



REGULAR MEETING

SAND CITY COUNCIL

AND

**SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY**

AGENDA

SAND CITY COUNCIL CHAMBERS

TUESDAY, MARCH 21, 2017

5:30 P.M.



AGENDA
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY

Regular Meeting – March 21, 2017
5:30 P.M.

CITY COUNCIL CHAMBERS
Sand City Hall, One Sylvan Park, Sand City, CA 93955

1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **COMMUNICATIONS**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

A. Written

B. Oral

5. **CONSENT CALENDAR**

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits.

- (1) CUP #483, Colton Heating (contractor), 431 Ortiz Avenue
- (2) CUP #482, Macaluso Electric (contractor), 551 Redwood Avenue
- (3) CUP #517, Monterey Bay Diving (storage), 625-C California Avenue
- (4) CUP #538, Todd Kruper (live-work), 637-A Ortiz Avenue

- (5) CUP #560/CDP #13-03, Iron Republic (gym), 1807 Contra Costa
- (6) CUP #579, Jill Kahlow, (manufacture) 337-B Olympia Avenue
- (7) CUP #580/CDP 14-02, Ashley Denning (hair salon), 490-C Orange Avenue

- B. Approval of March 7, 2017 Sand City Council Meeting Minutes
- C. Acceptance of Police Department Monthly Activity Report, February 2017
- D. Acceptance of Public Works Monthly Report, February 2017
- E. Approval of City RESOLUTION Approving Participation in the Institute for Local Government's Recognition Program, The Beacon Program and Designate the City Administrator as the Representative
- F. Approval of City RESOLUTION forwarding to the Monterey County Ad Hoc Committee the Council's recommendation for the use of the City's Allocation of HUD CDBG Grant Funds for Public Facilities & Capital Improvements for Fiscal Year 2017/2018, and a Recommendation for the Allocation of HUB CDBG funds for Public Service Providers
- G. Approval of City Donation/Contribution
 - 1) Community Human Services Safe Place Program - \$2,500
- H. Acceptance of Fort Ord Reuse Authority (FORA) Monthly Report, March 2017
- I. Acceptance of City/Successor Agency Monthly Financial Report, January 2017

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

7. PUBLIC HEARINGS

- A. SECOND READING: Ordinance of the City Council of the City of Sand City authorizing Implementation of a Community Choice Aggregation Program
- B. Consideration of City RESOLUTION Approving Conditional Use Permit 611 for Bernie & Kirsten Rippenburg of Visions Design Center authorizing a Distribution and Delivery Center at 701 California Avenue
- C. Consideration of City RESOLUTION Approving Coastal Development Permit 17-03 for Ioan Szasz authorizing a Curator Storage, Distribution, and Office Operation at 1807-A Contra Costa Street

8. OLD BUSINESS

- A. Progress report on Public Works projects, South of Tioga Redevelopment project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator

9. NEW BUSINESS

- A. Consideration of City RESOLUTION Accepting Two Easements as Grantee: (1) Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of Restrictions, and (2) Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restriction, for the Monterey Bay Shores Resort Development, Consistent with the Conditions and Requirements of California Coastal Commissions Coastal Development Permit (CDP) A-3SNC-98-114, Issued November 9, 2015
- B. Comments by Council Members on Meetings and Items of interest to Sand City
- C. Upcoming Meetings/Events

10. ADJOURNMENT

Next Scheduled Council Meeting:
Tuesday, April 5, 2017
5:30 P.M.
Sand City Council Chambers
1 Sylvan Park, Sand City

This is intended to be a draft agenda. The City reserves the right to add or delete to this agenda as required.

The current Sand City agenda is available in PDF format on our website at:
www.sandcity.org/agenda

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 20, or give your written request to the City Clerk at One Sylvan Park, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

AGENDA ITEM

5B

**MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY**

Regular Meeting – March 7, 2017
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 5:31 p.m.

The invocation was led by Reverend Yarborough.

The Pledge of Allegiance was led by Commander Vito Graziano.

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Todd Bodem, City Administrator
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Vito Graziano, Police Commander
Connie Horca, Deputy City Clerk
Charles Pooler, City Planner

AGENDA ITEM 4, COMMUNICATIONS

- A. There was no written communication distributed to the Council.
- B. Oral

5:32 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:32 P.M. Floor closed to Public Comment.

The Mayor thanked the City Administrator for his well-written report.

AGENDA ITEM 5, CONSENT CALENDAR

- A. There was no discussion of the February 21, 2017 Sand City Council Meeting Minutes.

- B. There was no discussion of the City **Resolutions** honoring the Monterey Peninsula Chamber of Commerce's 2016 Award Recipients
 - 1) Citizen of the Year – John V. Narigi
 - 2) Ruth Vreeland Memorial Public Official of the Year – David J. Stoldt
 - 3) Robert C. Littlefield Award for Lifetime Achievement – Tom Rowley
 - 4) Volunteer of the Year – Kyle Soliven
 - 5) Business of the Year – CONFIDENTIAL (Monterey Signs)
- C. There was no discussion of the City/Successor Agency Monthly Financial Report, December 2016.
- D. There was no discussion of the City Donation/Contribution to StartUp Challenge for \$1,500 and Monterey County Commission on the Status of Women for \$250.

Motion to approve the Consent Calendar items was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 7, PUBLIC HEARING

{Council Member Hubler stepped down from the dais due to a possible conflict by residing within 500' of the subject property}

- A. **Consideration of City RESOLUTION approving Conditional Use Permit 610 for Ashleigh Hutchison authorizing Limited Scale Office Activity at 613-B Ortiz Avenue**

City Planner Charles Pooler presented an application submitted by Ashleigh Hutchinson for approval to use a 100 square foot portion of a 2,000 square foot commercial unit as office space for her alcohol media and marketing business at 613-B Ortiz Avenue. The facility currently holds a photography studio that will remain, and the Applicant will only be using a small area within for office activities. There will be no on-site alcohol retail sales, inventory storage, or product distribution at the site. There will be no shipments or deliveries of inventory to/from the subject property. The total frontage can provide 12 parking spaces, with four spaces for the unit. The parking requirement is sufficient for the proposed use. The Applicant did not specify any specific hours of operation. This will be a part-time and irregular use of the site on an 'as needed' basis. Staff is not recommending any limitation upon the Applicant's office activities as it would have negligible impact. This use is not anticipated to pose a

nuisance. The permit, if approved, should limit the Applicant's use of the site as "Office Only". Staff recommends approval of the conditional use permit authorizing office use at the subject property.

5:36 P.M. Floor opened for Public Comment.

The applicant Ashleigh Hutchison commented that she has been in wholesale wine sales for over a decade and has started her own virtual online sales company. The California ABC licensing requires that she have her own space to hang her ABC wholesale license. The current owner has agreed to sub-lease the space to hang the license. All operations are currently located in San Jose, California, so there will be no sales activities at the location.

In response to Vice Mayor Carbone's question regarding hours of operation and whether the permit's unspecified hours should set a precedence with other businesses, City Planner Pooler responded that the applicant will only be using the office to store files, and do minor paperwork, with no deliveries, and there should be no foreseeable impacts to surrounding businesses and resident's.

The Mayor asked if Ms. Hutchison was in agreement with the conditions of the use permit. Ms. Hutchison responded that she was in agreement with permit conditions.

5:36 P.M. Floor closed to Public Comment.

Consideration of City **Resolution** approving Conditional Use Permit 610 for Ashleigh Hutchison authorizing limited scale office activity at 613-B Ortiz Avenue was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSTAIN: Council Member Hubler. ABSENT: None. Motion carried.

{Council Member Hubler returned to the dais}

B. FIRST READING: Ordinance of the City Council of the City of Sand City Authorizing Implementation of a Community Choice Aggregation Program

City Administrator Todd Bodem reported that the attached Ordinance is to introduce the Implementation of a Community Choice Aggregation Program and would become effective thirty (30) days following adoption of the second reading. The attached resolution authorizes the Mayor to enter into an agreement to join the Joint Powers Agreement (JPA) establishing the Monterey Bay Community Power (MBCP) Authority.

Gine Johnson of Supervisor Bruce McPherson's office commented that this became a regional project when Mr. McPherson took office in 2013.

She distributed information regarding the Community Choice Program and reported that the County of Monterey formally joined this afternoon. Six member agencies have joined the program to include Santa Cruz County, San Benito County, Hollister, Capitola, Soledad and Scotts Valley. Several other agencies have taken first and second readings, and other local jurisdictions with the exception of the City of Carmel are taking action.

5:42 P.M. Floor opened for Public Comment.

Dan Nelson of the Romero Institute distributed petitions signed by Sand City residents in support of the Monterey Bay Community Choice Program.

5:43 P.M. Floor closed to Public Comment.

In response to City Administrator Bodem's question on how PG&E ratepayers would be affected should 90% of the City's residence choose Community Choice program, Ms. Johnson responded that PG&E is in the business of procuring, delivery of services, and billing. They have not been involved in the generation of power for a long time and generate revenue through delivery of power. She continued to explain how the regional committee guided the technical study to assist in the formation of Joint Powers Agreement (JPA). Now that a Board has been formed, they will select a bank to help fund the program.

Mayor Pendergrass expressed his opinions regarding the Joint Powers Agreement (JPA), make-up of the Board, why some cities are partnered to have only one vote at the table, other agencies that contain 21 voting members, politics involved with voting members of JPA Boards, and the outcome of debt incurred by cities to fund JPA's.

Ms. Johnson further explained the logical reasons why the JPA Board contains shared seats. Those cities with 50,000 or more in population have a voting seat, while the regional local agencies are grouped together so that the JPA Board would be more flexible and fluid in its decision making. Once the JPA starts to collect funds from ratepayers, the credit guarantee would be paid back as well as startup loans. Additional revenues would be reinvested back into the community.

Mayor Pendergrass commented that a great deal of money would be required to build a renewable power source and expressed his concerns on the cost of indebtedness, why each participating jurisdiction does not have their own voting seat, and who would pay for the costs of constructing local projects. Ms. Johnson added that when startup fees have been paid, it would be up to the JPA to decide on the construction of local projects.

Motion to approve the First Reading: **Ordinance** of the City Council of the City of Sand City Authorizing Implementation of a Community Choice Aggregation Program was made by Council Member Blackwelder, seconded by Council Member Kruper. Roll call vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper. NOES: Council Member Pendergrass. ABSENT: None. ABSTAIN: None. Motion carried.

1) Consideration of City RESOLUTION Approving the Joint Powers Agreement Establishing the Monterey Bay Community Power (MBCP) Authority, Authorizing the Mayor to Execute the Agreement on Behalf of the City of Sand City and Adopting California Environmental Quality Act (CEQA) Exemption Findings

City Attorney Jim Hesinger commented that the attached staff report covers both the Ordinance and Resolution. The ordinance exercises the right of cities to implement a Community Choice Aggregation Program. The Ordinance also indicates the participation of the Joint Powers Authority (JPA). The Resolution is to enter into a JPA, and indicates the voting powers of the JPA as well as the decision making. It is a high level governance agreement, and there is nothing within the JPA that will set the rates in parity with P.G. & E. or lower. It does allow for the creation of a Board of Directors. Subsidized power, with respect to P.G. & E.'s rates will be set by this Board. The ratepayers would have the choice on whom they would like to buy their power from.

In response to City Administrator Bodem's question regarding the collection of 1% of the franchise fees, Ms. Johnson clarified that it will remain the same.

Motion to approve the City **Resolution by title**, approving the Joint Powers Agreement Establishing the Monterey Bay Community Power (MBCP) Authority, Authorizing the Mayor to Execute the Agreement on Behalf of the City of Sand City and Adopting California Environmental Quality Act (CEQA) Exemption Findings was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper. NOES: Council Member Pendergrass. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, OLD BUSINESS

A. Progress report on Public Works projects, South of Tioga Redevelopment project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator

City Engineer Leon Gomez reported that the desalination plant produced 26 acre-feet for the month of February. The storms have assisted the intake wells of the plant to produce water. The Coastal Commission has approved the coastal development permit for the new wells. Staff held a telephone conference call with Cal-Am to discuss next steps and the

development of a scope of work to include construction documents and technical assistance for the new wells.

The City was granted a Proposition 1 Technical Assistance Grant, and a conference call was held with Ms. Darla Ingalls of the Central Coast Low Impact Development Initiative to discuss high priority storm water management projects that would qualify for grant funding. These projects include the disconnection of city storm drain infrastructure from the existing 90" inch outfall to Bay Street and mitigation of flooding in lower lever areas of the City as well as development of "LID" light projects.

Work has commenced for the Porsche Site Improvements project. The City has executed a contract with Mark Nicholson Inc. to perform utility locating (potholing) services within the project area. In order to reduce costs, the City Engineer and Public Works Staff performed delineation of the work area. The developer of the Bungalows at East Dunes Phase 2 obtained building permits for lots 4, 5, 6, 7, 8, 9, 10. On March 3rd, Staff met with Ed Ghandour, developer of the Monterey Bay Shores Eco-resort, along with his project engineer, representatives from Cal-Am, and Caltrans District 5 to discuss improvements and permit requirements for California Avenue.

City Planner Charles Pooler reported that he received plans for Lot 5. Lots 4 and 7 have been in plan check and permits should be forthcoming. Lots 8, 9 & 10 are in their first round of plan checks. Benchmark Communities is progressively moving forward in getting their building permits issued for the Bungalows project. Staff has received plans for 2 new homes for the small 75x75 area within that block. EMC is currently working on the environmental study for mixed-use zoning on heights (for a possible Phase 2 at the Independent) and for 25x25 foot lots that should be combined. Staff is hopeful to have the environmental study for a 21 day public review by the end of March.

Mayor Pendergrass requested that Staff contact the developer of the Bungalows project to ensure that the streets are kept clean and swept regularly.

There was discussion regarding the Cal-Am lease agreement and the possibility of amending the lease to amortize the cost of the possibility of the City undertaking the construction of new wells.

AGENDA ITEM 9, NEW BUSINESS

A. Comments by Council Members on Meetings and Items of interest to Sand City

Council Member Hubler reported that he has been recruiting members for the Arts Committee and that there may be two prospective people that

have been contacted. Jean Luc and Lori Saunders have expressed their interest in the Arts Committee.

The Mayor requested the City Administrator to check whether or not Council Members are required to take the sexual harassment course, as it was his understanding that it was only required of organizations that have 50 or more people.

Vice Mayor Carbone reported that this Friday, Community Human Services will be having a Women's Fundraiser Ball at the Elks Lodge and that she will be attending the Monterey County Outstanding Women's Award on March 19th.

B. Upcoming Meetings/Events

There were no RSVP's for upcoming events.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Carbone to the next regularly scheduled Council meeting on Tuesday, March 21, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 6:55 p.m.

Connie Horca, Deputy City Clerk

AGENDA ITEM

5C

SAND CITY POLICE DEPARTMENT MONTHLY REPORT

DATE: 1-Mar-17

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMEBERS

FROM: BRIAN FERRANTE, CHIEF OF POLICE

SUBJECT: POLICE ACTIVITY FOR THE MONTH OF **February 2017**

This report presents a condensed overview of the Sand City Police Department's operational and administrative activities. It is an approximate analysis and not conclusive.

CRIMINAL OFFENSES REPORTED

	THIS MONTH	LAST MONTH	YEAR TO DATE	LAST YEAR TO DATE
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	0	1	1	2
Assault/Battery	1	1	2	0
Battery (spousal)	0	1	1	0
Burglary (commercial)	1	1	2	1
Burglary (residential)	0	0	0	0
Burglary (vehicle)	0	0	0	0
Theft (petty)	8	7	15	29
Theft (grand)	0	1	1	4
Theft (vehicle)	1	0	1	2
Vandalism	1	4	5	0
Arson	0	0	0	0
Forgery/Counterfiting	0	1	1	0
Fraud/Embezzlement	6	2	8	6
Health&Saftey code	12	14	26	5
Business&Professions Vio	0	0	0	0
TOTAL	30	33	63	49

ARREST

Adult Felony	4	4	8	3
Adult Misdemeanor	12	15	27	20
Juvenile Felony	0	0	0	0
Juvenile Misdemeanor	0	0	0	1
Warrants	22	14	36	20
Drunk Driving	0	0	0	0
TOTAL	38	33	71	44

	THIS	LAST	YEAR	LAST YEAR
	MONTH	MONTH	TO DATE	TO DATE
CITATIONS				
Traffic Violations	8	13	21	29
Parking Violations	17	9	26	55
Sand City Muni Code	2	0	2	2
Warrants	19	9	28	9
TOTAL	46	31	77	95

TRAFFIC ACCIDENTS				
Non- Injury	2	4	6	10
Injury	0	0	0	0
Fatal	0	0	0	0
Hit/Run/ (property damage)	0	0	0	0
TOTAL	2	4	6	10

MISCELLANEOUS CALLS FOR SERVICE				
Alarm (commercial)	5	5	10	22
Security checks (commercial)	1	0	1	8
Securty/welfare check	9	0	9	31
Animal Complaints	3	6	9	14
Suicide Attempts	0	0	0	1
Suicide Complete	0	0	0	0
Vehicle (tow/abatement)	3	0	3	4
Medical Emergencies	3	4	7	20
Fire Emergencies	0	0	0	7
Civil/Peace Disturbances	8	6	14	46
TOTAL	32	21	53	153

Peace Disturbances: Includes complaints of transients, family, landlord/tenant, neighbor and customer disputes.

ALL OTHER CALLS FOR SERVICE				
Complaint Initiated	61	68	129	147
Officer Initiated	41	43	84	191
TOTAL	102	111	213	338

AGENDA ITEM

5D

Public works

Monthly Activity Report

February 2017

This report is to inform you of the activities and projects being accomplished by the Sand City Public Works Department.

Routine Public Works Functions:

- Clean City Hall offices, kitchen and bathrooms.
- Check city for any needed repairs.
- Blow leaves and debris from City Hall and Park. Keep park bathroom clean.
- Remove weeds around City Hall and Park.
- Supervise Hope Crew to maintain city streets.
- City vehicle maintenance. (Gassing up city vehicles, washed, and frequent oil changes)
- Water plants inside City Hall.
- Pick up fruit and bagels daily for City Hall.
- Set up Council Chambers for meetings.
- Check the city for homeless encampments and loose shopping carts.
- Fill out Daily reports and a monthly report.
- Open and lock up the corporation yard at the end of the day and turn on the back porch light.
- Better Management Practices. (keeping our eyes open for illicit discharges or any waste going into the storm drains)
- Blowing the bike paths and emptying the trash cans citywide.
- Water the trees citywide.
- Send the well readings to the City Engineer.
- Clean the city streets with the street sweeper, fill tanks with gas, diesel, and water, clean out the hopper, wash the outside after every use, and take all the spoils to the dump.

Special Public Works Functions:

- Blew off West Bay St.
- Spoke with PG&E about lights on Playa because they are out.
- Went to A&R plumbing to have them check on the women's toilet that was leaking.

- Drove to San Jose to pick up the street sweeper and drove it back because of a recall and smoke coming off the exhaust.
- Spoke with A&R plumbing about a routine maintenance for the sewer lines at City Hall.
- Counted the flags at the Corporation yard and City Hall.
- Spoke with Andy at Fashion Streaks about the difference between nylon and polyester flags.
- Removed some dead weeds around City Hall.
- Spoke with Linda about upcoming expenditures for the budget.
- Shoveled sand off Sand Dunes drive bike path between West Bay and Tioga.
- Put together and installed a Park and Sylvan street sign.
- Looked at Chuck's Conex because it was leaking and found where the problem was which can't be fixed until the rain stops.
- Gassed up the SUV for Linda for a meeting.
- Dropped the dump truck off at Mark's barn to have rust damage fixed and a new windshield.
- Did Costco shopping and set up the Council chambers for Vito and Mike's promotion ceremony and cleaned up after.
- Contacted Seaside Public Works and Caltrans about a traffic light on Monterey road that was hanging by wire.
- Went over a list for tools that Public Works needs and got prices.
- Rearranged and cleaned up the emergency room at the Corporation yard.
- Dropped e-waste off at the Hope building.
- Met with PG&E at the Carol building to get a meter reading.
- Spoke with the city manager about the desalination tour for managers.
- Cut bushes and pulled weeds outside the Corporation yard and filled garbage bags because the dump truck was at Mark's barn.
- Purchased a side mirror for the four-door truck at Napa. Took the old one off and installed the new one.
- Cut out more plants and pulled, at the Corporation yard.
- Called Rental Depot and reserved the lift. Picked up the tow behind lift from rental depot and fixed three banners along Playa and California that were damaged by the wind. Installed new straps on a bracket with the banding tool.
- Replaced the state flagpole rope on Monterey road that was damaged by a homeless person and installed a new lock on the pole.
- Chopped weeds along sidewalk on Redwood.
- Installed a new Mutt Mitt box by City Hall.
- Spoke with Officer Larry about scattered car parts along the upper Ridge bike path.

- Pulled more weeds, trimmed a tree, and pulled out dead bushes at the Corporation yard.
- Removed 4 shopping carts from the upper Ridge and Ellis.
- Shoveled and blew off Ellis bike path along with Sand Dunes drive.
- Removed large rocks in the curb line along Sand Dunes drive before street sweeping.
- Hung a Jewish banner at Tioga.
- Picked up granite patch at Granite Rock and filled potholes along California, John, Hickory, and Tioga.
- Spoke with Harper about tree trimmings on Dias.
- Removed a shopping cart from upper Ridge bike path.
- Loaded the spoils at the Corp. Yard with the backhoe in the dump truck and took it to the landfill.
- Pulled weeds along Ortiz and Elder.
- Put windshield washer fluid in the work trucks.
- Removed homeless trash along with a mattress on the upper Ridge bike path.
- Had a recycle meeting in the Council chambers and spoke with Tyler from Green Waste to have one delivered to our Corporation yard.
- Cleaned up behind all the filing cabinets at City Hall after the movers came for the painters to paint.
- Removed a torn banner on Tioga.
- Placed delineators along West Bay with caution tape to avoid people going on the boardwalk area.
- Helped Green Waste with the placement of our recycle dumpster.
- Anchored shelving down in City Hall along with hanging a picture and moving plants around.
- Filled up diesel cans to top off the generator at City Hall and the Police Department.
- Went to Office Depot to see if they accept printer cartridges to drop off and they do.
- Contacted the online flag store to see if they make custom flags and to get prices for our Sand City flag.
- Contacted the Sturdy Oil Company to get a list of all the gas cards and the people who own them so we can make changes.
- Pulled weeds around Calabrese Park.
- Hung pictures and paintings in Linda's office.
- Went to granite rock and picked up 3 tons of base rock to put around the Contra Costa mural.
- Picked up 3 tons of base rock at Granite Rock and filled holes around the Contra Costa mural flagpole.
- Scraped the upper Ridge bike path with the backhoe because of high winds.

- Contacted the city engineer and Maris, from save the whales, about placing barricades around a storm inlet behind Orchard Supply.
- Picked up granite patch at Granite Rock and filled potholes on Orange Street.
- Used roofing patch for the top of the Corporation yard roof that was leaking and also on Chuck's conex across from City Hall.
- Scraped the upper Ridge bike path with the backhoe because of high winds.
- Set up the Council chambers for the swearing-in ceremony for Dan Charleton. Picked up all the food and put everything away after the ceremony.
- Ordered mutt mitts from Intelligent Products.
- Painted out 2 walls of graffiti on the upper Ridge bike path under the freeway.
- Pulled weeds around the Contra Costa mural.
- Put up barricades with no parking signs along Hickory.
- Met with the city engineer at Hickory and used marking paint for USA to come and mark all the utilities.
- Put stuff away for Linda and Connie in their conex.
- Put up the Council members pictures in City Hall.
- Contacted the Sturdy Oil Company to make changes and updates on the gas cards.
- Changed the Corporation yard lock code to accommodate Greenwaste to pick up our recycling dumpster.
- Pulled weeds around the Monterey road mural.
- Weed eated on Olympia and a part of the upper Ridge bike path.
- Picked up branches that were cut on Dias and loaded the dump truck with the backhoe and took it to the dump.
- Spoke with the city engineer about where the core dumping's from Hickory Street will be placed.

**AGENDA ITEM
5E**

MEMO

To: Honorable Mayor and City Council Members
From: Todd Bodem, City Administrator
Date: March 13, 2017
Subject: Participation in the Institute for Local Government's Beacon Program

Summary & Discussion

The Beacon Program is an established program of the Institute for Local Government; The non-profit training and education affiliate of the League of California Cities, the California State Association of Counties and the California Special Districts Association.

The Beacon Program provides a framework for cities and counties to implement and share best practices that create healthier, more efficient, sustainable communities. The program honors voluntary efforts by cities and counties to save energy reduce greenhouse gas emissions and adopt policies and programs that promote sustainability.

Beacon Program participants receive valuable support and encouragement from the Institute for Local Government and its non-profit and utility partners. The team helps local governments apply sustainability best practices and collect and organize data to advance participants' achievements within the program's five areas of accomplishment. Within each area, the participant can earn Beacon Spotlight Awards-based on level of achievement. To win a full Beacon Award, participants are required to demonstrate achievements in all five areas.

SPOTLIGHT AWARD AREAS OF ACCOMPLISHMENT	SILVER LEVEL	GOLD LEVEL	PLATINUM LEVEL
Agency GHG Reductions			
Community GHG Reductions			
Agency Energy Savings	5% Reduction	10% Reduction	20% Reduction
Natural Gas Savings			
Sustainability Best Practice Activities	1 in each of 10 categories	3 in each of 10 categories	6 in each of 10 categories
FULL BEACON AWARD	Silver Level Beacon Award	Gold Level Beacon Award	Platinum Level Beacon Award

In addition to award recognition, participants receive monthly communications about innovative practices and/or funding opportunities, access to peer to peer networking opportunities and invitations to showcase sustainability leadership.

In order to participate in the Beacon Program, cities and counties must complete a simple application and do the following:

- Adopt a resolution by the governing body committing the agency to participate in the program;
- Designate a lead staff person as a point of contact;
- Seek to implement energy efficiency or sustainability programs, policies or procedures that achieve measurable greenhouse gas reductions and promote energy conservation activities in the community.

The Beacon Program is funded by the California utility customers and administered by Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison and Southern California Gas Company, under the auspices of the California Public Utilities Commission. Additional detailed information about the program can be found at www.ca-ilg.org/BeaconAward

Background

With roots as a center for heavy industry, the City of Sand City has been working towards creating a more sustainable City. To this end, the City implemented energy efficiency projects, enhanced its regional water supply and made efforts to secure large portions of its coastline for parks and open space. In partnership with the Association of Monterey Bay Area of Governments, Sand City seeks to document and be recognized for these efforts and the associated energy and greenhouse gas reductions.

The City of Sand City will be awarded a Beacon Spotlight Award at the Platinum level for Community-wide GHG reductions.

Fiscal Impacts

Program participation is voluntary. The program is designed to complement existing efforts of our energy and climate action plans which would translate to little or no fiscal impact. Participating in the program may increase the city's competitiveness for future state or other grant funding and the City's ability to showcase its achievements both locally and state-wide.

Action Required

Adopt the attached Resolution approving participation in the Institute for Local Government's Beacon Program and Designate the City Administrator as its representative.

CITY OF SAND CITY
RESOLUTION SC ___, 2017

A RESOLUTION OF THE SAND CITY COUNCIL APPROVING PARTICIPATION IN THE INSTITUTE FOR LOCAL GOVERNMENT'S RECOGNITION PROGRAM, THE BEACON PROGRAM AND DESIGNATE THE CITY ADMINISTRATOR AS THE REPRESENTATIVE

WHEREAS, the City of Sand City is undertaking policies, programs and activities to reduce greenhouse gas emissions, save energy and promote sustainability; and

WHEREAS, these policies, programs and activities conserve natural resources, save energy and money, and promote sustainable land use and transportation planning in the community; and

WHEREAS, the City of Sand City is leading by example by adopting innovative sustainability programs and policies, including working with community residents, business groups and others; and

WHEREAS, the City of Sand City wishes to expand these activities, share its experiences with other communities, and be recognized for its accomplishments; and

WHEREAS, the Beacon Program is a voluntary program of the Institute for Local Government, the non-profit research and education affiliate of the California State Association of Counties and the League of California Cities; and

WHEREAS, the Beacon Program recognizes and celebrates achievements of cities and counties that reduce greenhouse gas emissions and save energy; and

WHEREAS, participating in the Beacon Program is an opportunity for the City of Sand City to learn about best practices; and

WHEREAS, the City of Sand City will be awarded a Beacon Spotlight Award at the Platinum level for Community-wide GHG reductions.

NOW, THEREFORE, BE IT RESOLVED, that the City of Sand City agrees to participate in the Beacon Program and will work towards achieving Beacon Spotlight Award levels in its journey to be a more sustainable City and designate the City Administrator as its representative.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Sand City, this ___ day of March, 2017 by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

David K. Pendergrass, Mayor

ATTEST:

Linda K. Scholink, City Clerk

AGENDA ITEM

5F

MEMO

To: Honorable Mayor and City Council Members
From: Todd Bodem, City Administrator
Date: March 10, 2017
Subject: Resolution to Approve a Recommendation for the Allocation of Funding of HUD CDBG Grant Funds for City Public Facilities & Capital Improvements for Fiscal Year 2017/2018; and Endorse Urban County Staff Recommendations to the County of Monterey Ad Hoc Committee in Regard to the Allocation of Funding for Public Services.

BACKGROUND

Four years ago, the County of Monterey and the Cities of Del Rey Oaks and Gonzales, became an entitlement jurisdiction participating in the U.S. Department of Housing and Urban Development's (HUD's) Community Development Block Grant (CDBG) Program. Last year, the City of Del Rey Oaks left the group and has been replaced with the City of Greenfield and Sand City. The CDBG program covers the unincorporated areas of the County and the Cities of Gonzales, Greenfield and Sand City, and the group is collectively known as the "Monterey Urban County" for CDBG purposes.

In Fiscal Year 2016/2017, the Urban County received an allocation of funds totaling \$1,797,643. As a participating jurisdiction, the City of Sand City elected to receive its allocation in FY 2017/2018 in the amount of \$30,000.

REVIEW & ANALYSIS

As an Urban County, the participating jurisdictions are assured to receive CDBG grants funds through June 30, 2018. The grant funds are for assisting extremely low (30% of median income), very low (50% of median income), and low-moderate income (80% of median income) persons/households by providing much needed services, affordable housing, and public improvements/facilities.

A. Anticipated CDBG Funding

As of the date this report was written, the estimated total allocation of CDBG funds for the Monterey Urban County for FY 2017/2018 is \$1,168,660.

The CDBG program is a flexible program but limits the amount of funds that can be spent in two categories, Administration and Public Services. The cost of Administration (or related activities) cannot exceed 20% of the total grant. The total of all public service contracts cannot exceed 15% of the total grant. Thus, 65% of the total grant can be spent for "other activities" such as economic development, housing, infrastructure and public facilities.

B. Grant Applications, Eligible / Ineligible Activities, Notice of Funding Availability

The CDBG grant funds that are awarded to the Urban County by HUD are allocated based upon the submittal and approval of a grant application(s).

CDBG funds may be used for activities which include, but are not limited to:

- acquisition of real property;
- relocation and demolition;
- rehabilitation of residential and non-residential structures;
- construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes;
- public services, within certain limits;
- activities relating to energy conservation and renewable energy resources; and
- provision of assistance to profit-motivated businesses to carry out economic development and job creation/retention activities.

Generally, the following types of activities are ineligible:

- acquisition, construction, or reconstruction of buildings for the general conduct of government;
- political activities;
- certain income payments; and
- construction of new housing by units of general local government.

A Notice of Funding Availability (NOFA) was circulated on or about December 9, 2016, and a technical assistance workshop was held on December 15, 2016. The Urban County accepted applications for CDBG funding for FY 2017/2018 with a deadline of January 20, 2017.

Urban County staff (consisting of staff representatives from the County and the Cities of Gonzales, Greenfield and Sand City) reviewed and evaluated all of the applications for services that were received by the January 20th deadline.

Each jurisdiction was responsible for reviewing applications for funding associated with public facilities and capital improvements in its own jurisdiction. The Urban County staff reviewed all of the public service proposals and evaluated and scored each application regardless of whether or not the proposed activity was within jurisdictional boundaries.

The results of the staff review are provided herein as a recommendation for acceptance by the City Council. The recommendation will then be forwarded on to the County of Monterey Urban County Ad Hoc Committee for consideration and formulation of a recommendation to the Board Supervisors for final consideration and action. The Board of Supervisors will consider all funding recommendations at a meeting to be held on May 9, 2017.

C. Recommended Allocation of Grant Funds for Public Service Contracts

Of the \$1,168,660 in total grant funds, \$168,500 was allocated to public service providers. HUD mandates that Fair Housing services must be a component of the CDBG program. So, of the amount of funds allocated to public services, approximately \$12,500 was earmarked for Fair Housing services.

The Urban County received nine (9) applications requesting a total funding allocation of \$308,814. None of the applications that were submitted proposed services associated with Fair Housing. The County will re-issue a Request for Proposal (RFP) specific to Fair Housing service providers, and will select a service provider at a later date.

HUD allows the Urban County to select activities in accordance with its own community development objectives. Urban County staff met on February 3rd to review the applications and discuss the ranking and recommended funding levels, which then would be forwarded to each City Council for consideration and approval and transmitted to the Board of Supervisors for final consideration and action on May 9th.

The Urban County staff used the following criteria by which to rank the funding requests:

- A. Organizational Capacity & Experience - How capable is the agency of managing the proposed project?
- B. Need/Extent of the Problem - Does the proposal meet the needs of the community described in the Consolidated Plan? Does it help the population that most needs the services?
- C. Soundness of Approach - Is the program self-sufficient and sustainable?
- D. Outputs - Is there a solid methodology in place for determining client eligibility and for tracking numbers served?
- E. Accomplishments/Outcomes - What will be accomplished in measurable terms so performance and outcomes can be evaluated?
- F. Leveraging Resources - Will the CDBG grant pay for the whole program? If there is outside funding, from whom, what kind, and is the outside funding committed. CDBG assistance to agencies is not intended to provide ongoing support.
- G. Achieving Results & Program Evaluation - How has the agency performed in past CDBG grant awards (if applicable)?

The recommendations of the Urban County staff for public services projects are summarized in Table 'A'. Generally, the programs that are recommended for funding have been funded the past four fiscal years.

As noted earlier in this report, there was insufficient funding available to allocate the requested funding amount to all applications that were received. Therefore, funding was recommended at levels believed to enable the service provider to provide the most effective program services.

As noted earlier in the report, the amount of grant funding available for public service proposals is \$168,500. The difference between the available amount and the recommended funding is \$12,500, which amount is reserved for a Fair Housing service provider. If that provider's proposal exceeds the available amount, the County will fund the balance with funds that have not been allocated and/or that amount and some additional funding from grant reserves.

D. Preparation and Circulation of Fiscal Year 2017/2018 Annual Action Plan

The Monterey Urban County prepares an Action Plan to carry out the Consolidated Plan CDBG Program goals and objectives. The Annual Action Plan for fiscal year 2017/18 functions as an annual application for federal funds under the U.S. Department of Housing and Urban Development (HUD) CDBG Program. The document includes a description of the activities funded with HUD CDBG grant funds that will be undertaken during the fiscal year (July 1, 2017 through June 30, 2018) to address priority needs as previously identified in the Consolidated Plan.

The draft of the 2017/2018 Annual Action Plan will be considered by the County of Monterey on March 28, 2017.

The 2017/2018 Annual Action Plan is scheduled to be considered and approved by the County of Monterey on May 9, 2017 and then submitted to the U.S. Department of Housing and Urban Development by May 10, 2017.

E. Environmental (CEQA) Evaluation

The recommended action associated with this item has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq., hereafter the "Guidelines"), and the City's environmental guidelines. The proposed action does not constitute a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because the recommended action is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378(b) (5) of the Guidelines.

FISCAL IMPACT

This item is a review of the Urban County CDBG Program for Fiscal Year 2017/2018 and this item has no fiscal impact. It is being submitted for City Council review and approval to comply with HUD's CDBG grant reporting requirements.

RECOMMENDATION

Staff recommends adopting a Resolution and forwarding the Council's Recommendation for the use of the City's allocation of HUD CDBG grant funds for public facilities & capital improvements for Fiscal Year 2017/2018; and a recommendation for the allocation of HUD CDBG funds for public service providers to the Monterey County Ad Hoc Committee

Attachment(s):

Exhibit 'A' – Resolution

CITY OF SAND CITY
RESOLUTION SC ___, 2017

A RESOLUTION OF THE SAND CITY COUNCIL FORWARDING TO THE MONTEREY COUNTY AD HOC COMMITTEE THE COUNCIL'S RECOMMENDATION FOR THE USE OF THE CITY'S ALLOCATION OF HUD CDBG GRANT FUNDS FOR PUBLIC FACILITIES & CAPITAL IMPROVEMENTS FOR FISCAL YEAR 2017/2018; AND A RECOMMENDATION FOR THE ALLOCATION OF HUD CDBG FUNDS FOR PUBLIC SERVICE PROVIDERS

WHEREAS, in 2013, the City of Sand City, became an entitlement jurisdiction participating in the U.S. Department of Housing and Urban Development's (HUD's) Community Development Block Grant (CDBG) Program; and

WHEREAS, currently, the HUD CDBG program covers the unincorporated areas of the County and the Cities of Gonzales, Greenfield and Sand City collectively known as the "Monterey Urban County" for HUD CDBG purposes; and

WHEREAS, the CDBG grant funds that are awarded to the Urban County by HUD are allocated based upon the submittal and approval of a grant application; and

WHEREAS, a Notice of Funding Availability (NOFA) was circulated on or about December 9, 2016, and a technical assistance workshop was held on December 15, 2016. The Urban County accepted applications for HUD CDBG funding for FY 2017/2018 with a deadline of January 20, 2017; and

WHEREAS, Urban County staff (consisting of staff representatives from the County and the Cities of Gonzales, Greenfield and Sand City) reviewed and evaluated all of the applications for services that were received by the January 20th deadline with each jurisdiction responsible for reviewing applications for funding associated with public facilities and infrastructure in its own jurisdiction; and

WHEREAS, the Urban County staff reviewed all of the public service proposals and evaluated and scored each application regardless of whether or not the proposed activity was within jurisdictional boundaries; and

WHEREAS, at a regular meeting of the City Council held on March 21, 2017 the Council considered the recommendation from the Urban County staff for how the City's HUD CDBG funds should be allocated for public facility and capital improvements projects, and a recommendation of how HUD CDBG funds should be distributed and allocated for public service providers that submitted applications.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sand City hereby as follows:

Section 1. The City Council finds and determines that the foregoing recitals are true and correct, and as such, are incorporated herein as findings.

Section 2. The City accept recommendation of the Urban County staff for the allocation of HUD CDBG grant funds for public service projects, including Fair Housing Services, and in the amounts as set forth in Attachment '1', attached hereto and incorporated herein by reference, and recommends that the Board of Supervisors allocate the funding for Fiscal Year 2017/2018 consistent with recommendations.

Section 3. The City Council hereby directs the City Administrator to transmit the Council's recommendation to the Monterey County Ad Hoc Committee for consideration and formulation of a recommendation to the Board of Supervisors for the final consideration and action at a meeting to be held on March 28, 2017.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Sand City, this ____ day of March, 2017 by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

David K. Pendergrass, Mayor

ATTEST:

Linda K. Scholink, City Clerk

ATTACHMENT '1'

**MONTEREY URBAN COUNTY
Recommended Public Service Projects
And FY 2017/2018 CDBG Funding Allocations**

Applicant	Project Description	Requested Funding Amount
Project Type		Recommended Funding Amount
Boys & Girls Club of Monterey County <hr/> At risk/low income youth	Gonzales after school youth development program targeting gang and violence prevention. The program includes five (5) components: Homework help/tutoring; Activities; Parent involvement; School Collaboration; Incentives. Plus SMARTS curriculum re self-esteem & healthy choices.	<hr/> \$15,000 \$15,000
Gonzales Home Delivered Meal Program <hr/> Senior Services	Meals on Wheels (MoWs) delivers nutritional meals to seniors in the City of Gonzales who cannot cook or shop for themselves. The program will be focused on serving Gonzales but also deliver meals to people living outside the city limits.	<hr/> \$20,000 \$20,000
Food Bank for Monterey County <hr/> Senior Services	Provision and distribution of food two times a month to Senior Centers in Castroville and Prunedale.	<hr/> \$20,000 \$20,000
Pajaro Park Youth Programs <hr/> Low income families; Youth and youth at risk	Year round youth sports leagues, camps, fitness classes, and family events for Pajaro residents.	<hr/> \$16,000 \$16,000

Rancho Cielo Independent Living Village <hr/> Homeless; Youth at risk	Provide program and case management for 6 residents of a transitional housing unit.	<hr/> \$20,000 \$20,000
Girls Inc. of the Central Coast <hr/> At risk youth	Provide after-school programming for girls, ages 9 -18, at 4 school sites in North Monterey County - Castroville.	<hr/> \$20,000 \$20,000
Legal Services for Seniors <hr/> Fair Housing	Provision of no-cost legal services to seniors of the rural Monterey County, City of Gonzales, City of Greenfield and Sand City on a one-on-one basis as well as community presentations as appropriate.	<hr/> \$15,000 \$15,000
<u>TBD</u> Fair Housing	No-cost legal services to within rural Monterey County, City of Greenfield, City of Gonzales and Sand City.	<hr/> N/A \$12,500
Housing Assistance Services For People With Disabilities <hr/> Disabled Services	Individuals who are homeless or at risk of becoming homeless will be able to secure and retain affordable housing within unincorporated Monterey County.	<hr/> \$50,000 \$15,000
Transitional Housing And Case Management For Homeless Veterans <hr/> Homeless Services	Provide case management and transitional housing for homeless veterans and/or homeless families when a veteran is the head of household.	<hr/> \$132,814 \$15,000
TOTAL RECOMMENDED FUNDING		\$168,500

AGENDA ITEM

5G

Memo

To: City Council
From: Todd Bodem, City Administrator
Date: March 13, 2017
Subject: Review of City Contribution/Donation

Attached is a request from one organization for support and contribution for Fiscal Year 2017-18. After reviewing this request, the following donation is recommended:

- Community Human Services Safe Place Program - \$2,500

If any Council member wants to discuss this request or to propose a different contribution, then this item should be pulled from the consent calendar for discussion with the full Council.

The following finding is specified in the annual City/Successor Agency Budget: *"The Sand City Council finds that it is a valid public purpose and in the best interest of this small city to support and participate in various community programs and activities of the larger Monterey Peninsula area. This support includes not only the City's financial contributions outlined in the attached pages but also the active involvement/participation by council members, city staff, Sand City businesses and citizens. This is Sand City's pledge and commitment of support for the larger regional community in which it is an active and dedicated member".*



February 25, 2017

RECEIVED

FEB 28 2017

Mayor David Pendergrass & City Council Members
City of Sand City
1 Sylvan Park
Sand City, CA 93955

CITY OF SAND CITY

Dear Mayor Pendergrass and City Council Members:

I am writing to the City of Sand City to ask for a donation, in the amount of \$5,000 to help support a new emergency shelter for local runaway and homeless youth.

As a longtime supporter of Community Human Services (CHS) you are probably aware that we provide safety-net services to low and very-low income residents of Monterey County. One of our core programs is Safe Place, a counseling center, street outreach program, and emergency shelter for local runaway and homeless youth.

We opened the 12 bed, co-ed shelter in late November of 2016 and have been averaging about eight youth a night at the facility. Many nights we have had all 12 beds in use and unfortunately, need to turn youth away. The shelter employees two overnight monitors every night and has increased our budget for this program by roughly \$125,000 a year. We have some solid leads on funding for upcoming years but in this, our first year of operation, we are asking local entities like the City of Sand City to help support these much needed beds.

The need for Safe Place and runaway and homeless youth services is well documented. In 2015, the Coalition of Homeless Services Providers (of which Community Human Services is a member), the Monterey County Department of Social and Employment Services and the United Way of Monterey County commissioned a homeless census as required by HUD. The census was conducted on a single day (January 28, 2015) and counted both sheltered and unsheltered individuals. It was reported that the point-in-time daily number of homeless people in Monterey County was 2,308, a 165% increase from 2007. 678 people were sheltered (staying in a transitional living program or emergency shelter) and 1,630 were unsheltered (staying on the street, in vehicles, in abandoned buildings or homeless encampments).

117 Families, with 343 total individuals were counted with the vast majority (98%) being sheltered. An additional 50 unaccompanied children under the age of 18 were homeless and living independent of a parent or legal guardian, 8% were sheltered and 92% were unsheltered. Another 220 transition-age youth between 18 and 24 years of age were also counted with 24% sheltered and 76% unsheltered. In total there were 270 transition-age and unaccompanied youth under 18, representing just under 12% of the count. This does not include children under the age of 18 living with their families.

Whether running away from a bad home situation, often involving emotional, physical or sexual abuse or parental neglect, or running to the excitement of the streets where there are no rules and seemingly anything goes, many youth eventually find themselves homeless and on the streets of the Monterey Peninsula, and for many of the same reasons that youth all over the United States end up on the streets, according to the National Coalition for the Homeless: family problems, economic problems, and residential instability.

Safe Place provides comprehensive services to Runaway and Homeless Youth unduplicated anywhere in Monterey County. The facility, located at 590 Pearl Street in Monterey, houses three main programs, the Basic Center Program, which primarily provides in-clinic counseling, and family reunification or alternative living arrangements, the Street Outreach Program, which engages youth on the streets and provides informal counseling, education and prevention services, and survival aid including food and clothing, and the Emergency Shelter which provides 12 overnight beds, 365 days a year, for youth ages 18-24. Two crisis resolution homes are also available to Safe Place for temporary short-term shelter of younger youth.

In addition to Safe Place's in-clinic counseling and street outreach activities, youth are also offered the chance to participate in various groups and activities. There are weekly groups for anger management, substance abuse, and education and prevention of STD's and sexual violence. One night a week, the program offers a Drop-In Dinner at the Monterey Youth Center, where youth can receive a free meal (donated by local individuals and restaurants) and utilize the Center's recreation room to relax in a safe, non-threatening environment. Safe Place also offers a weekly movie night and a Teen Action Board, which gets youth involved in volunteering for the community, speaking out about Runaway and Homeless Youth issues, and providing input into program design and development at Safe Place.

Safe Place is counting on your support and we thank you in advance for your consideration of this request. Any donation you can make will go directly to providing beds for youth that would otherwise have to sleep on the street. We are available to talk by phone at 831-658-3811 or via e-mail at rmccrae@chservices.org. Please do not hesitate to contact us should you have any questions.

Sincerely,



Robin McCrae
Chief Executive Officer



**community
human services**

hope. help. here.



RUNAWAY HOMELESS YOUTH GROUP COUNSELING SERVICES

Seven Challenges

Designed for youth with substance abuse or dependence issues, Seven Challenges helps youth to look at themselves, understand what it takes to give up a drug abusing lifestyle, and prepare for and attain success when they commit to making changes.

Anger Management

Do you find yourself irritated often? Do you have a hard time controlling feelings of anger or frustration? Then this group can be an opportunity to learn new skills, improve your communication, and gain support from peers who face similar issues.

Life Skills

This group is an opportunity for youth to learn new skills or improve upon already established skills that will help them on their path towards an independent and productive adulthood. Topics include money management, health, housekeeping, transportation, job seeking skills, etc.

Women's Group

This group is open to women only and provides a safe and welcoming environment where women and girls can talk about women-specific topics and participate in women-focused activities.

Rainbow Group

This group is a place where LGBTQ individuals and allies can come together, talk about issues they may be facing, and get support from peers and counselors.

PROGRAM COST

Services are provided free of charge.

ABOUT CHS

Since 1969, CHS has provided professional, affordable mental health, substance abuse and homeless services to the residents of Monterey County. Our services focus on the entire family, with programs for people of all ages.

CONTACT

831.373.4421



[www.facebook.com/
chssafespace](http://www.facebook.com/chssafespace)

[www.facebook.com/
chservicesmonterey](http://www.facebook.com/chservicesmonterey)



[www.twitter.com/
chsafespace](http://www.twitter.com/chsafespace)

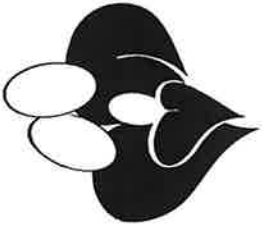
**Community Human
Services**

P.O. Box 3076
Monterey, CA 93942
831.658.3811

www.chservices.org

community human services

hope. help. here.



Community Human Services offers free and low cost services to youth and families experiencing difficulties with mental and emotional health, drugs and alcohol, children's behavior, parenting, domestic violence and homelessness.

Programs and services include:

The Family Service Centers in Salinas & Seaside — (831) 757-7915; 394-4622

- Outpatient counseling on a variety of issues, from depression and anxiety to relationships, family life and more
- Parenting education
- Domestic violence & anger management group counseling
- Special counseling program for individuals impacted by HIV/AIDS and for lesbian, gay, bisexual, transgender and questioning individuals
- Supervised visitation for non-custodial parents and children
- Family to Family foster care support program
- Pathways to Safety

Safe Place in Monterey — (831) 373-4421

- Counseling services and support for runaway and homeless youth and their families
- Anger management counseling for youth
- Substance abuse education and intervention for youth

Safe Passage in Monterey — (831) 717-4126

- Supportive housing for homeless youth ages 18-21

Drug and Alcohol Interventions for Youth (DAISY) in Salinas — (831) 233-9029

- Substance abuse and gang education and intervention for youth
- Parents' support group

Genesis House in Seaside — (831) 899-2436

- Residential drug treatment for adults
- Special treatment program for pregnant and parenting women

Elm House in Seaside — (831) 920-1078

- Transitional sober housing for single women in recovery

Off Main Clinic in Salinas — (831) 424-4828

- Methadone maintenance and detoxification treatment and counseling for opioid dependent adults

Outpatient Treatment Centers in Salinas & Monterey — (831) 237-7222; 658-3811

- Outpatient treatment for drug or alcohol addiction

All services are strictly confidential. Most are bilingual and offered on a sliding scale, based on ability to pay, and some are free. For information, to make a referral or to enroll, please call us.

Community Human Services (CHS) is a nonprofit 501(c)(3) Joint Powers Agency serving the residents of Monterey County since 1969.

Administration: (831) 658-3811. www.chservices.org.

JOINT POWERS MEMBERS

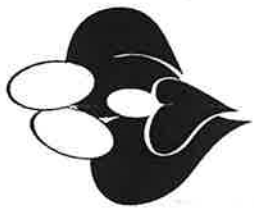
City of Carmel
 City of Del Rey Oaks
 City of Marina
 City of Monterey
 City of Pacific Grove
 City of Salinas
 City of Sand City
 City of Seaside
 Carmel Unified School District
 Monterey County Office of Ed.
 Monterey Peninsula Unified SD
 Monterey Peninsula College
 North Monterey County USD
 Pacific Grove Unified SD

OUR MISSION

Addiction, mental illness and homelessness destroy lives and weaken families, therefore Community Human Services provides people of all ages with the tools and support to overcome these challenges and create lasting change in their lives.

GUÍA DE SERVICIOS PARA LA FAMILIA

**community
human services**
hope. help. here.



Community Human Services ofrece servicios gratuitos y de bajo costo a jóvenes y familias que están atravesando dificultades con la salud mental y emocional, las drogas y el alcohol, la conducta de niños, crianza, violencia doméstica y falta de vivienda.

Los programas y los servicios incluyen:

Centro Para Servicios de Familia en Salinas y Seaside — (831) 757-7915; 394-4622

- Orientación de salud mental en una variedad de temas, desde la depresión, la ansiedad, relaciones sociales, vida doméstica y más
- Talleres educativos para la crianza de los niños
- Consejería de violencia doméstica y consejería en grupo sobre cómo controlar el enojo
- Programa de consejería especial para individuos impactados por VIH/SIDA y para la comunidad lesbiana, homosexual, bisexual, transgénero e individuos que aún se preguntan si son uno de ellos
- Visitas supervisada para padres sin custodia y sus niños
- Programa de crianza temporal de Familia a Familia

Safe Place en Monterey — (831) 373-4421

- Servicios de consejería y apoyo para familias y jóvenes que huyeron de casa o no tienen vivienda
- Consejería para jóvenes sobre cómo controlar el enojo
- Educación sobre el abuso de drogas y sustancias e intervención para jóvenes

Safe Passage en Monterey — (831) 717-4126

- Vivienda transicional para jóvenes sin vivienda entre las edades de 18-21 años

Intervenciones para Jóvenes contra las Drogas y Alcohol (DAISY) en Salinas — (831) 233-9029

- Identificación y prevención de la asociación con pandillas
- Educación sobre el abuso de drogas y sustancias, e intervención para jóvenes
- Grupos de apoyo para padres de familia

Casa Génesis en Seaside — (831) 899-2436

- Tratamiento residencial para adultos en la recuperación del abuso de las drogas
- Programa especial de tratamiento para madres de familia y mujeres embarazadas

Elm House en Seaside — (831) 920-1078

- Vivienda de transición para mujeres solteras en recuperación del abuso de las drogas

Clinica Off Main en Salinas — (831) 424-4828

- Tratamiento, sustento y desintoxicación de metadona y consejería para adultos dependientes de opioides

Outpatient Treatment Centers in Salinas & Monterey — (831) 237-7222; 658-3811

- Centros para Pacientes Externos - tratamiento para adicción de drogas o alcohol

Todos los servicios son estrictamente confidenciales. La mayoría de los servicios son bilingües y ofrecidos en una escala ingresos de acuerdo a la capacidad del cliente para pagar, algunos son gratis. Para información, para hacer una referencia o para inscribirse, llámenos por favor.

Community Human Services (CHS) es una organización no lucrativa 501(c)(3) Agencia de Joint Powers que sirve a los residentes del Condado de Monterey desde 1969.

Administración: (831) 658-3811. www.chservices.org.



Each year, Community Human Services helps over 3000 people in Monterey County address mental health, substance abuse and homelessness.

Our programs are designed to serve low and moderate income families who are uninsured or otherwise unable to afford care. Our funding comes from Medi-Cal, government contracts, private grants and donations and client fees. Please visit us at www.chservices.org.



www.facebook.com/chservicesmonterey
www.facebook.com/chssafeface



www.twitter.com/chsafeface



**community
human services**
hope. help. here.

Safe Place

590 Pearl Street
Monterey, CA 93940
831.373.4421

Safe Passage

544 Pearl Street
Monterey, CA 93940
831.717.4126

24 Hour Runaway and Homeless Youth Helpline

831.241.0914
Strictly Confidential

Community Human Services Administrative Offices

P.O. Box 3076
Monterey, CA 93942
831.658.3811

www.chservices.org



**RUNAWAY
HOMELESS
YOUTH SERVICES**
OUTREACH, COUNSELING,
SHELTER & TRANSITIONAL HOUSING.

www.chservices.org



**community
human services**
hope. help. here.



Comprehensive solutions

CHS' programs for runaway and homeless youth offer street outreach, survival aid, temporary shelter, counseling and transitional housing. We work to reunify kids with their families or find other safe living arrangements where they can safely prepare for independent adulthood.

Transitioning to adulthood

The problem of homeless youth in our community is real. The 2015 Homeless Census indicated there were 270 unaccompanied homeless youth in Monterey County, most of which were unsheltered.

Stains have run away from abusive homes or been pushed out by their parents or guardians. Some have aged out of foster care only to become homeless. Most of them have few job and life skills, and no educational opportunities. The sad truth is, without access to shelter and guidance, most of them will continue to be homeless and dependent on social services as adults.

Counseling

Safe Place's mental health counselors' first priority is to work with troubled youth and their families to try to resolve the issues that caused them to run away or be pushed out of their home. When youth are homeless, counselors help them address issues that are keeping them homeless, such as mental illness and substance abuse.

Street Outreach

Safe Place's street outreach counselors canvass areas on the greater Monterey Peninsula frequented by runaway and homeless youth and interact with them on the streets. They offer survival aid such as brown-bag meals, food vouchers, shoes and clothing, hygiene products and condoms. They also offer shelter, rides home, phone calls, education about sex and drugs and access to emergency medical services, as well as information and referral to community resources.

Shelter

Safe Place's warming shelter provides youth ages 18-24 with a place to spend the night when it is 45 degrees or colder or rain is expected. Dinner and breakfast are provided, along with social activities like movies and games. For youth under the age of 18, two crisis resolution hotlines offer a place to stay for up to 24 days while counselors provide family counseling to try and reunite the family or make alternate living arrangements.

Drop-in

Once a week, youth enjoy a drop-in dinner provided by local restaurants at the Monterey Youth Center. Additional drop-in hours are available at Safe Place throughout the week for informal counseling, food, clothing and socks.

Transitional Housing

Safe Passage is co-ed, drug and alcohol free, affordable housing located in downtown Monterey.

Safe Passage provides the Monterey Peninsula's only affordable transitional housing and supportive services for older homeless youth ages 18-24. The remodeled bungalow houses 6 young adults and provides each one with an individual assessment and learning plan, life skills education, case management, mental health counseling and information and referral to community resources. Residents of Safe Passage are assisted in achieving their educational goals, getting a job and obtaining permanent housing. Rent is capped at 30% of adjusted gross income, and 10% of the collected rent is returned to residents when they leave to help with moving costs. The length of stay is 18-24 months.

Eligible applicants are encouraged to apply for residency at Safe Passage by contacting the Program Coordinator at 831.717.4126.



AGENDA ITEM

5H

MEMORANDUM

TO: City Council
FROM: Mayor Pendergrass
DATE: March 14, 2017
SUBJECT: FORA Board Meeting, March 10, 2017

The agenda is enclosed for your reference. Most of the agenda items have numerous pages of information. Should you desire to have more detail, go to the FORA website www.fora.org.

ITEMS 1 - 2

Procedural.

ITEMS 3 & 4

Recessed to Closed Session to discuss listed items, no actions were taken.

ITEMS 5 & 6

Procedural.

ITEMS 7, CONSENT AGENDA

All Consent Items were unanimously approved (item g was pulled but approved after discussion and clarity was provided).

ITEM 8, BUSINESS ITEMS

- a. Fort Ord Reuse Authority Fiscal Year 2016-17 Mid-Year Budget
The Mid-Year review after discussions was unanimously approved.
- b. Multi-Modal Corridor (MMC) Report
i. ii., Much discussion was done about this due to a few no votes, and not receiving a unanimous vote. The item will return to its April meeting where only a majority vote is required.
- c. Local Preference Policy: Amendment to Master Resolution
The Board unanimously requested that this item receive further clarity and will return to the April Board meeting for action.
- d. Calendar Year 2017 FORA Board Agenda Items/Work Program
Item was unanimously approved.

ITEM 9-10, PUBLIC COMMENT PERIOD

Procedural

ITEM 11, ADJOURNMENT

Meeting adjourned at 4:10 P.M.

NEXT BOARD MEETING: April 7, 2017



FORT ORD REUSE AUTHORITY

REGULAR MEETING FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, March 10, 2017 at 2:00 p.m.
910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON MARCH 9, 2017.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE *(If able, please stand)*

3. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code 54956.9(a): Keep Fort Ord Wild v. FORA, Case No.:M114961

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

FORA is governed by 13 voting members as follows: (a) One member appointed by the City of Carmel; (b) One member appointed by the City of Del Rey Oaks; (c) Two members appointed by the City of Marina; (d) One member appointed by Sand City; (e) One member appointed by the City of Monterey; (f) One member appointed by the City of Pacific Grove; (g) One member appointed by the City of Salinas; (h) Two members appointed by the City of Seaside; and (i) Three members appointed by Monterey County. The Board includes 12 ex-officio non-voting members.

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

7. CONSENT AGENDA

INFORMATION/ACTION

CONSENT AGENDA consists of routine items accompanied by staff recommendation. Background information has been provided to the FORA Board on all matters listed under the Consent Agenda. The Consent Agenda items are normally approved by one motion unless a Board member or the public request discussion or a separate vote. Prior to a motion being made, any member of the public or the Board may ask a question or make comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and be considered separately at the end of the Consent Agenda.

- a. Approve January 26, 2017 Special Meeting Minutes (p. 1)
- b. Approve February 10, 2017 Meeting Minutes (p. 2)
- c. Administrative Committee (p. 5)
- d. Veterans Issues Advisory Committee (p. 8)
- e. Water/Wastewater Oversight Committee (p. 12)
- f. Habitat Conservation Plan Update (p. 15)
- g. Public Correspondence to the Board (p. 17)
- h. Executive Officer Travel Report (p. 18)
- i. Finance Committee (p. 20)
- j. Environmental Services Cooperative Agreement Grant Amendment Background Report (p. 22)

8. BUSINESS ITEMS

ACTION

Business items are for Board discussion, debate, direction to staff, and/or action. Comments from the public are not to exceed 3 minutes or as otherwise determined by the Chair.

- a. Fort Ord Reuse Authority Fiscal Year 2016-17 Mid-Year Budget (p. 25)

- b. Multi-Modal Corridor (MMC) Report (p. 32)
 - i. Approve Memorandum of Agreement to cooperate in integrating the new MMC alignment
 - ii. Approve Memorandum of Agreement to terminate the 2010 MMC Agreement
- c. Local Preference Policy: Amendment to Master Resolution (p. 61)
- d. Calendar Year 2017 FORA Board Agenda Items/Work Program (p. 69)

9. PUBLIC COMMENT PERIOD

INFORMATION

Members of the public wishing to address the Board on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes and will not receive Board action. Whenever possible, written correspondence should be submitted to the Board in advance of the meeting, to provide adequate time for its consideration.

10. ITEMS FROM MEMBERS

INFORMATION

Receive communication from Board members as it pertains to future agenda items.

11. ADJOURNMENT

4:10 PM

NEXT REGULAR BOARD MEETING: April 7, 2017

Persons seeking disability related accommodations should contact FORA 48 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Channel 25. The video and meeting materials are available online at www.fora.org.

AGENDA ITEM

5I

INTER

MEMORANDUM

OFFICE

To: City Council/Agency Board Members
From: Director of Administrative Services *Linda*
Subject: Financial Reports
Date: March 14, 2017

Attached are the financial reports for both the City of Sand City and the Sand City Successor Agency for the former Redevelopment Agency for the month of January 2017.

A. City of Sand City Reports

1. Balance Sheet Report for January 2017.
2. Revenue received in the month of January 2017-Total \$1,514,576.68
(This total includes transfers).
Month End Cash Register Activity Report for January 2017.
3. Expenditures paid for in the month of January 2017-Total \$ 386,655.65
Month End January 2017 Accounts Payable Report
This shows all City Expenditures (excluding employee payroll)
The Payroll figure listed below includes the Councils stipends.
Payroll \$ 141,682.54
Payroll taxes \$ 47,882.92
4. Current City Balances as of January 31, 2017.
Total \$ 5,050,193.69 - restricted & unrestricted
(Includes, Rabobank Bank and Local Agency Investment Fund, (LAIF).
5. The City also has \$992,000 in CD's ranging from 6 months to 3 years.

B. Sand City Successor Agency for the former Redevelopment Agency Reports

1. Balance Sheet Report for January 2017
2. Revenue received in the month of January-Total \$ 186.00
Month End Cash Register Activity Report for January 2017
3. Expenditures paid for in the month of January - \$ 327,605.06
Month End Cash Disbursement Report for January 2017.

4. Current Successor Agency Balances January 31, 2017
 Total \$ 1,679,054.19- restricted and unrestricted (Includes Rabobank and Bond CD's).
- In addition to the City and Successor Agency balances, there is a total of
 - \$ 823,620.56 being held in CD's and reserve accounts for the 2008 Tax and Tax Exempt bonds.

NOTES TO THE FINANCIAL REPORT

Special City Notes for January 2017

On the Month End Cash Register Activity Report - Special or Major Receipts for the Month of January 2017 are listed below.

<u>Date</u>	<u>Receipt #</u>	<u>Source</u>	<u>Amount</u>	<u>Description</u>
1/03/17	20346	DBO Development	\$ 20,000.00	Reimbursable-South of Tioga
1/03/17	20352	State of California	\$205,262.07	Transaction tax received
1/03/17	20353	State of California	\$244,971.23	Sales/Use tax received
1/19/17	20383	Successor Agency	\$ 47,049.66	1 st & 2 nd Quarter Admin Fees
1/24/17	20387	State of California	\$198,900.00	Sales/Use tax received
1/24/17	20388	State of California	\$176,600.00	Transaction tax received
1/31/17	20394	Lithia/Porsche	\$ 20,250.00	Parking Lot-Engineering Fees

Transfers

(Transfers are shown on the cash register activity report; they are transfers from one bank account to another and should not be considered as a revenue or expenditure)

<u>Date</u>	<u>Receipt #</u>	<u>Source</u>	<u>Amount</u>	<u>Description</u>
1/26/17	20393	City Checking	\$400,000.00	Transfer to LAIF

Month End Cash Disbursement Report - Special or Major Expenses for the Month of January 2017 are explained below.

<u>Check #</u>	<u>Paid To</u>	<u>Amount</u>	<u>Description</u>
30371	Public Employees Ret.	\$ 7,326.48	2017 Replacement Benefit Contribution
30394	City of Monterey	\$134,836.00	Fire Protection- 1/1/17 – 6/30/17
30414	MRWMD	\$ 5,000.00	Recycling Grant for FY 16-17
30423	Stephen L. Vagnini	\$ 5,000.00	2017 West End Coordinator
30430	MBASIA	\$ 80,682.50	FY 16-17 Workers Comp/Liability balance

Successor Agency Notes for January 2017

On the Month End Cash Register Activity Report - Special or Major Receipts for the Month of January 2017 are listed below. There were no special or major receipts this month.

<u>Date</u>	<u>Receipt #</u>	<u>Source</u>	<u>Amount</u>	<u>Description</u>
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Transfers

There were no transfers this month.

<u>Date</u>	<u>Receipt #</u>	<u>Source</u>	<u>Amount</u>	<u>Description</u>
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Month End Cash Disbursement Report-Special or Major Expense for the Month of January 2017 is explained below.

<u>Date</u>	<u>Paid To</u>	<u>Amount</u>	<u>Description</u>
01/10/17	City of Sand City	\$145,283.37	SERAF from ROPS 16-17B to City Housing
01/10/17	City of Seaside	\$182,261.00	Judgment – payment # 2

If you have any questions or concerns regarding the above reports, please let me know before the Council meeting.

City of Sand City

REPORT.: 02/22/17
 RUN....: 02/22/17
 Run By.: LINDA

City of Sand City
 Balance Sheet Report
 ALL FUND(S)

PAGE: 001
 ID #: GLBS
 CTL.: SAN

Ending Calendar Date.: January 31, 2017 Fiscal (07-17)

Assets

			Acct ID
Cash Clearing Checking Account	236,427.44	99	1001
General Fund HOUSING ACCT. FROM SERAF SA	166,708.47	10	1003
General Fund CITY- OPEB POTENTIAL FUNDING	142,143.04	10	1004
General Fund Tioga Beach Clean Up Fund	120,000.00	10	1007
General Fund LAIF	4,220,257.47	10	1008
General Fund Fair market value adjustments	5,918.32	10	1009
General Fund Investment CD	164,657.27	10	1020
General Fund Pro Equities Money Market	10,432.56	10	1080
General Fund Pro Equities CD's	991,000.00	10	1081
General Fund Cash Balance	227,501.86	10	1099
Gas Tax - 2105 Cash Balance	7,960.09	31	1099
Traffic Safety Cash Balance	965.37	35	1099
Cash Clearing Cash Balance	-236,427.44	99	1099
General Fund PROPERTY TAX RECEIVABLE	-306,516.11	10	1103
General Fund SERAF RECEIVABLE	518,349.00	10	1112
General Fund Sales Tax Receivable	408,576.74	10	1115
General Fund TRANSACTION TAX RECEIVABLE	85,280.05	10	1116
General Fund Due From RA/Operating Expenses	3,626,057.91	10	1130
General Fund Due From AAgency/Costco/Seaside	4,649,999.99	10	1140
General Fund Due RA/COP reimbursement	1,454,766.42	10	1145
Gen. Fixed Asst BIKE TRAIL INTERCONNECT-TIOGA	53,556.91	60	1273
General LTD Act AMOUNT PROVIDED FOR LTD	6,660,952.23	70	1280
Gen. Fixed Asst Land	1,005,871.95	60	1290
Gen. Fixed Asst Land Improvements	441,562.65	60	1291
Gen. Fixed Asst VEHICLE FIXED ASSET	534,576.77	60	1292
Gen. Fixed Asst Furniture and Fixtures	114,513.83	60	1293
Gen. Fixed Asst Buildings	8,538,775.38	60	1295
Gen. Fixed Asst FIXED ASSETS EQUIPMENT	2,408,397.95	60	1297
Gen. Fixed Asst CITY HALL	240,443.91	60	1298
Gen. Fixed Asst INFRASTRUCTURE- streets	4,465,520.45	60	1299
Gen. Fixed Asst ACCUMULATED DEPRECIATION	-6,399,596.82	60	1300
General LTD Act DEFERRED OUTFLOWS-PERS CONTRIB	485,794.64	70	1400 00
General LTD Act DEFERRED OUTFLOWS-ACTUARIAL	746,841.74	70	1405 00
Total of Assets ---->			35,791,270.04
			35,791,270.04

Liabilities

			Acct ID
General Fund STRONG MOTION	235.76	10	2010
General Fund SB1473-COUNTY PERMIT ASSESSMEN	34.00	10	2012
General LTD Act Compensated Absences	541,075.98	70	2020
General LTD Act NET OBEP LIABILITY	3,460,741.00	70	2025

REPORT.: 02/22/17
 RUN....: 02/22/17
 Run By.: LINDA

City of Sand City
 Balance Sheet Report
 ALL FUND(S)

PAGE: 002
 ID #: GLBS
 CTL.: SAN

Ending Calendar Date.: January 31, 2017 Fiscal (07-17)

Liabilities

			Acct ID
General Fund DEFERRED REVENUE	187,342.18	10	2050
General Fund DEFERRED REVENUE RDA COP REIMB	774,766.42	10	2056
General Fund Orosco-South of Tioga	20,000.00	10	2059
General LTD Act capital lease-2 fords f350's	9,961.49	70	2070
General LTD Act STREET SWEEPER-CAPTIAL LEASE	78,423.85	70	2071
General Fund State Mandated CASP Fee	6.00	10	2115
General Fund Health Insurance	23,349.85	10	2150
General Fund Dental/Vision	141.28	10	2160
General Fund POLICE ASSOC. DUES	385.00	10	2180
General Fund PEPRA RETIREMENT %	2,118.35	10	2191
General Fund AFLAC PRE TAX	128.44	10	2195
General Fund AFLAX-AFTER TAX	-160.90	10	2196
General Fund PERS SURVIVOR BENEFIT	42.00	10	2197
General Fund	-4,085,322.71	10	2200
General LTD Act	-643,174.49	70	2200
General Fund NET PENSION LIABILITY	4,085,322.71	10	2200 00
General LTD Act NET PENSION LIABILITY	4,085,322.71	70	2200 00
General Fund DEFERRED INFLOWS-ACTUARIAL	-753,878.19	10	2500
General LTD Act DEFERRED INFLOWS-ACTUARIAL	446,490.60	70	2500
General Fund DEFERRED INFLOWS-ACTUARIAL	753,878.19	10	2500 00
General LTD Act DEFERRED INFLOWS-ACTUARIAL	753,878.19	70	2500 00
Total of Liabilities ---->		9,741,107.71	

FUND Balances

			Acct ID
General Fund Unappropriated Fund Balance	17,845,039.88	10	3400
Gas Tax - 2105 Unappropriated Fund Balance	1,010.04	31	3400
Traffic Safety Unappropriated Fund Balance	276.56	35	3400
Gen. Fixed Asst Unappropriated Fund Balance	-670,129.14	60	3400
General LTD Act Unappropriated Fund Balance	-839,130.72	70	3400
Gen. Fixed Asst Investment in Fixed Assets	11,789,078.83	60	3600
Gen. Fixed Asst CAPITAL LEASE	189,797.41	60	3601
Gen. Fixed Asst Donated Assets	430,000.00	60	3602
CURRENT EARNINGS	-2,695,780.53		
Total of FUND Balances ---->		26,050,162.33	35,791,270.04

Reg	Period	Date	Receipt	T	Opr	ID	No	Description	G/L	Posting	Amt Paid
000	01-17	01/03/17	20338	C	Mis	POL01		POLICE REPORT 4560 POLICE REPORT #16-519 Receipt Date: 01/03/17 ANNA MARIE BAYONITO Issued..: T0 (DEVON) Jan 03 2017 11:20 am Devon Lazzarino	Db: 99	1001	10.00
			20339	C	Mis	PAR02		SAND CITY PARKING PARKING VIOLATION #7146 Receipt Date: 01/03/17 Paid by: JAMES GALVAN Issued..: T0 (DEVON) Jan 03 2017 11:20 am Devon Lazzarino	Db: 99	1001	75.00
			20340	C	Mis	PAR02		SAND CITY PARKING PARKING VIOLATION #5750 Receipt Date: 01/03/17 Paid by: GERARDO ACEVES Issued..: T0 (DEVON) Jan 03 2017 11:21 am Devon Lazzarino	Db: 99	1001	50.00
			20341	C	Mis	PAR02		SAND CITY PARKING PARKING VIOLATION #6908 Receipt Date: 01/03/17 Paid by: AMBER HOWELL Issued..: T0 (DEVON) Jan 03 2017 11:21 am Devon Lazzarino	Db: 99	1001	40.00
			20342	C	Mis	PAR02		SAND CITY PARKING PARKING VIOLATION #7147 Receipt Date: 01/03/17 Paid by: ROBERTO GARCIA Issued..: T0 (DEVON) Jan 03 2017 11:21 am Devon Lazzarino	Db: 99	1001	40.00
			20343	C	Mis	POL01		POLICE REPORT 4560 POLICE REPORT #16-472 Receipt Date: 01/03/17 Paid by: LEXIS NEXIS Issued..: T0 (DEVON) Jan 03 2017 11:21 am Devon Lazzarino	Db: 99	1001	10.00
			20344	C	Mis	POL01		POLICE REPORT 4560 POLICE REPORT #16-519 Receipt Date: 01/03/17 Paid by: LEXIS NEXIS Issued..: T0 (DEVON) Jan 03 2017 11:21 am Devon Lazzarino	Db: 99	1001	10.00
			20345	C	Mis	REIMB		REIMBURSEMENTS 12/6/16 PHYSICAL DAMAGE CLAIM REIMBURSEMENT Receipt Date: 01/03/17 Paid by: ALLIANZ Issued..: T0 (DEVON) Jan 03 2017 11:22 am Devon Lazzarino	Db: 99	1001	1811.39
			20346	C	Mis	MS		DBO DEVELOPMENT REIMBURSEMENT AGREEMENT SOUTH OF TIOGA Receipt Date: 01/03/17 Paid by: DBO DEVELOPMENT Issued..: T0 (DEVON) Jan 03 2017 11:22 am Devon Lazzarino	Db: 99	1001	20000.00
			20347	C	Mis	CLEEP		CLEEP GRANT NOVEMBER 2016 COPS GRANT Receipt Date: 01/03/17 Paid by: COUNTY OF MONTEREY Issued..: T0 (DEVON) Jan 03 2017 11:23 am Devon Lazzarino	Db: 99	1001	8333.33
			20348	C	Mis	UUT		UTILITY USERS TAX NOVEMBER 2016 UUT - ELECTRIC Receipt Date: 01/03/17 Paid by: DIRECT ENERGY Issued..: T0 (DEVON) Jan 03 2017 11:23 am Devon Lazzarino	Db: 99	1001	656.08
			20349	C	Mis	UUT		UTILITY USERS TAX NOVEMBER 2016 UUT - ELECTRIC Receipt Date: 01/03/17 Paid by: CONSTELLATION NEW ENERGY Issued..: T0 (DEVON) Jan 03 2017 11:23 am Devon Lazzarino	Db: 99	1001	108.98
			20350	C	Mis	UUT		UTILITY USERS TAX NOVEMBER 2016 UUT - GAS Receipt Date: 01/03/17 Paid by: CONSTELLATION NEW ENERGY Issued..: T0 (DEVON) Jan 03 2017 11:23 am Devon Lazzarino	Db: 99	1001	18.61
			20351	C	Mis	UUT		UTILITY USERS TAX NOVEMBER 2016 UUT Receipt Date: 01/03/17 Paid by: P.G. & E. Issued..: T0 (DEVON) Jan 03 2017 11:24 am Devon Lazzarino	Db: 99	1001	11669.51
			20352	C	Mis	TUT01		TRANSACTION/USE TAX BALANCE 3RD QUARTER 2016 Receipt Date: 01/03/17 TRANSACTION/USE TAX CURRENT ADVANCE OCTOBER 2016 Receipt Date: 01/03/17 STATE OF CALIFORNIA COST OF ADMIN Receipt Date: 01/03/17 Paid by: STATE OF CALIFORNIA Issued..: T0 (DEVON) Jan 03 2017 11:24 am Devon Lazzarino	Db: 99	1001	28662.07
					Mis	TUT01		TRANSACTION/USE TAX CURRENT ADVANCE OCTOBER 2016 Receipt Date: 01/03/17 STATE OF CALIFORNIA COST OF ADMIN Receipt Date: 01/03/17 Paid by: STATE OF CALIFORNIA Issued..: T0 (DEVON) Jan 03 2017 11:24 am Devon Lazzarino	Db: 99	1001	180130.00
					Mis	MS		STATE OF CALIFORNIA COST OF ADMIN Receipt Date: 01/03/17 Paid by: STATE OF CALIFORNIA Issued..: T0 (DEVON) Jan 03 2017 11:24 am Devon Lazzarino	Db: 99	1001	-3530.00
			20353	C	Mis	STAX		SALES TAX RECEIVED BALANCE 3RD QUARTER 2016 Receipt Date: 01/03/17 SALES TAX RECEIVED CURRENT ADVANCE OCTOBER 2016 Receipt Date: 01/03/17 MISC ADJUSTED COST OF ADMIN Receipt Date: 01/03/17 Paid by: STATE OF CALIFORNIA Issued..: T0 (DEVON) Jan 03 2017 11:24 am Devon Lazzarino	Db: 99	1001	46071.23
					Mis	STAX		SALES TAX RECEIVED CURRENT ADVANCE OCTOBER 2016 Receipt Date: 01/03/17 MISC ADJUSTED COST OF ADMIN Receipt Date: 01/03/17 Paid by: STATE OF CALIFORNIA Issued..: T0 (DEVON) Jan 03 2017 11:24 am Devon Lazzarino	Db: 99	1001	206425.74
					Mis	MS		MISC ADJUSTED COST OF ADMIN Receipt Date: 01/03/17 Paid by: STATE OF CALIFORNIA Issued..: T0 (DEVON) Jan 03 2017 11:24 am Devon Lazzarino	Db: 99	1001	-7525.74
			20354	C	Mis	REN01		RENTAL INCOME JANUARY 2017 CELL TOWER RENT Receipt Date: 01/03/17 Paid by: CROWN CASTLE	Db: 99	1001	1246.35

