

Attachment J

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June 6, 2023

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Monterey County Planning Commission
c/o Fiona Jensen
Monterey County Housing and Community Development (HCD)
1441 Schilling Place, 2nd Floor
Salinas CA 93901

Re: Re Morgenrath (Blaze Engineering) Application - PLN160851-AMD1

Dear Chair Monsalve and Members of the Commission:

I am writing on behalf of Matt and Carol Donaldson ("Donaldson") in opposition to the Morgenrath/Blaze Engineering ("Blaze") Application - PLN160851-AMD1 ("Project").

Enclosed with your Staff Report package you will find:

- The Kemp January 3, 2023 letter to the County describing why the Project should be denied;
- The Donaldson December 29, 2022 letter to the County describing why the Project should be denied;
- The Sierra Club January 3, 2023 letter to the County describing why the Project should be denied;
- The Kemp May 17, 2023 letter to the County commenting on the Mitigated Negative Declaration (MND) and the significant environmental impacts associated with the Project and the need for an Environmental Impact Report (EIR) to be prepared for the Project;
- The Sierra Club May 17, 2023 letter to the County providing comments on MND and why an Environmental Impact Report is needed for the Project.

Rather than repeat all of the information contained in these letters, I will summarize the key points below, and ask that you read the information previously provided to the County by myself on behalf of the Donaldsons, by the Donaldsons, and by the Sierra Club related to this Project.

Project History

This Project came before the County in 2019. In August 2019 the Board of Supervisors narrowly voted to approve the project on a 3/2 split vote – Parker and Phillips voting to deny it) which decision was appealed to the Coastal Commission by both the Donaldsons and the Sierra Club.

The Project has NOT been approved, as the Coastal Commission needed to take action on the two Appeals to approve the Project and issue the Coastal Development Permit. Instead the Applicant withdrew the Project, thereby mooting the Donaldson and Sierra Club Appeals.

The Applicant has now filed an Amended Project. It is misleading to the public to claim the Project was previously approved and only minor and trivial amendments to the approved Project are being considered.

The Project before you now is the entire Project, as amended, which your Commission can deny or approve. You are not bound by past actions, as no Coastal Development Permit has been issued for the Project.

There are serious issues with the Project which warrant its denial, and we urge your Commission to do so.

Serious Issues Remain with the Proposed Project

1. The Project is inconsistent with County Zoning and the Coastal Act.

At the LUAC meeting in January one LUAC member said, *We know we would not approve this if it was Granite Construction or someone else*, which is exactly what the Applicant is counting on to obtain their approval.

The Planning Commission should strictly apply the local land use rules to the Project. Popularity should not be the basis for granting a land use permit.

The Proposed Project conflicts with the Monterey County Zoning Code, the Big Sur Land Use Plan, and the Coastal Act.

The Proposed Project site is zoned Visitor Serving Commercial (VSC). A contractor yard is not a permitted use, nor a conditionally permitted use, in the VSC zoning district (Monterey County Code Title 20 Section 20.22).

If a contractor's yard were allowed in the VSC zoning district, it would have been expressly listed as an allowed use, with a Coastal permit, as was done in the other zoning districts. It was not.

Even if the Project were allowed under the VSC zoning district, Big Sur Coast LUP policy 5.4.3.E.8 requires permits for commercial uses to adhere to a "good neighbor" policy, ensuring that noise or visual impacts do not affect the peace and tranquility of existing neighbors. The Project will cause a substantial disruption to the peace and tranquility of the neighbors.

This Project is a "contractor's yard" with major construction equipment, semi-trucks and trailers, office, workshop, and storage facilities on a highly constrained environmentally sensitive site off the narrow dirt road, Apple Pie Ridge Road. While some of the businesses Blaze serves in Big Sur are visitor serving, Blaze is not a visitor serving business.

As stated in the Coastal Commission's October 1, 2018 letter to the County, the Project does not comport with the Rural Community Center (RCC) designation, as a contractor's yard is not a principal or conditional use allowed under the Visitor Serving Commercial (VSC) zoning district, and is inconsistent with the Big Sur Coast Land Use Plan (LUP) which gives priority to visitor serving uses.

As the Coastal Commission letter correctly points out, contractor yards and storage facilities, which the Proposed Project clearly is, are only allowed as a conditional use in limited Coastal Zoning districts.

There is nothing rustic about a contractor's yard on this site as required under the Big Sur Land Use Plan policy 5.4.3, nor the large construction trucks and equipment that will be parked in the critical view shed along Highway 1.

