

# Attachment A

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When recorded return to:  
COUNTY OF MONTEREY HOUSING  
AND COMMUNITY DEVELOPMENT  
DEPARTMENT - PLANNING  
Attn: **ELIZABETH GONZALES**  
1441 Schilling Place, South 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025

Space above for Recorder's Use

**Owner Name:** Scott A. Hawkins and Suzan F. Hawkins, husband and wife as joint tenants  
**Permit No.:** PLN050678  
**Resolution No.:** 10-027  
**APN:** 181-151-005-000  
**Project Planner:** Elizabeth Gonzales

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  
 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 29<sup>th</sup> day of December, 2023, by and between **Scott A. Hawkins and Suzan F. Hawkins, husband and wife as joint tenants** 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

**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** (File Number **PLN050678**) (hereinafter referred to as the "Permit") was granted on **July 29, 2010** by the Monterey County **Zoning Administrator** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **10-027**. That resolution is attached hereto as Exhibit "B" (without plans) and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

**A conservation and scenic easement shall be conveyed to the County over those portions of the property where Environmentally Sensitive Habitat exists. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the HCD- Planning Department prior to issuance of grading and building permits.**

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**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 except None.

2. That no advertising of any kind or nature shall be located on or within the Conservation and Scenic Easement Area except None.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area, except for the protected vegetation as required by the biological report.

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, trails and structures upon the Conservation and Scenic Easement Area, and the right to maintain the protected vegetation as required by the biological report.

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 24th day of DECEMBER, 2023, at PRUNEDALE, California.

By:

  
(Signature)

Scott A. Hawkins  
(Print or Type Name and Title)

By:

  
(Signature)

Suzan F. Hawkins  
(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.

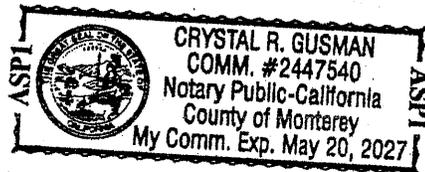
STATE OF CALIFORNIA)  
COUNTY OF MONTEREY)

On December 29, 2023 before me, Crystal R. Gusman, a Notary Public, personally appeared Scott A Hawkins, 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)

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.

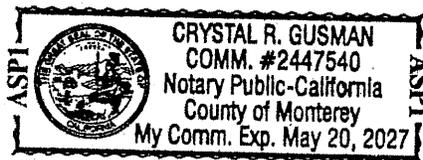
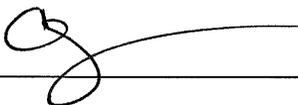
STATE OF CALIFORNIA)  
COUNTY OF MONTEREY)

On December 29, 2023 before me, Crystal R. Gusman, a Notary Public, personally appeared Suzan F. Hawkins, 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 July 29, 2010 from Scott A. Hawkins and Suzan F. Hawkins, husband and wife as joint tenants to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on \_\_\_\_\_, (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 \_\_\_\_\_,) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: \_\_\_\_\_

Glenn Church
Chair, Monterey County Board of Supervisors

ATTEST:

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 \_\_\_\_\_ 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)

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

By: [Signature] PCC

DATED: 1-4-2011

Type/Print Name: Robert I. Bryer, PCC, Deputy County Counsel

**EXHIBITS TO BE ATTACHED TO:  
CONSERVATION AND SCENIC EASEMENT DEED**

1. **EXHIBIT "A"**: Full legal description of the entire property for which a Development Permit was granted. The legal description may be obtained from a grant deed or title report for the property. A parcel number will not be accepted as a legal description.
2. **EXHIBIT "B"**: A copy of Monterey County Resolution granting the Development Permit.
3. **EXHIBIT "C"**: An official surveyor's map, parcel map or plot plan, accompanied by a metes and bounds description, prepared by a licensed surveyor, showing the exact location of the easement on the property. Exhibits shall be marked as C-1, C-2, etc.

"ANY EXHIBIT(S) MUST BE NO LARGER THAN 8 1/2" X 14"

## EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Monterey, State of California, and is described as follows:

Beginning at a 3/4" pipe at the Northeast corner of the lands conveyed by Estelle M. Blohm to Zella Luco by Deed recorded in Reel 623, Page 551, Official Records of Monterey County and running thence from said point of beginning South 85° 12' 30" West along the Northerly line of said lands 447.21 feet to a 3/4" pipe; thence leaving said line North 83° 00' 40" West 100.00 feet; thence North 2° 17' 20" East 493.58 feet; thence North 86° 39' East 350.00 feet to a 3/4" pipe; thence South 73° 01' East 216.48 feet to a 3/4" pipe; thence North 89° 05' 30" East 275.57 feet to a 3/4" pipe; thence North 80° 14' 30" East 78.15 feet to a 3/4" pipe; thence South 37° 28' 30" West 253.77 feet to a 3/4" pipe; thence South 43° 32' 15" West 333.04 feet to the point of beginning.