Reg	Period	Date	Receipt	T	Opr	ID No	Description	G/L	Posting	Amt Paid
000	01-17	01/03/17	20355	C	Mis	WT02	BUSINESS LIC LATE CH FY 16-17 BUSINESS LICENSE BALANCE DUE Receipt Date: 01/03/17 Paid by: GLASTONBURY Issued.: TO (DEVON) Jan 03 2017 11:29 am Devon Lazzarino	Db: 99	1001	860.31
								Cr: 10	4060 00	
			20392	C	Mis	BUI01	BUILDING PERMIT 4115 PERMITS/FEEES FOR 455 ORANGE NEW RESIDENCE Receipt Date: 01/03/17	Db: 99	1001	1732.19
				Mis		PLA01	PLAN CHECK FEE 4165 PERMITS/FEEES FOR 455 ORANGE NEW RESIDENCE Receipt Date: 01/03/17	Cr: 10	4115 05	1125.92
				Mis		STR01	STRONG MOTION 2010 PERMITS/FEEES FOR 455 ORANGE NEW RESIDENCE Receipt Date: 01/03/17	Db: 99	1001	47.60
				Mis		CBSC	CBSC FEE - SB1473 PERMITS/FEEES FOR 455 ORANGE NEW RESIDENCE Receipt Date: 01/03/17	Cr: 10	2010	7.00
				Mis		DEV01	BUILDING DEVELOPMENT FEE PERMITS/FEEES FOR 455 ORANGE NEW RESIDENCE Receipt Date: 01/03/17	Db: 99	1001	395.20
				Mis		MS	ENGINEERING FEES PERMITS/FEEES FOR 455 ORANGE NEW RESIDENCE Receipt Date: 01/03/17 Paid by: TAORMINA FAMILY PROPERTY Issued.: TO (DEVON) Jan 03 2017 01:39 pm Devon Lazzarino	Cr: 10	4150 05	3116.63
								Db: 99	1001	501597.40
								Day 01/03/17	Total ---->	
	01/11/17		20362	C	Mis	PAR02	SAND CITY PARKING PARKING VIOLATION #6244 Receipt Date: 01/11/17 Paid by: ALAN WALKER Issued.: TO (DEVON) Jan 19 2017 10:30 am Devon Lazzarino	Db: 99	1001	100.00
								Cr: 10	4221 08	
			20363	C	Mis	POL01	POLICE REPORT 4560 POLICE REPORT #16-533 Receipt Date: 01/11/17 Paid by: LEXIS NEXIS Issued.: TO (DEVON) Jan 11 2017 11:17 am Devon Lazzarino	Db: 99	1001	10.00
								Cr: 10	4560 08	
			20364	C	Mis	06065	COPIES COPIES - CAL AM WATER SUPPLY PROJECT Receipt Date: 01/11/17 Paid by: ADAMS, BROADWELL, JOSEPH & CARDOZO Issued.: TO (DEVON) Jan 11 2017 11:18 am Devon Lazzarino	Db: 99	1001	17.95
								Cr: 10	4550 00	
			20365	C	Mis	DES01	DESIGN REVIEW FEE SIGN PERMIT - 1815C CONTRA COSTA Receipt Date: 01/11/17 Paid by: SIGNWORKS Issued.: TO (DEVON) Jan 11 2017 11:18 am Devon Lazzarino	Db: 99	1001	50.00
								Cr: 10	4155 05	
			20366	C	Mis	TAX05	GAS TAX 2103 DECEMBER 2016 HIGHWAY USERS TAX Receipt Date: 01/11/17 Paid by: STATE OF CALIFORNIA Issued.: TO (DEVON) Jan 11 2017 11:19 am Devon Lazzarino	Db: 99	1001	89.56
				Mis		TAX01	GAS TAX - 2105 31 DECEMBER 2016 HIGHWAY USERS TAX Receipt Date: 01/11/17	Cr: 31	4305 11	180.71
				Mis		TAX02	GAS TAX - 2106 32 DECEMBER 2016 HIGHWAY USERS TAX Receipt Date: 01/11/17	Db: 99	1001	474.32
				Mis		TAX03	GAS TAX - 2107 33 DECEMBER 2016 HIGHWAY USERS TAX Receipt Date: 01/11/17 Paid by: STATE OF CALIFORNIA Issued.: TO (DEVON) Jan 11 2017 11:19 am Devon Lazzarino	Cr: 31	4305 11	248.25
								Db: 99	1001	1156.47
			20367	C	Mis	REIMB	REIMBURSEMENTS 12/6/16 CLAIM REIMBURSEMENT - BLAUL ACCIDENT Receipt Date: 01/11/17 Paid by: ALLIANZ Issued.: TO (DEVON) Jan 11 2017 11:19 am Devon Lazzarino	Db: 99	1001	1156.47
								Cr: 10	4732 00	
			20368	C	Mis	MS	COUNTY OF MONTEREY FY 16-17 CSA74 EMS GRANT Receipt Date: 01/11/17 Paid by: COUNTY OF MONTEREY Issued.: TO (DEVON) Jan 11 2017 11:20 am Devon Lazzarino	Db: 99	1001	2500.00
								Cr: 10	4836 08	
			20369	C	Mis	WT01	BUSINESS LICENSE NEW BUSINESS LICENSE Receipt Date: 01/11/17 Paid by: POST NO BILLS - NEW OWNER Issued.: TO (DEVON) Jan 11 2017 11:20 am Devon Lazzarino	Db: 99	1001	315.00
				Mis		CAS70	BUSINESS LICENSE CASP FEE 70% NEW BUSINESS LICENSE Receipt Date: 01/11/17	Cr: 10	4055 00	.70
				Mis		CAS30	BUSINESS LICENSE CASP FEE 30% NEW BUSINESS LICENSE Receipt Date: 01/11/17	Db: 99	1001	.30
								Cr: 10	2115	
								Day 01/11/17	Total ---->	5143.26
	01/12/17		20361	C	Mis	MS	SUCCESSOR AGENCY ROPS 16-17B SERAF/JANUARY-JUNE 2017 Receipt Date: 01/11/17 Paid by: SUCCESSOR AGENCY Issued.: TO (DEVON) Jan 11 2017 11:15 am Devon Lazzarino	Db: 10	1003	145283.37
								Cr: 10	1112	
								Day 01/12/17	Total ---->	145283.37
	01/13/17		20403	C	Mis	EFT20	LAIF - INTEREST 2ND QUARTER 16-17 INTEREST Receipt Date: 01/13/17 Paid by: LAIF Issued.: TO (DEVON) Jan 13 2017 04:01 pm Devon Lazzarino	Db: 10	1008	6700.16
								Cr: 10	4420 00	

Reg	Period	Date	Receipt	T	Opr	ID No	Description	G/L Posting	Amt Paid
000	01-17	01/13/17						Day 01/13/17 Total ---->	6700.16
		01/19/17	20370	C	Mis	WT01	BUSINESS LICENSE NEW BUSINESS LICENSE Receipt Date: 01/19/17	Db: 99 1001	1030.00
					Mis	CAS70	BUSINESS LICENSE CASP FEE 70% NEW BUSINESS LICENSE Receipt Date: 01/19/17	Cr: 10 4055 00 Db: 99 1001	.70
					Mis	CAS30	BUSINESS LICENSE CASP FEE 30% NEW BUSINESS LICENSE Receipt Date: 01/19/17	Cr: 10 4033 00 Db: 99 1001	.30
			20371	C	Mis	BUI01	Issued..: T0 (DEVON) Jan 19 2017 10:23 am Devon Lazzarino BUILDING PERMIT 4115	Db: 99 1001	5063.44
					Mis	PLA01	PERMITS/FEEES FOR 905 PLAYA/HOME GOODS Receipt Date: 01/19/17	Cr: 10 4115 05 Db: 99 1001	3291.23
					Mis	STR01	PLAN CHECK FEE 4165 PERMITS/FEEES FOR 905 PLAYA/HOME GOODS Receipt Date: 01/19/17	Cr: 10 4165 05 Db: 99 1001	188.16
					Mis	CBSC	STRONG MOTION 2010 PERMITS/FEEES FOR 905 PLAYA/HOME GOODS Receipt Date: 01/19/17	Cr: 10 2010 Db: 99 1001	27.00
					Mis	PLA01	CBSC FEE - SB1473 PERMITS/FEEES FOR 905 PLAYA/HOME GOODS Receipt Date: 01/19/17	Cr: 10 2012 Db: 99 1001	493.69
			20372	C	Mis	UUT	Issued..: T0 (DEVON) Jan 19 2017 10:24 am Devon Lazzarino UTILITY USERS TAX	Db: 99 1001	2.30
							DECEMBER 2016 UUT - GAS Receipt Date: 01/19/17	Cr: 10 4025 00	
							Paid by: GAS & POWER TECHNOLOGIES Issued..: T0 (DEVON) Jan 19 2017 10:25 am Devon Lazzarino	Db: 99 1001	38.84
			20373	C	Mis	UUT	UTILITY USERS TAX DECEMBER 2016 UUT - GAS Receipt Date: 01/19/17	Cr: 10 4025 00	
							Paid by: TIGER NATURAL GAS Issued..: T0 (DEVON) Jan 19 2017 10:25 am Devon Lazzarino	Db: 99 1001	312.63
			20374	C	Mis	UUT	UTILITY USERS TAX DECEMBER 2016 UUT Receipt Date: 01/19/17	Cr: 10 4025 00	
							Paid by: PILOT POWER GROUP Issued..: T0 (DEVON) Jan 19 2017 10:25 am Devon Lazzarino	Db: 99 1001	170.62
			20375	C	Mis	MOT01	MOTOR VEH IN TX 4325 FY 15-16 VEHICLE LICENSE FEE IN EXCESS Receipt Date: 01/19/17	Cr: 10 4325 08	
							Paid by: STATE OF CALIFORNIA Issued..: T0 (DEVON) Jan 19 2017 10:26 am Devon Lazzarino	Db: 99 1001	75.00
			20376	C	Mis	PAR02	SAND CITY PARKING PARKING VIOLATION #6910 Receipt Date: 01/19/17	Cr: 10 4221 08	
							Paid by: NICOLAS CARSWELL Issued..: T0 (DEVON) Jan 19 2017 10:26 am Devon Lazzarino	Db: 99 1001	348.27
			20377	C	Mis	WT01	BUSINESS LICENSE FY 16-17 BUSINESS LICENSE RENEWAL Receipt Date: 01/19/17	Cr: 10 4055 00 Db: 99 1001	161.76
					Mis	WT02	BUSINESS LIC LATE CH FY 16-17 BUSINESS LICENSE RENEWAL Receipt Date: 01/19/17	Cr: 10 4060 00 Db: 99 1001	.70
					Mis	CAS70	BUSINESS LICENSE CASP FEE 70% FY 16-17 BUSINESS LICENSE RENEWAL Receipt Date: 01/19/17	Cr: 10 4033 00 Db: 99 1001	.30
					Mis	CAS30	BUSINESS LICENSE CASP FEE 30% FY 16-17 BUSINESS LICENSE RENEWAL Receipt Date: 01/19/17	Cr: 10 2115	
							Paid by: OAS DESIGN Issued..: T0 (DEVON) Jan 19 2017 10:27 am Devon Lazzarino	Db: 99 1001	26.51
			20378	C	Mis	TRA01	TRAFFIC SAFETY FUND NOVEMBER 2016 TRAFFIC Receipt Date: 01/19/17	Cr: 35 4205 11 Db: 99 1001	12.27
					Mis	VC	COUNTY/VC NOVEMBER 2016 TRAFFIC Receipt Date: 01/19/17	Cr: 35 4205 11 Db: 99 1001	3.30
					Mis	POC01	COUNTY/PROOF OF CORR NOVEMBER 2016 TRAFFIC Receipt Date: 01/19/17	Cr: 35 4205 11 Db: 99 1001	25.00
					Mis	HTP01	1/2 TAX POLICE/PROP 172 NOVEMBER 2016 TRAFFIC Receipt Date: 01/19/17	Cr: 10 4330 08 Db: 99 1001	119.38
					Mis	REV	COUNTY/REV & RECOVERY NOVEMBER 2016 TRAFFIC Receipt Date: 01/19/17	Cr: 10 4210 08	
							Paid by: COUNTY OF MONTEREY Issued..: T0 (DEVON) Jan 19 2017 10:27 am Devon Lazzarino	Db: 99 1001	150.00
			20379	C	Mis	WT01	BUSINESS LICENSE ONE TIME ONLY BUSINESS LICENSE - BUNGALOWS Receipt Date: 01/19/17	Cr: 10 4055 00 Db: 99 1001	.70
					Mis	CAS70	BUSINESS LICENSE CASP FEE 70% ONE TIME ONLY BUSINESS LICENSE - BUNGALOWS Receipt Date: 01/19/17	Cr: 10 4033 00 Db: 99 1001	.30
					Mis	CAS30	BUSINESS LICENSE CASP FEE 30% ONE TIME ONLY BUSINESS LICENSE - BUNGALOWS Receipt Date: 01/19/17	Cr: 10 2115	
							Paid by: LSE FIRE PROTECTION Issued..: T0 (DEVON) Jan 19 2017 10:28 am Devon Lazzarino		

Reg	Period	Date	Receipt	T Opr	ID No	Description	G/L Posting	Amt Paid
000	01-17	01/19/17	20380	C Mis	WT01	BUSINESS LICENSE NEW BUSINESS LICENSE Receipt Date: 01/19/17	Db: 99 1001 Cr: 10 4055 00	150.00
					Mis CAS70	BUSINESS LICENSE CASP FEE 70% NEW BUSINESS LICENSE Receipt Date: 01/19/17	Db: 99 1001 Cr: 10 4033 00	.70
					Mis CAS30	BUSINESS LICENSE CASP FEE 30% NEW BUSINESS LICENSE Receipt Date: 01/19/17	Db: 99 1001 Cr: 10 2115	.30
			20381	C Mis	REIMB	REIMBURSEMENTS REIMBURSE MCOA AWARDS DINNER - GUEST Receipt Date: 01/19/17	Lazzarino Db: 99 1001 Cr: 10 4732 00	25.00
			20382	C Mis	MS	PAID BY: CHIEF FERRANTE ISSUED..: TO (DEVON) Jan 19 2017 10:29 am Devon NANCY FLETCHER FEBRUARY 2017 DENTAL COBRA Receipt Date: 01/19/17	Lazzarino Db: 99 1001 Cr: 10 2160	69.24
			20383	C Mis	MS	PAID BY: NANCY FLETCHER ISSUED..: TO (DEVON) Jan 19 2017 10:30 am Devon SUCCESSOR AGENCY 1ST-2ND QUARTERS 16-17 ADMIN EXPENSE REIMBURSEMENT Receipt Date: 01/19/17	Lazzarino Db: 99 1001 Cr: 10 4008 00	47049.66
						PAID BY: SUCCESSOR AGENCY ISSUED..: TO (DEVON) Jan 19 2017 10:30 am Devon	Lazzarino Day 01/19/17 Total ---->	58837.30
	01/24/17		20384	C Mis	UUT	UTILITY USERS TAX DECEMBER 2016 UUT - GAS Receipt Date: 01/24/17	Db: 99 1001 Cr: 10 4025 00	41.10
			20385	C Mis	UUT	PAID BY: CALPINE ENERGY ISSUED..: TO (DEVON) Jan 24 2017 08:39 am Devon UTILITY USERS TAX DECEMBER 2016 UUT - ELECTRIC Receipt Date: 01/24/17	Lazzarino Db: 99 1001 Cr: 10 4025 00	58.94
			20386	C Mis	REIMB	PAID BY: CALPINE ENERGY ISSUED..: TO (DEVON) Jan 24 2017 08:39 am Devon REIMBURSEMENTS 12/6/16 ACCIDENT CLAIM REIMBURSEMENT - BLAUL Receipt Date: 01/24/17	Lazzarino Db: 99 1001 Cr: 10 4732 00	362.48
			20387	C Mis	STAX	PAID BY: ALLIANZ ISSUED..: TO (DEVON) Jan 24 2017 08:39 am Devon SALES TAX RECEIVED NOVEMBER 2016 IN LIEU SALES TAX Receipt Date: 01/24/17	Lazzarino Db: 99 1001 Cr: 10 4030 00	198900.00
			20388	C Mis	TUT01	PAID BY: STATE OF CALIFORNIA ISSUED..: TO (DEVON) Jan 24 2017 08:40 am Devon TRANSACTION/USE TAX NOVEMBER 2016 T/U TAX Receipt Date: 01/24/17	Lazzarino Db: 99 1001 Cr: 10 4032 00	176600.00
			20389	C Mis	UUT	PAID BY: STATE OF CALIFORNIA ISSUED..: TO (DEVON) Jan 24 2017 08:40 am Devon UTILITY USERS TAX DECEMBER 2016 UUT - ELECTRIC Receipt Date: 01/24/17	Lazzarino Db: 99 1001 Cr: 10 4025 00	584.72
			20390	C Mis	UUT	PAID BY: DIRECT ENERGY ISSUED..: TO (DEVON) Jan 24 2017 08:40 am Devon UTILITY USERS TAX DECEMBER 2016 UUT - GAS Receipt Date: 01/24/17	Lazzarino Db: 99 1001 Cr: 10 4025 00	1.01
			20391	C Mis	UUT	PAID BY: SPARK ENERGY ISSUED..: TO (DEVON) Jan 24 2017 08:40 am Devon UTILITY USERS TAX DECEMBER 2016 UUT - GAS Receipt Date: 01/24/17	Lazzarino Db: 99 1001 Cr: 10 4025 00	9.93
						PAID BY: VISTA ENERGY ISSUED..: TO (DEVON) Jan 24 2017 08:41 am Devon	Lazzarino Day 01/24/17 Total ---->	376558.18
	01/26/17		20393	E Mis	EFT10	TRANSFER TO LAIF TRANSFER FROM CITY CHECKING TO LAIF Receipt Date: 01/26/17	Db: 10 1008 Cr: 99 1001	400000.00
						PAID BY: TRANSFER FROM CITY CHECKING TO LAIF ISSUED..: TO (DEVON) Jan 26 2017 11:01 am Devon	Lazzarino Day 01/26/17 Total ---->	400000.00
	01/31/17		20394	C Mis	POL01	POLICE REPORT 4560 POLICE REPORT #17-006 Receipt Date: 01/31/17	Db: 99 1001 Cr: 10 4560 08	10.00
			20395	C Mis	MS	PAID BY: DONTA ANDERSON ISSUED..: TO (DEVON) Jan 31 2017 10:56 am Devon LITHIA PORSCHER PARKING LOT ENGINEERING FEES Receipt Date: 01/31/17	Lazzarino Db: 99 1001 Cr: 10 4160 11	20250.00
			20396	C Mis	WT01	PAID BY: LITHIA ISSUED..: TO (DEVON) Jan 31 2017 10:56 am Devon BUSINESS LICENSE ONE TIME ONLY BUSINESS LICENSE - BUNGALOWS Receipt Date: 01/31/17	Lazzarino Db: 99 1001 Cr: 10 4055 00	50.00
					Mis CAS70	BUSINESS LICENSE CASP FEE 70% ONE TIME ONLY BUSINESS LICENSE - BUNGALOWS Receipt Date: 01/31/17	Db: 99 1001 Cr: 10 4033 00	.70
					Mis CAS30	BUSINESS LICENSE CASP FEE 30% ONE TIME ONLY BUSINESS LICENSE - BUNGALOWS Receipt Date: 01/31/17	Db: 99 1001 Cr: 10 2115	.30

Reg	Period	Date	Receipt	T	Opr	ID No	Description	G/L Posting	Amt Paid
000	01-17	01/31/17	20397	C	Mis	UUT	UTILITY USERS TAX DECEMBER 2016 UUT - ELECTRIC Receipt Date: 01/31/17 Paid by: CONSTELLATION NEW ENERGY Issued..: TO (DEVON) Jan 31 2017 10:57 am Devon Lazzarino	Db: 99 1001 Cr: 10 4025 00	101.72
			20398	C	Mis	UUT	UTILITY USERS TAX DECEMBER 2016 UUT - GAS Receipt Date: 01/31/17 Paid by: CONSTELLATION NEW ENERGY Issued..: TO (DEVON) Jan 31 2017 10:57 am Devon Lazzarino	Db: 99 1001 Cr: 10 4025 00	18.04
			20404	C	Mis	OPEB	OPEB INTEREST JANUARY 2017 INTEREST Receipt Date: 01/31/17 Paid by: RABOBANK Issued..: TO (DEVON) Jan 31 2017 10:57 am Devon Lazzarino	Db: 10 1004 Cr: 10 4411 00	6.12
			20405	C	Mis	CDINT	CD INTEREST JANUARY 2017 INTEREST Receipt Date: 01/31/17 Paid by: RABOBANK Issued..: TO (DEVON) Jan 31 2017 01:00 pm Devon Lazzarino	Db: 10 1020 Cr: 10 4410 00	7.32
			20406	C	Mis	HOU01	CITY HOUSING INTEREST JANUARY 2017 INTEREST Receipt Date: 01/31/17 Paid by: RABOBANK Issued..: TO (DEVON) Jan 31 2017 01:02 pm Devon Lazzarino	Db: 10 1003 Cr: 10 4413 00	.92
			20407	C	Mis	INT01	INTEREST IN CHECKING JANUARY 2017 INTEREST Receipt Date: 01/31/17 Paid by: RABOBANK Issued..: TO (DEVON) Jan 31 2017 01:04 pm Devon Lazzarino	Db: 99 1001 Cr: 10 4410 00	11.89
									Day 01/31/17 Total ----> 20457.01
									Period 01-17 Total ----> 1514576.68
									Register 000 Total ----> 1514576.68

									Total of All Registers ----> 1514576.68

Check Number	Vendor Name	Invoice Description	Check Date	Gross Check Amount
030325	A.T. & T.	NOVEMBER 2016 POLICE CLETS PHONE LINE	01/03/17	65.65
030325	A.T. & T.	NOVEMBER 2016 POLICE TLINE	01/03/17	213.30
030325	BALESTERI UNLIMITED CATERING,	12/22/16 EMPLOYEE XMAS LUNCHEON	01/03/17	785.35
030325	CCHRA	2017 MEMBERSHIP RENEWAL/LAW UPDATE CLASS	01/03/17	110.00
030328	CALIFORNIA HIGHWAY	DECEMBER 2016 HIGHWAY CLEAN UP	01/03/17	295.00
030329	CALIFORNIA LAW	JANUARY 2017 POLICE LTD PREMIUMS	01/03/17	220.50
030330	CMRTA	2017 MEMBERSHIP RENEWAL - LINDA/DEVON	01/03/17	100.00
030331	CORBIN WILLITS SYSTEMS	JANUARY 2017 TECH SUPPORT - MOM	01/03/17	219.35
030332	CRITICAL REACH	2017 APBNET CRIME BULLETIN SERVICE RENEWAL	01/03/17	145.00
030333	DEARBORN NATIONAL LIFE INSURAN	JANUARY 2017 LIFE INSURANCE PREMIUMS	01/03/17	387.00
030334	GUARDIAN	JANUARY 2016 DENTAL PREMIUMS	01/03/17	5035.23
030335	MONTEREY COUNTY HERALD	NEWSPAPER SUBSCRIPTION RENEWAL	01/03/17	142.42
030336	MONTEREY COUNTY BUSINESS	2017 MEMBERSHIP RENEWAL	01/03/17	500.00
030337	MCGRATH RENTCORP	JANUARY 2017 POLICE LOCKER ROOM PAYMENT	01/03/17	184.99
030338	MONTEREY TIRE SERVICE, INC	FLAT REPAIR FOR DUMP TRUCK	01/03/17	20.72
030339	OHIO NATIONAL LIFE	JANUARY 2017 LIFE INSURANCE PREMIUMS	01/03/17	69.55
030340	DAVID PENDERGRASS	JANUARY 2016 PAYROLL	01/03/17	1514.62
030341	PETTY CASH - TO BE CASHED BY	REPLENISH PETTY CASH	01/03/17	52.52
030342	PINNACLE HEALTHCARE	PRE EMPLOYMENT MEDICAL EXAM FOR POLICE CANDIDATE	01/03/17	1001.00
030343	PITNEY BOWES	REPLENISH POSTAGE MACHINE	01/03/17	300.00
030344	DAVID W. JANSEN	CITY HALL SYSTEMS SCHEDULED MAINTENANCE	01/03/17	462.00
030344	DAVID W. JANSEN	POLICE MAINTENANCE/BOOKING SYSTEM ISSUES	01/03/17	924.00
030345	SAND CITY POLICE OFFICERS	JANUARY 2017 POA DUES	01/03/17	315.00
030346	LINDA SCHOLINK	REIMBURSE 2016 EMPLOYEE XMAS LUNCHEON BEVERAGES	01/03/17	50.40
030347	SEASIDE GROUNDWATER BASIN WATE	2017 ADMINISTRATIVE FUND ASSESSMENT	01/03/17	1352.00
030348	MARY ANN WEEMS	FOR JANUARY 2017	01/03/17	293.21
030349	ARTS COUNCIL FOR MONTEREY COUN	1/14/17 CHAMPION OF THE ARTS	01/04/17	330.00
030350	ARTS COUNCIL FOR MONTEREY COUN	1/14/17 CHAMPION OF THE ARTS	01/05/17	440.00
30325A	ADP, INC	P/R PROCESSING CHARGES FOR PERIOD ENDING 12/31/16	01/06/17	259.56
030351	A&R PLUMBING, INC	CORP YARD TOILET REPAIR	01/10/17	146.82
030352	ASSURANT EMPLOYEE BENEFIT	JANUARY 2016 LTD PREMIUMS	01/10/17	645.27
030353	A.T. & T.	NOVEMBER 2016 TELEPHONE BILL	01/10/17	266.08
030354	AVAYA, INC	DECEMBER 2016 TELEPHONE LEASE	01/10/17	245.86
030355	CAL-AM WATER	DECEMBER 2016 WATER BILL - 1 SYLVAN	01/10/17	74.66
030355	CAL-AM WATER	DECEMBER 2016 WATER BILL - 320 ELDER	01/10/17	49.10
030356	CANON SOLUTIONS AMERICA, INC.	NOVEMBER 2016 COPY MACHINE USAGE	01/10/17	551.41
030357	MONTEREY COUNTY WEEKLY	DECEMBER 2016 CO-OP ADVERTISING	01/10/17	1614.00
030358	COMCAST	JANUARY 2017 POLICE INTERNET	01/10/17	151.14
030359	HSBC BUSINESS SOLUTIONS	DECEMBER 2016 SUPPLIES	01/10/17	626.79
030360	DEL REY OAKS GARDEN SUPPLY	RED MAX TOOL FOR P/W	01/10/17	45.00
030361	DEL REY OAKS CAR WASH	2 FULL SERVICE CAR WASHES FOR POLICE	01/10/17	32.00
030362	DE LAGE LANDEN FINANCIAL SERVI	JANUARY 2017 STREET SWEEPER PAYMENT #15	01/10/17	1522.18
030363	FIRST ALARM SECURITY	ADD NEW OFFICER MATTHEW BLACKMON SECURITY CODE	01/10/17	35.00
030364	HEISINGER BUCK AND MORRIS	DECEMBER 2016 ATTORNEY REIMBURSABLE COSTS	01/10/17	68.63
030365	HOME DEPOT CREDIT SERVICE	DECEMBER 2016 SUPPLIES	01/10/17	245.51
030366	LIEBERT CASSIDY WHITMORE	2017 ERC MEMBERSHIP/LIBRARY SUBSCRIPTION	01/10/17	895.50
030367	GARY HAEDRICH MARKS BARN AUTO	POLICE UNIT 91 REPAIR	01/10/17	2988.63
030368	MONTEREY TIRE SERVICE, INC	FLAT REPAIR FOR POLICE UNIT 90	01/10/17	20.72
030368	MONTEREY TIRE SERVICE, INC	FLAT REPAIR FOR POLICE UNIT 93	01/10/17	20.72
030369	MONTEREY COUNTY	POLICE NETWORK ACCESS FOR PERIOD ENDING 11/30/16	01/10/17	111.00
030370	OFFICE DEPOT , INC.	DECEMBER 2016 SUPPLIES	01/10/17	1045.20
030371	PUBLIC EMPLOYEES RET. SYS	2017 REPLACEMENT BENEFIT CONTRIBUTION	01/10/17	7326.48
030372	PETTY CASH - TO BE CASHED BY	REPLENISH PETTY CASH	01/10/17	70.50
030373	RED SHIFT INTERNET SRVCS	JANUARY 2016 POLICE/CITY DSL, INTERNET & EMAIL	01/10/17	93.89
030374	DAVID W. JANSEN	CITY HALL SYSTEMS SCHEDULED MAINTENANCE/SERVER	01/10/17	714.00
030374	DAVID W. JANSEN	POLICE - CHIEF, PATROL, CLETS	01/10/17	777.00
030375	STURDY OIL COMPANY	12/15/16 TO 12/31/16 FUEL COSTS	01/10/17	639.61
030376	SWRCB ACCOUNTING OFFICE	FY 16-17 STORM WATER PERMIT	01/10/17	2994.00
030377	ZUMAR INDUSTRIES, INC.	8 STREET SIGNS FOR CITYWIDE	01/10/17	396.74
030378	BALESTERI UNLIMITED CATERING,	DECEMBER 22, 2016 EMPLOYEE XMAS LUNCHEON	01/10/17	710.35
30325B	PERS - MEDICAL	JANUARY 2017 PERS HEALTH PREMIUMS	01/10/17	17519.29
30325C	PUBLIC EMPLOYEES RET. SYS	DECEMBER 2016 PERS RETIREMENT CONTRIBUTIONS	01/13/17	38080.19
030379	RABOBANK VISA CARD	INK FOR CITY REQUIRED CORRESPONDENCE	01/17/17	120.41
030380	RABOBANK VISA CARD	4 DATE STAMP INK REPLACEMENTS FOR CITY HALL	01/17/17	58.21
030381	RABOBANK VISA CARD	EVIDENCE BAG RACK/PW RAIN GEAR	01/17/17	753.47
030382	RABOBANK VISA CARD	SPAM BULLY RENEWAL - 5 CITY HALL SYSTEMS	01/17/17	149.75
030383	AFLAC	DECEMBER 2016 AFLAC PREMIUMS	01/17/17	948.07
030384	AMERIPRIDE SERVICES	DECEMBER 2016 LAUNDRY SERVICE	01/17/17	485.39
030385	AT & T	DECEMBER 2016 POLICE TRACNET LINE	01/17/17	122.99
030386	A.T. & T.	NOVEMBER 2016 POLICE CLETS PHONE LINE	01/17/17	42.68
030387	BALBOA CAPITAL	FEBRUARY 2017 WATER DISPENSER FOR OFFICE	01/17/17	64.97
030388	BMI	2017 MUSIC LICENSE FEE	01/17/17	342.00
030389	COMCAST	JANUARY 2017 POLICE PHONE/PW PHONE & INTERNET	01/17/17	268.67
030390	CREEGAN & D'ANGELO	DECEMBER 2016 ENGINEER SERVICES	01/17/17	12375.00
030391	FASTENAL COMPANY	50 SCREWS FOR CITY STREET SIGNS	01/17/17	8.92
030392	HOPE SERVICES	DECEMBER 2016 CLEAN UP CREW	01/17/17	4426.50
030393	LEAGUE OF CALIF. CITIES	2017 MEMBERSHIP DUES	01/17/17	75.00
030394	CITY OF MONTEREY	1/1/17 TO 6/30/17 FIRE PROTECTION SERVICES	01/17/17	134836.00
030394	CITY OF MONTEREY	NOVEMBER 2016 BUILDING INSPECTION SERVICES	01/17/17	178.00
030395	MRWMD	DECEMBER 2016 REFUSE CHARGES	01/17/17	629.30
030396	PITNEY BOWES	10/30/16 TO 1/29/17 POSTAGE MACHINE LEASE	01/17/17	509.47
030397	PETTY CASH - TO BE CASHED BY	REPLENISH PETTY CASH	01/17/17	76.97
030398	PACIFIC GAS & ELECTRIC	DECEMBER 2016 UTILITY BILLS	01/17/17	3092.16
030399	UNIVERSAL STAFFING IN	TEMP SERVICES 1/3/17 AND 1/5/17	01/17/17	172.00
030400	VERIZON WIRELESS	DECEMBER 2016 CELL PHONE BILLS	01/17/17	1063.03
030401	RABOBANK VISA CARD	10K MILE SERVICE FOR P/W TOYOTA TACOMA	01/17/17	136.97
030402	A.T. & T.	DECEMBER 2016 POLICE OUTSIDE PHONE LINE	01/24/17	138.74
030403	AUTOMOTIVE SPECIALISTS	REPLACE FUEL PUMP ASSEMBLY ON P/W TRUCK	01/24/17	1492.15
030404	COMCAST	JANUARY 2017 CITY INTERNET/COUNCIL TV	01/24/17	88.15
030405	DYNA CLEAN SERVICES	JANUARY 15, 2017 OFFICE CLEANING	01/24/17	300.00

Check Number	Vendor Name	Invoice Description	Check Date	Gross Check Amount
030406	EMC PLANNING GROUP, INC.	DECEMBER 2016 PLANNING STAFF SUPPORT SERVICES	01/24/17	1772.25
030406	EMC PLANNING GROUP, INC.	DECEMBER 2016 VIBRANCY PLAN SERVICES	01/24/17	7962.06
030407	FIRST ALARM SECURITY	2/1/17 TO 4/30/17 SECURITY	01/24/17	761.91
030407	GRANITEROCK CO # 29137	5 COLD MIX BAGS FOR CITYWIDE STREETS	01/24/17	73.16
030407	GRANITEROCK CO # 29137	WATTLE ROLL FOR STORM PREPAREDNESS	01/24/17	27.64
030410	LIEBERT CASSIDY WHITMORE	DECEMBER 2016 CONTRACT SERVICES	01/24/17	35.00
030410	LSE FIRE PROTECTION, INC.	REFUND OVERPAYMENT OF ONE TIME ONLY BUSINESS LIC	01/24/17	100.00
030411	DANNY MARTIN	JANUARY 2017 ACCRUAL CASH OUT	01/24/17	5186.48
030412	MONTEREY BAY PEST CONTROL	1/17/17 PEST CONTROL SERVICE	01/24/17	120.00
030413	MONTEREY TIRE SERVICE, INC	FLAT REPAIR FOR BACKHOE	01/24/17	64.38
030414	MRWMD	FY 16-17 RECYCLING GRANT	01/24/17	5000.00
030415	PETTY CASH - TO BE CASHED BY	REFPLENISH PETTY CASH	01/24/17	57.50
030416	PINNACLE HEALTHCARE	PRE EMPLOYMENT MEDICAL EXAM FOR POLICE CANDIDATE	01/24/17	959.00
030417	PURSUIT NORTH	BUMPER/LABOR TO REPAIR POLICE UNIT 91	01/24/17	980.15
030418	RENTAL DEPOT - MONTEREY	LIFT RENTAL FOR BANNERS/XMAS DECORATIONS/LIGHT	01/24/17	234.14
030419	CRAIG RIDDELL	2017 WEST END ADVERTISING - JANUARY INSTALLMENT	01/24/17	1000.00
030420	DAVID W. JANSEN	POLICE LAPTOP/PD SYSTEMS MAINT/SWITCH	01/24/17	640.14
030421	ID CONCEPTS, LLC	CODE ENFORCEMENT CONTRACTOR ID CARD	01/24/17	40.44
030422	SHRED IT- SAN JOSE	JANUARY 4, 2017 SHREDDING SERVICE	01/24/17	65.64
030423	STEPHEN L. VAGNINI	2017 WEST END COORDINATOR FEE - JANUARY INSTALL	01/24/17	5000.00
030424	STURDY OIL COMPANY	1/1/17 TO 1/15/17 FUEL COSTS	01/24/17	777.42
30325D	RABOBANK	WIRE TRANSFER OUT TO LAIF FEE	01/26/17	30.00
030425	A.T. & T.	DECEMBER 2016 POLICE CLETS PHONE LINE	01/31/17	65.69
030426	CALPERS 457 PLAN	JANUARY 2017 PERS 457 CONTRIBUTIONS	01/31/17	12950.00
030427	CLEARVUE, INC	2ND QUARTER 2016-2017 INVESTMENT REPORTS	01/31/17	875.00
030428	COMCAST	JANUARY 2017 POLICE CABLE TV	01/31/17	52.89
030429	LEAGUE OF CALIF. CITIES	2017 MONTEREY BAY DIVISION MEMBERSHIP DUES	01/31/17	150.00
030430	MONTEREY BAY AREA SELF INSURAN	FY 16-17 WORKERS COMP/LIABILITY INSURANCE BALANCE	01/31/17	80682.50
030431	MONTEREY TIRE SERVICE, INC	FLAT REPAIR FOR POLICE UNIT 90	01/31/17	20.71
030432	MONTEREY COUNTY	POLICE NETWORK ACCESS FOR PERIOD ENDING 12/31/16	01/31/17	111.00
030433	NAPA AUTO PARTS	WIPER BLADES FOR P/W VEHICLES	01/31/17	46.21
030434	PETTY CASH - TO BE CASHED BY	REFPLENISH PETTY CASH	01/31/17	86.95
030435	DAVID W. JANSEN	CITY HALL SYSTEMS SCHEDULED MAINT/LINDA SCAN	01/31/17	735.00
030435	DAVID W. JANSEN	CONNIE SYSTEM VIRUS	01/31/17	231.00
030435	DAVID W. JANSEN	POLICE - TONER FOR RECORDS PRINTER	01/31/17	294.78

Grn-Total:
 Ttl-Count: 125

386655.65

**Successor Agency
for
Sand City**

REPORT.: 02/22/17
RUN....: 02/22/17
Run By.: LINDA

SUCCESSOR AGENCY
Balance Sheet Report
ALL FUND(S)

PAGE: 001
ID #: GLBS
CTL.: SUC

Ending Calendar Date.: January 31, 2017 Fiscal (07-17)

Assets			Acct ID
Debt Service Tax Increment Account	622,120.74	40	1005
Debt Service 2008 TAX EXEMPT CD #6998114883	525,803.00	40	1025
Debt Service 2008 TAX EXEMPT CD # 535671579	531,130.45	40	1026
Debt Service 2008A RESERVE ACCOUNT	8,273.80	40	1060
Debt Service Bank of Baroda- CD	200,000.00	40	1065
Debt Service Comenity Capital Bank- CD	245,000.00	40	1066
Debt Service Goldman Sachs-USA New York- CD	245,000.00	40	1067
Debt Service 2008B RESERVE ACCOUNT	5,346.76	40	1070
Debt Service GE-Capital Retail Bank-CD	120,000.00	40	1075
Debt Service Land	2,525,709.76	40	1291
Debt Service FURNITURE AND FIXTURES	40,218.25	40	1293
Debt Service SIGNS AND LANDSCAPING	182,630.99	40	1297
Debt Service ACCUMULATED DEPRECIATION	-215,861.99	40	1300
	----->		
Total of Assets	5,035,371.76		5,035,371.76

Liabilities			Acct ID
Debt Service REFUNDABLE FEES	1,455,000.00	40	2045
Debt Service GENERAL LT- ADVANCE COSTCO/SEA	4,650,000.00	40	2330
Debt Service LOAN PAYABLE-HOUSING	518,349.00	40	2452
Debt Service LT ADVANCES FOR OPERAT EXPENSE	3,626,057.91	40	2455
Debt Service ADVANCES COP REIMBURSEMENTS	1,454,766.42	40	2460
Debt Service SERIES A BONDS	5,265,000.00	40	2480
Debt Service SERIES B BONDS	1,260,000.00	40	2485
	----->		
Total of Liabilities	18,229,173.33		

FUND Balances			Acct ID
Debt Service Unappropriated Fund Balance	-14,054,047.29	40	3400
CURRENT EARNINGS	860,245.72		
	----->		
Total of FUND Balances	-13,193,801.57		5,035,371.76

Reg	Period	Date	Receipt	T	Opr	ID No	Description	G/L Posting	Amt Paid
000	01-17	01/31/17	00262	C	Mis	BND04	3 MONTH TAX EXEMPT BOND INTEREST JANUARY 2017 INTEREST Receipt Date: 01/31/17 RABOBANK	Db: 40 1025 Cr: 40 4435 00	22.64
			00263	C	Mis	BND05	Issued...: TO (DEVON) Jan 31 2017 12:37 pm Devon Lazzarino 6 MONTH TAX EXEMPT BOND INTEREST JANUARY 2017 INTEREST Receipt Date: 01/31/17 Paid by: RABOBANK	Db: 40 1026 Cr: 40 4435 00	22.87
			00264	C	Mis	PRP01	Issued...: TO (DEVON) Jan 31 2017 12:39 pm Devon Lazzarino PROPERTY TAX INCREMENT JANUARY 2017 INTEREST Receipt Date: 01/31/17 Paid by: RABOBANK	Db: 40 1005 Cr: 40 4450 00	140.49
							Issued...: TO (DEVON) Jan 31 2017 12:56 pm Devon Lazzarino		
							Day 01/31/17 Total ---->		186.00
							Period 01-17 Total ---->		186.00
							Register 000 Total ---->		186.00
							Total of All Registers ---->		186.00

SUCCESSOR AGENCY
Month End Payable Activity Report
Report for 01-17

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
01-17	CAL01 (CAL AM WATER)	011017H	12/27/16	01/26/17	A	60.69	DECEMBER 2016 WATER BILL - DIAS & ORTIZ
	7 CIT01 (CITY OF SAND CITY)	011017H	01/10/17	02/09/17	A	145283.37	ROPS 16-17B SERAF PAYMENT
01-17	CIT02 (CITY OF SEASIDE)	011017H	01/10/17	02/09/17	A	182261.00	JANUARY 19, 2016 JUDGMENT - PAYMENT #2
Total of Purchases ->						<u>327605.06</u>	

AGENDA ITEM

7A

MEMO

To: Honorable Mayor and City Council
From: Todd Bodem, City Administrator
Date: March 14, 2017
Subject: 2nd Reading – Ordinance Authorizing the Implementation of a Community Choice Energy Program

BACKGROUND

At the March 7, 2017 Sand City Council meeting, the City Council adopted for the first reading an ordinance authorizing the implementation of a Community Choice Energy Program and Resolution approving the Joint Powers Agreement establishing the Monterey Bay Community Authority.

Attached is a one page update on the status of each county and city. In short, seven are in the JPA so far and seven more are taking final action on or before the Sand City Council meeting to join the JPA. Of the other seven remaining, six are agendized for final action between now and the middle of April. The one outlier, Pacific Grove, is scheduled for a community meeting and is told will agendize to take action in the near future.

Enclosed for your review are recent news articles from the Monterey Herald expressing countering views and commentary to a Community Choice Energy Program advocates.

RECOMMENDATION

Consider for a second reading of the attached ordinance authorizing the implementation of a Community Choice Aggregation Program. If passed, the Council needs to appoint a primary member and an alternate to MBCP Policy Board in case Sand City becomes the representative for the shared seat with Seaside, Del Rey Oaks and Marina.

Attachments

1. 1 Page Agency Status to date
2. News Articles – Commentary/Views
3. Ordinance Authorizing the Implementation of a Community Choice Energy Program

City Council and Board of Supervisors Summary of Ordinance Readings		
** Designates Passage of 1st and 2nd Ordinance Readings-Per Agreement, JPA formed after 3 jurisdictions pass 2nd reading of ordinance		
Jurisdictions	1st Reading of Ordinance	2nd Reading of Ordinance
County of Santa Cruz **	2/28/2017 @ 9:00 am PASSED	3/7/2017 @ 9:00 am PASSED
Capitola **	2/9/2017 @ 7:00 pm PASSED	2/23/2017 @ 7:00 pm PASSED
Santa Cruz	2/28/17 @ 2:30 pm PASSED	3/14/2017 @ 2:30 pm - Regular agenda
Scotts Valley **	2/1/17 @ 6:00 pm PASSED	2/15/2017 @ 6:00 pm PASSED
Watsonville	2/14/2017 @ 5:00 (Continued to 2/28 @ 5:00 pm) PASSED	3/14/2017 @ 5:00 pm - consent agenda
County of Monterey	3/7/2017 @ 1:30 pm PASSED	3/21/2017 @ 9:00 am CONSENT AGENDA, NO REP. REQUESTED
Carmel	PER TIM, 3/21/2017	PER TIM, 4/4/2017
Del Rey Oaks	2/28/17 @ 6:00 pm PASSED	3/28/2017 @ 6:00 pm REGULAR AGENDA, JEFF FROM MRWMD TO ATTEND
Gonzales	3/6/17 @ 6:00 pm PASSED	3/20/17 @ 6:00 pm REGULAR AGENDA, REPRESENTATION REQUESTED
Greenfield	3/28/17 @ 6:00 pm	4/11/2017 @ 6:00 pm
King City	2/28/17 @ 6:00 pm PASSED	3/28/2017 @ 6:00 pm PER STEVE, UP TO COUNTY IF WE WANT TO SEND SOMEONE
Marina **	2/22/2017 @ 5:30 pm PASSED	3/7/2017 @ 5:30 pm PASSED
Monterey	3/7/17 @ 7:00 pm PASSED	3/21/2017 @ 4:00 pm CONSENT AGENDA, NO REP. NECESSARY
Pacific Grove	3/15/17 @ 6:00 pm PUBLIC FORUM	Not yet scheduled
Salinas	3/21/2017 @ 4:00 pm- Gine & Bruce McPherson	3/28/17 @ 4:00 pm
Sand City	3/7/2017 @ 5:30 pm PASSED	3/21/17 @ 5:30 pm REGULAR AGENDA REPRESENTATIVE REQUESTED, DAN NELSON
Seaside	2/16 JPA & Reso PASSED 3/2 ordinance @ 7:00 pm	3/16/2017 @ 7:00 pm REGULAR AGENDA, JEFF FROM MRWMD TO ATTEND
Soledad **	2/15/2017 @ 5:30 pm PASSED	3/1/2017 @ 5:30 pm PASSED
County of San Benito **	2/7/17 @ 9:00 am PASSED	2/21/2017 @ 9:00 am PASSED
Hollister **	2/6/2017 @ 6:30 pm PASSED	2/21/2017 @ 6:30 pm PASSED
San Juan Bautista	2/21/17 @ 6:00 pm PASSED	3/21/2017 @ 6:00 pm REGULAR AGENDA, REPRESENTATION REQUESTED

MAR 12th '17 HERALD

SUNDAY, MARCH 12, 2017

Other views

Monopoly on power not the answer

By **Jeff Gorman**
Guest commentary

Monterey County electric consumers are facing a major change and most of us are completely in the dark. Of course, those who pay electric bills know that we pay Pacific Gas & Electric Co. Far fewer know much about the Public Utilities Commission, though many have heard of it. Yet right now, your city and county governments are voting on replacing PG&E electricity procurement with a brand-new government body. Think DMV.

The Herald's recent suggestion that government take over energy purchasing and production in Monterey County is based on a highly flawed scenario, decades in the making. There is no rush, contrary to the pushy salesmanship coming at our council members and county supervisors. County supervisors and the city councils ought to back away from the

Santa Cruz-based proposals, educate the public much more and then choose an honest solution.

For background, recall that 16 years ago partial deregulation and new regulations on California's electricity market failed, causing PG&E and So-Cal Edison to file for bankruptcy protection. Shortly thereafter, the California Assembly passed a law allowing local governments to form power agencies. Basically, none did and this law had no effect. That changed in 2011, when Senate Bill 790 was signed into law. This early Jerry Brown law allows these new government entities to convert PG&E customers into government customers without customer approval. That is a lot of control, government control equals political power. SB 790 also bars regulated utilities from spending money to explain their point of view to the public. So much for freedom of speech! That is a recipe for a one-sided story.

Now, green advocates in Santa Cruz have organized one of these bureaucracies. They are making lots of promises and citing two very limited and relatively small trials as a track record of their approach. One of these promises is "lower prices."

There is a reason PG&E customers pay up to four times the national average for electricity. In addition to laws from the Gray Davis and Bill Clinton-Federal Energy Regulation Commission era, cap-and-trade legislation went into effect in 2012, forcing expensive and intermittent "green power" onto unwilling energy consumers in California.

Most people I have spoken to over the past few weeks aren't aware of their unit energy expense. The national average retail cost of electricity is 10.3 cents, while here it is about 24 cents, and sometimes much higher. Therefore they are unaware of the consequences of this proposal. If city and county

leaders take the plunge on this government bureaucracy to take over the electricity business, the huge premium (double the national average) cost of our electricity will be locked in. If you ever hoped for lower electricity prices, fubgeddaboutit.

Here's an analogy: An apple costs people in the rest of the country 10 cents, but here the government charges 20 cents. To take the analogy further, if the government then promises to save you 5 percent, you are still paying 19 cents. That is, your cost is still 90 percent higher than that of the rest of the country. Any analysis that doesn't include this past information is suspect.

History books are full of political promises that don't work out. The CCE may succeed in originating more green energy, but to do so, they are talking about signing long term contracts. That would lock in these inflated prices.

We also we know that every

few years there are significant improvements in technology. If we are locked in, how can we benefit?

Remember, energy markets are cyclical. This is a key reason why government solutions fail and pragmatists keep an eye on private markets. Will this government bureaucracy be able to handle the ups and downs? Who will be liable when the purchasing desk gets into a pickle like the one we experienced under Gray Davis?

Meanwhile, these new government workers will get CalPERS benefits, already one of California's largest fiscal problems. This new bureaucracy adds to our pension and entitlement mess.

Please let your city and county representatives know that you want cheaper power, not a government monopoly that gives you no choice. Educate yourself about the true cost of green power — and government power.

Jeff Gorman lives in Monterey.

MAR 12 11:17 A.M. RATE

COMMENTARY

Rates will zoom with new agency

By Lawrence Samuels

Guest commentary

The Monterey Herald's "Move forward with MBay power agency" endorsement for the Monterey Bay Community Power project could not be more misguided. As any first-year student of economics can attest, government monopoly and state ownership is far less efficient and greatly more expensive than the private sector, mostly due to backward incentives. Some people are angry over PG&E's rising prices. Fair enough. But much of the price increases are the result of Arnold Schwarzenegger's Cap and Trade laws that force electric utility companies to use more and more higher-priced alternative energy.

California is the only state in the union that imposes this type of requirement. Therefore, it is no wonder that Californians have the distinction of bearing the highest electricity prices in the nation. In Iowa, for instance, the average price is 7.1 cents per kilowatt hour, while in California the price can run from 18 to 40 cents per kilowatt hour. But, hey, only the poor will suffer!

What is PG&E saying about this? It can't; it's been legally muzzled. Due to Senate Bill 790 enacted in 2011,

engage in speech; it is prohibited from publicly engaging in conversation over this issue, a truly Mussolinian tradition.

So, here is the irony. If electric prices are high in California because of higher alternative energy costs, it is only logical to expect that MBCP's doubling of alternative energy use will make prices skyrocket. Prices will zoom up after MBCP has created a choiceless monopoly.

And then there is the problem of PG&E's customer base being taken over by MBCP, forcing anyone who wishes to opt out of MBCP to pay a monthly \$10-plus penalty fee. This will drive out PG&E and leave only a government-run utility. There will be no "competitive choice" left because no private sector utility is able to compete with a government agency swimming in taxpayer-provided state subsidies. Moreover, 11 politicians, mostly from outside Monterey County, will run an energy company without any state regulatory oversight. Yeah, sure, what could possibly go wrong? Think of Flint, Michigan, and its government-operated water utility.

So, if this government power agency is approved by the cities and the counties, don't forget that we told you so. There is no way to have lower or even the same prices under this project.

Lawrence Samuels is a resident of Carmel Valley, author of a book and a local Realtor.

**City of Sand City
ORDINANCE NO _____, 2017**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAND CITY AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

SECTION 1. FINDINGS. The City Council finds as follows:

WHEREAS, Monterey Bay Community Power has investigated options to provide electric services to customers within the tri-county region of Monterey, Santa Cruz and San Benito Counties (Tri-County Region), including incorporated and unincorporated areas, with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of clean, local, renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and programs; and

WHEREAS, Monterey Bay Community Power prepared a Feasibility Study for a community choice aggregation ("CCA") program in the Tri-County Region with the cooperation of the cities and counties under the provisions of the Public Utilities Code section 366.2. The Feasibility Study shows that implementing a community choice aggregation program would provide multiple benefits, including:

- Providing customers a choice of power providers;
- Increasing local control and involvement in and collaboration on energy rates and other energy-related matters;
- Providing more stable long-term electric rates that are competitive with those provided by the incumbent utility;
- Reducing greenhouse gas emissions arising from electricity use within Tri-County Region;
- Increasing local renewable generation capacity;
- Increasing energy conservation and efficiency projects and programs;
- Increasing regional energy self-sufficiency;
- Improving the local economy resulting from the implementation of local renewable and energy conservation and efficiency projects; and

WHEREAS, the Joint Powers Agreement creating the Monterey Bay Community Power Authority ("Authority") will govern and operate the CCA program on behalf of its member jurisdictions. Under the Joint Powers Agreements, cities within the Tri-County Region may participate in the Monterey Bay Community Power CCA program by adopting the resolution and ordinance required by Public Utilities Code section 366.2. Cities choosing to participate in the CCA program will have membership on the Board of Directors of the Authority as provided in the Joint Powers Agreements; and

WHEREAS, the Authority will enter into Agreements with electric power suppliers and other service providers, and based upon those Agreements the Authority will be able to provide power to residents and businesses at rates that are competitive with those of the incumbent utility ("PG&E"). Once the California Public Utilities Commission approves the implementation plan created by the Authority, the Authority will provide service to custom-

ers within the unincorporated areas of the tri-county region of Monterey, Santa Cruz and San Benito Counties and within the jurisdiction of those cities therein who have chosen to participate in the CCA program; and

WHEREAS, under Public Utilities Code section 366.2, customers have the right to opt-out of a CCA program and continue to receive service from the incumbent utility. Customers who wish to continue to receive service from the incumbent utility will be able to do so; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sand City as follows:

Section 1. The above recitations are true and correct and material to this Ordinance.

Section 2. AUTHORIZATION TO IMPLEMENT A COMMUNITY CHOICE AGGREGATION PROGRAM. Based upon the forgoing, and in order to provide businesses and residents within the City of Sand City with a choice of power providers and with the benefits described above, the City Council of the City of Sand City ordains that it shall implement a community choice aggregation program within its jurisdiction by participating as a group with the other counties and cities as described above in the Community Choice Aggregation program of the Monterey Bay Community Power Authority, as generally described in the Joint Powers Agreement approved through **Resolution No. ____**.

Section 3. SEVERABILITY. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 4. ENVIRONMENTAL DETERMINATION. This ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines, as it is not a "project" as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment because energy will be transported through existing infrastructure (14 Cal. Code Regs. § 15378(a)). Further, this ordinance is exempt from CEQA as there is no possibility that this ordinance or its implementation would have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). This ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment (14 Cal. Code Regs. § 15308). The City Administrator's Office shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.

Section 5. PUBLICATION. This ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law.

PASSED AND ADOPTED, by the City Council and Sand City, this ____ day of March, 2017 by the following vote :

AYES :
NOES :
ABSTAIN :
ABSENT :

APPROVED :

David K. Pendergrass, Mayor

ATTEST :

Linda K. Scholink, City Clerk

AGENDA ITEM

7B

CITY OF SAND CITY

STAFF REPORT

FEBRUARY 24, 2017
(For City Council Review on March 21, 2017)

TO: Mayor and City Council

FROM: Charles Pooler, Associate Planner

SUBJECT: Coastal Development & Conditional Use Permit for a Door, Window, and Cabinetry Distribution Warehouse at 701 Redwood Ave.

BACKGROUND

An application for a conditional use permit was submitted by Bernie and Kirsten Riphenburg (the "Applicant"), of Visions Design Center, to relocate their distribution and delivery operation from 1729 Holly Street to 701 Redwood Avenue (APN 011-193-017) in Sand City (the "Subject Property"). The Sand City location will only be for storage and shipment purposes of doors, windows, and cabinets (the "proposed use"), while the business showroom and sales are at a site in Pacific Grove. Visions Design Center operated without incident at 370 Shasta Avenue from 2007 to 2010, at 783 Redwood Avenue from 2010 to 2013, and at 1729 Holly Street from 2013 to 2016. The Applicant's relocation is due to their need for additional space. The Subject Property is within a non-coastal Planned Mixed-Use Zoning District (MU-P), which requires discretionary use permit approval. The proposed use qualifies as a Categorical Exemption under CEQA (California Environmental Quality Act) Guidelines, Section 15301.

Site Description:

The building, a metal clad structure, was once used by the Monterey Mattress Company for many years, followed by Bethel Construction for storage and office, and NBI for a contractor service business. Fifteen (15) parking spaces are provided to the east side of the building within a fenced and paved yard. Street improvements (i.e. curb, gutter, sidewalk, drive apron) exist along the property's Holly street and Redwood Avenue frontages. Existing on-site water credit is adequate to accommodate the proposed use in accordance with Monterey Peninsula Water Management District regulations. Existing utilities (i.e. gas, electric, water, sewer, etc.) are available at this location.

DISCUSSION

Project Description:

The Applicant will utilize the Subject Property for storage and distribution to clients of doors, windows, and cabinets. The business showroom and sales are at a site in Pacific Grove. There will be no manufacturing at the Sand City location. There will be an

CITY OF SAND CITY

STAFF REPORT

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(For City Council Review on March 21, 2017)

TO: Mayor and City Council

FROM: Charles Pooler, Associate Planner

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DISCUSSION

Project Description:

The Applicant will utilize the Subject Property for storage and distribution to clients of doors, windows, and cabinets. The business showroom and sales are at a site in Pacific Grove. There will be no manufacturing at the Sand City location. There will be an

accessory office on-site with 2 to 3 employees for receiving and delivering merchandise. No customers are intended to be at the Sand City location.

Land Use: The Subject Property has a General Plan land use and Zoning Map designation of "Mixed-Use". Warehouse/distribution centers are not specifically listed under the Mixed-Use zoning; however, Section 18.13.040.P specifies that the Council can approve "*Any other use the City Council finds to be consistent with the goals and policies of the Sand City General Plan...*". Warehouses are not considered the best and highest use of land; however, the Applicant has proven to be a good tenant and business for Sand City. Additionally, this particular operation is not just "dead space" storage as there will be ongoing activity on-site with the receiving and shipping of products. Therefore, staff finds the Applicant's use to be compatible with the mixed-use district.

Hours: Operational hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday; and no weekend hours. Staff recommends the permit allow operational hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on weekends, which is compatible with a mixed-use neighborhood. This is consistent with the use permits issued to the Applicant in the past for their previous locations in Sand City.

Parking: Fifteen (15) off-street parking spaces are provided to the east side of the building, enclosed with chain-link/vinyl slatted fencing, with one (1) additional parking space that backs out into Holly Street at the rear (north side) of the building. A warehouse/wholesale use occupying 4,700 square feet of floor area requires a minimum of five (5) parking spaces (rounded up from 4.7) based on a parking ratio of 1 space per 1000 square feet. With 2-3 employees, one company truck and one forklift, the existing on-site spaces are sufficient to accommodate the proposed use with ease.

Company Vehicle Parking: The Applicant states that the operation has one forklift and one company truck. The fenced parking area abutting the building is sufficient for providing parking/storage of both the forklift and the company truck. This should be a condition of permit approval, and the truck should not be parked/stored within City streets when not in use or conducting loading/unloading activities. The forklift can also be stored within the building.

Loading/Unloading: The Applicant receives doors, windows, cabinets, and associated items from their vendors on various sized vehicles; and generally receive no more than a couple of trucks a day, primarily in the morning. The fenced parking area abutting the building can accommodate loading/unloading activities. Furthermore, curbside street loading/unloading activities would have nominal impact on traffic flow as the 700 block of Redwood Avenue is a dead end with minimal vehicle traffic.

Trash Enclosure: The Subject Property does not provide an enclosure for trash receptacles; however, the fenced parking area is screened with slats, and any trash bin(s) or dumpster(s) can be maintained within the yard or the building and be screened. The permit should include the standard requirement prohibiting the

outside/unscreened storage of debris, pallets, waste, etc beyond the confines of the building, fenced yard, or a City approved trash enclosure.

Signs: The Applicant submitted an application for commercial signs at the Subject Property, which will be processed if and when the CUP for the Applicant is approved. Establishment of any commercial sign(s) on the Subject Property requires Design Review Committee (DRC) review and approval in the issuance of a sign permit before installation. Staff recommends the permit contain language to that effect.

Impacts: A warehouse and distribution center for pre-manufactured doors, windows, and cabinetry poses little impact to surrounding uses provided that all storage is maintained within the building, loading/unloading activities do not interfere with street traffic, and there is adequate employee parking. Excessive noise, fumes, dust and/or other similar impacts are not anticipated as there is no manufacturing. The Subject Property provides off-street parking in a fenced and paved yard, accessed from Redwood Avenue that can also accommodate loading/unloading activities. In addition, curbside street loading/unloading activities would have minimal impact on traffic flow as the 700 block of Redwood Avenue is a dead end with minimal vehicle traffic.

Water:

The proposed wholesale/retail use qualifies as a Group I category water use in accordance with the Monterey Peninsula Water Management District (MPWMD) regulations. The site has credit based upon a Group I use; therefore, no additional water credit is required. The permit should contain standard language stating that approval of the permit does not grant the Applicant and/or the Subject Property's owner any right or privilege to any allocation of water credit.

Stormwater Control:

The Applicant's proposed use is of an existing building on a developed site. The Applicant does not propose any construction or pavement improvements to the Subject Property. Therefore, stormwater control regulations do not apply to this application.

Advisory Agencies:

Information on the proposed project was circulated to the City's advisory agencies. The Seaside County Sanitation District commented that the Applicant should contact the Monterey Regional Water Pollution Control Agency to determine appropriate sewer rate fee. The Fire Department commented that any building modifications will require plan review and a building permit. No other comments were received at the time of this report.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a conditional use permit for the Applicant, with the conditions/restrictions proposed by staff.

Findings:

1. The proposed use, at the intended scale, is compatible with the Planned Mixed-Use (MU-P) zoning; provided the use abides by approved conditions for parking, storage,

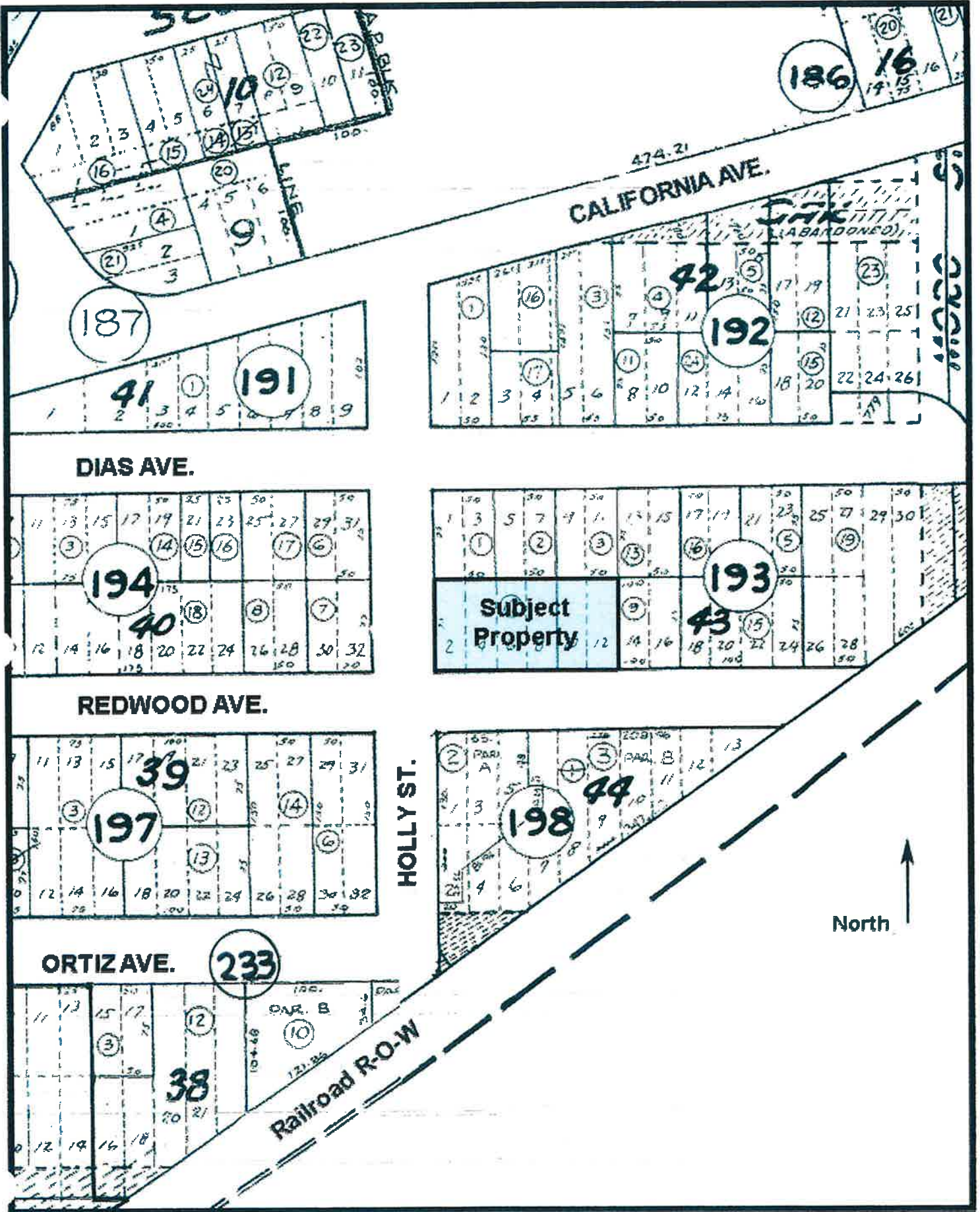
- and loading/unloading practices.
2. The Subject Property provides sufficient on-site parking for employees and company vehicles; in addition to space for on-site loading/unloading activities.
 3. Curbside street loading/unloading activities are not anticipated to be an issue as this block of Redwood Avenue is not a main thoroughfare and does not facilitate "through" traffic.
 4. No allocation of water is required for the proposed use.
 5. Adequate utilities are available to facilitate the proposed use.
 6. Negative impacts are not anticipated from the proposed use as there will be no product/inventory manufacturing activities at the Subject Property.
 7. The proposed use of an existing commercial building qualifies as a categorical exemption, under State CEQA Guidelines, Section 15301.

Exhibits:

- A. Location Map
- B. Aerial Map
- C. Site Photographs
- D. Site Plan/Floor Plan
- E. Applicant's Letter of Intent

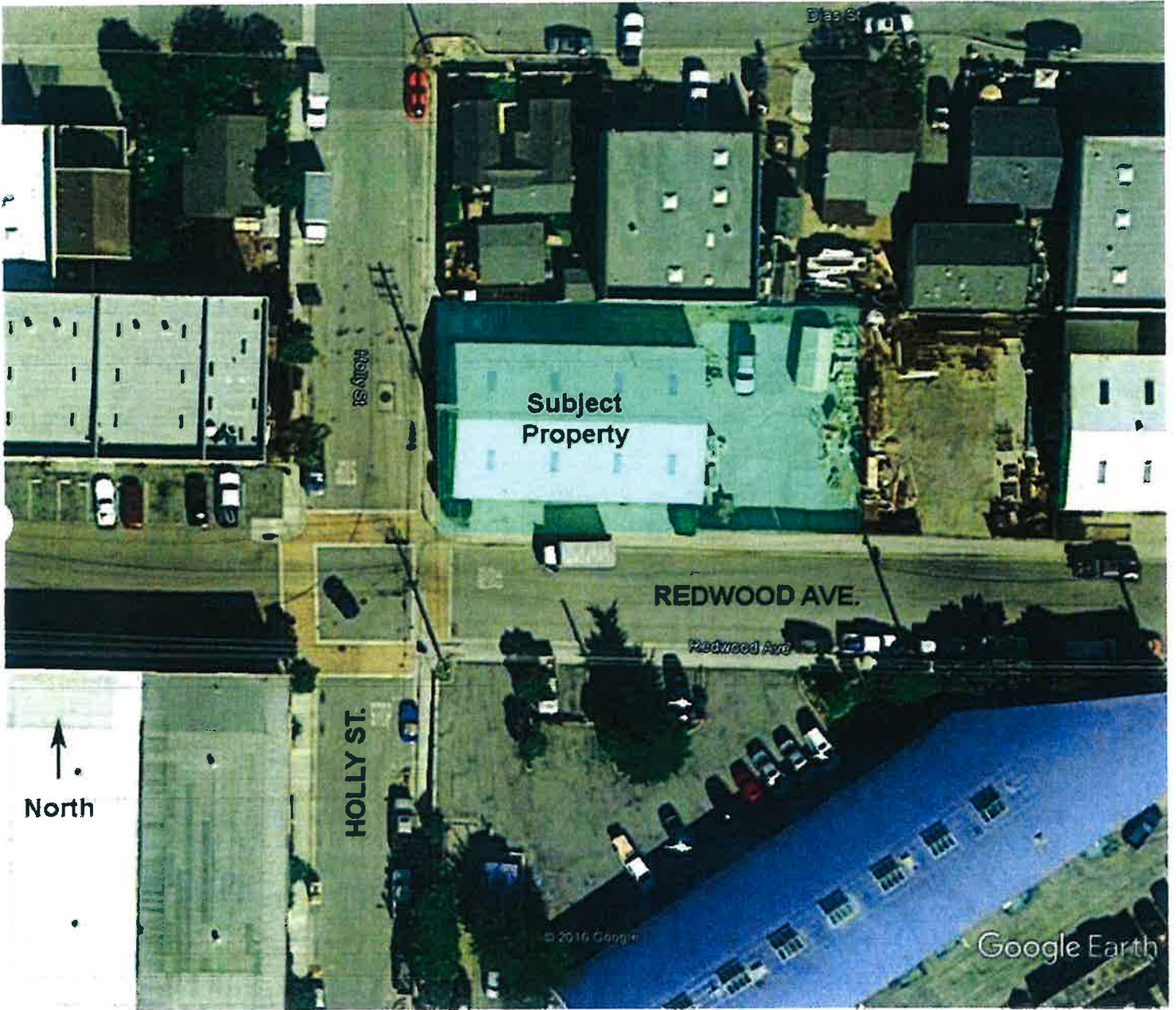
Attachments:

- Draft Resolution to approve the conditional use permit (CUP)



Location Map

EXHIBIT A

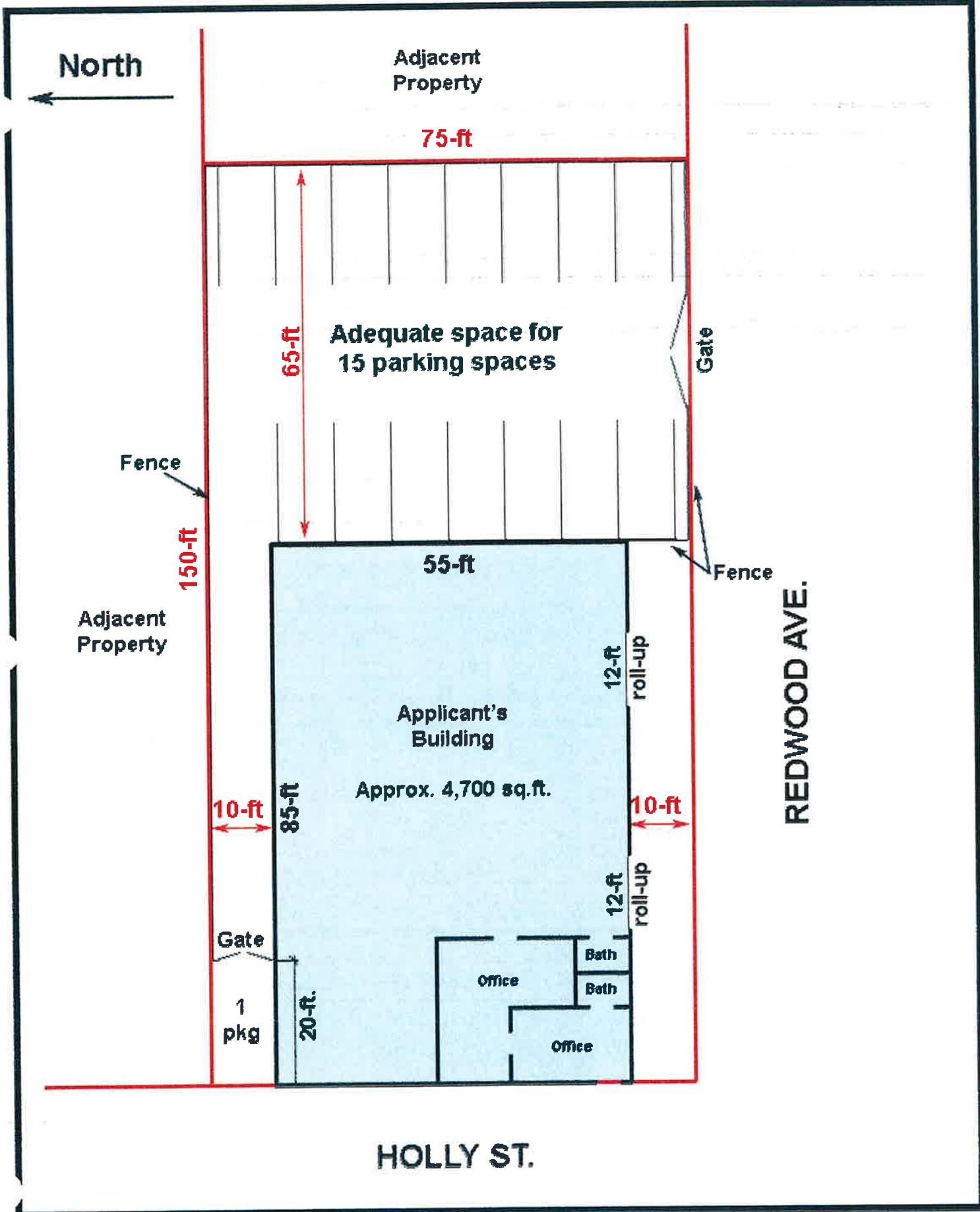


Aerial Map

EXHIBIT B



Site Photographs (via Google Earth)



Site Plan & Floor Plan

EXHIBIT D



220 Country Club Center, Suite 34
Pacific Grove, California 93950
(831) 645-9600 Phone
(831) 645-9602 Fax

January 26, 2017

RE: 701 Redwood Avenue, Sand City, CA 93950 Use Permit

To whom it may concern,

We have had our distribution center in Sand City since 2007. Our business has grown in recent years and we needed more space. We have secured a location at 701 Redwood, across the street from our previous location.

There are no other changes to our business. We have a design center in Pacific Grove that we do all of our sales out of and this address is our distribution center. We receive doors, windows and cabinets and then subsequently deliver them to our customers. We receive product from various vendors on various sized vehicles and generally receive no more than a couple of trucks a day and most of these are in the morning. Product is stored for a very short time if at all. We have 2-3 employees that work at this site and our business is conducted between 8 – 5 Monday thru Friday. We have one delivery truck and a forklift that we use for day to day operations.

We have been very happy with Sand City and plan on keeping our distribution center there for many years to come, hoping to someday purchase our own property but continuing to rent until that opportunity presents itself. Please consider our business for a use permit at this new location.

Thank you,

Bernie Rippenburg

EXHIBIT E

CITY OF SAND CITY

RESOLUTION SC _____, 2017

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING
CONDITIONAL USE PERMIT 611 FOR BERNIE & KIRSTEN RIPHENBURG OF
VISIONS DESIGN CENTER AUTHORIZING A DISTRIBUTION AND
DELIVERY CENTER AT 701 CALIFORNIA AVENUE**

WHEREAS, Bernie and Kirsten Riphenburg (the "Applicant"), of Visions Design Center, submitted an application to the City of Sand City (the "City") for conditional use permit approval to operate their distribution and delivery operation of doors, windows, and cabinets with accessory office (the "proposed use") at 701 Redwood Avenue (APN 011-193-017) in Sand City (the "Subject Property"); and

WHEREAS, Visions Design Center has operated without incident at 370 Shasta Avenue from 2007 to 2010, at 783 Redwood Avenue from 2010 to 2013, and at 1729 Holly Street from 2013 to 2016, indicating their ability to co-exist in a mixed-use neighborhood; and

WHEREAS, the distribution and delivery center, at the described scale and intensity, is considered compatible with a mixed-use neighborhood, though not necessarily a preferred use for the West End District, as defined by the City's General Plan and Zoning Ordinance; and

WHEREAS, existing on-site water credit for the existing commercial building and unit of the Subject Property is a Group I category in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD), which is sufficient to accommodate the proposed use, and no additional water allocation from the City is required; and

WHEREAS, the proposed use of an existing commercial building qualifies for a categorical exemption per the regulations of the CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

WHEREAS, the City Council of the City of Sand City, on _____, 2017, has found and determined that the Applicant's proposed use, as conditioned and restricted, will not adversely affect the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and Conditional Use Permit (CUP) 611 shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the findings for approving Conditional Use Permit 611 as outlined in the City Staff Report, dated February 24, 2017.

NOW THEREFORE, the City Council of the City of Sand City hereby grants and issues Conditional Use Permit (CUP) 611 upon the following terms and conditions:

1. Conditional Use Permit (CUP) 611 is not valid, and use of the Subject Property by the Applicant shall not commence unless and until two copies of the Resolution/Permit, signed by the permittee and the Subject Property's landowner, acknowledging receipt of the Permit and acceptance of the terms and conditions, is returned to the City's Planning Department.
2. Purpose: Conditional Use Permit (CUP) 611 is for the express purpose of authorizing a distribution and delivery center at 701 Redwood Avenue (APN 011-193-017) related to the Applicant's door, window, and cabinet business. There shall be no product manufacturing on the Subject Property. The proposed use at Subject Property shall be limited to conducting receiving, storing, and shipping merchandise associated with the Applicant's business. Accessory office use is permitted. There shall be no expansion to the scope or intensity of this operation beyond that use authorized by Conditional Use Permit 611, without either an amendment of said Permit or the issuance of a new conditional use permit.
3. Termination: If the proposed use approved by CUP 611 violates any term, condition, and/or requirement of said Permit, a public hearing may be scheduled by the City to consider revoking said Permit. The Applicant and Subject Property's owner shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any City Council action to terminate CUP 611.
4. Hours of Activity: Hours of on-site activities shall only occur at the Subject Property between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on weekends. Office activity by employees, which does not pose a nuisance to neighboring properties or the public as a whole, may occur beyond the aforementioned hours provided the site is not open to the public.
5. On-Site Parking: The Subject Property shall maintain the existing fifteen (15) on-site parking spaces within the fenced yard for company vehicle and general vehicle parking. Failure to maintain adequate on-site parking may be considered by the City as an indication that the proposed use has exceeded the Subject Property's capacity and may be sufficient grounds for permit termination. Vehicles associated with this use shall not be parked on-site in any manner that protrudes into and/or inhibits any public right-of-way (sidewalk and/or street).
6. Company Vehicles: Company vehicles may be stored either within the building or within the existing fenced parking area during non-business hours. The Applicant shall not park and/or store trucks, trailers, or other vehicles within any public right-of-way in Sand City that are not actively involved with loading/unloading activities, in accordance with Chapter 10.08 of the Sand City Municipal Code, and/or in compliance with the terms/conditions of CUP 611. Violation may result in the issuance of City citations as authorized by Municipal Code Chapter 10.08.
7. Loading/Unloading: All deliveries/shipments and loading/unloading activities associated with the Applicant's business operation shall occur either within the on-

site fenced yard/parking area or along the Subject Property's Redwood Avenue frontage. Loading/unloading and delivery/shipment activities shall only occur during this Permit's specified Hours of Activity (see Condition No. 4). Loading/unloading and/or truck parking is not permitted within the Holly Street right-of-way. At no time shall loading/unloading activities, associated with the use approved by CUP 611, interfere or close any travel lane of any public street in Sand City. Short term (approximately 5-minute) loading/unloading via private shipment companies (i.e. Federal Express, UPS, etc.) is exempt and allowable.

