



Monterey County

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Board Report

Legistar File Number: 17-0058

January 24, 2017

Introduced: 1/12/2017

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Accept the Parcel Map for the Brandywine Trust Company, LLC Minor Subdivision to subdivide a 49-acre transfer of development credit receiver site into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2);
- b. Accept the Conservation and Scenic Easement deed for a portion of 56440 Highway, Big Sur (APN: 421-011-001-000);
- c. Authorize the Chair of the Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
- d. Direct the Clerk of the Board to submit the Parcel Map and Conservation and Scenic Easement Deed to the County Recorder for recording, with recording fees paid by the applicant.

PROJECT INFORMATION:

Planning File Number: PLN030379

Owner: Brandywine Trust Company, LLC

Project Location: 56440 Highway 1, Big Sur

APN: 421-011-001-000

Agent: Aengus Jeffers

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No

CEQA Action: Statutorily Exempt per section 15268(b)(3) of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Accept the Parcel Map for the Brandywine Trust Company LLC Minor Subdivision to subdivide a 49-acre transfer of development credit receiver site into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2);
- b. Accept the Conservation and Scenic Easement deed for a portion of 56440 Highway, Big Sur (APN: 421-011-001-000);
- c. Authorize the Chair of the Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
- d. Direct the Clerk of the Board to submit the Parcel Map and Conservation and Scenic Easement Deed to the County Recorder for recording, with recording fees paid by the applicant.

SUMMARY:

The Brandywine Trust Company, LLC has submitted a Property Tax Clearance Certification in accordance with Government Code Section 66492 and the Parcel Map Guarantee in accordance with Government Code Section 66465 of the Subdivision Map Act and has met all the conditions of approval required for clearance prior to recording the Parcel Map. The Parcel Map

is in substantial compliance with the approved Tentative Map.

DISCUSSION:

The Parcel Map has been reviewed and determined to be in substantial compliance with the approved Tentative Map and conditions of approval. On January 30, 2013, the Planning Commission approved a Combined Development Permit which included the minor subdivision pursuant to Resolution No. 13-004 (PLN030379). The permit was approved for two years. Government Code section 66452.25 (a) states that any map approved no later than July 11, 2013, and has not expired on or before the effective date of the act that added this section, shall be extended by 24 months. Therefore, the permit is still valid, but will expire on January 30, 2017. Staff has determined that all conditions required prior to the recordation of the Parcel Map have been complied with and satisfied. The applicant submitted a Property Tax Clearance Certification in accordance with Government Code Section 66492 and the Parcel Map Guarantee in accordance with Government Code Section 66465 of the Subdivision Map Act. The Combined Development Permit included Condition No. 13 which required the recording of a Scenic Easement over all portions of the subject parcel that are in the critical viewshed, including but not limited to, all existing vegetated areas without which the development would be located within the critical viewshed. The Combined Development Permit also included Condition No. 38 which required replacement of trees that provide screening on the eastern and southern portions of the property. Both easement areas are included as exhibits in the executed Conservation and Scenic Easement Deed included as **Attachment D**.

This action will clear all remaining conditions associated with PLN030379 except for Condition No. 7, which requires certification that all development has been constructed in accordance with the geologic report prior to final inspection. This condition is not required for acceptance of the Parcel Map.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel and the California Coastal Commission have reviewed and approved the Conservation and Scenic Easement as to form. The following agencies have reviewed the project and have determined that the conditions requiring clearance prior to filing the Parcel Map have been satisfied:

- Resource Management Agency (RMA)-Planning
- Environmental Health Bureau
- Monterey County Water Resources Agency
- RMA- Public Works
- CalFire (Coastal)
- Monterey County Parks Department

FINANCING:

Funding for staff time associated with this project is included in the FY16-17 Adopted Budget for RMA-Planning.

Prepared by: Brandon Swanson, RMA Services Manager, ext 5334

Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A Parcel Map

Attachment B Tax Clearance Certification

Attachment C Parcel Map Guarantee

Attachment D Conservation and Scenic Easement Deed with Exhibits

cc: Front Counter Copy; California Coastal Commission; Jacqueline Onciano, RMA Services Manager; Brandywine Trust Company, LLC, Owner; Aengus L. Jeffers, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN030379.