residence Addition” (LIB110222) prepared by Landset Engineers, Inc., Salinas, CA, March 2010 and “Revised Foundation Recommendations” dated August 2, 2011.
22. “Disturbed Area Analysis for the Abercrombie Residence Addition” (LIB110471) prepared by Landset Engineers, Inc., Salinas, CA, October 2010
23. “Visual Study and Analysis” (LIB110469) prepared by John Mandurrago, Building Designer, Carmel, CA, September 2, 2011.
24. “Historical Resource Assessment” (LIB110223) prepared by Anthony Kirk, Ph.D., Santa Cruz, CA, August 27, 2008.

Figure 1: Proposed Site Plan

Figure 2: Southwest Elevation Silhouette

Figure 3: Proposed Elevations

Figure 4: Vicinity Map

Figure 5: Historical Limits of Development

EXHIBIT E

Attachments:

1. "Preliminary Biotic Findings and Mitigation Possibilities at 1158 Signal Hill Rd., Pebble Beach, Monterey County" (LIB060598) prepared by Jeff Norman, Big Sur, CA, June 1, 2006;
2. "Biological Report" (LIB060584) prepared by Jeff Norman, Big Sur, CA, September 1, 2006;
3. "Biological Resources Letter Report" (LIB110221) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, May 13, 2011 and "Memo Attachment for Biological Report" dated June 9, 2011;
4. "Peer Review, Biological Resources Letter Report" (LIB110470) prepared by Michael Zander, Zander Associates, San Rafael, CA, November 20, 2011;
5. "Dune Restoration Plan, Abercrombie Property" (LIB110468) prepared by Zander Associates, San Rafael, CA, November 2011.
6. "Geologic Report and Soil Engineering Investigation Update for the Abercrombie Residence Addition" (LIB110222) prepared by Landset Engineers, Inc., Salinas, CA, March 2010 and "Revised Foundation Recommendations" dated August 2, 2011.
7. "Disturbed Area Analysis for the Abercrombie Residence Addition" (LIB110471) prepared by Landset Engineers, Inc., Salinas, CA, October 2010
8. "Visual Study and Analysis" (LIB110469) prepared by John Mandurrago, Building Designer, Carmel, CA, September 2, 2011.
9. "Historical Resource Assessment" (LIB110223) prepared by Anthony Kirk, Ph.D., Santa Cruz, CA, August 27, 2008.

Jeff Norman
Consulting Biologist
P.O. Box 15
Big Sur, CA 93920
1 June 2006
831-402-3792

Kerry Bauer
Wallace Cunningham Associates
kerryb@wallacecunningham.com
phone 619-295-7640

RE: Preliminary biotic findings and mitigation possibilities at 1158 Signal Hill Rd., Pebble Beach, Monterey County.

Dear Ms. Bauer:

Here is a summary of findings and potential mitigations regarding the project so far.

I began initial surveying on Thursday, May 25 2006. I began a plant list for the property, and made assessments regarding animal habitat. The following day I met on-site with legless lizard specialist Patti Kreiberg, and we surveyed for legless lizards.

The parcel lies in an Environmentally Sensitive Habitat Area (ESHA) comprised of white sand dunes. Historically, such ESHA has been found to support a wide variety of sensitive biological resources. After surveying conducted by Kreiberg and me, the subject property was found to support many of the expected plants and animals of such habitat. The following sensitive species were encountered. For each, I have offered preliminary suggestions for the mitigation of impacts to them.

1. Black legless lizard (*Anniella pulchra nigra*) was found after surveying was conducted using California Department of Fish and Game-approved protocol. This reptile is a State Species of Special Concern. Mitigation measures are being developed by Ms. Kreiberg, and will be conveyed to Wallace Cunningham Associates separately. These measures will likely include the following:
 - a. Spraying of herbicide on all iceplant on the parcel. After approximately six months, legless lizards can be recovered from the sand beneath the dead iceplant.
 - b. Relocating recovered legless lizards must then be instituted. They may be released in nearby areas that are to be perpetually protected. The suitability of the release site(s) must be determined in advance. Another

EXHIBIT E

procedure would involve keeping the legless lizards in captivity until they are released at the subject property after all construction has ceased.

- c. More legless lizards must be recovered during grading of the parcel. They will either be immediately released in a suitable area, or kept in captivity until the project is completed and released on-site.
2. Tidestrom's lupine (*Lupinus tidestromii*) was found close to the property line near the north boundary. This is a Federally listed endangered plant. The best mitigation for this plant would lie in avoidance. Although full surveying has not been completed, the occurrence of Tidestrom's lupine appears to be limited to a small area of pristine dune sand near the northern edge of the parcel, in an area that can be protected from project impacts.
3. Smith's blue butterfly (*Euphilotes enoptes smithi*) may occur on the property. This insect is Federally listed as endangered. There is a sufficient amount of the butterfly's host food plant, seacliff buckwheat (*Eriogonum parvifolium*), to support the butterfly, which is known from other similar areas nearby. Presence/absence surveying could be conducted for the butterfly, although this is costly and time-consuming. I would advise assuming presence, and restoring buckwheat habitat elsewhere on the property. This alternative would be less expensive by thousands of dollars. As we discussed, a three-foot depth of sand on the roof would offer an area to revegetate with dune plants, including seacliff buckwheat.

Sincerely,

/s/ Jeff Norman

BIOLOGICAL REPORT**SINGLE-FAMILY DWELLING****1158 SIGNAL HILL ROAD, PEBBLE BEACH, MONTEREY COUNTY**

The purpose of this biological report is to identify the sensitive plants, animals, and habitats that might be affected by the proposed project: construction of a single-family dwelling. The property, consisting of 51,084 square feet, is identified as APN 008-261-005-000.

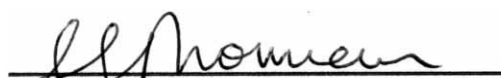
This report was required of the applicant by the Monterey County Planning Department because of the project's location within an Environmentally Sensitive Habitat Area (ESHA).

The sensitive resources that may be impacted are: black legless lizard, *Anniella pulchra nigra*, a California Species of Special Concern; Smith's blue butterfly, *Euphilotes enoptes smithi*, Federally-listed as Endangered; Tidestrom's lupine, *Lupinus tidestromii*, State- and Federally-listed as Endangered; and central dune scrub, a rare habitat listed by the California Department of Fish and Game (CDFG). This habitat covers the entire lot with the exception of the existing improvements.

If the mitigation measures described in this report are implemented, impacts to the sensitive resources listed above will be reduced to a level that will maintain their viability on the subject property.

Prepared for: The representative of the property owner, Wallace E. Cunningham Inc., 1111 West Arbor Drive, San Diego, CA 92103-1303. Phone 619-293-7640.

Prepared by: Jeff Norman, Consulting Biologist, P.O. Box 15, Big Sur, CA 93920. Phone 831-402-3792. Email: tanbark@csfa.net.


Jeff Norman, Consulting Biologist

Date: 1 September 2006

Introduction. This Biological Report will provide a project description and an evaluation of the existing biological conditions of the project site, together with mitigation measures designed to reduce the impact of the project upon sensitive biotic resources.

The project will occur on a 51,084 square-foot lot. The work involves demolition of an existing single-family dwelling, and its replacement by another single-family dwelling. The new project footprint occupies ca. 27,866 square feet, including structures and driveway. The areas supporting the highest-quality dune habitat, i.e., ca. 11,478 square feet, will be avoided by the project. Degraded areas within this habitat (2000 square feet) will be restored. Portions of the project impact area will become available for restoration: ca. 4198 square feet of structure roofing will be covered with sand, and another 2293 square feet of banked slope associated with the new driveway. Another 9,000 square feet, consisting of the area of the existing improvements (house, paved driveway) that will not be occupied by the new project, together with poor-quality dune habitat that has been degraded by exotic plants, will also be available for mitigation. This will allow a 63% replacement of lost central dune scrub habitat.

Regional Setting. The subject property lies within the Pebble Beach Company's resort area located along the Pacific Ocean between Carmel and Pacific Grove, California. Much of the area is built out, with a few areas of protected habitat. Many sensitive plants, animals, and habitats are present in Pebble Beach. One of the most sensitive, the central dune scrub plant community, is the sole habitat to be encountered on the subject property.

Other examples of this plant community have been extirpated by development activities on the Monterey Peninsula. The subject property represents part of this rapidly diminishing resource.

The project site lies within the Monterey 7.5' USGS topographic quadrangle. Table 1 includes the sensitive resources listed by CDFG as occurring within that quadrangle. The project site was specifically surveying for the presence or absence of these resources.

Table 1. Sensitive Resources listed by CDFG for the Monterey 7.5' USGS topographic quadrangle	
Scientific/Common Names	Species Accounts and Rare Habitat Descriptions
<i>Allium hickmanii</i> , Hickman's onion	Blooming period: Mar-May. Elevation range: 5-200 m. Habitat requirements: closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, valley and foothill grassland.
<i>Arctostaphylos hookeri hookeri</i> , Hooker's manzanita	Blooming period: Jan-June. Elevation range: 85-536 m. Habitat requirements: closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub.
<i>Arctostaphylos pumila</i> , sandmat manzanita	Blooming period: Feb-May. Elevation range: 3-205 m. Habitat requirements: Closed-cone

	coniferous forest, chaparral, cismontane woodland, coastal dunes, coastal scrub.
<i>Astragalus tener titi</i> , coastal dunes milk-vetch	Blooming period: Mar-May. Elevation range: 1-50 m. Habitat requirements: coastal bluff scrub, coastal dunes, coastal prairie.
<i>Chorizanthe pungens pungens</i> , Monterey spineflower	Blooming period: Apr-June (-July). Elevation range: 3-450 m. Habitat requirements: chaparral, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland.
<i>Chorizanthe robusta robusta</i> , robust spineflower	Blooming period: Apr-Sep. Elevation range: 3-300 m. Habitat requirements: cismontane woodland, coastal dunes, coastal scrub.
<i>Cordylanthus rigidus littoralis</i> , seaside bird's-beak	Blooming period: Apr-Oct. Elevation range: 0-425 m. Habitat requirements: closed-cone coniferous forest, chaparral, cismontane woodland, coastal dunes, coastal scrub.
<i>Cupressus goveniana goveniana</i> , Gowen cypress	Elevation range: 30-300 m. Habitat requirements: closed-cone coniferous forest, chaparral.
<i>Cupressus macrocarpa</i> , Monterey cypress	Elevation range: 10-30 m. Habitat requirements: closed-cone coniferous forest.
<i>Delphinium hutchinsoniae</i> , Hutchinson's delphinium	Blooming period: Mar-Jun. Elevation range: 0-400 m. Habitat requirements: broadleafed upland forest, chaparral, coastal scrub, coastal prairie.
<i>Ericameria fasciculatum</i> , Eastwood's ericameria	Blooming period: Jul-Oct. Elevation range: 30-275 m. Habitat requirements: closed-cone coniferous forest, chaparral, coastal scrub, coastal dunes.
<i>Eriogonum nortonii</i> , Pinnacles buckwheat	Blooming period: May-Aug (-Sep). Elevation range: 300-975 m. Habitat requirements: chaparral, valley and foothill grassland.
<i>Erysimum ammophilum</i> , coast wallflower	Blooming period: Feb-Jun. Elevation range: 0-60 m. Habitat requirements: chaparral, coastal scrub, coastal dunes.
<i>Erysimum menziesii menziesii</i> , Menzies' wallflower	Blooming period: Mar-Jun. Elevation range: 0-35 m. Habitat requirements: coastal dunes.
<i>Fritillaria liliacea</i> , fragrant fritillary	Blooming period: Feb-Apr. Elevation range: 3-410 m. Habitat requirements: cismontane woodland, coastal scrub, coastal prairie, valley and foothill grassland.
<i>Gilia tenuiflora arenaria</i> , dune gilia	Blooming period: Apr-Jun. Elevation range: 0-45 m. Habitat requirements: chaparral, cismontane woodland, coastal dunes, coastal

	scrub.
<i>Horkelia cuneata sericea</i> , Kellogg's horkelia	Blooming period: Apr-Sep. Elevation range: 10-200 m. Habitat requirements: closed-cone coniferous forest, chaparral, coastal scrub.
<i>Layia carnosa</i> , beach layia	Blooming period: Apr-Jun. Elevation range: 0-20 m. Habitat requirements: coastal dunes.
<i>Layia jonesii</i> , Jones' layia	Blooming period: Mar-May. Elevation range: 5-400 m. Habitat requirements: chaparral, valley and foothill grassland.
<i>Lupinus tidestromii</i> , Tidestrom's lupine	Blooming period: Apr-Jun. Elevation range: 0-100 m. Habitat requirements: coastal dunes.
<i>Malacothamnus palmeri involucratus</i> , Carmel Valley bush mallow	Blooming period: May-Aug (-Oct). Elevation range: 30-1100 m. Habitat requirements: chaparral, cismontane woodland, coastal scrub.
<i>Malacothrix saxatilis arachnoidea</i> , Carmel Valley cliff-aster	Blooming period: (Mar-) Jun-Dec. Elevation range: 25-335 m. Habitat requirements: chaparral, valley and foothill grassland.
<i>Pinus radiata</i> , Monterey pine	Elevation range: 25-185 m. Habitat requirements: closed-cone coniferous forest, cismontane woodland.
<i>Piperia yadonii</i> . Yadon's piperia	Blooming period: May-Aug (-Sep). Elevation range: 10-510 m. Habitat requirements: coastal bluff scrub, closed-cone coniferous forest, chaparral.
<i>Plagiobothrys uncinatus</i> , hooked popcorn flower	Blooming period: Apr-May. Elevation range: 300-760 m. Habitat requirements: cismontane woodland, chaparral, valley and foothill grassland.
<i>Potentilla hickmanii</i> , Hickman's potentilla	Blooming period: Apr-Aug. Elevation range: 10-135 m. Habitat requirements: coastal bluff scrub, closed-cone coniferous forest, meadows and seeps, marshes and swamps.
<i>Rosa pinetorum</i> , pine rose	Blooming period: May-Jul. Elevation range: 2-300 m. Habitat requirements: closed-cone coniferous forest.
<i>Sidalcea malachroides</i> , maple-leaved sidalcea	Blooming period: Apr-Jul (-Aug). Elevation range: 2-730 m. Habitat requirements: broadleafed upland forest, coastal scrub, coastal prairie, North Coast coniferous forest, riparian woodland.
<i>Trifolium polyodon</i> , Pacific Grove clover	Blooming period: Apr-Jun. Elevation range: 5-120 m. Habitat requirements: coastal prairie, closed-cone coniferous forest, meadows and seeps, valley and foothill

	grassland.
<i>Trifolium trichocalyx</i> , Monterey clover	Blooming period: Apr-Jun. Elevation range: 30-240 m. Habitat requirements: closed-cone coniferous forest.
central dune scrub	Indicated by shrubby dune vegetation occurring on a sandy substrate in Central California.
central maritime chaparral	Indicated by woody vegetation that includes certain <i>Arctostaphylos</i> taxa occurring in maritime-dominated climatic areas in Central California.
Monterey cypress forest	Coniferous forest dominated by Monterey cypress, <i>Cupressus macrocarpa</i> .
Monterey pine forest	Coniferous forest dominated by Monterey pine, <i>Pinus radiata</i> .
Monterey pygmy cypress forest	Coniferous forest dominated by dwarfed Monterey cypress, <i>Cupressus macrocarpa</i> , occurring in very shallow soil.
northern bishop pine forest	Coniferous forest dominated by bishop pine, <i>Pinus muricata</i> , in Northern California.
<i>Anniella pulchra nigra</i> , black legless lizard	Lives in coastal dunes vegetated with scrub species, esp. <i>Ericameria</i> spp. and <i>Lupinus</i> spp.
<i>Charadrius alexandrinus nivosus</i> , Western Snowy Plover	Nests on sandy beaches.
<i>Clemmys marmorata pallida</i> , southwestern pond turtle	Inhabits perennial streams and creeks; breeds in nearby upland areas.
<i>Cypseloides niger</i> , Black Swift	Nests near waterfalls, rocky perpendicular cliffs, etc.
<i>Danaus plexippus</i> , monarch butterfly	Overwinters coastally in groves of trees such as <i>Cupressus</i> spp., <i>Eucalyptus</i> spp., etc., that display special growth characteristics.
<i>Euphilotes enoptes smithi</i> , Smith's blue butterfly	Utilizes <i>Eriogonum latifolium</i> and <i>E. parvifolium</i> as host food-plants.
<i>Oncorhynchus mykiss irideus</i> , South/Central Coast ESU steelhead	Spawns in clear, well-oxygenated perennial rivers and streams with special sediment characteristics from the Pajaro River to the Santa Maria River.
<i>Pelecanus occidentalis californicus</i> , California Brown Pelican	Nests along the California coast from Pt. Conception southward.
<i>Rana aurora draytonii</i> , California red-legged frog	Breeds in fresh-water ponds, slow-moving streams, even stock troughs.

Existing Conditions. Surveying was conducted on 25 and 26 May, and 19 June 2006. The subject property was found to be entirely within the coastal dune scrub ESHA,

exemplified by white-sand dunes with small particle size vegetated with plants characteristic of this community. The parcel is ca. 200 yards removed from the shore, and the existing structure is located at the highest elevation, circa 100' above sea level. The lot slopes to the north from this point, and rises again at the parcel's north side. Some areas of pristine sand dune habitat are to be found, although much dune habitat is densely vegetated with two exotic iceplant taxa: *Carpobrotus edulis* and *C. chilense*.

Rare animal resources were found to include the black legless lizard (a California Species of Special Concern), and suitable habitat for Smith's blue butterfly (a Federally-listed Endangered species). Tidestrom's lupine (a State- and Federally-listed Endangered plant) was also found. The entire parcel supports central dune scrub, a plant community listed as rare by the CDFG.

The surveying process yielded the following determinations regarding presence or absence of sensitive biotic resources on the subject property.

Table 2. Taxa from Table 1 which have suitable habitat within the project area, together with presence/absence determinations	
Scientific/Common Names	Presence/Absence
<i>Arctostaphylos pumila</i> , sandmat manzanita	Absent. Surveying done during blooming period.
<i>Astragalus tener titi</i> , coastal dunes milk-vetch	Absent. Surveying done during blooming period.
<i>Chorizanthe pungens pungens</i> , Monterey spineflower	Absent. Surveying done during blooming period.
<i>Chorizanthe robusta robusta</i> , robust spineflower	Absent. Surveying done during blooming period.
<i>Cordylanthus rigidus littoralis</i> , seaside bird's-beak	Absent. Surveying done during blooming period.
<i>Ericameria fasciculatum</i> , Eastwood's ericameria	Absent. Taxon readily identifiable throughout the year.
<i>Erysimum ammophilum</i> , coast wallflower	Absent. Surveying done during blooming period.
<i>Erysimum menziesii menziesii</i> , Menzies' wallflower	Absent. Surveying done during blooming period.
<i>Gilia tenuiflora arenaria</i> , dune gilia	Absent. Surveying done during blooming period.
<i>Layia carnosae</i> , beach layia	Absent. Surveying done during blooming period.
<i>Lupinus tidestromii</i> , Tidestrom's lupine	Present.
central dune scrub	Present.
<i>Anniella pulchra nigra</i> , black legless lizard	Present.
<i>Euphilotes enoptes smithi</i> , Smith's blue butterfly	Assumed present due to abundance of host food-plant.

Mitigation measures will be offered for impacts to resources listed as present, or assumed present, in Table 2. No other sensitive biotic resources are believed present on the subject property.

Impacts and Mitigations.

A. Smith's blue butterfly.

Impact: During surveying, 326 host food-plants of Smith's blue butterfly, consisting of seaciff buckwheat (*Eriogonum parvifolium*), were tallied. Of these, 83 plants will be preserved. Thus, potential breeding habitat for the butterfly will be reduced by 243 buckwheat plants. Although no focused surveying was conducted for Smith's blue butterfly, on-site presence is assumed.

Mitigation: Outplanting of 243 nursery-raised seaciff buckwheat plants will be conducted, at a density of one plant per four square feet. These seaciff buckwheat plants are to be grown from seed or other propagule material collected from site-occurring plants, or from other coastal-ecotype seaciff buckwheat plants. They will be grown in the nursery until ready for outplanting, which should be done after the onset of the rainy season. If outplanting is to be conducted at some other time, or if seasonal precipitation is inadequate for plant survival, then irrigation will be implemented.

Locations for outplanting are shown on the Biotic Resources Map. Plants are to be kept irrigated and/or weed-free until established. The outplantings should be monitored by a qualified biological monitor three times a year for five years. Plants that do not survive will be replaced during the monitoring period. The success criterion at the end of the monitoring period will be the viable establishment of at least 243 seaciff buckwheat plants.

B. Black legless lizard

Impact: Surveying by black legless lizard biologist Patricia Kreiberg was conducted on 26 May 2006, with positive results. The project may thus result in a taking of an unspecified number of these animals.

Mitigation: Attached as an addendum to this biological report is the letter of Ms. Kreiberg describing her survey, its results, and the direction that mitigation measures should take. As described by Kreiberg, mitigations will be formulated in a "Black Legless Lizard Management Plan," to be prepared by a qualified legless lizard biologist and approved by CDFG.

C. Tidestrom's lupine

Impact: A small colony, consisting of 19 Tidestrom's lupine plants, was found at the northern edge of the subject property. If the project were to be implemented in the area the plants grow, there would be a loss of this Federally-listed plant.

Mitigation: The project will provide an adequate buffer (25 feet) to reduce impacts associated with the project. This area will be fenced to exclude the entrance of individuals and equipment during the life of the project. After the project has ended, access to the area where Tidestrom's lupine grows will be restricted to necessary uses such as those related to public safety or health. Monitoring of the effectiveness of this measure will occur during the project implementation phase, as well as during the five-year monitoring for impacts to Smith's blue butterfly (as described above) and for central dune scrub (described below). The success criterion to be realized at the end of the monitoring period will be the viable maintenance of at least the 19 currently extant Tidestrom's lupine plants.

D. Central dune scrub

Impact: The project will result in the removal of central dune scrub vegetation on 27,866 square feet, or 55% of the lot area. This plant community is considered an ESHA, and therefore mitigation for the loss of this resource is critical. No sensitive plant species occur in this area to be impacted, although the habitat itself is considered rare by CDFG. Due to the ice plant cover, it is believed that a valuable resource lies in the soil (or sand) seed bank beneath.

Mitigation: Some 11,478 square feet of the best central dune scrub habitat (22% of the lot area) will be avoided during construction and will be protected from further development in the future. Within this area is ca. 2000 square feet of habitat that has been degraded by the presence of ice plant (*Carpobrotus* spp.). In these areas ice plant will be eradicated, making them available for outplanting with site-specific plant taxa. Another 4198 square feet of roof area will be topped with sand to a three-foot depth, becoming available for outplanting with more shallow-rooted plant material. Excavation for the driveway will result in a banked slope north of the drive. This 2293 square foot area will also be utilized for mitigation. Areas shown in white on the Biotic Resources Map (ca. 12000 square feet) are considered seriously degraded by ice plant and portions of the existing structure. Some 75% (or 9000 square feet) of this area is completely covered with ice plant, with the occasional seacliff buckwheat plant surviving. Removal of the ice plant here will also provide space for mitigation outplanting. The total area of these mitigation sites is 17,491 square feet, or 34% of the lot size. Together with relatively pristine areas that do not require restoration, a total of 45% of the subject property would (with the implementation of mitigation measures) remain as central dune scrub habitat. Finally, these figures demonstrate that replacement will be offered for 63% of the amount of impacted or lost central dune scrub.

During site excavation, the top 18" of sand will be reserved separately. This sand holds the dormant seed bank, and it will be spread over the roof and the area of the banked slope on the north side of the driveway when these improvements have been completed.

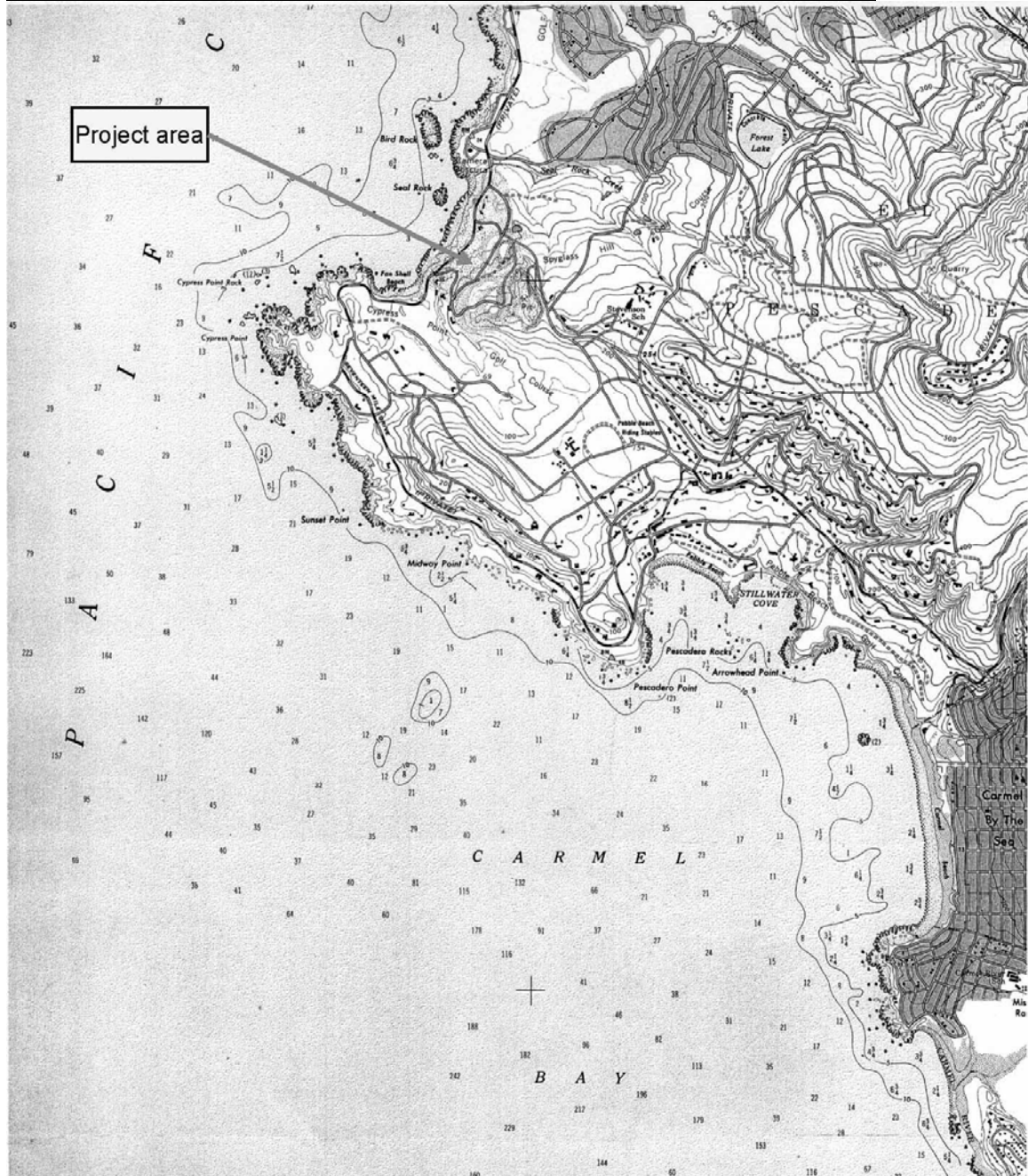
Into these areas will be outplanted the designated mitigation species. All propagules (seeds, cutting, and transplanted items) will be obtained from site-specific material, or

appropriate ecotypic selections. These materials will be reviewed by a qualified consulting biologist prior to installation. All outplantings are to be installed during the beginning of the rainy season; seeding should also occur at this time. If seasonal rains are inadequate for plant viability, irrigation will be instituted. All weedy material is to be eradicated, and prevention against herbivory may be necessary. Monitoring will occur three times yearly for five years. Plants that die during the course of the mitigation-monitoring period will be immediately replaced. The success criterion at the conclusion of the monitoring period will be the viable establishment of the number of plants originally installed for each species. The designated mitigation species include the following:

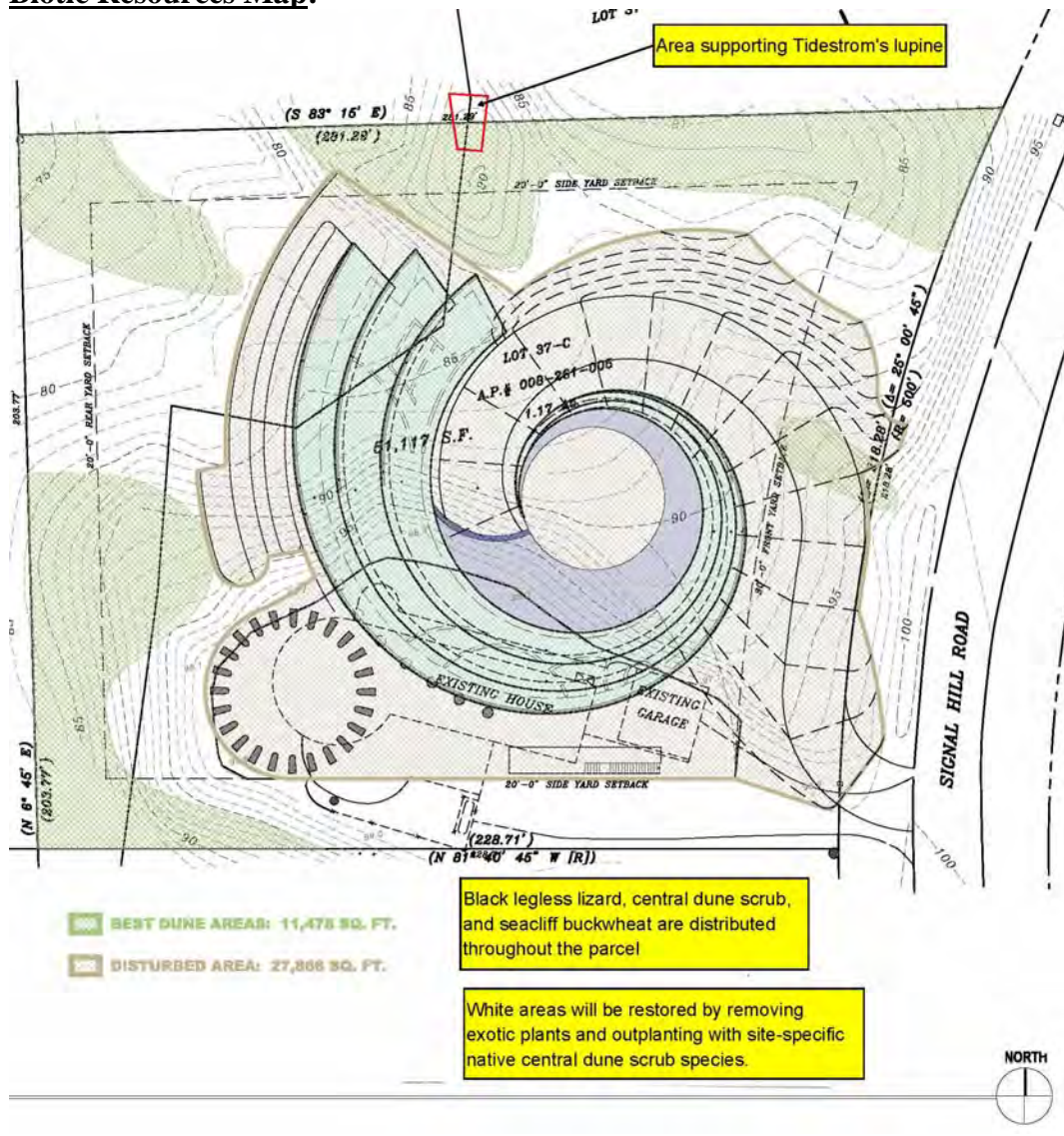
1. Seacliff buckwheat (*Eriogonum parvifolium*). 243 plants will be planted on 2-foot centers, as described under Mitigation 1. This mitigation will occur on 972 square feet.
2. Mock-heather (*Ericameria ericoides*). 400 plants will be installed on 3-foot centers. This mitigation will occur on 3600 square feet.
3. California coffee-berry (*Rhamnus californica*). 5 plants will be installed on 10-centers. This will occur on 500 square feet.
4. California beach-aster (*Lessingia californica californica*). 60 plants will be installed on 2-foot centers. This will occur on 240 square feet.
5. Yellow sand verbena (*Abronia latifolia*). 180 plants will be installed on 5-foot centers. This will occur on 4500 square feet.
6. Pink sand verbena (*Abronia umbellata*). 180 plants will be installed on 5-foot centers. This will occur on 4500 square feet.
7. Mexican rush (*Juncus mexicanus*). 300 plants will be installed on 1-foot centers. This will occur on 300 square feet.
8. Sand dune sedge (*Carex pansa*). 350 plants will be installed on 1-foot centers. This mitigation will occur on 350 square feet.
9. California poppy (*Eschscholzia californica maritima*). This maritime variety will be seeded on 5000 square feet. Seed will be applied among outplanted specimens in areas that will not be compromised by these other mitigation plantings.
10. Beach primrose (*Camissonia cheiranthifolia*). This species will be seeded on 5000 square feet. Seed will be applied among outplanted specimens in areas that will not be compromised by these other mitigation plantings.
11. San Francisco bluegrass (*Poa unilateralis*). 400 plants will be installed on 1-foot centers. This will occur on 400 square feet.
12. Dune convolvulus (*Calystegia soldanella*). 10 plants will be installed on 3-foot centers. This mitigation will occur on 90 square feet.
13. Pacific reed-grass (*Calamagrostis nutkaensis*). 8 plants will be installed on 3-foot centers. This will occur on 72 square feet.
14. Dune sagewort (*Artemisia pycnocephala*). 220 plants will be installed on 3-foot centers. This mitigation will occur on 1980 square feet.

The total square footage of the parcel to be occupied by the outplantings is 17,504 square feet, roughly equaling the area of 17,491 square feet identified for restoration in the second paragraph of this mitigation section.

Regional Map (from the Monterey 7.5' USGS topographic quadrangle):



Biotic Resources Map:



List of Species Encountered On-Site (taxa not native to the site are indicated by an asterisk).

SCIENTIFIC NAME

COMMON NAME

TREES*Acacia* sp.

*wattle

Cupressus macrocarpa

*Monterey cypress

Pinus radiata

*Monterey pine

SHRUBS, SUBSHRUBS AND WOODY VINES*Artemisia pycnocephala*

beach sagewort

Baccharis pilularis

coyote brush

Echium fastuosum

*echium

Ericameria ericoides

mock-heather

Eriogonum parvifolium

seacliff buckwheat

Rhamnus californica ssp. *californica*

California coffee-berry

Toxicodendron diversilobum

poison-oak

HERBACEOUS PLANTS*Abronia latifolia*

yellow sand verben

Abronia umbellata

pink sand verben

Aira caryophyllea

*hair grass

Ammophila arenaria

*Mediterranean beachgrass

Briza maxima

*rattlesnake grass

Bromus diandrus

*ripgut grass

Bromus madritensis ssp. *madritensis*

*Spanish brome

Calamagrostis nutkaensis

Pacific reed-grass

Calystegia soldanella

beach morning-glory

Camissonia cheiranthifolia

beach evening primrose

Cardionema ramosissimum

sand mat

Carex pansa

sand dune sedge

Carpobrotus chilense

*sea fig

Carpobrotus edulis

*Hottentot fig

Cryptantha leiocarpa

coast popcorn flower

Dudleya caespitosa

sea lettuce

Erigeron glaucus

seaside daisy

Eschscholzia californica var. *maritima*

California poppy

Euphorbia peplus

*petty spurge

Filago gallica

*narrow-leaved filago

Galium aparine

*goose-grass

Juncus mexicanus

Mexican rush

Lessingia californica var. *californica*

California beach-aster

Lotus heermannii var. *orbicularis*

woolly lotus

Lotus scoparius var. *perplexans*

Hoover's lotus

Lupinus tidestromii

Tidestrom's lupine

Madia sativa
Marah fabaceus
Medicago polymorpha
Oxalis pes-caprae
Phalaris californica
Plantago coronopus
Poa unilateralis
Rubus ursinus
Senecio vulgaris
Sonchus asper
Sonchus oleraceus
Vulpia octoflora var. *octoflora*
Zantedeschia aethiopica

coast tarweed
 man-root
 *bur-clover
 *Bermuda buttercup
 California canary-grass
 *cut-leaf plantain
 San Francisco blue grass
 Pacific blackberry
 *common groundsel
 *prickly sow-thistle
 *common sow thistle
 slender fescue
 *calla lily

ANIMALS

Anniella pulchra nigra
Euphilotes enoptes smithi

black legless lizard
 Smith's blue butterfly (assumed)

Addendum: P. Kreiberg's Summary of Findings for Black Legless Lizard:

Sunset Coast Nursery
Specializing in native coastal plants

August 16, 2006

Jeff Norman
P.O. Box 15
Big Sur, CA 93920

RE: Black legless lizard survey: 1158 Signal Hill Rd. Pebble Beach

Dear Jeff,

Thanks for your patience and reminders to get this letter to you.

After talking with Kerry Bauer of Wallace Cunningham, we visited the site at 1158 Signal Hill Rd. in Pebble Beach on May 26, 2006. You showed me the site and observed while I searched for the black legless lizard in presumed highest quality habitat on the property. After about an hour on site, I found an adult black legless lizard near the area where the Tidestrom's lupine is located. The lizard was found in loose soft sand, under a beach sagewort shrub, away from any Tidestrom's lupine.

I am enclosing a copy of the report I am obligated to file with the Natural Diversity Data Base under the conditions of my permit from the California Department of Fish and Game (DFG). I am also sending a copy of the photo I took of you holding the box we used to contain the lizard while I gathered pertinent size, condition and color data. I will keep the lizard data I recorded on file should we need it in the future.

I am certain your client will have questions as to what to do next. There may be more than one approach but the important question of lizard presence / absence has been answered.

Black legless lizard, *Anniella pulchra nigra*, is considered by the DFG to be a "Species of Special Concern". Anyone who wishes to handle the lizards must have a permit issued by DFG. In the case of

Patti Kreiberg

Tel and FAX (831) 726-1672
2745 Tierra Way, Aromas, CA 95004

a proposed project in the known range of black legless lizards, a search for lizards should be conducted. If legless lizards are found, appropriate CEQA measures should be followed.

In this case, since lizards were located on the property, the DFG office in Yountville, CA should be contacted. Carl Wilcox has been the contact for previous projects. The DFG number is 707-944-5500; Mr. Wilcox's extension is 5525.

Previous projects have moved forward after the approval of a "Black Legless Lizard Management Plan". The management plans are crafted individually for each project site, taking into account the unique conditions of a site. Components of a management plan include site information, background, proposed search methods, handling of lizards when found and disposition of lizards. Every plan is reviewed by DFG and modified at their request if necessary. DFG is consulted at various times during the implementation of an approved plan, so that they are aware of progress and can make pertinent decisions based on results of lizard search.

The components of a management plan regarding disposition of lizards can be discussed with DFG, and have included several options over the years depending on the project. Searching for and finding lizards is generally required. Appropriate handling and disposition of lizards is not difficult to do, but there are several options to consider: generally, it is preferred to find a lizard and put it back where found. If it is not possible to put the lizard back where found, it can be held in captivity until its habitat is restored and it can be put back where found, or it can be relocated to another appropriate habitat if the relocation habitat is a) permanently set-aside as a conservation area, b) not already supporting a lizard population at "maximum capacity", c) able to absorb the lizards relocated there without negative impact on the habitat or existing lizard populations. There may be other options for disposition of lizards, but DFG, the client and consultants should

Page 2

discuss what might be appropriate, allowed and /or economically feasible.

At the 1158 Signal Hill Road site most of the sand is covered by ice plant and poison oak. You will recall this was important in looking for the lizard we found. Ice plant is very difficult to search through while looking for legless lizards. It is physically difficult because of the mass of material to be moved. Also, any root /sand disturbance below ground allows lizards to move away from the search area before they are seen.

Poison oak can be a significant health hazard. Most people have allergic reactions to contact with poison oak, which make it risky to consider digging through poison oak in order to locate lizards.

Since it will likely be necessary to search for and locate legless lizards, it would be less difficult, less hazardous and more economical if the iceplant and poison oak is sprayed with Round-up® and left to die in place. The decomposing ice plant actually provides decent cover for legless lizards and the search for lizards through dead plant material is not as physically demanding. Killing the poison oak with Round-up® reduces the hazard to human health. Eradicating both species improves the possibility of restoring a diverse, healthy, appropriate native sand dune plant and animal community.

I am certain this short letter will generate questions; please feel free to contact me at (831)-726-1672. Thank you for your patience.

Sincerely,

Patti Kreiberg

Patti Kreiberg

cc: Kerry Bauer, Wallace Cunningham

Page 3



Photos taken by Patricia Kreiberg at 1158 Signal Hill Rd. on 26 May 2006. Upper photo shows a specimen retained in a plastic container for documentation purposes; lower photo shows the same animal held by Ms. Kreiberg.

Mail to:
California Natural Diversity Database
Department of Fish and Game
1807 13th Street, Suite 202
Sacramento, CA 95814
Fax: (916) 324-0475 email: WHDAB@dfg.ca.gov

For Office Use Only
Source Code _____ Quad Code _____
Elm Code _____ Occ. No. _____
EO Index No. _____ Map Index No. _____

Date of Field Work mm/dd/yyyy: 05/26/2006

Reset **California Native Species Field Survey Form** Send Form

Scientific Name: Anniella pulchra nigra
Common Name: black legless lizard

Species Found? ☒ Yes ☐ No If not, why? _____
Total No. Individuals 1 Subsequent Visit? ☐ yes ☒ no
Is this an existing NDDB occurrence? ☐ yes, Occ. # _____ ☒ no ☐ unk.
Collection? If yes: _____ Number _____ Museum / Herbarium _____

Reporter: Patricia A. Kreiberg
Address: 2745 Tierra Way
Aromas, CA 95004
E-mail Address: _____
Phone: 831-726-3615

Plant Information
Phenology: _____ % vegetative _____ % flowering _____ % fruiting

Animal Information
adults ☐ # juveniles ☐ # larvae ☐ # egg masses ☐ # unknown ☒
☐ breeding ☐ wintering ☐ burrow site ☐ rookery ☐ nesting ☒ other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: Monterey County Landowner / Mgr.: unknown
Quad Name: Monterey (366C) Elevation: 90'
T _____ R _____ Sec _____ 1/4 of _____ 1/4, Meridian: ☐ H ☐ M ☐ S ☐ Source of Coordinates (GPS, topo. map & type): GPS
T _____ R _____ Sec _____ 1/4 of _____ 1/4, Meridian: ☐ H ☐ M ☐ S ☐ GPS Make & Model Garmin GPS Map 76
Datum: NAD27 ☐ NAD83 ☐ WGS84 ☐ Horizontal Accuracy 3-5 meters/feet
Coordinate System: UTM Zone 10 ☐ UTM Zone 11 ☐ OR Geographic (Latitude & Longitude) ☒
Coordinates: Easting/Longitude 121:57:57.02 W Northing/Latitude 34:34:59.29 N

Habitat Description (plant communities, dominants, associates, substrates/soils, aspects/slope): Highly disturbed coastal dune w/ solid stands of iceplant (Carpobrotus, or Mesembryanthemum). Isolated patches of native dune species: Lupinus chamissonis, Ericameria ericoides, Artemisia pyramcephala. Some bare sand supporting Lupinus tidestromii. Iceplant with large colonies of poison oak Toxicodendron diversilobum. Gentle to steep slopes - Aspect: all westward - ocean facing - areas of bare sand subject to wind disturbance/movement. Substrate: SAND dune
Other rare taxa seen at THIS site on THIS date: ~~Lupinus~~ Lupinus tidestromii Tidestrom's lupine

Site Information Overall site quality: ☐ Excellent ☐ Good ☒ Fair ☐ Poor
Current / surrounding land use: Resort area: Single Family Dwellings
Visible disturbances: _____
Threats: Proposed grading - removal of existing SF Dwelling, construction of new residence.
Comments: Large patches of iceplant & poison oak make searching difficult & hazardous

Determination: (check one or more, and fill in blanks)
☐ Keyed (cite reference): _____
☐ Compared with specimen housed at: _____
☐ Compared with photo / drawing in: _____
☐ By another person (name): _____
☒ Other: personal experience with species

Photographs: (check one or more) Slide Print Digital
Plant / animal ☐ ☐ ☒
Habitat ☐ ☐ ☒
Diagnostic feature ☐ ☐ ☐
May we obtain duplicates at our expense? ☒ yes ☐ no

FORMIDAB1747 Rev. 10/2003

California Natural Diversity Database record, submitted by Patricia Kreiberg, for black legless lizard at 1158 Signal Hill Rd., Pebble Beach.

<p style="text-align: center;">Mail to: California Natural Diversity Database Department of Fish and Game 1807 13th Street, Suite 202 Sacramento, CA 95814 Fax: (916) 324-0475 email: CNDDB@dfg.ca.gov</p>	<p style="text-align: center;"><i>For Office Use Only</i></p> <p>Source Code _____ Quad Code _____</p> <p>Elm Code _____ Occ. No. _____</p> <p>EO Index No. _____ Map Index No. _____</p>	
<p>Date of Field Work mm/dd/yyyy: 05/26/2006</p>		
Reset	California Native Species Field Survey Form	Send Form
<p>Scientific Name: <i>Lupinus tidestromii</i></p>		
<p>Common Name: Tidestrom's lupine</p>		
<p>Species Found? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If not, why?</p> <p>Total No. Individuals: 10 Subsequent Visit? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unk</p> <p>Is this an existing NDDB occurrence? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unk</p> <p>Collection? If yes: <input type="checkbox"/> Yes <input type="checkbox"/> No Pacific Grove Museum of Nat. Hist. Museum / Herbarium</p>		<p>Reporter: Jeff Norman</p> <p>Address: P.O. Box 15, Big Sur, CA 93920</p> <p>E-mail Address: jnorman@csdfe.net</p> <p>Phone: (831) 402-3792</p>
<p>Plant Information</p> <p>Phenology: <input checked="" type="checkbox"/> vegetative <input type="checkbox"/> flowering <input type="checkbox"/> fruiting</p>	<p>Animal Information</p> <p><input type="checkbox"/> # adults <input type="checkbox"/> # juveniles <input type="checkbox"/> # larvae <input type="checkbox"/> # egg masses <input type="checkbox"/> # unknown</p> <p><input type="checkbox"/> breeding <input type="checkbox"/> wintering <input type="checkbox"/> burrow site <input type="checkbox"/> roosting <input type="checkbox"/> nesting <input type="checkbox"/> other</p>	
<p>Location Description (please attach map AND/OR fill out your choice of coordinates, below)</p>		
<p>County: Monterey Landowner / Mgr: HA Investment Ltd</p> <p>Quad Name: Monterey (366C) Elevation: 90'</p> <p>T _____ R _____ Sec _____ 1/4 of _____ 1/4, Meridian: H <input type="checkbox"/> M <input type="checkbox"/> S <input type="checkbox"/> Source of Coordinates (GPS, topo, map & type): GPS</p> <p>T _____ R _____ Sec _____ 1/4 of _____ 1/4, Meridian: H <input type="checkbox"/> M <input type="checkbox"/> S <input type="checkbox"/> GPS Make & Model: Garmin GPS Map 76</p> <p>Datum: NAD27 <input type="checkbox"/> NAD83 <input type="checkbox"/> WGS84 <input type="checkbox"/> Horizontal Accuracy: 3-5 meters/feet</p> <p>Coordinate System: UTM Zone 10 <input type="checkbox"/> UTM Zone 11 <input type="checkbox"/> OR Geographic (Latitude & Longitude) <input type="checkbox"/></p> <p>Coordinates: Easting/Longitude 121:57:57.02W Northing/Latitude 36:34:59.29N</p>		
<p>Habitat Description (plant communities, dominants, associates, substrates/soils, aspects/slope):</p> <p>General habitat is central dune scrub, with <i>Artemisia pycnantha</i>, <i>Eriogonum fasciculatum</i>, <i>Camissonia cheiranthifolia</i>, <i>Toxodendron diversifolium</i>, <i>Carpobrotus edulis</i>, <i>Abronia imbellis</i>, <i>A. latifolia</i>, <i>Lesqueria californica californica</i>, <i>Poa unilateralis</i>. The plants occur on a level area of ca. 800 sq. ft. area with a northwesterly aspect. NB: this occurrence straddles the property line between the subject property and the property lying to the north. Due to the poorly-defined property line here, it was not possible to quantify the number of plants which may be on either of the two parcels.</p> <p>Other rare taxa seen at THIS site on THIS date: Black legless lizard, <i>Amniella pulchra nigra</i></p>		
<p>Site Information Overall site quality: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor</p> <p>Current / surrounding land use: Occurrence on a 5,100 sq ft lot with residential structures on 3 sides. A road separates the 4th side of the lot from an undeveloped tract of dunes. Beyond the fence are the golf courses of Pebble Beach and the Pacific Ocean ca. 200 yds west.</p> <p>Visible disturbances: Dunes on the parcel are highly infested with <i>Carpobrotus edulis</i>. There is also some adverse wind action upon the substation supporting the lupine plants, with the root crowns of the older specimens partly exposed.</p> <p>Threats: The plants are threatened by potential development of the lot upon which they are situated, although mitigation for these impacts will allow a sufficient buffer to prevent impacts associated with the project. Long-term mitigation monitoring will also help maintain the species on-site.</p> <p>Comments: These plants are of special value. Be removed as they are from the genetically-contaminated hybrids arising from inappropriate mitigation plant introduction at the Pebble Beach Company's line at Spanish Bay.</p>		
<p>Determination: (check one or more, and fill in blank)</p> <p><input type="checkbox"/> Keyed (cite reference): _____</p> <p><input type="checkbox"/> Compared with specimen housed at: Pacific Grove Museum of Natural History</p> <p><input type="checkbox"/> Compared with photo / drawing in: _____</p> <p><input type="checkbox"/> By another person (name): _____</p> <p><input type="checkbox"/> Other: _____</p>		<p>Photographs: (check one or more)</p> <p>Plant / animal <input type="checkbox"/> Slide <input type="checkbox"/> Print <input type="checkbox"/> Digital</p> <p>Habitat <input type="checkbox"/> Slide <input type="checkbox"/> Print <input type="checkbox"/> Digital</p> <p>Diagnostic feature <input type="checkbox"/> Slide <input type="checkbox"/> Print <input type="checkbox"/> Digital</p> <p>May we obtain duplicates at our expense? <input type="checkbox"/> yes <input type="checkbox"/> no</p>

California Natural Diversity Database record, submitted by Jeff Norman, for Tidestrom's lupine at 1158 Signal Hill Rd., Pebble Beach.

**PARTIAL REMODEL AND MINOR ADDITION TO AN EXISTING
RESIDENTIAL STRUCTURE AT 1158 SIGNAL HILL ROAD,
PEBBLE BEACH, MONTEREY COUNTY, CA**

PLN100612

BIOLOGICAL RESOURCES LETTER REPORT

APN: 008-261-005

Project: Abercrombie Residence

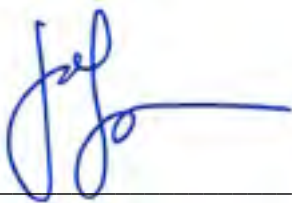
Prepared for: The County of Monterey
RMA, Planning Department
Attn: Delinda Robinson

Owners: Mr. & Mrs. LeBon Abercrombie
1158 Signal Hill Road
Pebble Beach, CA 93953

Owners' Agent: Maureen Wruck
Maureen Wruck Planning Consultants
Salinas, CA 93901
maureen@mwruck.com

Preparer: Jeffrey B. Froke, Ph.D.
3158 Bird Rock Road
Pebble Beach, CA 93953
(831) 224-8595
jbfroke@mac.com

Friday, 13 May 2011



Jeffrey B. Froke, Ph.D.
County Approved Biological Consultant

INTRODUCTION

SUMMARY

This biological letter report refers to a previously developed residential property in Pebble Beach, CA, where the owners propose a minor addition and remodel of a portion of the existing occupied dwelling. The report presents findings of three (3) recent biological surveys (November 2010, March 2011, and April 2011) and an evaluation of resources found on the entire property, focusing on the proposed footprint expansion area.

The project site is located near several dislocated segments of an old dune environment; and, the original homesite and its surrounding custom lot neighborhood was developed amidst the dunes setting (est. 50-60 years ago). Whereas extant coastal dunes and native dune vegetation inside Pebble Beach (Del Monte Forest) are now designated as Coastal Act *Environmentally Significant Habitat Areas* (ESHA)¹ and, hence are in the purview of the Monterey County Local Coastal Program (LCP)² and specifically the Del Monte Forest Area Land Use Plan³, the current project location does not qualify as ESHA as it has been graded, leveled and overburdened to create the existing residence. Specifically, the site fails as ESHA because it does not contain *remnants of the indigenous coastal sand dunes*. The footprint expansion is entirely within the graded and leveled (original) building pad, including the pad slope and side-cast, and that area is discontinuous (+120 ft) with natural or near-natural dune habitat.

Ultimately, this report assesses the potential for adverse biological effects and recommends whether specific avoidance, minimization, mitigation or compensation measures would be required or appropriate. This report evaluates the presence/absence of special-status species, whether plant or animal, and any sensitive vegetation communities within or next the affected area of the proposed project. This report concludes that the Abercrombie Residence remodel and minor addition project, as proposed, will adversely affect neither a special status nor protected plant or animal species, or associated habitat.

¹ The [Coastal Act](#) defines “environmentally sensitive area” as: “Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (Section 30107.5).

² Local Coastal Programs (LCPs) are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. LCPs contain the ground rules for future development and protection of coastal resources in the 75 coastal cities and counties. The LCPs specify appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances). Prepared by local government, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements.

³ Del Monte Forest Area Land Use Plan, approved by the MoCo Board of Supervisors, with amendments and acknowledgment of certification by the California Coastal Commission, effective 19 May 1987.

PURPOSE

Pursuant to the California Environmental Quality Act (CEQA), this report will provide the County of Monterey and interested agencies, e.g., California Coastal Commission, with accurate and sufficient biological information to determine whether the project application has adequately addressed CEQA and other regulatory standards and policies, e.g., Coastal Act and LUP, and thereby would be eligible for requisite permitting and authorization. From a CEQA standpoint, if ever the project can be shown to have potentially significant (adverse) effects on sensitive or special-status public trust resources, the report will answer with appropriate mitigation measures aimed to reduce the effects to a level of less than significant.

PROJECT LOCATION AND SITE BACKGROUND

Location & Regional Context

The project site is located near the Pacific Ocean coastline inside the unincorporated community of Pebble Beach in Monterey County, California. The legal address for the property is 1158 Signal Hill Road, Pebble Beach, CA 93953.

Straddling the geophysical dividing line between Northern and Southern California,⁴ the project site is near the westernmost point in Monterey County, between Cypress Point and Point Joe. The property is situated inside an old and largely developed dune environment approximately 400 ft from the rocky ocean shore.

Fig. 1 illustrates the location and regional context of the project property; also, see Table 1 for specific geographic information.

Table 1. Geographic Conditions

1158 SIGNAL HILL ROAD, PEBBLE BEACH CA 93953	
Elevation ASL	80-86 ft
Latitude	36.582844
Longitude	-121.966137
Datum	NAD27

⁴ Del Monte Forest is located within the Central Coastal phytogeographic region: Hickman, J.C., ed., 1993. The Jepson Manual: Higher Plants of California. University of California Press, Berkeley. 1,400 pp.

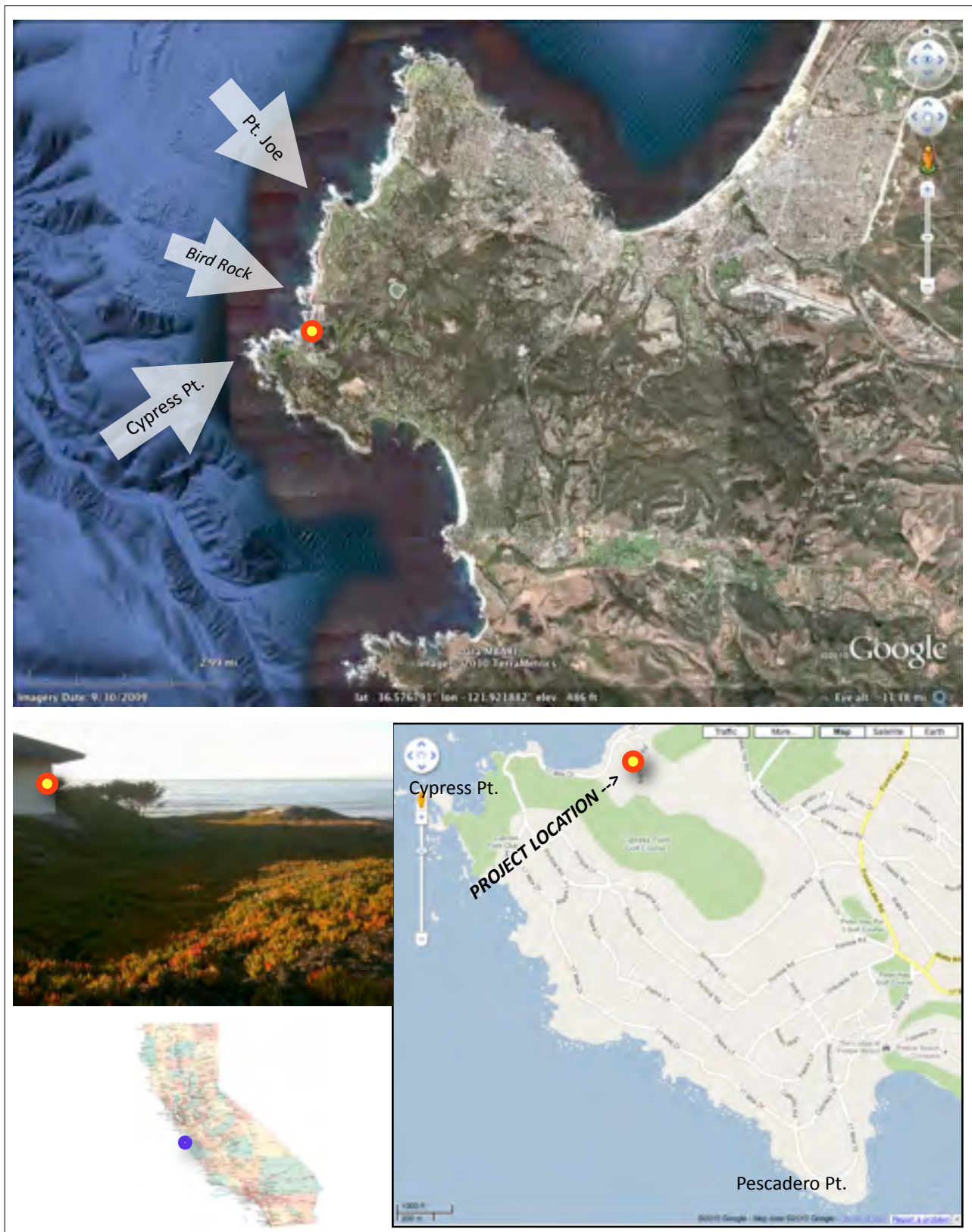


Fig. 1 Aerial image (circa 2009) and maps to illustrate the geographical position and context of the project area at 1158 Signal Hill Road, Pebble Beach, on the Monterey Peninsula in Monterey County, CA.

DESCRIPTION

The proposed project involves an addition and remodeling to a portion of the existing residential structure (2,740 ft²) including a new front entry and patio, and resulting in an areal gain of 120 pct (+3,275 ft²); and, the total lot coverage would increase from 05.40 pct to 11.80 pct (allowable = 15 pct). By converting parking areas to semi-permeable structures and materials, the total amount of impermeable (non-building) land coverage would decrease by +/- 82.00 pct (3,952 -> 714 ft²).

Along with field work, site information for this report was collected from the 05 Feb 2011 project site plan (Mandurrango, Mandurrango & Sullivan; D.1).

SURVEY & BOTANICAL BACKGROUND

JBF conducted three biological surveys and a directed sensitive species survey of the project site over three sessions during November 2010 - April 2011, capturing a range of seasonal conditions including expected growing and flower periods for annual plants. Each survey involved walking slowly and carefully over the entire site and searching for and identifying onsite plant and animal species, the latter by direct visual observation as well as using aural and biological signatures for wildlife. An objective of the surveys was confirmation of known, expected or potentially occurring special-status species; and, a second objective was identification of the (vascular) plant and (vertebrate) animal species that inhabit the affected site, occasionally and permanently.

Field observations and searches were backed-up with digital photography; and a series of representative site photos is available for review.

FINDINGS

Habitat Types & Vegetation Cover

Figure 2 incorporates an aerial image and line overlay to illustrate the approximate boundaries and cover of the subject property. (The overlay also includes the outer perimeter of the proposed house modifications). The total property (51,000 ft²), excluding the area covered by the existing residence (-2,700 ft², including detached garage) and associated hardscape (-4,000 ft² = 44,300 ft²) encompasses a series of dune cover types ranging from open non-vegetated dune (<5 pct), rudimentary sage scrub (Pacific Poison Oak, *Toxicodendron diversilobum*; California Sagebrush, *Artemisia californica*; and Coyotebrush, *Baccharis pilularis*; 5 pct), and sandy swales covered with densely matted iceplants (*Carpobrotus edulis* x *chilensis*; >90 pct). The iceplant-covered areas incorporate stands of Cleaverwort (*Galium aparine*), a common species that is native to the region. Figure 3 illustrates existing site conditions with a current ground photograph focused on the interface of the adjusted hardscape perimeter and principal open space of the property.



Fig. 2 Aerial view (circa 2009) and overlay of the subject property boundaries and proposed project improvements. Area encircled in red is the single onsite place with approximately native or natural dune substrate and cover conditions, i.e., open sand with sparse native sage scrub vegetation and limited invasives. The same site is a documented location of Tidestrom's Lupine and Black Legless Lizard, both of which are special-status species (P.A. Kreiberg, 26 May 2006 [CA Natural Diversity Database]). Location: 1158 Signal Hill Road, Pebble Beach, Monterey County, CA.



Fig. 3 Close-up view of the principal structural extension of the proposed project along with an aerial view to reference adjacent habitat, whether contacted or affected or by the proposed construction. Red-encircled area is same as illustrated in Figure 2: limited area of natural or native dune habitat. Location: 1158 Signal Hill Road, Pebble Beach, Monterey County, CA.

Special-Status Species

'Special-status species' is a universal term used in conservation and government communities for plant and animal taxa that are considered to be sufficiently uncommon or rare that they require special consideration and/or protection, and should be, or have been, listed as rare, threatened or endangered by the Federal and/or State governments.

Plantlife

Two special-status plant species, known extant in coastal dunes of the Central Coast and Pebble Beach, were targeted during botanical surveys of the project site and on-property vicinity. The species include Tidestrom's Lupine (*Lupinus tidesrtomii*, a state and federal endangered species) and Coastal Dunes Milk-vetch (*Astragalus tener* var. *titi*, also a federal endangered species).

Additional special-status plant species known or reasonably expected to occupy habitats in the open coastal areas of Pebble Beach, and which were included but not found from onsite botanical searches, include Monterey Indian Paintbrush (*Castilleja latifolia*), Monterey Spineflower (*Chorizanthe pungens* var. *pungens*), Menzies' Wallflower (*Erysimum menziesii menziesii*), Beach Layia (*Layia carnos*), and Sand Gilia (*Gilia tenuiflora* var. *arenaria*).

Findings: As a result of surveys made during 2010-2011, no special-status plant species, whether named above, was found present on the subject property, and specifically near the project site. As well, Seacliff Buckwheat (*Eriogonum parvifolium*), which is an obligate host forage plant for the federal endangered butterfly, *Euphilotes enoptes smithii*, is not present. Nevertheless, Tidestrom's Lupine was discovered on the subject property by P. A. Kreiberg in 2006, and the finding was limited to a single patch in appropriate habitat at the far north boundary of the property (see Figure 2), approximately 120-150 ft from the most proximal edge of project site, separated by unsuitable habitat for the plant (reference: P.A. Kreiberg, CA Native Species Field Survey Form, 26 May 2006).

Wildlife

The probable fauna of the site is the same as would be expected throughout the coastal forest edge and shore areas and intervening residential and golf properties of Pebble Beach. Representative bird species observed during surveys of the property and numerous routine visits to the neighborhood include Dark-eyed Junco (*Junco hyemalis*), White-crowned Sparrow (*Zonotrichia leucophrys*), American Crow (*Corvus brachyrhynchos*), and Black Phoebe (*Sayornis nigricans*). While the fully protected White-tailed Kite (*Elanus leucurus*) is commonly associated as a predator of California Vole (*Microtus californicus*) and other small mammals that inhabit shorefront iceplant fields and golf course roughs, the bird is neither expected nor observed to forage over the smaller and isolated patches of habitat as make up the Signal Hill neighborhood.

Mammals not often seen but well known to be locally common and expected include Striped Skunk (*Mephitis mephitis*), Opossum (*Didelphis virginiana*), Raccoon (*Procyon lotor*), Coyote (*Canis latrans*), Bobcat (*Lynx rufus*), and observed Botta's Pocket-gopher (*Thomomys bottae*) and California Mule Deer (*Odocoileus hemionus californicus*). With two exceptions, there are no special-status mammals known or expected to inhabit the coastal residential estates of 17-Mile Drive near the Signal Hill and Spyglass Hill neighborhood. The two exceptions are Mountain Lion (*Puma concolor*), which is a highly mobile predator that occasionally makes deer-hunting forays in the local forest and on the golf courses, and the Dusky-footed Woodrat (*Neotoma fuscipes luciana*). The lion is a California 'fully protected species,' and the woodrat is a species of concern.⁵

Dusky-footed Woodrats inhabit garages and attics throughout Pebble Beach, as well as Carmel and the Monterey Peninsula; and, the species is most likely to be present in and around older homes close to dense brush and 'overgrown' plantings along the 17-Mile Drive. However, a search for evidence of woodrats at the project site, which lacks woody cover, failed to reveal the animal's presence. Woodrats or not, the possibility of a remote effect from the project on wildlife and habitat is not likely.

Findings: The one special-status animal documented as occurring near the project site is the Black Legless Lizard (*Anniella pulchra nigra*), a California Species of Special Concern. An individual legless lizard was discovered during a targeted search of the subject property -- in association with a previous demolition and new residence plan -- by P.A. Kreiberg (26 May 2006), and the reported finding was limited to appropriate habitat at the far north edge of the property (see Figure 2), approximately 150 ft from the project site, separated by unsuitable habitat for the lizard.

Assessment

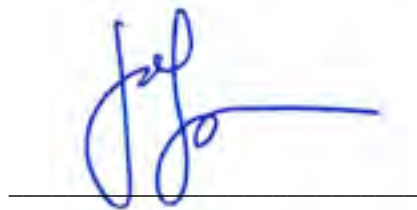
The spatial and biological characteristics of the project area, including the property as a whole, will be nearly identical to existing conditions, provided a beneficial change (increase) in the permeable coverage of the outdoor hardscape. Altogether, the completion and continued occupancy of the remodeled residence will result in improved soils and drainage; and impacted vegetation will be limited to iceplant and poison oak.

The key question is whether the proposed changes, including the extension of the building perimeter, which is almost exclusively on the already impacted (south) side of the house, will impose on the identified native dune habitat at the north edge of the property that is removed 120-150 ft from the project site. Actually, the proposed site changes will be next to densely matted iceplant as characterizes the majority (90 pct) of the existing open part of the property.

5

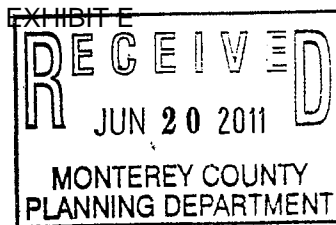
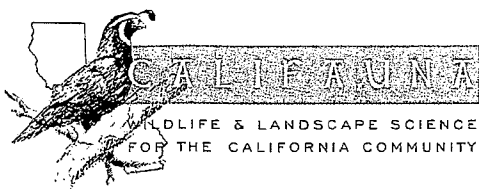
Neotoma fuscipes luciana is found on federal and state lists of concern, but not specifically because of the species' own status -- it is one of the most successful and abundant native rodents in Monterey County and California -- but, because it is adjacent geographically to the federal endangered Riparian Woodrat, or San Joaquin Woodrat (*Neotoma fuscipes riparia*) that occurs in the San Joaquin Valley. It is policy of the Department of Fish and Game and US Fish and Wildlife Service to notice all species or subspecies that have range boundaries contiguous with endangered varieties of conspecifics (B. Garrison, pers. comm.).

In view of present findings and observations, it is certain that the proposed project, including the remodeled residential and hardscape complex, will not diminish biological resource values or threaten to disturb or displace any native species or onsite habitat, whether listed or special status. As previously stated, the project does not meet significance criteria per CEQA⁶; nor does it incorporate or impact Coastal Act ESHA.



⁶ The following thresholds for measuring the biological effects of the project are based on CEQA Guidelines; and, determination of impacts and impact levels is based on familiarity with the identified species. For purposes of this report, adverse effects are considered significant if they would result in the following:

1. *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.*
2. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.*
3. *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.*
4. *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.*
5. *A substantial introduction of new invasive species of plants or animals into an area or an introduction of a barrier to the normal replenishment of existing species.*
6. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*
7. *Conflict with the provisions of an adopted Habitat Conservation Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*



MEMORANDUM

Date: Thursday, 09 June 2011
Topic: **ABERCROMBIE RESIDENCE**
Memo Attachment for Biological Report (13 May 2011)
Project effect on Monterey Cypress Trees
MoCo: PLN100612
APN: 008-261-005
Location: 36.57162° lat / -121.95969° lon @ alt. 200 ft ASL
Addressee: Maureen Wruck, Managing Member
Maureen Wruck Planning Consultants, LLC
21 West Alisal, Suite 111
Salinas, CA 93901
831 771 2557

Maureen,

You asked if the proposed project (see my report of 13 May 2011) could possibly affect one or both of the Monterey Cypress trees growing on the Abercrombie property. One tree is in the walled courtyard and the second is in front of the house on the street edge (see attached aerial image). Mine is a two part answer:

First - If anything, it is not clear whether the specific cypress trees are within the native range, though they are almost certainly planted. Maps and site records of the old botanists' who were in the field before development of Cypress Point in the 1920s) are not so specific that one could determine between observations at one-eighth (several records) to one-half (Abercrombie) of a mile from Cypress Point, proper. Nevertheless, there are no records specifically telling of pre-1920s trees as much as one-half mile (NE) of the Point. Nevertheless, the specific trees, which are younger than would have been present before the subdivision and grading of the Abercrombie lot from the dunes.

PLN100612

EXHIBIT E

Abercrombie Cypress Trees 09JE2011

2 / 2

Second, and regardless of origin and nativity, neither tree will be directly nor indirectly affected by the proposed project. The trees are outside of the project area; and, there are no foreseeable circumstances that would wind up impairing the welfare of either specimen, especially as by the redirection or concentration of moisture at the root level. Neither is near where tractors and compactors, etc. would be operating, i.e., to risk compaction or direct collision.

I hope this helps with your concern. Thanks for asking.

Jeff



ZANDER ASSOCIATES

Environmental Consultants

November 29, 2011

John Bridges
Fenton & Keller
Post Office Box 791
Monterey, CA 93942-0791

**Peer Review
Biological Resources Letter Report
1158 Signal Hill Road
Pebble Beach, CA**

Dear John:

At your direction, I have reviewed the above-referenced report dated May 13, 2011, prepared by Jeffrey B. Froke, Ph.D. I also visited the property at 1158 Signal Hill Road at Pebble Beach on September 21, 2011, to ground truth existing conditions against the assessment in the Froke report.

The Froke report provides a biological resources assessment of a proposed remodel and addition to the existing residence on the subject property. It evaluates the proposed project's potential for adverse impacts to special status species, sensitive vegetation communities and other coastal resources. It determines whether specific avoidance, minimization, mitigation or compensation measures would be required or appropriate to reduce any identified impacts. The report concludes that the proposed project will not adversely affect any special status species or sensitive vegetation communities. It further concludes that the project location does not qualify as an environmentally sensitive habitat area (ESHA) as per the California Coastal Act, the Monterey County Local Coastal Program (LCP) and the Del Monte Forest Area Land Use Plan (LUP).

