

Exhibit A

This page intentionally left blank.

**EXHIBIT A
DRAFT RESOLUTION**

**Before the Zoning Administrator
in and for the County of Monterey, State of California**

In the matter of the application of:

VITA, ROBERT A AND JENNIE G (PLN190049)

RESOLUTION NO. 20-

Resolution by the Monterey County Zoning Administrator:

- 1) Finding that the project categorically exempts minor temporary use of land having negligible or no permanent effects on the environment which qualifies as categorical exemption per Section 15303 of the CEQA Guidelines; and
- 2) Approving an annual event on private property to include assemblages of approximately 1,600 people and placement of temporary tents and port-a-potties on the last Sunday in April each year, associated with the starting location of the Big Sur Marathon.

Subject to three (3) conditions of approval.

Location: 37101 Highway 1, on the east side of Highway 1, just south of Palo Colorado Road, Big Sur Coast Land Use Plan, Coastal Zone, (APN: 243-262-006-000)

The Vita, Robert A and Jennie G application (PLN190049) came on for a public hearing before the Monterey County Zoning Administrator on March 12, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY / NO VIOLATIONS** - The project and/or use, as conditioned, is consistent with the policies of the Monterey County 1982 General Plan, Big Sur Land Use Plan, Coastal Implementation Plan – Part 3, Monterey County Zoning Ordinance - Coastal (Title 20), and other County health, safety, and welfare ordinances related to land use development. No violations exist on the property.
EVIDENCE: a) The proposed project involves permanently authorizing the use of private property, known as Grimes Ranch, to allow approximately 1,600 runners as the starting location of the 11-mile race held the last Sunday of every April as part of the Big Sur Marathon, commencing at the property and ending at the Rio Road shopping Center. In the past, the race would generally commence at the Rocky Point Restaurant; however, due to the storms that have impacted State Highway 1, it was necessary to find another venue.

- b) On April 7, 2017, the Monterey County Zoning Interim Chief of Planning granted an Emergency Coastal Development Permit (RMA-Planning File No. PLN170270); to allow the use of 37101 Highway 1, Big Sur on Sunday, April 30, 2017, for approximately 1,600 runners as the starting location of the 10/1-mile race which ended at the Rio Road shopping center. Due to the limited time frame, it was necessary to grant an emergency permit for the 2017 event. A condition of approval required a follow up Coastal Development Permit to permanently allow the use of this private property. However, the applicants did not follow up until 2019, as they were working on a contract with the owners of the property for permanent use. Therefore, an extension to the Emergency Permit (PLN170270) was granted by the Director of the RMA in 2018. An application was submitted for a permanent Coastal Development Permit on February 11, 2019.
- c) The property is located at 37101 Highway 1, Big Sur (Assessor's Parcel Number 243-262-006-000), Big Sur Coast Land Use Plan (LUP), Coastal Zone. The underlying parcel is Watershed and Scenic Conservation/40 acres per unit-Design Control District, Coastal Zone [WSC/40-D (CZ)]. Pursuant to Section 20.17.050.P, Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities is allowed subject to a Coastal Development Permit. The applicant has been given permission by the owner to assemble in the livestock pen area near the historic barn on Grimes Ranch for preparation and early morning staging for the 11 mile race. The size of the gathering area is approximately 200 feet by 150 feet (30,000 square feet) and within a fenced-in livestock pen on the east side of Highway 1 approximately 250 feet south of Palo Colorado Road. Highway 1 is closed to unpermitted southbound traffic from Otter Cove to Big Sur at 4 a.m. and is closed to all public traffic northbound from Big Sur at 6 a.m. The road remains closed to regular through traffic until after 1 p.m. that day. Therefore, the proposal is an allowed use for this site.
- d) The 42.67-acre parcel is identified as Volume 17 of Survey Maps, Page 9, Parcel B. Thus, the County recognizes the subject property as a legal lot of record.
- e) The project has been reviewed for consistency with the text, policies, and regulations in the:
- 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan;
 - Coastal Implementation Plan (Part 3); and
 - Monterey County Zoning Ordinance - Coastal (Title 20).
- No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and/or regulations of the applicable MCC.
- f) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property.
- g) Viewshed. The project site is located on Highway 1 and is considered within the Critical Viewshed as determined by Section 20.145.030 of

Coastal Implementation Plan, Part 3. However, the staging area designed to hold porta-potties and one pop-up tent is located near the historic barn and is temporary for approximately one day. Therefore, the project would not result in any visual impacts, and the project is consistent with the applicable visual resource policies of the Big Sur Coast Land Use Plan.

