



Monterey County

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Board Report

Legistar File Number: 16-1392

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Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

PLN160366 - Risdell, Inc., A California Corporation
Accept an Amendment Number 2 to a Conservation and Scenic Easement Deed for the Risdell, Inc. Property.
(3177 Del Ciervo Road, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Accept and authorize the chair of the Board of Supervisors to execute Amendment Number 2 (Attachment A) to a Conservation and Scenic Easement Deed for the Risdell, Inc., property; and
- b. Direct the Clerk of the Board to submit Amendment Number 2 to the Conservation and Scenic Easement Deed to the County Recorder for recordation, with recording fees to be paid by applicant.

PROJECT INFORMATION:

Owner/Applicant: Risdell, Inc., A California Corporation

Agent: Wald, Ruhnke & Dost Architects

Project Location: 5479 Covey Court, Carmel

APNs: 157-171-032-000 (Lot 32 of Quail Meadows Subdivision)

Plan Area: Carmel Valley Master Plan

CEQA Action: Categorically Exempt per CEQA Guidelines Section 15317

DISCUSSION:

Quail Meadows Subdivision, approved August 29, 1989 (PC07012) created 58 lots. No building envelopes were included as part of the map, but conditions required placing a Conservation and Scenic Easement Deed on lots with slopes in excess of 30% to the satisfaction of the Planning Director. The subject lot (Lot 32) includes 30% slopes on a portion of the property, so a Conservation and Scenic Easement was recorded.

The intent of the original Easement was to protect sloped areas in excess of 30% and to preserve public views of the hillside as seen from Carmel Valley below. Subsequently, it was found that the Easement extended into areas that did not contain slopes in excess of 30%.

In 1999, an Administrative Permit was approved on Lot 32 (PLN990291) to accommodate the original development for the house, carriage house and motor court under the authority of the Planning Director, with a condition of approval that an amendment be processed to include the motor court within the Conservation and Scenic Easement. On April 28, 2000, an amendment to the Easement was approved and recorded (Document #2000027123) to include the motor court within the easement. The motor court was not located on any slopes in excess of 30%.

Now, the applicants are proposing to construct a 1,687 square foot underground home theater addition with 234 square feet of above ground stairwell. Approximately 448 square feet of the proposed underground home theater and the stairwell will encroach into the scenic easement. A site visit confirmed that this portion is not located within any sloped areas in excess of 30% nor are any trees impacted by the proposed development. Staff finds that the theater is not within the viewshed since the theater is underground. The above ground stairwell is also located within the existing easement, but would not be visible from any common public viewing area. Therefore, staff supports allowing an exception to the easement for the proposed underground development and stairwell. No map amendment is required since there was no building envelope recorded with the subdivision map. That original approval gave authority to the Director of Planning to determine appropriate boundaries for an easement.

On November 2, 2016, an Administrative Permit was approved (PLN160366) under the authority of the Director of the Resource Management Agency (RMA). The Resource Management Agency publicly noticed the Administrative Permit and there was no opposition. Similar to the first amendment, a condition of approval requires the applicant to secure Amendment Number 2 to include approximately 448 square feet of the underground home theater and the 234 square foot stairwell within the Conservation and Scenic Easement.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved Amendment #2 to the Conservation Easement as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY16-17 Adopted Budget for the RMA-Planning, Unit 8172. Development fees have been collected to finance the processing and review required for the applicant to proceed. The applicant is responsible for paying fees to record easement documents.

Prepared by: Elizabeth Gonzales, Associate Planner, ext. 5102
Reviewed by: Brandon Swanson, RMA-Planning Services Manager, ext. 5193
Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A - Amendment #2 to Conservation Easement with Exhibits:

- Exhibit A - Legal description
- Exhibit B - Conservation and Scenic Easement Deed
- Exhibit C - Amendment #1 to Conservation Easement without its exhibits
- Exhibit D - Resolution 16-052 without the site plan
- Exhibit E - Site Plan for Amendment Number 2

cc: Front Counter Copy; California Coastal Commission; Carl P. Holm, Director-Planning Department; Jacqueline R. Onciano, Planning Services Manager; Brandon Swanson, Planning Services Manager; Risdell, Inc. Owner; Hentry Ruhnke, Wald, Ruhnke & Dost Architects, Agent; The Open Monterey Project; LandWatch; Project File PLN160366.