Excepting therefrom that portion thereof, set forth in the Deed to Roy Dean Lay, et ux, recorded October 2, 1974 in Reel 938 of Official Records, at Page 183.

Also excepting therefrom that portion thereof set forth in the Deed to Dean M. Sanders, recorded March 3, 1972 in Reel 757 of Official Records, at Page 299.

EXHIBIT B

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

In the matter of the application of:

**HAWKINS, SCOTT & SUZAN (PLN050678)**

**RESOLUTION NO. 10-027**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Adopts Mitigated Negative Declaration per (CEQA) Guidelines Section 15070; and
- 2) Approves Combined Development Permit consisting of 1) a Coastal Administrative Permit to construct a new 5,405 square foot single family dwelling with 101 square foot porch, 739 square foot deck and a 712 square foot attached garage, new propane tank, new septic system, and grading (530 cubic yards of cut/530 cubic yards of fill); 2) Coastal Administrative Permit to allow two new 5,000 gallon water tanks, 3) Coastal Development Permit for the removal of four Coast live oak clusters and three individual Coast live oak trees (ranging from 6 to 12 inches in diameter); and 4) Coastal Development Permit for restoration of previous development within environmentally sensitive habitat to clear Code violation CE060151; and
- 3) Adopts the Mitigation Monitoring and Reporting Program (**Exhibit 1**).

(PLN050678, 895 Elkhorn Road, Royal Oaks, North  
County Land Use Plan (APN 181-151-005-000)

**The Combined Development Permit application (PLN050678) came on for public hearing before the Monterey County Zoning Administrator on July 29, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Land Use Plan, Monterey County Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

**EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- (b) The property is located at 895 Elkhorn Road, Royal Oaks (Assessor's Parcel Number 181-151-005-000), North County Land Use Plan. The parcel is zoned Rural Density Residential, 5 acres per unit in the Coastal Zone ("RDR/5 (CZ)") which allows residential development. Therefore, the property is suitable for the proposed development.
- (c) The project planner conducted site inspections on February 4, 2009, July 15, 2009, and September 10, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- (d) The project proposes the construction of a single family dwelling with a Coastal Administrative Permit pursuant to Section 20.16.040.A of the Monterey County Code. Site development standards are as follows:

Main Structure:

Required Front setback:	30 feet	Proposed:	83 feet
Required Side setback:	20 feet	Proposed:	44 feet/20 feet
Required Rear setback:	20 feet	Proposed:	100+ feet
Required Max Height:	30 feet	Proposed:	27 feet

Water Tanks:

Required Front setback:	50 feet	Proposed:	200+ feet
Required Side setback:	6 feet	Proposed:	8 feet
Required Rear setback:	1 foot	Proposed:	100+ feet
Required Max Height:	15 feet	Proposed:	15 feet

Other entitlements include:

Coastal Administrative Permit to allow two 5,000 gallon water storage tanks; Coastal Development Permit to allow the removal of four Coastal live oak clusters and three individual Coast live oak trees (ranging from 6 to 12 inches in diameter); Coastal Development Permit for restoration of previous development within environmentally sensitive habitat to clear Code violation CE060151. The project, as proposed, is consistent with the applicable zoning policies.

- (e) The Biological Report and site visits confirmed that the property contains environmentally sensitive habitat areas (ESHA). Potential impacts were identified during the Initial Study process and under Code violation CE060151. (See *Finding 3*) Because the proposed project is within 100 feet of ESHA, it requires a Coastal Development Permit pursuant to Section 20.16.030 of Monterey County Code. Also, pursuant to Section 20.144.040.B.6 North County Coastal Implementation Plan (NCCIP), the environmentally sensitive area at the top portion of the property will be dedicated to a conservation scenic easement. (Condition #8)
- (f) The parcel is located within a public viewshed. The North County Land Use Plan (LUP) **Policy 2.2.4.5** states that Elkhorn Road is considered a County Scenic Route with Kirby Park as a public viewing area. The structure can be seen from Kirby Park. However, the house will be graded into the site to reduce mass and colors of green and brown will be used to naturally blend into the vegetation. Visual impacts are considered less than significant.
- (g) The parcel is not described as an area where the Local Coastal Program requires access and it is not indicated as part of any designated trails or shoreline access as shown in Figure 6 (Shoreline Access/Trails Map) of the North County. The project, as proposed, is consistent with the policies of the North County Land Use Plan. (See *Finding 4*)

