



# County of Monterey

Item No.

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: A 26-005

January 13, 2026

Introduced: 12/22/2025

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Approve and authorize the Chair to execute a Landscape Maintenance Agreement between the County of Monterey and Andrew Gerard Tope for ongoing landscape maintenance within the County right-of-way.
- b. Direct the Clerk of the Board to submit the executed Agreement to the Recorder for filing.

### RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Approve and authorize the Chair to execute a Landscape Maintenance Agreement ("Agreement") between the County of Monterey and Andrew Gerard Tope for ongoing landscape maintenance within the County right-of-way.
- b. Direct the Clerk of the Board to submit the executed Agreement to the Recorder for filing.

### SUMMARY/DISCUSSION:

On November 15, 2022, Housing and Community Development (HCD) received a code violation complaint from the public indicating the property owner of Assessor's Parcel Number 139-021-001-000 for grading within the floodway and removal of vegetation without permits, including unpermitted use of the property by conducting business as a tree service company.

On December 20, 2022, HCD issued an administrative citation to the property owner following an inspection conducted on December 9, 2022. The citation outlined several on-site County code violations for grading on slopes of greater than 25% (Monterey County Code (MCC) section 14.04.020), having a trailer connected to unpermitted utilities (MCC section 18.01.090), storage of landscaping supplies (MCC section 18.00.020), construction of structures without permits for green houses over 240 square feet (MCC sections 18.01.090, 21.44.A), accessory structures (MCC section 18.01.090), fences over 6-feet, placement of materials and containers (MCC section 18.00.020), water and septic tanks and electrical added to accessory structures (MCC section 21.44.A). Additionally, the citation included off-site installation of trees and a secondary access driveway on River Road within public right of way (14.04.020).

On April 20, 2023, December 7, 2023, and December 12, 2023, HCD received additional code violation complaints from the public indicating unpermitted planting of trees within the public right-of-way along the frontage of the property at 225 River Road, Salinas (APN: 139-021-001-00).

The property owner is currently processing a design approval (DA240116) and construction permit (25CP01001) with the Housing and Community Development Department to legalize the use of the property, all unpermitted structures and clear the existing on-site code enforcement violations.

To clear the off-site code violations, the owner applied for an Encroachment Permit Application (25EP0041) to construct and legalize the secondary driveway access in accordance with County standards and to allow the existing trees within the public right of way to remain in place, citing a need of enhanced privacy for the existing residence and noise reduction from River Road traffic. As a condition for allowing the trees to remain in County right of way, the owner agrees to enter into a landscape maintenance agreement with the County whereby the owner will conduct regular maintenance activities, at its own cost, and in accordance with the attached Maintenance Agreement (Attachment A) and/or as required by the Director of Public Works, Facilities and Parks (PWFP). The Agreement includes an indemnification and hold harmless provision, whereby the property owner agrees to immediately indemnify, defend, and hold County harmless from costs stemming from any third-party claim against the County based on its execution of the Agreement.

Staff has reviewed the request, conducted a site visit and found the location of planted trees in the County Road right-of-way would not obstruct the visibility of the traveling public. Therefore, based on staff review and with the intent to minimize liability to the County by establishing the maintenance agreement with the indemnification and hold harmless provision, staff recommends that the Board approves and authorize the Chair to execute the Landscape Maintenance Agreement.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the recommendation as to form. County Risk Management office has reviewed the insurance limits and endorsements for conformance with County requirements. HCD - Engineering Services staff coordinated with PWFP on this request.

FINANCING:

Staff costs to prepare this report are included in the FY2025-26 Adopted Budgets for Public Works, Facilities, and Parks and Housing and Community Development. PWFP Appropriation Unit PFP004, Unit 8558 and HCD Appropriation Unit HCD002, Unit 8543.

The cost of the Maintenance Agreement processing is funded with applicant fees.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action supports the Board of Supervisors' Strategic Plans and Goals.

- ☒ Well-Being and Quality of Life
- ☐ Sustainable Infrastructure for Present and Future
- ☐ Safe Resilient Communities
- ☐ Diverse and Thriving Economy

Prepared by: Armando Fernandez, P.E., Senior Civil Engineer, HCD-Engineering Services

Reviewed by: Joshua Bowling, CBO, CCEO, Chief of Building Services, HCD

Reviewed by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities and Parks

Approved by: Craig Spencer, ACIP, Director of Housing and Community Development

The following attachment(s) are on file with the Clerk of the Board:

Attachment A - Tope Landscape Maintenance Agreement