



Legislation Details (With Board Report)

**File #:** 20-078      **Name:** PLN060430 - Barker  
**Type:** General Agenda Item      **Status:** Passed - RMA Administration  
**File created:** 1/24/2020      **In control:** Board of Supervisors  
**On agenda:** 2/11/2020      **Final action:** 2/11/2020

**Title:** a. Find that the project is a Conservation and Scenic Easement Deed which qualifies as a Class 8 Categorical Exemption pursuant to Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for Protection of the Environment.  
b. Approve and accept a Conservation and Scenic Easement Deed protecting areas comprising environmentally sensitive habitat outside of the approved driveway access and the house footprints as a condition of approval for PLN060430, and;  
c. Authorize the Chair to sign the Acceptance and Consent to Recordation; and  
d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with any applicable recording fees to be paid by the applicant.  
Project Location: 1125 Porque Ln, Pebble Beach, APN 008-281-027-000.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A – Cons. Easement Deed – Open Space Habitat Cons., 3. Attachment B – Memo to the Clerk of the Board, 4. Item No. 30 Completed Board Order, 5. Recorded Doc - Barker Conservation and Scenic Easement Deed

Date	Ver.	Action By	Action	Result
2/11/2020	1	Board of Supervisors	approved - rma administration	Pass

a. Find that the project is a Conservation and Scenic Easement Deed which qualifies as a Class 8 Categorical Exemption pursuant to Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for Protection of the Environment.  
b. Approve and accept a Conservation and Scenic Easement Deed protecting areas comprising environmentally sensitive habitat outside of the approved driveway access and the house footprints as a condition of approval for PLN060430, and;  
c. Authorize the Chair to sign the Acceptance and Consent to Recordation; and  
d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with any applicable recording fees to be paid by the applicant.

**Project Location:** 1125 Porque Ln, Pebble Beach, APN 008-281-027-000.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that project is a Conservation and Scenic Easement Deed which qualifies as a Class 8 Categorical Exemption pursuant to Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for Protection of the Environment.
- b. Approve and accept a Conservation and Scenic Easement Deed protecting areas comprising environmentally sensitive habitat outside of the approved driveway access and the house footprints as a condition of approval for PLN060430, and;
- c. Authorize the Chair to sign the Acceptance and Consent to Recordation; and
- d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with any applicable recording fees to be paid by the applicant.

PROJECT INFORMATION:

**Planning File Number:** PLN060430  
**Owner:** Peter K. Barker & Robin B. Barker TRSS  
**APN:** 008-281-027-000  
**Agent:** Mark Blum  
**Plan Area:** Del Monte Forest Land Use Plan  
**Flagged and Staked:** No

SUMMARY/DISCUSSION:

A Minor and Trivial Amendment (Barker/PLN060430) was approved by the Director of Planning on February 18, 2016 to amend a previously approved Combined Development Permit (PLN050090) consisting of:

1. Modification to the driveway configuration/access;
2. Revision to Condition No. 12 (Planning Commission Resolution No. 06002) to include the planting of ten Cypress trees from the native gene pool;
3. Revision of Condition No. 13 to include the planting of native vegetation to enhance the Legless Lizard and Monterey Cypress habitat; and
4. The addition of a condition that would require a Scenic and Conservation Easement to protect the environmentally sensitive areas. This easement is now being granted by the Peter K. Barker & Robin B. Barker TRS to Monterey County:

The amendment (PLN060430) modified/realigned driveway access, and enhanced or added conditions to further improve or protect the surrounding vegetation on the property. This included the addition of Condition No. 31 which required the areas outside of the approved driveway access and any house or hardscape footprints to be placed in permanent conservation.

Staff has reviewed the conditions of approval for the project, and finds the area proposed for dedication satisfies the requirements for allowing the approved development. Further, the easement will serve as an effective instrument to permanently protect coastal habitat and potential archaeological resources. Through this action, the owners are now satisfying Condition No. 31 of PLN060430 by the recordation of the easement. The applicant has submitted the conservation easement deed, along with the metes and bounds description ( **Attachments A and B**). Therefore, staff recommends the Board accept, execute, and consent to the recordation of the Conservation and Scenic Easement Deed.

CEQA

Section 15308 of the CEQA Guidelines Categorically Exempts Actions by Regulatory Agencies for Protection of the Environment. This Conservation Easement, as drafted, will protect coastal habitat and potential archaeological resources on the parcel. Therefore, the Class 8 Categorical Exemption applies in this case. The original project, (PLN050090) was approved with the consideration of a Mitigated Negative Declaration (MND) as the CEQA action. At that time, Condition of Approval No. 31 requiring a Conservation Easement was not part of the resolution. Subsequent to the approval of PLN050090, the amendment processed by the Director of Planning (PLN060430) added Condition No. 31 to require the Conservation Easement. This amendment was conceivably approved with consideration of the previously adopted MND, but the resolution is not specific to this fact. To ensure the proper CEQA action, the Class 8 Categorical Exemption has been added specifically for the processing of the Easement.

OTHER AGENCY INVOLVEMENT:

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

FINANCING:

Funding for staff time associated with this project is included in the FY19-20 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) as the applicant has chosen to retain the right to maintain the landscape improvements, including the portions with the easement.

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: R. Craig Smith, Associate Planner ext. 6408

Reviewed by: Brandon Swanson, RMA Acting Chief of Planning

Approved by: John M. Dugan, FAICP, Deputy Director RMA Land Use and Development Services

cc: Front Counter Copy; Brandon Swanson RMA Interim Chief of Planning R. Craig Smith, Project Planner; Peter K. Barker & Robin B. Barker TRS, owner; Mark Blum, agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Project File PLN060430.

The following attachments are on file with the Clerk of the Board:

Attachment A - Conservation Easement Deed - Open Space Habitat Conservation

Attachment B - Memo to the Clerk of the Board