8. Storage: The storage of all materials, tools, equipment, product inventory, and/or any other item associated with the proposed use of the Subject Property, shall be maintained within the building at all times, unless otherwise authorized by CUP 611. The placement of a self-contained portable storage unit/container on-site, beyond the confines of the building, is hereby prohibited; and the need of the Applicant to do so shall be considered by the City as justification that this operation has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's operation; and thus be sufficient reason for the City to terminate CUP 611.
9. Property Maintenance: The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris outside the building, except as allowed by CUP 611. The Applicant and/or property owner shall be responsible for maintenance and upkeep of the Applicant's leased area for the duration of the Project's occupation of the Subject Property.
10. General Waste: Trash, litter, boxes, crates, pallets, debris, or other used and/or discarded materials generated/used by this operation shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection day, said bin(s) or dumpster(s) shall be maintained within the building, the fenced yard/parking area on the Subject Property, or a City approved enclosure on the Subject Property. A trash enclosure may be established on the Subject Property only after approval by the City's Planning Department. The Applicant shall implement recycling as part of this operation's regular routine when feasible.
11. Hazardous Waste: Any hazardous materials and/or waste used/generated by the approved use shall be legally stored and disposed of in accordance with the regulations of Sand City, the County of Monterey, and the State of California. Any illegal storage, dumping and/or disposal shall be adequate grounds for termination of CUP 611.
12. Signs: Any sign on the exterior of the building, or anywhere on the Subject Property, identifying the approved use at this location, shall be reviewed and approved by the Sand City Design Review Committee (DRC) prior to the establishment of any sign on the Subject Property. The Applicant shall not place any free-standing sign anywhere within City limits without City Planning Department approval.

13. Water: Issuance of CUP 611 does not grant the Applicant and/or the Subject Property's owner any right or privilege to any allocation of water from the City or other entity. The proposed use approved by CUP 611 shall be limited to those water credits currently available to the Subject Property, in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD).
14. Water Runoff: The Applicant and/or the proposed use, and employees thereof, shall not create water run-off within the City in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. The Applicant is prohibited from washing dust, debris, or particulate into the street, storm drain, and/or sewer system. There shall be no washing of vehicles on the Subject Property.
15. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the Seaside County Sanitation District, the Monterey Regional Water Pollution Control Agency (MRWPCA), and Monterey County Health Department, shall be implemented to the satisfaction of each department. Police Department requirements pertaining to security, street parking, and law enforcement shall be implemented to the satisfaction of the City's Police Chief.
16. Air District: The Applicant shall be responsible for complying with applicable rules and regulations of the Monterey Bay Unified Air Pollution Control Agency. Failure to comply shall be sufficient grounds for City termination of CUP 611.
17. Nuisance: Use of the Subject Property shall be conducted in such a way that it does not constitute a nuisance to neighboring properties and/or the general public. The Applicant shall be considered responsible for the impacts created by the proposed use's operation and activities. The Applicant shall implement all mitigation necessary to inhibit any noise, vibration, dust, odors, overflow parking, blighted appearance, and/or other negative impacts that this operation may or will generate. If the City Council finds at any time that any use of the Subject Property constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by this use, may be adequate grounds for the City to amend or terminate CUP 611. Failure to comply with such direction may result in the amendment or revocation of CUP 611.
18. Violation/Termination: If the City determines that the Applicant and/or the Applicant's Use has violated any term or condition of CUP 611, and/or use of the Subject Property constitutes a nuisance or is otherwise detrimental to the neighborhood or the community, written notice shall be issued, that if such violation is not corrected or removed within a specified time, a public hearing may then be scheduled where the City Council may consider amending or revoking CUP 611,

and may then order said Permit amended or revoked. The Applicant and owner of the Subject Property shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate said Permit.

19. Interpretation: Any question of intent or interpretation regarding any condition within CUP 611 shall be resolved by the Sand City Planning Department staff and/or the City Administrator.
20. The issuance of CUP 611 shall not supersede or override any requirements of any other City, County, State, or Federal agency.
21. Indemnification: To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the Applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
22. Business License: The Applicant shall acquire, maintain, and annually renew a Sand City business licence for the duration of the Applicant's business operation within Sand City. Failure to maintain a City business license may be sufficient grounds for termination of CUP 611.

PASSED AND ADOPTED by the City Council of Sand City this ____ day of March, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Linda Scholink, City Clerk

David K. Pendergrass, Mayor

This is to certify that the CUP 611 contains the conditions specified by the City Council in approving the Permit.

Charles Pooler, Associate Planner

Signatures continued on following page...
Signatures continued from previous page.

APPLICANT ACCEPTANCE (CUP 611)

The Conditional Use Permit is hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions.

DATED: _____

BY: _____

Applicant

CONSENT OF OWNER (CUP 611)

Consent is hereby granted to the permittee to carry out the terms and conditions of this Conditional Use Permit.

DATED: _____

BY: _____

Property Owner

AGENDA ITEM

7C

CITY OF SAND CITY

STAFF REPORT

MARCH 3, 2017
(For City Council Review on March 21, 2017)

TO: Mayor and City Council
FROM: Charles Pooler, Associate Planner
SUBJECT: Coastal Development Permit Application for Curator Operation at 1807 Contra Costa Street

BACKGROUND

An application was submitted by Ioan Szasz (the "Applicant"), of Eyvind Earle Publishing, to establish a curator operation within a 3,000 square foot commercial unit for office, storage, shipping/receiving, publishing, and sales of Eyvind Earle artwork, prints, books, and videos (the "proposed use") at 1807-A Contra Costa Street (portion of APN 011-177-026) in Sand City (the "Subject Property"). The Subject Property has a non-appealable Coastal Planned-Mixed Use (CZ-MU-P) zoning designation and a General Plan land use designation of Mixed-Use (MU-D). The intended use at the Subject Property qualifies as a categorical exemption, under State CEQA (California Environmental Quality Act) Guidelines, Section 15301.

Site Description:

The Subject Property is 50-feet wide and 80 feet deep, with a two story multi-use building. There are mixed residential and commercial office units on the upper level (Exhibit C.2). The building's front setback is approximately 10-feet, which is inadequate to provide on-site perpendicular or angled parking. However, the Subject Property's owner owns adjacent and neighboring properties that can provide off-street parking. There is a concrete driveway apron along the Subject Property's Contra Costa Street frontage. Existing utilities (i.e. gas, electric, water, sewer, etc.) are available to service the proposed use at the Subject Property.

DISCUSSION

Project Description:

The Applicant proposes to establish and operate a curator operation of Eyvind Earle artwork, prints, books, and videos within a 3,000 square foot commercial unit (see Exhibit C.1). Activities on-site will include office, storage, shipping/receiving, publishing, and sales of this artwork. There will be two employees on-site. Artwork/materials stored on-site will include original paintings, serigraphs, books, and videos. There are no printing machines to be used/stored on-site and no art production is intended for this site. Shipments/deliveries will be infrequent and irregular, typically via UPS, Fed-Ex, or other similar quick-stop delivery vendor.

Land Use: The Subject Property has a Zoning designation of "Coastal Zone Planned Mixed-Use" (CZ-MU-P). Warehouse/distribution operations are not specifically listed under the Mixed-Use zoning; however, Section 18.13.040.P specifies that the Council can approve "Any other use the City Council finds to be consistent with the goals and policies of the Sand City General Plan...". The "art" focus of the Applicant's business would be consistent with the existing artist community of the West End District. The Subject Property provides a couple of residential dwellings, a therapeutical hydrotherapy business, and office space, all on the upper level. The level of impacts from the proposed art curator operation is not anticipated to pose a nuisance to those uses or to properties in the surrounding area.

Parking: The Applicant's unit is approximately 3,000 square feet, which will be used for storage and accessory office activities. The Applicant states that there will be two employees on-site at any one time. For a 3,000 square foot area, Zoning Code Section 18.64.050.S requires 3 parking spaces for a warehouse use based upon a 1/1000 parking ratio. The Subject Property does not provide regulation on-site parking along its Contra Costa Street frontage, and said Property is historically non-compliant in providing on-site parking. Bella Mare Investments, owner of the Applicant's building, owns adjacent buildings and properties, inclusive of that area formerly known as the "Dr. Kay" property (see Exhibit G). Parking at the top of Contra Costa Street accommodates various tenants at 1805, 1807, and 1815 Contra Costa Street. If the City Council decides to approve a permit for the Applicant, staff recommends the Subject Property's owner provide a written statement to the City that specifies where the three (3) parking spaces will be reserved for the proposed use in meeting zoning requirements without conflicting with other reserved parking for other building tenants; either at the top of the hill above the 1815 Contra Costa Street building or on the 'Dr. Kay' site or a combination of both (see draft permit condition no. 5).

The zoning code recognizes this type of building non-conformity, as it exists throughout the "West End District". Zoning Ordinance Section 18.04.380, defines a "non-conforming use", as:

"Non-conforming use means a building, structure, or premises legally existing and/or used at the time of adoption of the ordinance codified in this title...which is not in full conformity with the use regulations of the district in which the same is located; provided, however, that a use shall not be considered a non-conforming use solely on the basis of an inadequate number of parking spaces."

Considering that 1) the proposed use will only have two employees on-site, 2) parking can be accommodated by the Subject Property's owner on other nearby sites, 3) the proposed use does not advocate patron visitation of the site, and 4) that loading/unloading activities will be via short term delivery services not impeding major collector street traffic and can use an adjacent yellow curb 'loading zone', the site is capable of accommodating the proposed use with minimal parking demand and/or impact.

Operational Hours: The Applicant's intended hours of operation will be from 9:00 a.m. to 5:00 p.m., Monday through Friday. No weekend hours were identified by the Applicant. Due to residential units on the upper level of this mixed-use building, staff recommends the permit limit hours of activity for the Applicant's operation and for shipments/deliveries to occur only between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. Office activity, provided the unit is only accessible to employees, should be allowed to occur beyond these hours as office activity is anticipated to have a negligible detrimental impact.

Loading/Unloading: Shipments to and from the site will be via Federal Express, UPS, and USPS on an irregular basis. No large scale shipments or deliveries are anticipated for this use. A section of curb along Contra Costa Street, near the unit along the abutting building, is painted yellow as a loading zone, which can accommodate deliveries and mitigate potential interference with the California Avenue/Contra Costa Street intersection, a main traffic thoroughfare. Staff recommends this street curb remain yellow as a loading zone. Additionally, all loading/unloading activities should only occur during permit specified daytime business hours (see draft permit condition nos. 4 & 7).

Impacts: Staff does not anticipate negative impacts from the Applicant's storage and office use in the form of noise, dust, fumes, odors, vibrations, or other similar detriments. There will be no manufacturing, painting, or other production activities on-site. Staff recommends the permit limit the hours of shipments/deliveries at the Subject Property to only occur within Permit specified hours of operation (see draft permit condition no. 4) to ensure such activities do not disturb nearby residences. The proposed use is not anticipated to pose a nuisance to the general public or surrounding neighborhood or properties, as conditioned.

Signs: The Applicant does not intend to establish a business sign on the Subject Property. If the Applicant chooses to have a sign in the future, review and approval by the City's Design Review Committee (DRC) is required prior to installation. This should be a condition of land use permit approval.

Stormwater Control:

The proposed use is of an existing building on a developed site, and the Applicant does not intend any construction or pavement improvements to the Subject Property. Therefore, stormwater control regulations do not apply to this application.

Water:

The proposed office and storage activities qualify as a Group I category low water use in accordance with the Monterey Peninsula Water Management District (MPWMD). The proposed use does not have any special water needs. The Subject Property and Applicant's Unit have credit based upon a Group I use; therefore, no additional water allocation is required. The permit should contain standard language stating that approval of the permit does not grant the Applicant and/or Subject Property's owner any right or privilege to any allocation of water from the City or other Agency.

Advisory Agencies:

Information on the proposed use was circulated to the City's advisory agencies. The Fire Department commented that any construction on-site will require a plan, a permit, and inspections. The Seaside County Sanitation District commented that the Applicant needs to confirm sewer service to the Subject Property with the Monterey Regional Water Pollution Control Agency (MRWPCA) No other comments were received.

RECOMMENDATION

Staff recommends **APPROVAL** of the coastal development permit, authorizing the Applicant's curator operation at the Subject Property, per staff's recommended permit conditions.

Findings for Approval:

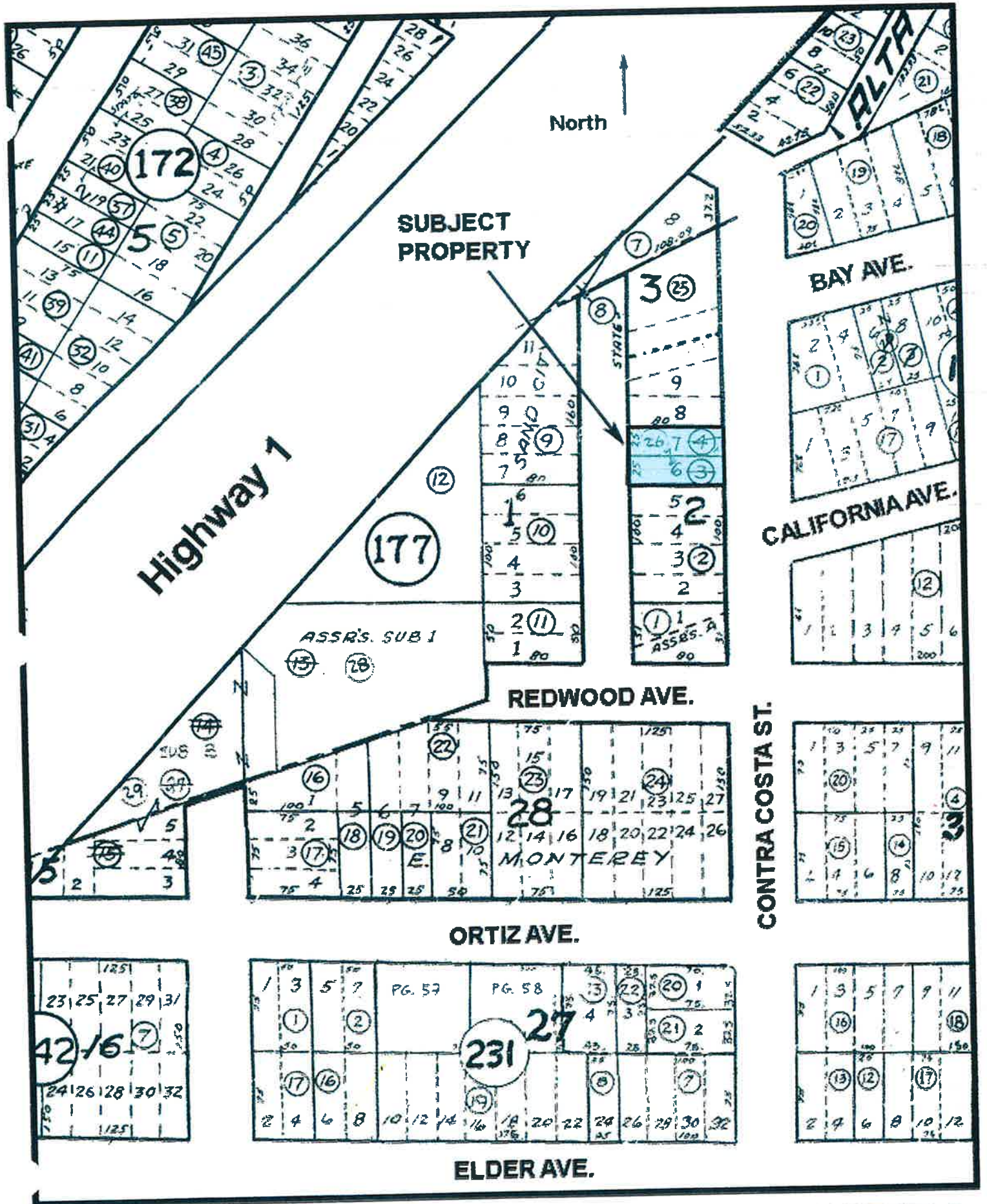
1. The proposed use, at the described scale and intensity and as conditioned, is compatible with the Coastal Planned Mixed-Use (CZ-MU-P) zoning district and the existing neighboring land uses.
2. No allocation of water credit from Sand City is required for the proposed use at the Subject Property.
3. Adequate utilities are available to facilitate the proposed use.
4. The proposed use of an existing commercial building/unit qualifies as a categorical exemption, under State CEQA Guidelines, Section 15301.
5. The Property Owner's reservation/assignment of land at the "Dr. Kay" property (APN 011-177-012 and/or 028), as conditioned for permit approval, for parking spaces satisfies zoning code requirements for on-site parking.
6. The proposed use is not anticipated to present itself (or its activities) as a public nuisance or impose any blighting influences.

Exhibits:

- A. Location Map
- B. Site Plan
- C. Floor Plans 1 & 2
- D. Site Photograph
- E. Aerial Map
- F. Applicant's Letter of Intent
- G. Parking Diagram

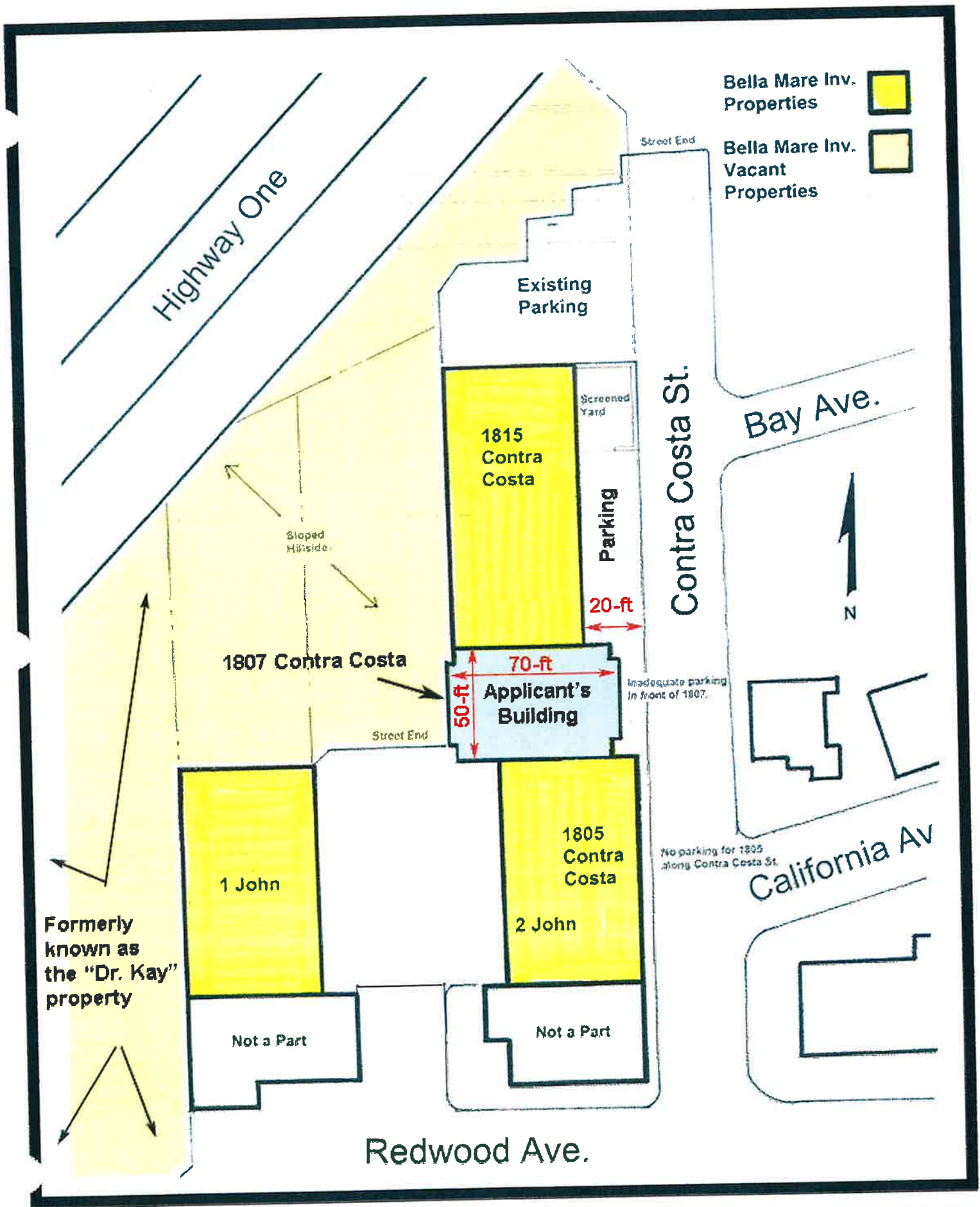
Attachments:

- Draft Resolution to approve CDP 17-03



Location Map

EXHIBIT A



Site Plan

North →

Applicant's Unit
Approximately 3,000 sq.ft.

Books
Racks

Oil Paintings

Oil Paintings

Oil Paintings

96-inch Racks
Books

Metal Racks

Table



Miscellaneous

Serigraphs

Metal Drawers

Bath



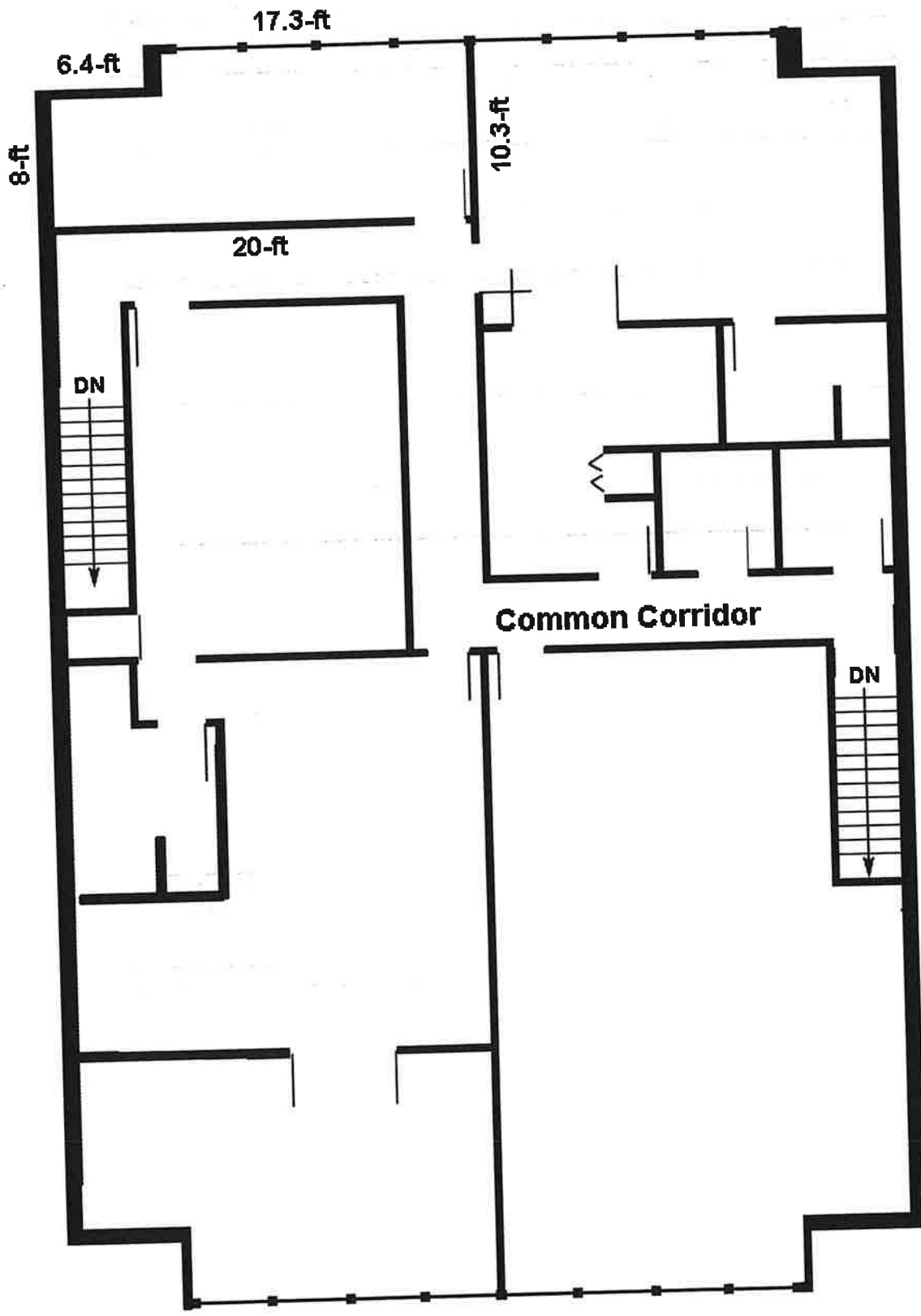
Office

Glass Roll-Up
Door

Glass Roll-Up
Door

Floor Plan (Lower Level)

North →



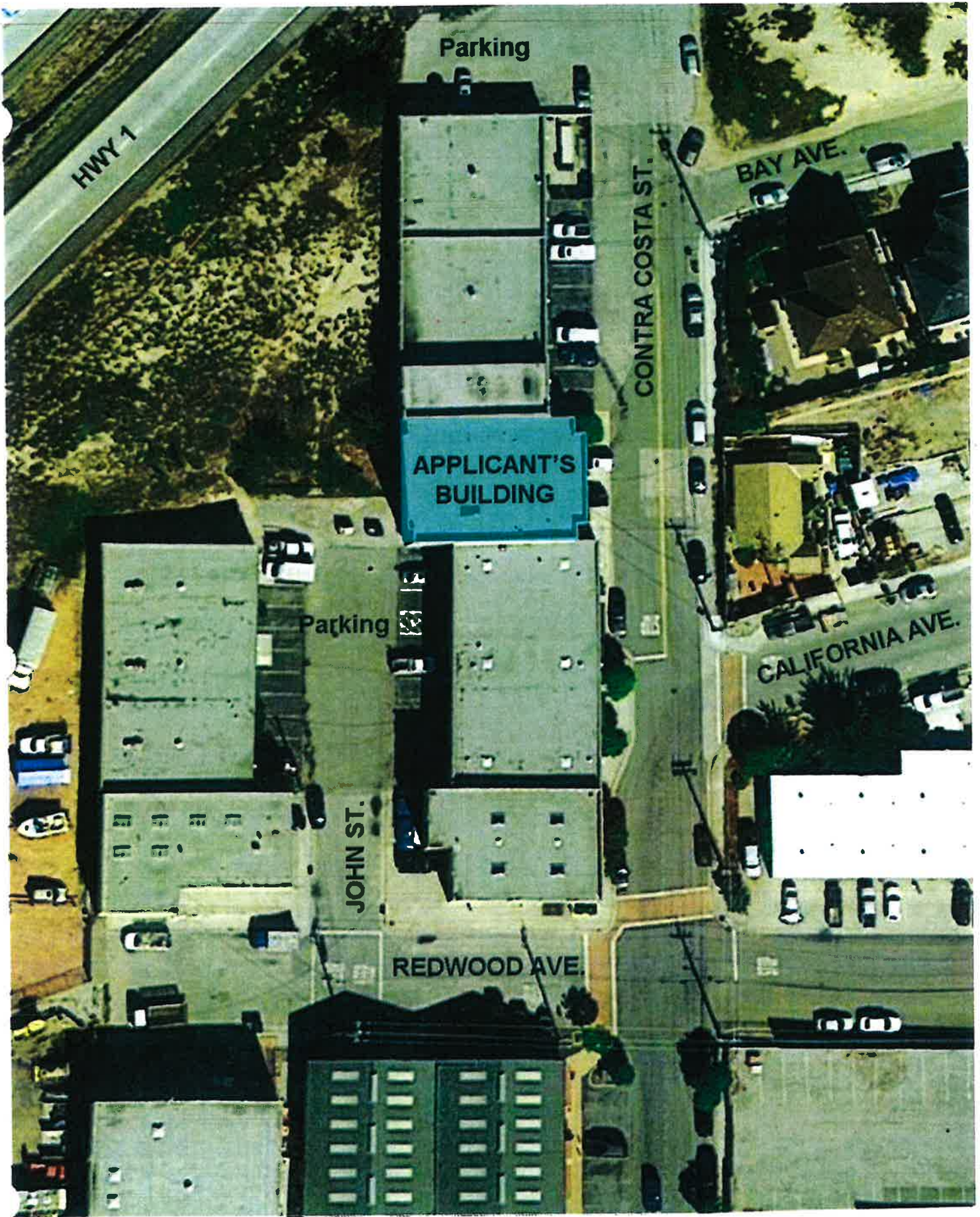
Upper level not to be used by applicant.

Floor Plan (upper level)



Applicant's Unit is on the ground level.
Contra Costa St.

Applicant's Unit



Aerial Map

EXHIBIT E

Letter of Intent

Location: 1807 Contra Costa Street, Sand City, CA

Eyvind Earle Publishing represents the artwork of American Artist Eyvind Earle. The Business is publishing, selling and curating the artwork of Eyvind Earle, including original paintings, serigraphs, books and videos.

Eyvind Earle Publishing, employs two employees, operates five days a week, from 9:00 to 5:00 and sometimes weekends.

The company has one company car. There are no scheduled weekly deliveries and most of the shipments are drop offs.

There are no machineries stored at the facility.

Please let me know if you need any additional information.

Sincerely,

Ioan Szasz

CEO

Eyvind Earle Publishing

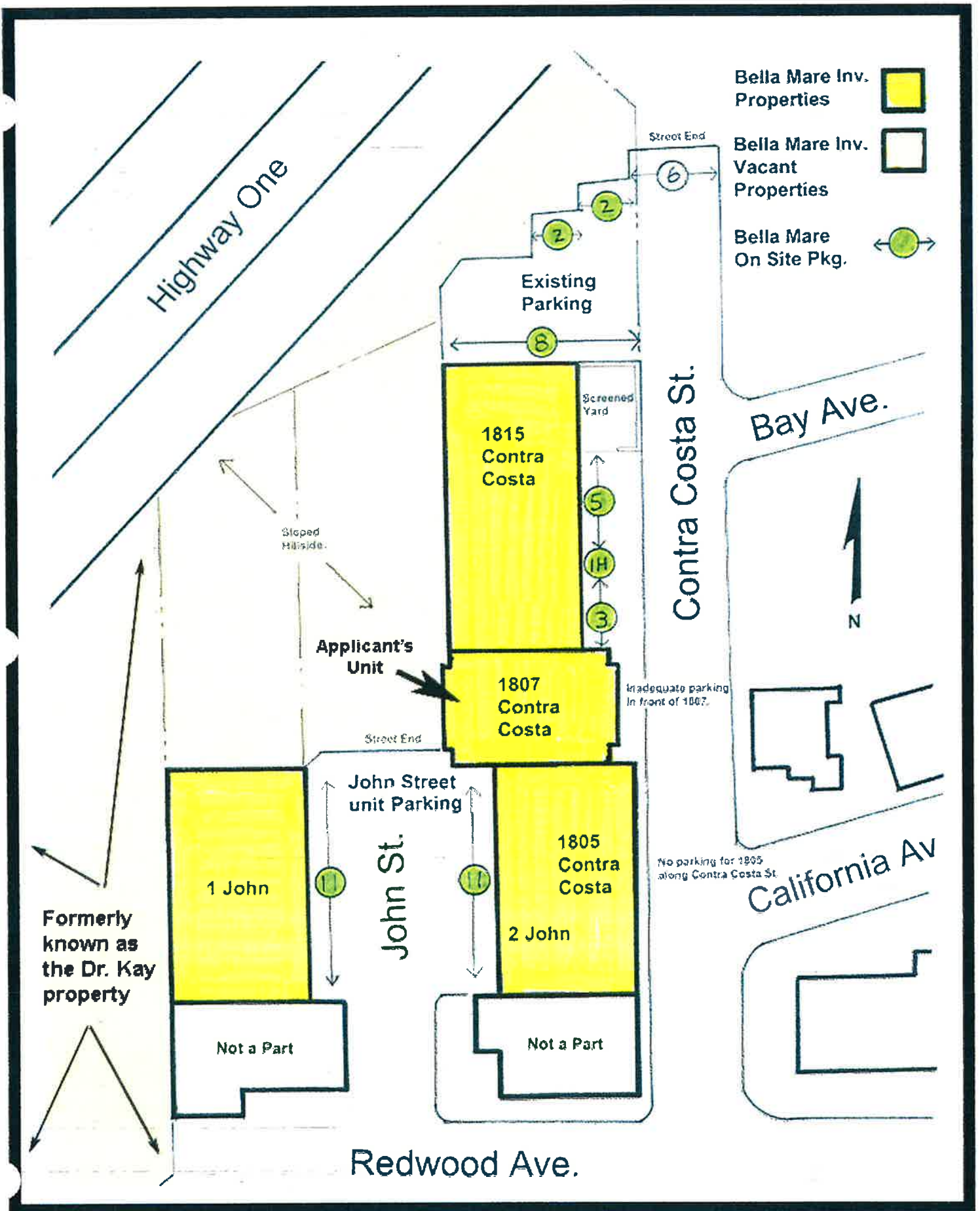
RECEIVED

FEB 21 2017

CITY OF SAND CITY

EXHIBIT F

101



Parking Diagram

CITY OF SAND CITY

RESOLUTION SC _____, 2017

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING
COASTAL DEVELOPMENT PERMIT 17-03 FOR IOAN SZASZ
AUTHORIZING A CURATOR STORAGE, DISTRIBUTION, AND OFFICE
OPERATION AT 1807-A CONTRA COSTA STREET**

WHEREAS, Ioan Szasz (the "Applicant"), of Eyvind Earle Publishing, submitted an application to the City of Sand City (the "City") for coastal development permit approval to establish and operate a curator operation within an existing 3,000 square foot commercial unit for office, storage, shipping/receiving, publishing, and sales of Eyvind Earle artwork, prints, books, and videos (the "proposed use") at 1807-A Contra Costa Street (portion of APN 011-177-026) in Sand City (the "Subject Property"); and

WHEREAS, the proposed use, at the described scale and intensity, is considered compatible with this mixed-use neighborhood, though not necessarily a preferred use for the West End District, as defined by the City's General Plan and Zoning Ordinance; and

WHEREAS, existing on-site water credit for the existing commercial unit of the Subject Property is a Group I category in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD), which is sufficient to accommodate the proposed use, and no additional water allocation from the City is required; and

WHEREAS, the proposed use of an existing commercial unit of a mixed-use building qualifies for a categorical exemption per the regulations of the CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

WHEREAS, the City Council of the City of Sand City, on _____, 2017, has found and determined that the Applicant's proposed use, as conditioned and restricted, will not adversely affect the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and Conditional Use Permit (CDP) 17-03 shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the findings for approving Coastal Development Permit 17-03 as outlined in the City Staff Report, dated March 3, 2017.

NOW THEREFORE, the City Council of the City of Sand City hereby grants and issues Conditional Use Permit (CDP) 17-03 upon the following terms and conditions:

1. Conditional Use Permit (CDP) 17-03 is not valid, and use of the Subject Property by the Applicant shall not commence unless and until two copies of the Resolution/Permit, signed by the permittee and the Subject Property's landowner, acknowledging receipt of the Permit and acceptance of the terms and conditions, is returned to the City's Planning Department.

2. **Purpose:** Coastal Development Permit (CDP) 17-03 is for the express purpose of authorizing a curator operation within an existing 3,000 square foot commercial unit for office, storage, shipping/receiving, publishing, and sales of Eyvind Earle artwork, prints, books, and videos at 1807-A Contra Costa Street (APN 011-177-026). There shall be no product manufacturing by the Applicant's operation on the Subject Property. The proposed use at Subject Property shall be limited to conducting receiving, storing, and shipping merchandise associated with the Applicant's business. Accessory office use is permitted. There shall be no expansion to the scope or intensity of this operation beyond that use authorized by Coastal Development Permit 17-03, without either an amendment of said Permit or the issuance of a new coastal development permit.
3. **Permit Amendment or Termination:** If the proposed use approved by CDP 17-03 violates any term, condition, and/or requirement of said Permit, a public hearing may be scheduled by the City to consider either amending or revoking said Permit. The Applicant and Subject Property's owner shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any City Council action to amend or terminate CDP 17-03.
4. **Hours of Activity:** Hours of on-site activities shall only occur at the Subject Property between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. Office activity by employees, which does not pose a nuisance to neighboring properties or the public as a whole, may occur beyond the aforementioned hours provided the site is not open to the public.
5. **Parking:** The Subject Property's owner shall provide a written statement to the City, prior to commencement of the Applicant's use on the Subject Property, which specifies where the three (3) required off-street parking spaces are reserved/assigned for exclusive use by the Applicant's business for the life of CDP 17-03; either at the top of the hill above the 1815 Contra Costa Street building, on the 'Dr. Kay' site, or another location acceptable to the City. Failure to provide said written statement and failure to maintain the three (3) required regulation parking spaces shall be considered a violation of CDP 17-03, and be adequate grounds for termination of said Permit.
6. **Commercial Vehicle Parking:** The Applicant shall not park company owned vehicles on City streets during permit specified non-business hours; nor shall the Applicant park/store any truck and/or trailer on any City street at any time unless actively involved with loading/unloading as specified by CDP 17-03. Otherwise, such vehicles may be subject to City parking citation in accordance with Municipal Code Chapter 10.08.
7. **Deliveries/Shipments:** All deliveries/shipments to/from the Subject Property and/or loading/unloading activities of inventory and/or products related to the Applicant's operation at Subject Property shall not impede traffic on any public right-of-way within Sand City, and shall refrain from impeding traffic through the California

Avenue and Contra Costa Street intersection. The Applicant may utilize the yellow curb "loading zone" adjacent to the abutting commercial building on Contra Costa Street.

8. **Storage:** The storage of all materials, tools, equipment, product inventory, and/or any other item associated with the proposed use of the Subject Property, shall be maintained within the building at all times, unless otherwise authorized by CDP 17-03. The placement of a self-contained portable storage unit/container on-site, beyond the confines of the building, is hereby prohibited; and the need of the Applicant to do so shall be considered by the City as justification that this operation has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's operation; and thus be sufficient reason for the City to terminate CDP 17-03.
9. **Property Maintenance:** The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris outside the building, except as allowed by CDP 17-03. The Applicant and/or the Subject Property's owner shall be responsible for maintenance and upkeep of the Applicant's leased area for the duration of the Project's occupation of the Subject Property.
10. **General Waste:** Trash, litter, boxes, crates, pallets, debris, or other used and/or discarded materials generated/used by this operation shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection day, said bin(s) or dumpster(s) shall not be openly stored along the Contra Costa Street frontage, and shall be maintained either within the building or down at the paved end of the former John Street right-of-way. The Subject Property's owner may create a trash enclosure on-site to the west side (rear) of the building only after approval by the City's Planning Department. The Applicant shall implement recycling as part of this operation's regular routine
11. **Signs:** Any sign on the exterior of the building, or anywhere on the Subject Property, identifying the proposed use, as approved, at the Subject Property, shall be reviewed and approved by the Sand City Design Review Committee (DRC) prior to the establishment of any such sign. The Applicant shall not place any free-standing sign anywhere within City limits without City Planning Department approval.
12. **Water:** Issuance of CDP 17-03 does not grant the Applicant and/or the Subject Property's owner any right or privilege to any allocation of water from the City or other entity. The proposed use approved by CDP 17-03 shall be limited to those water credits currently available to the Subject Property, in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD).
13. **Water Runoff:** The Applicant and/or the proposed use, and employees thereof, shall not create water run-off within the City in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. The Applicant is

prohibited from washing dust, debris, or particulate into the street, storm drain, and/or sewer system. There shall be no washing of vehicles on the Subject Property or within any public street within Sand City.

14. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the Seaside County Sanitation District, the Monterey Regional Water Pollution Control Agency (MRWPCA), and Monterey County Health Department, shall be implemented to the satisfaction of each department. Police Department requirements pertaining to security, street parking, and law enforcement shall be implemented to the satisfaction of the City's Police Chief.
15. Air District: The Applicant shall be responsible for complying with applicable rules and regulations of the Monterey Bay Unified Air Pollution Control Agency. Failure to comply shall be sufficient grounds for City termination of CDP 17-03.
16. Nuisance: Use of the Subject Property shall be conducted in such a way that it does not constitute a nuisance to neighboring units and properties and/or the general public. The Applicant shall be considered responsible for the impacts created by the proposed use's operation and activities. The Applicant shall implement all mitigation necessary to inhibit any noise, vibration, dust, odors, overflow parking, blighted appearance, and/or other negative impacts that this operation may or will generate. If the City Council finds at any time that any use by the Applicant's operation of the Subject Property constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by the proposed use, may be adequate grounds for the City to amend or terminate CDP 17-03. Failure to comply with such direction may result in the amendment or revocation of CDP 17-03.
17. Violation/Termination: If the City determines that the Applicant and/or the Applicant's Use has violated any term or condition of CDP 17-03, and/or use of the Subject Property by the Applicant constitutes a nuisance or is otherwise detrimental to the neighborhood or the community, written notice shall be issued, that if such violation is not corrected or removed within a specified time, a public hearing may then be scheduled where the City Council may consider amending or revoking CDP 17-03, and may then order said Permit amended or revoked. The Applicant and owner of the Subject Property shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate said Permit.
18. Interpretation: Any question of intent or interpretation regarding any condition within CDP 17-03 shall be resolved by the Sand City Planning Department staff and/or the City Administrator.

19. The issuance of CDP 17-03 shall not supersede or override any requirements of any other City, County, State, or Federal agency.
20. Indemnification: To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the Applicant to attack, set aside or void, any permit or approval authorized hereby for the Applicant, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
21. Business License: The Applicant shall acquire, maintain, and annually renew a Sand City business licence for the duration of the Applicant's business operation within Sand City. Failure to maintain a City business license may be sufficient grounds for termination of CDP 17-03.

PASSED AND ADOPTED by the City Council of Sand City this ____ day of March, 2017, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

APPROVED:

ATTEST:

 Linda Scholink, City Clerk

 David K. Pendergrass, Mayor

This is to certify that the CDP 17-03 contains the conditions specified by the City Council in approving the Permit.

 Charles Pooler, Associate Planner

APPLICANT ACCEPTANCE (CDP 17-03)

The Coastal Development Permit is hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions.

DATED: _____

BY: _____
Applicant

Signatures continued on following page...

Signatures continued from previous page.

CONSENT OF OWNER (CDP 17-03)

Consent is hereby granted to the permittee to carry out the terms and conditions of this Coastal Development Permit.

DATED: _____

BY: _____
Property Owner

AGENDA ITEM

9A

MEMO

To: Honorable Mayor and City Council Members
From: Todd Bodem, City Administrator
Date: March 16, 2017
Subject: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY ACCEPTING TWO EASEMENTS (1) IRREVOCABLE OFFER TO DEDICATE DUNE AREA CONSERVATION EASEMENT, AND (2) IRREVOCABLE OFFER TO DEDICATE PUBLIC ASSESS EASEMENT FOR THE MONTEREY BAY SHORES RESORT DEVELOPMENT

On November 9, 2015, the California Coastal Commission ("Commission") issued a Coastal Development Permit ("CDP") to the Monterey Bay Shores ("MBS") resort development. As part of the terms and conditions of this development, Security National Guaranty, Inc. ("SNG") has to convey a dune area and public access conservation easement to a public agency, approved by the Executive Director of the Commission.

These two easements are identified as sensitive habitat area that contains natural, scenic and open space qualities and features valuable for plant and wildlife habitat deemed worthy of protection and preservation for people from all over to enjoy.

Attached hereto are conservation Map 1 and 2 to depict the dune area conservation easement and public access easement. The dune area conservation easement area is approximately 16.46 acres. The public access easement area is approximately 11.66 acres.

It makes more sense for the City to hold the easements, over that of another agency like the Monterey Regional Park District, to maintain local control. Staff also believes the City is the public agency most qualified to monitor compliance with the terms of the conservation and public access easements. The City has been designated by the Commission as a grantee in the past, such as the Sand Dollar and Edgewater habitat easements.

Staff Recommendation

That the Sand City Council approves a resolution that authorizes the City Administrator to sign and accept on behalf of the City, the Dune Area Easement and the Public Access Easement.

N 51°11'49" W 60.90'
POINT OF BEGINNING
CONSERVATION EASEMENT

P.O.B. PARCEL 1
PER DOC. # 9770664

PARCEL 1 BOUNDARY
PER DOC. # 9770664

PARCEL 1
DOC. # 9770664

CONSERVATION
EASEMENT

SEE SHEET 2

SEE SHEET 3

CONSERVATION
EASEMENT
±18.46 AC

CONSERVATION
EASEMENT

(APPROXIMATE LOCATION OF THE TOE OF THE BLUFF)

APPROXIMATE MEAN HIGH TIDE LINE

MONTEREY BAY

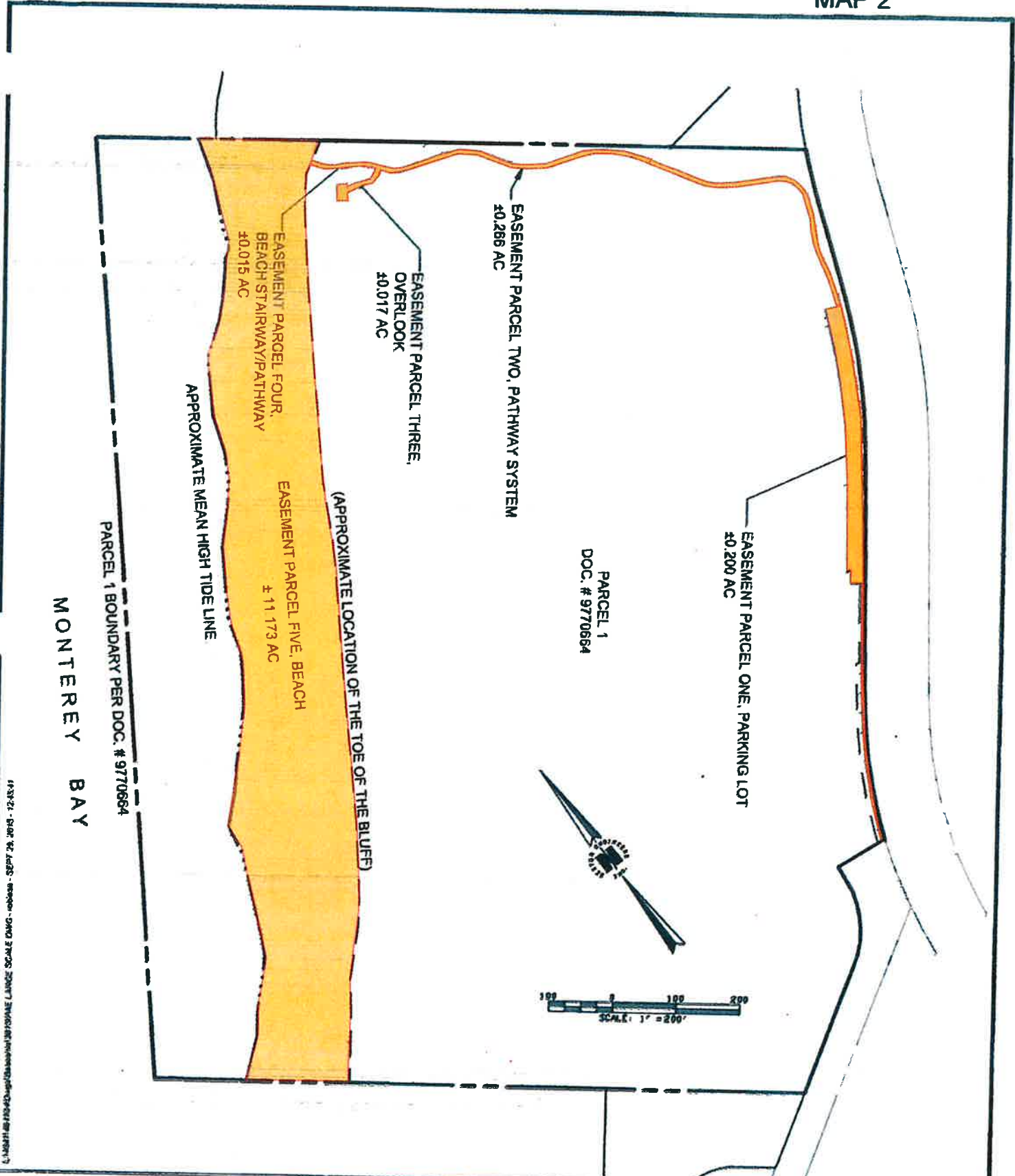
N 50°56'04" W 7.44'
MOST SOUTHERLY CORNER OF PARCEL 1

C:\Map\Map169\Map169.dwg\CONSERVATION EASEMENT.DWG - nbs\asa - SEPT 29, 2015 - 12:35:07

BESTOR ENGINEERS, INC.
CIVIL ENGINEERING • SURVEYING • LAND PLANNING
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940
831.373.2941 831.648.1188 WWW.BESTOR.COM

PREPARED FOR: SMC
EXHIBIT C-1
DEPICTION OF DUNE AREA CONSERVATION EASEMENT
COUNTY OF MONTEREY, CALIFORNIA

SCALE	1"= 200'
DATE	9/29/15
SHEET	1 OF 4
NO.	4541.04



L:\30371 28 100-40-2870\SCALE LARGE SCALE.DWG - 08/27/16 - 08/27/16 - 08/27/16 - 08/27/16 - 08/27/16 - 08/27/16 - 08/27/16 - 08/27/16 - 08/27/16 - 08/27/16

BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING • SURVEYING • LAND PLANNING
 9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93949
 831.373.2941 831.643.4118 WWW.BESTOR.COM

PREPARED FOR SAC
EXHIBIT C-1
DEPICTION OF PUBLIC ACCESS EASEMENTS
 COUNTY OF MONTEREY, CALIFORNIA

SCALE	1" = 200'
DATE	9/29/16
SHEET	3 OF 4
REV.	4841.04

CITY OF SAND CITY
RESOLUTION SC _____, 2017

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY ACCEPTING TWO EASEMENTS AS GRANTEE: (1) IRREVOCABLE OFFER TO DEDICATE DUNE AREA CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIONS, AND (2) IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTION, FOR THE MONTEREY BAY SHORES RESORT DEVELOPMENT, CONSISTENT WITH THE CONDITIONS AND REQUIREMENTS OF CALIFORNIA COASTAL COMMISSIONS COASTAL DEVELOPMENT PERMIT (CDP) A-3-SNC-98-114, ISSUED NOVEMBER 9, 2015

WHEREAS, the Monterey Bay Shores Resort property, the subject of these easements, is identified by the Monterey County Assessor as APN 011-501-014, located in the City of Sand City (the "Project Site"); and

WHEREAS, on April 11, 2014, the California Coastal Commission ("Commission") approved Coastal Development Permit ("CDP") Permit Number A-3-SNC-98-114 (the "Permit"); and

WHEREAS, on October 27, 2015 the Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of Restrictions ("Dune Area Easement") was executed by Security National Guaranty, Inc. as Grantor, and recorded October 27, 2015 with the Monterey County Recorder, Official Records, as Document Number 2015062067, see Exhibit "A" attached herewith and made part hereof; and

WHEREAS, on October 27, 2015 the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions ("Public Access Easement") was executed by Security National Guaranty, Inc. as Grantor, and recorded October 27, 2015 with the Monterey County Recorder, Official Records, as Document Number 2015062068, see Exhibit "B" attached herewith and made part hereof; and

WHEREAS, on November 9, 2015, the Commission issued Coastal Development Permit ("CDP") Permit Number A-3-SNC-98-114 (the "Permit"); and

WHEREAS, pursuant to the terms and conditions of the Paragraph 4 of the Dune Area Easement and Paragraph 4 of the Public Access Easement, the Irrevocable Offers may be accepted by a public agency, approved by the Executive Director of the Commission on behalf of the people of the State of California (the "Grantee"); and

WHEREAS, acceptance of the two Irrevocable Offers by the City of Sand City as Grantee shall be effectuated by recordation by Grantee of an acceptance of the Dune Area Easement and the Public Access Easement in the form attached hereto as Exhibits "C" and "D", respectively; and

WHEREAS, upon recordation of the acceptance by the City of Sand City as Grantee, the Offers and their terms and conditions and restrictions shall run with the land and be binding on the heirs, assigns and successors of Grantor; and

WHEREAS, the Monterey Bay Shores Resort Habitat Protection Plan ("HPP"), dated August 24, 2016, provides for restoration, preservation and protection of coastal resources on the Project Site and provides for future funding by the Grantor and the City of Sand City; and

WHEREAS, upon review by the City Administrator, acceptance of the Dune Area Easement and the Public Access Easement by the City of Sand City as Grantee is found to be consistent with the Sand City General Plan and all applicable policies and programs contained therein; and

WHEREAS, accepting the Dune Area Easement and the Public Access Easement is categorially exempt pursuant to California Environmental Act Guidelines section 15061(b) (3) since the changes in ownership will not result in a significant impact on the environment.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Sand City that the Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of Restrictions Exhibit "A" is hereby accepted by the City of Sand City as Grantee, subject to its terms and conditions; and

NOW, THEREFORE, BE IT RESOLVED FURTHER, by the City Council of the City of Sand City that the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions Exhibit "B" is hereby accepted by the City of Sand City as Grantee, subject to its terms and conditions.

BE IT RESOLVED FURTHER, the City Council authorizes the City Administrator to sign and accept on behalf of the City, the Dune Area Easement and the Public Access Easement, attached hereto as Exhibit "C" and Exhibit "D" and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of Sand City this ___ day of March, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

David K. Pendergrass, Mayor

ATTEST:

Linda K. Scholink, City Clerk

EXHIBIT A

RECORDING REQUESTED BY
Chicago Title Company
Order No · FWMN-5251500696

Stephen L. Vagnoni
Monterey County Recorder
Recorded at the request of
Chicago Title

RANJELIQUE
10/27/2015
15 18 22

When Recorded Mail Document To
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Attn: Legal Division

DOCUMENT: 2015062067



Titles	1/	Pages	153
Fees			477 00
Taxes			
Other			
AMT PAID			\$477 00

APN/Parcel ID(s) 011-501-014

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AND CORRECT COPY

JD

BY

CHICAGO TITLE CO

Irrevocable Offer to Dedicate Dune Area Conservation Easement

and Declaration of Restrictions

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)

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RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Attn Legal Division

APN(s) 011-501-014

DOCUMENTARY TRANSFER TAX \$
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED
OR COMPUTED ON FULL VALUE OF LESS THAN AN INTEREST AND ENCUMBRANCES REMAINING AT TIME OF SALE
Signature of Declarant or Agent determining tax Title Name

For Easement purposes only. No monetary exchanged

IRREVOCABLE OFFER TO DEDICATE
DUNE AREA CONSERVATION EASEMENT
AND DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE DUNE AREA CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIONS (this "Offer") is made this 27 day of October, 2015, by SECURITY NATIONAL GUARANTY, INC., a California corporation ("Grantor")

I WHEREAS, Grantor is the legal owner of a fee interest of certain real property located in the City of Sand City, County of Monterey, State of California, legally described in EXHIBIT A attached hereto and incorporated herein by this reference (the 'Property'), and

II WHEREAS, the California Coastal Act of 1976 (the 'Act'), which is codified in Division 20 of the California Public Resources Code ('PRC'), PRC §§ 30000 to 30900, defines a "Coastal Zone" for the State of California to which most of the Act's provisions apply (PRC § 30103), and the Property is located within that Coastal Zone, and

III WHEREAS, the Act and the certified City of Sand City Local Coastal Program (the 'LCP') require that any coastal development permit approved by the City of Sand City (the "City") or the California Coastal Commission (the "Commission") on appeal must be consistent

This instrument filed for record by CHICAGO TITLE, as an accommodation only. It has not been examined as to its execution or its effect upon the title.

1 with the LCP and, as to development proposed between the first public road and the sea, must be
2 additionally consistent with the public access and recreation policies of the Act, and

3 IV WHEREAS. Grantor applied to the City for a coastal development permit to
4 undertake development (as defined in § 30106 and as attached hereto as EXHIBIT G and
5 incorporated herein by this reference) on the Property, and

6 V WHEREAS, on December 1, 1998, the City granted a coastal development permit
7 for development, which was appealed to the Commission, and

8 VI WHEREAS, on April 11, 2014, the Commission conditionally approved Coastal
9 Development Permit No A-3-SNC-98-114 (the "Permit") in accordance with the provisions of
10 the findings adopted by the Commission on August 14, 2014 (on file and available for review at
11 the Commission's Santa Cruz office at the address set forth above) and the Notice of Intent to
12 Issue Permit dated May 30, 2014 (attached hereto as EXHIBIT B) and both of which are
13 incorporated herein by this reference, subject to the terms and conditions set forth in such
14 documents, including the following condition (the "Condition")
15
16

17 "4. **Dune Area Conservation Easement.** PRIOR TO ISSUANCE OF THE CDP, the Permittee
18 shall execute and record a document, in a form and content acceptable to the Executive Director,
19 granting or irrevocably offering to dedicate to a political subdivision, public agency or private
20 association approved by the Executive Director a dune area conservation easement (Dune
21 Easement) The Dune Easement shall apply to the Dune Restoration Area described in Special
22 Condition 3 above and generally depicted in Exhibit 11a. If development is removed in response
23 to coastal hazards (see Special Condition 9), including to allow for the public access easement to
24 move inland (see Special Conditions 5 and 6), the affected area shall be restored in compliance
25 with the dune restoration parameters of the approved Dune Restoration Plans (see Special
26 Condition 3 above) and the restored dune area incorporated into the Dune Area Conservation
27 Easement. Development, as defined in Public Resources Code Section 30106, shall be prohibited
28 in this area other than (a) dune restoration, monitoring, and maintenance activities conducted in
accordance with the approved Dune Restoration Plans (Special Condition 3), (b) public access
development and activities conducted in accordance with the approved Public Access
Management Plan (Special Condition 5), (c) resort pathways (subject to the requirements of
these conditions), and (d) foredune grading down to 32 feet above NGVD (subject to the
requirements of these conditions) The Dune Easement shall be recorded free of all prior liens
and encumbrances that the Executive Director determines may affect the interest being
conveyed The Dune Easement shall include a legal description and graphic depiction of the
legal parcels subject to the CDP and a metes and bounds legal description and graphic depiction
of the Dune Easement area prepared by a licensed surveyor based on an on-site inspection,
drawn to scale, and approved by the Executive Director "

1 and

2 VI WHEREAS, the Commission found that but for the imposition of the Condition.
3 the proposed development could not be found consistent with the provisions of the LCP and the
4 Act and that a permit could therefore not have been granted, and

5 VII WHEREAS, Grantor has elected to comply with the Condition and execute this
6 Offer so as to enable Grantor to undertake the development authorized by the Permit
7

8 NOW THEREFORE, in consideration of the above and the mutual benefits and
9 conditions set forth herein, the substantial public benefits for the protection of coastal resources
10 to be derived and the granting of the Permit to Grantor by the Commission, Grantor hereby
11 irrevocably offers to dedicate to the people of the State of California an easement in gross and in
12 perpetuity over a portion of the Property as described below

13
14 1 DESCRIPTION The dune area conservation easement (the "Easement") offered
15 hereby affects that portion of the Property identified as the easement area particularly described
16 and depicted in EXHIBIT C attached hereto and incorporated herein by this reference (the
17 "Easement Area"), *provided however*, that in the event development is removed in response to
18 coastal hazards as described in Special Condition 9 of the Permit, the affected area shall be
19 restored in compliance with the dune restoration parameters of the approved Dune Restoration
20 Plan (defined below) and such restored dune area shall be deemed incorporated into and be a part
21 of the Easement Area
22

23 2 PURPOSE The Easement is for the purpose of dune resource restoration,
24 stabilization, maintenance and conservation over and upon the Easement Area as set forth in the
25 approved Dune Restoration Plan prepared by EMC Planning Group Inc dated October 12, 2015
26 required under Special Condition 3 of the Permit, which is attached hereto as EXHIBIT D and
27
28

1 incorporated herein by this reference, as the same may be modified with the approval of the
2 Commission (the ' Dune Restoration Plan")

3 3 DECLARATION OF RESTRICTIONS

4 A Upon recordation of this Offer, and thereafter in perpetuity, the use of the
5 Easement Area shall be limited to dune area resource restoration, stabilization maintenance and
6 conservation uses in compliance with the limitations set forth herein and the Permit No
7 development (as defined in Section 30106 of the Act which is attached hereto as EXHIBIT G
8 and incorporated herein by this reference), including but not limited to, removal of trees and
9 other major or native vegetation, grading, paving, planting of non-native vegetation, tilling, or
10 installation of structures such as signs, fences, buildings, permanent irrigation devices, etc , and
11 no grazing agricultural or other activities shall occur or be allowed within the Easement Area
12 with the exception of the following (subject to any applicable governmental regulatory
13 requirements)

- 16 i Dune area restoration, monitoring, stabilization and maintenance activities pursuant
17 to the Dune Restoration Plan and Special Conditions 3 and 9 of the Permit,
- 18 ii public access development as depicted in EXHIBIT C hereto and the approved
19 Revised/Site Plans (see item vi below) and related activities pursuant to the approved
20 Public Access Management Plan prepared by EMC Planning Group Inc and dated
21 October 12, 2015, approved October 14, 2015, attached hereto as EXHIBIT E and
22 incorporated herein by this reference, as the same may be modified with the approval
23 of the Commission (the "Public Access Management Plan"), and Special Conditions
24 1 and 5 of the Permit,
- 25 iii relocation of the public access development pursuant to Special Conditions 5, 6 and 9
26 of the Permit,
- 27 iv resort pathways, lighting, and vista points/decks and stairs to beach as depicted in
28 EXHIBIT C hereto and the Revised/Site Plans (see item vi below) and pursuant to
Special Condition 1 of the Permit and their maintenance and repair,
- v foredune grading down to a minimum of 32 feet above the National Geodetic Vertical
Datum of 1929 and pursuant to Special Condition 1 of the Permit and the approved
Revised/Site Plans (see item vi below), and

1 vi the following development, in each case pursuant to the approved Revised/Site Plans
2 prepared by Bestor Engineers and dated October 21, 2013 and Updated August 17,
3 2015 (which plans are available from the Commission upon request and as the same
4 may be modified with the approval of the Commission) and Special Condition 1 of
5 the Permit

6 (a) the main hotel access tunnel, the road through the tunnel, underground utilities
7 beneath the aforementioned road, and their maintenance and repair,

8 (b) the back of hotel access tunnel, the road through the tunnel, underground utilities
9 beneath the aforementioned road, and their maintenance and repair,

10 (c) the residential access tunnel, the road through the tunnel, underground utilities
11 beneath the aforementioned road, and their maintenance and repair,

12 (d) the retaining walls and their maintenance and repair,

13 (e) the existing water well and wellhead between residential and back of hotel roads
14 and their maintenance and repair,

15 (f) the geothermal well between residential and back of hotel roads and its
16 maintenance and repair,

17 (g) the subsurface up to 250,000 gallon water tank between residential and back of
18 hotel roads and its maintenance and repair,

19 (h) the subsurface up to 250,000 gallon water tank between main hotel and back of
20 hotel entrance roads and its maintenance and repair, and

21 (i) the fencing and signage and their maintenance and repair

22 B The Easement Area shall be restored and maintained in accordance with the
23 Permit (including Special Conditions 3 and 9) and all applicable plans required by the Permit
24 (including the Dune Restoration Plan and the Public Access Management Plan) in the form
25 approved by the Executive Director of the Commission for as long as any portion of the
26 development authorized by the Permit or the Permit (or any modification or amendment thereof)
27 remains in existence on or with respect to, and thereby confers benefit upon, the Property
28 Grantee (defined below) shall not be obligated to maintain, improve or otherwise expend any
funds in connection with the Permit, the Property or any interest or easement created by this
Offer All costs and expenses for such maintenance, improvement, use or possession (except for

1 costs incurred by Grantee for monitoring compliance with the terms of this Offer) shall be borne
2 by the owner of the Property (Grantor or its successor in interest)

3 C This Offer shall not be used or construed to allow anyone to interfere with dune
4 resources or any rights of public access acquired through use that may exist on the Property
5 Grantor shall not interfere with dune resources or the public's use of the Easement nor take any
6 action inconsistent with such resources and use, including, without limitation, constructing or
7 improving the Property in a manner inconsistent with dune resource protection or the public's
8 use or enjoyment thereof or the terms and conditions of the Permit Grantor shall retain all
9 normal rights and incidents of ownership of the underlying fee interest in the Property not
10 inconsistent with the Easement
11

12
13 4 DURATION, ACCEPTANCE AND TRANSFERABILITY This Offer shall be
14 irrevocable for a period of 21 years from the date of recordation of this Offer This Offer may be
15 accepted by any political subdivision of the State of California, a public agency, or a private
16 association approved by the Executive Director of the Commission on behalf of the people of the
17 State of California (the "Grantee") Acceptance of this Offer shall be effectuated by recordation
18 by Grantee of an acceptance of this Offer in substantially the form attached hereto as EXHIBIT
19 E and incorporated herein by this reference Upon recordation of said acceptance, this Offer and
20 its terms, conditions and restrictions shall have the effect of a grant of an open space
21 conservation easement in gross and in perpetuity consistent with the above terms over and upon
22 the Easement Area that shall run with the land and be binding on the heirs, assigns and
23 successors of Grantor After acceptance of this Offer, the Easement may be transferred to and
24 held by any entity which qualifies as a Grantee under the criteria hereinabove stated Acceptance
25 of the Offer is subject to the covenant which runs with the land that Grantee may not abandon the
26 Easement until such time as Grantee effectively transfers this Easement to an entity which
27
28

1 qualifies as a Grantee under the criteria hereinabove stated No merger of title, estate or interest
2 shall be deemed effected by any previous, contemporaneous, or subsequent deed, grant, or
3 assignment of an interest or estate in the Property, or any portion thereof, to the Grantee, or its
4 successors or assigns Grantor, for itself and its assigns and successors in interest, covenants and
5 agrees that the use of the Property is hereby restricted as set forth in this Offer and that such
6 restrictions shall remain in full force and effect during the period that the Permit, or any
7 modification or amendment thereof remains effective, and during the period that the
8 development authorized by the Permit, or any modification thereof, remains in existence in or
9 upon any part of, and thereby confers benefit upon, the Property It is the express intent of the
10 parties that the Easement or the restrictions hereof not be extinguished by, merged into,
11 modified, or otherwise deemed affected by any other interest or estate in the Property now or
12 hereafter held by the Grantee or its successors or assigns
13
14

15 5 RIGHT OF ENTRY The Commission, any Grantee accepting this Offer and
16 their respective agents may enter onto the Easement Area and, if necessary, the Property, at times
17 reasonably acceptable to the Grantor to ascertain whether the use restrictions set forth above are
18 being observed
19

20 6 SUCCESSORS AND ASSIGNS The terms, covenants, conditions, exceptions,
21 obligations, and reservations contained in this Offer shall be deemed to be covenants, conditions
22 and restrictions running with the land and shall be binding upon and inure to the benefit of the
23 successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary
24

25 7 REMEDIES Any act, conveyance, contract, or authorization by Grantor whether
26 written or oral which uses or would cause to be used or would permit use of the Property in a
27 manner contrary to the terms of this Offer will be deemed a violation and a breach hereof
28 Grantor, any Grantee accepting this Offer, any offeree of this Offer and the Commission may

1 pursue any and all available legal and/or equitable remedies to enforce the terms and conditions
2 of this Offer and the Easement and their respective interests in the Property In the event of a
3 breach, any forbearance on the part of any such party to enforce the terms and conditions hereof
4 shall not be deemed a waiver of enforcement rights regarding any subsequent breach

5 8 TAXES AND ASSESSMENTS Grantor agrees to pay or cause to be paid all real
6 property taxes and assessments levied or assessed against the Property It is intended that this
7 Offer and the restrictions contained herein shall constitute enforceable restrictions within the
8 meaning of a) Article XIII, Section 8 of the California Constitution and b) Section 402.1 of the
9 California Revenue and Taxation Code or successor statute Furthermore, this Offer, the
10 Easement created by the acceptance thereof and its restrictions shall be deemed to constitute a
11 servitude upon and burden to the Property within the meaning of Section 3712(d) of the
12 California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded
13 property Furthermore, it is intended that this Offer and the restrictions contained herein shall
14 constitute a qualified conservation contribution satisfying the Internal Revenue Code
15 requirements for a charitable contribution and income tax deduction for conservation purposes
16 under Internal Revenue Code 26 USC §170

17 9 LIABILITY AND INDEMNIFICATION This conveyance is made and accepted
18 upon the express condition that Grantee, its agencies, departments, officers, agents and
19 employees are to be free from all liability and claim for damages by reason of any injury to any
20 person or persons, including Grantor, or property of any kind whatsoever and to whomsoever
21 belonging, including Grantor, from any cause or causes whatsoever, except for matters arising
22 out of the sole negligence of Grantee, while in, upon, or in any way connected with the Property,
23 and Grantor hereby covenants and agrees to indemnify and hold harmless Grantee, its agencies,
24 departments, officers, agents and employees from all liability, losses, costs and obligations on
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1 account of or arising out of such injuries or losses, however occurring Grantee shall have no
2 right of control over, nor duties and responsibilities with respect to, the Property which would
3 subject Grantee to any liability occurring on the Property by virtue of the fact that the right of
4 Grantee to enter the Property is strictly limited to preventing uses inconsistent with the interest
5 granted hereby and does not include the right to enter the Property for the purposes of correcting
6 any dangerous condition as defined by California Government Code Section 830

7
8 11 SEVERABILITY If any provision of this instrument is held to be invalid or for
9 any reason becomes unenforceable, no other provision shall be thereby affected or impaired

10 Executed as of 15th day of October, 2015, at
11 Monterey, California

12
13 SECURITY NATIONAL GUARANTY, INC,
14 a California corporation

15 By 
16 Dr Edmond Ghandour, President

17
18 (SEE FOLLOWING PAGE FOR NOTARY ACKNOWLEDGMENTS)
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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

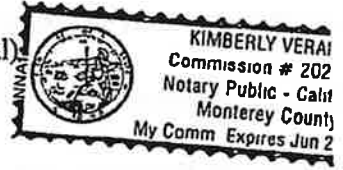
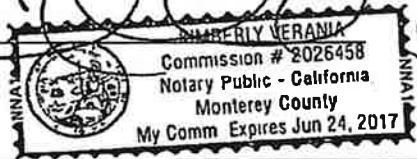
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STATE OF California
COUNTY OF Monterey

On 10/10/15 before me, Kimberly Verania a
Notary Public, personally appeared Edward G. ...
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct
WITNESS my hand and official seal

Signature [Handwritten Signature]



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

STATE OF _____
COUNTY OF _____

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

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct
WITNESS my hand and official seal

Signature _____ (Seal)

NOTARY SEAL

GOVERNMENT CODE SECTION 27361.7

Name of Notary Kimberly Verania

Commission Number 2026458

Date Commission Expires June 24, 2017

Place of Execution Monterey Co. Date 10-10-15

Signed J. Ambrosio

1 This is to certify that the Irrevocable Offer to Dedicate Dune Area Conservation Easement and
2 Declaration of Restrictions set forth above is hereby acknowledged by the undersigned officer on
3 behalf of the California Coastal Commission, pursuant to authority conferred by the California
4 Coastal Commission when it conditionally approved Coastal Development Permit No A-3-
5 SNC-98-114 on April 11, 2014, and the California Coastal Commission consents to recordation
6 thereof by its duly authorized officer

7 Dated Oct 14, 2015

9 CALIFORNIA COASTAL COMMISSION

10 Karla Galvez
11
12 Karla Galvez, Staff Counsel

13
14 A notary public or other officer completing this certificate verifies only the identity of the
15 individual who signed the document to which this certificate is attached, and not the
16 truthfulness, accuracy, or validity of that document

17 STATE OF California
18 COUNTY OF San Francisco

19 On Oct. 14th, 2015, before me, HONG LE TRUONG, a
20 Notary Public, personally appeared KARLA GALVEZ,
21 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
22 subscribed to the within instrument and acknowledged to me that he (she/they) executed the same
23 in his (her/their) authorized capacity(ies), and that by his (her/their) signature(s) on the instrument
24 the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

25 I certify under PENALTY OF PERJURY under the laws of the State of California that
26 the foregoing paragraph is true and correct
27 WITNESS my hand and official seal

28 Signature Hong Le Truong

(Seal)



EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF Sand City, COUNTY OF Monterey, STATE OF California AND IS DESCRIBED AS FOLLOWS

That portion of Rancho Noche Buena and Monterey City Lands Tract No 1 in County of Monterey, State of California, being a portion of that certain 86 75 acre tract of land conveyed in the Deed by T A Work, et ux, to Mrs E Roberts, dated May 16, 1921 and recorded in Volume 13, Page 444, Official Records of Monterey County, described as follows

Beginning at a 4" x 4" post standing at northeasterly corner of the above mentioned 86 75 acre tract of land and in the westerly boundary of that certain strip of land 100 feet wide as conveyed in the Deed by David Jacks to Monterey Railroad Company, dated May 1, 1880 and recorded in Volume Z, Page 472, of Deeds, Monterey County Records (now known as the right of way of the Southern Pacific Railroad, Monterey Branch) and from which point of beginning the S P R R Engineer's Station 594 + 60 0 - C C T 2 - 1/2 in centerline of tract bears S 60° 10' E , 50 3 feet, thence along westerly boundary of said 100 foot strip,

(1) Southerly, 1570 feet, a little more or less, to a 4" x 4" post marked "AT 1386 6" "SPRR LINE" from which SPRR Engineer's Station 610 + 51 0 CC T2 in centerline of tract bears S 63° 21' E , 61 1 feet, thence leave said westerly boundary and running

(2) N 53° 06' W., 1386 6 feet (at 765 6 feet to a 4" x 4" post marked "A + 621 0" "LINE", at 1243 1 feet a 4" x 4" post marked "AT 143 5" "LINE" "WP") to a point in the mean high water line of Monterey Bay, thence along mean high water of Monterey Bay,

(3) N 32° 08 1/2' E , 1500 0 feet to a point in the northerly boundary of said 86 75 acre tract, thence along said northerly boundary up middle of canyon,

(4) S 53° 06' E , 1115 0 feet (at 132 6 feet a 4" x 4" post marked "AT 132 6" WP" at 523.8 feet to a 4" x 6" post marked "AT 523 8" at 905 0 feet a 4" x 4" fence post), to the point of beginning Courses all true, declination of magnetic needle being 17° 30' East

EXCEPT THEREFROM all that certain real property described in the Final Order of Condemnation issued out of the Superior Court of the State of California for the County of Monterey, Case No 55706, entitled, The People of the State of California, acting by and through the Department of Public Works, plaintiff, vs Bank of America National Trust and Savings Association, et al , defendants, recorded April 1, 1966 in Reel 455, Page 620, Official Records of Monterey County

APN 011-501-014

EXHIBIT B

NOTICE OF INTENT TO ISSUE PERMIT

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

JUL 07 2014

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA



NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT

CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

NOI Issue Date, May 30, 2014¹

Page 1 of 31

Please note: this is NOT a coastal development permit

A coastal development permit (CDP) for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. The sole purpose of this notice of intent (NOI) is to inform the permittee(s) of the steps necessary to obtain a valid and effective CDP. In order for the CDP to be effective, Commission staff must issue the CDP, and the permittee(s) must sign and return a copy of the CDP to the Commission. Commission staff cannot issue the CDP until each of the "prior to issuance" (PTI) conditions have been fulfilled (all of the conditions, including the PTI conditions, for this CDP are identified later in this notice).

Unless otherwise specified, the Commission's approval of this CDP is valid for five years from the date of approval. To prevent expiration of the CDP, the permittee(s) must fulfill the PTI conditions, obtain and sign the CDP, and commence development within five years of the approval date specified below (unless otherwise specified). The permittee(s) may also apply for an extension of the CDP pursuant to California Code of Regulations, Title 14, Section 13169.

CDP A-3-SNC-98-114

CDP A-3-SNC-98-114 was approved by the California Coastal Commission on April 11, 2014 and allows the applicant to construct a 368-unit mixed-use residential and visitor-serving facility in the dunes seaward of Highway One, between Fort Ord Dunes State Park and the Monterey Peninsula Regional Park District's (MPRPD) Eolian Dunes Preserve in the City of Sand City in Monterey County. The project includes a land division of a roughly 40-acre parcel into three parcels, construction of 184 hotel rooms, 92 visitor-serving condominium units, 92 residential condominium units, hotel and residential courtyards, a restaurant, conference center, spa, garden, 3 swimming pools, and surface and underground parking for 947 vehicles. In total, the project would result in some 1.34 million square feet of resort and residential facilities spread out over roughly 12 acres. The project also includes a roadway extension from inland public roads, three entrance driveways, public access trails and amenities, dune restoration, utility extensions and infrastructure, and related development (i.e., emergency access road, tunnel access to resort signs, fences, lights, trails, etc.). Roughly 700,000 cubic yards of grading and nearly 400,000 cubic yards of sand disposal are also proposed (all as more specifically described in the Commission's CDP file). CDP A-3-SNC-98-114 is subject to certain terms and conditions, including the standard and special conditions beginning on page 2 of this NOI.

¹ This NOI dated May 30, 2014 supersedes and replaces the NOI dated April 21, 2014. The NOI dated April 21, 2014 is of no further force nor effect.