- (h) On May 4, 2009, North County Coastal Land Use Advisory Committee (LUAC) voted 3-1 to approve the project with a scenic easement restriction on the areas not occupied by the dwelling. The dissenting vote did not agree that the LUAC should put such a restriction on the application. Policy 2.3.6 of the North County Land Use Plan encourages property owners to establish conservation easements or deed restrictions within environmentally sensitive habitat areas. The applicant proposes to put to the upper portion of the property located within the 30 percent slope, approximately 50,000 square feet, into a conservation scenic easement for further protection.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN050678.

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

**EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department North County Fire Protection District, Public Works, Environmental Health Bureau and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) The parcel is identified on County resource maps as located within a high fire hazard area. Section 20.144.100.C of the Coastal Implementation Plan Part 2 requires the filing of a deed restriction to note that development may be subject to certain restrictions (Condition #6).
- (c) Technical reports by outside biological and geotechnical consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The Zoning Administrator concurs. The following reports have been prepared:
  - i. Geologic and Soil Engineering Report and Percolation Testing (LIB060368), prepared by Landset Engineers, Inc., Salinas, California, October 2005.
  - ii. Restoration Plan for 895 Elkhorn Road, Watsonville (LIB100046), prepared by Ed Mercurio, Biological Consultant, Salinas, CA, May 2006.
  - iii. Biological Survey Report (LIB100047), prepared by Ed Mercurio, Biological Consultant, Salinas, CA, September 2006.
  - iv. Biological Agreement for Monitoring Inspections (LIB100049), prepared by Ed Mercurio, Biological Consultant, Salinas, CA, February 2007.
  - v. Tree Assessment Plan (LIB100149), prepared by Frank Ono, Certified Arborist, dated March 19, 2009.
- (d) Staff conducted a site inspection on February 4, 2009, July 15, 2009, and September 10, 2009 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN050678.

**3. FINDING: CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a

significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:** (a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15070 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- (b) Biological Reports, Code violation and site visits confirmed that the property contains environmentally sensitive habitat area (ESHA). The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN050678).
- (c) In March 2006, a Code violation ensued on the property for the removal of a substantial amount of Central Maritime Chaparral, an Environmentally Sensitive Habitat Area (ESHA) and other plant communities as a result of un-permitted brush clearing. The impacted area was approximately 25,000 square feet in size; approximately 15,000 square feet is located south of the dirt road across the property and approximately 10,000 square feet is located north of the dirt road. Mitigation measures required would bring the project to less than significant.
- (d) Mitigation Measures include, signed agreements between the applicant, biologist and the contractor to ensure protection of ESHA during construction, placing the 30 percent slope northern portion of the site containing ESHA in a conservation scenic easement, and replanting of the Central Maritime Chaparral prior to final of grading/building permits
- (e) The Initial Study identified potentially significant effects to ESHA, mitigation measures required for Biological Resources would bring the project to less than significant. The Draft Mitigated Negative Declaration ("MND") for PLN050678 was prepared in accordance with CEQA and circulated for public review from June 11, 2010 to July 12, 2010 (SCH#: 2010061031). Issues that were analyzed in the Draft Mitigated Negative Declaration ("MND") include: aesthetics, air quality, biological resources, and greenhouse gases.
- (f) Previous owners were cited for removing a substantial amount of Central Maritime Chaparral and other plant communities as a result of un-permitted brush clearing. A restoration plan has been submitted and accepted by the Planning Department. Mitigation measures required for restoration include signed agreements between the applicant, biologist and the contractor to ensure all recommended replanting and protection of ESHA be adhered to during construction and prior to final of building permits. With the proposed mitigation, the potential impacts of the proposed project can be considered less than significant.
- (g) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance Plan and Mitigation Monitoring Reporting program has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**.
- (h) Evidence that has been received and considered includes: the application, technical studies/reports (*See Finding 2/Site Suitability*), staff reports that

reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN050678) and are hereby incorporated herein by reference.

