

When recorded return to:  
MONTEREY COUNTY RESOURCE  
MANAGEMENT AGENCY  
PLANNING DEPARTMENT  
Attn: **JAIME SCOTT GUTHRIE**  
1441 Schilling Place, South 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025

**2020033465**

Stephen L. Vagnini  
Monterey County Clerk-Recorder

07/10/2020 09:48 AM

Recorded at the request of:  
CLERK TO THE BOARD COUNTY OF

Titles: 1 Pages: 29

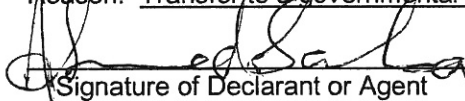
Fees: \$106.00  
Taxes: \$0.00  
AMT PAID: \$106.00



Space above for Recorder's Use

Ahmed Saba, a married man  
as his sole and separate  
property  
**Permit No.:** \_\_\_\_\_  
**Resolution No.:** 18-050  
**Owner Name:** PLN170822  
**Project Planner:** Jaime Scott Guthrie  
**APN:** 117-081-013-000

The Undersigned Grantor(s) Declare(s):  
DOCUMENTARY TRANSFER TAX OF \$ 0  
[ ] computed on the consideration or full value of  
property conveyed, OR  
[ ] computed on the consideration or full value less  
value of liens and/or encumbrances remaining at  
time of sale,  
[ ] unincorporated area; and  
[ X ] Exempt from transfer tax,  
Reason: Transfer to a governmental entity

  
Signature of Declarant or Agent

## **CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)**

**THIS DEED** made this 19 day of May, 2020, by and between  
**Ahmed Saba, a married man as his sole and separate property** as Grantor, and the  
**COUNTY OF MONTEREY**, a political subdivision of the State of California, as Grantee,

### **WITNESSETH:**

**WHEREAS**, said Grantor is the owner in fee of the real property more particularly  
described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey  
County, California (hereinafter the "Property"); and

**WHEREAS**, the Property of said Grantor has certain natural scenic beauty and  
existing openness; and

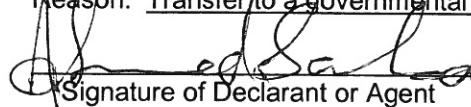
**WHEREAS**, the Grantor and the Grantee desire to preserve and conserve for the  
public benefit the great natural scenic beauty and existing openness, natural condition  
and present state of use of the Property of the Grantor; and

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described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey  
County, California (hereinafter the "Property"); and

**WHEREAS**, the Property of said Grantor has certain natural scenic beauty and  
existing openness; and

**WHEREAS**, the Grantor and the Grantee desire to preserve and conserve for the  
public benefit the great natural scenic beauty and existing openness, natural condition  
and present state of use of the Property of the Grantor; and

**WHEREAS**, the California Coastal Act of 1976, (hereinafter referred to as the “Act”) requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program (LCP); and

**WHEREAS**, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and

**WHEREAS**, a **Combined Development Permit** consisting of **Coastal Administrative Permits** and a **Coastal Development Permit** (File Number **PLN170822**) (hereinafter referred to as the “Permit”) was granted on **August 30, 2018** by the Monterey County **Zoning Administrator** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **18-050**. That resolution is attached hereto as Exhibit “B” (without plans) and hereby incorporated by reference, (hereinafter the “Resolution”) subject to the following condition(s):

**Condition No. #8**

A conservation and scenic easement shall be conveyed to the County over those portions of the property where the wetland and riparian woodlands exist as delineated in the "Wetlands and Biological Assessment" prepared by Coast Range Biological March 2018 (LIB180156), in accordance with the procedures in Monterey County Code § 20.64.280.A. A Subordination Agreement shall be required, where necessary. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by the Director of RMA - Planning and the Executive Director of the California Coastal Commission, and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to issuance of grading and building permits.

**WHEREAS**, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in the Resolution granted the Permit to the Grantor upon condition (hereinafter the “Condition”) described above requiring inter alia, that the Grantor record a conservation and scenic easement (hereinafter “easement”) over the Property as shown in Exhibit “C” attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the Property were not restricted in accordance with this easement; and

**WHEREAS**, the County has placed the Condition on the permit because a finding must be made under the law that the proposed development is in conformity with the provisions of the certified Local Coastal Program and that in the absence of the protections provided by the Condition said finding could not be made; and

**WHEREAS**, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the Permit; and

**WHEREAS**, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

**WHEREAS**, the said Grantor is willing to grant to the County of Monterey the conservation and scenic use as herein expressed of the Property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantor through the imposition of the conditions hereinafter expressed;

**NOW, THEREFORE**, the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said Property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's Property the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. The Property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described and depicted in Exhibit "C", attached hereto, and made a part hereof, hereinafter referred to as the "Conservation and Scenic Easement Area".