**NOTICE OF INTENT TO ISSUE CDP
CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)**

NOI Issue Date: May 30, 2014

Page 2 of 31

If you have any questions regarding this notice, including regarding how to fulfill the PTI conditions, please contact Mike Watson in the Central Coast District Office at the address and phone number above

NOI issued

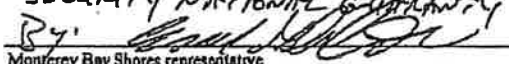
By my signature below this notice of intent to issue a CDP is issued on behalf of the California Coastal Commission on April 21 2014

 5/30/2014

Dan Carl, Central Coast District Director, for Charles Lester, Executive Director

Acknowledgement

The undersigned permittee(s) acknowledge receipt of this notice and fully understand its contents, including all conditions imposed. Please sign and return a copy of this notice to the Central Coast District Office at 725 Front Street Suite 300, Santa Cruz, CA 95060

SECURITY NATIONAL SUPPLY INC
By:  7-2-14
Monterey Bay Shores representative Date
ITS President

I. STANDARD CONDITIONS

This permit is granted subject to the following 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 five 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



California Coastal Commission

NOTICE OF INTENT TO ISSUE CDP CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

NOI Issue Date: May 30, 2014

Page 3 of 31

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

II. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions

- 1 **Revised Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two full size sets of Revised Plans with graphic scale to the Executive Director for review and approval. The Revised Plans shall be prepared by a licensed professional or professionals (i.e., architect, surveyor, geotechnical engineer, etc.), and shall be based on current professionally surveyed and certified topographic elevations for the entire site. The Revised Plans shall be substantially in conformance with the VTM, site plans, and cross-sections sheets TM-1 – TM-6 submitted to the Coastal Commission (dated October 21, 2013 as revised on October 28, 2013, December 20, 2013, and January 17, 2014 and dated received in the Coastal Commission's Central Coast District Office January 3, 2013 and January 30, 2014) as shown on Exhibit 4 – 6 the MBS Access Signage and Lighting Plan (dated October 2013 and dated received in the Central Coast District Office October 28, 2013 – Exhibit 23) and the Habitat Protection Plan (dated October 2013 and dated received in the Central Coast District Office October 28, 2013 – Exhibit 20), but shall be modified to achieve compliance with this condition, including that the Revised Plans shall show the following required changes and clarifications to the project
- (a) **Dune Manipulation for Screening Purposes** The project includes re-contouring of the protected dune feature, an extension of the protected dune feature to the north and dune field manipulation north of the extended dune for screening purposes. Dune field manipulation north and northwest of the extended dune view line (see Exhibit 8a [i.e., the Applicant's dune view line shown on sheets TM-2 and TM-6, see pages 2 and 5 of Exhibit 4]) shall be limited to a finished elevation generally equal to existing grade except that undulations in height may go up to a maximum of 3 feet greater than existing grade to allow for replicated dune landscaping. All such dune manipulation shall be designed to replicate natural dune landforms and integrate into the surrounding dunes to the maximum extent feasible
- (b) **Highway One Dune Screening for Buildings and Related Development** All building and related development shall be sited and designed so that views of it from either southbound or northbound Highway One (from a height of 5 feet above the roadway) are blocked by existing and/or modified dune features (including through extending dune areas over the top of such development as applicable) in such a way that such views are of dunes and not of buildings and related development, except that buildings and related development are allowed to be visible in the southbound Highway One view if located inland of the dune view line (see Exhibit 8a [i.e., the Applicant's dune view line shown on sheets TM-2 and TM-6 see pages 2 and 5 of Exhibit 4]) The Revised Plans shall be submitted with documentation demonstrating compliance with this requirement



California Coastal Commission

NOTICE OF INTENT TO ISSUE CDP CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

NOI Issue Date: May 30, 2014

Page 4 of 31

- (c) **Highway One Dune Screening/View Mitigation for Other Development.** All other development located inland of buildings and related development (e.g., road access, tunnel access, parking areas, pathways, etc.) shall be sited, designed and screened in such a way as to minimize its visibility in Highway One views to the maximum extent feasible, including through utilizing below grade development as appropriate to meet such standard. All development that is visible (including any retaining walls – see also below) shall be sited and designed to blend into the dune aesthetic to the maximum extent feasible (including through colorization, natural materials, non-linear and curvilinear contouring, surface roughness, etc.)
- (d) **Road Development Minimized.** All road development (providing access to the project through the tunnels as well as access to the project to the north) shall be minimized consistent with the VTM. No other road development is authorized by this CDP, thus any proposed future road development shall require either an amendment to this CDP or approval of a separate CDP.
- (e) **Height Limits.** Development height shall be limited as necessary to meet the requirements of this condition and in no case shall development exceed 45 feet above existing grade for hotel and condominium-hotel components (hotel and condominium-hotel components include facilities commonly included in hotels and condominium-hotels such as restaurants, meeting rooms, shops for hotel guests, and spa facilities), and 36 feet above existing grade for all other development. The Revised Plans shall be submitted with documentation demonstrating compliance with this requirement, including through site plans and architectural elevations prepared and certified by a licensed architect that identify all hotel and condominium-hotel components versus other components of the project, and evidence demonstrating why components fall into either category.
- (f) **Visitor-Serving Priority Maintained.** If a fewer number of units can be accommodated in order to meet the terms and conditions of this CDP, then the mix of units shall be maintained at the same ratio as proposed (i.e., 184 standard hotel units, 92 visitor-serving condominium hotel units, and 92 residential condominium units), or at a ratio that results in a higher percentage of standard hotel units than proposed and the same or a higher percentage of visitor-serving condominium hotel units than proposed. In no case shall the ratio of residential condominium units to other units increase as compared to that proposed.
- (g) **Foredune Grading.** Foredune grading shall be allowed as low as 32 feet above NGVD only in areas directly seaward of buildings and for the fire access road, and only where such grading is designed to (1) replicate natural dune landforms and integrate into the surrounding dunes to the maximum extent feasible, and (2) meet the other requirements of this condition. Other foredune grading, other than for approved dune restoration and/or public access purposes, shall be prohibited.
- (h) **Resort Pathways.** The portion of the resort pathways (not including public access pathways) that extend southwest and on top of the protected dune feature shall be eliminated from the project, leaving two resort pathways extending toward the ocean and one along the fire access road. These remaining resort pathways shall be sited and designed to blend into the dune.



California Coastal Commission

NOTICE OF INTENT TO ISSUE CDP CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

NOI Issue Date: May 30, 2014

Page 5 of 31

aesthetic (including through colorization, natural materials, non-linear and curvilinear contouring, surface roughness, etc) as seen in public views to the maximum extent feasible. Any portion of the resort pathways that extend to the beach from the buildings and related development shall be sited and designed to minimize landform alteration and to conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if elimination is not possible) railings, and to minimize impacts on public views.

- (i) **Public Access Amenities.** The Revised Plans shall clearly identify all public access amenities to be provided as part of the approved development, including but not limited to:
1. **Parking Lot.** A public parking lot providing 46 full-size parking spaces. The parking lot shall be surfaced (including curbs and gutters) with permeable pavement or permeable concrete colored to blend with the surrounding dune environment as much as possible. A minimum of ten bicycle parking stands, three recycling bins, three trash bins, one water fountain, three ADA parking spaces, and one doggie mitt station, shall be provided in the parking lot in locations that maximize their public utility and minimize their impact on public views. The parking lot shall be ADA compatible.
 2. **Pathway System.** A dedicated public pathway system that extends from the inland public recreational trail adjacent to and along the public parking lot and then to an overlook atop the bluff and then to the beach via a stairway/path. The portion of the pathway system that extends from the public recreational trail to and along the public parking lot (to the upcoast edge of the parking lot) shall be a similar width as the inland public recreational trail, but shall be surfaced with permeable pavement or permeable concrete colored to blend with the surrounding dune environment as much as possible from at least the point where it enters onto the subject property, and shall include separation from the road and parking utilizing concrete curbs, bumpers, or other barriers to insure safety of pedestrians and bike riders. The portion of the pathway system that extends from the upcoast edge of the parking lot to the overlook shall be a wooden boardwalk approximately 6 feet in width. All portions of the pathway system, other than the beach stairway/path, shall be ADA compatible, and shall be curvilinear (and not linear) in appearance to the maximum extent feasible.
 3. **Overlook.** A public overlook near the blufftop edge of approximately 300 square feet. The overlook shall be a wooden boardwalk surface, and shall be sited and designed to eliminate the need for railings to the maximum extent feasible (e.g., setback a sufficient distance from the blufftop edge so as to not necessitate such features). At least three benches, one interpretive panel/installation, one recycling bin, one trash bin, and one doggie mitt station, shall be provided at the overlook in locations that maximize their public utility and minimize their impact on public views. The overlook shall be ADA compatible.
 4. **Beach Stairway/Pathway.** A public beach stairway/pathway providing access down the bluff and to the beach from the overlook location. The stairway/pathway shall be sited and designed to minimize landform alteration and to conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if elimination is not possible) railings, to avoid to the



California Coastal Commission

NOTICE OF INTENT TO ISSUE CDP CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

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maximum extent feasible construction and post-construction impacts to sensitive species, including seacliff buckwheat, and to maximize public utility and minimize impacts on public views. The public beach stairway/pathway may extend onto Fort Ord Dunes State Park if such extension is allowed by State Parks, and if such extension better meets the intent of this condition, including in terms maximizing public access utility and protecting dune landforms and public views.

5. **Signs.** Public access identification, interpretation, and direction signs. At a minimum, public access identification and direction signs shall be placed where the pathway system connects with the inland public recreational trail, at the base of each Fremont Street off-ramp, at the entrance to the approved project (where it meets the public street), at or near the point where the tunnel entrance diverges from the parking lot entrance, at the entrance to the parking lot, at the beginning of the boardwalk section of the pathway system (at the parking lot), at the base of the beach stairway/pathway, and at other locations where identification and direction is necessary and appropriate. The Permittee shall also make reasonable efforts to work with Caltrans to install a Coastal Commission Public Access ("Feet") sign on both southbound and northbound Highway One, provided that the Permittee shall not be responsible for any decision made by Caltrans regarding such signage or for the installation or maintenance of such signs. The Permittee shall pay for such signage, including installation costs, upon Caltrans consent for such signs. At least one interpretive panel/installation that provides interpretation of the site, dunes erosion and coastal hazards, the Monterey Bay, or other related and/or similar subjects shall be provided at the overlook. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. All signs shall be sited and designed to maximize their utility and minimize their impacts on public views.

The public access amenities shall utilize a similar design theme that is subordinate to and reflective of the surrounding dune environment to the maximum extent feasible. Natural and curvilinear forms (e.g., curving pathway segments, rounded overlook areas, etc.) shall be used to the maximum extent feasible. The public access amenities portion of the Revised Plans shall be in conformance with all parameters of the Public Access Management Plan (see Special Condition 5). Minor adjustments to the above requirements may be allowed by the Executive Director if such adjustments enhance public access and public view protection and do not legally require an amendment to this permit.

- (j) **Setbacks.** All development, other than (1) public access pathways, overlooks, and stairways, (2) resort pathways, (3) foredune grading down to 32 feet above NGVD (subject to the requirements of this condition), and (4) dune restoration (subject to the approved dune restoration plan – see below), shall initially be located inland of the 75 year at 2.6 feet per year setback line as shown on Exhibit 9 of the adopted findings (using the inland edge of the line) [Exhibit 9 of the adopted findings shall be the same as Exhibit 20a of the staff report dated November 20, 2009 and prepared for the December 11, 2009 hearing on the application]. As circumstances dictate, development shall be removed and the affected area restored (subject to Special Condition 9 requirements), with the same allowable seaward located exceptions.



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- (k) **Landscaping** All non-native and/or invasive plants on the site including iceplant, shall be removed and the site kept free of such plants for as long as any portion of the approved development exists at this site. All landscaping, other than decorative landscaping within interior courtyards and similar areas (such as the port cochere area), shall consist of only non-invasive dune species native to the Sand City and southern Monterey Bay dune systems (see also Special Condition 3 below). All landscaped areas on the project site shall be maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U S Federal Government shall be planted or allowed to naturalize or persist on the site. The Revised Plans shall include certification from a licensed landscape professional experienced with native dune species indicating that all plant species to be used are non-invasive dune species native to the Sand City and southern Monterey Bay dune systems.
- (l) **Lighting Minimized.** Exterior lighting shall be wildlife-friendly shall use lamps that minimize the blue end of the spectrum, and shall be limited to the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting (exterior and interior) shall be sited and designed so that it limits the amount of light or glare visible from public viewing areas (including but not limited to views from Highway One, Fort Ord Dunes State Park, the recreational trail, the public access amenities, the beach, and areas across Monterey Bay (e.g., Cannery Row) to the maximum extent feasible (including through uses of lowest luminosity possible, directing lighting downward, directing lighting away from windows, etc.) Lighting upcoast of the main tunnel entrance (i.e., along the pathways, parking lot, and fire road access), shall be prohibited other than the minimum lighting necessary for pedestrian and vehicular safety purposes. Otherwise allowable lighting from the public road to the main tunnel entrance shall be limited to pathway and roadway bollards 48 inches or less in height, and any such allowable lighting extending north and seaward from the main tunnel entrance shall be bollard or footing lighting that is as low to the ground as feasible. Overhead light standards and decorative pole lights shall be prohibited. The Revised Plans shall be submitted with documentation demonstrating compliance with these lighting requirements.
- (m) **Windows and Other Surfaces.** All exterior windows shall be non-glare glass, and all other surfaces shall be similarly treated to avoid reflecting light. The windows shall have ultraviolet-light reflective coating or have pigmentations or tints specially designed to reduce bird strikes by reducing reflectivity. Any coating or tinting used shall be installed to provide coverage consistent with manufacturer specifications.
- (n) **Utilities.** The Revised Plans shall clearly identify all utilities (e.g. sewer water, stormwater, gas, electrical, telephone, data, etc.), the way in which they are connected to inland distribution networks, and 'will-serve' or equivalent documentation demonstrating that each applicable utility provider can and will serve the approved development. All utilities shall be located underground including that the Revised Plans shall provide for removal or undergrounding of all existing overhead utilities on the site and in areas between the site and Highway One.



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- (o) **Stormwater and Drainage.** The Revised Plans shall clearly identify all stormwater and drainage infrastructure and related water quality measures (e.g., pervious pavements, etc.), with preference given to natural BMPs (e.g., bioswales, vegetated filter strips, etc.). Such infrastructure and water quality measures shall provide that all project area stormwater and drainage is filtered and treated to remove expected pollutants prior to discharge, and directed to inland stormwater and drainage facilities (and is not allowed to be directed to the beach or the Pacific Ocean) if needed to handle the volume of stormwater and drainage expected, including during extreme storm events (see also below). Infrastructure and water quality measures shall retain runoff from the project onsite to the maximum extent feasible, including through the use of pervious areas, percolation pits and engineered storm drain systems. Infrastructure and water quality measures shall be sized and designed 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 (>85th percentile 24-hour runoff event storm) where such runoff cannot be adequately accommodated on-site through the project's stormwater and drainage infrastructure, any excess runoff shall be conveyed inland off-site in a non-erosive manner. Stormwater and drainage apparatus shall be coordinated in conjunction with the Dune Restoration Plans (see Special Condition 3) to determine the best suited locations to avoid any adverse impacts on dune restoration activities.
- (p) **Signage.** The Revised Plans shall clearly identify all signs associated with the project and the site, and all signs shall be sited and designed (1) to minimize their visibility in public views, (2) to seamlessly integrate into the dune landform to the maximum extent feasible (including using natural materials, earth tone colors and graphics, avoiding lighted signs as much as feasible, directing any allowed sign lighting downward, etc.), and (3) to be subordinate to the dune setting.
- (q) **Foundations and Retaining Walls.** Foundation and retaining wall plans shall be prepared in consultation with a licensed civil and structural engineer (or engineers as appropriate), and such structures shall be sited and designed consistent with standard engineering and construction practices in such a way as to best meet the objectives and performance standards of these conditions (including to minimize visual incompatibility with the existing dune landscape and public views, and to facilitate removal as required). The building foundation or foundations shall be the least environmentally damaging feasible alternative, in compliance with current California Building Code requirements. Foundation systems shall not be designed or engineered to address ocean and related forces (e.g., wave attack, ocean flooding, erosion, etc.) except to the extent that such design may facilitate their removal, as these forces are to be addressed through appropriate development setbacks and removal over time (see below and see Special Conditions 8 and 9).
- (r) **Subsurface Elements.** The Revised Plans shall clearly identify all subsurface elements associated with the project (e.g., parking, back of house, etc.).
- (s) **Geotechnical Signoff.** The Revised Plans shall be submitted with evidence that they have been reviewed and approved by a licensed geotechnical and/or structural engineer (or engineers, as appropriate) as meeting applicable regulations for site stability (i.e., seismic and liquefaction).



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and the requirements of these conditions, including in terms of foundations and retaining walls (see above) The geotechnical signoff shall be supported and accompanied by a site specific geotechnical analysis of the site that evaluates and addresses applicable hazards, including the potential for liquefaction and/or dynamic settlement The geotechnical analysis shall include, at a minimum analysis of the subsurface soil characteristics, the structural loading of the building elements, and recommendations on spacing and depth of all foundation elements

- (t) **Excess Sand.** The Revised Plans shall clearly identify the manner in which excavated sand not necessary for the project (e.g., not necessary for dune extension, restoration screening, etc.) is to be disposed of and/or beneficially reused PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall obtain a separate CDP or CDP amendment, or a determination from the Executive Director that no CDP or CDP amendment is required, authorizing all aspects of such sand movement and disposal/reuse within the coastal zone and/or affecting coastal zone resources
- (u) **Fencing.** All existing site fencing shall be removed and replaced with the minimum amount of fencing necessary to meet project objectives, and where such replacement fencing is minimized, sited and designed to be compatible with the dune landscape (e.g., rough-hewn wooden split rail, low rope and pole barriers for restoration areas as needed, etc.) and to minimize public view impacts to the maximum extent feasible
- (v) **Views.** All development shall be sited, designed, colored, screened, and camouflaged (including making maximum use of integrated dune screening and natural landscaping and screening elements to the maximum extent feasible) to minimize visual incompatibility with the existing dune landscape and public views

The Permittee shall undertake development in accordance with the approved Revised Plans

2. **Construction Plan.** PRIOR TO ISSUANCE OF THE CDP the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval The Construction Plan shall, at a minimum, include the following
 - (a) **Construction Areas** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on dunes, public access, and public views as well as to maintain best management practices (BMPs) to protect dune resources on-site and in the surrounding area including by using inland areas for staging and storing construction equipment and materials, as feasible Construction (including but not limited to construction activities and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas
 - (b) **Construction Methods and Timing.** The plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from dune resources



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and public recreational use areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas) All work other than interior work where any lighting is minimized in the same way as identified in Special Condition 1, shall take place during daylight hours and lighting of the work area is prohibited

- (c) **Property Owner Consent.** The plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to such use of their properties
- (d) **Biological Monitor.** The plan shall provide that a qualified biological monitor, selected by the Permittee and approved by the Executive Director, shall be present during all construction activities to ensure that dune areas and sensitive species are protected. The biological monitor shall prepare weekly reports, and shall submit such reports monthly to the Executive Director. If the reports indicate that development is not in conformance with the terms and conditions of this CDP, including with respect to protecting dune and sensitive species habitats, then the Permittee shall modify construction activities to ensure conformance, including as directed by the Executive Director
- (e) **Pre-construction Surveys.** The plan shall include pre-construction surveys for sensitive species, including western snowy plover and Smith's blue butterfly. If any such species is identified in the project impact area, the Permittee shall consult with the biological monitor, the California Department of Fish and Wildlife, the U S Fish and Wildlife Service and the Executive Director, and shall implement mitigation measures as directed by the Executive Director, including measures consistent with the approved Habitat Protection Plan and/or any other state or federal agency requirements. The Permittee shall apply for an amendment to this CDP to implement such mitigation measures if the Executive Director determines that an amendment is legally required
- (f) **BMPs.** The plan shall clearly identify all BMPs to be implemented during construction, including their location and their specific use parameters. The plan shall also contain provisions for specifically identifying and protecting all natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, etc) to prevent construction-related runoff and sediment from entering into these natural drainage areas which ultimately deposit runoff into the Pacific Ocean or to Fort Ord Dunes State Park. Silt fences, straw wattles, or equivalent measures shall be installed at the perimeter of all construction areas. At a minimum, the plan shall also include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation as necessary, and restricting grading and earthmoving during the rainy weather. The plan shall indicate that (a) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site, all de-watering operations shall include filtration mechanisms, (b) off-site equipment wash areas are preferred whenever possible, if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment shall be prohibited, in any event, such wash water shall be collected and appropriately disposed off-site, and shall not be allowed to enter any natural drainage areas, (c) concrete runoffs shall be collected and



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appropriately disposed off-site, and they shall not be allowed to enter any natural drainage areas (d) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately, refuel vehicles and heavy equipment off-site and/or in one designated location, keep materials covered and out of the rain (including covering exposed piles of soil and wastes), all wastes shall be disposed of properly, trash receptacles shall be placed on site for that purpose, and open trash receptacles shall be covered during wet weather), and (e) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day. Particular care shall be exercised to prevent foreign materials from making their way to the beach or Pacific Ocean or Fort Ord Dunes State Park. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions to address non-compliance with the approved Construction Plan, including provisions sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.

- (g) **Construction Site Documents.** The plan shall provide that a copy of the signed CDP be maintained in a conspicuous location at the construction job site at all times, and that such copy is available for public review on request. The signed CDP and approved Construction Plan shall also be retained in the project file at the Commission's Central Coast District office and be available for review by the public on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- (h) **Construction Coordinator.** The plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the entrance to the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- (i) **Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction and immediately upon completion of construction.

Minor adjustments to the above construction requirements may be allowed by the Executive Director in the approved Construction Plan if such adjustments (1) are deemed reasonable and necessary, (2) do not adversely impact coastal resources, and (3) do not cause delays in construction. The Permittee shall undertake construction in accordance with the approved Construction Plan.



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3. **Dune Restoration Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two full size sets of Dune Restoration Plans to the Executive Director for review and approval. The Dune Restoration Plans shall be substantially in conformance with the plans submitted to the Coastal Commission (titled Habitat Protection Plan, October 2013 and dated received in the Coastal Commission's Offices on October 28, 2013), shall provide for dune habitat restoration and stabilization for all dune areas of the site outside of development areas (as well as for all dune extension and screening areas), and shall be modified to achieve compliance with this condition, including providing for, at a minimum, the following components
- (a) **Objective.** Restoration shall be premised on enhancing dune habitat so that it is self-functioning, high quality habitat in perpetuity
 - (b) **Non-Native and Invasive Removal.** All non-native and/or invasive species shall be removed, and continued removal shall occur on an as-needed basis to ensure complete removal over time
 - (c) **Native Dune Plants.** All vegetation planted outside interior courtyards and similar areas (such as the port cochere area) shall consist of non-invasive dune plants native to the Sand City and southern Monterey Bay dune systems, including explicitly providing for a program to enhance Monterey spineflower and dune buckwheat populations
 - (d) **Sensitive Species.** Special provisions shall be applied to explicitly enhance sensitive species habitats, including at a minimum snowy plover and Smith's blue butterfly habitats, as part of dune restoration activities and such provisions shall be consistent with applicable state and federal agency requirements for these species
 - (e) **Plant Maintenance.** All required plantings shall be maintained in good growing conditions for as long as any portion of the approved development exists at this site, and whenever necessary shall be replaced with new plant materials to ensure continued compliance with the approved plans
 - (f) **Performance Standards.** Success criteria for biodiversity and vegetative cover for each vegetation type (as characterized by a specific plant palette and planting plan and any modifications based on slope and aspect) rather than on management areas shall be provided
 - (g) **Dune Contours.** Final contours of the restoration shall mimic and seamlessly integrate with natural dune contours present and/or generally historically present in this area
 - (h) **Implementation.** A map shall be provided showing the type, size, and location of all plant materials to be planted, the irrigation system (if any), topography and finish contours, and all other landscape features. If fencing is required to protect restored habitat, then such fencing shall be limited to temporary rope and pole barriers or equivalent, and shall be sited and designed to limit visual impacts as much as possible. Detailed guidance on plant propagation, planting methods, and irrigation shall be included, as shall a schedule for all restoration activities



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- (i) **Monitoring and Maintenance.** A plan for monitoring and maintenance of habitat areas for the duration of any development approved pursuant to this CDP shall be included, and shall at a minimum include
1. **Schedule.** A schedule out to 5 years
 2. **Field Activities** A description of field activities including monitoring studies
 3. **Monitoring.** Monitoring study design, including goals and objectives of the study, field sampling design, study sites, including experimental/revegetation sites and reference sites, field methods, including specific field sampling techniques to be employed (photo monitoring of experimental/re-vegetation sites and reference sites shall be included), data analysis methods, presentation of results, assessment of progress toward meeting success criteria, recommendations, monitoring study report content and schedule, and an analysis of high resolution aerial photographs at least every five years
 4. **Adaptation.** Adaptive management procedures including provisions to allow for modifications designed to better restore, enhance manage, and protect dune restoration areas
- (j) **Reporting and Contingency.** Five years from occupancy of the approved development, and every ten years thereafter, the Permittee shall submit, for the review and approval of the Executive Director, a restoration monitoring report prepared by a qualified specialist that certifies the restoration is in conformance with the approved Dune Restoration Plans, along with photographic documentation of plant species and plant coverage beginning the first year after initiation of implementation of the plan annually for the first five years, and then every ten years after that. If the restoration monitoring report or biologist's inspections indicate the restoration is not in conformance with or has failed to meet the performance standards specified in the approved Dune Restoration Plans approved pursuant to this CDP, the Permittee shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised or supplemental restoration plan shall be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original approved plans that have failed or are not in conformance with the original approved plans. These measures, and any subsequent measures necessary to carry out the approved plans, shall be carried out in coordination with the direction of the Executive Director until the approved plans are established to the Executive Director's satisfaction.
- (k) **Dune Restoration Implemented Prior to Occupancy** Initial dune restoration activities, including at a minimum non-native and invasive removal and initial site planting, shall be implemented prior to occupancy of the approved development.
- (l) **Dune Restoration Maintained.** All dune restoration activities pursuant to the approved Dune Restoration Plans shall be the Permittee's responsibility for as long as any portion of the approved development exists at this site.



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The Permittee shall undertake development in accordance with the approved Dune Restoration Plans, which shall be initiated within 90 days of Executive Director approval of such plans, or within such additional time as the Executive Director allows if there are extenuating circumstances

4. **Dune Area Conservation Easement** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall execute and record a document, in a form and content acceptable to the Executive Director, granting or irrevocably offering to dedicate to a political subdivision, public agency or private association approved by the Executive Director a dune area conservation easement (Dune Easement) The Dune Easement shall apply to the Dune Restoration Area described in Special Condition 3 above and generally depicted in Exhibit 11a. If development is removed in response to coastal hazards (see Special Condition 9), including to allow for the public access easement to move inland (see Special Conditions 5 and 6), the affected area shall be restored in compliance with the dune restoration parameters of the approved Dune Restoration Plans (see Special Condition 3 above) and the restored dune area incorporated into the Dune Area Conservation Easement. Development, as defined in Public Resources Code Section 30106, shall be prohibited in this area other than (a) dune restoration, monitoring, and maintenance activities conducted in accordance with the approved Dune Restoration Plans (Special Condition 3), (b) public access development and activities conducted in accordance with the approved Public Access Management Plan (Special Condition 5), (c) resort pathways (subject to the requirements of these conditions), and (d) foredune grading down to 32 feet above NGVD (subject to the requirements of these conditions) The Dune Easement shall be recorded free of all prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The Dune Easement shall include a legal description and graphic depiction of the legal parcels subject to the CDP and a metes and bounds legal description and graphic depiction of the Dune Easement area prepared by a licensed surveyor based on an on-site inspection, drawn to scale, and approved by the Executive Director
5. **Public Access Management Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a public access management plan (Public Access Plan) to the Executive Director for review and approval. The Public Access Plan shall be substantially in conformance with the plans submitted to the Coastal Commission (titled Access Signage, and Lighting Plan dated October 2013 and dated received in the Coastal Commission's Central Coast District Office October 28, 2013) but shall be modified to achieve compliance with this condition. The Public Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access and recreational use of all public access areas associated with the approved project (including but not limited to the public parking lot, pathway system, overlook, beach stairway/pathway, and the beach) and all related areas and public access amenities (e.g., bench seating, bike parking, signs, etc.) as described in this special condition. The Public Access Plan shall be consistent with the approved Revised Plans (see Special Condition 1), and shall at a minimum include the following
 - (a) **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above and in this condition, shall be clearly identified as such on the Public Access Plan (including with hatching and closed polygons so that it is clear what areas are available for public access use)



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(b) **Public Access Areas.** All parameters for use of the public access areas of the site, including but not limited to the following areas, shall be clearly identified. All access areas and amenities shall be sited and designed to integrate with the surrounding dune environment to the maximum extent feasible, shall be made up of natural materials (e.g., wood) when feasible, shall be natural and curvilinear forms (e.g., curving pathway segments, rounded overlook areas, etc.) when feasible and shall utilize the same design theme throughout. In addition:

1. **Parking Lot.** The parking lot shall be publicly available for general public vehicle parking, bicycle parking, pedestrian access, and bicycle access. At least ten bicycle parking stands, three recycling bins, three trash bins, one water fountain, three ADA parking spaces, and one doggie mitt station, shall be provided in the public parking area in locations that maximize their public utility and minimize their impact on public views. The parking lot shall be ADA compatible. Use of the parking lot for other than general public access purposes shall be prohibited during public access use hours (see below). The Public Access Plan shall include a description of the manner in which the Permittee will ensure that other site users and/or employees will not park in the parking lot during these times.
2. **Pathway System.** The pathway system shall be publicly available for general public pedestrian (and bicycle from the inland public recreational trail to the upcoast edge of the parking lot) access. The portion of the pathway system that extends from the public recreational trail to and along the public parking lot (to the upcoast edge of the parking lot) shall be a separate, dedicated pedestrian and bicycle path similar in width as the inland public recreational trail, shall include separation from the road and parking utilizing concrete curbs, bumpers, or other barriers to insure safety of pedestrians and bike riders, and shall be surfaced with permeable pavement or permeable concrete colored to blend with the surrounding dune environment to the maximum extent feasible from at least the point where it enters onto the subject property. The portion of the pathway system that extends from the upcoast edge of the parking lot to the overlook shall be a wooden pedestrian boardwalk approximately 6 feet in width. All portions of the pathway system shall be ADA compatible, and shall be curvilinear (and not linear) in appearance to the maximum extent feasible.
3. **Overlook.** The overlook shall be publicly available for general public pedestrian access. The overlook shall be approximately 300 square feet, shall be made up of a wooden boardwalk surface, and shall be sited and designed to eliminate the need for railings to the maximum extent feasible (e.g., setback a sufficient distance from the blufftop edge so as to not necessitate such features). At least three benches, one interpretive panel/installation, one recycling bin, one trash bin, and one doggie mitt station, shall be provided at the overlook in locations that maximize their public utility and minimize their impact on public views. The overlook shall be ADA compatible.
4. **Beach Stairway/Pathway.** The beach stairway/pathway shall be publicly available for general public pedestrian access. The stairway/pathway shall be sited and designed to minimize landform alteration and to conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if elimination is not possible) railings, to avoid to the maximum



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extent feasible construction and post-construction impacts to sensitive species, including seacliff buckwheat, and to maximize public utility and minimize impacts on public views. The public beach stairway/pathway may extend onto Fort Ord Dunes State Park if such extension is allowed by State Parks, and if such extension better meets the intent of this condition, including in terms maximizing public access utility and protecting dune landforms and public views.

5. **Beach.** The beach and offshore area (i.e., extending from the seawardmost property line to the toe of the dune bluff, including as the toe of the dune bluff migrates inland) shall be publicly available for general public pedestrian and beach access, and all activities typically associated with same (e.g., walking, swimming, surfing, sunbathing, picnicking, stargazing, etc.) Resort development, other than minimal landings, if necessary, associated with approved resort pathways (see Special Condition 1), shall be prohibited in the beach area.
- (c) **Public Access Signs/Materials.** The plan shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (i.e., educational displays, interpretive signage, etc.) Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be sited and designed so as to provide clear information without impacting public views and site character. At a minimum, public access identification and direction signs shall be placed where the pathway system connects with the inland public recreational trail, at the base of each Fremont Street off ramp, at the entrance to the approved project (where it meets the public street), at or near the point where the tunnel entrance diverges from the parking lot entrance, at the entrance to the parking lot, at the beginning of the boardwalk section of the pathway system (at the parking lot), at the base of the beach stairway/path, and at other locations where identification and direction is necessary and appropriate. The Permittee shall also make reasonable efforts to work with Caltrans to install a Coastal Commission Public Access ("Feet") sign on both southbound and northbound Highway One provided that the Permittee shall not be responsible for any decision made by Caltrans regarding such signage or for the installation or maintenance of such signs. The Permittee shall pay for such signage, including installation costs, upon Caltrans consent for such signs. At least one interpretive panel/installation that provides interpretation of the site, dunes erosion and coastal hazards, the Monterey Bay, or other related and/or similar subjects shall be provided at the overlook. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. All signs shall be sited and designed to maximize their utility and minimize their impacts on public views.
- (d) **No Disruption of Public Access.** No development or use of the property governed by this CDP may disrupt and/or degrade public access or recreational use of any public access areas and amenities associated with the approved project such as by setting aside areas for private uses or installing barriers to public access (e.g., furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.) except that temporary low rope and pole barriers or similar measures may be used if approved by the Executive Director to protect sensitive species. Except



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with respect to temporary low rope and pole barriers or similar measures set forth above, any development as defined in Public Resources Code Section 30106, that diminishes public access and recreational use of the access areas and amenities required by this CDP shall be prohibited

- (e) **Reconstruction/Relocation Required** In the event that the approved public access amenities (including but not limited to the pathway system, overlook and beach stairway/pathway) are threatened to a degree that they are in danger of being damaged or destroyed, or are damaged or destroyed, or become located ten feet or more seaward of the toe of the bluff, such amenities shall be reconstructed with due diligence and speed and with minimum disruption to continued public use (and relocated inland as necessary to provide long term stability) Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review and approval. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required, the Permittee shall immediately submit and complete the required application. The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and shall be implemented immediately upon Executive Director approval or approval of the CDP or CDP amendment application, unless such CDP or CDP amendment identifies a different timeframe for implementation.
- (f) **Public Access Use Hours** All public access areas and amenities shall be available to the general public from 5 a.m. until midnight, except that the beach shall be available to the public 24 hours a day, and all public access areas shall be free of charge.
- (g) **Public Access Required Prior to Occupancy.** All public access areas and amenities of the approved project shall be constructed and available for public use prior to occupancy of the approved development.
- (h) **Offsite Public Parking** The plan shall provide for the construction and development of free public beach access parking spaces as close as possible to the project site, and in no case further than one-half mile from the project site, unless the Permittee submits evidence substantiating to the Executive Director's satisfaction that only construction and development of a lesser number of such spaces is feasible. If the Executive Director determines that only a lesser number of such spaces is feasible, then the plan shall provide for payment to the City of Sand City's in-lieu parking fee fund at the current rate for the number of such spaces that are deemed by the Executive Director to be infeasible, and such payment shall be specifically earmarked and reserved and only allowed to be used for providing and maintaining public beach access parking. Any such funds shall only be used for said purpose subject to Executive Director review and approval. For any such parking spaces that are deemed feasible, the plan shall clearly document the manner in which the 35 (or fewer if fewer are deemed feasible) required parking spaces are to be constructed, developed, and maintained, including providing for other property owner consent, for as long as some portion of the approved development remains. The Permittee shall undertake such offsite parking space development in accordance with the approved plan, and such spaces shall be available prior to occupancy of the approved development.



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- (i) **Public Access Areas and Amenities Maintained.** All public access areas and amenities of the approved project shall be maintained in their approved state in perpetuity, unless they are threatened by coastal hazards. If threatened by coastal hazards, such public access areas and amenities shall be relocated and/or modified to ensure the approved public access is maintained. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to relocate or modify public access areas or amenities, the Permittee shall immediately submit and complete the required application.

The Public Access Plan shall be approved and attached as an exhibit to the easement required by Special Condition 6 prior to recordation of the easement. The Permittee shall undertake development in accordance with the approved Public Access Plan, which together with the public access easement required by Special Condition 6, shall govern all general public access to the site pursuant to this CDP.

6. **Public Access Easement.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall execute and record a document in a form and content acceptable to the Executive Director, granting or irrevocably offering to dedicate to a political subdivision, public agency or private association approved by the Executive Director either fee title or an easement for public access (Public Access Dedication). The Public Access Dedication shall apply to all public access areas described in Special Condition 5 and generally depicted in Exhibit 11b and shall restrict these areas in the same ways identified in Special Condition 5. The Public Access Dedication area shall be ambulatory, including that (a) the beach portion of the easement area shall move inland if the toe of the dune bluff moves inland, and (b) the pathway system, overlook, and beach stairway/pathways portion of the easement area shall move inland if the toe of the dune bluff moves inland and/or if, as a result of coastal hazards, relocation and/or reconstruction of access amenities in these areas is necessary to retain their utility. The Public Access Dedication shall be recorded free of all prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The Public Access Dedication shall include a legal description and graphic depiction of the legal parcels subject to the CDP and a metes and bounds legal description and graphic depiction of the Public Access Dedication area prepared by a licensed surveyor based on an on-site inspection, drawn to scale, and approved by the Executive Director.
7. **Public Rights.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that the Coastal Commission's approval of this CDP shall not constitute a waiver of any public rights, if any, that may exist on the property, and that the Permittee shall not use this CDP as evidence of a waiver of any public rights that may exist on the property.
8. **Coastal Hazards Risk.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns
- (a) **Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same,



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- (b) **Assume Risks.** To assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such coastal hazards in connection with this permitted development,
 - (c) **Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission its officers, agents and employees for injury or damage from such coastal hazards,
 - (d) **Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the development against any and all liability claims, demands damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards and
 - (e) **Property Owners Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owners
9. **Coastal Hazards Response** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that
- (a) **CDP Intent.** The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of this permit for only as long as it remains safe for occupancy and use without additional measures beyond ordinary repair and/or maintenance (including sealing and waterproofing repair and/or maintenance that does not involve extraordinary measures) to protect it from coastal hazards. The intent is also to ensure that development is removed and the affected area restored under certain circumstances (including as further described and required in this condition), including that development, except public access amenities and resort pathways, is required to be removed, consistent with the Removal and Restoration Plan required in subsection (g) of this special condition,
 - (b) **Shoreline Protective Structures Prohibited.** Future shoreline protective structures (including but not limited to seawalls, revetments, groins, etc) shall be prohibited for the life of the development.
 - (c) **Section 30235 Warver.** Any rights to construct such shoreline protective structures, including rights that may exist under Public Resources Code Section 30235 and LCP Sections 4 3 1 and 4 3 5, are waived,
 - (d) **Public Access Amenities.** In the event that the approved public access amenities (including but not limited to the pathway system overlook, and stairway/pathway) are threatened with damage or destruction from coastal hazards or are a hazard or are damaged or destroyed by coastal hazards, or become located ten feet or more seaward of the toe of the bluff, such amenities shall be reconstructed with due diligence and speed, and with minimum disruption to continued public use (and relocated inland as necessary to provide long term stability) Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review



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and approval. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required, the Permittee shall immediately submit and complete the required application. The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and shall be implemented immediately upon Executive Director approval or approval of the CDP or CDP amendment application, unless such CDP or CDP amendment identifies a different timeframe for implementation,

- (e) **Resort Pathways.** In the event that the two approved resort pathways providing resort access towards the ocean (see Special Condition 1) are threatened with damage or destruction from coastal hazards, or are damaged or destroyed by coastal hazards, or become located ten feet or more seaward of the toe of the bluff, such amenities shall be reconstructed (and relocated inland as necessary to provide long term stability) subject to the same parameters of their approved initial construction. Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review and approval. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required, the Permittee shall immediately submit and complete the required application. The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable),
- (f) **Blufftop Edge Monitoring.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a blufftop edge monitoring plan (Blufftop Plan) to the Executive Director for review and approval. The Blufftop Plan shall be prepared by a certified engineering geologist and/or geotechnical engineer familiar and experienced in shoreline processes, and it shall provide for a schedule and methodology for monitoring and reporting on the location of the blufftop edge in relation to the approved development (including but not limited to buildings, roads, utility infrastructure, subsurface elements, etc.) The Blufftop Plan shall include, at a minimum, the following:
1. **Reference Points.** Provisions for establishing, prior to construction, numbered monuments or surveyed points of measurement (reference points) to be located along the seaward edge of the approved development at a minimum of 25-foot increments, as well as at the most downcoast and most upcoast portions of the seaward edge of the approved development.
 2. **Measurement Episodes.** Provisions for a licensed surveyor, in coordination with a certified engineering geologist, civil engineer and/or geotechnical engineer familiar and experienced in shoreline processes, to conduct measurements, in feet, of the linear distance (measured perpendicular from the shoreline) between the established reference points and the blufftop edge immediately after any event that results in the blufftop edge eroding inland 10 feet or more, or any combination of events that total 10 feet since the last measurement episode, or no less than every five years. The Plan shall provide for a methodology consistent with standard surveying and blufftop delineation methods for determining the location of the blufftop edge and documenting distances on land. Each measurement episode shall also be documented through identification of (a) the date of the measurement, (b) the person making the measurement and their qualifications, (c) tidal and weather details for the times and dates



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of the measurement episode, including each date/time associated with any photos (see below), and (d) photos (in color and in both hard copy 8 5" by 11" and electronic jpg formats (or equivalent), and at a scale and resolution that allows for comparison by the naked eye between photos of the same location taken at different times) of (i) the area between each reference point and the blufftop edge, providing full photographic coverage of the blufftop area between each reference point and the blufftop edge, (ii) each reference point and the surrounding area, and (iii) the point on the blufftop edge from which each measurement derives and the surrounding area, including photos both from a blufftop and a beach vantage so as to provide full photographic coverage of the bluff face itself and the blufftop edge. The photo documentation shall be accompanied by a site plan that identifies the location and orientation of each photo, each view of which shall be numbered. Measurement episodes shall include photos from the same vantage points each time to the extent possible, and shall include additional vantage points (and coverage of those additional vantage points as well in subsequent measurement episodes) as necessary to provide coverage of the required photographic area.

3. **Other Removal and Restoration Criteria.** Provisions for assessing and documenting each of the other removal and restoration criteria described in subsection (g) of this special condition. Assessment shall, at a minimum, evaluate all removal and restoration criteria and make recommendations on how to meet those criteria. Documentation shall, at a minimum, include (a) site plans, and (b) photographic documentation (in color, and in both hard copy 8 5" by 11" and electronic jpg formats (or equivalent) and at a scale and resolution that allows for comparison by the naked eye between photos of the same location taken at different times) sufficient to provide full photographic coverage of the areas in question.
4. **Public Access Amenities and Resort Pathways.** Provisions for assessing and documenting the public access amenities and resort pathway areas, including at least the parameters associated with their reconstruction, as identified in subsections (d) and (e) of this special condition above. Assessment shall, at a minimum, evaluate all reconstruction criteria and make recommendations on how to meet those criteria. Documentation shall, at a minimum, include (a) site plans, and (b) photographic documentation (in color, and in both hard copy 8 5" by 11" and electronic jpg formats (or equivalent), and at a scale and resolution that allows for comparison by the naked eye between photos of the same location taken at different times) sufficient to provide full photographic coverage of the areas in question.
5. **Reporting.** Provisions for submittal of two copies of a report documenting and analyzing the required monitoring. The report shall be submitted to the Executive Director for review and approval every five years, starting with May 1st, 2019, and within one month of any event that results in the blufftop edge eroding inland 10 feet or more. The report shall provide a site plan that identifies the blufftop edge extending from the downcoast to upcoast property lines, and that identifies the established reference points as well as a line that extends through them. The report shall also include (a) all of the documentation described in the previous sections, (b) a narrative description of all measurement episode activities, (c) tables showing changes over time between the blufftop edge and the established reference points as compared to all



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past reports including in terms of average annual changes, largest change between reports and any other relevant data that helps identify changes over time, (d) identification and documentation of coastal hazards in the area over the time since the last report, including any significant storm and erosion events, and (e) any additional information relevant to helping understand any changes in the distance between the blufftop edge and the approved development. Should any approved report identify next steps that involve development, such development shall be undertaken within the timeframes identified in the approved report. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to perform such development, the Permittee shall immediately submit and complete the required application, and such development shall occur within the timeframes identified in the CDP or CDP amendment. The Permittee shall undertake development, if any, in accordance with the approved Blufftop Plan.

- (g) **Removal and Restoration.** The Permittee shall immediately submit two copies of a Removal and Restoration Plan (RRP) to the Executive Director for review and approval when any of the following criteria are met, which RRP shall also be implemented subject to all of the following:
1. **Government Agency.** If a government agency has ordered that any portion of the approved development (including but not limited to buildings, roads, utility infrastructure, subsurface elements, etc.) are not to be occupied or used due to one or more coastal hazards, and such government agency concerns cannot be abated by ordinary repair and/or maintenance. The RRP shall provide that all development meeting such criteria is immediately removed, as necessary to allow for such government agency to allow occupancy to all of the remainder of the development, after implementation of the approved RRP.
 2. **Setback.** If the blufftop edge erodes (including as identified through the Blufftop Plan reports required pursuant to subsection (f) above) to within 50 feet of any portion of the approved development (including but not limited to buildings, roads, utility infrastructure, subsurface elements, etc.) other than the two resort pathways providing access toward the ocean and the public access amenities (whose relocation is addressed separately see above), the RRP shall provide for removal of the development as necessary to ensure that at least a 50-foot blufftop setback area free of development (other than public access amenities, the two resort paths towards the ocean, and dune restoration, all subject to the terms and conditions of this CDP) remains after implementation of the approved RRP.

The RRP shall identify the width of the blufftop area (as measured between the established reference points and the blufftop edge) needed to conduct the required removal (i.e., the area necessary to place and/or operate construction equipment between the bluff edge and development including providing clear documentation and evidence supporting identification of that width (e.g., identification of construction methods and equipment, expected removal structures and areas, construction timeframes, etc.)). The required removal shall take place when any portion of the blufftop width is at or less than the width identified in the approved RRP as needed to conduct the required removal, or when the blufftop edge is within 10 feet of any portion of the approved development, whichever is sooner.



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3. **Public Access Easement.** If any portion of the approved development (including but not limited to buildings roads, utility infrastructure, subsurface elements, etc) other than the two resort pathways providing access toward the ocean and the public access amenities (whose relocation is addressed separately, see above) encroaches into the ambulatory public access easement area (i.e., from the toe of the bluff seaward – see Special Condition 5), then the RRP shall provide that all development meeting such criteria is immediately removed as necessary to ensure that no development is located in the ambulatory public access easement area after implementation of the approved RRP
4. **Daylighting.** If any portion of the approved foundation and/or subsurface elements (including but not limited to mat foundations caissons piers, pilings, grade beams retaining walls etc) become visible at or below 22 feet above NGVD, then the RRP shall provide that all development supported by these foundation elements as well as the foundation elements themselves shall be immediately removed as necessary to ensure that no development is visible at or below 22 feet above NGVD after implementation of the approved RRP

In cases where more than one of the above criteria is met, the RRP shall be required to meet all requirements for all triggered criteria. In all cases, the RRP shall also ensure that (a) all non-building development necessary for the functioning of the approved development (including but not limited to emergency access roads and utilities) is relocated as part of the removal episode as necessary, so that it is located at least 50 feet inland of the blufftop edge. (b) all removal areas are restored as dune that is functionally and visually connected with surrounding dune areas in compliance with the dune restoration parameters of the approved Dune Restoration Plans (see Special Condition 3 above), and all such restored dune areas are incorporated into the Dune Area Conservation Easement (see Special Condition 4 above), (c) resultant uses of the reduced scale development remain primarily designed for visitor-serving use at least the same ratio as originally approved pursuant to the approved Revised Plans required by Special Condition 1, and (d) all modifications necessary to maintain compliance with the terms and conditions of this CDP, including the objectives and performance standards of these conditions (including to minimize visual incompatibility with the existing dune landscape and public views) are implemented as part of the RRP

If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to implement the approved RRP, then the Permittee shall submit and complete the required application within 30 days or, in the case where removal is going to be required in the future (e.g., in the case of the setback criteria above) at least one year before removal is expected to be required. The RRP shall be implemented according to the above timeframes for implementation unless the Executive Director (or the approved CDP or CDP amendment, if applicable) identifies a different time frame for implementation. The Permittee shall undertake development in accordance with the approved RRP

10. **Hotel Overnight Units.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that



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- (a) **Hotel Length of Stay Provisions.** All hotel overnight units shall be open and available to the general public. Rooms shall not be rented to any individual, family, or group for more than 29 consecutive days, and
- (b) **Conversion Prohibited.** The conversion of any of the hotel overnight units to limited use overnight visitor accommodation units (e.g., timeshare, fractional ownership, etc.) or to full-time occupancy condominium units or to any other units with use arrangements that differ from the approved project shall be prohibited
11. **Condominium-Hotel Visitor-Serving Overnight Units.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that
- (a) **Hotel and Condominium Hotel Overnight Units.** The approved development includes a standard operating hotel with 184 overnight units and a condominium-hotel component with 92 visitor-serving overnight condominium-hotel units, or lesser numbers at a similar or more hotel to condominium-hotel ratio if (1) required to meet the terms and conditions of this CDP, including pursuant to the approved Revised Plans required by Special Condition 1, and/or (2) portions of the project are modified through removal
- (b) **Condominium Hotel Component.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of plans and documentation materials (Condominium Hotel Plans) for Executive Director review and approval that clearly identify all elements of the condominium-hotel visitor-serving component of the project, the manner in which ownership will be applied to each element of the condominium-hotel visitor-serving component (including common areas and individual units), an operator responsible for managing the condominium-hotel visitor-serving units (operator), including the booking of reservations for all units, the non-hotel lobby area configuration and operational parameters, the mechanism by which the individual units are to be booked, including at a minimum provisions for a reservation database to be managed by operator, and all other provisions necessary to meet the requirements of this special condition. As used in this condition, the terms "book", "booked", and "booking" shall mean the confirmation of a reservation request for use of an individual unit by either the owner of the unit, the owner's permitted user, or by a member of the public, and the entry of such confirmation in the operator's reservation database. The condominium-hotel visitor-serving (CHVS) component of the project shall be maintained in its approved state, and shall be managed and operated consistent with the approved Condominium Hotel Plans
- (c) **Unit Owner Occupancy Limitations.** Each owner of a CHVS unit, including any individual, family, group, or partnership of owners for a given unit (no matter how many owners there are) may use their unit for no more than 84 days in any calendar year, with no stay exceeding 29 consecutive days. Such occupancy limitations shall be unaffected by multiple owners of an individually owned unit or the sale of a unit to a new owner or new owners during the calendar year, meaning that all such owners of any given unit shall be collectively subject to the occupancy restrictions as if they were a single, continuous owner. Whenever any unit is not



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occupied by its owner(s), that unit shall be available for use by the general public on the same basis as a traditional hotel room

- (d) **CHVS Unit Rentals.** The operator shall manage the booking and the reservation of all CHVS units. The operator shall have the right and obligation to offer any unit for general public use during all time periods not reserved by a unit owner for his or her personal use. The operator shall book all unit reservations in the operator's reservation database a service for which the operator may charge the unit owner a reasonable fee.

The operator shall have the right, working through the unit owners, to book any unoccupied room to fulfill public demand. The owner may not withhold units from use unless they have already been reserved for use by the owner, consistent with the length of occupancy limitations identified above. In all circumstances, the operator shall have full access to the unit's reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.

- (e) **CHVS Unit Marketing.** The operator shall market all CHVS units to the general public. Owners of individually owned CHVS units may also independently market their units. Unit owners shall not discourage rental of their units nor create disincentives meant to discourage rental of their units.

- (f) **CHVS Units Management.** The operator shall manage all aspects of the condominium-hotel component of the project, including all CHVS units, including but not limited to reservation booking, mandatory front desk check-in and check-out, maintenance, and cleaning services (including preparing units for use by guests/owners, a service for which the operator may charge unit owners a reasonable fee). All unit keys shall be electronic and shall be newly created by the operator upon each change in user occupancy for any unit. All units shall be rented at a rate similar to that charged for traditional hotel rooms of a similar class or amenity level in the California coastal zone.

- (g) **Marketing and Sale of Condominium Hotel Interests.** All documents related to the marketing and sale of condominium interests in CHVS units (including marketing materials, sales contracts, deeds, CC&Rs and similar documents, etc.) shall notify potential buyers of the following:

1. Liability. Each owner of any unit is jointly and severally liable with the property owner(s) and the operator for any violations of the terms and conditions of this CDP with respect to the use of that owner's unit,

2. Occupancy Limits. The occupancy of a unit by its owner(s) and their guests is restricted to a maximum of 84 days per calendar year, and a maximum of 29 consecutive days. When not in use by the owner, the unit shall be made available for rental by the operator to the general public pursuant to the terms of this CDP, which permit and the CC&Rs applicable to the unit contain additional restrictions on use and occupancy, and



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3.Operator. The operator or designee, shall manage the booking and the reservation of all CHVS units. The operator shall have the right and obligation to offer any unit for general public use during all time periods not reserved by a unit owner for his or her personal use. The operator shall book all unit reservations in the operator's reservation database, a service for which the operator may charge the unit owner a reasonable fee.

Prior to the sale of an individual unit, the unit's seller and the operator (and any successors-in-interest) shall obtain a written acknowledgement from the buyer indicating that he or she understands, acknowledges, and accepts each of the above marketing and sale restrictions.

- (h) **Conversion Prohibited.** The conversion of the approved CHVS units to other types of limited use overnight visitor accommodation units (e.g. to timeshare, fractional ownership, etc.) or to full-time occupancy condominium units or to any other units with use arrangements that differ from the approved project, other than to standard operating hotel units, shall be prohibited.
- (i) **Occupancy and Use Monitoring and Recording.** The operator shall monitor and record occupancy and use by the general public and the owners of individual CHVS units throughout each year. Such monitoring and record keeping shall include specific accounting of owner usage for each individual unit, rates paid for occupancy and for advertising and marketing efforts, and transient occupancy taxes (TOT) for all units, services for which the operator may charge unit owners a reasonable fee. The records shall be sufficient to demonstrate compliance with the restrictions set forth in this special condition. All such records shall be maintained for at least ten years and shall be made available to the Executive Director upon request and to any auditor required by the section below. Within 30 days of commencing operations, the operator shall submit notice to the Executive Director of commencement of operations.
- (j) **Audit.** WITHIN 120 DAYS OF THE END OF THE FIRST CALENDAR YEAR OF OPERATIONS, the operator shall retain an independent auditing company, approved by the Executive Director, to perform an audit to evaluate compliance with this special condition regarding occupancy restrictions, marketing and sale restrictions, management requirements, recordkeeping, and monitoring by the hotel owner(s), the owners of individual CHVS units, and the operator. The operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Executive Director, upon request, within six months after the conclusion of the first year of operations.

Within 120 days of the end of each succeeding calendar year, the operator shall submit a report to the Executive Director identifying compliance with this special condition and the approved Condominium Hotel Plans including regarding occupancy restrictions, marketing and sale restrictions, management requirements, recordkeeping, and monitoring by the hotel owner(s), the individual unit owners, and the operator. The audit required after the first year of operations and all subsequent reports shall evaluate compliance with this special condition by the operator and owners of individual CHVS units during the prior one-year period. After the first five calendar years of operations, the one-year reporting period may be extended to every five years upon



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written approval of the Executive Director if each of the previous reports reveal compliance with all restrictions imposed by this special condition. The Executive Director may, by written notice to the operator, require a third party audit regarding the subject matter of the reports required in this section for the prior three or fewer calendar years if he or she reasonably believes that the foregoing submitted reports are materially inaccurate. The property owner(s), each individual unit owner, and the operator shall fully cooperate with and shall promptly produce any existing documents and records which the auditor may reasonably request. The expense of any such audit shall be borne by the property owner(s) and/or the operator.

- (k) **Compliance Required.** The property owner(s) and operator or any successors-in-interest shall maintain the legal ability to ensure compliance with the terms and conditions stated herein at all times in perpetuity, and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions. The property owner(s) and the operator shall be jointly and severally responsible for ensuring compliance with the requirements described in this condition and/or recorded against the property, as well as jointly and severally liable for violations of said requirements. Each owner of an individual CHVS unit is also jointly and severally liable with the property owner(s) and operator for all violations of said requirements and for any and all violations of the terms and conditions of this CDP with respect to the use of that owner's unit. Violations of this CDP can result in penalties pursuant to Public Resources Code Section 30820.
- (l) **CC&R Declaration of Restrictions. PRIOR TO OCCUPANCY OF THE APPROVED DEVELOPMENT** the Permittee shall submit for the review and approval of the Executive Director two copies of a declaration of restrictions in a recordable covenants, conditions, and restrictions (CC&R) form (CC&R Declaration of Restrictions for the CHVS units) that shall include (1) all the specific restrictions listed in Sections (a) through (k) above, (2) acknowledgement that these same restrictions are independently imposed as condition requirements of this CDP, and (3) a statement that the provisions of the CC&R Declaration of Restrictions that reflect the requirements of Sections (a) through (k) above, cannot be changed without approval of a CDP amendment, unless it is determined by the Executive Director that such an amendment is not legally required (if there is a section of the CC&Rs related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the CC&Rs related to amendments). The approved CC&R Declaration of Restrictions for the CHVS units described above shall be recorded against all individual property titles simultaneously with the recording of the subdivision map for the approved project.
- (m) **Implementation Plan. PRIOR TO OCCUPANCY OF THE APPROVED DEVELOPMENT,** the Permittee shall submit two copies of a plan specifying how the requirements of this condition will be implemented for Executive Director review and approval. The plan must include, at a minimum, the form of the sale, deed and CC&R terms and restrictions that will be used to satisfy these special condition requirements and the form of the rental program agreement to be entered into between the individual unit owners, the property owner(s) and the operator. The plan shall



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demonstrate that the Permittee will establish mechanisms that provide the property owner(s) and operator and any successor-in-interest property owner(s) and operator(s) adequate legal authority to implement the requirements of this special condition. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by this special condition, including deed restrictions and CC&Rs, shall be prohibited without an amendment to this CDP, unless it is determined by the Executive Director that an amendment is not legally required.

12. Visitor-Serving Units Available Prior to Occupancy of Residential Units. PRIOR TO THE OCCUPANCY OF THE RESIDENTIAL CONDOMINIUMS, the Permittee shall provide evidence in a form acceptable to the Executive Director that construction of the project's visitor-serving elements, including the 184 hotel units and the 92 visitor-serving condominium-hotel units (or lesser numbers at a similar or more hotel to condominium-hotel ratios if required to meet the terms and conditions of this CDP, including pursuant to the approved Revised Plans required by Special Condition 1) have been completed and are available for transient occupancy use. Occupancy of the residential units shall not precede the completion and operation of the project's visitor-serving elements.

13. Transient Use of Residential Condominiums. Any declaration of restrictions (i.e., covenants, conditions, and restrictions (CC&Rs), etc.) prepared for the residential properties and uses on-site shall not preclude the transient use of the 92 (or lesser numbers if required to meet the terms and conditions of this CDP, including pursuant to the approved Revised Plans required by Special Condition 1) residential condominiums for vacation rentals or other short-term visitor-serving arrangements, including explicitly allowing for the conversion of the residential condominiums to standard operating hotel units or condominium-hotel units coordinated with those units onsite, subject to a CDP or CDP amendment.

14. Lower Cost Visitor Accommodations Mitigation Payment. PRIOR TO CONSTRUCTION, the Permittee shall provide evidence in a form and content acceptable to the Executive Director, that a payment of \$25,700 per unit for 25% of the total number of high cost overnight visitor accommodation units (184 hotel units and 92 visitor-serving overnight condominium-hotel units, or 276 total such units) in the approved project has been paid in lieu of providing lower cost accommodations on site. Based on 276 such units, the payment would be \$1,773,300 (i.e., $0.25 \times 276 \times 25,700 = 1,773,300$). If there are fewer units to meet the terms and conditions of this CDP, including pursuant to the approved Revised Plans required by Special Condition 1, then the payment would be proportionally reduced.

The required \$1,773,300 (or less, if applicable) mitigation payment shall be 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 San City, Monterey County, the California Department of Parks and Recreation, Hostelling International, or similar entity. The purpose of the account shall be to establish new lower cost overnight visitor-serving accommodations, such as new hostel or tent campground units, at appropriate locations within the coastal area of Monterey County with a priority given to local hostels. The entire mitigation payment and any accrued interest shall be used



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for the above-stated purpose, in consultation with the Executive Director, within ten years of it being deposited into the account. If any portion of the fee remains ten years after it is deposited into the interest-bearing account required by this condition, the Executive Director may require that the funds be transferred to another entity that will provide lower cost visitor amenities in a Central California coastal zone jurisdiction.

PRIOR TO EXPENDITURE OF ANY FUNDS CONTAINED IN THIS ACCOUNT, the Executive Director must review and approve the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the funds required by this condition shall be required to enter into a memorandum of understanding (MOU) with the Commission, which shall include, but not be limited to, the following: (1) a description of how the funds will be used to create or enhance lower cost accommodations in the coastal zone, (2) a requirement that the entity accepting the funds must preserve these newly created lower cost accommodations in perpetuity, and (3) an agreement that the entity accepting the funds will obtain all necessary permits and approvals including but not limited to a CDP, for development of the lower cost accommodations required by this condition.

15. **Confirmation of Other Agency Approval. PRIOR TO CONSTRUCTION,** the Permittee shall submit to the Executive Director written evidence that all necessary permits, approvals, and/or authorizations for the approved project have been granted, if legally required, by the City of San Diego and the Monterey Peninsula Water Management District. The Permittee also shall submit written evidence, if legally required, that all permits and/or authorizations for the approved project have been granted by the California Department of Fish and Wildlife (if required by the California Endangered Species Act) and the U.S. Fish and Wildlife Service (if required by the Federal Endangered Species Act). Prior to construction, the Habitat Protection Plan (HPP, dated October 2013 and dated received in the Central Coast District Office October 28, 2013 – Exhibit 20) referenced in Special Condition 3 shall be modified and submitted for Executive Director review and approval to incorporate standards in the HPP that address the eight concerns for western snowy plover, and each of the concerns for Smith's blue butterfly and Monterey spineflower, in the U.S. Fish and Wildlife Service April 7, 2014 letter on the project addressed to Mike Watson of the Coastal Commission. Prior to construction, the Permittee shall submit to the Executive Director for review and approval any revisions to the plans for the project that may be necessary to comply with standards included in the approved modified HPP. If no permit, approval or authorization is required from a given agency, then the Permittee shall have no obligation to submit any documentation to the Commission from that agency. Any mandatory changes to the approved project required by an agency listed in this condition shall be reported to the Executive Director. No changes to the approved project, either as a result of any mandatory changes required by the agencies listed or changes required by the approved modified HPP, shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.
16. **Traffic. PRIOR TO CONSTRUCTION,** the Permittee shall submit to the Executive Director for review and approval evidence that all EIR transportation (including all traffic and circulation) mitigation measure requirements (including the requirements of the EIR Addendum) have been met and/or achieved.



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- 17. Transportation Demand Management Program.** PRIOR TO CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval a Transportation Demand Management Program (TDMP) Said program shall include, but not be limited to, the following
- (a) **Transit.** An agreement to work with the Monterey-Salinas Transit District to encourage increased bus service for visitors, residents, and employees (e.g., a bus stop at California Avenue extension, etc.),
 - (b) **Shuttle.** Participation in shuttle systems to the Monterey airport and Monterey Transit Plaza, Monterey Fisherman's Wharf, Cannery Row, and other area attractions,
 - (c) **Bicycles.** Adequate bicycle storage for visitors, residents, and employees,
 - (d) **Showers.** Adequate on-site shower facilities and lockers available to all employees,
 - (e) **Carpool.** Creation and implementation of a carpool plan for at least employees, and coordinated with residents as appropriate with notices of the carpool program posted in employee work areas and residential common areas,
 - (f) **Subsidies.** Public transportation fare/monthly pass subsidies for all employees, and
 - (g) **Information** Information regarding the aforementioned components of the Transportation Demand Management Program shall be provided to all employees (and visitors and residents as applicable) and included in any employment paperwork for new employees

The Permittee shall undertake the development in accordance with the approved TDMP

- 18 Future Development Restrictions** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns that this CDP is only for the development described in this CDP Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by this CDP. Accordingly, any future improvements to the development authorized by this CDP, including but not limited to repair and maintenance identified as requiring a CDP in Public Resources Code Section 30610(d) and 14 CCR Section 13252(a)-(b), shall require an amendment to this CDP
- 19. Indemnification by Permittee/Liability for Costs and Attorneys Fees.** By acceptance of this CDP, the Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees – including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay – that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP The Coastal Commission retains



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CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

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complete authority to conduct and direct the Commission's defense of any such action against the Coastal Commission

20. **Deed Restriction** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the property governed by this CDP a deed restriction, in a form and content acceptable to the Executive Director (1) indicating that, pursuant to this CDP, 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, and (2) imposing the special conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the legal parcels governed by this CDP. 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 CDP shall continue to restrict the use and enjoyment of the property so long as either this CDP or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the property.
21. **Expiration.** Notwithstanding Standard Condition 2, above, if development has not commenced, this CDP shall expire five 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. An application for extension of this CDP must be made prior to the expiration date.
22. **Indemnification for any Civil Liability.** The Permittee agrees to reimburse the Commission for any civil liability imposed by any court for the approval or issuance of this CDP.



California Coastal Commission

EXHIBIT C

**LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF
DUNE CONSERVATION EASEMENT AREA**

EXHIBIT C

**LEGAL DESCRIPTION
DUNE AREA CONSERVATION EASEMENT**

That portion of Rancho Noche Buena and Monterey City Lands Tract No. 1 in the City of San Jose, County of Monterey, State of California, being a portion of the land described as Parcel 1 in the grant deed recorded as Document Number 9770664 on November 26, 1997 in the Office of the County Recorder of said county, described as follows

BEGINNING at a point on the northeasterly line of said Parcel 1 that bears North 51°11'49" West, 60.90 feet along said line from the most easterly corner thereof (said easterly corner being also the point of beginning of said Parcel 1 as described in said document), thence leaving said line

- 1) South 37°53'48" East, 19.93 feet to the beginning of a tangent curve to the right having a radius of 50.00 feet, thence
- 2) Southerly 47.64 feet along said curve through a central angle of 54°35'46", thence
- 3) South 16°41'57" West, 37.13 feet, thence
- 4) South 24°26'52" West, 51.72 feet, thence
- 5) North 70°29'54" West, 55.82 feet, thence
- 6) South 19°28'41" West, 13.70 feet to the beginning of a tangent curve to the right having a radius of 10.50 feet, thence
- 7) westerly 17.67 feet along said arc through a central angle of 96°24'51", thence
- 8) North 64°06'27" West, 41.91 feet, thence
- 9) North 21°12'11" West, 35.94 feet, thence to the beginning of a tangent curve to the left having a radius of 114.00 feet, thence
- 10) northwesterly 19.38 feet along said arc through a central angle of 09°44'28", thence
- 11) North 30°56'39" West, 40.69 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 37.00 feet, and to which beginning a radial bears North 59°03'22" East, thence
- 12) northwesterly 16.29 feet along said arc through a central angle of 25°13'26", thence
- 13) North 56°11'42" West, 27.77 feet, thence
- 14) North 49°38'38" West, 25.87 feet, thence
- 15) North 55°44'40" West, 42.49 feet, thence
- 16) North 69°48'07" West, 56.17 feet, thence
- 17) North 56°10'05" West, 16.20 feet to the beginning of a tangent curve to the left having a radius of 114.00 feet, thence

- 18) westerly 50 70 feet along said arc through a central angle of 25°29'02" to the beginning of a reverse curve having a radius of 13 00 feet, thence
- 19) northwesterly 6 86 feet along said arc through a central angle of 30°13'42" to the beginning of a reverse curve having a radius of 37 00 feet, thence
- 20) westerly 26 37 feet along said arc through a central angle of 40°50'00", thence
- 21) South 87°44'36" West, 28 00 feet to the beginning of a tangent curve to the left having a radius of 37 00 feet, thence
- 22) southwesterly 27 00 feet along said arc through a central angle of 41°48'13" to the beginning of a reverse curve having a radius of 13 00 feet, thence
- 23) southwesterly 6 54 feet along said arc through a central angle of 28°50'14" to the beginning of a reverse curve having a radius of 94 00 feet, thence
- 24) southwesterly 86 54 feet along said arc through a central angle of 52°44'51", thence
- 25) South 22°01'45" West, 90 58 feet to the beginning of a tangent curve to the right having a radius of 186 00 feet, thence
- 26) southwesterly 69 61 feet along said arc through a central angle of 21°26'38", thence
- 27) South 43°28'23" West, 226 46 feet to the beginning of a tangent curve to the left having a radius of 214 00 feet, thence
- 28) southwesterly 74 29 feet along said arc through a central angle of 19°53'24", thence
- 29) South 23°35'00" West, 63 99 feet to the beginning of a tangent curve to the right having a radius of 21 00 feet, thence
- 30) westerly 34 99 feet along said arc through a central angle of 95°27'54", thence
- 31) South 23°35'00" West, 35 52 feet, thence
- 32) South 49°29'26" West, 31 47 feet to the beginning of a tangent curve to the left having a radius of 289 00 feet, thence
- 33) southwesterly 147 81 feet along said arc through a central angle of 29°18'13", thence
- 34) South 20°11'13" West, 51 82 feet to the beginning of a tangent curve to the right having a radius of 98 00 feet, thence
- 35) southwesterly 71 38 feet along said arc through a central angle of 41°43'52", thence
- 36) South 61°55'05" West, 20 53 feet, thence
- 37) South 10°49'03" East, 159 64 feet to the beginning of a non-tangent curve concave to the north having a radius of 303 00 feet, and to which beginning a radial bears South 01°27'36" East, thence
- 38) easterly 122 07 feet along said arc through a central angle of 23°04'57", thence
- 39) North 65°27'28" East, 11 92 feet to the beginning of a tangent curve to the right having a radius of 37 00 feet, thence

- 40) easterly 26 37 feet along said arc through a central angle of $40^{\circ}50'27''$, thence
- 41) South $73^{\circ}42'05''$ East, 33 86 feet to the beginning of a tangent curve to the left having a radius of 108 00 feet, thence
- 42) easterly 40 29 feet along said arc through a central angle of $21^{\circ}22'37''$, thence
- 43) North $84^{\circ}55'18''$ East, 44 10 feet to the beginning of a non-tangent curve concave to the northwest having a radius of 88 74 feet, and to which beginning a radial bears South $05^{\circ}15'37''$ East, thence
- 44) northeasterly 61 59 feet along said arc through a central angle of $39^{\circ}45'52''$, thence
- 45) North $44^{\circ}58'38''$ East, 91 21 feet to the beginning of a non-tangent curve concave to the northwest having a radius of 142 50 feet, and to which beginning a radial bears South $06^{\circ}20'38''$ East, thence
- 46) northeasterly 161 17 feet along said arc through a central angle of $64^{\circ}48'05''$, thence
- 47) North $18^{\circ}51'17''$ East, 6 17 feet, thence
- 48) North $89^{\circ}55'48''$ East, 20 47 feet, thence
- 49) South $39^{\circ}28'48''$ East, 1 69 feet, thence
- 50) North $50^{\circ}31'12''$ East, 56 00 feet, thence
- 51) North $39^{\circ}28'48''$ West, 1 69 feet, thence
- 52) North $11^{\circ}06'36''$ East, 5 43 feet, thence
- 53) North $78^{\circ}52'20''$ East, 89 82 feet to the beginning of a non-tangent curve concave to the east having a radius of 160 26 feet, and to which beginning a radial bears South $79^{\circ}13'47''$ West, thence
- 54) northerly 143 27 feet along said arc through a central angle of $51^{\circ}13'27''$ to the beginning of a reverse curve having a radius of 194 52 feet, thence
- 55) northerly 151 85 feet along said arc through a central angle of $44^{\circ}43'38''$, thence
- 56) South $85^{\circ}43'36''$ East, 13 00 feet, to the beginning of a non-tangent curve concave to the west having a radius of 181 52 feet and to which beginning a radial bears South $85^{\circ}43'36''$ West, thence
- 57) northerly 22 97 feet along said arc through a central angle of $7^{\circ}15'00''$, to the beginning of a reverse curve having a radius of 211 00 feet, thence
- 58) northerly 35 26 feet along said arc through a central angle of $9^{\circ}34'31''$, to the beginning of a compound curve having a radius of 268 99 00 feet, thence
- 59) northerly 207 29 feet along said arc through a central angle of $44^{\circ}09'15''$, thence
- 60) South $56^{\circ}10'05''$ East, 18 96 feet to the beginning of a tangent curve to the right having a radius of 67 74 feet, thence

- 61) southeasterly 18 75 feet along said arc through a central angle of $15^{\circ}51'20''$, thence
- 62) South $26^{\circ}43'27''$ West, 44 95 feet, thence
- 63) South $64^{\circ}06'27''$ East, 124 20 feet to the beginning of a tangent curve to the right having a radius of 9 50 feet, thence
- 64) southerly 14 66 feet along said arc through a central angle of $88^{\circ}24'03''$, thence
- 65) South $24^{\circ}17'35''$ West, 96 73 feet to the beginning of a tangent curve to the right having a radius of 9 50 feet, thence
- 66) westerly 15 31 feet along said arc through a central angle of $92^{\circ}18'30''$, thence
- 67) North $63^{\circ}23'54''$ West, 10 76 feet to the beginning of a tangent curve to the left having a radius of 172 50 feet, thence
- 68) westerly 89 81 feet along said arc through a central angle of $29^{\circ}49'48''$, thence
- 69) South $00^{\circ}05'42''$ West, 44 71, thence
- 70) South $89^{\circ}54'18''$ East, 10 00 to the beginning of a tangent curve to the right having a radius of 127 50 feet, thence
- 71) southeasterly 58 98 feet along said arc through a central angle of $26^{\circ}30'23''$, thence
- 72) South $63^{\circ}23'54''$ East, 10 76 feet to the beginning of a tangent curve to the right having a radius of 9 50 feet, thence
- 73) southerly 15 23 feet along said arc through a central angle of $91^{\circ}49'39''$ to the beginning of a tangent curve to the right having a radius of 1,012 96 feet, thence
- 74) southwesterly 215 96 feet along said arc through a central angle of $12^{\circ}12'55''$ to the beginning of a reverse curve having a radius of 1,008 00 feet, thence
- 75) southwesterly 50 83 feet along said arc through a central angle of $02^{\circ}53'21''$, thence
- 76) South $37^{\circ}45'19''$ West, 90 35 feet to the beginning of a tangent curve to the right having a radius of 37 00 feet, thence
- 77) southwesterly 31 52 feet along said arc through a central angle of $48^{\circ}48'30''$ to the beginning of a compound curve having a radius of 22 00 feet, thence
- 78) westerly 19 01 feet along said arc through a central angle of $49^{\circ}29'52''$, thence
- 79) South $50^{\circ}31'12''$ West, 56 07 feet, thence
- 80) South $39^{\circ}28'48''$ East, 1 70 feet to the beginning of a non-tangent curve concave to the west having a radius of 15 00 feet, and to which beginning a radial bears North $50^{\circ}31'06''$ East, thence
- 81) southerly 13 28 feet along said arc through a central angle of $50^{\circ}42'31''$ to the beginning of a reverse curve having a radius of 53 00 feet, thence
- 82) southerly 15 11 feet along said arc through a central angle of $16^{\circ}20'18''$ to the beginning of a reverse curve having a radius of 72 00 feet, thence

- 83) southerly 48 20 feet along said arc through a central angle of 38°21'34", thence
- 84) South 33°14'54" West, 119 55 feet to the beginning of a tangent curve to the right having a radius of 987 00 feet, thence
- 85) southwesterly 47 18 feet along said arc through a central angle of 02°44'19" to the beginning of a reverse curve having a radius of 243 00 feet, thence
- 86) southwesterly 44 99 feet along said arc through a central angle of 10°36'32" to the beginning of a compound curve having a radius of 414 00 feet, thence
- 87) southwesterly 13 80 feet along said arc through a central angle of 01°54'35". thence
- 88) North 67°38'20" West, 18 78 feet, thence
- 89) South 21°01'18" West, 51 59 feet, thence
- 90) South 68°58'42" East, 8 33 feet, thence
- 91) South 06°21'21" West, 14 90 feet to the beginning of a tangent curve to the right having a radius of 143 00 feet, thence
- 92) southwesterly 131 96 feet along said arc through a central angle of 52°52'25", thence
- 93) South 58°54'16" West, 219 05 feet to a point on the southwesterly line of the aforesaid Parcel 1, (said point bears North 50°56'04" West, 7 44 feet along said line from the most southerly corner thereof) thence along said southwesterly line
- 94) North 50°56'04" West, 707 2 feet, more or less, to the intersection of said southwesterly line with the toe of the bluff, thence leaving said southwesterly line and following along said toe of the bluff (in whatever location it may currently exist or may exist in future, accounting for changes in location due to natural erosion, accretion and drifting of sand)
- 95) Northeasterly, 1494 feet, more or less, to the intersection of said toe of the bluff with the northeasterly line of said parcel as described in said deed, thence along said northeasterly line
- 96) South 51°11'49" East, 695 2 feet, more or less, to the POINT OF BEGINNING

Containing 727,250 square feet or 16 70 acres, more or less, as shown on the plat attached hereto and made a part hereof

Dated October 5, 2015

BESTOR ENGINEERS, INC

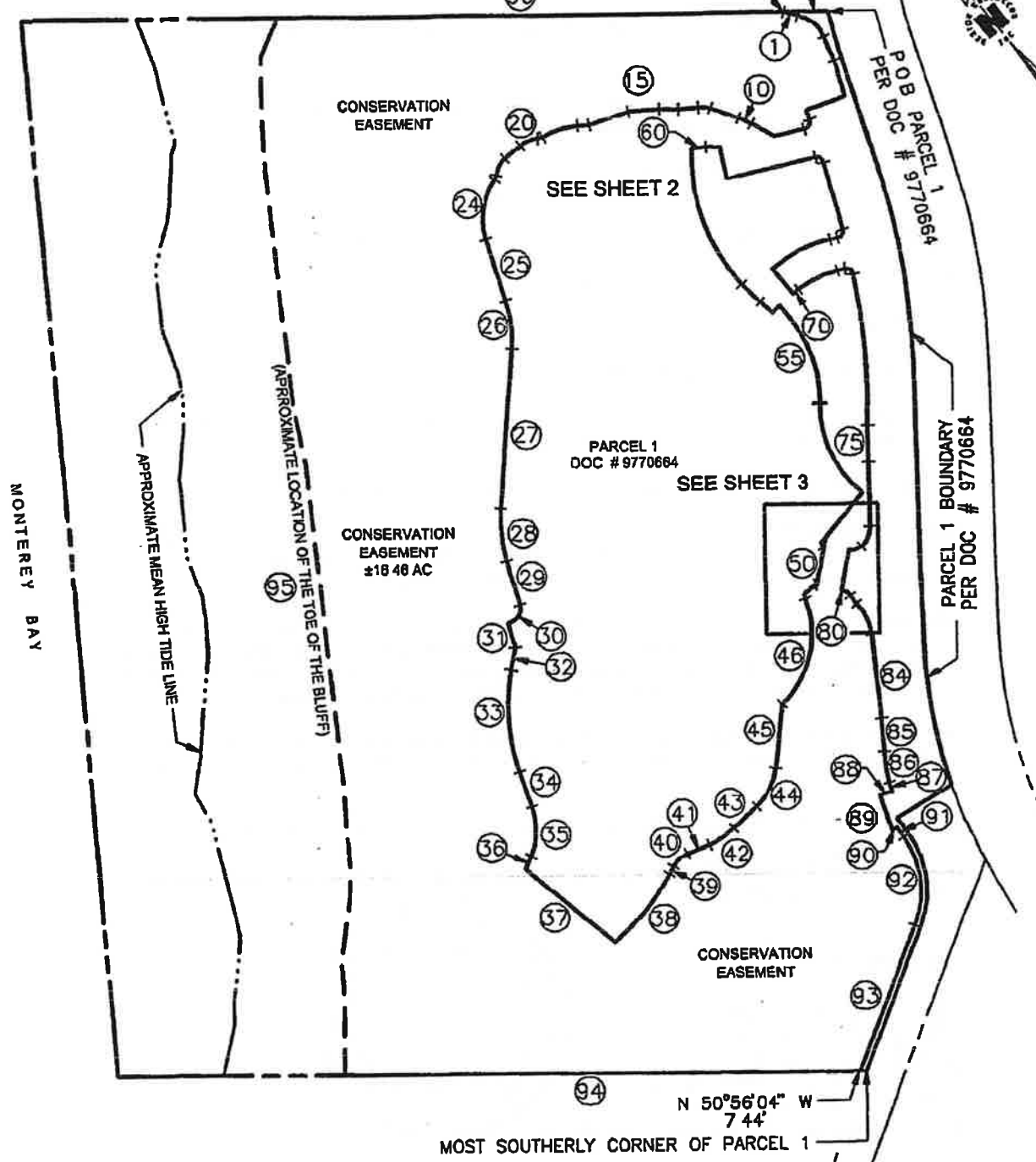
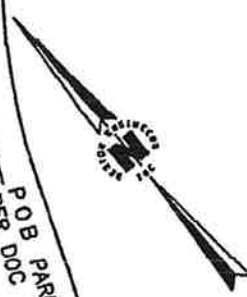