The report provides an adequate assessment of the existing conditions on the site based on field surveys conducted by Dr. Froke on three separate occasions in November 2010, March and April 2011 (specific dates not provided). Dune cover types are noted and a cursory list of plants observed is included in the text. However, no vegetation mapping is provided to illustrate the distribution of these cover types on the site and no complete listing of plants observed is provided. Special-status plant species are discussed with two particular species, Tidestrom's lupine (*Lupinus tidestromii*) and coastal dunes milk vetch (*Astragalus tener* var. *titi*), targeted for surveys. Five additional special-status plants "known or reasonably expected to occupy habitats in the open coastal areas of Pebble Beach...were included but not found from onsite botanical surveys."

Curiously, Dr. Froke did not observe Tidestrom's lupine during his surveys in the "single onsite place with approximately native or natural dune substrate and cover conditions." An earlier survey of the property identified a small colony, consisting of 19 Tidestrom's lupine plants at that location (Jeff Norman, Biological Report 1158 Signal Hill Road, September 2006). During my site reconnaissance on September 21st, I re-confirmed the presence of (but did not count) a number of plants in this small colony of Tidestrom's lupine in that area, but did not observe the species elsewhere on the property.

The wildlife assessment in the report is based mostly on the probability of species occurring in the vicinity. Actual observations were limited to a few common avian species like dark-eyed junco (*Junco hyemalis*), white-crowned sparrow (*Zonotrichia leucophrys*), American crow (*Corvus brachyrhynchos*) and black phoebe (*Sayornis nigricans*), and a focused search for evidence of dusky-footed woodrat (*Neotoma fuscipes luciana*). This level of assessment is not inappropriate for a remodel project in an existing subdivision. However, two special-status animal species, the Smith's blue butterfly (*Euphilotes enoptes smithi*) and the black legless lizard (*Anniella pulchra nigra*) were summarily dismissed when more substantial discussion was warranted.

Because Dr. Froke did not observe one of the host plants for Smith's blue butterfly, seacliff buckwheat (*Eriogonum parvifolium*), during his surveys, his report provides no further evaluation of the potential for the butterfly on the site. However, the Norman surveys in 2006 and my own September 21, 2011 site reconnaissance identified numerous seacliff buckwheat plants within dune scrub habitat on the site, scattered throughout the property within areas of thick iceplant, and also along the driveway to the existing house. In 2008, the presence of seacliff buckwheat on the site was sufficient reason to engage the services of Dr. Richard Arnold (a noted butterfly expert) for systematic flight season surveys on the site and in the area (ten visits during June, July and August of that year). The results of Dr. Arnold's surveys on the property and in the vicinity throughout the 2008 flight season were negative (see attached report). Smith's blue butterfly has not been recorded in the Pebble Beach area and there are historic gaps in its distribution between the City of Monterey shoreline and the Carmel Valley area. Although apparently suitable habitat and host plants for this species occur along the 17-Mile Drive shoreline and in the vicinity of Signal Hill Dune, no butterflies have ever been recorded and none were observed in these areas or anywhere along the entire 17-Mile Drive during several regular, seasonally-timed summer surveys of the area conducted between 2000 and 2006 by Dr. Arnold. Given the species' history of absence from the area coupled with Dr. Arnold's site-specific negative findings over a complete season of survey, it is reasonable to conclude that Smith's blue butterfly is unlikely to occur on the subject property even though seacliff buckwheat is found there.

Froke reports that one black legless lizard was identified by P.A. Kreiberg on the site in 2006 and thus concludes that the only suitable habitat for the lizard occurs at the far north edge of the property where the individual lizard was found. In fact, Kreiberg's targeted search was conducted to determine presence/absence; once an individual lizard was found (confirming presence), the search was stopped. Kreiberg's field data sheet states that "large patches of

EXHIBIT E

John Bridges
November 29, 2011
Page 3

Zander Associates

iceplant and poison oak make searching difficult and hazardous” and her letter report recommends spraying the iceplant and poison oak with RoundUp® to facilitate further searching (Patti Kreiberg, letter to Jeff Norman, August 16, 2006). According to Kreiberg, “decomposing iceplant actually provides decent cover for legless lizards and the search for lizards through dead plant material is not as physically demanding.” Consequently, legless lizard presence on the rest of the site cannot be dismissed; legless lizards could potentially be found beyond the far north edge of the property. However, significant disruption of suitable habitat for this species is not likely to result from the proposed improvements to the residence, especially since the work will stay within the area previously disturbed for construction of the existing house and building pad (see below). A pre-construction search and relocation effort for the legless lizard within the proposed improvement area by a qualified biologist would adequately reduce any potential impacts.

The Froke report’s conclusions regarding potential impacts to other special status species, sensitive vegetation communities and other coastal resources are reasonable, given the limited scale of the proposed project and the past history of site disturbance. However, the details of the impact assessment are difficult to evaluate critically because of the absence of clear graphic depictions of pre and post-project conditions. Figures 2 & 3 provided in the Froke report focus primarily on the area at the far north edge of the property “with approximately native or natural dune substrate and cover conditions” and its distance (+120 ft) from the proposed improvements. While the rest of the site may not currently support a predominance of native cover, there are definitely native dune substrates beneath the iceplant and patches of dune scrub vegetation and open sand closer than 120 feet to the existing residence. Based on Zander Associates earlier work on the site for a previous owner and on my September 21st site visit, I provide a vegetation map (Figure A, attached) to illustrate the distribution of cover types on the site.

Finally, the report’s conclusions regarding the extent of and potential impacts to ESHA on the site require clarification. In the Summary section, the report states that the current project location does not qualify as ESHA because “it has been graded, leveled and overburdened to create the existing residence....The footprint expansion is entirely within the graded and leveled (original) building pad, including the pad slope and side-cast....” Clearly, if the proposed project location lies entirely within the pre-existing disturbance area, it would not qualify as ESHA. However, in both the Summary and the Assessment sections, the text also references the distance of proposed new disturbance (+120 feet) from the “natural or near natural dune habitat” on the north edge of the property as another basis for the ESHA determination. The Assessment section states that “impacted vegetation will be limited to iceplant and poison oak” but leaves unanswered the specific location and extent of that impact. Iceplant and poison oak dominated vegetation on undisturbed remnant dune substrates could be considered ESHA in the Coastal Zone at Pebble Beach.

Subsequent to my September 21st site reconnaissance, I was provided a copy of the *Disturbed Area Analysis* prepared by Landset Engineers, Inc. dated October 19, 2011. The Landset report presents a thorough and compelling assessment of the extent of past disturbance on the

EXHIBIT E

John Bridges
November 29, 2011
Page 4

Zander Associates

site. I also obtained electronic drawing (AutoCad) files of the proposed improvements to the existing residence, the previous area of disturbance boundary, and the limits of the proposed work. This information, when overlaid on the vegetation map of the site (Figure B, attached), substantiates the Froke report's conclusions regarding the nature and extent of the proposed project's impacts relative to existing disturbance.

In summary, I believe that the Froke report is adequate but could have benefited from several corrections and clarifications, as noted above. In addition, I believe that a recommendation to restore native dune habitat on the remainder of the site, especially by removing iceplant, would have been appropriate and would result in beneficial effects from this project. Coastal dune habitat has been severely compromised in the vicinity of the site; dune restoration should be an element of any proposed new construction in the area.

I trust that this review will assist you in moving ahead with the project. Please contact me by email (mzander@zanderassociates.com) or telephone at (415 897-8781 if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Zander', with a long horizontal flourish extending to the right.

Michael Zander
Principal

Attachments: Arnold Report
Figure A, Vegetation Map
Figure B, Project Overlay

Richard A. Arnold, Ph.D.
President

Entomological Consulting Services, Ltd.

104 Mountain View Court, Pleasant Hill, CA 94523-2188 • (925) 825-3784 • FAX (925) 827-1809
bugdet@a.comcast.net • www.ecsltd.ca 6 September 2008

Mr. Michael Zander
Zander Associates
150 Ford Way, Suite 101
Novato, CA 94945

Re: 1158 Signal Hill Road in Pebble Beach, CA.
Report on Presence/Absence Surveys for the Smith's Blue Butterfly

Dear Mike:

This letter reports on my findings of presence/absence surveys for the endangered Smith's Blue butterfly, *Euphilotes enoptes smithi* (Lepidoptera: Lycaenidae). My survey was conducted at the aforementioned residential property (APN 008-261-005-000) that measures approximately 1.17 acres and is owned by Mr. Hisham Alireza.

The Alireza property is an existing residential lot with an existing home that overlooks the Pebble Beach shoreline on the Monterey Peninsula. It is situated along Signal Hill Road in an older (1950's) residential subdivision on sandy dune substrates near the base of the Signal Hill Dune.

Briefly, I can summarize the findings of my surveys as follows. No life stages of the butterfly were observed during 10 visits to the property during the butterfly's summer 2008 flight season. For this reason, I conclude that the Smith's Blue does not occupy the property at this time. The remainder of this report provides background information on the butterfly and additional information on my survey methods and findings.

Background Information.

The Smith's blue butterfly was recognized as a federally-listed endangered species pursuant to provisions of the Endangered Species Act of 1973 by the U.S. Fish & Wildlife Service (1976). Although the State of California's Fish & Game Code does not recognize insects as endangered or threatened species, the butterfly is considered a rare or special-status species under the California Environmental Quality Act.

The Smith's Blue is a small lycaenid butterfly, whose adult wingspan measures about one inch. Larvae are slug-shaped and vary in color from cream to pale yellow or rose, to match the buckwheat (*Eriogonum* sp.; Polygonaceae) flowerheads on which they feed.

Smith's Blue butterfly was originally described in the genus *Philotes* by Mattoni (1954), and referred to as *Philotes enoptes smithi*. Shields (1975) realigned several genera of blues, resulting in the placement of the species *enoptes* in the genus

Shijimiaeoides. Thus, the scientific name of the Smith's Blue, when it was first recognized as an endangered species (U.S. Fish & Wildlife Service 1976), was *Shijimiaeoides enoptes smithi*. Mattoni (1977) subsequently made a number of nomenclatural rearrangements in several genera of the blue butterfly tribe Scolitandini, which resulted in the placement of *enoptes* in the genus *Euphilotes*. Today, the Smith's Blue is now known scientifically by the name, *Euphilotes enoptes smithi*; however, all of these names may be encountered in the literature.

From the Salinas River to Monterey, *smithi* is found on coastal sand dunes usually in association with Coast Buckwheat (*Eriogonum latifolium*). Although recent studies by Pratt and Emmel (1998) suggest that these populations should be referred to as *E. enoptes tildeni* or *E. enoptes arenicola*, the US Fish & Wildlife Service has yet to adopt these findings. From the southern portion of Fort Ord to Monterey, there are several sand dune-inhabiting populations that occur in association with seacliff (also commonly known as dune) buckwheat (*Eriogonum parvifolium*). South of Monterey, and into northern San Luis Obispo County, *smithi* is found at several dozen locations in the Santa Lucia Mountains and along the immediate coastline, where there is coastal sage scrub or cliff chaparral habitat and *E. parvifolium* (Arnold 1986a and Kellner 1989). Similarly, inland populations of the butterfly, such as those occurring in the Carmel River Valley, are primarily associated with coastal sage scrub and cliff chaparral habitats, and feed on *E. parvifolium*. At some interior locations, adults of the Smith's blue have also been observed nectaring on naked buckwheat (*E. nudum*), but it is not known if larvae feed on this buckwheat (Arnold 1991a and 1991b).

Smith's blue butterfly is univoltine, i.e., it has only one generation per year. Adult emergence and seasonal activity is synchronized with the blooming period of the particular buckwheat used at a given site. At a particular location, adults are active for about four to eight weeks, but the adult activity period and duration can vary dramatically from year-to-year and from one location to another in the same year.

Individual adult males and females live approximately one week, and both sexes spend the majority of their time on *Eriogonum* flowerheads (Arnold 1983a, 1983b, and 1986). There they perch, bask (i.e., thermoregulate), forage for nectar, search for mates, copulate, and lay their eggs. Females lay single eggs on the buckwheat flowers. Larvae hatch in about one week and begin feeding in the buckwheat flowerheads. Young larvae feed on the pollen and developing flower parts, while older larvae feed on the seeds. Older larvae are often tended by ants, which may provide some protection from parasites and predators. Upon maturing in about one month, the larvae pupate in the flowerheads or in the leaf litter and soil at the base of the buckwheat plant. Pupae that form in the flowerheads later drop to the ground.

Dispersal data from capture-recapture studies (Arnold 1983b and 1986a) indicate that most adults are quite sedentary, with home ranges no more than a few acres. However, a small percentage of adults disperse farther and exhibited home ranges between 20-30 acres (Arnold 1986a). The related El Segundo Blue butterfly (*Euphilotes*

EXHIBIT E

battoides allyni) has been found to disperse up to 1.4 miles (Arnold 1986b), so the Smith's Blue is probably capable of dispersing similar distances.

All populations of the three buckwheat foodplants, within the range of the Smith's blue, are not always used by the butterfly at a particular point in time. Lycaenids that feed on *Eriogonum* flowers favor mature, robust individuals of the perennial buckwheats because they produce more flowers (Arnold 1983a and 1983b; Arnold and Goins 1987; Arnold 1990). Thus, buckwheat stands that consist of younger or older, senescent individuals, which produce fewer flowers, may not be visited by the butterfly until these plants mature or are augmented by robust, flowering specimens.

Among butterflies, it is somewhat unusual for both the adult and larval stages to feed only on one plant, and, in particular, only on just the flowers. Most butterflies feed as caterpillars on one or a few closely-related plants, and then as adults obtain nectar from flowers that are generally unrelated to what the caterpillars fed on. Because of the Smith's blue's dual dependency on the flowers of its buckwheat foodplants, it is more susceptible to habitat degradation. Although it is more extinction prone because of its total dependence upon the flowers of buckwheats, conservation efforts are greatly simplified because resource managers only need worry about a single plant rather than several plants to maintain this endangered butterfly.

Methods.

The purpose of my survey was to determine the presence or absence of the Smith's Blue butterfly at both project sites. The Edgewater Shopping Center in Sand City, a known location for the butterfly, was used as a control site for my surveys at the Alireza property. In an effort to determine if the Smith's Blue occurred at any locations nearer to the property, I also briefly surveyed selected natural and planted stands of *Eriogonum parvifolium* that now grow at various locations along the 17 Mile Drive.

The Alireza property was visited 10 times between June 24 and August 30, 2008. Additional survey dates included: July 3, 7, 15, 22, and 27, plus August 3, 10, and 16. Survey dates were selected based on weather forecasts for conditions favorable for butterfly activity.

Visual surveys for both the adult and larval stages of the butterfly were conducted. Although the adult life stage of the butterfly is easier to view, the larval stage is strictly limited in its occurrence to the flowerheads of the buckwheat plants and is indicative of a resident, breeding population. Surveys for larvae and adults were conducted during my site visits to the project site. During my site visits, I examined flowerheads of all resident individuals of *Eriogonum parvifolium* for larvae of the endangered butterfly.

Results and Discussion.

The Alireza property supports degraded habitat that could potentially support the Smith's Blue butterfly. An existing single-family residence, garage, paved driveway, and patio cover approximately one-half of the lot. In the remainder of the lot, ice plant is the

EXHIBIT E

dominant plant. Scattered throughout the ice plant are solitary individuals and small groups of *Eriogonum parvifolium*. Collectively, a few dozen buckwheat plants grow at the Alireza property. Additional individuals grow on neighboring properties along Signal Hill Road.

No larvae or adults of the Smith's Blue butterfly were observed at the Alireza property during my surveys in 2008. In contrast, adults of the Smith's Blue butterfly were observed at the control site on 7 of my 10 survey dates, while larvae were observed on all survey dates during July and August. No adults of Smith's Blue were observed during my August 10th visit to Edgewater Shopping Center and I conclude that the butterfly's 2008 flight season ended at about that time, however larvae were observed there through my August 16th visit. These results indicate that the Smith's Blue butterfly did not inhabit the Alireza property site during 2008.

During the past 31 years I have conducted several presence-absence surveys for the Smith's Blue in various portions of Pebble Beach without ever finding the butterfly there. For example, in 2000 I conducted an extensive survey at the Signal Hill Dune and various locations along the 17 Mile Drive throughout the butterfly's entire flight season and did not find the Smith's Blue. Similarly, in 2008 I also checked for the Smith's Blue butterfly at 12 locations along the 17 Mile Drive where *Eriogonum parvifolium* grows naturally or has been planted in recent years. However, no life stages of the Smith's Blue butterfly were observed at these nearby, off-site locations. The negative survey findings at these nearby locations during 2008 and in prior years indicate that the butterfly does not occur in the Pebble Beach portion of the Monterey coast, even when good quality habitat is present.

Since the Smith's Blue occurs both north and south of the Pebble Beach area on the Monterey Coast, its absence at Pebble Beach is intriguing. The nearest known populations are at the Naval Postgraduate School to the north and at Pt. Lobos to the south. While I don't have a definitive explanation as to why the butterfly is absent from Pebble Beach, I suspect that the extensive conversion of sand dune habitat to urbanization along the coastal portions of the cities of Monterey, Pacific Grove, and Carmel has created a habitat gap that is a greater distance than butterflies from the nearest known locations can normally travel. In addition, substantial portions of these coastal areas are at least partially forested and subject to persistent, dense coastal fog throughout the summer months, which poses another obstacle for a diminutive, sun-loving butterfly. Several habitat restoration projects in the greater Pebble Beach area have increased the biomass of the buckwheat food plant in recent years, so some day we may see the butterfly successfully colonize this portion of the Monterey coast.

References.

Arnold, R.A. 1983a. Conservation and management of the endangered Smith's Blue butterfly, *Euphilotes enoptes smithi*. Journal of Research on the Lepidoptera 22:135-153.

Arnold, R.A. 1983b. Ecological studies of six endangered butterflies: island

EXHIBIT E

biogeography, patch dynamics, and the design of habitat preserves. Univ. of Calif. Publications in Entomology 99: 1-161.

Arnold, R.A. 1986a. Ecological studies of the endangered Smith's Blue butterfly at Marina State Beach in 1986. Final report for an interagency agreement between the Calif. Dept. of Parks & Recreation and the University of California's University Research Expedition Program. 32 pp.

Arnold, R.A. 1986b. Studies of the El Segundo Blue butterfly – 1984. California Dept. of Fish & Game, Inland Fisheries Branch. Administrative Report #86-4. 37 pp.

Arnold, R.A. 1990. The ecology and conservation of two endangered Southern California butterflies. IN, *Endangered Wildlife and Habitats in Southern California*. P.J. Bryant and J. Remington, eds. Memoirs of the Natural History Foundation of Orange County. Vol. 3, pp. 36-47.

Arnold, R.A. 1991a. Habitat and status surveys for the endangered Smith's Blue butterfly at Rancho San Carlos in Carmel Valley, California. Final Report. 35 pp.

Arnold, R.A. 1991b. Habitat and status surveys for the endangered Smith's Blue butterfly at Garland Park in Carmel Valley, California. Final Report. 30 pp.

Arnold, R.A. and A.E. Goins. 1987. Habitat enhancement techniques for the El Segundo Blue butterfly, an urban endangered species. IN, *Integrating Man and Nature in the Metropolitan Environment*. L.W. Adams and D.L. Leedy, eds. Proc. Natl. Symposium on Urban Wildlife, Chevy Chase, MD, 4-7 Nov. 1986. Published by the National Institute for Urban Wildlife. pp. 173-181.

International Union for the Conservation of Nature (IUCN). 1996. Red list of threatened animals. Gland, Switzerland. 368 pp.

Kellner, C. 1989. Survey for Smith's Blue butterflies along the Big Sur coast, Monterey County, California. LSA Associates Inc. Pt. Richmond, CA. 80 pp.

Mattoni, R.H.T. 1954. Notes on the genus *Philotes*. I. Descriptions of three new subspecies and a synoptic list. Bull. So. Calif. Acad. Sci. 53:157-165.

Mattoni, R.H.T. 1977. The Scolitantidini: I. Two new genera and a generic rearrangement (Lycaenidae). Journ. Res. Lepid. 16:223-242.

Pratt, G.F. & J.F. Emmel. 1998. Revision of the *Euphilotes enoptes* and *E. battoides* complexes. IN, Emmel, T.C. (ed.). *Systematics of western North American butterflies*. Mariposa Press. Gainesville, FL. pp. 207-270.

EXHIBIT E

Shields, A.O. 1975. Studies on North American *Philotes* (Lycaenidae). V. Taxonomic and biological notes, and new subspecies. Bulletin Allyn Museum, No. 28: 1-30.

U.S. Fish & Wildlife Service. 1976. Determination that six species of butterflies are endangered species. Federal Register 41:22041-22044.

If you have any questions about my report, give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Arnold".

Richard A. Arnold, Ph.D.
President

EXHIBIT E



1 inch equals 40 feet

Zander Associates
Environmental Consultants
 4460 Redwood Hwy, Suite 16-240
 San Rafael, CA 94903

Legend

- Partially Vegetated Open Sand
- Coastal Dune Scrub
- Iceplant Dominated
- Property Boundary

Vegetation Types
Abercrombie Property
Pebble Beach, California

Date: 10/11

Figure
A

EXHIBIT E



1 inch equals 40 feet

Zander Associates
Environmental Consultants
 4460 Redwood Hwy, Suite 16-240
 San Rafael, CA 94903

Legend

- Partially Vegetated Open Sand
- Coastal Dune Scrub
- Iceplant Dominated
- Proposed New Footprint per LandSet
- Limits of Construction Activity
- Prior Limit of Grading
- Property Boundary

Proposed New Footprint,
 Limits of Work and
 Prior Limit of Grading
 Abercrombie Property
 Pebble Beach, California

Date: 11/11

Figure
 B

**DUNE RESTORATION PLAN
ABERCROMBIE PROPERTY**

**1158 Signal Hill Road
Pebble Beach, California**

Prepared for:

John Bridges
Fenton & Keller
Post Office Box 791
Monterey, CA 93942-0791

Prepared by:

Zander Associates
4460 Redwood Hwy, Suite 16-240
San Rafael, California 94903

November 2011

EXHIBIT E

TABLE OF CONTENTS

1.0	Introduction.....	1
1.1	Setting	1
1.2	Project Description.....	4
1.3	Purpose of the Plan	7
2.0	Recommended Minimization Measures During Construction	7
3.0	Restoration Plan.....	7
3.1	Restoration Goal and Objectives	8
3.2	Non-Native Species Control	8
3.3	Sand Stabilization	9
3.4	Revegetation	9
3.5	Treatment Areas.....	10
3.5.1	Ice Plant Dominated Treatment Area	10
3.5.2	Coastal Scrub Treatment Area	11
3.5.3	Open Sand Treatment Area.....	11
4.0	Monitoring and Maintenance Program	12
5.0	Implementation Schedule.....	13

List of Figures

- Figure 1: Site Location
- Figure 2: Vegetation Types
- Figure 3: Proposed New Footprint & Limits of Work
- Figure 4: Dune Restoration Area

List of Tables

- Table 1: Recommended Plant Species for Dune Restoration Area
- Table 2: Implementation Schedule

1.0 INTRODUCTION

This dune restoration plan has been prepared for the 1.17-acre parcel located at 1158 Signal Hill Road, Pebble Beach, California, known as the Abercrombie Property (Figure 1). The property is situated in an older (ca 1950's) developed residential subdivision on sandy dune substrates between two existing golf courses: Spyglass Hill & Cypress Point. The property also sits near the base of Signal Hill Dune, a protected remnant of the once more extensive Asilomar Dunes complex that historically occurred along the Monterey Peninsula shoreline. The historic dune system has been fragmented by sand mining, the construction of roads, golf courses, houses and other development over the years.

The existing house, driveway, landscaping and other residential amenities occupy approximately 7,179 square feet (0.16-acre) of the site on a graded pad adjacent to Signal Hill Road. Two mature Monterey cypress (*Hesperocyparis macrocarpa*) are growing as landscape elements near the house.¹ Northerly of the pad, the site slopes down (northwesterly) toward 17-Mile Drive through sandy dune terraces and swales. Most of the undeveloped areas on the property are heavily colonized by non-native iceplant (*Carpobrotus* spp.), but there are also limited areas of more native dune habitat.

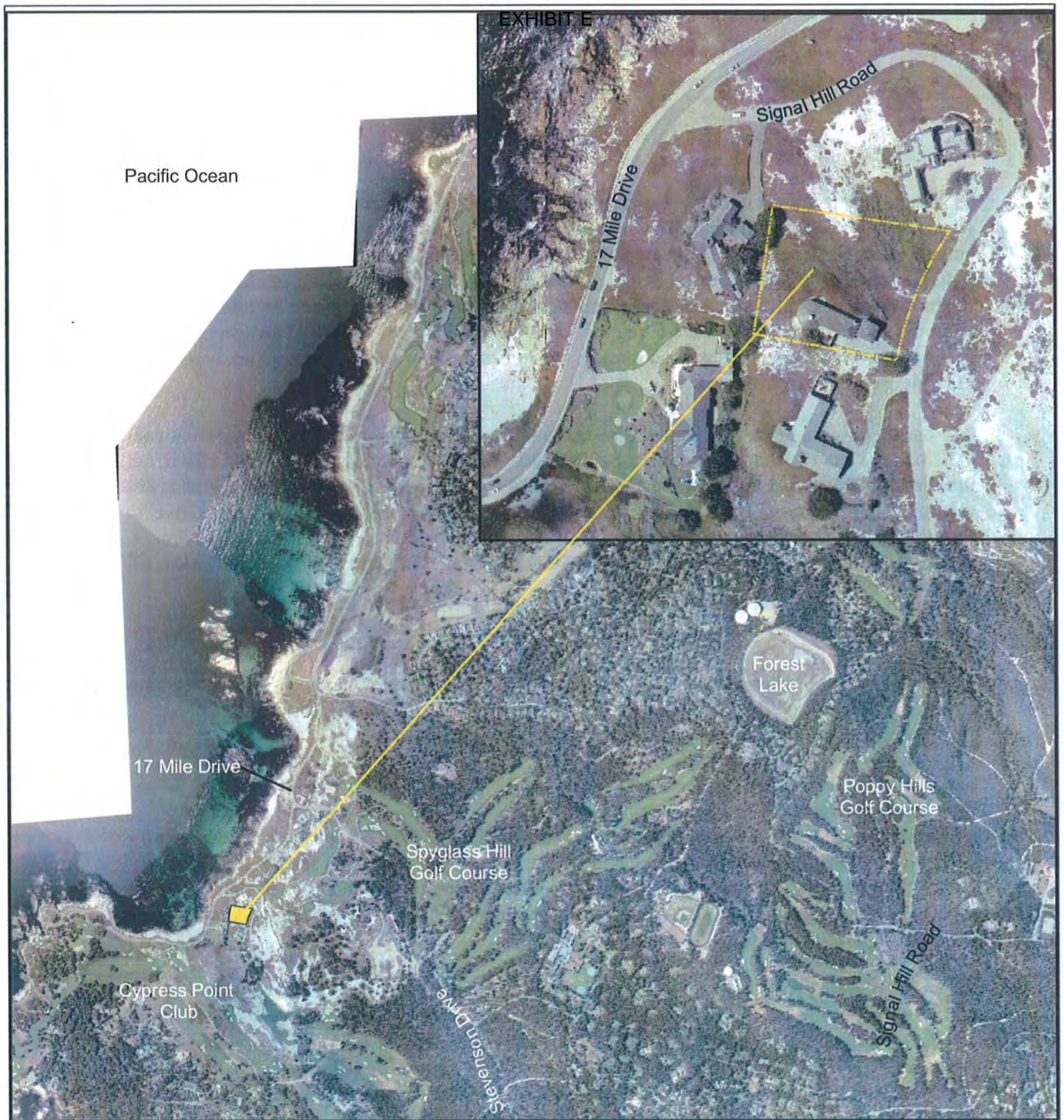
1.1 Setting

Three intergrading vegetation types occur on the property: iceplant dominant, sparsely vegetated open sand, and coastal dune scrub. Figure 2 indicates the distribution and extent of each vegetation community and a description of each is provided below.

Deep layers of dense iceplant cover the majority of the property surrounding the existing house, driveway and associated residential features (i.e. walkways, patio and two mature Monterey cypress trees planted as landscape elements). This iceplant dominant vegetation type largely precludes the establishment of other vegetation but does allow occasional scattered patches of aggressive colonizers like poison oak (*Toxicodendron diversilobum*) and a few isolated individuals of plants such as seacliff buckwheat (*Eriogonum parvifolium*) and mock heather (*Ericameria ericoides*).

Sparsely vegetated open sand occurs patchily on the property and is comprised of mostly bare white sands that support only scattered coastal strand and dune species, such as beach sagewort (*Artemisia pycnocephala*), mock heather, California beach-aster (*Lessingia californica* var. *californica*), sand verbena (*Abronia* sp.) and beach evening primrose (*Camissonia cheiranthifolia*). The open sandy areas with sparse native shrubs provide the best potential habitat on the property for special status plant species, most of which are annual and cannot tolerate much, if any, competition from other plants. The highest quality open sand habitat on the site occurs along the northerly property boundary. A limited occurrence of the state and federally endangered Tidestrom's lupine (*Lupinus tidestromii*) was found in this area in 2006, 2008 and 2011, and an individual black legless lizard (*Anniella pulchra nigra*) was found in

¹Native habitat for Monterey cypress occurs at Cypress Point, south of the property; however, the trees on the site appear to have been planted as landscape elements.



Legend

Property Boundary

1 inch equals 1,667 feet



Zander Associates
Environmental Consultants
4460 Redwood Hwy, Suite 16-240
San Rafael, CA 94903

Site Location
Abercrombie Property
Pebble Beach, California

Date: 11/11

Figure
1

EXHIBIT E



1 inch equals 40 feet

Zander Associates
Environmental Consultants
4460 Redwood Hwy, Suite 16-240
San Rafael, CA 94903

Legend

- Partially Vegetated Open Sand
- Coastal Dune Scrub
- Iceplant Dominated
- Property Boundary

Vegetation Types
Abercrombie Property
Pebble Beach, California

Date: 11/11

Figure
2

2006. The mapped open sand habitat that occurs next to the existing residence is poorer quality, comprised of more compacted soils, containing construction debris such as rock and glass, and supporting more ruderal weedy and invasive plant species, such as European beach grass (*Amophila arenaria*), ripgut brome (*Bromus diandrus*) and Spanish brome (*Bromus madritensis*).

Coastal dune scrub vegetation, characterized by native coyote brush (*Baccharis pilularis*) and mock heather, occurs in large patches as the dominant cover in a matrix of iceplant, primarily in the northeast portion of the property. Other prevalent species include seacliff buckwheat, poison oak, sand dune sedge (*Carex pansa*) and Mexican rush (*Juncus mexicanus*). Although iceplant is the significant ground cover in this vegetation type, the diversity of species and dominance of woody material as a shrub layer clearly differentiate this vegetation type from the more homogenous iceplant dominant type.

1.2 Project Description

The project consists of the remodeling and additions to an existing 2,776 square foot one-story contemporary style single family residence. The proposed addition to the residence of 1,513 square feet consists of a master bedroom suite, laundry room, office, storage area, and a new entry foyer. Additionally, the proposed project also includes a 285 square foot covered entry porch, a 209 square foot covered patio located on the northwest corner of the residence, a new roof over the entire structure, the installation of a roof-mounted photovoltaic system, the replacement of the existing asphalt driveway with permeable concrete pavers, the replacement of the existing concrete patio on the southwest side of the residence with a natural stone tile and the addition of a fire pit, water feature, and planters.

Construction activity will be confined to the area of the existing residence, patio, driveway and the new addition, plus allowance for temporary scaffolding for roofing and plastering of the exterior walls around the perimeter during the construction process (Figure 3). The additional foundations will consist of a pier and grade beam/helical anchor foundation system. Foundation earthwork will be done within the perimeter of the foundations themselves, and will not require scarification and re-compaction of the existing soil outside the perimeter of the foundations.

The existing asphaltic concrete driveway paving will be removed and replaced with permeable concrete pavers over compacted sand. The drainage system will include a new infiltration pit located under the driveway to allow the percolation of rain water from the roof and patios.

Landscaping will be limited to the existing landscaped areas and the driveway area, with the natural vegetation over the majority of the lot left undisturbed.

Upon completion of all construction, the total impermeable footprint (building + patios) will be 5,671 square feet or about 11.1% of the property. Additionally, there will be about 2,090 square feet of permeable driveway area, covering about 4.1% of the property.

Almost one acre (0.99 ac) of the site will remain undeveloped following completion of construction (Figure 4). This area will be designated as the dune restoration area and will be restored and managed according to the methods described in this plan.

EXHIBIT E



1 inch equals 40 feet

Zander Associates
Environmental Consultants
4460 Redwood Hwy, Suite 16-240
San Rafael, CA 94903

Legend

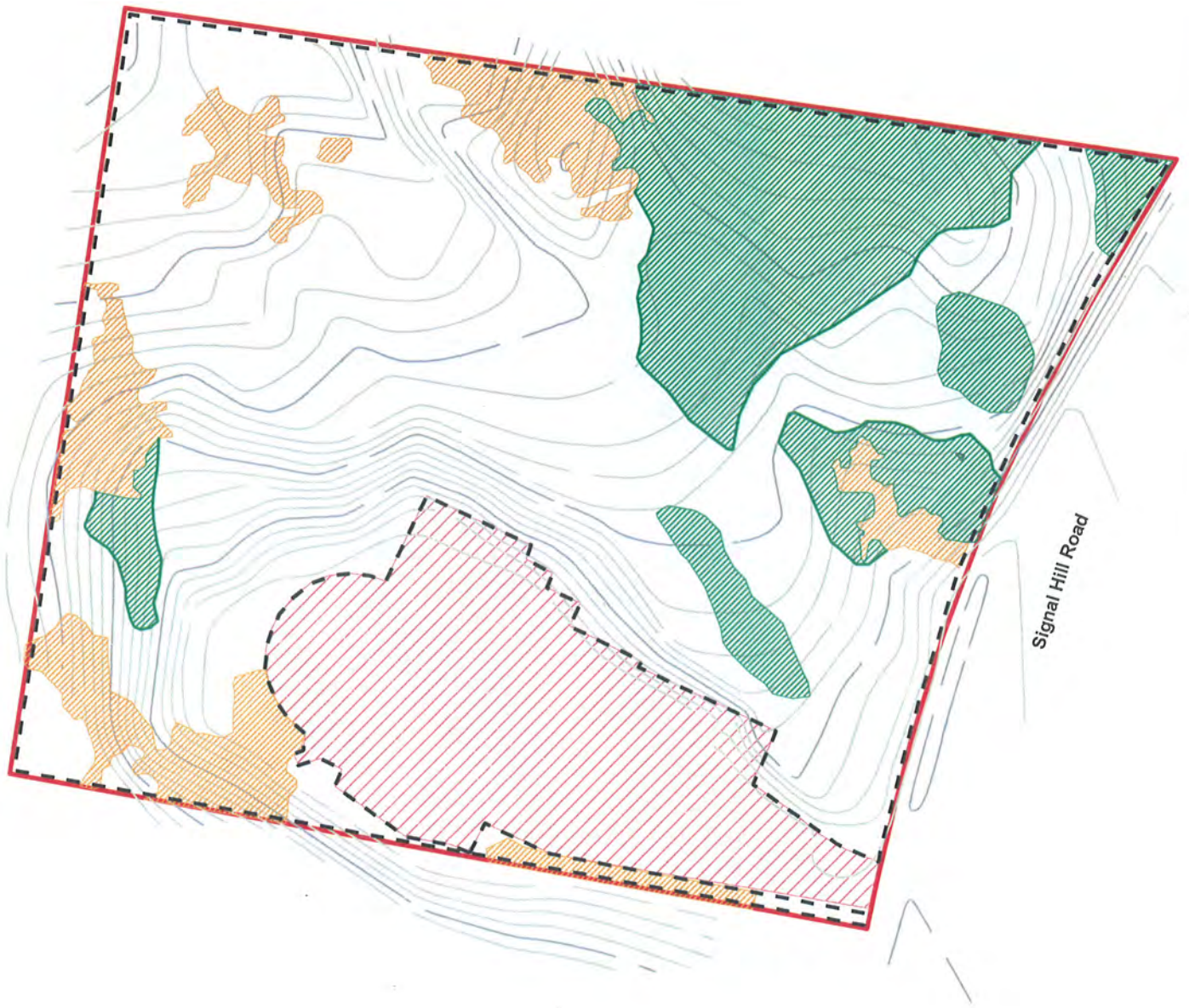
- Partially Vegetated Open Sand
- Coastal Dune Scrub
- Iceplant Dominated
- Proposed New Footprint
- Limits of Construction Activity
- Property Boundary

Proposed New Footprint
and Limits of Work
Abercrombie Property
Pebble Beach, California

Date: 11/11

Figure
3

EXHIBIT E



1 inch equals 40 feet

**Zander Associates
Environmental Consultants**
4460 Redwood Hwy, Suite 16-240
San Rafael, CA 94903

Treatment Areas

- Open Sand - 0.11 ac
- Coastal Dune Scrub - 0.33 ac
- Iceplant Dominated - 0.55 ac

Legend

- Restoration Area - 0.99 ac
- Developed Area - 0.18 ac
- Property Boundary - 1.17 ac

**Dune Restoration Area
Abercrombie Property
Pebble Beach, California**

Date: 11/11

**Figure
4**

1.3 Purpose of the Plan

The purpose of this plan is to describe the dune restoration program for a portion of the Abercrombie property. The areas targeted for restoration in this plan include open sand, coastal scrub and iceplant-dominated areas on approximately one acre (0.99-acre) of remnant dune terraces and swales that will remain undeveloped following completion of construction. The plan identifies initial impact minimization measures during construction, restoration techniques and restoration treatment areas. It also outlines measures for short term monitoring and long term maintenance of the restored areas and provides an implementation schedule. The primary goal within the dune restoration area will be to eradicate nonnative species and reestablish native dune vegetation.

2.0 RECOMMENDED MINIMIZATION MEASURES DURING CONSTRUCTION

A qualified coastal biologist (Project Biologist) shall be retained by the property owner to guide and monitor all activities described in this restoration plan. The Project Biologist shall be selected and under contract prior to issuance of construction/building permits.

Prior to commencing any construction-related activities on the site, a pre-construction meeting shall be held with the architect or owner, construction manager, subcontractors and the Project Biologist. The Project Biologist will make a presentation to the group on the sensitivity of the dune habitat and discuss protection measures for the habitat during construction activities. All sub-contracts shall include a statement that the sub-contractor shall not disturb the habitat area by grading, parking, material storage, human traffic, or any other construction activity.

The Project Biologist shall inspect the site before construction and coordinate establishment of the construction boundary. The construction boundary shall be delimited with a five foot construction fence to minimize impacts and avoid misinterpretation of the limits of work.

The Project Biologist shall periodically check the site during construction to confirm that all construction activities are limited to the area within the designated boundary and that no encroachment or other negative impacts (e.g. blowing sand from the driveway removal component of the project) occur in the dune restoration area. In the event that any encroachment is observed, the Project Biologist shall have the authority to stop work on the project and require remedial measures as he/she considers appropriate before work can recommence.

3.0 RESTORATION PLAN

This section states the goal and objectives of the restoration plan and provides descriptions of procedures that will be used in the restoration area to meet the objectives. Implementation of the restoration plan, including all activities described below, will be overseen and monitored by a qualified biologist (Project Biologist).

3.1 Restoration Goal and Objectives

The goal of this plan is to restore native coastal strand and dune scrub vegetation and wildlife habitat values within the approximately one-acre (0.99-ac) dune restoration area shown on Figure 4. The specific objectives for accomplishing this goal are as follows:

- Eradicate non-native species and control their recolonization of the dune restoration area.
- Stabilize drifting sand areas as necessary.
- Plant and seed selected areas with native coastal strand and dune scrub species as appropriate.
- Use local plant sources for revegetation material. Plants shall be propagated from seed or cuttings collected in dune habitats within the Asilomar Dunes complex (i.e. dune areas from Point Piños to Fan Shell Beach, including the Signal Hill Dune area).
- Maintain both areas of sparsely vegetated open sand and areas of coastal scrub habitat within the dune restoration area.
- Establish a monitoring program to track success of non-native vegetation control and establishment of native species.
- Establish an ongoing maintenance program for non-native plant control, dune stabilization and other actions noted during monitoring.
- Improve the property as habitat for wildlife.

3.2 Non-Native Species Control

The primary invasive species on the majority of the Abercrombie site is iceplant. It has colonized most of the undeveloped areas of the site, forming dense mats over sandy substrates and outcompeting native dune species for light, moisture and space. It comprises almost 100% of the vegetative cover in over half of the dune restoration area and is prominent as an understory element in areas mapped as coastal scrub. It is also aggressively invading areas of open sand and would likely eliminate them altogether if left unchecked. Another non-native species that has become established on the site is European beach grass, particularly in the mapped open sand habitat that occurs next to the existing residence. Originally introduced (and still actively used) for stabilization of sandy slopes, this species is now recognized as an invasive species that spreads by runners and seed into native dunes. Other non-natives such as ripgut brome, French broom (*Genista monspessulana*) and pampas grass (*Cortaderia jubata*) can also be found in the vicinity of the site, but these species are less of an immediate threat to the dune restoration area.

Eradication and control of these non-native species will be accomplished by a combination of chemical and mechanical means. Chemical removal is best done with a glyphosate-based herbicide such as Roundup or equivalent. Broadcast spraying may be acceptable in areas where iceplant comprises almost the entire vegetative cover, where special measures are not needed to protect native plants, and where the risk of native plant loss due to drift of spray into non-target areas is minimal. Where native plants occur at a high enough density in treatment areas, spot spraying or manual removal (hand-weeding) will be necessary. The dead plants and debris may be left in place as mulch and wind protection, or may be removed by hand to minimize the source of nutrients for non-native species. The determination of removal or non-removal of organic debris will be made by the Project Biologist on the basis of the target vegetative cover and monitoring.

Control of non-native species in the dune restoration area will be an ongoing process but focused efforts for three years, beginning with initiation of construction (or sooner if the property owner elects to do so) should help to reduce the density of non-native species and allow for establishment of natives.

3.3 Sand Stabilization

Most of the dune restoration area consists of natural sandy substrates stabilized by some vegetation whether it is native dune species, iceplant mats, beach grass or a combination. Only a few areas have a higher percent of open sand, but these areas will need to be preserved and expanded (see below). As non-native species are removed and replaced with natives, interim stabilization measures may need to be considered; iceplant and European beach grass, though objectionable in the context of native dune restoration, do contribute to the stability of the dune sands. The Project Biologist will determine if stabilization is necessary once the non-natives are removed. If stabilization is recommended, it will be completed as follows.

Bundles of rice straw will be inserted 4 inches into the sand at 12" to 15" on-center. Each bundle will consist of a fistful of straw and measure approximately 10 inches long. The bundles will be placed into a four-inch-deep hole, perpendicular to the surface, and the hole will be backfilled with sand. Wheat straw may be substituted for rice, but any other grain such as oats that can naturalize on the dunes shall be prohibited.

3.4 Revegetation

The dune restoration area will be revegetated with planting mixtures generally mimicking the plant composition of the existing mapped vegetation types (Figure 2). Native plants will be installed where non-native species have been removed. Plant installation will be at the direction of the Project Biologist and species will be selected from the list recommended in Table 1.

Table 1: Recommended Plant Species for Dune Restoration Area

Scientific Name	Common Name
<i>Abronia umbellata</i>	pink sand verbena
<i>Achillea millefolium</i>	yarrow
<i>Artemisia pycnocephala</i>	beach sagewort
<i>Baccharis pilularis</i>	coyote brush
<i>Camissonia cheiranthifolia</i>	beach primrose
<i>Cardionema ramosissimum</i>	sand mat
<i>Castilleja latifolia</i>	Monterey Indian paintbrush
<i>Danthonia californica</i>	California oat grass
<i>Deschampsia caespitosa</i>	hair grass
<i>Dudleya caespitosa</i>	sea lettuce
<i>Ericameria ericoides</i>	mock heather
<i>Erigeron glaucus</i>	seaside daisy
<i>Eriogonum parvifolium</i>	dune buckwheat
<i>Eriophyllum staechnadifolium</i>	lizard tail
<i>Lasthenia minor</i>	woolly goldfields
<i>Lessingia filaginifolia</i>	California corethrogyne
<i>Mimulus aurantiacus</i>	sticky monkey flower

The need and timing for introduction of plant materials into an area will vary with the objectives of each treatment area (see below) and will be closely tied to the non-native species eradication schedule. Plant material (e.g. seeds, cuttings, root divisions, seedlings, whole plants) will be collected from local sources within the Asilomar Dunes complex. Seed collection will be made at the appropriate time for each targeted species. No seeds will be purchased from commercial seed suppliers. Plant installation will occur after the first rain has fallen early in the season and when more rain is projected. Seedling planting location and spacing will be determined in the field by the Project Biologist. The need for supplemental irrigation, fertilization or other relatively high maintenance plant establishment techniques will be reduced by the use of appropriate native species at an appropriate life stage introduced at an appropriate time of year. However, supplemental irrigation, fertilization and other standard landscaping practices may be used if the Project Biologist determines that they are necessary.

3.5 Treatment Areas

3.5.1 Ice Plant Dominated Treatment Area

Dense iceplant mats cover over half (0.55-ac) of the dune restoration area. Removal of iceplant and sand stabilization are the key management objectives of this area. Broadcast herbicide spraying in most of the area is the method of choice since very little native dune habitat remains. Even in those areas where some native elements are present, the plants can probably be avoided by judicious directional spraying at a distance under appropriate (low wind) conditions. In some areas where poison oak has grown through the iceplant, broadcast spraying could actually help reduce the spread of this native, but largely undesirable species.

The ultimate restoration goal of specific areas within the iceplant matrix will depend on topography, exposure, proximity to other habitat types, and other factors. Whether iceplant-dominated areas are converted to relatively high percent cover coastal scrub or more open sand with predominantly coastal strand vegetation will be determined in the field by the Project Biologist.² In addition, sand stabilization must be considered prior to implementation of the spraying program. Without iceplant, sand movement in this area could be damaging. Leaving the dead iceplant mats in place and planting within its matrix could work well for coastal scrub (i.e. more woody) species that could benefit from a higher organic component in the soil. Physical removal of the dead iceplant mats, straw crimping and seeding with an appropriate native nurse crop (such as beach sagewort) may be an appropriate method for both sand stabilization and introduction of native dune species where a more open sand habitat is desirable. Vegetative windrows with woody materials such as mock heather and coyote brush could also help stabilize the area. Supplemental irrigation and possibly overhead spray may be necessary to keep the sand moist until vegetation is established. A combination of methods and techniques may be applied and adapted in response to interim results, depending on the desired goals of the restoration program.

² The area immediately surrounding the house (i.e. generally within the limits of construction activity shown on Figure 3) will be maintained as sparsely vegetated open sand and/or planted with species that can withstand some human traffic to allow for fire clearance, building maintenance and other residential-related activities.

3.5.2 Coastal Scrub Treatment Area

Coastal scrub areas occur over approximately 0.33-acre of the restoration area and merge with both iceplant dominated and open sand areas. These areas support a predominance of native (mostly) shrubby species, often underlain by a ground cover of iceplant. Non-native species eradication in these areas will be difficult because of the mixed vegetation that has colonized the area. On one hand, chemical removal of large clumps of iceplant should be relatively straightforward wherever pioneering elements of both dune strand and dune scrub vegetation are absent. On the other hand, spot spraying or hand removal is the preferred method of non-native plant control in areas where the coastal scrub canopy is relatively well-developed. Dead material can remain as mulch in the heavier coastal scrub-dominated areas. Each coastal scrub treatment area will require specific evaluation by the Project Biologist prior to determining the appropriate method of iceplant (or beach grass) eradication and removal.

The restoration goal in coastal scrub treatment areas will be to eliminate the non-native (iceplant) understory, expand the footprint of coastal scrub habitat through revegetation, and target a range of 75% to 100% cover of native species.

3.5.3 Open Sand Treatment Area

Partially vegetated open sand areas are scattered over the site, comprising approximately 0.11-acre within the restoration area under existing conditions. These areas may have been more extensive in the past, but encroachment by non-natives, especially iceplant and beach grass, has probably limited their extent. Open sand or sparsely vegetated areas support a higher percentage of coastal strand (instead of the shrubbier coastal scrub) species and potentially provide good habitat opportunities for special status species. Tidestrom's lupine and legless lizard have already been found in one of these areas and several other plant species known from the area are possible colonizers.

As with the rest of the restoration area, eradication of non-natives is a priority here. However, blanket application of herbicide is not recommended in these areas because of the frequent association of coastal scrub and dune species, including special-status species, with iceplant, beach grass and other invasives. Except where large masses of iceplant are clearly dominant, spot-spraying or hand removal are the preferred methods of removal. Dead material should be removed in more open sandy and dune strand areas. Active re-introduction of appropriate native plant materials including dune stabilizing species suited to more open sand areas should occur in areas where non-natives have been removed, but natural colonization should be the preferred method of vegetation establishment in these areas. Periodic control and maintenance of unstable open sand may also be required, but major stabilization or structural improvements should not be necessary.

The restoration goal in open sand treatment areas will be to eliminate non-native species, both within and adjacent to these areas, to preserve their character, and to expand the footprint of open sand habitat. Limited revegetation with appropriate plants may occur with a target range of 20% to 75% cover of native species.

4.0 MONITORING AND MAINTENANCE PROGRAM

Quarterly monitoring of the dune restoration area will occur during the first year following initial weed eradication and planting of native species, with biannual monitoring visits conducted for two additional years. The first monitoring visit will occur six months after completion of iceplant and European beachgrass removal and subsequent visits during the first year will occur at three month intervals. Two visits per year, once in the spring and once in the fall, will continue through years two and three. Monitoring will be conducted by the Project Biologist who will visually inspect the area to evaluate the following:

- Regeneration of non-native species
- Sand stabilization and erosion control
- Health and vigor of installed plants
- Plant cover deficiencies

The results of each monitoring visit will trigger maintenance activities for the next quarter. Such activities will be recommended by the Project Biologist and could include:

- Continued removal of non-native species
- Installation of erosion control measures
- Adjustment to or installation of sand stabilization measures
- Watering of installed plantings
- Installation of replacement plantings
- Installation of additional plantings
- Installation of herbivory protection for plantings

During the first summer following completion of initial weed eradication and native species planting, quantitative data will be collected to track the progress of the restoration efforts. The Project Biologist will establish two permanent transects through the dune restoration area in order to collect data on percent cover of non-native species. Data will be collected in one-meter plots every 10 meters along the transect line. All species within the plot will be recorded and percent cover assigned. Photographs will be taken along the transect line. This same exercise will be repeated during the following two summers. Data will be evaluated to determine percent cover of non-native species, with a goal of no more than 15% cover overall of non-natives. At the end of the three year monitoring period, the Project Biologist will prepare a report that describes the initial and ongoing maintenance activities, evaluates the results of the quantitative sampling, and provides recommendations for on-going management of the area.

5.0 IMPLEMENTATION SCHEDULE

Following is an estimated implementation schedule for 2012-2015, assuming that project approval is obtained prior to April 2011.

Table 2: Implementation Schedule

TASKS	TIMING
Select Project Biologist	Prior to issuance of demolition/grading permits.
Inform construction crews of sensitive habitat areas and install protective fencing	Prior to initiation of demolition or ground-disturbing activities
Monitor construction activities	Weekly during ground-disturbance activities.
Spray iceplant mats and other exotics	April through June 2012
Hand remove exotics in sensitive areas	April through September 2012
Stabilize bare sand, if necessary	May through August 2012
Collect native plant seeds and cuttings	April through November 2012
Grow native plants in nursery	April 2012 to February 2013
Install nursery plants and direct seed in restoration area	October 2012 through February 2013 as directed by Project Biologist
Monitor habitat in restoration area	Quarterly for one year, biannual for two years, beginning six months after initial removal of exotics
Initial maintenance of restoration area	As directed by Project Biologist for first three years following implementation of restoration plan
Quantitative data collection in restoration area	Annually in the fall for three years following initial restoration activities
Prepare monitoring report for restoration area	At the end of the three-year monitoring period
Long-term management and maintenance of restoration area	By homeowner as recommended by Project Biologist to meet long-term restoration objectives.



**GEOLOGIC REPORT AND
SOIL ENGINEERING INVESTIGATION UPDATE
FOR THE
ABERCROMBIE RESIDENCE ADDITION
(APN 008-261-005)
1158 SIGNAL HILL ROAD
MONTEREY COUNTY, CALIFORNIA
PROJECT 0969-01**

Prepared for

MR. LEBRON ABERCROMBIE
C/O MAUREEN WRUCK PLANNING CONSULTANTS, LLC
21 W. ALISAL STREET
SALINAS, CA 93901

Prepared by

LANDSET ENGINEERS, INC.
520B CRAZY HORSE CANYON ROAD
SALINAS, CALIFORNIA 93907
(831) 443-6970

MARCH 2010



ENGINEERING - LAND PLANNING
SURVEYING - ENVIRONMENTAL CONSULTING

March 9, 2011

File No.: 0969-01

Mr. Lebron Abercrombie
C/o Maureen Wruck Planning Consultants, LLC
21 W. Alisal Street, Suite 111
Salinas, California 93901

Attention: Ms. Maureen Wruck

SUBJECT: GEOLOGIC REPORT AND SOIL ENGINEERING INVESTIGATION UPDATE
Abercrombie Residence Addition (APN 008-261-005)
1158 Signal Hill Road
Pebble Beach Area of Monterey County, California

Reference: 1. Soil Engineering Investigation for the H.A. Residence (APN 008-261-005) 1158 Signal Hill Road, Monterey County, California, File No. LSS-0524-01, prepared by Landset Engineers, Inc. dated September 7, 2006.


Dear Mr. Abercrombie:

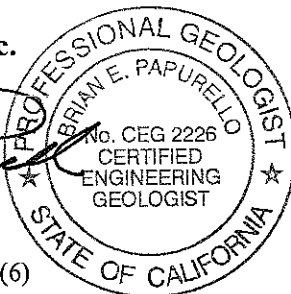
In accordance with your authorization, Landset Engineers, Inc. has completed a geologic report and soil-engineering update for the proposed addition to your residence located in the Pebble Beach area of Monterey County, California. This report presents the results of our original field investigation and laboratory testing performed on the site in September of 2006 (Reference 1), along with our preliminary updated conclusions and recommendations for site development.

It is our opinion that the proposed development is feasible from a geologic and soil engineering standpoint provided the recommendations included in this report are incorporated into the project plans, specifications, are implemented during construction. The conclusions and recommendations included herein are based upon applicable standards at the time this report was prepared.

It has been a pleasure to be of service to you on this project. If you have any questions regarding the attached report, please contact the undersigned at (831) 443-6970

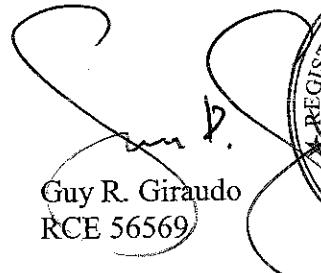
Respectfully submitted,
LandSet Engineers, Inc.


Brian E. Papurello
CEG 2226



Distribution: Addressee (6)

Doc. No.: 1103-104.RPT


Guy R. Giraudo
RCE 56569

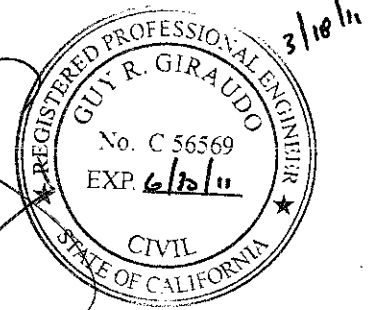


EXHIBIT E

TABLE OF CONTENTS (Continued)

RECOMMENDATIONS.....	17
Geologic.....	17
Soil Engineering.....	18
Site Preparation and Grading	18
Foundations.....	20
Slabs-on-Grade and Exterior Flatwork	21
Retaining Walls.....	22
Utility Trenches.....	24
Site Drainage.....	25
QUALITY CONTROL	27
LIMITATIONS AND UNIFORMITY OF CONDITIONS	28
REFERENCES	29
AERIAL PHOTOGRAPH REFERENCES	32

FIGURES

- Figure 1, Vicinity Map
- Figure 2, Regional Geologic Map
- Figure 3, Geologic Vicinity Map
- Figure 4, Explanation to Geologic Vicinity Map
- Figure 5, Regional Fault and Seismicity Map
- Figure 6, Geologic Map & Cross Section

APPENDIX A

Unified Soil Classification System	A1
Key to Log of Borings	A2
Soil Terminology	A3
Exploratory Boring Logs B-1 through B-4	A4-A5

APPENDIX B

- Laboratory Test Results, Table B1

March 9, 2011

File No.: 0969-01

INTRODUCTION

This report summarizes the preliminary findings, conclusions, and recommendations for our geologic report and soil engineering investigation update report for an approximate 1.17-acre property (APN 008-261-005 hereafter referred to as the site) located at 1158 Signal Hill Road in the Pebble Beach area of Monterey County, California (see Vicinity Map, Figure 1).

PURPOSE AND SCOPE OF SERVICES

Geologic Report. This report addresses the feasibility of the planned site development from a geologic viewpoint, with emphasis on the potential for geologic/seismic-related hazards. Our studies included the following:

- A. Research, review, and evaluation of data from published and unpublished geologic reports and maps pertaining to the site and vicinity. Most of the previously published geologic information on this area is preliminary in nature, and is based on reconnaissance techniques and extrapolation of data.
- B. Examination and interpretation of 5 sets of stereo aerial photographs of the area taken in 1945, 1956, 1970, 1984 & 2001 of the site and its vicinity. These photographs were reviewed with respect to site geology, terrain features characteristic of active fault zones and for landsliding features.
- C. Geological site reconnaissance and mapping of the site to observe outcrops and identify those geologic features indicative of existing and potential geologic hazards.
- D. Analysis of the data generated and preparation of a written report and maps presenting our findings, conclusions and recommendations addressing the following:
 - Site geology
 - Faulting
 - Liquefaction Potential
 - Landsliding
 - Ground Shaking
 - Tsunami & Flood Hazards
 - Erosion

March 9, 2011

File No.: 0969-01

Soil Engineering Investigation Update. This firm has previously prepared a soil engineering investigation for the site in September 2006 (Reference 1). The purpose of this soil engineering investigation update is to verify current site conditions with respect to our original investigation and to provide preliminary updated conclusions and recommendations specific to the proposed new development.

The conclusions and recommendations of this report are intended to comply with Chapter 18 of the California Building Code (CBC) 2010 edition, as modified by standard soil engineering practice in this area. Our scope of services included:

1. A visual site reconnaissance.
2. Review of available soil engineering data in our files pertinent to the site.
3. Exploration, sampling and classification of the surface and subsurface soils (performed on 08/30/06) by means of drilling four exploratory borings to depths ranging from 10.5 to 17.5 below the ground surface.
4. Laboratory testing of selected soil samples collected from the exploratory borings and surface locations to determine their pertinent engineering and index properties.
5. Engineering analysis of the information collected based on the results of the field exploration; laboratory testing program and review of published and unpublished studies in the general area of the site.
6. Preparation of this report summarizing our findings and soil engineering conclusions and recommendations for site preparations, grading and compaction, foundations, utility trenches, slabs-on-grade, retaining walls, general site drainage, and erosion control.

March 9, 2011

File No.: 0969-01

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site (APN 008-261-005) is located at 1158 Signal Hill Road in the Pebble Beach area of Monterey County, California (Figure 1). The site consists of a quasi-rectangular shaped parcel of about 1.17-acres. The site is bounded by residential development to the north, west & south, and Signal Hill Road to the east. The site consists of rolling sand dunes with natural slope gradients ranging from 3:1 to 15:1 (horizontal to vertical). An existing one-story residence with a detached garage is located in the southerly portion of the site (Figures 1 & 6).

We understand that the proposed development will involve the partial demolition and remodel of the existing residence. The proposed new building addition will consist of an approximate 1,550-ft² one-story addition located on the northerly side of the existing residence. Other proposed site development will consist of a new patio, pavements, drainage and landscaping improvements (Figure 6).

FIELD EXPLORATION

The site geology was mapped in the field on February 22, 2011 on a base topographic map at a scale of 1:96. Additional mapping was done on aerial photographs at an approximate scale of 1:12,000. The field and aerial photograph mapping was then compiled on a base map of 1:600 approximate scale (Figure 6, Geologic Map and Cross Section).

As part of our original soil engineering investigation (Reference 1), four exploratory borings were drilled on August 30, 2006 at the approximate locations shown on the Geologic Map & Cross Section, Figure 6. The borings were drilled using an ATV mounted drill rig equipped with a 4-inch outside hollow stem auger. The exploratory borings were drilled to depths ranging from 10.5 to 17.5 feet below the ground surface. The borings were logged in the field by a Certified Engineering Geologist from our office. Upon completion of drilling, the holes were backfilled with native soil cuttings.

March 9, 2011

File No.: 0969-01

Soils encountered in each exploratory boring were visually classified in the field and a continuous log was recorded. Visual classifications were made in general accordance with the Unified Soil Classification System and ASTM D2487. Logs of the borings can be found in Appendix A (Figures A4 through A7). Appendix A also contains a Key to the Unified Soil Classification System, Key to Log of Borings, and Soil Terminology (Figures A1 through A3).

Soil samples were obtained by drilling to the desired depth and then driving a 3-inch OD Modified California Sampler or a 2-inch OD Standard Penetration Test sampler. The samplers were driven into the ground using force generated by a 140-pound hammer dropping freely through a distance of 30-inches. The number of blows required to drive the last 12-inches of an 18-inch sampler were recorded as penetration resistance (blows/foot) on the exploratory boring logs. The penetration resistance values were used to describe the consistency/density of the subsurface materials.

LABORATORY TESTING

Laboratory tests were performed as part of our original soil engineering investigation (Reference 1) to determine the physical and engineering characteristics of the soil materials encountered in the exploratory borings considered relevant to the design of the project. The tests performed were selected on the basis of the probable design requirements as correlated to the site subsurface profile. A summary of the laboratory test results is presented in Appendix B. A brief generalized description of the tests performed is as follows.

- ✱ Moisture-Density Determinations: This test was conducted on fiberglass liner samples to measure their in-situ moisture contents and dry unit weights. The test results are used to assess the distribution of subsurface pressures and to calculate degrees of in-situ relative compaction.

March 9, 2011

File No.: 0969-01

REGIONAL GEOLOGY

The site is situated on the Monterey Peninsula, at the northern terminus of the Santa Lucia Range within the Coast Ranges Geomorphic Province of California (Figure 2, Regional Geologic Map). The Coast Ranges Geomorphic Province consists of a series of mountain ranges paralleling the northwest-southeast structural orientation of the San Andreas fault, San Gregorio-Palo Colorado fault, Rinconada fault and other faults within the central coast of California (Figure 5, Regional Fault and Seismicity Map). These faults are characterized by a combination of strike-slip and reverse displacement and show horizontal displacements from tens to hundreds of miles. Several periods of continuous and semi-continuous strike-slip or "transform" movement throughout the late Cenozoic Era has occurred on the San Andreas and related fault systems causing compressional uplift of the mountains of the Coast Ranges Geomorphic Province. The region continues to be characterized by moderate to high rates of seismic and tectonic activity (Figure 5).

The site is located on the southwest side of the San Andreas fault. The San Andreas fault forms the boundary between the North American and Pacific Plates. The southwest side of the San Andreas fault is underlain by Cretaceous age Salinian Block granitic rocks with older Paleozoic Era (?) Sur Series metamorphic rocks that occur as roof pendants (Dibblee & Clark, 1973). These roof pendants predominantly consist of marble and dolomite (Compton, 1966). Overlying the granitic rocks of the Salinian Block is a series of folded and faulted Tertiary age (Oligocene to middle Miocene) sandstone, conglomerates, and volcanics (Allen, 1946; Dibblee & Clark, 1973).

During early to late Quaternary times, extensive continental, marine terrace, eolian, and fluvial sediments were deposited (Dibblee & Clark, 1973; Clark, Dupre' & Rosenberg, 1997). These sediments unconformably overlie all older formations with which they are in contact. Holocene activity has consisted of continued tectonic uplift, down cutting and deposition of the local area streams, mass wasting of upland areas by landslides and erosion, and fault creep along the San Andreas and related fault systems. The geology of the site and vicinity is depicted on the Geologic Vicinity Map, Figure 3.

March 9, 2011

File No.: 0969-01

REGIONAL FAULTING AND SEISMICITY

The closest faults that would most likely effect the site are the San Andreas, San Gregorio-Palo Colorado, Monterey Bay-Tularcitos, Rinconada, Zayante-Vergeles faults (Figure 5), and the Cypress Point fault (Figure 3).

San Andreas Fault

The San Andreas fault is located about 45-km. northeast of the site and is the major seismic hazard in northern California. The San Andreas fault is a major right-lateral strike-slip fault that generally delineates the transform plate boundary between the North American and Pacific Plates. Trending to the northwest southeast, the San Andreas fault is nearly vertical as evidenced by the relatively straight outcrop pattern across topography of noticeable relief. Historic earthquakes on the San Andreas fault have caused extensive damage and very strong ground shaking in Monterey County. The 1906 ($M_w \sim 8.0$) "San Francisco earthquake" ruptured a portion of the active San Andreas fault from approximately San Juan Bautista to Cape Mendocino, causing severe damage in parts of the Monterey-San Francisco Bay area. The earthquake occurred on April 18, 1906 and caused severe ground shaking and structural damage to buildings in Monterey, Santa Cruz and San Benito Counties (Lawson, 1908). The 1989 (M_w 7.1) Loma Preita earthquake also caused significant damage in the cities of Salinas, Santa Cruz, Watsonville, and Hollister (McCann, 1990).

The San Andreas fault has been divided into several different segments that are characterized by varying slip rates, earthquake intensities, and earthquake recurrence intervals. The closest segment of the San Andreas fault to the site is the (Pajaro Segment). Located about 48 km. northeast of the site, the San Andreas fault Pajaro Segment can expect a ($M_{6.8}$) earthquake with an unknown recurrence interval (Petersen et al, 1996). Stronger earthquakes could be experienced at the site similar to the 1906 event with a maximum magnitude of ($M_{7.9}$) with a recurrence interval of 210 years (Petersen et al, 1996).

March 9, 2011

File No.: 0969-01

San Gregorio Fault

Like the San Andreas fault, the San Gregorio fault has been divided into several different segments that are characterized by varying slip rates, earthquake intensities, and earthquake recurrence intervals. The San Gregorio (Sur Region) is the closest segment, located offshore about 5-km southwest of the site and is classified as a Type B fault (CDMG, 1998). The San Gregorio (Sur region) is a northwest trending right lateral strike slip fault about 80 km long (Petersen et al, 1996). The San Gregorio fault is part of the San Andreas fault system and is expressed as a complex series of en echelon right lateral strike slip faults (San Gregorio, Palo Colorado, San Simeon, & Hosgri faults) in the offshore and nearshore environments. The San Gregorio and related faults are several hundred kilometers long extending from the Santa Barbara Channel in the south, to its juncture with the San Andreas fault near Bolinas Bay in the north. Strong evidence supports that the San Gregorio fault (Sur region) has been active during Holocene time (Greene et al, 1973). Slip rate for the San Gregorio fault (Sur region) is estimated at 3.0mm/yr. Maximum magnitude is expected to be (M7.0) with a recurrence interval of 411 years (Petersen et al, 1996). The northern section of the San Gregorio fault is approximately 33.6-km northwest of the site and is classified as a Type A fault (CDMG, 1998). Slip rate for this section of the fault is estimated to be 5.0mm/yr. Maximum magnitude is expected to be (M7.0) with a recurrence interval of 400 years (Petersen et. al, 1996)

Monterey Bay-Tularcitos Fault

Located about 8-km northeast of the site, the Monterey Bay-Tularcitos fault zone is a complex series of northwest trending reverse, right lateral, and oblique faults which include the Tularcitos, Chupines, and Navy faults (Petersen et al, 1996). The Monterey Bay-Tularcitos fault zone lies within a fault bounded wedge of granitic basement rocks belonging to the Salinian block and is bounded on the west by the San Gregorio fault and on the east by the San Andreas fault (McKittrick, 1987). The Monterey Bay-Tularcitos fault is 84 km. long (Petersen et al, 1996) and extends from Paloma Creek in upper Carmel Valley (Clark et al, 1997) to the offshore environment within the Monterey Bay. Post Miocene vertical displacement of the Tularcitos fault is about 380 m and 3.2km to as much as 16 km of right lateral displacement (Clark et al, 1997).

March 9, 2011

File No.: 0969-01

Offsets of Holocene age colluvial and fluvial terrace deposits indicates that the Tularcitos fault is active (Clark et al, 1997). The Monterey Bay fault is the offshore extension of the Tularcitos fault and comprises a discontinuous series of en echelon faults in the inner Monterey Bay between Monterey and Santa Cruz (Greene et al, 1973). The Monterey Bay fault zone displaces late Tertiary and Pleistocene sediments and in a few locations appears to cut Holocene sediments (Greene et al, 1973). Slip rate for the Monterey Bay-Tularcitos fault is estimated at 0.5mm/yr. Maximum magnitude is expected to be (M7.1) with a recurrence interval of 2,841 years (Petersen et al, 1996).

Rinconada Fault

The Rinconada Fault is located about 23-km. northeast of the site. The Rinconada fault is primarily a right lateral strike slip fault (Petersen et al, 1996) with a vertical component having elevated the southwest block to form the Sierra de Salinas uplift (Dibblee, 1976). The Rinconada fault is a major structural feature along which granitic rocks of the Sierra de Salinas were uplifted to form the western border of the Salinas Valley (Greene et al, 1973). The Rinconada fault in the vicinity of the site is within the Salinian Block and movement began during early Cenozoic time (Paleocene) and remained active to late Pleistocene time (Dibblee, 1976). Vertical displacement in the Sierra de Salinas may be as much as 10,000 feet (Dibblee, 1976). Slip rate for the Rinconada fault is estimated at 1.0mm/yr. Maximum magnitude is expected to be (M7.3) with a recurrence interval of 1,764 years (Petersen et al, 1996).

Zayante-Vergeles Fault

The Zayante-Vergeles fault is located about 40-km northeast of the site. The Zayante-Vergeles fault is a right-lateral reverse fault (Petersen et al, 1996) dipping steeply to the south (70°-80°) with a minimum vertical displacement of 3,500 feet (Allen, 1946). No Tertiary sediments are found on the uplifted Salinian Block granite south of the fault, as they have been completely eroded. Two branches of the Vergeles fault break off the main fault trace at low angles to form "splinters", which duplicates portions of the Miocene rock record (Allen, 1946). Initial movement on this fault probably began in the middle Miocene corresponding with the deposition

March 9, 2011

File No.: 0969-01

of the Zayante Sandstone. Movement on this fault was probably sporadic through late Pliocene (Allen, 1946). More recent studies suggest that the Zayante fault (the western extension of the Vergeles fault) has at least 10-17 meters of vertical displacement in the last 500,000 years (Coppersmith, 1979). Slip rate for the Zayante-Vergeles fault is estimated at 0.1mm/yr. Maximum magnitude is expected to be (M6.8) with a recurrence interval of 8,821 years (Petersen et al, 1996).

Cypress Point Fault

The Cypress Point fault is approximately 800 feet southwest of the site (Figure 3) buried under Quaternary sediments. Clark, Dupre' & Rosenberg, 1997 map this fault as having reverse displacement of up 30 meters, an unknown recurrence interval, and a maximum moment magnitude of 6.0. The Cypress Point fault displays possible late Quaternary displacement, but is not considered to be active.

SITE GEOLOGY

Previous published mapping of the site and its vicinity has been performed by Dibblee & Clark, 1973; Clark, Dibblee & Others, 1974; Dupre', 1990; and Clark, Dupre' & Rosenberg, 1997. Dibblee & Clark, 1973 mapped the site at a scale of 1:62,500, and as being underlain by Holocene dune sand (Qd). Mapping performed by Dibblee & Clark (1973) indicates that the buried trace of the Cypress Point fault passes southwest of the site. No landslides were mapped on the site by Dibblee and Clark.