2. **Blaze's track record does not bode well for use of the site.**

The record shows that Blaze is not a good steward of the land creating an unsightly junk yard on the adjacent site. (See Donaldson May 8, 2019 and December 29, 2022 letters). The photographs of Blaze's past operations on an adjacent property provide substantial evidence that Blaze's operations have the potential to create significant environmental impacts, visual impacts, and hazardous materials. (See Donaldson letters). Blaze's past operations on an adjacent property reinforce the likelihood of potential impacts to the surrounding neighbors and the environment from their operations.

3. **The Project will have a substantial impact on biological resources**

There is no dispute that the Project is located within a Redwood Forest classified as an Environmentally Sensitive Habitat Area (ESHA).

The Redwood Forest ESHA designation is confirmed by both the Applicant's biological report, and the Donaldson's Tree and Resource Impact Assessment report dated April 17, 2019 and letter dated May 21, 2019, prepared for the site by Rob Thompson, a Certified Arborist, with Thompson Wildland Management (see Thompson April 17, 2019 report and May 21, 2019 letter).

Mr. Thompson's April 17, 2019 report states:

"In summary, the proposed construction and development project involves significant environmental impacts to large and majestic redwood trees and environmentally sensitive redwood habitat from proposed grading and construction associate with road improvements and the construction of a new office building, workshop, storage unit, cement silo and other supporting infrastructure. Additionally, there will be significant environmental concerns from the long-term impacts to trees and habitat from frequent and regular daily traffic of heavy trucks and equipment through this sensitive redwood habitat area. These impacts to the critical root zone of nearby redwood trees and ESHA habitat, as well as concerns associate with storm water runoff, erosion & sedimentation control, hazardous materials, containment & disposal, and wildland fire safety have not been adequately addressed and evaluated."

While the cement silo has been removed from the Project, Mr. Thompson's findings remain valid as the continued increased traffic, grading and damage to ESHA remains. It is clear from the evidence presented, including the Tree and Resource Impact Assessment report prepared by Rob Thompson, that the Project will have a significant impact on this environmentally sensitive Redwood Forest habitat area.

Mr. Thompson's May 21, 2019 letter also reiterates that:

"Potential erosion & sedimentation control impacts and storm water runoff concerns related to the nearby Big Sur River have not been adequately addressed and evaluated."

There is no evaluation of the potential biological impact of the Project on the nearby Pheneger Creek and Big Sur River located 0.2 miles from the Project site to which the Proposed Project site drains.

Coastal Act, section 30240, provides, "(a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only

uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas.”

These Coastal Act regulations have also been adopted in the Big Sur Land Use Plan (see Section 3.3) and the Big Sur Coastal Implementation Plan (Title 20) (see section 20.145.040).

Together, these Coastal Act, Big Sur Land Use Plan, and Coastal Implementation Plan regulations provide strict protections for this Redwood Forest, environmentally sensitive habitat area.

This Project is a contractor’s yard, plain and simple, with attendant uses, including buildings, construction trucks, construction equipment, diesel tanks, workshop, equipment and material storage, etc. It is not a resource dependent use.

Nor is the Project the least possible impact to ESHA. It is a large commercial contractor’s yard, with many components, spread throughout the site.

4. Public safety and conflicts with existing rural neighborhood

This is a commercial operation with large trucks and equipment using an undeveloped site adjacent to a rural residential neighborhood creating an inherent conflict with the surrounding residential uses.

The Project places a 4000 gallon above ground diesel tank in the same lower parking area adjacent to Highway 1 where the public will be parking, creating a new risk to the public should a fire arise.

Moreover the Project now places two high energy EV charging stations, which stations themselves can lead to overheating and fire hazards, in close proximity to the 4,000 gallon above ground diesel tank creating an even greater risk of harm to the public.

The site is also in a “Very High” State Responsibility Fire Hazard Zone requiring a Landscape and Fuel Management plan to create defensible space around all structures. There is no discussion of how the required “defensible space” will be achieved given the dense tree cover and vegetation on the Proposed Project site, nor an assessment of the impacts to biological resources by creating the required defensible space.

Big Sur is a unique place where residents and visitors strive to enjoy the natural beauty and associated peacefulness of the area. A contractor's yard with its inherent large machinery, large trucks, workshop/maintenance shop, and storage facility in which construction materials will be coming and going, introduces new types of noise sources to the site which are inherently inconsistent with the area.

Homes are also located in close proximity to the Project and will be impacted by this commercial operation next to them. The Project Site Plan shows some buildings on the adjacent Donaldson site, but fails to show the location of the Donaldson home, which is just a few feet away from the Project.

The Project also adds a significant visual impact with the addition of a second story employee housing unit on top of the office, which unit brings additional night light and glare to the site, creating a significant visual impact to the night sky and surrounding neighbors that the original Project did not create. Down-lit lights will not mitigate the glare and light from a second story home that will be occupied at night.

