

Attachment A

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Recording requested by and
when recorded, mail to:

CALIFORNIA COASTAL
COMMISSION
89 S. CALIFORNIA ST., SUITE 200
VENTURA, CA 93001

DOCUMENT: 2004070034



Titles: 2/ Pages: 75

Fees.... 238.00

Taxes...

Other... 2.00

AMT PAID \$240.00

THIS SPACE FOR RECORDER'S USE ONLY

IRREVOCABLE OFFER TO DEDICATE LATERAL PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE LATERAL PUBLIC ACCESS
EASEMENT AND DECLARATION OF RESTRICTIONS (hereinafter referred to as
the "Offer"), is made this 24th day of MAY, 2004, by Esalen
Institute (hereinafter referred to as the "Grantor").

I.

WHEREAS, Grantor is the legal owner of a fee interest of certain real
property located in the County of Monterey, State of California, and described
in the attached Exhibit A (hereinafter referred to as the "Property"); and

II.

WHEREAS, all of the Property is located within the coastal zone as
defined in section 30103, Division 20 of the California Public Resources Code
(hereinafter referred to as the "California Coastal Act of 1976"); and

III.

WHEREAS, the California Coastal Act of 1976 (hereinafter referred to as
the "Act") creates the California Coastal Commission (hereinafter referred to as
the "Coastal Commission") and requires that any coastal development permit
approved by the Coastal Commission or a local government as defined in Public
Resources Code Section 30109 must be consistent with the policies of the Act
set forth in Chapter 3 of Division 20 of the Public Resources Code; and

IV.

WHEREAS, pursuant to the Act and in accordance with Monterey
County's certified Local Coastal Program ("LCP"), Grantor applied to Monterey
County for a permit to undertake development as defined in Section 30106 of
the Public Resources Code within the coastal zone of Monterey County; and

V.

WHEREAS, coastal development permits number PLN 010501 and
PLN 020599 (hereinafter collectively referred to as the "Permit") were granted

on November 12, 2003, by the Monterey County Planning Commission, in accordance with the provisions of the findings contained in Planning Commission Resolutions 03079 and 03080, attached hereto as Exhibit B and hereby incorporated by reference. Said findings included findings of consistency with the LCP and with the Public Access policies of the Act and the LCP; and

VI.

WHEREAS, the majority of the Property is located between the first public road and the shoreline; and

VII.

WHEREAS, under the policies of section 30210 through section 30212 of the Public Resource Code, public access to the shoreline and along the coast is to be maximized, and in all new development projects located between the first public road and the shoreline shall be provided; and

VIII.

WHEREAS, during the planning for, review, and approval of the Permit, Grantor, Monterey County, Coastal Commission staff, and the State of California Department of Transportation (hereinafter referred to as "Caltrans") worked cooperatively together to tentatively identify public access opportunities at the Property including a lateral access trail that would provide public access between the main campus area of the Property and the South Coast Center area of the Property. Said tentatively identified alignment could potentially involve portions of the Property along with portions of Caltrans owned land along and/or within the State Highway 1 right-of-way; and

IX.

WHEREAS, following Monterey County's approval of the Permit, the Coastal Commission filed, on December 26, 2003, an appeal from said County approval. The reasons for the appeal, as set forth therein, include concerns about public access as required by the Act. A copy of said Coastal Commission appeal (Appeal No. A-3-MCO-03-120) is attached hereto as Exhibit C and hereby incorporated by reference (hereinafter referred to as the "Appeal"); and

X.

WHEREAS, in the Appeal and subsequently the Coastal Commission staff asserted their belief that adequate assurances regarding access opportunities including dedication of a lateral access trail were not required as conditions of the Permit and that but for the imposition of such conditions or, in the alternative, the recordation of an irrevocable offer to dedicate a lateral public access easement, the proposed development could not be found consistent with the public access policies of Section 30210 through Section 30212 of the Public Resources Code and that, therefore, the Permit should not have been granted; and

XI.

WHEREAS, in response to the Appeal Grantor engaged in further discussion with Coastal Commission staff about public access and a potential offer to dedicate a lateral public access easement over a portion of the Property. Based on these discussions, Grantor is informed and believes and therefore expects that if this Offer is recorded by Grantor then the Appeal will be withdrawn with prejudice and the Permit will hereafter be deemed adequate to authorize all existing development on the Property as of January 1, 2004, and all development approved by the Permit.

XII.

WHEREAS, in reliance on the above, Grantor has elected to execute and record this Offer so as to enable Grantor to undertake the development authorized by the Permit.

NOW, THEREFORE, in consideration of the above described expectation of the withdrawal of the Appeal and consistent with the public access policies of the LCP, the Big Sur Coast Land Use Plan and the Act, Grantor hereby irrevocably offers to dedicate to the people of the State of California, a non-exclusive lateral public access easement in gross and in perpetuity for the purposes and on the terms described herein including the terms and conditions attached hereto as Exhibit D and hereby incorporated by reference ("Terms and Conditions") over that portion of the Property described in Exhibit E attached hereto and hereby incorporated by reference (the "Easement") as follows:

1. PURPOSE. The Easement is for the purpose of allowing public access and passive recreational use to and along State Highway 1 subject to the terms and conditions of this Offer.

2. EFFECTIVENESS OF OFFER. This Offer shall become effective only if the Appeal is withdrawn thus affirming the Permit as described in the above recitals XI and XII. In the event the Appeal is not so withdrawn within 30 days of the date of recordation of this Offer, the Offer shall be null and void and of no further effect. A conformed copy of the recorded document shall be delivered to the Santa Cruz office of the California Coastal Commission within 5 days of recordation.

3. DECLARATION OF RESTRICTIONS. This Offer shall not be used or construed to allow anyone, prior to acceptance of the Offer, to interfere with any rights of public access acquired through use which may exist on the Property. Grantor, by executing of this Offer, does not assert or acknowledge existence of any such rights. After acceptance, subject to the terms and conditions hereof, Grantor shall not unreasonably interfere with the public's use of the Easement nor take any action inconsistent with such use including, without limitation, constructing or improving the portion of the Property within the Easement in a manner substantially inconsistent with the public's use and

enjoyment thereof. Grantor shall retain all rights and incidents of ownership of the underlying fee interest in the Property providing, however, that exercise of the same shall not be substantially inconsistent with the Easement. Grantor shall not be bound to undertake any supervision or maintenance of the Easement, except as set forth in Exhibit D, or the Property to provide for the public purposes hereunder. Prior to the opening of the access, the Grantee, in consultation with and subject to advance written approval of the Grantor, may record additional reasonable terms, conditions, and limitations on the use of the Easement in order to assure that this Offer and all terms and conditions of the Easement are effectuated. Any additional terms, conditions or limitations are subject to the review and approval of the Executive Director of the California Coastal Commission.

4. DURATION, ACCEPTANCE AND TRANSFERABILITY. This Offer shall be binding upon the owner and the heirs, assigns, or successors in interest to the Property for a period of 21 years starting from the date of recordation of this Offer. This Offer may be accepted by any agency of the State of California, a political subdivision, or a private association acceptable to the Executive Director of the Commission and reasonably acceptable to Grantor (hereinafter referred to as the "Grantee"). Any acceptance of this Offer must be accompanied by the written agreement of the Grantee to accept responsibility for maintenance and liability of the Easement as set forth in Exhibit D. Such acceptance shall be effectuated by timely recordation by the Grantee of an acceptance of this Offer in the form attached hereto as Exhibit F. Upon such recordation of acceptance, this Offer and terms, conditions, and restrictions shall have the effect of a grant of the Easement in gross and perpetuity that shall run with the land and be binding on the heirs, assigns, and successors of the Grantor. After acceptance, the Easement may be transferred to and held by any entity which qualifies and is found acceptable as a Grantee under the criteria hereinabove stated.

5. REMEDIES. Any act, conveyance, contract, or authorization by the Grantor, whether written or oral, which uses, or would cause to be used, or would permit use of the Easement area contrary to the terms of this Offer will be deemed a violation and a breach hereof. The Grantor, any Grantee of this easement and any offeree of this Offer may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of the Offer and easement and their respective interest in the property. In the event of a breach, any forbearance on the part of any such party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. TAXES AND ASSESSMENTS. Grantor agrees to pay or cause to be paid all real property taxes and assessments levied or assessed by competent authority against the Property, reserving, however, to Grantor, its successors and assigns, the right to challenge the propriety or accuracy of any property tax or assessment levied on the Property. It is intended that this Offer

shall constitute enforceable restrictions within the meaning of a) Article XIII, section 8, of the California Constitution; and b) section 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Offer, Easement and restrictions shall be deemed to constitute a servitude upon and burden to the Property within the meaning of section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

7. SUCCESSORS AND ASSIGNS. This Offer shall run with the Property. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this Offer shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

8. ADDITIONAL TERMS AND CONDITIONS. Notwithstanding anything to the contrary herein, this Offer and the Easement provided for herein shall be expressly subject to each and all of the terms and conditions set forth in Exhibit D attached hereto and hereby incorporated by reference.

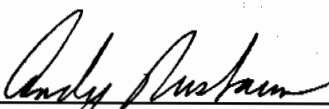
9. SEVERABILITY. If any provision of this Offer is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed on this 24th day of MAY, 2004, at Monterey, CA.

GRANTOR:

Esalen Institute

By:


Executive Director*

*The above signed represents he is duly authorized to execute this Agreement on behalf of and bind the Esalen Institute.

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On May 24, 2004, before me Kristie M. Campbell,

Notary Public, personally appeared Andrew J. Nusbaum

☐ personally known to me **OR**

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kristie M. Campbell
Notary Public



EXHIBIT "A"

**(Legal Description of Esalen Property APNs 421-011-005, 006, 007
and 018)**

EXHIBIT "A"

421-011-005

That certain improved real property situate in the County of Monterey, State of California commonly known as Big Sur Hot Springs and Slate's Hot Springs and more particularly described as follows:

PARCEL I: All that certain real property situate, lying and being in the County of Monterey, State of California, described as follows, to-wit:

All that portion of U.S. Lots 1 and 2 of Section 9, the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 4, and a part of U.S. Lot 7 of Section 4 lying South of the South bank of Abalone Creek, all in Township 21 South, Range 3 East, Mount Diablo Meridian, in Monterey County, State of California, particularly described as follows, to-wit:

BEGINNING at an 8" x 8" Redwood Post Marked S3, S4, S9, S10, standing at the corner of Sections 3, 4, 9 and 10 of the Official Government Survey of Township 21 South, Range 3 East, Mount Diablo Meridian, from which the old trees of the U.S. Government Notes bears as follows:

A redwood 20 inches in diameter, North 37 $\frac{1}{2}$ ° East, 90 feet distant, a "Redwood Tree, 18 inches in diameter, South 60-3/4 West, 77 feet distant and a Line Tree bears South 53 feet distant; thence along the line between Sections 3 and 4, North 1320 feet to a 3" x 4" Redwood Post marked 1/8 Cor. S3, S4, standing at the southwest corner of the S.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of Section 3; thence leave said section line and running S. 89° 48' W., through center of the south half of Section 4, 2640 feet to a 4" x 5" Post marked "1/8 Cor. S E $\frac{1}{4}$ S4," on the southwest face and "H C M SW $\frac{1}{4}$. S4" on the Southeast face; thence South 55° 23' West, 546 feet to a 5" x 5" Post marked "LINE H.C. MURPHY" standing at the intersection of the lower Coast Trail with the South bank of Abalone Creek; thence South 46° 49' West, along the South bank of Abalone Creek with all its meanders, at 627 feet a 3" x 4" Post marked HCM standing on the bluff bank of the Pacific Ocean in the South bank of said Abalone Creek, 697 feet to the mouth of said Abalone Creek on the shore of the Pacific Ocean; thence southerly along the said shoreline with all its meanders to the line between lots 2 and 3 of Section 9; thence leave the shoreline and running North 89° 48' East, along the line between said Lots 2 and 3, at 200 feet a 3" x 6" Redwood Post marked HCM, LINE, standing on brow of the bluff bank of said Pacific Ocean, 1102 feet to a 4" x 4" Post marked 1/8 Cor. S9, S10, standing on the line between Sections 9 and 10 at the Southeast corner of Lot 2 of said Section 9; thence North 0° 22' West, along the said Section line 1320 feet to the place of beginning.

CONTAINING 155.80 acres of land.

Courses all true. Variation of the magnetic needle being 17° 30' East.

EXCEPTING THEREFROM all that portion described as follows:

That part of Lot 1 and Lot 2 in Section 9, and that part of Section 4, all in Township 21 South, Range 3 East, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at a point distant North 37° 08' 58" East, 50.00 feet from the northwesterly terminus of the course called as "Beginning at Engineer's Station 234+00 P.O.T. on the center line of the Department of Public Works Survey for State Highway between Big Creek and

Anderson Canyon, road V-Mon-56-D; thence along said survey center line, North 54° 13' West, 607.94 feet," as described in the deed to the State of California, recorded January 26, 1939 in Volume 601 of Official Records at Page 388, records of said County; thence

- (1) From a tangent that bears North 52° 51' 02" West, along a curve to the right with a radius of 3950 feet, through an angle of 6° 37' 52" for a distance of 457.15 feet; thence
- (2) North 46° 13' 10" West, 525.33 feet; thence
- (3) North 37° 17' 20" West, 354.30 feet; thence
- (4) North 59° 57' 50" West, 260.29 feet; thence
- (5) From a tangent that bears North 49° 38' 10" West, along a curve to the left with a radius of 3850 feet through an angle of 06° 00' 55" for a distance of 404.20 feet; thence
- (6) North 49° 58' 14" West, 202.05 feet; thence
- (7) North 57° 09' 53" West, 218.86 feet; thence
- (8) North 53° 43' 10" West, 374.08 feet; thence
- (9) From a tangent that bears North 48° 53' 48" West, along a curve to the right with a radius of 3145 feet through an angle of 9° 17' 05" for a distance of 509.64 feet to a point on the northwesterly line of the land described in the Decree of Distribution recorded February 29, 1952 in Volume 1363 of Official Records at Page 377, records of said County, which point bears South 48° 20' 28" West, 107.24 feet from a 5" x 5" post marked "LINE H.C. MURPHY" as described in said Decree of Distribution; thence
- (10) South 48° 20' 28" West, along last said northwesterly line to a point distant 40 feet southwesterly from the center line of the State Highway described in said deed to the State of California last said point being on the southwesterly right of way line of said State Highway; thence
- (11) Southeasterly along said right of way line to a point distant South 23° 09' 55" East, 99.83 feet from the northwesterly terminus of the course called as, "along a curve to the right, having a radius of 6000 feet, through an angle of 6° 30', a distance of 680.67 feet," as described in above said deed; thence
- (12) South 47° 40' 43" East, 96.46 feet; thence
- (13) South 46° 13' 10" East, 28.91 feet; thence
- (14) Tangent to last described course along a curve to the left with a radius of 4050 feet, through an angle of 6° 37' 52" for a distance of 468.72 feet; thence
- (15) North 37° 08' 58" East, 100.00 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

BEGINNING at a point being a 5" x 5" white post marked "LINE H. C. MURPHY," standing at the intersection of the Old Coast Trail with the south bank of Abalone Creek, as said 5" x 5" white post is described as part of Slates Springs, Monterey County, California, in that certain deed recorded February 29, 1952 in Volume 1363 of Official Records at Page 377, Monterey County Records, and running thence South 47° 00' West, 163.28 feet to a point lying on the centerline of State Highway 1 at Sta. 274+34.16 as said Sta. 274+34.16 is shown on that certain map entitled, "State Highway in Monterey County, between Big Creek and Anderson Creek V Mon., 56, D, Sheet 14 of 18 dated June 14, 1933; thence South 47° 00' West, 40.02 feet to the true point of beginning lying on the westerly line of said State Highway 1; and running thence from said true point of beginning.

- (1) Along the westerly line of said State Highway 1 in a southerly direction, 770.06 feet along a circular curve concave to the northeast, having a radius of 4040 feet through a central angle of 10° 55' 15"; thence leaving said westerly line of State Highway 1
- (2) South 1° 45' 25" West, 31.15 feet to a 1½" iron pipe; thence
- (3) South 35° 31' 45" West, 344 feet to a point on the shoreline of the Pacific Ocean; thence
- (4) Along the said shoreline of the Pacific Ocean in a northwesterly direction to the south bank of Abalone Creek; thence
- (5) Along the said south bank of Abalone Creek with all its meanders, North 47° 00' East, 494 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM:

Approximately eight (8) acres of all that real property and the improvements thereon which is a part of the real property known as Slates Springs located on State Highway #1 in Southern Monterey County, the said eight acres being bounded on the Easterly side by State Highway #1, on the Southerly side by the upper bank of Hot Springs Creek on the Westerly side by the Pacific Ocean, and on the Northerly side by property formerly deeded to Michael H. Murphy; also included in this eight acres is the ocean beach located on the southerly side of the mouth of Slates Creek.

ALSO EXCEPTING THEREFROM; (Being the same 8 acre tract with more accurate description.)

BEGINNING at a point being a 5" x 5" white post marked "LINE H. C. MURPHY," standing at the intersection of the Old Coast Trail with the South bank of Abalone Creek, as said 5" x 5" white post is described as part of Slates Springs, Monterey County, California, in that certain deed of land recorded February 29, 1952 in Volume 1363 of Official Records at Page 377, Monterey County Records; and running thence South 47° 00' West, 163.28 feet to a point lying on the centerline of State Highway 1 at Sta. 274+34.16 as said Sta. 274+34.16 and said State Highway 1 are shown and so designated on that certain map entitled, "State Highway in Monterey County, between Big Creek and Anderson Creek, V Mon., 56, D, Sheet 14 of 18 dated June 14, 1933; thence along said centerline of said State Highway 1 in a Southerly direction curving to the left, 764.16 feet along a curve having a radius of 4000 feet through a central angle of 10° 56' 45" (long chord bears South 45° 58' 7½" East, 763.00 feet); thence leaving said centerline of said State Highway 1 South 38° 33' 30" West, 40.00 feet to the true point of

beginning, lying on the Westerly line of said State Highway 1 at a point opposite Sta. 266+70.00; and running thence from said true point of beginning.