- h) The project planner conducted a site inspection on March 12, 2019, to verify that the proposed project on the subject parcel conforms to the applicable plans and Monterey County Code.
- i) Cultural Resources. The project site is in an area identified in County records as having a high archaeological sensitivity zone. Although located in an area of high sensitivity and known resources, the area of proposed use has been disturbed by previous activities and considered not to have evidence that any cultural resources would be disturbed. Therefore, the County determined the potential for impacts to occur to known archaeological resources to be very low and did not require submittal of an archaeological report.
- j) The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project involves a Coastal Development Permit subject to review by the Zoning Administrator. The LUAC reviewed the project at a duly-noticed public meeting on March 12, 2019 and voted 4 – 0 to support the project with no additional comments.
- k) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project files PLN170270 and PLN190049.

2. **FINDING:
EVIDENCE:**

SITE SUITABILITY – The site is physically suitable for the use.

- a) The project has been reviewed for site suitability by RMA-Planning, RMA-Public Works, CDF Coastal and Environmental Health Bureau. County staff reviewed the application materials and plans, as well as the County’s GIS database, to verify that the proposed use on the subject site conforms and that the site is suitable for the proposed use.
- b) No Technical reports were prepared for this proposed project.
- c) All necessary equipment for the race start, such as toilets, generators, light towers, etc. would be delivered the day prior, removed the day after, and all contained within the private property. Only one tent no larger than 10 x 20 would be used. Applicant is aware that permits for toilets from Environmental Health Bureau would be obtained.
- d) The usage of the proposed property is from 5-8 a.m. Race volunteers will begin arriving at 5 a.m. There are approximately 30 volunteers. Volunteers are encouraged to carpool; and will park on the property or suitable shoulder area off Highway 1. All runners will be bussed onto the property and will begin arriving about 6 a.m. With the help of the Big Sur Fire Brigade, buses make a U-turn at Palo Colorado Road, drop off the runners, and leave the area. All runner provisions will be contained within the private property. Just before 7 a.m., the runners will be brought onto the highway for the start of their race.

- The road will have already been closed to general traffic and all traffic control will be coordinated by the California Highway Patrol.
- e) The project planner conducted a site inspection on March 12, 2019, to verify that the site is suitable for this as-built project.
- f) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project files PLN170270 and PLN190049.

3. **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) The project was reviewed by RMA-Planning, RMA-Public Works, CDF Coastal and Environmental Health Bureau (EHB). No conditions were recommended by other departments, except for RMA-Planning, three standard conditions to ensure that the project will not have an adverse effect on the health and safety, and to provide for perpetuity.
 - c) The project planner completed a site inspection on March 12, 2019, to verify that the proposed project would not impact public health and safety.
 - d) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project files PLN170270 and PLN190049.

4. **FINDING:** **CEQA (Categorical Exemption)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) Section 15304(e) of the California Environmental Quality Act (CEQA) Guidelines categorically exempts minor temporary use of land having negligible or no permanent effects on the environment. All necessary equipment for the race start, such as toilets, generators, light towers, etc. would be delivered the day prior, removed the day after, and all contained within the private property. Only one tent no larger than 10 x 20 would be used. Therefore, this project is consistent with the requirements of CEQA Guidelines Section 15304, and no additional CEQA action is required by the County.
 - b) No adverse environmental effects were identified during staff review of the development application, nor during a site inspection on March 12, 2019.
 - c) The Monterey County Zoning Administrator considered the Categorical Exemption, along with the Emergency Coastal Development Permit, at a duly noticed public hearing held on March 12, 2020. The materials upon which the County’s decision is based are located in RMA-Planning, 1441 Schilling Place, 2nd Floor, Salinas, CA.

- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project files PLN170270 and PLN190049.

5. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan (Part 3) can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject property is not described as an area where the Local Coastal Program requires physical public access and is identified as an area inappropriate for beach access (Figure 3, Public Access, in the Big Sur Land Use Plan).
 - d) The project planner completed a site inspection on March 12, 2019, to verify that the proposed project would not impact visual public access. The staging area is located near the historic barn and is temporary in that pop-up tents and temporary porta-potties are located in that area for approximately six hours. Based on this site inspection, the proposed project will not adversely impact the public viewshed or scenic character in the project vicinity and is consistent with the applicable visual resource and public access policies of the Big Sur Coast Land Use Plan. See also Finding No. 1, Evidence g above.
 - e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in project files PLN170270 and PLN190049.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because the proposed project is permitted in the underlying zone as a conditional use (i.e.; Assemblages of people).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Find that the project is a minor temporary use of land having negligible or no permanent effects on the environment and a categorical exemption per Section 15304(e) of the CEQA Guidelines; and
- B. Approve an annual event on private property to include assemblages of approximately 1,600 people and placement of temporary tents and port-a-potties on the last Sunday in April each year, associated with the starting location of the Big Sur Marathon , in general conformance with the attached plans and subject to three (3) conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of March, 2020.

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN190049

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Follow-up Coastal Development Permit of an previously approved Emergency Permit (PLN170270) allows an 11-mile Big Sur Marathon race tied to the annual Big Sur International Marathon. This race consists of approximately 1,600 participants on the Grimes Ranch which is located on the east side of Highway 1, Carmel (Assessor's Parcel Number 243-262-006-000), south of Palo Colorado Road, Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Coastal Development Permit (Resolution Number _____) was approved by the Zoning Administrator for Assessor's Parcel Number 243-262-006-000 on March 12, 2020. The permit was granted subject to 3 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

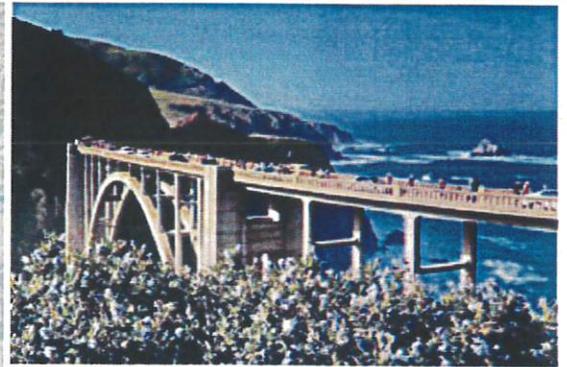
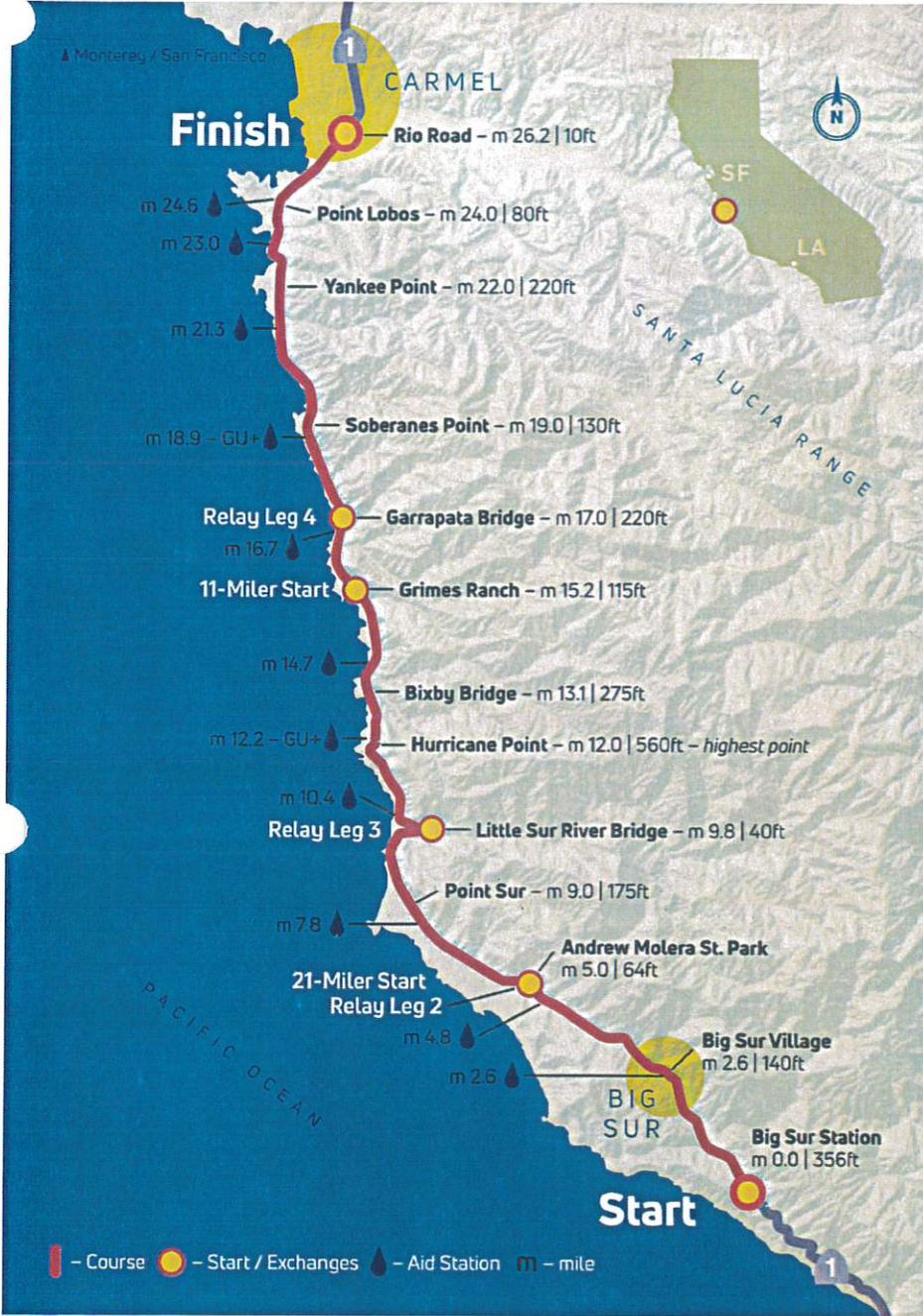
Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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 recovery.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning 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.

