



County of Monterey

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

Legislation Details (With Board Report)

File #: 21-601 **Name:** PLN160144 - Virnig
Type: General Agenda Item **Status:** Passed
File created: 7/6/2021 **In control:** Board of Supervisors
On agenda: 7/27/2021 **Final action:** 7/27/2021

Title: a. Approve and accept a Conservation and Scenic Easement Deed covering approximately 25,894 square feet (0.594 acre) for Assessor's Parcel Number 008-012-013-000 as a required condition of approval 9 in Planning Commission Resolution No 17-048, and authorize the Chair to sign the Acceptance and Consent to Recordation; and
b. 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.
Project Name: PLN160144 - VIRNIG CONSERVATION AND SCENIC EASEMENT DEED
Project Location: 1154 The Dunes, Pebble Beach
Proposed CEQA action: Pursuant to Section 15378(b)(5) of the CEQA Guidelines this action is not considered a project. As such, no action is warranted.

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. Attachment C - Planning Commission Resolution dated, 5. Completed Board Order Item No. 42

Date	Ver.	Action By	Action	Result
7/27/2021	1	Board of Supervisors	approved	Pass

a. Approve and accept a Conservation and Scenic Easement Deed covering approximately 25,894 square feet (0.594 acre) for Assessor's Parcel Number 008-012-013-000 as a required condition of approval 9 in Planning Commission Resolution No 17-048, and authorize the Chair to sign the Acceptance and Consent to Recordation; and

b. 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.

Project Name: PLN160144 - VIRNIG CONSERVATION AND SCENIC EASEMENT DEED

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RECOMMENDATION:

Staff recommends that the Board of Supervisors:

- Find that approval and acceptance of a Conservation and Scenic Easement Deed is exempt from CEQA because the action is not a project pursuant to Section 15378(b)(5) of the CEQA Guidelines since the action is an administrative activity of government and will not cause a direct physical change in the environment.
- Approve and accept a Conservation and Scenic Easement Deed covering approximately 25,894 square feet (0.594 acre) of Assessor's Parcel Number 008-012-013-000 as a required condition of approval No. 9 in Planning Commission Resolution No. 17-048, and authorize the Chair to sign the Acceptance and Consent to Recordation; and
- 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:

A Combined Development Permit (Virnig/PLN160144) was approved by the Planning Commission December 13, 2017 (Resolution 17-048, **Attachment C**). Pursuant to Policies 13 & 17 of the Del Monte Forest Land Use Plan, the applicant agreed to preservation of remnant native sand dune habitat through open space conservation and scenic easements conveyed to the Del Monte Forest Conservancy, Inc. (Conservancy) (Condition No. 9). In compliance with this condition, the applicant is offering to convey a conservation easement over the portion of the property where intact, native, and ruderal sand dune habit exists or has been restored on the parcel.

This conservation easement will cover areas on the property being restored as part of the original project approval. The first area, on the western half of the property includes removal of an invasive ice-plant patch and restoration of sand dune habitat, increasing the total sand dune habitat on that portion of the subject property from 8,788 to 13,168 square feet. The second area of the restoration is revegetation of the fill-slope with non-invasive native plant species that are to serve as a buffer between the residential use and the sand dune habitat, and are expected not to encroach on adjacent dune species. Combined, the dedication of rehabilitated sand dune habitat with the fill-slope buffer totals 25,894 square feet (0.594 acre) of protected habitat area.

Preservation of these restored habitat areas on the project site will also create continuity with existing dune habitats on two adjoining parcels. The southern edge of the proposed conservation and scenic easement would be contiguous with an existing easement over coastal dune habitat on neighboring property, and the western edge of the proposed easement is contiguous with an area of sand dune habitat on a neighboring residential parcel that is developed with a single-family dwelling. Adjacency of these three sand dune areas reduce fragmentation of Pebble Beach dune habitat and improves connectivity for wildlife inhabitants of the dunes.

The dedication of this easement is in accordance with the November 2017 Biotic Report & Conservation Plan (File No. LIB170394) prepared by Jeffrey Froke as part of the original project demarcating sand dune habitat, along with landscaped fill-slope that is the separation between ESHA and the residential use. No construction would be allowed within the proposed easement area. Recordation of this easement will disclose to future property owners where development is not allowed and would be prohibited from taking place on the parcel in the future.

Staff has reviewed conditions of approval for this project and finds the dedicated easement area would be appropriate for approved restoration and as an instrument to permanently protect ESHA. The easement as proposed would fully satisfy the requirements of Condition of Approval No. 9.

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 (**Attachment A**). Therefore, staff recommends the Board approve and accept the Conservation and Scenic Easement Deed.

ENVIRONMENTAL REVIEW

Acceptance of this conservation easement is exempt from CEQA because the action it is not a project pursuant to Section 15378(b)(5) of the CEQA Guidelines since the action is an administrative activity of government and will not cause a direct physical change in the environment.

OTHER AGENCY INVOLVEMENT:

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

The Del Monte Forest Conservancy has reviewed the proposed area of conservation and is prepared to accept the conveyance.

FINANCING:

Funding for staff time associated with this project is included in the FY21-22 Adopted Budget for HCD Appropriation Unit HCD002, Unit 8543. 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 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: Jaime Scott Guthrie, AICP, Associate Planner ext. 6414

Reviewed by: Craig Spencer, HCD-Planning Services Manager

Approved by: Erik 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

Attachment C - Planning Commission Resolution 17-048, dated 12-13-17

cc: Front Counter Copy; Erik Lundquist, AICP, HCD Director; Craig Spencer, Planning Services Manager; Anna V. Quenga, AICP, Planning Services Manager; Sharene Hamrock, Applicant/Owner; Luyen Vu c/o Eric Miller Architects, Architect; Cody Philips c/o Lombardo & Associates, Legal Counsel; Jeffrey B. Froke, Biologist; Del Monte Forest Conservancy, Inc.; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN160144