- (1) Along the Westerly line of said State Highway 1 in a Southerly direction, 223.87 feet along a curve having a radius of 4040 feet through a central angle of $3^{\circ} 10' 30''$ (long chord bears South $53^{\circ} 01' 45''$ East, 223.84 feet) to a point opposite Sta. 264+48.34; thence
- (2) South $54^{\circ} 37'$ East, 690.00 feet to a point opposite Sta. 256+89.51; thence leaving said Westerly line of said State Highway 1 and running
- (3) Along the South bank of Hot Springs Creek, South $52^{\circ} 35' 10''$ West (at 371.89 feet a $1\frac{1}{2}''$ iron pipe), 471.89 feet to a point on the shoreline of the Pacific Ocean; thence
- (4) Along the shoreline of the Pacific Ocean in a Northerly direction to a point; thence
- (5) Leaving said shoreline of the Pacific Ocean, North $35^{\circ} 31' 45''$ East (at 100.00 feet a $1\frac{1}{2}''$ iron pipe, at 264.10 feet a $1\frac{1}{2}''$ iron pipe), 344.25 feet to a $1\frac{1}{2}''$ iron pipe; thence
- (6) North $1^{\circ} 41' 25''$ East, 31.15 feet to the true point of beginning, being a point on the Westerly line of said State Highway 1, opposite Sta. 266+70.00, and containing an area of 8 acres, more or less, all lying within portions of Section 9 and Section 4 in Township 21 South, Range 3 East, Mount Diablo Base and Meridian.

ALSO EXCEPTING THEREFROM:

BEGINNING at a $1\frac{1}{2}''$ iron pipe described in Course No. 3 of PARCEL NO. 1, as said course and parcel are described in that certain deed from Vinnie A. Murphy, a widow, to Dennis R. Murphy, also known as Dennis Rorke Murphy, dated January 5, 1966, and recorded January 6, 1966 on Reel 441 Official Records at Page 1007, Monterey County Records, being 100 feet from the Pacific Ocean, and running thence from said point of beginning,

- (1) South $48^{\circ} 34' 15''$ East, 104.80 feet; thence
- (2) North $62^{\circ} 34' 45''$ East, 180.03 feet to a $1\frac{1}{2}''$ iron pipe; thence
- (3) North $36^{\circ} 45' 30''$ West, 134.23 feet to a point on Course No. 3 in the description of Parcel One; thence
- (4) South $52^{\circ} 35' 10''$ West to a point of beginning.

ALSO EXCEPTING THEREFROM any portion in the Southeast quarter of Southeast quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 4, Township 21 South, Range 3 East of Mount Diablo Base and Meridian.

EXHIBIT "A"

421-011-006

All that property located on the westerly side of Highway 1, Big Sur, California, and more particularly bounded and described as follows:

THAT PORTION OF SECTION 4 IN TOWNSHIP 21 SOUTH, RANGE 3 EAST, M.D.M., IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF THE CALIFORNIA STATE HIGHWAY NO. 1, WHICH BEARS NORTH 26° 51' WEST, 213 FEET FROM THE END OF A HORIZONTAL CURVE AT ENGINEER'S STATION 283+06.82 AS SHOWN ON THE PLAN AND PROFILE MAP OF THE STATE HIGHWAY BETWEEN BIG CREEK AND ANDERSON CREEK, V-MON-56-D, SHEET 14 OF 18, APPROVED JUNE 16, 1932; THENCE ALONG SAID WESTERLY LINE,

- (1) NORTH 26° 51' WEST, 550.00 FEET; THENCE LEAVING SAID HIGHWAY LINE,
- (2) SOUTH 61° 30' WEST, 546 FEET, MORE OR LESS, TO THE SHORELINE OF THE PACIFIC OCEAN; THENCE ALONG THE SHORELINE OF THE PACIFIC OCEAN,
- (3) IN A SOUTHERLY DIRECTION TO A POINT WHICH BEARS SOUTH 64° 40' WEST, 417 FEET, MORE OR LESS, FROM THE POINT OF BEGINNING; THENCE LEAVING SAID SHORELINE,
- (4) NORTH 64° 40' EAST, 417 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXHIBIT "A"

421-011-007

All that certain real property situated in the County of Monterey, State of California described as follows:

Certain real property situate in Section 4, Township 21 South, Range 3 East, Mount Diablo Base and Meridian, County of Monterey, State of California, particularly described as follows:

BEGINNING at a point being a 5" x 5" white post marked "LINE H. C. MURPHY", standing at the intersection of the old Coast trail with the south bank of Abalone Creek, as said 5" x 5" white post is described as part of Slates Springs, Monterey County, California in that certain deed recorded February 29, 1952 in Volume 1363 of Official Records at Page 377, Monterey County Records and running thence South 47° 00' West, 163.28 feet to a point lying on the centerline of State Highway 1 at Sta. 274 + 34.16 as said Sta. 274 + 34.16 is shown on that certain map entitled, "State Highway in Monterey County, between Big Creek and Anderson Creek V Mon., 56, D, Sheet 14 of 18 dated June 14, 1933; thence S. 47° 00' W., 40.02 feet to the true point of beginning lying on the westerly line of said State Highway 1; and running thence from said true point of beginning.

(1) Along the westerly line of said State Highway 1 in a southerly direction, 770.06 feet along a circular curve concave to the northeast having a radius of 4040 feet through a central angle of 10° 55' 15"; thence leaving said westerly line of State Highway 1

(2) S 1° 45' 25" W., 31.15 feet to a 1½" iron pipe; thence

(3) S. 35° 31' 45" W., 344 feet to a point on the shore line of the Pacific Ocean; thence

(4) Along the said shore line of the Pacific Ocean in a northwesterly direction to the south bank of Abalone Creek; thence

(5) Along the said south bank of Abalone Creek with all its meanders, N. 47° 00' E., 494 feet to the true point of beginning

Together with the right to take and use water from Slates Creek also known as Hot Springs Creek located southwesterly from the above-described property, for domestic purposes to be used upon the above-described property.

EXHIBIT "A"

APN: 421-011-018

All that portion of LOT ONE (1), of Section 5, Township 21, South, Range 3 East, Mount Diablo Base and Meridian, lying Easterly of the center line of the California State Highway, as said center line is described in the deed from Henry Cloyd Murphy, et ux, to State of California, dated September 17, 1937, and recorded January 26, 1939 in Volume 601 Official Records, at Page 388, Monterey County Records.

EXHIBIT "B"

PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 03079

A. P. # 421-011-018-000-M

In the matter of the application of
Esalen Institute (PLN010501)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit for a rehabilitation & restoration plan for the Esalen Institute's main properties (assessor's parcel numbers 421-011-005-000, 421-011-006-000, & 421-011-007-000), to include the demolition of 24 structures and the construction of 27 structures (70,131.6 sq. ft. total existing building coverage/74,487.6 sq. ft. total proposed building coverage); a Coastal Development Permit for development within the critical viewshed; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include Hot Springs Creek and state & federally protected species); a Coastal Development Permit for development with positive archaeological reports; a Coastal Development Permit for development on slopes of 30% or greater; and a Coastal Development Permit for tree removal (3 landmark eucalyptus). The properties are located at 55000 Highway 1, Big Sur, Big Sur Coast Land Use Plan, Coastal Zone, came on regularly for hearing before the Planning Commission on November 12, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

1. **FINDING: CONSISTENCY** – The Project, as conditioned, is consistent with all applicable plans and policies, including the *Big Sur Coast Land Use Plan* and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.145 (*Regulations for Development in the Big Sur Coast Land Use Plan*), and the zoning code (Title 20) and Part 6 of the Coastal Implementation Plan (Appendices). The parcels are designated as "RDR/40-HR-D" and "RDR/40-D" (*Rural Density Residential, 40 acres per unit, Historical Resources, Design Control District, Coastal Zone*) west of Highway 1 and "WSC/40-D (CZ)" (*Watershed and Scenic Conservation, 40 acres per unit, Design Control District, Coastal Zone*) east of Highway 1 which allow the continuance of legal non-conforming uses where such uses are not expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established and are not intensified over the level of use that existed at the time the legal nonconforming use was established.

EVIDENCE: (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for consistency with the *Big Sur Coast Land Use Plan*, the *Regulations for Development in the Big Sur Coast Land Use Plan*, and Part 6 of the Coastal Implementation Plan (Appendices). PBID staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the *Big Sur Coast Land Use Plan* which designates this area as appropriate for the continuance of legal non-conforming uses where such uses are not expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established and are not intensified over

the level of use that existed at the time the legal nonconforming use was established. Permit application, plans, and materials contained in Project File No. PLN010501.

(b) Project planner conducted onsite inspections on several occasions between the autumn 2002 and the summer of 2003 to verify that the project on the subject parcel conforms to the plans mentioned above.

(c) The project for the rehabilitation and restoration of Esalen Institute's facilities and landscapes, as conditioned, are allowed improvements to a legal nonconforming use, in accordance with Chapter 20.68 of Title 20 (Legal Nonconforming Uses), since the improvements were found not to result in an expansion or intensification of the existing legal non-conforming use.

(d) The parcels are zoned Rural Density Residential, 40 acres per unit, Historic Resources, Watershed and Scenic Conservation, 40 acres per unit, Design Control District, Coastal Zone ("RDR/40-HR-D, RDR/40-D, & WSC/40-D [CZ]"). The project is a legal nonconforming use in compliance with Chapter 20.68 of Title 20 (Legal Nonconforming Uses).

(e) The South Coast Land Use Advisory Committee first heard and unanimously approved the project with a 3 to 0 vote (2 members absent) on January 7, 2003. The project was sent back to the LUAC for comment on the Initial Study and is scheduled for the November 4, 2003, meeting. The committee's final recommendation will be reported orally at the Planning Commission hearing of November 12th, 2003.

(f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File No. PLN010501.

2. FINDING: SITE SUITABILITY – The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks & Recreation, and the California Department of Forestry and Fire. Conditions recommended have been incorporated.

(b) Technical reports by outside consultants (to include biologists, archaeologists, geologists, and engineers) indicate that there are no unmitigatable physical or environmental constraints that would indicate the site is not suitable for the use proposed. Agency staff concurs. The complete list of technical reports can be found under Section IX (References) of the Initial Study and are included herein by reference. Reports are in Project File No. PLN010501.

(c) Staff conducted several onsite inspections between the autumn of 2002 and the summer of 2003 to verify that the site is suitable for this use.

(d) Necessary public facilities are available and will be provided.

3. FINDING: CEQA – The project is subject to environmental review pursuant to requirements of the California Environmental Quality Act. On the basis of the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) CEQA Guidelines Section 15300.2 (Exceptions) disallow the project to be categorically exempted from CEQA review due the project's location, the potential for

significant effects, its proximity along a scenic highway, and potentially historical resources present onsite.

(b) Potentially adverse environmental effects were identified during staff review of the development application and during site visits between the autumn of 2002 and the summer of 2003.

(c) The PBID prepared an Initial Study pursuant to CEQA Guidelines Section 15063. The Initial Study identified several potentially significant effects, but revisions have been made to the project and mitigation measures have been designed that avoid and/or mitigate the effects to insignificant levels. The Initial Study is on file in the office of PBID and is hereby incorporated by reference (File No. PLN010501). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

(d) A Mitigation Monitoring and Reporting Program has been prepared in accordance with Monterey County regulations and is designed to ensure compliance with conditions and mitigation measures during project implementation. The Applicant must enter into an *"Agreement to Implement a Mitigation Monitoring and Reporting Program"* as a condition of project approval (Condition 9).

(e) Evidence that has been received and considered include:

- i. The application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study, and which are included herein by reference.
- ii. Staff report that reflect the County's independent judgment.
- iii. Information and testimony presented during public hearings (as applicable).

(f) The Mitigated Negative Declaration was circulated for public review from October 10, 2003, to November 11, 2003.

(g) The Monterey County Department of Planning and Building Inspection, (located at 2620 First Avenue, Marina, CA, 93933) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based. Reports are in Project File No. PLN010501.

4. FINDING: VIOLATIONS PENDING – The subject property is currently in violation of the County's Local Coastal Program because development was carried out without the benefit of permits. Approval of the current application (File No. PLN010501) resolves the code violations by bringing the subject property into compliance with all rules and regulations pertaining to it.

EVIDENCE: (a) During the course of project review by PBID staff, it was revealed that several structures have been built at the Esalen Institute without the benefit of Coastal Development Permits, Design Approvals, building permits, or environmental review. It was also revealed that recent unpermitted impacts have been caused to archaeological resources onsite, although these impacts will be mitigated to less-than-significant levels, as discussed in the Initial Study and Mitigated Negative Declaration.

(b) Condition 14 requires that Esalen Institute apply for Design Approvals and as-built building & grading (as applicable) permits for all unpermitted structures in order to resolve these violations of the Monterey County Code.

5. **FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see section 20.70.050.B.4 of Title 20).

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3 of the Trails Plan, and Figure 2 of the Shoreline Access Map, of the *Big Sur Coast Land Use Plan*.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Several staff site visits between the autumn of 2002 and the summer of 2003.

6. **FINDING: HISTORICAL RESOURCES DISTRICT** – The project is consistent with Chapter 20.54 (HR Districts) of Title 20, Section 20.145.120 of the *Regulations for Development in the Big Sur Coast Land Use Plan*, and related policies in the *Big Sur Coast Land Use Plan*, since the proposed development, as conditioned and mitigated, will not adversely impact archaeological resources.

EVIDENCE: (a) Assessor's Parcel Number (APN) 421-011-006-000 carries an "HR" zoning designation due to positive archaeological resources located onsite. APN 421-011-005-000 also contains positive archaeological resources and, in accordance with Condition 13, the "HR" zoning designation will also be applied to this parcel pursuant to the applicant's request, as required by Section 20.145.120.D.2.b of the *Regulations for Development in the Big Sur Coast Land Use Plan*.
(b) An Initial Study and Mitigated Negative Declaration were prepared for this project. Pursuant to Mitigation Measure 13, the project will be modified and monitored as necessary to avoid impacts to archaeological resources.
(c) Pursuant to Condition 7 the positive archaeological resources onsite shall be placed within an archaeological easement conveyed to Monterey County, as required by 20.145.120.D.2.c of the *Regulations for Development in the Big Sur Coast Land Use Plan*.

7. **FINDING: CRITICAL VIEWSHED** – The project as proposed is consistent with Section 203.145.030 (Visual Resources Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan*, and related policies in the *Big Sur Coast Land Use Plan*, since the proposed development will not be visible from Highway 1 due to the site's topography and vegetative cover.

EVIDENCE: (a) During project review, the project was modified to ensure that no new development will be visible from Highway 1. Several existing structures will be demolished and permanently removed from the Highway 1 viewshed. New buildings will be located outside of the Critical Viewshed.
(b) Application, materials, and plans in Project File No. PLN010501
(c) Several site visits by PBID staff between the autumn of 2002 and the summer of 2003.
(d) Condition 8 requires that the applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed (*i.e.*, visible from any point along Highway 1), including all existing vegetated areas without which the development would be located within the critical viewshed, as required by Sections 20.145.030.A.2 (g)

& (h) of the *Regulations for Development in the Big Sur Coast Land Use Plan*, in order to fulfill Key Policy 3.2.1 of the *Big Sur Coast Land Use Plan*, which seeks to “*prohibit all future public or private development visible from Highway 1 and major public viewing areas (the Critical Viewshed)*,” due to “*the Big Sur coast’s outstanding beauty and its great benefit to the people of the State and Nation.*”

8. **FINDING: TREE REMOVAL** – The proposed removal of 3 landmark eucalyptus trees (i.e., greater than or equal to 24” in diameter at breast height) is inconsistent with Section 20.145.060.D.1 of the *Regulations for Development in the Big Sur Coast Land Use Plan*, which prohibits the removal of any landmark tree, regardless of species, where alternatives to development (such as resiting, relocation, or reduction in development area) exist whereby the tree removal can be avoided.

EVIDENCE: (a) Redesign of the proposed Gateway Center at the entrance, as required by Mitigation Measure 1, is an alternative that avoids the need for the removal of landmark trees, which also preserves roosting habitat for Monarch butterflies and maintains consistency with the requirements of the Monterey County certified Local Coast Program.

9. **FINDING: DEVELOPMENT WITHIN 100’ OF ENVIRONMENTALLY SENSITIVE HABITAT** – Consistent with the requirements of Sections 20.145.040.B (General Development Standards) and 20.145.040.C (Specific Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan*, and related policies of the *Big Sur Coast Land Use Plan*, development within or near environmentally sensitive habitat can be allowed as designed, given that the project will not cause negative effects on the long-term maintenance of environmentally sensitive habitats.

EVIDENCE: (a) Pursuant to Finding & Evidence 3, above, an Initial Study and Mitigated Negative Declaration have been prepared for the project. Mitigation measures and conditions of approval listed in the Mitigation Monitoring and Reporting Program have been designed that avoid and/or mitigate the effects to insignificant levels in order to avoid negative effects on the long-term maintenance of the environmentally sensitive habitats found at the subject parcels.

(b) Consistent with Section 20.145.040.B.2 of the *Regulations for Development in the Big Sur Coast Land Use Plan* and Policy 3.3.2.3 of the *Big Sur Coast Land Use Plan*, the applicant shall convey Conservation Easements to the County of Monterey over all environmentally sensitive areas on the subject parcels, pursuant to Condition 7, in order to fulfill Key Policy 3.3.1 of the *Big Sur Coast Land Use Plan*, which requires that “[a]ll practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur’s environmentally sensitive habitats. The development of all categories of land use, both public and private, should be subordinate to the protection of these critical areas.”

10. **FINDING: SLOPE WAIVER** – The request for the proposed development to be located on slopes of 30% or greater is consistent with Section 20.145.140.A.4 of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*, which allows development on slopes of 30% or greater where no alternatives exist that would allow the development to occur on slopes of less than 30% or where the proposed development better achieves the resource protection objectives and policies of the *Big Sur Coast Land Use Plan Area* and developments standards of the *Regulations for Development in the Big Sur Coast Land*

Use Plan Area, because of limited development areas and the need to avoid sensitive biological resources and positive archaeological resources.