B. RESTRICTIONS. The restrictions hereby imposed upon the use of the Conservation and Scenic Easement Area by the Grantor and the acts which said Grantor shall refrain from doing upon the Conservation and Scenic Easement Area in connection herewith are, and shall be, as follows:



1. That no structures will be placed or erected upon said Conservation and Scenic Easement Area. No Exceptions.

2. That no advertising of any kind or nature shall be located on or within the Conservation and Scenic Easement Area. No exceptions.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area, except that vegetation necessary for rehabilitation of the riparian habitat as recommended by a professional biologist.

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.

5. That no use of the Conservation and Scenic Easement Area which will or does materially alter the landscape or other attractive scenic features of said Property other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement:

1. The right to maintain all existing private roads, bridges, and trails upon the Conservation and Scenic Easement Area.

2. The use and occupancy of the Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.

3. Management of vegetation within the Conservation and Scenic Easement Area in accordance with the Fuel Management Plan approved with the Permit on file with the Monterey County Planning Department.

D. SUBJECT TO APPLICABLE LAWS. Land uses permitted or reserved to the Grantor by this instrument shall be subject to all applicable laws regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the Property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the Property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Property contrary to the terms of this grant of easement will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the Property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in upon, or in any way connected with the Property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Conservation and Scenic Easement Area

is strictly limited to preventing uses inconsistent with the interest granted, the Property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

K. SEVERABILITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 29 day of August 2019, at Watsonville, California.

By: Ahmed Saba  
(Signature)

Ahmed Saba  
(Print or Type Name and Title)

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

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.

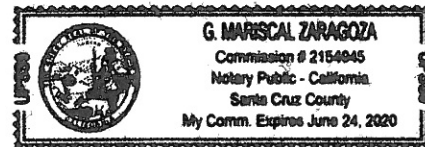
STATE OF CALIFORNIA)  
COUNTY OF <sup>CT</sup> MONTEREY)

On 08-29-2019 before me, G. Mariscal Zaragoza, a Notary Public, personally appeared Ahmed Saba, 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)

ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated August 30, 2018 from Ahmed Saba, a married man as his sole and separate property to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on MAY 19, 2020, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on MAY 19, 2020,) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: 5.19.2020

John M. Phillips - Christopher M. Lopez
Chair, Monterey County Board of Supervisors

ATTEST: 5.19.2020
DATED:

Valerie Ralph
Clerk of Said Board

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.

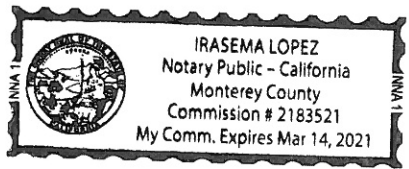
STATE OF CALIFORNIA )
) SS.
COUNTY OF MONTEREY )

On May 19, 2020 before me, Irasema Lopez, a Notary Public, personally appeared Christopher Lopez, 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]



(Seal)

Document Form/Content Acceptable:
Leslie J. Girard, County Counsel

By: [Handwritten Signature]

DATED: 5/19/20

Type/Print Name: Leslie J. Girard, Deputy County Counsel

[Handwritten Initials JGP]

**EXHIBIT A**

**PARCEL 1 AS SAID PARCEL IS SHOWN ON RECORD OF SURVEY FILED OCTOBER 24, 1967 IN VOLUME 8 OF SURVEYS AT PAGE 60, MONTEREY COUNTY RECORDS.**

**EXCEPTING THEREFROM ALL THAT PORTION CONVEYED TO THE COUNTY OF MONTEREY BY INSTRUMENT DATED JULY 8, 1967 AND RECORDED JULY 21, 1967 ON REEL 514 OFFICIAL RECORDS, AT PAGE 512.**



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

In the matter of the application of:

**SABA AHMED (PLN170822)**

**RESOLUTION NO. 18-050**

Resolution by the Monterey County Zoning Administrator:

- A) Finding the project is construction of small structures including a new single family residence and guesthouse which qualifies as Class 3 Categorical Exemption pursuant to Section 15303(a) of the CEQA guidelines, and there are no exceptions pursuant to Section 15300.2 of the CEQA guidelines; and
- B) Approving the Combined Development Permit consisting of:
  - 1) Coastal Administrative Permit to allow construction of a new 3,632 square foot one-story single family dwelling with an 864 square foot attached garage;
  - 2) Coastal Administrative Permit to allow construction of a 420 square foot detached guesthouse; and
  - 3) Coastal Development Permit to allow development within 100 feet of ESHA.

