



County of Monterey

Item No.

Board Report

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

Legistar File Number: A 24-376

August 13, 2024

Introduced: 7/24/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Find that the acceptance of the Public Access Easement Deed is categorically exempt pursuant to CEQA Guidelines section 15317; and
 - b. Accept a Public Access Easement Deed of a pedestrian coastal access easement from Sandholdt Road to the beach and a lateral accessway across the beach for Monterey Bay Aquarium Research Institute at 7600 Sandholdt Road, Moss Landing in satisfaction of Condition of Approval No. 20 in Planning Commission Resolution No. 22-008 (Planning File No. PLN210093); and
 - c. Authorize the Chair of the Board of Supervisors to execute the Public Access Easement Deed; and
 - d. Direct the Clerk of the Board to submit the Public Access Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.
- (Public Access Easement Deed - Planning File No. PLN210093, Monterey Bay Aquarium Research Institute, 7600 Sandholdt Road, Moss Landing, Accessor's Parcel Number: 133-232-001-000, North County Land Use Plan)

PROJECT INFORMATION:

Planning File Number: PLN210093

Owner: Monterey Bay Aquarium Research Institute

Project Location: 7600 Sandholdt Road, Moss Landing

APN: 133-232-001-000

Agent: Dale Ellis

Plan Area: North County Land Use Plan

Flagged and Staked: no

CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines section 15317

RECOMMENDATION:

Staff recommends that the Board of Supervisors:

- a. Find that the acceptance of the Public Access Easement Deed is categorically exempt pursuant to CEQA Guidelines section 15317; and
- b. Accept a Public Access Easement Deed of an approximate 32,459 square foot pedestrian coastal access easement consisting of an existing 12-foot-wide vertical accessway from Sandholdt Road to the beach and a lateral accessway across the beach at the Monterey Bay Aquarium Research Institute property of 7600 Sandholdt Road, Moss Landing (Accessor's Parcel Number: 133-232-001-000) in satisfaction of Condition of Approval No. 20 in Planning Commission Resolution No. 22-008 (Planning File No. PLN210093); and
- c. Authorize the Chair of the Board of Supervisors to execute the Public Access Easement Deed; and

- d. Direct the Clerk of the Board to submit the Public Access Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.

SUMMARY:

On April 13, 2022, the Planning Commission adopted Resolution No. 22-008 approving a Combined Development Permit (Planning File No. PLN210093, Monterey Bay Aquarium Research Institute (MBARI)) allowing for the demolition of an existing food restaurant and marine research facility building, construction of a new two-story marine research facility building, and modification in parking requirements at the new building within 100 feet of protected coastal dune habitat. The Planning Commission's action was subject to 32 Conditions of Approval, including 4 Mitigation Measures. To satisfy Condition of Approval No. 20, MBARI is providing a Public Access Easement Deed (PAED) to the County of Monterey, in accordance with its access management plan, for the efficient transfer to the County of an existing 12-foot-wide pedestrian access route south of Building G, "Whale Way", to the shoreline of the Pacific Ocean (**Attachment B**).

DISCUSSION:

On April 13, 2022, the Planning Commission approved a Combined Development Permit consisting of: 1) Coastal Development Permit to allow the demolition of a 20,609 square foot restaurant and marine research facility building and the construction of a two-story 32,900 square foot marine research facility building; 2) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal dune); and 3) Coastal Development Permit for a modification in parking standards, by allowing a 1 space reduction in the total required parking for Building G. A General Development Plan established for the site allows parking to be considered across the entire MBARI Campus.

The Planning Commission applied a Condition 20, requiring the dedication of a PAED over an existing access trail route, to the Project. The Condition will provide public access to the shoreline in perpetuity to conform the Project with the North County Land Use Plan. It will also ensure long-term protection of this public coastal access, which runs adjacent to the proposed Conservation and Scenic Easement for coastal dune habitat. No construction will be allowed in the easement area. The applicant is required to record this easement to ensure that future property owners are put on notice of its terms. Therefore, staff recommends the Board accept, execute, and consent to the recordation of the PAED.

The applicant has submitted the PAED and map showing the general location of the easement on the property, along with the metes and bounds description, both of which are appended to this Report, collectively, as **Attachment B**. Staff submitted the PAED to the Executive Direction of the Coastal Commission for review of the legal adequacy and consistency with the requirements of potential accepting agencies, per Title 20 Section 20.64.280.A.6.g. A subordination agreement is not necessary because there is no significant lien on the property. The County is the named beneficiary of the easement and is entitled to enforce it.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

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

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the PAED as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY2024-25 Adopted Budget for HCD Appropriation Unit HCD002, Unit 8543. All costs associated with maintenance of the PAED will be borne by the project applicant, not the County of Monterey.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents an effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for the proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

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

Prepared by: Kayla Nelson, Associate Planner ext. 6408

Reviewed and Approved by: Mary Israel, Supervising Planner MI

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

Attachment A - Memorandum to the Clerk of the Board

Attachment B - Public Access Easement Deed, including:

- Property Legal Description
- Monterey County Planning Commission Resolution No. 22-008
- Public Access Easement Deed Plat Map

cc: Front Counter Copy; Dale Ellis, Agent; Keith Raybould, Applicant; Monterey Bay Aquarium Research Institute, Owner; Basilio Martinez, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Lozeau Drury LLP; Project File No. PLN210093