EVIDENCE: (a) The topography of the subject parcel is very irregular. The limited areas of the parcel with slopes less than 30% are occupied by existing buildings and/or archaeological and/or environmentally sensitive resources, are too close to coastal bluffs and/or are located within the Critical Viewshed. Therefore, the proposed development on slopes of 30% or greater better meets the resource protection objectives and policies of the *Big Sur Coast Land Use Plan* and development standards of the *Regulations for Development in the Big Sur Coast Land Use Plan*.

(b) Application, materials, and plans in Project File No. PLN010501

(c) Several site visits by PBID staff between the autumn of 2002 and the summer of 2003.

(d) Finding & Evidence 3, above.

11. FINDING: HEALTH AND SAFETY - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

12. FINDING: APPEALABILITY - The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

It is the decision of the Planning Commission that said application for a Combined Development Permit be granted subject to the following conditions and as shown on the attached sketch.

PASSED AND ADOPTED this 12th day of November, 2003, by the following vote:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot

NOES: None

ABSENT: Hawkins



JEFF MAIN, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON **DEC 1 2003**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DEC 10 2003**

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

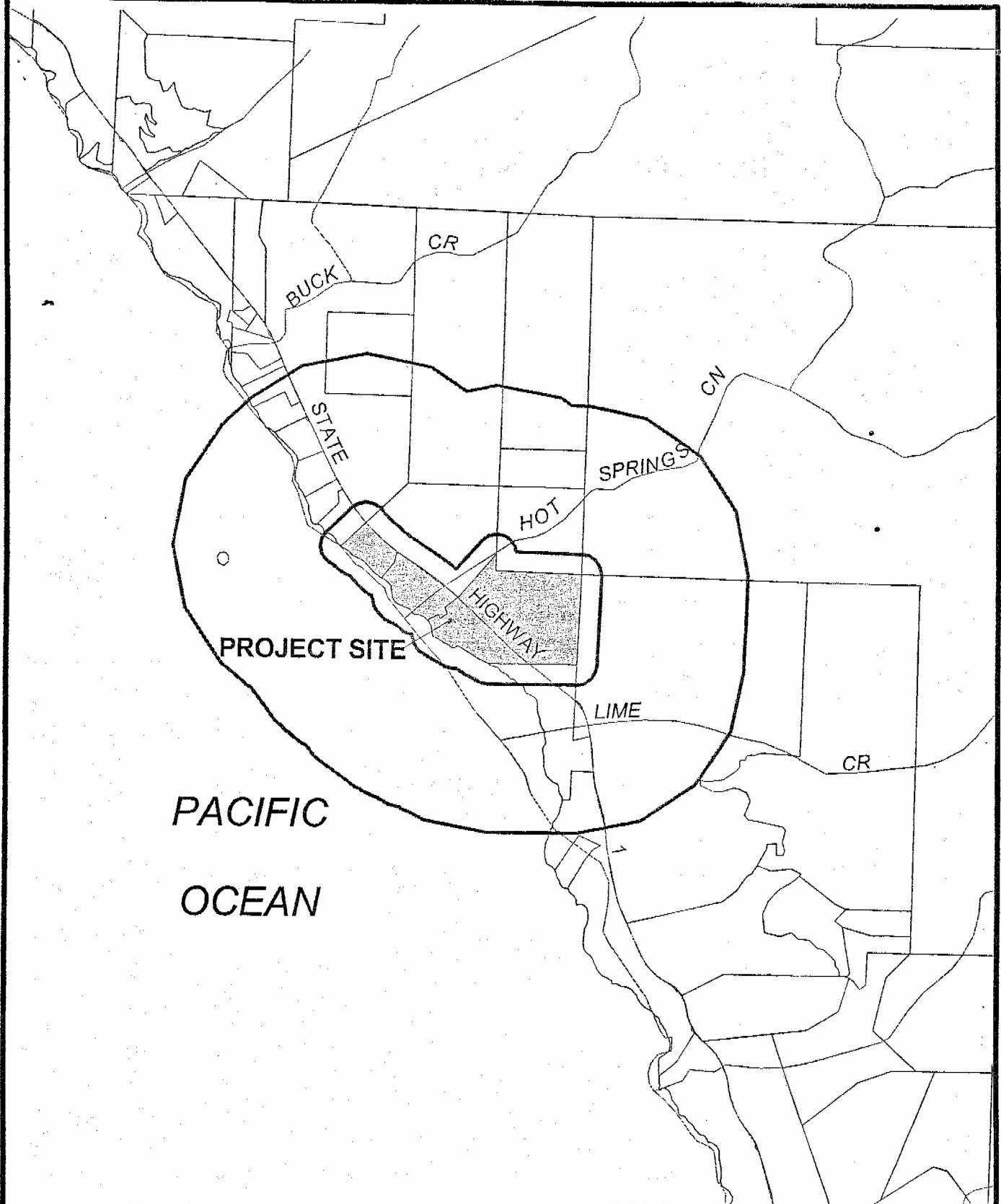
NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.




APPLICANT: ESALEN INSTITUTE

APN: 421-011-005-000M

FILE# PLN 010501

 300' Limit

 2500' Limit



0 2000

Feet



PLANNER: JOHNSTON

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03080

A. P. # 421-011-018-000

In the matter of the application of
Esalen Institute (PLN020599)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit for a rehabilitation & restoration plan for the Esalen Institute's south coast property, to include the construction of 2 structures (approximately 1,310 additional building coverage, in the context of approximately 14,810 total proposed building coverage, existing + new) and additional parking areas (34,848 sq. ft. total existing paved coverage/51,836.4 sq. ft. total proposed paved coverage); a Coastal Development Permit for development within 100 ft. of environmentally sensitive habitat (to include seacliff buckwheat); and a Coastal Development Permit for development on slopes of 30% or greater. The property is located on the east side of Highway 1, approximately 1 mile north of the Esalen Institute's main property, which is located at 55000 Highway 1, Big Sur (Assessor's Parcel Numbers 421-011-018-000, 421-011-005-000, 421-011-006-000 and 421-011-007-000), Big Sur Coast Land Use Plan, Coastal Zone, came on regularly for hearing before the Planning Commission on November 12, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

- 1. FINDING: CONSISTENCY** – The Project, as conditioned, is consistent with all applicable plans and policies, including the *Big Sur Coast Land Use Plan* and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.145 (*Regulations for Development in the Big Sur Coast Land Use Plan*), and the zoning code (Title 20) and Part 6 of the Coastal Implementation Plan (Appendices). The parcel is designated as “WSC/40-D (CZ)” (*Watershed and Scenic Conservation, 40 acres per unit, Design Control District, Coastal Zone*), which allows the continuance of legal non-conforming uses where such uses are not expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established and are not intensified over the level of use that existed at the time the legal nonconforming use was established.

EVIDENCE: (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for consistency with the *Big Sur Coast Land Use Plan*, the *Regulations for Development in the Big Sur Coast Land Use Plan*, and Part 6 of the Coastal Implementation Plan (Appendices). PBID staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the *Big Sur Coast Land Use Plan* which designates this area as appropriate for the continuance of legal non-conforming uses where such uses are not expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established and are not intensified over

the level of use that existed at the time the legal nonconforming use was established. Permit application, plans, and materials contained in Project File No. PLN020599.

(b) Project planner conducted onsite inspections on several occasions between the autumn 2002 and the summer of 2003 to verify that the project on the subject parcel conforms to the plans mentioned above.

(c) The project for the rehabilitation and restoration of Esalen Institute's facilities and landscapes, as conditioned, are allowed improvements to a legal nonconforming use, in accordance with Chapter 20.68 of Title 20 (Legal Nonconforming Uses), since the improvements were found not to result in an expansion or intensification of the existing legal non-conforming use.

(d) The parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, Design Control District, Coastal Zone ("WSC/40-D [CZ]"). The project is a legal nonconforming use in compliance with Chapter 20.68 of Title 20 (Legal Nonconforming Uses).

(e) The South Coast Land Use Advisory Committee first heard and unanimously approved the project with a 3 to 0 vote (2 members absent) on January 7, 2003. The project was sent back to the LUAC for comment on the Initial Study and is scheduled for the November 4, 2003, meeting. The committee's final recommendation will be reported orally at the Planning Commission hearing of November 12th, 2003.

(f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File No. PLN020599.

2. FINDING: SITE SUITABILITY – The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and the California Department of Forestry and Fire Protection. Conditions recommended have been incorporated.

(b) Technical reports by outside consultants (to include biologists, archaeologists, geologists, and engineers) indicate that there are no unmitigatable physical or environmental constraints that would indicate the site is not suitable for the use proposed. Agency staff concurs. The complete list of technical reports can be found under Section IX (References) of the Initial Study and are included herein by reference. Reports are in Project File No. PLN020599.

(c) Staff conducted several onsite inspections between the autumn of 2002 and the summer of 2003 to verify that the site is suitable for this use.

(d) Necessary public facilities are available and will be provided.

3. FINDING: CEQA – The project is subject to environmental review pursuant to requirements of the California Environmental Quality Act. On the basis of the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) CEQA Guidelines Section 15300.2 (Exceptions) disallow the project to be categorically exempted from CEQA review due the project's location, the potential for significant effects, its proximity along a scenic highway, and potentially historical resources present onsite.

(b) Potentially adverse environmental effects were identified during staff review of the development application and during site visits between the autumn of 2002 and the summer of 2003.

(c) The PBID prepared an Initial Study pursuant to CEQA Guidelines Section 15063. The Initial Study identified several potentially significant effects, but revisions have been made to the project and mitigation measures have been designed that avoid and/or mitigate the effects to insignificant levels. The Initial Study is on file in the office of PBID and is hereby incorporated by reference (File No. PLN020599). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

(d) A Mitigation Monitoring and Reporting Program has been prepared in accordance with Monterey County regulations and is designed to ensure compliance with conditions and mitigation measures during project implementation. The Applicant must enter into an "Agreement to Implement a Mitigation Monitoring and Reporting Program" as a condition of project approval (Condition 9).

(e) Evidence that has been received and considered include:

i. The application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study, and which are included herein by reference.

ii. Staff report that reflect the County's independent judgment.

iii. Information and testimony presented during public hearings (as applicable).

(f) The Mitigated Negative Declaration was circulated for public review from October 10, 2003, to November 11, 2003.

(g) The Monterey County Department of Planning and Building Inspection, (located at 2620 First Avenue, Marina, CA, 93933) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based. Reports are in Project File No. PLN020599.

4. FINDING: VIOLATIONS PENDING – The subject property is currently in violation of the County's Local Coastal Program because development was carried out without the benefit of permits. Approval of the current application (Project File No. PLN020599) resolves the code violations by bringing the subject property into compliance with all rules and regulations pertaining to it.

EVIDENCE: (a) During the course of project review by PBID staff, it was revealed that a garage for a CDF fire engine was constructed at Esalen Institute's South Coast Center without the benefit of a Coastal Administrative Permit, Design Approval, or building permit.

(b) Condition 14 requires that Esalen Institute apply for Design Approval and as-built building & grading (as applicable) permits for all unpermitted structures in order to resolve this violation of the Monterey County Code.

5. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see section 20.70.050.B.4 of Title 20).

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.

- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3 of the Trails Plan, and Figure 2 of the Shoreline Access Map, of the *Big Sur Coast Land Use Plan*.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Several staff site visits between the autumn of 2002 and the summer of 2003.

6. **FINDING: CRITICAL VIEWSHED** – The project as proposed is consistent with Section 203.145.030 (Visual Resources Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan*, and related policies in the *Big Sur Coast Land Use Plan*, since the proposed development will not be visible from Highway 1 due to the site's topography and vegetative cover.

EVIDENCE: (a) Application, materials, and plans in Project File No. PLN020599
(b) Several site visits by PBID staff between the autumn of 2002 and the summer of 2003.
(c) Condition 8 requires that the applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed (*i.e.*, visible from any point along Highway 1), including all existing vegetated areas without which the development would be located within the critical viewshed, as required by Sections 20.145.030.A.2 (g) & (h) of the *Regulations for Development in the Big Sur Coast Land Use Plan*, in order to fulfill Key Policy 3.2.1 of the *Big Sur Coast Land Use Plan*, which seeks to “*prohibit all future public or private development visible from Highway 1 and major public viewing areas (the Critical Viewshed)*,” due to “*the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation.*”

7. **FINDING: DEVELOPMENT WITHIN 100' OF ENVIRONMENTALLY SENSITIVE HABITAT** – Consistent with the requirements of Section 20.145.040.B (General Development Standards) and Section 20.145.040.C (Specific Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan*, and related policies in the *Big Sur Coast Land Use Plan*, development within or near environmentally sensitive habitat can be allowed as designed, given that the project will not cause negative effects on the long-term maintenance of environmentally sensitive habitats.

EVIDENCE: (a) Pursuant to Finding & Evidence 3, above, an Initial Study and Mitigated Negative Declaration have been prepared for the project. Mitigation measures and conditions of approval listed in the Mitigation Monitoring and Reporting Program have been designed that avoid and/or mitigate the effects to insignificant levels in order to avoid negative effects on the long-term maintenance of the environmentally sensitive habitats found at the subject parcels.
(b) Consistent with Section 20.145.040.B.2 of the *Regulations for Development in the Big Sur Coast Land Use Plan* and Policy 3.3.2.3 of the *Big Sur Coast Land Use Plan*, the applicant shall convey Conservation Easements to the County of Monterey over all environmentally sensitive areas on the subject parcels, pursuant to Condition 7, in order to fulfill Key Policy 3.3.1 of the *Big Sur Coast Land Use Plan*, which requires that “[a]ll practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur's environmentally sensitive habitats. The development of all categories of land use, both public and private, should be subordinate to the protection of these critical areas.”

8. **FINDING: SLOPE WAIVER** – The request for the proposed development to be located on slopes of 30% or more is consistent with Section 20.145.140.A.4.a of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*, which allows development on slopes of 30% or greater where no alternatives exist that would allow the development to occur on slopes of less than 30% or where the proposed development better achieves the resource protection objectives and policies of the *Big Sur Coast Land Use Plan Area* and developments standard of and developments standards of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*, because of limited development areas and the need to avoid sensitive biological resources and positive archaeological resources.

EVIDENCE:

- (a) The topography of the subject parcel is very irregular. The limited areas of the parcel with slopes less than 30% are occupied by existing buildings and/or environmentally sensitive resources and/or located within the Critical Viewshed. Therefore, the proposed development on slopes of 30% or greater better meets the resource protection objectives and policies of the *Big Sur Coast Land Use Plan* and development standards of the *Regulations for Development in the Big Sur Coast Land Use Plan*.
- (b) Application, materials, and plans in Project File No. PLN020599
- (c) Several site visits by PBID staff between the autumn of 2002 and the summer of 2003.
- (d) Finding & Evidence 3, above.

9. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

10. **FINDING: APPEALABILITY** – The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors and the California Coastal Commission.


EVIDENCE: (a) Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

It is the decision of the Planning Commission that said application for a Combined Development Permit be granted subject to the following conditions and as shown on the attached sketch.

PASSED AND ADOPTED this 12th day of November, 2003, by the following vote:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
 NOES: None
 ABSENT: Hawkins



JEFF MAIN, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON **DEC 1 2003**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DEC 10 2003**

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

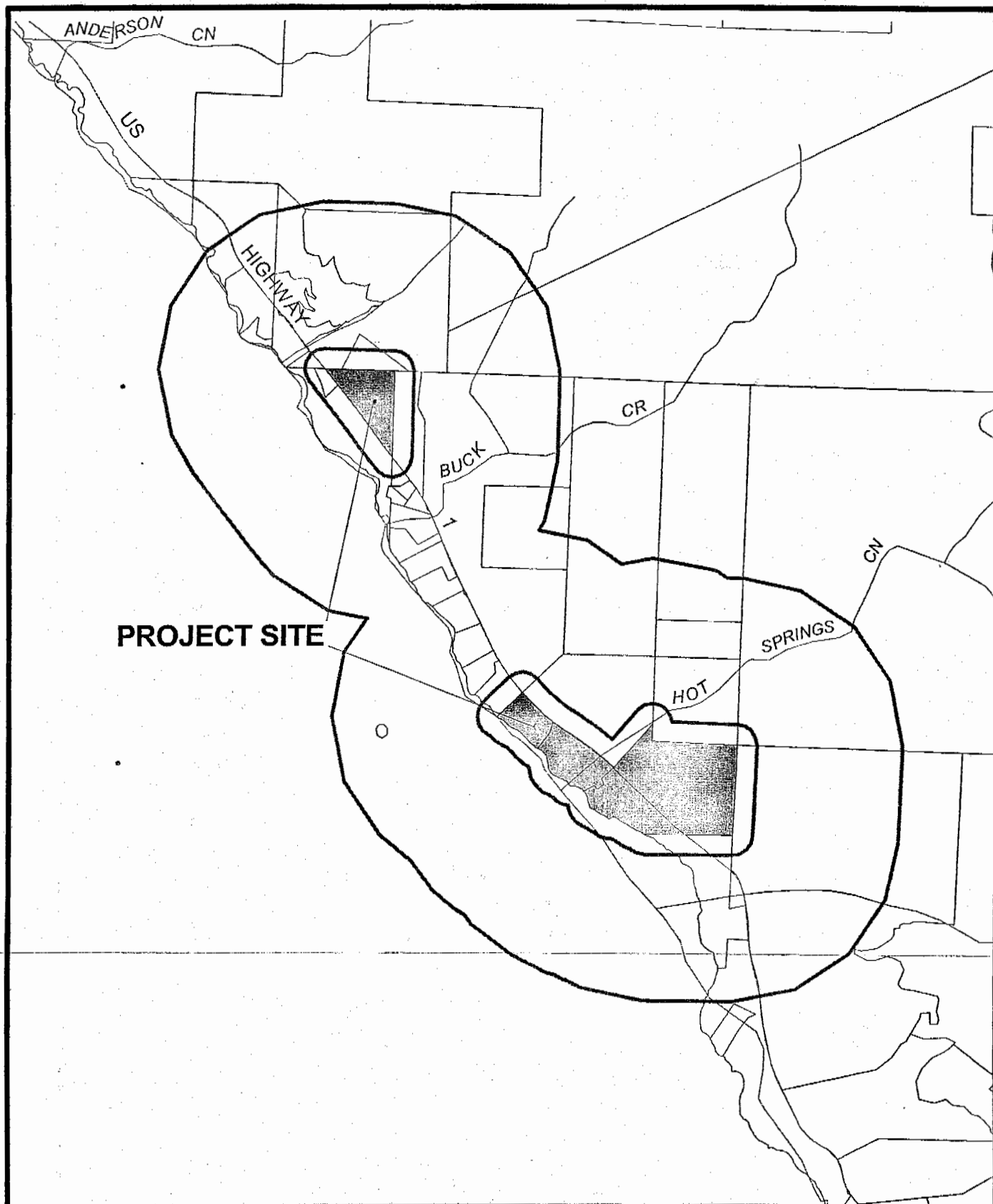
NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.