Michael V Hink, PLS
CA Professional Land Surveyor #8158



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N 51°11'49" W 60 90'
POINT OF BEGINNING
CONSERVATION EASEMENT



N 50°56'04" W
7 44'
MOST SOUTHERLY CORNER OF PARCEL 1

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BESTOR ENGINEERS, INC.
CIVIL ENGINEERING SURVEYING LAND PLANNING
8701 BLUE LARKSPUR LANE MONTEREY CALIFORNIA 93940
831 373 2841 831 849 4116F WWW.BESTOR.COM

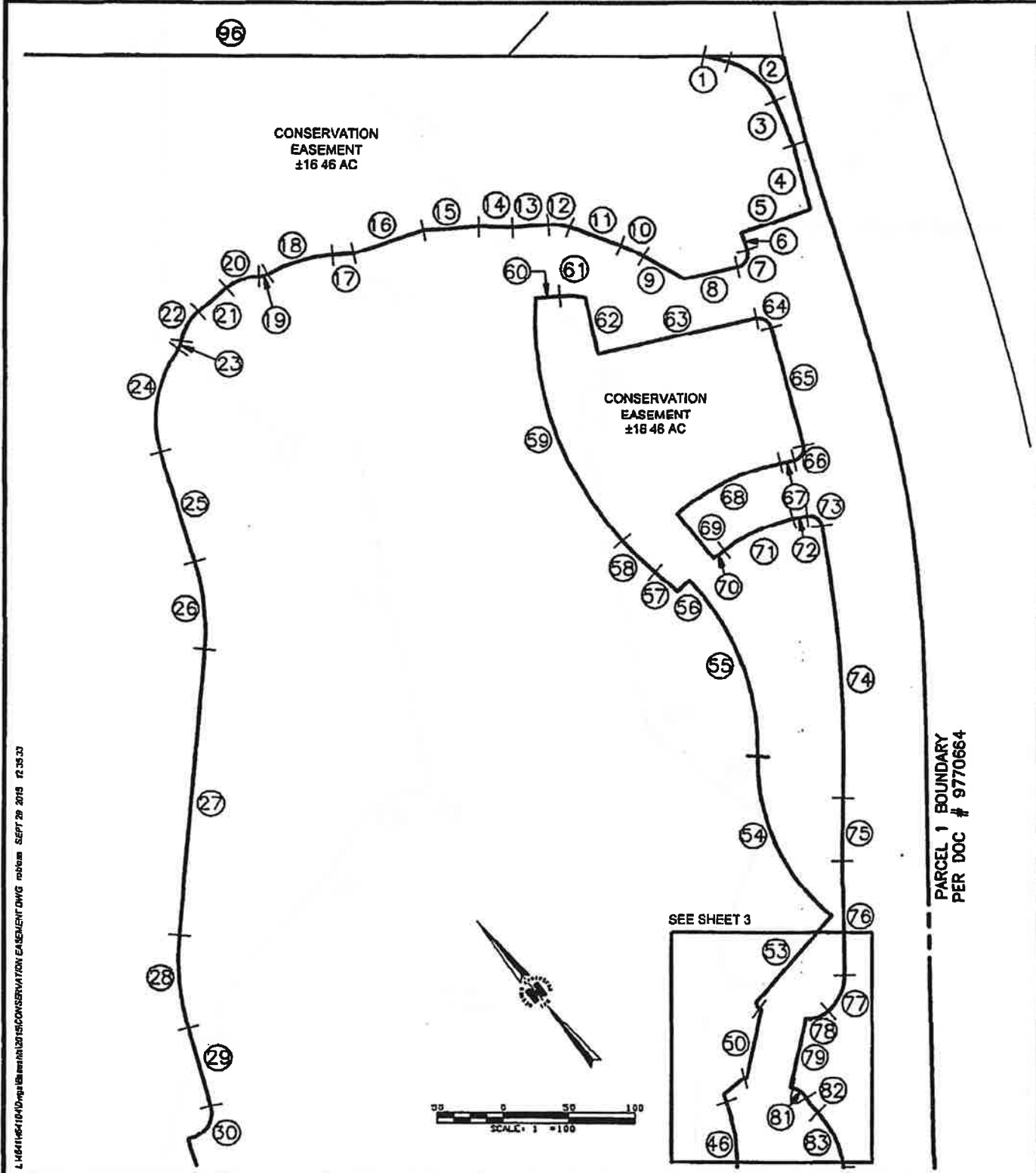
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EXHIBIT C-1
DEPICTION OF DUNE AREA CONSERVATION EASEMENT

COUNTY OF MONTEREY

CALIFORNIA

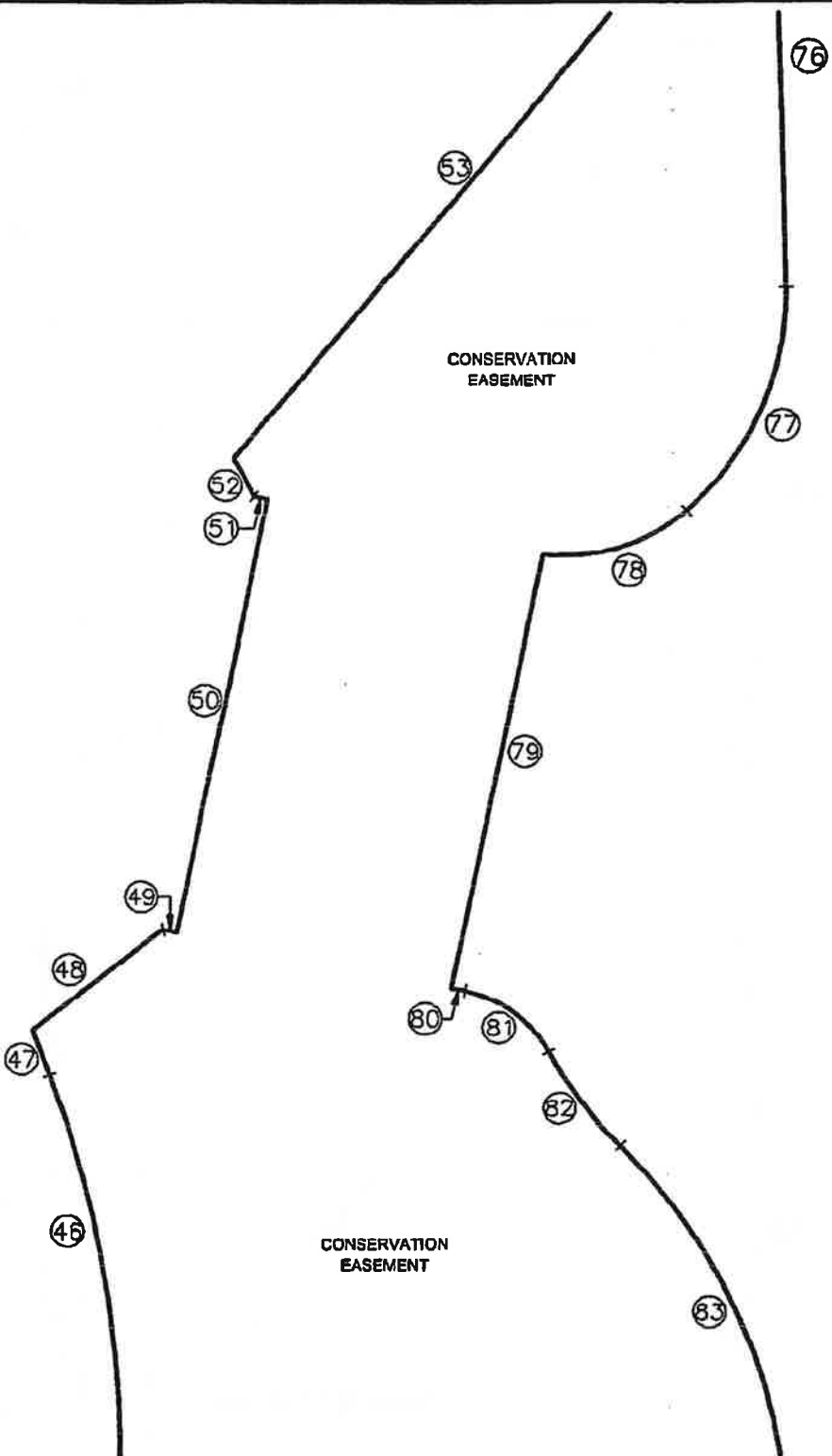
SCALE	1" = 200'
DATE	8/28/15
SHEET	1 OF 4
NO.	4841 04



BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING SURVEYING - LAND PLANNING
 8701 BLUE LARKSPUR LANE MONTEREY CALIFORNIA 93940
 831 373 2841 831 649 4118F WWW.BESTOR.COM

PREPARED FOR SHG
EXHIBIT C-1
DEPICTION OF DUNE AREA CONSERVATION EASEMENT
 COUNTY OF MONTEREY CALIFORNIA

SCALE	1" = 100'
DATE	9/29/15
SHEET	2 OF 4
WCD	4841 04



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BESTOR ENGINEERS, INC.
CIVIL ENGINEERING SURVEYING LAND PLANNING
9701 BLUE LARKSPUR LANE MONTEREY CALIFORNIA 93940
831 373 2941 831 648 4118F WWW.BESTOR.COM

PREPARED FOR: SNG

EXHIBIT C-1
DEPICTION OF DUNE AREA CONSERVATION EASEMENT

COUNTY OF MONTEREY

CALIFORNIA

SCALE:	1" = 20'
DATE:	9/29/15
SHEET:	3 OF 4
WDL:	4641 04

COURSE TABLE

#	BEARING/DELTA	RADIUS	LENGTH	TANGENT
1	S 37°53'48" E		19 93	
2	Δ=54°35'48"	50 00'	47 64'	25 80'
3	S 16°41'57" W		37 13'	
4	S 24°26'52" W		51 72'	
5	N 70°29'54" W		55 82'	
6	S 19°28'41" W		13 70'	
7	Δ=96°24'51"	10 50'	17 07'	11 75'
8	N 64°6'27" W		41 91'	
9	N 21°12'11" W		35 94'	
10	Δ=9°44'28"	114 00'	19 38'	9 71'
11	N 30°56'39" W		40 69'	
12	Δ=25°13'26"	37 00'	16 29'	8 25'
13	N 56°11'42" W		27 77'	
14	N 49°38'38" W		25 87'	
15	N 55°44'40" W		42 49'	
16	N 69°48'7" W		56 17'	
17	N 56°10'5" W		16 20'	
18	Δ=25°20'02"	114 00'	50 70'	25 78'
19	Δ=30°13'42"	13 00'	6 86'	3 51'
20	Δ=40°50'00"	37 00'	26 37'	13 77'
21	S 87°44'36" W		28 00'	
22	Δ=41°48'13"	37 00'	27 00'	14 13'
23	Δ=28°50'14"	13 00'	6 54'	3 34'
24	Δ=52°44'51"	94 00'	86 54'	46 81'
25	S 22°1'45" W		90 58'	
26	Δ=21°26'38"	186 00'	69 61'	35 22'
27	S 43°28'23" W		226 45'	
28	Δ=19°53'24"	214 00'	74 29'	37 52'
29	S 23°35'0" W		63 99'	
30	Δ=95°27'54"	21 00'	34 99'	23 11'
31	S 23°35'0" W		35 52'	
32	S 49°28'26" W		31 47'	
33	Δ=28°18'13"	289 00'	147 81'	75 56'
34	S 20°11'13" W		51 62'	
35	Δ=41°43'52"	98 00'	71 38'	37 36'
36	S 61°55'5" W		20 53'	
37	S 10°49'3" E		159 64'	
38	Δ=23°04'57"	303 00'	122 07'	61 87'
39	N 65°27'28" E		11 92'	
40	Δ=40°50'27"	37 00'	26 37'	13 78'
41	S 73°42'5" E		33 86'	
42	Δ=21°22'37"	108 00'	40 29'	20 38'
43	N 84°55'18" E		44 10'	
44	Δ=39°45'52"	88 74'	61 59'	32 09'
45	N 44°58'38" E		91 21'	
46	Δ=64°48'05"	142 50'	161 17'	90 44'
47	N 18°51'17" E		6 17'	
48	N 89°55'48" E		20 47'	

#	BEARING/DELTA	RADIUS	LENGTH	TANGENT
49	S 39°28'48" E		1 69'	
50	N 50°31'12" E		58 00'	
51	N 39°28'48" W		1 69'	
52	N 11°6'36" E		5 43'	
53	N 78°52'20" E		89 82'	
54	Δ=51°13'27"	160 26'	143 27'	76 82'
55	Δ=44°43'38"	194 32'	151 85'	80 03'
56	S 85°43'36" E		13 00'	
57	Δ=7°15'00"	181 52'	22 97'	11 50'
58	Δ=9°34'31"	211 00'	35 26'	17 67'
59	Δ=44°08'15"	268 99'	207 29'	109 10'
60	S 56°10'05" E		18 95'	
61	Δ=15°51'20"	67 74'	18 75'	9 43'
62	S 26°43'27" W		44 95'	
63	S 64°06'27" E		124 20'	
64	Δ=88°24'03"	9 50'	14 66'	9 24'
65	S 24°17'35" W		96 73'	
66	Δ=92°18'30"	9 50'	15 31'	9 88'
67	N 63°23'54" W		10 76'	
68	Δ=29°49'48"	172 50'	89 81'	45 95'
69	S 00°05'42" W		44 71'	
70	S 89°54'18" E		10 00'	
71	Δ=26°30'23"	127 50'	58 98'	30 03'
72	S 63°23'54" E		10 76'	
73	Δ=91°49'39"	9 50'	15 23'	9 81'
74	Δ=12°12'55"	1012 96'	215 96'	108 39'
75	Δ=2°53'21"	1008 00'	50 83'	25 42'
76	S 37°45'19" W		90 35'	
77	Δ=48°48'30"	37 00'	31 52'	16 79'
78	Δ=49°28'52"	22 00'	19 01'	10 14'
79	S 50°31'12" W		58 07'	
80	S 39°28'48" E		1 70'	
81	Δ=50°42'31"	15 00'	13 28'	7 11'
82	Δ=16°20'18"	53 00'	15 11'	7 61'
83	Δ=38°21'34"	72 00'	48 20'	25 04'
84	S 33°14'54" W		119 55'	
85	Δ=2°44'19"	987 00'	47 18'	23 59'
86	Δ=10°36'32"	243 00'	44 99'	22 56'
87	Δ=1°54'35"	414 00'	13 80'	6 90'
88	N 67°38'20" W		18 78'	
89	S 21°01'18" W		51 59'	
90	S 68°58'42" E		8 33'	
91	S 6°21'21" W		14 90'	
92	Δ=52°52'25"	143 00'	131 96'	71 10'
93	S 58°54'16" W		219 05'	
94	N 50°56'4" W		±707 2'	
95	NORTHEASTERLY		±1494'	
96	S 51°11'49" E		±695 2'	

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PREPARED FOR: SNO

EXHIBIT C-1
DEPICTION OF DUNE AREA CONSERVATION EASEMENT

COUNTY OF MONTEREY

CALIFORNIA

SCALE	N/A
DATE	9/29/15
SHEET	4 OF 4
TITLE	464104

EXHIBIT D

DUNE RESTORATION PLAN

APPROVED

DM
10/14/15

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
72 FRONT ST, STE 300
SANTA CRUZ, CA 95060

DUNE RESTORATION PLAN

This Dune Restoration Plan has been prepared pursuant to Special Condition 3 of the Coastal Commission's April 2014 approval of the Monterey Bay Shores Resort Project (CDP A-3-SNC-98-114) Special Condition 3 requires the Applicant to submit, prior to issuance of the Coastal Development Permit, the Dune Restoration Plan which must be "substantially in conformance with the plans submitted to the Coastal Commission (titled Habitat Protection Plan, October 2013 and dated received in the Coastal Commission's Offices on October 28, 2013) " The condition further provides that the Dune Restoration Plan shall apply to all dune areas of the site outside of the development areas (as well as for all dune extension and screening areas) The Dune Restoration Plan provides for habitat restoration and stabilization for all dune areas outside of the development areas (as well as for all dune extension and screening areas) and has been modified to achieve compliance with Special Condition 3, "Dune Restoration Plan "

The Dune Restoration Plan also incorporates Chapter 4 of the October 2013 Habitat Protection Plan, which has been updated to address additional measures, concerns and enhancements regarding biological goals, description of management areas and biological objectives for specific areas, management elements and techniques, and specific techniques for each management area to enhance the western snowy plover, Smith's blue butterfly and Monterey spineflower habitats, as well as other mitigation measures

Special Condition 15 of the Commission's April 2014 permit approval further requires that "Prior to construction, the Habitat Protection Plan (HPP, dated October 2013) referenced in Special Condition 3 shall be modified and submitted for Executive Director review and approval to incorporate standards in the HPP that address the eight concerns for western snowy plover, and each of the concerns for Smith's blue butterfly and Monterey spineflower, in the U S Fish and Wildlife Service April 7, 2014 letter on the project" addressed to the Coastal Commission Following issuance of the CDP and prior to construction, an updated HPP shall be submitted to the Executive Director of the Commission to address the concerns raised by the U S Fish and Wildlife Service The Dune Restoration Plan will be modified and updated to address those concerns, if necessary, that have not been addressed already by this Dune Restoration Plan

The Monterey Bay Shores Resort property (APN 011-501-14) is located along the southern Monterey Bay coastline at the northern city limit line of Sand City, approximately one mile north of the City of Monterey and about 28 miles south of Santa Cruz in an urbanized area of the Monterey Peninsula The existing dunes and remaining dune habitats on the Monterey Bay Shores project site presently remain highly disturbed as a result of more than 60 years of sand mining on the site, however, the disturbed and sand mine re-contoured dunes are remnants of the Flandrian Monterey sand dune complex that extends from the Salinas River south to the Municipal Wharf in Monterey

Note The permittee shall submit details regarding planting plan specifics maintenance requirements and dune contouring parameters as well as details regarding enhancement measures to be applied to enhance sensitive species habitats to the Executive Director for review and approval prior to construction All such details shall be consistent and integrated with the revised Habitat Protection Plan in accordance and consistent with Special Condition 15



Monterey Bay Shores Resort
October 12, 2015

The Monterey Bay Shores project has been designed to provide dune stabilization as well as dune habitat restoration and enhancement for all dune areas outside of development areas. In furtherance of these objectives, specific management areas have been designated for the project site based on the development plan and the stabilization, restoration, enhancement and management goals for specific areas of the site. Four management areas have been designated (Figure 1, Habitat Management Areas). Management Areas 1, 2 and 3 are the focus of this proposed dune restoration activities, and Management Area 4 is the developed area.

Monitoring and species-related aspects of this plan will be undertaken and implemented by a biologist approved by the Executive Director.

OBJECTIVE:

The objectives of the Dune Restoration Plan include restoring, enhancing and managing dune habitat in accordance with the Sand City LCP and the conditions to the CDP, Special Condition 3, so that self-functioning, high quality vegetation is established and maintained in perpetuity.

NON-NATIVE AND INVASIVE PLANT REMOVAL

As part of this Plan, all non-native and/or invasive species will be removed, and continued removal shall occur on an as-needed basis to ensure complete removal over time. The success criteria for invasive species removal is to ensure that no more than 1 percent cover in invasive or non-native species is present at any given time. Removal and on-going control of non-native species will be overseen by a licensed landscape professional. Invasive species are those defined as noxious weeds by the California Invasive Plant Council (Cal-IPC), and shall be removed by the recommended or alternative methods established by Cal-IPC or the Monterey County Office of the Agricultural Commissioner.

Iceplant is the predominant invasive plant species presently existing on the Monterey Bay Shores site. Iceplant will be treated and eliminated prior to site grading. Several methods are available for removal of iceplant. The most efficient method is to spray with a glyphosate-based herbicide (e.g. Roundup®) and allow the iceplant to die on-site. Dead iceplant mats will be removed in all areas proposed for grading. In restoration areas where no grading will occur (e.g. east-facing slope of large dune), dead iceplant may be left in place to dry, providing mulch for revegetation efforts and a temporary erosion control method to hold soil in place. The elimination of iceplant is intended to enhance habitat values in the restoration areas by allowing for the establishment of native vegetation.

Herbicides will be applied by a certified applicator at a rate consistent with label directions. Selective, low-drift spray equipment will be used to decrease the possibility that the herbicide



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will drift inappropriately. Herbicide will only be applied when wind speeds are less than 10 mph and rain is not forecast within the next 24 hours. Effectiveness of the herbicide will be monitored and, if required, additional applications will be made, but not earlier than six weeks after the previous application. Multiple applications may be necessary to completely eliminate the iceplant.

Special care will be used in restoration areas not proposed for grading where iceplant and native plants are growing together. The applicator will be informed of the need to protect native plants in such areas, and native plants will be flagged to ensure that they are avoided.

Iceplant will be removed by hand around seacliff buckwheat, coast buckwheat, and Monterey spineflower plants in areas where they occur to avoid accidental application of herbicide. The extent of the area of hand removal required around each plant to assure each plant remains undisturbed will be determined by the approved biologist. European beachgrass, a common non-native, is not currently present on the Monterey Bay Shores site. However, should it become established, it will also require control and removal to protect native dune vegetation.

Removal of European beachgrass will occur as soon as it is observed and will be done by hand. If a stand of European beachgrass cannot be controlled by hand, then spraying may be required. Spraying will be done as described for iceplant but will be timed to occur in the beach and strand zones outside of the nesting/breeding season of the snowy plover.

NATIVE DUNE PLANTS:

All vegetation planted outside of the developed areas, including interior courtyards and similar areas (such as the port cochere area and the entry Plaza area), will consist of non-invasive dune plants native to the Sand City and southern Monterey Bay dune systems, as listed in the *Landscape Plan (Rana Creek, 2015)*¹. *Monterey spineflower* and *seacliff and coast buckwheat* (host plants for the Smith's blue butterfly) will be specifically planted, maintained, and monitored to adhere to mitigation requirements for the project and detailed in this plan.

SENSITIVE SPECIES:

Specific restoration, enhancement and management actions will be undertaken to enhance habitat for sensitive species, including habitat for western snowy plover and Smith's blue butterfly. These are further described in detail in this plan.

Western Snowy Plover. The western snowy plover is a small, pale colored shorebird with dark patches on either side of the upper breast. It is typically found along the beach above the high

¹ See attached Exhibit "A"



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tide limit The western snowy plover typically nests on flat, barren to sparsely vegetated sandy substrate and nests are frequently located near objects such as grass clumps or pieces of driftwood. The breeding season occurs from March through September and most eggs are laid by mid-July.

Habitat restoration and enhancement is a major component of the revised project. The management program includes approximately 20.38 acres restored to foredune, secondary dune, back dune management areas (Figure 1). Of the 20.38 acres to be restored to native coastal habitat, about 14.18 acres around the periphery of the development will be protected in perpetuity by recorded conservation/open space easements and protected, as depicted on Figure 3. This plan will implement measures to enhance plover habitat on site including by achieving the habitat features described above.

Smith's Blue Butterfly The Smith's blue butterfly is a small lycaenid butterfly, which, as an adult, has a one-inch wingspan. Larvae are slug-shaped and vary from cream to pale yellow or rose in color, changing with the color of the flower heads on which they are feeding. On this site, butterfly habitat consists of an existing stand of host buckwheat plants, concentrated in a swale area along the northern boundary of the property.

Under this plan, all existing buckwheat plants in the swale area on the north side of the property will be avoided, protected, and maintained so as to protect existing actual or potential habitat for the Smith's blue butterfly that may exist in the swale. In addition, all non-native vegetation impacting the buckwheat will be removed. 400 new seacliff and coast buckwheat plants will be propagated and installed in an effort to expand existing Smith's blue butterfly habitat. Given that there are roughly 50-70 such plants presently existing, this will be a significant expansion of butterfly habitat.

Additional special habitat restoration and enhancement provisions, as part of an overall plan, are included to

- 1 Prevent take of the Smith's blue butterfly and western snowy plover ensured by on-site monitoring by the approved biologist and implementation of immediate measures to protect any species identified on site,
- 2 Assist in the recovery of those species on site, in the Sand City area, and regionally,
- 3 Avoid, if feasible, or, if not, minimize significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by



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significantly impairing essential behavioral patterns, including breeding, feeding or sheltering " 50 C F R § 17 3,

- 4 Minimize grading in western snowy plover critical habitat by limiting grading to 90 days in the construction period, conduct pre-grading surveys by a qualified biologist (to insure no plovers nest in the area), and avoid grading, if feasible during the breeding season,
- 5 Restore and enhance western snowy plover critical habitat so that provides enhanced characteristics and features designed to be attractive to plovers for breeding and nesting,
- 6 Employ an approved on-site biologist to survey and monitor plover and butterflies and to implement plan measures to protect, restore and enhance their respective habitats,
- 7 Implement the predator management plan (attached) to protect the western snowy plover from take by predators, the greatest present threat to the plover, and
- 8 Minimize and mitigate potential local and cumulative impacts on the Monterey spineflower

Measures will be undertaken prior to, and during, grading and construction, as part of dune restoration and enhancement activities, and during long-term protection, maintenance, and monitoring tasks. These provisions are consistent with applicable state and federal agency requirements for these species.

Other native coastal dune species will be introduced through restoration of habitat and planting or relocation of individuals of selected species into restored habitat areas.

The following provides a description of restoration and enhancement goals and techniques and how they will be specifically applied to the Monterey Bay Shores resort.

BIOLOGICAL GOALS/STANDARDS:

The biological goals are as follows:

- Avoid take of Smith's blue butterfly and western snowy plover both during construction and during operation of the resort.
- Avoid, if feasible, or, if not, minimize significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife.



Monterey Bay Shores Resort

by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering " 50 C F R § 17.3

- Restore and enhance western snowy plover critical habitat so that provides enhanced characteristics and features designed to be attractive to plovers for breeding and nesting
- Provide and manage nesting, brooding and foraging habitat for the western snowy plover in the coastal strand and foredune/secondary dune areas of the project site
- Contribute to regional recovery efforts for the western snowy plover in the Monterey Bay area
- Preserve and maintain existing buckwheat plants for potential use by Smith's blue butterfly
- Provide and maintain newly-created, high quality, habitat for Smith's blue butterfly in the restored dune areas on the project site, as indicated herein and in the Landscape Plan
- Regulate construction activities to maintain Smith's blue butterfly so that it may expand on to newly created habitat once it is available
- Restore degraded dunes by grading, stabilizing and creating new plant communities to improve native species composition and increase occurrences of Monterey spineflower and other locally native species on site
- Minimize adverse impacts of the project on Monterey spineflower survival and recovery

DESCRIPTION AND DELINEATION OF MANAGEMENT AREAS

To achieve the biological goals/standards, this plan designates specific management areas on the project site. Management areas have been established based in part on the *Landscape Plan* as well as the biological goals/standards set forth herein. Four management areas have been designated (Figure 1, Habitat Management Areas). Management Areas 1, 2 and 3 are the focus of proposed restoration activities and Management Area 4 is the developed area. A brief description of each management area follows.



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**Management Area 1
Beach and Strand (4.03 acres)**

This management area includes the beach and strand from the mean high tide line inland to approximately the existing 20-foot elevation contour (toe of the bluff) and is shown on the Landscape Plan as "beach." The area currently supports beach and strand vegetation and once the resort is operational will be accessible through posted lateral beach access. Western snowy plover nesting, to the limited extent it has occurred on the site during the past 20 years, has occurred the overwhelming majority of sightings, in the lower beach area.

**Management Area 2
Foredune / Secondary Dune Area (6.86 acres)**

The western edge of Management Area 2 is currently comprised of a relatively steep bluff that rises about 20- to 50-feet above the beach and strand toward the bay. At the top of the bluff, the topography transitions to a more level plateau. A portion of the eastern boundary of Management Area 2 contains slopes of the abandoned sand pit, which steeply drops from about the 40-foot elevation contour to the 10-foot elevation contour at near a 1:1 slope. The vegetation types found in this management area include bare sand and iceplant-dominated areas with some pioneer dune vegetation along the level plateau. Management Area 2 will be restored to include the following communities identified on the Landscape Plan: foredune, secondary dune, and biofiltration basin. The significant presence of ice-plant interferes with plover activity because it crowds out native coastal plant species more beneficial to the plover, and also provides cover to predators of the plover. Elimination of the ice-plant is an important first step in enhancing plover habitat in this area.

In addition, several topographic features presently existing in Management Area 2 will be modified as part of the revised project. The topography will be modified by lowering the grade of the level plateau area, filling in the sand pit and creating a more gradual slope rise from the beach and strand to the development area. This modification will result in the inland extension/expansion of the beach and strand habitat described in Management Area 1, and will enhance plover habitat. Small sand mounds and topographic undulations (no greater than 4 feet) will be incorporated into the gradual slope with the intent of creating planting areas for strand vegetation and providing some newly created refuge for western snowy plovers that may use the area for nesting.

This management area also includes three vertical beach accessways, a public vista point, and two private resort vista points.



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Management Area 3

Back Dune Area (9.88 acres)

Management Area 3 follows the southern and eastern property boundaries and includes the large dune in the southeast corner of the site, additional areas previously disturbed through sand mining activities, and the area above the planned underground garage. Although the existing habitats in this area are primarily ruderal/disturbed, bare sand and iceplant mats, there are also Monterey cypress trees, remnant coastal scrub species and patches of Monterey spineflower. Several smaller dune formations, impacted by previous mining, also exist. This Management Area is identified on the Landscape Plan as "Back Dune."

Management Area 4

Developed Area (11.03 acres)

Management Area 4, the proposed development area, includes most of the sand pit and the plateau north of the pit. Most of the pioneer dune vegetation identified on the site is included in this management area along with bare sand, ruderal/disturbed and iceplant dominated areas. A contiguous strip of coastal scrub/iceplant mix occurs at the northern edge of the property and is included in this management area. The resort project has been created with the intent of minimizing impervious areas and incorporating as much vegetation as feasible.

Management

Area 4 can be broken down into two parts: 1) planted/landscaped areas, which encompass approximately 5.2 acres and include landscaping, gardens, courtyards, etc., and 2) impervious areas, which encompass the approximately 6.2 acres of buildings, parking area and access roads. The topography in Management Area 4 will be modified through a combination of excavation and fill. Management Area 4 includes the following communities identified on the Landscape Plan: coastal bluff living roof, hotel and residential landscapes, and living pool.

Biological Objectives:

Standards for Specific Management Areas

The biological goals of the plan, in conformance with the Monterey Bay Shores Habitat Protection Plan (EMC Planning Group 2013), include restoration of approximately 20.38 acres of area on the Monterey Bay Shores project site, preservation and expansion of habitat and potential habitat for the Smith's blue butterfly and other species associated with coastal scrub habitat, avoiding take of, or harm to, Smith's blue butterfly, avoiding take of, or harm to, the western snowy plover, avoiding, if feasible, or, if not, minimizing significant damage or



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degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" 50 C F R § 17.3, restoring and enhancing western snowy plover critical habitat so that provides enhanced characteristics and features designed to be attractive to plovers for breeding and nesting, and aiding in the recovery of the butterfly and plover by protecting and restoring existing and potential nesting/breeding habitat. The biological objectives/standards/protocols for meeting these goals in each management area have been set out herein and in the Landscape Plan and are defined as follows

Management Area 1

- Remove all non-native vegetation within this management area and control non-native plant species so that non-native species represent no more than 1 percent of the vegetative cover
- Replant, restore and establish coastal strand vegetation in accordance with the Landscape Plan by collecting native seeds from the project site and within the project vicinity prior to grading (It should be noted that Rana Creek biologists actively collected seeds on the project site from June 2014 - October 2014) To encourage establishment, the seeds will be planted after the first rain event in the fall, and they will be fertilized and watered by hand immediately after planting
- Following the planting of coastal strand plants in this management area, establishing permanent monitoring transects designed to cover a minimum of 5 % of the revegetated area To monitor vegetation establishment success, data will be collected annually by the approved biologist using the line intercept method
- In accordance with the Landscape Plan, arrange vegetation and 1 to 4 foot high microtopographic contouring designed in part to attract snowy plovers to potentially use, nest and breed within this management area
- Add biological features such as barren sand areas combined with sparsely vegetated sandy substrate and pieces of driftwood designed to attract snowy plovers to potentially use, nest and breed within this management area



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- Require the approved biologist to conduct surveys within this management area for western snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed as endangered or threatened under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat
- Prior to the commencement of grading, on an annual basis so long as the species remains listed and any portion of the site remains designated as critical habitat, prior to the start of the western snowy plover breeding season (March through September), the approved biologist will use exclosures, signage, and monitoring to establish two seasonal nesting protection zones along the beach and strand for purposes of protecting potential nesting habitat. The exclosure areas will be constructed along the beach near the southern boundary of the project and in the center of the project site, protecting the areas where nesting observations have been recorded from 2008 through 2014. The approved biologist will establish the extent of the proposed seasonal nesting protection zones based on previously documented nesting history, current site conditions and current plover activity, balanced with public lateral access requirements and objectives. The approximate anticipated locations of seasonal nesting protection zones are shown on Figure 1, Habitat Management Areas, although the approved biologist will have the discretion to move the areas based on the criteria listed above
- If plover nests are found outside of the seasonal nesting protection zones in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach in order to protect any such nests during the breeding season
- Avoid grading of any part of this management area
- Authorize the biologist to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting)



- Prohibit any permanent lighting in this management area

Management Area 2

- Remove all non-native vegetation within this management area and control non-native plant species so that non-native species represent no more than a 1 percent of the vegetative cover
- Replant, restore and establish coastal strand vegetation in this management area in accordance with the Landscape Plan by collecting native seeds from the project site and within the project vicinity prior to grading
- Provide irrigation during the vegetation establishment period (estimated to be up to three years)
- Pursue the goal of 20% revegetation cover of this management area, in accordance with the Landscape Plan
- Following the installation of coastal strand plants in this management area, establish permanent monitoring transects designed to cover a minimum of 5% of the revegetated area. To monitor vegetation establishment success, data will be collected annually by the approved biologist using the line intercept method
- Require the approved biologist to conduct surveys within this management area for western snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed as endangered or threatened under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat
- If plover nests are found in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach in order to protect any such nests during the breeding season



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- Minimize significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering " 50 C F R § 17.3
- Authorize the biologist to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting)
- Minimize lighting in this management area by limiting it to two guest and resident pathways, to allow the residents and guests to safely return from the beach after dark. Lights will be placed on the pathways pursuant to the Lighting Plan for the project. Low voltage, LED, or fluorescent pathway lighting will be used, with flush-mount low-profile ground level lights mounted off one side of the boardwalk. Average lighting level will be about 0.25 foot candles to result in the least feasible light disturbance in the dune area.

Management Area 3

- Remove all non-native vegetation within this management area and control non-native plant species so that non-native species represent no more than 1 percent of the vegetative cover
- Maintain the slopes of the restored, rehabilitated or newly created dunes by applying vertical straw mulch to the leeward slopes and applying hydroseed and erosion control mats on windward slopes prior to planting
- Conduct surveys within this management area for Smith's blue butterfly every two weeks from mid-May through mid-August prior to, during, and after construction and annually thereafter
- Conduct surveys for and document the extent of Monterey spineflower within this management area prior to, during, and after construction and annually thereafter
- Maintain existing buckwheat plants within the swale as actual or potential habitat for Smith's blue butterfly



- Establish coastal dune vegetation to provide new habitat for Smith's blue butterfly and Monterey spineflower in this management area by collecting native seeds within the project vicinity prior to grading, broadcasting seeds and planting seedlings following the installation of straw mulch after the first rain event in the fall, and fertilizing and watering by hand immediately after planting
- Provide irrigation through the vegetation establishment period (estimated to be up to three years)
- Following the installation of coastal strand plants in this management area, establish permanent monitoring transects designed to cover a minimum of 5% of the revegetated area. The goal for revegetation of this management area is 80% cover. To monitor vegetation establishment success, data will be collected annually by the approved biologist using the line intercept method
- Require the approved biologist to conduct surveys within this management area for western snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed as endangered or threatened under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat
- If plover nests are found in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach in order to protect any such nests during the breeding season
- Minimize significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" 50 C F R § 17.3
- Authorize the biologist to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely



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affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting)

- If plover nests are found in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach in order to protect any such nests during the breeding season
- Authorize the biologist to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting)
- No lighting will be allowed in the small critical habitat area located within Management Area 3. Generally, no other lighting is proposed in this management area that is near any plover critical habitat or seaward of the actual resort development

Management Area 4

- Construct resort/residential development, accessways to the resort, public parking, access/bike path and fire/emergency access roads
- Use native dune and coastal scrub species in the periphery of the development landscape and transition development areas in accordance with the Landscape Plan
- Require the approved biologist to conduct surveys within this management area for western snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed as endangered or threatened under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat
- Authorize the biologist to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely

affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting if any such lighting exists in the Critical Habitat area)

MANAGEMENT ELEMENTS AND TECHNIQUES

The following provides descriptions of management techniques that will be used to meet the goals for each management area consistent with the Landscape Plan

Avoidance of Sensitive Habitat and Potential Habitat

While balancing public access obligations required by the LCP, the CDP conditions and issuance, and the California Coastal Act, the Monterey Bay Shores Resort has been planned and designed (as part of a larger plan to avoid take of listed animal species) to avoid grading within Management Area 1, the only area in which plovers have been sighted during the last 20 years,¹ and to avoid removal of existing buckwheat plants in the swale on the northern portion of the property (Management Area 3), since this area has served as habitat for Smith's blue butterflies

Dune Creation/Stabilization

In accordance with the LCP, dune creation/stabilization will be achieved through a combination of grading and recontouring, installing erosion control blankets, temporary snow fencing, retaining walls and other physical controls where required, straw plugging or crimping and revegetation. Finished slopes of newly created or recontoured dunes will be designed in collaboration with the project geotechnical engineer to ensure that the slopes are in a stable configuration prior to any revegetation work. Steepness of slope, wind direction and soil substrate must all be considered in the design of new dunes and recontouring of existing dunes. Permanent retaining walls may be used at the base of some of the newly created dunes to retain desired slope and aspect. Once the dunes are constructed and/or contoured in conformance with the project geotechnical engineer's recommendations, there are several methods that will be considered to stabilize the barren sand depending, in large part, on finished slope and exposure. Initial treatments will follow predetermined guidelines that will be

¹ In the spring of 2014, immediately before the Coastal Commission permit approval hearing on the project, one individual trespassing on the beach alleged the sighting of a plover nest in Management Area 2 of the project site. Shortly thereafter, in May 2014, USFWS enforcement staff conducted an unannounced visit and surveyed the entire project site, finding no plover nesting or breeding activity on the entire site (USFWS 2014). Subsequent surveys conducted at different times by URS (URS 2014a) and EMC Planning Group (2014) also failed to locate the alleged nest or any other nesting activity on the site.



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different for the leeward and windward slopes. However, to achieve maximum success, the approved biologist will be authorized to implement adaptive management based on monitoring results to allow modifications to the guidelines as the effectiveness of specific stabilization treatments in specific situations is determined on the ground.

Control of Non-native Species

As part of this Plan, all non-native and/or invasive species will be removed, and continued removal shall occur on an as-needed basis to ensure complete removal over time. The success criteria for invasive species removal is to ensure that no more than 1 percent cover in invasive, non-native species is present at any given time. Removal and on-going control of non-native species will be overseen by a licensed landscape professional. Invasive species are those defined as noxious weeds by the California Invasive Plant Council (Cal-IPC), and shall be removed by the recommended or alternative methods established by Cal-IPC or the Monterey County Office of the Agricultural Commissioner.

Iceplant is the predominant invasive plant species presently existing on the Monterey Bay Shores site. Iceplant will be treated and eliminated prior to site grading. Several methods are available for removal of iceplant. The most efficient method is to spray with a glyphosate-based herbicide (e.g. Roundup®) and allow the iceplant to die on-site. Dead iceplant mats will be removed in all areas proposed for grading. In restoration areas where no grading will occur (e.g. east-facing slope of large dune), dead iceplant may be left in place to dry, providing mulch for revegetation efforts and a temporary erosion control method to hold soil in place. The elimination of iceplant will enhance habitat values in the restoration areas.

Herbicides will be applied by a certified applicator at a rate consistent with label directions. Selective, low-drift spray equipment will be used to decrease the possibility that the herbicide will drift inappropriately. Herbicide will only be applied when wind speeds are less than 10 mph and rain is not forecast within the next 24 hours. Effectiveness of the herbicide will be monitored and, if required, additional applications will be made, but not earlier than six weeks after the previous application. Multiple applications may be necessary to completely eliminate the iceplant.

Special care will be used in restoration areas not proposed for grading where iceplant and native plants are growing together. The applicator will be informed of the need to protect native plants in such areas, and native plants will be flagged to ensure that they are avoided.

Iceplant will be removed by hand around seacliff buckwheat, coast buckwheat, and Monterey spineflower plants in these areas to avoid accidental application of herbicide. The extent of the area of hand removal required around each plant to assure each plant remains undisturbed will be determined by the approved biologist.



European beachgrass, a common non-native, is not currently present on the Monterey Bay Shores site. However, should it become established, it will also require control and removal to protect native dune vegetation.

Removal of European beachgrass will occur as soon as it is observed and will be done by hand. If a stand of European beachgrass cannot be controlled by hand, then spraying may be required. Spraying will be done as described for iceplant but will not occur in the beach and strand zones during the nesting/breeding season of the snowy plover.

Revegetation and Habitat Enhancement

To ensure that proposed revegetation efforts will be successful, physical characteristics of the restoration areas must be compatible with the plant species considered for revegetation in the Landscape Plan and Dune Restoration Plan and consider the habitat requirements of the covered wildlife species. These characteristics include topography, soil conditions, hydrology, and microclimatic features. For example, Smith's blue butterfly typically uses buckwheat plants that are located in sheltered locations and are not exposed to the full force of the prevailing winds, therefore, planting of buckwheat on exposed ridgetops or on the windward slopes of dunes will not likely yield as substantial an increase in habitat value for the butterfly as would planting in sheltered depressions. Planting of buckwheat, or other species, may also present difficulties if soil conditions are not suitable for plant survival. Site preparation techniques to improve soil conditions at the project site may include removal of non-native vegetation, application of fertilizer, raking, and irrigation.

Initial dune restoration activities, including at a minimum non-native and invasive removal and initial site planting, shall be implemented prior to occupancy of the approved development. All required plantings shall be maintained in good growing conditions for as long as any portion of the approved development exists at this site, and whenever necessary shall be replaced with new plant materials to ensure continued compliance with the approved plans. The steps that will be followed in preparation for habitat restoration at the project site include the following:

Seed Collection

Seed will be collected from specified native plants at least one year prior to being needed for revegetation and began in June 2014 by Rana Creek biologists. Monterey spineflower seed will be collected from plants onsite. Seed for Monterey ceanothus, sandmat manzanita and a full palette of other coastal strand and dune scrub species will be collected from local sources.



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Seacliff buckwheat and coast buckwheat seed will be collected from plants as close to the project vicinity as possible, providing the source plants are outside of the range for Smith's blue butterfly. Seed collection techniques for target species will be as follows

- Monterey spineflower - Collection of Monterey spineflower seed is typically conducted in June through August. The entire inflorescence is collected when it appears brown and dried. It is not necessary to separate the seeds from the inflorescence.
- Monterey ceanothus - Seed collection will be conducted March through June. Cuttings may also be collected in fall or winter but are difficult to propagate and therefore not always a reliable means of providing material for revegetation.
- Sandmat manzanita - Cuttings and seeds of this species can be collected for propagation. Seeds will be collected March through June and cuttings can be taken in fall or winter.

Seeding

Seeding will primarily be applied by hand broadcasting on to re-contoured dune slopes and crimped in with straw or incorporated into the sand by raking. Hydroseeding techniques may be used when appropriate. Specific seed mixes will be prepared based on the goals of the Landscape Plan.

Propagation

Propagation of seed collected for all species will be achieved through germination in stubby supercell containers. Cuttings will be rooted in a suitable medium and transferred to supercell containers as appropriate. Propagation will be the responsibility of an experienced nurseryman or restoration specialist under contract to the property owner or resort operator.

Planting of Seedlings and Cuttings

Planting of seedlings and rooted cuttings will occur in the fall after the first rains and before the onset of heavy winter precipitation. Planting specifications for each management area are provided in a subsequent section of this plan. Each seedling or cutting will be planted by hand, fertilizer will be added to the planting holes, and small wells will be formed around each planting hole to help retain water for individual plants.

Transplant and Salvage of Plants

Prior to land disturbance on the site, seeds, cuttings and/or salvaged plants of native dune species will be collected and properly stored, or immediately transplanted into restoration.



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areas on the site (or other appropriate receiver sites) not affected by construction activities. Seeds will be collected as described previously. Cuttings from specific species will be collected and propagated for later installation into the restoration areas. Some of the salvaged plants may be transplanted into containers and maintained in a nursery until the created/recontoured dunes on the site are prepared for planting. Other plants may be directly transplanted into portions of the restoration areas unaffected by project construction.

Pre-Grading and Construction Surveys

Prior to initiation of grading and construction, surveys will be conducted throughout the project site to identify the presence of any Smith's blue butterfly and the western snowy plover in order to avoid take of those species.

Smith's Blue Butterfly

Based on the most recent surveys, buckwheat on the site is located within the swale on the northern boundary of the site, and thus will not be subject to grading or construction. The approved biologist and construction manager will be responsible for directing grading and construction activities away from known buckwheat plants. As an additional precaution, additional surveys for buckwheat on site, including within and near the proposed construction area, will be completed prior to the commencement of grading. Any plant of seacliff or coast buckwheat within the areas proposed for development will be flagged.

Western Snowy Plover

Pre-Construction Surveys and Construction Monitoring

Prior to the issuance of a building or grading permit by Sand City for the revised project, the applicant shall enter into an agreement with a qualified biologist selected by the applicant and approved by the Coastal Commission Executive Director, to provide on-site surveys monitoring for any western snowy plover nests during the nesting season. The approved biologist shall conduct surveys throughout the project site prior to grading and construction if the grading or construction is expected to begin or continue during the plover nesting season. Two seasonal nesting protection zones will be established during the plover nesting season (March to September) on the lower beach to protect areas where nesting has been most documented (2008-2013). If any plover nesting is observed on site outside of the seasonal nesting protection zones, the approved biologist will immediately establish exclosures around the nesting area, along with appropriate signage and protective measures to avoid take of the plover. The approved biologist and construction manager will be responsible for directing grading and construction activities away from seasonal or dynamic nesting protection zones.

Pre-Construction Conference.



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The approved biologist will hold a pre-grading and pre-construction conference with all equipment operators and construction field supervisors to educate them on the western snowy plover, critical habitat, preferred habitat, recent plover activity on site, historical nesting, and avoidance. All equipment operators and construction field supervisors will be required to sign an acknowledgement that they have been informed and advised of the western snowy plover, its critical and preferred habitat, and the protocol if any such species, nests or nesting activity are identified on site.

Species and Habitat Protection During Grading and Construction

The approved biologist will be retained to manage special status species and habitat or potential habitat. He or she will be retained prior to initiation of any grading or construction activities on the site and will monitor site preparation, grading and construction activities.

When grading is actively in progress, full-time monitoring will occur. The approved biologist will be present to monitor the activities and to ensure the avoidance of any take of western snowy plover or Smith's blue butterfly, the avoidance of grading within Management Area 1, and the minimization of significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 C.F.R. § 17.3. He or she will have the authority to limit or stop grading or construction activities in the area, if necessary.

The approved biologist will coordinate and oversee implementation of the following protection measures:

1. A temporary fence and signage will be erected no more than 20 feet beyond the limit of grading in order to assure that construction activities do not encroach into critical habitat areas except for the limited habitat area within Management Area 2 for a period not to exceed 90 days in the construction period. The approved biologist will coordinate with the site superintendent, construction manager and/or property owner concerning the placement of these fences and signs. In the event that additional grading is required in this area, it will be not be done in the breeding season, if feasible.
2. Signs will be placed on the fence at appropriate intervals alerting equipment operators of the actual or potential presence of sensitive species and of critical habitat. Signs will include the following language:
 "NOTICE SENSITIVE HABITAT AREA GRADING PROHIBITED"
3. The approved biologist will monitor activities of the western snowy plover, if any, throughout grading and construction of the project. Work in Management Areas 1 and 2 will be restricted.



in accordance with direction given by the approved biologist based on observations of plover use of the areas, if any, and in the vicinity, in coordination with the site superintendent, construction manager and/or property owner

The approved biologist shall be qualified in western snowy plover protection, management and recovery techniques and authorized to manage access to the beach and management areas, impound unrestrained pets and otherwise ensure the Dune Restoration Plan is followed. The approved biologist will use his or her best efforts to work with other land managers or their designees in the Sand City area, if available, to assist in pursuing regional western snowy plover protection, management and recovery requirements and goals

Post-Construction Management Elements, Techniques and Restrictions in Management Areas 1, 2, and 3

The following additional management elements and techniques will be employed to avoid take of the western snowy plover and to protect western snowy plover critical habitat which presently includes Management Area 1, a portion of Management Area 2, and a small portion (the step dune on the south end, and the swale on the north end, neither of which is appropriate plover habitat) of Management Area 3. The restrictions will be monitored and enforced by the approved biologist and any noncompliance will be reported to and discussed with the property owner/Permittee and/or property manager to avoid take of the plover as well as avoiding, if feasible, or, if not, minimizing significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" 50 C F R § 17.3

Preservation and Establishment of Two Seasonal Nesting Protection Zones

Prior to the commencement of grading, and annually during the plover nesting season, in consultation with the approved biologist, the applicant will establish two seasonal nesting protection zones on the lower beach strand for the duration of the nesting season. The two areas will include the southern and central portions of the beach within the project boundary where the most recent observations of nesting activity have been recorded from 2008-2013. These zones are intended to protect known nesting habitat and prevent disturbance that may discourage plovers attempting to nest in the area.

The approved biologist will use fencing, signage or any other measure in this plan or the Signage Plan, as is decided necessary to protect the plover, in order to establish the seasonal protection zones while continuing to allow reasonable lateral public access along the beach



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The approved biologist will establish strategically-placed educational and directional signage, pet restrictions, provisions for fencing, as necessary, and the creation and establishment, and in-season adjustment of the seasonal nesting protection zones designed to re-attract plover nesting

Lighting at the resort is being designed to minimize impacts to wildlife, including the plover. As described above, there is no lighting allowed in Management Area 1. Lighting in Management Area 2 is limited to low level pathway lights directed toward the path and away from habitat areas. No lighting will be allowed in the small critical habitat area in Management Area 3, and there is no other lighting seaward of the actual development area.

Beach-raking will be prohibited during the western snowy plover breeding season and a litter control plan is required as part of this plan and the predator management plan.

The approved biologist will control the extent of the proposed seasonal nesting protection zones based on past nesting, predation threats, weather events, on-the-ground biological and habitat conditions, and current plover activity, if any, balanced with public lateral access requirements and objectives. The approximate locations of seasonal nesting protection zones are shown on Figure 1, Habitat Management Areas.

When necessary, the approved biologist may also act as a docent to inform the public and beachgoers of the sensitive nature of the nesting protection zones.

Preservation and Establishment of Additional Dynamic Nesting Protection Zones²

At the discretion of the approved biologist and in addition to the two seasonal nesting protection zones in the lower beach outlined above, additional nesting protection zones may be established, if necessary, to protect plovers nesting during the annual nesting season. The areas will be "free-floating" or dynamic, meaning that their locations would or could change each nesting season based on recommendations of the approved biologist, balancing public access and resort access to the beach. The biologist may consider past nesting, weather events, predation threats, and on-the-ground biological and habitat conditions and factors in defining the initial area size and location of the dynamic protection zones. The approved biologist will use fencing, signage or any other scientifically-based measure, as is necessary to protect the plover, in order to establish the dynamic protection zone while allowing for lateral access along the beach.

² If the resort is projected to open during the western snowy plover breeding season, the dynamic nesting protection zone will be established at the earliest date (during that calendar year) prior to the resort opening, consistent with the completion of construction.

When necessary, the biologist may also act as a docent to inform the public and beachgoers of the sensitive nature of the nesting protection zones

Nesting Protection Zone Expansion

If the approved biologist identifies multiple plover nests, the seasonal or dynamic nesting protection zones may be relocated or expanded, if necessary, for the protection of the plover nest(s), balancing public access and the two resort accesses with plover protection and recovery. In such an event, if necessary, additional expansion areas of up to two acres will be provided within the area bounded by the 10 MSL contour line on the sandy beach and the two resort beach trails on the north and south (with a 25 foot buffer), respectively, while facilitating lateral and vertical beach access.

Adaptive Management Measures

In the event, after monitoring and data collection, the approved biologist determines that elements of this Dune Restoration Plan are harmful to the biological goals or are ineffective, he may develop, in consultation with the property owner, alternative management elements, and modify or replace those elements in this Plan in order to better meet the biological goals established herein. This adaptive management approach is intended to allow for the identification and correction of problems as they arise.

Annual Resort Operations Review

Once the resort is operational, the approved biologist will review the resort operations affecting the biological conditions prior to the annual plover nesting season to recommend adjustments, where feasible, in resort operations to avoid take of the western snowy plover, to avoiding, if feasible, or, if not, to minimize significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering," 50 C.F.R. § 17.3, and to otherwise promote plover nesting and recovery. The approved biologist also will ensure that the restored and enhanced habitat is functioning as designed, and contains the necessary biological features, in an effort to attract plovers.

Mandatory Employee Biological Education

Upon hiring, each employee will be required to complete an educational seminar on the site's biological resources including the western snowy plover and plover and plover critical habitat protection and recovery measures.



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Predator Management Plan

In 2013, at least 63% of western snowy plover nest losses in the Monterey Bay Area were likely caused by predators, including avian predators, mammalian predators, and unknown predators. Ravens, hawks, gulls and red-tailed hawks were the avian species identified depredate nests. Nest depredation by ravens occurred at 11 of 17 locations. According to PBCS, "On the Pacific coast, the Snowy Plover has become a management-dependent species requiring provision of undisturbed nesting areas and protection from predators to be a successful breeder (2013) ". Because nest predation is of concern, a Predator Management Plan will be included as part of this plan and as part of the HPP for the Monterey Bay Shores project. The base Predator Management Plan is attached as Ex A hereto.

Coordination with Sand City and State Parks on Plover Management, Protection and Recovery

The Permittee will coordinate with Sand City and State Parks in the management, protection and recovery of plovers along the Sand City coastline. The approved biologist will work with Sand City and State Parks officials to ensure that management, protection and recovery efforts are mutually re-enforcing to the extent feasible. Part of the coordination would include evaluation of the feasibility of obtaining conservation easements or other habitat protection agreements with neighboring landowners designed to enhance the existing plover protection and recovery. As noted herein, 15 percent of the Monterey Bay Shores Environmental Trust funds will be dedicated to assist Sand City in covering costs of the coordination effort, including all conservation, adaptive management and/or avoidance measures determined to be needed.

Permanent Protection of Restored Habitat Areas

In order to provide for the long-term protection of restored sensitive habitat areas on the project site, and as part of the CDP issuance, the property owner will record conservation/open space easements in perpetuity for dune habitat restoration areas (Dune Easement). The Dune Easement applies to the Dune Restoration Area shown in Figure 3. If development is removed in response to coastal hazards, including to allow for the public access easement to move inland, the affected area shall be restored in compliance with the dune restoration parameters of the Dune Restoration Plan and the restored dune area incorporated into the Dune Easement. Development is prohibited in the Dune Easement area, with the exceptions noted in the Offer to Dedicate Conservation Easement.



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Monitoring and Reporting

Pre-Grading and Construction

Prior to the commencement of grading and construction, the approved biologist will prepare a letter report and submit it to the Permittee, Sand City, and the California Coastal Commission, documenting compliance with measures in this Dune Restoration Plan, including the timing, methodology, and results of surveys conducted, the proposed locations of protective fencing, and any measures recommended for the protection of protected biological resources during grading and construction

During Grading and Construction

Western snowy plover critical habitat within Management Area 1 will not be subjected to grading or other construction. Grading of the limited western snowy plover critical habitat area (to allow formation and construction of foredunes) within part of Management Areas 2 and 3 is restricted to not exceed 90 days (in the construction period), and will be subject to the species protection measures described herein and the grading plans included in Figure 6. If feasible, grading in any portion of plover critical habitat will be during non-breeding season (October-February). Conduct pre-grading surveys by a qualified biologist (to insure no plover nest in the area)

With respect to the balance of the site, the proposed construction phase is anticipated to last approximately 2.5 years. Every month during grading and construction, the biologist will prepare a letter report and submit it to the Permittee. Each quarter, the approved biologist will submit the reports to Sand City and the California Coastal Commission. The letter report must include, but is not limited to, the following:

1. A description of activities and associated timeframes (i.e. monitoring continuously occurred during the time required for grading activities)
2. A discussion of monitoring results (compliance, effects and effectiveness monitoring) and survey information
3. Photographs of the temporary fencing installed prior to grading, clearing, grubbing, or trenching activities began
4. Documentation of compliance with construction measures (i.e. surveys of the site during construction, worker informational meetings, etc.)



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- 5 A description of circumstances that made adaptive management necessary and what new management approaches have been implemented
- 6 Monitoring logs showing the dates and times that the biologist was on the site

Post Construction

After construction is complete and the resort is operational, the Monterey Bay Shores Environmental Trust, its successors and/or assigns along with proceeds from Sand City transient occupancy tax (TOT) will continue to provide funding for the approved biologist to monitor the success of the restoration efforts relative to the western snowy plover and perform other functions identified herein. The approved biologist may participate in the annual monitoring work on the plover conducted by Point Blue Conservation Science and may also participate in larger patrol/resource management efforts focused on plover recovery in Sand City and the Monterey region. The biologist may coordinate with adjacent parks to provide similar signage and access directions. The biologist will also track the success of dune restoration efforts and monitor use of the site by Smith's blue butterfly. The goal of engaging the approved biologist on the site is in part to ensure a quick response to problems that may arise in resource protection.

As part of the first year of monitoring, the approved biologist will design the monitoring study that will be followed for the lifetime of the project. The field sampling design will be established, including placement of transect lines, experimental/revegetation and reference sites, photo points, etc. Sampling, transect, and any other geographically-referenced data will be collected using a GPS data collector with sub-meter accuracy or will be recorded by a survey engineer.

The biologist shall prepare notes on a quarterly basis, as well as an annual report. Annual reports will be forwarded to the applicant/property owner and Sand City, outlining progress of the restoration efforts, issues or problems encountered, and suggested remedies. Reports also will be submitted annually to the California Coastal Commission for the first five years, then every five years after that. Annual reports will include

- 1 A brief summary or list of project activities accomplished during the reporting year,
- 2 A brief description of new project impacts, if any,
- 3 A brief description of any protection, conservation and restoration strategy implemented,



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- 4 A discussion of monitoring results (compliance, effects and effectiveness monitoring) and survey information,
- 5 An analysis of aerial photography, if new photographs are available (analysis of new aerial photography is required every five years, at minimum),
- 6 An analysis of photographs taken from permanent photo-monitoring points
- 7 A description of circumstances that made adaptive management necessary and what new management approaches have been implemented,
- 8 A description of any changed or unforeseen circumstances that occurred and how they have been dealt with,
- 9 A discussion of funding expenditures, balance, and accrual, and
- 10 A description of any minor or major amendments

Performance Standards

Success criteria for biodiversity and vegetative cover for each vegetation type, as characterized by a specific plant palette and planting plan and any modifications based on slope and aspect, are provided herein

In order to quantify changes in the vegetation cover over time, several permanent line transects will be established in the restoration areas. Data gathered from these transects will provide adequate assessments of the relative success of the restoration activities. Vegetation cover will be assessed using standard line-intercept methods (Canfield 1941). Data collected will include community/management area, species names, size, and a qualitative assessment of plant health. Using this information, relative cover, species abundance, and species diversity will be calculated. Transect data will be collected prior to any management action to provide a baseline from which to compare future conditions. Data on seacliff and coast buckwheat plants will be gathered by monitoring individual plants, and will include height, relative cover, and health. Data will be collected once a year.

Data will be assessed based on the performance criteria set forth in Table 1, Vegetation Performance Criteria (Percent Cover by Plant Community) and Table 2, Performance Criteria, Monterey Spineflower and Seacliff Buckwheat. The percent cover goals have been created based on the species composition and coverage shown in the Landscape Plan (Rana Creek 2015). For additional details regarding the location and methods of establishing plants, refer to the sections on Revegetation and Habitat Management and the individual Management Areas.



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Table 1 Vegetation Performance Criteria (Percent Cover by Plant Community)

Year	Management Area 1 (Goal = 5%*)	Management Area 2 (Goal = 20%**)			Management Area 3 (Goal = 50%**)
	Beach	Foredune	Biofiltration basin	Secondary Dune	Back Dune
Year 1	3%	5%	3%	3%	30%
Year 5	5%	10%	5%	5%	50%
Year 10	5%	>10%	>5%	>5%	>50%
Year 25	5%	>10%	>5%	>5%	>50%
Year 30	5%	>10%	>5%	>5%	>50%

ote *It is assumed that, due to the dynamic nature of the beach strand area and tidal action during storm events, percent cover of vegetation will vary widely This is reflected in the goal of maintaining 5% cover

**Goals represent an overall average of plant cover Windward slopes of dunes will support a lower percentage of plant cover than leeward slopes, due to the scouring effects of the wind

ource EMC Planning Group 2014, Rana Creek 2014

Table 2 Performance Criteria, Monterey Spineflower and Seacliff Buckwheat

Year	Monterey Spineflower	Seacliff Buckwheat
Goal	3 4 acres	400 plants
Year 1	2 7 acres	320 plants
Year 5	3 4 acres	400 plants
Year 10	> 3 4 acres	>400 plants
Year 25	> 3 4 acres	>400 plants
Year 30	> 3 4 acres	>400 plants

ource EMC Planning Group 2014, Rana Creek 2014

A comprehensive assessment of the efficacy of the habitat restoration program, especially as it relates to efforts to protect and enhance nesting habitat for the western snowy plover, will be completed five years following the commencement of resort operations



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Maintenance activities for Management Areas 1, 2, 3 will be conducted throughout the monitoring period, as applicable. A maintenance program providing recommended activities for maintaining the habitat areas in perpetuity is addressed in the Landscape Plan and will be included in the HPP. Adaptive management and maintenance measures will also be included in the annual monitoring and five-year assessment reports to evaluate success criteria.

If the restoration monitoring report or biologist's inspections indicate the restoration is not in conformance with or has failed to meet the performance standards specified above, the applicant or current property owner will submit a revised or supplemental restoration plan for the review and approval by the California Coastal Commission Executive Director. The revised or supplemental restoration plan will be prepared by a qualified specialist, and will specify measures to remediate those portions of the originally approved plans that have failed or are not in conformance with the originally approved plans. These measures, and any subsequent measures necessary to carry out the approved plans, shall be carried out in coordination with the direction of the California Coastal Commission Executive Director.

Vertical color infrared aerial photographs will be obtained of the project site in the fifth year of the project. These aerials will provide documentation of vegetation cover over the entire site. In addition to aerial photography and photographs collected during transect data collection, six permanent photo points will be established and both color prints and slides of the revegetation areas will be obtained each year for the first five years. Copies of the photographs will be included in the annual progress reports to Sand City.

Surveys to assess use by Smith's blue butterfly of revegetated and enhanced habitat areas will be conducted between May and July each year. Data to be collected will include number of adults observed flying, location of butterfly use, plant species of use (if known), date, time, and weather conditions. Because a goal of this plan is to increase the habitat use and possible population numbers of Smith's blue butterfly on the site where the buckwheat plants have populated, these surveys will document observable changes in these parameters.

Maintenance activities for Management Areas 1, 2, and 3 will be conducted throughout the monitoring period, as applicable. A maintenance program providing recommended activities for maintaining the habitat areas in perpetuity will be prepared and included in the five-year assessment report referenced above. The property owner(s) shall ensure that long-term maintenance of the habitat is achieved. The types and schedule of maintenance activities for the Management Areas during the five-year establishment period are described in the following section.

SPECIFIC MANAGEMENT TECHNIQUES FOR EACH MANAGEMENT AREA



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This section provides an additional overview of prescriptions for each management area and includes guidelines for applying the various management techniques described previously. To the extent that additional measures are specified elsewhere in this plan but not expressly summarized in this section, they shall still apply to the applicable management area.

Management Area 1: Beach and Strand

Avoidance of Species Take and Preservation of Sensitive Habitat

The approved biologist will conduct surveys within this management area for western snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after grading and construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed as endangered or threatened under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat.

Prior to the commencement of grading, on an annual basis, prior to the start of the western snowy plover breeding season (March through September), the approved biologist will use enclosures, signage, and monitoring to establish two seasonal nesting protection zones along the beach strand for purposes of protecting potential nesting habitat. The enclosure areas will be constructed along the beach strand near the southern boundary of the project and in the center of the project site, protecting the areas where nesting observations have been recorded from 2008 through 2014. The approved biologist will establish the extent of the proposed seasonal nesting protection zones based on previously documented nesting history, current site conditions and current plover activity, if any, balanced with public lateral access requirements and objectives. The approximate anticipated locations of seasonal nesting protection zones are shown on Figure 1, Habitat Management Areas, although the biologist will have the discretion to move the areas based on the criteria listed above.

If plover nests are found outside of the seasonal nesting protection zones in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of enclosures, signage and direction to the public and users of the beach and strand in order to protect any such nests during the breeding season. The approved biologist is authorized to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting).



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In accordance with the Landscape Plan, vegetation shall be arranged and 1 to 4 foot high *microtopographic contouring* (designed in part to attract snowy plovers to potentially use, nest and breed within this management area) shall be implemented

Habitat Protection During Grading and Construction

The approved biologist will conduct surveys within this management area for snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after grading and construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat

Prior to the commencement of grading, on an annual basis, prior to the start of the western snowy plover breeding season (March through September), the approved biologist will use exclosures, signage, and monitoring to establish two seasonal nesting protection zones along the beach strand for purposes of protecting potential nesting habitat. The exclosure areas will be constructed along the beach and strand near the southern boundary of the project and in the center of the project site, protecting the areas where nesting observations have been recorded from 2008 through 2014. The approved biologist will establish the extent of the proposed seasonal nesting protection zones based on previously documented nesting history, current site conditions and current plover activity, if any, balanced with public lateral access requirements and objectives. The approximate anticipated locations of seasonal nesting protection zones are shown on Figure 1, Habitat Management Areas, although the biologist will have the discretion to move the areas based on the criteria listed above.

If plover nests are found outside of the seasonal nesting protection zones in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach and strand in order to protect any such nests during the breeding season.

Control of Non-natives and Establishment of Coastal Strand Vegetation

Iceplant and/or European beachgrass will be prevented from establishing in this management area through an active eradication program. Plants of iceplant or European beachgrass will be removed by hand or, if necessary, through careful application of herbicide. Non-native plant species will be controlled so that non-native species represent no more than 1 percent of the vegetative cover.



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Coastal strand vegetation will be replanted, restored and established in accordance with the Landscape Plan by collecting native seeds from the project site and within the project vicinity prior to grading. To encourage establishment, the seeds will be planted after the first rain event in the fall, and they will be fertilized and watered by hand immediately after planting. Following the planting of coastal strand plants in this management area, permanent monitoring transects (designed to cover a minimum of 5 % of the revegetated area) will be established. To monitor vegetation establishment success, data will be collected annually by the approved biologist using the line intercept method. In addition to species diversity, the line intercept method can also be used to estimate percent cover by recording the number of feet (m) intercepted by each species along a transect. Percent cover is then calculated by dividing the number of feet (m) intercepted by each species by the total length of the transect.

Beach and Strand Species Management and Human Activity Restrictions

All points of vertical access will include signage alerting users of sensitive species, requiring pets to be leashed and requiring "packing out" what users bring to the beach and strand. Vertical access points may be limited, as determined by the approved biologist in coordination with the construction manager or resort/property manager, during the western snowy plover nesting season, if necessary to protect nesting and breeding by the plovers. Refuse containers will require lids that tightly close at all beach access points and regular trash removal.

Monitoring and Maintenance

The approved biologist will monitor the success of the protection, management and restoration efforts annually. The biologist will have the ability to direct or limit use of beach and strand areas accordingly while preserving lateral access. The purpose of the approved biologist is to ensure a quick response to problems. Annual reports will be prepared by the biologist.

Management Area 1 Success Criteria

Success criteria establish standards for species and habitat conservation goals. Here, documented plover nesting on the lower beach and strand area at numbers above those recorded since 2008 (2-3 nesting attempts and the fledging of 1-3 juveniles per year) within five (5) years after the resort is opened would be considered successful in increasing active plover use of the site. However, birds are highly mobile and may not return to a site on their own volition, regardless of habitat restoration efforts.

Therefore, habitat restoration efforts should be evaluated by an alternative criterion. For the purposes of this plan, if snowy plover are not observed using the restored habitat areas within five (5) years after construction, success of the habitat restoration effort will be defined by documenting that the proposed native coastal strand vegetation goals for Management Areas 1 and 2 have been established.



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if plover nesting does not increase on the site, the need for adaptive management may be required, as discussed herein

Permanent Protection

A public access easement with access limitations for resource protection and recovery consistent with provisions of the Sand City LCP, the Coastal Act public access provisions and as part of the CDP issuance will be recorded

Management Area 2: Foredune / Secondary Dune

Avoidance of Species Take and Preservation of Sensitive Habitat

The approved biologist will conduct surveys within this management area for western snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after grading and construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed as endangered or threatened under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat

If plover nests are found outside of the seasonal nesting protection zones in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of enclosures, signage and direction to the public and users of the beach and strand in order to protect any such nests during the breeding season

For those areas within Management Area 2, minimize significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" 50 C F R § 17.3 Grading of the limited amount of critical habitat within this Management Area shall be limited to 90 days (in any construction year) The approved biologist is authorized to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting)

In accordance with the Landscape Plan, vegetation shall be arranged and 1 to 4 foot high microtopographic contouring (designed in part to attract snowy plovers to potentially use, nest and breed within this management area) shall be implemented



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Habitat Protection During Grading and Construction

The approved biologist will conduct surveys within this management area for snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after grading and construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat. Grading of any critical habitat in this management area will be limited to no more than 90 days (in the construction period).

If plover nests are found outside of the seasonal nesting protection zones in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach and strand in order to protect any such nests during the breeding season.

Recontouring of Existing Topography

The existing bluff and coastal plateau in this management area will be graded to create a more gradual slope from the beach and strand to the development areas, as shown in the grading plans included in Figure 6. Low dunes will be incorporated as micro topography and will range in height from 1 to 4 feet. The low dunes will be sparsely planted with native coastal dune vegetation as shown in the *Landscape Plan*.

Control of Non-native Species

As described herein, iceplant and/or European beachgrass will be prevented from establishing in this management area through an active eradication program. Plants of iceplant or European beachgrass will be removed by hand or, if necessary, through careful application of herbicide. Non-native plant species will be controlled so that non-native species represent no more than 1 percent of the vegetative cover.

Revegetation and Habitat Enhancement

The low dunes created in this area will be planted with native coastal strand vegetation per the following specifications:

Site Preparation

Just prior to planting, the low dunes will be sprayed with water to assist in temporarily stabilizing the sand for planting.



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Planting Specifications

Install seedlings just after the first rains in the fall and following spraying of the low dunes with water. Seed mixes and installation recommendations shall follow those listed in the Landscape Plan (Rana Creek 2015) and final landscaping plans prepared prior to building construction. Monterey spineflower will be planted in stabilized bare sand areas on slopes with northern or eastern aspects. Seed will be spread in several areas of bare sand that total 3.4 acres.

MANAGEMENT AREA 2 SUCCESS CRITERIA

Documented use of the foredune/secondary dune habitat areas for snowy plover nesting activities resulting in successful fledging within ten (10) years following completion of construction would meet the specific goal of re-attracting nesting plovers to this management area, which has not been used for nesting since the late nineties.

Because plover nesting in this Management Area 2 has not occurred in the past 20 years, an alternative criterion should be used. If snowy plover are not observed using the restored habitat areas within ten (10) years after construction, success of the habitat restoration effort will be defined by documenting that the proposed vegetation goals for Management Areas 2 have been established.

Success criteria for the establishment of Monterey spineflower includes the establishment of a minimum of 3.4 acres of Monterey spineflower in the foredune/secondary dune management area.

Permanent Protection

As noted above, a conservation/open space easement has been recorded with the Monterey County Recorder for this management area. The public access easement includes access limitations for resource protection and recovery consistent with provisions of the Sand City LCP and the Coastal Act public access provisions.

Management Area 3: Back Dune

Pre-Grading and Construction Surveys

Prior to the commencement of grading and construction, the approved biologist will conduct surveys within this management area for Smith's blue butterfly every two weeks from mid-June



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through mid-August prior to, during, and after construction and annually thereafter. He or she will also conduct surveys for and document the extent of Monterey spineflower within this management area prior to, during, and after grading and construction and annually thereafter. The approved biologist will also conduct surveys within this management area for western snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after grading and construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed as endangered or threatened under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat.

If plover nests are found in this management area during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach and strand in order to protect any such nests during the breeding season.

The approved biologist is authorized to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting).

Protection and Expansion of Smith Blue Butterfly Habitat

All non-native vegetation within this management area will be removed and non-native plant species will be controlled so that non-native species represent no more than 1 percent of the vegetative cover.

Existing buckwheat plants within the swale will be avoided and preserved as actual or potential habitat for Smith's blue butterfly. Coastal dune vegetation will be established to provide new habitat for Smith's blue butterfly and Monterey spineflower in this management area by collecting native seeds within the project vicinity prior to grading, broadcasting seeds and planting seedlings following the installation of straw mulch after the first rain event in the fall, and fertilizing and watering by hand immediately after planting.

Transplant and Salvage of Other Sensitive Plant Species

Prior to grading and construction-related land disturbance in this area, the following activities will be conducted. Seed will be collected from Monterey spineflower plants that are within areas proposed for disturbance in June through August one year prior to planting of the restoration areas to allow for propagation.

Recontouring and Slope Stabilization of the Large Dune

The windward face of the large dune in the southeast portion of this management area will be recontoured along additional dunes as shown on the project plans.



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The leeward slopes of the large dune in southern portion of this management area and the newly contoured leeward slopes of the dunes in the remainder of this management area will be stabilized using vertical straw mulch per the specifications described below under revegetation and habitat enhancement. The windward slopes of these same dune areas will be stabilized using a combination of hydroseeding, erosion control blankets and temporary overhead irrigation per the specifications described below under revegetation and enhancement.

Control of Non-native Species

Iceplant and/or European beachgrass will be prevented from establishing in this management area through an active eradication program. Plants of iceplant or European beachgrass will be removed by hand or, if necessary, through careful application of herbicide. Non-native plant species will be controlled so that they represent no more than 1 percent of the vegetative cover.

Revegetation and Habitat Enhancement

Planting will occur on the leeward slopes of the dunes in this management area to establish native coastal dune scrub vegetation, expand habitat for the Smith's blue butterfly, increase numbers of Monterey spineflower, and introduce native plant species such as sand gilia, sandmat manzanita and Monterey ceanothus to the project site. Coastal dune scrub elements, including seacliff and coast buckwheat will be planted throughout the area. Monterey spineflower will be planted in stabilized bare sand areas on slopes with north or east aspect. Sandmat manzanita and Monterey ceanothus will be planted at the base of the leeward slopes of the dunes.

Seed mixes and installation recommendations shall follow those listed in the Landscape Plan.

- Seacliff and coast buckwheat 400 plants
- Monterey spineflower spread seed and plant minimum of 1,000 propagules in several areas of bare sand that total 3.4 acres
- Sandmat manzanita plant 500 propagules near base of leeward slopes. Monterey ceanothus plant 500 propagules near base of leeward slopes.

Monitoring and maintenance

The approved biologist will monitor the success of the restoration efforts, including slope stabilization and habitat restoration to determine



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- 1 If additional stabilization techniques are necessary,
- 2 If maintenance is required to remove non-native vegetation or improve the success of the plantings or
- 3 If additional plantings are needed to meet the restoration goals set forth in the Biological Objectives

Monitoring Transects

Following installation of planting, permanent monitoring transects will be established. The end points of each transect will be marked using rebar (or another permanent marking method suitable for use in sand habitats) and the coordinates logged with a GPS receiver with sub-meter accuracy. The number and placement of transects will be determined to ensure that a minimum of 5% of the total planted area will be covered by the transect(s) and that the data collected along the transect will provide sufficient information for determining if the success criteria are met. Data will be collected using the line intercept method.

Photo Documentation

Two permanent photo points that capture an aerial view of the management area will be established and photos will be taken annually (in the spring) for comparison. Vertical color aerial photos will be obtained after year five to assess the success of revegetation efforts.

Smith's Blue Butterfly

Use of the habitat by Smith's blue butterfly will be monitored by conducting reconnaissance surveys of the planted buckwheat plants every two weeks from May through July. Numbers of individuals and extent of areas of used will be estimated.

Maintenance

Periodic irrigation through the establishment period (typically up to three years) as required.
Control non-native vegetation as needed.



