



Legislation Details (With Board Report)

**File #:** 20-826                      **Name:** PLN160117 - EL WHY SQUARE LLC  
**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 the project involves acceptance of a Conservation and Scenic Easement Deed and Map, which qualifies as a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines and no exceptions apply under section 15300.2;  
b. Accept the Conservation and Scenic Easement Deed and Map to satisfy Condition No. 30 of Monterey County Planning File No. PLN160117;  
c. Authorize the Chair to execute the Conservation and Scenic Easement Deed and Map; and  
d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed and Map to the County Recorder for recording with all applicable recording fees paid by the applicant.  
Project Title: PLN160117 - EL WHY SQUARE LLC  
Project Location: 3168 Seventeen 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 COB, 3. Attachment B - Conservation and Scenic Easement Deed, 4. Attachment C - PC Resolution No. 17-032, 5. Item No. 46 Completed Board Order, 6. Recorded Doc PLN160117- El Why Square, LLC

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

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**Project Title: PLN160117 - EL WHY SQUARE LLC**

**Project Location:** 3168 Seventeen 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

**RECOMMENDATION:**

It is recommended that the Monterey County Board of Supervisors:

- a. Find that the project involves acceptance of a Conservation and Scenic Easement Deed and Map, which qualifies as a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines and no exceptions apply under section 15300.2;
- b. Accept the Conservation and Scenic Easement Deed and Map to satisfy Condition No. 30 of Monterey County Planning File No. PLN160117;
- c. Authorize the Chair to execute the Conservation and Scenic Easement Deed and Map; and

d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed and Map 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:** Aengus Jeffers  
**Owner:** El Why Square, LLC  
**APN:** 008-491-021-000  
**Parcel Size:** 2.98 acres  
**Plan Area:** Del Monte Forest Land Use Plan

SUMMARY/DISCUSSION:

The subject property is located along Seventeen-Mile Drive in Pebble Beach, within the Pebble Beach Planning area of the Del Monte Forest Land Use Plan. On August 8, 2017, the Monterey County Planning Commission adopted a resolution (Res. No. 17-032) (**Attachment C**) to approve a Combined Development Permit for the demolition of an existing single-family dwelling and attached garage and construction of a 13,884 square foot single-family dwelling and attached garage. Based on Monterey County Geographic Information System data and a Preliminary Cultural Resources Reconnaissance (Morely, File No. LIB160238), the Commission adopted a Resolution that included Finding No. 1, Evidence “g”, in which it concluded that the project site contains archaeological resources. To minimize potential impacts to these resources and in accordance with the Del Monte Forest Land Use Plan (DMF LUP) and Coastal Implementation Plan, Part 5 (CIP), the applicant agreed to Condition No. 30 (Mitigation Measure No. 11), which will facilitate conveyance of a conservation easement over the areas on the property where archaeological resources were identified.

In compliance with Condition No. 30, the applicant has submitted the Conservation and Scenic Easement deed with the metes and bounds legal description and map showing the general location of the easement on the property (**Attachment B**). Due to the sensitive and confidential nature of cultural resources, this deed does not indicate where resources were found. Moreover, the deed describes a larger area than that containing the known cultural resources to ensure that the exact location remains unknown to the public.

The preservation of this area would allow for the protection of sensitive archaeological resources in perpetuity and for residents to enjoy the area’s open space. No development, including utilities, will be allowed in this easement area. Therefore, staff recommends the Board accept, execute, and consent to the recordation (**Attachment A**) of the Conservation and Scenic Easement Deed.

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. All costs associated with maintenance of the easement will be borne by the project applicant (Grantor) of the easement, not the County (Grantee).

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 - PC Resolution No. 17-032

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, RMA Planning Services Manager; Aengus Jeffers, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN160117.