- (i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the California Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports Environmentally Sensitive Habitat. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. California Department of Fish and Game reviewed the MND to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee for processing said fee and posting the Notice of Determination (NOD).
- (j) The County received one comment during the Initial Study review period. On June 21, 2010, comment from Marjorie Kay pointed out two errors in the draft MND; 1) That Crazy Horse Canyon Landfill was closed to the public on February 28, 2009; and 2) that the Hawkins parcel is located approximately one mile from Elkhorn Slough not five miles. She has a problem with the size of the proposed house and the attached garage (over 6000 square feet) and neighborhood compatibility. Her concerns at the North County LUAC meeting last year were size of house and possibility of unsale-ability in the future which would become a burden for County. The project, as proposed, is consistent with the applicable zoning policies. The County has no policies or regulations that restrict house size other than limitations to lot coverage, floor area ratio, setbacks, slopes, etc. Her concerns are economic based and not environmental impacts.
- (k) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based.

**4. FINDING:** **PUBLIC ACCESS** - 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. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan (Part 1), can be demonstrated.

**EVIDENCE:**

- (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 6 (Shoreline Access/Trails Map) of the North County Coastal Land Use Plan, and complies with the North County Coastal Land Use Plan.

- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Site visits by the project planner on February 4, 2009, July 15, 2009, and September 10, 2009.

**5. FINDING: VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. A violation exists on the property. Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:**
- (a) Staff reviewed Monterey County RMA - Planning Department and RMA Building Services Department Monterey County records and determined that a pending code enforcement case (CE060151) exists on the property. The proposed application includes discretionary actions designed to alleviate the existing violation.
  - (b) In early 2006, previous owners were cited by the County of Monterey Code Enforcement for removing a substantial amount of Central Maritime Chaparral and other plant communities as a result of un-permitted brush clearing. The impacted area was approximately 25,000 square feet in size; approximately 15,000 square feet is located south of the dirt road across the property and approximately 10,000 square feet is located north of the dirt road.
  - (c) Code Enforcement and Planning staff determined full restoration of the un-permitted brush clearing would be unfeasible because the area located above the dirt road was the only feasible area for development. Therefore, in February 2007, new owners entered into a Compliance Agreement with Monterey County Code Enforcement that required partial restoration of the Pajaro Manzanita. This includes the 15,000 square feet below the dirt road which is located within 30 percent slope and a small portion of the 10,000 square feet above the dirt road where the house will be located. Also, applicant proposes to put to the upper portion of the property located within the 30 percent slope, approximately 50,000 square feet, into a conservation scenic easement for further protection. Restoration is required prior to final of grading/building permit; a restoration plan has been submitted and accepted by the Planning Department.
  - (d) Site visits by the project planner on February 4, 2009, July 15, 2009, and September 10, 2009.
  - (e) Materials in Project File PLN050678.

**6. 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:** See Findings #1, #2, #3 and #5 and support evidence.

**7. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission). Any approved project involving development that is permitted in the underlying zone as a conditional use may be appealed to the Coastal Commission. Pursuant to 20.16.030 of the Monterey County Code, development within 100 feet of mapped or field identified environmentally sensitive habitat is a conditional use.

### DECISION

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

- A. Adopt Mitigated Negative Declaration per (CEQA) Guidelines Section 15070; and
- B. Approve Combined Development Permit consisting of 1) a Coastal Administrative Permit to construct a new 5,405 square foot single family dwelling with 101 square foot porch, 739 square foot deck and a 712 square foot attached garage, new propane tank, new septic system, and grading (530 cubic yards of cut/530 cubic yards of fill); 2) Coastal Administrative Permit to allow two new 5,000 gallon water tanks, 3) Coastal Development Permit for the removal of four Coast live oak clusters and three individual Coast live oak trees (ranging from 6 to 12 inches in diameter); and 4) Coastal Development Permit for restoration of previous development within environmentally sensitive habitat to clear Code violation CE060151; and
- C. Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**).