[PLN70822, SABA AHMED, 5 Hillcrest Road, Royal Oaks, North County Land Use Plan (APN: 117-081-013-000)]

**The Saba application (PLN170822) came on for public hearing before the Monterey County Zoning Administrator on 30 August 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS AND EVIDENCE**

1. **FINDING:** **CONSISTENCY** - The proposed project and use, as conditioned, is consistent with the 1982 Monterey County General Plan (General Plan), the North County Land Use Plan (NCLUP), and the requirements of the Title 20 Zoning Ordinance to include Chapter 20.76 (Coastal Administrative Permits) and other County health, safety, and welfare ordinances related to land use development.

**EVIDENCE:**

- a) The subject site is 1.41 acres in size and is zoned Medium Density Residential (MDR) in the coastal zone with development density of 4 units per acre (MDR/4(CZ)) in the North County Land Use Plan. Single family residential uses and guesthouses are principally permitted uses in the MDR zoning district subject to a Coastal Administrative Permit in each case. The principally allowed guesthouse is subject to Section 20.64.020 of Title 20.
- b) The subject parcel is within the Alisal-Elkhorn Slough watershed. Policy 2.9.2 of the NCLUP requires an archaeological report for

development within 100 yards of a known archaeological site and within floodways of the Pajaro or Salinas Rivers, McCluskey, Bennett, Elkhorn, Moro Cojo, or Tembladero Sloughs, the Old Salinas River Channel or Moss Landing Harbor. Although the property is within Alisal-Elkhorn Slough watershed, the development is neither within a floodplain nor within 100 yards of a known archaeological site. Furthermore, the subject parcel is low status for archaeological sensitivity. Therefore, an archaeological report was not required.

- c) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review because the project is categorically exempt from CEQA, does not involve variances or design approval subject to a public hearing, or conflict with a lot line adjustment.
- d) Development of the proposed project is within 100 feet of environmentally sensitive habitat (ESHA) which requires a Coastal Development Permit (CST). Pursuant to Section 20.04.030.F, the Zoning Administrator (ZA) may consider approval of a CST when designated by the Planning Director as the Appropriate Authority. There are no significant public policy issues, unmitigable significant adverse environmental impacts, significant changes in the nature of a community or area, nor establishment of precedents or standards by which other projects will be measured.
- e) The proposed project includes development of a principally permitted residential use of the property, an application that is normally considered by the Director of Planning. Due to the presence of Riparian Woodland and Seasonal Wetland, considered ESHA, within 100 feet of proposed development, a public hearing of the project is required. The Chief of Planning designates that the Zoning Administrator is the appropriate hearing body to consider this application.
- f) Section 404 of the Federal Clean Water Act (CWA) protects wetlands as waters of the United States and California Department of Fish and Wildlife (CDFW) has jurisdiction over the intermittent stream up to the Riparian dripline. Therefore, Staff requested a wetlands survey. Coast Range Biological LLC prepared a Wetlands and Biological Assessment for the project March 2018 (File No. LIB180156). The assessment concludes that no direct or indirect impacts on Seasonal Wetland and Riparian Woodland habitats are anticipated from the project with utilization of standard Best Management Practices (BMPs).
- g) In accordance with *NCLUP* Policy 2.3.3.B, the proposed project development is more than 50 feet from the extent of riparian vegetation and more than 100 feet from the landward edge of vegetation of the coastal wetland. Therefore, the proposed design is consistent with provisions of the Local Coastal Program.
- h) Pursuant to Section 20.144.040.B.6 of the North County Coastal Implementation Plan (CIP), a conservation easement dedication shall be required over environmentally sensitive habitat areas (ESHA) as a condition of approval for any development on a parcel containing ESHA (Condition No. 8).