APPLICANT: ESALEN INSTITUTE

APN: 421-011-018-000M

FILE# PLN 020599

300' Limit

2500 Limit



0 2000
Feet



PLANNER: JOHNSTON

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**Monterey County Planning & Building Inspection
Program for Monitoring or Reporting* on Conditions of
Approval**

Project Name: Esalen Institute

File Nos.: PLN010501(A - Main Campus) APNs: 421-011-005-000, -
& PLN020599(B - South Coast Center) 421-011-006-000
421-011-007-000
421-011-018-000

Approval by: Planning Commission

Date: Nov. 12, 2003

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Cond. Num.	M M	Mitigation Measure Number, Category, Text, Impact Addressed and Responsible Land Use Department	Monitoring Actions to be performed or documented including performance measures if applicable	Responsible Party	Monitoring Schedule (Timing; Subsections Match those of Monitoring Actions)	Verification of Completed or Ongoing Mitigation or of Non-Compliance	Action to Achieve Compliance
1.A		Combined Development Permit (PLN010501/Esalen Institute) allows a Coastal Development Permit for a rehabilitation & restoration plan for the Esalen Institute's main properties to include the demolition of 24 structures and the construction of 27 structures (70,131.6 sq. ft. total existing building coverage/74,487.6 sq. ft. total proposed building coverage); a Coastal Development Permit for development within the Critical Viewshed; a Coastal Development Permit for development within 100 ft. of environmentally sensitive habitat (to include Hot Springs Creek and State & federally protected species); a coastal development permit for development with positive archaeological reports; a Coastal Development Permit for development on slopes of 30% or greater. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate		Owner/ Applicant	Ongoing		

Monitoring Schedule subsections for Mitigation Measures correspond with Monitoring Action subsections

		authorities. (Planning and Building Inspection)				
1.B		Combined Development Permit (PLN020559/Esalen Institute) allows a Coastal Development Permit for a rehabilitation & restoration plan for the Esalen Institute's South Coast property, to include the construction of 2 structures (approximately 1,310 additional building coverage, in the context of approximately 14,810 total proposed building coverage, existing + new) and additional parking areas (34,848 sq. ft. total existing paved coverage/51,836.4 sq. ft. total proposed paved coverage); a Coastal Development Permit for development within 100 ft. of environmentally sensitive habitat (to include seacliff buckwheat); and a Coastal Development Permit for development on slopes of 30% or greater. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)		Owner/ Applicant	Ongoing	
2.A & B		These permits shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. (Planning and Building Inspection)		Owner/ Applicant	Ongoing	
3.A & B		No land clearing or grading shall occur on the subject parcels between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)		Owner/ Applicant	Ongoing	
4.A & B		A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. (Planning and Building Inspection)		Owner/ Applicant	Ongoing	
5.A & B		The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)		Owner/ Applicant	Ongoing	
6.A & B		The applicant shall record a notice which states: "Permits (Resolution #03079 & #03080) were approved by the Planning Commission for Assessor's	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and	

Monitoring Schedule subsections for Mitigation Measures correspond with Monitoring Action subsections

		Parcel Numbers 421-011-005-000, 421-011-006-000, & 421-011-007-000 and for Assessor's Parcel Number 421-011-018-000 on November 12, 2003. The permits were granted subject to 47 conditions of approval, which run with the land. A copy of the permits are on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)			building permits.		
7.A & B		The applicant shall submit of final site plans depicting the projects as approved and conditioned by the Planning Commission, subject to the Director of Planning and Building Inspection, as per form.	Submittal of Final Site Plans	Owner/ Applicant	Prior to Issuance of grading and building permits.		
8.A & B		The applicant shall submittal a demolition schedule and sequence, subject to approval by the Director of PBID as to form, which shall link new buildings to be built with existing buildings that will be demolished such that the legal non-conforming use shall at no time be intensified.	Submittal of demolition schedule & sequence	Owner/ Applicant	Prior to Issuance of grading and building permits.		
9.A & B		A Conservation Easement shall be conveyed to the County over those portions of the property where environmentally sensitive habitats and known archaeological sites exist. A proposed easement deed shall be submitted to, and approved by, the Director of Planning and Building Inspection prior to issuance of grading and building permits. The easements shall be conveyed to the County, upon approval by the Board of Supervisors, prior to final building inspection. (Planning and Building Inspection)	1) Submit appropriate Conservation Easements to PBID for approval by Director and subsequently, 2) Conveyance to the County upon approval by the Board of Supervisors.	Owner/ Applicant	1) Prior to Issuance of grading & building Permits 2) Prior to final inspection		
10.A & B		The applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed (i.e., visible from any point along Highway 1), including all existing vegetated areas without which the development would be located within the critical viewshed, pursuant to Sections 20.145.030.A.2 (g) & (h) of the Regulations for Development in the Big Sur Coast Land Use Plan. (Planning and Building Inspection)	1) Submit appropriate Scenic Easements to PBID for approval by Director and subsequently, 2) Conveyance to the County upon approval by the Board of Supervisors.	Owner/ Applicant	1) Prior to Issuance of grading & building Permits 2) Prior to final inspection		
11.A & B		The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21.08.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Prior to issuance of grading and building permits.		

Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

		required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (Planning and Building Inspection)				
12.A & B		Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) calendar days of project approval – prior to filing of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection)	Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first.	Owner/ Applicant	Prior to the issuance of building and grading permits.	
13.A & B		The site shall be landscaped. At least 60 days prior to final inspection, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to final inspection. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
14.A & B		Trees which are located close to the construction sites shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zone (whichever is greater) with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits	
15.A & B		All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. <u>Exterior light sources that would be directly visible from Highway 1 are prohibited</u> , pursuant	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits.	

Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

		to Section 20.145.030.A.1.b of the <i>Regulations for Development in the Big Sur Coast Area</i> . The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection Department)				
16.A		The applicant shall request a rezoning of Assessor's Parcel Number 421-011-005-000 to add an "HR" (Historical or Archaeological Resources) zoning district to the existing zoning of the parcel, as required by Section 20.145.120.D.2.b of the <i>Regulations for Development in the Big Sur Coast Land Use Plan</i> . (Planning and Building Inspection Department)	Submit request for rezoning in writing to the Planning and Building Inspection Department.	Owner/ Applicant	Prior to issuance of grading and building permits.	
17.A & B		The applicant shall apply for Design Approvals and as-built building and grading (as applicable) permits for all existing unpermitted structures. (Planning and Building Inspection Department)	Submit plans and applications for Design Approvals and as-built building and grading (as applicable) permits for all existing unpermitted structures.	Owner/ Applicant	Within 90 days of project approval.	
18. A & B		Submit an engineered wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans.	Engineer/ Applicant	Prior to issuance of grading and building permits.	
19.A & B		Obtain Waste Discharge Requirements from the Regional Water Quality Control Board. (Environmental Health)	Submit verification from the Regional Water Quality Control Board that waste discharge requirements will be issued.	Applicant	Prior to the issuance of any Health Department permits.	
20.A		The applicant shall implement the trip reduction measures contained in the " <i>Esalen Institute Transportation Demand Management Plan Traffic Analysis Report</i> ", including the following: a. Replacement of the existing bridge connecting the north and south portions of the Main Property to allow accessibility by cyclists, physically challenged pedestrians and service vehicles. b. Promotion of the commercial shuttle service between the Monterey airport and Esalen. c. Implementation of a shuttle service between the Main and South Coast Properties. d. Participation in walking and cycling facilities along Highway One that are consistent with the Caltrans Highway One Access and Traffic Management Plan. e. Disbursement of an informational package aimed at	Submit evidence of compliance for approval by the Director of Public Works.	Owner/ Applicant	Prior to final inspection	

Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

		informing workshop participants of the Institute's programs to reduce vehicular traffic. (Public Works Department)					
20.A		The applicant shall implement the trip reduction measures contained in the "Esalen Institute Transportation Demand Management Plan Traffic Analysis Report", including the following: a. Implementation of a shuttle service between the Main and South Coast Properties. b. Participation in walking and cycling facilities along Highway One that are consistent with the Caltrans Highway One Access and Traffic Management Plan. (Public Works Department)	Submit evidence of compliance for approval by the Director of Public Works.	Owner/ Applicant	Prior to final inspection		
21.A		Obtain an encroachment permit from Caltrans and improve sight distance at the southerly driveway to the main property by trimming or removing vegetation to provide for a minimum of 600' of sight distance. (Public Works Department)	Applicant shall obtain an encroachment permit from Caltrans prior to issuance of building permits and complete improvement prior to occupying or commencement of use.	Owner/ Applicant	Prior to issuance of building & grading permits.		
22.A & B		The parking shall meet the standards of the Zoning Ordinance (Title 20) and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works Department)	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of building & grading permits		
23.A & B		ACCESS: All buildings shall be provided with access in accordance with California Fire Code Section 902, including the following requirements. <i>Variances may be possible with mitigation. Please contact Carmel Fire Protection Associates for more information.</i> a. Fire apparatus access road shall have an unobstructed width of not less than 20 feet. b. Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. c. Fire apparatus access road surfaces shall be designed to support the imposed load of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. d. Dead end fire apparatus access roads in excess of 150 feet shall be provided with approved turnarounds. See Monterey County Ordinance 3600 for approval guidelines. e. Bridges shall be engineered to carry the imposed load of fire apparatus. Weight limits shall be posted at both entrances to bridges. f. The grade for all fire apparatus access roads shall not exceed 15%. Any road with a grade over 8% shall be paved. (California Dept. of Forestry and Fire Protection)	Inspection and/or approval of grading & building plans by the California Dept. of Forestry and Fire Protection	Owner/ Applicant	Prior to issuance of building & grading Permits and/or Prior to final inspection as determined by CDFFP		
24.A		LANDSCAPE (see sheets 3.3 & 4.3 of project plans):	Inspection and/or approval of grading & building	Owner/	Prior to issuance		

Monitoring Schedule subsections for Mitigation Measures correspond with Monitoring Action subsections

& B		Esalen Institute is in the wildland-urban interface area. A minimum 30 foot clearance shall be developed and maintained around all buildings in accordance with Public Resources Code Section 4290, <i>et seq.</i> (California Dept. of Forestry and Fire Protection)	plans by the California Dept. of Forestry and Fire Protection	Applicant	of building & grading Permits and/or Prior to final inspection as determined by CDEFP		
25.A & B		WATER SYSTEMS: Adequate water supply (pressure and volume) shall be provided to support automatic fire sprinkler systems in all buildings. (California Dept. of Forestry and Fire Protection)	Inspection and/or approval of grading & building plans by the California Dept. of Forestry and Fire Protection	Owner/ Applicant	Prior to issuance of building & grading Permits and/or Prior to final inspection as determined by CDEFP		
26.A & B		FIRE PROTECTION: Location of hydrants to be approved at a later date. Proposed location of hydrants on sheet 3.10 and 4.10 of project plans appear adequate. (California Dept. of Forestry and Fire Protection)	Inspection and/or approval of grading & building plans by the California Dept. of Forestry and Fire Protection	Owner/ Applicant	Prior to issuance of building & grading Permits and/or Prior to final inspection as determined by CDEFP		
27.A & B		A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits		
28.A		The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. (Water Resources Agency, S.C.)	Submit all applicable water balance analysis information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits		
29.A		Prior to issuance of any grading and/or building permits, a construction plan shall be prepared by a registered civil engineer to include erosion protection for the approaches and abutments. The approach and abutment fill material shall be properly compacted, and protected with armor, if necessary. Plans shall identify subsurface material under the abutments and the approaches, and how any fill material will be keyed into the subsurface. (Water Resources Agency, S.C.)	Submit 3 copies of a construction plan, addressing erosion protection for the approaches and abutments, to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits		
30.A & B		The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:			Ongoing		

Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

		<p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency, S.C.)</p>				
31. A & B		<p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	Owner/ Applicant/ Archaeologist	Ongoing	
32.A	1	<p>Monarch Butterflies <i>In order to preserve and enhance Monarch butterfly habitat at the Main Campus:</i></p> <p>A) General Mitigating Requirements for the Main Campus~</p> <ol style="list-style-type: none"> 1. Tree removal shall be limited to situations where absolutely no alternative to development exists (such as resiting, relocation, or reduction in development area) or in cases of immanent danger to people or property; 2. Near any Monarch roosting site, only single-story, low-profile buildings may be built; 	<p>Monarch Butterflies</p> <p>A) General Mitigating Requirements for the Main Campus~</p> <ol style="list-style-type: none"> 1. <i>Prior to issuance of any grading and building permits</i>, Planning and Building Inspection staff shall review the final proposed site plans, as well as building and grading plans, and lighting plan to verify that the criteria listed in sections A.1-11 & B.1-3 are adequately incorporated into the designs of all plans at all levels of ministerial approval and condition compliance, as well as included as notes on all such plans. 	Owner/ Applicant/ Biologist	A) Prior to issuance of any grading and building permits	

<p>3. New building pads shall be located as far away as possible from roosting areas and roosting trees;</p> <p>4. New buildings will not have wood-burning fireplaces or stoves. Existing buildings with wood-burning fireplaces or stoves will not be used for burning wood during the Monarch roosting season (approximately October through March, to be defined by actual presence or absence of Monarchs), in order to avoid impacts from smoke;</p> <p>5. All construction and construction-related activity will only occur when Monarchs are not roosting at Esalen (from approximately April through September, to be defined by actual presence or absence of Monarchs), in order to avoid impacts from dust, emissions from tarring and asphaltting, and movement;</p> <p>6. Metal or wooden temporary fencing shall be placed at least around the driplines of all known roosting sites to avoid impact to roosting trees and understory vegetation;</p> <p>7. New footpaths shall avoid Monarch roosting sites. Existing footpaths passing near Monarch roosting sites shall not be used during the roosting season (approximately October through March, to be defined by actual presence or absence of Monarchs) or abandoned, in order to avoid impacts caused by movement;</p> <p>8. Doorways on new buildings shall face away (as close to 180° as possible) from Monarch roosting sites. Doorways on existing buildings that face roosting sites shall not be used during the roosting season if the buildings have alternate doorways facing away from the roosting sites that can be used instead, in order to avoid impacts caused by movement;</p> <p>9. All new exterior lighting fixtures shall be low, downcast, and of minimal lumens so that only the immediate areas surrounding the fixtures are lit, in order to maintain the quality of the nighttime sky and avoid impacts to Monarchs from excessive lighting.</p> <p>10. Pesticides, if used, shall be restricted to use when Monarchs are not present at the Main</p>	<p>2. Photographic evidence of the prescribed tree-protection measures shall be submitted <i>prior to issuance of grading and building permits for development near potentially affected trees.</i></p> <p>3. A deed restriction shall be recorded requiring:</p> <ol style="list-style-type: none"> that existing wood-burning fireplaces and stoves are not used during the Monarch roosting season (approximately October through March, to be defined by actual presence or absence of Monarchs); that doorways on existing buildings that face roosting sites shall not be used during the roosting season if the buildings have alternate doorways facing away from the roosting sites that can be used instead; that Pesticides, if used, shall be restricted to use when Monarch are not present at the Main Campus (from approximately April through September, to be defined by actual presence or absence of Monarchs); and that temporary signs shall be placed around Monarch over-wintering sites during roosting, indicating the presence of Monarchs, and that warn visitors and employees to avoid any sudden movement and to watch their step around the roosting areas to avoid trampling or startling the Monarchs. <p>B) A Monarch butterfly specialist shall submit his or her final comments directly to the Director of Planning and Building Inspection, which shall be based on review of the final site plan that shall be provide to the consulting biologist directly from the Planning and Building Inspection Department. The Director shall require any further project modifications necessary to maintain potential impacts to Monarch butterflies at less-than-significant levels.</p> <p>C) Prior to approval of the landscape plan, Esalen Institute's consulting biologist shall</p>	<p>B) Prior to issuance of any grading and building permits</p> <p>C) Prior to approval of the landscape plan</p>
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Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