More detailed work performed by Clark, Dibblee & others (1974) was mapped at a scale of 1:24,000. As noted in previous work, the site was mapped as being underlain by Holocene dune sand deposits (Qd). Mapping performed by Dibblee & Clark (1974) maps the Cypress Point fault about 1,200 feet southwest of the site. No landslides were mapped on the site by Clark, Dibblee & others.

EXHIBIT E

March 9, 2011

File No.: 0969-01

More recent mapping of the site and vicinity was performed by Dupre', 1990 at a scale of 1:24,000. This mapping concentrates on Quaternary geology and liquefaction potential. This map varies from previously published mapping. Dupre' has mapped the site as being underlain by Holocene age dune sand (Qd). Because the focus of Dupre's mapping was geology and liquefaction of Quaternary deposits no faults or landslides were noted to occur, or were mapped on the site.

Clark, Dupre' & Rosenberg, 1997 have performed the most recent and detailed published geologic mapping at a scale of 1:24,000 (Figure 3, Geologic Vicinity Map). Clark and Rosenberg map the site as being underlain by Holocene age dune sand deposits (Qd). Review of this most recent mapping also found the Cypress Point fault to pass about 800 feet to the southwest of the site. No landslides were mapped on the site.

Geology for this report was mapped in the field on February 22, 2011. The field mapping work was compiled on a topographic base map of 1:600 scale (Geologic Map & Cross Section, Figure 6). As part of our geologic mapping we examined and interpreted of 5 sets of stereo aerial photographs of the area taken in 1945, 1956, 1970, 1984, & 2001 of the site and its vicinity. These photographs were reviewed with respect to site geology, terrain features characteristic of active fault zones, and for landsliding features.

Based on the above referenced techniques, it is our opinion that the geology as mapped by Clark, Dupre' & Rosenberg, 1997 is accurate. Description of the site geology is as follows, refer to Geologic Map & Cross Section, Figure 6, for the location and distribution of these units.

(Qaf) Artificial fill (Holocene): These soils consist of man-made undocumented fill material composed of reworked dune sand. These materials have been mapped to occur on the north side of the existing residence.

(Qd) Dune sand deposits (Holocene): These earth materials are composed of unconsolidated, well-sorted fine to medium grained sand deposited as a linear strip of coastal dunes.

March 9, 2011

File No.: 0969-01

(Kgdg) Porphyritic granodiorite of Monterey (Cretaceous): Buried below the top cover of dune sand, these intrusive igneous basement rocks occur on the site at depths ranging from 4.5 to 15.5 feet below the existing ground surface.

Site Geologic Structure and Faulting

The earth materials underlying the site consist of unconsolidated aeolian dune sand unconformably overlying granitic basement rocks. No structural axis (anticlinal or synclinal) or faults have been mapped to occur on the site. The closest named faults to the site are the Cypress Point, Hatton Canyon, and Sylvan Thrust faults (Figure 3). Classified as Type C faults by the State of California (CDMG, 1996) these faults have not displayed substantial rates of displacement to be classified as significant seismic hazards. However, based on evidence of late Quaternary activity and proximity to the site a discussion of these faults is as follows.

Cypress Point Fault

Located about 800 feet southwest of the site, the Cypress Point fault is a northwest striking reverse fault (northeast side down) that juxtaposes Carmelo Fm. with granodiorite at Pescadero Point and basaltic andesite with granodiorite at Carmel Point. Late Quaternary movement is suggested by elevation differences of terrace deposits east of Carmel Point (Clark Dupre' & Rosenberg, 1997). The Cypress Point fault is about 12.0-km. long and has an estimated slip rate of 0.01 mm/yr. (Clark, Dupre' & Rosenberg, 1997) with an unknown recurrence interval. Clark Et. Al., 1997 estimate that the Cypress Point fault is capable of a moment magnitude earthquake of (Mw 6.0).

Hatton Canyon Fault

Located within Sawmill Gulch about 2.8-km. northeast of the site, the Hatton Canyon fault is a series or zone of northwest striking, near vertical reverse faults that juxtapose Miocene age Monterey Fm. against Pleistocene terrace deposits. The Hatton Canyon fault zone is about 11.5-km. long and extends from the north side of Carmel Valley to Point Joe on the Coast (Clark Et. Al., 1997). Total displacement of the Hatton Canyon fault is unknown, however, based on

March 9, 2011

File No.: 0969-01

differences in elevation of Pleistocene terrace deposits suggests at least 30 meters of vertical offset during or after Pleistocene time (Clark Et. Al., 1997). The Hatton Canyon fault has an estimated slip rate of 0.03 mm/yr. (Rosenberg & Clark, 1994) with an unknown recurrence interval. Clark Et. Al., 1997 estimate that the Hatton Canyon fault is capable of a moment magnitude earthquake of (Mw 5.9).

Sylvan Thrust Fault

Located about 5-km. northeast of the site, the Sylvan thrust fault is a zone of northwest striking, low angle reverse faults that juxtapose Miocene age Monterey Fm. against Pleistocene terrace deposits. The Sylvan thrust fault is about 4.0-km. long and outcrop exposures below La Mesa Elementary School show displacement of recent colluvium which demonstrates Holocene activity (Clark Et. Al., 1997). During December 1975 and January 1976, a swarm of 21 small earthquakes occurred near the Sylvan thrust fault zone (Clark & Rosenberg, 1997). The Sylvan thrust fault has an estimated slip rate of 0.41 mm/yr. (Rosenberg & Clark, 1994) with an unknown recurrence interval. . Clark Et. Al., 1997 estimate that the Sylvan thrust fault is capable of a moment magnitude earthquake of (Mw 5.5).

Landsliding

No evidence of slope instability has been mapped by previous investigators, or was observed on the subject site as part of this study.

SUBSURFACE CONDITIONS

As part of our original soil engineering investigation, four exploratory borings were drilled on the site. The Subsurface materials encountered consisted of dune materials composed of loose to medium dense, dry to saturated, poorly graded SAND. Below the sand dune materials, the borings encountered weathered, Cretaceous age granitic rocks of the Salinian block. The degree of weathering notably decreased with increasing depth. The only notable exception was encountered in boring B-3, where the uppermost 4.0 feet consisted of fill as a result of grading related to the development of the existing residence.

March 9, 2011

File No.: 0969-01

GROUNDWATER

Groundwater was encountered in boring B-1 at a depth of 9.0 feet below the ground surface. Local groundwater levels can fluctuate over time depending on but not limited to factors such as seasonal rainfall, site elevation,

SITE SOIL CLASSIFICATION

Based on our literature review, subsurface exploration, and comparisons with published data, we have classified the site soil profile type as Rock (Site Class B) as defined by the guidelines in the 2010 edition of the CBC.

CONCLUSIONS

Seismic Hazards: The site is located in the seismically active Monterey Bay region of the Coast Ranges Geomorphic Province. The site is not located within any Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act (formerly Alquist-Priolo Special Studies Zone Act) of 1972 (Hart and Bryant, 1997). The closest fault to the site is the Cypress Point fault located approximately 800 feet to the southwest

The San Gregorio fault is the closest Type A Fault, and is located about 30-km. north northwest of the site (CDMG, 1998). The San Gregorio fault has an estimated slip rate of 5.0mm/yr., and is estimated capable of a maximum expected earthquake magnitude 7.3 (Petersen et al, 1996). The San Gregorio fault (Sur Region) is the closest Type B Fault located 5-km. southwest of the site (CDMG, 1998). Slip rate for the San Gregorio fault (Sur region) is estimated at 3.0mm/yr. Maximum magnitude is expected to be (M7.0) with a recurrence interval of 411 years (Petersen et al, 1996).

Surface Fault Rupture: The site is not located within an Earthquake Fault Zone as established in accordance with the Alquist-Priolo Earthquake Fault Zoning Act of 1972. The potential for surface rupture to occur on the site is determined to be low.

March 9, 2011

File No.: 0969-01

Ground Shaking: The 1906 ($M_w \sim 8.0$) "San Francisco earthquake", which ruptured a portion of the active San Andreas fault from approximately San Juan Bautista to Cape Mendocino, caused severe damage in parts of the Monterey-San Francisco Bay area. Its epicenter was located directly west of the Golden Gate, approximately 155-km north of the site. The earthquake occurred on April 18, 1906 and caused severe ground shaking and structural damage to buildings in Monterey and San Benito Counties (Lawson, 1908). The ($M 6.2$) Morgan Hill earthquake occurred about 78-km northeast of the site on April 24, 1984, on the nearby Calaveras fault causing moderate damage to northern San Benito County (Stover, 1984). The 1989 ($M_w 7.1$) Loma Preita earthquake, which is believed to have occurred on an oblique-slip blind thrust closely associated with the San Andreas fault, also caused significant damage in San Benito, Santa Cruz and Monterey Counties (McCann, 1990). Strong ground shaking associated with major earthquakes along the San Andreas and other nearby faults will undoubtedly occur at the site in the future. The State of California estimates the peak ground acceleration with a 10 percent probability of being exceeded in a 50-year period in the vicinity of the site to be between 0.40g to 0.50g (Petersen et al, 1996). The site modified calculated peak ground acceleration with a 2 percent probability of being exceeded in a 50-year period is 0.726g and 0.347g acceleration with a 10 percent probability of being exceeded in a 50-year period (USGS Ground Motion Parameters computer program, Version 5.1.0).

March 9, 2011

File No.: 0969-01

Seismic Design Parameters: For seismic design per Chapter 16 of the 2010 CBC, we recommend the following design values be used. The parameters were calculated using the U.S. Geological Survey Ground Motion Parameters computer program (Version 5.1.0) and were based on the approximate center of the site located at 36.5828° N. latitude and -121.9660° W. longitude.

2010 CBC Seismic Design Parameters

Design Parameter	Site Design Value
Site Class	B – Rock
Spectral Acceleration Short Period	(S_s) = 1.653g
Spectral Acceleration 1 Second Period	(S₁) = 0.720g
Short Period Site Coefficient	(F_a) = 1.00
1 Second Period Site Coefficient	(F_v) = 1.00
MCE Spectral Response Acceleration Short Period	(S_{MS}) = 1.653g
MCE Spectral Response Acceleration 1-Second Period	(S_{M1}) = 0.720g
5% Damped Spectral Response Acceleration Short Period	(S_{DS}) = 1.102g
5% Damped Spectral Response Acceleration 1-Second Period	(S_{D1}) = 0.480g

Liquefaction & Lateral Spreading: Liquefaction is the transformation of soil from a solid to a liquid state as a consequence of increased pore-water pressures, usually in response to strong ground shaking, such as those generated during a seismic event (earthquake). Liquefaction most often occurs in loose saturated silts, and saturated poorly graded fine-grained sands. Liquefaction potential maps prepared by Dupre' (1990) show that the site is in an area of moderate to low potential for liquefaction. Based on the findings of our field investigation, it is our opinion that the potential for liquefaction at the site is very low.

Lateral spreading can occur when soils liquefy beneath a slope, or even beneath level ground if an open topographic face is nearby. Since the potential for liquefaction at the site is judged to be low, the potential for lateral spreading is likewise estimated to be very low.

Ridge-Top Shattering: Ridge-top shattering was well documented after the 1971 San Fernando earthquake and also occurred during the 1989 Loma Preita earthquake in the Santa Cruz Mountains. The phenomenon occurs most commonly on the crests of sharp ridges, where seismic

March 9, 2011

File No.: 0969-01

shaking energy is concentrated as in the chimney of a building. Shattering can effect both soil and the underlying bedrock and gives the appearance of plowed ground (Barrows, 1975; Kahle, 1975). Since the site is located on dune deposits, the potential for ridge-top shattering is considered to be non-existent.

Landsliding and Slope Stability: The site slopes visually appear to grossly stable. No evidence of past or present slope instability was mapped by previous investigators or was noted to occur on the site as part of this study. New foundations should be deepened as necessary to satisfy horizontal setback from descending slopes in accordance with Chapter 18 of the CBC.

Total & Differential Settlement: Post construction total and differential settlements from static loading of foundations is expected to be about 1-inch and ½-inch respectively. Post construction total and differential settlement of foundations is estimated to be about 1½-inch and 1-inch from seismic loading.

Tsunamis: Tsunamis are oceanic water waves generated by the sudden vertical displacement of the water surface. Tsunami waves travel as gravity waves with velocities dependent upon the water depth (Lander, 1993). These gravity waves are typically generated by sudden uplift or depression of the water surface by: (1) an uplift or drop of a large area of the ocean floor caused by a large earthquake; (2) a landslide into a body of water or movement of material on the bottom of the landslide; or, (3) by several volcanic processes such as crater collapse underwater, explosions, etc. (Lander, 1993).

In the Pacific Ocean most tsunamis are generated in the near shore borderland areas. Tsunamis are a relatively rare phenomena in the Pacific Ocean basin where one per year is the average, and only one per decade causes substantial damage (Lander, 1993). The site is not located within a mapped tsunami inundation area (CEMA/CGS, 2009) and is also located outside of an extreme tsunami run-up area (URS Corp, 2007). The maximum wave height recorded at Moss Landing (3.5 miles northeast of the site) caused by the 1964 Gulf of Alaska earthquake was 9 feet

EXHIBIT E

March 9, 2011

File No.: 0969-01

(Burkland & Assoc., 1975). As a result of the Loma Prieta earthquake of 1989 tidal gauges within the Moss Landing Harbor recorded a 3 foot high tsunami (Rosenberg, 2001). Given that the building area is at about 87 feet above mean sea level, the potential for a tsunami to impact the site is low.

Flood Hazards: According to the National Flood Insurance Program Map Number – 06053C0305G (FEMA, 2009) the site is not located within an area prone to flooding.

Soil Expansion: Based on visual observations the site soils are classified as poorly graded SAND, and are considered to be non-plastic. No special measures are required to mitigate the effect of soil expansion on foundations, and interior or exterior concrete slabs-on-grade.

Erosion: The site soils and earth materials are highly erodible. Stringent erosion control measures should be implemented to provide surficial stability of the site soils.

RECOMMENDATIONS

Geologic

The following recommendations are drawn from the data acquired and evaluated during this investigation for the proposed project.

1. Prior to construction, the project engineering geologist should review the site grading and foundation plans and their potential impacts on identified geologic hazards.
2. Structures designed for human occupancy shall be designed according to the current edition of the CBC. Structures should be designed for a peak horizontal ground acceleration of 0.347g.

March 9, 2011

File No.: 0969-01

Soil Engineering**Site Preparation and Grading**

1. The soil engineer should be notified **at least five (5) working days prior to any site clearing or grading** so that the work in the field can be coordinated with the grading contractor, and arrangements for testing and observation services can be made. The recommendations contained in this report are based on the assumption that Landset Engineers, Inc. will perform the required testing and observation services during grading and construction. It is the owner's responsibility to make the necessary arrangements for these required services.
2. Prior to grading, the project construction areas should be cleared of obstructions, trees and their associated root systems, deleterious materials, old foundations, undocumented fill and buried structures. Site clearing should be observed by a field representative of Landset Engineers, Inc. Voids created by the removal of materials or utilities described above should be called to the attention of the soil engineer. No fill should be placed unless a representative of this firm has observed the underlying soil.
3. Structural fill is defined herein as a native or import fill material which, when properly compacted, will support foundations, pavements, and other fills without detrimental settlement or expansion. Structural fill is specified as follows:

Structural Fill

- * Clean native soil may be utilized, but import fill shall have a Plasticity Index of less than 12.
- * Be free of debris, vegetation, and other deleterious material.
- * Have a maximum particle size of 3-inches in diameter.
- * Contain no more than 15% by weight of rocks larger than 2½-inches in diameter.
- * Have sufficient binder to allow footing and unshored excavation without caving.
- * Prior to delivery to the site, a representative sample of proposed import should be provided to Landset Engineers, Inc. for laboratory evaluation.

EXHIBIT E

March 9, 2011

File No.: 0969-01

4. Following site preparation, the upper 48-inches of soil should be removed (overexcavated). The soils exposed by overexcavation should be scarified approximately 8 inches; moisture conditioned to optimum moisture content, and recompact to a minimum of 95 percent of maximum dry density. Where referenced in this report, percent relative compaction and optimum moisture content shall be based on ASTM test D1557. Areas to receive fill outside the building pad should be scarified and recompact in a similar manner. Building areas are defined as the soils within and extending a minimum of 5 feet beyond the foundation perimeters.
5. Fill material should be placed in thin lifts, moisture conditioned to near optimum moisture content, and compacted to a minimum of 95 percent of maximum dry density. Prior to compaction, the soil should be cleaned of any rock, debris, and irreducible material larger than 3-inches in diameter.
6. If structural fill is to be placed on slopes steeper than 6:1 (horizontal to vertical), keyways should be established at the toe of the proposed fill slopes. The keyways should have minimum widths of 12-feet and should be sloped approximately 2% back into the hillsides. The keyways and subsequent upslope benches should penetrate into sufficiently stable material as determined by the soil engineer at the time of grading.
7. If structural fill is to be placed on slopes steeper than 10:1, the slopes should be benched. The benches should have a minimum width of 12-feet and should be sloped approximately 2% back into the hillsides. The soil engineer will determine the depth, scarification, and recompact of the bench bottoms at the time of grading.
8. The soil engineer should also observe keyways and benches to assess the need for subsurface drains (subdrains). Subdrains in other areas may also be recommended depending on the grading plan and site conditions observed at the time of grading.

March 9, 2011

File No.: 0969-01

9. Fill slopes should be constructed at a maximum finished slope inclination of 3:1 (horizontal to vertical). Fill slopes should be overfilled and trimmed back to competent material. Further compaction of exposed fill slope faces using sheepsfoot rollers or tracked equipment may be recommended by the soil engineer. Cut slopes should be constructed at an inclination of 3:1. Proper drainage and revegetation of graded slopes is essential to ensure stability.
10. In areas to be paved, the upper 12 inches of subgrade soils and all aggregate base should be compacted to a minimum of 95 percent of maximum dry density. Aggregate base and subgrade should be firm and unyielding when proofrolled by heavy rubber-tired equipment prior to paving.

Foundations

11. The addition can be supported by conventional continuous and spread (pad) footings bearing entirely on dense engineered fill compacted to 95% of maximum dry density. Footings should have a minimum depth of 12-inches (trenching depth) below lowest adjacent grade for one-story structures and 18-inch depths below lowest adjacent grade for two story structures. At the northerly perimeter foundation line, footings should be deepened as necessary to satisfy horizontal setback requirements from descending slopes in accordance with Chapter 18 of the CBC.
12. Footings should be reinforced as directed by the architect/structural engineer. Footings should be designed using a maximum allowable bearing capacity of 1,500 psf. This value may be increased by one-third for short-term loads such as wind or seismicity
13. For calculating resistance to lateral loading, a friction coefficient of 0.35 may be assumed to act between the bottom of the foundations and the supporting soil. Where foundations are poured neat against excavated trenches, the engineered fill may be assumed to provide

March 9, 2011

File No.: 0969-01

350 pounds per cubic foot (ultimate value). Lateral support from soil that may later be excavated or used in landscaping near foundations should be neglected.

14. Post construction total and differential settlements from static loading of foundations is expected to be about 1-inch and ½-inch respectively. Post construction total and differential settlement of foundations is estimated to be about 1½-inch and 1-inch from seismic loading.
15. Footing excavations should be observed and tested for compaction by a representative of this firm prior to placement of formwork or reinforcement. Concrete should be placed only in foundation excavations that have been kept moist, and contain no loose or soft soil debris.
16. Footings located adjacent to other footings or utility trenches should have their bearing surfaces founded below an imaginary 1:1 (horizontal to vertical) plane projected upward from the bottom edge of the adjacent footings or utility trenches.

Slabs-on-Grade and Exterior Flatwork

17. Slabs-on-grade and exterior flatwork should have minimum thickness of 4 full inches. The building floor slabs and exterior flatwork should be constructed on compacted soil subgrade moisture conditioned to optimum moisture content. Preparation of soil subgrade and compaction of fill should be performed as recommended in the section entitled "Site Preparation and Grading". Concrete slabs-on-grade and exterior flatwork should be reinforced with steel as specified by the architect/structural engineer.
18. To minimize floor dampness, such as where moisture sensitive floorings will be present, a section of capillary break material at least 4-inches thick covered with a membrane vapor barrier should be placed between the floor slab and the compacted soil subgrade. The capillary break should consist of a clean, free draining material such as ½ to ¾-inch drainrock with not more than 10 percent of the material passing a No. 4 sieve. The

March 9, 2011

File No.: 0969-01

drainrock should be free of sharp edges that might damage the membrane vapor barrier. The membrane vapor barrier should be a minimum 10 mil in thickness, and care should be taken to properly lap and seal the vapor barrier, particularly around utilities. To protect the vapor barrier from damage during concrete placement, it should be covered with a minimum of 2 inches of clean sand. Clean sand is defined as a sand (ASTM D 2488) of which less than 3 percent passes the No. 200 sieve. The sand cushion should be lightly moistened immediately prior to concrete placement.

19. Exterior concrete flatwork should be designed to act independently of building foundations. Exterior flatwork should be constructed on compacted soil subgrade. To reduce the potential for cracking and movement, exterior concrete slabs and flatwork should be reinforced with steel and contraction joints. Reinforcement and joint spacing should be at the direction of the architect/structural engineer.

Retaining Walls

20. Retaining walls for the site may be designed using the following general design parameters, which assume fully drained wall backfill conditions. The average bulk density of material placed on the backfill sides of walls will be about 110 pounds per cubic foot (pcf).
21. The vertical plane extending down from the ground surface to the bottom of the heel of the vertical wall will be subject to lateral soil pressures (plus surcharge loads). An Active Soil Pressure of 35 pcf (equivalent fluid weight) should be used in design of site walls that are free to move laterally and resultant settlement of backfill is tolerable. An At-Rest Soil Pressure of 50 pcf should be used in design for walls, which are restricted from movement at the top (such as foundation walls). The above pressures are applicable to a horizontal retained surface behind the wall. Walls having a retained surface that slopes upward from the wall should be designed for an additional equivalent fluid pressure of 1

March 9, 2011

File No.: 0969-01

- pcf for the active case and 1.5 pcf for the at rest case, for every two degrees of slope inclination.
22. The additional effects of earthquakes on the walls may be simulated by applying a horizontal line force of H^2 pounds per foot length of wall. This force should be applied at a height of $0.6H$ above the wall heel. The additional effects of vertical live loads on the backfill side of walls may be simulated by applying 50 percent of the live loads as a horizontal surcharge force on the walls. The point of application of the live load surcharge may be estimated by assuming a 45-degree line of action down from the live load to the design plane or wall stem.
23. Retaining walls should be supported on foundations bearing on dense native soil compacted to 95% of maximum dry density. Allowable soil bearing pressure (for dead plus live loads) = 1,500 psf assuming a footing depth of 18-inches below lowest adjacent grade. An increase of $1/3$ is allowed when considering additional short-term wind or seismic loading. The ultimate coefficient of friction below the base of the wall = 0.35. Passive soil resistance against the portion of the wall base and key is 350psf/ft for level ground in front of the wall. Lateral support from the soil that may be excavated or used in landscaping near the wall footing should be neglected. Typically this would include the top 12-inches of soil around the wall.
24. The earth pressures are based on fully drained conditions. We recommend that a zone of drainage material at least 12-inches wide should be placed on the backfill side of the walls. Drainage materials should consist of Class 2 permeable material complying with Section 68 of the Caltrans Standard Specifications, latest edition, or $3/4$ -inch permeable drainrock wrapped in Mirafi 140N or equivalent. Manufactured drains such as Miradrain or Enkadrain are acceptable alternatives to the use of permeable or gravel material, provided that they are installed in accordance with the recommendations of the manufacturer. The drains should extend from the base of the walls to within 12-inches of

March 9, 2011

File No.: 0969-01

the top of the wall backfill. The upper 12-inches of wall backfill should consist of compacted structural fill. A perforated pipe should be placed (holes down) about 4-inches above the bottom of the wall or below lowest adjacent grades in front of the wall. The perforations should be no larger than 1/4-inch diameter, and the perforated pipe should be connected via a solid collector pipe to an approved point appropriate discharge facility.

25. Wall backfill should be moisture conditioned and compacted to a minimum of 90% of maximum dry density. If heavy compaction equipment will be used for compaction of the wall backfill, the wall design should include a compaction surcharge in addition to the soil pressures given above. Landset Engineers, Inc. should be consulted for proper compaction surcharge pressures. To avoid surcharging the walls, backfill within 3-feet of the wall should be compacted by hand operated equipment.

Utility Trenches

26. On-site soils should be properly shored and braced during construction to prevent sloughing and caving of trench sidewalls. The contractor should comply with the Cal/OSHA and local safety requirements and codes dealing with excavations and trenches.
27. A select non-corrosive, granular, material should be used as bedding and shading immediately around underground utility pipes and conduits. Native soils may be used for trench backfill above the select material.
28. Trench backfill in landscaped or unimproved areas should be compacted to a minimum of 85 percent of maximum dry density. Trench backfill beneath asphalt and concrete pavements should be compacted to a minimum of 95 percent of maximum dry density. Trench backfill in other areas should be compacted to a minimum of 90 percent of maximum dry density.

March 9, 2011

File No.: 0969-01

29. The bottoms of utility trenches that are parallel to foundations should not extend below an imaginary plane sloping downward at a 1:1 (horizontal to vertical) angle from the bottom outside edges of foundations.

Site Drainage

30. The site soils are erodible and a drainage & erosion control plan is essential to the project. Fluctuations of moisture contents are a major consideration, both before and after construction. Site runoff will be increased due to the new paved and roofed surfaced areas. A comprehensive drainage & erosion control plan is essential to the long-term sustainability of the project.
31. Surface drainage should provide for positive drainage so that runoff is not permitted to pond adjacent to foundations, concrete slabs-on-grade, and pavements. Pervious ground surfaces should be finish graded to direct surface runoff away from site improvements at a minimum 5 percent grade for a minimum distance of 10-feet. Impervious ground surfaces should be finish graded to direct surface runoff away from site improvements at a minimum 2 percent grade for a minimum distance of 5-feet. If this is not practicable due to the terrain or other site features, swales with improved surfaces should be provided to divert drainage away from improvements. Surface runoff collected in this swale should be controlled and flow in a non-erosive manner to an approved point of discharge.
32. Roof gutters should be utilized around the building eaves. Roof gutters should be connected to downspouts, which in turn should be connected to pipes leading to the site storm drain system. Runoff from downspouts, planter drains and other improvements should discharge in a non-erosive manner away from site improvements in accordance with the requirements of the governing agencies.

EXHIBIT E

March 9, 2011

File No.: 0969-01

33. The migration of water or spread of root systems below foundations, slabs, or pavements may cause differential movement and subsequent damage. Landscaping runoff collection facilities should be incorporated in the project design.
34. Cut-off drainage swales should be constructed at the top of all cut and fill slopes. These drainage swales should be of adequate size to collect surface runoff and flow to an approved point of discharge in a non-erosive manner. Proper drainage and re-vegetation of graded slopes is essential to ensure stability.

March 9, 2011

File No.: 0969-01

QUALITY CONTROL

The findings, conclusions and recommendations in this report are preliminary in nature. We recommend that Landset Engineers, Inc. be retained to review final plans once they are available. Additional recommendations will be provided, if necessary based on our review, to interpret this report during construction, and to provide construction testing and observation services. These services are beyond the scope of this soil engineering investigation.

The following items should be reviewed, tested, or observed by this firm:

- Final grading and foundation plans
- Site stripping and clearing
- Overexcavation
- Scarification and recompaction
- Fill placement and compaction
- Nonexpansive import
- Foundation excavations & compaction
- Compaction of utility trench & retaining wall backfill and pavement areas

If Landset Engineers, Inc. is not retained to provide plan review, construction observation and testing services, it shall not be responsible for the interpretation of the information by others or any consequences arising therefrom.

March 9, 2011

File No.: 0969-01

LIMITATIONS AND UNIFORMITY OF CONDITIONS

The preliminary recommendations contained in this report are based, in part, on certain plans, information, and data that has been provided to us. Any changes in those plans, information, and data will render our recommendations invalid unless we are commissioned to review the changes and to make any necessary modifications and/or additions to our recommendations. The criteria in this report are considered preliminary until such time as they are modified or verified by the soil engineer in the field during construction. No representation, warranty, or guarantee is either expressed or implied. This report is intended for the exclusive use by the client and the client's architect/engineer. Application beyond the stated intent is strictly at the user's risk.

The recommendations of this report are based upon the assumption that the soil conditions do not deviate from those disclosed in the borings. If any variations or undesirable conditions are encountered during construction, Landset Engineers, Inc. should be notified so that supplemental recommendations can be given.

This report is issued with the understanding that it is the responsibility of the owner, or his representative, to ensure that the information and recommendations contained herein are called to the attention of the Architects and Engineers for the project and incorporated into the plans, and that the necessary steps are taken to ensure that the Contractor and Subcontractors carry out such recommendations. The conclusions and recommendations contained herein are professional opinions derived in accordance with current and local standards of professional practice.

The findings of this report are valid as of the present date. However, changes in the conditions of a property can occur with the passage of time, whether due to natural processes or to the works of man, on this or adjacent properties. In addition, changes in applicable or appropriate standards may occur, whether they result from legislation or the broadening of knowledge. Accordingly, the findings of this report may be invalidated, wholly or in part, by changes outside of our control. Therefore, this report should not be relied upon after a period of three years, without being reviewed by Landset Engineers, Inc. from the date of issuance of this report.

This report does not address issues in the domain of the contractor such as, but not limited to, loss of volume due to stripping of the site, shrinkage of fill soils during compaction, excavatability, and construction methods. The scope of our services did not include any determination or evaluation of soil corrosion potential, environmental assessment of wetlands, radioisotopes, hydrocarbons, hazardous or toxic materials, or other chemical properties in the soil, surface water, groundwater or air, on or below or around the site.

EXHIBIT E

March 9, 2011

File No.: 0969-01

REFERENCES

- Allen, J.E., 1946, Geology of the San Juan Bautista quadrangle, California: California Division of Mines Bulletin 133, 75p., 3 plates, scale 1:62,500.
- Barrows, A.G., 1975, Surface effects and related geology of the San Fernando earthquake in the foothill region between Little Tujunga and Wilson Canyons, *in* Oakeshott, G.B., *ed.*, San Fernando, California, Earthquake of 9 February 1971: California Division of Mines and Geology Bulletin 196, pp. 97-117.
- Bryant, W.A., Faults in the southern Monterey Bay area, Monterey County: California Division of Mines and Geology Fault Evaluation Report FER-167, (unpublished), 1985.
- California Division of Mines and Geology, 1998, Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada: International Conference of Building Officials, map scale ¼ inch ~ 1 km.
- Clark, J.C., Dibblee, T.W., Jr., Greene, H.G., and Bowen, O.E., Jr., 1974, Preliminary geologic Map of the Monterey and Seaside 7.5-minute quadrangles, Monterey County, California, with emphasis on active faults: U.S. Geological Survey Miscellaneous Field Studies Map MF-577, 2 plates, scale 1:24,000.
- Clark, J.C., Dupre, W.R., Rosenberg, L.I., 1997, Geologic map of the Monterey and Seaside quadrangles, Monterey County, California: U.S. Geological Survey Open File Report 97-30, 26 p. 2 plates scale 1:24,000.
- Compton, R.R., 1966, Granitic and metamorphic rocks of the Salinian block, California Coast Ranges *in* Bailey, E.H., *ed.*, Geology of northern California: California Division of Mines and Geology Bulletin 190, p. 277-287.
- Coppersmith, K.J., 1979, Activity assessment of the Zayante-Vergeles fault, central San Andreas fault system, California, (Ph.D. dissertation): University of California, Santa Cruz, 216 p.
- California Emergency Management Agency/California Geological Survey, 2009, Tsunami inundation map for emergency planning, Monterey quadrangle, State of California, county of Monterey, scale 1:24,000.
- Dibblee, T.W., Clark, J.C., 1973, Geologic map of the Monterey quadrangle: U.S. Geological Survey Open-File Map 74-1021, 1 map, scale 1:62,500.
- Dibblee, T.W., 1976, The Rinconada and related faults in the Southern Coast Ranges, California, and their tectonic significance, U.S. Geological Survey Professional Paper 981.

March 9, 2011

File No.: 0969-01

REFERENCES (Continued)

- Dupre', W.R., 1990, Maps showing geology and liquefaction susceptibility of Quaternary deposits in the Monterey, Seaside, Spreckles, and Carmel Valley quadrangles, Monterey County, California: U.S. Geological Survey Miscellaneous Field Studies Map MF-2096, 2 map sheets, scale 1:24,000.
- Federal Emergency Management Agency (FEMA), 2009, Flood insurance rate map, Monterey County, California (unincorporated areas), Panel 305 of 2050, (Community-Panel Number 06053C0305G): National Flood Insurance Program Map, scale 1:12,000.
- Greene, H.G., Lee, W.H., McCullough, D.S., and Brabb, E.E., 1973, Faults and earthquake epicenters in the Monterey Bay region, California: U.S. Geological Survey Miscellaneous Field Studies Map MF-518, 3 plates, scale 1:125,000.
- Hart, E.W., Bryant, W.A., 1997 (revised 1999), Fault-rupture hazard zones in California: California Division of Mines and Geology Special Publication 42, 38p.
- Kahle, J.E., 1975, Surface effects and related geology of the Lakeview fault segment of the San Fernando fault zone, *in* Oakeshott, G.B., *ed.*, San Fernando, California, Earthquake of 9 February 1971: California Division of Mines and Geology Bulletin 196, p. 120-135.
- Lander, J.F., Lockridge, P.A., and Kozuch, M.J., 1993, Tsunamis Affecting the West Coast of the United States: United States Department of Commerce, National Oceanic and Atmospheric Administration, 242 p.
- Lawson, A.C., chairman, 1908, The California earthquake of April 18, 1906: Report of the California State Earthquake Investigation Commission: Washington D.C., Canegie Institution of Washington, Publication 87, 1, 2 parts, 451 p.
- McCann, J.Z., 1990, Aftershock: the Loma Prieta earthquake and its impact on San Benito County: Hollister, California, Seismic Publications, 80 p.
- McKittrick, M.A., 1987, Geologic map of the Tularcitos fault zone, Monterey County, California, Monterey County Planning Department Files.
- Petersen, M.D., Bryant, W.A., Cramer, C.H., Cao, Tianqing, Reichle, M.S., Frankel, A.D., Lienkaemper, J.J., McCrory, P.S., and Schwartz, D.P., 1996, Probabilistic seismic hazard assessment for the State of California: California Division of Mines and Geology Open-File Report 96-08 (U.S. Geological Survey Open-File Report 96-706), 33p., map scale 1 inch=107 miles.

March 9, 2011

File No.: 0969-01

REFERENCES (Continued)

Rosenberg, L.I., and Clark, J.C., 1994, Quaternary faulting of the greater Monterey area, California: U.S. Geological Survey Final Technical Report 1434-94-G-2443, 45 p., 3 appendices, 4 map sheets, scale 1:24,000

Rosenberg, L.I., 2001, Geologic resources and constraints Monterey County California: County of Monterey Contract R29402-001, 167 p. 10 plates scale 1:125,000.

Stover, C.W., 1984, Intensity distribution and isoseismal map for the Morgan Hill, California, earthquake of April 24, 1984 in Bennett, J.H., and Sherburne, R.W., eds., The 1984 Morgan Hill, California earthquake: California Division of Mines and Geology Special Publication 68, p. 1-4.

URS Corp, 2007, Monterey County multi-jurisdictional hazard mitigation plan, Figure E-10, tsunami hazard areas,
www.co.monterey.ca.us/OES/PDFs_and_documents/LHMP/E10_Tsunami.pdf

EXHIBIT E

March 9, 2011

File No.: 0969-01

AERIAL PHOTOGRAPH REFERENCES

Aero Service Corp., August 24, 1956, ABG, vertical black and white, approximate scale 1:20,000.

California Coastal Commission, 2001, CCC-BQK-C, vertical black and white, approximate scale 1:12,000.

California Department of Fish and Game, April 02, 1970, vertical black and white, approximate scale 1:12,000.

Fairchild Aerial Surveys, October 24, 1945, C-9850, vertical black and white, approximate scale 1:7,200.

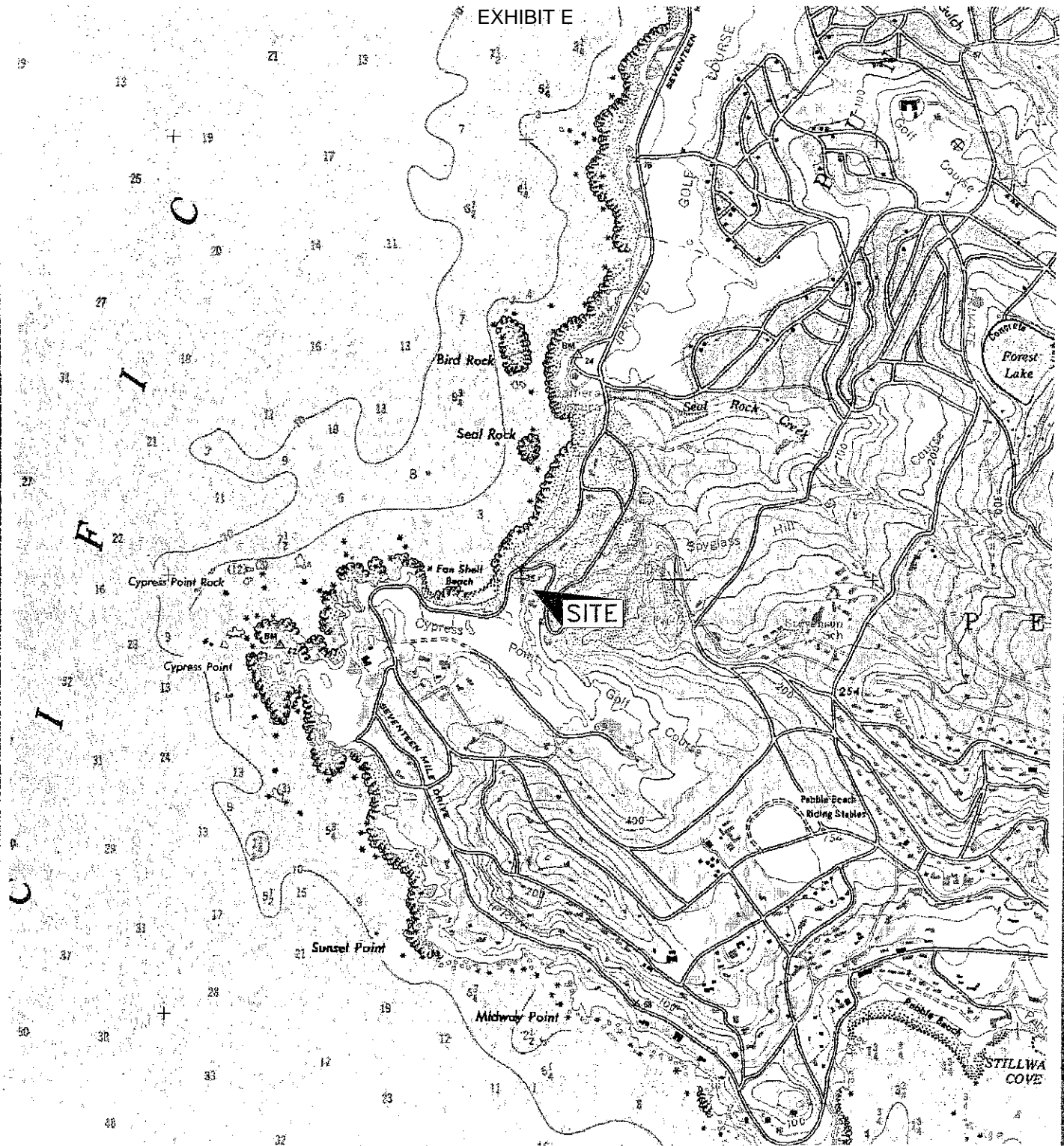
I.K. Curtis Services Inc., April 12, 1984, Monterey, vertical black and white, approximate scale 1:12,000.

EXHIBIT E

FIGURES

- Figure 1, Vicinity Map
- Figure 2, Regional Geologic Map
- Figure 3, Geologic Vicinity Map
- Figure 4, Explanation to Geologic Vicinity Map
- Figure 5, Regional Fault and Seismicity Map
- Figure 6, Geologic Map & Cross Section

EXHIBIT E



BASE MAP: Monterey, California
U.S.G.S. 7.5' Topographic
Quadrangle Map
Scale: 1"=2000'



LANDSET
ENGINEERS, INC.

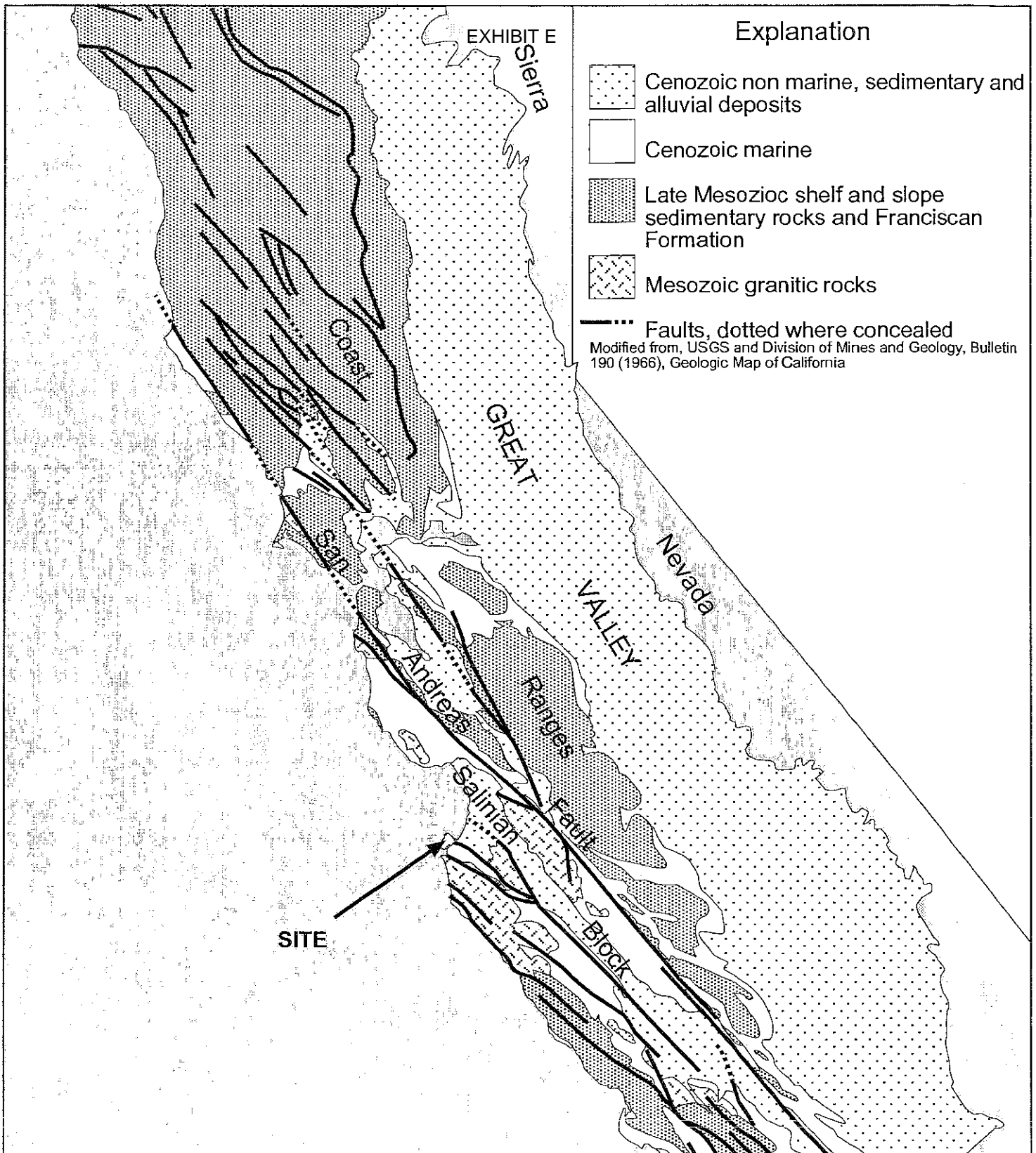
520B CRAZY HORSE CANYON ROAD, SALINAS, CA 93907
(831) 443-6970 FAX (831) 443-3801

Vicinity Map

Abercrombie Residence (APN 008-261-005)
1158 Signal Hill Road
Monterey County, California

EXHIBIT E

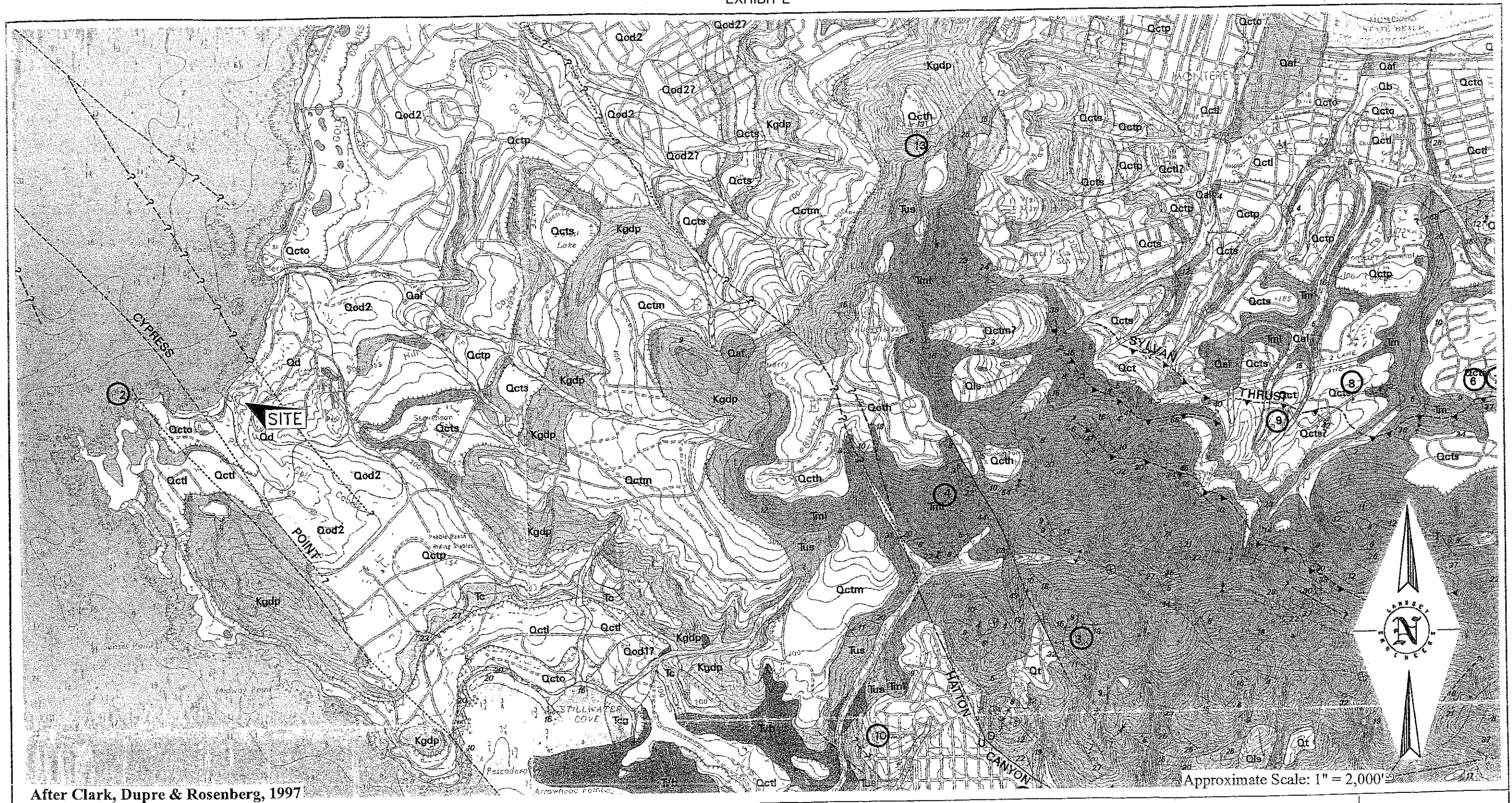
FIGURE
1
PROJECT
0969-01



LANDSET
ENGINEERS, INC.
ENGINEERING - LANDPLANNING
SURVEYING - ENVIRONMENTAL CONSULTING
520-B Crazy Horse Canyon Road, Salinas, CA 93907

Regional Geologic Map
Abercrombie Residence
(APN 008-261-005)
1158 Signal Hill Road
Monterey County, California

FIGURE
2
PROJECT
0969-01



After Clark, Dupre & Rosenberg, 1997

LANDSET 
ENGINEERS, INC.
ENGINEERING • LANDPLANNING
SURVEYING • ENVIRONMENTAL CONSULTING
520-B Crazy Horse Canyon Road, Salinas, CA 93907

Geologic Vicinity Map
Abercrombie Residence (APN 008-261-005)
1158 Signal Hill Road
Monterey County, California

FIGURE
3

PROJECT
0969-01

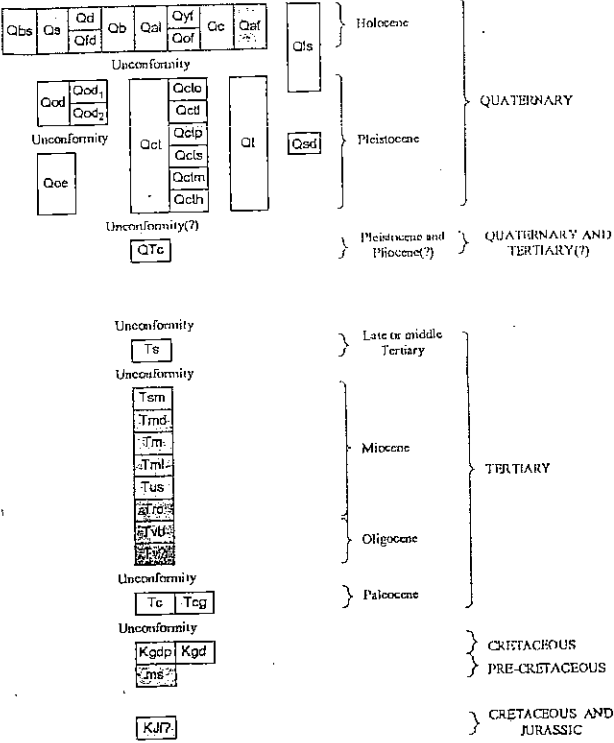
EXHIBIT E

DESCRIPTION OF MAP UNITS

- Qaf:** Artificial fill (Holocene) Heterogeneous mixture of artificially deposited material ranging from well-compacted sand and silt to poorly compacted sediment high in organic content; only locally delineated
- Obs** Beach sand deposits (Holocene) Unconsolidated, well-sorted, medium- to coarse-grained sand; local layers of pebbles and cobbles
- Qs** Marine sand deposits (Holocene) Unconsolidated, gray to buff, fine- to coarse-grained sand on sea floor
- Qd** Dune sand deposits (Holocene) Unconsolidated, well-sorted, fine- to medium-grained sand; deposited as linear strip of coastal dunes
- Qb** Basin deposits (Holocene) Unconsolidated, plastic clay and silty clay containing much organic material; locally contains interbedded thin layers of silt and silty sand
- Qal** Alluvial deposits, undivided (Holocene) Unconsolidated, heterogeneous, moderately sorted silt and sand with discontinuous lenses of clay and silty clay
- Qyf** Younger flood-plain deposits (Holocene) Unconsolidated, relatively fine-grained, heterogeneous deposits of sand and silt; commonly includes relatively thin, discontinuous layers of clay. Near mouth of Carmel River, these occur as a veneer of levee deposits over older flood-plain deposits, indicated by a subscript (a) following symbol.
- Qof** Older flood-plain deposits (Holocene) Unconsolidated, relatively fine-grained, heterogeneous deposits of sand and silt, commonly includes relatively thin layers of clay
- Qc** Colluvium (Holocene) Unconsolidated, heterogeneous deposits of moderately to poorly sorted silt, sand, and gravel deposited by slope wash and mass movement
- Qfd** Flandrian dune deposits of Cooper (1967) (Holocene) Unconsolidated, well-sorted sand deposited in a belt of parabolic dunes
- Qls** Landslide deposits (Quaternary) Heterogeneous mixture of deposits ranging from large block slides in indurated bedrock to debris flows in semiconsolidated sand and clay
- Qod** Older coastal dunes (Pleistocene) Weakly consolidated, well-sorted, fine- to medium-grained sand. Some geologic deposits are covered with a thin veneer of eolian deposits. In some areas, this is indicated by a subscript (e) following the symbol for the geologic unit overlain by the eolian deposits. Locally divided into:
- Qod1** Younger dune deposits (Pleistocene) Weakly consolidated, well-sorted, fine- to medium-grained sand deposited in an extensive coastal dune field. Age of unit is middle(?) Wisconsinan
- Qod2** Older dune deposits (Pleistocene) Weakly to moderately consolidated, moderately well-sorted silt and sand deposited in extensive coastal dune fields. Age of unit is early(?) Wisconsinan
- Qct** Coastal terrace deposits, undivided (Pleistocene) Semiconsolidated, moderately well-sorted marine sand containing thin, discontinuous gravel-rich layers. Locally divided into:
- Qcto** Ocean View coastal terrace (Pleistocene)
- Qctf** Lighthouse coastal terrace (Pleistocene)
- Qctp** Peninsula College coastal terrace (Pleistocene)
- Qcts** Sylvan coastal terrace (Pleistocene)
- Qctm** Monte Vista coastal terrace (Pleistocene)
- Qcth** Huckleberry coastal terrace (Pleistocene)
- Qt** Terrace deposits, undivided (Pleistocene) Weakly consolidated to semiconsolidated, moderately to poorly sorted silt, silty clay, sand, and gravel mostly deposited in a fluvial environment

- Qoe** Older eolian deposits (Pleistocene) Moderately well-sorted sand as much as 60 m thick that contains no intervening fluvial deposits
- Qsd** Sedimentary deposits (Quaternary) Seismic characteristics suggest poorly bedded sand and gravel; stratigraphic position unknown. Unit crops out on sea floor
- QTc** Continental deposits, undivided (Pleistocene-Pliocene?) Semiconsolidated, relatively fine-grained, oxidized sand and silt; includes some deposits of marine origin (locally mapped as QTm)
- Ts** Sedimentary rocks (Tertiary) Marine; mudstone and coarse-grained, arkosic sandstone. Unit crops out on sea floor
- Tsm** Santa Margarita Sandstone (Miocene) Marine and brackish-marine, white, friable, fine- to coarse-grained, arkosic sandstone. Age of unit is late Miocene
- Tmd** Monterey Formation, diatomite (Miocene) Very pale orange to white, soft, punky, commonly silty; Mohnian Stage
- Tm** Monterey Formation, porcelanite (Miocene) Light-brown to white, hard, brittle, platy; Mohnian Stage
- Tml** Monterey Formation, semi-siliceous mudstone (Miocene) Thin-bedded, yellowish-brown, foraminiferal; includes interbedded siltstone; Luisian Stage
- Tus** Unnamed sandstone (Miocene) Marine; buff to light-gray, poorly to well-sorted arkosic sandstone, locally friable, locally conglomeratic. Age of unit is middle Miocene
- Tra** Red Beds Of Robinson Canyon (Miocene) Terrestrial; red to gray, poorly sorted arkosic sandstone, cobble conglomerate, and siltstone. Age of unit is probably middle Miocene
- Tvb** Volcanic rocks (Oligocene) Flows and flow-breccias of basaltic andesite
- Tva** Vaqueros(?) Sandstone (Oligocene) Marine; yellowish-gray, thick-bedded arkosic sandstone
- Tc** Carmelo Formation of Bowen (1965) (Paleocene) Marine; thin- to thick-bedded and graded arkosic sandstone with interbedded siltstone and pebble and cobble conglomerate. Locally divided into:
- Tcg** Cobble and boulder conglomerate (Paleocene) Consists mostly of porphyritic granodiorite clasts
- Kgdp** Porphyritic granodiorite of Monterey of Ross (1976) (Cretaceous)
- Kgd** Granodiorite of Cachagua of Ross (1976) (Cretaceous)
- ms** Schist of the Sierra de Salinas of Ross (1976) (pre-Cretaceous) Quartzofeldspathic schist
- KJf?** Franciscan Complex, undifferentiated Unit crops out on sea floor

CORRELATION OF MAP UNITS



- ? Contact Dashed where approximately located or gradational, dotted where concealed, queried where questionably located
- U 75 D ? Fault Dashed where inferred, dotted where concealed, queried where doubtful. U, relatively upthrown side; D, relatively downthrown side. Half arrows indicate relative horizontal movement
- ▲▲▲? Thrust fault Dashed where inferred, dotted where concealed. Sawtooth on upper plate
- ? Fold axis Dashed where approximately located, dotted where concealed. Arrow on axial trace indicates direction of plunge
- ↖----- Anticline
- ↖ Syncline
- ? Inner edge of terrace deposit May be shoreline angle of coastal terrace deposit or valley margin of fluvial terrace deposit; barbs on terrace side of scarp

- Strike and dip of beds
- ⊕ Horizontal
- 23 Inclined Broken where approximate
- 12 Direction of dip from distant view
- ↑ Vertical
- 75 Overturned
- ⊙ Landslide deposit Half arrows show general direction of movement
- Spring
- ① Quaternary deformation locality

Explanation to Geologic Vicinity Map

Abercrombie Residence (APN 008-261-005)
1158 Signal Hill Road
Monterey County, California

LANDSET
ENGINEERS, INC.
ENGINEERING - LANDPLANNING
SURVEYING - ENVIRONMENTAL CONSULTING
520-B Crazy Horse Canyon Road, Salinas, CA 93907

FIGURE
4

PROJECT
0969-01

EXHIBIT E

EXPLANATION

Magnitudes

> 7.0

6.0-6.9

5.0-5.9

Symbols



Modified from:

Division of Mines and Geology, CD-ROM 2000-00x (2000), Digital Database of Faults From the Fault Activity Map of California and Adjacent Areas

Division of Mines and Geology, Map Sheet 49 (2000), Epicenters of and Areas Damaged by M>5 California Earthquakes, 1800-1999.

San Francisco

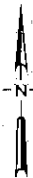
San Jose

Monterey

Salinas

King City

SITE



0 25 50 Mi

LANDSET
ENGINEERS, INC.

ENGINEERING • LANDPLANNING
SURVEYING • ENVIRONMENTAL CONSULTING
520-B Crazy Horse Canyon Road, Salinas, CA 93907

Regional Fault and Seismicity Map

Abercrombie Residence
(APN 008-261-005)

1158 Signal Hill Road
Monterey County, California

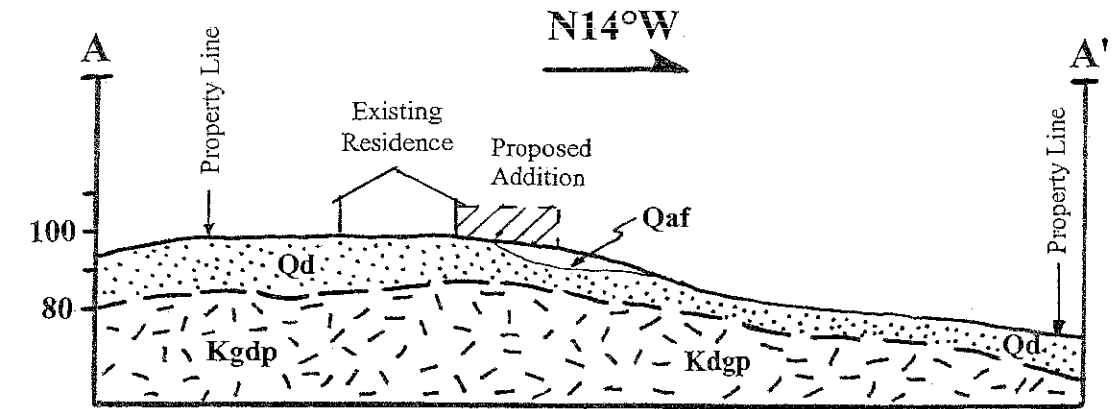
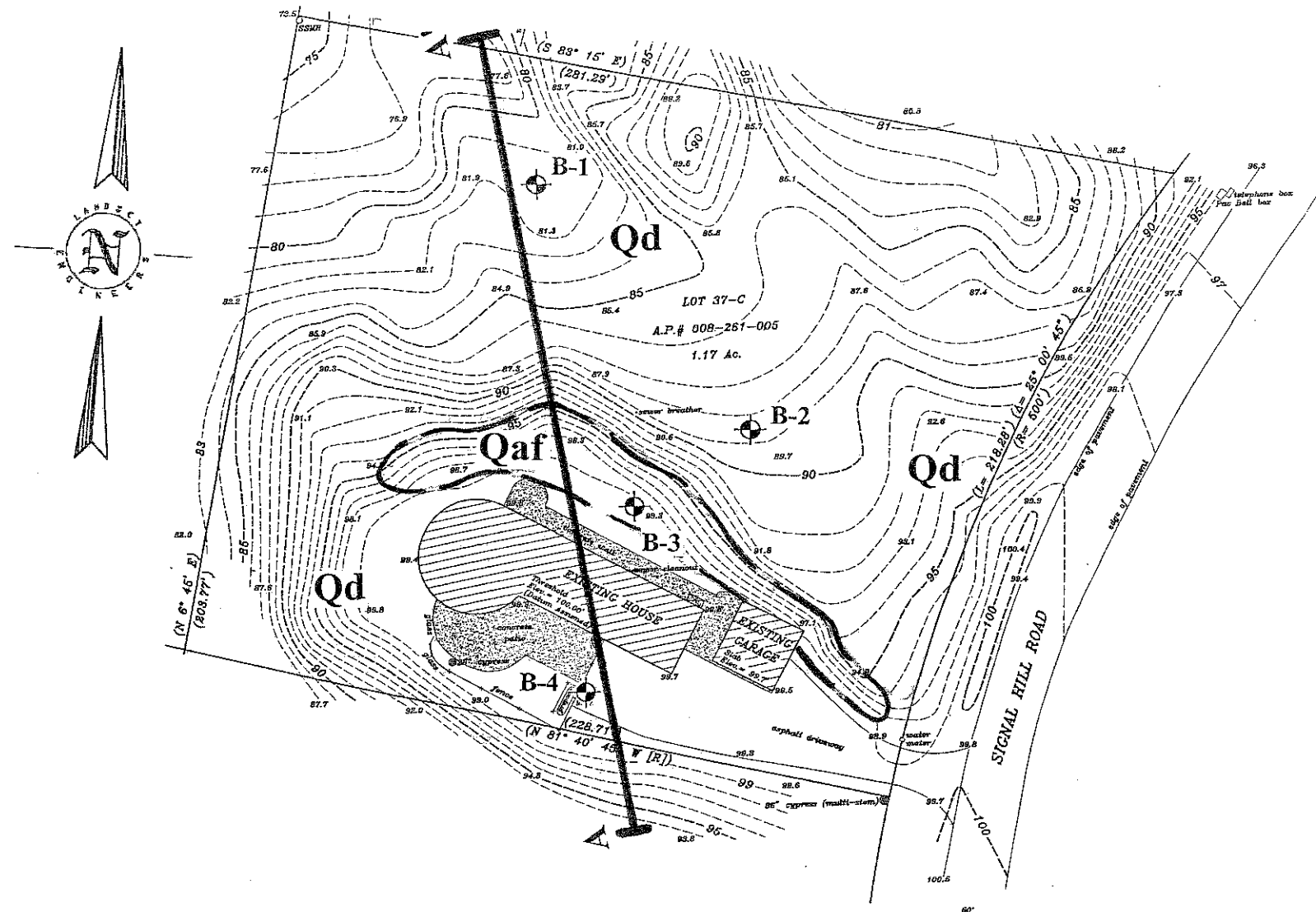
FIGURE

5

PROJECT

0969-01

Exhibit E



Explanation

- Qaf:** Artificial fill: (Holocene) – Man made fill of unknown density consisting of reworked dune sand.
- Qd:** Dune sand deposits: (Holocene) – Unconsolidated, well-sorted, fine to medium grained sand, deposited as linear strip of coastal dunes.
- Kgdg:** Porphyritic granodiorite of Monterey (Cretaceous) – Intrusive igneous basement rock.
- — — — — Geologic Contact – Solid where certain, dashed where approximate, queried where uncertain
- A — A' Location of Geologic Cross Section A-A'
- B-4 ⦿ Approximate Exploratory Boring Location (LSE 08/30/06)

Approximate Scale: 1" = 50'

LANDSET
ENGINEERS, INC.
ENGINEERING • LANDPLANNING
SURVEYING • ENVIRONMENTAL CONSULTING
520-B Crazy Horse Canyon Road, Salinas, CA 93907

Site Geologic Map & Cross Section
Abercrombie Residence (APN 008-261-005)
1158 Signal Hill Road
Monterey County, California

FIGURE
6
PROJECT
0969-01

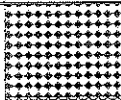
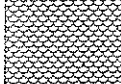
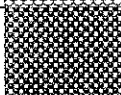
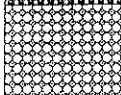
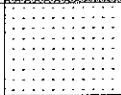
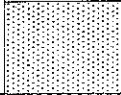
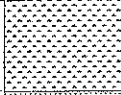
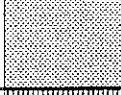


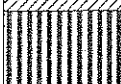

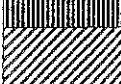




EXHIBIT E

APPENDIX A

Unified Soil Classification System
Key to Boring Logs
Soil Terminology
Exploratory Boring Logs B-1 through B-4 (Drilled on 08/30/06)

EXHIBIT E

UNIFIED SOIL CLASSIFICATION SYSTEM

MAJOR DIVISIONS			GRAPHIC SYMBOL	LETTER SYMBOL	TYPICAL DESCRIPTIONS
COARSE GRAINED SOILS More than 50 % of material is larger than No. 200 sieve size.	GRAVEL AND GRAVELLY SOILS More than 50 % of coarse fraction retained on No. 4 sieve.	CLEAN GRAVELS		GW	Well-graded gravels, gravel-sand mixtures, little or no fines.
				GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines.
		GRAVELS WITH FINES		GM	Silty gravel, gravel-sand-silt mixtures.
				GC	Clayey gravels, gravel-sand-clay mixtures.
	SAND AND SANDY SOILS More than 50 % of coarse fraction passing No. 4 sieve.	CLEAN SAND (Little or no fines)		SW	Well-graded sands, gravelly sands, little or no fines.
				SP	Poorly-graded sands, gravelly sands, little or no fines.
		SAND WITH FINES (Appreciable amount of fines)		SM	Silty sands, sand-silt mixtures.
				SC	Clayey sands, sand-clay mixtures.
FINE GRAINED SOILS More than 50 % of material is smaller than No. 200 sieve size.	SILTS AND CLAYS	LIQUID LIMIT LESS THAN 50		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands, or clayey silts with slight plasticity.
				CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.
				OL	Organic silts and organic silty clay of low plasticity.
		LIQUID LIMIT GREATER THAN 50		MH	Inorganic silty, micaceous or diatomaceous fine sand or silty soils.
				CH	Inorganic clays of high plasticity, fat clays.
				OH	Organic clays of medium to high plasticity, organic silts.
	HIGHLY ORGANIC SOILS				PT
VARIOUS SOILS AND MAN MADE MATERIALS					Fill materials.
MAN MADE MATERIALS					Asphalt and concrete.

LandSet
Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
(831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
A1

EXHIBIT E KEY TO LOG OF BORINGS

Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
1								
2					Shelby Sampler			
3					Thin walled, 3" diameter, 3 ft long, hydraulically advanced.			
4					Modified California Sampler			
5					3" diam. split-barrel sampler with brass liners driven by a 140 lb hammer with a drop of 30".			
6					Standard Penetration Test (SPT) Sampler			
7					2" diam. split-barrel sampler driven by a 140 lb hammer with a drop of 30".			
8					Bulk Sample			
9					Loose soil removed for testing.			
10								
11					California Sampler			
12					2.5" diam. split-barrel sampler with brass liners driven by a 140 lb hammer with a drop of 30".			
13					Hand Sampler (2.5" diam. driven by hand).			
14								
15					Continuous Core Sampler			
16			75		94 mm Christianson Sampler.			
17					Approximate blows per foot.			
18					Solid line denotes soil or lithologic change.			
19					Dashed line denotes gradational or approximate soil or lithologic change.			
20								
21								
22					Heavy line denotes termination of boring.			
23								
24					N/R = No sample recovered			
25					D.S. = Disturbed sample			
26								
27								
LandSet Engineers, Inc.					520 B Crazy Horse Canyon Rd, Salinas, CA 93907 (831) 443-6970, Fax (831) 443-3801, landset@aol.com	Figure A2		

EXHIBIT E

SOIL TERMINOLOGY

SOIL TYPES (Ref. 1)

Boulders:	Particles of rock that will not pass a 12 inch screen.
Cobbles:	Particles of rock that will pass a 12 inch screen, but not a 3 inch sieve.
Gravel:	Particles of rock that will pass a 3 inch sieve, but not a No. 4 sieve.
Sand:	Particles that will pass a No. 4 sieve, but not a No. 200 sieve.
Silt:	Soil that will pass a No. 200 sieve, that is non-plastic or very slightly plastic, and that exhibits little or no strength when dry.
Clay:	Soil that will pass a No. 200 sieve, that can be made to exhibit plasticity (putty-like properties) within a range of water contents, and that exhibits considerable strength when dry.

MOISTURE AND DENSITY

Moisture Condition:	An observational term; dry, slightly moist, moist, very moist, saturated.
Moisture Content:	The weight of water in a sample divided by the weight of dry soil in the soil sample, expressed as a percentage.
Dry Density:	The pounds of dry soil in a cubic foot of soil.

DESCRIPTORS OF CONSISTENCY (Ref. 3)

Liquid Limit:	The water content at which a No. 40 soil is on the boundary between exhibiting liquid and plastic characteristics. The consistency feels like soft butter.
Plastic Limit:	The water content at which a No. 40 soil is on the boundary between exhibiting plastic and semi-solid characteristics. The consistency feels like stiff putty.
Plasticity Index:	The difference between the liquid limit and the plastic limit, i.e. the range in water contents over which the soil is in a plastic state.

MEASURES OF CONSISTENCY OF COHESIVE SOILS (CLAYS) (Ref's. 2 & 3)

Very soft	N=0-1 *	C=0-250 psf	Squeezes between fingers
Soft	N=2-4	C=250-500 psf	Easily molded by finger pressure
Medium Stiff	N=5-8	C=500-1000 psf	Molded by strong finger pressure
Stiff	N=9-15	C=1000-2000 psf	Dented by strong finger pressure
Very Stiff	N=16-30	C=2000-4000 psf	Dented slightly by finger pressure
Hard	N>30	C>4000 psf	Dented slightly by a pencil point

* N = Blows per foot in the Standard Penetration Test. In cohesive soils, with the 3" diameter sampler, 140 pound weight, divide the blow count by 1.2 to get N (Ref. 4).

MEASURES OF RELATIVE DENSITY OF GRANULAR SOILS (GRAVELS, SANDS AND SILTS) (Ref's. 2 & 3)

Very Loose	N=0-4 **	RD=0-30	Easily push a 1/2" reinforcing rod by hand
Loose	N=5-10	RD=30-50	Push a 1/2" reinforcing rod by hand
Medium Dense	N=11-30	RD=50-70	Easily drive a 1/2" reinforcing rod
Dense	N=31-50	RD=70-90	Drive a 1/2" reinforcing rod 1 foot
Very Dense	N>50	RD=90-100	Drive a 1/2" reinforcing rod a few inches

** N = Blows per foot in the Standard Penetration Test. In granular soils, with the 3" diameter sampler, 140 pound weight, divide the blow count by 2 to get N (Ref. 4). RD = Relative Density

- Ref. 1: ASTM Designation: D 2487-93, Standard Classification of Soils for Engineering Purposes (Unified Soils Classification System).
- Ref. 2: Terzaghi, Karl, and Peck, Ralph B., Soil Mechanics in Engineering Practice, John Wiley & Sons, New York, 2nd Ed., 1967, pp. 30, 341, 347.
- Ref. 3: Sowers, George F., Introductory Soil Mechanics and Foundations: Geotechnical Engineering, Macmillan Publishing Company, New York, 4th Ed., 1979, pp. 80, 81 and 312.
- Ref. 4: Lowe, John III, and Zaccaro, Phillip F., Subsurface Explorations and Sampling Chapter 1 in "Foundation Engineering Handbook," Hsai-Yang Fang, Editor, Van Nostrand Reinhold Company, New York, 2nd Ed., 1991, p. 39.