- i) The subject parcel sits on the corner of Hillcrest Avenue and Salinas Road, back-to-back with the lot on the corner of Hillcrest Avenue and Colonial Circle. Therefore, the project qualifies for the setback exceptions set forth in Section 20.62.040.Q of Title 20 for back-to-back lots. Project setbacks are in accordance with the provisions for back-to-back corner lot setback exceptions in Section 20.62.040.Q of Title 20. Therefore, the project is consistent with the setback requirements for the parcel's development zone.
- j) A site inspection was conducted on 10 August 2018 by RMA Staff to verify that the project on the subject parcel conforms to the plans listed above and to verify that the site is suitable for residential use.
- k) The application, plans, and supporting materials, submitted by the project applicant to Monterey County RMA-Planning for the proposed development, are found in Project File PLN170822.

**2. FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, RMA-Environmental Services, North County Fire Protection District, RMA-Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) The following reports have been prepared:
    - “Soil Investigation Report” (LIB180248) prepared by Geronimo Martin Daliva, CA PE #65185, Salinas, California, 17 September 2017.
    - “Wetlands and Biological Assessment” (LIB180156) prepared by Coast Range Biological, LLC, Santa Cruz, CA, March 2018.
 None of the reports indicate that the site is not suitable for the proposed development.
  - e) A can and will serve letter was provided showing the new residence is entitled to connect to the Pajaro/Sunny Mesa Community Services District (PSMCSD) water system for the provision of residential water service.
  - f) The subject parcel has been confirmed by the County of Monterey as within the boundaries of the Pajaro (Bay Farms) District for the provision of sewer service.
  - g) The parcel is a corner lot on Hillcrest Road intersecting Salinas Road where an existing unpaved driveway cuts the corner. The new entrance is proposed as a 25 foot concrete driveway from Hillcrest, 110 feet from the north property boundary along Salinas Road. Condition No. 12 requires submittal of the driveway plans to RMA-Public Works & Facilities for review and approval, along with an encroachment permit, prior to issuance of building permits. Therefore, project implementation would include proper connection of the driveway to the public road along with safe sight distances.

**3. FINDING:** **CONSISTENCY (ESHA)** – Development on the property is proposed within 100 feet of environmentally sensitive habitats

(ESHA) in Monterey County. No adverse environmental impacts are anticipated.

- EVIDENCE:** a) A Wetlands and Biological Assessment (File No. LIB180156) prepared for the site identifies Riparian Woodland, Seasonal Wetland, and a potential wildlife movement corridor on the property. However, implementation of this project would not impact these areas for the following reasons:
- In accordance with NCLUP Policy 2.3.3.B.1, a 50 foot minimum setback is required from the Riparian Woodland dripline along the drainage swale on the eastern property boundary. Development would occur about 40 feet outside this 50 foot buffer, for a 90 foot total buffer. Therefore, neither implementation nor operation of the residence would adversely affect the existing Riparian Woodland.
  - Pursuant to NCLUP Policy 2.3.3.B.4, a 100 foot setback is required from the vegetated landward edge of a coastal wetland. Development would occur about 30 feet outside this 100 foot buffer from the Seasonal Wetland, for a 130 foot total buffer. Therefore, neither implementation nor operation of the residence would adversely affect the Seasonal Wetland.
  - The presence of residential development immediately to the east and south of the project site, and agricultural development to the north and west isolates the Riparian Woodland and Seasonal Wetland habitats from providing a movement corridor for native wildlife. Therefore, neither implementation nor operation of the residence would adversely affect a potential wildlife movement corridor.
- b) The California red-legged frog (CRLF) is protected by the Federal Endangered Species Act (ESA). The nearest documented (CRLF) occurrence is approximately 0.4 mile southwest of the study area and the subject parcel lacks aquatic habitat for the species. The species requires still or slow-moving ponds during the breeding season, generally December to April, and the intermittent Wetland was dry during the March 2018 assessment. Project implementation would not impact the intermittent Wetland habitat for CRLF. However, Condition 23 requires a fenced boundary no more than 20 feet from the edge of ground disturbance for the development, beyond which no ground disturbance, construction equipment, or personnel shall enter during the duration of construction. Therefore, any dispersed individuals of CRLF that have potential to occur in the vicinity would be protected during construction of the project.
- c) There is no tree removal proposed for construction of the new residence. However, the Federal Migratory Bird Treaty Act and the State Fish and Game Code Section 3503 prohibit disturbance or destruction of actively nesting birds. The Wetlands and Biological Assessment (File No. LIB180156) recommends a nesting bird survey no more than 15 days before any site demolition or vegetation clearing during February 1 through August 31 of any year. Therefore, Condition No. 9 requires a nesting survey prepared by a qualified professional biologist/ecologist no more than 15 days before ground disturbance during February 1 through August 31.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** a) The project was reviewed by the RMA-Planning, North County Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau (EHB), and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
5. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance.
- EVIDENCE:** a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and no violation exists on subject property.  
b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN170822.
6. **FINDING:** **PUBLIC ACCESS** - The project is consistent with the policies of the Local Coastal Program (LCP) and ordinances related to public trust or public use.
- EVIDENCE:** a) The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights pursuant to Section 20.70.050.B.4 of Monterey County Code. Pursuant to Section 20.70.050.B.4.c of the Monterey County Code, no substantial adverse impact on access, either individually or cumulatively, can be demonstrated.
7. **FINDING:** **CEQA (Exempt):** - Based on substantial evidence in light of the whole project, the project would not have a substantial adverse effect on the environment and no unusual circumstances were identified to exist for the proposed project. Therefore, the project requires no further environmental review under CEQA.
- EVIDENCE:** a) Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303(a), new construction of the first single family residence in residential zones qualifies as a Class 3 categorical exemption. The project includes construction of the first single family dwelling and accessory structures on the subject parcel.  
b) No adverse environmental effects were identified during RMA Staff review of the development application during a site visit on 10 August 2018.  
c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated

historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

- d) Development is set back beyond the required buffer distances from sensitive habitat on the site and will not adversely impact environmentally sensitive habitat areas or sensitive plant and wildlife species.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN170822.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and to the California Coastal Commission.

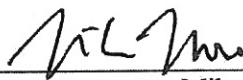
- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance states that the decision by the Zoning Administrator is appealable to the Board of Supervisors.
  - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because a wetland has been identified on the subject property.

### DECISION

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

1. Find the project Categorically Exempt per Section 15303(a) of CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2 of the CEQA guidelines;
2. Approve the Combined Development Permit consisting of:
  - a) Coastal Administrative Permit to allow construction of a new 3,632 square foot one-story single family dwelling with an 864 square foot attached garage;
  - b) Coastal Administrative Permit to allow construction of a 420 square foot detached guesthouse; and
  - c) Coastal Development Permit to allow development within 100 feet of ESHA,in general conformance with the attached Plan set and subject to conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 30<sup>th</sup> day of August 2018 by:



\_\_\_\_\_  
Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **AUG 31 2018**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **SEP 10 2018**



(Coastal Projects)

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

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

NOTES

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

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

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

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

Form Rev. 5-14-2014

# Monterey County RMA Planning

## Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN170822

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Combined Development Permit (PLN70822) allows construction of a new 3,632 square foot two-story single family dwelling with a 864 square foot attached garage and a 420 square foot attached guesthouse within 100 feet of ESHA. The property is located at 5 Hillcrest Road, Royal Oaks (Assessor's Parcel Number 117-081-013-000), North County Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 18-050) was approved by the Zoning Administrator for Assessor's Parcel Number 117-081-013-000 on 30 August 2018. The permit was granted subject to 24 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

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

**3. CC01 INDEMNIFICATION AGREEMENT**

**Responsible Department:** County Counsel

**Condition/Mitigation  
Monitoring Measure:**

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

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

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

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

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.  
(RMA - Planning)

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

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

**5. PD006(A) - CONDITION COMPLIANCE FEE**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

**Compliance or Monitoring Action to be Performed:** Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

**6. PD007- GRADING WINTER RESTRICTION**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** No land clearing or grading shall occur on the subject parcel between October 15 and May 1 unless authorized by the RMA Chiefs of Building Services and Planning.

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and May 1.

**7. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- Only 1 guesthouse shall be allowed per lot.
  - Detached guesthouses shall be located in close proximity to the principal residence.
    - Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
    - The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
    - The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
    - The guesthouse shall not exceed 425 square feet of livable floor area.
    - The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
    - Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
    - The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
    - The guesthouse height shall not exceed 12 feet nor be more than one story.
- (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning.

**8. PD022(C) - EASEMENT-CONSERVATION AND SCENIC (COASTAL)**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A conservation and scenic easement shall be conveyed to the County over those portions of the property where the wetland and riparian woodlands exist as delineated in the "Wetlands and Biological Assessment" prepared by Coast Range Biological March 2018 (LIB180156), in accordance with the procedures in Monterey County Code § 20.64.280.A. A Subordination Agreement shall be required, where necessary. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by the Director of RMA - Planning and the Executive Director of the California Coastal Commission, and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to issuance of grading and building permits. (RMA - Planning)

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

Prior to recording the parcel/final map or prior to issuance of grading and building permits, the Owner/Applicant shall submit a signed and notarized Subordination Agreement, if required, to RMA - Planning for review and approval.