		<p>Campus (from approximately April through September, to be defined by actual presence or absence of Monarchs).</p> <p>11. Temporary signs shall be placed around Monarch over-wintering sites during roosting, indicating the presence of Monarchs, and that warn visitors and employees to avoid any sudden movement and to watch their step around the roosting areas to avoid trampling or startling the Monarchs.</p> <p>B) Specific Mitigating Requirements for the Main Campus, pursuant to Walter Sakai's specific and general recommendations (the project's consulting Monarch specialist)~</p> <ol style="list-style-type: none"> 1. The westerly building of the proposed Gateway Center (building 113; see Reference #1) shall be designed with a low profile while the easterly building can be designed with a higher profile; 2. The Gateway Center and entranceway shall be redesigned to avoid tree removal, especially the removal of landmark eucalyptus trees used by Monarchs as roosting habitat; and 3. Proposed buildings 107 and 108 (see Reference #1) shall be relocated farther away from the Monarch roosting tree at that site. <p>C) The final site plans for the Main Campus shall be reviewed by a qualified biologist specializing in Monarch butterflies for any further recommendations deemed necessary to maintain potential impacts to Monarch butterflies at less-than-significant levels.</p> <p>D) Conditions at the Main Campus shall be enhanced for Monarch butterflies through the introduction of a greater diversity of nectar-producing plants, pursuant to the recommendations on pages 12 & 13 of the biological report (Reference #10, attached). The introduction of these plants shall be monitored to prevent invasiveness; plants that are likely to escape cultivation shall be controlled within specified outplanting areas. To this end, a detailed and overall landscape/vegetation plan (including a weed control program) for the Main Campus shall be prepared by a qualified professional landscape architect in consultation with the project's consulting biologist.</p>	<p>review a copy of the plan submitted to the Department of Planning & Building Inspection. Any revisions recommended by the consulting biologist shall be required prior to approval of the landscape, revegetation, and weed control plan. The biologist's comments shall be submitted directly to the Director of Planning and Building Inspection.</p>				
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33.A & B	2	<p>Smith's Blue Butterfly & Coastal Sage Scrub Habitat <i>In order to minimize impacts to Smith's blue butterflies during construction activities and to ensure the ongoing restoration of its habitat:</i></p> <p>A) Prior to and during the construction period~</p> <ol style="list-style-type: none"> 1. Current buckwheat locations shall be protected by orange construction fencing supported by metal or wooden posts where appropriate at both the Main and South Coast Properties, including along the bluffs at the Main Property where necessary, as determined by the project biologist; 2. Signs shall be posted with language to warn workers about the need to protect these areas and of any penalties that may be incurred if harm to the buckwheats or butterflies occurs; 3. The project biologist shall provide a brief educational awareness training to all construction workers (to be interpreted into other languages, as may be necessary) prior to breaking ground, and to new hires, as may be necessary throughout the life of the project; 4. The project biologist shall conduct inspections at least once a month during the various construction phases over the life of the project to verify ongoing compliance with the required mitigation measures; 5. Photos shall be taken by the project biologist before during, and after construction activities to provide evidence of compliance. <p>B) The first construction project at the South Coast Property shall be to pave or asphalt the access road and parking lots, in order to minimize the generation of dust that might otherwise impact Smith's blue butterflies and their habitat during ongoing construction activities.</p> <p>C) A solid curb or adequate bio-swale shall be installed around the western and southern portions of the proposed northerly parking lot for the South Coast Property and the driveway running south from there, in order to protect the newly planted buckwheats from increased runoff.</p> <p>D) A post & rail fence shall be erected around the western and southern periphery of the northerly</p>	<p>Smith's Blue Butterfly</p> <p>A) <i>Prior to issuance of grading and building permits</i>, Planning and Building Inspection staff shall review the final site plans, building and grading, and landscape/revegetation plans to verify that the requirements listed above (A.1-2, C, D, E, & G) are incorporated into the designs of all plans at all levels of ministerial approval and condition compliance, as well as included as notes on all such plans where appropriate.</p> <p>B) The project biologist shall verify in writing to MCPBID that item A.3 is carried out as described, as part of ongoing reporting and monitoring requirements.</p> <p>C) The project biologist shall submit monthly reports directly to MCPBID during all construction phases to verify ongoing compliance with Mitigation Measure 2. The reports shall contain photographic documentation of compliance with or violation of required mitigation measures. Failure to submit a report on time shall be cause for a Stop Work Order to be issued by the County and/or initiation of a Code Enforcement investigation.</p> <p>D) MCPBID staff will verify that Esalen has entered into a Memorandum of Understanding (MOU) with Caltrans for use of the right-of-way, and that an encroachment permit for this use has been secured by Esalen, <i>prior to issuance of grading and building permits for the South Coast property</i>. If for some valid reason the MOU and encroachment permit cannot be obtained, Esalen shall establish or restore, and maintain, .214 acres of coastal sage scrub habitat east of the private access road paralleling Highway 1 and surrounding the northerly parking area. This area, if required, shall be conveyed to the County by way of a conservation easement. MCPBID staff will verify whether this option is necessary prior to issuance of grading and</p>	Owner/ Applicant/ Biologist	<p>A) Prior to issuance of any grading and building permits</p> <p>B) Ongoing (as applicable) as part of monthly reporting requirements during construction</p>	
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	<p>parking lot to protect the newly planted buckwheats there.</p> <p>E) All non-native and ornamental plants currently growing at the western and southern peripheries of the northerly parking lot shall be removed as part of the weed control and habitat restoration plan for that area.</p> <p>F) Of the .235 acres of coastal sage scrub habitat at the South Coast Property, .0214 acres is within the Caltrans right-of-way along Highway 1. A Memorandum of Understanding (MOU) shall be entered into by Esalen with Caltrans for use of the right-of-way and an encroachment permit shall be secured by Esalen from Caltrans. An MOU is appropriate to ensure that normal Caltrans maintenance does not damage the restored habitat area. If for some valid reason the MOU and encroachment permit cannot be obtained, Esalen shall establish or restore, and maintain, .214 acres of coastal sage scrub habitat east of the private access road paralleling Highway 1 and surrounding the northerly parking area. This area, if required, shall be conveyed to the County by way of a conservation easement.</p> <p>G) During the life of the long-term redevelopment project, at both the Main and South Coast Properties</p> <ol style="list-style-type: none"> 1. Areas of disturbed soil shall be kept free of invasive-exotic plants to prevent their spread into potential Smith's blue butterfly habitat areas; 2. Regular sprinkling of any and all disturbed soil in project areas within 100 feet of seaciff buckwheat plants shall be conducted to reduce impacts caused by dust to buckwheat plants and Smith's blue butterfly life stages. Dust control measures shall continue until disturbed soils areas are paved and revegetated according to the landscape/revegetation plan. <p>H) Implementation and success of the coastal sage scrub habitat restoration areas at both properties shall be monitored at least three times yearly for a period of at five years after the areas are initially restored, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise</p>	<p>building permits. If so, it shall be incorporated into the landscape/revegetation plan accordingly and the easement shall be conveyed prior to occupancy of new buildings.</p> <p>E) Once the disturbed and degraded areas of coastal sage scrub have been initially restored, the project biologist shall submit monitoring reports directly to the MCPBID at least every four months for at least 5 years, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID). Failure to submit a report on time shall be cause for the issuance of a Stop Work Order and/or initiation of a Code Enforcement investigation.</p>		<p>C) Monthly during construction</p> <p>y</p> <p>D) Prior to issuance of any grading or building permits</p>		
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		regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID).			E) At least every 4 months (post-initial restoration) for at least 5 years, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer.	
34.A	3	<p>Southern Steelhead Trout <i>In order to protect, restore, and enhance the habitat for the southern steelhead trout:</i></p> <p>A) During construction of the new bridge, no excavated material shall be allowed to approach the banks of Hot Springs Creek or to enter the creek. A heavy-duty silt curtain reinforced with stakes and hay bales, adequate to retain excavated material, shall be installed and regularly maintained for the duration of bridge construction. All disturbed soil generated by the bridge project shall be immediately stabilized with the use of netting and/or sterile mulching.</p> <p>B) Soil disturbed during bridge construction shall be finally revegetated with Sitka willow starts, as described below under Mitigation Measure 11 (for impacts to the Sitka willow riparian forest). Exotic plants (especially cape ivy) shall be eradicated. By following revegetation recommendations discussed under mitigation measures required below (especially Mitigation Measure 13, for northern coastal scrub habitat), potential erosion that may result from habitat restoration activities will be reduced to less-than-significant levels.</p> <p>C) Remains of the small stone and mortar dam near</p>	<p>Southern Steelhead Trout</p> <p>A) The project biologist shall submit monthly reports directly to MCPBID during construction of the bridge to verify ongoing compliance with Mitigation Measure 3. The reports shall contain photographic documentation of compliance with or violation of required mitigation measures. Failure to submit a report on time shall be cause for a Stop Work Order to be issued by the County and/or initiation of a Code Enforcement investigation.</p> <p>B) <i>Prior to issuance of grading and building permits associated with the new bridge,</i> MCPBID staff shall verify that the erosion control measures required by Mitigation Measure 3 are included as notes on the plans.</p> <p>C) Once the bridge has been built, the dam removed, and the habitat initially restored, the project biologist shall submit monitoring reports directly to the MCPBID at least every four months for at least 5 years, or until the habitat area can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise</p>	Owner/ Applicant/ Biologist	<p>A) Monthly during construction</p> <p>B) Prior to issuance of any grading or building permits</p>	

Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

		<p>the mouth of Hot Springs Creek shall be removed. If necessary, Esalen shall secure a streambed alteration permit from the California Department of Fish & Game for removal of the dam, construction of the bridge, and associated habitat restoration work.</p> <p>D) Implementation and success of the southern steelhead trout mitigation measures shall be monitored at least three times yearly for a period of at least five years after construction of the bridge, or until the Sitka willow riparian-forest habitat area can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID).</p> <p>E) The proposed water conservation measures for the Main Campus shall be required as mitigation measures to ensure that adequate streamflow remains in the creek even during drought years. Streamflow shall not be allowed to drop below levels that would reduce the viability of the lower reaches of Hot Springs Creek as habitat for the southern steelhead trout.</p>	<p>regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID). Failure to submit a report on time shall be cause for the issuance of a Stop Work Order and/or initiation of a Code Enforcement investigation.</p> <p>D) Prior to issuance of grading and building permits, the Director of PBID shall review and approve a water-level monitoring protocol for Hot Springs Creek developed by a qualified biologist, to include measures for adequately addressing reduced flows if required to ensure adequate streamflow levels for sustaining steelhead habitat.</p>		<p>C) At least every four months (post-initial restoration) for at least 5 years, or until the habitat area can be verified by the project biologist as successfully restored, whichever is longer.</p> <p>D) Prior to issuance of grading and building permits</p>		
35.A	4	<p>California Red-legged and Foothill Yellow-legged Frogs</p> <p>If these endangered frog species are present in Hot Springs Creek Mitigation Measures 3, 9, 10, and 11 will also serve to limit potential impacts to these frogs and their habitat to less-than-significant-levels.</p>	<p>California Red-legged and Foothill Yellow-legged Frogs</p> <p>Same as those for Mitigation Measures 3, 9, 10, and 11.</p>	Owner/ Applicant/ Biologist	See Monitoring Actions 3, 9, 10, & 11		

36.A	5	<p>Special-Status Bat Species <i>In order to minimize potential impacts to the Yuma myotis, long-legged myotis, fringed myotis, long-eared myotis, Townsend's western big-eared bat, and the pallid bat to less-than-significant levels, a survey shall be conducted by a qualified biologist prior to the demolition or major remodel of any building. If found to be present, mitigation measures shall include demolition or remodeling during periods of low occupancy by the bat taxa (e. g., during the summer), as well as the construction or placement of suitable refugia prior to demolition or remodel, and the closure of the buildings to be removed for several days prior to their demolition.</i></p>	<p>Special-Status Bat Species <i>In the monthly reports to be submitted by the project biologist to the MCPBID during construction, the project biologist shall describe the bat surveys performed, their results, and mitigating actions carried out based on those results, if any. The biologist shall also report if any buildings are demolished or remodeled without the benefit of a survey for special-status bat species. Failure to submit a report on time and/or failure to adequately mitigate impact to any special-status bat species as required by Mitigation Measure 5 shall be cause for the issuance of a Stop Work Order and/or initiation of a Code Enforcement investigation.</i></p>	Owner/ Applicant/ Biologist	Monthly during construction		
37.A	6	<p>Southern Sea Otter <i>In order to prevent any construction-related impacts to the southern sea otter, temporary-yet-sturdy debris fences will be installed shoreward of areas near and around the Lodge and proposed Laundry facility [building 37 on the site plans], the Art Barn Annex [04], the propose Somatics Center [121], and Fritz [49], but away from the bluff edge (to make clean-up and maintenance safer).</i></p>	<p>Southern Sea Otter <i>Prior to issuance of related grading and building permits, Esalen shall submit photographic evidence to the MCPBID that appropriately sturdy debris fences are in place where required.</i></p>	Owner/ Applicant/ Biologist	Prior to issuance of any grading or building permits		
38.A	7	<p>Monterey Dusky-footed Woodrat <i>In order to avoid impacts to the Monterey dusky-footed woodrat and its habitat, proposed buildings 108 and 109 shall be relocated outside of northern coastal scrub habitat areas.</i></p>	<p>Monterey Dusky-footed Woodrat <i>Prior to issuance of any building and grading permits, and consistent with Mitigation Measure 1, Planning and Building Inspection staff shall review the final proposed site plans to verify that the requirements of Mitigation Measure 7 are adequately incorporated into the final plans.</i></p>	Owner/ Applicant/ Biologist	Prior to issuance of any grading or building permits		
39.A	8	<p>Maple-leaved Sidalcea <i>In order to prevent the extirpation of the maple-leaved sidalea from the Hot Springs Creek area, two suitable restoration areas have been identified along the creek within the Sitka willow riparian forest plant community (see sheet 3.4 of the site plans, Reference #1) and are required as follow:</i> A) A 15' x 40' area surrounding the maple-leaved sidalea near the Meditation House (building 20) shall be cleared of cape ivy. This work will not occur within the bank/streambed area of Hot Springs Creek. An herbicide may be used to kill the cape ivy if care is taken to avoid application on to the maple-leaved sidalea plant. Several follow-up applications of herbicide (at ca. two month intervals) may necessary for complete eradication. As this area is being cleared, cuttings</p>	<p>Maple-leaved Sidalcea <i>Once the maple-leave sidalea habitat-restoration areas have been initially restored, the project biologist shall submit monitoring reports directly to the MCPBID at least every four months for at least 5 years, or until the habitat area can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID). Failure to submit a report on time shall be cause for the issuance of a Stop Work</i></p>	Owner/ Applicant/ Biologist	At least every four months (post-initial restoration) for at least 5 years, or until the habitat area can be verified by the project biologist as successfully restored, whichever is longer.		

Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

		<p>should be taken from the several plants (for maximal genetic diversity) and started in a suitable medium. Germination of seeds from these plants can also be attempted. When the plants are well-rooted, 20 specimens should be outplanted, on 7-foot centers, within the 15' x 40' area. Unless outplanted during the rainy season, these plants must be irrigated until established. The restoration area must be kept free of exotic plants, especially cape ivy, sticky eupatorium (<i>Ageratina adenophora</i>), and periwinkle (<i>Vinca major</i>).</p> <p>B) A 10' x 20' area shall be established on the south side of Hot Springs Creek immediately upstream from the proposed new vehicular bridge. This site will not be situated within the bank or streambed of the creek. If necessary, exotic plants shall be removed as described above. Care shall be taken during this effort to avoid disturbance of the existing Sitka willow riparian forest, which is more intact than the site described above. Eight rooted cuttings, as described above, shall be planted here. Maintenance is the same as described above.</p> <p>C) Implementation and success of both of the maple-leave sidalcea habitat-restoration areas at Hot Springs Creek shall be monitored at least three times yearly for a period of at least five years after the areas are initially restored, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID).</p>	Order and/or initiation of a Code Enforcement investigation.			
40.A	9	<p>Redwood Forest Plant Community</p> <p><i>In order to protect the long-term viability of the redwood forest plant community within Hot Springs Canyon, the proposed water conservation measures for the Main Campus shall be required as mitigation measures to ensure that adequate streamflow remains in the creek even during drought years. Streamflows shall not be allowed to drop below levels that would reduce the viability of Hot Springs Canyon as habitat for the redwood forest plant community, consistent with Mitigation Measure 3 to protect the viability of</i></p>	<p>Redwood Forest Plant Community</p> <p>Same as Monitoring Action 3.D, above.</p>	Owner/ Applicant/ Biologist		

41.A & B	10	<p>the habitat for the southern steelhead trout.</p> <p>Arroyo Willow Riparian Forest <i>In order to minimize potential impacts to the arroyo willow riparian forest habitat at the South Coast Center:</i></p> <p>A) During construction, a sturdy debris fence shall be installed and maintained along the southeast side of the natural drainage channel to the north of the southerly parking area in order to separate this drainage channel area from the southerly parking lot construction site. This fence shall serve to prevent excavated material from cascading downslope into the arroyo willow riparian forest. The fence will be kept in place until the project is completed. Any disturbed soil shall be immediately stabilized through the use of netting</p>	<p>Arroyo Willow Riparian Forest</p> <p>A) <i>Prior to issuance of grading and building permits</i>, Planning and Building Inspection staff shall review the final site plans, building and grading, and landscape/revegetation plans to verify that the requirements of Mitigation Measure 10 are incorporated into the designs of all plans at all levels of ministerial approval and condition compliance, as well as included as notes on all such plans where appropriate.</p> <p>B) The project biologist shall submit monthly reports directly to MCPBID during all construction phases to verify ongoing compliance with Mitigation Measure 10.</p>	Owner/ Applicant/ Biologist	A) Prior to issuance of any grading or building permits	
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Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

and/or sterile mulching. Also, any disturbed soil generated by this phase of the project will be kept free of exotic plants.

- B) Runoff from impermeable surfaces shall not be allowed to cause site erosion. Dispersal systems shall be engineered to prevent concentrated runoff (flowing from parking areas and access roads) from directly entering the seasonal stream channel.
- C) As shown on the South Coast Site Restoration Plan (see sheet 4.4a of site plans; Reference #1) and the South Coast Riparian Restoration Plan (sheet 4.4b), in areas depicted as arroyo willow riparian forest vegetation, outplanting of arroyo willows will take place on a 0.060 acre area immediately downstream from the replaced upper culvert on slopes on both side of the seasonal drainage channel north and west of the proposed expanded southerly parking area and its access road. This revegetation will occur in previously disturbed areas (see page 21 of the biological report; Reference #10). Into this area will be outplanted 35 arroyo willow slips, on 10' centers. The slips shall be obtained from onsite arroyo willow trees. Cuttings shall be taken from second-year branches. These can be easily rooted in water; cuttings shall be immersed to ca. 2' depth during rooting. After the cuttings are rooted they shall be planted into 1' diameter gopher baskets to a 2' depth. The plants shall be kept weeded and watered until established. Browsing by deer shall be discouraged with 1'-2' diameter chicken wire enclosures, if needed. Other characteristic plants of this habitat, such as thimbleberry (*Rubus parviflorus*), canyon gooseberry (*Ribes menziesii* var. *menziesii*), and crimson columbine (*Aquilegia formosa*), shall also be included in the landscape/revegetation plan.
- D) In the other 0.439-acre area designated for arroyo willow riparian forest restoration, exotic plants shall be eradicated. Mamial removal methods will be used in tandem with herbicide application, and shall be overseen and monitored by a qualified biologist.