Landset

ENGINEERS, INC.

520-B Crazy Horse Canyon Rd, Salinas, CA 93907

Exhibit E

(831) 443-6970 Fax (831) 443-3801, Landset@aol.com

Figure

A3

EXPLORATORY BORING LOG						No. B-1		
PROJECT: H.A. Residence		DATE DRILLED: 30-Aug-06		FILE No. LSS-0524-01				
DRILLER: California Geotech		DRILLING METHOD: ATV		LOGGED BY: BP				
BORING DIAMETER: 4" HS		BORING DEPTH: 10.5'		GROUNDWATER DEPTH: 9.0'				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1			17		Brown poorly graded SAND medium dense dry, very fine to fine grained, 5-10% fines	SP	2.1	
2								
3								
4								
5			42		<u>Granite:</u> Orange brown, completely weathered, firm, moist		5.9	
6								
7								
8								
9								
10			50/6		Moderately weathered		10.7	
11								
12					TD @ 10.5'			
13					GROUNDWATER ENCOUNTERED @ 9.0'			
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								

LANDSET
 Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
 (831) 443-6970, Fax (831) 443-3801, landset@aol.com




Figure
 A-4

EXHIBIT E EXPLORATORY BORING LOG						No. B-2		
PROJECT: H.A. Residence		DATE DRILLED: 30-Aug-06		FILE No. LSS-0524-01				
DRILLER: California Geotech		DRILLING METHOD: ATV		LOGGED BY: BP				
BORING DIAMETER: 4" HS		BORING DEPTH: 11.0'		GROUNDWATER DEPTH: N/A				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1					Brown poorly graded SAND medium dense, dry, very fine to fine grained, 5-10% fines	SP		
2								
3	2-1		19				1.8	
4								
5								
6	2-2		24		Moist		7.8	
7								
8								
9								
10					Saturated			
11	2-3		77/8		<u>Granite:</u> Orange brown moderately weathered, moderately hard		14.5	
12					TD @ 11.0'			
13					NO GROUNDWATER ENCOUNTERED			
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								

LANDSET
 Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
 (831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
 A-5

EXPLORATORY BORING LOG						No. B-3		
PROJECT: H.A. Residence		DATE DRILLED: 30-Aug-06		FILE No. LSS-0524-01				
DRILLER: California Geotech		DRILLING METHOD: ATV		LOGGED BY: BP				
BORING DIAMETER: 4" HS		BORING DEPTH: 12.0'		GROUNDWATER DEPTH: N/A				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1	N/R		9		Fill: Light gray poorly graded SAND, loose, dry, very fine grained 5-10% fines	SP	12.5	
2								
3								
4								
5	3-1		11		Native: Light gray poorly graded SAND, medium dense, moist, very fine grained	SP		
6								
7								
8								
9								
10								
11	N/R		50/5		Granite: Orange brown, fresh to slightly weathered, hard			
12	N/R		50/0					
13	TD @ 12.0'							
14	NO GROUNDWATER ENCOUNTERED							
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								

LANDSET Engineers, Inc.	520 B Crazy Horse Canyon Rd, Salinas, CA 93907 (831) 443-6970, Fax (831) 443-3801, landset@aol.com	Figure A-6
-----------------------------------	---	----------------------

EXHIBIT E EXPLORATORY BORING LOG						No. B-4			
PROJECT:		H.A. Residence		DATE DRILLED:		30-Aug-06		FILE No. LSS-0524-01	
DRILLER:		California Geotech		DRILLING METHOD:		ATV		LOGGED BY: BP	
BORING DIAMETER:		4" HS		BORING DEPTH:		17.5'		GROUNDWATER DEPTH: N/A	
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)	
0									
1	4-1		20		Light gray poorly SAND, medium dense, dry, very fine grained, 5-10% fines	SP	1.7		
2									
3									
4									
5	4-2		19						
6									
7									
8									
9	4-3		18						
10									
11									
12									
13	4-4		29						
14									
15									
16									
17	N/R		50/0		<u>Granite:</u> Light gray, slightly weathered, hard		11.5		
18					TD @ 17.5'				
19					NO GROUNDWATER ENCOUNTERED				
20									
21									
22									
23									
24									
25									
26									
27									
LANDSET Engineers, Inc.					520 B Crazy Horse Canyon Rd, Salinas, CA 93907 (831) 443-6970, Fax (831) 443-3801, landset@aol.com		Figure A-4		

EXHIBIT E

APPENDIX B

Laboratory Test Results
(Performed September 2006)

EXHIBIT E

March 9, 2011

File No.: 0969-01

Table B-1
Summary of Laboratory Test Results

Sample No.	Depth (ft.)	Dry Density (pcf)	Water Content (%)	Swell Index (A)	Swell (%)	Moisture Increase (%B)	Angle of Internal Friction	Unit Cohesion (psf)
1-1	2.0-3.5	--	2.1					
1-2	5.0-6.5	--	5.9					
1-3	10.0-10.5	--	10.7					
2-1	2.0-3.5	--	1.8					
2-2	5.0-6.5	--	7.8					
2-3	10.0-11.0	--	14.5					
3-1	5.0-6.5	--	12.5					
4-1	2.0-3.5	--	1.7					
4-2	5.0-6.5	--	2.2					
4-3	10.0-11.5	--	3.0					
4-4	15.0-16.5	--	11.5					

B1

EXHIBIT C
LANDSET
ENGINEERS, INC.
ENGINEERING - LAND PLANNING
SURVEYING - ENVIRONMENTAL CONSULTING

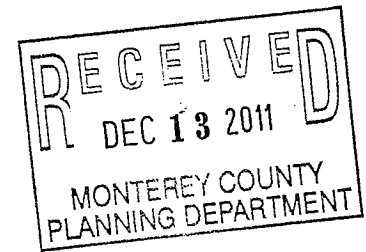
August 2, 2011

File No.: 0969-01

Mr. Lebron Abercrombie
C/o Maureen Wruck Planning Consultants, LLC
21 W. Alisal Street, Suite 111
Salinas, California 93901

Attention: Ms. Maureen Wruck

Project: **Abercrombie Residence Addition (APN 008-261-005)**
1158 Signal Hill Road
Pebble Beach Area of Monterey County, California



Subject: **Revised Foundation Recommendations**

Reference: 1. Soil Engineering Investigation for the H.A. Residence (APN 008-261-005) 1158 Signal Hill Road, Monterey County, California, File No. LSS-0524-01, prepared by Landset Engineers, Inc. dated September 7, 2006.
2. Geologic Report and Soil Engineering Investigation Update, Abercrombie Residence Addition (APN 008-261-005) 1158 Signal Hill Road, Pebble Beach Area of Monterey County, California, Doc. No. 1103-104.RPT, prepared by Landset Engineers, Inc., dated March 9, 2011.

Dear Mr. Abercrombie:

In response to a request by Ms. Maureen Wruck, we are providing this letter to you with revised foundation recommendations for the proposed building addition for the Abercrombie Residence project located in the Pebble Beach area of Monterey County, California. We have previously prepared a geologic and soil engineering investigation update for the project (Reference 2) dated March 9, 2011. Our revised foundation recommendations are as follows.

Pier & Grade Beam/Helical Anchor Foundations

1. As an alternative to the performance of the recommended 48-inch deep subexcavation as described in referenced geologic and soil engineering investigation update (Reference 2), the proposed building addition may be supported by cast-in-place concrete pier and grade beam foundation, or CHANCE® type helical anchor foundation bearing entirely into the dense underlying granitic bedrock.

PLN100612

EXHIBIT E

August 2, 2011

File No.: 0969-01

2. Overall pier depths should be at least 10-feet below lowest adjacent grade and penetrate a minimum of 2 feet into granitic bedrock whichever is deeper. Foundation drilling operations should be observed by this firm at the time of drilling to verify embedment.
3. Conventional cast-in-place concrete piers should be a minimum of 12-inches in diameter. As the piers will utilize end bearing for support, it will be necessary to thoroughly clean the bottoms of the foundation excavations; loose soil and slough should be removed prior to the placement of reinforcing steel and concrete. These cast-in-place concrete piers should be reinforced as directed by the project architect/structural engineer.
4. Piers should be structurally connected to grade beams designed to transfer imposed loads to the foundation piers. Perimeter foundation piers and piers adjacent to structural concrete slabs-on-grade should be laterally restrained by concrete grade beams penetrating a minimum of 12-inches below lowest adjacent grade. Grade beams should be reinforced as directed by the project architect/structural engineer.

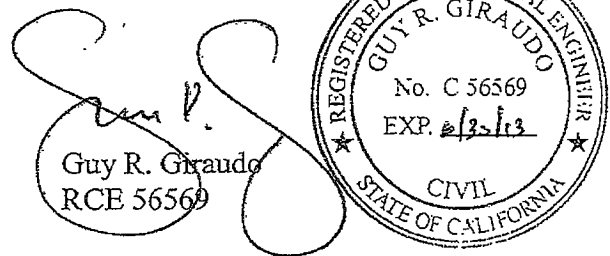
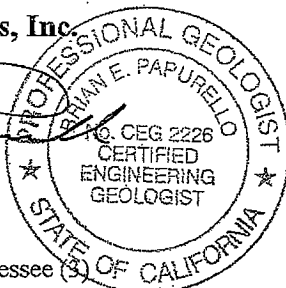
We appreciate the opportunity to have provided services for this project. If you have any questions concerning this letter, please do not hesitate to contact the undersigned.

LandSet Engineers, Inc.

Brian Papurello
CEG 2226

Distribution: Addressee (3)
Mr. Lebron Abercrombie (1)

Doc. No. 1108-100.LTR



**DISTURBED AREA ANALYSIS
FOR THE
ABERCROMBIE RESIDENCE ADDITION
(APN 008-261-005)
1158 SIGNAL HILL ROAD
MONTEREY COUNTY, CALIFORNIA
PROJECT 0969-01**

Prepared for

MR. LEBON ABERCROMBIE
C/O MAUREEN WRUCK PLANNING CONSULTANTS, LLC
21 W. ALISAL STREET
SALINAS, CA 93901

Prepared by

LANDSET ENGINEERS, INC.
520B CRAZY HORSE CANYON ROAD
SALINAS, CALIFORNIA 93907
(831) 443-6970

OCTOBER 2010

October 19, 2011

File No.: 0969-01

Mr. Lebon Abercrombie
C/o Maureen Wruck Planning Consultants, LLC
21 W. Alisal Street, Suite 111
Salinas, California 93901

Attention: Ms. Maureen Wruck

SUBJECT: DISTURBED AREA ANALYSIS
Abercrombie Residence Addition (APN 008-261-005)
1158 Signal Hill Road
Pebble Beach Area of Monterey County, California


Dear Mr. Abercrombie:

In accordance with your authorization, Landset Engineers, Inc. has completed a disturbed area analysis for your residential property located in the Pebble Beach area of Monterey County, California. This report presents the results of our field investigations, research, site reconnaissance along with our findings & conclusions.

It is our opinion that the proposed residential addition will be entirely located within an area that has been previously disturbed by past construction activities and will not encroach into undisturbed natural habitats. The conclusions included herein are based upon applicable standards at the time this report was prepared.

It has been a pleasure to be of service to you on this project. If you have any questions regarding the attached report, please contact the undersigned at (831) 443-6970

Respectfully submitted,
LandSet Engineers, Inc.


Brian E. Papurello
CEG 2226



Distribution: Addressee (5)
Mr. Lebon Abercrombie (1)

Doc. No.: 1110-114.RPT

EXHIBIT E

TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
PURPOSE AND SCOPE OF SERVICES.....	1
Disturbed Area Analysis	2
SITE DESCRIPTION AND PROPOSED DEVELOPMENT.....	2
PREVIOUS WORK.....	2
FIELD EXPLORATION.....	4
SUBSURFACE CONDITIONS.....	4
GROUNDWATER	4
SITE GEOLOGY	4
(Qaf) Artificial fill (Holocene).....	4
(Qd) Dune sand deposits (Holocene).....	5
(Qt) Terrace deposits (Pleistocene).....	5
(Kgdp) Porphyritic granodiorite of Monterey (Cretaceous).....	5
RECORDS REVIEW.....	5
CONCLUSIONS.....	9
LIMITATIONS AND UNIFORMITY OF CONDITIONS	10
REFERENCES	11
AERIAL PHOTOGRAPH REFERENCES	12
FIGURES	
Figure 1, Vicinity Map	
Figure 2, Disturbed Area Map	
APPENDIX A	
Unified Soil Classification System	A1
Key to Log of Borings	A2
Soil Terminology	A3
Exploratory Boring Logs B-1 through B-8	A4-A11
APPENDIX B	
Historical Aerial Photographs	
APPENDIX C	
Preliminary Title Report	
APPENDIX D	
Pebble Beach Community Services District Documentation	

October 19, 2011

File No.: 0969-01

INTRODUCTION

This report summarizes the preliminary findings and conclusions for our disturbed area analysis report for an approximate 1.17-acre property (APN 008-261-005 hereafter referred to as the site) located at 1158 Signal Hill Road in the Pebble Beach area of Monterey County, California (see Vicinity Map, Figure 1).

Disturbed Area Analysis. The purpose of this study was to analyze and determine the aerial extent of site disturbance from past grading and construction activities by means of records review, direct observation, subsurface exploration and remote sensing techniques.

Our scope of services included:

- A. Research, review, and evaluation of data from published and unpublished reports and maps pertaining to the site and vicinity.
- B. Exploration, sampling and classification of the surface and subsurface soils (performed on 08/30/06 and 09/06/11) by means of drilling eight exploratory borings to depths ranging from 10.5 to 22.5 below the ground surface.
- C. Examination and interpretation of 10 sets of stereo aerial photographs taken from 1940, 1945, 1949, 1956, 1966, 1970, 1980, 1984, 1997 & 2003 of the site and its vicinity. These photographs were reviewed with respect to site geology and terrain features related to past construction activities.
- D. Site reconnaissance and mapping of the site to observe site topography and identify those features indicative of past grading and construction activities.
- E. Analysis of the data generated and preparation of a written report and maps presenting our findings and conclusions.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site (APN 008-261-005) is located at 1158 Signal Hill Road in the Pebble Beach area of Monterey County, California (Figure 1). The site consists of a quasi-rectangular shaped parcel of about 1.17-acres. The site is bounded by residential development to the north, west & south, and Signal Hill Road to the east. The site consists of rolling sand dunes with slope gradients ranging from 3:1 to 15:1 (horizontal to vertical). An existing one-story residence with a detached garage is located in the southerly portion of the site (Figure 2).

We understand that the proposed development will involve the partial demolition and remodel of the existing residence. The proposed new building addition will consist of an approximate 1,550-ft² one-story addition located on the northerly side of the existing residence. Other proposed site development will consist of a new patio, pavements, drainage and landscaping improvements.

PREVIOUS WORK

This firm has previously prepared a soil engineering investigation (Landset, 2006) and a geologic report and soil engineering investigation update (Landset, 2011). The purpose of these reports was to provide geologic and soil engineering design criteria with conclusions and recommendations specific to the proposed residential building addition.

FIELD EXPLORATION

The site was mapped in the field on September 6, 2011 on a base topographic map at a scale of 1:96. Additional mapping was done on aerial photographs at an approximate scale of 1:7,200. The field and aerial photograph mapping was then compiled on a base map of 1:360 approximate scale (Figure 2, Disturbed Area Map).

As part of our original soil engineering investigation (Landset, 2006), four exploratory borings (B-1 through B-4) were drilled on August 30, 2006 at the approximate locations shown on the Disturbed Area Map, Figure 2. The borings were drilled using an ATV mounted drill rig

October 19, 2011

File No.: 0969-01

equipped with a 4-inch outside hollow stem auger. The exploratory borings were drilled to depths ranging from 10.5 to 17.5 feet below the ground surface.

For this study, four supplemental borings (B-5 through B-8) were drilled on September 6, 2011 at the approximate locations as shown on Figure 2. These borings were drilled using a man-portable hydraulically powered drill rig equipped with a 4-inch outside hollow stem auger. The supplemental borings were drilled to depths ranging from 10.25 to 22.5 feet below the ground surface. All borings were logged in the field by a Certified Engineering Geologist from our office. Upon completion of drilling, the holes were backfilled with native soil cuttings.

Soils encountered in each exploratory boring were visually classified in the field and a continuous log was recorded. Visual classifications were made in general accordance with the Unified Soil Classification System and ASTM D2487. Logs of the borings can be found in Appendix A (Figures A4 through A11). Appendix A also contains a Key to the Unified Soil Classification System, Key to Log of Borings, and Soil Terminology (Figures A1 through A3).

Soil samples were obtained by drilling to the desired depth and then driving a 3-inch OD Modified California Sampler or a 2-inch OD Standard Penetration Test sampler. The samplers were driven into the ground using force generated by a 140-pound hammer dropping freely through a distance of 30-inches. The number of blows required to drive the last 12-inches of an 18-inch sampler were recorded as penetration resistance (blows/foot) on the exploratory boring logs. The penetration resistance values were used to describe the consistency/density of the subsurface materials.

SUBSURFACE CONDITIONS

The natural subsurface earth materials encountered consisted of Holocene age dune sand deposits composed of loose to medium dense, dry to saturated, poorly graded SAND. Below the sand dune materials, two of the borings (B-7 & B-8) encountered dense, Pleistocene age marine terrace deposits composed of well graded SAND with gravel. Below the dune sands and terrace deposits all of the borings encountered weathered, Cretaceous age granitic rocks of the Salinian block. Notable exceptions to the natural site stratigraphy were encountered in boring B-3 and borings B-5 through B-8 where the upper 3.0 to 6.0 feet consisted of man-made artificial fill. The fill material was composed of reworked dune sands related to the original site grading activities for the existing residence.

GROUNDWATER

Groundwater was encountered in boring B-1 at a depth of 9.0 feet below the ground surface. Local groundwater levels can fluctuate over time depending on but not limited to factors such as irrigation, seasonal rainfall, site elevation, groundwater withdrawal, and construction activities at neighboring sites. The influence of these time dependent factors could not be assessed at the time of our investigation. It is also possible for perched groundwater conditions to develop either as a result insitu soil conditions or those created by man-made activities.

SITE GEOLOGY

Description of the site geology is as follows; refer to the project Geologic Report and Soil Engineering Update (Landset, 2011) for the location and distribution of these units.

(Qaf) Artificial fill (Holocene): These soils consist of man-made undocumented fill material composed of reworked dune sand. These materials have been mapped to occur on the north, south and west sides of the existing residence.

October 19, 2011

File No.: 0969-01

(Qd) Dune sand deposits (Holocene): These earth materials are composed of unconsolidated, well-sorted fine to medium grained sand deposited as a linear strip of coastal dunes.

(Qt) Terrace deposits (Pleistocene): These earth materials are composed of dense semi-consolidated, well-graded well-sorted fine to medium grained sand deposited as a linear strip of coastal dunes.

(Kgdp) Porphyritic granodiorite of Monterey (Cretaceous): Buried below the top cover of dune sand and marine terrace deposits, these intrusive igneous basement rocks occur on the site at depths ranging from 4.5 to 21.0 feet below the existing ground surface.

RECORDS REVIEW

Aerial Photographs: The following historical stereoscopic aerial photographs were reviewed for this report. Copies of the aerial photographs are located in Appendix B.

- 1940, scale 1" = 2,583' (United States Army Air Corps)

The site is undeveloped consisting of an east-west trending longitudinal sand dune. Signal Hill Road has been constructed. The area of the current residence appears to be covered in vegetation.

- 1945, scale 1" = 600' (Fairchild Aerial Surveys)

The site and vicinity were observed to be similar to the description noted for the 1940 aerial photograph. The area of the existing residence appears to be predominantly devoid of vegetation.

- 1949, scale 1" = 600' (USDA)

The site topography and surrounding properties were observed to be similar to the description noted for the aerial photographs from 1940 & 1945. Vegetation is reestablished within the area of the existing residence.

EXHIBIT E

October 19, 2011

File No.: 0969-01

- **1956**, scale 1" = 1,667' (Park Aerial Surveys)

Minor grading has taken place on the southerly half of the site. The existing house (minus the detached garage) is present on site. Concrete flatwork is in place and is consistent with the current configuration. New residences appear on the southerly and westerly adjoining parcels.

- **1966**, scale 1" = 1,667' (Cartwright Aerial Surveys)

The site and surrounding properties were observed to be similar to the description noted for the 1956 aerial photograph.

- **1970**, scale 1" = 1,000' (CDFG)

The site and surrounding properties were observed to be similar to the description noted for the 1966 aerial photograph.

- **1980**, scale 1" = 2,000' (I.K. Curtis Services)

The site and surrounding properties appear to be similar to the description noted for the 1970 aerial photograph.

- **1984**, scale 1" = 1,000' (Army Corps of Engineers)

New residence has been constructed on adjoining northerly parcel, The site was observed to be similar to the description noted for the 1980 aerial photograph.

- **1997**, 1" = 2,000' (WAC)

The detached garage now appears on the site located adjacent and to the east of the existing residence. No other significant changes were noted when compared to 1984 photograph.

- **2003**, scale 1" = 600' (Sanborn)

The site and surrounding property appear to be similar to current conditions.

October 19, 2011

File No.: 0969-01

Site Records: Based on discussions with Mr. Lebon Abercrombie the existing residence was constructed circa 1953, which is consistent with the aerial photographs of the site and vicinity. The detached garage was constructed in 1989 which is also consistent with the aerial photographs. A copy of the preliminary title report of the site was provided by the owner (see Appendix C). A notice of intent to preserve interest was filed by the Pebble Beach Company dated May 28, 1952.

Agency Records: The Pebble Beach Community Services District (PBCSD) was contacted to determine if there are records of any past construction activities on the subject site (Appendix D). Documentation provided by the PBCSD indicates the presence of a 5-foot wide sanitary sewer easement along the westerly property boundary. As built construction plans show that a 6-inch diameter vitrified clay pipe (VCP) sanitary sewer trunk line was constructed along the westerly property boundary on July 7, 1975. This trunk line currently serves the site for sanitary effluent disposal. Further documentation provided by PBCSD indicates that from 1953 to 1982 sewage effluent disposal was facilitated by an on-site septic tank. In September of 1982, the past property owner abandoned the old on-site septic system and connected a 4-inch diameter sanitary sewer lateral to the existing PBCSD facilities.

Topographic Maps: The subject site is depicted on the Monterey, California USGS 7.5-minute topographic map. The site elevation is ranges from approximately 70 to 95 feet above mean sea level. Due to the 40-foot contour interval, past site activities could not be determined from review of these maps.

Geologic Maps: Review of published geologic maps of the site and vicinity was performed as part of this study which included: Dibblee & Clark, 1973; Clark, Dibblee & Others, 1974; Dupre', 1990; and Clark, Dupre' & Rosenberg, 1997.

Dibblee & Clark, 1973 mapped the site at a scale of 1:62,500, and as being underlain by Holocene dune sand (Qd). Mapping performed by Dibblee & Clark (1973) indicates that the

October 19, 2011

File No.: 0969-01

buried trace of the Cypress Point fault passes southwest of the site. No landslides were mapped on the site by Dibblee and Clark.

Clark, Dibblee & others (1974) was mapped at a scale of 1:24, 000. As noted in previous work, the site was mapped as being underlain by Holocene dune sand deposits (Qd). Mapping performed by Dibblee & Clark (1974) maps the Cypress Point fault about 1,200 feet southwest of the site. No landslides were mapped on the site by Clark, Dibblee & others.

Dupre', (1990) mapped the site at a scale of 1:24,000. This mapping concentrates on Quaternary geology and liquefaction potential. This map varies from previously published mapping. Dupre' has mapped the site as being underlain by Holocene age dune sand (Qd). Because the focus of Dupre's mapping was geology and liquefaction of Quaternary deposits no faults or landslides were noted to occur, or were mapped on the site.

Clark, Dupre' & Rosenberg, 1997 have performed the most recent and detailed published geologic mapping at a scale of 1:24,000. Clark, Dupre' and Rosenberg map the site as being underlain by Holocene age dune sand deposits (Qd). Review of this most recent mapping also found the Cypress Point fault to pass about 800 feet to the southwest of the site. No landslides were mapped on the site.

October 19, 2011

File No.: 0969-01

CONCLUSIONS

Based on our analysis we have determined the approximate limits of site disturbance from past grading and construction activities during four distinct time periods occurring in 1953, 1977, 1982 and 1989 (Figure 2). The aerial extents were determined by means of records review, direct observation of site topography, subsurface exploration and aerial photographic interpretation as noted in the preceding pages of this report.

1. The southerly portion of the site soils were disturbed as a result on site grading operations for the construction of the existing residence and associated on-site septic system in the early to mid-1950's. and detached garage in 1989. Based on site topographic evidence and subsurface exploration, the depth of cuts/fills range from 3.0 to 6.0 feet.
2. Site disturbance along the westerly property boundary resulted from installation of a 6-inch diameter VCP sanitary sewer pipe by the PBCSD in July of 1977. Further site disturbance related to sanitary sewer construction was resultant from abandonment of the old septic tank and connection of a new northwest trending 4-inch diameter sanitary sewer lateral to PBCSD facilities in September of 1982.
3. The proposed building addition will be located entirely within an area that has been previously disturbed by past grading and construction activities. Based on our review, the proposed residential building addition will not encroach into any area that has not already been modified by the past activities of man.

October 19, 2011

File No.: 0969-01

LIMITATIONS AND UNIFORMITY OF CONDITIONS

The preliminary conclusions contained in this report are based, in part, on certain plans, information, and data that has been provided to us. Any changes in those plans, information, and data will render our conclusions invalid unless we are commissioned to review the changes and to make any necessary modifications and/or additions to our conclusions. No representation, warranty, or guarantee is either expressed or implied. This report is intended for the exclusive use by the client and the client's architect/engineer. Application beyond the stated intent is strictly at the user's risk.

This report is issued with the understanding that it is the responsibility of the owner, or his representative, to ensure that the information and conclusions contained herein are called to the attention of the Architects and Engineers for the project and incorporated into the plans. The conclusions and recommendations contained herein are professional opinions derived in accordance with current and local standards of professional practice.

The findings of this report are valid as of the present date. However, changes in the conditions of a property can occur with the passage of time, whether due to natural processes or to the works of man, on this or adjacent properties. In addition, changes in applicable or appropriate standards may occur, whether they result from legislation or the broadening of knowledge. Accordingly, the findings of this report may be invalidated, wholly or in part, by changes outside of our control. Therefore, this report should not be relied upon after a period of three years, without being reviewed by Landset Engineers, Inc. from the date of issuance of this report.

The scope of our services did not include any determination or evaluation of soil corrosion potential, environmental assessment of wetlands, radioisotopes, hydrocarbons, hazardous or toxic materials, or other chemical properties in the soil, surface water, groundwater or air, on or below or around the site.

October 19, 2011

File No.: 0969-01

REFERENCES

- Clark, J.C., Dibblee, T.W., Jr., Greene, H.G., and Bowen, O.E., Jr., 1974, Preliminary geologic Map of the Monterey and Seaside 7.5-minute quadrangles, Monterey County, California, with emphasis on active faults: U.S. Geological Survey Miscellaneous Field Studies Map MF-577, 2 plates, scale 1:24,000.
- Clark, J.C., Dupre, W.R., Rosenberg, L.I., 1997, Geologic map of the Monterey and Seaside quadrangles, Monterey County, California: U.S. Geological Survey Open File Report 97-30, 26 p. 2 plates scale 1:24,000.
- Dibblee, T.W., Clark, J.C., 1973, Geologic map of the Monterey quadrangle: U.S. Geological Survey Open-File Map 74-1021, 1 map, scale 1:62,500.
- Dupre', W.R., 1990, Maps showing geology and liquefaction susceptibility of Quaternary deposits in the Monterey, Seaside, Spreckles, and Carmel Valley quadrangles, Monterey County, California: U.S. Geological Survey Miscellaneous Field Studies Map MF-2096, 2 map sheets, scale 1:24,000.
- Landset Engineers, Inc., 2006, soil engineering investigation for the H.A. residence (APN 008-261-005), unpublished consultants report.
- Landset Engineers, 2011, geologic report and soil engineering investigation update, Abercrombie Residence Addition (APN 008-261-005) unpublished consultants report.

October 19, 2011

File No.: 0969-01

AERIAL PHOTOGRAPH REFERENCES

United States Army Air Corps., January 10, 1940, 491VCAN#2A-205-380 & 381, vertical black and white, approximate scale 1:31,000.

Fairchild Aerial Surveys, October 24, 1945, C-9820-2-3 & 2-4, vertical black and white, approximate scale 1:7,200.

United States Department of Agriculture, August 18, 1949, ABG-18F-61 & 63, vertical black and white, approximate scale 1:20,000.

Aero Service Corp., May 14, 1956, ABG-4R-158 & 159, vertical black and white, approximate scale 1:20,000.

United States Department of Agriculture, June 12, 1966, ABG-4GG-109 & 110, vertical black and white, approximate scale 1:20,000.

California Department of Fish and Game, April 2, 1970, vertical black and white, approximate scale 1:12,000.

I.K. Curtis Services Inc., June 24, 1980, CCL-7-1 & &-2, vertical black and white, approximate scale 1:24,000.

I.K. Curtis Services Inc., April 12, 1984, 14 & 17, false color, approximate scale 1:12,000.

WAC Corporation, April 25, 1997, WAC97CA-12-201 & 12-202, vertical black and white, approximate scale 1:24,000.

Sanborn, June 30, 2003, AMBAG 340-20 & 21, false color, approximate scale 1:7,200.

EXHIBIT E

FIGURES

Figure 1, Vicinity Map

Figure 2, Disturbed Area Map

EXHIBIT E



BASE MAP: Monterey, California
 U.S.G.S. 7.5' Topographic
 Quadrangle Map
 Scale: 1"=2000'



LANDSET
ENGINEERS, INC.

5208 CRAZY HORSE CANYON ROAD, SALINAS, CA 93907
 (831) 443-6670 FAX(831) 443-3801

Vicinity Map
 Abercrombie Residence (APN 008-261-005)
 1158 Signal Hill Road
 Monterey County, California
 Exhibit E

FIGURE
1
PROJECT
0969-01

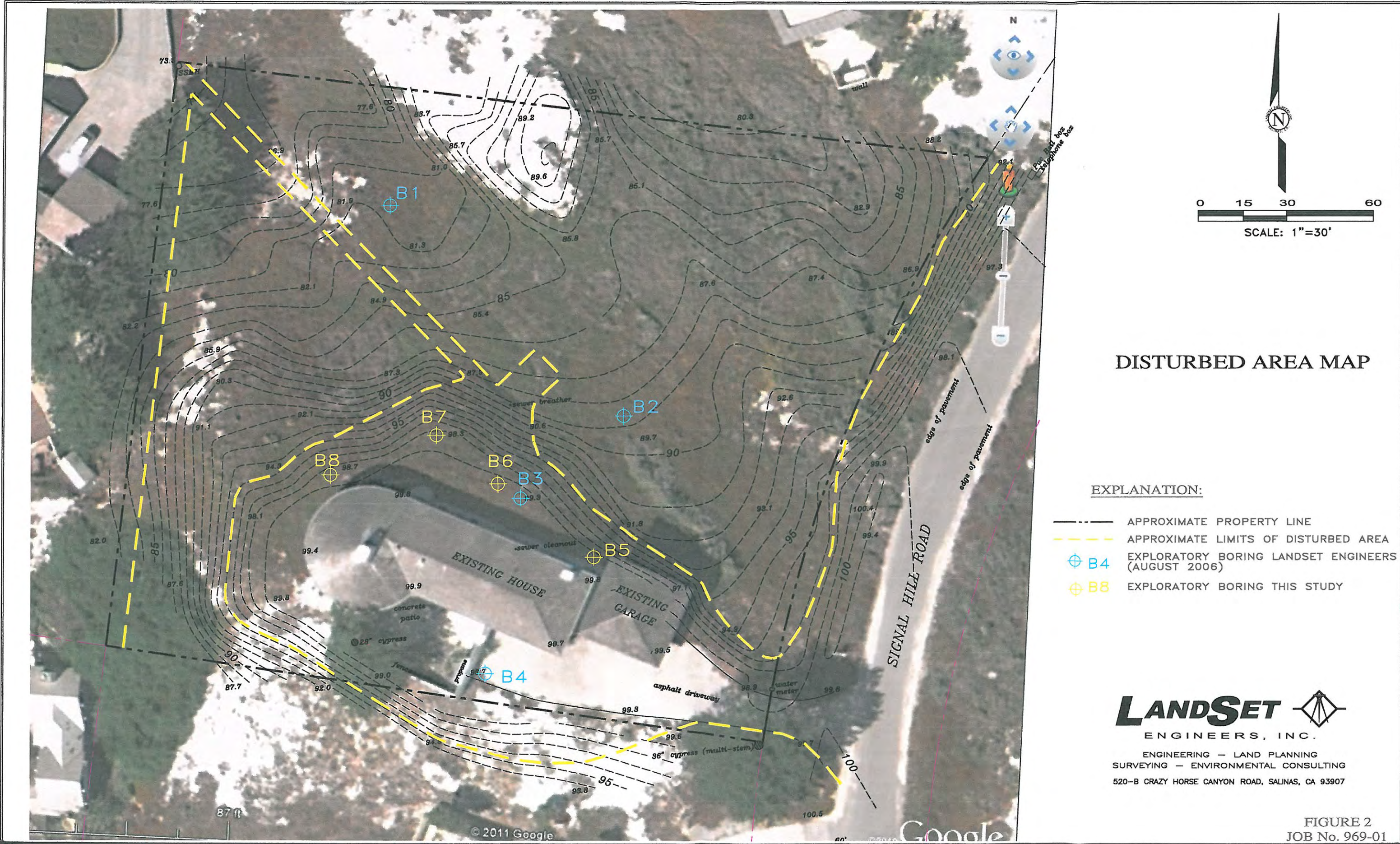


EXHIBIT E

APPENDIX A

Unified Soil Classification System

Key to Boring Logs

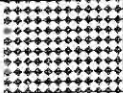
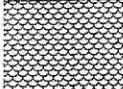
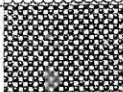
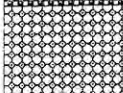

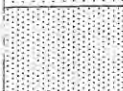
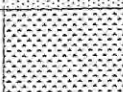




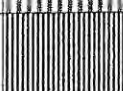


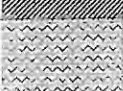
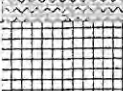

Soil Terminology

Exploratory Boring Logs B-1 through B-4 (Drilled on 08/30/06)

Exploratory Boring Logs B-5 through B-8 (Drilled on 09/06/11)

EXHIBIT E

UNIFIED SOIL CLASSIFICATION SYSTEM

MAJOR DIVISIONS			GRAPHIC SYMBOL	LETTER SYMBOL	TYPICAL DESCRIPTIONS
COARSE GRAINED SOILS More than 50 % of material is larger than No. 200 sieve size.	GRAVEL AND GRAVELLY SOILS More than 50 % of coarse fraction retained on No. 4 sieve.	CLEAN GRAVELS		GW	Well-graded gravels, gravel-sand mixtures, little or no fines.
				GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines.
		GRAVELS WITH FINES		GM	Silty gravel, gravel-sand-silt mixtures.
				GC	Clayey gravels, gravel-sand-clay mixtures.
	SAND AND SANDY SOILS More than 50 % of coarse fraction passing No. 4 sieve.	CLEAN SAND (Little or no fines)		SW	Well-graded sands, gravelly sands, little or no fines.
				SP	Poorly-graded sands, gravelly sands, little or no fines.
		SAND WITH FINES (Appreciable amount of fines)		SM	Silty sands, sand-silt mixtures.
				SC	Clayey sands, sand-clay mixtures.
FINE GRAINED SOILS More than 50 % of material is smaller than No. 200 sieve size.	SILTS AND CLAYS	LIQUID LIMIT LESS THAN 50		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands, or clayey silts with slight plasticity.
				CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.
				OL	Organic silts and organic silty clay of low plasticity.
		LIQUID LIMIT GREATER THAN 50		MH	Inorganic silty, micaceous or diatomaceous fine sand or silty soils.
				CH	Inorganic clays of high plasticity, fat clays.
				OH	Organic clays of medium to high plasticity, organic silts.
	HIGHLY ORGANIC SOILS			PT	Peat, humus, swamp soils with high organic contents.
	VARIOUS SOILS AND MAN MADE MATERIALS				Fill materials.
MAN MADE MATERIALS				Asphalt and concrete.	

LandSet Engineers, Inc.	520 B Crazy Horse Canyon Rd, Salinas, CA 93907 (831) 443-6970, Fax (831) 443-3801, landset@aol.com	Figure A1
-----------------------------------	---	--------------

LandSet
Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
(831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
A1

EXHIBIT E KEY TO LOG OF BORINGS

Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
1					Shelby Sampler			
2					Thin walled, 3" diameter, 3 ft long, hydraulically advanced.			
3								
4					Modified California Sampler			
5					3" diam. split-barrel sampler with brass liners driven by a 140 lb hammer with a drop of 30".			
6					Standard Penetration Test (SPT) Sampler			
7					2" diam. split-barrel sampler driven by a 140 lb hammer with a drop of 30".			
8					Bulk Sample			
9					Loose soil removed for testing.			
10								
11					California Sampler			
12					2.5" diam. split-barrel sampler with brass liners driven by a 140 lb hammer with a drop of 30".			
13					Hand Sampler (2.5" diam. driven by hand).			
14								
15					Continuous Core Sampler			
16					94 mm Christianson Sampler.			
17			75		Approximate blows per foot.			
18					Solid line denotes soil or lithologic change.			
19					Dashed line denotes gradational or approximate soil or lithologic change.			
20								
21								
22					Heavy line denotes termination of boring.			
23								
24					N/R = No sample recovered			
25					D.S. = Disturbed sample			
26								
27								

LandSet
Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
(831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
A2

EXHIBIT E SOIL TERMINOLOGY

SOIL TYPES (Ref. 1)

Boulders:	Particles of rock that will not pass a 12 inch screen.
Cobbles:	Particles of rock that will pass a 12 inch screen, but not a 3 inch sieve.
Gravel:	Particles of rock that will pass a 3 inch sieve, but not a No. 4 sieve.
Sand:	Particles that will pass a No. 4 sieve, but not a No. 200 sieve.
Silt:	Soil that will pass a No. 200 sieve, that is non-plastic or very slightly plastic, and that exhibits little or no strength when dry.
Clay:	Soil that will pass a No. 200 sieve, that can be made to exhibit plasticity (putty-like properties) within a range of water contents, and that exhibits considerable strength when dry.

MOISTURE AND DENSITY

Moisture Condition:	An observational term; dry, slightly moist, moist, very moist, saturated.
Moisture Content:	The weight of water in a sample divided by the weight of dry soil in the soil sample, expressed as a percentage.
Dry Density:	The pounds of dry soil in a cubic foot of soil.

DESCRIPTORS OF CONSISTENCY (Ref. 3)

Liquid Limit:	The water content at which a No. 40 soil is on the boundary between exhibiting liquid and plastic characteristics. The consistency feels like soft butter.
Plastic Limit:	The water content at which a No. 40 soil is on the boundary between exhibiting plastic and semi-solid characteristics. The consistency feels like stiff putty.
Plasticity Index:	The difference between the liquid limit and the plastic limit, i.e. the range in water contents over which the soil is in a plastic state.

MEASURES OF CONSISTENCY OF COHESIVE SOILS (CLAYS) (Ref's. 2 & 3)

Very soft	N=0-1 *	C=0-250 psf	Squeezes between fingers
Soft	N=2-4	C=250-500 psf	Easily molded by finger pressure
Medium Stiff	N=5-8	C=500-1000 psf	Molded by strong finger pressure
Stiff	N=9-15	C=1000-2000 psf	Dented by strong finger pressure
Very Stiff	N=16-30	C=2000-4000 psf	Dented slightly by finger pressure
Hard	N>30	C>4000 psf	Dented slightly by a pencil point

* N = Blows per foot in the Standard Penetration Test. In cohesive soils, with the 3" diameter sampler, 140 pound weight, divide the blow count by 1.2 to get N (Ref. 4).

MEASURES OF RELATIVE DENSITY OF GRANULAR SOILS (GRAVELS, SANDS AND SILTS) (Ref's. 2 & 3)

Very Loose	N=0-4 **	RD=0-30	Easily push a 1/2" reinforcing rod by hand
Loose	N=5-10	RD=30-50	Push a 1/2" reinforcing rod by hand
Medium Dense	N=11-30	RD=50-70	Easily drive a 1/2" reinforcing rod
Dense	N=31-50	RD=70-90	Drive a 1/2" reinforcing rod 1 foot
Very Dense	N>50	RD=90-100	Drive a 1/2" reinforcing rod a few inches

** N = Blows per foot in the Standard Penetration Test. In granular soils, with the 3" diameter sampler, 140 pound weight, divide the blow count by 2 to get N (Ref. 4). RD = Relative Density

- Ref. 1: ASTM Designation: D 2487-93, Standard Classification of Soils for Engineering Purposes (Unified Soils Classification System).
- Ref. 2: Terzaghi, Karl, and Peck, Ralph B., Soil Mechanics in Engineering Practice, John Wiley & Sons, New York, 2nd Ed., 1967, pp. 30, 341, 347.
- Ref. 3: Sowers, George F., Introductory Soil Mechanics and Foundations: Geotechnical Engineering, Macmillan Publishing Company, New York, 4th Ed., 1979, pp. 80,81 and 312.
- Ref. 4: Lowe, John III, and Zaccheo, Phillip F., Subsurface Explorations and Sampling Chapter 1 in "Foundation Engineering Handbook," Hsai-Yang Fang, Editor, Van Nostrand Reinhold Company, New York, 2nd Ed., 1991, p. 39.

Landset

ENGINEERS, INC.





520-B Crazy Horse Canyon Rd, Salinas, CA 93907

(831) 443-6970, Fax (831) 443-3801, Landset@aol.com

Figure

A3




Exhibit E

EXPLORATORY BORING LOG					No. B-1			
PROJECT: H.A. Residence		DATE DRILLED: 30-Aug-06		FILE No. LSS-0524-01				
DRILLER: California Geotech		DRILLING METHOD: ATV		LOGGED BY: BP				
BORING DIAMETER: 4" HS		BORING DEPTH: 10.5'		GROUNDWATER DEPTH: 9.0'				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1					Brown poorly graded SAND medium dense dry, very fine to fine grained, 5-10% fines	SP		
2								
3	1-1		17				2.1	
4								
5					<u>Granite:</u> Orange brown, completely weathered, firm, moist			
6	1-2		42				5.9	
7								
8								
9								
10	1-3		50/6		Moderately weathered		10.7	
11					TD @ 10.5'			
12					GROUNDWATER ENCOUNTERED @ 9.0'			
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								

LANDSET
 Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
 (831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
A-4

EXPLORATORY BORING LOG						No. B-2		
PROJECT: H.A. Residence		DATE DRILLED: 30-Aug-06		FILE No. LSS-0524-01				
DRILLER: California Geotech		DRILLING METHOD: ATV		LOGGED BY: BP				
BORING DIAMETER: 4" HS		BORING DEPTH: 11.0'		GROUNDWATER DEPTH: N/A				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1					Brown poorly graded SAND medium dense, dry, very fine to fine grained, 5-10% fines	SP		
2								
3	2-1		19				1.8	
4								
5								
6	2-2		24		Moist		7.8	
7								
8								
9								
10					Saturated			
11	2-3		77/8		Granite: Orange brown moderately weathered, moderately hard		14.5	
12					TD @ 11.0'			
13					NO GROUNDWATER ENCOUNTERED			
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								

LANDSET
 Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
 (831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
 A-5

EXPLORATORY BORING LOG					EXHIBIT E		No. B-3	
PROJECT: H.A. Residence		DATE DRILLED: 30-Aug-06		FILE No. LSS-0524-01				
DRILLER: California Geotech		DRILLING METHOD: ATV		LOGGED BY: BP				
BORING DIAMETER: 4" HS		BORING DEPTH: 12.0'		GROUNDWATER DEPTH: N/A				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1					<u>Fill:</u> Light gray poorly graded SAND, loose, dry, very fine grained 5-10% fines	SP		
2	N/R		9					
3								
4								
5					<u>Native:</u> Light gray poorly graded SAND, medium dense, moist, very fine grained	SP		
6	3-1		11				12.5	
7								
8								
9								
10	N/R		50/5		<u>Granite:</u> Orange brown, fresh to slightly weathered, hard			
11								
12	N/R		50/0					
13					TD @ 12.0'			
14					NO GROUNDWATER ENCOUNTERED			
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								

LANDSET
Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
 (831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
A-6





EXPLORATORY BORING LOG					No. B-4			
PROJECT: H.A. Residence		DATE DRILLED: 30-Aug-06		FILE No. LSS-0524-01				
DRILLER: California Geotech		DRILLING METHOD: ATV		LOGGED BY: BP				
BORING DIAMETER: 4" HS		BORING DEPTH: 17.5'		GROUNDWATER DEPTH: N/A				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1					Light gray poorly SAND, medium dense, dry, very fine grained, 5-10% fines	SP		
2								
3	4-1		20				1.7	
4								
5								
6	4-2		19				2.2	
7								
8								
9								
10								
11	4-3		18				3.0	
12								
13								
14								
15								
16	4-4		29		<u>Granite:</u> Light gray, slightly weathered, hard		11.5	
17	N/R		50/0					
18	TD @ 17.5'							
19	NO GROUNDWATER ENCOUNTERED							
20								
21								
22								
23								
24								
25								
26								
27								

LANDSET
 Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
 (831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
 A-4








EXPLORATORY BORING LOG						No. B-5		
PROJECT: Abercombie Residence Addition			DATE DRILLED: 06-Sep-11			FILE No. 0969-01		
DRILLER: California Geotech			DRILLING METHOD: Big Beaver			LOGGED BY: BP		
BORING DIAMETER: 4" HS		BORING DEPTH: 16.0'		GROUNDWATER DEPTH: N/A				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1	1-1		3		Qaf - Fill: Light gray poorly graded SAND, very loose, dry very fine to fine grained, trace concrete fragments	SP	1.5	
2								
3								
4	1-2		6		Qd - Native Dune Sand (Holocene) Light gray poorly graded SAND, medium dense, slightly moist, very fine to fine grained	SP	2.2	
5								
6								
7	1-3		11				4.5	
8								
9								
10	1-4		17				5.1	
11								
12								
13	1-5		17				8.3	
14								
15								
16					Color change to moderate brown - Residual soil horizon			
17					Kgdp - Granite (Cretaceous): Orange brown, fresh to slightly weathered, very dense			
18					TD @ 16.0'			
19					NO GROUNDWATER ENCOUNTERED			
20								
21								
22								
23								
24								
25								
26								
27								
LANDSET Engineers, Inc.					520 B Crazy Horse Canyon Rd, Salinas, CA 93907 (831) 443-6970, Fax (831) 443-3801, landset@aol.com		Figure A-8	

EXPLORATORY BORING LOG						No. B-6		
PROJECT: Abercombie Residence Addition				DATE DRILLED: 06-Sep-11		FILE No. 0969-01		
DRILLER: California Geotech				DRILLING METHOD: Big Beaver		LOGGED BY: BP		
BORING DIAMETER: 4" HS		BORING DEPTH: 10.25'		GROUNDWATER DEPTH: N/A				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1	2-1		3		<u>Qaf - Fill:</u> Light gray poorly graded SAND, very loose, dry very fine to fine grained, trace quarry gravel	SP	1.2	
2								
3								
4	2-2		6		<u>Qd - Native Dune Sand (Holocene)</u> Light gray poorly graded SAND, medium dense, dry, very fine to fine grained	SP	1.8	
5								
6	2-3		11				2.5	
7								
8								
9					Color change to Moderate brown - Residual soil horizon			
10	2-4		80/9		<u>Kgd - Granite (Cretaceous):</u> Orange brown, very dense		8.6	
11					TD @ 10.25'			
12					NO GROUNDWATER ENCOUNTERED			
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								

LANDSET
Engineers, Inc.

520 B Crazy Horse Canyon Rd, Salinas, CA 93907
(831) 443-6970, Fax (831) 443-3801, landset@aol.com

Figure
A-9

EXPLORATORY BORING LOG						No. B-7		
PROJECT: Abercombie Residence Addition			DATE DRILLED: 06-Sep-11			FILE No. 0969-01		
DRILLER: California Geotech			DRILLING METHOD: Big Beaver			LOGGED BY: BP		
BORING DIAMETER: 4" HS			BORING DEPTH: 18.0'			GROUNDWATER DEPTH: N/A		
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1	N/R		2		<u>Qaf - Fill:</u> Light gray poorly graded SAND, very loose, dry, very fine to fine grained	SP	1.4	
2								
3								
4	N/R		3				1.8	
5								
6								
7	N/R		8		<u>Qd - Native Dune Sand (Holocene)</u> Light gray poorly graded SAND, loose, dry, very fine to fine grained	SP	1.7	
8								
9								
10	3-1		10		Medium dense, slightly moist		2.1	
11								
12								
13	3-2		15		Color change to moderate brown, residual top soil		4.8	
14								
15								
16					<u>Qt - Terrace deposits (Pleistocene)</u> Yellowish brown well graded SAND with gravel dense, moist, 25-30% fines	SW		
17	3-3		77		<u>Kgdg - Granite (Cretaceous):</u> Orange brown, very dense		8.6	
18	N/R		50/11					
19					TD @ 18.0'			
20					NO GROUNDWATER ENCOUNTERED			
21								
22								
23								
24								
25								
26								
27								
LANDSET Engineers, Inc.					520 B Crazy Horse Canyon Rd, Salinas, CA 93907 (831) 443-6970, Fax (831) 443-3801, landset@aol.com			Figure A-10









EXPLORATORY BORING LOG						No. B-8		
PROJECT: Abercombie Residence Addition			DATE DRILLED: 06-Sep-11			FILE No. 0969-01		
DRILLER: California Geotech			DRILLING METHOD: Big Beaver			LOGGED BY: BP		
BORING DIAMETER: 4" HS		BORING DEPTH: 22.5'		GROUNDWATER DEPTH: N/A				
Depth (ft)	Sample	Graphic Log	Blows per foot	Pocket Pen (tsf)	Description	U.C.S.C. Soil-Group	Moisture (% dry weight)	Dry Density (pcf)
0								
1	4-1		3		<u>Qaf - Fill:</u> Light gray poorly graded SAND, very loose, dry	SP	1.2	
2								
3								
4	4-2		6		<u>Qd - Native Dune Sand (Holocene)</u> Light gray poorly graded SAND, loose, dry, very fine to fine grained	SP	1.5	
5								
6								
7	4-3		12		Medium dense		2.8	
8								
9								
10	4-4		15				3.1	
11								
12								
13	4-5		17		Slightly moist		4.1	
14								
15								
16	4-6		16				4.5	
17								
18								
19	4-7		52		<u>Qt - Terrac depoists (Pleistocene)</u> Yellowish brown well graded SAND with gravel, dense, moist, 25-30% fines	SW	7.8	
20								
21								
22	4-8		40		<u>Kgdp - Granite (Cretaceous):</u> Orange brown, dense		9.1	
23					TD @ 22.5' NO GROUNDWATER ENCOUNTERED			
24								
25								
26								
27								
LANDSET Engineers, Inc.					520 B Crazy Horse Canyon Rd, Salinas, CA 93907 (831) 443-6970. Fax (831) 443-3801, landset@aol.com		Figure A-11	

EXHIBIT E

APPENDIX B
Historical Aerial Photographs

EXHIBIT E

EASTMAN TOPOGRAPHIC SAFETY

EASTMAN TOPOGRAPHIC SAFETY

431 360

EXHIBIT E

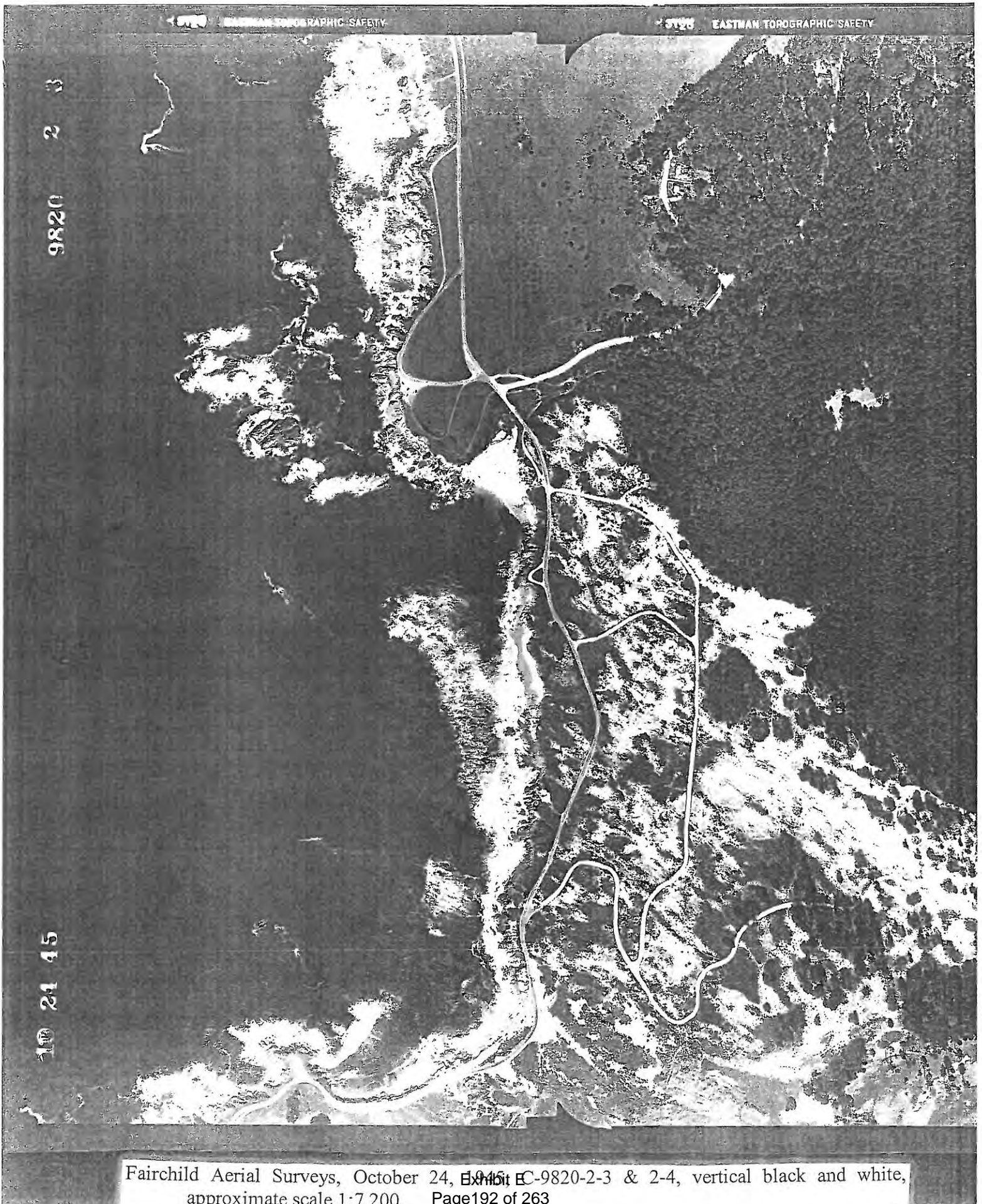
EASTMAN TOPOGRAPHIC SAFETY

EASTMAN TOPOGRAPHIC SAFETY

EASTMAN TOPOGRAPHIC SAFETY

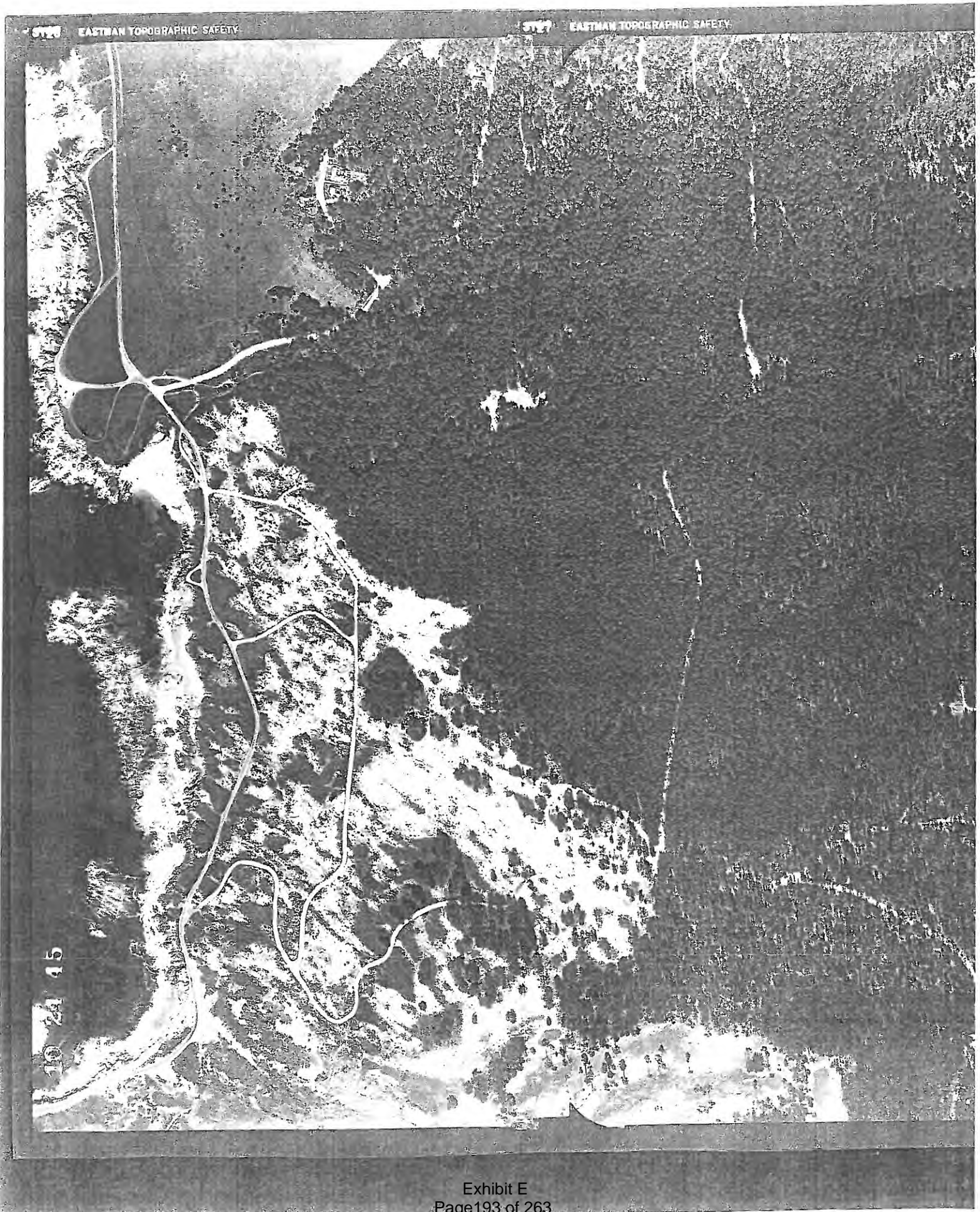
491 381
(V-1-381)

EXHIBIT E



Fairchild Aerial Surveys, October 24, 1945, EC-9820-2-3 & 2-4, vertical black and white, approximate scale 1:7,200. Page 192 of 263

EXHIBIT E



ABG-4R-158

EXHIBIT E

Aero Service Corp., May 14, 1956, ABG-4R-158 & 159, vertical black and white, approximate scale 1:20,000.

EXHIBIT E

EXHIBIT E

6-12-66

ABG-4GG-109

United States Department of Agriculture, June 12, 1966, ABG-4GG-109 & 110, vertical black and white, approximate scale 1:20,000.

EXHIBIT E

6-12-66

ABG-4CG-110

EXHIBIT E

4-2-70

76-5-21

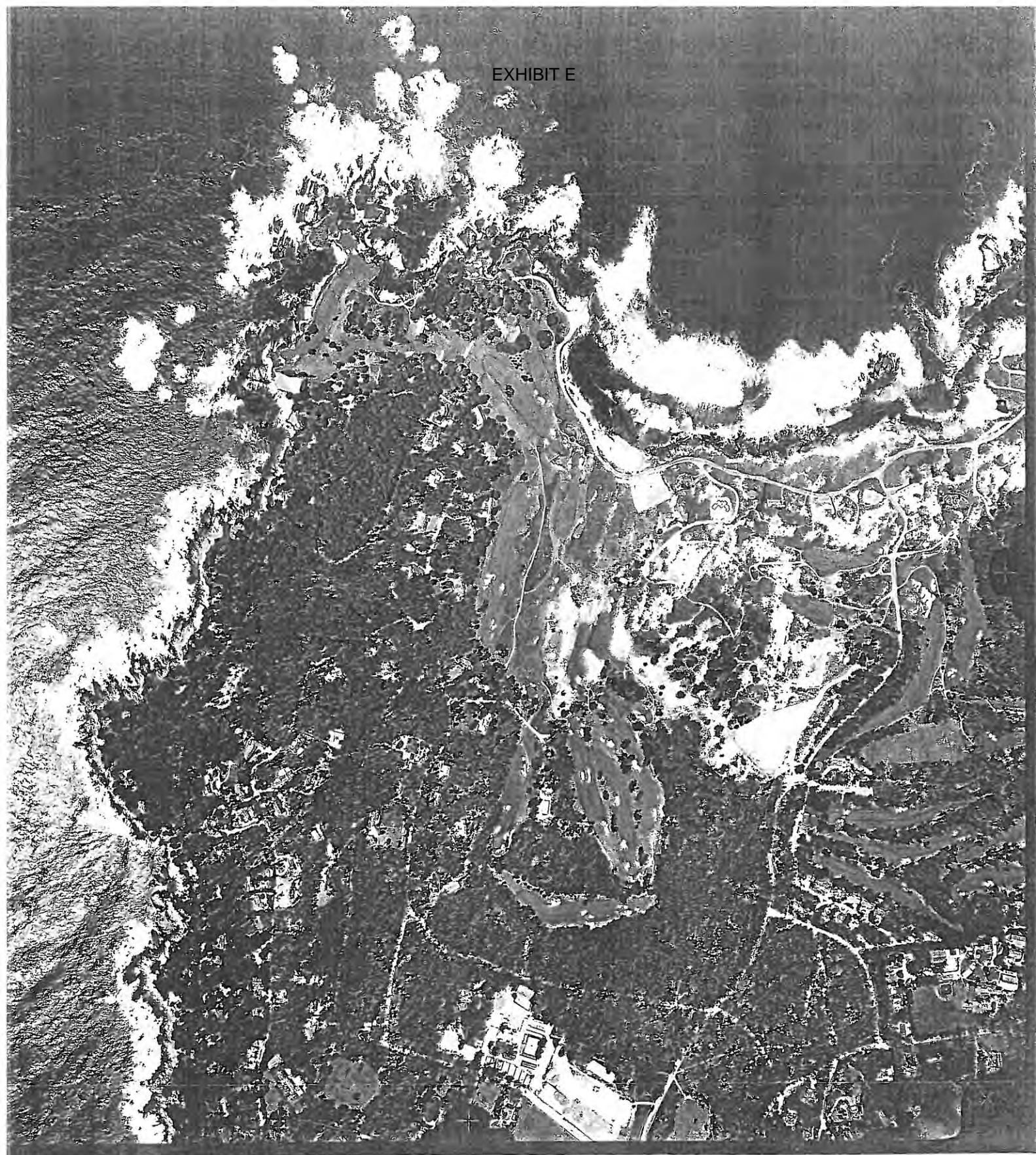
California Department of Fish and Game, April 2, 1970, vertical black and white, approximate scale 1:12,000.

EXHIBIT E

4-2-70

76-5-22

EXHIBIT E



I.K. Curtis Services Inc., April 12, 1984, 14 & 17, false color, approximate scale 1:12,000.

2000

UNTERKIN

EXHIBIT E



EXHIBIT E

4-25-97

WAC-97CA

WAC Corporation, April 25, 1997, WAC97CA-12-201 & 12-202, vertical black and white, approximate scale 1:24,000.

EXHIBIT E

4-25-97

WAC-97CA

12-202



Sanborn, June 30, 2003, AMBAG 340-20 & 21, false color, approximate scale 1:7,200.



EXHIBIT E

APPENDIX C
Preliminary Title Report

EXHIBIT E

CLTA Preliminary Report Form	Order Number: 2705-3480778
(Rev. 11/06)	Page Number: 1



First American Title Company

Dolores & Eighth, P.O. Box 2177
Carmel, CA 93921

Escrow Officer: Linda Griffin Wilson
Phone: (831)620-6516
Fax No.: (866)377-7037
E-Mail: lgriffin@firstam.com

E-Mail Loan Documents to: CarmelEscrowEdocs.ca@firstam.com
Property: 1158 Signal Hill Road
Pebble Beach, CA 93953

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. *The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.* Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 2

Dated as of March 11, 2010 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

ALTA/CLTA Homeowner's (EAGLE) Policy of Title Insurance (2008) and ALTA Ext Loan Policy 1056.06 (06-17-06) if the land described is an improved residential lot or condominium unit on which there is located a one_to_four family residence; or ALTA Standard Owner's Policy 2006 (WRE 06-17-06) and the ALTA Loan Policy 2006 (06-17-06) if the land described is an unimproved residential lot or condominium unit

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

HA INVESTMENT LTD., A BRITISH VIRGIN ISLANDS CORPORATION

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee simple.

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2010-2011, a lien not yet due or payable.
2. General and special taxes and assessments for the fiscal year 2009-2010.

First Installment:	\$25,007.30, PAID
Penalty:	\$0.00
Second Installment:	\$25,007.30, DUE
Penalty:	\$0.00
Tax Rate Area:	060-001
A. P. No.:	008-261-005-000

3. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
4. Covenants, conditions, restrictions, easements, assessments, liens, charges, terms and provisions in the document recorded MAY 28, 1952 as BOOK/REEL 1383, PAGE/IMAGE 472 of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 3

first mortgage or deed of trust made in good faith and for value, but deleting any covenant, condition, or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, marital status, ancestry, disability, handicap, familial status, national origin or source of income (as defined in California Government Code §12955(p)), to the extent such covenants, conditions or restrictions violate 42 U.S.C. §3604(c) or California Government Code §12955. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Note: You may wish to contact the homeowners association referred to in the above document for information regarding assessments, transfer requirements or other matters.

IN CONNECTION WITH THE ABOVE, WE NOTE A "NOTICE OF INTENT TO PRESERVE INTEREST", EXECUTED BY PEBBLE BEACH COMPANY, A CALIFORNIA PARTNERSHIP, RECORDED JULY 24, 1987 IN BOOK 2126, PAGE 51 OF OFFICIAL RECORDS.

5. The terms and provisions contained in the document entitled "ASSIGNMENT OF A PORTION OF MONTEREY PENINSULA WATER MANAGEMENT DISTRICT ORDINANCE NO. 39 WATER ENTITLEMENT AND WATER USE PERMIT" recorded SEPTEMBER 15, 2005 as INSTRUMENT NO. 2005096111 of Official Records.
6. Additional matters, if any, following review by the Company's Waterways and Boundaries Underwriter.

Prior to the issuance of any policy of title insurance, the Company will require:

7. With respect to HA INVESTMENT LTD., A BRITISH VIRGIN ISLANDS CORPORATION, a corporation:
 - a. A certificate of good standing of recent date issued by the Secretary of State of the corporation's state of domicile.
 - b. A certified copy of a resolution of the Board of Directors authorizing the contemplated transaction and designating which corporate officers shall have the power to execute on behalf of the corporation.
 - c. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

First American Title

EXHIBIT E

Order Number:	2705-3480778
Page Number:	4

INFORMATIONAL NOTES

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. This report is preparatory to the issuance of an ALTA Loan Policy. We have no knowledge of any fact which would preclude the issuance of the policy with CLTA endorsement forms 100 and 116 and if applicable, 115 and 116.2 attached.

When issued, the CLTA endorsement form 116 or 116.2, if applicable will reference a(n) Single Family Residence known as 1158 Signal Hill Road, Pebble Beach, California.

2. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

3. We find no open deeds of trust. Escrow please confirm before closing.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

EXHIBIT E

Order Number:	2705-3480778
Page Number:	5

WIRING INSTRUCTIONS

PAYABLE TO: FIRST AMERICAN TITLE COMPANY
BANK: First American Trust, FSB
ADDRESS: 5 First American Way, Santa Ana, CA 92707
ACCOUNT NO: 3011090000
ROUTING NUMBER: 122241255

PLEASE REFERENCE THE FOLLOWING:

CUSTOMER NAME:

FILE NUMBER: 2705-3480778 (LG)

ATTENTION: LINDA GRIFFIN WILSON

PLEASE USE THE ABOVE INFORMATION WHEN WIRING FUNDS TO FIRST AMERICAN TITLE COMPANY. PLEASE NOTIFY LINDA GRIFFIN WILSON AT (831)620-6516 WHEN YOU HAVE TRANSMITTED YOUR WIRE. FAX NUMBER: (866)377-7037

FIRST AMERICAN TRUST CONTACT INFO: Banking Services 1-877-600-9473

**ALL WIRES WILL BE RETURNED IF THE FILE NUMBER
AND/OR NAME(S) ARE NOT INCLUDED**

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 6

LEGAL DESCRIPTION

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

BEGINNING AT A POINT DISTANT 30 FEET NORTH 56° 40' WEST FROM MONUMENT NO. 4109
AS SAID MONUMENT IS DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED,
"LICENSED SURVEYOR'S MAP OF A PORTION OF EL PESCADERO RANCHO", ETC., FILED FOR
RECORD OCTOBER 18, 1926 IN VOLUME 3 OF SURVEYS AT PAGE 111, RECORDS OF MONTEREY
COUNTY, CALIFORNIA, AND RUNNING THENCE

(1) SOUTHERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT (THE CENTER OF WHICH
BEARS SOUTH 56° 40' EAST 500 FEET DISTANT) A DISTANCE OF 218.28 FEET; THENCE

(2) NORTH 81° 40' 45" WEST 228.71 FEET; THENCE

(3) NORTH 6° 45' EAST 203.77 FEET; THENCE

(4) SOUTH 83° 15' EAST 281.29 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION
OF RANCHO EL PESCADERO, MONTEREY COUNTY, CALIFORNIA.

APN: 008-261-005-000

First American Title

Page Number: 7

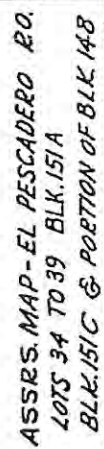


Exhibit E
Page 213 of 263

EXHIBIT E

Order Number:	2705-3480778
Page Number:	8

Section 12413.1 of the California Insurance Code, effective January 1, 1990, requires that any title insurance company, underwritten title company, or controlled escrow company handling funds in an escrow or sub-escrow capacity, wait a specified number of days after depositing funds, before recording any documents in connection with the transaction or disbursing funds. This statute allows for funds deposited by wire transfer to be disbursed the same day as deposit. In the case of cashier's checks or certified checks, funds may be disbursed the next day after deposit. In order to avoid unnecessary delays of three to seven days, or more, please use wire transfer, cashier's checks, or certified checks whenever possible.

If you have any questions about the effect of this new law, please contact your local First American Office for more details.