Prior to or concurrent with recording the parcel/final map or prior to issuance of grading and building permits, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to RMA – Planning.

**9. PD050 - RAPTOR/MIGRATORY BIRD NESTING**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Any vegetation removal or noise, or disturbance during construction that occurs during the typical bird nesting season (February 1 through August 31), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine, if any, active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 15 days prior to ground disturbance or tree removal. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** No more than 15 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. Buffer zone distances, which depend to some degree on the species and shall be established in consultation California Department of Fish and Wildlife (CDFW), are typically at least 50 feet around native passerines, 100 feet around special-status passerines, and 300-1,000 feet or more around raptors, depending on the species. Work within established buffer zones shall be postponed until all the young are fledged, as determined by the project biologist



**10. PD012(H) - LANDSCAPING PLAN (NO. COUNTY NATIVE)**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from RMA - Planning. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

**11. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN**

**Responsible Department:** RMA-Planning

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

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

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

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

**12. PW0005 – DRIVEWAY IMPROVEMENTS**

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Construct driveway connection(s) to (Hillcrest Road). The design and construction is subject to the approval of the RMA. Encroachment Permits are required for all work within the public right-of-way.

**Compliance or Monitoring Action to be Performed:** Owner/Applicant shall submit the design for review and approval of the RMA-PWF, obtain an encroachment permit from the RMA prior to issuance of building or grading permits, and construct and complete improvements prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

**13. PW0010 - SEWER CONNECTION**

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Submit utility improvement plans and construct sewer connection(s). The design and construction is subject to the approval of the RMA. Owner/Applicant shall pay all applicable connection fees. Sewer connection permits are required, and Encroachment Permits are required for all work within the public right-of-way.

**Compliance or Monitoring Action to be Performed:** Owner/Applicant shall submit the design for review and approval of the RMA-PWF; obtain a connection permit and encroachment permit, if applicable, from the RMA prior to issuance of building or grading permits; and construct and complete improvements prior to occupancy or commencement of use. Sewer improvements to be constructed in compliance with approved plans. Applicant is responsible to obtain all permits and environmental clearances, any to pay all applicable fees.

**14. PW0045 – COUNTYWIDE TRAFFIC FEE**

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County RMA Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to the Development Services.

**15. WRSP01 - STORMWATER RETENTION PLAN - NORTH COUNTY COASTAL**

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall incorporate stormwater retention measures to emphasize retention of water on-site in order to maximize groundwater recharge. New development and the resulting impervious surfaces shall include measures to collect and conduct runoff to drainage areas/devices capable of minimizing runoff and allowing for stormwater infiltration (e.g., subsurface infiltration trenches, vegetated swales, bioretention filters, rainwater cisterns, etc). An overflow or high flow bypass system shall be provided. A registered civil engineer or other qualified professional shall design the stormwater retention plan in conformance with the water resources policies set forth in the North County Land Use Plan (2.5.3.A.4 & 2.5.3.C.6.c.). The stormwater retention plan shall be reviewed and approved by the Water Resources Agency. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the Owner/Applicant shall submit a stormwater retention plan with the construction permit application.

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

**16. STORMWATER CONTROL PLAN (PR1)**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Stormwater Control Plan prepared by a registered civil engineer, that addresses the Post-Construction Requirements (PCRs) for Development Projects in the Central Coast Region. The Stormwater Control Plan (with supporting calculations) shall include facilities to retain the 95th percentile 24-hour storm, and incorporate the measures identified on the completed Site Design and Runoff Reduction Checklist. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a Stormwater Control Plan to RMA-Environmental Services for review and approval.

**17. EROSION CONTROL PLAN**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Erosion Control Plan in conformance with the requirements of Monterey County Code Chapter 16.12. The Erosion Control Plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

**18. AS-BUILT CERTIFICATION**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** Prior to final inspection, the applicant shall provide a letter from a licensed engineer certifying that all development has been constructed in accordance with the recommendations in the Geotechnical Investigation and the approved Grading and Stormwater Control Plans. (RMA- Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed professional engineer.