**PASSED AND ADOPTED** this 29<sup>th</sup> day of July 2010.



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **AUG 05 2010**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **AUG 15 2010**

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

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

NOTES

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

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

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

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

**RESOLUTION 10-027 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance Plan and Mitigation Monitoring**  
**Reporting Plan**

Project Name: Hawkins, Scott and Suzan  
 File No: PLN050678 APNs: 181-151-005-000  
 Approved by: Zoning Administrator Date: July 29, 2010

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Ming. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
1.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This Combined Development Permit consists of a 1) Coastal Administrative Permit to construct a new 5,405 square foot single family dwelling with 101 square foot porch, 739 square foot deck and a 712 square foot attached garage, new propane tank, new septic system, and grading (530 cubic yards of cut/530 cubic yards of fill); 2) Coastal Administrative Permit to construct two 5,000 gallon water tanks, 3) Coastal Development Permit for the removal of four Coast live oak clusters and three individual Coast live oak trees (ranging from 6 to 12 inches in diameter); and 4) Coastal Development Permit for restoration of previous development within environmentally sensitive habitat to clear Code violation CE0601511). The property is located at 895 Elkhorn Road, Royal Oaks (Assessor's Parcel Number 181-151-005-000), North County Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in</p>	Adhere to conditions and uses specified in the permit.	Owner/Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Filing	Verification of Compliance (name/date)
		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. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 10-027) was approved by the Zoning Administrator for Assessor's Parcel Number 181-151-005-000 on July 29, 2010. The permit was granted subject to 32 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD012(H) - LANDSCAPING PLAN - NORTH COUNTY COASTAL NATIVE</b> 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 ( <i>Suggested Native Species Landscaping List - North County Coastal Zone</i> ) from the RMA - Planning Department. <b>(RMA - Planning Department)</b>	Submit landscape plans and contractor's estimate to RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	

Permit Contd. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4.		<b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b>	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.  If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.  Prior to the start of use or the issuance of building or grading permits	
5.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on July 29, 2013 unless use of the property or actual construction has begun within this period. <b>(RMA - Planning Department)</b>	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
6.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA - Planning Department and Building Services Department)</b>	Submit certification by the geotechnical consultant to the RMA - Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
7.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of building permits,	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b>			whichever occurs first.	
8.		<b>PD021 - DEED RESTRICTION - FIRE HAZARD</b> Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.144.100.C of the Coastal Implementation Plan and per the standards for development of residential property." <b>(RMA - Planning Department)</b>	Submit signed and notarized document to the Director of RMA - Planning Department for review and signature by the County.  Proof of recordation of the document shall be submitted to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading or building permits	
9.		<b>PD016 - NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states the following reports have been prepared: <ul style="list-style-type: none"> <li>• "A Restoration Plan has been prepared for this parcel by Ed Mercurio, Biological Consultant, dated May 2006;</li> <li>• A Biological Survey has been prepared for this parcel by Ed Mercurio, Biological Consultant, dated September, 2006;</li> </ul> A Biological Agreement for Monitoring Inspections" has been prepared for this parcel by Ed Mercurio, Biological Consultant, dated February 2007; and are on record in the Monterey County RMA - Planning Department, Library Nos. LIB100046, LIB100047 and LIB100049. All development shall be in accordance with these reports." <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.  Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.  Proof of recordation of the document shall be submitted to the RMA - Planning Department.	Owner/ Applicant  Owner/ Applicant	Prior to the issuance of grading and building permits.  Prior to Occupancy	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
10.		<p><b>PD022(A) – EASEMENT – CONSERVATION AND SCENIC</b></p> <p>A conservation and scenic easement shall be conveyed to the County over those portions of the property where Environmentally Sensitive Habitat exists. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. <b>(RMA – Planning Department)</b></p>	<p>Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.</p> <p>Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.</p>	Owner/ Applicant/ Certified Professional	Prior to issuance of grading and building permits	
11.		<p><b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN (NON-STANDARD)</b></p> <p>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. Light fixtures visible from Kirby Park shall be recessed or of a type that the light source is not visible from Kirby Park. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b></p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to final inspection or commence- ment use	
				Owner/ Applicant	Prior to issuance of building permits.	
				Owner/ Applicant	Prior to Occupancy/ Ongoing	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
12.		<b>WR2 - STORMWATER CONTROL</b> The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ engineer	Prior to issuance of grading or building permits	
13.		<b>WR40 - WATER CONSERVATION MEASURES</b> The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
14.		<b>EHSP001 ENGINEERED SEPTIC SYSTEM – (NON STANDARD)</b> Submit an engineered wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. Delineate on the revised site plan the location of the septic system	Environmental Health Bureau must approve plans. Pay all applicable fees.  Submit an engineered wastewater disposal system design to the Environmental Health Bureau for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of building permits.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (num/date)
15.		<p>area subject to vehicular traffic and submit site-specific engineering for the area subject to vehicular traffic over the septic system. Install primary and secondary drain fields at initial construction. (Environmental Health)</p> <p><b>EHSP002 - WATER TANKS (NON STANDARD)</b>            Design the tanks to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations. Submit plans for review and approval to Environmental Health for new water tanks and pay all associated fees prior to installation. (Environmental Health)</p>	<p>Submit plans for review and approval to Environmental Health for new water tanks and pay all associated fees prior to installation.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to issuance of building permits.</p>	
16.		<p><b>FIRE007 - DRIVEWAYS</b>            Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection.</p>	

