



County of Monterey

Item No.

Board Report

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

Legistar File Number: 25-388

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- a. Accept an Irrevocable Offer to Dedicate a Lateral Public Access Easement, recorded July 2, 2004, as Document No. 2004070034, executed by the Esalen Institute;
- b. Authorize the Chair of the Board of Supervisors to sign the Certificate of Acceptance; and
- c. Direct the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ACTION:

Acceptance of an easement is not a Project as defined in Section 15378 of the CEQA Guidelines.

RECOMMENDATION:

- a. Accept an Irrevocable Offer to Dedicate a Lateral Public Access Easement, recorded July 2, 2004, as Document No. 2004070034, executed by the Esalen Institute
- b. Authorize the Chair of the Board of Supervisors to sign the Certificate of Acceptance; and
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SUMMARY/DISCUSSION:

In 2003, the County of Monterey approved coastal development permits (PLN010501 & PLN020599) for the Esalen Institute. These permits were appealed by the California Coastal Commission partly due to concerns regarding public access required under the Coastal Act and the County's Local Coastal Program (LCP). The Coastal Commission processed the permit on appeal and added a condition that required an Offer to Dedicate land on the Esalen Institute property for a trail. In response, and with the expectation that the appeal would be withdrawn, the Esalen Institute executed and recorded an Irrevocable Offer to Dedicate (OTD), for a Lateral Public Access Easement on July 2, 2004 (Attachment A). This OTD provides for a non-exclusive easement in perpetuity for public access and passive recreational use generally along Highway 1 across a portion of the Esalen property, intended to facilitate connectivity. The OTD specifies it is binding for 21 years from the date of recordation, meaning it will expire on July 2, 2025, if not accepted by an agency of the State of California, a political subdivision, or a private association acceptable to the Coastal Commission and the Grantor (Esalen institute).

The Esalen Institute property is located within the coastal zone, between the first public road (Highway 1) and the shoreline. (Attachment B) Coastal Act policies maximize public access in such areas. The OTD arose from cooperative discussions between Esalen, the County, Coastal Commission staff, and Caltrans to identify public access opportunities, specifically a lateral trail.

Acceptance of the OTD now, requires the County to agree to the terms outlined in the OTD, including accepting responsibility for maintenance and liability of the easement area, as detailed in Exhibit D of the OTD document, and pulled out separately to the Board report as Attachment C. The Esalen Institute retains underlying fee ownership but cannot unreasonably interfere with the public's use of the easement after the County's acceptance. Acceptance does not necessarily obligate the County to immediately improve the accessway, but does secure the right for future public use. The County may at a later date transfer the easement rights and responsibility to any qualifying entity found acceptable to the Grantee as described in Section 4 of the OTD. Exhibit E of the OTD clarifies that the described 10-foot-wide easement adjacent to Highway One will be redefined and amended upon acceptance and construction based on the final surveyed trail alignment, with any unused portion of the initial easement strip quitclaimed back to the Grantor. (Exhibit D)

Given the impending expiration date, staff recommends the Board accept the OTD to preserve this public access opportunity consistent with Coastal Act policies. The County will seek an appropriate entity to hold the easement prior to the construction of the Coastal Trail by the Coastal Commission.

OTHER AGENCY INVOLVEMENT:

The California Coastal Commission and the State of California Department of Transportation have been involved in discussions regarding public access to the property. Public Works, Facility Parks (PWFP) staff coordinated with Housing Community Development (HCD) staff to research the OTD and options for accepting the easement. Staff reviewed the remote location of the easement and concur that it would be difficult to manage or maintain a trail in this location for County Parks and Facilities-Grounds staff.

ENVIRONMENTAL REVIEW

Environmental review was completed at the time of the granting of a permit to the Esalen Institute. Construction of a trail will need separate environmental review, which will be completed at the time of the trail construction.

FINANCING:

There is no budget impact in adoption of the easement from the Esalen Institute, and there is no requirement to construct the California Coastal trail. The cost to manage and maintain the coastal trail once completed is unknown. Staff time to research and bring this matter to the Board was funded under the HCD and PWFP General Fund Administrative budget units 8542 and 8569 respectively.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This report relates to the Board of Supervisors Strategic Initiatives by ensuring public access to the coastal resources of Monterey County.

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

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Approved by: Melanie Beretti, Chief of Planning

The following attachments are on file with the clerk of the board:

Attachment A - Irrevocable Offer to Dedicate Lateral Public Access Easement and Declaration of Restrictions, recorded July 2004.

Attachment B - Vicinity map

Attachment C - Terms and conditions from OTD Exhibit D

Attachment D - Path description options per OTD Exhibit D

Attachment E - Certificate of acceptance from OTD Exhibit F