



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: 16-1095

September 27, 2016

**Introduced:** 9/20/2016

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** General Agenda Item

PLN160414 - John E. Van Valkenburgh TR

Accept Amendment to Grant of Conservation Easement for the Van Valkenburgh 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 amendment to Grant of Conservation Easement (**Attachment A**) for the John E. Van Valkenburgh property;
- b. Authorize the Chair of the Board of Supervisors to execute the Amendment to Grant of Conservation Easement; and
- c. Direct the Clerk of the Board to submit the Amendment of Conservation Deed to the County Recorder for recordation, with recording fees to be paid by applicant.

### PROJECT INFORMATION:

**Owner:** John E. Van Valkenburgh TR

**Applicant:** Anthony Lombardo & Associates

**Project Location:** 3177 Del Ciervo Road, Pebble Beach

**APNs:** 008-371-025-000

**Plan Area:** Del Monte Forest Land Use Plan (Coastal Zone)

**Flagged and Staked:** No

**CEQA Action:** Categorically Exempt per CEQA Guidelines Section 15317

### DISCUSSION:

The property is currently in escrow. In the process of evaluating the property, it was discovered that the parcel includes a building envelope within which development is allowed and "Open Space Property," consisting of the rest of the parcel, over which the owner granted the County a Conservation Easement in 1987. There are improvements (Landscaping and retaining walls) existing outside of the building envelope within the Conservation Easement. The buyer and seller would like to rectify this situation by modifying the Conservation Easement to include these existing improvements as being allowed within the Easement. The sale is due to close on or before October 1, 2016, and buyer and seller have requested the County take this action before the sale.

The improvements were approved with County issued permits dating back to the 1990's when improvements were authorized by the County but applicant at that time (prior owner) did not show the building envelope or Conservation Easement on their plans. These improvements were authorized within the Open Space area. The purpose of the easement was for protection of the view shed from 17 mile Drive and for protection of biological resources. The landscape improvements, as configured, do not have a visual impact from 17 Mile Drive, and the majority

of the property continues to be natural open space. Allowing these existing improvements do not conflict with the purpose of the scenic easement.

The Resource Management Agency is processing and has publicly noticed a Minor and Trivial Amendment modifying the condition requiring the Conservation Easement to allow the existing landscaping improvements within the Open Space property. As of the writing of this staff report, the public notice of the Minor and Trivial Amendment has not generated any opposition to the proposed amendment.

OTHER AGENCY INVOLVEMENT:

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

FINANCING:

Funding for staff time associated with this project is included in the FY2016/17 Adopted Budget for the Resource Management Agency. Development fees have been collected to finance the processing and review required for the applicant to proceed.

Prepared by: Elizabeth Gonzales, Associate Planner, ext. 5102  
Reviewed by: John Ford, RMA-Planning Services Manager, ext. 5158  
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 to Conservation Easement with Exhibits:

Exhibit A to Attachment A - Parcel Map  
Exhibit B to Attachment A - Existing Grant of Conservation Easement  
Exhibit C to Attachment A - Revised Site Plan with Landscaping Improvements

cc: Front Counter Copy; California Coastal Commission; Carl P. Holm, Director-Planning Department; John Ford, RMA Services Manager; John E. Van Valkenburgh TR, Owner; Anthony Lombardo & Associates, Applicant; The Open Monterey Project; LandWatch; Project File PLN160414.