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**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**MORGENRATH MARTHA J TR ET AL (PLN160851-AMD1)**

**RESOLUTION NO. 23-020**

Resolution by the Monterey County Planning Commission:

- 1) Considering a previously adopted Mitigated Negative Declaration as revised by a Supplemental Mitigated Negative Declaration (SCH No. 2018091005), pursuant to CEQA Guidelines section 15163;
- 2) Approving an Amendment to a previously approved Combined Development Permit (PLN160851; Board Resolution No. 19-285) consisting of:
  - a. Coastal Development Permit and General Development Plan to allow the establishment of a commercial business operation for a contractor's equipment storage and office facility;
  - b. Coastal Administrative Permit to convert a test well into a permanent well;
  - c. Coastal Administrative Permit and Design Approval to allow construction of a 760 square foot office with a two-bedroom second story employee housing unit, a 600 square foot workshop and 300 square foot canopy, 800 square foot storage building and associated site improvements including formalizing six public parking spots and installing two electrical vehicle charging stations;
  - d. Coastal Development Permit to allow development on slopes in excess of 30%;
  - e. Coastal Development Permit to allow development within 100 feet of ESHA; and
  - f. Coastal Development Permit to allow removal of 10 native trees; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan. [PLN160851, Morgenrath Martha J TR ET AL (Blaze Engineering), 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan (APN: 419-201-007-000)]

**The Morgenrath (Blaze Engineering) application (PLN160851-ADM1) came on for public hearing before the Monterey County Planning Commission on June 14, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **PROCESS** – The County has received and processed an amendment to PLN160851.
- EVIDENCE:**
- a) On September 19, 2022, an application for an Amendment (PLN160851-AMD1) was submitted to HCD-Planning. This application was submitted in accordance with Monterey County Code (MCC) section 20.76.115.
  - b) Background – Planning Commission. On October 31, 2018, staff recommended the Planning Commission continue a hearing to consider an applicant for a Combined Development Permit consisting of: 1) a Coastal Development Permit, Design Approval, and General Development Plan to allow the establishment of a commercial business operation including a 760 square foot office, a 600 square foot workshop, 800 square feet of storage containers, storage of construction equipment such as generators, cement silo, and diesel storage tanks, 2) a Coastal Development Permit to allow development on slopes in excess of 30%, 3) a Coastal Development Permit to allow removal of 16 protected trees, 4) a Coastal Development Permit to allow development within Environmentally Sensitive Habitat Area, and 5) a Coastal Administrative Permit to convert a test well into a permanent well. The continuance was requested on behalf of the applicant to allow time for staff and the applicant to resolve concerns raised by the California Coastal Commission. At the conclusion of the hearing, the Planning Commission continued the hearing to November 14, 2018.

On November 14, 2018, the Planning Commission considered the Combined Development Permit, as described above, and also considered adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan. Public testimony included concerns that impacts from the operation of the business would negatively affect the environment, traffic, scenic views, and the tranquility of the surrounding neighborhood. After review of the application, all submitted documents, and public testimony, the Commission adopted a Mitigated Negative Declaration, approved a Combined Development Permit to allow the proposed development, and adopted a Mitigation Monitoring and Reporting Plan (Monterey County Planning Commission Resolution No. 18-045).

- c) Background – Board of Supervisors Appeal. On November 30, 2018, Matt and Carol Donaldson (Christine Kemp, representing the Donaldsons) and Paul Smith, filed timely appeals of the November 14, 2018 decision of the Planning Commission, pursuant to Monterey County Code (“MCC”) section 20.86.030.A. The appeals contained identical contentions in most respects, premised on the arguments that the findings or decision or conditions are not supported by the evidence and that the decision was contrary to law. Appellants contend that the project would be inconsistent with Big Sur Coast Land Use Plan such as conflicts with the property’s Visitor Serving Commercial (VSC) zoning designation, inappropriate tree removal, visual impacts in the Critical

Viewshed, development within environmentally sensitive habitat areas, and a CEQA violation.

On February 14, 2019, the Board of Supervisors considered these appeals. After public testimony, the Board of Supervisors continued the hearing to April 23, 2019, to allow all interested parties time to come to resolution.

On April 23, 2019, at staff's request, the Board of Supervisors continued the hearing to May 21, 2019 to allow the applicant and the appellants to continue mediation. Ultimately, mediation was unsuccessful.

During the May 21, 2019, Board of Supervisors hearing, the applicant made an oral presentation of potential project modifications. The Board found the presented changes acceptable and adopted a resolution of intent to deny the appeals and approve the Combined Development Permit with a modified scope of work. Changes to the project included: removal of the bypass road from Highway 1 and cement silo, switching locations of the shop and storage, change from the use of storage containers to an 800 square foot storage building, a reduction in tree removal, formalizing seven public parking spaces along Highway 1, and providing a pedestrian walking trail to access Highway 1.

On August 27, 2019, after considering the revised project, the Board of Supervisors voted 3-2 to deny the appeals of Matt & Carol Donaldson and Paul Smith, adopt a Mitigated Negative Declaration (SCH No. 2018091005), approve a Combined Development Permit to allow: 1) Coastal Development Permit, Design Approval, and General Development Plan to establish a commercial business operation including a 760 square foot office, a 600 square foot workshop with a 300 square foot canopy, 800 square foot storage building, storage of construction equipment such as generators and diesel storage tanks; 2) Coastal Development Permit to allow development on slopes in excess of 30%; 3) Coastal Development Permit to allow removal of 10 native trees; 4) Coastal Development Permit to allow development within Environmentally Sensitive Habitat Areas; and 4) a Coastal Administrative Permit to convert a test well into a permanent well, and adopt a Mitigation Monitoring and Reporting Program (Board of Supervisors Resolution No. 19-285).

- d) Background – California Coastal Commission Appeal. Subsequent to Board approval, the County sent a Final Local Action Notice (FLAN) to the California Coastal Commission (CCC) on October 9, 2019. The Matt & Carol Donaldson and the Ventana Chapter Sierra Club appealed the Board of Supervisor's decision to the California Coastal Commission on October 25, 2019 (Commission Appeal No. A-3-MCO-19-0205). Prior to the appeal being scheduled before the Coastal Commission, the Applicant notified the County and the Coastal Commission staff of their desire to modify certain portions of the

project contested during the appeal. As a result, in coordination with Coastal Commission staff, County staff withdrew the Final Local Action Notice on October 21, 2022. Withdrawal of the FLAN only affects the Coastal Commission appeal; it does not alter either the County's prior decision or the associated CEQA determination. Withdrawal of the FLAN simply means that the County is not requesting the Coastal Commission consider the local action "final" at this time (as consideration of modifications are pending). A new FLAN will be sent to the CCC reflecting the revised design if the County approves the revised project. Therefore, the Board of Supervisors' action to adopt the Mitigated Negative Declaration on August 27, 2019, is final.