Permi- Cond- Number	Mitig- Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (North County Fire District)				
17.		<b>FIRE004 - DEAD-END ROADS (2)</b> For parcels greater than 1 acre and not exceeding 5 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 1320 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (North County Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner  Applicant or owner	Prior to issuance of grading and/or building permit.  Prior to final building inspection	
18.		<b>FIRE002 - ROADWAY ENGINEERING</b> The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner  Applicant or owner	Prior to issuance of grading and/or building permit.  Prior to final building inspection	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (North County Fire District)				
19.		<b>FIRE008 - GATES</b> All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (North County Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
20.		<b>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</b> For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (North County Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
			Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, to certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
21.		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (<b>North County Fire District</b>)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection</p>	
22.		<p><b>FIRE015 - FIRE HYDRANTS/FIRE VALVES</b> A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (immediate)
		<p>apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. (North County Fire District)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	
23.		<p><b>FIRE025 - SMOKE ALARMS - (SINGLE FAMILY DWELLING)</b>  Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (North County Fire District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	
24.		<p><b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</b>  Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys.</p>	<p>Applicant shall schedule fire alarm system acceptance test.</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	
			<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, to certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (North County Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
25.		<b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b> The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (North County Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept. rough sprinkler inspection  Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner  Applicant or owner  Applicant or owner	Prior to issuance of building permit.  Prior to framing inspection  Prior to final building inspection	
26.		<b>FIRE026 - ROOF CONSTRUCTION (STANDARD)</b> All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. (North County Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
<b>Mitigation Measures</b>						
27.	1.	<b>Mitigation Measure #1:</b> An agreement between the Contractor and the Applicant shall be signed stating that the contractor received and fully read and understood the Biological Report prepared by Ed Mercurio dated May 22, 2006. A note shall be put on the construction plans requiring that all recommendations shall be adhered to during	<b>Monitoring Action #1:</b> a) A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits. Restoration of eroded areas shall take place before	Applicant or owner	Prior to issuance of grading/building permit.	