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 9

EXHIBIT A LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS (BY POLICY TYPE)

1. CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990 SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
(a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy; or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by their policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

2. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B - 1970 SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions of area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 10

3. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B - 1970 WITH REGIONAL EXCEPTIONS

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 2 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage by reason of the matters shown in parts one and two following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

4. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1970 WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant, (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy or acquired the insured mortgage and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder, (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy (except to the extent insurance is afforded herein as to any statutory lien for labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy).
4. Unenforceability of the lien of the insured mortgage because of failure of the insured at Date of Policy or of any subsequent owner of the indebtedness to comply with applicable "doing business" laws of the state in which the land is situated.

5. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1970 WITH REGIONAL EXCEPTIONS

When the American Land Title Association Lenders Policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy, the exclusions set forth in paragraph 4 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage by reason of the matters shown in parts one and two following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

6. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992 WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 11

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy;
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
(a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or the extent insurance is afforded herein as to assessments for street improvements under construction or completed at date of policy); or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
(i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
(ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
(iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
(a) to timely record the instrument of transfer; or
(b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

7. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992 WITH REGIONAL EXCEPTIONS

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 6 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

8. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 1992 EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 12

resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

9. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 1992 WITH REGIONAL EXCEPTIONS

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 8 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

10. AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY - 1987 EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - * land use
 - * land division
 - * improvements on the land
 - * environmental protectionThis exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
 - * a notice of exercising the right appears in the public records on the Policy Date
 - * the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking.
3. Title Risks:
 - * that are created, allowed, or agreed to by you
 - * that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
 - * that result in no loss to you
 - * that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
 - * to any land outside the area specifically described and referred to in Item 3 of Schedule A, or
 - * in streets, alleys, or waterways that touch your landThis exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 13

11. EAGLE PROTECTION OWNER'S POLICY

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 2008 ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 2008

Covered Risks 16 (Subdivision Law Violation), 18 (Building Permit), 19 (Zoning) and 21 (Encroachment of boundary walls or fences) are subject to Deductible Amounts and Maximum Dollar Limits of Liability

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building
 - b. zoning
 - c. land use
 - d. improvements on the land
 - e. land division
 - f. environmental protection

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows: Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A. The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16: 1% of Policy Amount or \$5,000.00 (whichever is less)	\$10,000.00
Covered Risk 18: 1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19: 1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21: 1% of Policy Amount or \$2,500.00 (whichever is less)	\$5,000.00

12. THIRD GENERATION EAGLE LOAN POLICY AMERICAN LAND TITLE ASSOCIATION EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (1/01/08)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions, or location of any improvement erected on the Land; (iii) the subdivision of land; or (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
(a) created, suffered, assumed or agreed to by the Insured Claimant;

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 14

- (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
- (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.

13. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 2006 EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
- (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
- or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
- (a) created, suffered, assumed, or agreed to by the Insured Claimant;
- (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
- (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

14. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 2006 WITH REGIONAL EXCEPTIONS

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 13 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 15

- proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
 3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
 4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

15. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 2006 EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

16. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 2006 WITH REGIONAL EXCEPTIONS

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 15 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

First American Title

EXHIBIT E

		Order Number:	2705-3480778
		Page Number:	16

First American Title

EXHIBIT E

Order Number: 2705-3480778

Page Number: 17

PRIVACY POLICY

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at www.firstam.com.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

© 2001 The First American Corporation • All Rights Reserved

#4

EXHIBIT E

ATTACHMENT

Attached is the document you (or someone on your behalf) requested. As required by Section 12956.1(b) of the California Government Code, please take note of the following:

"If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income (as defined in subdivision (p) of Section 12955 of the Government Code) or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

ORIGINAL

Deed No. 2245

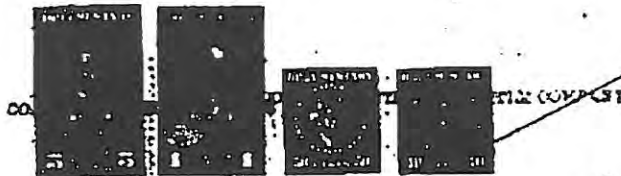
6345

EX-1383 PG 472

DEL MONTE PROPERTIES COMPANY, a California corporation, hereinafter referred to as the Grantor, hereby grants to **MACDONALD C. BOOZE** and **MARGARET C. BOOZE**, his wife,

hereinafter referred to as the Grantee, subject to taxes and assessments not delinquent, easements of record and to the reservations, covenants and conditions hereinafter set forth, the following described property in the County of Monterey, State of California, viz.: Beginning at a point distant 30 feet North 56°40' West from Monument No. 4109 as said monument is delineated and so designated on that certain map entitled, "Licensed Surveyor's Map of a Portion of El Pescadero Rancho", etc., filed for record October 18, 1926 in Volume 3 of Surveys at page 111, Records of Monterey County, California, and running thence

- (1) Southerly along the arc of a circular curve to the left (the center of which bears South 56°40' East 500 feet distant) a distance of 218.28 feet; thence
- (2) North 81°40'45" West 228.71 feet; thence
- (3) North 6°45' East 203.77 feet; thence
- (4) South 83°15' East 281.29 feet to the point of beginning, containing 1.173 acres, more or less, and being a portion of Rancho El Pescadero, Monterey County, California.



RESERVATIONS

Reserving for the Grantor and all public utilities an easement in and over the strip of land five feet in width along the rear and side lines of said premises, for the purpose of constructing, maintaining and operating (1) pole lines and pipe lines for the transmission of electricity, gas, water, sewer and telephone service and (2) open culverts for the conveyance of surface water at a rate not exceeding 1 cubic foot per second, with the right of free ingress to and egress from said strip.

MAINTENANCE OF ROAD

Grantee, his family and servants and his tenants and guests occupying or visiting said premises shall be entitled to the use of all roads and bridle paths now or hereafter owned by Grantor and to free access to Del Monte Forest. Grantor reserves the right to change.

G. C. L. T. CO. 6345

abandon or close any of said roads or bridle paths but agree to leave open a road from said premises to the nearest public highway. As long as Grantor shall keep such a road in repair the owner of said premises shall be obligated to pay Grantor the sum of \$25.00 on each January 1st hereafter, which sum shall be a lien and charge on said premises.

COVENANTS AND CONDITIONS

This conveyance is made and accepted subject to the following express conditions and covenants:

1. No trade, business or profession of any description shall be conducted on said premises. Said premises shall not be used for any purpose whatever except solely and exclusively for the purpose of construction and maintenance of not more than one private single family residence with appurtenant detached guest and servants' cottages (without cooking facilities), greenhouse, garage, and, if approved in writing by Grantor, a stable for saddle horses.
2. No residence, septic tank, fence, access road or other structure of any kind shall be erected, constructed or maintained upon said premises unless erected or constructed at a location and in accordance with plans and specifications which have first been submitted to and approved by Grantor in writing. Said premises shall not be occupied until a suitable sewer is connected therewith and in operation or until a septic tank or other sanitary structure for the storage or disposal of sewage shall have been installed thereon. Grantor shall have the right to supervise the maintenance and operation of said septic tank.
3. No trees located upon said premises shall be cut or removed without the written consent of Grantor. Grantor shall have the right to trim or cut any trees at any time on said premises, whether or not planted by Grantee, to the extent necessary to prevent such trees from obstructing the view from other property.
4. Said premises shall not, nor shall any part thereof, or any improvements thereon, at any time be occupied or used by Asiatics, Negroes, or any person born in the Turkish Empire, nor any lineal descendant of such person, except that persons of said races may be employed as household servants.
5. All structures the plans and specifications for which have been approved by the Grantor shall be completed in accordance with said plans and specifications within one year of the date of such approval, or such additional time as shall be approved by the Grantor in writing; and said premises shall not be occupied until all said structures shall have been completed in accordance with said plans and specifications.

It is understood that the Grantor operates a golf course and hotel (where wines and other liquors are sold when permitted by law) in or adjacent to the area in which said premises are situated and may create a shopping district in said area and that the carrying on of such businesses and of business in such shopping district shall not be construed as a waiver of any of the conditions and covenants in this deed or as the creating of any monopoly but that the carrying on of said businesses is a benefit to those who have established homes and residences in said area and to the general public.

ENFORCEMENT OF COVENANTS AND CONDITIONS

- (a) The foregoing covenants and conditions shall be construed as and be enforceable against Grantee and his successors in the ownership of said premises, both as covenants running with the land and as conditions.
- (b) Notice of any breach of any of said conditions may be given by recordation thereof in the office of the County Recorder of said County and by leaving a copy thereof on said premises. If Grantee or his successors in interest fail for thirty (30) days after any such notice to commence, and thereafter diligently proceed, to cure such breach all rights hereunder of the Grantee and his successors in interest shall terminate and said premises shall revert to and vest in Grantor. Grantor's right to enforce a forfeiture and right of reentry for condition broken is only transferable by instrument expressly transferring same.
- (c) Said covenants are for the benefit not only of Grantor but also of all lands in the area hereinafter mentioned and are imposed in pursuance of a common plan for the develop-

ment of said area and shall be enforceable as covenants by injunction or action for damages or specific performance by Grantor and also every other owner of property in said area. The area above referred to in this paragraph (c) is the subdivision named in the description of said premises and if no subdivision is named therein said area is the property in the Del Monte Forest lying within a half mile of said premises.

(d) In any successful action for the enforcement of any of said covenants or conditions, whether for injunction, specific performance, damages or forfeiture, the plaintiff shall recover from the defendant a reasonable attorney's fee which shall be taxed by the Court as part of the costs. No such action brought or judgment rendered thereon shall be construed as a bar to any action for succeeding breaches.

EXECUTED the 4th day of April 1952.

DEL MONTE PROPERTIES COMPANY

By Henry Tiedemann Vice President.

And Paul S. Winslow Secretary.

Wendell C. Booz (BRAL)

Margaret H. Booz (BRAL)

STATE OF CALIFORNIA
County of Monterey

On this 26th day of May 1952

before me, Helene S. Eichaker, a Notary Public

in and for the County of Monterey, State of California, residing therein, duly commissioned and sworn, personally appeared

HENRY TIEDEMANN

known to me to be the Vice President, and

PAUL S. WINSLOW

known to me to be the Secretary,

respectively, of DEL MONTE PROPERTIES COMPANY, the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that each corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the County of Monterey, the day and year in this certificate first above written.

Helene S. Eichaker
Notary Public in and for the
County of Monterey, State of California

My Comm. Exp. Jan 15, 1953

STATE OF OHIO
County of Hamilton

On this 16th day of May 1952, before me,

William C. Kelly, a Notary Public in and for the State of Ohio,

County of _____, State of California, residing therein, duly commissioned and sworn,

personally appeared McDonald C. Booz and Margaret C. Booz

known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me

that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the City of Cincinnati

County of Hamilton, Ohio, the day and year in this certificate first above written.

William C. Kelly
Notary Public in and for the State of Ohio

My Comm. Exp. Jan 15, 1953

Book 1383 Page 475

THE STATE of OHIO,
COUNTY of HAMILTON.

William C. Kelly
I, *William C. Kelly*, Clerk of the Common Pleas Court,
County of Hamilton, Ohio, having by law a seal do hereby certify that
the within and foregoing instrument is subscribed to the attached certificate of
acknowledgment, made by *William C. Kelly*, on the 16th day of May, 1952, at the time of taking said acknowledgment, proof or affidavit a
NOTARY PUBLIC duly commissioned and sworn and residing in said county, and was, as such, an officer
of said state, duly authorized by the laws thereof to take and certify the same, as well as to take and
certify the proof and acknowledgment of deeds and other instruments in writing to be recorded in said
county, and that full faith and credit are and ought to be given to his official acts; and I further certify
that I am well acquainted with his handwriting, and verily believe that the signature to the attached
certificate is his genuine signature. I further certify that the filing of the impression of the notary seal is
not required in this case.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal this 16th day of May, 1952.
James F. Hunsicker
Clerk of Common Pleas Court, Hamilton County, Ohio

HAMILTON COUNTY
OFFICIAL RECORDS
RECORDED-AT REQUEST OF

CHARTERED COURTESY LINDA TYLEE COMPANY
1952 MAY 28 PM 3 30

VOL. 1383, PAGE 472

John A. Wallace
CLERK

290

#4a

EXHIBIT E

ATTACHMENT

Attached is the document you (or someone on your behalf) requested. As required by Section 12956.1(b) of the California Government Code, please take note of the following:

"If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income (as defined in subdivision (p) of Section 12955 of the Government Code) or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

EXHIBIT E

REEL 2126 PAGE 51
RECORDED AT REC'D JUL 24 4 03 PM '87
PEBBLE BEACH CO

Recording requested by:

Pebble Beach Company
Post Office Box 362
Pebble Beach, CA 93953

After recording return to:

Pebble Beach Company
Post Office Box 362
Pebble Beach, CA 93953
Attr: Mark Verbonich

45780

Indexing Instructions:
This notice must be indexed

Grantor and Grantee index —
claimant is a grantor.

NOTICE OF INTENT TO PRESERVE INTEREST

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section 880.020) of Part 2 of Division 2 of the Civil Code (Marketable Record Title).

Claimant Pebble Beach Company
Post Office Box 362
Pebble Beach, CA 93953

Interest Character: Power of Termination
Recorded in the Office of the County Recorder
of Monterey County, State of California

Date: May 28, 1952

Vol.: 1382 O.R. Page: 472

Real Property situate in the County of Monterey, State of California, described as follows:

Beginning at a point distant 30 feet North 56°40' West from Monument

Ac. 4109 as said monument is delineated and so designated on that certain map entitled, "Licensed Surveyor's Map of a Portion of El Pescadero Rancho", etc., filed for record October 18, 1926 in Volume 3 of Surveys at page 111, Records of Monterey County, California, and running thence

- (1) Southerly along the arc of a circular curve to the left (the center of which bears South 56°40' East 500 feet distant) a distance of 218.28 feet; thence
- (2) North 81°40'45" West 228.71 feet; thence
- (3) North 6°45' East 203.77 feet; thence
- (4) South 83°15' East 281.39 feet to the point of beginning, containing 1.173 acres, more or less, and being a portion of Rancho El Pescadero, Monterey County, California.

REEL 2126 PAGE 52

We assert under penalty of perjury that this notice is not recorded for the purpose of slandering title to real property and we are informed and believe that the information contained in this notice is true. If this notice is made on behalf of a claimant, we assert under penalty of perjury that we are authorized to act on behalf of the claimant.

PEBBLE BEACH COMPANY
A California Partnership

Date: July 1, 1987

MARK D. II
MKDG II, a general partner

MARK D. II
MKDG II, a general partner

By Dr. J. Clapp
Its Attorney in Fact

By Dr. J. Clapp
Its Attorney in Fact

MARK D. IV
MKDG IV, a general partner

MARK D. IV
MKDG IV, a general partner

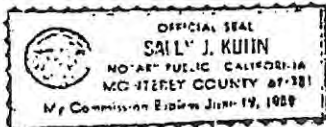
By Dr. J. Clapp
Its Attorney in Fact

By Dr. J. Clapp
Its Attorney in Fact

STATE OF CALIFORNIA ;
COUNTY OF MONTEREY) ss

On July 16, 1987, before me SALLY J. KUHN
a Notary Public in and for the County of Monterey, State of California
duly commissioned and sworn, personally appeared MARK VERBONICH
and DAVID W. CLAPP known to me to be the persons whose names are
subscribed to this instrument as the attorney in fact of MKDG II, a
general partnership and MKDG IV, a general partnership, and acknowledged to me that they had each subscribed the name of said general
partnerships as principal and their own name as attorney in fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, in and for the said County and State, the day and year in this
certification first above written.



Sally J. Kuhn
Notary Public, State of California

END OF DOCUMENT

EXHIBIT E

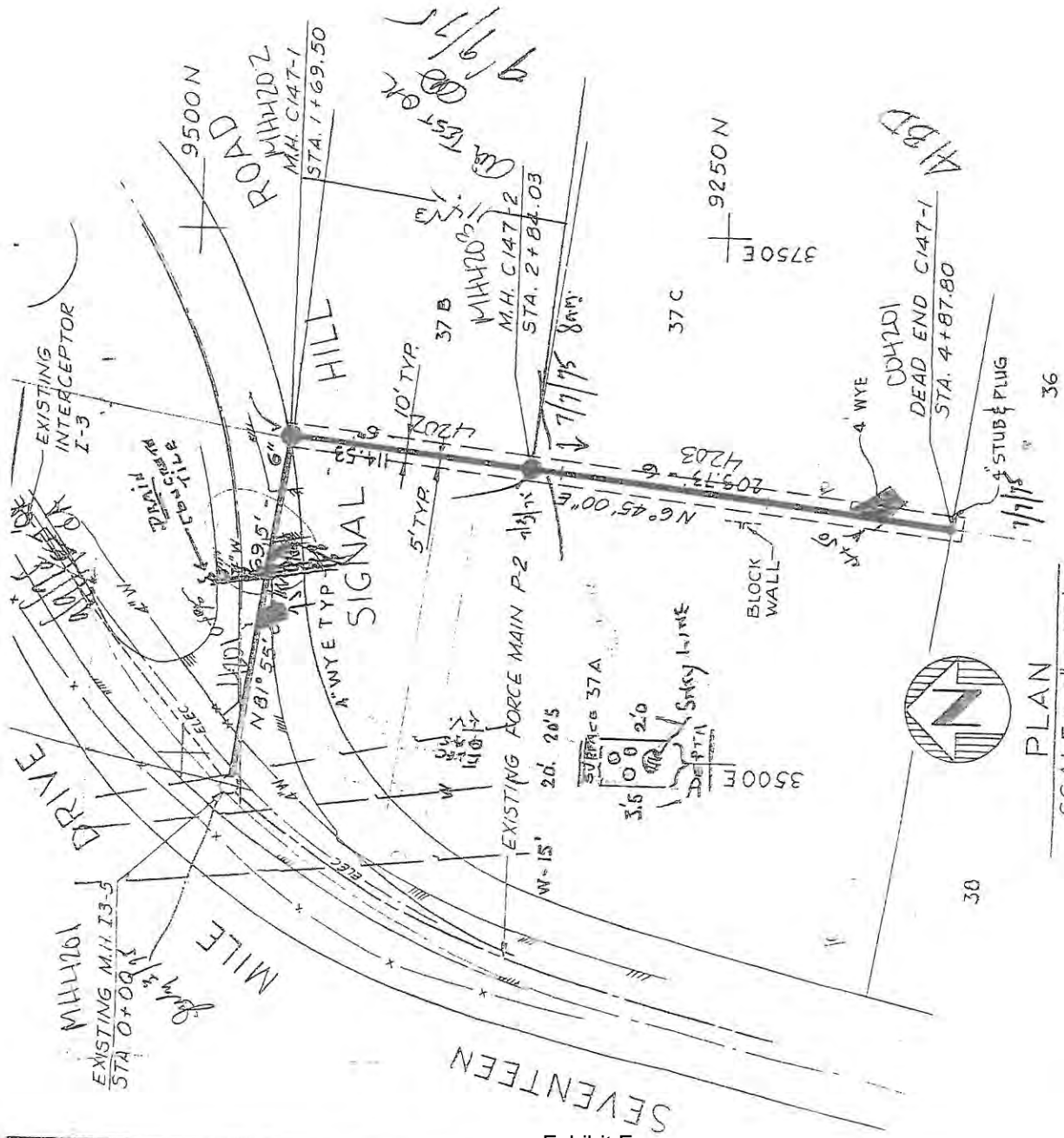
APPENDIX D

Pebble Beach Community Services District Documentation

EXHIBIT E

NOTE:

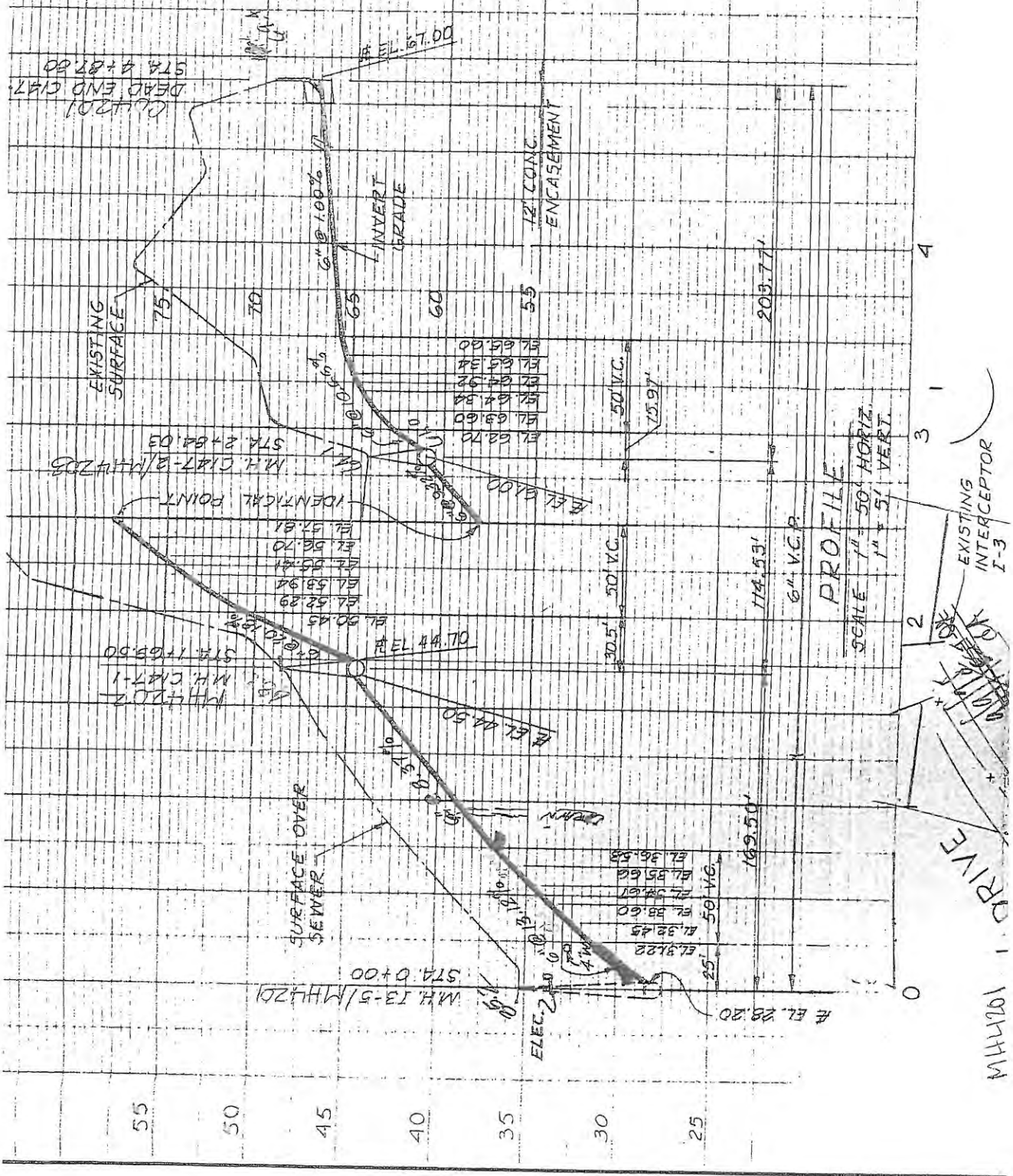
CONTRACTOR SHALL FIELD VERIFY LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION (SEE SPECS)



COLLECTOR C147 BLK. 151A.

PLAN
SCALE: 1" = 50'

EXHIBIT E



008-261-05

BOOZE, Margaret
1304 31
P.B.

PEBBLE BEACH COMMUNITY SERVICES DISTRICT

APPLICATION FOR SEWER CONNECTION
AND A RECEIPT FOR FUNDScheck # 1282
(1C)Owner's Name: MARGARET G. BOOZEReceipt No. 2019Address: PEBBLE BEACH

Telephone No. _____

1158 SIGNAL HILL ROAD

Job Address: _____

BLOCK 151A LOT 37C

SERVICES REQUESTED:

Connection ChargeCostFor RESIDENTIAL (Use of Building)\$ 2650.00Size 4" (Lateral Size)Inspection FeeFor B/P & CONNECT (Type of Construction)\$ 75.00Basic Permit Fee\$ 15.00

TOTAL CHARGES

\$ 2740.00OWNER'S AUTHORIZATION

I HAVE AT THIS DATE A CONTRACT WITH THE HEREIN CONTRACTOR TO CONNECT THE ABOVE DESCRIBED BUILDING TO THE PUBLIC SEWER.

SIGNED THIS 1ST. DATE OF SEPTEMBER 1982.OWNER OR OWNER'S AGENT: STRICKLAND BAY PLUMBINGADDRESS: CARMEL, CA.

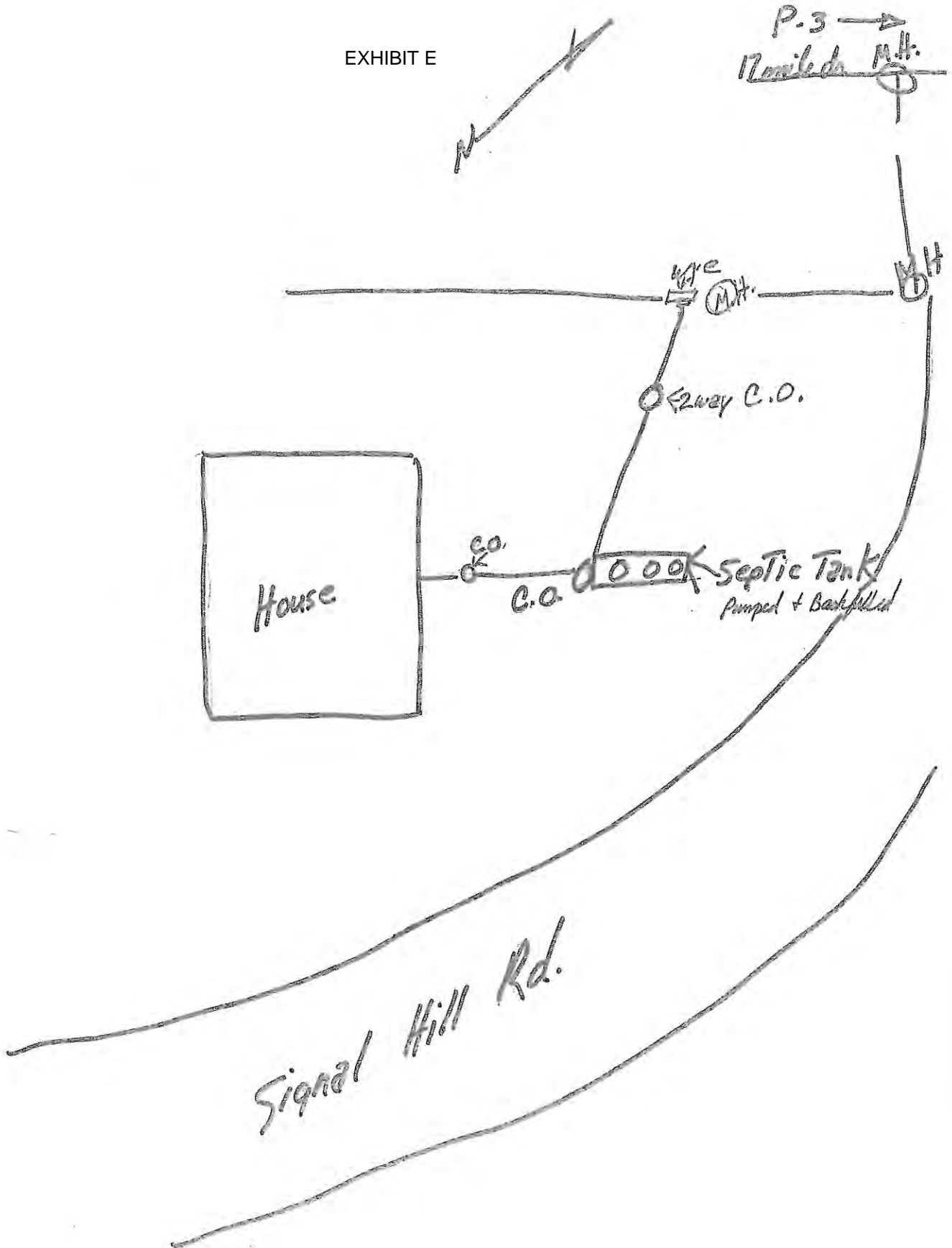
I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL DISTRICT ORDINANCES AND STATE LAWS REGULATING PLUMBING AND SEWERS.

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND/OR LICENSED AS REQUIRED BY THE PEBBLE BEACH COMMUNITY SERVICES DISTRICT AND STATE OF CALIF. OR THAT I AM THE LEGAL OWNER OF THE ABOVE DESCRIBED PROPERTY.

SIGNATURE OF PERMITTEE: Shawn StricklandINSPECTION BY: Robert L. MillsREMARKS: Connect to 4" gully & install 4" pipe. Connected with 6" 4"
Open A.B.S. pipe. Test from P.O. Total of 2.00 in
line. Back filled with sand. See Reverse Side

Recorded on Map

EXHIBIT E



SEAL
ROCK

PAV SHELL BEACH

3-2 324

3234

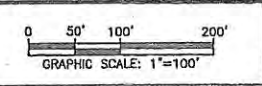
3	MARCH 2007	UPDATED SEWER ATLAS MAPS
2	7/26/06	UPDATE THRU 2005 - ISSUED FOR REVIEW
1	1/22/03	CIP PROJECTS THROUGH 2002
Rev	Date	Description



E2 Consulting Engineers, Inc.
444 Airport Blvd., Ste. 201
Watsonville, CA 95076
(831) 728-3232

LEGEND	
• MANHOLE	----- FORCE MAIN
o CLEANOUT	—— GRAVITY LINE

PEBBLE BEACH COMMUNITY SERVICES DISTRICT
Exhibit E S E W E R A T L A S



SCALE	1"=100'
DATE	7/26/06

SHEET NO.	4-2
-----------	-----

**PARTIAL REMODEL AND MINOR ADDITION TO AN EXISTING
RESIDENTIAL STRUCTURE AT 1158 SIGNAL HILL ROAD, PEBBLE BEACH,
MONTEREY COUNTY, CALIFORNIA**

PLN100612

Visual Study and Analysis

<i>APN:</i>	008-261-005
<i>Project:</i>	Abercrombie Residence
<i>Prepared for:</i>	The County of Monterey RMA, Planning Department Attn: Delinda Robinson
<i>Owners:</i>	Mr. & Mrs. LeBon G. Abercrombie P O Box 1477 Pebble Beach, CA 93953 lebon@lgabercrombie.com
<i>Owners Agent:</i>	Maureen Wruck Maureen Wruck Planning Consultants 21 West Alisal St., Suite 111 Salinas, CA 93901 Maureen@mwruck.com
<i>Building Designer:</i>	John Mandurrago Mandurrago Design Studios P O Box R Carmel, CA 93921 john@mandurrago.com

John Mandurrago
Building Designer

EXHIBIT E

Purpose

This study has been undertaken to determine whether the Project is a “ridgeline development” as defined in the applicable regulations, and to analyze the significance of the impact of the Project on the viewscape from the 17 Mile Drive in Pebble Beach, using photographic studies to provide substantial evidence to support its conclusions. If the Project is determined to be a “ridgeline development” for purposes of land use planning, this study will provide evidence and analysis to support the issuance of a Ridgeline Development Permit.

Project Location and Background

The Project is located at 1158 Signal Hill Road, approximately one block off the 17 Mile Drive inside the unincorporated community of Pebble Beach. It is located on the side of Signal Hill, set back about 300 feet from the 17 Mile Drive, and is elevated at about 85 feet above sea level.

Applicable Regulations

Policy #33 of the Del Monte Forest Land Use Plan states that:

“In reviewing requests for tree removal, land clearing, and other development, preservation of scenic resources shall be a primary objective. Because of the regional significance of the forest resources, special consideration shall be given to the ridgeline silhouette, the corridors along Highway 68 and 17-Mile Drive, and the view from distant publicly accessible shoreline areas such as Pt. Lobos.”

Section 20.06.950 of the Monterey County Coastal Zoning ordinance defines “ridgeline development” as “development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.”

Monterey County Zoning Coastal Implementation Plan section 20.66.010 D states that a Coastal Development Permit for ridgeline development may be approved only if the following findings, based on substantial evidence, may be made:

1. The ridgeline development, as conditioned by permit, will not create a substantial adverse impact when viewed from a common public viewing area.
2. No alternative location exists on the subject site which would allow a reasonable development without the potential for ridgeline development.

Existing Structure

The existing structure is a 2,325.8 sq. ft. single-story residence with a detached 449.8 sq. ft. garage, located at 1158 Signal Hill Road in Pebble Beach, CA. The residence is located on the west side of Signal Hill, about 350 feet up from the water’s edge. The existing residence includes a hipped shingle roof, pitched at approximately 4-in-12, over the main section of the house with a peak at 13.2 feet above finished floor. The living room is a half-round shape on the west end, also with a 4-in-12 pitched shingle

EXHIBIT E

roof, peaking at the base of a chimney at 15.4 feet above finished floor. This living room portion of the structure will not be changed (other than to install new "Ecostar" shake roofing material to match the rest of the house) as a part of the proposed Project. Existing heights were measured by a licensed surveyor (See Exhibit A)

Proposed Structure

The proposed development Project involves adding a dining area, master bedroom, bath, laundry room, and office area, and attaching the garage to the house with a third automobile bay/storage area. The total addition to floor area is 1,521.7 sq. ft., totaling 4,297.3 sq. ft. for the proposed house and garage. One of the design goals is to include an 8 kW solar photo-voltaic power panel array on the South-facing roof. This array, consisting of approximately 41 panels mounted flat against the roof, would be shielded from view from the 17-Mile Drive by the existing large Cypress tree. The proposed roofing material is a composition "Ecostar Seneca" shake.

The proposed structure is and will remain a single-story structure, and has been designed to minimize the overall height. The new roof has been redesigned to a very shallow 3-in-12 pitch, which will require complete replacement of the roof structure over most of the house. This will result in a 14.7 foot peak, which is 1.5 feet above the corresponding peak of the existing roofline (13.2 feet). The proposed roof design steps down in height at each point where it is possible to do so, and is 0.8 feet below the existing roof over the garage on the East end.

Exhibit B is a drawing of the proposed roof plan, marked with the peak roofline heights above finished floor, and the lengths of the peak segments. At the West end, this roof ridge is 37.7'-3" long in the East/West direction, dropping to 13.8 feet for 21'-3", then to 13.3 feet for 10'-4", and finally to 12.3 feet for 6'-4" at the East end of the structure, over the garage. There is also a new section of roof ridge at 14.7 feet, extending 12'-8" in the North/South direction.

3-in-12 pitch is considered to be a minimum practical angle for a pitched roof in the environment where the project is located, and is the minimum recommended pitch for the proposed composition shake roof material. To accommodate the solar PV array, portions of the hip roof have been redesigned to a gabled style, resulting in increased south-facing roof area for the PV panels. To further lower the building profile from the public viewing areas, the hipped roof style has been retained on the north-facing master bedroom addition and on the east end of the garage.

Exhibit C shows the South-West elevations of the proposed project, with the outline of the existing elevations superimposed over it. This shows only a 4.1% net increase in the silhouette area of the structure resulting from the remodeling and additions.

Overall, the increase in the peak height of the proposed new roofline will be 1.5 feet above that of the existing peak of the main structure, and 0.7 feet below the peak of the living room roofline (unchanged by the proposed development). The redesigned and reconstructed roofline avoids substantial change to the existing outline of the structure. Thus, if the proposed project does not represent a substantial change from the existing structure, then the impact of the proposed project does not reach the

EXHIBIT E

threshold of “substantial adverse impact when viewed from a public viewing area” as required by the definition of ridgeline development in the applicable regulations.

Evaluation of Alternative Locations

Given the topography of the site, and the adjacent ESHA, area available for development is extremely limited. Front and side setbacks further limit the siting of any development on the property further to the South or East, and the proposed structure is sited as close to these setbacks as possible.

The existing and proposed development is limited to the southeastern corner of the lot by topography, as well as by the constraint of dune ESHA. The proposed addition has been carefully designed to remain within the limits of the building pad constructed in 1953 when the original structure was built.

Based on these limitations, there is no other practical or reasonable location on the property which would allow the proposed development.

Evaluation of Impact on the Public Viewscape

The existing residence is visible from a section of the 17-Mile drive, extending from the Bird Rock Visitor Area south to the Fanshell Overlook turnout near the Cypress Point golf course. Exhibit D is a map showing the locations of a series of photographs taken on Thursday, August 4, 2011. These photos were taken from various points along the 17-Mile Drive showing the view of the existing residence with storypoles and flagging (“orange netting”) outlining the proposed new addition.

There are two short sections of the 17-Mile Drive from which the silhouette of the proposed additional structure extends above the treeline: Heading north, immediately opposite Fanshell Beach; and heading south, just north of the intersection with Signal Hill Road.

Exhibit E is a series of photographs taken starting at the Fanshell Overlook (Photo 638), and proceeding North along the 17 Mile Drive to the North property line of 1145 17 Mile Drive (Feduniak property - Photo 649). Heading north, the new structure is visible at Photo 640, until Photo 648, above the treeline for approximately 20 seconds at 25 miles per hour, or a distance of about 733 feet. This view is from a very low angle, and only a small part of the addition is visible from the 17-Mile Drive, resulting in minimal additional impact on the viewscape.

Exhibit F is a series of photographs taken starting at the Spyglass Hill Road intersection (Photo 627), proceeding South along the 17 Mile Drive to the intersection of Signal Hill Road (Photo 636). Heading south, the new structure silhouette is visible at picture 631, again looking away from the primary beach view, above the treeline, until Photo 636, for approximately 23 seconds at 25 miles per hour, or a distance of about 843 feet.

Note that from almost all of this view area (see Photos 627 through 630), and again at Photos 634/652 and 635/655, other existing structures appear higher than the proposed Project structures. The addition is visible from these locations, and because this view is again from a very low angle (approximately 10° elevation) the hip roof design has been used to reduce the apparent height of the master bedroom.

EXHIBIT E

For those locations where the new structure appears to be most noticeable (Photos 634-636), wider-angle photos (652-659) have been included to provide context. These additional pictures illustrate clearly that the additional silhouette is very small when viewed as a part of the total viewscape, and in each case is surrounded by structures or trees which appear taller than the Project structure. Thus, the additional impact on the viewscape is not significant.

Exhibit G provides additional context regarding the roofline silhouettes of homes along the 17 Mile Drive in the nearby vicinity of the Project. Photos 657, 660 and 661, all taken from the 17-Mile Drive, show the silhouettes of the four homes immediately adjacent to the Project. The remaining photos show views from the 17-Mile Drive of other homes nearby to the North. The impact on the public viewscape from the 17-Mile Drive is clearly insignificant in comparison with other homes in the immediate vicinity.

Summary and Conclusions

Based on all the data presented above, the Proposal should either not be considered a "ridgeline development" because of the lack of a significant silhouette or, in the alternative, if it is considered technically to be "ridgeline development" then a Ridgeline Development Permit should be approved because the requisite findings can easily be made in this case that there is (a) no substantial adverse impact, and (b) no alternative location exists which would allow a reasonable development.

John Mandurrago

Exhibit A - Roof Height Survey

EXHIBIT E

Bridgette Land Surveying

Michael J. Bridgette, Professional Land Surveyor
80 Aspen Way, Ste. A Watsonville, CA 95076

831.722.5800 Office

831.722.8077 Fax

BRIDGSURV @ SBCGLOBAL.NET

Mr. LeBon G. Abercrombie
P.O. Box 1477
Pebble Beach, CA 93953

11 August 2011

Re: Existing Roof Heights at 1158 Signal Hill Rd., Pebble Beach, CA 93953


Dear Mr. Abercrombie,

On Thursday, July 14, 2011, I surveyed some of the elevations of your existing roof ridges at your property located at 1158 Signal Hill Road, Pebble Beach, CA 93953. APN 008-261-005, Monterey County. The results are as follows:

1. I held the **existing finish floor** as assumed elevation = **100.00 feet** as to correspond to your project plans. The existing finish floor was observed at the slider door of your office on the south side of the building on the hardwood floor.
2. Secondly, I observed the **existing roof ridge elevation** above the office slider door to be at elevation = **113.21 feet**.
3. Thirdly, I observed the existing roof ridge elevation on the ocean side of the building. I observed the elevation of the high point in the roof ridge (where it contacts the existing chimney). This **existing roof ridge elevation = 115.37 feet**.

Thank you for your attention to these matters.

Sincerely,


Michael J. Bridgette, PLS
Bridgette Land Surveying



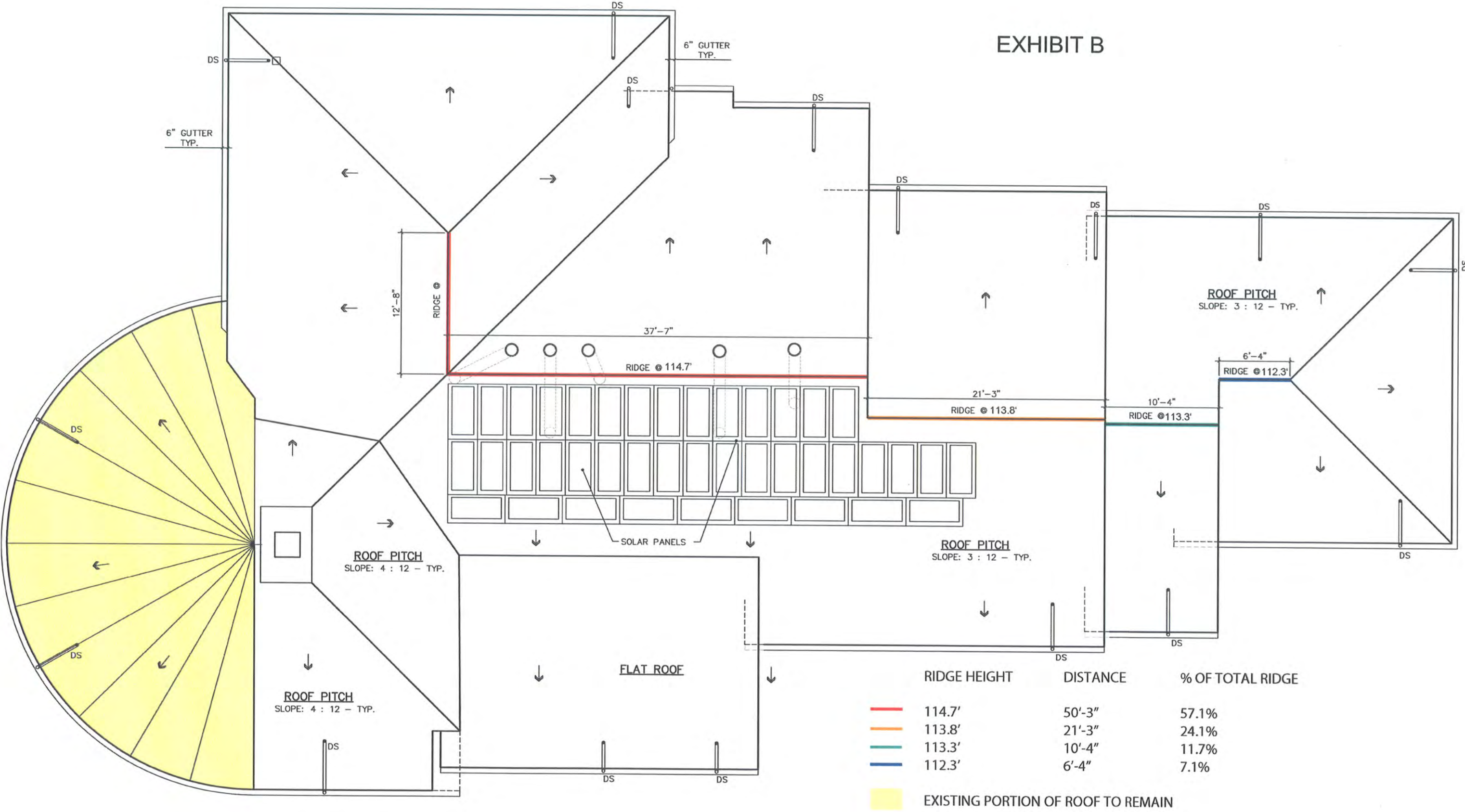
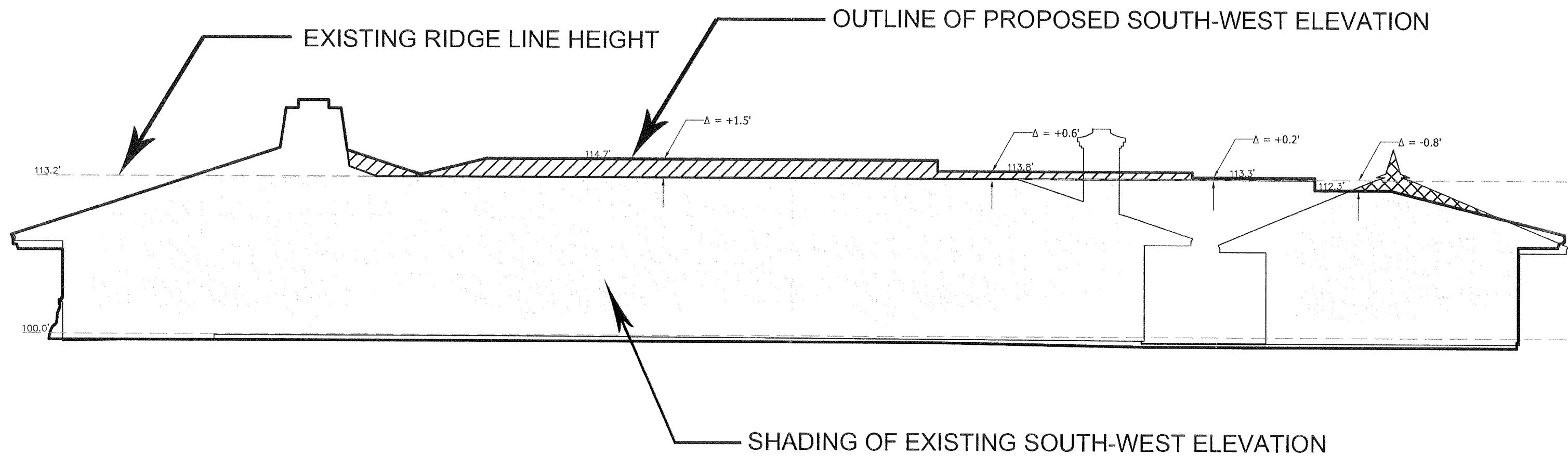


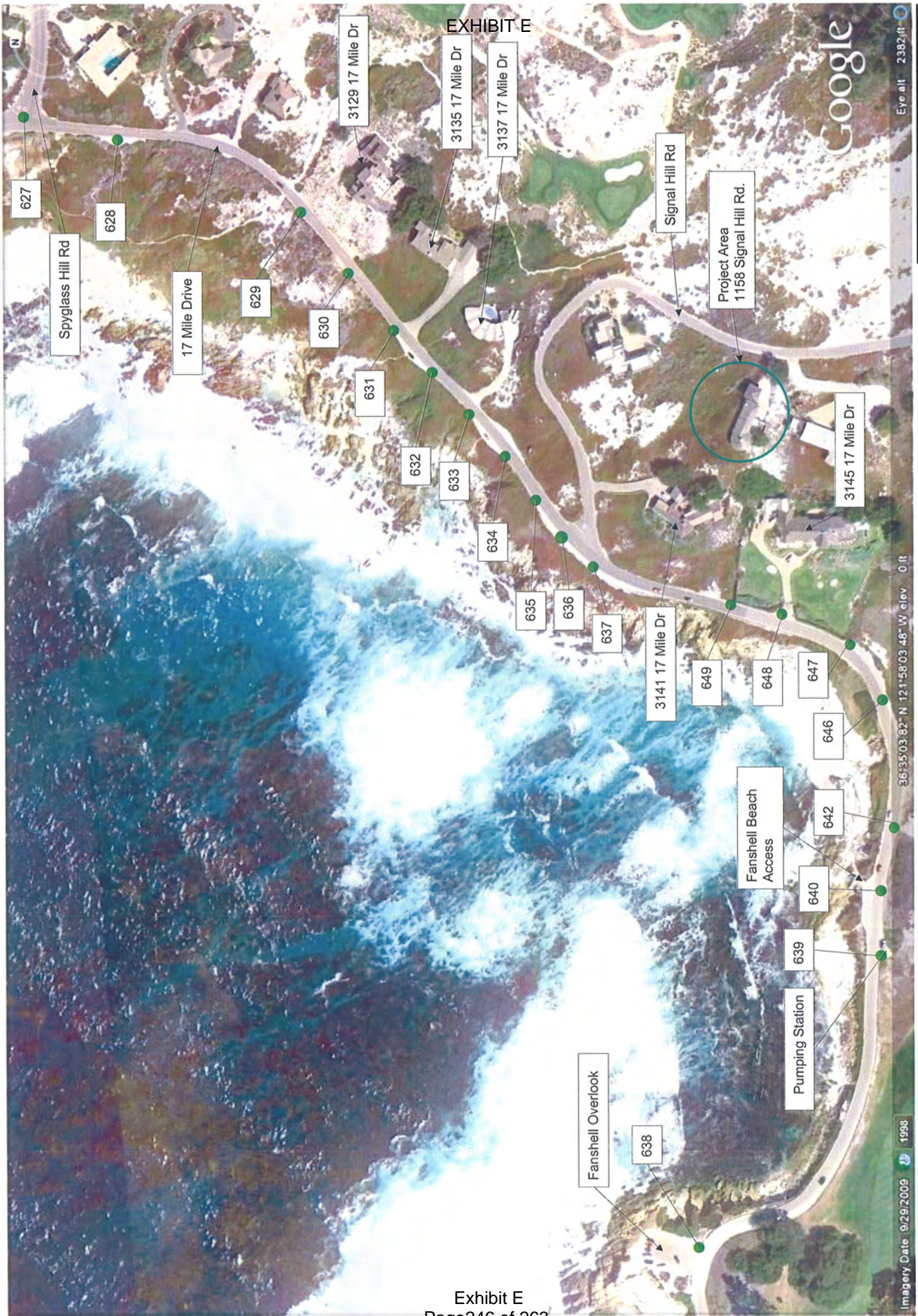
EXHIBIT C: SOUTH-WEST ELEVATION SILHOUETE



5.5% INCREASE IN OUTLINE AREA INDICATED BY DIAGONAL HATCH

1.4% DECREASE IN OUTLINE AREA INDICATED BY CROSS-HATCH

4.1% NET INCREASE IN OUTLINE AREA



Project: 1158 Signal Hill Road,
Pebble Beach, CA

Exhibit D - Map of Photo Locations

Exhibit E

Visual Survey from North



627 –View from intersection of 17 Mile Drive and Spyglass Hill Road



628 – View from next turnout south of Spyglass Hill Road

E-1

EXHIBIT E



629 – View from opposite driveway of 3129 17 Mile Drive

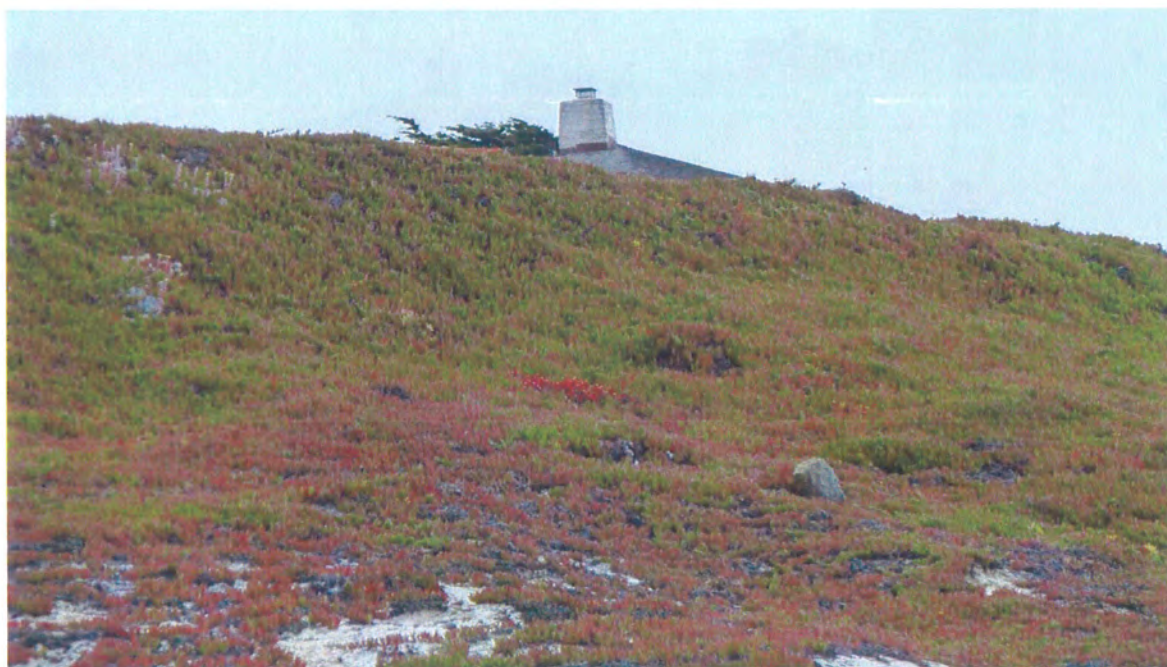


630 – View opposite property line between 3129 and 3135 17 Mile Drive

EXHIBIT E



631 – View from north end of turnout opposite 3135 17 Mile Drive



632 – View from north end of turnout opposite driveway of 3137 17 Mile Drive

EXHIBIT E



633 – View from south end of turnout opposite 3137 17 Mile Drive

EXHIBIT E



634 – View from north end of turnout opposite intersection of Signal Hill Road and 17 Mile Drive.

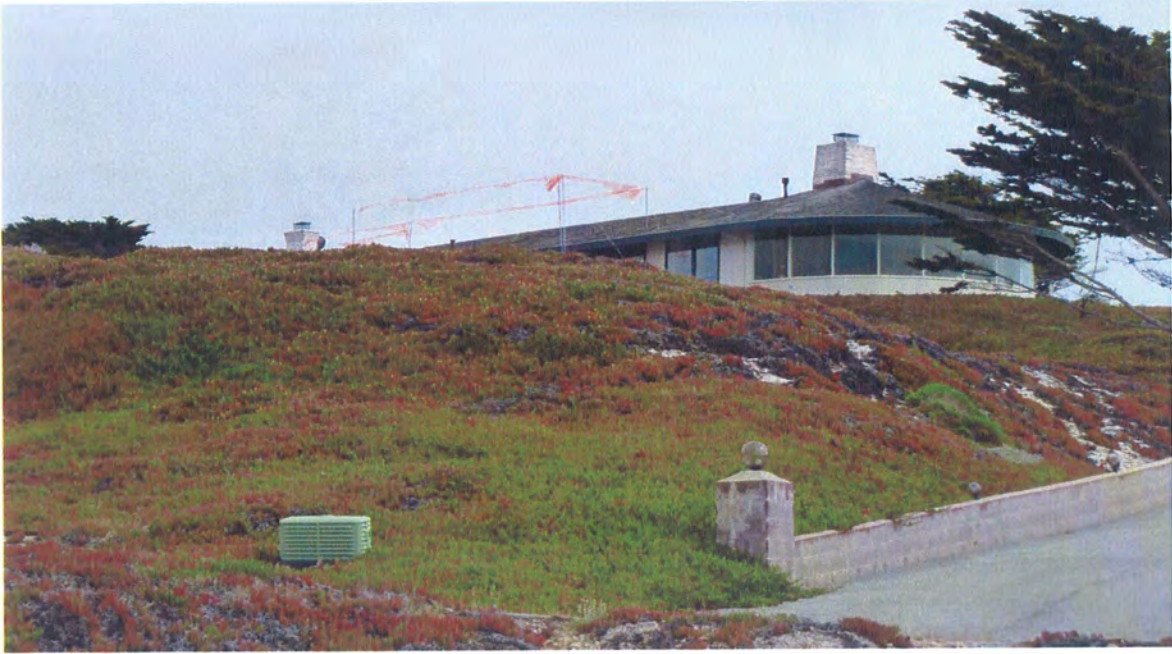


653 Wide-angle from same location as 634 above, showing 1141 17-mile Drive (Stock).



652 – Wide-angle from same location as 634, showing 1152 Signal Hill Road (Catteroval).

EXHIBIT E



635 – View from opposite north end of Signal Hill Road intersection. Driveway to 3141 17 Mile Drive (off Signal Hill Road) is in the foreground.



655 – Wide-angle from same location as 635 above



656 – Wide-angle from same location as 635 above.

EXHIBIT E



636 – View from opposite south end of Signal Hill Road intersection. Tree in foreground is behind driveway to 3141 17 Mile Drive.



658 – Wide-angle view from same location as 636 above.



659 – Wide-angle view from same location as 636 above.

Exhibit F

Visual Survey from South



638 View from Fanshell Overlook

EXHIBIT E



639 View from pumping station across from Fanshell Beach access turnout



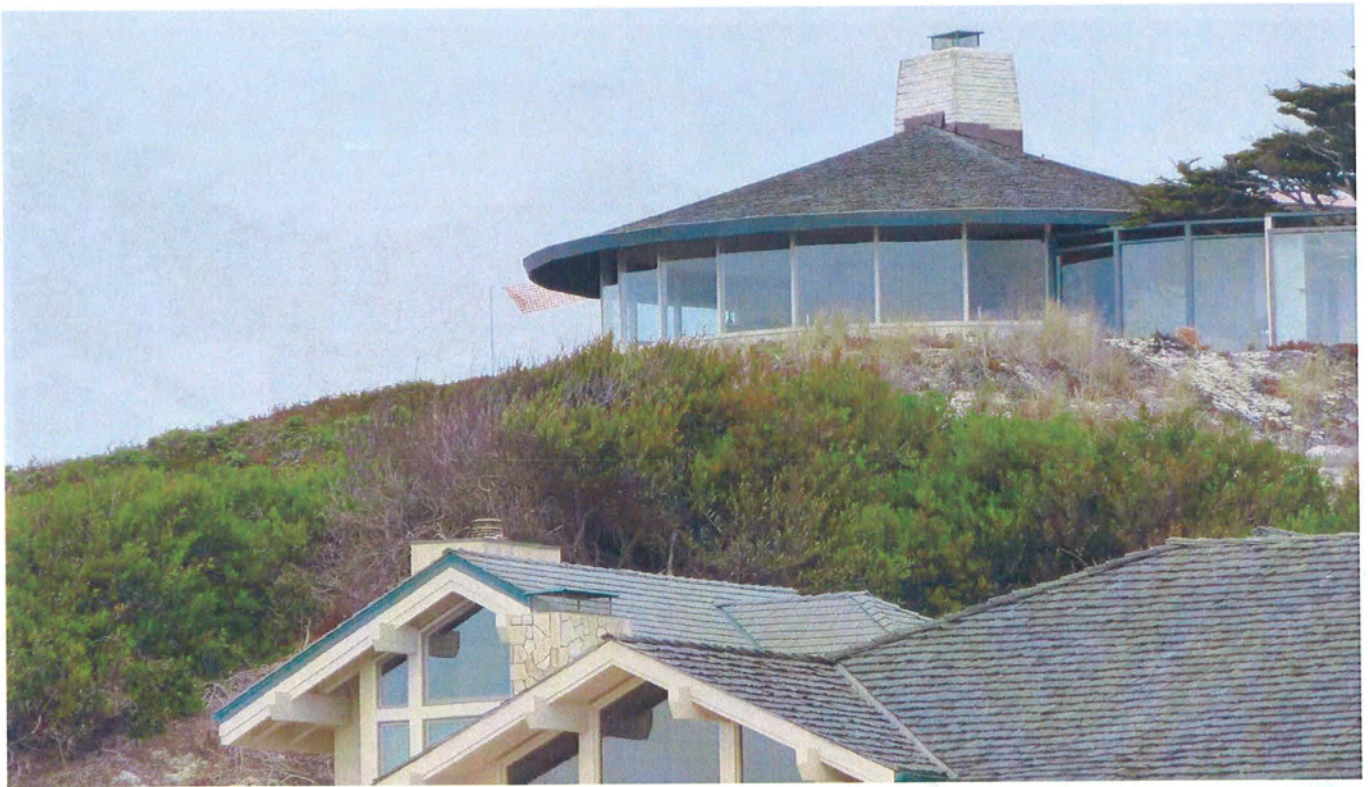
640 View from Fanshell Beach access turnout

F-2

EXHIBIT E



642 View from Cypress Point Golf Course path north of pumping station



646 View from turnout near 1145 17 Mile Drive

EXHIBIT E



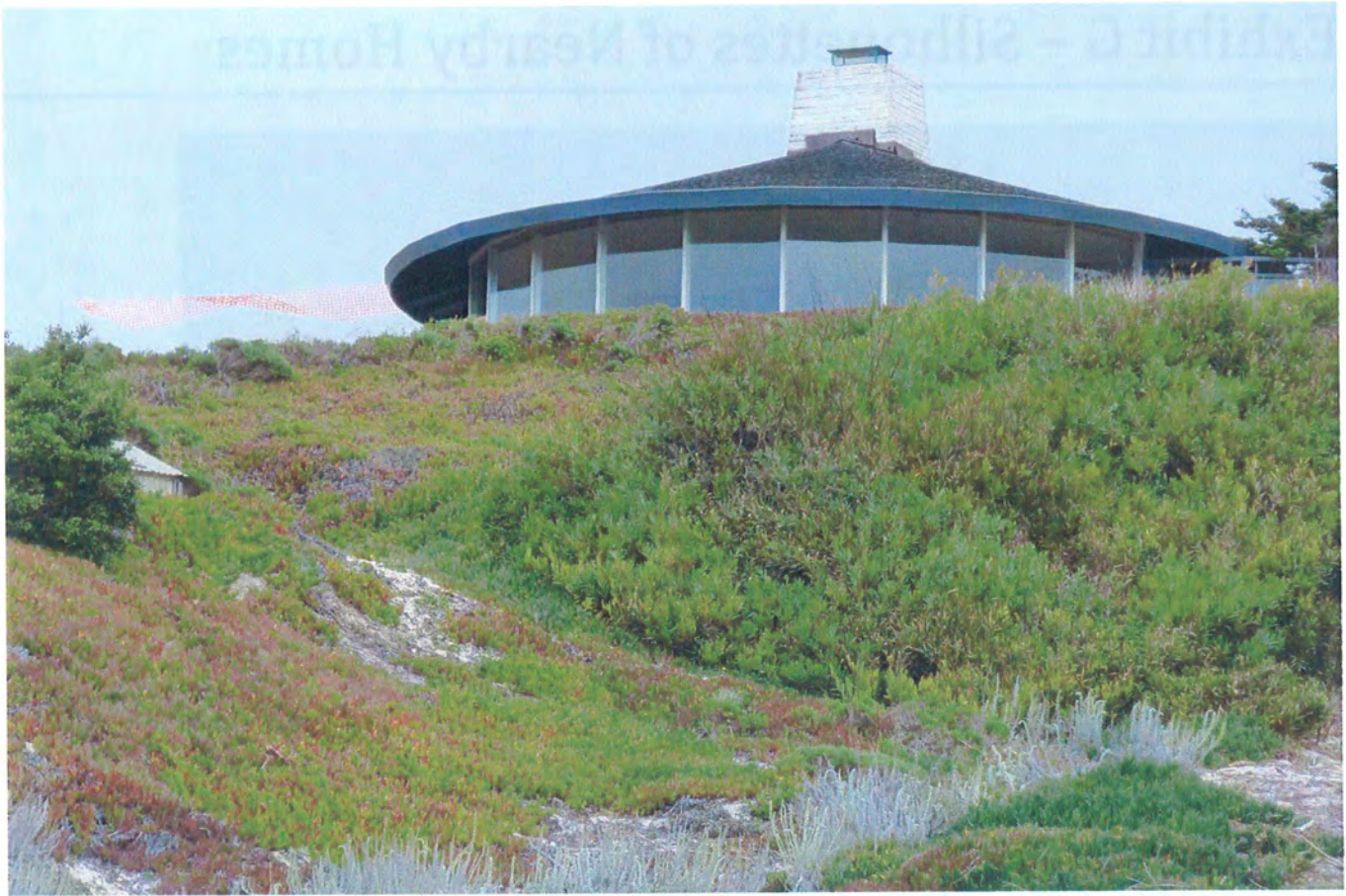
647 View from turnout at south property line of 1145 17 Mile Drive



648 View from driveway of 1145 17 Mile Drive

F-4

EXHIBIT E



649 View from north property line of 1145 17 Mile Drive. 1141 17 Mile Drive is on left.

Exhibit G – Silhouettes of Nearby Homes



657 - 1152 Signal Hill Road (Catteroval)



660 – 1141 17-Mile Drive (Stock)



661 – 1145 17-Mile Drive (Feduniak) and 1164 Signal Hill Road (Kim)

G-1

EXHIBIT E



662 - 1154 The Dunes Road



663 – 3129 17-Mile Drive



G-2

EXHIBIT E

664 – 3125 17-Mile Drive



665 – 3137 17-Mile Drive (O'Brien)



666 – 1156 Spyglass Hill Road

G-3

EXHIBIT E

RECEIVED

AUG 28 2008

*Anthony Kirk, Ph.D.
142 McCornick Street
Santa Cruz, CA 95062
831-427-2289*

27 August 2008

Hisham Alireza
HA Investment, LTD
P.O. Box 146
Wickhams Cay
Road Town, Tortola
British Virgin Islands

Dear Mr. Alireza:

On 21 August, I surveyed your property at 1158 Signal Hill Road, Pebble Beach, California (APN 008-261-005). I subsequently conducted research on it and evaluated it for architectural and historical significance under the criteria of the Monterey County Local Register of Historical Resources, the California Register of Historical Resources, and the National Register of Historic Places. In my opinion the property is not eligible for listing in any of these registers and, as such, does not comprise a historical resource as defined by the California Environmental Quality Act (CEQA).

The single-family residence at 1158 Signal Hill Road is a one-story wood-frame Contemporary-style house that was built in 1952 and significantly altered in 1989. Both the original construction and the subsequent remodel were the work of the Carmel designer and builder Jon Konigshofer. The house is irregular in plan, with a rectangular block situated perpendicular to Signal Hill Road and, to the west, a segmental—or, more accurately, polygonal—block that springs seamlessly from the north side of the rectangular block and meets the south side at an obtuse angle, describing nearly three-quarters of a circle. The exterior walls are clad with stucco except for the north and east sides of the rectangular block, which are clad with v-rustic siding. The low-pitched roof, composed of a hipped section covering the rectangular block and a conical section covering the polygonal block, is characterized by deep, open eaves and finished with wood shingles. Fenestration is asymmetrical, consisting of older wood-sash windows—including a band of alternating fixed and hopper clerestory windows on the north wall of the rectangular block and a ribbon of large fixed windows in the polygonal block—and newer black anodized aluminum-sash windows, both casement and fixed. A two-panel glazed entry door is located near the east end of the south side. To the north of this door three black anodized aluminum sliding-glass doors open onto a large concrete patio enclosed by a high fence. A large rectangular Carmel-stone chimney shaft pierces the center of the conical roof; an exterior brick chimney with a corbelled cap rises along the east end of the north side of the rectangular block.

As originally constructed the house was irregular in plan with a two-car garage comprising the east end of the rectangular block. The exterior walls were clad with v-

EXHIBIT E

rustic siding. Fenestration consisted entirely of wood-sash windows, and in all likelihood the sliding-glass doors—three on the south side, one on the north—were also wood. In 1989 the garage was remodeled to create a master bedroom and bath. In the course of the work the east wall was framed and clad with v-rustic siding, a brick chimney constructed at the northeast corner, and black anodized aluminum-sash windows installed. It was also at this time that the original sliding-glass doors, whether wood or aluminum, were replaced with black anodized aluminum sliding-glass doors. At a later, unknown date the v-rustic siding was removed from the polygonal block and the south wall of the rectangular block and the surfaces stuccoed. Recently, in 2005, as part of a series of general improvements to the house, the sliding-glass door on the north side was replaced with a floor-to-ceiling two-light wood-sash window.

The house, which appears to be in good condition, is set back moderately from Signal Hill Road on a knoll with a sweeping view of the Pacific Ocean to the west. A two-car garage, which was constructed in 1989 from designs by Jon Konigshofer, is situated slightly to the east of the house. It is square in plan with v-rustic clad walls and a hipped wood-shingle roof. Double swing-up overhead doors provide entrance on the south side; a large fixed wood-sash window is set in the east wall.

The property is not associated with events that have made a significant contribution to the broad patterns of national, state, or local history, nor is it associated with a person significant in the history of the United States, California, or Monterey County. The house was constructed for Macdonald Charles Booze, vice president of an Ohio ceramics factory, and his wife, Margaret, who divided their residence between Cincinnati and Pebble Beach. Following the death of Macdonald Booze in 1965 the property passed into the hands of his widow and later one of the couple's three sons, Roger D. Booze, who was responsible for the extensive 1989 remodel. There is no evidence that any of the owners achieved distinction within a defined historical context.

Architecturally, the house is an example of the Contemporary style, which arose in the United States in the 1930s and retained popularity into the 1970s. It relates more specifically to the "soft modernism" of the second phase of the Bay Area Tradition, a regional expression of what is sometimes referred to as American International architecture. Jon Konigshofer enjoyed a large local reputation for designing residences within this tradition beginning as early as 1941, and some of his Carmel and Pebble Beach houses were published in *Sunset*, *Architectural Forum*, and other periodicals. Although the house at 1158 Signal Hill Road is particularly well adapted to its setting, one of the characteristics of the Bay Area Tradition, it does not appear to rise to a level of significance. Moreover, the loss of original siding and doors, together with the introduction of new materials and features, has resulted in the loss of integrity.

Yours sincerely,

A handwritten signature in cursive script that reads "Anthony Kirk". The signature is written in dark ink and is positioned above the printed name.

Anthony Kirk, Ph.D.

EXHIBIT F
(Provided on CD and available online)

COMMENTS ON
MITIGATED NEGATIVE DECLARATION



MBUAPCD

Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

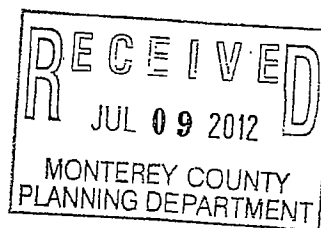
EXHIBIT F

24580 Silver Cloud Court
Monterey, CA 93940

PHONE: (831) 647-8411 • FAX: (831) 647-8501

July 9, 2012

County of Monterey
Resource Management Agency - Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901



SUBJECT: Abercrombie, File Number PLN100612, Mitigated Negative Declaration

Dear Mr. Novo:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has no comments.

Best regards,

Amy Clymo
Supervising Air Quality Planner
(831) 647-9418 ext. 227 or aclymo@mbuapcd.org

cc: David Craft, MBUPCD Air Quality Engineer/Planner

Robinson, Delinda x5198

From: Maureen Wruck [maureen@mwruck.com]

Sent: Tuesday, July 03, 2012 10:38 AM

To: Robinson, Delinda x5198

Subject: RE: Abercrombie

DAH. Thought I attached it. See Below.

My review of the 3 paragraphs under "Description of Project" indicates that the numbers agree with the plans as submitted. The only "technical" error I found is that the Media Room is included as part of the 1513.4 square foot addition. In fact, the Media Room is part of the existing footprint (it is the former master bedroom

From: Robinson, Delinda x5198 [mailto:robinsond@co.monterey.ca.us]

Sent: Tuesday, July 03, 2012 10:35 AM

To: Maureen Wruck

Subject: RE: Abercrombie

What's the error? Feed it to me as you get it so I can look.

Delinda Robinson

Senior Planner

Monterey County RMA-Planning Department

168 West Alisal Street, Second Floor

Salinas, CA 93901

(831) 755-5198

From: Maureen Wruck [mailto:maureen@mwruck.com]

Sent: Tuesday, July 03, 2012 10:34 AM

To: Robinson, Delinda x5198

Subject: Abercrombie

Delinda,

We found one factual error, still working on the rest of the document.