- e) Conditions of Approval. Resolution No. 19-285 (PLN160851) was subject to 32 conditions of approval (inclusive of 5 mitigation measures, applied as Condition Nos. 20-24). Two previously approved conditions of approval are in a "Met" or "On-Going" status (Condition No. 1 [Specific Uses Only] and Condition No. 30 [Fish & Game Neg. Dec. Fee]). Both conditions have been replaced in kind and applied to this Amendment as Condition Nos. 1 and 23. The remaining 30 previously approved conditions (Condition Nos. 2 – 29, 31 and 32) are in a "Not Met" status; however only specific conditions which are still applicable have been carried forward to this Amendment. Condition Nos. 2 – 4 of the Original Permit have been incorporated into this Amendment as Condition Nos. 2 – 4 (Notice Permit Approval, Cultural Resources Negative Report, Tree Removal). Condition No. 5 (Landscape & Maintenance Plan) of the Original Project is no longer applicable and therefore has not been carried forward. Condition Nos. 6 - 8 (Exterior Lighting, Migratory Bird Nesting, and Hazardous Materials) of the Original Project have been incorporated into this Amendment as Condition Nos. 6, 5, and 8, respectively. Condition Nos. 9 (Water System Deed Restriction/Declaration) is still applicable and has been incorporated as Condition No. 25. Condition Nos. 10 – 15, 18, and 19 (Erosion Control Plan, Geotechnical Certification, Grading Plan, Inspections by Environmental Services, Stormwater Management Plan and Stormwater Completion Certificate) are required by the Monterey County Code and therefore have not been carried forward. Condition Nos. 16 and 17 (Regional Development Impact Fee and Countywide Traffic Fee) of the Original Project have been applied to this Amendment as Condition Nos. 9 and 10. Condition Nos. 20 – 24 (Mitigation Measures Nos. 1 – 5) have been carried forward and incorporated into this Amendment as 16 – 19 and 22. Two new Mitigation Measures have been incorporated as Condition Nos. 20 and 21. Condition No. 25 (Caltrans Encroachment Permit) is no longer applicable as no aspect of the Amendment is within the Caltrans Highway 1 right of way, however Condition No. 26 (Caltrans Review of Drainage Plan) is still applicable per Caltrans correspondence dated October 12, 2022 and has been incorporated into this Amendment as Condition No. 24. Finally, Condition Nos. 27 – 29, 31, and 32 (Safety Barrier, Site Maintenance, Indemnification Agreement, Mitigation

Monitoring Plan, and Conservation and Scenic Easement) are still applicable and have been carried forward and applied to this Amendment as Condition Nos. 11 – 15. All applied conditions of approval shall be satisfied under this Amendment.

- f) Land Use Advisory Committee. The previously proposed project (PLN160851) was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the originally-proposed project on January 26, 2018, and recommended support of project with changes. The LUAC suggested changes to incorporate landscape screening along Highway 1 and an erosion control plan. An erosion control plan will be required prior to issuance of the grading and/or building permits in accordance with MCC Chapter 16.12. Additionally, adequate screening of the proposed lower parking area currently exists, and the proposed property line fence and gate are consistent with Critical Viewshed design requirements set forth in the Big Sur Coast LUP and Big Sur Coast Highway Management Plan. Finally, although not recommended by the LUAC, the applicant also agreed to install a safety barrier along Apple Pie Ridge Road to address concerns from neighboring property owners.
- g) A revised application (PLN160851-AMD1) was submitted to modify the prior County approval (PLN160851), see Finding 2, Evidence “c”. The revisions are minor. However, site conditions have changed, and new impacts not addressed in the previous project may occur. Therefore, pursuant to MCC section 20.70.105, an Amendment is required to process the desired changes and the original hearing body (Planning Commission) is the appropriate authority to consider the Amendment request.
- h) The findings and evidence from PLN160851 (Board of Supervisors Resolution No. 19-285) have been carried forward to this permit amendment, PLN160851-AMD1. Once approved, the proposed Amendment (PLN160851-AMD1) will be the operating entitlement for the subject property.
- i) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File No. PLN160851 and PLN160851-AMD1.

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE:** a) During the course of review of this application, 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 (BSC LUP);
- Monterey County Coastal Implementation Plan, Part 3 (CIP);
- and
- Monterey County Zoning Ordinance (Title 20);

Staff received communications during the course of review of the project arguing that the project would be inconsistent with aspects of these documents. Comments were fully analyzed to ensure no issues remain and addressed where appropriate. The subject property is located within the Coastal Zone; therefore, the 2010 Monterey County General Plan does not apply.

- b) Project. The project is to establish a commercial business operation for Blaze Engineering, which previously operated out of an adjacent property (APN 419-201-006-000) between 1989 and 2017. As proposed, the Amendment includes the establishment of a commercial business operation, construction of a 760 square foot an office with a second story 2-bedroom on-site employee housing unit, a 600 square foot workshop for repair of equipment with a 300 square foot canopy, an 800 square foot storage building for storage of equipment and materials, establishment of 6 public parking spaces with two electrical vehicle charging stations, relocation of a generator and above ground diesel storage tanks, and placement of two 5,000-gallon water tanks. Blaze Engineering’s operation provides services (grading, paving, installing water, septic, and electrical systems, and road building and repair) for local construction projects. Primary activities on the site will be for administrative support, storage, maintenance, and housing of atleast two employees. Based on the services Blaze provides, intensive construction activities will continue to occur off-site on their client’s respective properties. No goods or products will be stored or sold onsite.
- c) Allowed Uses. The 2.55-acre property is located at 46821 Highway 1, Big Sur, (APN: 419-201-007-000), Big Sur Coast Land Use Plan. The parcel is zoned Visitor Serving Commercial, Design Control, Coastal Zone or “VSC-D(CZ)”. Accessory structures and conversion of test wells to domestic wells are principally allowed use in the VSC zoning district, subject to the granting of a Coastal Administrative Permit. As a conditional use, subject to the granting of a Coastal Development Permit, Monterey County Code (MCC) section 20.22.060.W, allows “Other visitor serving uses of a similar character, density, and intensity of those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and applicable land use plan.” VSC zoning allows uses such as hotels and motels, restaurants, service stations, assemblages of people, zoos, and public and quasi-public uses. The project, as described in the preceding evidence, would have similar density and noise intensity as other uses allowed in the VSC zoning district. However, traffic, water use, and wastewater would be less intensive than if a hotel, motel, restaurant, service station, etc. was established on the project. Blaze Engineering has historically provided goods and services to the community and visitor service facilities in Big Sur, especially on an on-call/emergency basis. Blaze Engineering provides a direct service to the visiting public through their capacity to act as a first responder in proximity to visiting commercial services, facilities, and their patrons in the area. Although it is recognized that the proposed use is a not a “typical” VSC use, Blaze Engineering provides necessary services to residents, visitor serving



