



Monterey County

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Board Report

Legistar File Number: 14-912

September 09, 2014

Introduced: 8/13/2014

Version: 1

Current Status: Consent Agenda

Matter Type: General Agenda Item

- a. Accept the Conservation and Scenic Easement Deed for the Abercrombie property;
 - b. Authorize the Chair to execute the Conservation and Scenic Easement Deed; and
 - c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed and Subordination Agreement to the County Recorder for filing and recordation upon payment of fees by the applicant.
- (Conservation and Scenic Easement Deed - PLN100612/Lebon and Mary Abercrombie, 1158 Signal Hill Road, Pebble Beach, Del Monte Forest Area, Coastal Zone)

PROJECT INFORMATION

The Planning File Number: PLN100612

Owner: Lebon and Mary Abercrombie

Project Location: 1158 Signal Hill Road, Pebble Beach, Del Monte Forest Area, Coastal Zone

APN: 008-201-013-000

Agent: John Bridges, Attorney for the Owners Lebon and Mary Abercrombie

Plan Area: Del Monte Forest Land Use Plan, Coastal Zone

Flagged and Staked: No

CEQA Action: Categorically Exempt § 15317

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Accept the Conservation and Scenic Easement Deed for the Abercrombie property;
- b. Authorize the Chair to execute the Conservation and Scenic Easement Deed; and
- c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed and Subordination Agreement to the County Recorder for filing and recordation upon payment of fees by the applicant.

SUMMARY:

On October 31, 2012 the Planning Commission adopted a Mitigated Negative Declaration and approved the Abercrombie Combined Development Permit (PLN100612) subject to 28 conditions of approval including two mitigation measures. Condition No. 8 of Resolution 12-047 reflects the applicant's agreement to convey to the Del Monte Forest Foundation a Conservation Scenic Easement Deed over those portions of the property where habitats of rare, endangered and sensitive native plants exist. The attached Conservation Scenic Easement Deed and map (**Attachment A**) show the exact location of the easement on the property, along with a metes and bounds description.

DISCUSSION:

On October 31, 2012 the Planning Commission adopted a Mitigated Negative Declaration and approved a Combined Development Permit to allow additions and the remodel of an existing single family dwelling on parcel 008-201-013-000. This included the restoration of approximately 1 acre of native habitat and allowed development within 100 feet of environmentally sensitive habitat and ridgeline development.

The Planning Commission's resolution 12-047 included 28 conditions of approval including 2 mitigation measures. Condition No. 8 reflects the applicant's agreement to convey those portions of the property containing environmentally sensitive habitats and visually prominent areas as seen from 17 Mile Drive into a Conservation and Scenic Easement. The acceptance and recordation of the attached Conservation and Scenic Easement Deed will satisfy Condition No. 8. Staff submitted the Conservation and Scenic Easement Deed and Subordination Agreement (**Attachment B**) 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. The Coastal Commission has approved the Conservation and Scenic Easement Deed and Subordination Agreement as to form. The County is named beneficiary of the easement, which provides the enforcement by the County, if the Del Monte Forest Foundation is unable to adequately manage it for its intended purpose. It is therefore necessary for the County to accept the Conservation Scenic Easement. As part of the requirements of the Coastal Commission, a Subordination Agreement, signed by the property owners and the Trustor of the Deed of Trust, will be recorded concurrently.

OTHER AGENCY INVOLVEMENT:

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

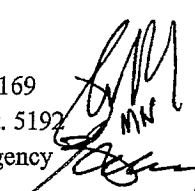
FINANCING:

There could be a financial impact on the County General Fund if the Del Monte Forest Foundation is inadequately able to manage the Conservation and Scenic Easement, however, it is highly unlikely. Development fees have been collected to finance the processing and review required for the applicant to proceed.

Prepared by: Ramon Montano, Assistant Planner ext. 5169

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

Benny Young, Director Resource Management Agency



This report was prepared with assistance of Laura Lawrence, RMA-Planning Services Manager.

cc: Front Counter Copy; Board of Supervisors; California Coastal Commission; Laura Lawrence, Planning Services Manager; Lebon and Mary Abercrombie, owners; John Bridges, Agent; The Open Monterey Project, Molly Erickson; LandWatch, Amy White; Project File PLN100612.

The following attachments are on file with the Clerk of the Board:

Attachment A Conservation and Scenic Easement Deed

Attachment B Subordination Agreement