The reports shall contain photographic documentation of compliance with or violation of required mitigation measures. Failure to submit a report on time shall be cause for a Stop Work Order to be issued by the County and/or initiation of a Code Enforcement investigation.

C) Once the arroyo willow riparian forest areas have been initially restored, the project biologist shall submit monitoring reports directly to the MCPBID at least every four months for at least 5 years, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID). Failure to submit a report on time shall be cause for the issuance of a Stop Work Order and/or initiation of a Code Enforcement investigation.

B) Monthly during construction

E) Implementation and success of the arroyo willow riparian forest mitigation measures shall be monitored at least three times yearly for a period of at least five years after the areas are initially restored, or until the habitat area can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID).

C) At least every four months (post-initial restoration) for at least 5 years, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer.

42.A	11	<p>Sitka Willow Riparian Forest <i>In order to minimize potential impacts to the Sitka willow riparian forest habitat along Hot Springs Creek:</i></p> <p>A) Sturdy debris fences shall be installed along the streamside edges below construction areas relating to proposed bridge. These fences shall be sufficiently reinforced with hay bales and adequate staking as necessary to prevent excavated material from entering Hot Springs Creek and the Sitka willow riparian forest areas. The fences shall be regularly maintained and kept in place until construction activities related to the bridge are concluded. Any disturbed soil shall be immediately stabilized through the use of netting and/or sterile mulching. Also, any disturbed soil generated by this phase of the project will be kept free of exotic plants.</p> <p>B) Runoff from impermeable surfaces shall not be allowed to cause site erosion. Dispersal systems shall be engineered to prevent concentrated runoff (flowing from the roadway approaches to the new bridge) from directly entering Hot Springs Creek.</p> <p>C) As shown on the Esalen Main Property Site Restoration Plan (see sheet 3.4 of site plans; Reference #1), revegetation of Sitka willows will occur on each side of Hot Springs Creek both upstream and downstream from the proposed new bridge. Revegetation will also occur on disturbed soil resulting from construction of the new roadway approaches to the bridge. On the south side of Hot Springs Creek, the area between the stream bank edge and the new roadway approaches</p>	<p>Sitka Willow Riparian Forest A) Prior to issuance of grading and building permits, Planning and Building Inspection staff shall review the final site plans, building and grading, and landscape/revegetation plans to verify that the requirements of Mitigation Measure 11 are incorporated into the designs of all plans at all levels of ministerial approval and condition compliance, as well as included as notes on all such plans where appropriate.</p> <p>B) The project biologist shall submit monthly reports directly to MCPBID during all construction phases for the bridge to verify ongoing compliance with Mitigation Measure 11. The reports shall contain photographic documentation of compliance with or violation of required mitigation measures. Failure to submit a report on time shall be cause for a Stop Work Order to be issued by the County and/or initiation of a Code Enforcement investigation.</p> <p>C) Once the Sitka willow riparian forest areas have been initially restored, the project biologist shall submit monitoring reports directly to the MCPBID at least every four months for at least 5 years, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the</p>	Owner/ Applicant/ Biologist	<p>A) Prior to issuance of any grading or building permits</p> <p>B) Monthly during construction</p>		
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to the bridge will be revegetated with Sitka willows after the existing cape ivy has been eradicated. Eradication will occur as described above for Mitigation Measure 3.

- D) The total area to be revegetated is 0.071 acres (a restoration ratio of 3 to 1). Twenty-four Sitka willow slips, on 10' centers, shall be planted in this area. The slips shall be obtained from onsite Sitka willow trees. Cuttings shall be taken from second-year branches. These can be easily rooted in water; cuttings shall be immersed to ca. 2' depth during rooting. After the cuttings are rooted they shall be planted into 1' diameter gopher baskets to a 2' depth. The plants shall be kept weeded and watered until established.
- E) Further enhancement of this habitat will result from the reintroduction of a stand of maple-leaved sidalcea, as required by Mitigation Measure 8.
- F) In all areas of Sitka willow riparian forest habitat along Hot Springs Creek, exotic plants (especially cape ivy) shall be eradicated.
- G) Implementation and success of the Sitka willow riparian forest mitigation measures shall be monitored at least three times yearly for a period of at least five years after the areas are initially restored, or until the habitat area can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID).

success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID). Failure to submit a report on time shall be cause for the issuance of a Stop Work Order and/or initiation of a Code Enforcement investigation.

C) At least every four months (post-initial restoration) for at least 5 years, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer.

43.A & B	12	<p>Northern Coastal Scrub <i>In order to minimize impacts to northern coastal scrub and any associated sensitive species:</i></p> <p>A) Northern coastal scrub habitat stabilization will be undertaken at the South Coast Center, and commence with approval of the landscape/revegetation plan. As shown on the South Coast Site Restoration Plan (sheet 4.4a of site plans; Reference #1), an area of 0.520 acres will be treated. This measure will require the removal of exotic plants such as cape ivy, jubata grass (<i>Cortaderia jubata</i>), sticky eupatorium, and French broom (<i>Ginstia monspessulana</i>). These plants are currently at a very low rate of infestation. Eradication shall be accomplished through manual methods or the use of an herbicide. Follow-up eradication measures will be necessary, until the targeted plants are dead.</p> <p>B) Consistent with Mitigation Measures 1 & 7, proposed new buildings 108 and 109 shall be relocated to avoid impacts to a Monarch butterfly roosting site and breeding habitat for the Monterey dusky-footed woodrat, which also serves to avoid impacts to the northern coastal scrub plant community at this location.</p> <p>C) At the Main Campus, northern scrub habitat lost to development of a new parking area (0.023 acres) shall be replaced. An area of 0.158 acres just south of Hot Springs Creek is designated on the Main Property Site Restoration Plan (sheet 3.4 of site plans; Reference #1) for revegetation of northern coastal scrub habitat. Eradication of cape ivy here shall follow procedures described for Mitigation Measure 3. However, in order to minimize the potential erosion of steep slopes above Hot Springs Creek after the eradication of cape ivy, this large area shall be divided in to four blocks of ca. 1,720 square feet each. These blocks shall be revegetated progressively, starting with Block #1 (the easternmost end; see Site Restoration Plan). This element of northern</p>	<p>Northern Coastal Scrub</p> <p>A) <i>Prior to issuance of grading and building permits</i>, Planning and Building Inspection staff shall review the final site plans, building and grading, and landscape/revegetation plans to verify that the requirements of Mitigation Measure 12 are incorporated into the designs of all plans at all levels of ministerial approval and condition compliance, as well as included as notes on all such plans where appropriate.</p> <p>B) Once the 1st Block of northern coastal scrub area has been initially restored, the project biologist shall submit monitoring reports directly to the MCPBID at least every four months until at least 3 years after the initial restoration of the 4th Block, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID). Failure to submit a report on time shall be cause for the issuance of a Stop Work Order and/or initiation of a Code Enforcement investigation.</p>	Owner/ Applicant/ Biologist	A) Prior to issuance of any grading or building permits	
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coastal scrub restoration shall be undertaken upon approval of the landscape/revegetation plan, and the treatment of each successive block shall be initiated after treatment of the previous block has been completed.

- D) Block #1 (the first to be cleared of cape ivy), shall be replanted with a mix of site-specific northern coastal scrub plants. After the first spraying of herbicide, the sprayed area shall be netted and mulched (at a 1"-2" depth) with sterile material. Follow-up spraying shall target emergent cape ivy appearing above the mulch, if necessary. To be outplanted in this area shall be specimens of California coffeeberry (*Rhamnus californica*) on 10' centers, blue blossom (*Ceanothus thyrsiflorus*) on 25' centers, canyon gooseberry (*Ribes menziesii* var. *menziesii*) on 15' centers, coyote bush (*Baccharis pilularis*) on 15' centers, lizard tail (*Eriophyllum staechadifolium* var. *artemisiaefolium*) on 10' centers, toyon (*Heteromeles arbutifolia*) on 30' centers, and northern sticky monkey flower (*Mimulus aurantiacus*) on 15' centers. These plantings shall be kept irrigated until established. Follow-up applications of herbicide shall be frequent enough to allow establishment of the outplanted specimens, as well as formerly-suppressed re-emergent native plants. Spraying shall continue until cape ivy has been eradicated from Block #1.
- E) The procedure outlined above shall be successively followed in Blocks #2, #3, and #4, with revegetation of Block #4 to be initially completed by at least the tenth year after approval of the landscape/revegetation plan.
- F) Implementation and success of the northern coastal scrub mitigation measures shall be monitored by a qualified biologist at least three times yearly for at least a period of at least three years after Block #4 has been initially restored, or until the habitat area (all 4 blocks) can be verified by the project biologist as successfully restored, whichever is longer. Should problems arise regarding the success of these measures, the project biologist shall notify, in writing, the management of Esalen Institute. If the success of these measures is jeopardized, the project biologist shall notify, in writing, the management of Esalen Institute and the Monterey County Planning and Building Inspection Department (MCPBID).

B) Once the 1st Block of northern coastal scrub area has been initially restored, the project biologist shall submit monitoring reports directly to the MCPBID at least every four months until at least 3 years after the initial restoration of the 4th Block, or until the habitat areas can be verified by the project biologist as successfully restored, whichever is longer.

44.A & B	13	<p>Archaeological Resources</p> <p>A) <i>In order to avoid impacts to areas of redeposited midden, thereby maintaining potential impacts at less-than-significant levels</i>, the inadvertent disturbance of midden material, or the inadvertent relocation of midden material, should be avoided to the greatest extent feasible, pursuant to page 3 of a supplemental report from the project's consulting archaeologist, dated July 14, 2003, which recommends that the midden material not be moved. Given that the preliminary grading plans call for 268 cu. yds. of cut and 304 cu. yds. of fill at the redeposited midden area south of Hot Springs Creek and 178 cu. yds. of cut, and 209 cu. yds. of fill at the redeposited midden area north of Hot Springs Creek, a project-specific Archaeological Mitigation Plan shall be prepared for these project elements, pursuant to the recommendations of the project's consulting archaeologist. If material from these sites must be moved, then the project's consulting archaeologist shall select a single location for the material from both sites where the material will not be disturbed again in the future. This area surrounding this location (including a buffer) shall be conveyed to the County as an Archaeological Easement.</p> <p>B) <i>In order to avoid and minimize impacts to Archaeological Site #CA-MNT-254 (south of Hot Springs Creek), thereby maintaining potential impacts at less-than-significant levels:</i></p> <ol style="list-style-type: none"> 1. Proposed new plumbing and man-made stormwater wetlands that would impact this site shall be redesigned and relocated outside the boundaries of the site so as to avoid impacts, thereby maintaining them at less-than-significant levels. 2. A project-specific Archaeological Mitigation Plan shall be prepared for the proposed new plumbing, man-made stormwater wetlands elements, and proposed building 114, pursuant to the recommendations of the project's consulting archaeologist, who has determined that potential impacts from these project elements can be mitigated to less-than-significant levels in this way. 3. Proposed building 111 will be eliminated from the project proposal to avoid the need for a lot line adjustment. This revision also avoids potential archaeological impacts that may 	<p>Archaeological Resources</p> <p><i>Prior to the issuance of grading and building permits at the Main Campus:</i></p> <ol style="list-style-type: none"> A) Each project-specific Archaeological Mitigation Plan required by Mitigation Measure 13 shall be submitted to MCPBID staff and shall be subject to the approval of the Director, prior to the issuance of each related grading and building permit, area by area. B) MCPBID staff shall verify that all plan revisions required by Mitigation Measure 13 are reflected in the subsequent grading and building plans prior to issuance of such permits. C) MCPBID staff shall verify that all Archaeological Easements required by Mitigation Measure 13 are submitted for approval by the Director of PBID prior to their conveyance to the County and subsequent recordation, prior to the issuance of grading and building permits. D) Esalen Institute shall submit evidence of a contract with a qualified archaeologist for monitoring during grading, excavation, or initial construction activities (e.g., foundations, trenching, etc.) at the Main Campus. Said contract shall be subject to the approval of the Director of PBID prior to the issuance of any grading or building permits. E) Esalen Institute shall submit evidence of an educational program concerning the importance of the archaeological resources onsite and ways to ensure their preservation, authored by a registered professional archaeologist, which shall be required for all current and employees and new hires at the institute. This educational program shall be subject to the approval of the Director of PBID prior to the issuance of any grading or building permits. 	Owner/ Applicant/ Archaeologist	Prior to issuance of related grading and building permits		
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Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

have been caused by the construction of building 111.

4. A project-specific Archaeological Mitigation Plan shall be prepared for the proposed new/upgraded walking path between existing buildings 22 & 23, to include adding only culturally-sterile fill (such as decomposed granite or indigenous soil), and there shall be no grading or leveling of the existing surface, pursuant to the recommendations of the project's consulting archaeologist who has determined that potential impacts from these project elements can be mitigated to less-than-significant levels in this way.
5. An Archaeological Easement shall be conveyed to the County over Archaeological Site #CA-MNT-254.

C) *In order to avoid and minimize impacts to Archaeological Site #CA-MNT-266 (north of Hot Springs Creek), thereby maintaining potential impacts at less-than-significant levels:*

1. Proposed new plumbing and man-made stormwater wetlands that would impact this site shall be redesigned and relocated outside the boundaries of the site so as to avoid impacts, thereby maintaining them at less-than-significant levels.
2. A project-specific Archaeological Mitigation Plan shall be prepared for the proposed new plumbing, and proposed buildings 102, 103, 105, and 106 that are proposed within Archaeological Site #CA-MNT-266, pursuant to the recommendations of the project's consulting archaeologist, who has determined that potential impacts from these project elements can be mitigated to less-than-significant levels in this way.
3. Proposed buildings 107, 108, and 109 are required to be relocated by Mitigation Measures 1 and 7. If they are to be relocated within the boundaries of Archaeological Site #CA-MNT-266, a project-specific Archaeological Mitigation Plan shall be prepared for these structures, pursuant to the recommendations of the project's consulting archaeologist who has determined that potential impacts from these project elements can be mitigated to less-than-significant levels in this way.

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| | <ol style="list-style-type: none"> 4. Proposed bio-swailes #1 & 2 shall be relocated outside of the boundaries of Archaeological Site #CA-MNT-266 in order to avoid impacts to Archaeological Site #CA-MNT-266. 5. Existing building 14 shall not be relocated, as originally proposed, in order to avoid impacts to Archaeological Site #CA-MNT-266. 6. A project-specific Archaeological Mitigation Plan shall be prepared for the proposed new septic system for the Big House [18], to include a redesign so as to avoid crossing the roadway in front of the Big House, pursuant to the recommendations of the project's consulting archaeologist who has determined that potential impacts from this project element can be mitigated to less-than-significant levels in this way. 7. A project-specific Archaeological Mitigation Plan shall be prepared for the proposed new Staff/Yurt City septic system south of proposed building 103, pursuant to the recommendations of the project's consulting archaeologist who has determined that potential impacts from this project element can be mitigated to less-than-significant levels in this way. 8. A project-specific Archaeological Mitigation Plan shall be prepared for all proposed new/upgraded walking paths within the boundaries of Archaeological Site #CA-MNT-266, to include adding only culturally-sterile fill (such as decomposed granite or indigenous soil), and there shall be no grading or leveling of the existing surfaces, pursuant to the recommendations of the project's consulting archaeologist who has determined that potential impacts from these project elements can be mitigated to less-than-significant levels in this way. 9. In order to mitigate impacts already caused to Archaeological Site #CA-MNT-266 due to the installation of a temporary indigenous-style sweatlodge in this area, a project-specific Archaeological Mitigation Plan shall be prepared for the removal of new charcoal introduced into the old deposit, the removal of the sweatlodge from this site, and to return this area to lawn (with an absolute minimum of earth disturbance, and using culturally- | | | | |
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Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

sterile soils), for obtaining two samples for radiocarbon dating to help add to the body of scientific knowledge concerning this site.

10. An educational program concerning the importance of the archaeological resources onsite and ways to ensure their preservation shall be developed by the project's consulting archaeologist and shall be required for all current and employees and new hires at the institute, pursuant to the recommendations of the project's consulting archaeologist who has determined that the impacts caused by the installation this sweatlodge can be mitigated to less-than-significant levels in this way.
11. An Archaeological Easement shall be conveyed to the County over Archaeological Site #CA-MNT-266.

D) *In order to avoid and minimize inadvertent impacts to archaeological resources at the Main Campus during any grading, excavation, or initial construction activities (e.g., foundations, trenching, etc.), as part of all project-specific Archaeological Mitigation Plans, an onsite archaeological monitor shall be present.*

45.A	14	<p>Historic Resources</p> <p><i>In order to minimize potential impact to potentially historic resources at the Main Campus, a Design Approval shall be required for potentially historic buildings 37 (the Lodge) and 42 (original guest cabin) prior to issuance of grading and building permits for these structures. The final design plans shall be reviewed by a qualified historian, who shall verify that the final designs are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995), though notes on the plans to this effect. The final design plans shall also carry the dated signature of the project's consulting historian.</i></p>	<p>Historic Resources</p> <p><i>Prior to granting Design Approval and issuance of grading and building permits for potentially historic buildings 37 (the Lodge) and 42 (original guest cabin), MCPBID staff shall verify that the final design plans include the notes and dated signature of the project's consulting historian verifying that the final design plans are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995).</i></p>	Owner/ Applicant/ Historian	Prior to granting Design Approval and issuance of grading and building permits for potentially historic buildings 37 (the Lodge) and 42 (original guest cabin),
46.A & B	15	<p>Geology & Soils</p> <p><i>In order to reduce the risk of seismic-related impacts to newly-constructed habitable structures to less-than-significant levels, the following mitigation measures shall be followed:</i></p> <ol style="list-style-type: none"> A) Surface mapping shall be carried out in the vicinity of the Esalen Main Campus, by a registered geologist or certified engineering geologist, to accurately locate any fault traces on relevant portions of the project site; and B) Natural fault outcrops shall be inspected to evaluate the fault for recent activity; 	<p>Geology & Soils</p> <p><i>Prior to the issuance of grading and building permits:</i></p> <ol style="list-style-type: none"> A) The results of the surface mapping and fault outcrop investigations at the Main Campus shall be communicated to the PBID in the form of a report authored by a registered geologist or certified engineering geologist, prior to the issuance of grading and building permits. B) Should the surface mapping indicate that a strand of the fault crosses through areas 	Owner/ Applicant/ Geologist	Prior to issuance of any grading or building permits

Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

- C) If after surface mapping, inspection of fault outcrops, and trenching (if necessary) the fault is determined to be active or potentially active, additional geologic and geotechnical reports shall be required.
- D) In addition, if the fault is determined to be active or potentially active, all new structures shall be sited a minimum of 50 feet from the identified fault, in order to maintain consistency with the Section 20.145.080.A.2.b of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*. If structures must be resited for any reason, they shall be resited so as to have no impacts to archaeological resources, environmentally sensitive habitat, and the Critical Viewshed. Resiting of any structures will require either a Minor & Trivial Amendment or a Permit Amendment to the approved Combined Development Permit, depending on the facts and circumstances of any necessary resiting of structures.