Marathon Course Map



START TIMES

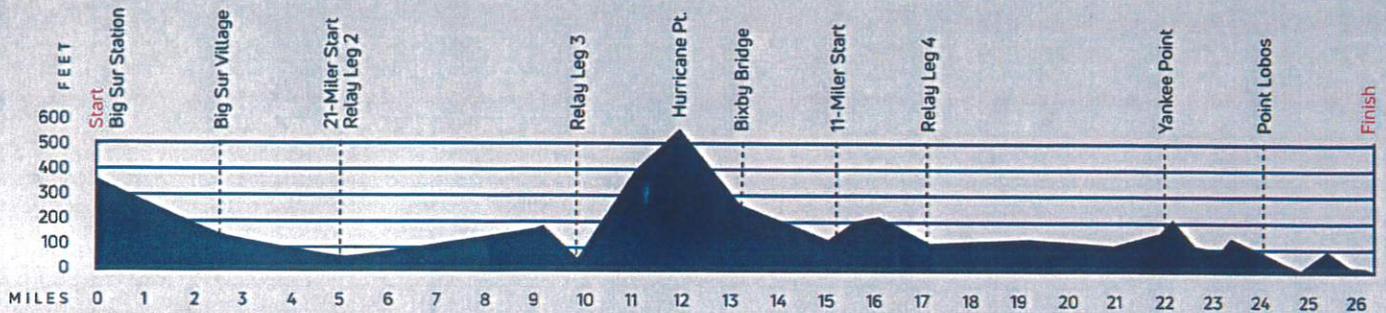
Event	Start Time	Start Location
Marathon	6:45 a.m.	Big Sur Station
Relay	6:45 a.m.	Big Sur Station
21-Miler	6:30 a.m.	Andrew Molera State Park
11-Miler	7:00 a.m.	Grimes Ranch
12K	7:35 a.m.	Rio Road + Highway 1
5K	7:35 a.m.	Rio Road + Highway 1

All events finish at Rio Rd. + Highway 1

AID STATIONS

There are 11 aid stations on the course. All stations feature Gatorade Endurance first, then water. Refill stations for those with their own bottles are located at the end of every other station. Look for the signs for refill stations. Fruit is located at all stations starting at mile 10.4. GU is located at the stations near mile 12.2 and near mile 18.9. Please be considerate of runners behind you and the environment and drop your energy gel packets and cups in the receptacles provided after each station. Please do not put your energy gel wrappers or other trash inside water cups! There are portable toilets located at each aid station. Each station also features medical personnel with minor first aid supplies.