Permit Cont. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		construction. (RMA-Planning Department)	<p>erosion control seeding and planting are undertaken. Gullies shall be filled and drainage shall be directed in ways to minimize future erosion damage.</p> <p>b) Copy of construction plans shall be submitted to the RMA – Planning Department that shows all recommendations are required be adhered to during construction.</p> <p>Additional on-going Monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading/building permit.</p> <p>During construction</p>	
28.	2.	<p><b>Mitigation Measure #2:</b> The non-native annual grasses and broad-leaved herbaceous weeds shall be removed before any other restoration activities begin. This shall be done as soon as possible so as to remove these plants before they form and distribute their seeds. Since the impacted area is fairly small, hand clearing would be possible and preferable so as to retain native annual grasses and native annual broad-leaved herbaceous plants which are also abundant. (RMA-Planning Department)</p>	<p><b>Monitoring Action #2:</b> Photos showing proof of the removal of non-native weeds shall be submitted to the RMA-Planning Department for review and approval prior to final of grading/building permits.</p> <p>Additional on-going Monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	<p>Applicant or owner</p>	<p>Prior to final of grading/building permit.</p> <p>During construction</p>	
29.	3.	<p><b>Mitigation Measure #3:</b> Erosion control seeding shall be done with erosion control mix composed of native annual and perennial grasses and other native herbaceous plants of local origin augmented, as necessary, with sterile barley or other sterile, aggressive, non-native, soil retaining crop.</p>	<p><b>Monitoring Action #3:</b> The applicant shall submit a time schedule for erosion control seeding. Prior to issuance of construction permits, the timing schedule shall be put on the grading and building plans</p>	<p>Applicant/ Biologist</p>	<p>Prior to issuance of grading/building permit.</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Native grass hay should be used as mulch and for rolls and bales used in erosion control. These measures and all of the mitigation planting shall be completed shortly before, or close to, the start of the next rainy season. A note shall be put on the construction plans requiring that the erosion control seeding will be done after grading is complete and before the rainy season. <b>(RMA-Planning Department)</b>	and submitted to the RMA Planning Department for review and approval. The installation/timing schedule shall be adhered to by the contractor.  Written proof that the contractor adhered to the erosion control seeding shall be submitted to the RMA-Planning Department for review and approval.  Additional on-going Monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.	Applicant/ Biologist	Prior to final of building permit.	
30.	4.	<b>Mitigation Measure #4:</b> The applicant shall plant 230 plants from the list included in the Biological Report prepared by Ed Mercurio dated May 22, 2006. The species of plants recommended for mitigation are the dominant plants that were formerly present in the impacted area and are similar over the entire impacted area. A note shall be put on the construction plans requiring that the 230 plants shall be planted prior to receiving final of building permits. <b>(RMA-Planning Department)</b>	<b>Monitoring Action #4:</b> a) The applicant shall submit receipts of purchases from a local nursery and photos as proof of such planting to the RMA-Planning Department for review and approval.  b) Copy of construction plans shall be submitted to the RMA - Planning Department that shows the 230 plants are to be planted prior.	Applicant or owner	Prior to final of building permit.	
31.	5.	<b>Mitigation Measure #5:</b> Monitoring inspections shall be done by a qualified biologist once immediately before the start of construction, once within the three months following completion of the restoration work and revegetation plantings, and once each year following completion, in	<b>Monitoring Action #5:</b> a) Applicant shall submit a monitoring inspection report immediately before the start of construction;	Applicant/ Biologist	Prior to issuance of grading/ building permit.	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (frame/dline)
		<p>the spring season, for the next 4 years. <b>(RMA-Planning Department)</b></p>	<p>b) Applicant shall submit a monitoring inspection report 3 months following completion of the restoration work;</p> <p>c) Applicant shall submit a report on progress every year for the next four years.</p>	<p>Applicant/ Biologist</p> <p>Applicant/ biologist</p>	<p>3 months after restoration completed.</p> <p>Annually for four years following completion of restoration work.</p>	
32.	6.	<p><b>Mitigation Measure #6:</b> Trees are to be protected and preserved in or near the construction area. A boundary of orange snow netting or high visibility plastic fencing supported by wood or metal stakes and or straw bales shall be erected along the approximate drip lines of such protected trees to define the construction project boundary. Excavation and construction activities and materials should not intrude into this defined boundary at any time and kept as much as possible within proposed structure and driveway footprints or outside tree drip lines in the treeless areas. A note shall be put on the construction plans requiring the contractor to adhere to the Tree Assessment Plan prepared by Frank Ono. <b>(RMA-Planning Department)</b></p>	<p><b>Monitoring Action #6:</b> a) An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understood the Tree Assessment Plan prepared by Frank Ono, dated March 19, 2009, and all recommendations shall be adhered to during construction. A copy of the signed agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of any grading/building permits. b) Copy of construction plans shall be submitted to the RMA – Planning Department that states the contractor shall adhere to the Tree Assessment Plan. Additional on-going Monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading/building permit.</p> <p>Prior to issuance of grading/building permit.</p> <p>Ongoing/ during Construction</p>	

