

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 040141

A.P. # 159-021-005-000

A.P. # 419-211-005-000

In the matter of the application of  
**Big Sur Arts Music Fundraiser (PLN040141)**

FINDINGS & DECISION

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow assemblages of people for the annual Big Sur Hidden Gardens Tour. The tour is an annual fundraising event to benefit the Big Sur Arts' Initiative that usually takes place on the third or fourth Saturday in June. Approximately nine Big Sur properties participate in this annual event and a maximum of 400 tickets are sold.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

### **FINDINGS OF FACT**

**1. FINDING: CONSISTENCY, SITE SUITABILITY, & PUBLIC ACCESS** – 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*), the Zoning Ordinance (Title 20), and Part 6 of the Coastal Implementation Plan (Appendices). This year's participating parcels are designated as "WSC/40-D (CZ)" [*Watershed and Scenic Conservation*], "RDR/40-D (CZ)" [*Rural Density Residential*], and "VSC/40-D (CZ)" [*Visitor Serving/Commercial*]; all are also zoned "40 acres per unit, Design Control District, Coastal Zone," all of which conditionally allow assemblages of people. These sites are also physically suitable for the use proposed. 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). No access is required as part of the project as no substantial adverse impact on public coastal access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE:** (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for conformity with the certified Monterey County Local Coastal Program and have determined that the project is consistent as conditioned. Permit application, plans, and materials contained in Project File No. PLN040141.

(b) The requested Coastal Development Permit seeks to allow assemblages of people up to 400 people, plus approximately 90 volunteers, on several parcels in the Big Sur area for the annual Big Sur Hidden Gardens Tour on the third or fourth Saturday in June as a fundraiser for the Big Sur Arts' Initiative, including a Garden Market located on the lawns at the Ripplewood Resort with approximately 30 booths for vendors, non-profit

and educational groups, and proposes no development. Assemblages of people are conditionally allowable for the subject lots scheduled to participate in this year's tour, pursuant to Chapters 20.16 (RDR [CZ] District), 20.17 (WSC [CZ]), 20.22 (VSC [CZ]), and 20.76 (Coastal Administrative Permits) of the Zoning Ordinance (Title 20).

(c) Consistency with all County requirements applicable to any new parcels that may participate in this annual event in the future will be assured through administrative review and public noticing requirements, pursuant to Conditions 4, 5, & 6.

(d) In a meeting on May 25, 2004, members of the Big Sur LUAC voted to recommend approval of the project with a vote of 5 to 1 (with four members absent).

(e) 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. PLN040141.

(f) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department, Environmental Health Division, and the California Highway Patrol. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the sites are not suitable for the use proposed, since no new development is proposed.

(g) Limited necessary public facilities are available and will be provided.

(h) The subject property is not adjacent to the seashore and is not described as an area where the Local Coastal Program requires public coastal access, according to Sections 20.70.050.B.4.c.i and ii of the Zoning Ordinance (Title 20).

**2. FINDING: CEQA (exempt)** – The proposed project will not have a significant environmental impact.

**EVIDENCE:** CEQA Guidelines Section 15301 (Class 1) lists criteria that allow projects to be exempted from environmental review where such projects represent a negligible or no expansion of the existing use of existing facilities, which is the case with the subject project, and where none of the exceptions to the exemptions (listed under Section 15000.2) are applicable, as in the present case.

**3. FINDING: VIOLATIONS** – Eight of the nine subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. On one of the parcels (APN 419-261-043-000/Trotter), violations exist relating to inappropriate accessory-use issues, and are in the process of resolution. The Zoning Administrator finds that, given the temporary and non-physical development nature of this proposal, no health, safety, or welfare issues exist. Condition 6 requires and puts on notice that for future events all pending violations must be fully resolved at least 60-days prior to the day of the event.

**EVIDENCE:** Staff reviewed the Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on any of the other subject properties (besides APN 419-261-043-000/Trotter); File No. PLN040141.

4. **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:** Preceding findings and supporting evidence.

5. **FINDING: APPEALABILITY** – The project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

### **DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to attached conditions.

**PASSED AND ADOPTED** this 10th day of June 2004.

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MIKE NOVO  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

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 90<sup>th</sup> 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 Planning Commission 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 Salinas.

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