Maureen Wruck

Maureen Wruck Planning and Development Consultants LLC

21 West Alisal; Suite 111

Salinas, CA 93901

831 771 2557

Planning and Development Consultants

Project Management-Subdivisions-Certificates of Compliance-Permit Coordination

07/30/2012

EXHIBIT G
(Provided on CD and available online)

PROJECT CORRESPONDENCE

EXHIBIT G

FENTON & KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

POST OFFICE BOX 791

MONTEREY, CALIFORNIA 93942-0791

TELEPHONE (831) 373-1241

FACSIMILE (831) 373-7219

www.FentonKeller.com

MARK A. CAMERON
JOHN S. BRIDGES
DENNIS G. MCCARTHY
CHRISTOPHER E. PANETTA
DAVID C. SWEIGERT
SARA B. BOYNS
BRIAN D. CALL
SHARILYN R. PAYNE
BRIAN E. TURLINGTON
CAROL S. HILBURN
TROY A. KINGSHAVEN
KATHERINE M. HOGAN
BIANCA KARIM
ELIZABETH R. LEITZINGER

LEWIS L. FENTON
1925-2005

OF COUNSEL

CHARLES R. KELLER
THOMAS H. JAMISON

August 7, 2012

JOHN S. BRIDGES

JBridges@FentonKeller.com
ext. 238

VIA EMAIL (robinsond@co.monterey.ca.us)

Monterey County Planning Commission
c/o Delinda Robinson
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Abercrombie Project (PLN 100612)
Our File: 33571.31255

Dear Planning Commissioners:

In light of questions we understand the CCC staff has expressed about the Abercrombie project and its relationship to ESHA, Mr. Abercrombie proposes to address any potential dune impacts of his proposed home expansion by offering to voluntarily participate in an offsite dune restoration program similar to the approach implemented by the Commission in the City of Pacific Grove. This proposal calls for either 2:1 dune area restoration offsite or the contribution of an in lieu fee for such dune restoration to an entity such as the County, DPR, or the City of Pacific Grove, in the amount of \$0.92 per square foot of net footprint expansion, and for the sole purpose of financing dune habitat restoration and maintenance within the greater Asilomar dunes system.

Mr. Abercrombie hereby offers to participate in said dune restoration program and will, as a component part of his project, contribute such an in lieu fee amount for dune restoration purposes to an appropriate entity of the County's choosing. In order to ensure this contribution, Mr. Abercrombie invites the County to reflect his offer as a condition of project approval to be complied with prior to the issuance of building permits.

Very truly yours,

FENTON & KELLER

A Professional Corporation



John S. Bridges

cc: Commissioner Jose Mendez
Commissioner Aurelio Salazar, Jr.
Commissioner Don Rochester
Commissioner Cosme Padilla
Commissioner Paul Getzelman
Commissioner Jay Brown
Commissioner Amy Roberts

Commissioner Luther Hert
Commissioner Keith Vandever
Commissioner Martha Diehl
Supervisor Dave Potter
CA Coastal Commission (Mike Watson/Dan Carl)
Lebon Abercrombie
Maureen Wruck

MARK A. CAMERON
JOHN S. BRIDGES
DENNIS G. MCCARTHY
CHRISTOPHER E. PANETTA
DAVID C. SWEIGERT
SARA B. BOYNS
BRIAN D. CALL
SHARILYN R. PAYNE
BRIAN E. TURLINGTON
CAROL S. HILBURN
TROY A. KINGSHAVEN
KATHERINE M. HOGAN
BIANCA KARIM
ELIZABETH R. LEITZINGER

FENTON & KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

POST OFFICE BOX 791

MONTEREY, CALIFORNIA 93942-0791

TELEPHONE (831) 373-1241

FACSIMILE (831) 373-7219

www.FentonKeller.com

LEWIS L. FENTON
1925-2005

OF COUNSEL

CHARLES R. KELLER
THOMAS H. JAMISON

August 7, 2012

JOHN S. BRIDGES

JBridges@FentonKeller.com
ext. 238

VIA EMAIL (robinsond@co.monterey.ca.us)

Monterey County Planning Commission
c/o Delinda Robinson
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Abercrombie Project (PLN 100612)
Our File: 33571.31255

Dear Planning Commissioners:

I am writing this letter on behalf of our client, Lebon Abercrombie, whose project is set to come before you on Wednesday, August 8, with a staff recommendation for approval (PLN100612 - Agenda Item 3). This letter is submitted in response to an email objecting to the project from Tony Lombardo dated August 3, 2012.

It is a sad day when a neighbor attacks another neighbor's project for the purpose of attempting to collaterally attack a totally different neighbor's project...all for the purpose of protecting a private view. Such is the context of Mr. Lombardo's email. As the Commission knows, Mr. Lombardo's client is vigorously opposing the Mehdipour (Signal Hill, LLC) project which is next door to his property. Even though Mr. Lombardo's client personally told Mr. Abercrombie that he supports his project, a representative from Lombardo's office (Dale Ellis) affirmatively supported the Abercrombie application at the LUAC meeting, and it is represented in the Lombardo email that he "would like to be able to support" the project, as a matter of tactic in the battle to protect his private view Lombardo's client is dragging Mr. Abercrombie into the fray. Mr. Abercrombie has done nothing to bring on this attack but now must bear the cost of defending himself against a meritless argument which has already been rejected by the Monterey County Planning Commission and Board of Supervisors. This attack of an innocent neighbor for hoped-for tactical gain against another is NIMBYism at its worst.

Mr. Lombardo wrongly asserts Mr. Abercrombie's modest home addition encroaches into ESHA. He knows this is not true because he has made the same argument (unsuccessfully) in the past. In 2001, in the matter of the Murray Smith application (PLN000239; located at 3105 17 Mile Drive across from Bird Rock just north of the Abercrombie home), both the Planning Commission and the Board of Supervisors rejected the same ESHA theory (JSB-235090;1)

Mr. Lombardo proffered in that case on behalf of yet another client trying to protect their private view. The County properly determined, based on the Del Monte Forest LCP, that previously developed/disturbed portions of a legal lot in this dunes area are, by definition, not ESHA. The LUP clearly defines ESHA in this dune area as being either areas mapped as such in the LUP or areas constituting "remnant native sand dune habitat." (Reference LUP Figure 2 and Policy 16.) The small area Mr. Abercrombie seeks to use for his addition is neither. The LUP and CIP go further to address development standards for legal lots in this sand dune area by requiring the location of ESHA versus buildable area be determined on a lot-by-lot basis by a qualified biologist for the express purpose of defining performance standards regarding building locations, lot setbacks, roadway and driveway width, grading, and landscaping. "The purpose of this is to isolate building sites from identified locations of rare or endangered plants or other environmentally sensitive habitat" (ref. LUP Policy 17).¹ After losing the argument before the County Planning Commission and Board of Supervisors in the Smith case, Mr. Lombardo appealed the matter to the California Coastal Commission. Ultimately the California Coastal Commission also found the Smith project (which included far more structural and hardscape expansion into previously disturbed areas than the Abercrombie project does) was "consistent with the LCP policies and implementing ordinances designed to protect dune habitats" (Coastal Commission file A-3-MCO-02-058-A).

Mr. Lombardo's citation to the 1999 Bolsa Chica decision is irrelevant here. In that case it was acknowledged that the wetland area proposed for development was ESHA. Here, based on the policies and regulations of the LCP, as consistently and correctly interpreted and applied by the County (and in the case of Smith the Coastal Commission as well), the area proposed for Mr. Abercrombie's house addition is clearly not ESHA.

With regard to the July 2011 email Mr. Lombardo references from Coastal Commission staff person Katie Butler, she cites the same LUP policy discussed above (Policy 16) which defines ESHA as "remnant native sand dune habitat." Butler then goes on to express concern that the proposed project would extend the footprint of the existing residential use into the "undeveloped" dune area and she notes that any expansion beyond existing "developed" areas would conflict with ESHA policies. Of course, the definition of "developed" includes areas that have been subject to past grading such as the existing building pad area Mr. Abercrombie proposes to expand into (ref. LCP § 20.147.020.E.3). At the time of Ms. Butler's email, the Abercrombie project design did encroach beyond the limit of the previously disturbed/developed area in terms of a then-proposed drainage swale into the dune area as well as then-proposed excavation for foundation construction. In response to Butler's email, the project was redesigned to eliminate those encroachments and it is now entirely within the previously developed/disturbed portion of the property. This fact is carefully explained by staff in the staff report (ref. Finding 7, Evidence d; "the proposed development has been designed to avoid disturbance into the undeveloped dune ESHA. The foundation of the addition will be cast-in-place concrete pier and grade beam foundation or a helical anchor foundation bearing entirely into the bedrock to eliminate the need for over excavation for the slab that would result in

¹ Such a site-specific determination was made in this case by Dune Biologist Mike Zander (ref. Finding 7, Evidence b). The essence of these dune area ESHA LUP policies (i.e., distinguishing "remnant native sand dune habitat") remains the same in the recently amended LUP.
{JSB-235090;1}

disturbance to adjacent ESHA.”). The Coastal Commission did not comment on the project Initial Study prepared for the final design that was sent to them.

Staff’s observation that the Abercrombie project is “reasonable development” is certainly an accurate one particularly in light of the size of so many larger homes along the shoreline and elsewhere in Pebble Beach. Although not necessary in this case, finding a development to be reasonable is, contrary to Mr. Lombardo’s assertion, actually an appropriate legal standard to consider in any event. Development limitations imposed by the Coastal Act are constrained by the United States Constitutional prohibitions against regulatory taking, which includes as a factor the “reasonable” investment backed expectations of a property owner.² In applying this Fifth Amendment principle, the Coastal Commission has regularly determined elsewhere in the Asilomar Dunes complex, that development and associated non-dune landscaping totaling up to 20% of a lot is Constitutionally protected and therefore reasonable and permissible even in undisturbed dune ESHA. Again, because the Abercrombie project does not encroach at all into ESHA, these Constitutional principles do not necessarily come into play here but they still provide a contextually relevant legal backdrop, which affirms and supports the propriety of the County’s consistent interpretation and application of the LUP policies in the Del Monte Forest.

Accordingly, we hope the Planning Commission will not be confused by the old, tired, and failed arguments of Mr. Lombardo or the misdirection he attempts by referencing emails commenting on previous designs and case law that has no application in this instance.

Mr. Abercrombie’s project is absolutely consistent with the Del Monte Forest Land Use Plan and the staff recommendation is solid. We respectfully request your approval of the project.

Very truly yours,

FENTON & KELLER
A Professional Corporation


John S. Bridges

cc: Commissioner Jose Mendez
Commissioner Aurelio Salazar, Jr.
Commissioner Don Rochester
Commissioner Cosme Padilla
Commissioner Paul Getzelman
Commissioner Jay Brown
Commissioner Amy Roberts
Commissioner Luther Hert
Commissioner Keith Vandever
Commissioner Martha Diehl
Supervisor Dave Potter
Lebon Abercrombie
Maureen Wruck

² Constitutional principles of equal protection are similarly relevant.
{JSB-235090;1}

Robinson, Delinda x5198

From: John Bridges [jbridges@fentonkeller.com]
Sent: Tuesday, September 11, 2012 9:50 AM
To: Robinson, Delinda x5198
Cc: Strimling, Wendy; Abercrombie, LeBon
Subject: Abercrombie
Attachments: 1005 - Area Calcs and Diagram-Model.pdf

Hi Delinda.

I am still hoping to discuss the project findings with you some time this week.

In the meantime, I thought the attached might be of interest. It shows the amount of "on-site" restoration of previously developed/disturbed non-ESHA areas that is being proposed. If you combine this "on-site" area (ratio of 7:1) with Mr. Abercrombie's offer to voluntarily participate in an off-site program (should the County deem that appropriate; ref. my 8-7-12 letter) the total "mitigation" ratio (should you choose to reflect that in the finding you draft in response to Mr. Watson's suggestion) would be 9:1 for this project.

John S. Bridges
FENTON & KELLER
Post Office Box 791
Monterey, CA 93942-0791
831-373-1241, ext. 238
831-373-7219 (fax)
jbridges@fentonkeller.com
www.FentonKeller.com

FENTON & KELLER
A PROFESSIONAL CORPORATION

Experience Integrity Results



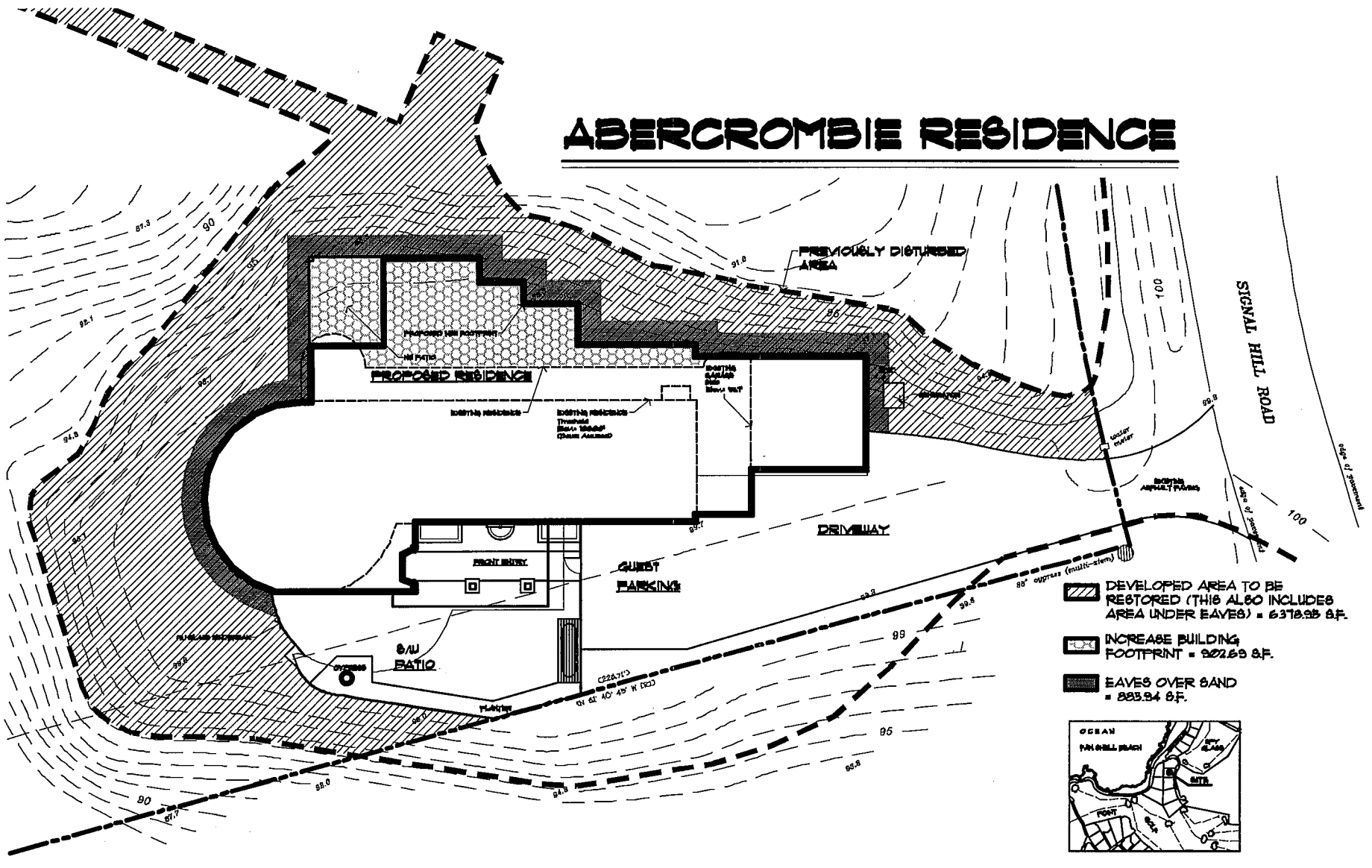
CONFIDENTIALITY NOTICE

This is a transmission from the Law Firm of Fenton and Keller. This message and any attached documents may be confidential and contain information protected by the attorney-client or attorney work product privileges. They are intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please immediately notify our office at 831-373-1241. Thank you.

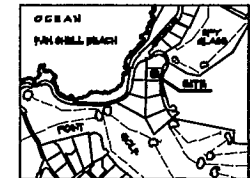
IRS Circular 230 Disclosure: Any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code or promoting, marketing or recommending to another party any matters addressed herein.

09/14/2012

ABERCROMBIE RESIDENCE



- DEVELOPED AREA TO BE RESTORED (THIS ALSO INCLUDES AREA UNDER EAVES) = 6378.95 S.F.
- INCREASE BUILDING FOOTPRINT = 322.63 S.F.
- EAVES OVER SAND = 883.94 S.F.



VICINITY MAP

Robinson, Delinda x5198

From: Martha Diehl [mvdiehl@mindspring.com]
Sent: Monday, August 06, 2012 7:42 AM
To: Robinson, Delinda x5198
Cc: Novo, Mike x5192; Allen, Carol x5178
Subject: FW: ABERCROMBIE; PLN100612

Follow Up Flag: Follow up
Due By: Monday, August 06, 2012 1:00 PM
Flag Status: Red

Attachments: sharpcopier@alombardolaw.com_20120803_114750.pdf



sharpcopier@alomb
ardolaw.com_2...

Hi Delinda,

Just read my email...Would you please include this message in the appropriate project files and distribute as appropriate?

Thanks!
Martha

--
Martha Diehl
Garrapata Trout Farm
35811 Hwy 1
Monterey, CA 93940

831.625.9621 home & messages
831.915.7653 mobile

----- Forwarded Message

From: Tony Lombardo <tony@alombardolaw.com>
Date: Fri, 3 Aug 2012 16:22:34 -0500
To: Martha Diehl <mvdiehl@mindspring.com>
Cc: Dale Ellis <dale@alombardolaw.com>, "sam@ptllc.com" <sam@ptllc.com>
Subject: ABERCROMBIE; PLN100612

Martha:

The Planning Commission is going to consider a permit Wednesday for Abercrombie to do a major remodel and addition to his home on Signal Hill. The Abercrombie property is a couple of lots to the west of the Mehdipour property. Based on the staking, my clients do not have a significant concern over the scale and design of the project and would like to be able to support their application. They cannot do that, however, because the addition goes into ESHA.

Staff is recommending approval so that the Abercrombies can have "reasonable development" and because the site was previously disturbed. This is not the legal standard for allowing development in ESHA. The Abercrombies' house is a reasonable development and there are opportunities to enlarge that house within the foot print of the existing developed area. The courts have already said that disturbed ESHA is still ESHA (see attached Bolsa Chica Land Trust case). John Bridges, who also represents the Abercrombies, will undoubtedly try to use Planning Commission approval of this project as a basis to argue for approval of the much larger Mehdipour project's destruction of even more ESHA on Signal Hill.

There is also what I hope is just an inadvertent omission from the staff report. The following is an email from Coastal Commission staff member Katie Butler to Delinda Robinson on this project. I was not able to find this email or a reference to it in the staff report. Ms. Butler was clear that it is the Coastal Commission's opinion that "The proposed expansion into ESHA is not resource dependent and has not been otherwise adequately sited or designed to prevent ESHA impacts. The above-stated and other ESHA policies in the LCP require that development associated with existing properly permitted residential sites in ESHA be limited to the existing developed footprint, and that areas outside of that footprint be maintained (and restored and enhanced) as ESHA."

From: Katie Butler [kbutler@coastal.ca.gov]
Sent: Wednesday, July 06, 2011 2:53 PM
To: Robinson, Delinda x5198
Subject: Abercrombie project (PLN100612)

Hi Delinda,

Coastal Commission staff received the IDR for the Abercrombie project at 1158 Signal Hill Road in Pebble Beach (PLN100612), and reviewed the project plans and biological assessment for LCP consistency. Please accept the following comments.

The project site lies within the southern extent of the Asilomar Dunes complex, an environmentally sensitive habitat area (ESHA) extending from Pacific Grove through Spanish Bay down to Fan Shell Beach. Although degraded in areas (by residential and golf course development), it remains a valuable habitat area including because it supports (and can support if restored) certain plants and animals characteristic of dunes that are themselves rare and endangered. Regardless of the presence of non-native plant species on the property, the site is dune ESHA. As such, LCP ESHA policies must be applied to the project, in particular LUP Policy 8 which states that "new land uses within ESHA shall be limited to those which are dependent on the resources therein" and "development should be sited and designed to prevent impacts that would significantly degrade the protected habitat." Policies specific to dune ESHA include LUP Policy 16 which states that "remnant native sand dune habitat on Signal Hill shall be preserved through scenic and conservation easement. Lots of record in these dune areas may be developed provided that new adverse impacts are prevented." and LUP Policy 18 which states that "uses of the remnant native sand dune habitat shall be limited to low-intensity scientific, educational, or recreational activities dependent on the resource."

The proposed project would extend the footprint of the existing residential use into the undeveloped dune area on the northwest side of the existing development. Any expansion beyond existing developed areas cannot be rectified to the LCP's ESHA protection policies as it would both remove ESHA and result in impacts that would significantly degrade remaining dune habitat on site and adjacent to it. The proposed expansion into ESHA is not resource dependent and has not been otherwise adequately sited or designed to prevent ESHA impacts. The above-stated and other ESHA policies in the LCP require that development associated with existing properly permitted residential sites in ESHA be limited to the existing developed footprint, and that areas outside of that footprint be maintained (and restored and enhanced) as ESHA; all development must be sited and designed to prevent significant degradation to ESHA resources (including by virtue of ESHA-sensitive design). The project as proposed is therefore inconsistent with the LCP's ESHA policies, and project re-design is necessary.

Thank you for the opportunity to comment in the review stage of this project. We may have additional comments as the project moves through the planning process, including in response to these comments and any project redesigns. Please keep me informed as to its status, and please forward any proposed revised project plans as they become available. Let me know if you have any questions or would like to discuss.

Thanks,

Katie

So, while my clients would like to be able to support this application, they cannot due to its inconsistency with the Del Monte Forest Land Use Plan.

Anthony L. Lombardo
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
450 Lincoln Avenue, Suite 101
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
Email tony@alombardolaw.com

PRIVILEGED & CONFIDENTIAL -- ATTORNEY CLIENT PRIVILEGE -- ATTORNEY WORK PRODUCT The information contained in this electronic transmission is legally privileged and confidential, and it is intended for the sole use of the individual or entity to whom it is addressed. If you are not the intended recipient, please take notice that any form of dissemination, distribution or photocopying of this electronic transmission is strictly prohibited. If you have received this electronic transmission in error, please immediately contact Anthony Lombardo at (831) 751-2330 or tony@alombardolaw.com and immediately delete the electronic transmission.

----- End of Forwarded Message

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

▷

BOLSA CHICA LAND TRUST et al., Petitioners,
v.

THE SUPERIOR COURT OF SAN DIEGO
COUNTY, Respondent; CALIFORNIA COASTAL
COMMISSION, Real Party in Interest.
CALIFORNIA COASTAL COMMISSION et al.,
Petitioners,

v.

THE SUPERIOR COURT OF SAN DIEGO
COUNTY, Respondent; BOLSA CHICA LAND
TRUST et al., Real Parties in Interest.

No. D029461., No. D030270.

Court of Appeal, Fourth District, Division 1, Cali-
fornia.
Apr. 16, 1999.

SUMMARY

The California Coastal Commission approved a local coastal program (LCP) for a large coastal development plan. Several interested parties and public interest groups filed a petition for a writ of mandate opposing the LCP and naming the commission, individual landowners, and others as real parties in interest. The trial court found defects in the LCP and remanded it to the commission for further proceedings. The trial court also awarded attorney fees to the opponents and apportioned liability for the fees among two landowners and the commission. (Superior Court of San Diego County, No. 703570, Judith McConnell, Judge.)

The Court of Appeal granted the opponents' petition for a writ of administrative mandate in part, directing the trial court to grant their petition with respect to preservation of a eucalyptus grove and, in all other respects, denied the parties' petitions. The court held initially that, although the trial court's remand was not an appealable order, the court would treat the parties' appeals as petitions for writs of mandate. The court held that the trial court erred in finding that a planned relocation of

the eucalyptus grove, which was a bird habitat designated as an environmentally sensitive habitat area (ESHA) by the commission, was permissible under the Coastal Act. Pub. Resources Code, § 30240, which requires the protection of habitat values, does not permit such relocation, but rather protects the area of ESHA from uses which threaten the habitat values that exist in ESHA. The court also held that the trial court did not err in preventing residential development of a wetlands area, since residential development is not a use permitted in wetlands under Pub. Resources Code, § 30233, subd. (a). The court also held that the trial court did not err in preventing the filling of a pond to make way for the building of a road, since Pub. Resources Code, § 30233, which permits disruption of a wetland for incidental public services, is limited to a temporary disruption and does not permit the type of permanent roadway expansion authorized by this LCP. The court also held that the trial court did not abuse its discretion in awarding attorney fees to plaintiffs. (Opinion by Benke, J., with Work, Acting P. J., and Huffman, J., concurring.)

HEADNOTES

Classified to California Digest of Official Reports
(1) Pollution and Conservation Laws §
10.5--Conservation--Coastal Protection--
Proceedings--Judicial Review--Appealability of
Order of Remand to Public Agency: Appellate Re-
view § 12--Appealable Orders.

In an administrative mandamus proceeding in which interested parties and public interest groups challenged the approval of a local coastal program for a large coastal development plan by the California Coastal Commission, the trial court's order remanding the proceeding to the commission for reconsideration was not appealable. However, the appellate court would treat the parties' appeals from the trial court's order as petitions for writs of mandate because of the public interest in the matter and the fact that the case had been fully briefed on the merits.

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

(2) Administrative Law § 111--Judicial Review and Relief--Administrative Mandate--Scope and Extent of Review.

A trial court reviewing a petition for a writ of mandate under Code Civ. Proc., § 1094.5, is obligated to determine both whether substantial evidence supports the administrative agency's findings and whether the findings support the agency's decision. Administrative findings need not be as precise or formal as would be required of a court. As a practical matter, omissions in administrative findings may sometimes be filled by such relevant references as are available. Thus, when reference to the administrative record informs the parties and reviewing courts of the theory upon which an agency has arrived at its ultimate finding and decision, the decision should be upheld if the agency in truth found those facts which as a matter of law are essential to sustain its decision.

(3) Administrative Law § 111--Judicial Review and Relief--Administrative Mandate--Scope and Extent of Review--Appeal--Substantial Evidence Standard.

In determining whether substantial evidence supports an agency's reasoning process, the trial court must look at the whole record. The court must consider all relevant evidence, including evidence detracting from the decision, a task that involves some weighing, to fairly estimate the worth of the evidence. That limited weighing is not an independent review where the court substitutes its own findings or inferences for the agency's. It is for the agency to weigh the preponderance of conflicting evidence. Courts may reverse an agency's decision only if, based on the evidence before the agency, a reasonable person could not reach the conclusion reached by the agency. The role of an appellate court is precisely the same as that of the trial court. In an administrative mandamus action where no limited trial de novo is authorized by law, the trial and appellate courts occupy in essence identical positions with regard to the administrative record, exercising the appellate function of determining whether the record is free from legal error. Thus, the conclusions of the trial court, and its disposition

of the issues, are not conclusive on appeal.

(4) Administrative Law § 29--Administrative Actions--Effect and Validity of Rules and Regulations--Quasi-legislative Rules and Rules Interpreting Statutes.

There are two categories of administrative rules (quasi-legislative rules and rules interpreting statutes). Quasi-legislative rules constitute substantive lawmaking under a legislative delegation of lawmaking power. These quasi-legislative rules have the dignity of statutes. Thus, when a court assesses the validity of such a rule, the scope of review is narrow. If the court is satisfied that the rule lays within the agency's lawmaking authority, and that the rule is reasonably necessary to implement the statute's purpose, judicial review is at an end. An agency's interpretation of a statute, on the other hand, is not an exercise of delegated lawmaking power, but rather is the agency's view of the statute's legal meaning and effect, questions lying within the constitutional domain of the courts. Although an agency's interpretation of a statute within its administrative jurisdiction may be entitled to some deference as a result of the agency's familiarity with satellite legal and regulatory issues, whether deference should be given and, if so, its extent, is fundamentally situational. The court must consider complex factors material to the substantive legal issue, the particular agency offering the interpretation, and the comparative weight the factors ought, in reason, to command.

(5a, 5b) Pollution and Conservation Laws § 10.1--Conservation--Coastal Protection--local coastal program--Environmentally Sensitive Habitat Area--Relocation.

In an administrative mandamus proceeding in which interested parties and public interest groups challenged the approval of a local coastal program for a large coastal development plan by the California Coastal Commission, the trial court erred in finding permissible under the Coastal Act the proposed elimination of a eucalyptus grove that was a roosting and nesting habitat for birds of prey, desig-

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

nated as an environmentally sensitive habitat area (ESHA) by the commission, with planned regeneration of the habitat on a nearby mesa. Pub. Resources Code, § 30240, which requires the protection of habitat values, does not permit a process by which the habitat values of ESHA can be isolated and then recreated in another location. Rather, a literal reading of the statute protects the area of ESHA from uses that threaten the habitat values that exist in ESHA. Further, even though the grove was shrinking and deteriorating, all ESHA's receive uniform treatment and protection under the act.

[See 4 Witkin, Summary of Cal. Law (9th ed. 1987) Real Property, § 90.]

(6) Pollution and Conservation Laws § 10--Conservation--Coastal Protection.

Under the Coastal Act, the California Coastal Commission is required to protect the coastal zone's balanced ecosystem (Pub. Resources Code, §§ 30001, subds. (a)-(c), 30001.5, subd. (a)). Thus in reviewing all programs and projects governed by the Coastal Act, the commission must consider the effect of proposed development on the environment of the coast. In terms of the general protection the Coastal Act provides for the coastal environment, it is analogous to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). Under both the Coastal Act and CEQA, courts are enjoined to construe the statute liberally in light of its beneficent purposes. The highest priority must be given to environmental consideration in interpreting these statutes. In addition to the protection afforded by the requirement that the commission consider the environmental impact of all its decisions, the Coastal Act provides heightened protection to environmentally sensitive habitat areas. Even development in adjacent areas must carefully safeguard their preservation.

(7) Pollution and Conservation Laws § 10.1--Conservation--Coastal Protection--Local Coastal Program--Wetlands.

In an administrative mandamus proceeding in which interested parties and public interest groups challenged the approval of a local coastal program

for a large coastal development plan by the California Coastal Commission, the trial court did not err in preventing residential development of a wetlands area. Although Pub. Resources Code, § 30233, subd. (a), permits development of wetland areas when needed as a means of accommodating a whole host of varied uses, residential development is not a use permitted in wetlands. Further, Pub. Resources Code, § 30411, which allows study of degraded wetlands by the Department of Fish and Game for possible restoration in conjunction with a boating facility, also does not authorize residential development. The Department of Fish and Game study authorized by Pub. Resources Code, § 30411, does not by inference permit the Coastal Commission's development of facilities on wetlands not otherwise permitted by Pub. Resources Code, § 30233, subd. (a). The commission's guidelines, which offered a contrary interpretation of Pub. Resources Code, §§ 30411 and 30233, were not sustainable.

(8) Pollution and Conservation Laws § 10.1--Conservation--Coastal Protection--Local Coastal Program--Environmentally Sensitive Habitat Area--Wetlands.

In an administrative mandamus proceeding in which interested parties and public interest groups challenged the approval of a local coastal program (LCP) for a large coastal development plan by the California Coastal Commission, the trial court did not err in preventing the filling of a pond, which was both an environmentally sensitive habitat area (ESHA) (Pub. Resources Code, § 30107.5) and a wetland (Pub. Resources Code, § 30121), to make way for the building of a road. The wetland protections provided by Pub. Resources Code, § 30233, are more specific than ESHA protections provided by Pub. Resources Code, § 30240, and thus Pub. Resources Code, § 30233, controls when a wetland area is also ESHA. Under Pub. Resources Code, § 30233, disruption of a wetland for incidental public services is limited to a temporary disruption, and the statute does not permit the type of permanent roadway expansion authorized by this LCP.

(9) Costs § 18--Attorney Fees--Private Attorney General Doctrine.

In an administrative mandamus proceeding in which interested parties and public interest groups opposed the approval of a local coastal program (LCP) for a large coastal development plan by the California Coastal Commission, the trial court did not abuse its discretion in awarding opponents attorney fees under Code Civ. Proc., § 1021.5, and apportioning liability for those fees among two individual landowners and the commission. It was fair under the equitable principles embodied in Code Civ. Proc., § 1021.5, to impose the cost of some of opponents' attorney fees on the individual landowners, since they vigorously defended the commission's approval of the LCP both in the trial court and on appeal. As to the commission, opponents' opposition to the commission's effort to remand the proceedings in the trial court did not compel them to incur unnecessary fees, since the individual landowners also opposed the remand. In addition, undue hardship is not a factor courts are required to consider in awarding attorney fees against a public agency.

COUNSEL

Nossaman, Guthner, Knox & Elliott, Alvin S. Kaufer, John J. Flynn III and William M. Boyd for Petitioners Koll Real Estate Group, Inc., and Signal Bolsa Corporation.

Paul Horgan; Philip A. Seymour; and Deborah A. Cook for Petitioners and Real Parties in Interest Bolsa Chica Land Trust, Huntington Beach Tomorrow, Gabrielino Shosone Nation, Sierra Club and Surfrider Foundation.

Daniel E. Lungren, Attorney General, Roderick E. Walston, Chief Assistant Attorney General, Richard M. Frank, Assistant Attorney General, and Jamee Jordan Patterson, Deputy Attorney General, for Petitioner and Real Party in Interest California Coastal Commission.

No appearance for Respondent.

BENKE, J.

This case concerns development plans for a large tract of land in southern Orange County known as Bolsa Chica. Although the California Coastal Commission (Commission) approved a local coastal program (LCP) for Bolsa Chica, the trial court found defects in the program and remanded it to Commission for further proceedings. In this court both the opponents and proponents of the LCP contend that the trial court erred.

The opponents of the LCP contend the trial court erred in finding a planned relocation of a bird habitat was permissible under the Coastal Act. The proponents of the LCP contend the trial court erred in preventing residential development of a wetlands area and in requiring preservation of a *499 pond that would have been eliminated under the LCP in order to make room for a street widening. The proponents also attack the trial court's award of attorney fees to the opponents of the LCP.

We find the trial court erred with respect to relocation of the bird habitat. The Coastal Act does not permit destruction of an environmentally sensitive habitat area (ESHA) simply because the destruction is mitigated offsite. At the very least, there must be some showing the destruction is needed to serve some other environmental or economic interest recognized by the act.

We agree with the trial court's rulings as to the two substantive issues raised by the proponents of the LCP: on the record developed by Commission, neither residential development in the wetlands nor destruction of the pond is permissible. With respect to the trial court's award of attorney fees, we find no abuse of discretion.

Factual Background

Bolsa Chica is a 1,588-acre area of undeveloped wetlands and coastal mesas. Urban development surrounds Bolsa Chica on three sides. On the fourth side is the Pacific Ocean, separated from Bolsa Chica by a narrow strip of beach, coastal dunes and coastal bluffs.

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

Approximately 1,300 acres of Bolsa Chica consist of lowlands ranging from fully submerged saltwater in Bolsa Bay to areas of freshwater and saltwater wetlands and islands of slightly raised dry lands used by local wildlife for nesting and foraging. However, a large part of the lowlands is devoted to an active oil field and at one time the area was farmed.

The lowlands are flanked by two mesas, the Bolsa Chica Mesa on the north and the Huntington Mesa on the south. The Bolsa Chica Mesa consists of 215 acres of uplands hosting a variety of habitat areas. Although much of Huntington Mesa is developed, a long narrow undeveloped strip of the mesa abutting the lowlands is the planned site of a public park.

In 1973 the State of California acquired 310 contiguous acres of the Bolsa Chica lowlands in settlement of a dispute over its ownership of several separate lowland parcels and the existence of a public trust easement over other lowland areas.

In 1985 the County of Orange and Commission approved a land use plan for Bolsa Chica which contemplated fairly intense development. The 1985 *500 plan allowed development of 5,700 residential units, a 75-acre marina and a 600-foot-wide navigable ocean channel and breakwater.

By 1988 substantial concerns had been raised with respect to the environmental impacts of the proposed marina and navigable ocean channel. Accordingly, a developer which owned a large portion of Bolsa Chica, a group of concerned citizens, the State Lands Commission, the County of Orange and the City of Huntington Beach formed the Bolsa Chica Planning Coalition (coalition). The coalition in turn developed an LCP for Bolsa Chica which substantially reduced the intensity of development. The coalition's LCP was eventually adopted by the Orange County Board of Supervisors. Commission approved the LCP with suggested modifications which were adopted by the board of supervisors.

As approved by Commission, the LCP eliminated the planned marina and navigable ocean channel, eliminated 3 major roads, reduced residential development from a total of 5,700 homes to 2,500 homes on Bolsa Chica Mesa and 900 homes in the lowlands and expanded planned open space and wetlands restoration to 1,300 acres.

The material features of the LCP which are in dispute here are: the replacement of a degraded eucalyptus grove on Bolsa Chica Mesa with a new raptor habitat consisting of nesting poles, native trees and other native vegetation on Huntington Mesa at the site of the planned public park; the residential development in the lowland area which the LCP permits as a means of financing restoration of substantially degraded wetlands; and the elimination of Warner Pond on Bolsa Chica Mesa in order to accommodate the widening of Warner Avenue.

Throughout the approval process several interested parties and public interest groups, including the Bolsa Chica Land Trust, Huntington Beach Tomorrow, Shoshone-Gabrieleno Nation, Sierra Club and Surfrider Foundation (collectively the trust) objected to these and other portions of the LCP.

Procedural History

On March 6, 1996, the trust filed a timely petition for a writ of mandate challenging the LCP. In addition to Commission, the petition named two local agencies, the County of Orange and the Orange County Flood Control District, as real parties in interest. The petition also named a number of *501 landowners as real parties in interest. Of those landowners, only real parties in interest Koll Real Estate Group (Koll) and Fieldstone Company (Fieldstone) actively participated in the litigation.

On April 16, 1997, before the matter could be heard on the merits, Commission made a motion to have the LCP remanded to it so that Commission could reconsider the plan in light of the state's recent acquisition of Koll's lowland property and the state's adoption of an independent plan to fund restoration of degraded portions of the lowlands.^{FN1}

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

All the other parties in the litigation opposed Commission's motion to remand. The trial court deferred ruling on the state's motion until it conducted a hearing on the merits.

FN1 Financing for the state's acquisition of Koll's lowland holdings as well as its restoration plan was provided by the Ports of Los Angeles and Long Beach as mitigation for the dredging and expansion that the ports planned.

Upon hearing the merits of the trust's challenge, the trial court determined that, consistent with the requirements of the Coastal Act, the eucalyptus grove on Bolsa Chica Mesa could be eliminated in order to permit residential development there and the habitat which existed at the grove regenerated on Huntington Mesa. However, the trial court found that residential development of wetlands was not permitted by the act, even if it would fund restoration of other portions of the wetlands. The court found that although wetlands could be eliminated if needed for a road or highway, Commission had not made a required finding that the need to widen Warner Road outweighed the value of preserving Warner Pond.

Given its disagreement with Commission, the trial court remanded the entire LCP matter to Commission for further proceedings. The court found that, in light of its ruling on the merits and remand, the state's prior motion to remand was moot. The trial court awarded the trust its attorney fees and apportioned the award among Koll, Fieldstone and Commission.

I. Appealability

(1) The trust, Fieldstone and Koll each filed a notice of appeal from the substantive portions of the trial court's judgment. Fieldstone, Koll and Commission also filed separate appeals challenging the trial court's attorney fee award.

Prior to oral argument we advised the parties of our concern that the trial court's order remanding

this case to Commission was not appealable. (See *502 *Board of Dental Examiners v. Superior Court* (1998) 66 Cal.App.4th 1424, 1430-1431 [78 Cal.Rptr.2d 653].) Notwithstanding the lack of appellate jurisdiction, the parties have asked that we reach the merits of their respective claims. Because of the public interest in this matter and because the case has been fully briefed on the merits, we will treat the appeals as petitions for writs of mandamus. (*Ibid.*)

II. Standards of Review

(2) The standards which govern our review of the trial court's decision are set forth in our opinion in *Sierra Club v. California Coastal Com.* (1993) 19 Cal.App.4th 547, 556-557 [23 Cal.Rptr.2d 534] (*Batiquitos Lagoon*): "Because this matter came to the trial court on a petition for a writ of mandate under Code of Civil Procedure section 1094.5, the trial court was obligated to determine 'both whether substantial evidence supports the administrative agency's findings and *whether the findings support the agency's decision.*' [Citation.]

" '[T]he agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order.... By focusing ... upon the relationships between evidence and findings and between findings and ultimate action, the Legislature sought to direct the reviewing court's attention to the analytic route the administrative agency traveled from evidence to action. In so doing, we believe that the Legislature must have contemplated that the agency would reveal this route.' [Citation.]

"While a reviewing court must make certain an agency has adequately disclosed its reasoning process, *Topanga* reiterates the long established rule in California that administrative findings need not be as precise or formal as would be required of a court [citation]. Indeed, the Supreme Court there considered a planning commission's summary of "factual data" to be agency findings [citation].... Other examples of the judiciary's willingness to focus on the substance rather than the form of admin-

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

istrative actions are legion. "As a practical matter, omissions in [administrative] findings may sometimes be filled by such relevant references as are available." [Citation.] Thus, where reference to the administrative record informs the parties and reviewing courts of the theory upon which an agency has arrived at its ultimate finding and decision, it has long been recognized that the decision should be upheld if the agency "in truth found those facts which as a matter of law are essential to sustain its ... [decision]." [Citations.] [Citation.] *503

(3) "In determining whether substantial evidence supports an agency's reasoning process, the trial court must look at the 'whole record.' [Citations.] 'The "in light of the whole record" language means that the court reviewing the agency's decision cannot just isolate the evidence supporting the findings and call it a day, thereby disregarding other relevant evidence in the record. [Citation.] Rather, the court must consider all relevant evidence, including evidence detracting from the decision, a task which involves some weighing to fairly estimate the worth of the evidence. [Citation.] [Citations.] That limited weighing is not an independent review where the court substitutes its own findings or inferences for the agency's. [Citation.] "It is for the agency to weigh the preponderance of conflicting evidence [citation]. Courts may reverse an agency's decision only if, *based on the evidence before the agency*, a reasonable person could not reach the conclusion reached by the agency." [Citation.] [Citation.]

"Finally, '[o]ur role here is precisely the same as that of the trial court.' "[I]n an administrative mandamus action where no limited trial de novo is authorized by law, the trial and appellate courts occupy in essence identical positions with regard to the administrative record, exercising the appellate function of determining whether the record is free from legal error. [Citations.] [Citation.] Thus, the conclusions of the superior court, and its disposition of the issues in this case, are not conclusive on appeal. [Citation.]" [Citation.] [Citation.]"

III. Administrative Interpretations

A recurring dispute among the parties concerns the level of deference which we must accord Commission's interpretation of the Coastal Act. (4) The Supreme Court recently discussed the role of administrative interpretation at some length. (See *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 10-13 [78 Cal.Rptr.2d 1, 960 P.2d 1031].) "It is a 'black letter' proposition that there are two categories of administrative rules and that the distinction between them derives from their different sources and ultimately from the constitutional doctrine of the separation of powers. One kind-quasi-legislative rules-represents an authentic form of substantive lawmaking: Within its jurisdiction, the agency has been delegated the Legislature's lawmaking power. [Citations.] Because agencies granted such substantive rulemaking power are truly 'making law,' their quasi-legislative rules have the dignity of statutes. When a court assesses the validity of such rules, the scope of its review is narrow. If satisfied that the rule in question lay within the lawmaking authority delegated by the Legislature, and that it *504 is reasonably necessary to implement the purpose of the statute, judicial review is at an end.

.....

"It is the other class of administrative rules, those *interpreting* a statute, that is at issue in this case. Unlike quasi-legislative rules, an agency's interpretation does not implicate the exercise of a delegated lawmaking power; instead, it represents the agency's view of the statute's legal meaning and effect, questions lying within the constitutional domain of the courts. But because the agency will often be interpreting a statute within its administrative jurisdiction, it may possess special familiarity with satellite legal and regulatory issues. It is this 'expertise,' expressed as an interpretation (whether in a regulation or less formally, as in the case of the Board's tax annotations), that is the source of the presumptive value of the agency's views. An important corollary of agency interpretations, however, is their diminished power to bind. Be-

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

cause an interpretation is an agency's *legal opinion*, however 'expert,' rather than the exercise of a delegated legislative power to make law, it commands a commensurably lesser degree of judicial deference. [Citation.]

.....
"Whether judicial deference to an agency's interpretation is appropriate and, if so, its extent-the 'weight' it should be given-is ... fundamentally *situational*. A court assessing the value of an interpretation must consider complex factors material to the substantive legal issue before it, the particular agency offering the interpretation, and the comparative weight the factors ought in reason to command. Professor Michael Asimow, an administrative law adviser to the California Law Revision Commission, has identified two broad categories of factors relevant to a court's assessment of the weight due an agency's interpretation: Those 'indicating that the agency has a comparative interpretive advantage over the courts,' and those 'indicating that the interpretation in question is probably correct.' [Citations.]

"In the first category are factors that 'assume the agency has expertise and technical knowledge, especially where the legal text to be interpreted is technical, obscure, complex, open-ended, or entwined with issues of fact, policy, and discretion. A court is more likely to defer to an agency's interpretation of its own regulation than to its interpretation of a statute, since the agency is likely to be intimately familiar with regulations it authored and sensitive to the practical implications of one interpretation over another.' [Citation.] The second group of factors in the Asimow classification-those suggesting the agency's interpretation is likely to be correct-*505 includes indications of careful consideration by senior agency officials ('an interpretation of a statute contained in a regulation adopted after public notice and comment is more deserving of deference than [one] contained in an advice letter prepared by a single staff member' [citation], evidence that the agency 'has consistently maintained the in-

terpretation in question, especially if [it] is long-standing' [citation] ('[a] vacillating position ... is entitled to no deference' [citation]), and indications that the agency's interpretation was contemporaneous with legislative enactment of the statute being interpreted. If an agency has adopted an interpretive rule in accordance with Administrative Procedure Act provisions-which include procedures (e.g., notice to the public of the proposed rule and opportunity for public comment) that enhance the accuracy and reliability of the resulting administrative 'product'-that circumstance weighs in favor of judicial deference. However, even formal interpretive rules do not command the same weight as quasi-legislative rules. Because: ' "the ultimate resolution of ... legal questions rests with the courts" ' [citation], judges play a greater role when reviewing the persuasive value of interpretive rules than they do in determining the validity of quasi-legislative rules." (*Yamaha Corp. of America v. State Bd. of Equalization*, *supra*, 19 Cal.4th at pp. 10-13.)

With these principles in mind we turn to the substantive issues raised by the parties.

IV. Eucalyptus Grove

A. History and Condition of the Grove

(5a) The LCP would permit residential development over five acres of a six-and-one-half-acre eucalyptus grove on Bolsa Chica Mesa. The five acres where development would be permitted is owned by Koll; the remainder of the grove is owned by the state.

The eucalyptus grove is not native to the area and was planted almost 100 years ago by a hunting club which owned large portions of Bolsa Chica. Since the time of its planting, the original 20-acre grove has diminished considerably because of development in the area and the lack of any effort to preserve it. Indeed, although the eucalyptus grove was nine and two-tenths acres large as recently as 1989, it had shrunk to no more than six and one-half acres by 1994 and portions of it were under severe stress. According to expert testimony submitted to Commission, the grove is probably

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

shrinking because of increased salinity in the soil.
*506

Notwithstanding its current diminished and deteriorating condition, Commission identified the grove as an ESHA within the meaning of Public Resources Code section 30107.5. FN2 The ESHA identification was based on the fact the grove provided the only significant locally available roosting and nesting habitat for birds of prey (raptors) in the Bolsa Chica area. At least 11 species of raptors have been identified as utilizing the site, including the white-tailed kite, marsh hawk, sharp skinned hawk, Cooper's hawk and osprey. According to Commission, a number of the raptors are dependent upon the adjacent lowland wetlands for food and the eucalyptus grove provides an ideal nearby lookout location as well as a refuge and nesting site.

FN2 All statutory references are to the Public Resources Code unless otherwise indicated.

B. Section 30240

(6) Under the Coastal Act, Commission is required to protect the coastal zone's delicately balanced ecosystem. (§§ 30001, subds. (a)-(c), 30001.5, subd. (a); *City of San Diego v. California Coastal Com.* (1981) 119 Cal.App.3d 228, 233 [174 Cal.Rptr. 5]; *Sierra Club v. California Coastal Com.* (1993) 12 Cal.App.4th 602, 611 [15 Cal.Rptr.2d 779] (*Pygmy Forest*).) Thus in reviewing all programs and projects governed by the Coastal Act, Commission must consider the effect of proposed development on the environment of the coast. (See *City of San Diego v. California Coastal Com.*, *supra*, 119 Cal.App.3d at p. 234.)

In terms of the general protection the Coastal Act provides for the coastal environment, we have analogized it to the California Environmental Quality Act (CEQA) (§§ 21000-21174). (*Coastal Southwest Dev. Corp. v. California Coastal Zone Conservation Com.* (1976) 55 Cal.App.3d 525, 537 [127 Cal.Rptr. 775].) We have found that under both

the Coastal Act and CEQA: "The courts are enjoined to construe the statute liberally in light of its beneficent purposes. [Citation.] The highest priority must be given to environmental consideration in interpreting the statute [citation].'" (*Ibid.*)

In addition to the protection afforded by the requirement that Commission consider the environmental impact of all its decisions, the Coastal Act provides heightened protection to ESHA's. (*Pygmy Forest*, *supra*, 12 Cal.App.4th at p. 611.) Section 30107.5 identifies an ESHA as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." "The consequences of ESHA status are delineated in section 30240: '(a) Environmentally sensitive habitat areas shall be protected against any *507 significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. [¶] (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with continuance of those habitat and recreation areas.' Thus development in ESHA areas themselves is limited to uses dependent on those resources, and development in adjacent areas must carefully safeguard their preservation." (*Pygmy Forest*, *supra*, 12 Cal.App.4th at p. 611.)

(5b) Commission found that residential development in the eucalyptus grove was permissible under section 30240 because the LCP required that an alternate raptor habitat be developed on Huntington Mesa. Commission reasoned that section 30240 only requires that "habitat values" be protected and that given the deteriorating condition of the grove, creation of a new raptor habitat on Huntington Mesa was the best way to promote the "habitat values" of the eucalyptus grove.

The reasoning Commission employed is seductive but, in the end, unpersuasive. First, contrary

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

to Koll's argument, we are not required to give great weight to the interpretation of section 30240 set forth by Commission in its findings approving the LCP. The interpretation was not contemporaneous with enactment of section 30240 or the result of any considered official interpretative effort and it did not carry any other of the indicia of reliability which normally requires deference to an administrative interpretation. (See *Yamaha Corp. of America v. State Bd. of Equalization*, *supra*, 19 Cal.4th at pp. 12-13.)

Secondly, the language of section 30240 does not permit a process by which the habitat values of an ESHA can be isolated and then recreated in another location. Rather, a literal reading of the statute protects *the area* of an ESHA from uses which threaten the habitat values which exist in the ESHA. Importantly, while the obvious goal of section 30240 is to protect habitat values, the express terms of the statute do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development. Rather, the terms of the statute protect habitat values by placing strict limits on the uses which may occur in an ESHA and by carefully controlling the manner uses in the area around the ESHA are developed. (*Pygmy Forest*, *supra*, 12 Cal.App.4th at p. 611.)

Thirdly, contrary to Commission's reasoning, section 30240 does not permit its restrictions to be ignored based on the threatened or deteriorating *508 condition of a particular ESHA. We do not doubt that in deciding whether a particular area is an ESHA within the meaning of section 30107.5, Commission ~~(may)~~ consider, among other matters, its viability. (See *Pygmy Forest*, *supra*, 12 Cal.App.4th at pp. 614-615.) However, where, as is the case here, Commission has decided that an area is an ESHA, section 30240 does not itself provide Commission power to alter its strict limitations. (12 Cal.App.4th at p. 617.) There is simply no reference in section 30240 which can be interpreted as diminishing the level of protection an ESHA re-

ceives based on its viability. Rather, under the statutory scheme, ESHA's, whether they are pristine and growing or fouled and threatened, receive uniform treatment and protection. (See *Pygmy Forest*, *supra*, 12 Cal.App.4th at p. 617.)

In this regard we agree with the trust that Commission's interpretation of section 30240 would pose a threat to ESHA's. As the trust points out, if, even though an ESHA meets the requirements of section 30107.5, application of section 30240's otherwise strict limitations also depends on the relative viability of an ESHA, developers will be encouraged to find threats and hazards to all ESHA's located in economically inconvenient locations. The pursuit of such hazards would in turn only promote the isolation and transfer of ESHA habitat values to more economically convenient locations. Such a system of isolation and transfer based on economic convenience would of course be completely contrary to the goal of the Coastal Act, which is to protect *all* coastal zone resources and provide heightened protection to ESHA's. (§§ 30001, subds. (a)-(c), 30001.5, subd. (a); *Pygmy Forest*, *supra*, 12 Cal.App.4th at p. 613.)

In short, while compromise and balancing in light of existing conditions is appropriate and indeed encouraged under *other* applicable portions of the Coastal Act, the power to balance and compromise conflicting interests cannot be found in section 30240.

C. Section 30007.5

Koll argues that even if transfer of habitat values was not permissible under section 30240, such a transfer was permissible under the provisions of section 30007.5 and our holding in *Batiquitos Lagoon*. Section 30007.5 states: "The Legislature further finds and recognizes that conflicts may occur between one or more policies of the [Coastal Act]. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader *509

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies."

In *Batiquitos Lagoon* we were confronted with "the conflicting interests of fish and fowl." (*Batiquitos Lagoon*, *supra*, 19 Cal.App.4th at p. 550.) Each interest was protected by a specific provision of the Coastal Act: The fish were protected by section 30230 which directed that marine resources be preserved and, where feasible, restored; the fowl were protected by the requirement of section 30233, subdivision (b), that the very substantial dredging needed to restore the fish habitat avoid significant disruption of the bird habitat. We found that under section 30007.5, Commission could resolve these conflicting policy interests by favoring long-term restoration of the fish habitat over the short-term, but significant, disruption of the bird habitat. (19 Cal.App.4th at p. 562.)

Here, in contrast to the situation in *Batiquitos Lagoon*, the record at this point will not support application of the balancing power provided by section 30007.5. Unlike the record in that case, here our review of the proceedings before Commission does not disclose any policy or interest which directly conflicts with application of section 30240 to the eucalyptus grove. (See *Pygmy Forest*, *supra*, 12 Cal.App.4th at p. 620.)

Although the Coastal Act itself recognizes the value and need for residential development (see §§ 30001.5, subd. (b), 30007), nothing in the record or the briefs of the parties suggests there is such an acute need for development of residential housing in and around the eucalyptus grove that it cannot be accommodated elsewhere. (Cf. *Pygmy Forest*, *supra*, 12 Cal.App.4th at p. 620 [no showing residential development needed in ESHA's].) Rather, the only articulated interests which the proposed transfer of the "habitat values" serves is Commission's expressed desire to preserve the raptor habitat values over the long term and Commission's subsidiary

interest in replacing nonnative eucalyptus with native vegetation. However, as the trust points out, there is no evidence in the record that destruction of the grove is a prerequisite to creation of the proposed Huntington Mesa habitat. In the absence of evidence as to why preservation of the raptor habitat at its current location is unworkable, we cannot reasonably conclude that any genuine conflict between long-term and short-term goals exists.

In sum then the trial court erred in sustaining that portion of the LCP which permitted development of the eucalyptus grove. *510

V. Lowland Wetlands FN3

The Coastal Act provides a separate protection regime for wetlands. Under section 30121: "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens."

FN3 Commission contends the propriety of the trial court's rulings on the lowland wetlands and the Warner Avenue Pond issues are moot in light of the acquisition of the lowland wetlands by the state and Koll's agreement to limit development on Bolsa Chica Mesa. However, the propriety of the trial court's award of attorney fees depends in part on the propriety of its ruling on these issues, and thus we are required to consider them on the merits. (See *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1751 [12 Cal.Rptr.2d 308].)

Section 30233, subdivision (a), protects wetlands by providing: "The diking, filling, or dredging of ... wetlands ... shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be lim-

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

ited to the following:

"(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

"(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

"(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities shall not exceed 25 percent of the degraded wetland.

"(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. *511

"(5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of pier and maintenance of existing and outfall lines.

"(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

"(7) Restoration purposes.

"(8) Nature study, aquaculture, or similar resource-dependent activities."

(7) Although section 30233, subdivision (a),

permits development of wetland areas when needed as a means of accommodating a whole host of varied uses, residential development is not a use permitted in wetlands. Nonetheless Commission found that residential development of portions of the Bolsa Chica lowlands was permissible, even though it would require destruction of otherwise protected wetlands, because the development would be used to finance needed restoration of other degraded portions of the wetlands.

Commission reasoned that, although section 30233, subdivision (b), does not expressly permit residential development of wetlands, authority for such development can be found in the related provisions of section 30411, subdivision (b). Section 30411, subdivision (b), states: "The Department of Fish and Game, in consultation with the commission and the Department of Boating and Waterways, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility as provided in subdivision (a) of Section 30233. Any such study shall include consideration of all of the following:

"(1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.

"(2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project.

"(3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values."

Commission found that section 30411, subdivi-

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

sion (b)(3), permits wetland restoration to be achieved by way of any means which are more feasible than *512 development of boating facilities. Because the county had previously found that development of a marina at Bolsa Chica was not feasible, Commission further reasoned that "residential development qualifies as a more feasible method of achieving restoration ... since the construction and sale of the Lowland residential units would fund the restoration program and allow it to be implemented."

The trial court rejected Commission's reasoning. The trial court stated: "Section 30411 [, subdivision (b),] also does not authorize residential development. Rather, it authorizes the Department of Fish and Game to study and identify which degraded wetlands can feasibly be restored in conjunction with the development of a boating facility. In conducting its study, the Department of Fish and Game must consider whether the restoration of the wetlands' values can be achieved and maintained in conjunction with a boating facility 'or whether there are other feasible ways to achieve such values.' The most logical interpretation of the quoted language, construed in light of the Coastal Act as a whole, requires the Department of Fish and Game to consider whether alternatives less intrusive than developing a boating facility are feasible. The Commission's interpretation would open the door to any type of development in a wetland whenever a finding could be made that funds were otherwise unavailable to restore degraded wetlands." We agree with the trial court.

First, we note the trial court's interpretation comports with the plain meaning of section 30411, subdivision (b), which expressly limits the power of the Department of Fish and Game to the *study* of boating projects authorized by section 30233, subdivision (a). There is nothing on the face of section 30411, subdivision (b), which *authorizes* the development of residential projects in wetland areas or for that matter authorizes any development which is not permitted by section 30233.

Moreover, the alternative analysis required by section 30411, subdivision (b)(3), cannot be read to inferentially permit the development of facilities which are not otherwise permitted by section 30233, subdivision (a). By its terms section 30233, subdivision (a), purports to set forth the purposes, in their entirety, for which coastal wetlands can be developed. If the Legislature intended that residential development of wetlands was to be permitted, logic would suggest that such a use be set forth unambiguously on the face of section 30233, subdivision (a), rather than as an implied power under section 30411, subdivision (b)(3).

Another difficulty with Commission's interpretation of section 30411 is that the power to study the feasibility of boating facilities rests with the *513 Department of Fish and Game, not Commission. We think it would be somewhat incongruous to provide the Department of Fish and Game with the power to determine, by way of a study, when residential development may occur in a coastal wetland. That power, it would seem, would be more appropriately directly exercised by Commission. Indeed section 30411, subdivision (a), provides, in pertinent part: "The Department of Fish and Game and the Fish and Game Commission are the principal state agencies responsible for *the establishment and control of wildlife and fishery management programs.*" (Italics added.) There is nothing in the Coastal Act or any other provision of law, which suggests the Department of Fish and Game has any expertise with respect to the need for or impacts of residential development in the coastal zone.

We are also unpersuaded by the fact that Commission's interpretation has been set forth in interpretative guidelines it adopted pursuant to authority granted to Commission under section 30620, subdivision (b). (See *California Coastal Com. v. Office of Admin. Law* (1989) 210 Cal.App.3d 758, 761-762 [258 Cal.Rptr. 560].) Although, because the guidelines were subject to a formal review and adoption process analogous to the Administrative Procedure Act (Gov. Code, § 11340 et seq.) and for

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

that reason are entitled to great weight (*Coronado Yacht Club v. California Coastal Com.* (1993) 13 Cal.App.4th 860, 868 [17 Cal.Rptr.2d 10]), here the guidelines themselves obliquely recognize that Commission's interpretation expands the uses and processes contemplated by sections 30233 and 30411. The guidelines describe a process under which developers, agencies and Commission, rather than the Department of Fish and Game, consider alternatives to boating facilities. Importantly, however, the guidelines concede: "The Coastal Act does not require the Department of Fish and Game to undertake studies which would set the process described in this section in motion.... This section is, however, included to describe, clarify, and encourage, public and private agencies to formulate innovative restoration projects to accomplish the legislative goals and objectives described earlier." In light of the express limitation which appears on the face of section 30233 and the express delegation of responsibility to the Department of Fish and Game under section 30411, Commission's admittedly innovative interpretation cannot be sustained.

In short, the trial court's interpretation is supported by the plain language of the statute, the need to give significance to every word and phrase of the statute and the requirement that "statutes or statutory sections relating to the same subject must be harmonized, both internally and with each other, to the extent possible." (*Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1387 [241 Cal.Rptr. 67, 743 P.2d 1323].) Thus we *514 find no error in the trial court's finding that residential development of the lowland wetlands was not permitted.

VI. Warner Avenue Pond

(8) The parties agree Warner Avenue Pond, which is located on Bolsa Chica Mesa, is both an ESHA within the meaning of section 30107.5 and a wetland within the meaning of section 30121. As we have noted under section 30240, the habitat values in an ESHA may not be significantly disrupted and no use of an ESHA may occur which is not de-

pendent on resources which exist in the ESHA. As we have also noted under section 30233, subdivision (a), wetlands are protected by specific limitations with respect to uses which may occur in a wetland and by the requirement that there be no feasible less environmentally damaging alternative to diking, filling or dredging of a wetland.

In approving the LCP, Commission found Warner Avenue Pond could be filled to permit the widening of Warner Avenue and that the filling could be mitigated by offsite restoration of other wetlands on a ratio of four to one. Commission found that widening of the road was an "[i]ncidental public service" within the meaning of section 30233, subdivision (a)(5), and therefore a permissible use of the wetland. Commission's findings do not discuss the pond's status as an ESHA.

The trial court found Commission's findings were inadequate. The trial court reasoned that in this instance the protection provided by section 30240 to ESHA's and the development permitted by section 30233, subdivision (a)(5), were conflicting policies within the meaning of section 30007.5 which empowered Commission to resolve such policy conflicts in a manner which is "most protective of coastal resources." (§ 30007.5, *Batiquitos Lagoon*, *supra*, 19 Cal.App.4th at pp. 562-563.) However the trial court further found that in order to exercise its power under section 30007.5, Commission was required by section 30200, subdivision (b), to make findings which identified and resolved the policy conflict. The trial court concluded Commission's findings did not meet these requirements.

We agree with the trial court that Commission's findings were inadequate with respect to Warner Avenue Pond. However, we reach that conclusion by way of a somewhat different analytical path. In particular, we do not believe the policies embodied in sections 30240 and 30233 are in direct conflict necessitating resort to the power provided by section 30007.5. Rather, in this *515 instance we agree with Commission's guidelines that the ESHA protections provided by section 30240 are more gener-

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

al provisions and the wetland protections provided by section 30233 are more specific and controlling when a wetland area is also an ESHA. The guidelines state: "The Commission generally considers wetlands, estuaries, streams, riparian habitats, lakes and portions of open coastal waters to be environmentally sensitive habitat areas because of the especially valuable role of these habitat areas in maintaining the natural ecological functioning of many coastal habitat areas and because these areas are easily degraded by human developments. In acting on an application for development [of] one of these areas, the Commission considers all relevant information. The following specific policies apply to these areas: Sections 30230; 30231; 30233; and 30236. Section 30240, a more general policy, also applies, but the more specific language in the former sections is controlling where conflicts exist with general provisions of Section 30240 (e.g., port facilities may be permitted in wetlands under Section 30233 even though they may not be resource dependent). This guideline addresses wet environmentally sensitive habitat areas only. The discussion in this section and in section VII is not intended to describe or include all environmentally sensitive habitat areas which may fall under Section 30240 of the Coastal Act."

The guidelines go on to provide: "Of all the environmentally sensitive habitat areas mentioned specifically in the Coastal Act, wetlands and estuaries are afforded the most stringent protection. In order to approve a project involving the diking, filling, or dredging of a wetland or estuary, the Commission must first find that the project is one of the specific, enumerated uses set forth in Section 30233 of the Act (these developments and activities are listed in section A. and B. below). The Commission must then find that the project meets all three requirements of Section 30233 of the Act (see pp. 14-17). In addition, permitted development in these areas must meet the requirements of other applicable provisions of the Coastal Act.

"A. Developments and Activities Permitted in

Wetlands and Estuaries

"1. Port facilities.

.....
"5. Incidental public service purposes *which temporarily impact the resources of the area*, which include, but are not limited to, burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines (*roads do not qualify*)."
(Italics added, fns. omitted.)

Significantly, by way of a footnote Commission explains that "incidental services" may include, under certain circumstances, road expansion: "When *516 no other alternative exists, and when consistent with the other provisions of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted."

We agree with these aspects of Commission's guidelines. We note Commission's determination that section 30233, subdivision (a), was meant to supplant the provisions of section 30240 is supported by section 30233, subdivision (a)(6), which permits mineral development in wetlands "*except in environmentally sensitive areas*." (Italics added.) Because none of the other permitted wetland uses set forth in section 30233, subdivision (a), have such an express exception for ESHA's, the inference arises that had the drafters intended the uses permitted by section 30233, subdivision (a), to be subject to ESHA protection, they would have made their intention explicit.

In addition to the inferential support found by reference to section 30233, subdivision (a)(6), Commission's interpretation is also supported by a broader view of the statutory scheme. Wetland ESHA's are unique in that although like all ESHA's they need extraordinary protection, there are important activities such as fishing, boating, shipbuilding and other commercial and industrial activities which of necessity may occur on or near wet-

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

land areas. Importantly, the value of such activities is specifically recognized by the act and Commission is empowered to permit them to occur notwithstanding their adverse impact on coastal resources. (See §§ 30001.2, 30708.)

The activities which may occur in wetland areas are, as Commission noted, set forth with great specificity and detailed limitation in section 30233, subdivision (a). Such specificity and detail does not occur either in the general provisions accommodating industrial and commercial uses (see §§ 30001.2, 30708) or in the limitation on ESHA development set forth in section 30240. Given that section 30233, subdivision (a), provides specific and detailed limitation on the uses permitted in wetland areas, we believe it was reasonable for Commission to conclude that with respect to wetland ESHA's, section 30233, subdivision (a), is a more specific guideline for what may occur in a wetland ESHA than either the accommodation of development expressed in sections 30001.2 and 30708 or the more general limitation set forth in section 30240.

Practicality, as well as the need to maintain a consistent level of wetland protection, suggests that development of wetland ESHA's is governed by the very specific and uniform limitations set forth in section 30233, subdivision (a), rather than by way of the essentially ad hoc balancing process permitted by section 30007.5. Given the myriad of wetland areas which exist in the coastal zone and the inherent conflict between the permissive policy expressed in sections 30001.2 and 30708 and the restrictive policy of *517section 30240, in the absence of the limitation set forth in section 30233, subdivision (a), case-by-case balancing of interests under section 30007.5 would be repeatedly required.

Although we accept Commission's interpretation of sections 30233 and 30240, we do not accept Commission's application of that interpretation to Warner Avenue Pond. In particular we note that under Commission's interpretation, incidental public services are limited to temporary disruptions and do

not usually include permanent roadway expansions. Roadway expansions are permitted only when no other alternative exists and the expansion is necessary to maintain existing traffic capacity. As the trust points out, Commission found that the widening of Warner Avenue was needed to accommodate future traffic created by local and regional development in the area. Contrary to Koll's argument, this limited exception cannot be extended by finding that a roadway expansion is permissible when, although it increases the vehicle capacity of a roadway, it is designed to maintain an existing level of traffic service. Such an interpretation of the exception would entirely consume the limitation Commission has put on the incidental public services otherwise permitted by section 30233, subdivision (a)(2).

In sum then, like the trial court we find that the LCP is defective insofar as it approves the filling of Warner Avenue Pond.

VII. Attorney Fees

(9) The trial court awarded the trust its attorney fees under the provisions of Code of Civil Procedure section 1021.5 and divided those fees among Koll, Fieldstone and the state. Those parties do not challenge the amount of fees awarded but the propriety of any award in the context of a dispute over adoption of an LCP.

For their part, Koll and Fieldstone contend that it is improper and indeed unconstitutional to award fees where Commission, not they, was found to have made inadequate findings. This argument is, frankly, somewhat disingenuous. Both Koll and Fieldstone vigorously defended Commission's findings both in the trial court and do so again on appeal. Indeed, the vigor of their defense of Commission's findings was so great that they *opposed* Commission's efforts to have the matter remanded so that it could make new findings. It suffices to say the vigor of Koll and Fieldstone's defense no doubt compelled the trust to incur substantial attorney fees and accordingly make it fair under the equitable principles embodied in *518Code of Civil Pro-

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal. Daily Op. Serv. 2821, 1999 Daily Journal D.A.R. 3619
(Cite as: 71 Cal.App.4th 493)

cedure section 1021.5 to impose some of those costs on Koll and Fieldstone. (See *San Bernardino Valley Audobon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 755-757 [202 Cal.Rptr. 423]; *Serrano v. Priest* (1977) 20 Cal.3d 25, 42-47 [141 Cal.Rptr. 315, 569 P.2d 1303].)

Commission argues the trial court abused its discretion in awarding attorney fees against it because it believes a great deal of the expense the trust incurred could have been avoided if the trust had agreed to Commission's effort in the trial court to remand the wetlands issues in light of the state's acquisition of Koll's lowland holdings. This argument presupposes that the trust's opposition to the remand would have persuaded the trial court to remand the matter even in light of Koll and Fieldstone's separate opposition to the remand. Because the trial court both denied the remand and awarded the attorney fees, we must conclude that it did not believe the trust's position with respect to the remand compelled the trust to incur unnecessary fees.

Finally, Commission contends that the imposition of attorney fees has imposed an undue hardship on it. As the trust points out, this is not a factor which courts are required to consider in awarding attorney fees against a public agency. (See *San Bernardino Valley Audobon Society, Inc. v. County of San Bernardino*, *supra*, 155 Cal.App.3d at p. 755, fn. 2.) Rather, this is a concern Commission should more properly address to the Legislature in either securing an appropriation to relieve the hardship or in obtaining an amendment to Code of Civil Procedure section 1021.5 which would require that trial courts consider the impact on the operations of public agencies before imposing fees on them.

Disposition

The trust's petition is granted in part and the superior court is directed to grant the trust's administrative mandamus petition with respect to the eucalyptus grove; in all other respects, the parties' petitions are denied. Trust to recover its costs.

Work, Acting P. J., and Huffman, J., concurred.
*519

Cal.App.4.Dist.