Regardless of the results of the fault investigations, all building plans for structures at both the Main Campus and the South Coast Center shall bear the wet-seal stamp, date, and signature of a registered geologist or certified engineering geologist and a certified geotechnical engineer, indicating that the plans adequately incorporate the recommendations of these consulting professionals for reducing seismic-related impacts to less-than-significant levels.

intended for development, and should inspection of natural fault outcrops prove inconclusive, then the project's grading permit application shall be approved by the County's Grading Official to allow for the excavation of one or more geologic trenches to determine the activity of the fault.

- C) Prior to the issuance of any grading permits, the PBID shall verify that the proposed trenches will not impact areas of known archaeological resources or environmentally sensitive habitat.
- D) A qualified archaeological monitor shall be present during the excavation of geologic trenches. Esalen Institute shall submit evidence of a contract with a qualified archaeologist for monitoring during excavation of geological trenches. Said contract shall be subject to the approval of the Director of PBID prior to the issuance of any grading permit at the Main Campus.
- E) PBID staff shall verify that any resited buildings (pursuant to incise D, above) do not impact archaeological resources, environmentally sensitive habitat, and the Critical Viewshed prior to issuance of related grading and building permits, as part of the review for a Minor & Trivial Amendment or Permit Amendment to the approved Combined Development Permit.
- F) PBID staff shall verify that all building plans bear the wet-seal stamp, date, and signature of a registered geologist or certified engineering geologist and a certified geotechnical engineer, indicating that the plans adequately incorporate the recommendations of these consulting professionals for reducing seismic-related impacts to less-than-significant levels.

47.A & B	16	<p><i>No Intensification of a Legal Non-Conforming Use</i> <i>In order to prevent the intensification of a legal non-conforming use, prior to issuance of grading and build permits, Esalen Institute shall <u>record a deed restriction</u> that precludes employee housing units from being used as guest units, and vice versa, so that the level of visitor service and employee accommodations are not increased. Employees at Esalen Institute include permanent and contract staff, extended students, and work study students. Visitors/guests are defined as persons staying a week or less. This deed restriction could possibly be revoked if in the future Esalen is successful in obtaining approval of an amendment to the County's certified Local Coastal Program that would change the zoning designation of Esalen's properties, which might then allow an intensification of use.</i></p>	<p><i>No Intensification of a Legal Non-Conforming Use</i> <i>Prior to issuance of building and grading permits, MCPBID staff will verify recordation of the deed restriction required by Mitigation Measure 16.</i></p>	Owner/ Applicant	Prior to issuance of any grading or building permits		
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Monitoring Schedule subsections for Mitigation Measures correspond with *Monitoring Action* subsections

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
100 FRONT STREET, SUITE 300
MARTINEZ, CA 94560
1) 427-4863
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: December 26, 2003

TO: Jeff Main, Planner Manager, Coastal Team
County of Monterey, Planning Department
2620 First Avenue
Marina, CA 93933

FROM: Steve Monowitz, Permit Supervisor

RE: **Commission Appeal No. A-3-MCO-03-120**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: **PLN010501**

Applicant(s): **Esalen Institute**

Description: **Rehabilitation and restoration plan for institute's main properties to include demolition of 24 structures and the construction of 27 new structures; development within critical viewshed; development within 100 ft. of Hot Springs Creek and state & federally protected species (ESHA); development with positive archaeological reports; development on slopes of 30 % or greater; and removal of 3 landmark eucalyptus trees.**

Location: **55000 Highway 1, Big Sur (Monterey County) (APN(s) 421-011-018, 421-011-005, 421-011-006, 421-011-007)**

Local Decision: **Approved w/ Conditions**

Appellant(s): **Commissioner Sara J. Wan; Commissioner Toni Iseman**

Date Appeal Filed: **12/26/2003**

The Commission appeal number assigned to this appeal is A-3-MCO-03-120. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Monterey's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Steve Monowitz at the Central Coast District office.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200

RECEIVED

DEC 24 2003



CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Sara J. Wan

Commissioner Toni Iseman

California Coastal Commission

California Coastal Commission

45 Fremont Street, Suite 2000

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

San Francisco, CA 94105-2219

(415) 904-5200

(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Monterey County

2. Brief description of development being appealed:

1) Rehabilitation and restoration plan for institute's main properties to include demolition of 24 structures and the construction of 27 new structures; development within critical viewshed; development within 100 ft. of Hot Springs Creek and state & federally protected species (ESHA); development with positive archaeological reports; development on slopes of 30% or greater; and removal of 3 landmark eucalyptus trees.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

55000 Highway 1, Big Sur, Monterey County

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: XX

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-03-120

DATE FILED: 12-26-03

DISTRICT: Central

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning
Administrator

c. ☒ Planning Commission

b. ☐ City Council/Board of
Supervisors

d. ☐ Other: _____

6. Date of local government's decision: November 12, 2003

7. Local government's file number: PLN010501

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional pages if necessary)

a. Name and mailing address of permit applicant:

<u>Esalen Institute</u>	<u>Bud Carney, - California Land Plan</u>
<u>55000 Highway 1</u>	<u>347 Arthur Avenue</u>
<u>Big Sur, CA 93920-9546</u>	<u>Aptos, CA 95003</u>

b. Names and mailing addresses as available of those who testified (either in writing) at the city/county/port hearings (s). Include other parties which you are interested and should receive notice of this appeal.

(1) Jeff Main, Monterey County Planning & Building Inspection

2620 First Avenue

Marina, CA 93933

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by the provisions and requirements of the Coastal Act. Please review the appeal information and seek assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Lara Allen
Appellant or Agent

Date: 12/23/03

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

Reasons for Appeal of Monterey County Coastal Development Permit PLN010501

Monterey County's approval of a coastal development permit for the demolition of 24 structures and the construction of 27 new structures, and other development previously undertaken without permits at the Esalen Institute in Big Sur, is inconsistent with the Monterey County certified Local Coastal Program and the Coastal Act Public Access Policies for the following reasons:

1. Public Access

The Esalen Institute's main campus, located on the Big Sur coastline at Hot Springs Canyon, provides significant access and recreation opportunities. The campus includes land on both sides of Highway One that could support an essential link for the California Coastal Trail. Such opportunities must be provided for, protected, and enhanced by new development, as required by Coastal Act Sections 30210, 30211, 30212, 30213 and 30214, and the public access policies of the Big Sur Coast Land Use Plan (e.g., policies 6.1.3, 6.1.4 and 6.1.5).

Application materials indicate that the Esalen Institute will continue to provide public access in forms such as seminars, workshops and conferences, research and work-study opportunities, and community events. Other elements of the Institute's access program include general public access to the hot baths during specified hours, massage by appointment; and room and board when space is available. The County's approval of this project does not, however, provide adequate assurances that existing access opportunities will be protected, such as in the event of unforeseen changes in management direction or land ownership. As a result, the County's action does not adequately comply with Coastal Act Section 30210, 30212, and LCP Policy 6.1.4.1.

With respect to lateral access along the coast, project materials indicate that Esalen is working with Caltrans to realign and enhance the existing lateral access pedestrian path parallel to Highway 1. A potential alignment, involving both Esalen and Caltrans-managed lands, has been tentatively identified with the assistance of Coastal Commission staff, and would serve as a segment of the California Coastal Trail. The County approval does not, however, provide the necessary assurances that this lateral public access will be provided, and is thereby inconsistent with Coastal Act Section 30212 and LCP Policies 6.1.4.2, 6.1.4.5, and 6.1.5.B.2. Other access opportunities, such as providing scenic viewpoints as encouraged by LCP Policy 6.1.4.4, are also inadequately addressed by the County permit.

2. Visual Resources

The County's approval includes authorization of development that has occurred without required permits, including reconstruction of the baths located on the coastal bluff after they were damaged by coastal storms. This development appears to have increased the visibility of the structures from distant public views, and therefore raises issue with the Big Sur Coast Land Use Plan Scenic Resource Protection Policies. In particular, the LUP Scenic Resource Key Policy, Section 3.2.1, prohibits new development in the Critical

Viewshed, which includes everything within sight of Highway 1 and its turnouts (LUP Section 3.2.2.1). Replacement or enlargement of a structure destroyed by natural disaster is allowed on the original location, if the net result is no increased visibility (LUP Section 3.2.3.A.7). The County's action does address the visual impacts of the replacement bathhouse on the critical viewshed, or require landscape screening measures to avoid or minimize this impact, and is therefore inconsistent with LUP visual resource protection requirements.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Toni Isen
Appellant or Agent

Date: 12/24/03

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

EXHIBIT "D"

TERMS AND CONDITIONS

1. Grantee shall indemnify, defend, protect and hold Grantor harmless from all claims for damage to, or loss of, property, including the Property, or injury or death of any person occurring as a result of any use, condition or maintenance, or lack thereof of the Easement. Provided, Grantee shall not be required to assume responsibility with respect to damages caused directly by the directors, employees, seminarians, and other invited guests of Grantor. And, provided, these terms: a) shall not, as to third party claimants, diminish any recreational use immunities that may be available to Grantor or Grantee including, without limitation, those provided under Civil Code Section 846, and b) may, with the consent of Grantor, be modified, supplemented or supplanted pursuant to the terms of a specific legal agreement between the State Coastal Conservancy and Grantee, as provided in Government Code Section 831.5.

2. Grantee shall demonstrate to the satisfaction of Grantor the ongoing ability of Grantee to indemnify, defend, protect, reimburse, and hold harmless, Grantor as described in paragraph 1 above and to satisfy all claims or actions of any kind whatsoever which may arise due to the opening of the Easement to or use of the Easement by the public.

3. Grantor agrees to allow the following uses within the Easement: public access and passive noncommercial recreational uses.

4. Subject to Grantor's written approval of specific plans, which approval shall not be unreasonably withheld, the following access improvements may be allowed within the Easement: trails, landscaping, fences, signs, gates, benches, trash receptacles, retaining walls, drainage improvements, and similar features. Except as otherwise specified herein, all such improvements shall be generally consistent with the 3-17-2003 Roadside Path Treatments attached as Appendix 1 to this Exhibit D, and with the Coast Highway Management Plan, and shall be paid for and maintained by Grantee. Grantor's sole maintenance responsibility shall be for periodic litter removal within the Easement.

5. Grantee, in accepting the Easements, agrees to prohibit the following uses and activities:

A. Parking on any driveway or private road on or providing access to the Property.

B. Trespass outside the Easement or any other access or encroachment on to the Property.

C. All unleashed animals including pets and livestock (except as may be used by Grantee's management personnel for trail patrol).

D. Littering or the accumulation of any refuse or garbage, including without limitation, paper, glass, cans, and the like. Grantee shall also prohibit the placement of any unsanitary waste, human or animal, within the Easement or on any portion of the Property.

E. Any nighttime use, including without limitation, overnight camping (nighttime is defined for these purposes as before sunrise or after sunset).

F. Open fires of any kind and smoking.

G. Firearms of any type, except as may be carried by law enforcement personnel.

H. The operation of radios, public address systems, or other equipment with the potential of disturbing the solitude of the Property and development thereon.

I. Behavior that constitutes a public nuisance or has the potential to disturb the solitude of the Property and development thereon. Grantee agrees to enforce these prohibitions through the posting of signs, periodic patrols and other measures as needed.

6. There is expressly excluded from the Offer and the Easement any right, express or implied, to cross or use other real property owned by Grantor or in which Grantor has any interest, in order to gain access to or from the Property or the Pacific Ocean. No rights are granted to Grantee or to members of the public, nor shall any such rights be implied, by virtue of this Offer or the granting of the Easement, to cross or use other real property owned by Grantor, or in which Grantor has any interest, in order to obtain access to or from the Property or the Pacific Ocean.

7. The Easement is expressly subject and subordinate to all existing easements, covenants, conditions, restrictions, reservations, limitations or other rights and interests of persons in the Property and to all existing development on the Property and future development approved by the Permit.

8. Grantee shall be responsible to close the Easement at all times when any unusual hazard exists, including without limitation, potential landslide conditions, or unusual fire danger, and all other times when in the reasonable judgment of the Grantee it is unsafe for the public to use the Easement.

9. Prior to the opening to the general public of any portion of the Easement, Grantee shall completely fence off and/or shall provide a landscape barrier along the Easement separating the remainder of the Property in order to prevent the public from entering private land. This requirement does not apply to trail segments developed solely within the Highway 1 right-of-way. Grantee shall install gates at locations necessary for vehicles and/or equipment to cross or pass over the Easement in order to access the remainder of the Property. No fence or gate shall be installed by Grantee until its design, materials, and method of construction have been approved in writing by Grantor. Approval of the fence and gate design shall not be unreasonably withheld. Grantee agrees to maintain all improvements in good, safe, and attractive condition to the reasonable satisfaction of Grantor. Alternatively, Grantor, at its discretion, may install such fencing and/or landscape barrier, in consultation with Grantee regarding materials and location.

10. Prior to the opening to the general public of any portion of the Easement, Grantee shall post and shall subsequently maintain in good condition signs describing the restrictions on use at the north and south entrances to the Easement (as said entrances are described in paragraph 5.A of this Exhibit D). During any period of closure, Grantee shall post and maintain signs that the Easement is closed to the public.

11. Grantee shall make ongoing good faith efforts to work with the California Department of Transportation to provide, consistent with Appendix 1, and to the extent feasible, landscape intervention between the highway and the Easement to visually screen the Easement from the highway and any highway pull-outs with the objectives being to a) preclude access from the highway except at those locations mutually agreeable to Grantor and Grantee; b) provide the trail user with a more natural experience; and c) protect, preserve, and enhance the serenity and solitude of the Property and all uses thereon.

12. Grantor reserves the right to use the Easement for ingress and egress to and from the remainder of the Property over existing roads and access ways and over such future roads and access ways as may become necessary or convenient to the use of the remainder of the Property. Grantor's use of the Easement shall not be subject to the restrictions on public use over the Easement as set forth in these Conditions or in the Offer provided such use shall not unreasonably impair or impede the use of the Easement by the public.

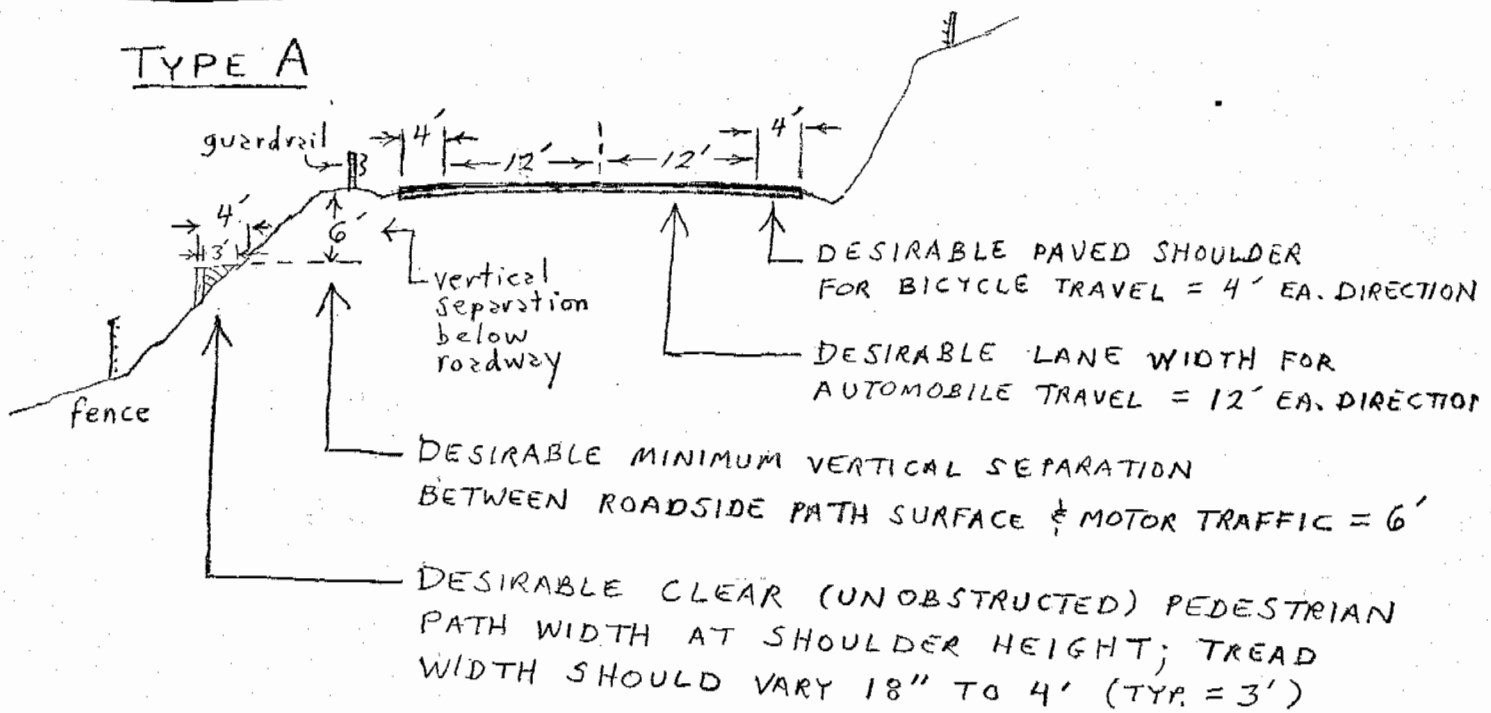
13. No provision of the Offer or the Easement shall exempt the Grantor or Grantee from the requirement to secure governmental permits or approvals for any development, use or activity as required, including coastal development permits. Grantee shall be solely responsible for obtaining all said permits or approvals required for the improvement and/or use of the Easement.