businesses, and the Big Sur area, including the repair and maintenance of roadways and Highway 1, which allows the travelling public to visit Big Sur and utilize the area's various amenities and visitor accommodations. The proposed use is consistent with the zoning district's purpose, which is to "service the needs of visitors and the traveling public to Monterey County" (also see Finding No. 2, Evidence "e"). The Amendment also supports nearby VSC uses as it will result in additional parking spaces available for Big Sur River Inn employees, visitors of the Big Sur River Inn and surrounding businesses, and the public. The project includes providing 12 parking spaces for Blaze employees and Big Sur River Inn employees during weekends and holidays, and 6 public parking spaces adjacent to Highway 1. Two of the 6 public parking spaces will include universal electrical vehicle (EV) charging stations. These two charging stations will be the only publicly available EV charging stations between Carmel and Cambria that are not exclusive for a particular brand of vehicles. Based on the evidence contained in this, and subsequent findings, the Planning Commission finds Blaze Engineering is a necessity to the Big Sur community and those who visit the coastline, the use consistent with the intent of the VSC zoning, and it is a compatible use for the subject property per the Big Sur Coast Land Use Plan.

- d) Amendment. In comparison to the previously approved project (PLN160851), the proposed Amendment would include construction of a second-story 760 square foot employee housing unit over the office, installation of two public universal electric vehicle charging stations, re-routing of the pedestrian trail along Apple Pie Ridge Road, reduce public parking along Highway 1 by one stall, and eliminate the on-site sale of products (concrete, rock, sand, plumbing, and landscape supplies) from the business operation plan. After further review of the previously approved 7 public parking stalls adjacent to Highway 1, the biologist determined that an additional 20-inch Redwood would have to be removed to accommodate the 7<sup>th</sup> parking stall and associated grading for a retaining wall. Additionally, HCD-Engineering Services determined that the 7<sup>th</sup> parking stall did not meet County Parking Standards (9 feet by 19 feet) and therefore encouraged the applicant to reduce the proposed parking stalls to 6. The 7-stall design was submitted to Caltrans for review. On October 12, 2022, Caltrans informed the County that they would not support the issuance of an encroachment permit to allow the 7<sup>th</sup> stall to be partially within Highway 1 Right-of-Way. Therefore, and as proposed, the 6 public parking stalls minimize tree removal, ground disturbance, and meet County and Caltrans standards. All other project components remain the same: construction of a 760 square foot office, 600 square foot workshop with a 300 square foot canopy, 800 square foot storage building, development within 100 feet of Environmentally Sensitive Habitat Area, removal of 10 protected trees, and site improvements including installation of an on-site wastewater treatment system, conversion of a test well to a permanent domestic well, and placement

of a 40-watt generator, 4,000 square foot diesel storage tank, and two 5,000 gallon water tanks.

- e) Rural Community Center. BSC LUP Chapter 5 establishes land use and development policies for the planning area. Pursuant to Policy 5.3.1.5, secondary conditional uses for recreational, visitor-serving commercial, and public quasi-public land uses include: administrative, management, and maintenance facilities for public agencies, and fire stations. The subject property is in the Big Sur Valley Rural Community Center (RCC) area. Policy 5.3.2 states that the RCC areas are intended to allow new and existing developments which provide a spectrum of functions for both the visiting public and for residents of the adjoining rural areas. Policy 5.4.3.E(1) and (6) requires new commercial visitor serving uses to be located within RCCs and to be “aimed at serving both local residents and the visiting public.” Consistent with BSC LUP “Commercial” land use policies, the proposed development is located within an RCC, is rustic in nature, is aimed at serving both local residents and the visiting public, would relocate a use that operated on an adjacent property, would not affect the peace and tranquility of existing neighbors, parking would be screened from the public view and design includes safety improvements, and would enhance recreational use of nearby lands by providing additional parking for employees, visitors, and the general public. In addition to the uses described in Finding 2, Evidence “b” (above), the establishment of the operation on the subject property would allow Blaze Engineering to continue to provide heavy equipment, fuel, and labor to the Big Sur area on an emergency basis. Blaze Engineering has historically provided emergency services to the Big Sur community. For example, Blaze Engineering assisted in repairing and re-opening damaged public and private roads during the 1998 El Nino, 2008 Basin Complex Fire, 2013 Pfeiffer Ridge Fire, 2016 Soberanes Fire, and 2017 landslide events. The proposed project, as amended, is consistent with the Big Sur Coast Land Use Plan RCC policies as it provides residents, visitors, and visitors serving commercial facilities of Big Sur with maintenance and repair of infrastructure during emergencies.
- f) Site Development Standards. The project meets all required development standards. Pursuant to MCC section 20.22.070, the proposed General Development Plan shall establish the subject property’s setback requirements. As proposed and detailed in the attached General Development Plan, the development will maintain a front setback of 46 feet, side setback of 70.75 feet and 17.7 feet (west and east, respectively), and a rear setback of 44.8 feet. The proposed development will not exceed the allowable height of 35 feet and is within the allowable site coverage (35%).
- g) Employee Housing. The proposed Amendment includes a 760 square foot two-bedroom one-bath employee housing unit. In accordance with BSC LUP Policy 5.4.3.C(9), the project’s Employee Housing Plan (attached to the General Development Plan) meets the requirements of Big Sur CIP section 20.145.140.B(1). The proposed business operation, as amended through the granting of this Amendment, includes 12 full-

time employees. Currently, only 25% of the existing employees live in the Big Sur area. Implementation of the proposed employee housing unit will allow at least two employees to reside on-site, increasing the business's percentage of employees who live in Big Sur to 41.6%.