Bolsa Chica Land Trust v. Superior Court

71 Cal.App.4th 493, 83 Cal.Rptr.2d 850, 99 Cal.
Daily Op. Serv. 2821, 1999 Daily Journal D.A.R.
3619

END OF DOCUMENT

Robinson, Delinda x5198

From: Watson, Michael@Coastal [Michael.Watson@coastal.ca.gov]
Sent: Monday, August 06, 2012 3:22 PM
To: Robinson, Delinda x5198
Subject: RE: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Attachments: ADOPTED 3-11-020 (Goins SFD) strpt 7.13.2011 hrg.pdf

Delinda, the Abercrombie staff report findings especially the finding on "reasonable development" is not adequate to avoid an appeal including because it does not address other LCP restrictions on development in ESHA (ie, development must be resource dependent, must avoid ESHA, must fully mitigate all impacts). In this particular case, I don't think these criteria have been met. We've done quite a bit of work in PG developing a program which I think balances the need to allow a non-resource dependent use in ESHA with the resource protection goals of the LUP and Coastal Act. I've attached a copy of a recent staff report for your review and consideration. Given a similar context in Pebble Beach, including with respect to pre-coastal subdivided lots and residential zoning within the dunes, it would be wise to follow what the Commission has acted upon in Asilomar as the model for future development in PB (and for updating the LCP). This includes placing a limit on overall coverage in the dunes (15% in Asilomar), requiring restoration of the remaining balance of dune via a native dune restoration plan, formally protecting the restored dune area via an easement or similar legal instrument, and mitigating for permanent loss of dune habitat over existing conditions. This last piece appears to be missing from the conditions. Further, it will also be important to make the findings that the project is consistent with what is being done elsewhere. That said, I don't know what you want to do for Wed hearing, but a brief delay to get this right seems a small price to pay to avoid an appeal and to set up a program for future projects in the pipeline (eg, Mediphour).. Let me know. Mike

Mike Watson, Coastal Program Analyst
 California Coastal Commission
 Central Coast Office
 725 Front Street, Suite 300 v. 831/ 427-4898
 Santa Cruz, CA 95060 f. 831/ 427-4877
 michael.watson@coastal.ca.gov

From: Robinson, Delinda x5198 [mailto:robinsond@co.monterey.ca.us]
Sent: Wednesday, July 25, 2012 11:17 AM
To: Carl, Dan@Coastal
Cc: Watson, Michael@Coastal
Subject: RE: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Thanks. I'll get hold of Mike. "Technically on vacation" means don't look at your work e-mails. Grab a beer and relax!

Delinda Robinson
Senior Planner
Monterey County RMA-Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901
(831) 755-5198

From: Carl, Dan@Coastal [mailto:Dan.Carl@coastal.ca.gov]
Sent: Wednesday, July 25, 2012 11:14 AM

09/18/2012

To: Robinson, Delinda x5198
Cc: Watson, Michael@Coastal
Subject: RE: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Hi Delinda,

I am technically on vacation and back Aug 6th. I talked to John about pursuing something similar to CCC approach in Asilomar, including as a jumping off point for potential future LCP amendments related to the dune residential areas of DMF. Mike knows all about that, and can provide you some samples of recent findings which would be the type of findings the County would need to make. Hope that helps. Happy to chat about it when I get back, but Mike can also give you a sense of the Commission's practice in that respect before then if you need. Hope that helps...

Dan

From: Robinson, Delinda x5198 [mailto:robinsond@co.monterey.ca.us]
Sent: Tuesday, July 24, 2012 3:33 PM
To: Carl, Dan@Coastal
Cc: Watson, Michael@Coastal
Subject: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Hi Dan,

I had a conversation with John Bridges a couple of weeks ago about projects in the sand dune areas in Pebble Beach. He said that you had asked him to fill me in on what you had agreed to with regard to making findings to allow reasonable development in those environmentally sensitive areas. He represents two of my applicants – Abercrombie and Signal Hill LLC (Mehdipour) and I'm in the process of writing the staff report for Abercrombie. In both cases, the property owners are proposing to add structural coverage outside of the existing footprint but within areas that have previously been disturbed. They're both also proposing to restore the remainder of the property back to dune habitat – most of the dune on both properties is overrun by iceplant and European beach grass. Would you have time to talk to me about it sometime this week? I'd really be interested to hear your version of your conversations with him and to work with you on making a finding that would be acceptable to you all.

Thanks.

Delinda Robinson
Senior Planner
Monterey County RMA-Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901
(831) 755-5198

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
 FAX: (831) 427-4877
 WEB: WWW.COASTAL.CA.GOV

W7b**ADOPTED**

Filed 04/15/2011
 180th day 10/12/2011
 Staff Report prepared 06/22/2011
 Staff Report prepared by Mike Watson
 Staff Report approved by Dan Carl
 Hearing date 07/13/2011

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-11-020, Goins SFD

Applicants Michele Goins

Project location 1373 Pico Avenue, in the Asilomar Dunes area of Pacific Grove, Monterey County (APN 007-072-014).

Project description Remodel and 320 square foot addition to an existing 1,891 square foot single-family residence and garage, removal of a concrete water feature, enclosed porch, wood deck, walkway, and storage shed, and construction of a new pathway, patio terrace, native dune restoration and split rail fencing.

Local approval City of Pacific Grove Architectural Review Board approval on March 22, 2011 (AA# 3967-10).

File documents City of Pacific Grove certified Land Use Plan (LUP); City of Pacific Grove Approved Mitigation Monitoring Program, March 22, 2011; Botanical Survey Report (Thomas K. Moss, July 31, 2010 as revised March 13, 2011); Landscape Restoration Plan (Thomas K. Moss, September 5, 2010 as revised March 12, 2011); Preliminary Archaeological Reconnaissance (Archaeological Consulting, July 23, 2010).

Staff recommendation ... Approval with Conditions

I. Staff Recommendation**A. Summary of Staff Recommendation**

The Applicant requests a coastal development permit (CDP) for a 320 square-foot addition to an existing, two-story, 1,891 square-foot single-family residence and garage on a 22,289 square-foot lot in the Asilomar Dunes neighborhood of the City of Pacific Grove. The proposed development also includes remodel to the interior structure and exterior facade of the residence and garage, demolition and reconstruction of an attached storage building, 615 square feet of decks, walks, and patio space, a 454 square-foot paver driveway, demolition of an existing water feature, underground utilities, demolition of solid fencing and installation of post/rope and pole fencing, and 149 square feet of immediate outdoor



living space (bare sandy areas where residential use is allowed). The City has a certified Land Use Plan (LUP), but the Implementation Plan (and thus an overall Local Coastal Program (LCP)) has not yet been certified. Therefore, a coastal development permit for the project must be obtained from the Coastal Commission and the standard of review is Chapter 3 of the Coastal Act. The policies of the LUP, however, are looked to as guidance.

The Asilomar Dunes area has a number of unique biological and geological resources, including at least ten plant and one animal species of special concern, and dune landforms comprised almost entirely of quartz sand. These coastal dunes have long been considered by the Commission to be environmentally sensitive habitat areas (ESHAs) because they include plant and animal life and related habitats that are rare, especially valuable, and easily disturbed and degraded by human activities and developments. The Applicant's approximately one-half acre parcel is comprised of this dune habitat and includes at least three plant species of special concern: Tidestrom's lupine (which is listed as a federal and state endangered plant species), Menzies's wallflower (which is listed as a federal and state endangered plant species), and Monterey spineflower (which is listed as a federal threatened and California Native Plant Society (CNPS) List 1-B rare or endangered plant species).

The Commission has a long history of protecting the Asilomar Dunes system ESHA, including through development and application of guiding Pacific Grove LUP policies that strike a balance between maximizing dune and related habitat protection and accommodating reasonable residential use on pre-existing subdivided parcels in the Asilomar Dunes area. To minimize disturbance to the sensitive dune and related habitats, the total maximum lot coverage under the City's certified LUP is limited to 15 percent of the lot area for lots of the size at issue here (i.e., over one-half acre). As defined in the LUP, this coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. The LUP also allows an additional maximum of up to 5 percent of the lot area for "immediate outdoor living area" that can be used for residential activities, but not covered otherwise (with structures, patios, etc.). Per the LUP, the remainder of any site (i.e., at least 80 percent, once maximum coverage and outdoor living area are accounted for) must be preserved exclusively as dune habitat, including through restoration/enhancement as necessary to ensure maximum feasible habitat value, and through conservation easements that require this area to remain as habitat in perpetuity.

In this case, the Applicant proposes a modest increase in the size of the residence and outdoor living space within the same general disturbance footprint of the existing development, although some new areas would be disturbed and some existing areas uncovered. All told, the Applicant proposes to increase aggregate lot coverage from 14.6% to 14.7% of the lot, or an additional 30 square feet, and to identify a 0.7% immediate outdoor living area, a total of 149 square feet. The proposed coverage avoids direct impacts to endangered plant species that have been identified on the site. Pursuant to the City's CEQA review, the Applicant has incorporated into the project a dune landscape restoration plan for the remainder of the site, as well as various other measures to address the impacts of the project.

The Commission has generally applied the guiding LUP 15/5% coverage rule for these Asilomar Dunes neighborhood cases where new development is proposed on vacant lots. This is to address the Coastal



Act requirements to protect ESHA from non-resource dependent development, while avoiding a taking of private property. The Commission has also approved an increase in lot coverage over existing coverage in some cases, depending on the unique circumstances of each case, including whether there have been previous CDP requirements limiting future development. In this case, the existing residential development pre-dates CDP requirements, and the proposed development would be within the LUP's coverage limits (i.e., 15%/5% maximum allowed, 14.7%/0.7% proposed), and will result in a total of roughly 3,429 square feet of coverage in the dunes in the same general area as is currently covered. In addition, redevelopment of the site will necessarily involve temporary impacts to areas immediately surrounding the existing development envelope. There is already a non-resource dependent use in the dunes – the existing house that was constructed prior to enactment of the Coastal Initiative and the Coastal Act. Redevelopment of the house will occur in the same general development footprint as this existing house, thereby limiting impacts to surrounding ESHA. Coupled with the restoration of the remainder of site, prohibition on development in the remaining dune areas, and 2:1 offsite restoration to offset new dune coverage, the project will not result in a significant disruption of the Asilomar Dunes ESHA. Overall, approval of the project with conditions to maximize ESHA protection, including mitigation of the cumulative impacts of such redevelopments in Asilomar, will allow reasonable redevelopment of the existing residential use, consistent with the Coastal Act's ESHA requirements as understood in a takings context.

In summary, and as conditioned to implement the ESHA and related habitat protections, to protect scenic resources, and to address other coastal resource issues (namely water quality and archaeological impact avoidance), the project can be found consistent with the Coastal Act. The motion is found directly below.

B. Staff Recommendation on CDP

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-11-020 pursuant to the staff recommendation. I recommend a yes vote.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures



and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

Staff Report Contents

I. Staff Recommendation.....	1
A. Summary of Staff Recommendation.....	1
B. Staff Recommendation on CDP.....	3
II. Findings and Declarations	4
A. Project Location and Description	5
1. Project Location	5
2. Project Description	6
B. Standard of Review.....	6
C. Coastal Development Permit Determination	7
1. Environmentally Sensitive Habitat Areas.....	7
2. Visual Resources.....	19
3. Archaeological Resources.....	23
4. Water Quality/Marine Resources.....	24
5. Local Coastal Programs	25
6. California Environmental Quality Act (CEQA).....	26
D. Conditions of Approval	26
III. Exhibits	
A. Regional Location Map	
B. Project Vicinity Map	
C. Assessors Parcel Map	
D. Pacific Grove LUP Land Habitat Sensitivity Map	
E. Pacific Grove LUP Archaeological Sensitivity Map	
F. Pacific Grove LUP Shoreline Access Map	
G. Project Site Plans	
H. Aerial Photo	
I. Project Photos	
J. City of Pacific Grove Mitigation Monitoring Program	

II. Findings and Declarations



The Commission finds and declares as follows:

A. Project Location and Description

1. Project Location

The proposed project is located at 1373 Pico Avenue in the Asilomar Dunes neighborhood of the City of Pacific Grove. The Asilomar Dunes neighborhood is mapped as the area bounded by Lighthouse Avenue, Asilomar Avenue, and the northern boundary of Asilomar State Park to the south, and is located in the Asilomar Dunes complex extending from Point Pinos at the Lighthouse Reservation in Pacific Grove through Spanish Bay and to Fan Shell Beach in the downcoast Del Monte Forest area (see Exhibits A, B and C).

The Applicant's parcel is located in an area zoned by the City as R-1-B-4, Single Family Residential, with a minimum parcel size of 20,000 square feet.¹ Development within the surrounding area is characterized by one and two-story single-family dwellings interspersed in the dunes. This low-density zoning and development on relatively large lots is part of what gives this Asilomar Dunes residential area its open-space character. In this case, the approximately one-half acre lot (22,289 square feet) is currently developed with a 1,891 square foot two-story house and garage and other impervious coverage (walkways, patios, water feature, storage shed, and driveway) totaling 1,359 square feet.² Accordingly, existing site coverage is 3,250 square feet, or 14.6% of the lot. Currently, the Applicant has not identified an existing immediate outdoor living space as that is understood in an LUP context on the site.³ Thus, existing lot coverage and outdoor living space together currently take up 14.6% of the site. Similar to many of the older residences in the Asilomar Dunes neighborhood, the existing residential development footprint leaves much of the lot, over 85% in this case, undeveloped. This low-density zoning and development on relatively large lots is part of what gives this Asilomar Dunes residential area its open-space character.

As discussed below, the entire site is considered to be environmentally sensitive habitat area (ESHA), as are all lots within dune habitat located in the Asilomar Dunes. This is due in part to the existence of up to ten plant species and one animal species of special concern that have evolved and adapted to the harsh conditions found in the Asilomar Dunes system. Increasing development pressure has reduced the amount of available habitat and thus the range of these species. The site is also located within an archaeologically sensitive area (see Exhibit E). Therefore, an archaeological survey was conducted for

¹ The City's zoning has not been certified as part of the LCP by the Commission.

² Calculations based on the submitted project plans indicate that building coverage is 1,891 square feet. This figure is 377 square feet more than is listed as site coverage on the submitted plans, and reflects a reduction in residence footprint (6 square feet), an attached storage unit (252 square feet), enclosed rear porch (93 square feet), and covered front entry (38 square feet). Similarly, the plans over represent the amount of non-building coverage by 498 square feet. Thus, for the purposes of the Commission's review, the amount of existing building coverage is 1,891 square feet and the amount of existing non-building coverage is 1,359 square feet.

³ That is not to say that there isn't an area currently being used in this respect on the site, and the Commission has not attempted to further clarify this context because such area for purpose of development review is dune. Thus, for the analysis that follows, the Commission presumes that outdoor living space is currently zero.



the parcel and a report prepared by Mary Doane and Gary Breschini for Archaeological Consulting (July 23, 2010).

2. Project Description

The proposed development includes a remodel and 320 square-foot addition to an existing two-story 1,891 square-foot residence with garage⁴ on a 22,289 square foot lot (see project plans attached as Exhibit G). The project also removes and partially replaces some existing site features including a concrete water feature, enclosed porch, floor slab, and wood deck on the south side; attached storage shed on the east side; a portion of the driveway; and a walkway on the north side. The proposal also includes restoration of the portion of the property not committed to residential use to its native dune condition and a split-rail fence in the front yard and a rope and pole fence along the western property line. The driveway extends 32 feet and is proposed to cover roughly 454 square feet of the site (not counting a portion of the driveway within the 20-foot front yard setback).⁵ When added to other proposed impervious surfaces (decks, patio terrace, walls, and walkways) totaling 615 square feet, total coverage for the site will be 3,280 square feet or 14.7% of the lot. At this time, the project includes only a modest amount of bare sandy areas set aside for immediate outdoor living space (i.e., approximately 64 square feet near the front entry; and 85 square feet between the masonry wall and residence). Thus, the application proposes to commit 15.4% of the site (3,429 square feet) to residential development and use.

Finally, the Applicant has also incorporated various mitigations required by the City through CEQA into the project, pursuant to an adopted Mitigation Monitoring Program (see Exhibit J). These address biological issues such as monitoring during construction activities, as well as visual, cultural resource, and geological issues. These incorporated components are considered part of the proposed project as a result.

B. Standard of Review

The Asilomar Dunes portion of the City of Pacific Grove is within the coastal zone, but the City does not have a certified LCP. The City's Land Use Plan (LUP) was certified in 1991, but the zoning, or Implementation Plan (IP) portion of the LCP has not yet been certified. The City is currently in the preliminary stages of updating its LUP and developing an IP. Because the City does not yet have a certified LCP, applicants for coastal zone development must apply to the Coastal Commission directly for coastal development permits. Although the certified LUP provides non-binding guidance during the review of such applications, the standard of review is the Coastal Act.

⁴ Id (based on calculations derived from the proposed plans).

⁵ Driveway components that are located within the 20-foot front setback area are treated differently under the LUP. Specifically, a 12-foot wide portion of the driveway within the 20-foot front yard setback may be excluded from the coverage calculation if the entire driveway is comprised of pervious or semi-pervious materials.



C. Coastal Development Permit Determination

1. Environmentally Sensitive Habitat Areas

A. Applicable Environmentally Sensitive Habitat Area (ESHA) Policies

Coastal Act Section 30240, states:

Section 30240 Environmentally sensitive habitat areas; adjacent developments

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Coastal Act, in Section 30107.5, defines an environmentally sensitive area as

Section 30107.5...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

As indicated previously, while Coastal Act policies are the standard of review for coastal development permits until the City completes its LCP, the City's certified LUP can provide guidance to the Commission as it considers proposals for development in the Asilomar Dunes neighborhood. With regards to environmentally sensitive habitat areas, the LUP contains various policies designed to protect the acknowledged dune ESHA of the Asilomar dunes area:

LUP Policy 2.3.5.1. New development in the Asilomar dunes area (bounded by Asilomar Avenue, Lighthouse Avenue, and the boundary of Asilomar State Park) shall be sited to protect existing and restorable native dune plant habitats... No development on a parcel containing ESHA shall be approved unless the City is able to find that, as a result of the various protective measures applied, no significant disruption of such habitat will occur. [emphasis added]

LUP Policy 2.3.5.1.d. The alteration of natural land forms and dune destabilization by development shall be minimized. Detailed grading plans shall be submitted to the City before approval of coastal development permits.

LUP Policy 2.3.5.1.e If an approved development will disturb dune habitat supporting or potentially supporting Menzies' wallflower, Tidestrom's lupine or other rare or endangered species, or the forest front zone along Asilomar Avenue south of Pico Avenue, that portion of the property beyond the approved building site and outdoor living space (as provided in section



3.4.5.2) shall be protected by a written agreement, deed restrictions or conservation easement granted to an appropriate public agency or conservation foundation. These shall include provisions which guarantee maintenance of remaining dune habitat in a natural state, provide for restoration of native dune plants under an approved landscape plan, provide for long-term monitoring of rare and endangered plants and maintenance of supporting dune or forest habitat, and restrict fencing to that which would not impact public views or free passage of native wildlife. Easements, agreements or deed restrictions shall be approved prior to commencement of construction and recorded prior to sale or occupancy.

LUP Policy 2.3.5.1.g. Require installation of utilities in a single corridor if possible, and should avoid surface disturbance of areas under conservation easement.

*LUP Policy 3.4.4.1. All new development shall be controlled as necessary to ensure protection of coastal scenic values and **maximum possible preservation of sand dunes and the habitat of rare and endangered plants.** [emphasis added]*

Section 3.4.5.2 of the LUP specifies the maximum aggregate lot coverage allowed for new development in the Asilomar Dunes area as follows:

LUP Policy 3.4.5.2. Maximum aggregate lot coverage for new development in the R-1-B-4 zoning districts is 15% of the total lot area. For purposes of calculating lot coverage under this policy, residential buildings, driveways, patios, decks (except decks designed not to interfere with passage of water and light to dune surface below) and any other features that eliminate potential native plant habitat will be counted. However, a driveway area up to 12 feet in width the length of the front setback shall not be considered as coverage if surfaced by a material approved by the Site Plan Review Committee. An additional 5% may be used for immediate outdoor living space, if left in a natural condition, or landscaped so as to avoid impervious surfaces, and need not be included in the conservation easement required by Section 2.3.5.1(e). Buried features, such as septic systems and utility connections that are consistent with the restoration and maintenance of native plant habitats, need not be counted as coverage.

The siting of each new development and the expected area of disturbance around each residence shall be individually reviewed by the Site Plan Review Committee. Such review shall duly consider the minimization of dune destabilization and disturbance to endangered plants and their habitat.

B. Site/Resource Description

Asilomar Dunes Complex

Coastal sand dunes constitute one of the most geographically constrained habitats in California. They only form in certain conditions of sand supply in tandem with wind energy and direction. Dunes are a dynamic habitat subject to extremes of physical disturbance, drying, and salt spray, and support a unique suite of plant and animal species adapted to such harsh conditions. Many characteristic dune species are becoming increasingly uncommon. Even where degraded, the Coastal Commission has typically found



this important and vulnerable habitat to be ESHA due to the rarity of the physical habitat and its important ecosystem functions, including that of supporting sensitive species.

The proposed development is located in the Asilomar Dunes complex, an environmentally sensitive habitat area extending several miles along the northwestern edge of the Monterey Peninsula. The Asilomar Dunes complex extends from Point Pinos at the Lighthouse Reservation in Pacific Grove through Spanish Bay and to Fan Shell Beach in the downcoast Del Monte Forest area. Within Pacific Grove, this dunes complex extends through two protected areas, the Lighthouse Reservation area and Asilomar Dunes State Park, that sandwich a dune-residential community. Although this dune-residential area is often described as Asilomar Dunes more broadly, it is only a part of the larger Asilomar Dunes complex.⁶

The Asilomar Dunes extend inland from the shoreline dunes and bluffs through a series of dune ridges and inter-dune swales to the edge of more urban development in some cases and the edge of the native Monterey pine forest in others. The unusually pure, white quartz sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the original habitat area, which spans almost five miles of shoreline and includes the Asilomar residential neighborhood in Pacific Grove, remain in a natural state. The balance of the original habitat has been lost or severely damaged by sand mining, residential development, golf course development, trampling by pedestrians, and the encroachment of non-indigenous introduced vegetation. While a number of preservation and restoration efforts have been undertaken, most notably at the Spanish Bay Resort, Asilomar State Beach, and in connection with previously approved residential developments on private lots, much of the Asilomar Dunes complex remains in a degraded state. Even so, it remains a valuable habitat area, including because it supports certain plants and animals characteristic of this environmentally sensitive habitat that are themselves rare and/or endangered.

The Asilomar Dune complex includes up to ten plant species and one animal species of special concern that have evolved and adapted to the desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area. The best known of these native dune plants are the Menzie's wallflower, Monterey spineflower and the Tidestrom's lupine, all of which have been reduced to very low population levels through habitat loss and are Federally-listed endangered species, and all of which have been identified on this site. Additionally, the native dune vegetation in the Asilomar Dunes also includes other dune species that play a special role in the ecosystem; for example, the bush lupine which provides shelter for the rare black legless lizard, and the coast buckwheat, which hosts the endangered Smith's blue butterfly. Native Monterey pine trees that comprise the forest-front, an area where the central dune scrub plant community intersects the native Monterey pine forest community, serve to minimize environmental stresses to the interior trees of the forest, reduce tree failures that result when trees are more directly exposed to wind, and are considered critical in maintaining the stability of the landward extent of the sand dunes. Because of these unique biological and geological characteristics of the Asilomar Dunes, the Commission has a long history of identifying all properties in the Asilomar Dunes

⁶ The Pacific Grove Asilomar Dunes dune-residential area is located between Lighthouse Avenue and State Parks' Asilomar Conference grounds, and between inland Asilomar Avenue and the Asilomar State Beach shoreline.



area with these dune system features, both in the City of Pacific Grove and Monterey County, as within environmentally sensitive habitat areas. Based on this understanding, the Pacific Grove LUP certified by the Commission includes a variety of policies, some of which are cited above, to protect this identified dune ESHA.

Specific Site Resources

At the time of LUP development, the City of Pacific Grove conducted a comprehensive survey of existing dune resources on each parcel. At that time (1990), the Applicant's parcel was identified and characterized as "sand dunes" with an extreme sensitivity and "coastal meadow" with moderate sensitivity (see Exhibit D). A botanic survey prepared for the Applicant by Thomas Moss in July 31, 2010 (revised March 13, 2011) for the current proposal found three special status plant species on the property: Tidestrom's lupine, Menzies' wallflower, and Monterey spineflower. According to the botanic survey, the property contains a mixture of native and exotic vegetation. A solid mat of ice plant grows along the western property boundary adjacent to the house and south of the back yard fence. Groves of Monterey cypress occur in the front and back yards along with a patch of European beach grass that has spread over portions of the back yard.⁷ A small population of Tidestrom's lupine has colonized between the exotic vegetation in the front yard and over much of the rear yard where no landscape manipulation has occurred. And a full array of native plants that comprise the unique Asilomar Dunes landscape are present in the rear yard including the aforementioned Menzies' wallflower and Monterey spineflower. The Applicant's botanic survey notes that replacing the non-native plant species with species native to the Asilomar Dunes complex would greatly enhance and restore the property's biological and aesthetic resource values. And though the site was not surveyed for black legless lizards, the botanic survey indicates it is likely that the lizard is present on the site where native vegetation is growing, particularly in the southern portion of the site.

Commission staff has visited the site and confirmed that the site contains dune habitat, albeit degraded with some non-native ice-plant cover. Therefore, based upon the botanical survey prepared for the property, staff observations, and consistent with the City's LUP and prior Commission actions on other proposed development in the Asilomar Dunes, the Commission finds that the site is environmentally sensitive habitat as defined by Section 30107.5 of the Coastal Act.

C. Project Impacts

The proposed project will impact the dune ESHA on the site in two ways: it will extend the life, and thus the impacts, of a residential use in dune ESHA for the foreseeable future, and it will contribute to the cumulative loss of the Asilomar Dune system. Nonetheless, as discussed below, with on and off site restoration, avoidance of sensitive dune species, other measures to facilitate dune habitat, and conditions to meet the coverage limitations of the LUP, the project can be found consistent with Coastal Act Section 30240 in light of potential takings concerns.

⁷ Monterey cypress are endemic to the headlands between Cypress Point and Pescadero Point and at Point Lobos, but are not naturally occurring in the Asilomar Dunes.



Extension of Residential Use in ESHA

The existing home on the Applicant's site pre-dates the Coastal Initiative (Prop. 20 in 1972) and the Coastal Act (1976), including Coastal Act Section 30240, the purpose of which is to protect environmentally sensitive habitat areas. Ordinarily the Coastal Act does not allow residential uses in ESHA, absent a need to avoid an unconstitutional taking of private property. Thus, the existing condition of a residence in the Asilomar Dunes ESHA is not consistent with Coastal Act Section 30240. However, the Commission recognizes that there is pre-existing legal use of the site by a non-resource dependent residential use.

As proposed, the project will result in the addition to and remodel of the existing house, garage, and storage building in the same general, albeit somewhat expanded, location of the site. Although the application has not specifically addressed the life of the project, the Commission assumes that the new home will be on the site for at least 50 years, if not more. The Commission expects, therefore, that the impacts of the current residential use of the site will be extended into the future for as long as the new house remains on the site.

Direct and Indirect ESHA Impacts

The extended impacts of the proposed residential use on ESHA are varied. First and foremost is the direct loss of dune ESHA on site, due to the proposed development footprint of 3,280 square feet or approximately 14.7% of the 22,289 square foot site. The proposed development includes a 320 square-foot addition and remodel to an existing 1,891 square-foot single-family residence, garage, and attached storage facility. Another 1,069 square feet is committed to impervious hardscape including walkways, patios, and driveway.

Currently, 3,250 square feet, or 14.6% of the property is covered by building and non-building coverage. The Applicant has proposed to increase the aggregate lot coverage of this property a small bit by increasing the size of the residence while reducing and eliminating patio space, driveway apron, walkways, storage space, and other impervious surfaces. The project also includes 149 square feet (0.7%) of non-habitat landscaping near the front entry and along the west elevation between the convex-shaped retaining wall and residence (i.e., outdoor living space per the LUP). Thus, in total, the project results in direct displacement of approximately 15.4% of the site or 3,429 square feet of dune habitat. Much of this area is already displaced by the existing residential use, though there are some different areas of coverage (some eliminated, some added), and redevelopment of the site will necessarily disturb areas immediately adjacent to the existing development footprint, but such impacts will be minimal and temporary. The following table summarizes the existing condition, the proposed project, and the LUP maximums related to site coverage for lots of the size at issue here (i.e., approximately one-half acre).



Table 1

Project Component	Existing	Proposed	LUP maximum
Building Coverage (home and garage)	1,891 sq. ft. (8.5%)	2,211 sq. ft. (9.9%)	
Other Coverage (driveways, sidewalks, etc.)	1,359 sq. ft. (6.1%)	1,069 sq. ft. (4.8%)	
Total Impervious Coverage	3,250 sq. ft. (14.6%)	3,280 sq. ft. (14.7%)	3,343 sq. ft. (15%)
Outdoor Living Area (dune areas used for residential purposes)	0 sq. ft. (0.0%) ⁸	149 sq. ft. (0.7%)	1,114 sq. ft. (5%)
Total Lot Coverage	3,250 sq. ft. (14.6%)	3,429 sq. ft. (15.4%)	4,557 sq. ft. (20%)

The other significant onsite impacts to ESHA are due to the location of the residential use immediately in and adjacent to the remaining habitat, without any buffers. To implement Coastal Act Section 30240 the Commission usually requires not only avoidance of ESHA but also the use of buffering to minimize the disruption of habitats from non-compatible uses. Such impacts include light and noise; shading of dune habitat; the potential introduction on non-native plants and invasive species; direct disturbance of habitat from residentially-related activities; and potential impacts on flora and fauna from domestic animals. In the case of dune habitat, the presence of residential development also results in a general impact to the ecological functioning of the dune system, including fragmentation of habitat and the prevention of sand movement that is an on-going feature of dune habitat systems.

In this case, there also are numerous endangered Tidestrom's lupine growing in close proximity to the proposed residence and driveway. Project-related construction activities (i.e., demolition and new construction) could result in damage and/or loss of this protected species. Similarly, grading and stockpiling of soils and construction materials in areas of the site where sensitive plant species have been observed may result in the elimination of individual plants by directly burying them or from trampling incidental to construction activities.

As with other parcels in the Asilomar Dunes system, the impacts to adjacent habitat are not avoidable in this case if a residential use of the site is going to continue because the entire site is dune ESHA. There is no feasible location that could also buffer the ESHA. Some the impacts could perhaps be reduced, for example by reducing the size of the driveway and parking area in order to minimize coverage and maximize adjacent contiguous habitat. However, the overall impacts of the existing residential use on the dune system cannot be eliminated.

Expanded Residential Use of Site

As detailed above, the new residential use will expand the direct displacement of dune habitat area over existing conditions (from 3,250 to 3,429 square feet). The project is generally sited in the same location as the existing residential use. The new development footprint, though, expands generally west of the existing residence, and will thus result in expanded dune habitat loss in this location (see Exhibit G). Based on biological surveys, it appears that the new residence will avoid direct loss of sensitive dune plant occurrences on the site; however, the sandy dune substrate and landform is also ESHA, both as a

⁸ Id (considered zero).

constituent part of the larger dunes system and as a potential location for future sensitive dune plants, as the shifting sands and seed banks emerge over time.

Temporary ESHA impacts

The project will also result in direct temporary impacts to dune ESHA necessitated by the construction process. Inevitably the project will entail impacts to dune habitat beyond the proposed final development footprint, as it is not reasonably feasible to contain all of the construction activity within the development envelope itself. Although these areas will be restored at the end of the construction process, they are, nonetheless, impacts to dune ESHA that must be accounted for. In addition, the Commission also recognizes that any redevelopment of the site cannot reasonably be achieved without some necessary disturbance of the general area within which the existing residential use is located. Finally, the project also requires installation of a drainage system and utility trenching which will also result in a temporary disruption of ESHA, and can reasonably be expected to result in future disruption for necessary repairs and maintenance.

Cumulative Impacts to Asilomar Dunes System

The Applicant's project is located in the southern half of the Asilomar Dunes dune-residential area of Pacific Grove, an area now of approximately 60 acres where the dunes retain roughly their original contours. Although divided into about 95 lots and developed with about 75 existing dwellings, the area still contains some of the best remaining examples of the original Asilomar Dunes landform and flora.

The cumulative impacts of additional residential development, both new and redevelopment, will have a substantial adverse impact on the unique ecology of the Asilomar Dunes, as each loss of natural habitat area within the Asilomar Dunes formation contributes to the overall degradation of this finite and scarce coastal resource. This cumulative impact includes direct loss of habitat, increased fragmentation and interference with ecological processes, and intensified impacts from expanded and extended residential development immediately within the dunes system. In this respect, this project contributes to such cumulative impact overall.

D. Consistency with the Coastal Act and LUP Guidance

The Commission has a long history of protecting the Asilomar Dunes system ESHA, including through development and application of guiding Pacific Grove LUP policies that strike a balance between maximum dune habitat protection and allowance of a reasonable residential use on pre-existing subdivided parcels in the Asilomar area. To minimize disturbance to the sensitive dune and forest habitat that characterizes this area, the total maximum coverage under the City's LUP is limited to 15 percent of the lot area for lots of the size at issue here. As defined in the LUP, this coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. The remainder of the site must be preserved and restored as dune habitat as needed. The LUP also allows an additional up to 5% of "immediate outdoor living area" that can be landscaped and within which residential activities are allowed. Per the LUP, the remainder of any site (i.e., at least 80 percent, once maximum coverage and



outdoor living area are accounted for) must be preserved as dune habitat, including through restoration/enhancement as necessary to ensure maximum feasible habitat value.

In this case the proposed residential addition and remodel is sited in the same general footprint of the existing development, albeit with an increase in aggregate lot coverage, from 14.6% to 14.7%, or an additional 30 square feet, and a proposed immediate outdoor living area of 0.7%, or 149 square feet. The proposed residence otherwise avoids direct impacts to individual occurrences of endangered plant species that have been identified on the site.⁹ In addition, pursuant to the City's CEQA review, the Applicant has incorporated into the project a dune landscape restoration plan for the remainder of the site, as well as various other measures to address the impacts of the project (see Exhibit J).

The Commission has generally applied the guiding LUP 15/5% coverage rule cited earlier for cases in Asilomar where new development is proposed on vacant lots. This is to address the Coastal Act requirements to protect ESHA from non-resource dependent development, while avoiding a taking of private property. This intent is summarized in the Commission's 1988 findings for adoption of the LUP:

Over a period of 14 years, the Coastal Commission has considered several dozen coastal development requests in the Asilomar Dunes area...

Because of this existing pattern of use, it wasn't feasible to exclude residential development from existing vacant parcels. Therefore, the Commission has emphasized preservation and restoration of remaining habitat rather than strict prohibition ... Generally, this has meant that building and driveway coverage have been limited to 15% or less of the parcel area...

Since certification of the LUP, the Commission has continued the same general pattern of decision-making, with specific attention to limiting the total site coverage (excluding outdoor living space) of new residential development on vacant lots of record to 15% (e.g., 3-99-071 (Knight); 3-01-013 (Baldacci); 3-01-020 (Pletz)). As anticipated by the LUP, the Commission has allowed up to 20% coverage in cases involving smaller, more constrained lots (e.g., 3-90-123 (Naegele); 3-10-045 (DaCosta)). The Commission has also approved a number of demolition and rebuilds or remodels of existing homes with a coverage limitation equal to the existing coverage or with reduced coverage in certain cases where the existing residential use was greater than the 15-20% range contemplated by the LUP for new development (e.g., 3-97-001 (Johnson); 3-03-029 (Kwiatkowski); 3-09-012 (White); and 3-09-049 (Wheeler)). More recently, in these cases where there was new dune coverage and/or coverage increased but was still within LUP maximums, the Commission has also required 2:1 off-site mitigation for any dune coverage over existing conditions (e.g., 3-07-012 (Johnston); 3-10-029 (Johnston)).

Another important aspect of the Commission's permitting history in Asilomar is the evolution and refinement of the application of Coastal Act Section 30240 to new residential development in dune ESHA. For example, as evidenced by the LUP finding cited above, the Commission has always been

⁹ This does not account for potential seed bank present below the surface of the dunes on the site, but rather is focused on individual expressed above-ground plants. Given the shifting nature of these types of dunes, including shifting seed banks etc., it is generally presumed that expressed individuals indicate that seed stock for these species is present in the general area, and that the "habitat" for these species is not necessarily confined to individual expressed occurrences. That said, it has also been the Commission's long practice to avoid locations of individual sensitive plants that are identified on a site, as is the case here.



concerned with the need to provide for a residential use on existing vacant lots of record in Asilomar, notwithstanding the presence of dune ESHA. However, the Commission's more recent findings for such approvals have become more focused on the need to make such approvals to avoid a taking of private property pursuant to Coastal Act Section 30010 (e.g., 3-05-059 (Pletz) and 3-05-060 (Reinstedt)). In addition, since the Bolsa Chica decision in 1999,¹⁰ there has been increased attention on the need to more strictly apply the resource-dependent requirement of Section 30240. Although the practical effect may have been similar, earlier decisions in Asilomar focus more on the need to minimize significant disruption of dune habitat and less on the fact that residential development is not a resource dependent use.

The case at hand does not involve a vacant lot and thus the Commission is not obliged to approve the proposed residential expansion for reasons of avoiding a taking of private property. There is currently an approximate 1,896 square-foot residential development on the Applicant's site that provides a reasonable economic use of the property. However, the Commission acknowledges that it has also approved redevelopment, including an increase in lot coverage over existing coverage in some cases where an existing development exists, depending on the unique circumstances of each case, including whether there have been previous CDP requirements limiting future development. Here, the existing residential development pre-dates CDP requirements, and a relevant factor to consider is the long-standing 15% plus 5% maximum coverage guidance in the LUP for residential development in the Asilomar Dunes area. The existence of this LUP standard is a unique situation that distinguishes the Asilomar case from other protected ESHA systems along the coast that may not have such a standard already in place in the LUP to account for non-resource dependent development in ESHA. This standard has been certified by the Commission as appropriate under the unique circumstances presented in this particular area, and it applies throughout the Asilomar Dunes area. At the landscape level of the Pacific Grove portion of the Asilomar Dunes system, there is thus an argument for allowing each dune-residential parcel to enjoy the same limited benefits of some residential development in ESHA, up to the maximum coverage allowed by the LUP certified by the Commission in some cases (unless previous CDP decisions already prohibit additional development), all subject to case-specific circumstances.

In this case, there is already an existing non-resource dependent residential use on the site that pre-dates the Coastal Act. Redevelopment of the house will occur in the same general development footprint as this existing house, thereby limiting impacts to surrounding ESHA. The proposed addition and remodel will necessarily involve impacts to areas immediately surrounding the existing envelope, but such impacts will be minimal and temporary. Given a requirement to restore the remainder of the site, and conditions requiring the development to stay within the coverage limits of the LUP, the project will not result in a significant disruption of the Asilomar Dunes ESHA, despite the temporary impacts caused during remodel and addition.

Recognizing the unique circumstances of dune protection in the Asilomar system, including the long-applied LUP guiding policies that clearly establish a maximum coverage limit, the project can be found consistent with Section 30240, if conditioned to address the direct, indirect, and cumulative impacts of

¹⁰ *Bolsa Chica Land Trust v. Superior Court*, 71 Cal. App. 4th 493 (1999).



the development. To assure maximum protection and thus minimize significant disruption of dune ESHA, and to mitigate new direct and cumulative impacts to dune ESHA, as required by both the Coastal Act and the LUP, onsite and offsite restoration of dune habitat is necessary. Special conditions are also required to assure that the new residential development stays within the proposed coverage footprint.

Special conditions have been attached to this permit that require final plans identifying the maximum aggregate site coverage to include no more than 14.7% of the lot (up to 3,280 square feet), and limiting the immediate outdoor living space to no more than 0.7% of the lot size (i.e., up to 149 square feet) (see Special Condition 1a). Per LUP guidance, a portion of the driveway up to a maximum of 12 feet in width that is located within the 20-foot front yard setback may be excluded from this calculation if the entire driveway is comprised of pervious or semi-pervious materials. As proposed, the entire driveway is constructed of pervious paver material and thus a front setback area up to 12-feet in width may be excluded from the calculation (i.e., $12' \times 20' = 240$ square-foot exclusion). To best protect remaining dune habitat, special conditions are also attached to ensure that outdoor living areas immediately abutting native dune restoration areas are planted with native species from local stock appropriate to the Asilomar Dunes area. Specifically, Special Condition 1e requires the submittal of final landscaping plans that, among other things, prohibit the planting of non-native, invasive species, and further require all plant materials be selected to be complimentary to the native habitats in the project vicinity (Central Coast Dune Scrub and Monterey Pine Forest), to prevent the spread of exotic invasive plant species, and to avoid contamination of the local native plant community gene pool.

To avoid unnecessary dune landform alteration, Special Condition 1c requires the submittal of a grading plan that limits all grading activities to the building envelope identified pursuant to the final plan requirement of Special Condition 1a, and requires that all excess sands be used in conjunction with the Native Dune Landscape (Habitat) Restoration Plan (see below, and see Special Condition 2).

Because the project will adversely impact (i.e., not directly removed – see also below) sensitive dune habitat areas in a manner described above, mitigation is required to offset these impacts. Specifically, dune habitat areas must be enhanced and protected over the long term to offset impacts to these areas from a non-resource dependent residential use, including its extended lifetime, and for the temporary impacts associated with the construction of the residence and installation of a drainage system and underground utilities. The Applicant's proposed dune restoration can form the basis for such long-term enhancement and protection, provided it is put into the Commission's standard form for these types of restoration projects as a means to ensure its maximum effectiveness in this regard. Accordingly, this approval requires a qualified biologist to prepare and implement a native dune restoration plan for the site (Special Condition 2) that includes performance standards, and long-term maintenance and monitoring of the undeveloped portions of the property. In addition, the restoration area must be made off-limits to other than habitat related development and uses, and this approval requires a deed restriction for protection and restoration of all areas outside of an approved building envelope (see Special Condition 3). It is also appropriate to require evidence of an enforceable legal agreement (deed restriction) for implementation of the final restoration and management plan and to define the maximum building envelope (see Special Condition 9). Defining a building envelope will help reduce adverse



impacts to the environmentally sensitive habitat area, as well as minimize disruption to the sand dunes, throughout the life of the development.

The above conditions mitigate for the impacts of the proposed new development on the remaining dune ESHA on site. However, in order to adequately mitigate for the increased direct removal of dune ESHA necessitated by the expanded footprint of the proposed project, offsite mitigation is required. Special Condition 7 requires that prior to construction the Applicant submit an offsite dune habitat restoration plan that provides for restoration of dune habitat within the Asilomar Dunes system at the ratio of 2:1 mitigation for any new dune habitat coverage over existing conditions (i.e., for any new areas of the site that are being converted from dune habitat to residential uses).¹¹ Given the Commission's experience with the success rate of dune restoration projects, the ratio of 2:1 is a reasonable requirement to assure that the offsite restoration is successful and thus can adequately mitigate for the approved onsite dune impact.¹² In lieu of this requirement, the Applicants may submit to the Executive Director evidence that a dune restoration payment of \$0.92/square-foot¹³ for the required 2:1 dune mitigation (i.e., two times the calculated area (in square feet) of dune habitat converted to residential uses) has been deposited into an interest-bearing account to be established and managed by one of the following entities as approved by the Executive Director: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation, for the sole purpose of financing dune habitat restoration and maintenance within the Asilomar Dunes system. All of the funds and any accrued interest shall be used for the above-stated purpose, in consultation with the Executive Director, within ten years of the funds being deposited into the account. Any portion of the funds that remains after ten years shall be donated to one or more of the State Parks units located in the vicinity of the Monterey peninsula, or other organization acceptable to the Executive Director, for the purpose of restoring and maintaining sensitive habitat. Calculations based on the submitted plans estimate approximately 640 square feet of new incursion into dunes habitat. Accordingly, 1,280 square feet (640 x 2) of off-site dune mitigation or a corresponding dune mitigation payment of \$1,177 (1,280 x \$0.92 = \$1,177) would be required under this scenario.

The proposed project also includes fencing along Pico Avenue and along the western property line, which the Applicant has proposed in order to discourage people from trespassing onto the property where the most significant collections of rare plants are located. The Commission has historically discouraged installation of fencing and other barrier devices in these dune areas so as to maximize their habitat values,¹⁴ including to allow maximum natural exchange of sand and seed stock across the dunes, and to ensure wildlife corridor continuity. Typically, when fencing is considered in the Asilomar Dunes area, it must be considered based on the purpose and need for such fencing and, where it is deemed that a fence cannot be avoided, only split rail or similar low-key landscape fencing may be used.

¹¹ Id (consistent with past Commission actions that include this impact).

¹² The extra area of restoration provides a contingency buffer in the event the entire offsite restoration is not successful.

¹³ The dollar amount of \$40,000 per restoration acre or 92 cents/sq. ft. is based on the Commission's understanding of the current cost of restoration in the Asilomar Dunes based on recent examples (e.g., the dune restoration recently undertaken at the margins of the Pacific Grove municipal golf course).

¹⁴ And their viewshed values; see also visual resources finding that follows.



In this case, the Applicant proposes to remove existing solid wood and vertical-slat fencing at the site (primarily along the western property boundary and at the rear of the site). The removal of such fencing will be a habitat benefit, as it will remove an obstruction to naturally functioning dunes. Along with the restoration component of the project, the fence removal represents a habitat enhancement that helps to also offset above-described project impacts. However, the Applicant also proposes to install a post and rail fence at the Pico property line of the site, and a post and cable fence and interpretive signing along the western property boundary. Both fences are proposed to help inform people regarding the dune habitat and to discourage trampling of rare plants, including an area at the rear of the site that is part of a larger area that is known to be occupied by a significant number of sensitive plants, and an area at the front of the house that includes a patch of individual plants. Although the objectives behind the proposed fencing are sound, the Commission's intent as regards Asilomar Dunes fencing is to leave the landscape uncluttered by such fencing if possible to facilitate continuous dune resource values (and viewshed values – see visual findings), and understanding the dunes as a complex at a landscape level that doesn't extend along property lines. In this case, it is appropriate to provide small signage that can inform people as to sensitivity, but the fencing – even symbolic fencing – is not necessary and not appropriate in this case past the time when potential trampers have been effectively informed. Temporary construction fencing is appropriate, as is symbolic rope and pole fencing during the first year of implementation of the restoration plan (including to reinforce the utility of the signage after such fencing is removed), but the permanent property line fencing proposed is antithetical to individual and landscape level dune resource enhancement, including at a cumulative level when considered in relation to other fencing in the Asilomar Dunes. Thus, this approval is conditioned to provide for temporary exclusionary construction fencing and temporary (during the first year of restoration) rope and pole symbolic fencing, but no permanent fencing (see Special Condition 1g). Small low lying signs, no more than approximately one square foot, are allowed to remain over time to continue to reinforce identification of dune resources and to discourage trampling (one sign along Pico, and as few signs as needed to effectively communicate along the western side of the property). These conditions ensure effective notification of resource values as is appropriate, and avoid fencing impacts to and in dunes.

Along with the temporary construction fencing, to assure compliance with the native dune restoration plan, an environmental monitor must observe the site on a weekly basis during construction. Experience has shown that exclusionary fencing helps to assure that workpeople and materials stay outside sensitive natural habitat areas, and that weekly monitoring helps ensure this is the case. Weekly monitoring during construction is required as a condition of this permit, consistent with LUP Policy 2.3.5.1(c) regarding compliance inspections during the construction phase (Special Condition 5).

In addition, Special Condition 1d requires implementation of construction BMPs both during and after construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. Special Condition 6 requires all utilities to be installed in a single corridor underlying the driveway, consistent with LUP Policy 2.3.5.1.g.

5. ESHA Conclusion



As conditioned to: limit the development footprint to 14.7% and outdoor living space to 0.7% of the roughly one-half acre lot; require implementation of a native dune restoration plan; require 2:1 mitigation for any new dune habitat coverage over existing conditions; incorporate the City's mitigation measures; record deed restrictions clearly identifying the requirements for restoration and maintenance of natural dune habitat equivalent to at least roughly 83.5 percent of the lot area;¹⁵ require temporary exclusionary fencing and monitoring to avoid disturbance of the existing native plant habitat areas; allow temporary symbolic rope and pole fencing during the first year of restoration; omit all permanent fencing; and prohibit any future development in the restored area outside of the coverage area, the proposed development can be found consistent with the Coastal Act's sensitive habitat policies. Although continued, and in this case incrementally expanded, residential development in dune ESHA is not consistent with the general intent of Coastal Act Section 30240, because there is a pre-existing non-resource dependent use on this site, redevelopment of the use would be in the same general location as the existing use, and there are unique circumstances surrounding the Commission's implementation of Section 30240 in the Asilomar Dunes residential area of Pacific Grove, the proposed development can be allowed in this particular case, as conditioned herein. With the special conditions to protect dune habitat and provide restoration of same, the Commission finds that the project is consistent with Section 30240 as that section is understood in a takings context in the Asilomar Dunes.

2. Visual Resources

A. Applicable Visual Resources Policies

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, Section 30240(b) (previously cited), requires that development adjacent to parks and recreation areas be sited and designed to avoid degradation of those areas. The dune-residential area in this case backs up to the Asilomar Dunes Conference Grounds and is adjacent to Asilomar Dunes State Beach that is located seaward of the site.

The City's certified Land Use Plan, which is advisory in this case, also contains the following relevant policies:

LUP Policy 2.5.2. ... Coastal area scenic and visual qualities are to be protected as resources of

¹⁵ 83.5 percent equals the remaining area outside of the development footprint minus the area excluded for the driveway per the LUP guidance.



public importance. Development is required to be sited to protect views, to minimize natural landform alteration, and to be visually compatible with the character of surrounding areas.

***LUP Policy 2.5.4.1.** It is the policy of the City of Pacific Grove to consider and protect the visual quality of scenic areas as a resource of public importance. The portion of Pacific Grove's coastal zone designated scenic includes: all areas seaward of Ocean View Boulevard and Sunset Drive, Lighthouse Reservation Lands, Asilomar Conference Ground dune lands visible from Sunset Drive, lands fronting on the east side of Sunset Drive; and the forest front zone between Asilomar Avenue and the crest of the high dune (from the north side of the Pico Avenue intersection to Sinex Avenue)*

***LUP Policy 2.5.5.1.** New development, to the maximum extent feasible, shall not interfere with public views of the ocean and bay.*

***LUP Policy 2.5.5.4.b.** New development on parcels fronting on Sunset Drive shall compliment the open space character of the area. Design review of all new development shall be required. The following standards shall apply: a) Minimum building setbacks of 75 feet from Sunset Drive shall be maintained. Larger setbacks are encouraged if consistent with habitat protection; b) residential structures shall be single-story in height and shall maintain a low profile complimenting natural dune topography. In no case shall the maximum height exceed 18 feet above natural grade within the foundation perimeter prior to grading; c) structures shall be sited to minimize alteration of natural dune topography. Restoration of disturbed dunes is mandatory as an element in the siting, design, and construction of a proposed structure; d) Earthtone color schemes shall be utilized, and other design features incorporated that assist in subordinating the structure to the natural setting.*

***LUP Policy 2.5.5.5.** Landscape approval shall be required for any project affecting landforms and landscaping. A landscaping plan, which indicates locations and types of proposed plantings, shall be approved by the Architectural Review Board.*

***LUP Policy 2.5.5.6.** ...Utilities serving new single-family construction in scenic areas shall be placed underground.*

***LUP Policy 3.4.4.1.** All new development in the Asilomar Dunes area shall be controlled as necessary to ensure protection of coastal scenic values and maximum possible preservation of sand dunes and the habitat of rare and endangered plants.*

The Coastal Act protects coastal zone viewsheds, and requires that these viewsheds be protected as a resource of public importance. Development must be sited and designed to protect such scenic coastal views, including by minimizing natural landform alteration and requiring development to be compatible with established visual character. Development in highly scenic areas, such as the Asilomar Dunes system, must be subordinate to the character of its setting. The LUP echoes and reinforces these visual resource protection policies for this area. The LUP identifies the Asilomar Dunes area as both a highly scenic area and also a resource of public importance. Complementary LUP policies serve to protect



public views and scenic resources in the Asilomar Dunes area. Finally, the Coastal Act requires that development adjacent to Asilomar Dunes State Beach be sited and designed to avoid degradation of the park.

B. Visual Resources Analysis

The existing residence that will be renovated is a 1,891 square-foot, two-story dwelling sited on the front third (Pico Avenue side) of the lot and located three houses in from the corner of Pico Avenue and Sunset Drive. The parcels on the south side of Pico Avenue (including this one) back up to the 100-acre Asilomar Dunes Conference Grounds and are visible from the Conference Grounds, the first through public road (Sunset Drive), and the State Park trails near the ocean across the sand dunes. The existing residence is 22.5 feet in height and has a nearly flat roof. The two-story residence is sited in a cluster of development along Pico Avenue with moderately sloping sand dunes and Monterey pine forest in the background. Because of its location and siting in relation to surrounding development, other than the fencing associated with residential development (see below), the two-story residence is generally compatible with its surroundings and generally fits into the dune-residential landscape (i.e., both native dune habitat in the foreground and the Monterey pine forest-front in the background are seen from Sunset Drive). As built, the existing residence (other than the fencing) does not block views of the ocean from public viewing areas defined in the LUP Shoreline Access Map (Exhibit F), and does not significantly impose upon the public viewshed as seen from the shoreline. The existing residence (other than the fencing) is generally consistent with the low-density residential character of this established dune-residential neighborhood.

Both the Coastal Act and the LUP require that new development be compatible with and subordinate to the character of this important Asilomar Dunes viewshed, including as seen from Sunset Drive and the State Park along the shoreline. This viewshed is to be protected as a "resource of public importance." The LUP provides guidance in this respect, including by limiting overall height to 18 feet for single-story residences along Sunset Drive, 25 feet elsewhere, and maintaining a low-profile that compliments the dune topography in all cases. The proposed residential addition is designed at the same scale as the existing residence and within generally the same footprint. The Applicant is proposing to add a pitched roof to the renovated structure which would add roughly two feet to the overall height of the structure and much more architectural interest to the residence overall. The additional height and other modifications will have a negligible impact over existing conditions, no public views will be blocked and the modest increase in size will not be significantly noticeable from primary shoreline views along Sunset Drive, State Park trails and the Asilomar Conference Grounds. The modest increase in floor area, mass and scale at this location fits in with, and is generally subordinate to, the dune-residential character of the area, similar to the existing residential profile (other than fencing, see below). Impacts associated with the minor increase in height and massing are offset by the proposed undergrounding of all utilities within the driveway of the renovated residence. Accordingly, this element of the proposed design is consistent with Section 30251 of the Coastal Act and the visual protection provisions of the LUP. Special Condition 1f recognizes and formalizes the Applicant's proposal and limits the overall ridge height of the project to 24.5 feet above finished floor elevation. The remaining portions of the residence, and in particular, plate and ridge heights, shall remain in substantial conformance with the submitted



plans. Special Condition 6 requires all utilities to be placed within a single corridor underlying the building envelope.

The proposed residential addition has otherwise been sited to avoid adverse impacts to known populations of sensitive species and to minimize adverse impacts to potential habitat areas present on site. See the ESHA finding above for a complete discussion of siting impacts. As required by LUP Policy 2.5.5.5, final architectural approval was granted for the design and the Mitigation Monitoring Plan (MMP) by the Architectural Review Board (ARB) on March 22, 2011. As required by LUP Policy 2.5.5.4.d, the permit has been conditioned to require the use of natural materials and an earth-tone color scheme to assist in subordinating the structure to the natural dune setting. The MMP has been incorporated herein pursuant Special Condition 8.

As previously described, all areas outside of the building envelope will be excluded from development by a deed restriction required to protect the environmentally sensitive habitat on the remaining undeveloped portion of the property. This condition also helps to find visual consistency as it maintains the natural landform as much as possible in a restored state that will help offset the dichotomy of residential development in the dunes by ensuring that it is subordinate to the dune setting. As conditioned for habitat purposes, the project results in the maximum allowable site coverage for this site, and no future additions will be allowed that would increase the total aggregate site coverage or create additional view impacts. Again, this is also necessary to find visual consistency as additional development outside the development envelope would lead to inappropriate viewshed impacts as well. Thus, these conditions are also required for viewshed protection.

With respect to fencing, the proposed project includes removal of existing solid wood fencing, primarily along the western property boundary and at the rear of the site. Such removal will be an improvement in terms of the visual compatibility of the development with the surrounding dune environment, including in terms of its location near significant viewing areas. As a general rule, solid wood fencing in the Asilomar Dunes is antithetical to the dune landform aesthetic within which the residential development must fit. Thus, its removal in this case is consistent with the Coastal Act. However, the new fencing proposed, albeit post and pole (Pico property line) and post and cable (western property line) as opposed to solid fencing, raises visual compatibility concerns. Specifically, the residential development and all aspects of it, like fencing, needs to together be subordinate to the setting. Again, as discussed in the ESHA findings, the objectives behind the fencing proposed are sound, but it results in inappropriate clutter within the public viewshed that serves to visually emphasize the residential component of the project, including along arbitrary (in a dune resource sense) property lines, as opposed to the Coastal Act objective requiring the residential component to be subordinate to the natural setting. Although the fencing is relatively low key, appropriate notification can be provided via very small and low signs that can inform people as to dune sensitivity while avoiding the visual impacts of fencing. Temporary construction fencing is appropriate, as is symbolic rope and pole fencing during the first year of implementation of the restoration plan (including to reinforce the utility of the signage after the fencing is removed), but the permanent property line fencing proposed is antithetical to individual and landscape level viewshed impacts designed to ensure that such residential development is subordinate to the natural setting. Although there is residential development in Asilomar Dunes, the Coastal Act directs



such development to appear as houses dotted in a dune landscape as opposed to dunes interspersed between residential lots, and fencing, even low-key fencing as proposed, only serves to enforce the latter at the expense of the former, and cannot be found consistent with the Coastal Act. This is particularly important on a cumulative basis and over time as sites are redeveloped, including as a means of addressing existing (often pre-Coastal Act) fencing and the way in which it affects sites and the overall landscape level phenomenon.

Thus, this approval is conditioned to provide for temporary exclusionary construction fencing and temporary (during the first year of restoration) rope and pole symbolic fencing, but no permanent fencing (see Special Condition 1g). Small low lying signs, no more than approximately a square foot, are allowed to remain over time to continue to reinforce identification of dune resources and to discourage trampling (one sign along Pico, and as few signs as needed to effectively communicate along the western side of the property). These conditions ensure effective notification of resource values as is appropriate, and avoid viewshed degradation.

C. Visual Resources Conclusion

The Applicant's property is visible from the primary scenic shoreline roadway, Sunset Drive, and from Asilomar State Beach and Conference Grounds. The proposed project should be able to blend effectively within the dune aesthetic, including through removal of fencing from the project and restoration of the remainder of the site to help subordinate the residential development to the dune landscape in which it is located. Given its size and setting, the approved project will be compatible with its surroundings and will generally fit into the dune-residential landscape (i.e., both native dune habitat in the foreground and the Monterey pine forest-front in the background are seen from Sunset Drive). The pitched roofline will add two additional feet to the overall height of the residence and its appearance, but this is offset by more architectural interest over the existing residence, undergrounding of utilities, and the fencing and restoration requirements. Special Conditions limit overall height to 24.5 feet, and additional required visual resource mitigation measures include the use of natural materials, earthen-tone finishes, and final grading plans. Accordingly, the project can be found consistent with Section 30251 and 30240(b) of the Coastal Act and LUP visual resource policies.

3. Archaeological Resources

A. Applicable Archaeological Resources Policies

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Land Use Plan Section 2.4 also provides guidance on this topic as follows:

LUP Policy 2.4.5.1. Prior to the issuance of any permit for development or the commencement of any project within the areas designated on Figure 3, the Archaeological Sensitivity Map, the



City in cooperation with the State Historic Preservation Office and the Archaeological Regional Research Center, shall:

- (a) Inspect the surface of the site and evaluate site records to determine the extent of the known resources.*
- (b) Require that all sites with potential resources likely to be disturbed by the proposed project be analyzed by a qualified archaeologist with local expertise.*
- (c) Require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist be submitted for review and, if approved, implemented as part of the project.*

B. Archaeological Resources Analysis and Conclusion

The subject site is located within an archaeologically sensitive area (see Exhibit E). An archaeological survey was conducted for the subject parcel and a report prepared by Mary Doane and Gary Breschini for Archaeological Consulting (July 23, 2010). The survey results indicated that there are seventeen archaeological sites located within one kilometer of the project site, though none of these sites are located immediately adjacent to the subject parcel. Field reconnaissance of the site, conducted July 23, 2010, resulted in no finding of materials frequently associated with prehistoric cultural resources (e.g., dark soil containing soil fragments, broken or fire-altered rocks, bone or bone fragments, etc.). However, since construction activities may unearth previously undisturbed materials, the project has been conditioned to prepare and implement an archaeological mitigation plan if archaeological resources are encountered (Special Condition 4).

As conditioned to require suspension of work and development of a mitigation plan if archaeological materials are found, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP archaeological resource policies.

4. Water Quality/Marine Resources

A. Applicable Water Quality Policies

Sections 30230 and 30231 of the Coastal Act state:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment,



controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Similarly, LUP Policy 2.2.5.2 states:

To reduce the potential for degradation of the ASBS/Marine Gardens, the City shall require, where necessary, drainage plans and erosion, sediment and pollution control measures as conditions of approval of every application for new development.

B. Water Quality Analysis and Conclusion

As recognized by the LUP, the rich and diverse marine habitat along the Pacific Grove Shoreline is an Area of Special Biological Significance (ASBS) designated by the State Water Resource Control Board. The project site is just inland, approximately 350 feet, from these marine habitats. Drainage and stormwater runoff from the site, both during and after construction, has the potential to degrade coastal water quality and diminish biological productivity by contributing sediments and pollutants to the ocean.

Therefore, to carry out the Coastal Act and LUP standards above, approval of the development has been conditioned to require grading and drainage plans that minimize site disturbance, prevent erosion, contain sediments and pollutants, and that retain, filter, and treat stormwater runoff on site to the maximum degree feasible (Special Condition 2d). Given the sandy substrate, onsite retention is generally effective in the Asilomar Dunes area at providing effective filtration and treatment most of the time, and the required grading and drainage plans recognize this. Only with this condition is the project consistent with Coastal Act Sections 30230 and 30231.

5. Local Coastal Programs

Section 30604(a) of the Coastal Act. Section 30604(a) states:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

Although the northern Asilomar Dunes area was originally included in the work program for Monterey County's Del Monte Forest Area LUP (approved with suggested modifications, September 15, 1983), the area was annexed by the City of Pacific Grove in October 1980, and therefore is subject to the City's LCP process. Exercising its option under Section 30500(a) of the Coastal Act, the City in 1979 requested the Coastal Commission to prepare its Local Coastal Program. However, the draft LCP was



rejected by the City in 1981, and the City began its own coastal planning effort. The City's LUP was certified on January 10, 1991, and the City is currently working on both an LUP update and associated implementing ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. At this time, however, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.

The LUP contains various policies that are relevant to the resource issues raised by this permit application, particularly with respect to protection of environmentally sensitive habitat and scenic resources (see previous findings). The City's action on the project also generally accounted for the proposed LUP policies.

Therefore, as conditioned, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete LCP consistent with Coastal Act policies.

6. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effects which the activity may have on the environment.

On March 22, 2011 the City of Pacific Grove, acting as the lead CEQA agency, completed a mitigated negative declaration for the project that concluded that with the addition of mitigation measures the project would not have significant environmental impacts. The City incorporated said mitigation measures into its March 22, 2011 approval of the project.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

D. Conditions of Approval



A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of revised final plans, for the Executive Director's review and approval, in substantial conformance with the plans submitted with the application (prepared by W. E. Bredthauer, Architect, dated August 31, 2010 and dated revised on March 18, 2011, and dated received in the Coastal Commission's Central Coast District Office on March 23, 2011), and as modified and supplemented as follows:
 - (a) **Building Envelope.** The plans shall include a final site plan that limits the site coverage to a total of no more than 14.7% of the 22,289 square foot lot (i.e., a maximum of 3,280 square feet, excluding a 20 x 12 foot portion of the driveway) and immediate outdoor living space to no more than 0.7% of the lot (i.e., no more than 149 square feet). The area within this maximum 15.4% area (and within the allowed driveway exclusion area) shall be considered the building envelope, and all development other than habitat enhancement development shall be confined within this building envelope. All coverage calculations (i.e., for the residence, driveway, immediate outdoor space, etc.) shall be provided and broken down by classification and accompanied by a site plan illustration keyed to each sub-type in closed polygon format. The remainder of the project site outside of the building envelope shall be restored to its native habitat condition pursuant to Special Condition 2, and restrictions placed upon it to ensure that only development consistent with the required habitat restoration activities may occur within this protected habitat area (Special Condition 3).



- (b) **Dune Topography.** The plans shall provide for the remainder of the site outside of the development envelope to be contoured in such a way to mimic naturally undulating dune landforms and to limit the visibility of development in the building envelope as seen from Pico Avenue, Sunset Drive, and Asilomar State Beach to the maximum degree feasible. Any imported sand necessary for this purpose shall be clean sand from within the Asilomar Dunes system. The plans shall identify all finished dune contours and shall provide mechanisms consistent with the Landscape Restoration Plan (see Special Condition 2) to ensure that finished contours are maintained substantially consistent with their approved state.
- (c) **Grading.** The plans shall include a revised grading plan that limits all grading activities to the building envelope identified pursuant to subsection (a) above with one exception: sand to be excavated to accommodate the development may be placed outside of the building envelope, pursuant to the approved landscape restoration plan (Special Condition 2), in a manner that replicates surrounding natural dune forms and that maximizes screening of the development envelope as seen from Pico Avenue, Sunset Drive, and Asilomar State Beach, provided that it is free of impurities or previously imported soil or fill material. The grading plan shall be accompanied by a determination by a qualified biologist or landscape professional that the placement of sand or changes to existing site contours outside of the building envelope, will support and enhance the restoration of natural habitat values, including avoiding direct impacts to sensitive plants. Any excess sands not used in conjunction with the native habitat restoration shall be made available for use within the Asilomar Dunes area of Pacific Grove.
- (d) **Drainage and Erosion Control.** The plans shall include a drainage and erosion control plan that incorporates the following provisions:
- (1) **Implementation of Best Management Practices During Construction.** The plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook, and shall be located entirely within the building envelope specified in accordance with subsection (a) above to the maximum degree feasible. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; and provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; and the immediate clean-up of any leaks or spills.



The plans shall indicate that PRIOR TO THE COMMENCEMENT OF GRADING, the Permittee shall delineate the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

- (2) **Post-Construction Drainage.** Plans to control drainage after construction is complete shall retain runoff from the roof, driveway, decks, and other impervious surfaces onsite to the greatest degree feasible. Runoff shall be captured and directed into designated pervious areas, percolation pits or appropriate storm drain systems. The drainage plan shall demonstrate that the pervious areas, percolation pits, or drainage systems are sized and designed appropriately to accommodate runoff from the site produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. In extreme storm situations (>85% storm) excess runoff shall be conveyed off-site in a non-erosive manner. Plan preparation shall be coordinated in conjunction with the Landscape Restoration Plan (special Condition 2) and the project biologist to determine the best suited location for percolation pits and drain systems to avoid any adverse impacts on native dune restoration activities.
- (e) **Landscaping and Irrigation Details.** The Plans shall include landscape and irrigation parameters prepared by a licensed Landscape Architect that shall identify all plant materials (size, species, and quantity), all irrigation systems, and all proposed maintenance. All plants used on site shall be native species from local stock appropriate to the Asilomar Dunes planning area. Non-native and invasive plant species shall be removed and shall not be allowed to persist on the site. The planting of non-native invasive species, such as those listed on the California Invasive Plant Council's Inventory of Invasive Plants, is prohibited. All plant materials shall be selected to be complimentary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The landscape plans shall also be designed to protect and enhance native plant communities on and adjacent to the site, including required restoration and enhancement areas. All landscaped areas on the project site shall be continuously maintained by the Permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition.
- (f) **Building Height.** Buildings shall be no higher than 24.5 feet above the finished floor elevation, and the plans shall provide detail necessary to ensure that this is the case.
- (g) **Fencing and Signs.** The Plans shall provide for the following:
- (1) **Permanent Fencing Prohibited.** All permanent fencing shall be removed from the plans and shall be prohibited on the site.
- (2) **Temporary Construction Fencing.** Temporary exclusionary fencing to protect sensitive areas from disturbance during construction is allowed, but only during construction. Such fencing shall be 4 feet high, made up of mesh field fence or snowdrift fence (or comparable barrier), and secured by metal T-posts spaced no more than 8 feet apart. Construction



activities (including but not limited to parking and storage or disposal of materials) shall be prohibited within the fenced sensitive areas. Such exclusionary fences shall be installed prior to the start of construction and shall remain in place and in good condition until construction is completed. The exact placement of the temporary exclusionary fencing shall be substantially consistent with the location identified in the approved revised plans and shall be identified on site by the project biologist/environmental monitor required by Special Condition 5, below. PRIOR TO COMMENCEMENT OF CONSTRUCTION, evidence that the monitor has inspected and approved the installation of the temporary exclusionary fencing and that it is substantially consistent with the location identified in the approved revised plans shall be submitted to the Executive Director for review and approval.

- (3) **Temporary Restoration Fencing.** Low (no higher than 18 inches) rope and pole fencing is allowed along the Pico Drive property frontage and along the western property line during the first year of restoration (where the first year commences upon initial planting pursuant to the Dune Restoration Plan pursuant to Special Condition 2). The Plans shall identify all such fencing materials, dimensions, and siting. By the end of the first year, all such fencing shall be removed and the area restored as needed consistent with the Dune Restoration Plan. Within one-month of such removal, the Permittee shall submit photographic evidence to the Executive Director demonstrating that all such fencing has been removed and the area restored as needed.
- (4) **Restoration Signs.** Small low-lying signs, no more than approximately one square-foot and no more than one-foot off the ground, identifying dune resources and discouraging trampling are allowed to remain over time. The Plans shall identify all sign text, materials, dimensions, colors, and siting where the objective is to minimize the number of signs and ensure that they effectively blend into the dune viewshed as much as possible. At most, there may be one such sign along Pico Drive, and as few signs as needed to effectively communicate along the western property line.

The Permittee shall undertake development in accordance with the approved Revised Final Plans.

2. **Dune Restoration Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, two sets of dune restoration plans in substantial conformance with the plans submitted with the application (prepared by Thomas K. Moss, dated March 12, 2011, and dated received in the Coastal Commission's Central Coast District Office on March 23, 2011) that provide for dune and related habitat enhancement for all areas outside the approved building envelope (See special condition 1a), and as modified and supplemented as follows:

- (a) Final contours of the site, after project grading, necessary to support dune restoration and development screening, shall be identified.
- (b) All required plantings shall be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued



compliance with the landscape plan.

- (c) Installation of all plants shall be completed prior to occupancy of the new home. Within 30 days of completion of the landscaping installation, the Permittee shall submit a letter to the Executive Director from the project biologist indicating that plant installation has taken place in accordance with the approved restoration plans, describing long-term maintenance requirements for the restoration, identifying the one-year deadline for fencing removal (see Special Condition 1g), and identifying the five and ten year monitoring submittal deadlines (see Special Condition 2d below). At a minimum, long-term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently on the recommendation of the biologist, to identify and correct any restoration and maintenance issues.
- (d) Five years from the date of initial planting under the Plan, and every ten years thereafter, the Permittee or successors in interest shall submit, for the review and approval of the Executive Director, a restoration monitoring report prepared by a qualified specialist that certifies the on-site restoration is in conformance with the approved plan along with photographic documentation of plant species and plant coverage.
- (e) If the restoration monitoring report or biologist's inspections indicate the landscaping is not in conformance with or has failed to meet the performance standards specified in the Landscape Restoration Plan approved pursuant to this permit, the Permittee or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. These measures, and any subsequent measures necessary to carry out the approved landscape plan, shall be carried out in coordination with the Executive Director until the approved landscaping is established to the Executive Director's satisfaction.

The Permittee shall undertake development in accordance with the approved Dune Restoration Plan.

3. **Open Space Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur in the Open Space Area (i.e., all areas outside of the approved building envelope described in special condition 1a) as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive director issues for this permit except for:

- (a) Necessary utility lines to serve the residence, to the extent such lines cannot be contained within a single corridor underlying the approved building envelope pursuant to Special Condition 6.
- (b) Restoration, landscaping and monitoring activities conducted in accordance with the approved Dune Restoration Plan prepared for the subject property as required by Special Condition 2.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI OF THIS PERMIT, the Applicant shall submit for review and approval of the Executive Director, and upon such approval,



for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, which shall include all areas of this site outside of the development envelope authorized by Special Condition 1a.