14. Prior to the opening to the general public of any portion of the Easement, Grantee shall reach agreement, which agreement shall not be unreasonably withheld, with Grantor and Caltrans regarding the final trail alignment and all access improvements. In negotiating such agreement, the following criteria shall be adhered to: a) the final trail alignment shall be no closer than 10 feet to any existing building on the Property or building approved by the Permit; b) the serenity and solitude of the Property and all uses thereon shall not be compromised; c) to extent feasible continuous and consistent access shall be provided from the South Coast Center area of the Property to the southern boundary of the main campus area of the Property; d) the final trail alignment and design should reflect the access principles of this Ex. D and Appendix 1 ; and e) the trail design will be in keeping with the rustic, informal character of its Big Sur coastal setting. Such design can be described as follows: the average improved trail tread width will generally range from 2 to 4 feet but will consciously never be uniform, and never be perfectly straight; trail vegetation clearance will correspondingly be maintained 1 to 2 feet on either side of the trail tread above knee height; gradient will generally be less than 10%, except where stairs are needed; and, the trail alignment will follow the contour of the land as gracefully as it can, avoiding substantial excavations and unnecessary vegetation removal. In order to minimize grading and soil disturbance, "user-formed" trail establishment techniques will be utilized when feasible. User-formed trails are those that are established primarily through vegetatively defining the desired route, and then forming a compacted, outsloped tread by means of multiple passes by a supervised pedestrian group.

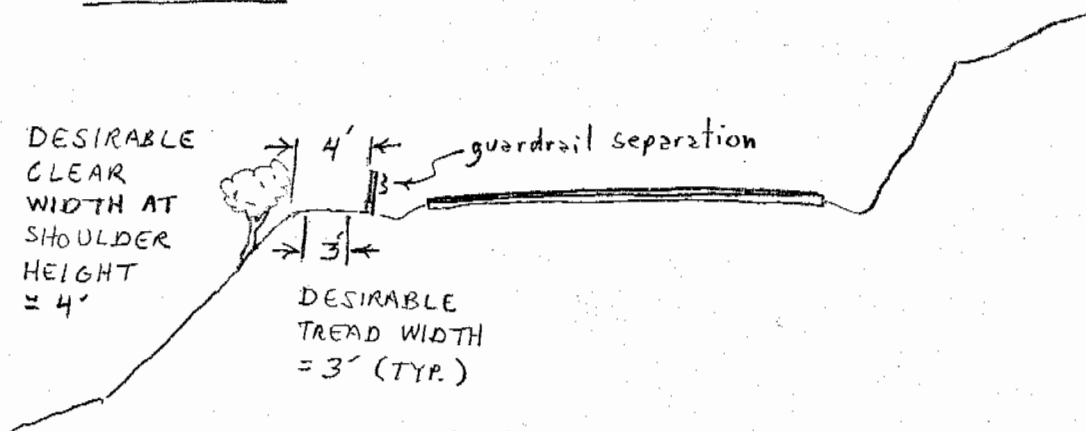
15. Grantor expressly reserves the right to grant consent or easement or other rights to other persons over the Easement provided such other rights shall not unreasonably impair or impede the use of the Easement by the public for the purposes permitted herein and to encumber the Property subject to the Easement.

ROADSIDE PATH TREATMENTS

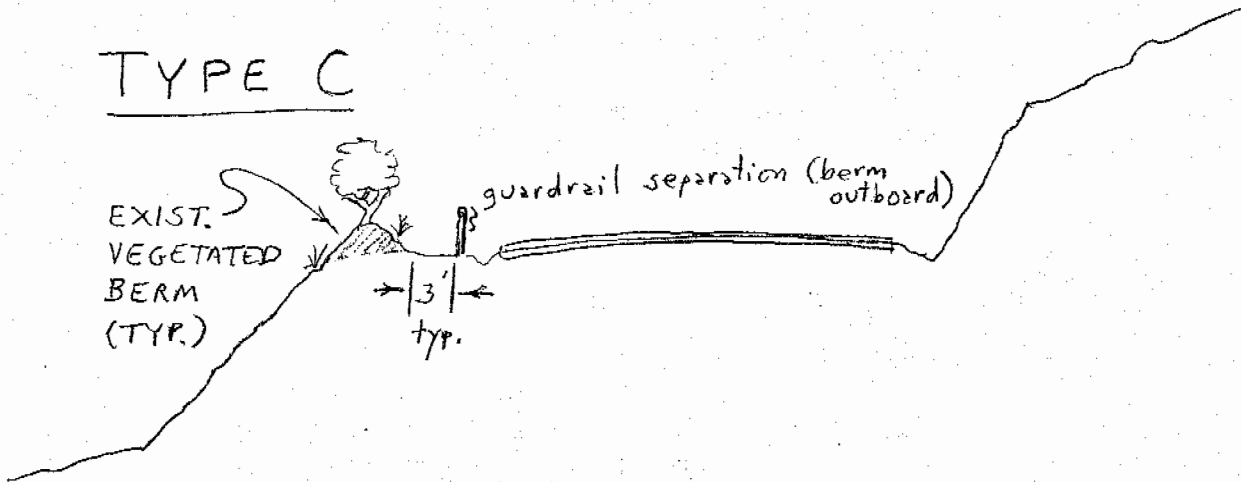
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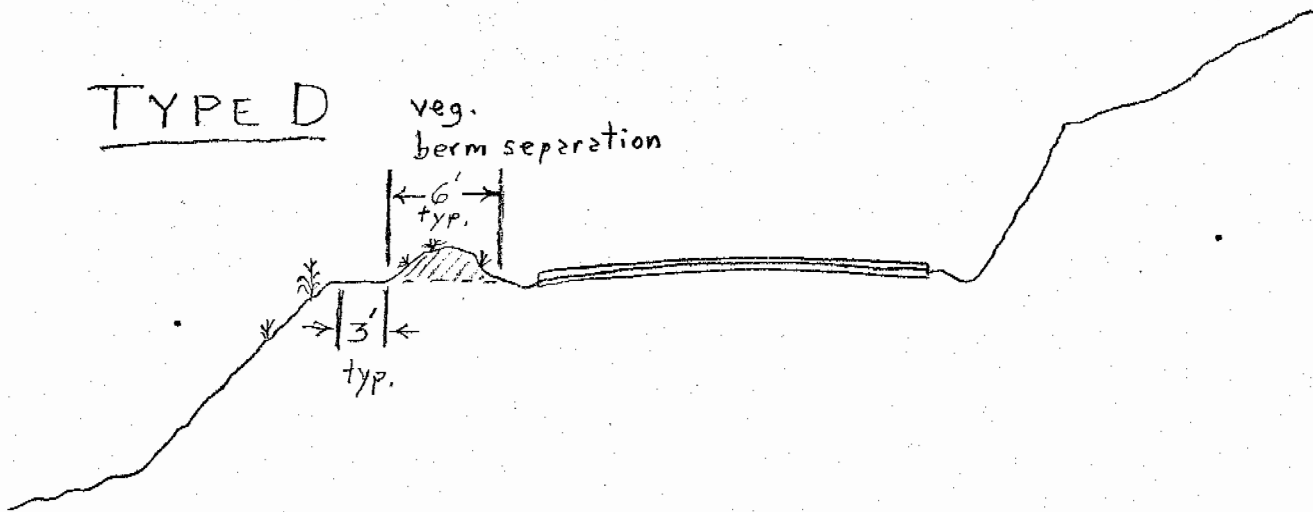
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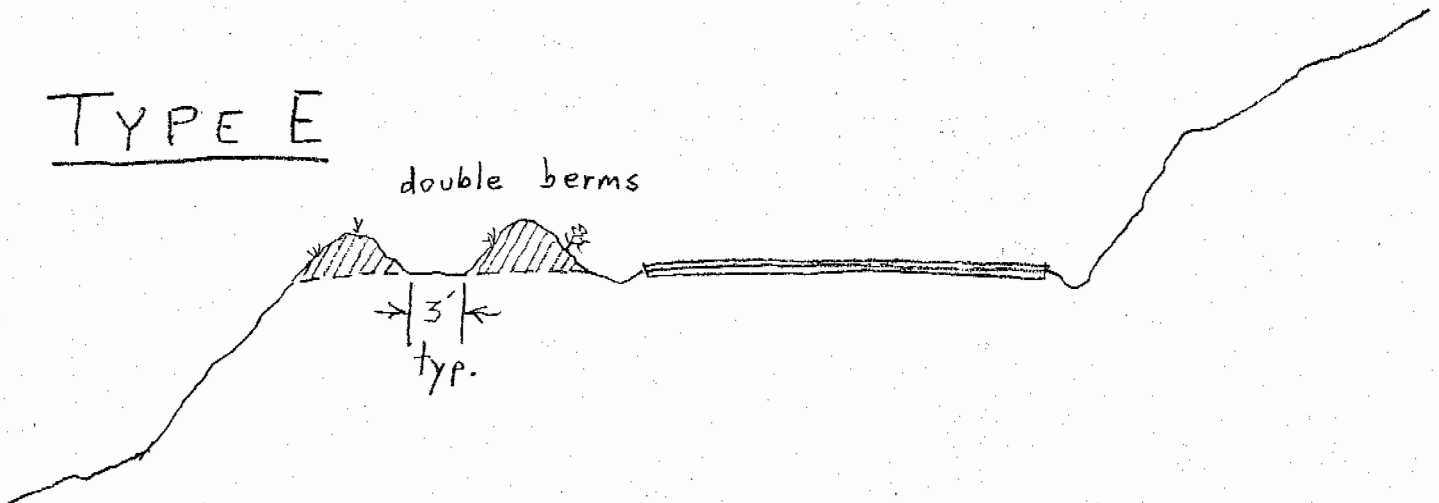
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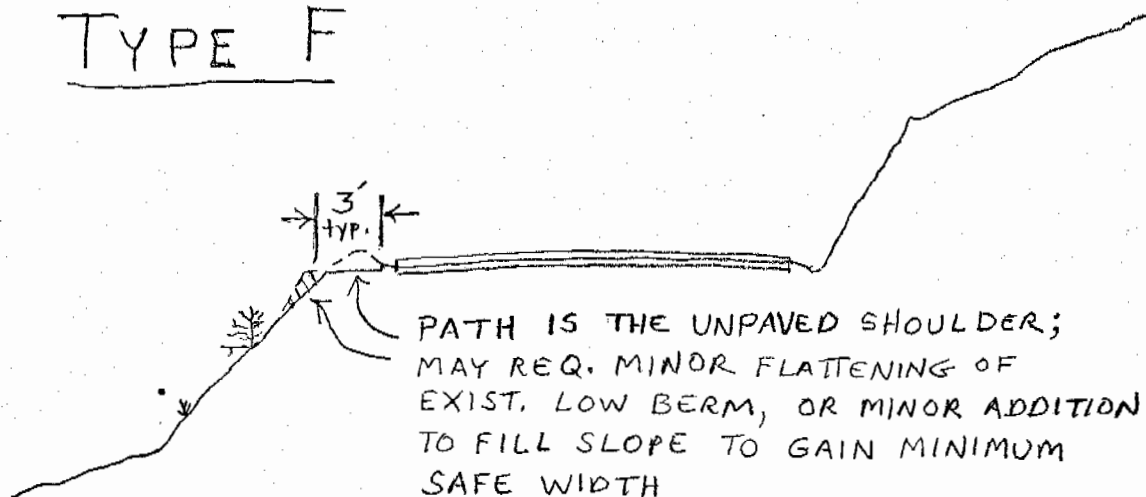
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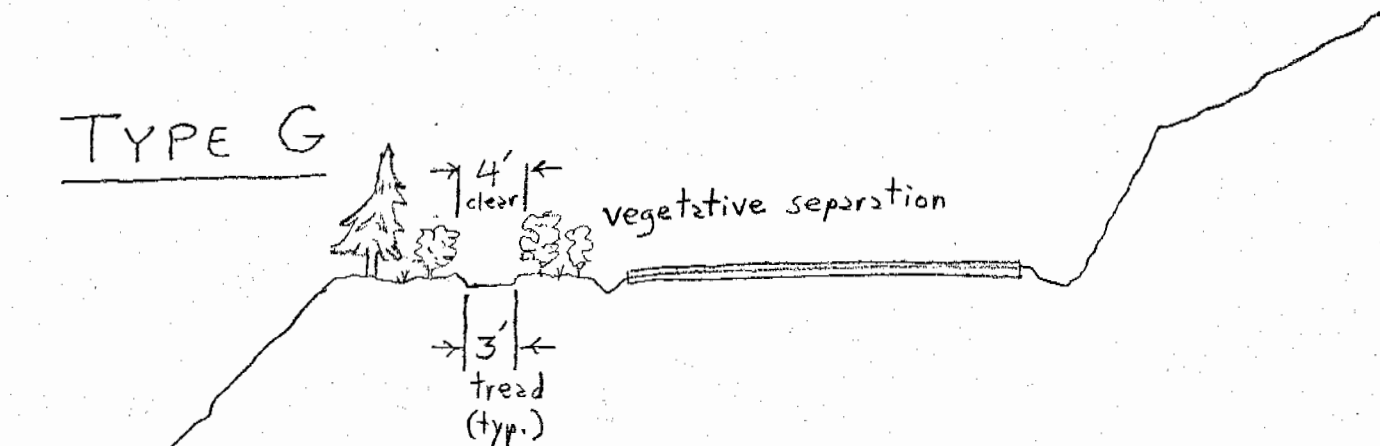
TYPE E



TYPE F



TYPE G



TYPE H

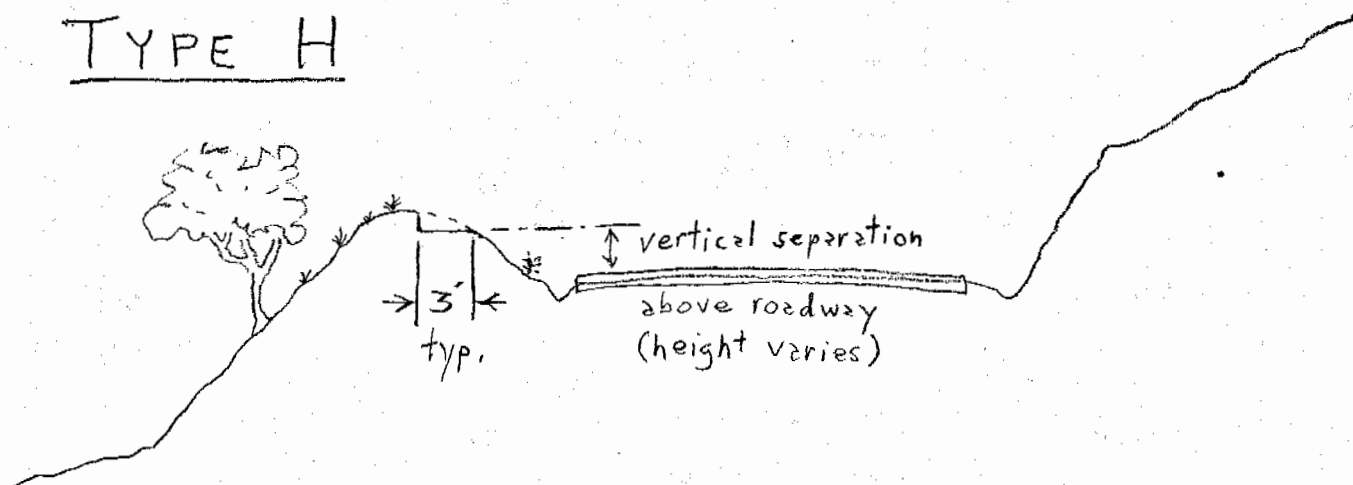


EXHIBIT "E"

For planning purposes the Easement is initially described as that 10 foot wide strip of the Property described in Exhibit A to this Offer, which is immediately adjacent to and westerly of the State of California's Highway One right of way as said right of way is defined as of the date of this Offer.

At such time as the Offer is accepted and the final trail alignment and design is approved and constructed in accordance with the terms and conditions of the Offer, said final trail alignment shall be surveyed and the Easement description redefined as that portion of the Property that is a part of said final trail alignment or within 2 feet thereof. Said redefined description shall thereafter be recorded by Grantee as an amendment to the Offer and the Easement and Grantee shall concurrently record a deed in favor of Grantor, or Grantor's successors or assigns, quitclaiming all the area within the above described initial 10 foot wide strip that is not a part of said final trail alignment or within 2 feet thereof.

EXHIBIT "F"

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Offer to Dedicate dated _____, executed by _____, and recorded on _____, as Instrument Number _____, is hereby accepted by _____, a public agency/private association on _____, pursuant to authority conferred by resolution of the _____ adopted on _____, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____

For: _____

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____, before me _____,

Notary Public, personally appeared _____

☐ personally known to me **OR**

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION

OF ACCEPTANCE OF OFFER TO DEDICATE

This is to certify that _____ is a public agency/private association acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Offer to Dedicate executed by _____, and recorded on _____, in the office of the County Recorder of _____ County as Instrument Number _____.

Dated: _____

California Coastal Commission

By: _____

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____, before me _____,

Notary Public, personally appeared _____

☐ personally known to me **OR**

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

END OF DOCUMENT