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Management Area 3 Success Criteria

Leeward slopes

- 5% cover of native coastal dune scrub species in the planted areas designated on the as-built planting plans
-
- A minimum 3 4 acres of Monterey spineflower
- Survival of at least 80% of the existing and newly planted buckwheat plants

Windward slopes

- Slope stability sufficient to support vegetation
- 50% cover of native coastal dune scrub species in the planted areas designated on the as-built planting plans

Management Area 4: Developed

Pre-Grading and Construction Surveys

Prior to grading and construction, surveys for the buckwheat host plants for Smith's blue butterfly will be conducted as described above

Landscape Restrictions

Transition planting zones will be established between development areas and the habitat restoration areas. The transition zones will include native species but will contain no sensitive plants. Native plant species will be selected to sustain and recover from periodic disturbance when maintenance or emergency access is required. Development areas will contain a mix of native species compatible with the dune landscape. Species will be drought resistant, conforming to applicable local water conservation policies, and consistent with the Landscape Plan.

Lighting Restrictions

Lighting at the resort is being designed to minimize impacts to wildlife, including the plover. As described above, there is no lighting allowed in Management Area 1. Lighting in Management Area 2 is limited to low level pathway lights directed toward the path and away from habitat areas. No lighting will be allowed in the small critical habitat area in Management Area 3, and there is no other lighting seaward of the development.



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In general, the project design calls for lighting to be directed away from the beach/strand and foredune areas and away from western snowy plover critical habitat, consistent with the Lighting Plan

SPECIFIC MITIGATION MEASURES

This section summarizes the various measures that will be used to minimize and/or mitigate impacts on the target species. The methods for implementing these measures are described in the previous sections.

Smith's Blue Butterfly

Avoidance and Mitigation for Potential Impacts

- Avoid, protect and maintain all existing buckwheat plants in the swale area on the north side of the property so as to protect existing actual or potential habitat for the Smith's blue butterfly that may exist in the swale
- Remove all non-native vegetation impacting the buckwheat
- Conduct surveys within this management area for Smith's blue butterfly every two weeks from mid-June through mid-August prior to, during, and after construction and annually thereafter
- Collect seed, propagate and install 400 new seacliff and coast buckwheat plants in an effort to expand existing Smith's blue butterfly habitat
- Monitor and maintain any Smith's blue butterfly population and butterfly habitat on site by the approved biologist

Western Snowy Plover

Avoidance and Mitigation for Potential Impacts

- Avoid take of the western snowy plover
- Hire an approved biologist to monitor western snowy plover activity, grading, construction and resort operational activities
- Require the approved biologist to conduct surveys for western snowy plover prior to, and throughout, the breeding season (March through September), prior to, during, and after construction and annually thereafter so long as the Pacific Coast distinct population segment of the western snowy plover remains listed as endangered or threatened under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat



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- Avoid grading of any part of Management Area 1
- For those areas within Management Areas 2 and 3 above 20 feet MSL, minimize significant damage or degradation to western snowy plover critical habitat so that any such habitat impact does not rise to the level of "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering " 50 C F R § 17.3
- Authorize the biologist to monitor and, in coordination with the construction manager, resort operator or property owner, regulate activities that may significantly and adversely affect the snowy plover during the breeding season (e.g., redirect lighting away from plover nesting)
- Prior to the commencement of grading, on an annual basis, prior to the start of the western snowy plover breeding season (March through September), the approved biologist will use exclosures, signage, and monitoring to establish two seasonal nesting protection zones along the beach and strand for purposes of protecting potential nesting habitat. The exclosure areas will be constructed along the beach and strand near the southern boundary of the project and in the center of the project site, protecting the areas where nesting observations have been recorded from 2008 through 2014. The approved biologist will establish the extent of the proposed seasonal nesting protection zones based on previously documented nesting history, current site conditions and current plover activity, if any, balanced with public lateral access requirements and objectives. The approximate anticipated locations of seasonal nesting protection zones are shown on Figure 1, Habitat Management Areas, although the biologist will have the discretion to move the areas based on the criteria listed above.
- If plover nests are found outside of the seasonal nesting protection zones during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach and strand in order to protect any such nests during the breeding season.
- Replant, restore and establish coastal strand vegetation in accordance with the Landscape Plan by collecting native seeds from the project site and within the project vicinity prior to grading.
- Remove all non-native vegetation within relevant management areas and control invasive plant species.
- In accordance with the Landscape Plan, arrange vegetation and 1 to 4 foot high microtopographic contouring designed in part to attract snowy plovers to potentially use, nest and breed within this management area.
- Lighting will be restricted in or adjacent to western snowy plover critical habitat during construction and operation of the resort in accordance with Lighting Plan and the CDP.

Monterey Spineflower Avoidance and Mitigation for Potential Impacts



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- Revegetate and enhance coastal dune scrub habitat
- Collect and propagate seed from Monterey spineflower plants in the proposed development areas
- Re-establish 3.4 acres of Monterey spineflower on the project site (1:1 mitigation ratio)

OTHER MITIGATION AND LONG-TERM MEASURES

Use of Fifteen Percent of Monterey Bay Shores Environmental Trust Fund for Plover Protection

The applicant commits a portion of the net room rental revenues from the resort to be set-aside in a trust administered by a local environmental group or groups and Sand City. The trust funds will be committed to restoring and enhancing the environment of the Monterey Peninsula. Sand City (subject to final City Council approval) has agreed to contribute to the trust an amount equal to ½ percent from the transient occupancy tax (TOT) to be collected by the City from the resort annually. Fifteen percent of the annual trust funds expended will be restricted to on-site western snowy plover management, protection and recovery efforts (for as long as the western snowy plover remained a species listed as threatened or endangered under the federal Endangered Species Act, and any portion of the site remains designated as critical habitat). Trustees will ensure an accounting of income and budget projections for the trust, so that the trust remains viable.

PLANT MAINTENANCE

All required plantings shall be maintained in good growing conditions for as long as any portion of the approved development exists at this site, and whenever necessary shall be replaced with new plant materials to ensure continued compliance with the approved plans. Monitoring of the project site prior to, during, and post construction will occur regularly and will be documented as follows:

DUNE CONTOURS

Final contours of the restoration shall mimic and seamlessly integrate with natural dune contours present and/or generally historically present in this area, to the extent feasible, as shown in the tentative map (Bestor Engineers 2015) and Figure 6, Final Finished Grade Map.



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IMPLEMENTATION OF DUNE RESTORATION

A map shall be provided after grading and prior to construction of any buildings showing the type, size, and location of all plant materials to be planted, the irrigation system (if any), topography and finish contours, and all other landscape features. If fencing is required to protect restored habitat, then such fencing shall be limited to temporary rope and pole barriers or equivalent, and shall be sited and designed to limit visual impacts as much as possible. Detailed guidance on plant propagation, planting methods, and irrigation shall be included, as shall a schedule for all restoration activities.

The Landscaping Plan provides a schematic of the proposed plant communities, a plant palette, and the location of permanent fencing. Additional detail regarding fencing types and locations is presented in detail in the Landscape Plan (Rana Creek, 2015). Fencing will be minimized to the extent feasible, sited and designed to be compatible with the dune landscape (e.g., rough-hewn wooden split rail, low rope and pole barriers for restoration areas as needed, etc.). After recordation of the vesting tentative map for the Monterey Bay Shores Resort and completion of the final plans, a detailed landscaping and planting plan based on the final contouring and elevations proposed will be submitted to Sand City and the Coastal Commission. The detailed plans will include guidance on plant propagation, planting methods, and irrigation. To adequately support seed and propagule collection and ensure plantings occur during the appropriate time of year, a schedule for all restoration activities will be prepared once the timing of construction is known.

MONITORING AND MAINTENANCE

As described above, monitoring and maintenance of dune restoration activities for the duration of the project include:

1. **Schedule** A schedule out to 30 years
2. **Field Activities** A description of field activities, including monitoring studies
3. **Monitoring** Monitoring study design, including goals and objectives of the study, field sampling design, study sites, including experimental/revegetation sites and reference sites, field methods, including specific field sampling techniques to be employed (photo monitoring of experimental/re-vegetation sites and reference sites shall be included), data analysis methods, presentation of results, assessment of progress toward meeting success criteria, recommendations, monitoring study report content and schedule, and an analysis of high resolution aerial photographs at least every five years
4. **Adaptation** Adaptive management procedures, including provisions to allow for



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modifications designed to better restore, enhance, manage, and protect dune restoration areas

5 Maintenance and Reservation Rights All dune restoration activities set forth in this Dune Restoration Plan, including maintenance of dune restoration areas, shall be the responsibility of the owner SNG or its successors or assigns for as long as any portion of the approved development exists on the Property SNG and its successors and assigns reserves a nonexclusive easement, use and right to access the Dune Restoration Easement area at any time, consistent with the Dune Area Conservation Easement dedication for the limited purpose of ingress and egress during grading and construction of the development (that portion of the dune restoration will be completed before the project is completed), installing, constructing, repairing, and maintaining the tunnel to the development and its entry and exit and any structures that support it, and the approved water tanks, well area, geothermal, dry wells, storm water drainage equipment and units, bioretention facilities and drains or drain boxes, all other utilities, or any other equipment or structures for the development underlying the Dune Restoration Area Easement. The equipment or structures underlying the Dune Easement area may be relocated from time to time as may be required for the service of the development

REPORTING AND CONTINGENCY

As described above, five years from occupancy of the approved development, and every ten years thereafter, the Permittee will submit, for review and approval by the Coastal Commission Executive Director, a restoration monitoring report that certifies that restoration is in conformance with the approved Dune Restoration Plan, along with photographic documentation of plant species and plant coverage beginning the first year after initiation of implementation of the plan, annually for the first five years, and then every ten years after that

If the restoration monitoring report or biologist's inspections indicate the restoration is not in conformance with or has failed to meet the performance standards specified above, the applicant or current property owner will submit a revised or supplemental restoration plan for the review and approval by the California Coastal Commission Executive Director. The revised or supplemental restoration plan will be prepared by a qualified specialist, and will specify measures to remediate those portions of the originally approved plans that have failed or are not in conformance with the originally approved plans. These measures, and any subsequent measures necessary to carry out the approved plans, shall be carried out in coordination with the California Coastal Commission Executive Director.

DUNE RESTORATION IMPLEMENTED PRIOR TO OCCUPANCY



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Initial dune restoration activities, including at a minimum non-native and invasive removal and initial site planting, shall be implemented prior to occupancy of the approved development

DUNE RESTORATION MAINTAINED

All dune restoration activities pursuant to the approved Dune Restoration Plan shall be SNG's or the successor owner(s) responsibility for as long as any portion of the approved development exists at this site. The Permittee shall undertake development in accordance with the approved Dune Restoration Plans, which shall be initiated within 90 days of Executive Director approval of such plans, or within such additional time as the Executive Director allows if there are extenuating circumstances.



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Monterey Bay Shores Resort

FIGURES

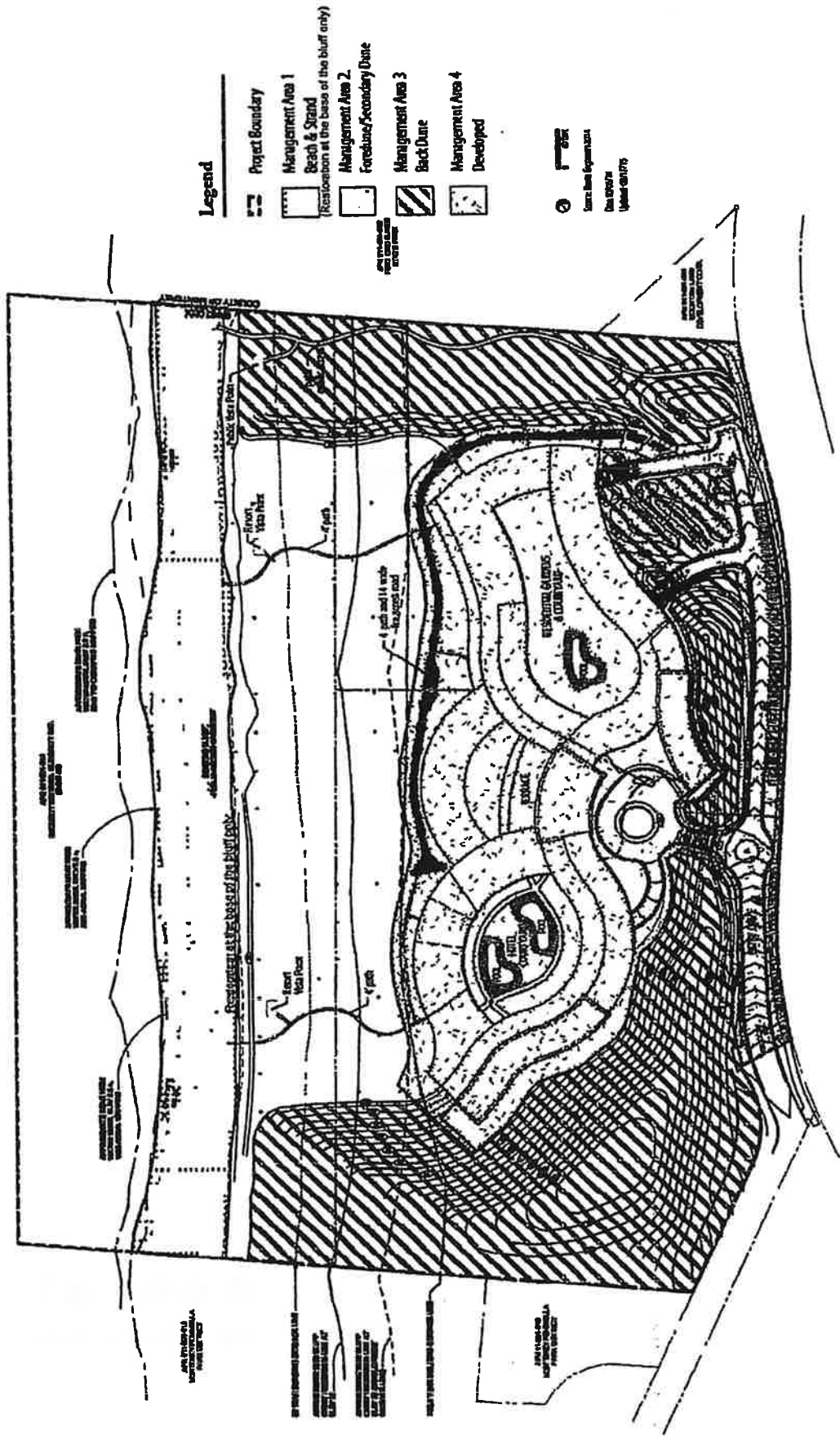


Monterey Bay Shores Resort

DUNE RESTORATION PLAN

Habitat Management Areas

Figure 1



Legend

- Project Boundary
- Management Area 1 Beach & Strand (Restoration at the base of the bluff only)
- Management Area 2 Foredune/Secondary Dune
- Management Area 3 Back Dune
- Management Area 4 Developed
- Restoration at the base of the bluff top
- 4 path and 14 wide managed foot
- Dune Restoration Area
- Front Walk Path
- Back Walk Path
- Dune Walk Path
- Dune Path

Scale: 1 inch = 100 feet
 Date: 10/27/78
 Project: Dune Restoration

DUNE RESTORATION PLAN
 Figure 6 - Final Finished Grade Map

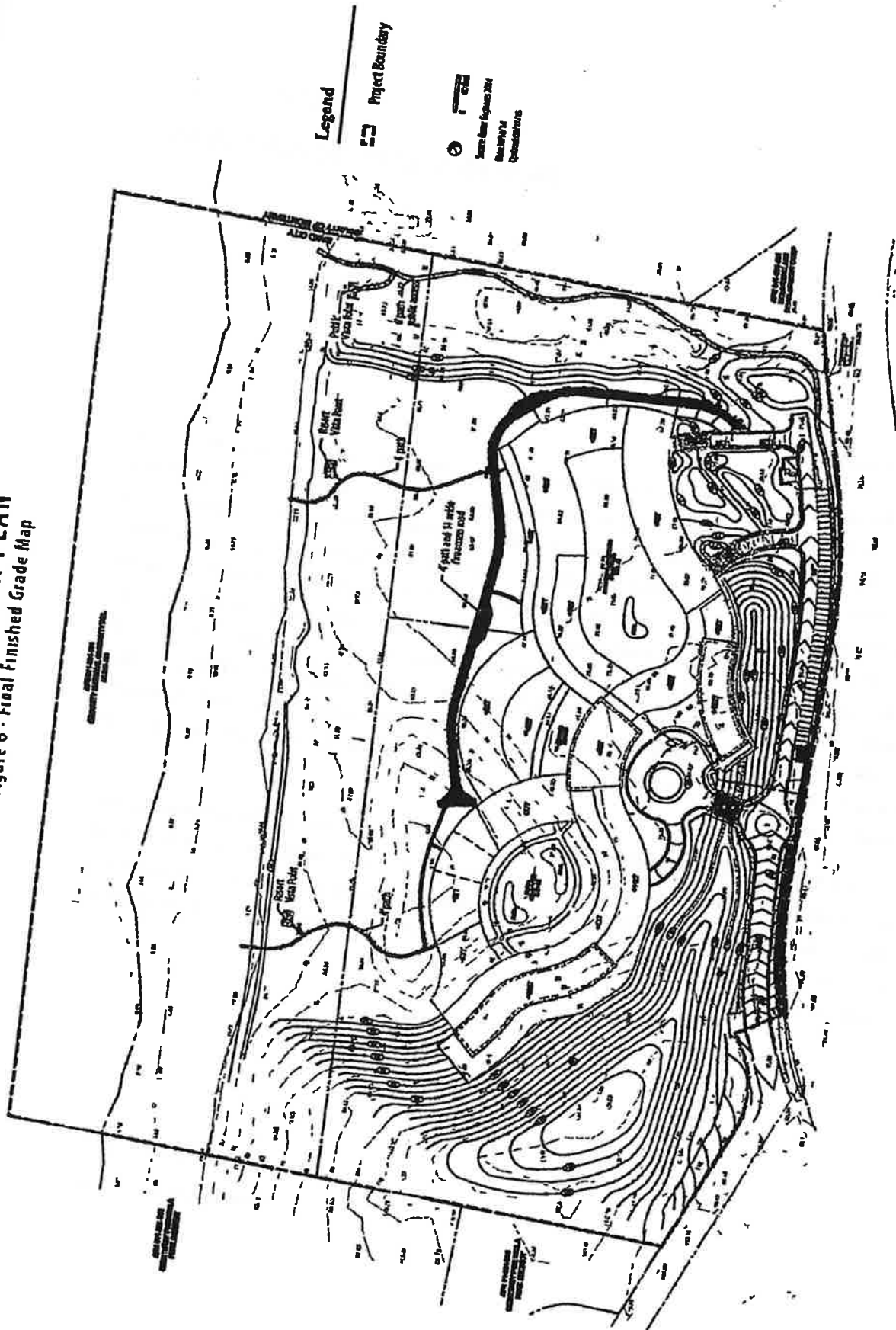


EXHIBIT "A"

PREDATOR MANAGEMENT PLAN

INTRODUCTION

This Predator Management Plan (PMP) includes the measures to be undertaken by the owner/permittee of the Monterey Bay Shores Resort in Sand City, California, to protect the federally listed western snowy plover ("plover," *Charadrius alexandrinus nivosus*) from predators supported by or originating from the resort site. This PMP is part of the *Monterey Bay Shores Resort Dune Restoration Plan* ("Plan," EMC Planning Group 2015) which is being adopted and implemented in accordance with the California Coastal Commission's April 11, 2014 approval of the project, the corresponding coastal development permit (CDP) and conditions, the associated Notice of Intent to Issue Coastal Development Permit (CDP) and 98-114 (Monterey Bay Shores Resort 2014), the California Coastal Commission-Approved Revised Plans (Bestor Engineers 2014) and the CDP Issued by the California Coastal Commission.

Funding for predator management and monitoring on the resort site will be provided by the owner/permittee. When feasible, the owner/permittee will coordinate with Sand City, Point Blue Conservation Science (PBCS) and the California Department of Parks and Recreation in developing and implementing predator management activities to protect and conserve plovers along the Sand City coastline.

METHODOLOGY

This PMP was prepared by reviewing relevant information on predator management, including the following documents

- Western Snowy Plover (*Charadrius alexandrinus nivosus*) Pacific Coast Population Recovery Plan [United States Fish and Wildlife Service (USFWS) 2007]
- Annual Western Snowy Plover Surveys and Reports, PRBO/Zander Associates 1994-2014
- Western Snowy Plover System-wide Management Guidelines (California State Parks 2014)
- Coal Oil Point Reserve Snowy Plover Management Plan (UCSB 2001)
- Predator Management for Protection of the Western Snowy Plover and California Least Tern Breeding on Vandenberg Air Force Base, California, 2013 Annual Report (ManTech SRS Technologies, Inc 2014)
- Interim Predator Management Plan for Protection of Breeding Western Snowy Plovers and California Least Terns at Oceano Dunes State Vehicular Recreation Area, March 01 2006 through September 30 2006
- Predator Management Plan, San Diego Bay National Wildlife Refuge, (Sweetwater Marsh and South San Diego Bay Units) (USFWS 2006)

PREDATORS OF WESTERN SNOWY PLOVER IN THE MONTEREY BAY AREA

In 2013, at least 63% of western snowy plover nest losses in the Monterey Bay Area were likely caused by predators, including avian predators, mammalian predators, and unknown predators. Ravens, harrners, gulls and red-tailed hawks were the avian species identified depredating nests. Nest depredation by ravens occurred at 11 of 17 locations. Skunks, canines, and raccoons were responsible for 22 of the 24 nest losses attributed to mammalian predators. Among nest losses attributed to other causes were one nest destroyed by humans and 15 by natural elements such as wind, tides, and rain (PBCS 2014)



Monterey Bay Shores Resort

PREDATOR CONTROL AND MANAGEMENT MEASURES

Lethal and nonlethal means of predator control have been used with mixed success to protect western snowy plovers on Pacific beaches. Nonlethal methods include litter control (to reduce available food sources), habitat exclosures and fencing, and trapping and relocation. Lethal methods include reducing local populations of avian predators by killing developing raptor and corvid chicks within the egg, trapping and euthanizing nonnative mammalian predators, and killing individual predators upon which nonlethal methods have proven ineffective (USFWS 2007).

To the maximum extent possible, the Monterey Bay Shores Resort has been designed through an ecologically innovative, sustainable approach integrating site conditions and capacity with the layout and structural design to achieve long-term sustainability. Lethal removal of species found on the site is not consistent with the intent of the proposed project and is not proposed at this time. If lethal management of predators is determined to be unavoidable by the approved biologist monitoring the site and is consistent with local and regional predator removal efforts, revisions to this PMP may occur through the adaptive management process discussed below.

The following non-lethal predator management measures are proposed:

On-Site Biologist Oversight and Responsibilities

The owner/permittee will select (with Coastal Commission approval) a biologist knowledgeable of special-status species and habitats and that occur in coastal Monterey County, specifically western snowy plover, to conduct full time monitoring during the grading phase of construction and provide biological monitoring and services during construction and operation of the resort. The biologist is subject to the approval of the Executive Director of the CCC and will be retained prior to initiation of any construction activities on the site. As identified in the approved Construction Plan (Appendix A, CDP), biologists have been initially selected from EMC Planning Group and Rana Creek. Should the retained biologist change, prior approval by the City of Sand City and the Executive Director of the California Coastal Commission will be sought.



Monterey Bay Shores Resort

Duties of the approved biologist specific to management for plover are outline in Appendix L and include

- *Pre-construction surveys for nesting plover,*
- *Monitoring during grading activities associated with construction,*
- *Monitoring and management on a permanent basis during operation of the resort,*
- *Compliance with plover management measures outlined in the Dune Restoration Plan, including*
 - *Surveys prior to, and throughout, the breeding season (March through September),*
 - *Installation, monitoring, and maintenance of permanent or dynamic nesting protection zones, habitat fencing, and signage,*
 - *Regulation of construction or operational activities that may significantly and adversely affect the snowy plover during the breeding season (e.g , redirect lighting away from plover nesting) consistent with the approved Construction Plan, and*
 - *Monitoring of predators and development and implementation of predator management measures*
- *Design and implementation of the monitoring study that will be followed for the lifetime of the project, and,*
- *Preparation and submittal of monitoring reports during construction and operation of the resort*

Predation Monitoring

The approved biologist will monitor the site for predation, identify predators that are impacting the plover, and record any avian or mammalian predator behavior as a basis for determining the appropriate control measure



Monterey Bay Shores Resort

Seasonal Nesting Protection Zones

Prior to the commencement of grading, on an annual basis, prior to the start of the plover breeding season (March through September), the approved biologist will use exclosures, signage, and monitoring to establish two seasonal nesting protection zones along the beach and strand for purposes of protecting potential nesting habitat. The exclosure areas will be constructed along the lower beach and strand near the southern boundary of the project and in the center of the project site, protecting the areas where nesting observations have been recorded from 2008 through 2013. This will be done in a manner that will not impede lateral public access on the lower beach. The approved biologist will establish the extent of the proposed seasonal nesting protection zones based on previously documented nesting history, current site conditions and current plover activity, if any, balanced with public lateral access requirements and objectives.

If plover nests are found outside of the seasonal nesting protection zones during surveys, the approved biologist will restrict access to the additional nesting snowy plover areas through the erection of exclosures, signage and direction to the public and users of the beach and strand in order to protect any such nests during the breeding season.

Protecting nesting zones consists of closing off the sensitive area with actual fencing or "symbolic" fencing. "Symbolic" fencing generally consists of a strand or two of rope or wire strung through stakes with eyelets to mark the sensitive zone. The zone will include signs to explain why it is closed off to visitors.

Protection of individual nests will be implemented, as necessary. This typically consists of erecting fencing around nests to create nest exclosures. Single-nest exclosure fences can be used selectively to protect plover nests from a variety of potential impacts including native and non-native predators and human interference. Procedures will be established so that nest exclosures can be installed around nests that are in particularly vulnerable areas, where access and other factors permit, and only after careful consideration of risks to adult plovers.



Design Control Features

Railings along access paths and trails to the shore and along the bluff will be avoided to the maximum extent feasible to avoid perches for potential avian predators. Other potential perches, if any, will be monitored by the approved onsite biologist.

Direct Predator Control

Non-lethal predator control, such as trapping/relocation or hazing of problem predators is the preferred management option and will be used first if avian predators are identified as a problem on the site. There is a documented history of trapping raptors safely and releasing them elsewhere to avoid local predation. Other non-lethal methods such as noisemakers and lasers have also been successful and will be used here if appropriate or necessary.

Behavioral modification including the use of effigies and distress calls onsite will be used to deter predation to the extent feasible. This method has been used successfully by USDA Wildlife Services to deter crow predation. Removal of predator nests near nesting plovers has also been successfully employed at Eden Landing and will be implemented here if deemed appropriate by the approved biologist.

Native predators, such as skunk, raven, and peregrine falcon (another protected species); also prey on plover and may need to be addressed. Non-native predators, such as red fox and feral cat, are also known to prey upon plover. The effect of non-native and native predators on plover will be evaluated on a case-by-case basis to determine what control efforts are appropriate.

When predator control efforts require harm or harassment to other species, planning and consultation with the California Department of Parks and Recreation, California Department of Fish and Wildlife (CDFW) and USFWS will occur. If possible, it is preferable to coordinate predator removal efforts with local and regional groups as well as owners of adjacent properties.



Monterey Bay Shores Resort

Minimizing Predators – Trash Management

Open garbage receptacles in recreational areas are a threat to ground-nesting species such as plover, since available garbage attracts and concentrates predators such as ravens, crows, gulls, raccoons, skunks, and foxes. This plan calls for trash receptacles to be inaccessible to wildlife, and located away from plover nesting areas. The timing and frequency of trash collection will be arranged to avoid overflowing.

Maintenance vehicle routes and schedules will be arranged to avoid disturbing the plover and its habitat. Alternatives for trash collection/pickup will be considered and implemented where feasible.

Visitor Beach Access

Many recreational activities, such as walking, jogging, walking with pets, and horseback riding could potentially impact plover if occurring too close to a nesting area. The potential impact of pets and horseback riding on plover, especially on beaches used as nesting habitat, will be carefully assessed and appropriate actions will be taken to minimize the potential for "take," including potential seasonal closure of sections of the beach during the nesting season. As determined by the approved biologist, appropriate interpretive signs will be posted to inform the public of nearby sensitive plover area(s) and to maintain separation and distance from nesting areas. Camping and beach fires will be prohibited near plover breeding habitat during the nesting season. Effects of special events during nesting season, such as fireworks on the beach or anything that brings large numbers of people onto the beach, will also be assessed by the approved biologist on an event by event basis.

Driftwood collection and removal of wave-cast organic debris can disturb plover habitat by removing feeding habitat and cover. Driftwood will not be removed from plover breeding habitat unless the amount is excessive and removal is needed to create sufficient open habitat to permit nesting activities, and then only during the non-breeding season.



Monterey Bay Shores Resort

ADAPTIVE MANAGEMENT

The monitoring and predator control measures described above will be implemented, but if proven unsuccessful, the approved biologist will have authority to develop and implement alternative measures after coordinating with the owner/permittee, California State Parks, PBCS, and/or the CCC to ensure that effective techniques are identified and implemented. Therefore, monitoring and predator control measures may be modified if efforts are not successful or an alternative measure is deemed more appropriate

MONITORING AND REPORTING

The approved biologist is responsible for preparation and submittal of monthly monitoring reports during construction, and quarterly and annual reports during operation of the resort. In addition to monitoring methods and results, reports will identify measures undertaken to comply with management goals and actions as described in the Dune Restoration Plan, including predator management. The report will include a description of all avian and mammalian control measures attempted during the year, discussion and evaluation of the effectiveness of monitoring and control methods, and recommendations for the next year.

Specific quantitative success criteria for predator monitoring and control cannot be defined because the types and numbers of predators may vary widely from year to year. There are a number of other factors that contribute to the success or failure of plover nesting attempts, including food availability or natural elements such as wind, tides, and rain. If continued predation is observed without effective control, then the PMP will be modified to address predation issues in coordination with the local and regional predator control efforts and the adjacent property owners.

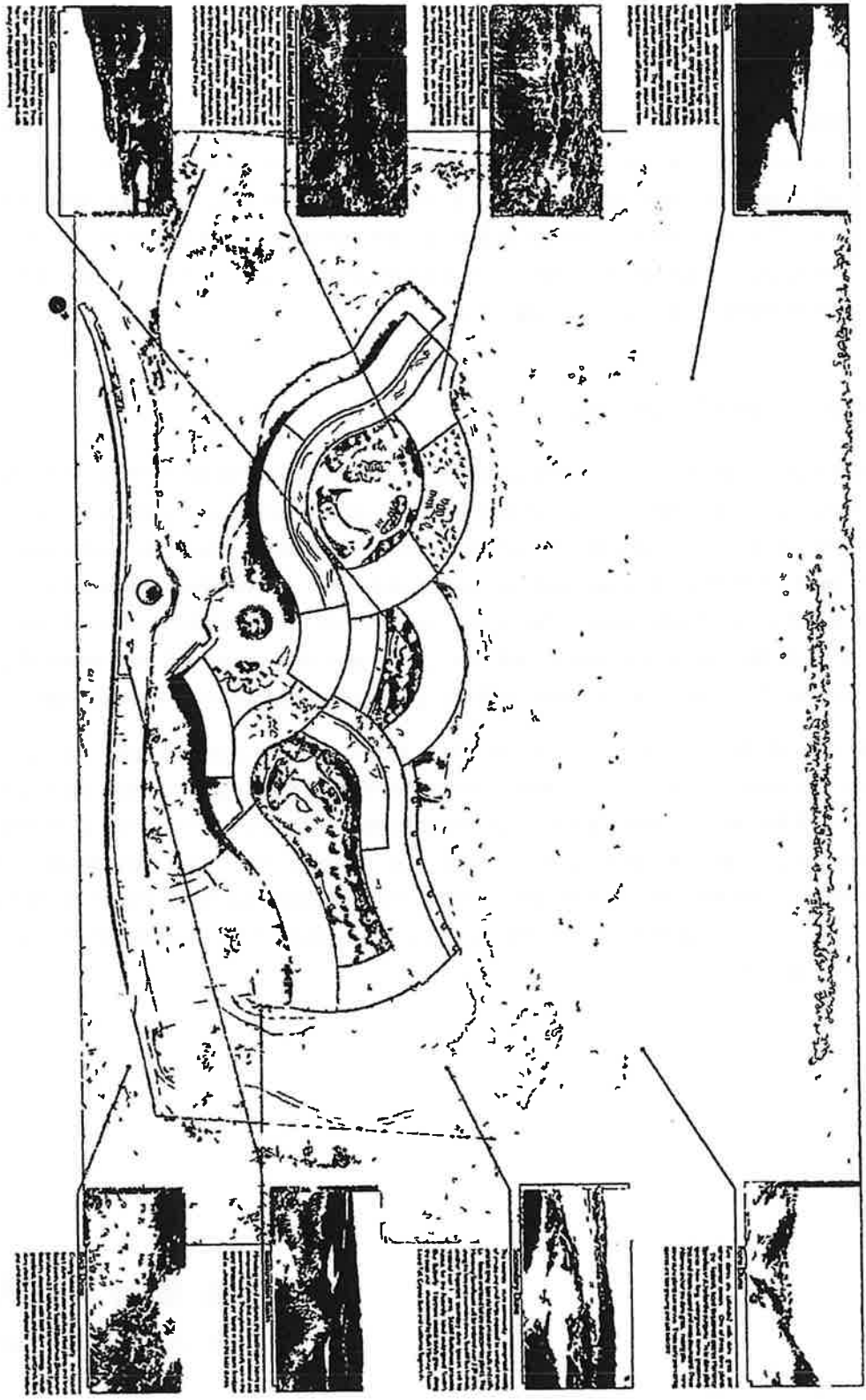


Monterey Bay Shores Resort



CONCEPTUAL LANDSCAPE PLAN Monterey Bay Shores Resort

SCALE 1" = 80'-0"
SUBMITTED 6 OCT 2014
REVISED 15 JAN 2015
UPDATED 18 SEPT 2015
SHEET L-P-01
OF 06 SHEETS
WO



This view shows the path leading from the parking area towards the building. The path is designed to be a mix of paved and unpaved sections, providing a natural feel while ensuring accessibility. The surrounding vegetation is to be preserved and enhanced.



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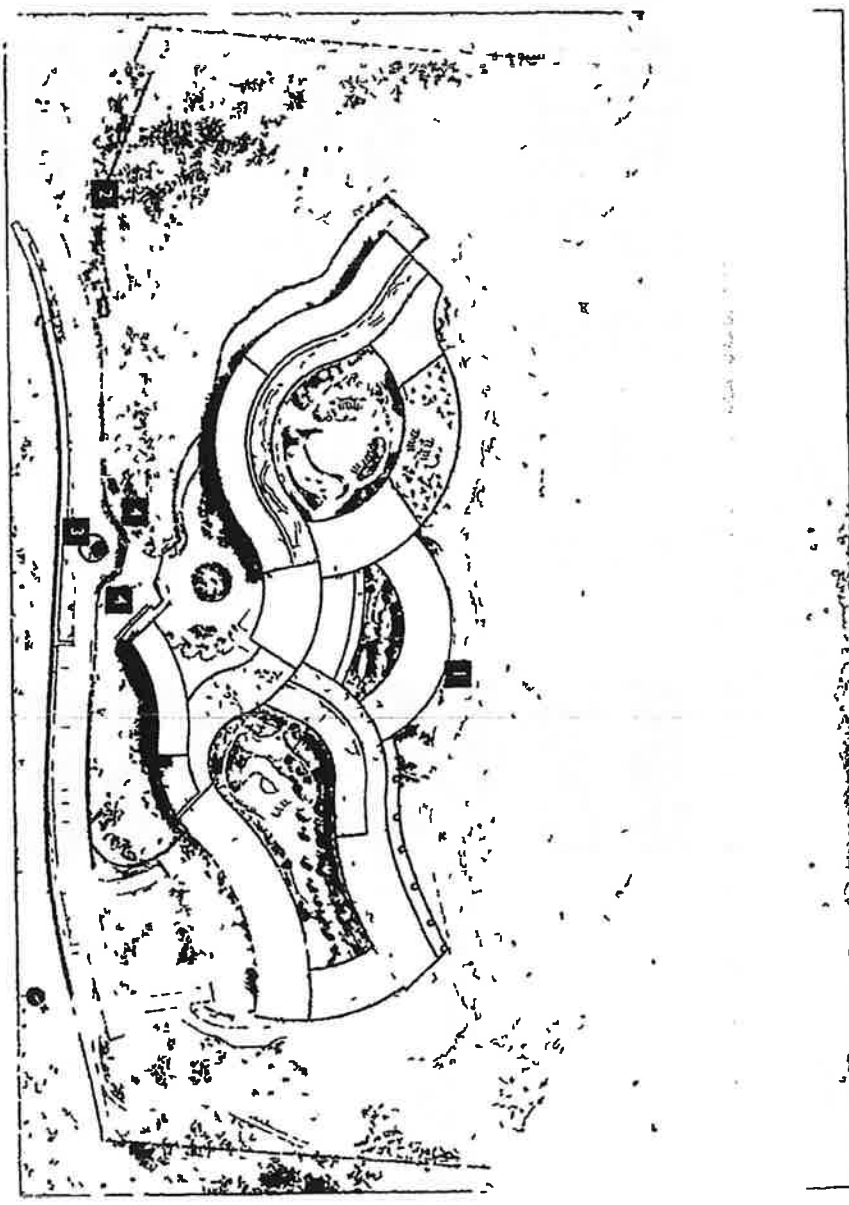
Green Powers as EVA
 Green markers are used in the Emergency Vehicle Access route. Perforated native ground cover species, the EVA green markers will readily blend into the surrounding dune landscape.

Signage Types
 Proposed signage utilizes naturalistic materials such as reformed earth and fibrous stone, which merge the colors and tones of the surrounding landscape. The signage is designed to be unobtrusive and will blend into the dune landscape upon the underlying forms of the dunes, incorporating camouflaged shapes. The placement of native plants adjacent to the signage wall and entry sign helps soften their appearance allowing them to blend into the landscape.



2
 Reformed Veneer Sign Post
 7.6 0.2 6.0 0.2 7.6

3
 Camouflaged Sign
 1 1.2 7



LANDSCAPE SITE ELEMENTS
Monterey Bay Shores Resort

SCALE 1" = 60'-0"
 SUBMITTED 6 OCT 2014
 REVISED 15 JAN 2015
 UPDATED 18 SEPT 2015
 SHEET LP-03
 OF 08 SHEETS
 WFO

Fences and Wall Types

Along the site's southern edge, retaining walls are necessary for slope stabilization. The color and finish of the retaining wall will approximate the natural finish of the landscape, and the walls will be finished with a weathered wood texture. In order to minimize visual impacts, but at certain locations along the property line, more solid and more durable fencing is necessary for site security. The following fence styles are selected for the following reasons. Their visual impacts are minimal they are appropriate for the site, they have been used before, they have a low profile, and they have been submitted and approved by the Coastal Commission (such as the Pacific Grove Golf Course and the Audubon State Beach). All of the existing chain link fencing will be removed from the site and replaced with the new fencing.



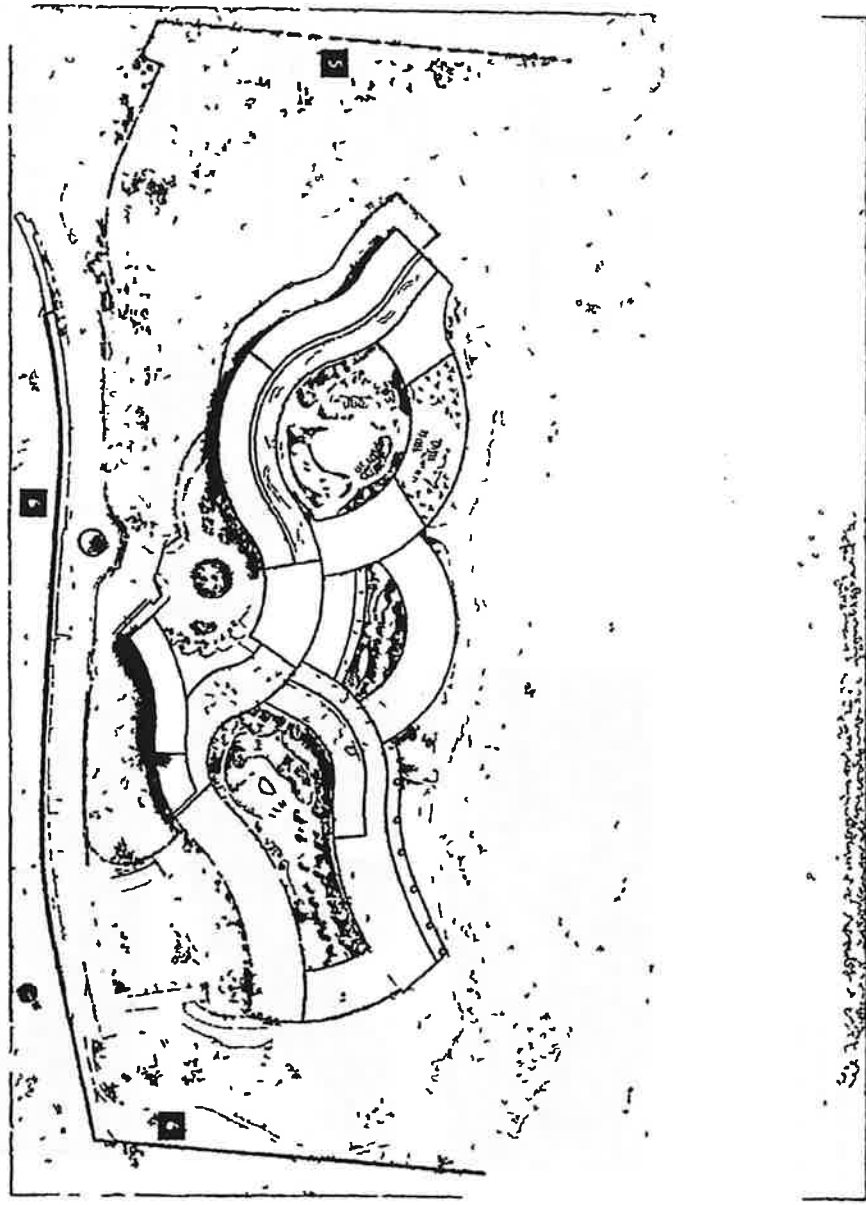
6. Fence On Southern Property Line

Fencing along the south boundary consists of 6 posts above ground and 6 posts below ground. The posts are embedded in concrete to a depth of 48 inches. The posts are spaced at 8 feet. The posts are at least 8' apart, with 4' spacing 2' X4' wellposts. The security fence can extend west to the 75' year common setback line, and may extend further (but no further than the 80' contour) so long as it is not visible from the beach (i.e., between FILLWY and the toe of the bluff).



Split Rail Fence

A split rail fence will run along the entire eastern property line. This fence will also run along the northern corner of the property along the northern property line to the extent that approximately parallels the terminal point of the southern property fence (allowing for a gate to the adjacent property). The split rail posts will be 42' high spaced at least 8' apart, with the top cross bar at 36'.



SITE FENCING PLAN
Monterey Bay Shores Resort



SCALE 1"=80'-0"
 SUBMITTED 6 OCT 2014
 REVISED 16 JAN 2015
 UPDATED 18 SEPT 2015
 SHEET LP-04
 OF 06 SHEETS
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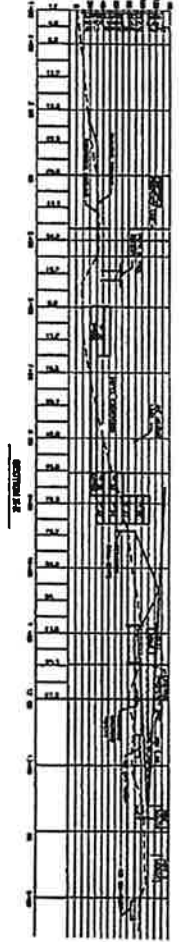
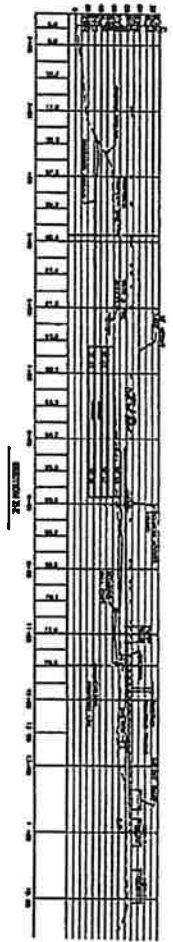
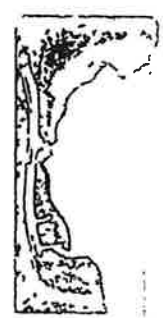
Big Dune Humpback

The following analysis is provided to support the need for dune recontouring and landform stabilization. Since the construction of State Highway One on-ramp improvements, the Big dune shifts each year onto the access road and onto the State Highway One on-ramp and the Owner's access road. No attempt has been made in the past to restore the Big dune as the Owner always regarded it as a part of the Monterey Bay Shore. More than 3,000 other yards in the area each year, including the driveway and entry to the house, to maintain both public and private rights of way. Currently, the Owner claims that that dunes the entry and sidewalk onto the ramp.

Stabilization will require structural retaining walls at the roadside base of the dune and partial recontouring of the retained land. It is understood that blowing sands will typically require cleanup in the rights of ways, however the retaining walls are extended to provide mass slumping, shilling, and weeding of the dune fabric. The walls will be naturally formed allow for sand to shift around native dune vegetation and allow for the cleanup and removal of sands that blow onto the road without undermining the dune. The restoration of the dune's native plant community will further stabilize it.

Slope Screening

The recontouring of dune topography along the site's eastern edge screens project elements from public view including the access road, parking, and adjacent buildings (as shown in Section 100). Most of the building in the north eastern section of the site will be below the grade of public access routes, further shielding them from view (see Section 22). Site elements along the project's eastern edge that may be partially visible from public access routes, such as the entry drive retaining wall and tunnel, can be further screened by planting at the property line.



**DUNE RECONTOURING
& SITE SCREENING
Monterey Bay Shores Resort**

SCALE N/A
 SUBMITTED 6 OCT 2014
 REVISED 15 JAN 2015
 UPDATED 18 SEPT 2016
 SHEET LP-08
 OF 06 SHEETS
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EXHIBIT E

PUBLIC ACCESS MANAGEMENT PLAN

October 12, 2015

**PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort**

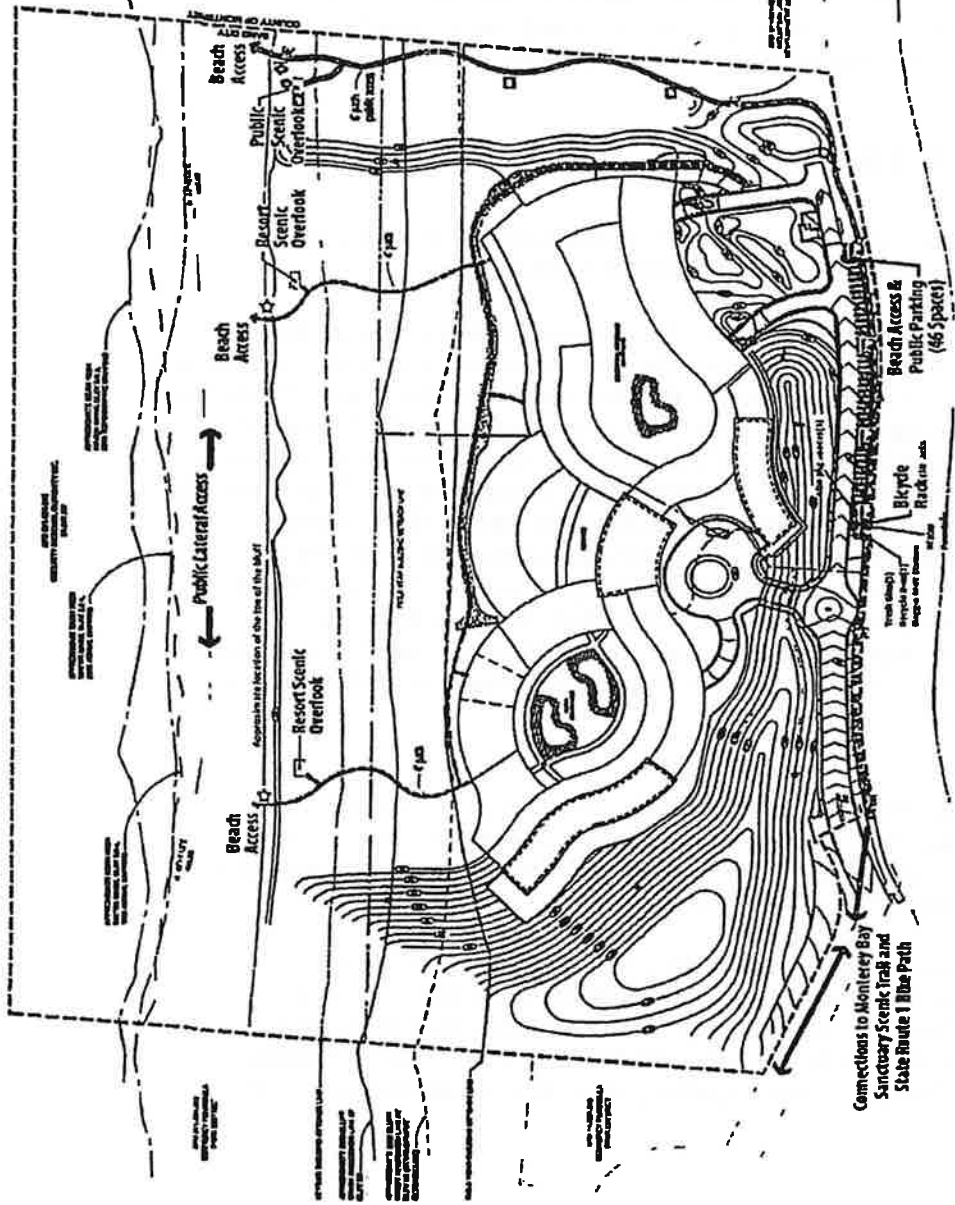
APPROVED

10/14/15

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT ST, STE 300
SANTA CRUZ, CA 95060

- Legend**
- Project Boundary
 - Public Pathway
 - Resort Pathways
 - Class 2 Bike Lanes
 - Access/Directional
 - Habitat Protection
 - Safety
 - Informational/Interpretive
 - Resort Access
 - Trail Head Signage
 - Trail Head Signage
 - Public Parking

COASTAL RESORT ACCESS



E M G

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PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort

Plan Note The permittee shall submit details regarding the siting and design of all public access amenities (e.g., bike racks, trash bins, water fountain, etc.) to the Executive Director for review and approval prior to construction and in any case, prior to their installation

This Public Access Management Plan describes the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access and recreational use of all public access areas associated with the approved project (including but not limited to the public parking lot, pathway system, scenic overlook, beach stairway/pathway, and the beach) and all related areas and public access amenities (e.g., bench seating, bike parking, signs, etc.) consistent with the terms and conditions of Coastal Development Permit (CDP) A-3-SNC-98-114 (Monterey Bay Shores Resort)

CONSISTENCY WITH THE CDP

This document describes all the areas that are subject to the Public Access Dedication, and addresses elements consistent with the CDP, Special Condition 5, which states

PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a public access management plan (Public Access Plan) to the Executive Director for review and approval. The Public Access Plan shall be substantially in conformance with the plans submitted to the Coastal Commission (titled Access, Signage, and Lighting Plan dated October 2013 and dated received in the Coastal Commission's Central Coast Office October 28, 2013) but shall be modified to achieve compliance with this condition. The Public Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access and recreational use of all public access areas associated with the approved project (including, but not limited to, the public parking lot, pathway system, overlook, beach stairway/pathway, and the beach) and all related areas and public access amenities (e.g., bench seating, bike parking, signs, etc.) as described in this special condition. The Public Access Plan shall be consistent with the approved Revised Plans (see Special Condition 1), and shall at a minimum include the following

(a) Clear Depiction of Public Access Areas and Amenities. All public access areas and amenities, including all of the areas and amenities described above and in this condition, shall be clearly identified as such on the Public Access Plan (including with hatching and closed polygons so that it is clear what areas are available for public access use

(b) Public Access Areas. All parameters for use of the public access areas of the site, including but not limited to the following areas, shall be clearly identified. All access areas and amenities shall be sited and designed to integrate with the surrounding dune environment to the maximum extent feasible, shall be made up of natural materials (e.g., wood) when feasible, shall be natural and curvilinear forms (e.g., curving pathway segments, rounded overlook areas,



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etc) when feasible and shall utilize the same design throughout In addition

- 1 **Parking Lot.** The parking lot shall be publicly available for general public vehicle parking, bicycle parking, pedestrian access, and bicycle access. At least ten bicycle parking stands, three recycling bins, three trash bins, one water fountain, three ADA parking spaces, and one doggie mitt station, shall be provided in the public parking area in locations that maximize their public utility and minimize their impact on public views. The parking lot shall be ADA compatible. Use of the parking lot for other than general public access purposes shall be prohibited during public access use hours (see below). The Public Access Plan shall include a description of the manner in which the Owner will ensure that other site users and/or employees will not park in the parking lot during these times.
- 2 **Pathway System.** The pathway system shall be public available for general public pedestrian (and bicycle from the inland public recreational trail to the upcoast edge of the parking lot) access. The portion of the pathway system that extends from the public recreational trail to and along the public parking lot (to the upcoast edge of the parking lot) shall be a separate, dedicated pedestrian and bicycle path similar in width as the inland public recreational trail, shall include separation from the road and parking utilizing concrete curbs, bumpers, or other barriers to insure safety of pedestrian and bike riders, and shall be surfaced with permeable pavement or permeable concrete colored to blend with the surrounding dune environment to the maximum extent feasible from at least the point where it enters onto the subject property. The portion of the pathway system that extends from the upcoast edge of the parking lot to the overlook shall be a wooden pedestrian boardwalk approximately 6 feet in width. All portions of the pathway system shall be ADA compatible, and shall be curvilinear (and not linear) in appearance to the maximum extent feasible.
- 3 **Overlook.** The overlook shall be public available for general public pedestrian access. The overlook shall be approximately 375 square feet, shall be made up of a wooden boardwalk surface, and shall be sited and designed to eliminate the need for railings to the maximum extent feasible (e.g., setback a sufficient distance from the blufftop edge so as to not necessitate such features). At least three benches, one interpretive panel/installation, one recycling bin, one trash bin, and one doggie mitt station, shall be provided at the overlook in locations that maximize their public utility and minimize their impact on public views. The overlook shall be ADA compatible.
- 4 **Beach Stairway/Pathway.** The beach stairway/pathway shall be publicly available for general public pedestrian access. The stairway/pathway shall be sited and designed to minimize landform alteration and to conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if elimination is not possible) railings, to avoid to the maximum extent feasible construction and post-construction impacts to sensitive species, including seaciff buckwheat, and to maximum public

utility and minimize impacts on public views. The public beach/stairway/pathway may extend onto Fort Ord Dunes State Park if such extension is allowed by California State Parks, and if such extension better meets the intent of this condition, including in terms of maximizing public access utility and protecting dune landforms and public views.

- 5 **Beach.** The beach and offshore areas (i.e., extending from the seaward-most property line to the toe of the dune bluff, including as the toe of the dune bluff migrates inland) shall be public available for general public pedestrian and beach access, and all activities typically associated with the same (e.g., walking, swimming, surfing, sunbathing, picnicking, stargazing, etc.). Resort development, other than minimal landings, if necessary, associated with approved resort pathways, shall be prohibited in the beach area.

(c) **Public Access Signs/Materials.** The plans shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the project, including identification of all public education/interpretation features that will be provided on the site (i.e., educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be sited and designed so as to provide clear information without impacting public views and site character. At a minimum, public access identification and direction signs shall be placed where the pathway system connects with the inland public recreational trail, at the base of each Fremont Street off ramp, at the entrance to the approved project (where it meets the public street), at or near the point where the tunnel entrance diverges from the parking lot entrance, at the entrance to the parking lot, at the beginning of the boardwalk section of the pathway system (at the parking lot), at the base of the beach stairway/path, and at other locations where identification and direction is necessary and appropriate. The Permittee shall also make reasonable efforts to work with Caltrans to install a Coastal Commission Public Access ("Feet") sign on both southbound and northbound Highway One provided that the Permittee shall not be responsible for any decision made by Caltrans regarding such signage or for the installation or maintenance of such signs. The Permittee shall pay for such signage, including installation costs, upon Caltrans consent for such signs. At least one interpretive panel/installation that provides interpretation of the site, dunes, erosion and coastal hazards, the Monterey Bay, or other related and/or similar subjects shall be provided at the overlook. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. All signs shall be sited and designed to maximize their utility and minimize their impacts on public views.

(d) **No Disruption of Public Access.** No development or use of the property governed by this CDP may disrupt and/or degrade public access or recreational use of any public access areas and amenities associated with the approved project such as by setting aside areas for private uses or installing barriers to public access (e.g., furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.), except that temporary low rope and pole barriers or similar measures may be used if approved by the Executive Director to protect sensitive species. Except with respect to temporary low rope and pole barriers or similar measures set forth above, any

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**PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort**

development, as defined in Public Resources Code Section 30106, that diminishes public access and recreational use of the access areas and amenities required by this CDP shall be prohibited

(e) Reconstruction/Relocation Required. In the event that the approved public access amenities (including but not limited to the pathway system, overlook, and beach stairway/pathway) are threatened to a degree that they are in danger of being damaged or destroyed, or are damaged or destroyed, or become located ten feet or more seaward of the toe of the bluff, such amenities shall be reconstructed with due diligence and speed, and with minimum disruption to continued public use (and relocated inland as necessary to provide long term stability) Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review and approval If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required, the Permittee shall immediately submit and complete the required application The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and shall be implemented immediately upon Executive Director approval or approval of the CDP or CDP amendment application, unless such CDP or CDP amendment identifies a different timeframe for implementation

(f) Public Access Use Hours. All public access areas and amenities shall be available to the general public from 5 a.m. until midnight, except that the beach shall be available to the public 24 hours a day, and all public access areas shall be free of charge

(g) Public Access Required Prior to Occupancy. All public access areas and amenities of the approval project shall be constructed and available for public use prior to occupancy of the approved development

(h) Offsite Public Parking. The plan shall provide for the construction and development of free public beach access parking spaces as close as possible to the project site, and in no case further than one-half mile from the project site, unless the Permittee submits evidence substantiating to the Executive Director's satisfaction that only construction and development of a lesser number of such spaces is feasible If the Executive Director determines that only a lesser number of such spaces is feasible, then the plan shall provide for payment to the City of San Diego's in-lieu parking fee fund at the current rate for the number of such spaces that are deemed by the Executive Director to be infeasible, and such payment shall be specifically earmarked and reserved and only allowed to be used for providing and maintaining public beach access parking Any such funds shall only be used for said purpose subject to Executive Director review and approval For any such parking spaces that are deemed feasible, the plan shall clearly document the manner in which the 35 (or fewer if fewer are deemed feasible) required parking spaces are to be constructed, developed, and maintained, including providing for other property owner consent, for as long as some portion of the approved development remains The Permittee shall undertake such offsite parking space development in accordance with the approved plan, and such spaces shall be available prior to occupancy of the approved development



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**PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort**

(i) Public Access Areas and Amenities Maintained All public access areas and amenities of the approved project shall be maintained in their approved state in perpetuity, unless they are threatened by coastal hazards. If threatened by coastal hazards, such public access areas and amenities shall be relocated and/or modified to ensure the approved public access is maintained.

If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to relocate or modify public access areas or amenities, the Permittee shall immediately submit and complete the required application.

The Public Access Plan shall be approved and attached as an exhibit to the easement required by Special Condition 6 prior to recordation of the easement. The Permittee shall undertake development in accordance with the approved Public Access Plan, which together with the public access easement required by Special Condition 6, shall govern all general public access to the site pursuant to this CDP.

PUBLIC ACCESS AREAS AND AMENITIES

Public access areas and amenities are identified on the map titled "Coastal Resort Access" and the *Legal Description, Public Access Easement* (Bestor Engineers 2015). Access and amenities will:

- 1 Be sited and designed to integrate with the surrounding dune environment to the maximum extent feasible,
- 2 Be made up of natural materials (e.g., wood) when feasible,
- 3 Be constructed in natural and curvilinear forms (e.g., curving pathway segments, rounded overlook areas, etc.) when feasible,
- 4 Utilize the same design theme throughout
- 5 Include bicycle parking, pedestrian access, and bicycle access

PUBLIC ACCESS PARKING LOT

1 Amenities will be provided in the public parking lot area in locations that maximize their public utility and minimize their impact on public views and include, at minimum:

- a Ten bicycle parking stands,
- b Three recycling bins,
- c Three trash bins,
- d One water fountain,



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**PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort**

- e Three ADA parking spaces, and
 - f One doggie mitt station
- 2 The public parking lot will be ADA compatible
 - 3 The public parking lot shall be available for general public use between the hours of 5a m and midnight daily

Use of the public parking lot for other than general public access purposes will be prohibited during public access use hours, 5 a m to midnight. The Owner will ensure that residents, hotel guests, and/or employees will not park in the public parking lot during these times. The Owner will post a sign at the parking lot entry and provide employees, guests and residents with instructions regarding public use of the parking lot during the hours of 5 a m to midnight.

The resort operator and residential condominiums managers are responsible for enforcement of the parking restrictions and shall have the authority to remove unauthorized vehicles belonging to guests, employees and/or residents. Cars belonging to guests, employees or residents will be identifiable by a sticker affixed to the car or by temporary rear view mirror hanger. All guests will be informed at check-in that they are not allowed to park in the public parking lot during public hours between 5a m and midnight.

PATHWAY SYSTEM

The pathway system will be available for general public pedestrian access and access by bicycle from the inland public recreational trail to the upcoast edge of the parking lot. The portion of the pathway system that extends from the public recreational trail to and along the public parking lot will

- Be a separate, dedicated pedestrian and bicycle path 10-feet in width and narrowing to six feet in width north of the roundabout,
- Include separation from the road and parking utilizing concrete curbs, bumpers, or other barriers to insure safety of pedestrians and bike riders, and
- Be surfaced with permeable pavement or permeable concrete colored to blend with the surrounding dune environment to the maximum extent feasible from at least the point where it enters onto the subject property

The portion of the pathway system that extends from the upcoast edge of the parking lot to the overlook will be constructed as a wooden pedestrian boardwalk 6 feet in width. All portions of the pathway system will be ADA compatible, and will be curvilinear (and not linear) in appearance to the maximum extent feasible.



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PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort



Scenic Overlook

The overlook will be publicly available for general public pedestrian access. The overlook will be 375 square feet, will be made up of a wooden boardwalk surface, and will be sited and designed to eliminate the need for railings to the maximum extent feasible (e.g., setback a sufficient distance from the blufftop edge so as to not necessitate such features). At least three benches, one interpretive panel/installation, one recycling bin, one trash bin, and one doggie mitt station, will be provided at the overlook in locations that maximize their public utility and minimize their impact on public views. The overlook will be ADA compatible. See further details on the Public Scenic Overlook Enlargement Plan.





Beach Stairway/Pathway

The public beach stairway/pathway will be publicly available for general public pedestrian access. The public beach stairway/pathway providing access between the beach and the overlook will be sited and designed to

- 1 Minimize landform alteration and to conform to the bluffs to the maximum extent feasible,
- 2 Eliminate (if possible) or minimize railings,
- 3 Avoid to the maximum extent feasible construction and post construction impacts to sensitive species
- 4 Maximize public utility, within the constraints identified, and minimize impacts on public views

The public beach stairway/pathway is currently proposed entirely within the project boundary. Future coordination with California State Parks may include an extension of the stairway/pathway onto Fort Ord Dunes State Park, if an extension would maximize public access utility while protecting dune landforms and public views.



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PUBLIC ACCESS MANAGEMENT PLAN
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Beach Access

The beach and offshore area (i.e., extending from the seaward-most property line to the toe of the dune bluff, including as the toe of the dune bluff migrates inland) will be publicly available for general public pedestrian and beach access 24 hours each day, and all activities typically associated with same (e.g., walking, swimming, surfing, sunbathing, picnicking, stargazing, etc.) Resort development, other than minimal landings associated with approved resort pathways are prohibited in the beach area

PUBLIC ACCESS SIGNS/MATERIALS

Signs and other project elements will be used to facilitate, manage, and provide public access to the approved project and include public education/interpretation features on the site (i.e., educational displays, interpretive signage, etc.) Sign details showing the location, materials, configuration, design, and text of all public access signs will be provided for Executive Director review and approval prior to their installation. The signs will be sited and designed so as to provide clear information without impacting public views and site character. At a minimum, public access identification and direction signs will be placed where the pathway system connects with the inland public recreational trail, at the base of each Fremont Street off ramp, at the entrance to the approved project (where it meets the public street), at or near the point where the tunnel entrance diverges from the parking lot entrance, at the entrance to the parking lot, at the beginning of the boardwalk section of the pathway system (at the parking lot), at the base of the beach stairway/path, and at other locations where identification and direction is necessary and appropriate.

The Permittee will make reasonable efforts to work with Caltrans to install a Coastal Commission Public Access ("Feet") sign on both southbound and northbound Highway One provided that the Permittee will not be responsible for any decision made by Caltrans regarding such signage or for the installation or maintenance of such signs. The Permittee will pay for such signage, including installation costs, upon Caltrans consent for such signs.

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PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort

Public Access & Directional Signs



Access/Directional

Access/Directional Signs Size 12"x16", Material Aluminum/Metal, Installation Mounted on 4' post above ground Color Brown/Yellow/Green/White

Safety & Hazard Signs



Safety

Safety Signs Size Maximum Size 24"x36", Material Aluminum/Metal, Installation Mounted on 4' post above ground Color Brown/Yellow/Green/White Located at top of bluff next to sand ladder entry

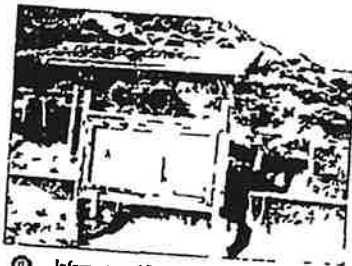
Public Parking Signs



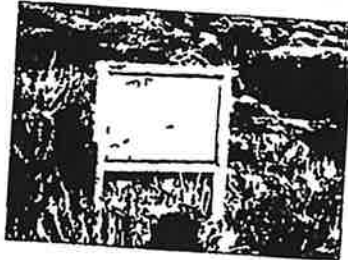
Public Parking

Public Parking Signs Size 12"x18", Material Aluminum/Metal, Installation Mounted on 6' post above ground Color Brown/Yellow/Green/White

Informational & Interpretive Signs



Informational/Interpretive



Interpretive/Informational Signs Maximum Size to 24"x36", Material Wood or Wood Frame with Aluminum/Metal Insert for text/graphics, or Single Mounted Aluminum/Metal sign, Installation Mounted on twin or single wooden post(s) up to 5' height, Color Earth Tones These signs are conceptual, and the actual sign details will be submitted later for the Executive Director's review and approval



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**Restricted Access
Habitat Restoration Signs**



Habitat/Restricted Access Signs Size 12"x16", Material Aluminum/Metal or Wood, Installation Mounted on 4' post above ground or on fence post, Color Brown/Yellow/Green/White

Habitat Protection



At least one interpretive panel/installation that provides interpretation of the site, dunes, erosion and coastal hazards, the Monterey Bay, or other related and/or similar subjects will be provided at the overlook. Signs will include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. All signs will be sited and designed to maximize their utility and minimize their impacts on public views.

Resort Signs-At Beach Location



Resort Access (Beach)

Resort Info Signs at Beach Locations Size 18"x24", Material Aluminum/Metal, Installation Mounted on 4' post above ground or on fence post, Color Brown/Yellow/Green/White
Resort(Beach) signs located on toe of bluff (20' contour) at bottom of sand ladder



NO DISRUPTION OF PUBLIC ACCESS

No development or use of the property shall be allowed to disrupt and/or degrade public access or recreational use of any public access areas and amenities associated with the approved project such as by setting aside areas for private uses or installing barriers to public access (e.g., furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.), with the exception of temporary low rope and pole barriers or similar measures to protect sensitive species if approved by the Executive Director

RECONSTRUCTION/RELOCATION REQUIRED

In the event that the approved public access amenities (including but not limited to the pathway system, overlook, and beach stairway/pathway) are threatened to a degree that they are in danger of being damaged or destroyed, or are damaged or destroyed, or become located ten feet or more seaward of the toe of the bluff, such amenities will be reconstructed with due diligence and speed, and with minimum disruption to continued public use (and relocated inland as necessary to provide long term stability) Prior to reconstruction, the Owners will submit two copies of a Reconstruction Plan to the Executive Director for review and approval The Reconstruction Plan will clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and will be implemented immediately upon approval

PUBLIC ACCESS USE HOURS

All public access areas and amenities will be available to the general public from 5 a.m. until midnight, except that the beach will be available to the public 24 hours a day All public access areas and amenities will be available to the public free of charge

PUBLIC PARKING

Use of the public parking lot will be reserved for public parking from 5 a.m. to midnight Signs will be posted to inform employees, guests, and residents of the use restrictions Signs will be posted at visible locations in the parking lot, including the entrance to the parking lot and along the parking area Cars belonging to employees, residents, and/or guests will be identifiable by a sticker affixed to the car or by a temporary rear view mirror hanger



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**PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort**

PUBLIC ACCESS REQUIRED PRIOR TO OCCUPANCY

All public access areas and amenities of the approved project will be constructed/installed and available for public use prior to occupancy of the approved development

MAINTENANCE

All public access areas and amenities of the approved project will be maintained in their approved state in perpetuity, unless they are threatened by coastal hazards. If threatened by coastal hazards, such public access areas and amenities will be relocated and/or modified to ensure the approved public access is maintained. Prior to relocation/modification, the Owners will submit two copies of a Relocation/Modification Plan to the Executive Director for review and approval. The Plan will clearly describe the manner in which such areas and/or amenities are to be relocated/modified, and will be implemented immediately upon approval.

OFF-SITE PUBLIC PARKING

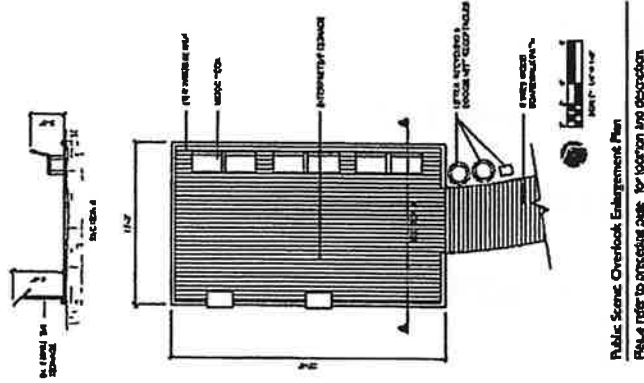
As of September 2015, there isn't an available site to accommodate the required 35 offsite public beach access parking spaces within 1/2 mile of the resort. As such, the developer has agreed to pay the City of Sand City an in-lieu fee consistent with the condition requirement, with such payment to be specifically earmarked and reserved and only allowed to be used for providing and maintaining free public beach access parking. In the event that a suitable site to meet this requirement becomes available in the future, the developer and/or successor may provide the 35 public access parking spaces with Executive Director approval and only then cease payment of the in-lieu fee.

Thus, the off-site public parking requirement will be satisfied via participation in the City's In-Lieu Parking program. The Owners shall pay an annual fee of at least \$500 per space for each of the 35 required free public beach parking spaces that the Commission's Executive Director has determined to be infeasible (as of September 2015) to provide on-site (a minimum of \$17,500 annually). Such fee shall be paid starting prior to obtaining a business license to operate the resort and in any event no later than prior to occupancy, whichever comes first, and annually thereafter. The in-lieu parking fee shall only be used to provide free public beach access parking subject to an MOU (or equivalent) between the City of Sand City and the Commission.

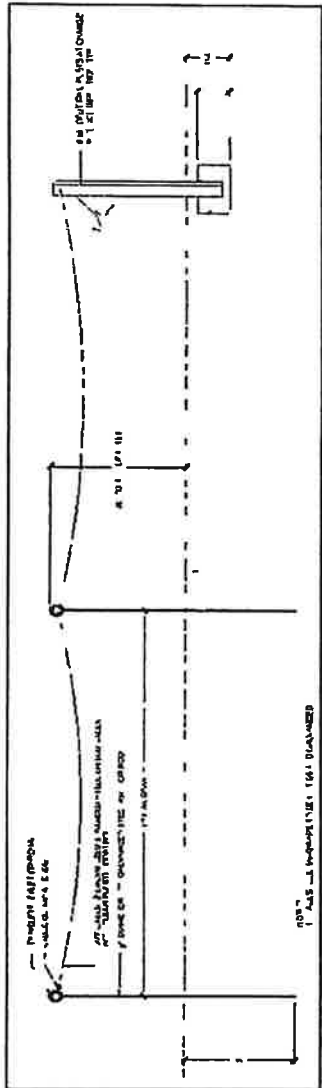
CDP

If there should be any questions of interpretation or any conflicts between this Public Access Management Plan and the terms and conditions of CDP A-3-SNC-98-114, the terms and conditions of CDP A-3-SNC-98-114 shall prevail and govern.





Public Service Overlook Elevation Plan
Please refer to preceding page for location and description



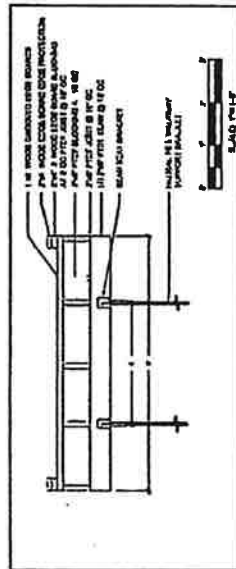
Typical Habitat Exchange Fencing at Public Pathway



Typical Sand Ladder for Beach Access



Boardwalk Path Example



Typical Boardwalk Path Deck Detail



EXHIBIT F

FORM OF ACCEPTANCE OF

IRREVOCABLE OFFER TO DEDICATE

DUNE AREA CONSERVATION EASEMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO
California Coastal Commission
45 Fremont Street, 20th Floor
San Francisco, CA 94105

CERTIFICATE OF ACCEPTANCE OF
IRREVOCABLE OFFER TO DEDICATE DUNE AREA CONSERVATION EASEMENT
AND DECLARATION OF RESTRICTIONS

This is to certify that the interest in real property conveyed by the Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of Restrictions executed by _____ on _____, and recorded on _____ in the office of the County Recorder of _____ as Instrument Number _____, is hereby accepted by _____, a [public agency/private association] ("Grantee"), on _____ pursuant to authority conferred by resolution of the _____ of Grantee adopted on _____, and Grantee consents to recordation hereof by its duly authorized officer

By _____

PRINT NAME OF ABOVE
Its _____

(ATTACH NOTARY ACKNOWLEDGMENT)

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION
OF ACCEPTANCE OF IRREVOCABLE OFFER TO DEDICATE
DUNE AREA CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIONS

This is to certify that _____ is a [public agency/private
association] acceptable to the Executive Director of the California Coastal Commission to be Grantee
under the Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of
Restrictions executed by _____ on _____ and recorded
on _____ in the office of the County Recorder of _____
County as Instrument Number _____

Dated _____

CALIFORNIA COASTAL COMMISSION

By _____

Its _____

(ATTACH NOTARY ACKNOWLEDGMENT)

EXHIBIT G

SECTION 30106 OF THE COASTAL ACT

DEFINITION OF "DEVELOPMENT"

SECTION 30106 OF THE COASTAL ACT

"Development" means, on land, in or under water, the placement or erection of any solid material or structure, discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, grading, removing, dredging, mining, or extraction of any materials, change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use, change in the intensity of use of water, or of access thereto, construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility, and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511)

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

RANJELIQUE
10/27/2015
15 18 22

RECORDING REQUESTED BY
Chicago Title Company
Order No FWMN-5251500696

When Recorded Mail Document To
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Attn: Legal Division

DOCUMENT: 2015062068



Titles	1/	Pages	77
Fees			249 00
Taxes			
Other			
AMT PAID			\$249 00

APN/Parcel ID(s) 011-501-014

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JO

**Irrevocable Offer to Dedicate Public Access Easement Easement
and Declaration of Restrictions**

CERTIFIED TO BE A TRUE
AND CORRECT COPY

BY

CHICAGO TITLE CO

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)

1 RECORDING REQUESTED BY

2 WHEN RECORDED MAIL TO

3
4 California Coastal Commission
5 725 Front Street, Suite 300
6 Santa Cruz, CA 95060-4508
7 Attn Legal Division

8
9 APN(s) 011-501-014

DOCUMENTARY TRANSFER TAX \$ _____
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED
OR COMPUTED ON FULL VALUE LESS LIENS AND
ENGUMBRANCES REMAINING AT TIME OF SALE
Signature of Declarant or Agent determining tax Firm Name

For Easement purposes only. No monetary
exchanged

10 IRREVOCABLE OFFER TO DEDICATE
11 PUBLIC ACCESS EASEMENT
12 AND DECLARATION OF RESTRICTIONS

13 THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND
14 DECLARATION OF RESTRICTIONS (this "Offer") is made this 27 day of

15 October, 2015, by SECURITY NATIONAL GUARANTY, INC, a California
16 corporation ("Grantor")

17 I WHEREAS, Grantor is the legal owner of a fee interest of certain real property
18 located in the City of Sand City, County of Monterey, State of California, legally described in
19 EXHIBIT A attached hereto and incorporated herein by this reference (the "Property"), and

20 II WHEREAS, the California Coastal Act of 1976 (the "Act"), which is codified in
21 Division 20 of the California Public Resources Code ("PRC"), PRC §§ 30000 to 30900, defines a
22 "Coastal Zone" for the State of California to which most of the Act's provisions apply (PRC §
23 30103), and the Property is located within that Coastal Zone, and

24 III WHEREAS, the Act and the certified City of Sand City Local Coastal Program (the
25 "LCP") require that any coastal development permit approved by the City of Sand City (the
26 "City") or the California Coastal Commission (the "Commission") on appeal must be consistent

This instrument filed for record by
CHICAGO TITLE, as an accommodation
only. It has not been examined as to its
accuracy or its effect upon the title.