**19. INSPECTION-PRIOR TO LAND DISTURBANCE**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

**20. INSPECTION-DURING ACTIVE CONSTRUCTION**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

**21. GEOTECHNICAL REVIEW CERTIFICATION**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from the licensed practitioner that their geotechnical recommendations have been incorporated into the grading plan and stormwater control plan. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or construction permit, the applicant shall provide certification from the licensed practitioner(s).

**22. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

**23. PDSP001 - BOUNDARY OF CONSTRUCTION AND STAGING AREA**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The parcel lacks aquatic habitat (ponds) for the California red-legged frog (CRLF). However, Riparian Woodland (~40 feet from onsite development) and Seasonal Wetland (~30 feet from onsite development) along the eastern boundary of the property could provide marginal foraging and sheltering habitat during the rainy season, if standing water is present; and the vegetative cover may facilitate dispersal from offsite breeding locations. These habitats will not be impacted by the project, but low numbers of CRLF individuals could be dispersing in the vicinity at night during the rainy season, and could incidentally occur on the project site.

CRLF is federally protected. Although the nearest documented CRLF occurrence is approximately 0.4 mile southwest of the study area, protective measures would ensure that incidental CRLF occurrences in the vicinity would not be impacted by construction.

Appropriate materials such as debris fencing and wattles shall be implemented for erosion control and control of sediment, pollutants, debris, or other materials from entering the Riparian Woodland or Seasonal Wetland.

**Compliance or Monitoring Action to be Performed:** Prior to ground disturbance, the applicant/owner shall provide a fenced boundary no more than 20 feet from the edge of ground disturbance for the development north of the building pad. No ground disturbance, construction equipment, or personnel shall enter beyond the fenced boundary during the duration of construction.

On an ongoing basis during construction, the applicant/owner shall ensure continued placement of the fenced boundary.

24. PD016 - NOTICE OF REPORT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:

"A Wetlands and Biological Assessment (Library No. LIB180156) was prepared by Coast Range Biological in March 2018, and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."  
(RMA - Planning)

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

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



# Exhibit A

## CONSERVATION AND SCENIC EASEMENT

5 Hillcrest Road | Watsonville, CA 95076 | Monterey County APN 117-081-013

**SITUATE** in the Rancho Bolsa de San Cayetano, County of Monterey, State of California.

**BEING** a conservation and scenic easement over a portion of the lands of Ahmed Saba as described in that deed recorded in Document Number 2017036613, Monterey County Records and more particularly described as follows:

**BEGINNING** at the southeast corner of the lands of Ahmed Saba as described in that deed recorded in Document Number 2017036613, Monterey County Records, said corner also being the southeast corner of Parcel One as shown on that record of survey map recorded in Volume 8 of Surveys at Page 60, Monterey County Records, from which the southwest corner of said Parcel One bears S 62°35'00" W 229.90 feet distant, thence from said Point of Beginning N 74°15'00" W 63.05 feet; thence N 31°10'19" W 107.26 feet; thence N 23°37'15" E 38.87 feet; thence N 22°52'55" W 47.36 feet; thence N 25°42'34" E 49.04 feet to the east boundary of the aforesaid lands of Ahmed Saba; thence along said east boundary S 20°19'29" E 213.06 feet; thence continuing along said east boundary S 36°09'26" E 40.28 feet to the Point of Beginning.

Containing 9,552 +/- square feet

**BASIS OF BEARINGS:** S 62°35' W established between found monuments as shown on the south boundary of Parcel One as shown on that record of survey recorded in Volume 8 of Surveys at Page 60, Monterey County Records.

As shown on EXHIBIT B attached hereto and made a part hereof.

Surveyed and prepared by:

