

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 050063

APN# 421-011-005-000
FINDINGS & DECISION

In the matter of the application of
CROCKER-CITIZENS NATL BANK TR (PLN050063)

Coastal Development Permit to allow assemblages of people for an Arts Festival located at the Esalen Institute. This festival is educational and multicultural in scope, and is an annual fundraising event to provide reduced rates and scholarships for programs during the festival week as well as throughout the year. This year's event will take place on the Sixth of July and during the first week of July annually. Approximately 30 performers will participate in this annual event, approximately 120 volunteers, and a maximum of 350 tickets will be sold. This year's event is centered at the Esalen Institute, Big Sur, Coastal Zone. The project is located at 550001 Highway One, Big Sur. The project came on regularly for hearing before the Zoning Administrator on June 9, 2005.

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 parcel is designated as "RDR/40-D (CZ)" [*Rural Density Residential*] and "WSC/40-D (CZ)" [*Watershed and Scenic Conservation*]; both are also zoned "40 acres per unit, Design Control District, Coastal Zone," both of which conditionally allow assemblages of people. This site is 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. PLN050063.
- (b) The requested Coastal Development Permit seeks to allow assemblages of people up to 350 people, plus approximately 120 employees, on the Esalen Institute in the Big Sur area for the annual Arts Festival on the first Wednesday of July as a fundraiser for the Esalen Institute, with approximately 30 performers, non-profit and educational groups, and proposes no development. Assemblages of people are conditionally allowable for the subject parcels scheduled to participate, pursuant to Chapters 20.16 (RDR [CZ]

District), 20.17 (WSC [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) LAND USE ADVISORY COMMITTEE: In a meeting on May 24, 2005, members of the Big Sur LUAC voted to recommend approval of the project with a vote of 4 to 0.
- (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. PLN050063.
- (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, Monterey County Sheriff's Department 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) Necessary public facilities are available and will be provided (Condition #8).
- (h) The subject property 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 15304 (Class 4) lists criteria that allow projects to be exempted from environmental review where such projects represent a negligible or no permanent effects on the environment, including carnivals, etc., 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** – Subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. 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 the subject property; File No. PLN050063.
- 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

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Coastal Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 9th day of June, 2005.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

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.

**Monterey County Planning and Building Inspection
Condition Compliance & Mitigation Monitoring and/or
Reporting Plan**

Project Name: Esalen Institute Arts Festival

File No: PLN050063

APNs: 421-011-005-000M

Approval by: Zoning Administrator

Date: June 09, 2005

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.	<p>PBD029 - SPECIFIC USES ONLY</p> <p>The subject permit approval allows a Coastal Development Permit (PLN050063) to allow assemblages of people for an annual Arts Festival in July as a fundraiser for the Esalen Institute with approximately 30 performers, non-profit and educational groups, to participate in this annual event, approximately 120 volunteers, and a maximum of 350 tickets to be sold, but allows no development. This festival is educational and multicultural in scope, and is an annual fundraising event to provide reduced rates and scholarships for programs during the festival week as well as throughout the year. This year's event will take place on the sixth of July and during the first week of July annually. This year's event is centered at the Esalen Institute (Assessor's Parcel Number 421-011-005-000), Big Sur, Coastal Zone. This permit was approved 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)</p>	Adhere to conditions and uses specified in the permit.	Applicant	Ongoing unless otherwise stated	

2.	<p>(NON-STANDARD WORDING)</p> <p>This permit shall expire five years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.70.110 of the Zoning Ordinance (Title 20). (Planning and Building Inspection)</p>	Submit extension request at least 30 days prior to expiration of permit.	Applicant	June 10, 2010	
3.	<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: “A permit (Resolution 050063) was approved by the Zoning Administrator for an Arts Festival in Big Sur, on June 9, 2005, (Assessor’s Parcel Number 421-011-005). The permit was granted subject to 9 ongoing conditions of approval that run with the land. A copy of the permit is 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)</p>	Proof of recordation of this notice shall be furnished to PBI.	Applicant	Prior to holding event.	
4.	<p>(NON-STANDARD WORDING)</p> <p>The applicant shall submit to the Planning and Building Inspection Department annually specific information of the event and the property participating in each given year’s event at least 60 days prior to the date of the event and demonstrate compliance with Conditions 1 and 5 through 9. (Planning and Building Inspection)</p>	Submit specific information.	Applicant	At least 60 days prior to each year’s event.	
5.	<p>(NON-STANDARD WORDING)</p> <p>Each year, prior to the annual submittal date for each year’s event (60 days prior to), the applicant shall receive approval from the California Highway Patrol, CalTrans, and the Monterey County Sheriff’s Department. The applicant shall demonstrate to the PBID that these agencies have approved each year’s event, and shall submit any conditions they may have to PBID for circulation to the Monterey County Public Works Department. The applicant shall implement all required conditions. (Planning and Building Inspection)</p>	Receive approval from the California Highway Patrol, CalTrans, and the Monterey County Sheriff’s Department, and forward any conditions to the PBID.	Applicant	Each year, prior to the 60-day submittal date	

6.	<p>(NON-STANDARD WORDING)</p> <p>The Planning and Building Inspection Department shall review the record and site conditions for the proposed participating parcel to ensure consistency with the Monterey County Local Coastal Program (LCP) and with the parameters of this permit. If parcel is found not to be consistent with either or both the LCP or this permit, that year's event shall not be allowed. After 2005, if the parcel is found to have pending Code violations, upon submittal of the annual information required by Condition 4, that year's event shall not be permitted. (Planning and Building Inspection)</p>	Review the record and site conditions for the proposed participating parcel.	Planning & Building Inspection Department	At least 30 days prior to each year's event.	
7.	<p>(NON-STANDARD WORDING)</p> <p>The County shall publish and post public notices of the property participating in the event at least 10 days in advance of each year's event. Notices shall be posted at and around the participating parcel as well as at the Big Sur Post Office. (Planning and Building Inspection)</p>	Publish and post public notices of the property participating in the event	Planning & Building Inspection Department	At least 10 days prior to each year's event	
8.	<p>(NON-STANDARD WORDING)</p> <p>An adequate number of portable toilets shall be provided and maintained so as not to create a public nuisance and shall be maintained by a permitted liquid waste hauler. Portable units shall provide handwashing capacity. (Environmental Health)</p>	Submit copy of service contract to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	At least 30 days prior to each year's event.	
9.	<p>(NON-STANDARD WORDING)</p> <p>All events shall comply with the California Uniform Food Facilities Law, (CURFFL) as approved by the Director of Environmental Health. If necessary, submit application(s) for Temporary Food Facility permit(s) and any required fees for review and approval, a minimum of two weeks prior to the scheduled event. (Environmental Health)</p>	Certain non-profit charitable organizations may apply for an exemption from CURFFL fees. Contact the Consumer Protection Section of the Division of Environmental Health.	Owner/ Applicant	Prior to commencement of operation.	EH

End of Conditions.