



County of Monterey

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

Board Report

File #: 20-814, **Version:** 1

- 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.

Project Title: PLN170198 - 1536 VENADERO, LLC (PENN)

Proposed CEQA Action: Categorically Exempt per CEQA Guidelines section 15317

Project Location: 1536 Venadero Road, Pebble Beach (Assessor's Parcel Numbers 008-422-012-000 and 008-422-013-000). Del Monte Forest Land Use Plan.

RECOMMENDATION:

It is recommended that the Monterey County Board of Supervisors:

- 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 has been included as **Attachment A** for reference.

PROJECT INFORMATION:

Owner: 1536 Venadero, LLC

Assessor's Parcel Numbers: (Assessor's Parcel Numbers 008-422-012-000 and 008-422-013-000).

Plan Area: Del Monte Forest Land Use Plan, Coastal Zone

Flagged and Staked: Not Applicable

SUMMARY/DISCUSSION:

The subject property is located along Venadero Road in Pebble Beach, within the Pebble Beach Planning area of the Del Monte Forest Land Use Plan. On February 22, 2018, the Zoning Administrator approved a Combined Development Permit (PLN170198) consisting of: 1) a Coastal Development Permit to allow landscaping improvements including replacement and reconfiguration of driveway, patios, walkways, fountains, and plants within a positive archaeological site; and 2) a variance to exceed the 9,000 square feet impervious surface limit in the Pescadero Watershed by 533 square feet (Resolution No. 18-007). An Initial Study/Mitigated Negative Declaration was prepared and circulated for the project, which focused on potential impacts to archaeological and tribal cultural resources. Mitigations were included as part of project approval to reduce potential impacts to resources, and to require contractors to stop all work and notify the County if cultural resources were found

during construction (Conditions No. 13 and 14).

Archeological resources were discovered early in the construction phase of the project. Pursuant to the Conditions of Approval, work was stopped, the appropriate authorities were contacted, and the archaeological/cultural resources were determined to be Native American. Following consultation with Tribal Representatives, the decision was made to re-bury the resources on site. Pursuant to that decision, the property owner agreed to place a conservation easement over the portion of the property where the resources were placed. Due to the confidential and sensitive nature of the tribal cultural resources that were found, the easement area is larger than the burial site, and the easement deed does not specifically note where the resources were placed. This will prevent the public from knowing the exact location of the resources.

The Applicant has submitted the conservation easement metes and bounds, legal description, and map showing the general location of the easement on the property (**Attachment A**). The documents satisfy Conditions No. 13 and 14 and are in line with the agreement between the property owner and the Tribal Representative. Therefore, staff recommends the Board accept, execute, and consent to recordation of, the conservation easement deed.

CEQA

The project is categorically exempt from environmental review pursuant to section 15317 of the CEQA Guidelines. This exemption applies to easements that maintain the 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 the County Counsel has reviewed the conservation easement and approved it as to form and legality.

FINANCING:

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 Monterey 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.

Check the related Board of Supervisors Strategic Initiatives:

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

Prepared by: Kenny Taylor, Associate Planner, ext. 5096
Reviewed by: Brandon Swanson, RMA Services Manager
Approved by: Carl P. Holm, AICP, RMA Director

cc: Front Counter Copy; Brandon Swanson, RMA Services Manager; Craig Spencer, Supervising Planner;
Sandra Dimas, Applicant; 1536 Venadero LLC, Owner; The Open Monterey Project (Molly Erickson);
LandWatch; Project File PLN170198

The following attachments are on file with the Clerk of the Board:
Attachment A - Conservation Easement Deed
Attachment B - Memo to Clerk of the Board