- h) Visual Sensitivity and Design Control. The project allows development that will be visible from Highway 1. However, as demonstrated in Finding 6, the development is consistent with visual resource policies of the BSC LUP and CIP and design control regulations of Title 20.
- i) Tree Removal. The project allows for the removal of 10 protected trees. As demonstrated in Finding 8, the project is consistent with BSC LUP policies and CIP regulations for forest resources and no issues remain.
- j) Environmentally Sensitive Habitat Areas (ESHA). The project allows development within ESHA. As demonstrated in Findings 7, 8, and 10, the development, as sited, conditioned, and mitigated, is the least environmentally damaging alternative and is consistent with the ESHA protection policies of the BSC LUP and regulations of the CIP.
- k) Development on slopes in excess of 30%. The project includes grading and construction on slopes in excess of 30% which requires approval of a Coastal Development Permit pursuant to Big Sur Coastal Implementation Plan (CIP) section 20.145.140.A.4 and MCC section 20.64.230. As demonstrated in Finding 9 and supporting evidence, the Board of Supervisors approves the project consistent with the requirements in the CIP and Title 20.
- l) Public Access. As demonstrated in Finding 11, the development is consistent with public access policies of the BSC LUP. No issues remain.
- m) Land Use Advisory Committee. The Amendment was referred to the Big Sur Land Use Advisory Committee (LUAC) for review on January 10, 2023. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project required additional environmental review. The LUAC reviewed the project and recommended approval of the project as proposed. Two members of the public voiced support of the project while one public member objected to the project. The LUAC raised concerns of visibility of the EV charging stations. Condition No. 7 requires the Applicant/Owner to install redwood siding around the metal bollard cover/exterior of the charging station, not impede its functionality, paint or cover the logo/charging sign with an earth-toned color, and place a tinted film on the LCD screen. As conditioned, the charging stations would blend in with the surrounding natural environment dominated by Redwood trees, be compatible with the rural community of the surrounding community center, and minimize and control illumination and visibility.
- n) Public Comment. During review of this Amendment, staff received public comment letters from Matt and Carol Donaldson (neighbors), Christine Kemp of Noland Hamerly Etienne & Hoss (representing the Donaldsons), and the Ventana Chapter Sierra Club raising the following summarized concerns: 1) improper processing of the Amendment; 2) violation of County zoning law, the Big Sur Coast Land Use Plan, and

the Coastal Act, including policies relating to the RCC, tree removal, and ESHA; 3) inadequate CEQA review; 4) insufficient public safety, including parking constraints, increased traffic, and the fire risk of electrical vehicle charging stations; 5) code violations; and 6) impacts to private and public viewsheds. The comments have been reviewed and responses to these comments are respectively provided in this Resolution as:

1. Finding No. 1, Evidence “d” and “g”.
2. Finding No. 2, Evidence “c” and “e”, and Finding Nos. 7 and 8, and supporting evidence.
3. Finding No. 10 and supporting evidence.
4. Finding No. 3, Evidence “d” and “e”, and Finding No. 4 and supporting evidence.
5. Finding No. 5 and supporting evidence.
6. Finding No. 3, Evidence “c”, and Finding No. 6 and supporting evidence.

All communications received during the review of this project have been considered, addressed, and resolved.

- o) Staff conducted a site inspection on January 6, 2023 to verify that the project on the subject property conforms to the plans listed above.
- p) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

3.           **FINDING:**           **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**   a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, Cal Fire – Coastal, HCD-Engineering Services, HCD-Environmental Services, and the Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development and recommended conditions have been incorporated.
- b) Potential impacts to archaeological resources, tribal cultural resources, biological resources, soil/slope stability, and geological hazards were identified. The following reports have been prepared and submitted with the application:
- “Tree Resource Evaluation Project Impact Analysis”, dated October 6, 2017 and update dated June 19, 2019 (Monterey County Document No. LIB170437), prepared by Maureen Hamb-WCISA, Santa Cruz, CA.
  - “Preliminary Archaeological Assessment”, dated February 17, 2018 (Monterey County Document No. LIB170438), prepared by Gary S. Breschini, Ph. D., Salinas, CA.
  - “Biological Assessment”, dated October 23, 2017 (Monterey County Document No. LIB170439), prepared by Fred Ballerini, Pacific Grove, CA, and “Supplemental Biological Assessment” reports dated March 26, 2020 and September 6 2022.

- “Geotechnical Report”, dated February 2017, (Monterey County Document No. LIB170440), prepared by Grice Engineering, Inc., Salinas, CA.
- “Percolation Testing Results”, dated November 27, 2017 (Monterey County Document No. LIB170441), prepared by Haro, Kasunich and Associates, Inc., Watsonville, CA.
- “Geologic Report”, dated June 22, 1993 (Monterey County Document No. LIB170052), prepared by Karl Vonder Linden, Menlo Park, CA.
- “Traffic Memorandum (Trip Generation Estimation)”, dated November 21, 2022 (Monterey County Document No. LIB220362), prepared by Korinne Tarien and Joe Fernandez, Central Coast Transportation Consulting, Morro Bay, CA, as revised on April 6, 2023.

The above-mentioned technical reports prepared by outside consultants demonstrate that there are no physical or environmental constraints indicating the site is not suitable for the proposed use. County staff has independently reviewed these reports and concurs with their conclusions. See Finding No. 10 for further discussion of environmental impacts.

