



County of Monterey

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

Legislation Details (With Board Report)

File #: 22-081 **Name:** PLN160117 - El Why Square LLC

Type: General Agenda Item **Status:** Passed

File created: 1/13/2022 **In control:** Board of Supervisors

On agenda: 1/25/2022 **Final action:** 1/25/2022

Title: a. Find that the project involves a Conservation and Scenic Easement Deed, which qualifies as a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines and no exception under section 15300.2 applies;
 b. Approve and accept a Conservation and Scenic Easement Deed of approximately 0.47 acres of 008-491-021-000 as a required condition of approval for Planning Commission Resolution 17-032 (File No. PLN160117).
 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 Easement Deed - PLN160117, El Why Square LLC, 3168 Seventeen Mile Drive, Pebble Beach)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Conservation and Scenic Easement Deed, 3. Attachment B - Cover memo to the Clerk of the Board, 4. Completed Board Order Item No. 39

Date	Ver.	Action By	Action	Result
1/25/2022	1	Board of Supervisors	approved	Pass

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PROJECT INFORMATION:

Planning File Number: PLN160117
Owner: El Why Square LLC
Project Location: 3168 Seventeen Mile Drive, Pebble Beach
APN: 008-491-021-000
Agent: Laura Lawrence
Plan Area: Del Monte Forest 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, which qualifies as a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines and no exception under section 15300.2 applies;
- b. Approve and accept a Conservation and Scenic Easement Deed of approximately 0.47 acres of 008-491-021-000 as a required condition of approval for Resolution 17-032 (File No. PLN160117).
- 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/DISCUSSION:

On August 8, 2017, the Planning Commission approved a Combined Development Permit (PLN160117, El Why Square LLC) (Planning Commission Resolution 17-032) allowing for the demolition of an existing residence and construction of a new residence within environmentally sensitive habitat (ESHA). To satisfy Condition of Approval No. 25 (Mitigation Measure No. 6) of that permit, El Why Square LLC is offering to convey a conservation easement to the Del Monte Forest Foundation over the portions of the property where ESHA exists (**Attachment A**). The property contains ESHA as defined in the Del Monte Forest Land Use Plan (LUP), because it is in native Monterey Cypress habitat. The Planning Commission applied the easement condition to protect ESHA, as required by the LUP.

No construction will be allowed within the easement area. Recordation of this easement will disclose to future property owners where development is not allowed on the parcel. The easement allows maintenance of all existing private roads, bridges, trails, and structures in the Conservation and Scenic Easement Area, and the right to maintain the overlapping Conservation and Scenic Easement Deed area conveyed on portions of the property in Monterey County Recorder's Document No. 2020061836.

HCD Staff has reviewed the proposed conditions of approval for this project and inspected the site on November 17, 2021. Staff finds the dedicated easement area would be appropriate, both for the area outside of the building envelope and as an instrument to permanently protect ESHA. HCD staff shared the Conservation and Scenic Easement Deed with the California Coastal Commission for its review and it made no recommendations for modification.

The applicant has submitted the conservation easement deed 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 as **Attachment A**.

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.)

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the Scenic and Conservation Easement as to form and legality.

FINANCING:

Funding for staff time associated with this project is included in the FY21-22 Adopted Budget for HCD Unit 8543, Appropriation Unit HCD002. All costs associated with maintenance of the easement will be borne by the project applicant (Grantor) of the easement, not the Del Monte Forest Foundation (Grantee). Due to late

submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey.

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
- Infrastructure
- Public Safety

Prepared by: Mary Israel, Senior Planner ext. 5183

Reviewed by: Craig Spencer, Chief of Planning

Approved by: Erik V. Lundquist, AICP, HCD Director

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

Attachment A - Conservation and Scenic Easement Deed

Attachment B - Cover memo to the Clerk of the Board

cc: Front Counter Copy; Laura Lawrence, Agent; El Why Square LLC, Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN160117