



County of Monterey

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

Legislation Details (With Board Report)

File #: 20-827 **Name:** PLN140353 - Maestri Conservation and Scenic Easement

Type: General Agenda Item **Status:** Passed - RMA Administration

File created: 10/8/2020 **In control:** Board of Supervisors

On agenda: 10/27/2020 **Final action:** 10/27/2020

Title: a. Find that accepting the Conservation Easement Deed is statutorily exempt per section 15317 of the CEQA Guidelines;
b. Accept the Conservation Easement Deed to satisfy Condition No. 14 of RMA-Planning File No. PLN170198;
NOTATION MADE ON 11-19-2020 by Joel G. Pablo, Deputy Board Clerk: Resource Management Agency/Clerk of the Board Administrative Correction to the Planning File No. from PLN170198 to PLN140353.
c. Authorize the Chair to execute the Conservation Easement Deed and associated Subordination Agreement; and
d. Direct the Clerk of the Board to submit the Conservation Easement Deed, and associated Subordination Agreement, to the County Recorder for recording, with all applicable recording fees paid by the applicant.
Project Title: PLN140353 - TRAMONTO LLC (MAESTRI, LUCA AND KATRINA TRS)
Project Location: 3180 17-Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone.
Proposed CEQA action: Find the project categorically exempt per section 15317 of the CEQA Guidelines

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Memorandum to the Clerk of the Board, 3. Attachment B - Conservation and Scenic Easement Deed, 4. Attachment C - Planning Commission Resolution No. 18-028, 5. Item No. 47 Completed Board Order, 6. RECORDED DOC: PLN140353 - Tramonto, LLC, 7. Item No. 47 Revised Board Order

Date	Ver.	Action By	Action	Result
10/27/2020	1	Board of Supervisors		

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RECOMMENDATION:

- a. Find that accepting the Conservation Easement Deed is statutorily exempt per section 15317 of the CEQA Guidelines;
- b. Accept the Conservation Easement Deed to satisfy Condition No. 14 of RMA-Planning File No. PLN170198;
- c. Authorize the Chair to execute the Conservation Easement Deed and associated Subordination Agreement; and
- d. Direct the Clerk of the Board to submit the Conservation Easement Deed, and associated Subordination Agreement, to the County Recorder for recording, with all applicable recording fees paid by the applicant.

The Conservation and Scenic Easement Deed and Map is appended to this Board Report as **Attachment B**.

PROJECT INFORMATION:

Agent: Mark Blum, Horan Lloyd
Owner: Tramonto LLC (Luca and Katrina Maestri, TRS)
APN: 008-491-024-000
Parcel Size: 2.01 acres
Plan Area: Del Monte Forest Land Use Plan

SUMMARY/DISCUSSION:

The subject property is located along 17-Mile Drive in Pebble Beach, within the Pebble Beach Planning area of the Del Monte Forest Land Use Plan. On June 27, 2018, the Monterey County Planning Commission adopted a resolution (Res. No. 18-028) (**Attachment C**) to approve a Combined Development Permit for the construction of an approximately 1,577 square foot tri-level single family dwelling with an attached garage and accessory dwelling unit. As demonstrated in Finding No. 6, Environmentally Sensitive Habitat Areas, and supporting Evidence of the above mentioned resolution, the Planning Commission found that the project minimized impacts on environmentally sensitive areas (ESHA) in accordance with the Del Monte Forest Land Use Plan (DMF LUP) and Coastal Implementation Plan, Part 5 (CIP).

In summary, the Commission found that based on DMF LUP Figure 2a, and technical reports including a Biological Assessment (Froke, File No. LIB170328), a Tree Resource Assessment (Ono, File No. LIB170329), a Supplemental Tree Biology Report (Juncosa, File No. LIB160353) and a Wetland Determination (Juncosa, File No. LIB160357), the subject property supports indigenous Monterey cypress habitat, wetlands, and coastal bluff habitat. As part of the supporting evidence, and in accordance with DMF LUP Policies 13 and 20, the applicant agreed to Condition No. 30, providing protection of ESHA through a permanent open space conservation and scenic easement granted to the Del Monte Forest Foundation.

In accordance with Condition No. 30, the applicant has submitted the Conservation and Scenic Easement deed to be conveyed to the Del Monte Forest Conservancy, on behalf of the County, for the preservation of “all areas outside of the development envelope that contain cypress habitat, delineated wetlands, and coastal bluff habitat”, with the metes and bounds legal description and map showing the general location of the easement on the property (**Attachment B**).

The preservation of this area would allow for the protection of special status species and habitat areas. Further, the easement would allow the area to be protected in perpetuity and for residents to enjoy the open space of the area. Therefore, staff recommends the Board accept, execute, and consent to the recordation of the Conservation and Scenic Easement Deed (**Attachment A**).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project is categorically exempt from environmental review pursuant to section 15317 of the CEQA Guidelines. This exemption applies to easements that maintain open space character of an area. The acceptance of the Conservation and Scenic Easement Deed is consistent with this exemption. None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. The project is not located on a hazardous waste site, near a scenic highway, is not likely to effect cultural resources, and will not have a significant effect on the environment. Therefore, the project is categorically exempt.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved the Conservation and Scenic Easement Deed and Map as to form.

FINANCE:

Funding for staff time associated with this project is included in the FY2020-21 Adopted Budget for RMA-Planning. The Conservation and Scenic Easement Deed would be granted to the Del Monte Forest Conservancy (DMFC) on behalf of the County, and any costs or maintenance associated with the ownership will be borne by the DMFC.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

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

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

Prepared by: Anna V. Quenga, Senior Planner, Ext. 5175

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: Carl P. Holm, AICP, RMA Director

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:

- Legal description
- Map

Attachment C - Planning Commission Resolution No. 18-028

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, RMA Planning Services Manager; Mark Blum, Agent; Jun Silano, Architect; Tramonto LLC, Owners; Del Monte Forest Conservancy; grantee; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN140353.