- c) Surrounding lands uses consist of rural residential parcels to the north, northeast, and east of the subject property, which range in size between 2 and 60 acres. Nearby visitor serving commercial uses such as inns, campgrounds, service stations, and restaurants, are to the west and southwest of the subject property. BSC LUP Policy 5.4.3.E.1 prohibits large scale commercial facilities that are unlike existing character and size of facilities in Big Sur and Policy 5.4.3.E.8 requires careful consideration of impacts resulting from newly established commercial uses on surrounding lands from a good neighbor point of view. Where commercial activities are in proximity to residences, care must be taken to ensure that noise or visual modification do not affect the peace and tranquility of existing neighbors. The proposed project is consistent with the size and scale of Blaze Engineering’s prior operations which were conducted on the adjacent parcel (APN 419-201-006-000) between 1989 and 2017. As originally proposed, the property contains 2,458 square feet of development. The proposed Amendment would locate the higher noise intensity operations to the lower portions of the site further away from nearby residences and sensitive receptors and result in providing a greater distance between the operations and existing residential structures than that of the former site.
- d) Traffic. The Proposed Project removes the ability for members of the public to purchase construction and landscaping aggregate such as concrete, rock, sand, and plumbing and landscape supplies. Additionally, this Amendment reduces the number of employees from 20 to 12, and consequently the number of generated daily trips. Adequate employee parking would be provided in an area located adjacent to the office and shop, while parking of Blaze’s large construction equipment (trucks, trailers, dozers, etc.) would occur within the existing flat dirt parking area adjacent near Highway 1. No

large construction equipment is anticipated to drive Apple Pie Ridge Road to access the proposed development, only employee vehicles and, infrequently, company fleet vehicles that need maintenance. The majority of larger equipment maintenance will be handled off-site.

- e) Trip Generation. The project specific Traffic Report (LIB220326), prepared by Central Coast Transportation Consulting dated November 21, 2022, and revised on April 6, 2023, analyzed the trip generation estimate associated with relocating a commercial business from an adjacent parcel, construction of a two-bedroom employee housing unit, and providing six public parking spaces, two of which contain EV charging stations. The office, workshop, storage building (2,158 total square feet) would generate approximately 31 daily trips per day, with 4 being in the AM peak hour and 5 in the PM peak hour. However, the anticipated 31 daily trips is expected to already be worked into traffic volume of Highway 1 as the business operation already existed on the neighboring parcel. The proposed second story employee housing unit would generate approximately 10 daily trips, with 1 trip in the AM peak hour and 1 trip in the PM peak hour. The 10 daily trips are a conservative overestimate as it assumes the employee housing unit would be operating as a standard single-family dwelling. As employee housing, the occupants would reside and work on the Morgenrath property, thereby reducing the majority of the estimated 10 daily trips. Additionally, the International Transportation Engineer (ITE) land use category used to calculate daily trips to and from single family dwellings does not consider location or proximity to goods and services. As such, given how rural and remote much of Big Sur is, the 10 daily trips assumed for the proposed employee housing is a conservative overestimate. The EV charging stations are assumed to generate 18 daily trips, with 4 trips in the AM and PM peak hours. ITE trip generation data for gas stations show that 42 percent of trips are ‘pass-by’ trips from vehicles already on the roadway network. Central Coast Transportation Consulting presumes that the pass-by trips for the proposed EV chargers would be higher than gas stations at this location given the relatively remote location and slow charge rates. A pass-by reduction was not applied to the estimated 18 daily trips of the EV chargers and is therefore assumed to be a conservative overestimate. In accordance with the Office of Planning and Research guidance, the proposed project will generate or attract fewer than 110 trips per day and is therefore assumed to result in a less than significant transportation impact. Additionally, since the project involves relocation of an existing business from one property to the subject property and no expansion of business operations is proposed, the estimated 31 daily trips associated with the business are assumed to already exist on Highway 1 and local road networks. The proposed employee housing unit and EV chargers will be the only aspects of the Amendment that generate new daily trips.
- f) The Amendment would retain use of an existing road for ingress and egress to the property. The Department of Transportation (Caltrans) has

reviewed the project for consistency with their roadway improvement regulations for safety, construction, and maintenance.

- g) Staff conducted site inspections on January 6, 2023 to verify that the site is suitable for the proposed use.
- h) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

4. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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 HCD-Planning, Cal Fire – Coastal, HCD-Engineering Services, HCD-Environmental Services, and the Environmental Health Bureau. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities will be provided. The Environmental Health Bureau found that domestic water service would be provided through the conversion of a test well (approved by Planning File No. PLN170051, Resolution No. 17-006) into a permanent well and wastewater service would be provided by an onsite wastewater treatment system. Environmental Health Bureau staff has reviewed the Onsite Wastewater Treatment System plans, prepared by Grice Engineering, and determined that they meet Monterey County Local Agency Management Program standards.
  - c) The project has been reviewed by HCD-Environmental Services for consistency with County health and safety codes for grading (Monterey County Code section 16.08) and erosion control (Monterey County Code section 16.12). No issues were identified, and no conditions of approval have been incorporated.
  - d) An existing road right of way, Apple Pie Ridge Road, traverses through the subject property and terminates on an adjacent property to the north (Assessor's Parcel Number 419-201-010-000). During the Big Sur LUAC meeting for the previously approved project, a member of the public identified concerns with the project's introduction of additional vehicular-pedestrian interface as school children in the area walk on the road to get to and from school. To address these concerns, the applicant modified their plans to include an informal walking path. The previously approved project included a walking path which paralleled a portion of Apple Pie Ridge Road and then traversed downslope near the river Inn parking area. The Amendment re-routes the walking path so that it terminates near the proposed 6 public parking stalls along Highway 1. The proposed walking path route minimizes slope and

ESHA disturbance by taking advantage of the existing grade and route of Apple Pie Ridge Road.

- e) The project was reviewed by the Environmental Health Bureau (EHB) for consistency with Monterey County Code Chapters 10.65 (Hazardous Materials Registration) and 10.67 (Hazardous Materials Emergency Response). EHB identified that Blaze Engineering is currently permitted as a hazardous waste generator for their above-ground diesel storage tank (Facility ID No. FA0813374) and has conditioned the project requiring the applicant to obtain a Hazardous Materials Management Services update (Condition No. 8).
- f) Cal Fire – Coastal reviewed the proposed Amendment and did not raise concerns that the proposed electrical vehicle charging stations would significantly increase the property’s fire risk. As determined in the 2019 Mitigated Negative Declaration, implementation of the proposed Landscape and Fuel Management Plan and building in accordance with the Monterey County Code would reduce the project’s risk of loss, injury, or death relative to wildland fires to a less-than-significant level.
- g) Staff conducted site inspections on January 6, 2023 to verify that the site is suitable for the proposed use.
- h) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

5. **FINDING:** **NO VIOLATIONS** – The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed County of Monterey HCD - Planning and Building Services Department records and violations existing on subject property have been abated and Code Enforcement cases have been closed.
  - b) Staff conducted site inspections on January 6, 2023. County records were researched to assess if any violation exists on the subject property. There are no known violations on the subject parcel.
  - c) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

6. **FINDING:** **VISUAL SENSITIVITY** – The project, as proposed and conditioned, is compatible with the existing scenic and visual resources of Big Sur and is consistent with the applicable scenic and visual resource protection policies set forth in the Big Sur Coast Land Use Plan (BSC LUP), the Monterey County Coastal Implementation Plan, Part 3 (CIP), and Monterey County Code.

