



County of Monterey

Item No.

Board Report

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

Legistar File Number: A 24-390

August 27, 2024

Introduced: 7/26/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Find that the acceptance of the Conservation and Scenic Easement Deed is categorically exempt pursuant to California Environmental Quality Act Guidelines section 15317;
- b. Accept a Conservation and Scenic Easement Deed and Map for 5B SMD LLC, a California Limited Liability Company;
- 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 filing with all recording fees to be paid by the applicant.

PROJECT INFORMATION:

Planning File Number: PLN210066-AMD1

Owner: 5B SMD LLC

Project Location: 3141 17 Mile Drive, Pebble Beach

APN: 008-261-003-000

Agent: Gail Hatter

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

Flagged and Staked: no

CEQA Action: Categorically exempt pursuant to CEQA Guidelines section 15317

RECOMMENDATION:

Staff recommends that the Board of Supervisors:

- a. Find that the acceptance of the Conservation and Scenic Easement Deed is categorically exempt pursuant to CEQA Guidelines section 15317;
- b. Accept a Conservation and Scenic Easement Deed and Map covering the approximate 44,908 square foot area of the parcel outside of the 12,047 square feet of development area at 3141 17 Mile Drive for 5B SMD LLC, a California Limited Liability Company;
- 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 filing with all recording fees to be paid by the applicant.

SUMMARY:

On August 16, 2023, the Planning Commission adopted Resolution 23-056 approving a Minor and Trivial Amendment and Coastal Development Permit (PLN210066-AMD1, 5B SMD LLC) allowing for the demolition of an existing residence and construction of a new residence within 100 feet of environmentally sensitive habitat (ESHA, in the form of coastal dune), development within 750 feet of a known archeological resource, and ridgeline development. The project was amended to clarify the existing developed area as 12,170 square feet and the proposed development area as 12,407 square

feet and increase dune habitat restoration and conservation on the remainder of the parcel. The Chief of Planning's approval was subject to 17 Conditions of Approval. Condition of Approval No. 10, requires 5B SMD LLC, to convey a conservation and scenic easement deed (CSED) to the Del Monte Forest Conservancy (a.k.a. Del Monte Forest Foundation, or DMFF) over the portions of the property where coastal dune exists (**Attachment B**).

DISCUSSION:

The original project, PLN210066 was a Combined Development Permit consisting of the demolition of an existing 4,446 square foot one-story single-family dwelling with 557 square foot garage and 80 square foot shed and construction of a 6,590 square foot two-story single-family dwelling with an attached 1,400 square foot garage and mechanical room; removal of one Monterey Cypress tree, development within 100 feet of environmentally sensitive habitat area and within 750 feet of known archaeological resources. Planning Commission approved the project with a smaller proposed dune habitat restoration area (approximately 7,755 square feet) in relation to the proposed Conservation and Scenic Easement. On February 9, 2023, HCD sent the Final Local Action Notice (FLAN) to the California Coastal Commission. On February 22, 2023, the California Coastal Commission appealed the project. Prior to the appeal being scheduled before the Coastal Commission, the applicant notified the County and the Coastal Commission of their desire to modify certain portions of the project contested during the appeal. As a result, the FLAN was withdrawn on May 14, 2023, and the Amendment (PLN210066-AMD1) was carried forward with responsive changes.

The property contains ESHA as defined in the Del Monte Land Use Plan (LUP) located within the mapped coastal dune habitat. As required by the LUP, the Chief of Planning applied the easement condition to protect coastal dunes. The easement condition requires applicant to dedicate a CSED over those areas of the property not approved for development. The area shall be restored following the "Final 3141 17-Mile Drive Restoration Plan" dated May 1, 2023 and amended on July 7, 2023, prepared by Patrick Regan. No construction will be allowed in the easement area. The applicant is required to record the easement to ensure both that future property owners are aware of, and avoid development in, the easement area.

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, within Attachment B. Staff submitted the CSED to the Executive Direction of the Coastal Commission for review of the legal adequacy and consistency with the requirements of potential accepting agencies, per Title 20 Section 20.64.280A.6.g. A subordination agreement is not necessary because there is no significant lien on the property. The DMFF is the named beneficiary of the easement and is entitled to enforce it. Therefore, staff recommends the Board accept, execute, and consent to the recordation of the Conservation and Scenic Easement Deed.

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.
The California Coastal Commission has reviewed the CSED and plat map.

FINANCING:

Funding for staff time associated with this project is included in the FY24-25 Adopted Budget for HCD 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 or the DMFF (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: Summer Obledo, Permit Technician III, ext. 7096
Reviewed by: Mary Israel, Supervising Planner
Approved by: Craig Spencer, HCD Director **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. 23-056
 - Conservation and Scenic Easement Legal Description and Easement Plat Map

cc: Front Counter Copy; Gail Hatter, Agent; 5B SMD LLC, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN210066-AMD1