## EXHIBIT C

### Legal Description for a Conservation and Scenic Easement

**SITUATE** in the Rancho Los Carneros, County of Monterey, State of California.

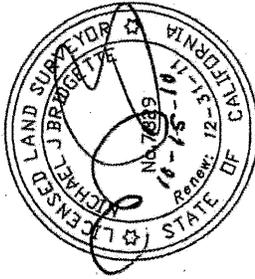
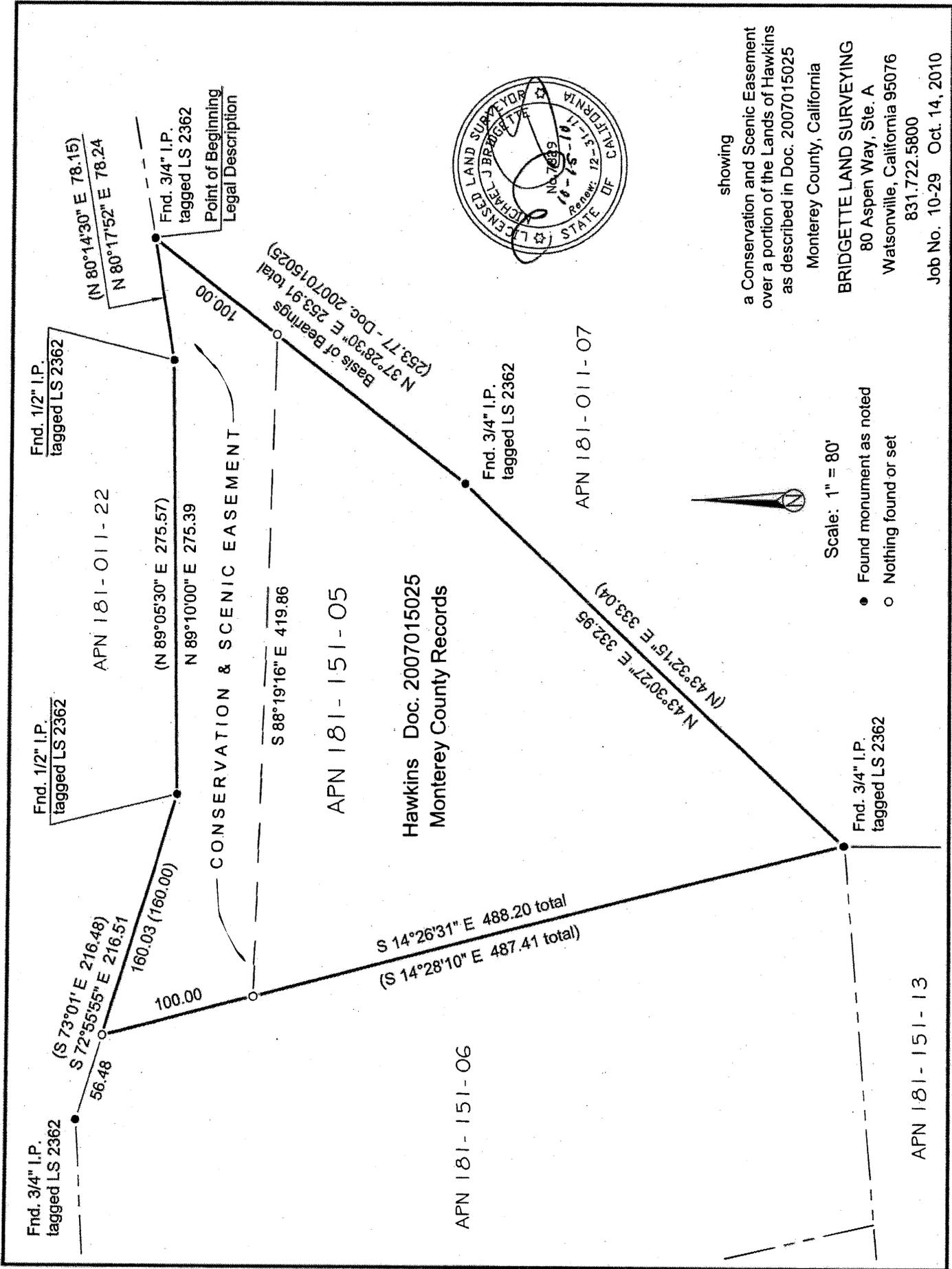
**BEING** an easement for conservation and scenic purposes over a portion of the lands of Hawkins as described in that deed recorded in Document Number 2007015025, Monterey County Records and more particularly described as follows:

**BEGINNING** at the northeast corner of the lands of Hawkins as described in that deed recorded in Document Number 2007015025, Monterey County Records, thence from said Point of Beginning, along the eastern boundary of the said lands of Hawkins S 37° 28' 30" W 100.00 feet; thence leave said eastern boundary N 88° 19' 16" W 419.86 feet to the western boundary of the said lands of Hawkins; thence along said western boundary N 14° 26' 31" W 100.00 feet to the northwest corner of the said lands of Hawkins; thence along the northern boundary of the said lands of Hawkins S 72° 55' 55" E 160.03 feet; thence N 89° 10' 00" E 275.39 feet; thence N 80° 17' 52" E 78.24 feet to the Point of Beginning.



Prepared by: Michael J. Bridgette, PLS  
Bridgette Land Surveying  
October 14, 2010 10-29





showing  
 a Conservation and Scenic Easement  
 over a portion of the Lands of Hawkins  
 as described in Doc. 2007015025

Monterey County, California

**BRIDGETTE LAND SURVEYING**

80 Aspen Way, Ste. A

Watsonville, California 95076

831.722.5800

Job No. 10-29 Oct. 14, 2010



Scale: 1" = 80'

- Found monument as noted
- Nothing found or set

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