- EVIDENCE:**
- a) Visual Sensitivity Determination. Key Policy 3.2.1 of the BSC LUP prohibits development visible from the “Critical Viewshed”, which is defined in Section 3.2.2.1 as: “everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the



following specific locations Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by policy 3.8.4.4. ” However, BSCLUP Policy 3.2.5.A and CIP section 20.145.030.B1 provides an exception to the Critical Viewshed requirements for development located within a Rural Community Center which provide essential services to the community and visiting public. As demonstrated in Finding 2, Evidence “e”, the subject property is within the Big Sur Valley RCC and is therefore subject to Critical Viewshed policies exceptions.

- b) Design Development Standards. Although the project is exempt from Critical Viewshed policies, BSCLUP Policy 3.2.5.A states that development in RCCs shall be permitted under careful design and siting controls as provided for in specific policies listed in BSC LUP 5.4.3 and regulations contained in Title 20. BSCLUP Policy 5.4.3.L(1) – (8) provide specific development policies for the Big Sur Valley. Relative to aesthetics, Policy 5.4.3.L.4 requires developments to incorporate tasteful, rustic designs using natural materials and careful siting of structures to meet scenic protection objectives; rather than the criteria of non-visibility, as existing development is already visible. Pursuant to MCC section 20.44.010, the purpose of the Design Control or “D” district is to regulate the location, size, configuration, materials, and colors of structures where design review is appropriate to assure protection of the public viewshed and/or neighborhood character. On January 6, 2023, staff conducted a site visit to observe the project staking and determine consistency with the visual resource policies and regulations. Staking of the office, storage containers, and workshop could not be seen from Highway 1. The proposed tree removal will not result in exposing these structures to views from Highway 1. The existing parking area on the lower portion of the subject property is currently being utilized for parking by both Blaze Engineering and the River Inn Motel. Project implementation will result in this parking area being used more frequently by Blaze Engineering’s large construction vehicles (e.g. trucks, trailers, dozers). The Amendment retains the proposed Redwood fence and gate around the lower parking area. This screening was recommended by the public and the Big Sur LUAC for the previously approved project to screen the construction vehicles from views from Highway 1. Section 3.2.5.C.2. of the BSC LUP and 20.145.030.B.3.b of the CIP requires design of private highway improvements, such as driveway entrances, gates, roadside fences, mailboxes, and signs, to be complementary to the rural setting and character of Big Sur, with preference for natural materials. The proposed fencing is consistent with the design guidelines for development adjacent to and along Highway 1, as detailed in the 2004 “Big Sur Coast Highway Management Plan”. Additionally, as illustrated in the attached General Development Plan, vegetation will be planted around the fence and gate to provide additional screening from Highway 1 views. Consistent with these standards, the structures and

improvements to the lower parking area have been sited and designed to be subordinate to the existing character of the area.

- c) Exterior Lighting. The project includes establishment of new structures that require exterior lighting. Blaze Engineering's approved General Development Plan states that lighting is limited to the entrances and exits of the employee housing unit/office and workshop and are proposed to have recessed lighting elements where the light source would not be visible from the Highway 1. Additionally, and as required by Condition No. 6, the exterior lights will be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled.
- d) A non-standard condition of approval (Condition No. 12) has been incorporated ensuring construction material and associated debris (such as concrete mix, sand, supplies, scrap metals and materials, and similar items) are stored within the approved storage building and not visible onsite (uncovered) resulting in a visual nuisance.
- e) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

7. **FINDING:** **ENVIRONMENTALLY SENSITIVE HABITAT AREAS** – The project minimizes impacts on environmentally sensitive habitat areas (ESHA) in accordance with the applicable goals and policies of the 1982 Monterey County General Plan; Big Sur Coast Land Use Plan (BSC LUP); Monterey County Coastal Implementation Plan, Part 3 (CIP); and the Monterey County Zoning Ordinance (Title 20).

- EVIDENCE:**
- a) Monterey County Geographic Information System (GIS) and the Big Sur Coast Coastal Implementation Plan Environmentally Sensitive Habitat Areas (ESHA) map indicates that the Morgenrath property has the potential to contain rare, endangered, or sensitive plant habitats. Policy 3.3.1 of the Big Sur Land Use Plan (BSC LUP) and section 20.145.040 of the Coastal Implementation Plan (CIP) require the preservation of environmentally sensitive habitats through the implementation of development standards that maintain, restore, and if possible, enhance ESHA. In accordance with CIP section 20.145.040, a biological survey was submitted with the previously approved project to identify ESHA on the property and determine if the project would have the potential to result in an impact to that ESHA. Two supplemental biologist assessments dated March 26, 2020 and September 6, 2022 have been prepared to address changes in conditions given the 7-year span in processing of the original application and the proposed Amendment.
  - b) The project Biologist notes the Morgenrath property lies entirely within a Redwood Forest natural community dominated by coast redwood (*Sequoia sempervirens*) and co-dominated by California bay (*Umbellularia California*). Tanoak, Coast live oak, and Shreve oak were also found onsite, but in limited amounts. The property's California bay laurel and Coast live oak forest mid-story canopy likely meets the

membership rules of the “California bay forest and woodland”, which is also ranked by the State as a vulnerable habitat, and therefore is considered ESHA. Very little native understory plants, such as sword fern, thimbleberry, Douglas’ iris, redwood sorrel, California hedgenettle, and poison oak, were found onsite as non-native invasive species including English ivy and French broom dominate the understory and are found climbing up the trunks of many on-site trees. English ivy is classified by the California Invasive Plant Council (Cal-IPC) as having high-level adverse impacts on native ecosystems. English ivy is also listed by the California Department of Fish & Wildlife as an invasive species that should be avoided and not planted as it is noted to outcompete and shade native understory vegetation, prevent sapling germination, displace wildlife, and kill overstory trees by dominating the canopy cover. Italian thistle, veldt grass, French broom and sticky eupatorium are all listed by the Cal-IPC as invasive species that adversely impact native plant communities and are also found throughout the site in disturbed soil locations.

