



County of Monterey

Item No.

Board Report

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

Legistar File Number: 24-100

March 12, 2024

Introduced: 2/8/2024

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

PLN050678 - HAWKINS, SCOTT A AND SUZAN F.

- a. Find that the execution of the Conservation and Scenic Easement Deed is categorically exempt under CEQA Guidelines section 15317;
- b. Accept the Conservation and Scenic Easement Deed covering portions of the Hawkins property (Assessor's Parcel Number 181-151-005-000) containing maritime chaparral habitat, in satisfaction of condition of approval 10 in the Zoning Administrator Resolution No. 10-027 (File No. PLN050678);
- c. Authorize the Chair of the Monterey County Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
- d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.
(Conservation and Scenic Easement Deed - Scott A. and Suzan F. Hawkins, Joint Tenants
895 Elkhorn Road, Royal Oaks, North County Land Use Plan, Coastal Zone)

PROJECT INFORMATION:

Owner: Scott A. and Suzan F. Hawkins, Joint Tenants
Assessor's Parcel Number: 181-151-005-000
Plan Area: North County Land Use Plan, Coastal Zone
Flagged and Staked: Not Applicable
CEQA Action: Categorically Exempt per CEQA Guidelines Section 15317

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that the execution of the Conservation and Scenic Easement Deed is categorically exempt under CEQA Guidelines section 15317
- b. Accept the Conservation and Scenic Easement Deed covering portions of the Hawkins property (Assessor's Parcel Number 181-151-005-000) containing maritime chaparral habitat, in satisfaction of condition of approval 10 in the Zoning Administrator Resolution No. 10-027 (File No. PLN050678);
- c. Authorize the Chair of the Monterey County Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
- d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.

SUMMARY:

On July 29, 2010, the Zoning Administrator adopted a Mitigated Negative Declaration and approved a Combined Development Permit (PLN050678), subject to 32 conditions of approval including six mitigation measures. Condition No. 10 of Resolution 10-027 requires the conveyance to the County over those portions of the property where environmentally sensitive habitat exists (central maritime chaparral to include hooker's manzanita). The acceptance and recordation of the Conservation and Scenic Easement Deed will satisfy Condition No. 10 of project PLN050678.

DISCUSSION:

On August 8, 2012, the Zoning Administrator adopted a Mitigated Negative Declaration and approved a Combined Development Permit (PLN050678) consisting of: 1) a Coastal Administrative Permit to construct a new 5,405 square foot single family dwelling with a 101 square foot porch, 739 square foot deck and a 712 square foot attached garage, new propane tank, two (2) new 5,000 gallon water tanks, new septic system and grading of 530 cubic yards of cut/530 cubic yards of fill; 2) Coastal Development Permit for the removal of four (4) clusters and three (3) Coast Live Oak trees (ranging from 6 to 12 inches in diameter); and 3) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat to clear Code Enforcement violation (CE060151).

Condition No. 10 of that approval requires the conveyance to the County over those portions of the property where environmentally sensitive habitat exists (central maritime chaparral to include hooker's manzanita).

The attached Conservation Scenic Easement Deed and map shows the exact location of the easement on the property, along with a metes and bounds description (**Exhibit C of the Conservation Easement Deed**). Staff submitted the Conservation and Scenic Easement Deed to the Executive Director of the Coastal Commission for review of the legal adequacy and consistency with the requirements of potential accepting agencies, per Title 20, Section 20.64.280.A.6.g. A Subordination Agreement is not necessary as there is no lien on the property. The County is named beneficiary of the easement, which provides the enforcement by the County.

Acceptance of the Conservation Easement is intended to protect approximately 25,000 square feet of maritime chaparral habitat consistent with the conditions and mitigations applied to approval of a development on the lot. No development will be allowed within the easement area and the Conservation and Scenic Easement Deed will run with the land and be disclosed to any future property owners. The acceptance and recordation of the attached Conservation and Scenic Easement Deed will satisfy Condition No. 10 of project PLN050678.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has reviewed and approved the Conservation and Scenic Easement Deed as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY2023-2024 Adopted Budget for HCD, Appropriation Unit HCD002, unit 8543. There are no financial impacts to the County of the BOS accepting and executing the Deed.

Prepared by: Elizabeth Gonzales, Permit Center Manager, ext. 5102

Approved by: Craig Spencer, Acting HCD Director *CS*

The following attachment is on file with the Clerk of the Board:

Attachment A - Conservation and Scenic Easement Deed, including;

- Legal Description (Exhibit A)
- Resolution No. 14-046 (Exhibit B)
- Map (Exhibit C)

cc: Front Counter Copy; California Coastal Commission; Scott and Suzan Hawkins, Owner; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN050678