



County of Monterey

Item No.

Board Report

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

Legistar File Number: A 24-378

August 13, 2024

Introduced: 7/24/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Find that the acceptance of the Conservation and Scenic Easement Deed is categorically exempt pursuant to CEQA Guidelines section 15317; and
- b. Accept a Conservation and Scenic Easement Deed covering approximately 9,673 square feet of Environmentally Sensitive Habitat (coastal dune) for the Monterey Bay Aquarium Research Institute property at 7600 Sandholdt Road, Moss Landing (Accessor's Parcel Number: 133-232-001-000) to satisfy Condition of Approval No. 9 in the Planning Commission Resolution No. 22-008 (Planning File No. PLN210093); and
- 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 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 -PLN210093, Monterey Bay Aquarium Research Institute, 7600 Sandholdt Road, Moss Landing, Accessor's Parcel Number: 133-232-001-000, North County Land Use Plan)

PROJECT INFORMATION:

Planning File Number: PLN210093

Owner: Monterey Bay Aquarium Research Institute

Project Location: 7600 Sandholdt Road, Moss Landing

APN: 133-232-001-000

Plan Area: North County Land Use Plan

Flagged and Staked: no

CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines section 15317

RECOMMENDATION:

Staff recommends that the Board of Supervisors:

- a. Find that the acceptance of the Conservation and Scenic Easement Deed is categorically exempt pursuant to CEQA Guidelines section 15317;
- b. Accept the Conservation and Scenic Easement Deed covering a portion of the Monterey Bay Aquarium Research Institute property (Accessor's Parcel Number: 133-232-001-000), containing coastal dune habitat, in satisfaction of Condition of Approval No. 9 in Planning Commission Resolution No. 22-008;
- 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 Conservation and Scenic Easement Deed and Map to the County Recorder for filing with all recording fees to be paid by the applicant.

SUMMARY:

On April 13, 2022, the Planning Commission adopted Resolution No. 22-008, which approved a Combined Development Permit (Planning File No. PLN210093, Monterey Bay Aquarium Research Institute). The CDP authorized the demolition of an existing food restaurant and marine research facility building and construction of a new two-story marine research facility building within 100 feet of Environmentally Sensitive Habitat (ESHA, in the form of coastal dune). The Planning Commission's approval was subject to 32 Conditions of Approval, including four Mitigation Measures. Condition of Approval No. 9 requires Monterey Bay Aquarium Research Institute to convey a Conservation and Scenic Easement Deed (CSED) to the County of Monterey over the portions of the property where coastal dune exists (**Attachment B**). The acceptance and recordation of the CSED will satisfy the Condition.

DISCUSSION:

On April 13, 2022, the Planning Commission approved a Combined Development Permit consisting of: 1) Coastal Development Permit to allow the demolition of an existing 20,609 square foot restaurant and marine research facility building and the construction of a two-story 32,900 square foot marine research facility building; 2) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat, (coastal dune); and 3) Coastal Development Permit for a modification in parking standards, by allowing a 1 space reduction in the total required parking for Building G. A General Development Plan established for the site allows parking to be considered across the entire MBARI Campus.

The property contains ESHA, as defined in the North County Land Use Plan (LUP), in the mapped coastal dune habitat areas. As required by the LUP, the Planning Commission applied the easement condition to protect coastal dunes. The easement condition requires applicant to dedicate a CSED over those areas of the property either not approved for development or where a coastal access trail shall be dedicated. No construction will be allowed in the easement area. The applicant is required to record the easement to ensure both that future property owners are aware of, and avoid development in, the easement area.

The applicant has submitted the CSED and map showing the general location of the easement on the property, along with the metes and bounds description, both of which are appended to this Report, collectively, as **Attachment B**. Staff submitted the CSED to the Executive Direction 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 because there is no significant lien on the property. The County is the named beneficiary of the easement and is entitled to enforce it.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Acceptance of the scenic easement qualifies for a Class 17 categorical exemption pursuant to CEQA because it constitutes the acceptance of an easement to maintain the open space character of the area (CEQA Guidelines, § 15317).

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the CSED as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY2024-25 Adopted Budget for HCD Appropriation Unit HCD002, Unit 8543. All costs associated with maintenance of the CSED will be borne by the project applicant, not the County of Monterey.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents an effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for the proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

Prepared by: Kayla Nelson, Associate Planner ext. 6408

Reviewed and Approved by: Mary Israel, Supervising Planner *MI*

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

Attachment A - Memorandum to the Clerk of the Board

Attachment B - Conservation and Scenic Easement Deed, including:

- Property Legal Description
- Monterey County Planning Commission Resolution No. 22-008
- Conservation and Scenic Easement Deed Plat Map

cc: Front Counter Copy; Dale Ellis, Agent; Keith Raybould, Applicant; Monterey Bay Aquarium Research Institute, Owner; Basilio Martinez, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Lozeau Drury LLP; Project File No. PLN210093