- c) The second supplemental biology report noted that the project site has the potential to provide habitat for the Coast range newt, which is considered a species of Special Concern by the California Department of Fish & Wildlife (CDFW). The Pheneger Creek drainage corridor south of the parcel may provide favorable conditions for the species to persist and potential habitat exists on the site within the piles of wood debris and logs that are scattered along the parcel. Additionally, although the Santa Lucia slender salamander is listed in the California Natural Diversity Database as a species with no legal or regulatory status, the species also likely persists on site due to favorable moist habitat conditions. Consultation with CDFW occurred in March 2023 and identified Foothill yellow-legged frogs (FYLF), Western bumble bees, and raptors, as being species of concern for the Proposed Project. Foothill yellow-legged frogs are listed as State threaten or endangered species under the California Environmental Species Act. Based on review of CDFW’s Biogeographic Information and Observation System mapping system, FYLF have been documented at the Big Sur River, which is roughly 0.2 miles from the Project site, and therefore have the potential to occur within the vicinity of the project and/or nearby Pheneger Creek. As of September 30, 2022, the Western Bumble Bee (WBB) is a candidate species under the California Endangered Species Act and as such, receives the same legal protection afforded to an endangered or threatened species. The Project Biologist confirmed via phone on April 5, 2023, that the WBB has the potential to occupy the site given the project site’s litter debris and dead logs. Implementation of 2019 IS/MND Mitigation Measures BIO-1, 3, and 4, and revised/new Mitigation Measures BIO-2, 5 and 6, the project would have a less than significant impact on sensitive natural communities and/or candidate, sensitive or special status species. See Finding No. 10, Evidence “n” and “o”.
- d) BSC LUP and CIP EHSA policies and regulations consider development proposals on property’s containing ESHA to be

- compatible with the long term maintenance of the resource if: 1) site improvements and vegetation removal were restricted to only the amount needed for reasonable development, thereby reducing ESHA impacts to the greatest extent feasible and 2) the proposal incorporates necessary site planning and design features which protect the habitat and do not set a precedent for continued land development with the potential to degrade the resource. As proposed, the Amendment reduces areas of disturbance, minimizes impacts to ESHA, and maximizes restoration efforts to ensure the long-term maintenance of the site.
- e) Pursuant to CIP section 20.145.040.B(4), the proposed Amendment modifies the previously approved project's grading requirements and minimizes disturbance to biological resources to the maximum extent feasible by limits grading to only that needed for the structural improvements and utilizing existing disturbed areas such as roadways, building pads, and an existing parking area. However, complete avoidance of ESHA is not feasible. Hence, the project biologist recommended minimization actions that would mitigate potentially significant project impacts on special natural communities to a level of less than significant. Consistent with BSC LUP Policy 3.3.2.7, these actions also include protection and restoration measures to enhance ESHA and provide for long-term land management and exotic species control. The preliminary Construction Management Plan and Conceptual Restoration & Fuel Management Plan includes measures consistent with the recommended actions (exotic species control, best management practices, thinning of invasive plants, and site restoration). To ensure proper implementation, these recommendations have been incorporated as mitigation measures that require submittal of a final Construction Management Plan and Restoration & Fuel Management Plan to HCD-Planning for review and approval. The project, as proposed and mitigated, would not significantly disrupt ESHA.
- f) BSC LUP Policy 3.3.2.8 requires that "new development adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with the protection and maintenance of the adjoining resources." Accordingly, the proposed development minimizes the required ground disturbance and includes extensive restoration to enhance the surrounding ESHA. Implementing the restoration plan will also be consistent with BSC LUP Policy 3.3.3.A.10 regarding restoring natural environments by removing exotic plants. Restoration activities will apply to all impacted understory and construction related disturbed soils with native understory species. Thorough eradication of the property's invasive plants and restoration of the identified ESHA will render the proposed development compatible with the site and reduce further habitat degradation. The Planning Commission recognizes that, because much of the Big Sur area contains ESHA, there is no perfect site for the proposed use and associated development. However, as described in Finding No. 2, Evidence "c" and "e", it is also recognized that Blaze Engineering is a necessity to the Big Sur community and its visitor-serving businesses. Therefore, the Planning Commission finds that the proposed project is consistent with

the applicable ESHA policies and will result in a public and ecological benefit because 1) the proposed use provides a needed public service, 2) the development, as mitigated, minimizes ESHA impacts, 3) the restoration activities will enhance ESHA, and 4) per the biologist, if the invasive species were to remain, they would eventually suffocate the property's ESHA by shading the understory and dominating the overstory, and continue to harm adjoining resources.

- g) Tree Removal in ESHA. The project arborist concluded that the proposed tree removal (10) is the minimum necessary for development and to reduce the risk of tree failure that would be a hazard to people or structures. Removal would not result in the fragmenting of an intact forest system, create a new forest edge, or impact the existing quality of the system. See Finding 8 and supporting evidence.
- h) CIP section 20.145.040.B requires deed restrictions or conservation easement dedications over ESHA areas as a condition of approval for any development proposed on parcels containing ESHA, even in this case, where a property is already developed. The biologist did not recommend placing ESHA areas of the site within a conservation easement; instead, the focus was on restoration efforts. However, consistent with the CIP, the project has been conditioned to require the applicant to dedicate a conservation easement over portions of the property containing ESHA, pursuant to MCC section 20.64.080.
- i) Staff conducted site inspections on January 6, 2023 to verify that the site and proposed project meet BSC LUP ESHA Policy requirements.
- j) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

8. **FINDING:** **TREE REMOVAL** – Tree removal conforms with Big Sur Coast Land Use Plan (BSC LUP) policies and Coastal Implementation Plan, Part 3 (CIP) standards regarding water and marine resources, environmentally sensitive habitat areas, and scenic visual resources. The development has been sited, designed, and conditioned to minimize tree removal.