(Rev. 04-11-2018)



Memorandum of Understanding
Use of Grimes Ranch Livestock Pen Area for Race Morning Start Assembly
Parcel #243-262-006-000

The Big Sur Marathon Foundation is allowed to assemble in the livestock pen area near the historic barn on the Grimes Ranch (shown on the attached photo) for their preparation and early morning staging for the 11 Mile Walk, held the last Sunday every April as part of the Big Sur Marathon events. The livestock pen and historic barn area located on the east side of Highway 1 just south of Palo Colorado Road in Carmel. A detailed background memo is attached,

There is no fee for this use, however as agreed to by the organization an annual contribution will be made by the Marathon Foundation to Mid-Coast Fire Brigade.



Greg Vita
Property Owner

Date: Greg Vita 1/31/2019

Doug Thurston
Doug Thurston
Big Sur Marathon Foundation

Date: 1/25/2019

RE: PERMITTING FOR USE OF SMALL PARCEL FOR STAGING OF 11-MILER RACE START

Overview:

Since the 1990's the Big Sur International Marathon has staged a mid-distance event beginning approximately 11 miles south of the Marathon finish line. Until 2017, the 10.6-Miler began at Rocky Point Restaurant; in 2017 we were invited by the owner of Grimes Ranch to move the start area (at no charge) to a small livestock pen near the historic barn on the east side of Highway 1 just south of Palo Colorado road.

While held at Rocky Point Restaurant, we were not required to apply for a permit for assemblage on this private property (we used only the outdoor gathering and parking areas and not the indoor restaurant). When the event moved to Grimes Ranch, the marathon organization received an Emergency Permit to stage runners from about 6 a.m. until the start of the race at 7 a.m. on Highway 1.

A few facts about the race:

1. The 11-Miler is held on the last Sunday every April and is one of six different distance events taking place on Highway 1 that morning. This year's race is Sunday, April 28.
2. The event sells out each year at 1,600 entrants. About 1,250 attend.
3. Highway 1 is closed to unpermitted southbound traffic from Otter Cove to Big Sur at 4 a.m. and is closed to all public traffic northbound from Big Sur at 6 a.m. The road remains closed to regular through traffic until after 1 p.m.
4. The usage of the said property is from 5-8 a.m.: Volunteers arrive at 5 a.m., runners are dropped off between 6:00 and 6:30 a.m.; the race begins at 7 a.m.; the band onsite remains in the area to play for the marathon runners until approximately 11 a.m.
5. Some equipment, like portable toilets, is staged on Saturday and removed on Monday.
6. The size of the gathering area is approx. 200' x 150' (30,000 sq feet) and within a fenced-in livestock pen on the east side of Highway 1 approx. 250' south of Palo Colorado Road.
7. There is no public parking; runners are dropped off by buses and volunteers park in designated areas off of Highway 1. There is no parking on Palo Colorado Road and residents using that road are not affected.
8. There is a safety compound in the general area with on-site EMT's or nurses.
9. The Mid Coast Fire Brigade and CHP coordinate the bus-turn-around, unloading, and traffic control.
10. No water is used or disposed of in the area, all trash is sorted, bagged and removed, and there is no construction of any structures or any construction materials used at the event.
11. A small sound system is used for announcements. The sound does not carry beyond the owner's property.
12. There is no cooking or open flame used. Fruit, bagels, and pre-made coffee are available to runners.
13. The general public does not attend the start of this race: only runners, volunteers, and race officials.
14. There are no additional residents within 300 feet of the holding pen area.
15. As a non-profit organization, the generosity of the land owner to host this event is critically important to our mission.

Our request:

Because this is held entirely on private property and lasts only three hours in duration during a time when public access is already limited by permit, we request that the County grant permanent perpetual use of this property for the Big Sur Marathon Foundation's 11-Mile event without requiring the full Coastal Development or Land Use permits. Thank you for your consideration.

