



County of Monterey

Item No.

Board Report

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

Legistar File Number: 22-994

October 25, 2022

Introduced: 10/17/2022

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Find that the project involves a Conservation and Scenic Easement Deed, acceptance of which qualifies as a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines and further find that no exception under section 15300.2 applies;
 - b. Approve and accept a Conservation and Scenic Easement Deed covering approximately 3,560 square feet of environmentally sensitive habitat on property located at 2511 2nd Avenue, Carmel (APN 009-122-031-000) as required by condition number 4 of Planning Commission Resolution 19-033 (File No. PLN190042);
 - c. Authorize the Chair 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 - PLN190042, SWEITZER-SCHOONE REGAN TRS ET AL, 2511 2nd Ave, Carmel, APN 008-491-015-000, Carmel Land Use Plan, Coastal Zone)

PROJECT INFORMATION:

Planning File Number: PLN190042
Owner: SWEITZER-SCHOONE REGAN TRS ET AL
Project Location: 2511 2nd Ave, Carmel
APN: 009-122-031-000
Agent: Robert Burns
Plan Area: Carmel Land Use Plan
Flagged and Staked: no
CEQA Action: N/A

RECOMMENDATION:

Staff recommends that the Board of Supervisors:

- a. Find that the project involves a Conservation and Scenic Easement Deed, acceptance of which qualifies as a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines and further find that no exception under section 15300.2 applies;
- b. Approve and accept a Conservation and Scenic Easement Deed covering approximately 3,560 square feet of environmentally sensitive habitat on property located at 2511 2nd Avenue, Carmel (APN 009-122-031-000) as required by condition number 4 of Planning Commission Resolution 19-033 (File No. PLN190042);
- c. Authorize the Chair 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 September 26, 2019, the Planning Commission adopted Resolution 19-033, approving a Combined Development Permit (PLN190042, Reagan Sweitzer-Schoone) for the construction of a new single-family dwelling. To satisfy Condition of Approval No. 4 of that permit, Reagan Sweitzer-Schoone and Cornelis Jan Schoone, Trustee of the Sundance Trust Agreement dated August 3, 2016, is offering to convey a conservation and scenic easement (CSE) to the County of Monterey over the portions of the property where environmentally sensitive habitat (ESHA) exists (**Attachment B**), as required by the Policy 2.3.3.6 of the Carmel Area Land Use Plan. The property is located adjacent to Pescadero Canyon which drains to the Carmel Bay Area of Special Biological Significance (ASBS) and supports native Monterey Pine habitat. No construction will be allowed within the easement area.

The applicant has submitted a conservation and scenic easement deed (CSED) and a map showing the general location of the easement on the property, along with the metes and bounds description, all of which are appended to this Report, collectively, as **Attachment B**.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Acceptance of the expanded scenic easement qualifies for a Class 17 categorical exemption under CEQA because it constitutes “the acceptance of [an] easement . . . to maintain the open space character of the area.” (CEQA Guidelines, § 15317.) Moreover, none of the exceptions under CEQA Guidelines section 15300.2 apply. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, a hazardous waste site, or development located near or within view of a scenic highway. Moreover, staff review has not found substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.

OTHER AGENCY INVOLVEMENT:

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

FINANCING:

Funding for staff time associated with this project is included in the FY2022-23 Adopted budget for HCD Appropriation Unit HCD002, Unit 8543. All costs associated with maintenance of the CSED will be borne by the project applicant (Grantor) of the easement, not the County of Monterey (Grantee).

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents 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 proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services

Legistar File Number: 22-994

Infrastructure

Public Safety

Prepared by: Kenny Taylor, Associate Planner ext. 5096

Reviewed by: Craig Spencer, Chief of Planning

Approved by: Erik Lundquist, AICP, Director of Housing and Community Development

DS
EL

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:

- Exhibit A: Property Legal Description
- Exhibit B: Monterey County Zoning Administrator Resolution No. 19-033
- Exhibit C1: Easement Legal Description
- Exhibit C2: Easement Plat Map

cc: Front Counter Copy; Robert Burns, Agent; Reagan Sweitzer-Schoone, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190042