- 4. Archaeological Mitigation.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, a qualified archaeological monitor and Native American representative approved by the Executive Director shall be identified. Such monitor shall be present during any demolition, construction or pre-construction activities that involve ground disturbance, such as removal of existing foundations or utilities. Should archaeological resources be discovered at the project site during any phase of construction, the Permittee shall stop work until a mitigation plan, prepared by a qualified professional archaeologist in coordination with interested Native Americans, is completed and implemented. Prior to implementation, the mitigation plan shall be submitted for review and approval by the State Historical Preservation Office and for review and approval by the Executive Director of the Commission. The plan shall provide for reasonable mitigation of the archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.
- 5. Environmental Monitoring During Construction.** The Permittee shall employ a project biologist/environmental monitor approved by the Executive Director and the City of Pacific Grove Community Development Director to ensure compliance with all permit conditions and mitigation requirements during the construction phase. Evidence of compliance shall be submitted by the project monitor to the Executive Director each month while construction is proceeding, and upon completion of construction.
- 6. Utility Connections.** All utility connections shall be placed underground, and shall be contained within a single corridor underlying the building envelope established pursuant to Special Condition 1a to the maximum extent feasible. When installing any new utility connections, care shall be taken to avoid and minimize disturbance outside of the building envelope, among other ways, by employing the best management practices specified pursuant to Special Condition 1d.
- 7. Offsite Dune Habitat Restoration Requirement.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval an offsite dune habitat restoration plan that provides for restoration of dune habitat within the Asilomar Dunes system at the ratio of 2:1 for any new dune habitat coverage over existing conditions (i.e., for any new areas of the site that are being converted from dune habitat to residential uses). The plan shall clearly identify each type of new dune habitat coverage in site plan view with accompanying square footage calculations. In lieu of providing for restoration of off-site dune habitat restoration in situ, the plan may be submitted with evidence that a dune restoration payment of \$0.92 per square-foot of new dune habitat coverage over existing conditions has been deposited into an interest-bearing account to be established and managed by one of the following entities as approved by the Executive Director: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation for the sole purpose of financing dune habitat restoration and maintenance



within the Asilomar Dunes system. All of the funds and any accrued interest shall be used for the above-stated purpose, in consultation with the Executive Director, within ten years of the funds being deposited into the account. Any portion of the funds that remains after ten years shall be donated to one or more of the State Parks units located in the vicinity of the Monterey peninsula, or other organization acceptable to the Executive Director, for the purpose of restoring and maintaining dune habitat. PRIOR TO EXPENDITURE OF ANY FUNDS CONTAINED IN THIS ACCOUNT, the proposed use of the funds must be deemed by the Executive Director to be consistent with the intent and purpose of this condition.

8. **Incorporation of City's Mitigation Requirements.** The Mitigation Monitoring Program adopted by the City of Pacific Grove for its final Mitigated Negative Declaration for this project is attached as Exhibit J to this permit; these mitigations are hereby incorporated as conditions of this permit. Any of the incorporated mitigations requiring materials to be submitted to the City and/or otherwise requiring City approval (such as Development Director approval), shall also require the same materials to be submitted to, and/or the same approvals granted by, the Executive Director under the same review and approval criteria as specified in the Mitigation Monitoring Program. For future condition compliance tracking purposes, such incorporated mitigations shall be considered subsections of this Special Condition 8. To the extent any such incorporated mitigations conflict with these conditions (i.e., standard conditions 1 through 5, and special conditions 1 through 7 and 9), the conditions of this CDP shall apply.
9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the Permittee's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



Regional Location Map

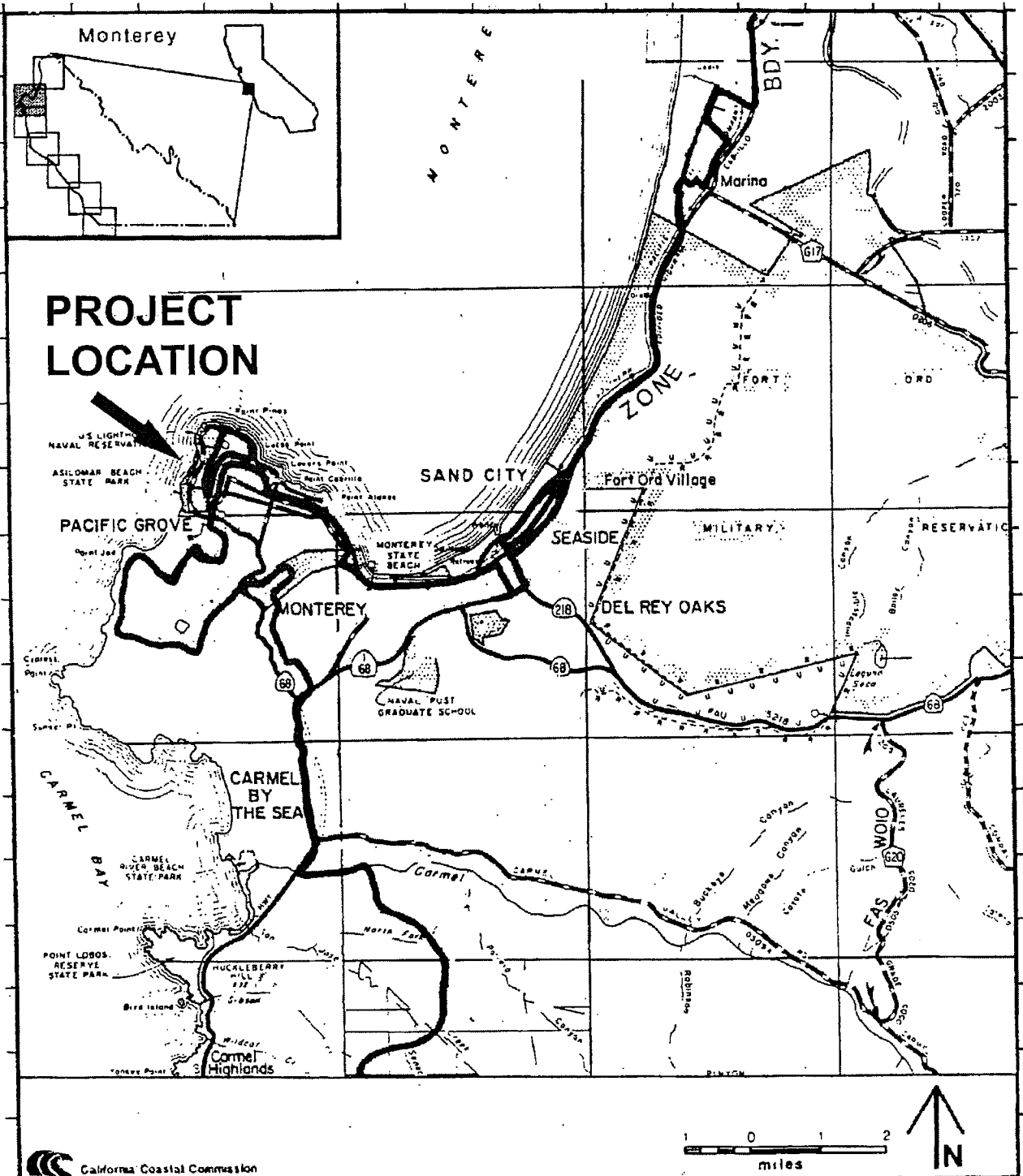


Exhibit A: Regional Location Map
3-11-020; Goins SFD
Page 1 of 1

Project Vicinity

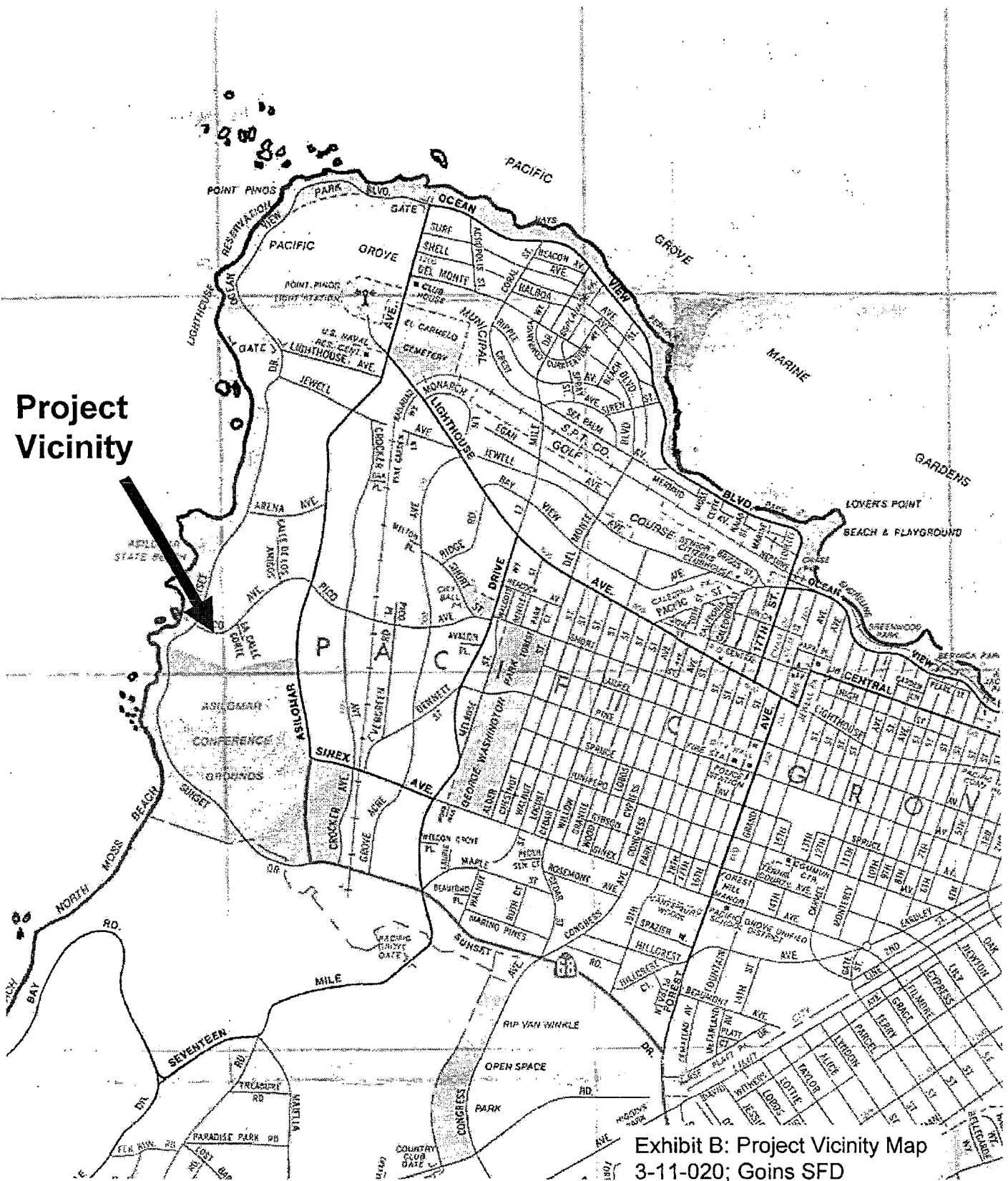


Exhibit B: Project Vicinity Map
3-11-020; Goins SFD
Page 1 of 1

Asilomar Dunes Parcel Map

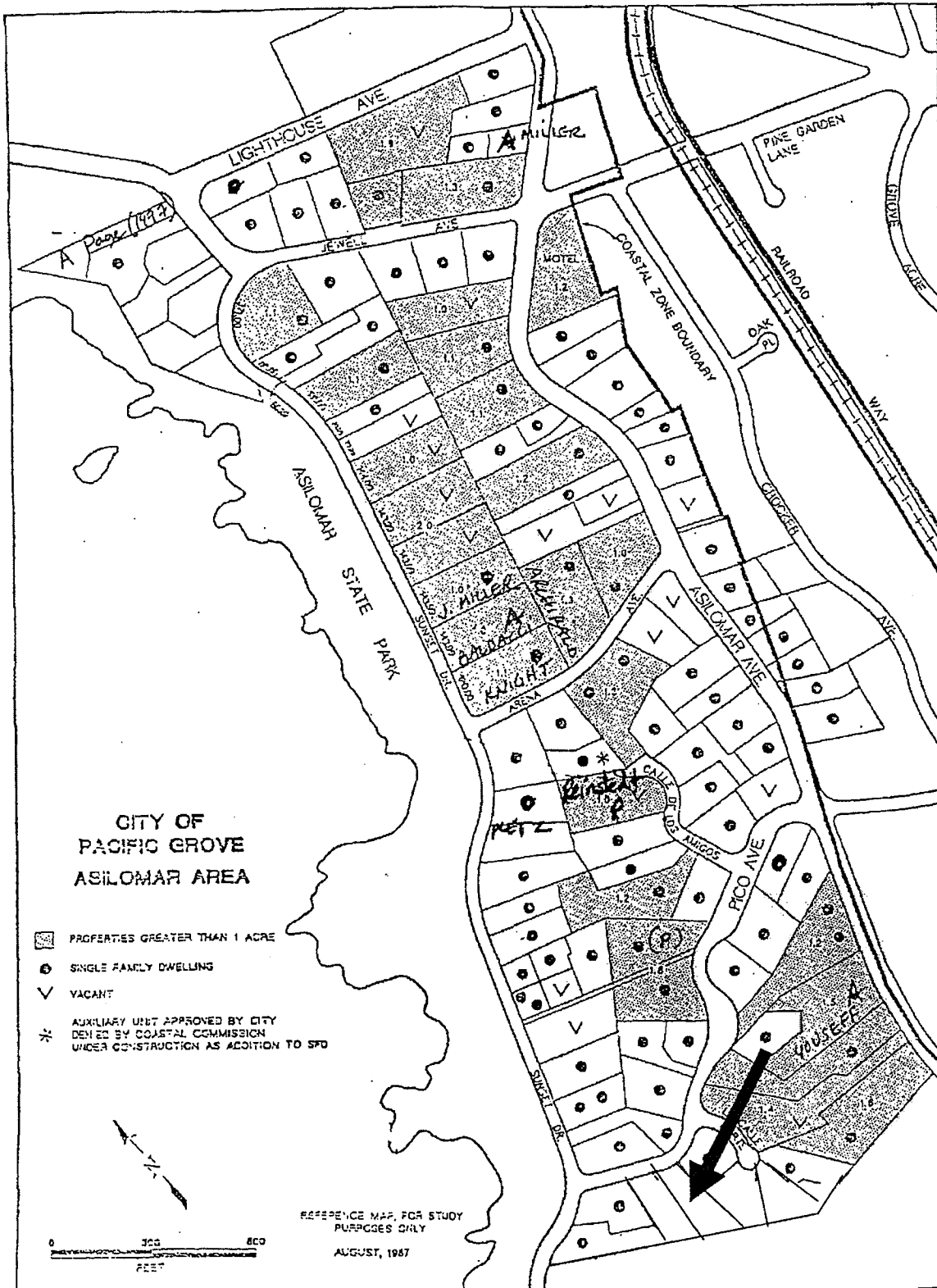
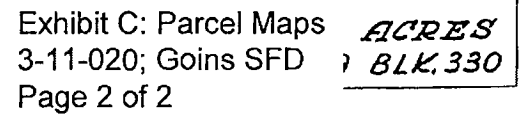


Exhibit C: Parcel Maps
3-11-020; Goins SFD
Page 1 of 2

APN 007-072-014

BOOK 7 PAGE 07

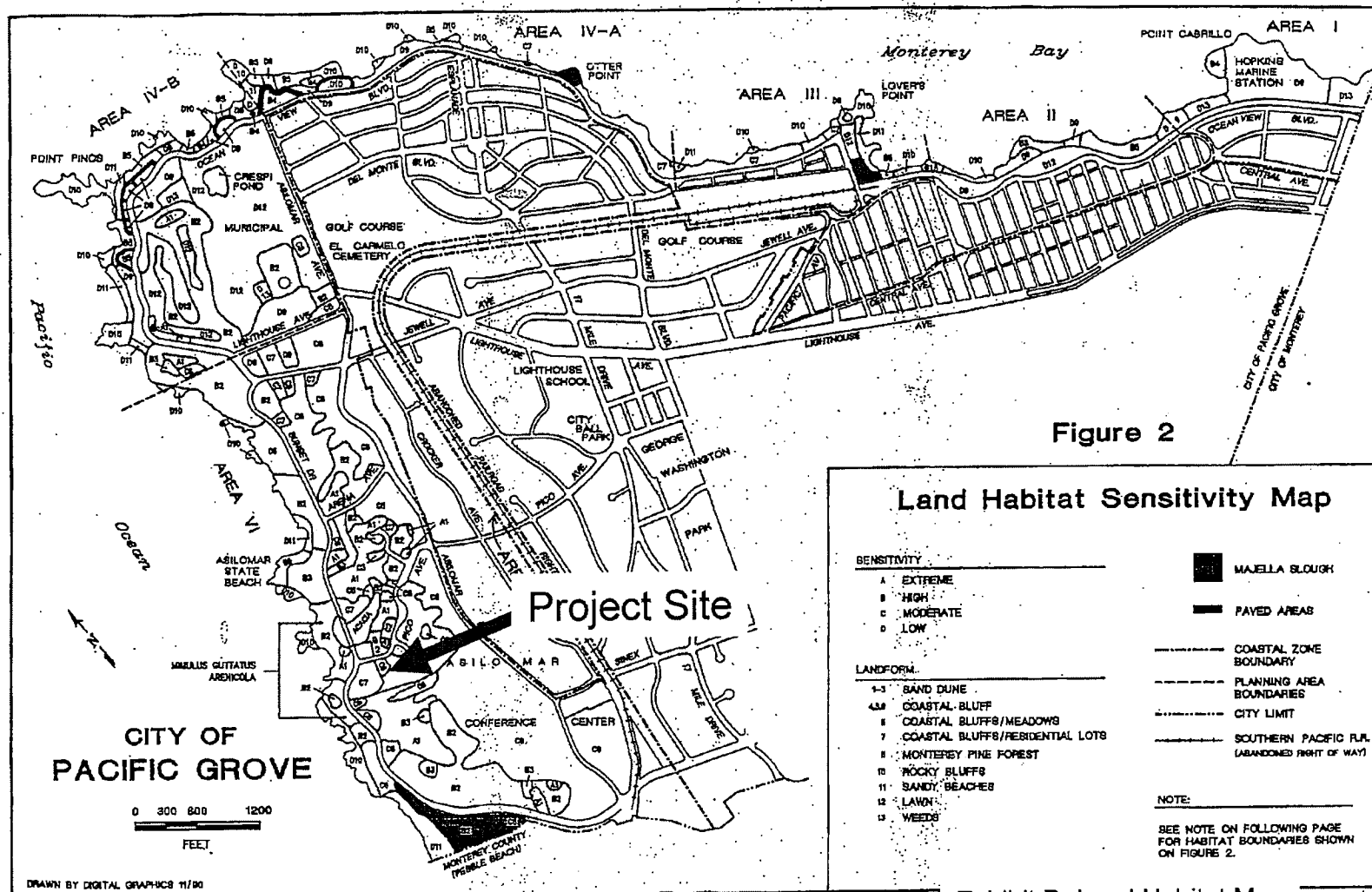
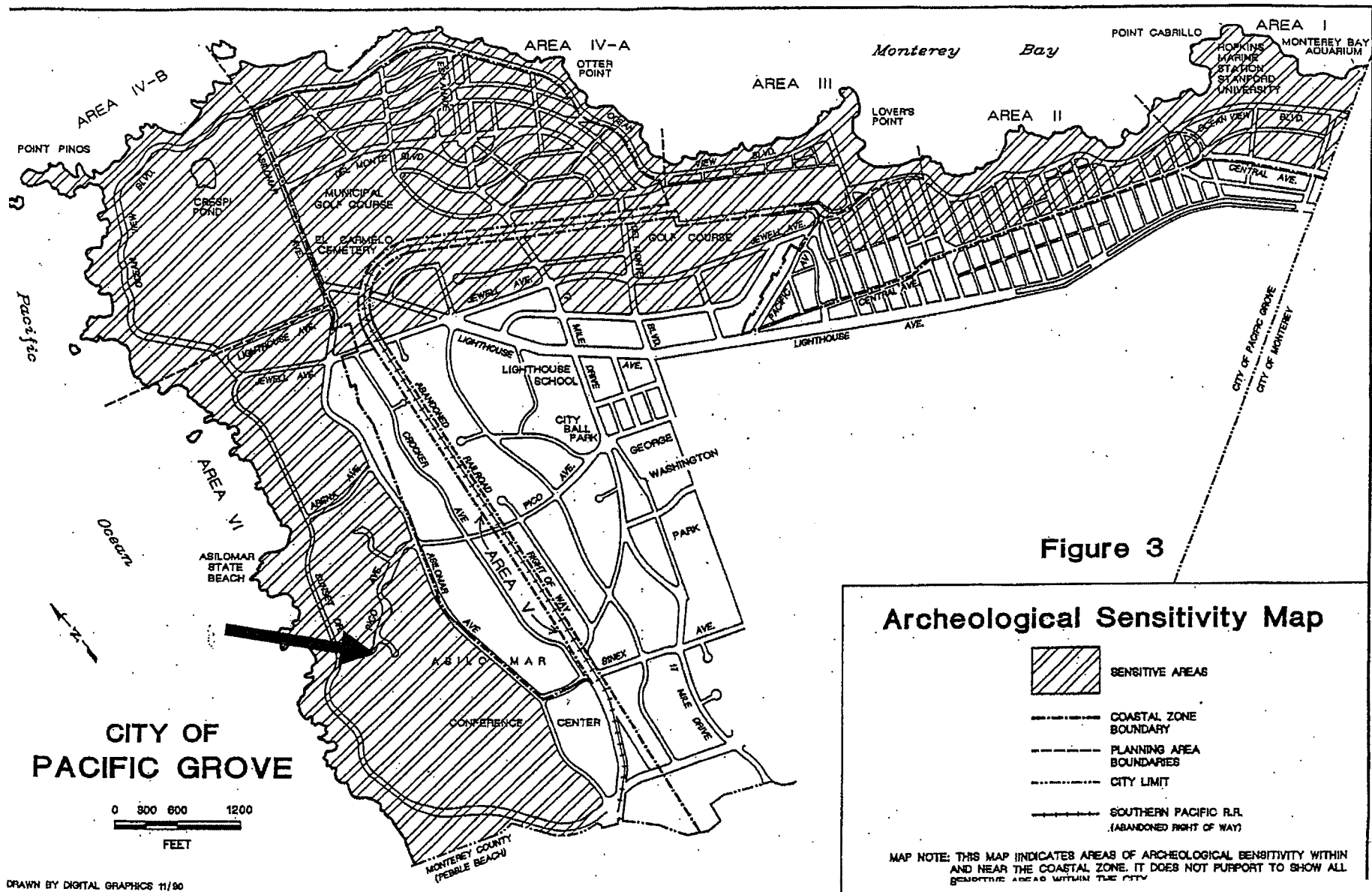


Exhibit D: Land Habitat Map
3-11-020; Goins SFD
Page 1 of 1



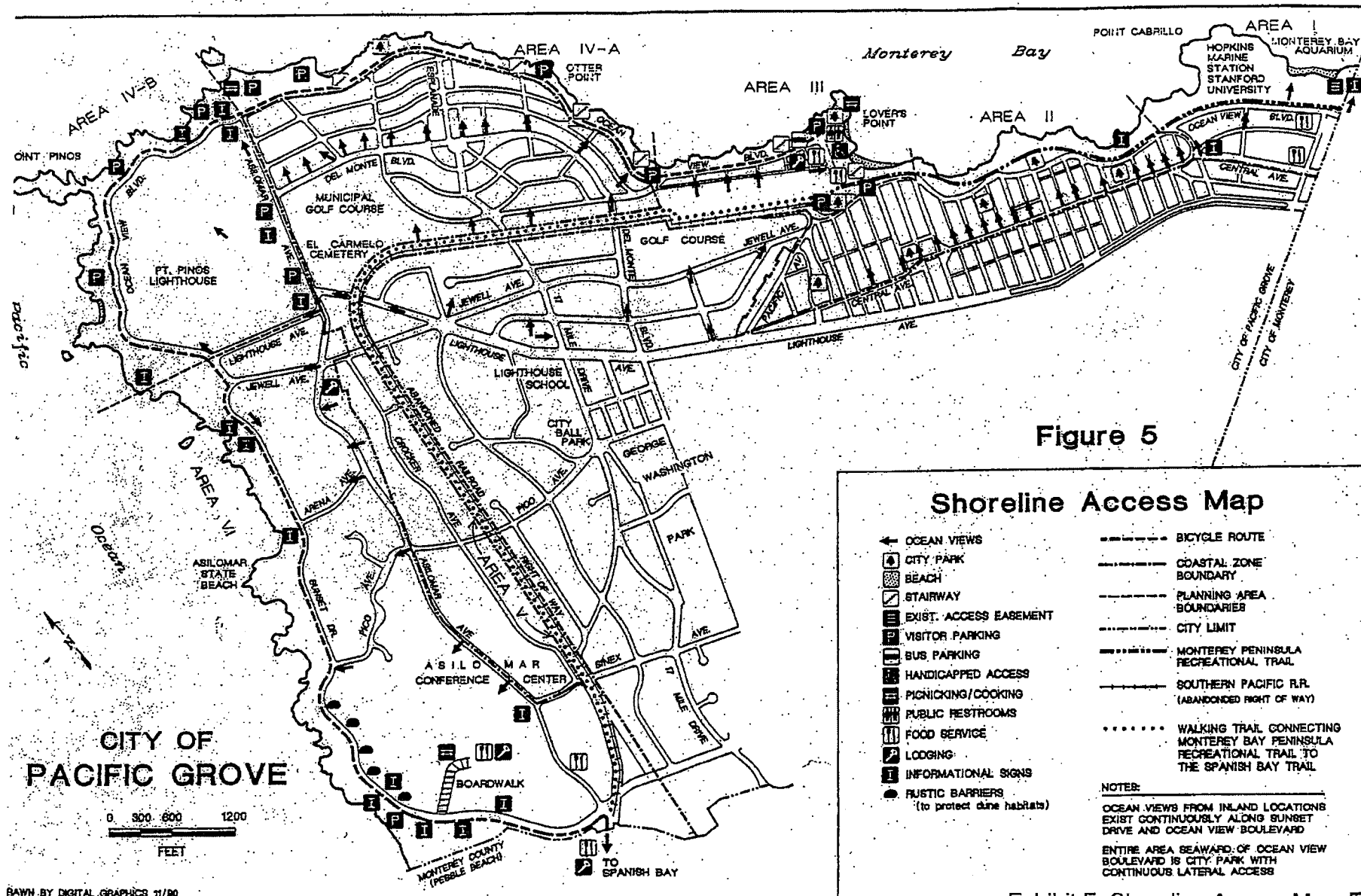
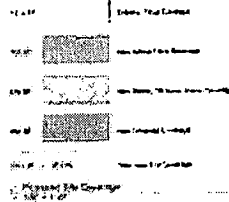
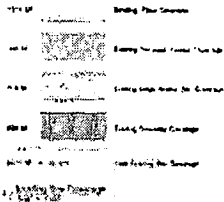


Exhibit F: Shoreline Access Map
3-11-020; Goins SFD
Page 1 of 1

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



13 W. E. 13 R. 1. 19 Y. 11 A. 10 1. 19

1. The first step in the process is to identify the problem. This involves gathering information about the situation and the people involved.

403
 100% Cotton
 Green Flannel
 100% Cotton
 100% Cotton
 100% Cotton

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Exhibit G: Project Site Plans
3-11-020; Goins SFD
Page 3 of 6



B. W. P. BREYTHAUER

1903
 1904
 1905
 1906
 1907
 1908
 1909
 1910
 1911
 1912
 1913
 1914
 1915
 1916
 1917
 1918
 1919
 1920
 1921
 1922
 1923
 1924
 1925
 1926
 1927
 1928
 1929
 1930
 1931
 1932
 1933
 1934
 1935
 1936
 1937
 1938
 1939
 1940
 1941
 1942
 1943
 1944
 1945
 1946
 1947
 1948
 1949
 1950
 1951
 1952
 1953
 1954
 1955
 1956
 1957
 1958
 1959
 1960
 1961
 1962
 1963
 1964
 1965
 1966
 1967
 1968
 1969
 1970
 1971
 1972
 1973
 1974
 1975
 1976
 1977
 1978
 1979
 1980
 1981
 1982
 1983
 1984
 1985
 1986
 1987
 1988
 1989
 1990
 1991
 1992
 1993
 1994
 1995
 1996
 1997
 1998
 1999
 2000
 2001
 2002
 2003
 2004
 2005
 2006
 2007
 2008
 2009
 2010
 2011
 2012
 2013
 2014
 2015
 2016
 2017
 2018
 2019
 2020
 2021
 2022
 2023
 2024
 2025
 2026
 2027
 2028
 2029
 2030
 2031
 2032
 2033
 2034
 2035
 2036
 2037
 2038
 2039
 2040
 2041
 2042
 2043
 2044
 2045
 2046
 2047
 2048
 2049
 2050
 2051
 2052
 2053
 2054
 2055
 2056
 2057
 2058
 2059
 2060
 2061
 2062
 2063
 2064
 2065
 2066
 2067
 2068
 2069
 2070
 2071
 2072
 2073
 2074
 2075
 2076
 2077
 2078
 2079
 2080
 2081
 2082
 2083
 2084
 2085
 2086
 2087
 2088
 2089
 2090
 2091
 2092
 2093
 2094
 2095
 2096
 2097
 2098
 2099
 2100
 2101
 2102
 2103
 2104
 2105
 2106
 2107
 2108
 2109
 2110
 2111
 2112
 2113
 2114
 2115
 2116
 2117
 2118
 2119
 2120
 2121
 2122
 2123
 2124
 2125
 2126
 2127
 2128
 2129
 2130
 2131
 2132
 2133
 2134
 2135
 2136
 2137
 2138
 2139
 2140
 2141
 2142
 2143
 2144
 2145
 2146
 2147
 2148
 2149
 2150
 2151
 2152
 2153
 2154
 2155
 2156
 2157
 2158
 2159
 2160
 2161
 2162
 2163
 2164
 2165
 2166
 2167
 2168
 2169
 2170
 2171
 2172
 2173
 2174
 2175
 2176
 2177
 2178
 2179
 2180
 2181
 2182
 2183
 2184
 2185
 2186
 2187
 2188
 2189
 2190
 2191
 2192
 2193
 2194
 2195
 2196
 2197
 2198
 2199
 2200
 2201
 2202
 2203
 2204
 2205
 2206
 2207
 2208
 2209
 2210
 2211
 2212
 2213
 2214
 2215
 2216
 2217
 2218
 2219
 2220
 2221
 2222
 2223
 2224
 2225
 2226
 2227
 2228
 2229
 2230
 2231
 2232
 2233
 2234
 2235
 2236
 2237
 2238
 2239
 2240
 2241
 2242
 2243
 2244
 2245
 2246
 2247
 2248
 2249
 2250
 2251
 2252
 2253
 2254
 2255
 2256
 2257
 2258
 2259
 2260
 2261
 2262
 2263
 2264
 2265
 2266
 2267
 2268
 2269
 2270
 2271
 2272
 2273
 2274
 2275
 2276
 2277
 2278
 2279
 2280
 2281
 2282
 2283
 2284
 2285
 2286
 2287
 2288
 2289
 2290
 2291
 2292
 2293
 2294
 2295
 2296
 2297
 2298
 2299
 2300
 2301
 2302
 2303
 2304
 2305
 2306
 2307
 2308
 2309
 2310
 2311
 2312
 2313
 2314
 2315
 2316
 2317
 2318
 2319
 2320
 2321
 2322
 2323
 2324
 2325
 2326
 2327
 2328
 2329
 2330
 2331
 2332
 2333
 2334
 2335
 2336
 2337
 2338
 2339
 2340
 2341
 2342
 2343
 2344
 2345
 2346
 2347
 2348
 2349
 2350
 2351
 2352
 2353
 2354
 2355
 2356
 2357
 2

Genius Restaurant

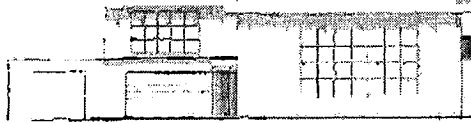
1000

1003

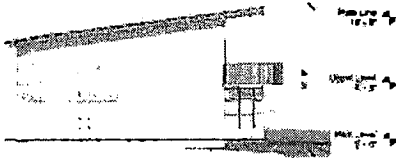
RECEIVED

MAR 23 2011

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

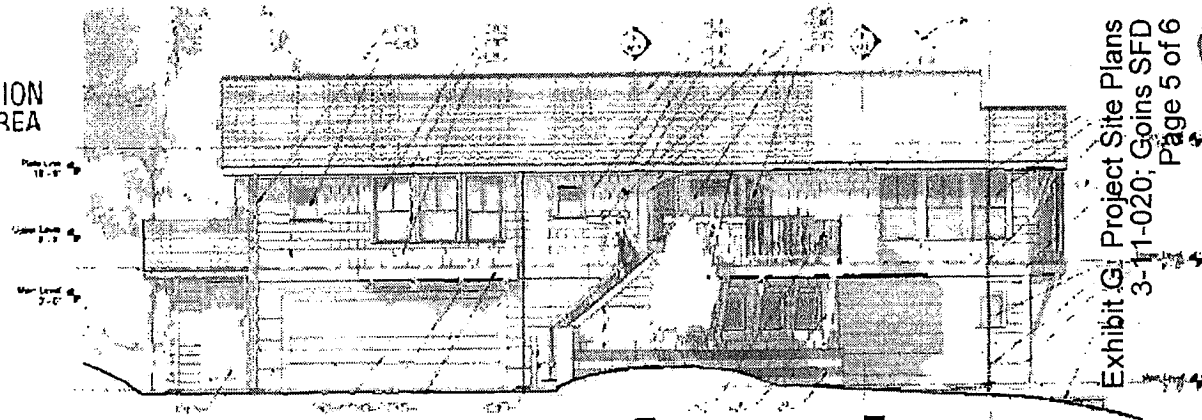


Existing North Elevation



Existing West Elevation

NO.	REVISION
1	Initial Design
2	Revised Design
3	Revised Design
4	Revised Design
5	Revised Design
6	Revised Design
7	Revised Design
8	Revised Design
9	Revised Design
10	Revised Design
11	Revised Design
12	Revised Design
13	Revised Design
14	Revised Design
15	Revised Design
16	Revised Design
17	Revised Design
18	Revised Design
19	Revised Design
20	Revised Design
21	Revised Design
22	Revised Design
23	Revised Design
24	Revised Design
25	Revised Design
26	Revised Design
27	Revised Design
28	Revised Design
29	Revised Design
30	Revised Design
31	Revised Design
32	Revised Design
33	Revised Design
34	Revised Design
35	Revised Design
36	Revised Design
37	Revised Design
38	Revised Design
39	Revised Design
40	Revised Design
41	Revised Design
42	Revised Design
43	Revised Design
44	Revised Design
45	Revised Design
46	Revised Design
47	Revised Design
48	Revised Design
49	Revised Design
50	Revised Design
51	Revised Design
52	Revised Design
53	Revised Design
54	Revised Design
55	Revised Design
56	Revised Design
57	Revised Design
58	Revised Design
59	Revised Design
60	Revised Design
61	Revised Design
62	Revised Design
63	Revised Design
64	Revised Design
65	Revised Design
66	Revised Design
67	Revised Design
68	Revised Design
69	Revised Design
70	Revised Design
71	Revised Design
72	Revised Design
73	Revised Design
74	Revised Design
75	Revised Design
76	Revised Design
77	Revised Design
78	Revised Design
79	Revised Design
80	Revised Design
81	Revised Design
82	Revised Design
83	Revised Design
84	Revised Design
85	Revised Design
86	Revised Design
87	Revised Design
88	Revised Design
89	Revised Design
90	Revised Design
91	Revised Design
92	Revised Design
93	Revised Design
94	Revised Design
95	Revised Design
96	Revised Design
97	Revised Design
98	Revised Design
99	Revised Design
100	Revised Design



Main Level

Upper Level

Lower Level

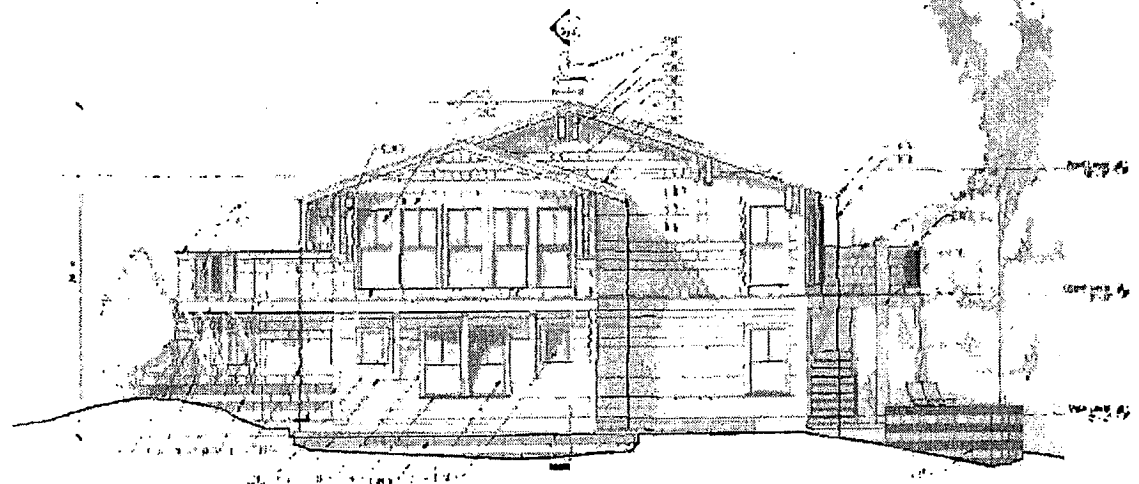


Exhibit G: Project Site Plans
3-11-020; Goins SFD
Page 5 of 6



W. G. BRIDGMAN

1003
Exhibit G: Project Site Plans
Goins Residence
3-11-020; Goins SFD
Page 5 of 6

RECEIVED

MAR 23 2011

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

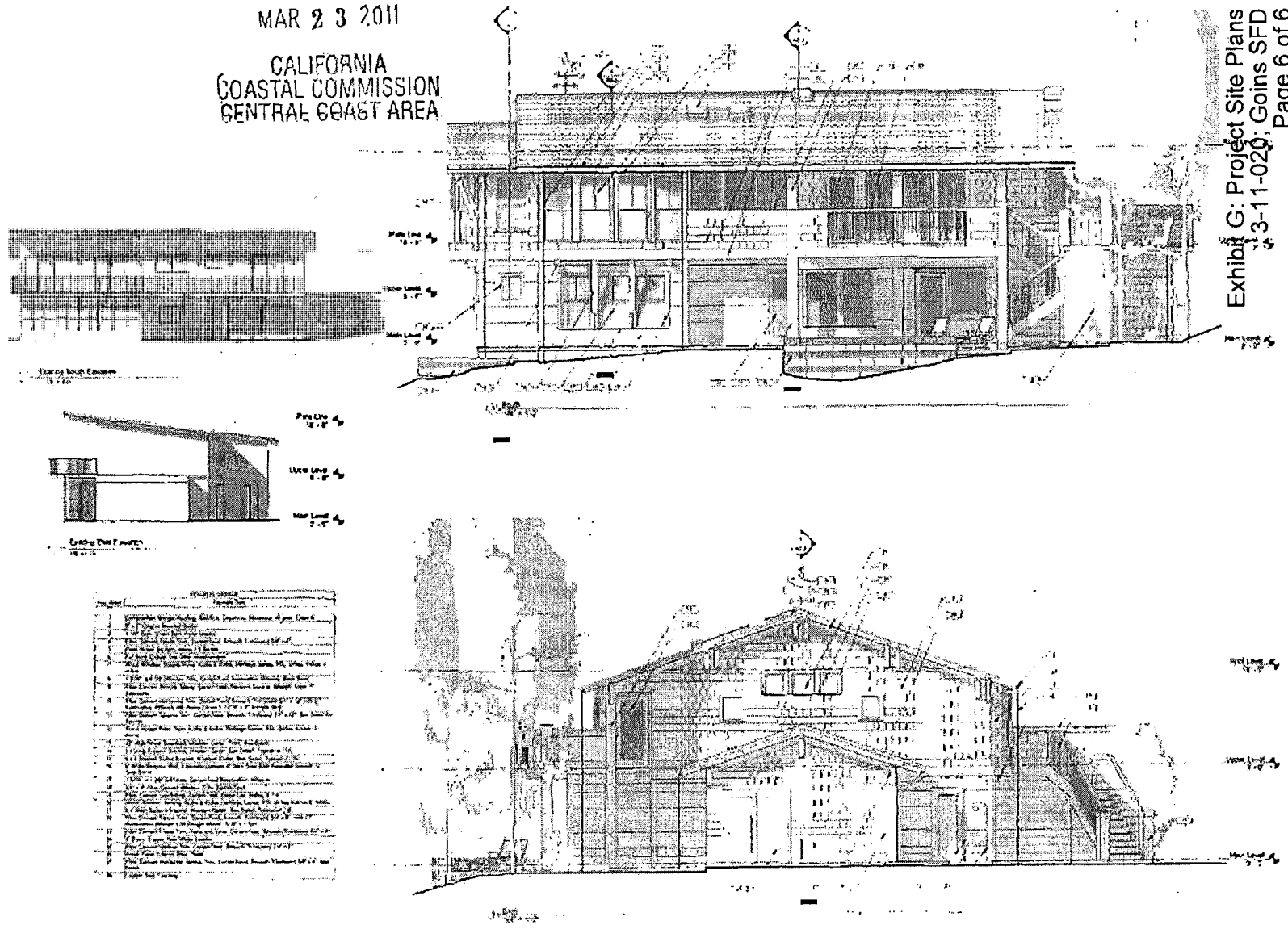


Exhibit G: Project Site Plans
3-11-020; Goins SFD
Page 6 of 6



W. E. BREIDENBACH

NO.	REVISION	DATE	BY	CHKD.
1	1	10/1/09	W.E.B.	W.E.B.
2	2	10/1/09	W.E.B.	W.E.B.
3	3	10/1/09	W.E.B.	W.E.B.
4	4	10/1/09	W.E.B.	W.E.B.
5	5	10/1/09	W.E.B.	W.E.B.
6	6	10/1/09	W.E.B.	W.E.B.
7	7	10/1/09	W.E.B.	W.E.B.
8	8	10/1/09	W.E.B.	W.E.B.
9	9	10/1/09	W.E.B.	W.E.B.
10	10	10/1/09	W.E.B.	W.E.B.
11	11	10/1/09	W.E.B.	W.E.B.
12	12	10/1/09	W.E.B.	W.E.B.
13	13	10/1/09	W.E.B.	W.E.B.
14	14	10/1/09	W.E.B.	W.E.B.
15	15	10/1/09	W.E.B.	W.E.B.
16	16	10/1/09	W.E.B.	W.E.B.
17	17	10/1/09	W.E.B.	W.E.B.
18	18	10/1/09	W.E.B.	W.E.B.
19	19	10/1/09	W.E.B.	W.E.B.
20	20	10/1/09	W.E.B.	W.E.B.
21	21	10/1/09	W.E.B.	W.E.B.
22	22	10/1/09	W.E.B.	W.E.B.
23	23	10/1/09	W.E.B.	W.E.B.
24	24	10/1/09	W.E.B.	W.E.B.
25	25	10/1/09	W.E.B.	W.E.B.
26	26	10/1/09	W.E.B.	W.E.B.
27	27	10/1/09	W.E.B.	W.E.B.
28	28	10/1/09	W.E.B.	W.E.B.
29	29	10/1/09	W.E.B.	W.E.B.
30	30	10/1/09	W.E.B.	W.E.B.
31	31	10/1/09	W.E.B.	W.E.B.
32	32	10/1/09	W.E.B.	W.E.B.
33	33	10/1/09	W.E.B.	W.E.B.
34	34	10/1/09	W.E.B.	W.E.B.
35	35	10/1/09	W.E.B.	W.E.B.
36	36	10/1/09	W.E.B.	W.E.B.
37	37	10/1/09	W.E.B.	W.E.B.
38	38	10/1/09	W.E.B.	W.E.B.
39	39	10/1/09	W.E.B.	W.E.B.
40	40	10/1/09	W.E.B.	W.E.B.
41	41	10/1/09	W.E.B.	W.E.B.
42	42	10/1/09	W.E.B.	W.E.B.
43	43	10/1/09	W.E.B.	W.E.B.
44	44	10/1/09	W.E.B.	W.E.B.
45	45	10/1/09	W.E.B.	W.E.B.
46	46	10/1/09	W.E.B.	W.E.B.
47	47	10/1/09	W.E.B.	W.E.B.
48	48	10/1/09	W.E.B.	W.E.B.
49	49	10/1/09	W.E.B.	W.E.B.
50	50	10/1/09	W.E.B.	W.E.B.

1003 Exhibit Elevation
Goins Residence
10/1/09
W.E.B.

Goins Residence

1373 Pico Avenue

APN 007-072-014

Asilomar Dunes Planning Area

Sunset Drive

Sunset Drive

Source: California Coastal Resources Project, Photo 200508323

Exhibit H Aerial Photograph
3-1-2020 Goins SFD
Page 1 of 1

Goins Residence
1373 Pico Avenue
APN 007-072-014



Exhibit I Site Photographs
3-11-020 Goins SFD
Page 1 of 2

Goins Residence
1373 Pico Avenue
APN 007 072 014

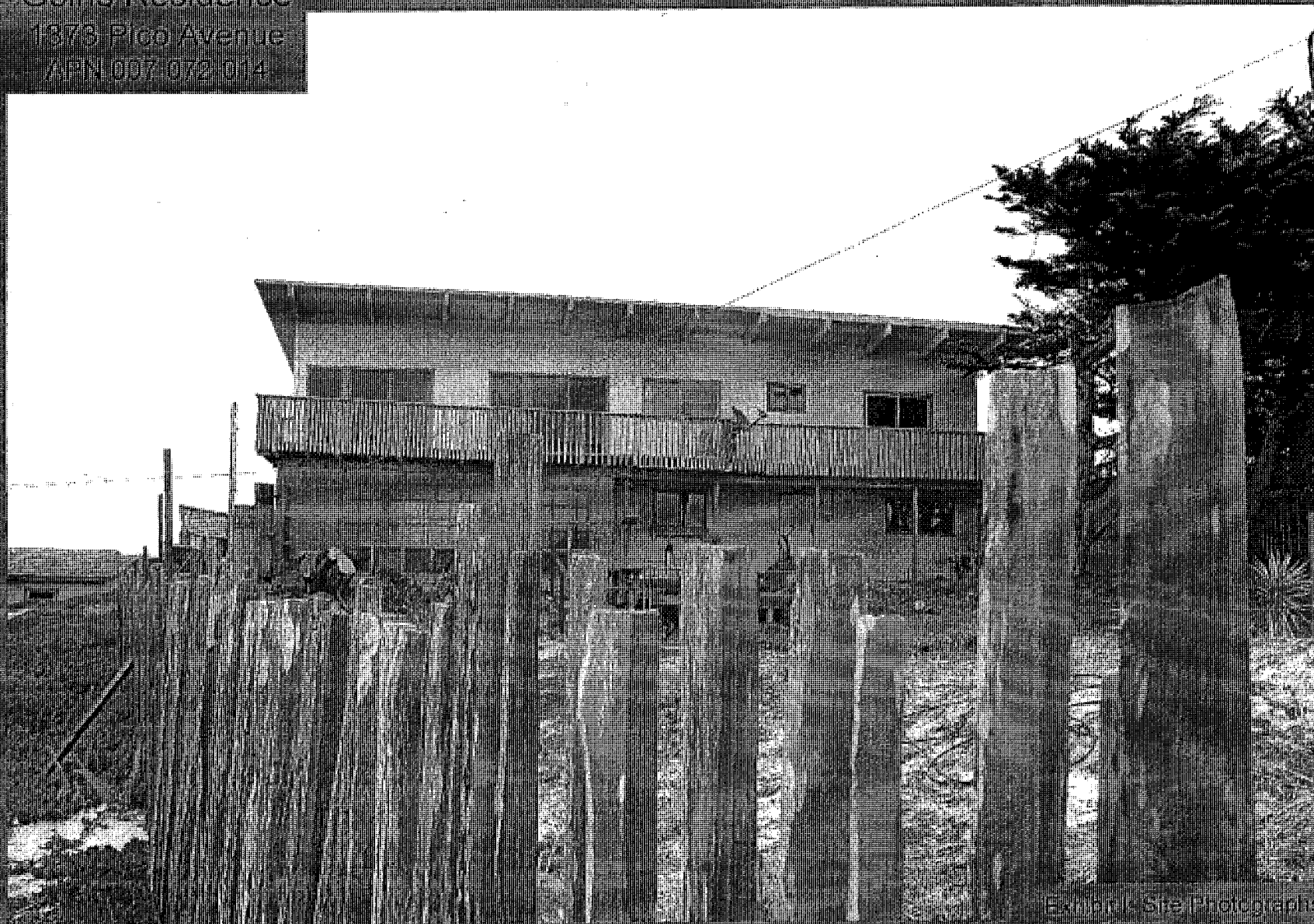


Exhibit A Site Photographs
3-11-020 Goins 3-FD
Page 2 of 2

FINAL MITIGATION MONITORING PROGRAM

for:

**CONSTRUCTION OF ADDITIONS TO
AN EXISTING SINGLE-FAMILY DWELLING AT
1373 PICO AVENUE**

Property Owners/Applicants:

MICHELE GOINS

Lead Agency:



**CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT (CDD)**

This page is left blank intentionally.

INTRODUCTION

BACKGROUND

Since January 1, 1989, public agencies have been required to prepare a mitigation monitoring or reporting program to assure compliance with mitigation measures adopted pursuant to the California Environmental Quality Act (CEQA). A mitigation monitoring program must be designed to ensure a project's compliance with adopted mitigation measures during project implementation. It also provides feedback to agency staff and decision makers about the effectiveness of their actions, offers learning opportunities for improving mitigation measures on future projects, and identifies when enforcement actions are necessary.

PURPOSE

The purpose of the mitigation monitoring program for the additions to the single-family dwelling at 1373 Pico Avenue is to ensure that all mitigation measures adopted as part of project approval are implemented and completed during construction. This program shall be used by the City of Pacific Grove to verify that all required mitigation measures are incorporated into the project and shall serve as a convenient tool for logging the progress of mitigation measure completion and for determining when required mitigation measures have been fulfilled.

MANAGEMENT

The City of Pacific Grove Community Development Department (CDD) is the lead agency for the project and shall be responsible for overseeing the administration and implementation of the mitigation monitoring program.

The staff planner for the project shall be responsible for managing the mitigation monitoring program (MMP). Duties of the staff planner responsible for managing the program shall include, but not be limited to, the following:

- ◆ Conduct inspections, zoning plan checks, and reporting activities as required.
- ◆ Serve as a liaison between the City and applicant regarding mitigation monitoring issues.
- ◆ Coordinate activities of consultants and contractors hired by applicant to implement and monitor mitigation measures.
- ◆ Address and provide follow-up to citizen's complaints.
- ◆ Complete and maintain documents and reports required for the mitigation monitoring program.
- ◆ Coordinate and assure enforcement measures necessary to correct actions in conflict with the mitigation monitoring program, if necessary.

BASELINE DATA

Any baseline data for the MMP are contained in the initial study and proposed Mitigated Negative Declaration (ISMND) that shall be considered by the Architectural Review Board (ARB).

Exhibit J: Mitigation Monitoring Program
3-11-020; Goins SFD
Page 3 of 14

DISPUTE RESOLUTION

As with any regulatory document, disputes may arise regarding the interpretation of specific language or program requirements; therefore, a procedure for conflict resolution needs to be included as part of this mitigation monitoring program. In the event of a disagreement about appropriate mitigation measure implementation, the project planner shall notify the Community Development Director via a brief memo and hold a meeting with the project applicant and any other parties deemed appropriate. After assessing the information, the project planner shall determine the appropriate measure for mitigation implementation and shall notify the Community Development Director via memo of the decision. The project applicant or any interested party may appeal the decision of the project planner to the Planning Commission within five (5) calendar days of the decision. The Planning Commission's decision may be appealed to the City Council.

ENFORCEMENT

All mitigation measures must be complied with in order to fulfill the conditions of approval. Some of the conditions of approval are required before the commencement of construction; therefore, they shall be verified before the issuance of a building permit. Other conditions shall be implemented during construction and after construction is completed. For those conditions implemented during construction, if work is performed in violation of conditions of approval, a stop work order shall be issued. A performance bond or deposit of funds, at the discretion of the City of Pacific Grove in an amount necessary to complete the condition of approval, with the City of Pacific Grove is required for ongoing conditions of approval (such as a landscape restoration plan). Failure to implement these conditions of approval shall result in the forfeiture of the funds for use in implementing these conditions.

PROGRAM

This MMP includes a table of mitigations measures adopted for the project. This table identifies the mitigation measure and parties responsible for its monitoring and implementation. It also identifies at which project stage the mitigation measure is required and verification of the date on which the mitigations measure is completed.

FUNDING

For the construction additions to the existing single-family dwelling at 1373 Pico Avenue, the project applicant shall be responsible for the costs of implementing and monitoring the mitigation measures.

MM	Mitigation Language:	Implementing Party:	Implementation Date:	Monitoring Party:	Verification Date:
III-1a	<p>All measures included within the revised March 16, 2011 Botanical Survey Report (BSR) shall be implemented, as follows:</p> <ol style="list-style-type: none"> 1. Limiting site coverage so that the residence, driveway, decks, patios and walkways together do not exceed more than 15 percent of total lot coverage for properties over 0.5 acres or 20 percent of total lot coverage for properties under 0.5 acres. 2. Allowing a coverage exemption for portions of the driveway, depending where the property is located in the Asilomar Dunes. 3. Designing and siting new structures to avoid, if feasible, or minimize negative impacts to species of special concern and sensitive areas. 4. Requiring buffer areas (a set back for any existing rare plant) between proposed new development and areas containing species of special concern that shall ensure survival of the plants, as determined by the project biologist. 5. Installing temporary fences during construction to protect adjacent dunes and sensitive areas. <ol style="list-style-type: none"> i. Specifically, to prevent impacts to the rare plants on the property, particularly those that occur in closest proximity to the proposed house additions, temporary, exclusionary type fence shall be installed between the house and the rare plants prior to the start of construction, as portrayed in Figure 2 of the revised March 16, 2011 BSR. ii. All construction activity, equipment and building materials storage and disposal, and personnel shall be prohibited from entering the areas protected by the temporary fences. iii. Two kinds of fences shall be used, depending on proximity of the rare plants to the areas affected by construction. <ul style="list-style-type: none"> ▪ A 4'ft high, welded wire field fence shall be installed where the rare plants occur near the house on the north and east sides (along the driveway); and ▪ A guideline fence (t-posts and nylon rope shall be installed across the southern portion of the property where the rare plants are located well away from the construction areas. iv. The fences shall be inspected by the project biologist once each week during construction and maintained in good order until all construction is completed and final building 	Applicant/ CDFG Qualified Biologist	Pre-Construction, During Construction Activities and On- going thereafter as specified	CDD	

Exhibit J: Mitigation Monitoring Program
 3-11-020: Goins STD
 Page 5 of 14

1373 Pico Avenue/Goins Residence
Mitigation Monitoring Program

City of Pacific Grove
March 22, 2010

MM	Mitigation Language:	Implementing Party:	Implementation Date:	Monitoring Party:	Verification Date:
III-1a Cont	<p>Inspection is approved, at which time the fences shall be removed.</p> <p>6. Allowing for a special landscape treatment area ("immediate outdoor living area"), generally located near to the house and defined by permanent landscape or structural features, and amounting to not more than 5 percent of total lot coverage, where certain exotic species and landscape treatments may be used.</p> <p>7. Requiring preparation of a vegetation restoration and dune stabilization plan (Landscape Restoration Plan) by a qualified biologist for restoration of the undeveloped portion of the property.</p> <p>8. Recording a deed restriction for the purpose of ensuring the long-term maintenance and protection of the native habitat on the undeveloped portion of the property.</p> <p>9. Environmental monitoring of the site by a qualified biologist during construction, annually for a period of five years following installation of the landscape, and one time every ten years thereafter for the life of the project.</p> <p>10. To avoid impacts to the rare plants located less than 15-ft from the residence over the long-term, a permanent fence shall be installed around them, so as to exclude and minimize the possibility of people walking on them. A low, split-rail fence shall be installed around the entire front yard area, from the street to 5-ft from the house. The fence shall be maintained in good condition and shall be monitored as part of the long-term landscape monitoring standards listed in the project's Landscape Restoration Plan [see MM III-2].</p>	Applicant/ CDFG Qualified Biologist	Pre-Construction, During Construction Activities and On- going thereafter as specified	CDD	
III-1a 3-11-020; Goins SFD Page 6 of 14	<p>The following guidelines, as included in the revised March 16, 2011 Botanical Survey Report (BSR), shall be implemented, as follows:</p> <p>A. Planning and Pre-construction Period</p> <p>1. All new utility and sewer lines should be shown on the project plans and reviewed by the Project Biologist. Preferably, all underground utilities should be installed in a single-corridor that is located in the driveway, rather than traversing the undeveloped portion of the property, if feasible.</p> <p>2. All drain lines from roof gutters, if any, or surface drains,</p>	Applicant/ CDFG Qualified Biologist	Pre-Construction, During Construction Activities and On- going thereafter as specified	CDD	

MM	Mitigation Language:	Implementing Party:	Implementation Date:	Monitoring Party:	Verification Date:
III-1b Cont	<p>including drain pits, should be shown on the plan and reviewed by the Project Biologist prior to construction.</p> <p>3. All walkways, patios, decks, retaining walls, and other surfaces that may reduce plant coverage and "environmentally sensitive habitat area" should be shown on the project site plan and building plans. Walkways or stepping stones should be shown on the site plan extending from all exterior doors, landings, and stairs off of decks and patios. The addition of any walkways, decks, patios or fences subsequent to issuance of a Coastal Development permit shall require the consent of the City of Pacific Grove and the Coastal Commission.</p> <p>4. A Landscape Restoration Plan should be prepared by a qualified biologist that defines procedures and standards for restoration, maintenance and monitoring of the undeveloped portion of the property.</p> <p>5. A qualified biologist should be retained by the property owner to serve as the Project Biologist for the purposes of providing input on the development plans and for monitoring construction and restoration of the landscape.</p> <p>6. All exotic plants on the project site should be killed with an appropriate herbicide according to specifications described in the approved Landscape Restoration Plan prior to the start of demolition, construction or any ground excavation.</p> <p>7. Prior to the start of construction, temporary fences should be installed to delineate the construction zone for the purpose of protecting the surrounding dune habitat. The fences shall be installed by the Project Biologist. Fence material shall consist of metal t-posts supporting nylon rope guideline, orange plastic mesh, or metal field fence (adjacent to rare plant areas on the north side of the house), as determined by the Project Biologist and as indicated in Figure 2.</p> <p>8. Immediately prior to the start of construction, the project area should be searched for black legless lizards. If any are found, held in captivity and cared for until they can be released into suitable habitat that has been restored on the property.</p> <p>9. An updated Botanical Survey Report should be prepared and reviewed prior to issuance of a building permit, if more than one year has passed since the original botanical survey was</p>	Applicant/ CDFG Qualified Biologist	Pre-Construction, During Construction Activities and On- going thereafter as specified	CDD	

Exhibit J: Mitigation Monitoring Program
3-11-020; Goins SFD
Page 7 of 14

M/M	Mitigation Language:	Implementing Party:	Implementation Date:	Monitoring Party:	Verification Date:
III-1b Cont	<p>conducted and the start of construction. If the updated reports reveals any changes in the distribution of the rare plants that could result in potential impacts by the proposed construction project, the applicant should consider redesigning the project or obtaining an Incidental Take Permit from the California Department of Fish and Game.</p> <p>B. Construction Period</p> <ol style="list-style-type: none"> 1. A pre-construction meeting should be held between the owner or their representative, the general contractor, the city planner and the Project Biologist to review the project permits and all environmental compliance requirements. 2. Fencing installed to protect sensitive species and habitat should be maintained in good condition and remain in place until all construction on the site is completed. Removal or changing the location of the fence shall require the concurrence of the Project Biologist. 3. All activities associated with construction, trenching, storage of materials, and disposal of construction wastes and excavated soil should not impact areas protected by fencing. The area protected by the fence should remain in a trash free condition and not used for material stockpiling, storage or disposal, or vehicle parking. All construction personnel shall be prohibited from entering the area protected by fencing. 4. No paint, cement, gravel, joint compound, cleaning solvents or residues from other chemicals or materials associated with construction shall be disposed of on-site. The General Contractor shall be responsible for complying with this requirement shall clean up any spills or contaminated ground to the full satisfaction of the Project Biologist. 5. If any excavation spoils (sand only) are generated by the project, they should be disposed of either on-site or off-site (preferably within the Asilomar Dunes), but not in a way that shall negatively affect any existing native vegetation. The proposed location(s) for disposing of excess sand should be reviewed and approved by the City of Pacific Grove and the California Coastal Commission prior to the start of construction. 6. The Project Biologist should inspect the site daily during any excavation or other ground disturbing activities and no less than 	Applicant/ CDFG Qualified Biologist	Pre-Construction, During Construction Activities and On- going thereafter as specified	CDD	

Exhibit J: Mitigation Monitoring Program
3-11-020: Goins
Page 8 c

MM	Mitigation Language	Implementing Party:	Implementation Date:	Monitoring Party:	Verification Date:
III-1b Cont Exhibit J: Mitigation Monitoring Program 3-11-020; Goins SFD Page 9 of 14	<p>one time each week for the duration of the project, to ensure compliance with all provisions for protecting the surrounding environment. Any activity or condition not in accord with the provisions of this report shall be brought to the attention of the owner or their representative, the General Contractor and, if necessary, the City of Pacific Grove Community Development Department.</p> <p>7. A qualified biologist should install or guide installation of the landscape.</p> <p>C. Post-construction Period</p> <ol style="list-style-type: none"> 1. With the concurrence of the Project Biologist, the temporary fence should be removed. 2. Landscaping should be installed according to the specifications described in the Landscape Restoration Plan and completed within one year of the project receiving final building inspection approval. 3. Any exotic plants that are used for ornamental purposes should be confined to the area(s) designated as "immediate outdoor living area," as described in the Landscape Restoration Plan. The exotic plants should not include species that are capable of naturalizing or spreading into the adjacent dunes. In particular, the following invasive species should not be used: acacias (<i>Acacia</i> spp.), brooms (<i>Cytisus</i> spp.), pampas grasses (<i>Cortaderia</i> spp.) and ice plants (<i>Carpobrotus</i> spp., <i>Mesembryanthemum</i> spp., <i>Dioscorea</i> spp., <i>Mnleophora</i> spp., etc.), and <i>myoporum</i>. 4. When installation of the landscape has been satisfactorily completed, the Project Biologist should prepare a letter to notify the City of Pacific Grove and the Coastal Commission. 5. A qualified biologist should be retained to monitor the landscape restoration project on an annual basis for at least five years and provide an annual status report to the City of Pacific Grove Community Development Department and the California Coastal Commission. 6. The native landscape should be maintained as specified in the Landscape Restoration Plan, including removing exotic plants and planting and caring for additional plants, if needed. 7. If the property should change ownership, future owners of the 	Applicant/ CDFG Qualified Biologist	Pre-Construction, During Construction Activities and On- going thereafter as specified	CDD	

MM	Mitigation Language:	Implementing Party:	Implementation Date:	Monitoring Party:	Verification Date:
	property should have the same obligation for preserving, maintaining and perpetuating the native landscape on the site.				
III-2	The revised March 16, 2011 Landscape Restoration Plan (LRP) shall be implemented with the project.	Applicant/ CDFG Qualified Biologist	After Coastal Development Permit Approval/Within one year following final building inspection approval	CDD/ California Coastal Comm.	
IV-1	If archaeological resources or human remains are accidentally discovered during construction, work shall be halted on the project parcel until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with the approval of the lead agency, and implemented.	Applicant/ Qualified Archaeologist	During Construction Activities	CDD	
VI-1	The project applicant shall specify in project plans the implementation of at least one of the following measures during construction activities for the proposed project. The measures shall be implemented as necessary, subject to the review and approval by the City of Pacific Grove Building Official. <ul style="list-style-type: none"> • Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet; • Local building materials (within 100 miles) of at least 10 percent, and • Recycle at least 50 percent of construction waste or demolition materials. 	Applicant/ Project Contractor	During Construction Activities	CDD	
VIII-3-11	Prepare a drainage plan to show how water run-off from the site shall be addressed. This shall be submitted with the building permit application and approved by Public Works prior to issuance of the building permit.	Applicant/ CA Licensed Engineer	Prior to Issuance of Building Permit	CDD	
VII-20	During construction, the following Best Management Practices (BMPs) shall be implemented by the contractor. A preconstruction meeting shall be held onsite to review these BMPs with the Owner (or his or her designated representative), the Contractor, the Building Inspector, and the Public Works Department, prior to the start of construction: <ul style="list-style-type: none"> a. For the construction site, protect any down slope drainage courses by recognized methods. See BMP brochures in Community 	Applicant/ Project Contractor	During Construction Activities	CDD	

Exhibit J: Mitigation Monitoring Program
SFD
Page 10 of 14

MM	Mitigation Language:	Implementing Party:	Implementation Date:	Monitoring Party:	Verification Date:
VIII-2 Cont	<p>Development Department. This is physical stabilization through the use of geotextiles, mats, fiber rolls, or Bonded Fiber Matrix.</p> <p>b. Use check dams or ditches to divert water around excavations.</p> <p>c. Cover stockpiles of excavated soil with tarps.</p> <p>d. Schedule grading/earthmoving activities during dry periods.</p> <p>e. Protection of any grading site perimeter at all times through the use of filtration devices, silt fencing, straw fiber rolls, gravel bag barriers, and gravel inlet filters.</p> <p>f. Minimize the use of oil-based paints.</p> <p>g. Store solvents and paints in original containers or other Fire Marshal approved containers.</p> <p>h. Spent solvents are hazardous wastes. Store spent solvents in approved containers. Reuse solvents as much as possible and use paints as much as possible rather than disposing of them. Dispose of spent solvents and unusable paint as a hazardous waste.</p> <p>i. Never clean paint equipment where solvents, paint or contaminated rinse water can enter the storm drain system.</p> <p>j. Store plaster and cement in covered areas and keep them out of the wind.</p> <p>k. Conserve materials. Don't mix more product than can be used before it hardens.</p> <p>l. If there is left over product, place the excess in an earthen depression. Let the product cure and dispose of as regular refuse.</p> <p>m. All rinse water is to be placed in an earthen depression capable of holding the rinse water as well as any rain water that would fall/run into the depression.</p> <p>The following BMPs refer to Ready-mixed Concrete:</p> <p>n. Have an earthen depression dug prior to the arrival of the ready-mix truck.</p> <p>o. If a pump is used, place the entire pump priming fluid and reject concrete in the depression.</p> <p>p. Place all spilled concrete and chute wash water in the depression.</p> <p>q. All truck and pump rinse water is to be taken back to the ready-mix batch plant for treatment/recycling.</p> <p>r. Before creating an exposed aggregate finish, carefully plan and prepare to prevent the slurry that is washed off from entering the storm drain system and gutters.</p>	Applicant/ Project Contractor	During Construction Activities	CDD	
	Days and hours of demolition and construction activities shall be	Applicant/	During	CDD	

Exhibit J: Mitigation Monitoring Program
3-11-020; Goins SFD
Page 11 of 14

1373 Pico Avenue/Goins Residence
Mitigation Monitoring Program

City of Pacific Grove
March 22, 2010

MM	Mitigation Language:	Implementing Party:	Implementation Date:	Monitoring Party:	Verification Date:
	limited to 7:30 a.m. to 7:30 p.m. Monday through Saturday, except for interior work.	Project Contractor	Construction Activities		
X.2	All power equipment shall be in good operating condition and properly maintained.	Applicant/ Project Contractor	During Construction Activities	CDD	
X.3	All equipment and tools powered by internal combustion engines shall have mufflers that meet or exceed manufacturer specifications.	Applicant/ Project Contractor	During Construction Activities	CDD	



MITIGATION MONITORING PROGRAM AGREEMENT

The undersigned are the property owners of record for property located at 1373 Pico Avenue, Pacific Grove, California (Assessor's Parcel No. 007-072-014-000). The undersigned acknowledge receipt of a copy of the Notice of Intent to Adopt a Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Program that has been prepared by the City of Pacific Grove Community Development Department for the proposed project. The undersigned have read and understand the referenced documents and agree to: (1) incorporate the proposed mitigation measures into the project and (2) comply with the mitigations measures contained in the Mitigation Reporting and Monitoring Program.

Ms. Michelle Goins

Date

From: Katie Butler [kbutler@coastal.ca.gov]
Sent: Wednesday, July 06, 2011 2:53 PM
To: Robinson, Delinda x5198
Subject: Abercrombie project (PLN100612)
Hi Delinda,

Coastal Commission staff received the IDR for the Abercrombie project at 1158 Signal Hill Road in Pebble Beach (PLN100612), and reviewed the project plans and biological assessment for LCP consistency. Please accept the following comments.

The project site lies within the southern extent of the Asilomar Dunes complex, an environmentally sensitive habitat area (ESHA) extending from Pacific Grove through Spanish Bay down to Fan Shell Beach. Although degraded in areas (by residential and golf course development), it remains a valuable habitat area including because it supports (and can support if restored) certain plants and animals characteristic of dunes that are themselves rare and endangered. Regardless of the presence of non-native plant species on the property, the site is dune ESHA. As such, LCP ESHA policies must be applied to the project, in particular LUP Policy 8 which states that "new land uses within ESHA shall be limited to those which are dependent on the resources therein" and "development should be sited and designed to prevent impacts that would significantly degrade the protected habitat." Policies specific to dune ESHA include LUP Policy 16 which states that "remnant native sand dune habitat on Signal Hill shall be preserved through scenic and conservation easement" Lots of record in these dune areas may be developed provided that new adverse impacts are prevented" and LUP Policy 18 which states that "uses of the remnant native sand dune habitat shall be limited to low-intensity scientific, educational, or recreational activities dependent on the resource"

The proposed project would extend the footprint of the existing residential use into the undeveloped dune area on the northwest side of the existing development. Any expansion beyond existing developed areas cannot be rectified to the LCP's ESHA protection policies as it would both remove ESHA and result in impacts that would significantly degrade remaining dune habitat on site and adjacent to it. The proposed expansion into ESHA is not resource dependent and has not been otherwise adequately sited or designed to prevent ESHA impacts. The above-stated and other ESHA policies in the LCP require that development associated with existing properly permitted residential sites in ESHA be limited to the existing developed footprint, and that areas outside of that footprint be maintained (and restored and enhanced) as ESHA; all development must be sited and designed to prevent significant degradation to ESHA resources (including by virtue of ESHA-sensitive design). The project as proposed is therefore inconsistent with the LCP's ESHA policies, and project re-design is necessary.

Thank you for the opportunity to comment in the review stage of this project. We may have additional comments as the project moves through the planning process, including in response to these comments and any project redesigns. Please keep me informed as to its status, and please forward any proposed revised project plans as they become available. Let me know if you have any questions or would like to discuss.

Thanks,

Katie

Katie Butler
Coastal Planner
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
P: (831) 427-4863
F: (831) 427-4877
kbutler@coastal.ca.gov
www.coastal.ca.gov

Robinson, Delinda x5198

From: Sarah Hardgrave [shardgrave@ci.pg.ca.us]

Sent: Thursday, September 13, 2012 4:39 PM

To: Robinson, Delinda x5198

Subject: Offsite mitigation fee for Asilomar Dunes Habitat Restoration

Hi Delinda,

In follow up to our phone discussion, yes, the City of Pacific Grove is able to receive an offsite mitigation fee for the purpose of Asilomar Dunes habitat restoration. The funds would be deposited in the Community Development Departments Environmental Enhancement account, and would be used for restoration of City property in the vicinity of Rocky Shores and Point Pinos.

Please let me know if you need any additional information for your condition of approval. If the project is approved, please send us the permit information with the applicant's name, coastal permit number, and the fee amount, so that we can record the deposit and purpose of the funds.

Best regards, Sarah

Sarah Hardgrave
Environmental Programs Manager
City of Pacific Grove
(831) 648 5722 ext. 202

09/19/2012