1 with the LCP and, as to development proposed between the first public road and the sea, must be
2 additionally consistent with the public access and recreation policies of the Act, and

3 IV WHEREAS, Grantor applied to the City for a coastal development permit to
4 undertake development (as defined in § 30106 and as attached hereto as EXHIBIT F and
5 incorporated herein by this reference) on the Property, and

6 V WHEREAS, on December 1, 1998, the City granted a coastal development permit
7 for development, which was appealed to the Commission, and

8 VI WHEREAS, on April 11, 2014, the Commission conditionally approved Coastal
9 Development Permit No A-3-SNC-98-114 (the "Permit") in accordance with the provisions of
10 the findings adopted by the Commission on August 14, 2014 (on file and available for review at
11 the Commission's Santa Cruz office at the address set forth above) and the Notice of Intent to Issue
12 Permit dated May 30, 2014 (attached hereto as EXHIBIT B) and both of which are incorporated
13 herein by this reference, subject to the terms and conditions set forth in such documents, including
14 the following condition (the "Condition")
15
16

17 "6. **Public Access Easement** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall execute and
18 record a document, in a form and content acceptable to the Executive Director, granting or
19 irrevocably offering to dedicate to a political subdivision, public agency or private association
20 approved by the Executive Director either fee title or an easement for public access (Public Access
21 Dedication) The Public Access Dedication shall apply to all public access areas described in
22 Special Condition 5 and generally depicted in Exhibit 11b and shall restrict these areas in the same
23 ways identified in Special Condition 5 The Public Access Dedication area shall be ambulatory,
24 including that (a) the beach portion of the easement area shall move inland if the toe of the dune
25 bluff moves inland, and (b) the pathway system, overlook, and beach stairway/pathways portion
26 of the easement area shall move inland if the toe of the dune bluff moves inland and/or if, as a
27 result of coastal hazards, relocation and/or reconstruction of access amenities in these areas is
28 necessary to retain their utility The Public Access Dedication shall be recorded free of all prior
liens and encumbrances that the Executive Director determines may affect the interest being
conveyed The Public Access Dedication shall include a legal description and graphic depiction of
the legal parcels subject to the CDP and a metes and bounds legal description and graphic
depiction of the the Public Access Dedication area prepared by a licensed surveyor based on an
on-site inspection, drawn to scale, and approved by the Executive Director "

and,

1 VI WHEREAS, the Commission found that but for the imposition of the Condition,
2 the proposed development could not be found consistent with the provisions of the LCP and the
3 Act and that a permit could therefore not have been granted, and

4 VII WHEREAS, Grantor has elected to comply with the Condition and execute this
5 Offer so as to enable Grantor to undertake the development authorized by the Permit

6 NOW THEREFORE, in consideration of the above and the mutual benefits and conditions
7 set forth herein, the substantial public benefits for the protection of coastal resources to be derived,
8 and the granting of the Permit to Grantor by the Commission, Grantor hereby irrevocably offers to
9 dedicate to the people of the State of California an easement in gross and in perpetuity over a
10 portion of the Property as described below

11
12 1 DESCRIPTION The Public Access Easement (the "Easement") offered hereby
13 affects the portions of the Property particularly described and depicted in EXHIBIT C attached
14 hereto and incorporated herein by this reference (the "Easement Area") and generally described as
15 follows
16

- 17 1 **Easement Parcel One, Parking Lot** A strip of land for an ADA-compatible public
18 parking lot providing for a minimum of 46 full-size general public vehicle parking
19 spaces (including three ADA parking spaces), bicycle parking with a minimum of ten
20 bicycle parking stands, pedestrian and bicycle access, three recycling bins, three trash
21 bins, one water fountain, and one doggie mitt station
- 22 11 **Easement Parcel Two, Pathway System** A strip of land for a pathway system that
23 extends from the inland public recreational trail from the terminus of California
24 Avenue along the easterly property line, then to and along the public parking lot, then
25 to an overlook atop the bluff above the beach, and then to the beach via a stairway/path
26 The portion of the pathway system that extends north from California Avenue along the
27 easterly property line and adjacent to and along the public parking lot shall be
28 approximately 10 feet in width from California Avenue to the resort roundabout and
then 6 feet in width for the remainder of its length, include separation from the road and
parking utilizing concrete curbs, bumpers, or other barriers to insure safety of
pedestrians and bike riders, and be surfaced with permeable pavement or permeable
concrete colored to blend with the surrounding dune environment to the maximum
extent feasible from at least the point where it enters onto the subject property The
portion of the pathway system that extends from the upcoast edge of the parking lot to
the overlook shall be a wooden pedestrian boardwalk approximately 6 feet in width

1 All portions of the pathway system shall be ADA compatible, and shall be curvilinear
(and not linear) in appearance to the maximum extent feasible

2 111 **Easement Parcel Three, Overlook:** An area for an ADA-compatible public overlook
3 near the blufftop edge of approximately 375 square feet The overlook shall be a
4 wooden boardwalk surface and shall be sited and designed to eliminate the need for
5 railings to the maximum extent feasible (e g , setback a sufficient distance from the
6 blufftop edge so as to not necessitate such features) The overlook shall include at least
7 three benches, one interpretive panel/installation, one recycling bin, one trash bin, and
8 one doggie mitt station, all at locations that maximize their public utility and minimize
9 their impact on public views

10 iv **Easement Parcel Four, Beach Stairway/Pathway:** A strip of land for a public beach
11 stairway/pathway that is publicly available for general public pedestrian access The
12 stairway/pathway shall be sited and designed to minimize landform alteration and to
13 conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if
14 elimination is not possible) railings, to avoid to the maximum extent feasible
15 construction and post-construction impacts to sensitive species, including seachiff
16 buckwheat, and to maximize public utility and minimize impacts on public views

17 v **Easement Parcel Five, Beach:** A strip of land for lateral public access on the beach
18 and offshore areas extending from the seawardmost property line to the toe of the dune
19 bluff and migrating inland as the toe of the dune bluff migrates inland

20 The Easement Area shall be ambulatory, including that (a) the beach portion of the
21 Easement Area shall move inland if the toe of the dune bluff moves inland, and (b) the pathway
22 system, overlook, and beach stairway/pathway portion of the Easement Area shall move inland
23 (and the related structures shall be relocated inland) if the toe of the dune bluff moves inland
24 and/or if, as a result of coastal hazards, relocation and/or reconstruction of access amenities in
25 these areas must be moved inland to retain their utility

26 2 **PURPOSE** The Easement is for the purpose of maximizing public access and
27 recreational use over and upon the Easement Area as set forth in the approved Public Access
28 Management Plan prepared by EMC Planning Group dated October 12, 2015 required under
Special Condition 5 of the Permit, which is attached hereto as EXHIBIT D and incorporated herein
by this reference (the "Public Access Management Plan"), as the same may be modified, subject to
the review and approval of the Executive Director

3 DECLARATION OF RESTRICTIONS

1
2 A Upon recordation of this Offer, and thereafter in perpetuity, the use of the Easement
3 Area shall be limited to public access and recreation in compliance with the limitations set forth
4 herein and the Permit. No development (as defined in Section 30106 of the Act which is attached
5 hereto as EXHIBIT F and incorporated herein by this reference), including but not limited to,
6 removal of trees and other major or native vegetation, grading, paving, planting of non-native
7 vegetation, tilling, or installation of structures such as signs, fences, buildings, permanent
8 irrigation devices, etc., and no grazing, agricultural or other activities shall occur or be allowed
9 within the Easement Area with the exception of the following, consistent with the Public Access
10 Management Plan (subject to any applicable governmental regulatory requirements)

- 11
12 i Temporary low rope and pole barriers or similar devices if approved by the Executive
13 Director of the Commission to protect sensitive species,
14 ii Six foot wide public access boardwalk beginning at the north end of the public beach
15 parking lot and extending to the overlook and beach access stairway/pathway,
16 iii Approximately 375 square foot wooden overlook on the blufftop above the beach,
17 iv Multi-use bike and pedestrian trail connecting to the Monterey Bay sanctuary scenic
18 trail,
19 v Public parking lot,
20 vi Bicycle parking stands, recycling bins, trash bins, water fountains, doggie mitt
21 stations, public access and interpretive signs, and
22 vii Reconstruction or relocation of public access amenities if they are in danger of being
23 damaged or destroyed or are damaged or destroyed or become located ten feet or
24 more seaward of the toe of the bluff
25 viii Pathway bollard lights
26 ix Access and Directional signage

27
28 B The Easement Area shall be developed with public access amenities available to
the general public free of charge from 5 a.m. until midnight, except for the beach area that shall be
available 24 hours per day every day, and maintained in accordance with the Permit (including
Special Condition 5) and all applicable plans required by the Permit (including the Public Access
Management Plan) in the form approved by the Executive Director of the Commission for as long

1 as any portion of the development authorized by the Permit or the Permit (or any modification or
2 amendment thereof) remains in existence on or with respect to, and thereby confers benefit upon,
3 the Property Grantee (defined below) shall not be obligated to maintain, improve or otherwise
4 expend any funds in connection with the Permit, the Property or any interest or easement created
5 by this Offer All costs and expenses for such maintenance, improvement, use or possession
6 (except for costs incurred by Grantee for monitoring compliance with the terms of this Offer) shall
7 be borne by the owner of the Property (Grantor or its successor in interest) All public access
8 improvements and amenities included in the easement areas shall be consistent with those shown
9 on the approved revised plans submitted by EMC Planning Group and Rana Creek dated October
10 12, 2015 and approved October 14, 2015 in the Public Access Management Plan

11
12 C This Offer shall not be used or construed to allow anyone, to interfere with any
13 rights of public access acquired through use that may exist on the Property Grantor shall not
14 interfere with the public's use of the Easement Area nor take any action inconsistent with such use,
15 including, without limitation, constructing or improving the Property in a manner inconsistent
16 with the public's use or enjoyment of the Easement Area or the terms and conditions of the Permit
17 during times available to the general public free of charge from 5 a m until midnight, except for
18 the beach area that shall be available 24 hours per day every day Grantor shall retain all normal
19 rights and incidents of ownership of the underlying fee interest in the Property not inconsistent
20 with the Easement
21
22

23
24 4 DURATION, ACCEPTANCE AND TRANSFERABILITY This Offer shall be
25 irrevocable for a period of 21 years from the date of recordation of this Offer This Offer may be
26 accepted by any political subdivision of the State of California, a public agency, or a private
27 association approved by the Executive Director of the Commission on behalf of the people of the
28 State of California (the "Grantee") Acceptance of this Offer shall be effectuated by recordation

1 by Grantee of an acceptance of this Offer in substantially the form attached hereto as EXHIBIT E
2 and incorporated herein by this reference Upon recordation of said acceptance, this Offer and its
3 terms, conditions and restrictions shall have the effect of a grant of a public access easement in
4 gross and in perpetuity consistent with the above terms over and upon the Easement Area that shall
5 run with the land and be binding on the heirs, assigns and successors of Grantor After acceptance
6 of this Offer, the Easement may be transferred to and held by any entity which qualifies as a
7 Grantee under the criteria hereinabove stated Acceptance of the Offer is subject to the covenant
8 which runs with the land that Grantee may not abandon the Easement until such time as Grantee
9 effectively transfers this Easement to an entity which qualifies as a Grantee under the criteria
10 hereinabove stated No merger of title, estate or interest shall be deemed effected by any previous,
11 contemporaneous, or subsequent deed, grant, or assignment of an interest or estate in the Property,
12 or any portion thereof, to the Grantee, or its successors or assigns Grantor, for itself and its
13 assigns and successors in interest, covenants and agrees that the use of the Property is hereby
14 restricted as set forth in this Offer and that such restrictions shall remain in full force and effect
15 during the period that the Permit, or any modification or amendment thereof remains effective, and
16 during the period that the development authorized by the Permit, or any modification thereof,
17 remains in existence in or upon any part of, and thereby confers benefit upon, the Property It is the
18 express intent of the parties that the Easement or the restrictions hereof not be extinguished by,
19 merged into, modified, or otherwise deemed affected by any other interest or estate in the Property
20 now or hereafter held by the Grantee or its successors or assigns

24 5 RIGHT OF ENTRY The Commission, any Grantee accepting this Offer and their
25 respective agents may enter onto the Easement Area and, if necessary, the Property, at times
26 reasonably acceptable to the Grantor to ascertain whether the use restrictions set forth above are
27 being observed
28

1 6 SUCCESSORS AND ASSIGNS The terms, covenants, conditions, exceptions,
2 obligations, and reservations contained in this Offer shall be deemed to be covenants, conditions
3 and restrictions running with the land and shall be binding upon and inure to the benefit of the
4 successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary

5 7 REMEDIES Any act, conveyance, contract, or authorization by Grantor whether
6 written or oral which uses or would cause to be used or would permit use of the Property in a
7 manner contrary to the terms of this Offer will be deemed a violation and a breach hereof Grantor,
8 any Grantee accepting this Offer, any offeree of this Offer and the Commission may pursue any
9 and all available legal and/or equitable remedies to enforce the terms and conditions of this Offer
10 and the Easement and their respective interests in the Property In the event of a breach, any
11 forbearance on the part of any such party to enforce the terms and conditions hereof shall not be
12 deemed a waiver of enforcement rights regarding any subsequent breach
13
14

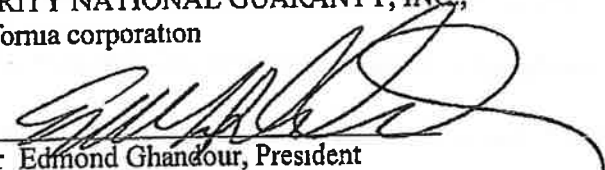
15 8 TAXES AND ASSESSMENTS Grantor agrees to pay or cause to be paid all real
16 property taxes and assessments levied or assessed against the Property It is intended that this
17 Offer and the restrictions contained herein shall constitute enforceable restrictions within the
18 meaning of a) Article XIII, Section 8 of the California Constitution and b) Section 402 1 of the
19 California Revenue and Taxation Code or successor statute Furthermore, this Offer, the
20 Easement created by the acceptance thereof and its restrictions shall be deemed to constitute a
21 servitude upon and burden to the Property within the meaning of Section 3712(d) of the California
22 Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property
23 Furthermore, it is intended that this Offer and the restrictions contained herein shall constitute a
24 qualified conservation contribution satisfying the Internal Revenue Code requirements for a
25 charitable contribution and income tax deduction for conservation purposes under Internal
26 Revenue Code 26 USC §170
27
28

1
2 9 LIABILITY AND INDEMNIFICATION This conveyance is made and accepted
3
4 upon the express condition that Grantee, its agencies, departments, officers, agents and employees
5 are to be free from all liability and claim for damages by reason of any injury to any person or
6 persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging,
7 including Grantor, from any cause or causes whatsoever, except for matters arising out of the sole
8 negligence of Grantee, while in, upon, or in any way connected with the Property, and Grantor
9 hereby covenants and agrees to indemnify and hold harmless Grantee, its agencies, departments,
10 officers, agents and employees from all liability, losses, costs and obligations on account of or
11 arising out of such injuries or losses, however occurring Grantee shall have no right of control
12 over, nor duties and responsibilities with respect to, the Property which would subject Grantee to
13 any liability occurring on the Property by virtue of the fact that the right of Grantee to enter the
14 Property is strictly limited to preventing uses inconsistent with the interest granted hereby and
15 does not include the right to enter the Property for the purposes of correcting any dangerous
16 condition as defined by California Government Code Section 830
17

18
19 11 SEVERABILITY If any provision of this instrument is held to be invalid or for
20 any reason becomes unenforceable, no other provision shall be thereby affected or impaired
21

22 Executed as of 15th day of October, 2015, at
23 Monterey, California

24 SECURITY NATIONAL GUARANTY, INC.,
25 a California corporation

26
27 By 
28 Dr. Edmond Ghandour, President

(SEE FOLLOWING PAGE FOR NOTARY ACKNOWLEDGMENTS)

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

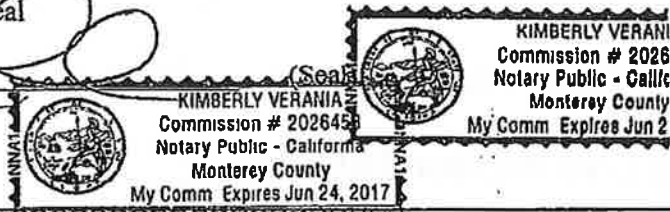
STATE OF California
COUNTY OF Monterey

On 10/10/15 before me, Kimberly Verania,
Notary Public, personally appeared Edmond Chandra,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct
WITNESS my hand and official seal

Signature _____

(Handwritten signature)



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

STATE OF _____
COUNTY OF _____

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct
WITNESS my hand and official seal

Signature _____

(Seal)

NOTARY SEAL

GOVERNMENT CODE SECTION 27361.7

Name of Notary Kimberly Verania

Commission Number 2026458

Date Commission Expires June 24, 2017

Place of Execution Monterey Co. Date 10-10-15

Signed J. D. Lansley

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This is to certify that the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission, pursuant to authority conferred by the California Coastal Commission when it conditionally approved Coastal Development Permit No A-3-SNC-98-114 on April 11, 2014, and the California Coastal Commission consents to recordation thereof by its duly authorized officer

Dated Oct 14, 2015

CALIFORNIA COASTAL COMMISSION

[Signature]
Karla Galvez, Staff Counsel

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

STATE OF California
COUNTY OF San Francisco

On Oct. 14th, 2015, before me, HONG LE TRUONG, a Notary Public, personally appeared KARLA GALVEZ, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity (ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct
WITNESS my hand and official seal

Signature [Signature]

(Seal)

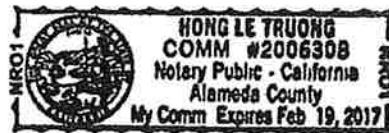


EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF Sand City, COUNTY OF Monterey, STATE OF California AND IS DESCRIBED AS FOLLOWS

That portion of Rancho Noche Buena and Monterey City Lands Tract No 1 in County of Monterey, State of California, being a portion of that certain 86.75 acre tract of land conveyed in the Deed by T A Work, et ux, to Mrs E Roberts, dated May 16, 1921 and recorded in Volume 13, Page 444, Official Records of Monterey County, described as follows

Beginning at a 4" x 4" post standing at northeasterly corner of the above mentioned 86 75 acre tract of land and in the westerly boundary of that certain strip of land 100 feet wide as conveyed in the Deed by David Jacks to Monterey Railroad Company, dated May 1, 1880 and recorded in Volume Z, Page 472, of Deeds, Monterey County Records (now known as the right of way of the Southern Pacific Railroad, Monterey Branch) and from which point of beginning the S P R R Engineer's Station 594 + 60 0 - C C T 2 - 1/2 in centerline of tract bears S 60° 10' E., 50 3 feet, thence along westerly boundary of said 100 foot strip,

(1) Southerly, 1570 feet, a little more or less, to a 4" x 4" post marked "AT 1386 6" "SPRR LINE" from which SPRR Engineer's Station 610 + 51 0 CC T2 in centerline of tract bears S 63° 21' E , 61 1 feet, thence leave said westerly boundary and running

(2) N 53° 06' W , 1386 6 feet (at 765 6 feet to a 4" x 4" post marked "A + 621 0" "LINE", at 1243 1 feet a 4" x 4" post marked "AT 143 5" "LINE" "WP") to a point in the mean high water line of Monterey Bay, thence along mean high water of Monterey Bay,

(3) N 32° 08 1/2' E , 1500 0 feet to a point in the northerly boundary of said 86 75 acre tract, thence along said northerly boundary up middle of canyon,

(4) S 53° 06' E , 1115.0 feet (at 132 6 feet a 4" x 4" post marked "AT 132 6" WP" at 523.8 feet to a 4" x 6" post marked "AT 523 8" at 905 0 feet a 4" x 4" fence post), to the point of beginning Courses all true, declination of magnetic needle being 17° 30' East

EXCEPT THEREFROM all that certain real property described in the Final Order of Condemnation issued out of the Superior Court of the State of California for the County of Monterey, Case No 55706, entitled, The People of the State of California, acting by and through the Department of Public Works, plaintiff, vs Bank of America National Trust and Savings Association, et al, defendants, recorded April 1, 1966 in Reel 455, Page 620, Official Records of Monterey County

APN 011-501-014

EXHIBIT B

NOTICE OF INTENT TO ISSUE PERMIT

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE (831) 427-4883
FAX (831) 427-4877
WEB WWW.COASTAL.CA.GOV

JUL 07 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT

CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

NOI Issue Date: May 30, 2014¹

Page 1 of 31

Please note: this is NOT a coastal development permit

A coastal development permit (CDP) for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. The sole purpose of this notice of intent (NOI) is to inform the permittee(s) of the steps necessary to obtain a valid and effective CDP. In order for the CDP to be effective, Commission staff must issue the CDP, and the permittee(s) must sign and return a copy of the CDP to the Commission. Commission staff cannot issue the CDP until each of the "prior to issuance" (PTI) conditions have been fulfilled (all of the conditions, including the PTI conditions, for this CDP are identified later in this notice).

Unless otherwise specified, the Commission's approval of this CDP is valid for five years from the date of approval. To prevent expiration of the CDP, the permittee(s) must fulfill the PTI conditions, obtain and sign the CDP, and commence development within five years of the approval date specified below (unless otherwise specified). The permittee(s) may also apply for an extension of the CDP pursuant to California Code of Regulations, Title 14, Section 13169.

CDP A-3-SNC-98-114

CDP A-3-SNC-98-114 was approved by the California Coastal Commission on April 11, 2014 and allows the applicant to construct a 368-unit mixed-use residential and visitor-serving facility in the dunes seaward of Highway One, between Fort Ord Dunes State Park and the Monterey Peninsula Regional Park District's (MPRPD) Eolian Dunes Preserve in the City of Sand City in Monterey County. The project includes a land division of a roughly 40-acre parcel into three parcels, construction of 184 hotel rooms, 92 visitor-serving condominium units, 92 residential condominium units, hotel and residential courtyards, a restaurant, conference center, spa, garden, 3 swimming pools, and surface and underground parking for 947 vehicles. In total, the project would result in some 1.34 million square feet of resort and residential facilities spread out over roughly 12 acres. The project also includes a roadway extension from inland public roads, three entrance driveways, public access trails and amenities, dune restoration, utility extensions and infrastructure, and related development (i.e., emergency access road, tunnel access to resort signs, fences, lights, trails, etc.). Roughly 700,000 cubic yards of grading and nearly 400,000 cubic yards of sand disposal are also proposed (all as more specifically described in the Commission's CDP file). CDP A-3-SNC-98-114 is subject to certain terms and conditions, including the standard and special conditions beginning on page 2 of this NOI.

¹ This NOI dated May 30, 2014 supersedes and replaces the NOI dated April 21, 2014. The NOI dated April 21, 2014 is of no further force nor effect.

NOTICE OF INTENT TO ISSUE CDP CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

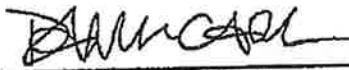
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If you have any questions regarding this notice, including regarding how to fulfill the PTI conditions, please contact Mike Watson in the Central Coast District Office at the address and phone number above.

NOI issued


By my signature below this notice of intent to issue a CDP is issued on behalf of the California Coastal Commission on April 21, 2014

 5/30/2014

Dan Carl, Central Coast District Director, for Charles Lester, Executive Director

Acknowledgement

The undersigned permittee(s) acknowledge receipt of this notice and fully understand its contents, including all conditions imposed. Please sign and return a copy of this notice to the Central Coast District Office at 725 Front Street Suite 300, Santa Cruz, CA 95060.

SECURITY NATIONAL GUARANTEE INC.
By:  7-2-14
Monterey Bay Shores representative Date
Ets: President

I. STANDARD CONDITIONS

This permit is granted subject to the following 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 five 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 of 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.



California Coastal Commission

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CDP A-3-SNC-98-114 (Monterey Bay Shores Resort)

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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

II. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions

1. **Revised Plans. PRIOR TO ISSUANCE OF THE CDP,** the Permittee shall submit two full size sets of Revised Plans with graphic scale to the Executive Director for review and approval. The Revised Plans shall be prepared by a licensed professional or professionals (i.e., architect, surveyor, geotechnical engineer, etc.), and shall be based on current professionally surveyed and certified topographic elevations for the entire site. The Revised Plans shall be substantially in conformance with the VTM, site plans, and cross-sections sheets TM-1 – TM-6 submitted to the Coastal Commission (dated October 21, 2013 as revised on October 28, 2013, December 20, 2013, and January 17, 2014 and dated received in the Coastal Commission's Central Coast District Office January 3, 2013 and January 30, 2014) as shown on Exhibit 4 – 6, the MBS Access, Signage and Lighting Plan (dated October 2013 and dated received in the Central Coast District Office October 28, 2013 – Exhibit 23), and the Habitat Protection Plan (dated October 2013 and dated received in the Central Coast District Office October 28, 2013 – Exhibit 20), but shall be modified to achieve compliance with this condition, including that the Revised Plans shall show the following required changes and clarifications to the project
- (a) **Dune Manipulation for Screening Purposes** The project includes re-contouring of the protected dune feature, an extension of the protected dune feature to the north, and dune field manipulation north of the extended dune for screening purposes. Dune field manipulation north and northwest of the extended dune view line (see Exhibit 8x [i.e., the Applicant's dune view line shown on sheets TM-2 and TM-6, see pages 2 and 5 of Exhibit 4]) shall be limited to a finished elevation generally equal to existing grade except that undulations in height may go up to a maximum of 3 feet greater than existing grade to allow for replicated dune landscaping. All such dune manipulation shall be designed to replicate natural dune landforms and integrate into the surrounding dunes to the maximum extent feasible
- (b) **Highway One Dune Screening for Buildings and Related Development.** All building and related development shall be sited and designed so that views of it from either southbound or northbound Highway One (from a height of 5 feet above the roadway) are blocked by existing and/or modified dune features (including through extending dune areas over the top of such development, as applicable) in such a way that such views are of dunes and not of buildings and related development, except that buildings and related development are allowed to be visible in the southbound Highway One view if located inland of the dune view line (see Exhibit 8x [i.e., the Applicant's dune view line shown on sheets TM-2 and TM-6, see pages 2 and 5 of Exhibit 4])) The Revised Plans shall be submitted with documentation demonstrating compliance with this requirement



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- (c) **Highway One Dune Screening/View Mitigation for Other Development.** All other development located inland of buildings and related development (e.g., road access, tunnel access, parking areas, pathways, etc.) shall be sited, designed, and screened in such a way as to minimize its visibility in Highway One views to the maximum extent feasible, including through utilizing below grade development as appropriate to meet such standard. All development that is visible (including any retaining walls – see also below) shall be sited and designed to blend into the dune aesthetic to the maximum extent feasible (including through colorization, natural materials, non-linear and curvilinear contouring, surface roughness, etc.)
- (d) **Road Development Minimized.** All road development (providing access to the project through the tunnels as well as access to the project to the north) shall be minimized consistent with the VTM. No other road development is authorized by this CDP, thus any proposed future road development shall require either an amendment to this CDP or approval of a separate CDP.
- (e) **Height Limits.** Development height shall be limited as necessary to meet the requirements of this condition, and in no case shall development exceed 45 feet above existing grade for hotel and condominium-hotel components (hotel and condominium-hotel components include facilities commonly included in hotels and condominium-hotels such as restaurants, meeting rooms, shops for hotel guests, and spa facilities), and 36 feet above existing grade for all other development. The Revised Plans shall be submitted with documentation demonstrating compliance with this requirement, including through site plans and architectural elevations prepared and certified by a licensed architect that identify all hotel and condominium-hotel components versus other components of the project, and evidence demonstrating why components fall into either category.
- (f) **Visitor-Serving Priority Maintained.** If a fewer number of units can be accommodated in order to meet the terms and conditions of this CDP, then the mix of units shall be maintained at the same ratio as proposed (i.e., 184 standard hotel units, 92 visitor-serving condominium hotel units, and 92 residential condominium units), or at a ratio that results in a higher percentage of standard hotel units than proposed and the same or a higher percentage of visitor-serving condominium hotel units than proposed. In no case shall the ratio of residential condominium units to other units increase as compared to that proposed.
- (g) **Foredune Grading.** Foredune grading shall be allowed as low as 32 feet above NGVD only in areas directly seaward of buildings and for the fire access road, and only where such grading is designed to (1) replicate natural dune landforms and integrate into the surrounding dunes to the maximum extent feasible, and (2) meet the other requirements of this condition. Other foredune grading, other than for approved dune restoration and/or public access purposes, shall be prohibited.
- (h) **Resort Pathways.** The portion of the resort pathways (not including public access pathways) that extend southwest and on top of the protected dune feature shall be eliminated from the project, leaving two resort pathways extending toward the ocean and one along the fire access road. These remaining resort pathways shall be sited and designed to blend into the dune



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aesthetic (including through colorization natural materials non-linear and curvilinear contouring surface roughness, etc) as seen in public views to the maximum extent feasible Any portion of the resort pathways that extend to the beach from the buildings and related development shall be sited and designed to minimize landform alteration and to conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if elimination is not possible) railings, and to minimize impacts on public views

- (i) **Public Access Amenities.** The Revised Plans shall clearly identify all public access amenities to be provided as part of the approved development including but not limited to
1. **Parking Lot** A public parking lot providing 46 full-size parking spaces The parking lot shall be surfaced (including curbs and gutters) with permeable pavement or permeable concrete colored to blend with the surrounding dune environment as much as possible A minimum of ten bicycle parking stands three recycling bins three trash bins, one water fountain three ADA parking spaces and one doggie mitt station shall be provided in the parking lot in locations that maximize their public utility and minimize their impact on public views The parking lot shall be ADA compatible
 2. **Pathway System** A dedicated public pathway system that extends from the inland public recreational trail adjacent to and along the public parking lot and then to an overlook atop the bluff and then to the beach via a stairway/path The portion of the pathway system that extends from the public recreational trail to and along the public parking lot (to the upcoast edge of the parking lot) shall be a similar width as the inland public recreational trail, but shall be surfaced with permeable pavement or permeable concrete colored to blend with the surrounding dune environment as much as possible from at least the point where it enters onto the subject property and shall include separation from the road and parking utilizing concrete curbs, bumpers, or other barriers to insure safety of pedestrians and bike riders The portion of the pathway system that extends from the upcoast edge of the parking lot to the overlook shall be a wooden boardwalk approximately 6 feet in width All portions of the pathway system, other than the beach stairway/path, shall be ADA compatible, and shall be curvilinear (and not linear) in appearance to the maximum extent feasible
 3. **Overlook.** A public overlook near the blufftop edge of approximately 300 square feet The overlook shall be a wooden boardwalk surface and shall be sited and designed to eliminate the need for railings to the maximum extent feasible (e.g. setback a sufficient distance from the blufftop edge so as to not necessitate such features) At least three benches one interpretive panel/installation one recycling bin, one trash bin and one doggie mitt station, shall be provided at the overlook in locations that maximize their public utility and minimize their impact on public views The overlook shall be ADA compatible
 4. **Beach Stairway/Pathway** A public beach stairway/pathway providing access down the bluff and to the beach from the overlook location The stairway/pathway shall be sited and designed to minimize landform alteration and to conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if elimination is not possible) railings, to avoid to the



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maximum extent feasible construction and post-construction impacts to sensitive species, including seacliff buckwheat, and to maximize public utility and minimize impacts on public views. The public beach stairway/pathway may extend onto Fort Ord Dunes State Park if such extension is allowed by State Parks and if such extension better meets the intent of this condition, including in terms maximizing public access utility and protecting dune landforms and public views.

- 5 **Signs.** Public access identification, interpretation, and direction signs. At a minimum, public access identification and direction signs shall be placed where the pathway system connects with the inland public recreational trail, at the base of each Fremont Street off-ramp, at the entrance to the approved project (where it meets the public street); at or near the point where the tunnel entrance diverges from the parking lot entrance, at the entrance to the parking lot, at the beginning of the boardwalk section of the pathway system (at the parking lot), at the base of the beach stairway/pathway and at other locations where identification and direction is necessary and appropriate. The Permittee shall also make reasonable efforts to work with Caltrans to install a Coastal Commission Public Access ("Feet") sign on both southbound and northbound Highway One, provided that the Permittee shall not be responsible for any decision made by Caltrans regarding such signage or for the installation or maintenance of such signs. The Permittee shall pay for such signage, including installation costs, upon Caltrans consent for such signs. At least one interpretive panel/installation that provides interpretation of the site, dunes, erosion and coastal hazards, the Monterey Bay, or other related and/or similar subjects shall be provided at the overlook. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. All signs shall be sited and designed to maximize their utility and minimize their impacts on public views.

The public access amenities shall utilize a similar design theme that is subordinate to and reflective of the surrounding dune environment to the maximum extent feasible. Natural and curvilinear forms (e.g., curving pathway segments, rounded overlook areas, etc.) shall be used to the maximum extent feasible. The public access amenities portion of the Revised Plans shall be in conformance with all parameters of the Public Access Management Plan (see Special Condition 5). Minor adjustments to the above requirements may be allowed by the Executive Director if such adjustments enhance public access and public view protection and do not legally require an amendment to this permit.

- (j) **Setbacks.** All development, other than (1) public access pathways, overlooks, and stairways, (2) resort pathways, (3) foredune grading down to 32 feet above NGVD (subject to the requirements of this condition), and (4) dune restoration (subject to the approved dune restoration plan – see below), shall initially be located inland of the 75 year at 2.6 feet per year setback line as shown on Exhibit 9 of the adopted findings (using the inland edge of the line) [Exhibit 9 of the adopted findings shall be the same as Exhibit 20a of the staff report dated November 20, 2009 and prepared for the December 11, 2009 hearing on the application]. As circumstances dictate, development shall be removed and the affected area restored (subject to Special Condition 9 requirements), with the same allowable seaward located exceptions.



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- (k) **Landscaping** All non-native and/or invasive plants on the site including iceplant shall be removed and the site kept free of such plants for as long as any portion of the approved development exists at this site. All landscaping other than decorative landscaping within interior courtyards and similar areas (such as the port cochere area) shall consist of only non-invasive dune species native to the Sand City and southern Monterey Bay dune systems (see also Special Condition 3 below). All landscaped areas on the project site shall be maintained in a litter-free weed-free and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California and no plant species listed as a 'noxious weed' by the State of California or the U S Federal Government shall be planted or allowed to naturalize or persist on the site. The Revised Plans shall include certification from a licensed landscape professional experienced with native dune species indicating that all plant species to be used are non-invasive dune species native to the Sand City and southern Monterey Bay dune systems.
- (l) **Lighting Minimized** Exterior lighting shall be wildlife-friendly shall use lamps that minimize the blue end of the spectrum, and shall be limited to the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting (exterior and interior) shall be sited and designed so that it limits the amount of light or glare visible from public viewing areas (including but not limited to views from Highway One, Fort Ord Dunes State Park, the recreational trail, the public access amenities, the beach, and areas across Monterey Bay (e.g., Cannery Row) to the maximum extent feasible (including through uses of lowest luminosity possible directing lighting downward, directing lighting away from windows, etc.) Lighting upcoast of the main tunnel entrance (i.e. along the pathways parking lot and fire road access), shall be prohibited other than the minimum lighting necessary for pedestrian and vehicular safety purposes. Otherwise allowable lighting from the public road to the main tunnel entrance shall be limited to pathway and roadway bollards 48 inches or less in height and any such allowable lighting extending north and seaward from the main tunnel entrance shall be bollard or footing lighting that is as low to the ground as feasible. Overhead light standards and decorative pole lights shall be prohibited. The Revised Plans shall be submitted with documentation demonstrating compliance with these lighting requirements.
- (m) **Windows and Other Surfaces** All exterior windows shall be non-glare glass, and all other surfaces shall be similarly treated to avoid reflecting light. The windows shall have ultraviolet-light reflective coating or have pigmentations or tints specially designed to reduce bird strikes by reducing reflectivity. Any coating or tinting used shall be installed to provide coverage consistent with manufacturer specifications.
- (n) **Utilities.** The Revised Plans shall clearly identify all utilities (e.g. sewer water stormwater, gas, electrical, telephone data, etc.) the way in which they are connected to inland distribution networks, and 'will-serve' or equivalent documentation demonstrating that each applicable utility provider can and will serve the approved development. All utilities shall be located underground including that the Revised Plans shall provide for removal or undergrounding of all existing overhead utilities on the site and in areas between the site and Highway One.



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- (o) **Stormwater and Drainage.** The Revised Plans shall clearly identify all stormwater and drainage infrastructure and related water quality measures (e.g., pervious pavements, etc.), with preference given to natural BMPs (e.g., bioswales, vegetated filter strips, etc.). Such infrastructure and water quality measures shall provide that all project area stormwater and drainage is filtered and treated to remove expected pollutants prior to discharge, and directed to inland stormwater and drainage facilities (and is not allowed to be directed to the beach or the Pacific Ocean) if needed to handle the volume of stormwater and drainage expected, including during extreme storm events (see also below). Infrastructure and water quality measures shall retain runoff from the project onsite to the maximum extent feasible, including through the use of pervious areas, percolation pits and engineered storm drain systems. Infrastructure and water quality measures shall be sized and designed 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 (>85th percentile 24-hour runoff event storm) where such runoff cannot be adequately accommodated on-site through the project's stormwater and drainage infrastructure, any excess runoff shall be conveyed inland off-site in a non-erosive manner. Stormwater and drainage apparatus shall be coordinated in conjunction with the Dune Restoration Plans (see Special Condition 3) to determine the best suited locations to avoid any adverse impacts on dune restoration activities.
- (p) **Signage.** The Revised Plans shall clearly identify all signs associated with the project and the site, and all signs shall be sited and designed (1) to minimize their visibility in public views, (2) to seamlessly integrate into the dune landform to the maximum extent feasible (including using natural materials, earth tone colors and graphics, avoiding lighted signs as much as feasible, directing any allowed sign lighting downward, etc.), and (3) to be subordinate to the dune setting.
- (q) **Foundations and Retaining Walls.** Foundation and retaining wall plans shall be prepared in consultation with a licensed civil and structural engineer (or engineers as appropriate), and such structures shall be sited and designed consistent with standard engineering and construction practices in such a way as to best meet the objectives and performance standards of these conditions (including to minimize visual incompatibility with the existing dune landscape and public views, and to facilitate removal as required). The building foundation or foundations shall be the least environmentally damaging feasible alternative, in compliance with current California Building Code requirements. Foundation systems shall not be designed or engineered to address ocean and related forces (e.g., wave attack, ocean flooding, erosion, etc.) except to the extent that such design may facilitate their removal, as these forces are to be addressed through appropriate development setbacks and removal over time (see below and see Special Conditions 8 and 9).
- (r) **Subsurface Elements.** The Revised Plans shall clearly identify all subsurface elements associated with the project (e.g., parking, back of house, etc.).
- (s) **Geotechnical Signoff.** The Revised Plans shall be submitted with evidence that they have been reviewed and approved by a licensed geotechnical and/or structural engineer (or engineers, as appropriate) as meeting applicable regulations for site stability (i.e., seismic and liquefaction).



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and the requirements of these conditions, including in terms of foundations and retaining walls (see above) The geotechnical signoff shall be supported and accompanied by a site specific geotechnical analysis of the site that evaluates and addresses applicable hazards including the potential for liquefaction and/or dynamic settlement The geotechnical analysis shall include, at a minimum analysis of the subsurface soil characteristics the structural loading of the building elements, and recommendations on spacing and depth of all foundation elements

- (t) **Excess Sand.** The Revised Plans shall clearly identify the manner in which excavated sand not necessary for the project (e.g., not necessary for dune extension restoration screening, etc.) is to be disposed of and/or beneficially reused PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall obtain a separate CDP or CDP amendment, or a determination from the Executive Director that no CDP or CDP amendment is required, authorizing all aspects of such sand movement and disposal/reuse within the coastal zone and/or affecting coastal zone resources
- (u) **Fencing.** All existing site fencing shall be removed and replaced with the minimum amount of fencing necessary to meet project objectives, and where such replacement fencing is minimized, sited and designed to be compatible with the dune landscape (e.g., rough-hewn wooden split rail, low rope and pole barriers for restoration areas as needed, etc.) and to minimize public view impacts to the maximum extent feasible
- (v) **Views.** All development shall be sited, designed, colored, screened, and camouflaged (including making maximum use of integrated dune screening and natural landscaping and screening elements to the maximum extent feasible) to minimize visual incompatibility with the existing dune landscape and public views

The Permittee shall undertake development in accordance with the approved Revised Plans

2. **Construction Plan PRIOR TO ISSUANCE OF THE CDP** the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval The Construction Plan shall, at a minimum, include the following
 - (a) **Construction Areas** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on dunes, public access and public views as well as to maintain best management practices (BMPs) to protect dune resources on-site and in the surrounding area including by using inland areas for staging and storing construction equipment and materials, as feasible Construction (including but not limited to construction activities and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas
 - (b) **Construction Methods and Timing** The plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from dune resources



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and public recreational use areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas) All work other than interior work where any lighting is minimized in the same way as identified in Special Condition 1 shall take place during daylight hours and lighting of the work area is prohibited

- (c) **Property Owner Consent** The plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to such use of their properties
- (d) **Biological Monitor.** The plan shall provide that a qualified biological monitor, selected by the Permittee and approved by the Executive Director, shall be present during all construction activities to ensure that dune areas and sensitive species are protected. The biological monitor shall prepare weekly reports, and shall submit such reports monthly to the Executive Director. If the reports indicate that development is not in conformance with the terms and conditions of this CDP, including with respect to protecting dune and sensitive species habitats then the Permittee shall modify construction activities to ensure conformance, including as directed by the Executive Director
- (e) **Pre-construction Surveys.** The plan shall include pre-construction surveys for sensitive species, including western snowy plover and Smith's blue butterfly. If any such species is identified in the project impact area, the Permittee shall consult with the biological monitor, the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service and the Executive Director, and shall implement mitigation measures as directed by the Executive Director, including measures consistent with the approved Habitat Protection Plan and/or any other state or federal agency requirements. The Permittee shall apply for an amendment to this CDP to implement such mitigation measures if the Executive Director determines that an amendment is legally required
- (f) **BMPs** The plan shall clearly identify all BMPs to be implemented during construction, including their location and their specific use parameters. The plan shall also contain provisions for specifically identifying and protecting all natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, etc.) to prevent construction-related runoff and sediment from entering into these natural drainage areas which ultimately deposit runoff into the Pacific Ocean or to Fort Ord Dunes State Park. Silt fences, straw wattles, or equivalent measures shall be installed at the perimeter of all construction areas. At a minimum, the plan shall also include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation as necessary, and restricting grading and earthmoving during the rainy weather. The plan shall indicate that (a) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site, all de-watering operations shall include filtration mechanisms, (b) off-site equipment wash areas are preferred whenever possible, if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment shall be prohibited, in any event, such wash water shall be collected and appropriately disposed off-site, and shall not be allowed to enter any natural drainage areas. (c) concrete rinsates shall be collected and



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appropriately disposed off-site and they shall not be allowed to enter any natural drainage areas (d) good construction housekeeping shall be required (e.g., clean up all leaks, drips and other spills immediately refuel vehicles and heavy equipment off-site and/or in one designated location keep materials covered and out of the rain (including covering exposed piles of soil and wastes), all wastes shall be disposed of properly, trash receptacles shall be placed on site for that purpose, and open trash receptacles shall be covered during wet weather), and (e) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day Particular care shall be exercised to prevent foreign materials from making their way to the beach or Pacific Ocean or Fort Ord Dunes State Park Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills Construction contracts shall contain appropriate penalty provisions to address non-compliance with the approved Construction Plan, including provisions sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials

- (g) **Construction Site Documents** The plan shall provide that a copy of the signed CDP be maintained in a conspicuous location at the construction job site at all times, and that such copy is available for public review on request The signed CDP and approved Construction Plan shall also be retained in the project file at the Commission's Central Coast District office and be available for review by the public on request All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction
- (h) **Construction Coordinator.** The plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e. address, phone numbers, etc.) including at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction is conspicuously posted at the entrance to the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies) The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action if necessary, within 24 hours of receipt of the complaint or inquiry
- (i) **Notification** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction and immediately upon completion of construction

Minor adjustments to the above construction requirements may be allowed by the Executive Director in the approved Construction Plan if such adjustments (1) are deemed reasonable and necessary (2) do not adversely impact coastal resources, and (3) do not cause delays in construction The Permittee shall undertake construction in accordance with the approved Construction Plan



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3. **Dune Restoration Plans** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two full size sets of Dune Restoration Plans to the Executive Director for review and approval. The Dune Restoration Plans shall be substantially in conformance with the plans submitted to the Coastal Commission (titled Habitat Protection Plan, October 2013 and dated received in the Coastal Commission's Offices on October 28, 2013), shall provide for dune habitat restoration and stabilization for all dune areas of the site outside of development areas (as well as for all dune extension and screening areas), and shall be modified to achieve compliance with this condition including providing for, at a minimum, the following components
- (a) **Objective.** Restoration shall be premised on enhancing dune habitat so that it is self-functioning high quality habitat in perpetuity
 - (b) **Non-Native and Invasive Removal.** All non-native and/or invasive species shall be removed, and continued removal shall occur on an as-needed basis to ensure complete removal over time
 - (c) **Native Dune Plants.** All vegetation planted outside interior courtyards and similar areas (such as the port cochere area) shall consist of non-invasive dune plants native to the Sand City and southern Monterey Bay dune systems, including explicitly providing for a program to enhance Monterey spinnelower and dune buckwheat populations
 - (d) **Sensitive Species** Special provisions shall be applied to explicitly enhance sensitive species habitats, including at a minimum snowy plover and Smith's blue butterfly habitats, as part of dune restoration activities and such provisions shall be consistent with applicable state and federal agency requirements for these species
 - (e) **Plant Maintenance.** All required plantings shall be maintained in good growing conditions for as long as any portion of the approved development exists at this site, and whenever necessary shall be replaced with new plant materials to ensure continued compliance with the approved plans
 - (f) **Performance Standards.** Success criteria for biodiversity and vegetative cover for each vegetation type (as characterized by a specific plant palette and planting plan and any modifications based on slope and aspect) rather than on management areas shall be provided
 - (g) **Dune Contours.** Final contours of the restoration shall mimic and seamlessly integrate with natural dune contours present and/or generally historically present in this area
 - (h) **Implementation.** A map shall be provided showing the type, size, and location of all plant materials to be planted, the irrigation system (if any), topography and finish contours and all other landscape features. If fencing is required to protect restored habitat, then such fencing shall be limited to temporary rope and pole barriers or equivalent, and shall be sited and designed to limit visual impacts as much as possible. Detailed guidance on plant propagation, planting methods, and irrigation shall be included, as shall a schedule for all restoration activities



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- (i) **Monitoring and Maintenance** A plan for monitoring and maintenance of habitat areas for the duration of any development approved pursuant to this CDP shall be included and shall at a minimum include
1. **Schedule.** A schedule out to 5 years
 2. **Field Activities** A description of field activities including monitoring studies
 3. **Monitoring** Monitoring study design including goals and objectives of the study, field sampling design, study sites including experimental/revegetation sites and reference sites, field methods, including specific field sampling techniques to be employed (photo monitoring of experimental/re-vegetation sites and reference sites shall be included), data analysis methods presentation of results, assessment of progress toward meeting success criteria recommendations, monitoring study report content and schedule, and an analysis of high resolution aerial photographs at least every five years
 4. **Adaptation** Adaptive management procedures including provisions to allow for modifications designed to better restore, enhance manage, and protect dune restoration areas
- (j) **Reporting and Contingency.** Five years from occupancy of the approved development, and every ten years thereafter, the Permittee shall submit, for the review and approval of the Executive Director a restoration monitoring report prepared by a qualified specialist that certifies the restoration is in conformance with the approved Dune Restoration Plans along with photographic documentation of plant species and plant coverage beginning the first year after initiation of implementation of the plan annually for the first five years, and then every ten years after that If the restoration monitoring report or biologist s inspections indicate the restoration is not in conformance with or has failed to meet the performance standards specified in the approved Dune Restoration Plans approved pursuant to this CDP the Permittee shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director The revised or supplemental restoration plan shall be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original approved plans that have failed or are not in conformance with the original approved plans These measures, and any subsequent measures necessary to carry out the approved plans shall be carried out in coordination with the direction of the Executive Director until the approved plans are established to the Executive Director s satisfaction
- (k) **Dune Restoration Implemented Prior to Occupancy** Initial dune restoration activities, including at a minimum non-native and invasive removal and initial site planting, shall be implemented prior to occupancy of the approved development
- (l) **Dune Restoration Maintained.** All dune restoration activities pursuant to the approved Dune Restoration Plans shall be the Permittee's responsibility for as long as any portion of the approved development exists at this site



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The Permittee shall undertake development in accordance with the approved Dune Restoration Plans, which shall be initiated within 90 days of Executive Director approval of such plans, or within such additional time as the Executive Director allows if there are extenuating circumstances

4. **Dune Area Conservation Easement.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall execute and record a document, in a form and content acceptable to the Executive Director, granting or irrevocably offering to dedicate to a political subdivision, public agency or private association approved by the Executive Director a dune area conservation easement (Dune Easement) The Dune Easement shall apply to the Dune Restoration Area described in Special Condition 3 above and generally depicted in Exhibit 11a. If development is removed in response to coastal hazards (see Special Condition 9), including to allow for the public access easement to move inland (see Special Conditions 5 and 6), the affected area shall be restored in compliance with the dune restoration parameters of the approved Dune Restoration Plans (see Special Condition 3 above) and the restored dune area incorporated into the Dune Area Conservation Easement. Development, as defined in Public Resources Code Section 30106, shall be prohibited in this area other than (a) dune restoration, monitoring, and maintenance activities conducted in accordance with the approved Dune Restoration Plans (Special Condition 3), (b) public access development and activities conducted in accordance with the approved Public Access Management Plan (Special Condition 5), (c) resort pathways (subject to the requirements of these conditions), and (d) foredune grading down to 32 feet above NGVD (subject to the requirements of these conditions) The Dune Easement shall be recorded free of all prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The Dune Easement shall include a legal description and graphic depiction of the legal parcels subject to the CDP and a metes and bounds legal description and graphic depiction of the Dune Easement area prepared by a licensed surveyor based on an on-site inspection, drawn to scale, and approved by the Executive Director
5. **Public Access Management Plan** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a public access management plan (Public Access Plan) to the Executive Director for review and approval. The Public Access Plan shall be substantially in conformance with the plans submitted to the Coastal Commission (titled Access Signage, and Lighting Plan dated October 2013 and dated received in the Coastal Commission's Central Coast District Office October 28, 2013) but shall be modified to achieve compliance with this condition. The Public Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access and recreational use of all public access areas associated with the approved project (including but not limited to the public parking lot, pathway system, overlook, beach stairway/pathway, and the beach) and all related areas and public access amenities (e.g., bench seating, bike parking, signs, etc.) as described in this special condition. The Public Access Plan shall be consistent with the approved Revised Plans (see Special Condition 1), and shall at a minimum include the following
 - (a) **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above and in this condition, shall be clearly identified as such on the Public Access Plan (including with hatching and closed polygons so that it is clear what areas are available for public access use)



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(b) **Public Access Areas.** All parameters for use of the public access areas of the site, including but not limited to the following areas shall be clearly identified. All access areas and amenities shall be sited and designed to integrate with the surrounding dune environment to the maximum extent feasible, shall be made up of natural materials (e.g., wood) when feasible, shall be natural and curvilinear forms (e.g., curving pathway segments, rounded overlook areas, etc.) when feasible and shall utilize the same design theme throughout. In addition:

1. **Parking Lot.** The parking lot shall be publicly available for general public vehicle parking, bicycle parking, pedestrian access, and bicycle access. At least ten bicycle parking stands, three recycling bins, three trash bins, one water fountain, three ADA parking spaces, and one doggie mitt station, shall be provided in the public parking area in locations that maximize their public utility and minimize their impact on public views. The parking lot shall be ADA compatible. Use of the parking lot for other than general public access purposes shall be prohibited during public access use hours (see below). The Public Access Plan shall include a description of the manner in which the Permittee will ensure that other site users and/or employees will not park in the parking lot during these times.
2. **Pathway System.** The pathway system shall be publicly available for general public pedestrian (and bicycle from the inland public recreational trail to the upcoast edge of the parking lot) access. The portion of the pathway system that extends from the public recreational trail to and along the public parking lot (to the upcoast edge of the parking lot) shall be a separate, dedicated pedestrian and bicycle path similar in width as the inland public recreational trail, shall include separation from the road and parking utilizing concrete curbs, bumpers, or other barriers to insure safety of pedestrians and bike riders, and shall be surfaced with permeable pavement or permeable concrete colored to blend with the surrounding dune environment to the maximum extent feasible from at least the point where it enters onto the subject property. The portion of the pathway system that extends from the upcoast edge of the parking lot to the overlook shall be a wooden pedestrian boardwalk approximately 6 feet in width. All portions of the pathway system shall be ADA compatible, and shall be curvilinear (and not linear) in appearance to the maximum extent feasible.
3. **Overlook.** The overlook shall be publicly available for general public pedestrian access. The overlook shall be approximately 300 square feet, shall be made up of a wooden boardwalk surface, and shall be sited and designed to eliminate the need for railings to the maximum extent feasible (e.g., setback a sufficient distance from the blufftop edge so as to not necessitate such features). At least three benches, one interpretive panel/installation, one recycling bin, one trash bin, and one doggie mitt station, shall be provided at the overlook in locations that maximize their public utility and minimize their impact on public views. The overlook shall be ADA compatible.
4. **Beach Stairway/Pathway.** The beach stairway/pathway shall be publicly available for general public pedestrian access. The stairway/pathway shall be sited and designed to minimize landform alteration and to conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if elimination is not possible) railings, to avoid to the maximum



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extent feasible construction and post-construction impacts to sensitive species including seachiff buckwheat, and to maximize public utility and minimize impacts on public views. The public beach stairway/pathway may extend onto Fort Ord Dunes State Park if such extension is allowed by State Parks and if such extension better meets the intent of this condition, including in terms maximizing public access utility and protecting dune landforms and public views.

- 5 **Beach.** The beach and offshore area (i.e., extending from the seawardmost property line to the toe of the dune bluff, including as the toe of the dune bluff migrates inland) shall be publicly available for general public pedestrian and beach access, and all activities typically associated with same (e.g., walking, swimming, surfing, sunbathing, picnicking, stargazing, etc.) Resort development, other than minimal landings, if necessary, associated with approved resort pathways (see Special Condition 1), shall be prohibited in the beach area.
- (c) **Public Access Signs/Materials.** The plan shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (i.e., educational displays, interpretive signage, etc.) Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be sited and designed so as to provide clear information without impacting public views and site character. At a minimum, public access identification and direction signs shall be placed where the pathway system connects with the inland public recreational trail, at the base of each Fremont Street off ramp, at the entrance to the approved project (where it meets the public street), at or near the point where the tunnel entrance diverges from the parking lot entrance, at the entrance to the parking lot at the beginning of the boardwalk section of the pathway system (at the parking lot), at the base of the beach stairway/path and at other locations where identification and direction is necessary and appropriate. The Permittee shall also make reasonable efforts to work with Caltrans to install a Coastal Commission Public Access ("Feet") sign on both southbound and northbound Highway One provided that the Permittee shall not be responsible for any decision made by Caltrans regarding such signage or for the installation or maintenance of such signs. The Permittee shall pay for such signage, including installation costs upon Caltrans consent for such signs. At least one interpretive panel/installation that provides interpretation of the site dunes erosion and coastal hazards, the Monterey Bay, or other related and/or similar subjects shall be provided at the overlook. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. All signs shall be sited and designed to maximize their utility and minimize their impacts on public views.
- (d) **No Disruption of Public Access.** No development or use of the property governed by this CDP may disrupt and/or degrade public access or recreational use of any public access areas and amenities associated with the approved project such as by setting aside areas for private uses or installing barriers to public access (e.g., furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.) except that temporary low rope and pole barriers or similar measures may be used if approved by the Executive Director to protect sensitive species. Except



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with respect to temporary low rope and pole barriers or similar measures set forth above, any development as defined in Public Resources Code Section 30106 that diminishes public access and recreational use of the access areas and amenities required by this CDP shall be prohibited

- (e) **Reconstruction/Relocation Required.** In the event that the approved public access amenities (including but not limited to the pathway system, overlook and beach stairway/pathway) are threatened to a degree that they are in danger of being damaged or destroyed or are damaged or destroyed or become located ten feet or more seaward of the toe of the bluff, such amenities shall be reconstructed with due diligence and speed and with minimum disruption to continued public use (and relocated inland as necessary to provide long term stability) Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review and approval. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required the Permittee shall immediately submit and complete the required application. The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable) and shall be implemented immediately upon Executive Director approval or approval of the CDP or CDP amendment application, unless such CDP or CDP amendment identifies a different timeframe for implementation.
- (f) **Public Access Use Hours.** All public access areas and amenities shall be available to the general public from 5 a.m. until midnight except that the beach shall be available to the public 24 hours a day, and all public access areas shall be free of charge.
- (g) **Public Access Required Prior to Occupancy.** All public access areas and amenities of the approved project shall be constructed and available for public use prior to occupancy of the approved development.
- (h) **Offsite Public Parking.** The plan shall provide for the construction and development of free public beach access parking spaces as close as possible to the project site, and in no case further than one-half mile from the project site, unless the Permittee submits evidence substantiating to the Executive Director's satisfaction that only construction and development of a lesser number of such spaces is feasible. If the Executive Director determines that only a lesser number of such spaces is feasible, then the plan shall provide for payment to the City of San Diego's in-lieu parking fee fund at the current rate for the number of such spaces that are deemed by the Executive Director to be infeasible and such payment shall be specifically earmarked and reserved and only allowed to be used for providing and maintaining public beach access parking. Any such funds shall only be used for said purpose subject to Executive Director review and approval. For any such parking spaces that are deemed feasible, the plan shall clearly document the manner in which the 35 (or fewer if fewer are deemed feasible) required parking spaces are to be constructed, developed and maintained, including providing for other property owner consent, for as long as some portion of the approved development remains. The Permittee shall undertake such offsite parking space development in accordance with the approved plan and such spaces shall be available prior to occupancy of the approved development.



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- (1) **Public Access Areas and Amenities Maintained.** All public access areas and amenities of the approved project shall be maintained in their approved state in perpetuity, unless they are threatened by coastal hazards. If threatened by coastal hazards, such public access areas and amenities shall be relocated and/or modified to ensure the approved public access is maintained. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to relocate or modify public access areas or amenities, the Permittee shall immediately submit and complete the required application.

The Public Access Plan shall be approved and attached as an exhibit to the easement required by Special Condition 6 prior to recordation of the easement. The Permittee shall undertake development in accordance with the approved Public Access Plan which together with the public access easement required by Special Condition 6, shall govern all general public access to the site pursuant to this CDP.

- 6 **Public Access Easement.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall execute and record a document in a form and content acceptable to the Executive Director, granting or irrevocably offering to dedicate to a political subdivision, public agency or private association approved by the Executive Director either fee title or an easement for public access (Public Access Dedication). The Public Access Dedication shall apply to all public access areas described in Special Condition 5 and generally depicted in Exhibit 11b and shall restrict these areas in the same ways identified in Special Condition 5. The Public Access Dedication area shall be ambulatory, including that (a) the beach portion of the easement area shall move inland if the toe of the dune bluff moves inland, and (b) the pathway system, overlook, and beach stairway/pathways portion of the easement area shall move inland if the toe of the dune bluff moves inland and/or if, as a result of coastal hazards, relocation and/or reconstruction of access amenities in these areas is necessary to retain their utility. The Public Access Dedication shall be recorded free of all prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The Public Access Dedication shall include a legal description and graphic depiction of the legal parcels subject to the CDP and a metes and bounds legal description and graphic depiction of the Public Access Dedication area prepared by a licensed surveyor based on an on-site inspection, drawn to scale and approved by the Executive Director.
7. **Public Rights.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that the Coastal Commission's approval of this CDP shall not constitute a waiver of any public rights, if any, that may exist on the property, and that the Permittee shall not use this CDP as evidence of a waiver of any public rights that may exist on the property.
8. **Coastal Hazards Risk.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns
 - (a) **Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same,



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- (b) **Assume Risks** To assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such coastal hazards in connection with this permitted development
 - (c) **Waive Liability** To unconditionally waive any claim of damage or liability against the Commission its officers agents and employees for injury or damage from such coastal hazards.
 - (d) **Indemnification** To indemnify and hold harmless the Coastal Commission its officers, agents, and employees with respect to the Commission's approval of the development against any and all liability claims demands damages, costs (including costs and fees incurred in defense of such claims) expenses and amounts paid in settlement arising from any injury or damage due to such coastal hazards and
 - (e) **Property Owners Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owners
- 9 **Coastal Hazards Response** By acceptance of this CDP the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns that
- (a) **CDP Intent** The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of this permit for only as long as it remains safe for occupancy and use without additional measures beyond ordinary repair and/or maintenance (including sealing and waterproofing repair and/or maintenance that does not involve extraordinary measures) to protect it from coastal hazards The intent is also to ensure that development is removed and the affected area restored under certain circumstances (including as further described and required in this condition) including that development, except public access amenities and resort pathways, is required to be removed, consistent with the Removal and Restoration Plan required in subsection (g) of this special condition.
 - (b) **Shoreline Protective Structures Prohibited.** Future shoreline protective structures (including but not limited to seawalls, revetments, groins, etc) shall be prohibited for the life of the development
 - (c) **Section 30235 Waiver** Any rights to construct such shoreline protective structures, including rights that may exist under Public Resources Code Section 30235 and LCP Sections 4 3 1 and 4 3 5 are waived,
 - (d) **Public Access Amenities** In the event that the approved public access amenities (including but not limited to the pathway system overlook, and stairway/pathway) are threatened with damage or destruction from coastal hazards or are a hazard or are damaged or destroyed by coastal hazards, or become located ten feet or more seaward of the toe of the bluff such amenities shall be reconstructed with due diligence and speed and with minimum disruption to continued public use (and relocated inland as necessary to provide long term stability) Prior to reconstruction the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review



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and approval. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required, the Permittee shall immediately submit and complete the required application. The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and shall be implemented immediately upon Executive Director approval or approval of the CDP or CDP amendment application, unless such CDP or CDP amendment identifies a different timeframe for implementation.

- (e) **Resort Pathways.** In the event that the two approved resort pathways providing resort access towards the ocean (see Special Condition 1) are threatened with damage or destruction from coastal hazards, or are damaged or destroyed by coastal hazards or become located ten feet or more seaward of the toe of the bluff, such amenities shall be reconstructed (and relocated inland as necessary to provide long term stability) subject to the same parameters of their approved initial construction. Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review and approval. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required, the Permittee shall immediately submit and complete the required application. The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable),
- (f) **Blufftop Edge Monitoring.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a blufftop edge monitoring plan (Blufftop Plan) to the Executive Director for review and approval. The Blufftop Plan shall be prepared by a certified engineering geologist and/or geotechnical engineer familiar and experienced in shoreline processes, and it shall provide for a schedule and methodology for monitoring and reporting on the location of the blufftop edge in relation to the approved development (including but not limited to buildings, roads, utility infrastructure, subsurface elements, etc.) The Blufftop Plan shall include, at a minimum, the following:
1. **Reference Points.** Provisions for establishing, prior to construction, numbered monuments or surveyed points of measurement (reference points) to be located along the seaward edge of the approved development at a minimum of 25-foot increments, as well as at the most downcoast and most upcoast portions of the seaward edge of the approved development.
 2. **Measurement Episodes.** Provisions for a licensed surveyor, in coordination with a certified engineering geologist, civil engineer and/or geotechnical engineer familiar and experienced in shoreline processes, to conduct measurements, in feet, of the linear distance (measured perpendicular from the shoreline) between the established reference points and the blufftop edge immediately after any event that results in the blufftop edge eroding inland 10 feet or more, or any combination of events that total 10 feet since the last measurement episode, or no less than every five years. The Plan shall provide for a methodology consistent with standard surveying and blufftop delineation methods for determining the location of the blufftop edge and documenting distances on land. Each measurement episode shall also be documented through identification of (a) the date of the measurement, (b) the person making the measurement and their qualifications, (c) tidal and weather details for the times and dates



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of the measurement episode, including each date/time associated with any photos (see below) and (d) photos (in color and in both hard copy 8 5/8" by 11" and electronic jpg formats (or equivalent) and at a scale and resolution that allows for comparison by the naked eye between photos of the same location taken at different times) of (i) the area between each reference point and the blufftop edge, providing full photographic coverage of the blufftop area between each reference point and the blufftop edge (ii) each reference point and the surrounding area, and (iii) the point on the blufftop edge from which each measurement derives and the surrounding area including photos both from a blufftop and a beach vantage so as to provide full photographic coverage of the bluff face itself and the blufftop edge. The photo documentation shall be accompanied by a site plan that identifies the location and orientation of each photo, each view of which shall be numbered. Measurement episodes shall include photos from the same vantage points each time to the extent possible, and shall include additional vantage points (and coverage of those additional vantage points as well in subsequent measurement episodes) as necessary to provide coverage of the required photographic area.

3. **Other Removal and Restoration Criteria** Provisions for assessing and documenting each of the other removal and restoration criteria described in subsection (g) of this special condition. Assessment shall, at a minimum, evaluate all removal and restoration criteria and make recommendations on how to meet those criteria. Documentation shall, at a minimum, include (a) site plans and (b) photographic documentation (in color, and in both hard copy 8 5/8" by 11" and electronic jpg formats (or equivalent) and at a scale and resolution that allows for comparison by the naked eye between photos of the same location taken at different times) sufficient to provide full photographic coverage of the areas in question.
4. **Public Access Amenities and Resort Pathways** Provisions for assessing and documenting the public access amenities and resort pathway areas, including at least the parameters associated with their reconstruction as identified in subsections (d) and (e) of this special condition above. Assessment shall, at a minimum, evaluate all reconstruction criteria and make recommendations on how to meet those criteria. Documentation shall, at a minimum, include (a) site plans, and (b) photographic documentation (in color, and in both hard copy 8 5/8" by 11" and electronic jpg formats (or equivalent) and at a scale and resolution that allows for comparison by the naked eye between photos of the same location taken at different times) sufficient to provide full photographic coverage of the areas in question.
5. **Reporting** Provisions for submittal of two copies of a report documenting and analyzing the required monitoring. The report shall be submitted to the Executive Director for review and approval every five years starting with May 1st, 2019, and within one month of any event that results in the blufftop edge eroding inland 10 feet or more. The report shall provide a site plan that identifies the blufftop edge extending from the downcoast to upcoast property lines, and that identifies the established reference points as well as a line that extends through them. The report shall also include (a) all of the documentation described in the previous sections, (b) a narrative description of all measurement episode activities, (c) tables showing changes over time between the blufftop edge and the established reference points as compared to all



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past reports including in terms of average annual changes largest change between reports and any other relevant data that helps identify changes over time (d) identification and documentation of coastal hazards in the area over the time since the last report, including any significant storm and erosion events, and (e) any additional information relevant to helping understand any changes in the distance between the blufftop edge and the approved development Should any approved report identify next steps that involve development, such development shall be undertaken within the timeframes identified in the approved report If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to perform such development, the Permittee shall immediately submit and complete the required application, and such development shall occur within the timeframes identified in the CDP or CDP amendment The Permittee shall undertake development, if any, in accordance with the approved Blufftop Plan

- (g) **Removal and Restoration.** The Permittee shall immediately submit two copies of a Removal and Restoration Plan (RRP) to the Executive Director for review and approval when any of the following criteria are met, which RRP shall also be implemented subject to all of the following
1. **Government Agency.** If a government agency has ordered that any portion of the approved development (including but not limited to buildings roads, utility infrastructure, subsurface elements etc) are not to be occupied or used due to one or more coastal hazards and such government agency concerns cannot be abated by ordinary repair and/or maintenance The RRP shall provide that all development meeting such criteria is immediately removed as necessary to allow for such government agency to allow occupancy to all of the remainder of the development, after implementation of the approved RRP
 2. **Setback.** If the blufftop edge erodes (including as identified through the Blufftop Plan reports required pursuant to subsection (f) above) to within 50 feet of any portion of the approved development (including but not limited to buildings, roads, utility infrastructure, subsurface elements, etc) other than the two resort pathways providing access toward the ocean and the public access amenities (whose relocation is addressed separately, see above), the RRP shall provide for removal of the development as necessary to ensure that at least a 50-foot blufftop setback area free of development (other than public access amenities, the two resort paths towards the ocean, and dune restoration, all subject to the terms and conditions of this CDP) remains after implementation of the approved RRP

The RRP shall identify the width of the blufftop area (as measured between the established reference points and the blufftop edge) needed to conduct the required removal (i.e., the area necessary to place and/or operate construction equipment between the bluff edge and development including providing clear documentation and evidence supporting identification of that width (e.g., identification of construction methods and equipment expected removal structures and areas, construction timeframes, etc)) The required removal shall take place when any portion of the blufftop width is at or less than the width identified in the approved RRP as needed to conduct the required removal, or when the blufftop edge is within 10 feet of any portion of the approved development, whichever is sooner



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3. **Public Access Easement** If any portion of the approved development (including but not limited to buildings roads utility infrastructure, subsurface elements etc) other than the two resort pathways providing access toward the ocean and the public access amenities (whose relocation is addressed separately see above) encroaches into the ambulatory public access easement area (i.e. from the toe of the bluff seaward – see Special Condition 5) then the RRP shall provide that all development meeting such criteria is immediately removed as necessary to ensure that no development is located in the ambulatory public access easement area after implementation of the approved RRP
4. **Daylighting**, If any portion of the approved foundation and/or subsurface elements (including but not limited to mat foundations caissons piers, pilings, grade beams retaining walls etc) become visible at or below 22 feet above NGVD then the RRP shall provide that all development supported by these foundation elements as well as the foundation elements themselves shall be immediately removed as necessary to ensure that no development is visible at or below 22 feet above NGVD after implementation of the approved RRP

In cases where more than one of the above criteria is met, the RRP shall be required to meet all requirements for all triggered criteria. In all cases the RRP shall also ensure that (a) all non-building development necessary for the functioning of the approved development (including but not limited to emergency access roads and utilities) is relocated as part of the removal episode as necessary so that it is located at least 50 feet inland of the blufftop edge (b) all removal areas are restored as dune that is functionally and visually connected with surrounding dune areas in compliance with the dune restoration parameters of the approved Dune Restoration Plans (see Special Condition 3 above) and all such restored dune areas are incorporated into the Dune Area Conservation Easement (see Special Condition 4 above), (c) resultant uses of the reduced scale development remain primarily designed for visitor-serving use at least the same ratio as originally approved pursuant to the approved Revised Plans required by Special Condition 1 and (d) all modifications necessary to maintain compliance with the terms and conditions of this CDP, including the objectives and performance standards of these conditions (including to minimize visual incompatibility with the existing dune landscape and public views) are implemented as part of the RRP

If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to implement the approved RRP then the Permittee shall submit and complete the required application within 30 days or, in the case where removal is going to be required in the future (e.g., in the case of the setback criteria above) at least one year before removal is expected to be required. The RRP shall be implemented according to the above timeframes for implementation unless the Executive Director (or the approved CDP or CDP amendment, if applicable) identifies a different time frame for implementation. The Permittee shall undertake development in accordance with the approved RRP

10. **Hotel Overnight Units** By acceptance of this CDP the Permittee acknowledges and agrees on behalf of itself and all successors and assigns that



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- (a) **Hotel Length of Stay Provisions** All hotel overnight units shall be open and available to the general public. Rooms shall not be rented to any individual, family or group for more than 29 consecutive days, and
- (b) **Conversion Prohibited.** The conversion of any of the hotel overnight units to limited use overnight visitor accommodation units (e.g. timeshare fractional ownership, etc.) or to full-time occupancy condominium units or to any other units with use arrangements that differ from the approved project shall be prohibited.

11 **Condominium-Hotel Visitor-Serving Overnight Units.** By acceptance of this CDP, the Permittee acknowledges and agrees on behalf of itself and all successors and assigns, that

- (a) **Hotel and Condominium Hotel Overnight Units.** The approved development includes a standard operating hotel with 184 overnight units and a condominium-hotel component with 92 visitor-serving overnight condominium-hotel units, or lesser numbers at a similar or more hotel to condominium-hotel ratio if (1) required to meet the terms and conditions of this CDP, including pursuant to the approved Revised Plans required by Special Condition 1, and/or (2) portions of the project are modified through removal.
- (b) **Condominium Hotel Component.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of plans and documentation materials (Condominium Hotel Plans) for Executive Director review and approval that clearly identify all elements of the condominium-hotel visitor-serving component of the project, the manner in which ownership will be applied to each element of the condominium-hotel visitor-serving component (including common areas and individual units) an operator responsible for managing the condominium-hotel visitor-serving units (operator), including the booking of reservations for all units the non-hotel lobby area configuration and operational parameters, the mechanism by which the individual units are to be booked, including at a minimum provisions for a reservation database to be managed by operator, and all other provisions necessary to meet the requirements of this special condition. As used in this condition, the terms "book", "booked", and "booking" shall mean the confirmation of a reservation request for use of an individual unit by either the owner of the unit, the owner's permitted user, or by a member of the public and the entry of such confirmation in the operator's reservation database. The condominium-hotel visitor-serving (CHVS) component of the project shall be maintained in its approved state, and shall be managed and operated consistent with the approved Condominium Hotel Plans.
- (c) **Unit Owner Occupancy Limitations.** Each owner of a CHVS unit, including any individual, family, group, or partnership of owners for a given unit (no matter how many owners there are) may use their unit for no more than 84 days in any calendar year, with no stay exceeding 29 consecutive days. Such occupancy limitations shall be unaffected by multiple owners of an individually owned unit or the sale of a unit to a new owner or new owners during the calendar year, meaning that all such owners of any given unit shall be collectively subject to the occupancy restrictions as if they were a single, continuous owner. Whenever any unit is not



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occupied by its owner(s), that unit shall be available for use by the general public on the same basis as a traditional hotel room

- (d) **CHVS Unit Rentals** The operator shall manage the booking and the reservation of all CHVS units. The operator shall have the right and obligation to offer any unit for general public use during all time periods not reserved by a unit owner for his or her personal use. The operator shall book all unit reservations in the operator's reservation database, a service for which the operator may charge the unit owner a reasonable fee.

The operator shall have the right, working through the unit owners, to book any unoccupied room to fulfill public demand. The owner may not withhold units from use unless they have already been reserved for use by the owner, consistent with the length of occupancy limitations identified above. In all circumstances, the operator shall have full access to the unit's reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.

- (e) **CHVS Unit Marketing.** The operator shall market all CHVS units to the general public. Owners of individually owned CHVS units may also independently market their units. Unit owners shall not discourage rental of their units nor create disincentives meant to discourage rental of their units.

- (f) **CHVS Units Management.** The operator shall manage all aspects of the condominium-hotel component of the project, including all CHVS units, including but not limited to reservation, booking, mandatory front desk check-in and check-out, maintenance and cleaning services (including preparing units for use by guests/owners, a service for which the operator may charge unit owners a reasonable fee). All unit keys shall be electronic and shall be newly created by the operator upon each change in user occupancy for any unit. All units shall be rented at a rate similar to that charged for traditional hotel rooms of a similar class or amenity level in the California coastal zone.

- (g) **Marketing and Sale of Condominium Hotel Interests.** All documents related to the marketing and sale of condominium interests in CHVS units (including marketing materials, sales contracts, deeds, CC&Rs and similar documents, etc.) shall notify potential buyers of the following:

1. **Liability.** Each owner of any unit is jointly and severally liable with the property owner(s) and the operator for any violations of the terms and conditions of this CDP with respect to the use of that owner's unit,

2. **Occupancy Limits.** The occupancy of a unit by its owner(s) and their guests is restricted to a maximum of 84 days per calendar year, and a maximum of 29 consecutive days. When not in use by the owner, the unit shall be made available for rental by the operator to the general public pursuant to the terms of this CDP, which permit and the CC&Rs applicable to the unit contain additional restrictions on use and occupancy and



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3 Operator. The operator or designee, shall manage the booking and the reservation of all CHVS units. The operator shall have the right and obligation to offer any unit for general public use during all time periods not reserved by a unit owner for his or her personal use. The operator shall book all unit reservations in the operator's reservation database a service for which the operator may charge the unit owner a reasonable fee.

Prior to the sale of an individual unit, the unit's seller and the operator (and any successors-in-interest) shall obtain a written acknowledgement from the buyer indicating that he or she understands, acknowledges, and accepts each of the above marketing and sale restrictions.

- (h) **Conversion Prohibited.** The conversion of the approved CHVS units to other types of limited use overnight visitor accommodation units (e.g. to timeshare, fractional ownership, etc.) or to full-time occupancy condominium units or to any other units with use arrangements that differ from the approved project, other than to standard operating hotel units, shall be prohibited.
- (i) **Occupancy and Use Monitoring and Recording.** The operator shall monitor and record occupancy and use by the general public and the owners of individual CHVS units throughout each year. Such monitoring and record keeping shall include specific accounting of owner usage for each individual unit, rates paid for occupancy and for advertising and marketing efforts, and transient occupancy taxes (TOT) for all units, services for which the operator may charge unit owners a reasonable fee. The records shall be sufficient to demonstrate compliance with the restrictions set forth in this special condition. All such records shall be maintained for at least ten years and shall be made available to the Executive Director upon request and to any auditor required by the section below. Within 30 days of commencing operations, the operator shall submit notice to the Executive Director of commencement of operations.
- (j) **Audit.** WITHIN 120 DAYS OF THE END OF THE FIRST CALENDAR YEAR OF OPERATIONS, the operator shall retain an independent auditing company, approved by the Executive Director, to perform an audit to evaluate compliance with this special condition regarding occupancy restrictions, marketing and sale restrictions, management requirements, recordkeeping, and monitoring by the hotel owner(s), the owners of individual CHVS units, and the operator. The operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Executive Director, upon request, within six months after the conclusion of the first year of operations.

Within 120 days of the end of each succeeding calendar year, the operator shall submit a report to the Executive Director identifying compliance with this special condition and the approved Condominium Hotel Plans including regarding occupancy restrictions, marketing and sale restrictions, management requirements, recordkeeping, and monitoring by the hotel owner(s), the individual unit owners, and the operator. The audit required after the first year of operations and all subsequent reports shall evaluate compliance with this special condition by the operator and owners of individual CHVS units during the prior one-year period. After the first five calendar years of operations the one-year reporting period may be extended to every five years upon



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written approval of the Executive Director if each of the previous reports reveal compliance with all restrictions imposed by this special condition. The Executive Director may by written notice to the operator require a third party audit regarding the subject matter of the reports required in this section for the prior three or fewer calendar years if he or she reasonably believes that the foregoing submitted reports are materially inaccurate. The property owner(s), each individual unit owner and the operator shall fully cooperate with and shall promptly produce any existing documents and records which the auditor may reasonably request. The expense of any such audit shall be borne by the property owner(s) and/or the operator.