The addition of the two EV charging stations also causes a visual impact to the critical viewshed along Highway 1. The introduction of the EV stations is an "urban" use. Proposed mitigations about painting them, lighting options, parking striping, are all unknown, with no assurance these urban structures will visually blend into the rural Big Sur surrounding environment.

The sole means of access to the proposed office/employee housing unit, workshop/maintenance shop, and storage facility is the narrow dirt one-lane Apple Pie Ridge Road, which also serves residents on Apple Pie Ridge Road. How are large trucks and construction equipment going to traverse this narrow one-lane dirt road, turn around, etc., on this highly constrained road and site to access the workshop/maintenance shop and storage facility?

This increased traffic creates its own environmental damage as set forth in the Thompson report, as well as, significantly conflicts with the existing residential use of this narrow dirt road.

Additionally, the Project crams a multitude of uses, including public and private parking into the small area along Highway 1.

The Proposed Project 30% slope map shows a host of areas where there will be building or grading on slopes in excess of 30%, yet, septic tanks, leach fields, buildings, access ways, and parking are all located in these same areas, as shown on the Parking Plan (see 2022 30% slope map sheet C-22 and 2022 Parking Plan sheet A1.2)

This small parking area along Scenic Highway 1, where Blaze intends to place a host of uses, already provides overflow parking for the public, as well as, a loop road to

the Big Sur River Inn units on the east side of Highway 1 (see attached Google earth map and area site photos).

Blaze proposes to use this small area for storing major construction equipment and semi-truck and trailer parking, a 4,000 gallon above ground diesel tank, trash enclosures, six (6) public parking spaces, (two of which are EV charging spaces), fencing and gates, all adjacent to existing visitor serving hotel rooms. This small area cannot accommodate all the uses Blaze proposes, nor are these host of uses clearly delineated on the ground to assess the impacts.

The Proposed Project continues to show the 6 ft. high redwood fence along the property line at the Highway, as well as, what appears to be two separate gated entrances to both the Blaze parking area and River Inn parking area. The proposed fencing appears to close off the southern access to the River Inn units from Highway 1. The Parking Plan does not show how or where the semi-truck and trailer parking will be located or function with all of the other proposed uses of this small area. Adding the EV station to this area only exacerbates and creates additional safety issues, particularly given the close proximity to the 4,000 gallon above ground diesel tank located in the same area.

There is no traffic analysis of or circulation plan for this small constrained area. How do visitors get in to the River Inn units? How do huge semi-trucks and trailers get past the visitor parking or turn around in this small area? How are large trucks and construction equipment to get up the narrow one-land dirt Apple Pie Ridge Road and turnaround in the tightly constrained areas?

The General Development Plan shows 12 on-site parking spaces up the hill adjacent to the workshop, storage, and office/employee housing to be used for River Inn employees on weekends and holidays. It is highly unlikely that (1) Blazes' own vehicles will not be parked there on the weekends, and/or (2) that any River Inn employees will want to walk down the long narrow Apple Pie Ridge dirt road to get to their work.

The Project creates major conflicts and safety concerns with all of the proposed uses in this very small area. There is no traffic study or plan to show how all of this can work in this limited space, as well as interface with access to and from Highway 1.

Attempting to cram all of these uses, including new fences, new gates, large construction trucks, diesel tank, trash enclosures, despite a token EV charging station, in to the small area along Highway 1, further illustrates why the Project remains inconsistent with the Visitor Serving Commercial land use designation for this site, and in violation of the Coastal Act.

Conclusion

The Project is a “contractor’s yard”, with major construction equipment, semi-trucks and trailers, office, workshop, employee housing unit, storage facilities on a highly constrained environmentally sensitive Redwood Forest site, with the only access being the narrow one lane dirt Apple Pie Ridge Road, which serves numerous homes on Apple Pie Ridge who will share the narrow dirt road with the Blaze operations, as well as, view the contractor yard operations, from the road, which operations are entirely out of character with the rural Big Sur setting in the Redwood Forest.

Unfortunately, the amended Project only exacerbates the impacts to the land and Redwood Forest ESHA; continues to violate the County zoning and the Coastal Act; and, intensifies, rather than lessens, the on-site land uses and environmental impacts, by adding night glare and height, bulk and mass of a new housing unit on top of the office; and adding two high-voltage electric vehicle (EV) charging stations, which reduce the general public parking spaces at the base of the hill, and create a potential fire hazard locating the high-voltage charging stations in the same area as the above-ground 4000 gallon diesel tank.

For the reasons set forth above, and in the prior letters submitted to the County on behalf of the Donaldsons, by the Donaldsons, and the Sierra Club related to this Project, we urge you to deny this Project.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine Kemp

Christine G. Kemp

cc: Mr. and Mrs. Donaldson