



County of Monterey

Item No.55

Board Report

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

Legistar File Number: 23-938

January 09, 2024

Introduced: 12/11/2023

Current Status: Housing & Community
Development - Consent

Version: 1

Matter Type: General Agenda Item

- a. Find that the acceptance of the Conservation and Scenic Easement Deed is categorically exempt under California Environmental Quality Act (CEQA) Guidelines section 15317; and
- b. Accept a Conservation and Scenic Easement Deed covering approximately 0.77 acres of Environmentally Sensitive Habitat at 3256 17 Mile Drive, Pebble Beach (APN 008-462-008-000) to satisfy a condition of approval related to Planning Commission Resolution 23-004 (File No. PLN210276); and
- c. Authorize the Chair of the Board of Supervisors 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 and Scenic Easement Deed - PLN210276, FEATHER CYPRESS LLC, 3256 17 Mile Drive, Pebble Beach, APN 008-462-008-000, Del Monte Forest Land Use Plan)

PROJECT INFORMATION:

Planning File Number: PLN210276
Owner: Feather Cypress LLC
Project Location: 3256 17 Mile Drive, Pebble Beach
APN: 008-462-008-000
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 acceptance of the Conservation and Scenic Easement Deed is categorically exempt under CEQA Guidelines section 15317; and
- b. Accept a Conservation and Scenic Easement Deed covering approximately 0.77 acres of Environmentally Sensitive Habitat at 3256 17 Mile Drive, Pebble Beach (APN 008-462-008-000), to satisfy a condition of approval related to Planning Commission Resolution 23-004 (File No. PLN210276); and
- c. Authorize the Chair of the Board of Supervisors 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 January 25, 2023, the Planning Commission adopted Resolution 23-004 approving a Combined Development Permit (PLN210276, Feather Cypress LLC) allowing for the demolition of an existing residence and construction of a new residence within 100 feet of environmentally sensitive habitat (ESHA). To satisfy Condition of Approval No. 10 of that permit, the current owner, Feather Cypress LLC, is offering to convey a conservation and scenic easement deed (CSED) to the County of Monterey over the portions of the property where ESHA exists (**Attachment B**). The property contains ESHA as defined in the Del Monte Land Use Plan (LUP) located within the mapped indigenous Monterey Cypress and coastal bluff scrub habitat areas.

The Planning Commission applied the easement condition to protect ESHA, as required by the LUP. Condition No. 10, requiring dedication of a Conservation and Scenic Easement Deed over those areas of the property not approved for development, will ensure long-term protection of the habitat. No construction will be allowed within the easement area. Recordation of this easement will be disclosed to future property owners where development is prohibited on the parcel. Therefore, staff recommends the Board of Supervisors accept, execute, and consent to the recordation of the Conservation and Scenic Easement Deed.

The applicant has submitted the CSED 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, collectively, as **Attachment B**.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Acceptance of the scenic easement qualifies for a Class 17 categorical exemption under CEQA because it constitutes the acceptance of easements to maintain the open space character of the area (CEQA Guidelines, § 15317).

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the CSED as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY2023-24 Adopted Budget for Housing and Community Development Appropriation Unit HCD002, Unit 8543. All costs associated with maintenance of the CSED will be borne by the project applicant (Grantor) of the easement, not the County of Monterey (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: Kayla Nelson, Associate Planner ext. 6408

Reviewed and Approved by: Craig Spencer, Acting Director of HCD *CS*

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:

- Property Legal Description
- Monterey County Planning Commission Resolution No. 23-004
- Easement Legal Description and Easement Plat Map

cc: Front Counter Copy; Laura Lawrence, Agent; FEATHER CYPRESS LLC, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN210276