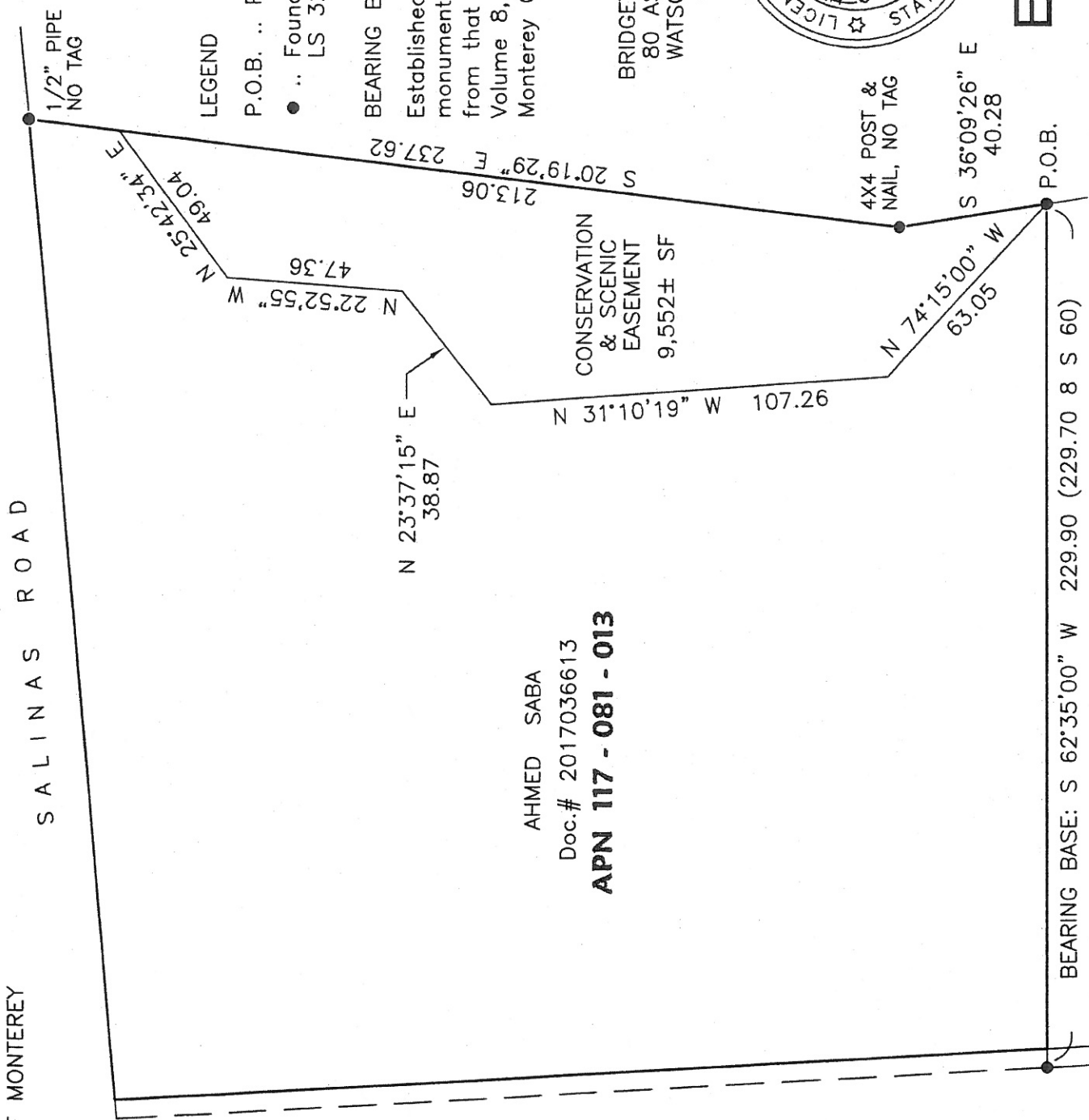
Michael J. Bridgette, PLS  
Bridgette Land Surveying  
August 7, 2019



COUNTY OF MONTEREY

SALINAS ROAD

HILLCREST ROAD



Scale: 1" = 40'

LEGEND

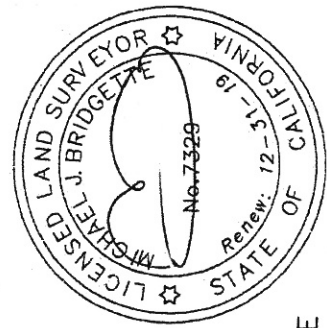
P.O.B. .. Point of Beginning

- .. Found 1/2" pipe tagged LS 3233, or as noted

BEARING BASE:

Established between the found monuments as shown. Taken from that map recorded in Volume 8, Surveys, Page 60 Monterey County Records.

BRIDGETTE LAND SURVEYING  
 80 ASPEN WAY SUITE A  
 WATSONVILLE, CA 95076  
 831.722.5800



**Exhibit B**  
 Sheet 2 of 2

AHMED SABA  
 Doc.# 2017036613  
**APN 117 - 081 - 013**

CONSERVATION  
 & SCENIC  
 EASEMENT  
 9,552± SF

BEARING BASE: S 62°35'00" W 229.90 (229.70 8 S 60)