- (k) **Compliance Required.** The property owner(s) and operator or any successors-in-interest shall maintain the legal ability to ensure compliance with the terms and conditions stated herein at all times in perpetuity, and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions. The property owner(s) and the operator shall be jointly and severally responsible for ensuring compliance with the requirements described in this condition and/or recorded against the property, as well as jointly and severally liable for violations of said requirements. Each owner of an individual CHVS unit is also jointly and severally liable with the property owner(s) and operator for all violations of said requirements and for any and all violations of the terms and conditions of this CDP with respect to the use of that owner's unit. Violations of this CDP can result in penalties pursuant to Public Resources Code Section 30820.
- (l) **CC&R Declaration of Restrictions. PRIOR TO OCCUPANCY OF THE APPROVED DEVELOPMENT** the Permittee shall submit for the review and approval of the Executive Director two copies of a declaration of restrictions in a recordable covenants, conditions, and restrictions (CC&R) form (CC&R Declaration of Restrictions for the CHVS units) that shall include (1) all the specific restrictions listed in Sections (a) through (k) above, (2) acknowledgement that these same restrictions are independently imposed as condition requirements of this CDP, and (3) a statement that the provisions of the CC&R Declaration of Restrictions that reflect the requirements of Sections (a) through (k) above, cannot be changed without approval of a CDP amendment unless it is determined by the Executive Director that such an amendment is not legally required (if there is a section of the CC&Rs related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the CC&Rs related to amendments). The approved CC&R Declaration of Restrictions for the CHVS units described above shall be recorded against all individual property titles simultaneously with the recordation of the subdivision map for the approved project.
- (m) **Implementation Plan** PRIOR TO OCCUPANCY OF THE APPROVED DEVELOPMENT, the Permittee shall submit two copies of a plan specifying how the requirements of this condition will be implemented for Executive Director review and approval. The plan must include, at a minimum the form of the sale deed and CC&R terms and restrictions that will be used to satisfy these special condition requirements and the form of the rental program agreement to be entered into between the individual unit owners, the property owner(s) and the operator. The plan shall



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demonstrate that the Permittee will establish mechanisms that provide the property owner(s) and operator and any successor-in-interest property owner(s) and operator(s) adequate legal authority to implement the requirements of this special condition. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by this special condition, including deed restrictions and CC&Rs shall be prohibited without an amendment to this CDP, unless it is determined by the Executive Director that an amendment is not legally required.

12. **Visitor-Serving Units Available Prior to Occupancy of Residential Units** PRIOR TO THE OCCUPANCY OF THE RESIDENTIAL CONDOMINIUMS, the Permittee shall provide evidence in a form acceptable to the Executive Director that construction of the project's visitor-serving elements, including the 184 hotel units and the 92 visitor-serving condominium-hotel units (or lesser numbers at a similar or more hotel to condominium-hotel ratios if required to meet the terms and conditions of this CDP, including pursuant to the approved Revised Plans required by Special Condition 1) have been completed and are available for transient occupancy use. Occupancy of the residential units shall not precede the completion and operation of the project's visitor-serving elements.
13. **Transient Use of Residential Condominiums.** Any declaration of restrictions (i.e., covenants, conditions, and restrictions (CC&Rs), etc.) prepared for the residential properties and uses on-site shall not preclude the transient use of the 92 (or lesser numbers if required to meet the terms and conditions of this CDP, including pursuant to the approved Revised Plans required by Special Condition 1) residential condominiums for vacation rentals or other short-term visitor-serving arrangements, including explicitly allowing for the conversion of the residential condominiums to standard operating hotel units or condominium-hotel units coordinated with those units onsite, subject to a CDP or CDP amendment.
14. **Lower Cost Visitor Accommodations Mitigation Payment.** PRIOR TO CONSTRUCTION, the Permittee shall provide evidence in a form and content acceptable to the Executive Director, that a payment of \$25,700 per unit for 25% of the total number of high cost overnight visitor accommodation units (184 hotel units and 92 visitor-serving overnight condominium-hotel units or 276 total such units) in the approved project has been paid in lieu of providing lower cost accommodations on site. Based on 276 such units, the payment would be \$1,773,300 (i.e., $0.25 \times 276 \times 25,700 = 1,773,300$). If there are fewer units to meet the terms and conditions of this CDP, including pursuant to the approved Revised Plans required by Special Condition 1, then the payment would be proportionally reduced.

The required \$1,773,300 (or less, if applicable) mitigation payment shall be 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 Sand City, Monterey County, the California Department of Parks and Recreation, Hostelling International, or similar entity. The purpose of the account shall be to establish new lower cost overnight visitor-serving accommodations, such as new hostel or tent campground units at appropriate locations within the coastal area of Monterey County with a priority given to local hostels. The entire mitigation payment and any accrued interest shall be used



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for the above-stated purpose in consultation with the Executive Director within ten years of it being deposited into the account. If any portion of the fee remains ten years after it is deposited into the interest-bearing account required by this condition, the Executive Director may require that the funds be transferred to another entity that will provide lower cost visitor amenities in a Central California coastal zone jurisdiction.

PRIOR TO EXPENDITURE OF ANY FUNDS CONTAINED IN THIS ACCOUNT the Executive Director must review and approve the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the funds required by this condition shall be required to enter into a memorandum of understanding (MOU) with the Commission, which shall include but not be limited to the following: (1) a description of how the funds will be used to create or enhance lower cost accommodations in the coastal zone, (2) a requirement that the entity accepting the funds must preserve these newly created lower cost accommodations in perpetuity, and (3) an agreement that the entity accepting the funds will obtain all necessary permits and approvals including but not limited to a CDP, for development of the lower cost accommodations required by this condition.

- 15 Confirmation of Other Agency Approval.** PRIOR TO CONSTRUCTION, the Permittee shall submit to the Executive Director written evidence that all necessary permits, approvals and/or authorizations for the approved project have been granted, if legally required, by the City of Sand City and the Monterey Peninsula Water Management District. The Permittee also shall submit written evidence, if legally required, that all permits and/or authorizations for the approved project have been granted by the California Department of Fish and Wildlife (if required by the California Endangered Species Act) and the U.S. Fish and Wildlife Service (if required by the Federal Endangered Species Act). Prior to construction, the Habitat Protection Plan (HPP, dated October 2013 and dated received in the Central Coast District Office October 28, 2013 – Exhibit 20) referenced in Special Condition 3 shall be modified and submitted for Executive Director review and approval to incorporate standards in the HPP that address the eight concerns for western snowy plover, and each of the concerns for Smith's blue butterfly and Monterey spineflower, in the U.S. Fish and Wildlife Service April 7, 2014 letter on the project addressed to Mike Watson of the Coastal Commission. Prior to construction, the Permittee shall submit to the Executive Director for review and approval any revisions to the plans for the project that may be necessary to comply with standards included in the approved modified HPP. If no permit, approval or authorization is required from a given agency, then the Permittee shall have no obligation to submit any documentation to the Commission from that agency. Any mandatory changes to the approved project required by an agency listed in this condition shall be reported to the Executive Director. No changes to the approved project, either as a result of any mandatory changes required by the agencies listed or changes required by the approved modified HPP, shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.
- 16 Traffic.** PRIOR TO CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval evidence that all EIR transportation (including all traffic and circulation) mitigation measure requirements (including the requirements of the EIR Addendum) have been met and/or achieved.



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- 17 **Transportation Demand Management Program.** PRIOR TO CONSTRUCTION the Permittee shall submit to the Executive Director for review and approval a Transportation Demand Management Program (TDMP) Said program shall include, but not be limited to the following
- (a) **Transit** An agreement to work with the Monterey-Salinas Transit District to encourage increased bus service for visitors, residents, and employees (e.g., a bus stop at California Avenue extension, etc),
 - (b) **Shuttle** Participation in shuttle systems to the Monterey airport and Monterey Transit Plaza, Monterey Fisherman's Wharf, Cannery Row, and other area attractions,
 - (c) **Bicycles.** Adequate bicycle storage for visitors, residents, and employees,
 - (d) **Showers.** Adequate on-site shower facilities and lockers available to all employees,
 - (e) **Carpool.** Creation and implementation of a carpool plan for at least employees and coordinated with residents as appropriate with notices of the carpool program posted in employee work areas and residential common areas,
 - (f) **Subsidies.** Public transportation fare/monthly pass subsidies for all employees, and
 - (g) **Information** Information regarding the aforementioned components of the Transportation Demand Management Program shall be provided to all employees (and visitors and residents as applicable) and included in any employment paperwork for new employees

The Permittee shall undertake the development in accordance with the approved TDMP

- 18 **Future Development Restrictions** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns that this CDP is only for the development described in this CDP Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6) the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by this CDP. Accordingly any future improvements to the development authorized by this CDP, including but not limited to repair and maintenance identified as requiring a CDP in Public Resources Code Section 30610(d) and 14 CCR Section 13252(a)-(b), shall require an amendment to this CDP
19. **Indemnification by Permittee/Liability for Costs and Attorneys Fees.** By acceptance of this CDP the Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees – including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay – that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents successors and assigns challenging the approval or issuance of this CDP The Coastal Commission retains



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complete authority to conduct and direct the Commission's defense of any such action against the Coastal Commission

- 20 Deed Restriction.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the property governed by this CDP a deed restriction in a form and content acceptable to the Executive Director (1) indicating that, pursuant to this CDP 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, and (2) imposing the special conditions of this CDP as covenants conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the legal parcels governed by this CDP. 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 CDP shall continue to restrict the use and enjoyment of the property so long as either this CDP or the development it authorizes, or any part modification or amendment thereof remains in existence on or with respect to the property.
- 21. Expiration** Notwithstanding Standard Condition 2, above if development has not commenced, this CDP shall expire five 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. An application for extension of this CDP must be made prior to the expiration date.
- 22. Indemnification for any Civil Liability.** The Permittee agrees to reimburse the Commission for any civil liability imposed by any court for the approval or issuance of this CDP.



EXHIBIT C

LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF

PUBLIC ACCESS EASEMENT AREA

**EXHIBIT C
LEGAL DESCRIPTION
PUBLIC ACCESS EASEMENTS**

That portion of Rancho Noche Buena and Monterey City Lands Tract No 1 in the City of Sand City, County of Monterey, State of California, being a portion of the land described as Parcel 1 in the grant deed recorded as Document Number 9770664 on November 26, 1997 in the Office of the County Recorder of said county, described as follows

Easement Parcel One, Parking Lot

Commencing at a point on the easterly line of said Parcel 1 that bears South 83°36'57" East, 80 57 feet along said line from the northwesterly terminus of course #15 of Parcel 1A as described in Final Order of Condemnation, issued out of the Superior Court of the State of California for the County of Monterey, Case No 55706, recorded in Reel 455, Page 620, official records of said county, thence

- a) North 22°34'33" East, 18 67 feet to the beginning of tangent curve to the right having a radius of 771 82 feet, thence
 - b) Northeasterly 155 98 feet along said arc through a central angle of 11°34'45" to the beginning of a compound curve to the right having a radius of 1,010 50 feet, thence
 - c) Northeasterly 31 75 feet along said arc through a central angle of 1°48'00" to the beginning of a compound curve to the right having a radius of 1487 90 feet
 - d) Northeasterly 31 16 feet along said arc through a central angle of 1°12'00" to the beginning of a compound curve to the right having a radius of 2,920 18 feet, thence
 - e) Northeasterly 30 58 feet along said arc through a central angle of 00°36'00", thence
 - f) North 37°45'13" East, 142 08 feet, thence
 - g) North 52°14'47" West, 3 00 feet to the **TRUE POINT OF BEGINNING**; thence
- 1) North 52°16'36" West, 14 00 feet, thence
 - 2) North 37°46'37" East, 19 00 feet, thence
 - 3) North 52°12'47" West, 6 01 feet, thence
 - 4) North 37°47'13" East, 137 29 feet to the beginning of a tangent curve to the left having a radius of 1,047 46 feet, thence
 - 5) Northeasterly 255 39 feet along said arc through a central angle of 13°58'12", thence
 - 6) North 24°20'28" East, 13 45 feet to the beginning of a tangent curve to the left having a radius of 1,562 00 feet, thence
 - 7) Northeasterly 12 62 feet along said arc through a central angle of 00°27'47", thence
 - 8) South 66°07'19" East, 20 00 feet to the beginning of a non-tangent curve concave to the northwest having a radius of 347 00 feet, and to which beginning a radial bears South 66°32'29" East, thence
 - 9) Southwesterly 3 25 feet along said arc through a central angle of 00°32'14" to the beginning of a compound curve having a radius of 1,581 96 feet, thence
 - 10) Southwesterly 9 53 feet along said arc through a central angle of 00°20'43", thence
 - 11) South 24°20'26" West, 13 37 feet to the beginning of a non-tangent curve concave to the northwest having a radius of 1,070 95 feet, and to which beginning a radial bears North 66°10'02" West, thence

- 12) Southwesterly 236 28 feet along said arc through a central angle of 12°38'27", thence
- 13) South 37°01'00" West, 9 53 feet, thence
- 14) South 37°11'56" West, 6 80 feet, thence
- 15) South 37°35'03" West, 7 57 feet, thence
- 16) South 37°47'13" West, 132 28 feet, thence
- 17) South 37°45'13" West, 23 98 feet to the POINT OF BEGINNING of Easement Parcel One, Parking Lot

Containing 8,691 square feet or 0 200 acres, more or less

Easement Parcel Two, Pathway System

A strip of land of variable width, beginning as a 10 00 foot wide strip lying 3 00 feet southeasterly and 7 00 feet northwesterly of the following described line

BEGINNING at a point along the boundary of said Parcel 1 (per the grant deed recorded as said Document Number 9770664) being also a point along course #15 of Parcel 1A as described in Final Order of Condemnation, issued out of the Superior Court of the State of California for the County of Monterey, Case No 55706, recorded in Reel 455, Page 620, official records of said county, said point bears South 83°36'57" East, 80 57 along said course #15 from the northwesterly terminus thereof, thence

- 18) North 22°34'33" East, 18 67 feet to the beginning of tangent curve to the right having a radius of 771 82 feet, thence
- 19) Northeasterly 155 98 feet along said arc through a central angle of 11°34'45" to the beginning of a compound curve to the right having a radius of 1,010 50 feet, thence
- 20) Northeasterly 31 75 feet along said arc through a central angle of 1°48'00" to the beginning of a compound curve to the right having a radius of 1487 90 feet
- 21) Northeasterly 31 16 feet along said arc through a central angle of 1°12'00" to the beginning of a compound curve to the right having a radius of 2,920 18 feet, thence
- 22) Northeasterly 30 58 feet along said arc through a central angle of 00°36'00", thence
- 23) North 37°45'13" East, 142 08 feet, at 16 63' said strip henceforth changes in width to a 6 00' wide strip lying 3 00 feet on each side of the continued described line, thence running parallel with the southeasterly line of the hereinabove described Easement Parcel One, Parking Lot and distant 3 00 feet southeasterly therefrom the following nine (9) courses and distances
- 24) continuing North 37°45'13" East, a distance of 23 98 feet, thence
- 25) North 37°47'13" East, 132 28 feet, thence
- 26) North 37°35'03" East, 7 58 feet, thence
- 27) North 37°11'56" East, 6 82 feet, thence
- 28) North 37°01'00" East, 9 54 feet to the beginning of a non-tangent curve concave to the northwest having a radius of 1,073 95 feet, and to which beginning a radial bears South 53°31'31" East, thence

- 29) Northeasterly 236 94 feet along said arc through a central angle of 12°38'28", thence
- 30) North 24°20'26" East, 13 36 feet to the beginning of a non-tangent curve concave to the northwest having a radius of 1,584 96 feet, and to which beginning a radial bears South 65°39'32" East, thence
- 31) Northeasterly 9 55 feet along said arc through a central angle of 00°20'43" to the beginning of a compound curve having a radius of 350 00 feet, thence
- 32) Northerly 3 28 feet along said arc through a central angle of 00°32'14", thence leaving said parallel line
- 33) continuing northerly 75 90 feet along said arc through a central angle of 12°25'33", thence
- 34) North 11°01'59" East, 6 31 feet to the beginning of a tangent curve to the right having a radius of 103 00 feet, thence
- 35) Northerly 41 33 feet along said arc through a central angle of 22°59'20" to the beginning of a reverse curve having a radius of 147 00 feet, thence
- 36) Northwesterly 31 13 feet along said arc through a central angle of 12°08'01", thence
- 37) North 22°13'44" East, 23 25 feet to the beginning of a tangent curve to the left having a radius of 46 88 feet, thence
- 38) Northwesterly 70 02 feet along said arc through a central angle of 85°34'54" to the beginning of a reverse curve having a radius of 715 42 feet, thence
- 39) Northwesterly 74 85 feet along said arc through a central angle of 5°59'41" to the beginning of a compound curve having a radius of 88 29 feet, thence
- 40) Northwesterly 42 91 feet along said arc through a central angle of 27°50'47", thence
- 41) North 29°43'05" West, 95 23 feet to the beginning of a tangent curve to the left having a radius of 150 00 feet, thence
- 42) Northwesterly 119 77 feet along said arc through a central angle of 45°45'00", thence
- 43) North 75°28'05" West, 7 33 feet to the beginning of a tangent curve to the right having a radius of 125 00 feet, thence
- 44) Northwesterly 102 39 feet along said arc through a central angle of 46°55'55", thence
- 45) North 28°32'10" West, 13 78 feet to the beginning of a tangent curve to the left having a radius of 100 00 feet, thence
- 46) Northwesterly 76 09 feet along said arc through a central angle of 43°35'51", thence
- 47) North 72°08'00" West, 60 95 feet to the beginning of a tangent curve to the right having a radius of 50 00 feet, thence
- 48) Northwesterly 29 85 feet along said arc through a central angle of 34°12'02", thence
- 49) North 37°55'58" West, 12 12 feet to a point hereinafter for convenience referred to as **Point B**, and the point of termination of said strip

The sidelines at the beginning of said strip are to be shortened or extended so as to terminate on the aforesaid easterly line of Parcel 1

Containing 11,571 square feet or 0 266 acres, more or less

Easement Parcel Three, Overlook

A strip of land 6 00 feet wide, lying 3 00 feet on each side of the following described centerline,

Beginning at the hereinabove described Point B, thence

- 50) South 52°04'02" West, 4 10 feet to the beginning of a tangent curve to the right having a radius of 30 00 feet, thence
- 51) Westerly 33 42 feet along said arc through a central angle of 63°49'33" to the beginning of a reverse curve having a radius of 80 00 feet, thence
- 52) Westerly 25 83 feet along said arc through a central angle of 18°30'06", thence
- 53) North 82°36'31" West, 3 59 feet to the point of termination of said 6 00 wide strip and the point of beginning of a rectangular area, thence around the perimeter of said rectangular area
- 54) South 34°20'12" West, 14 63 feet, thence
- 55) North 55°39'48" West, 15 00 feet, thence
- 56) North 34°20'12" East, 25 00 feet, thence
- 57) South 55°39'48" East, 15 00 feet, thence
- 58) South 34°20'12" West, 10 37 feet to the point of beginning of said rectangular area,

TOGETHER WITH that area included within the above described rectangle

Excluding from Easement Parcel Three, Overlook any portions lying within the above described Easement Parcel Two, Pathway System or Easement Parcel Four, Beach Stairway/Pathway as described below

Containing 759 square feet, or 0 017 acres, more or less

Easement Parcel Four, Beach Stairway/Pathway

A strip of land 6 00 feet wide, lying 3 00 feet on each side of the following described centerline, Beginning at the hereinabove described Point B, thence continuing along the line described in course #49 hereinabove

- 59) North 37°55'58" West, 8 76 feet to the beginning of a tangent curve to the left having a radius of 80 00 feet, thence
- 60) Northwesterly 28 76 feet along said arc through a central angle of 20°35'53", thence
- 61) North 58°31'51" West, 25 37 feet to the beginning of a tangent curve to the right having a radius of 80 00 feet, thence
- 62) Northwesterly 35 00 feet along said arc through a central angle of 25°03'53", thence
- 63) North 33°27'58" West, 10 47 feet more or less, to a point at the toe of the bluff, in whatever location it may currently exist or may exist in the future, accounting for changes in location due to natural erosion, accretion and drifting of sand, and the point of termination of said strip

The sidelines at the point of termination of said strip are to be shortened or extended so as to terminate at said toe of the bluff

Containing 650 square feet or 0.015 acres, more or less

Easement Parcel Five, Beach

That portion of said Parcel 1, being a portion of Monterey Bay and the adjoining beach, lying northwesterly of the toe of the bluff (in whatever location it may currently exist or may exist in future, accounting for changes in location due to natural erosion, accretion and drifting of sand)

Containing 486,701 square feet or 11.173 acres, more or less

Cumulative total area of Easement Parcels One through Five is 11.671 acres, more or less

As shown on the plat attached hereto and made a part hereof

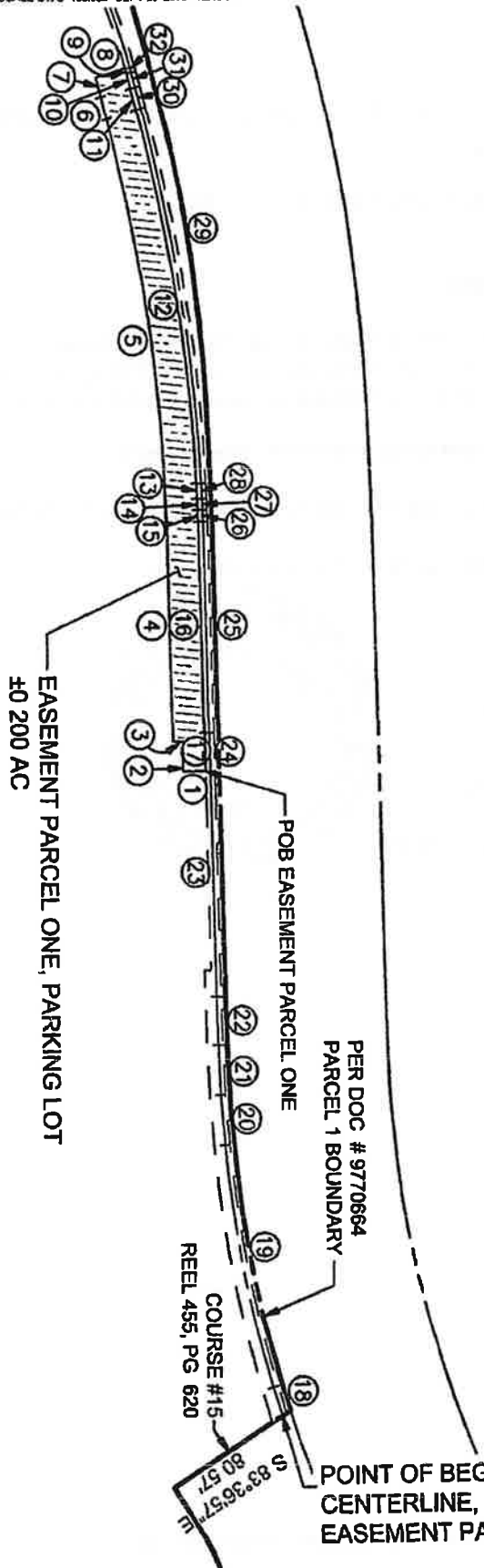
Dated October 5, 2015

BESTOR ENGINEERS, INC

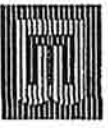


Michael V Hink, PLS
CA Professional Land Surveyor #8158





PARCEL 1
DOC # 9770664



BESTOR ENGINEERS, INC.
CIVIL ENGINEERING SURVEYING LAND PLANNING
9701 BLUE LARKSPUR LANE MONTEREY CALIFORNIA 93940
831 373 2841 831 848 4118 F WWW.BESTOR.COM

PREPARED FOR: SWS
COUNTY OF MONTEREY

EXHIBIT C-1
DEPICTION OF PUBLIC ACCESS EASEMENTS

SCALE	1" = 100'
DATE	9/29/15
SHEET	1 OF 4
NO	4841 04

CALIFORNIA

P O B PARCEL 1
PER DOC # 9770664

PARCEL 1
DOC # 9770664

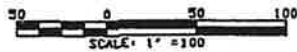
PARCEL 1 BOUNDARY
PER DOC # 9770664

EASEMENT PARCEL TWO, PATHWAY SYSTEM
±0 266 AC

EASEMENT PARCEL THREE, OVERLOOK
±0 017 AC

POINT B

(APPROXIMATE LOCATION OF THE TOE OF THE BLUFF)
EASEMENT PARCEL FOUR,
BEACH STAIRWAY/PATHWAY
±0 015 AC
EASEMENT PARCEL FIVE,
BEACH
± 11' 173' AC



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CIVIL ENGINEERING SURVEYING - LAND PLANNING
8701 BLUE LARKSPUR LANE MONTEREY CALIFORNIA 93940
831 373 2941 831 849 4118F WWW.BESTOR.COM

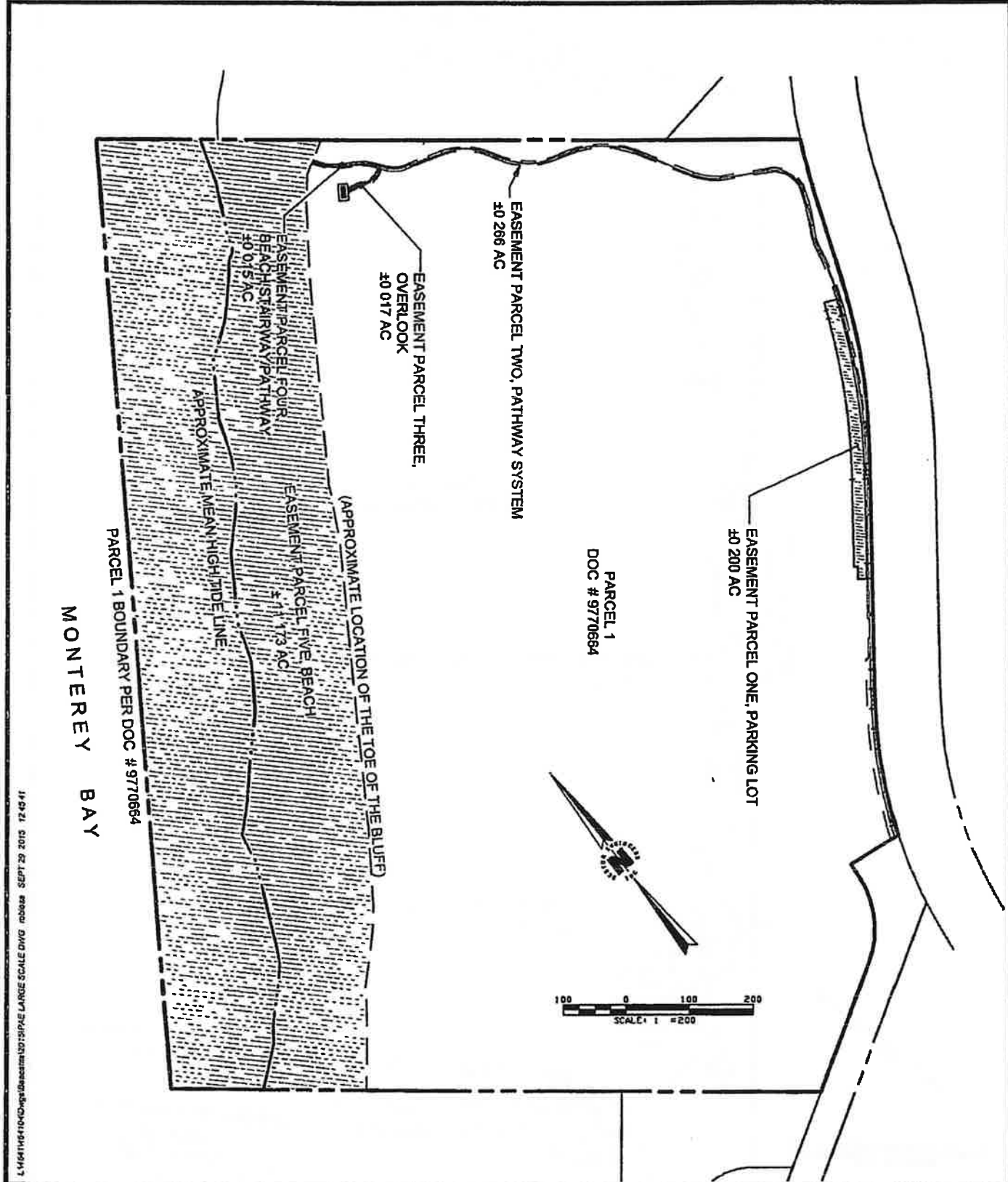
PREPARED FOR: SMO

**EXHIBIT C-1
DEPICTION OF PUBLIC ACCESS EASEMENTS**

COUNTY OF MONTEREY

CALIFORNIA

SCALE	1" = 100
DATE	9/29/15
SHEET	2 OF 4
NO.	4641 04

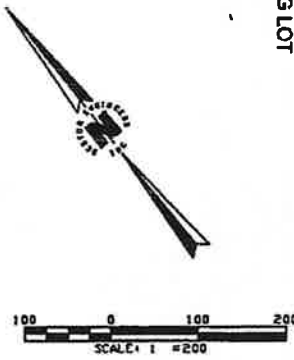


MONTEREY BAY

PARCEL 1 BOUNDARY PER DOC # 9770664

APPROXIMATE MEAN HIGH TIDE LINE

(APPROXIMATE LOCATION OF THE TOE OF THE BLUFF)



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 CIVIL ENGINEERING SURVEYING - LAND PLANNING
 9701 BLUE LARKSPUR LANE MONTEREY CALIFORNIA 93840
 831 373 2841 831 649 4118F WWW.BESTOR.COM

PREPARED FOR SNG

EXHIBIT C-1
DEPICTION OF PUBLIC ACCESS EASEMENTS

COUNTY OF MONTEREY

CALIFORNIA

SCALE	1" = 200
DATE	9/29/15
SHEET	3 OF 4
WDC	4641 04

COURSE TABLES

PARCEL ONE PARKING LOT

#	BEARING/DELTA	RADIUS	LENGTH	TANGENT
1	N 52°16'36" W		14 00'	
2	N 37°46'37" E		19 00'	
3	N 52°12'47" W		6 01'	
4	N 37°47'13" E		137 29'	
5	Δ=13°58'12"	1047 46'	255 39'	128 33'
6	N 24°20'28" E		13 45'	
7	Δ=0°27'47"	1562 00'	12 62'	6 31'
8	S 66°7'19" E		20 00'	
9	Δ=0°32'14"	347 00'	3 25'	1 63'
10	Δ=0°20'43"	1581 96'	9 53'	4 77'
11	S 24°20'26" W		13 37'	
12	Δ=12°38'27"	1070 95'	236 28'	118 62'
13	S 37°1'0" W		9 53'	
14	S 37°11'56" W		6 80'	
15	S 37°35'3" W		7 57'	
16	S 37°47'13" W		132 28'	
17	S 37°45'13" W		23 98'	

PARCEL TWO PATHWAY

#	BEARING/DELTA	RADIUS	LENGTH	TANGENT
18	N 22°34'33" E		18 67'	
19	Δ=11°34'45"	771 82'	155 98'	78 26'
20	Δ=1°48'00"	1010 50'	31 75'	15 87'
21	Δ=1°12'00"	1487 90'	31 16'	15 58'
22	Δ=0°36'00"	2920 18'	30 58'	15 29'
23	N 37°45'13" E		142 08'	
24	N 37°45'13" E		23 98'	
25	N 37°47'13" E		132 28'	
26	N 37°35'3" E		7 58'	
27	N 37°11'56" E		6 82'	
28	N 37°1'0" E		9 54'	
29	Δ=12°38'28"	1073 95'	236 94'	118 95'
30	N 24°20'26" E		13 36'	
31	Δ=0°20'43"	1584 96'	9 55'	4 78'
32	Δ=0°32'14"	350 00'	3 28'	3 28'
33	Δ=12°25'33"	350 00'	75 90'	38 10'
34	N 11°01'59" E		6 31'	
35	Δ=22°59'20"	103 00'	41 33'	20 95'
36	Δ=12°08'01"	147 00'	31 13'	15 62'
37	N 22°13'44" E		23 25'	
38	Δ=85°34'54"	46 88'	70 02'	43 40'
39	Δ=5°58'41"	715 42'	74 85'	37 46'
40	Δ=27°50'47"	88 29'	42 91'	21 89'
41	N 29°43'05" W		95 23'	
42	Δ=45°45'00"	150 00'	119 77'	63 28'
43	N 75°28'5" W		7 33'	
44	Δ=46°55'55"	125 00'	102 39'	54 26'
45	N 28°32'10" W		13 78'	
46	Δ=43°35'51"	100 00'	78 09'	39 99'
47	N 72°8'0" W		60 95'	
48	Δ=34°12'02"	50 00'	29 85'	15 38'
49	N 37°55'56" W		12 12'	

PARCEL THREE OVERLOOK

#	BEARING/DELTA	RADIUS	LENGTH	TANGENT
50	S 52°4'2" W		4 10'	
51	Δ=63°48'33"	30 00'	33 42'	18 68'
52	Δ=18°30'06"	80 00'	25 83'	13 03'
53	N 82°36'31" W		3 59'	
54	S 34°20'12" W		14 63'	
55	N 55°39'48" W		15 00'	
56	N 34°20'12" E		25 00'	
57	S 55°39'48" E		15 00'	
58	S 34°20'12" W		10 37'	

PARCEL FOUR BEACH STAIRWAY

#	BEARING/DELTA	RADIUS	LENGTH	TANGENT
59	N 37°55'58" W		8 76'	
60	Δ=20°35'53"	80 00'	28 78'	14 54'
61	N 58°31'51" W		25 37'	
62	Δ=25°03'53"	80 00'	35 00'	17 78'
63	N 33°27'58" W		10 47'	

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 9701 BLUE LARKSPUR LANE MONTEREY CALIFORNIA 93940
 831 373 2941 831 649 4118F WWW.BESTOR.COM

PREPARED FOR: SNG

EXHIBIT C-1
DEPICTION OF PUBLIC ACCESS EASEMENTS

COUNTY OF MONTEREY

CALIFORNIA

SCALE: NTS
 DATE: 9/29/15
 SHEET: 4 OF 4
 WDK: 4641 04

EXHIBIT D

APPROVED PUBLIC ACCESS MANAGEMENT PLAN

October 12, 2015

**PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort**

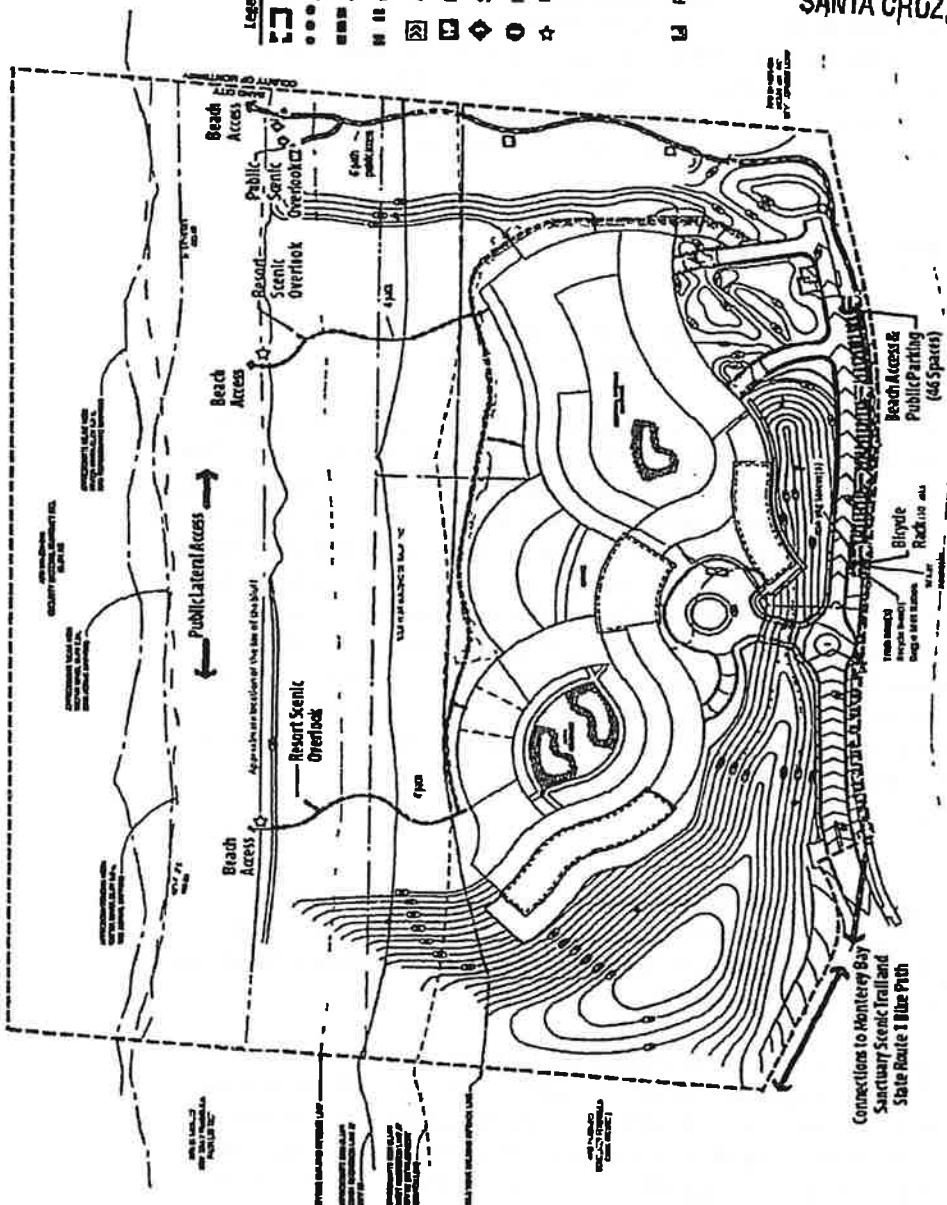
APPROVED

DM
10/14/15

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT ST, STE 300
SANTA CRUZ, CA 95060

COASTAL RESORT ACCESS

- Legend**
- Project Boundary
 - Public Pathways
 - Resort Pathways
 - Class 2 Bike Lanes
 - Access/Directional
 - Habitat Protection
 - Safety
 - Informational/Interpretive
 - Resort Access
 - Public Parking



October 12, 2015

PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort

Plan Note The permittee shall submit details regarding the siting and design of all public access amenities (e.g., bike racks, trash bins, water fountain, etc.) to the Executive Director for review and approval prior to construction and in any case, prior to their installation

This Public Access Management Plan describes the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access and recreational use of all public access areas associated with the approved project (including but not limited to the public parking lot, pathway system, scenic overlook, beach stairway/pathway, and the beach) and all related areas and public access amenities (e.g., bench seating, bike parking, signs, etc.) consistent with the terms and conditions of Coastal Development Permit (CDP) A-3-SNC-98-114 (Monterey Bay Shores Resort)

CONSISTENCY WITH THE CDP

This document describes all the areas that are subject to the Public Access Dedication, and addresses elements consistent with the CDP, Special Condition 5, which states

PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a public access management plan (Public Access Plan) to the Executive Director for review and approval. The Public Access Plan shall be substantially in conformance with the plans submitted to the Coastal Commission (titled Access, Signage, and Lighting Plan dated October 2013 and dated received in the Coastal Commission's Central Coast Office October 28, 2013) but shall be modified to achieve compliance with this condition. The Public Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access and recreational use of all public access areas associated with the approved project (including, but not limited to, the public parking lot, pathway system, overlook, beach stairway/pathway, and the beach) and all related areas and public access amenities (e.g., bench seating, bike parking, signs, etc.) as described in this special condition. The Public Access Plan shall be consistent with the approved Revised Plans (see Special Condition 1), and shall at a minimum include the following

(a) **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above and in this condition, shall be clearly identified as such on the Public Access Plan (including with hatching and closed polygons so that it is clear what areas are available for public access use

(b) **Public Access Areas.** All parameters for use of the public access areas of the site, including but not limited to the following areas, shall be clearly identified. All access areas and amenities shall be sited and designed to integrate with the surrounding dune environment to the maximum extent feasible, shall be made up of natural materials (e.g., wood) when feasible, shall be natural and curvilinear forms (e.g., curving pathway segments, rounded overlook areas,



etc) when feasible and shall utilize the same design throughout In addition

- 1 **Parking Lot** The parking lot shall be publicly available for general public vehicle parking, bicycle parking, pedestrian access, and bicycle access At least ten bicycle parking stands, three recycling bins, three trash bins, one water fountain, three ADA parking spaces, and one doggie mitt station, shall be provided in the public parking area in locations that maximize their public utility and minimize their impact on public views The parking lot shall be ADA compatible Use of the parking lot for other than general public access purposes shall be prohibited during public access use hours (see below) The Public Access Plan shall include a description of the manner in which the Owner will ensure that other site users and/or employees will not park in the parking lot during these times
- 2 **Pathway System.** The pathway system shall be public available for general public pedestrian (and bicycle from the inland public recreational trail to the upcoast edge of the parking lot) access The portion of the pathway system that extends from the public recreational trail to and along the public parking lot (to the upcoast edge of the parking lot) shall be a separate, dedicated pedestrian and bicycle path similar in width as the inland public recreational trail, shall include separation from the road and parking utilizing concrete curbs, bumpers, or other barriers to insure safety of pedestrian and bike riders, and shall be surfaced with permeable pavement or permeable concrete colored to blend with the surrounding dune environment to the maximum extent feasible from at least the point where it enters onto the subject property The portion of the pathway system that extends from the upcoast edge of the parking lot to the overlook shall be a wooden pedestrian boardwalk approximately 6 feet in width All portions of the pathway system shall be ADA compatible, and shall be curvilinear (and not linear) in appearance to the maximum extent feasible
- 3 **Overlook.** The overlook shall be public available for general public pedestrian access The overlook shall be approximately 375 square feet, shall be made up of a wooden boardwalk surface, and shall be sited and designed to eliminate the need for railings to the maximum extent feasible (e g , setback a sufficient distance from the blufftop edge so as to not necessitate such features) At least three benches, one interpretive panel/installation, one recycling bin, one trash bin, and one doggie mitt station, shall be provided at the overlook in locations that maximize their public utility and minimize their impact on public views The overlook shall be ADA compatible
- 4 **Beach Stairway/Pathway.** The beach stairway/pathway shall be publicly available for general public pedestrian access The stairway/pathway shall be sited and designed to minimize landform alteration and to conform to the bluffs to the maximum extent feasible, to eliminate or minimize (if elimination is not possible) railings, to avoid to the maximum extent feasible construction and post-construction impacts to sensitive species, including seacliff buckwheat, and to maximum public



utility and minimize impacts on public views. The public beach/stairway/pathway may extend onto Fort Ord Dunes State Park if such extension is allowed by California State Parks, and if such extension better meets the intent of this condition, including in terms of maximizing public access utility and protecting dune landforms and public views.

- 5 **Beach.** The beach and offshore areas (i.e., extending from the seaward-most property line to the toe of the dune bluff, including as the toe of the dune bluff migrates inland) shall be public available for general public pedestrian and beach access, and all activities typically associated with the same (e.g., walking, swimming, surfing, sunbathing, picnicking, stargazing, etc.). Resort development, other than minimal landings, if necessary, associated with approved resort pathways, shall be prohibited in the beach area.

(c) **Public Access Signs/Materials.** The plans shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the project including identification of all public education/interpretation features that will be provided on the site (i.e., educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be sited and designed so as to provide clear information without impacting public views and site character. At a minimum, public access identification and direction signs shall be placed where the pathway system connects with the inland public recreational trail, at the base of each Fremont Street off ramp, at the entrance to the approved project (where it meets the public street), at or near the point where the tunnel entrance diverges from the parking lot entrance, at the entrance to the parking lot, at the beginning of the boardwalk section of the pathway system (at the parking lot), at the base of the beach stairway/path, and at other locations where identification and direction is necessary and appropriate. The Permittee shall also make reasonable efforts to work with Caltrans to install a Coastal Commission Public Access ("Feet") sign on both southbound and northbound Highway One provided that the Permittee shall not be responsible for any decision made by Caltrans regarding such signage or for the installation or maintenance of such signs. The Permittee shall pay for such signage, including installation costs, upon Caltrans consent for such signs. At least one interpretive panel/installation that provides interpretation of the site, dunes, erosion and coastal hazards, the Monterey Bay, or other related and/or similar subjects shall be provided at the overlook. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. All signs shall be sited and designed to maximize their utility and minimize their impacts on public views.

(d) **No Disruption of Public Access.** No development or use of the property governed by this CDP may disrupt and/or degrade public access or recreational use of any public access areas and amenities associated with the approved project such as by setting aside areas for private uses or installing barriers to public access (e.g., furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.), except that temporary low rope and pole barriers or similar measures may be used if approved by the Executive Director to protect sensitive species. Except with respect to temporary low rope and pole barriers or similar measures set forth above, any

development, as defined in Public Resources Code Section 30106, that diminishes public access and recreational use of the access areas and amenities required by this CDP shall be prohibited

(e) Reconstruction/Relocation Required In the event that the approved public access amenities (including but not limited to the pathway system, overlook, and beach stairway/pathway) are threatened to a degree that they are in danger of being damaged or destroyed, or are damaged or destroyed, or become located ten feet or more seaward of the toe of the bluff, such amenities shall be reconstructed with due diligence and speed, and with minimum disruption to continued public use (and relocated inland as necessary to provide long term stability) Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review and approval. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required, the Permittee shall immediately submit and complete the required application. The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and shall be implemented immediately upon Executive Director approval or approval of the CDP or CDP amendment application, unless such CDP or CDP amendment identifies a different timeframe for implementation.

(f) Public Access Use Hours All public access areas and amenities shall be available to the general public from 5 a.m. until midnight, except that the beach shall be available to the public 24 hours a day, and all public access areas shall be free of charge.

(g) Public Access Required Prior to Occupancy. All public access areas and amenities of the approved project shall be constructed and available for public use prior to occupancy of the approved development.

(h) Offsite Public Parking. The plan shall provide for the construction and development of free public beach access parking spaces as close as possible to the project site, and in no case further than one-half mile from the project site, unless the Permittee submits evidence substantiating to the Executive Director's satisfaction that only construction and development of a lesser number of such spaces is feasible. If the Executive Director determines that only a lesser number of such spaces is feasible, then the plan shall provide for payment to the City of San Diego's in-lieu parking fee fund at the current rate for the number of such spaces that are deemed by the Executive Director to be infeasible, and such payment shall be specifically earmarked and reserved and only allowed to be used for providing and maintaining public beach access parking. Any such funds shall only be used for said purpose subject to Executive Director review and approval. For any such parking spaces that are deemed feasible, the plan shall clearly document the manner in which the 35 (or fewer if fewer are deemed feasible) required parking spaces are to be constructed, developed, and maintained, including providing for other property owner consent, for as long as some portion of the approved development remains. The Permittee shall undertake such offsite parking space development in accordance with the approved plan, and such spaces shall be available prior to occupancy of the approved development.



October 12, 2015

PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort

(i) **Public Access Areas and Amenities Maintained** All public access areas and amenities of the approved project shall be maintained in their approved state in perpetuity, unless they are threatened by coastal hazards. If threatened by coastal hazards, such public access areas and amenities shall be relocated and/or modified to ensure the approved public access is maintained.

If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to relocate or modify public access areas or amenities, the Permittee shall immediately submit and complete the required application.

The Public Access Plan shall be approved and attached as an exhibit to the easement required by Special Condition 6 prior to recordation of the easement. The Permittee shall undertake development in accordance with the approved Public Access Plan, which together with the public access easement required by Special Condition 6, shall govern all general public access to the site pursuant to this CDP.

PUBLIC ACCESS AREAS AND AMENITIES

Public access areas and amenities are identified on the map titled "Coastal Resort Access" and the *Legal Description, Public Access Easement* (Bestor Engineers 2015). Access and amenities will

- 1 Be sited and designed to integrate with the surrounding dune environment to the maximum extent feasible,
- 2 Be made up of natural materials (e.g., wood) when feasible,
- 3 Be constructed in natural and curvilinear forms (e.g., curving pathway segments, rounded overlook areas, etc.) when feasible,
- 4 Utilize the same design theme throughout
- 5 Include bicycle parking, pedestrian access, and bicycle access

PUBLIC ACCESS PARKING LOT

- 1 Amenities will be provided in the public parking lot area in locations that maximize their public utility and minimize their impact on public views and include, at minimum
 - a Ten bicycle parking stands,
 - b Three recycling bins,
 - c Three trash bins,
 - d One water fountain,



- e Three ADA parking spaces, and,
 - f One doggie mitt station
- 2 The public parking lot will be ADA compatible
 - 3 The public parking lot shall be available for general public use between the hours of 5a m and midnight daily

Use of the public parking lot for other than general public access purposes will be prohibited during public access use hours, 5 a m to midnight. The Owner will ensure that residents, hotel guests, and/or employees will not park in the public parking lot during these times. The Owner will post a sign at the parking lot entry and provide employees, guests and residents with instructions regarding public use of the parking lot during the hours of 5 a m to midnight.

The resort operator and residential condominiums managers are responsible for enforcement of the parking restrictions and shall have the authority to remove unauthorized vehicles belonging to guests, employees and/or residents. Cars belonging to guests, employees or residents will be identifiable by a sticker affixed to the car or by temporary rear view mirror hanger. All guests will be informed at check-in that they are not allowed to park in the public parking lot during public hours between 5a m and midnight.

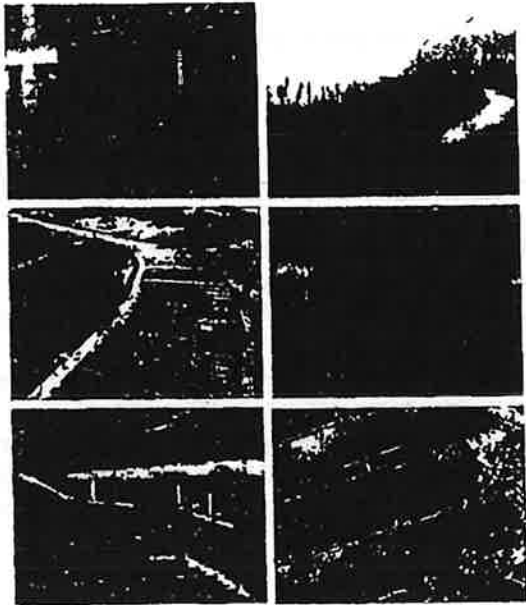
PATHWAY SYSTEM

The pathway system will be available for general public pedestrian access and access by bicycle from the inland public recreational trail to the upcoast edge of the parking lot. The portion of the pathway system that extends from the public recreational trail to and along the public parking lot will

- Be a separate, dedicated pedestrian and bicycle path 10-feet in width and narrowing to six feet in width north of the roundabout,
- Include separation from the road and parking utilizing concrete curbs, bumpers, or other barriers to insure safety of pedestrians and bike riders, and
- Be surfaced with permeable pavement or permeable concrete colored to blend with the surrounding dune environment to the maximum extent feasible from at least the point where it enters onto the subject property

The portion of the pathway system that extends from the upcoast edge of the parking lot to the overlook will be constructed as a wooden pedestrian boardwalk 6 feet in width. All portions of the pathway system will be ADA compatible, and will be curvilinear (and not linear) in appearance to the maximum extent feasible.

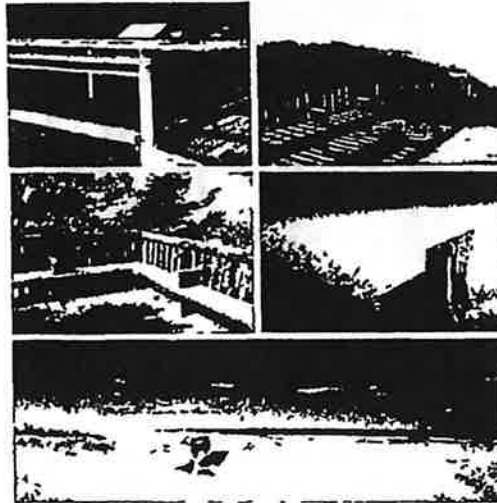




Scenic Overlook

The overlook will be publicly available for general public pedestrian access. The overlook will be 375 square feet, will be made up of a wooden boardwalk surface, and will be sited and designed to eliminate the need for railings to the maximum extent feasible (e.g., setback a sufficient distance from the blufftop edge so as to not necessitate such features). At least three benches, one interpretive panel/installation, one recycling bin, one trash bin, and one doggie mitt station, will be provided at the overlook in locations that maximize their public utility and minimize their impact on public views. The overlook will be ADA compatible. See further details on the Public Scenic Overlook Enlargement Plan.





All pictures
← Too dark

Beach Stairway/Pathway

The public beach stairway/pathway will be publicly available for general public pedestrian access. The public beach stairway/pathway providing access between the beach and the overlook will be sited and designed to:

- 1 Minimize landform alteration and to conform to the bluffs to the maximum extent feasible,
- 2 Eliminate (if possible) or minimize railings,
- 3 Avoid to the maximum extent feasible construction and post construction impacts to sensitive species
- 4 Maximize public utility, within the constraints identified, and minimize impacts on public views

The public beach stairway/pathway is currently proposed entirely within the project boundary. Future coordination with California State Parks may include an extension of the stairway/pathway onto Fort Ord Dunes State Park, if an extension would maximize public access utility while protecting dune landforms and public views.





Beach Access

The beach and offshore area (i.e., extending from the seaward-most property line to the toe of the dune bluff, including as the toe of the dune bluff migrates inland) will be publicly available for general public pedestrian and beach access 24 hours each day, and all activities typically associated with same (e.g., walking, swimming, surfing, sunbathing, picnicking, stargazing, etc.) Resort development, other than minimal landings associated with approved resort pathways are prohibited in the beach area.

PUBLIC ACCESS SIGNS/MATERIALS

Signs and other project elements will be used to facilitate, manage, and provide public access to the approved project and include public education/interpretation features on the site (i.e., educational displays, interpretive signage, etc.) Sign details showing the location, materials, configuration, design, and text of all public access signs will be provided for Executive Director review and approval prior to their installation. The signs will be sited and designed so as to provide clear information without impacting public views and site character. At a minimum, public access identification and direction signs will be placed where the pathway system connects with the inland public recreational trail, at the base of each Fremont Street off ramp, at the entrance to the approved project (where it meets the public street), at or near the point where the tunnel entrance diverges from the parking lot entrance, at the entrance to the parking lot, at the beginning of the boardwalk section of the pathway system (at the parking lot), at the base of the beach stairway/path, and at other locations where identification and direction is necessary and appropriate.

The Permittee will make reasonable efforts to work with Caltrans to install a Coastal Commission Public Access ("Feet") sign on both southbound and northbound Highway One provided that the Permittee will not be responsible for any decision made by Caltrans regarding such signage or for the installation or maintenance of such signs. The Permittee will pay for such signage, including installation costs, upon Caltrans consent for such signs.



Public Access & Directional Signs



Access/Directional

Access/Directional Signs Size 12"x16", Material Aluminum/Metal, Installation Mounted on 4' post above ground Color Brown/Yellow/Green/White

Safety & Hazard Signs



Safety Signs Size Maximum Size 24"x36", Material Aluminum/Metal, Installation Mounted on 4' post above ground Color Brown/Yellow/Green/White Located at top of bluff next to sand ladder entry

Public Parking Signs



Public Parking

Public Parking Signs Size 12"x18", Material Aluminum/Metal, Installation Mounted on 6' post above ground Color Brown/Yellow/Green/White

Informational & Interpretive Signs



Informational/Interpretive

Interpretive/Informational Signs Maximum Size to 24"x36", Material Wood or Wood Frame with Aluminum/Metal Insert for text/graphics, or Single Mounted Aluminum/Metal sign, Installation Mounted on twin or single wooden post(s) up to 5' height, Color Earth Tones These signs are conceptual, and the actual sign details will be submitted later for the Executive Director's review and approval



**Restricted Access
Habitat Restoration Signs**



Habitat/Restricted Access Signs Size 12"x16", Material Aluminum/Metal or Wood, Installation Mounted on 4' post above ground or on fence post, Color Brown/Yellow/Green/White

 Habitat Protection



At least one interpretive panel/installation that provides interpretation of the site, dunes, erosion and coastal hazards, the Monterey Bay, or other related and/or similar subjects will be provided at the overlook. Signs will include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. All signs will be sited and designed to maximize their utility and minimize their impacts on public views.

Resort Signs-At Beach Location



 Resort Access (Beach)

Resort Info Signs at Beach Locations Size 18"x24", Material Aluminum/Metal, Installation Mounted on 4' post above ground or on fence post, Color Brown/Yellow/Green/White
Resort(Beach) signs located on toe of bluff (20' contour) at bottom of sand ladder



NO DISRUPTION OF PUBLIC ACCESS

No development or use of the property shall be allowed to disrupt and/or degrade public access or recreational use of any public access areas and amenities associated with the approved project such as by setting aside areas for private uses or installing barriers to public access (e.g., furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.), with the exception of temporary low rope and pole barriers or similar measures to protect sensitive species if approved by the Executive Director

RECONSTRUCTION/RELOCATION REQUIRED

In the event that the approved public access amenities (including but not limited to the pathway system, overlook and beach stairway/pathway) are threatened to a degree that they are in danger of being damaged or destroyed, or are damaged or destroyed or become located ten feet or more seaward of the toe of the bluff, such amenities will be reconstructed with due diligence and speed, and with minimum disruption to continued public use (and relocated inland as necessary to provide long term stability) Prior to reconstruction, the Owners will submit two copies of a Reconstruction Plan to the Executive Director for review and approval The Reconstruction Plan will clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and will be implemented immediately upon approval

PUBLIC ACCESS USE HOURS

All public access areas and amenities will be available to the general public from 5 a.m. until midnight, except that the beach will be available to the public 24 hours a day All public access areas and amenities will be available to the public free of charge

PUBLIC PARKING

Use of the public parking lot will be reserved for public parking from 5 a.m. to midnight Signs will be posted to inform employees, guests, and residents of the use restrictions Signs will be posted at visible locations in the parking lot, including the entrance to the parking lot and along the parking area Cars belonging to employees, residents, and/or guests will be identifiable by a sticker affixed to the car or by a temporary rear view mirror hanger



October 12, 2015

**PUBLIC ACCESS MANAGEMENT PLAN
Monterey Bay Shores Resort**

PUBLIC ACCESS REQUIRED PRIOR TO OCCUPANCY

All public access areas and amenities of the approved project will be constructed/installed and available for public use prior to occupancy of the approved development

MAINTENANCE

All public access areas and amenities of the approved project will be maintained in their approved state in perpetuity, unless they are threatened by coastal hazards. If threatened by coastal hazards, such public access areas and amenities will be relocated and/or modified to ensure the approved public access is maintained. Prior to relocation/modification, the Owners will submit two copies of a Relocation/Modification Plan to the Executive Director for review and approval. The Plan will clearly describe the manner in which such areas and/or amenities are to be relocated/modified and will be implemented immediately upon approval.

OFF-SITE PUBLIC PARKING

As of September 2015, there isn't an available site to accommodate the required 35 offsite public beach access parking spaces within 1/2 mile of the resort. As such, the developer has agreed to pay the City of Sand City an in-lieu fee consistent with the condition requirement, with such payment to be specifically earmarked and reserved and only allowed to be used for providing and maintaining free public beach access parking. In the event that a suitable site to meet this requirement becomes available in the future, the developer and/or successor may provide the 35 public access parking spaces with Executive Director approval and only then cease payment of the in-lieu fee.

Thus, the off-site public parking requirement will be satisfied via participation in the City's In-Lieu Parking program. The Owners shall pay an annual fee of at least \$500 per space for each of the 35 required free public beach parking spaces that the Commission's Executive Director has determined to be infeasible (as of September 2015) to provide on-site (a minimum of \$17,500 annually). Such fee shall be paid starting prior to obtaining a business license to operate the resort and in any event no later than prior to occupancy, whichever comes first, and annually thereafter. The in-lieu parking fee shall only be used to provide free public beach access parking subject to an MOU (or equivalent) between the City of Sand City and the Commission.

CDP

If there should be any questions of interpretation or any conflicts between this Public Access Management Plan and the terms and conditions of CDP A-3-SNC-98-114, the terms and conditions of CDP A-3-SNC-98-114 shall prevail and govern.



EXHIBIT E
FORM OF ACCEPTANCE OF
IRREVOCABLE OFFER TO DEDICATE
PUBLIC ACCESS EASEMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO
California Coastal Commission
45 Fremont Street, 20th Floor
San Francisco, CA 94105

CERTIFICATE OF ACCEPTANCE OF
IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT
AND DECLARATION OF RESTRICTIONS

This is to certify that the interest in real property conveyed by the Irrevocable Offer to
Dedicate Public Access Easement and Declaration of Restrictions executed by

_____ on _____, and recorded on
_____ in the office of the County Recorder of _____ as
Instrument Number _____, is hereby accepted by
_____, a [public agency/private association] ("Grantee"), on
_____ pursuant to authority conferred by resolution of the
_____ of Grantee adopted on _____, and
Grantee consents to recordation hereof by its duly authorized officer

By

PRINT NAME OF ABOVE

Its

(ATTACH NOTARY ACKNOWLEDGMENT)

**ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION
OF ACCEPTANCE OF IRREVOCABLE OFFER TO DEDICATE
PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS**

This is to certify that _____ is a [public
agency/private association] acceptable to the Executive Director of the California Coastal
Commission to be Grantee under the Irrevocable Offer to Dedicate Public Access
Easement and Declaration of Restrictions executed by _____ on
_____ and recorded on _____ in
the office of the County Recorder of _____ County as Instrument
Number _____

Dated _____

CALIFORNIA COASTAL

COMMISSION

By

Its

(ATTACH NOTARY ACKNOWLEDGMENT)

EXHIBIT F

SECTION 30106 OF THE COASTAL ACT

DEFINITION OF "DEVELOPMENT"

SECTION 30106 OF THE COASTAL ACT

"Development" means, on land in or under water, the placement or erection of any solid material or structure, discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, grading, removing, dredging, mining, or extraction of any materials, change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use, change in the intensity of use of water, or of access thereto, construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility, and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511)

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line

END OF DOCUMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
California Coastal Commission
45 Fremont Street, 20th Floor
San Francisco, CA 94105

CERTIFICATE OF ACCEPTANCE OF
IRREVOCABLE OFFER TO DEDICATE DUNE AREA CONSERVATION EASEMENT
AND DECLARATION OF RESTRICTIONS

This is to certify that the interest in real property conveyed by the Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of Restrictions executed by Security National Guaranty, Inc. on October 15, 2015, and recorded on October 27, 2015 in the office of the County Recorder of Monterey County, California as Document Number 2015062067, is hereby accepted by Sand City, a public agency ("Grantee"), on March ____, 2017 pursuant to authority conferred by Resolution of the City Council of the City of Sand City passed and adopted on March ____, 2017, as Resolution SC ____, 2017, and Grantee consents to recordation hereof by its duly authorized officer.

By:

Todd Bodem

Its: City Administrator

(ATTACH NOTARY ACKNOWLEDGMENT)

**ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION
OF ACCEPTANCE OF IRREVOCABLE OFFER TO DEDICATE
DUNE AREA CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIONS**

This is to certify that Sand City is a public agency acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of Restrictions executed by Security National Guaranty, Inc. on October 15, 2015 and recorded on October 27, 2015 in the office of the County Recorder of Monterey County as Document Number 2015062067.

Dated: _____

CALIFORNIA COASTAL COMMISSION

By: _____

Its: _____

(ATTACH NOTARY ACKNOWLEDGMENT)

ACKNOWLEDGMENT

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

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____, 2017, before me _____, a
Notary Public, personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Notary Public (Seal)

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
California Coastal Commission
45 Fremont Street, 20th Floor
San Francisco, CA 94105

CERTIFICATE OF ACCEPTANCE OF
IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT
AND DECLARATION OF RESTRICTIONS

This is to certify that the interest in real property conveyed by the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions executed by Security National Guaranty, Inc. on October 15, 2015, and recorded on October 27, 2015 in the office of the County Recorder of Monterey County, California as Document Number 2015062068, is hereby accepted by Sand City, a public agency ("Grantee"), on March ____, 2017 pursuant to authority conferred by Resolution of the City Council of the City of Sand City passed and adopted on March ____, 2017, as Resolution SC ____ 2017, and Grantee consents to recordation hereof by its duly authorized officer.

By:

Todd Bodem

Its: City Administrator

(ATTACH NOTARY ACKNOWLEDGMENT)

**ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION
OF ACCEPTANCE OF IRREVOCABLE OFFER TO DEDICATE
PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS**

This is to certify that Sand City is a public agency acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions executed by Security National Guaranty, Inc. on October 15, 2015 and recorded on October 27, 2015 in the office of the County Recorder of Monterey County as Document Number 2015062068.

Dated: _____

CALIFORNIA COASTAL COMMISSION

By: _____

Its: _____

(ATTACH NOTARY ACKNOWLEDGMENT)

ACKNOWLEDGMENT

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

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____, 2017, before me _____, a
Notary Public, personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

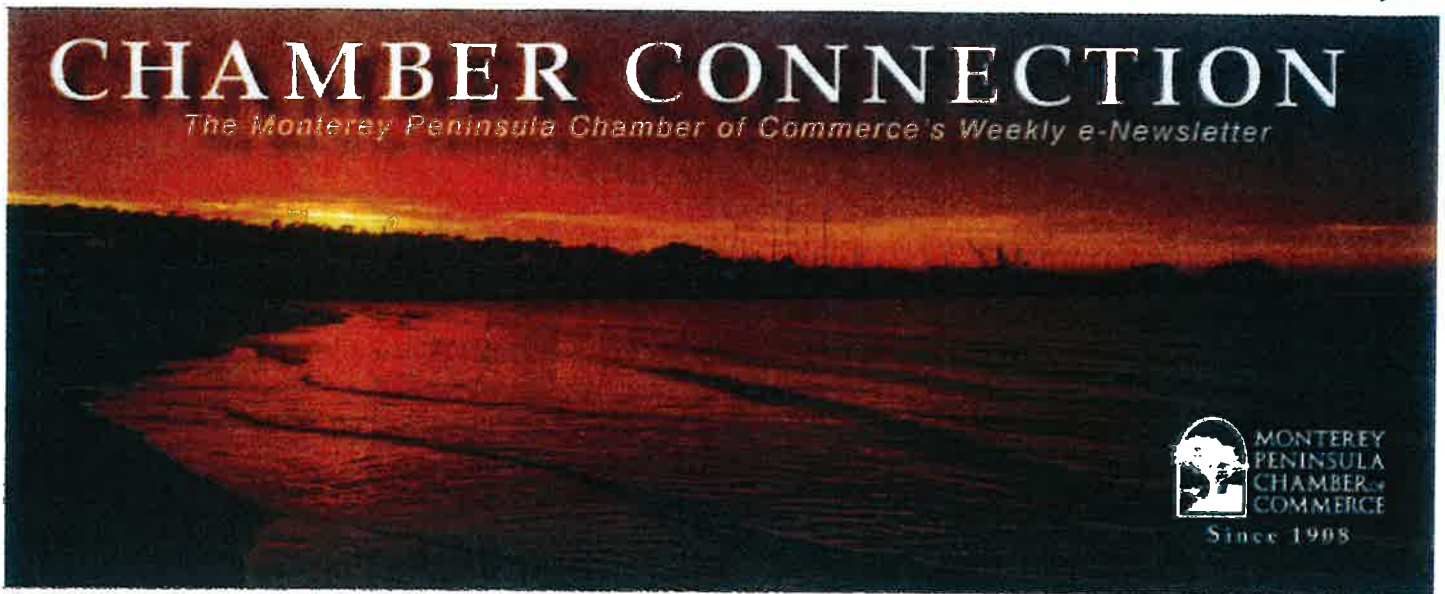
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public (Seal)

AGENDA ITEM

9C



March 16
[St. Patrick's Day Mixer](#)
 Victory Toyota

[REGISTER](#)

March 18
[Open House and Ribbon Cutting](#)
 Monterey Regional Waste Management District

Join us for a wee bit of fun! Hosted by Victory Dealership Group, The Wharf Marketplace is serving up corned beef and cabbage sliders alongside an assortment of green beer and local selection of wine. Live music will be provided by pianist Mark Stevens and CSUMB mascot Monte Rey will make a special appearance. Don't forget to wear your green and you'll take home a goodie!

March 23
[Ribbon Cutting](#)
 Sox Box

THIS SATURDAY!

March 28
[Cannery Row Rotary Ribbon Cutting \(Bench Dedication\)](#)
 Rec Trail (near the basketball courts)

**MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT
 RIBBON CUTTING & OPEN HOUSE**

Saturday, March 18
10am-2pm
 14201 Del Monte Blvd.
 Marina, CA 93933
 Cost: Free



March 31
[Ribbon Cutting](#)
 Pacific Bingo and Event Center at the Monterey County Fairgrounds

[REGISTER](#)

July 27
[Business Excellence Awards](#)
 Portola Hotel & Spa

Join MRWMD for a Ribbon Cutting at the new GreenWaste Recovery Community Franchise Collection facility, bus tours, compost walking tours, kids' eco-activities, demonstrations and exhibits, food and entertainment and more. [MORE INFO](#)

CHAMBER
QUICK LINKS

- [ChamberLink](#)
- [Chamber Events](#)
- [Chamber News](#)
- [Chamber Photos](#)
- [About the Chamber](#)

MONTHLY
CHAMBER COMMITTEE
MEETINGS

Education

2nd Monday: 3:30pm

Government Affairs

4th Monday: 3:30pm

Ambassador

3rd Friday: 8am

Economic Vitality

1st Friday: 2:30pm

Special Events

Varies per Event

Meetings are subject to change. If you're interested in joining a committee, please contact the Chamber office at (831) 648-5350 to confirm time and location.

[Click here to learn more](#)

MPCC VIDEOS



The Humidor Ribbon Cutting



Big Fish Grill Ribbon Cutting

**SEEKING A FEW INTERESTED MEMBERS TO PARTICIPATE
IN A BREAKFAST FOCUS GROUP ABOUT
FAMILY FRIENDLY WORKPLACES**

Thursday, March 23
8-9:30am
United Way Monterey County
60 Garden Court #350
Monterey, CA 93940



Breakfast will be provided and participating individuals and businesses will be highlighted in the [Bright Beginnings](#) newsletter and website.

Bright Beginnings, an early childhood development initiative of the Monterey County Children's Council, is looking to design a useful tool and resource for local businesses. As a planning step, staff is trying to identify and understand the strengths, challenges and needs facing employers working in Monterey County. The focus group will provide an opportunity for you to find out about how to help support your employees and clients with child friendly practices. Your views will be used to help Bright Beginnings design an approach and outreach tools.

[REGISTER](#)

SOX BOX RIBBON CUTTING

Thursday, March 23
5-6:30pm
1271 10th St., Ste. D
Monterey, CA 93940
Cost: Free

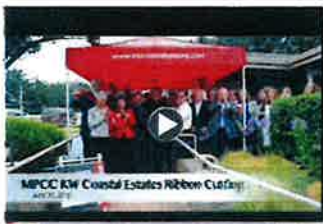


[REGISTER](#)

Help Sox Box celebrate their ribbon cutting ceremony. Refreshments will be served. There will also be door prizes and a raffle!

CHAMBER ANNOUNCEMENTS...

**PERSONALIZED ONCOLOGY CARE OF MONTEREY BAY
PROVIDES RELIEF FOR PATIENTS**



KW Coastal Estates Ribbon Cutting



2016 Airport-Rodeo Mixer



Monterey Peninsula Surgery Center's 35th Anniversary (Video by Adam Joseph)



Wine Experience founder/owner Brent Virgin explains the process

Videos by True Idea Productions unless noted otherwise.



Photo by Julie Ahearn, True Idea Productions

Personalized Oncology Care of Monterey Bay's (POCMB) Dr. Ganeles uses genomic testing, among other special treatments, to help prevent and minimize side effects in patients. [READ MORE](#)

MPCC LAUNCHES TELEVISED MEMBER INTERVIEWS ON AMP

With Video Link - Sign Up Today

Each month the Chamber will host a one hour program highlighting three members. Each member will be interviewed by Joy Anderson, Member Relations Manager, for 16-18 minutes. The program will be aired on AMP Media and each segment will have a link to the *Your Town* website as well as montereychamber.com. Each member will also receive their respective link to share on social media and on their own websites.

There is a nominal fee of \$50 to appear on the program. Contact [Joy](mailto:Joy@montereychamber.com) via email if you are interested in securing one of the three available spots.



RESERVE AD SPACE NOW

MONTEREY PENINSULA CHAMBER OF COMMERCE
ANNUAL MAGAZINE, BUSINESS DIRECTORY & COMMUNITY GUIDE

The Monterey Peninsula Chamber of Commerce Annual Magazine, Business Directory & Community Guide is mailed to 25,000 residents and businesses on the Monterey Peninsula.

Over the next few weeks, our advertising representative Lynn Blos will reach out to Chamber members with information about the variety of advertising opportunities available in our 2017 Business Directory & Community Guide.

Advertising in the Business Directory & Community Guide is cost effective and highly valuable. Additionally, we will provide an online version on the Chamber website with click-through advertising, giving your business even more exposure. Residents and businesses alike use their full-color,

information filled directories when looking for the products and services provided by Monterey Peninsula Chamber of Commerce members.

SEE RATES

For more information, contact Lynn Blos:
lynn@montereychamber.com or (650) 339-9663

Fill out a [PDF of the contract](#) and send to lynn@montereychamber.com

CALL TO UPDATE

All Chamber members should [log on to our website directory](#) to make sure listed information is correct and up-to-date. **All updates must be made by April 30th in order to make it into the 2017 Business Directory & Community Guide.** If you need assistance or have any questions please call 648-5350 or email communications@montereychamber.com



FROM OUR MEMBERS...



Bill Hastie to Attend LPL Financial's 2017 Masters Conference

Bill Hastie, Managing Partner of Hastie Financial Group, LLC, will attend LPL Financial's 2017 Masters Conference in Boca Raton, FL, later this month. As of the end of 2016, Hastie Financial Group ranked in the top 2% of LPL Financial's more than 14,000 financial advisors nationally. LPL Financial is the nation's largest independent broker/dealer firm.*

LPL's annual Masters Conference is an event hosted for qualifying advisors providing attendees the opportunity for continuing education in investment market research, financial planning and advisory team management. It also provides attendees the opportunity to network and share best practices with other top LPL advisors.

"It is an honor to participate in this prestigious industry event again this year," said Hastie. "Attending the LPL Masters Conference is a wonderful opportunity to expand and enrich the level of service and experience we can provide to our clients."

For more information, please visit www.hastiefinancialgroup.com.

*Based on total revenues. Financial Planning magazine, June 1996-2016
Security and advisory services offered through LPL Financial, a Registered Investment Advisor. Member FINRA/SIPC.

Look what we
can do for you ▶



Hastie Financial Group

UNCHAINED

15 Madison St.
Watsonville, CA 95076
(831) 818-8738
www.livingunchained.org



UnChained

UnChained is a nonprofit that pairs at-risk youth with homeless dogs for dog training. Youth develop patience, respect and responsibility while helping the dogs find permanent, loving homes.

IN OTHER NEWS...

DLI/PRESIDIO OF MONTEREY GATE CLOSURES

From March 15 for three weeks due to CalAm water main installation, the following schedules outline temporary gate access hours for weekdays and weekends at each gate:



Weekdays

Bolio Rd.: Both directions 24 hours (No access from Lighthouse Ave.)
Franklin St.: Both directions 6am-6pm
Infantry St.: Inbound 7-8am
Taylor St.: Inbound only 7 -8am, Outbound only 4-6pm
High St.: Closed

Weekends

Bolio Rd.: Both directions 24 hours (No access from Lighthouse Ave.)

Call (831) 242-5555 for additional information.

ANNOUNCEMENTS FROM THE PARTNERS OF BIANCHI, KASAVAN & POPE, LLP

Bianchi, Kasavan & Pope, LLP are pleased to announce the admission of **Aviv Kadosh** as Partner ([READ MORE](#)) and **Josey Schenkose** as Partner ([READ MORE](#)) on January 1.

Additionally, Bianchi, Kasavan & Pope, LLP are pleased to announce the promotion of Lorena Maldonado as Senior Staff Accountant on January 1, 2017 [READ MORE](#).



UNITED WAY MONTEREY COUNTY VOLUNTEER CENTER'S COMMUNITY SERVICE AWARD

(Nomination deadline is this Friday!)



[READ MORE](#)

JOY ANDERSON AMONG OUTSTANDING WOMEN TO BE HONORED BY MONTEREY COUNTY COMMISSION ON THE STATUS OF WOMEN ON MARCH 19

Sunday, March 19

2pm

Middlebury Institute of International Studies at

Monterey (Irvine Auditorium)

499 Pierce St.

Monterey, CA 93940

Free and open to the public



MPCC congratulates JOY ANDERSON for this prestigious recognition.

2017 Outstanding Women of Monterey County Honorees:

Aidee Aldaco, Barbara Babcock (deceased), Donna Brandt, Patty Fernandez-Torres, Joy Gonzales-Anderson, Diana Jimenez, Nadereh Liaghati, Clare Munteer, Elsa Rivera, and Ann Todd Jealous [MORE INFO](#)

Glorietta Rowland, Management Analyst II, Department of Social Services, (831) 755-4484, rowlandG@co.monterey.ca.us




California State University
MONTEREY BAY
College of Business

The College of Business Showcase
April 25, 2017 ★ 6-9 P.M.
University Center Ballroom






This Showcase builds relationships between CSU Monterey Bay, its graduating students, and the local business community. Outstanding seniors and two community leaders will be honored during the celebration.

csumb.edu/showcase
831-582-5222

THE CITY OF MONTEREY SEEKS QUALIFIED DEVELOPERS



SEEKING ARCHITECTURALLY INNOVATIVE

ECONOMICALLY PRODUCTIVE, THOUGHTFUL RESPONSES

DEVELOPMENT OPPORTUNITY
135 ACRES FOR LEASE OR PURCHASE

MORE INFO

**UNITED WAY MONTEREY COUNTY OFFERS FREE VOLUNTEER
INCOME TAX ASSISTANCE PROGRAM**

The Volunteer Income Tax Assistance Program (VITA) at United Way Monterey County is focused on assisting families who earn less than \$54,000 a year prepare their taxes for free! It is a program that is provided by the IRS, and run by your local United Way and volunteers! This program is unique, because our volunteers learn a valuable skill while also helping members of the community receive reliable tax counseling in a community setting. [MORE INFO](#)



United Way
Monterey County

SAVE THE DATE!
May 9, 2017
12th Annual
WOMEN'S FUND LUNCHEON
Hyatt Regency Monterey

Keynote Speaker Tracy Gary
Author, *Inspired Philanthropy*

Mistress of Cermonies Erin Clark
News Anchor, KSBW Action News 8

To purchase tickets:
www.womensfund2017.eventbrite.com

To receive an invitation, please contact Jan McAlister
at janm@cfmco.org or 831.375.9712 x120.
www.cfmco.org/WomensFund

WINE
COMPLIMENTS OF
LEGEND VINEYARDS
FOLKTALE WINERY & VINEYARDS

NOW HIRING...

FOLKTALE WINERY & VINEYARDS

We are hiring staff here at Folktales! We are looking for experienced servers (Wine Educators), Bussers/Food Runners and



Hosts/Hostesses. Interested candidates should email our Hospitality Manager, Erin (erin@folktalewinery.com) as soon as possible as positions here don't stay available long. I hope all is well. Thank you!

UNION BANK - MONTEREY MAIN

Join a bank that's as committed to your future as you are. At Union Bank, a part of Mitsubishi UFJ Financial Group (MUFG), we share a vision for our future, we share our successes, and we strive to bring out the best in each other in everything we do. Our diverse colleagues are connected by a common ambition to create change for the better - from forging more dynamic career paths, to driving progress in our communities, to continuously reshaping the standards of financial services. Positive impact starts here; see the change you can make as we strive to become the world's most trusted financial group. Please contact carolyn.bressler@unionbank.com if you are interested.



CONTACT US

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