**EVIDENCE:** a) The project arborist and biologist identified Coast redwoods on the property to be in fair to good condition and California bay laurels in various stages of decline due to structural defects, fungal infestations by Ganoderma and Sudden Oak Death disease. CIP section 20.145.060.D.6 requires the granting of a Coastal Development Permit to remove native trees over 12 inches in diameter, when measured at breast height. The project includes a Coastal Development Permit to remove 10 protected trees (7 Bay laurels, 2 oaks, and 1 cypress). Out of these 10 trees, three trees will be removed due to construction impacts (Tree Tag Nos. 1 [Bay laurel; 36.5 inches], 2 [cypress; 44.8 inches], and 31[oak; multi-stem, 35 inch at base]), and seven trees will be removed due to their hazardous condition and/or potential to spread Sudden Oak Death (Tree Tag Nos. 3 [Bay laurel; multi-stem, 52 inches at base], 4 [Bay laurel; multi-stem, 30 inch at base], 18 [Bay laurel; 18 inches], 20 [Bay laurel; 14 inches], 24 [oak; multi-stem, 30 inch at base], 35 [Bay laurel; multi-

stem, 26 inches at base] and 36 [Bay laurel; multi-stem 24 inches at base]). The project also involves the removal of a 9-inch Redwood, which was identified in the previously approved project as a 6-inch Redwood needing removal. However, the 9-inch Redwood (Tree Tag No. 39) does not meet the minimum 12-inch diameter threshold and therefore removal does not require the granting of a Coastal Development Permit. The tree removal proposed under the Amendment (PLN160851-AMD1) remains the same as approved for the previous project (PLN160851). The project Biologist recommended that the project site be replanted with Redwoods rather than Oaks or Bay Laurels due to the fungal pathogens on site. Accordingly, Condition No. 26 requires the Applicant/Owner to replant 10 redwoods on-site.

- b) CIP section 20.145.060.A.1.a provides an exception for the removal of planted trees, where removal would not expose structures in the Critical Viewshed and where the tree intended for removal is not considered landmark. The project arborist identified Tree Tag No. 2 as a planted Cypress tree; however, due to its size (44.8 inches), it is considered landmark. The biologist identifies that the tree is just outside of the office footprint and is in fair condition. However, the tree is showing decay at its base. Based on development impacts and future health of the tree, the biologist recommends removal.
- c) As proposed, 8 of 10 trees being removed are considered landmark trees. CIP section 20.145.060.D.1 only allows removal of landmark trees if the decision-making body can find that there are no alternatives to development where their removal can be avoided. Furthermore, CIP sections 20.145.060.D.3 & 4 requires minimizing tree removal to that which is necessary for the proposed development and/or necessary to improve unhealthy forest conditions and/or for the long-term maintenance of the forest. As discussed above, 5 landmark trees are proposed for removal due to their hazardous condition and/or potential to spread Sudden Oak Death. To reduce the risk of failure and spread of the disease, these 5 landmark trees are proposed for removal. Tree Tag No. 31 is located within the proposed grading area of the office and is also in poor health and structure.
- d) The remaining 3 landmark trees are located within the proposed development footprint but are in a declining state. Avoidance of these trees would require shifting the proposed development footprints into areas which contain undisturbed soils, environmentally sensitive habitat areas, or slopes in excess of 30%. Additionally, failure of these trees would have the potential to fall onto Apple Pie Ridge Road or on the parking area as well as cause accelerated erosion downslope of the trees.
- e) A site visit was conducted on January 6, 2023. Staff confirmed that the trees proposed to be removed would not expose new or existing structures to views from Highway 1. Additionally, the proposed tree removal would neither expose the development nor detract from the area's scenic value.
- f) The project arborist concluded that the proposed tree removal is the minimum necessary, both for development and to reduce the risk of tree failure that would be a hazard to people or structures. Removal would

not result in the fragmenting of an intact forest system, create a new forest edge, or impact the existing quality of the system. To ensure construction activities do not inadvertently harm trees to be retained, mitigation measures requiring monitoring by a qualified arborist/biologist during grading and construction and implementation of an approved tree protection plan have been incorporated. Due to site constraints and balancing policies to protect healthier trees, the tree removal is the minimum amount required in this case.

- g) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

9. **FINDING:** **DEVELOPMENT ON SLOPES OF 30% AND GREATER –**  
There is no feasible alternative that would both allow development to occur on slopes of less than 30% and further the BSCLUP's objectives and policies for resource protection.

- EVIDENCE:** a) BSC LUP General Policy 5.4.2.5 states that existing lots of record are buildable and suitable for development provided all resource protection policies can be fully satisfied, there are adequate building areas less than 30% slope, and the lots have not been merged by provisions elsewhere in this plan. The project involves 1,360.03 square feet of development on slope. Although the proposed structures will not be located on slopes in excess of 30%, site improvements will. The retaining wall and soil disturbance adjacent to the office/housing unit will result in about 676 square feet of development on steep slopes, while the Hilfiker wall and workshop driveway will result in 680 square feet on steep slopes. In accordance with the applicable policies of the BSCLUP and regulations contained in CIP section 20.145.140.A.4 and Title 20 section 20.64.230.E, a Coastal Development Permit is required and the criteria to grant said permit have been met.
- b) Based on the geotechnical engineer recommendations, construction of the soldier pile and Hilfiker retaining walls is necessary to reduce potential seismic and erosion hazard risks. Reducing potential soils/erosion hazards better meets policy objectives of the BSC LUP.
  - c) Relocating the office/housing unit to an area not adjacent to steep slopes thereby reducing the need for retaining walls, would result in additional impacts to environmentally sensitive habitat areas. As proposed, the workshop, storage, and office/housing unit are located on previously disturbed/graded pads. The proposed siting minimizes development on slopes and better meets ESHA policy objects of the BSC LUP.
  - d) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

10. **FINDING:** **CEQA (Previous Mitigated Negative Declaration & Supplemental Mitigated Negative Declaration)** – A Mitigated Negative Declaration was previously adopted for the project and a supplemental Mitigated Negative Declaration was prepared in accordance with CEQA Guidelines sections 15162 and 15163. Based on the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. Further, the previously adopted Mitigated Negative Declaration, together with the Supplemental Mitigated Negative Declaration, reflect the independent judgment and analysis of the County.

- EVIDENCE:** a) Pursuant to California Environmental Quality Act (CEQA) Guidelines section 15162, when an EIR has been certified or a negative declaration has been adopted, no subsequent EIR or negative declaration shall be prepared for the project unless the agency determines that substantial changes are proposed, substantial changes occur with respect to the circumstances under which the project is undertaken, or new information of substantial importance, which was not known and could not have been known if reasonable diligence was exercised when the EIR was certified or the negative declaration was adopted. The Lead Agency obtained a Second Supplemental Biological Assessment (LIB170439) which included new information of substantial importance that was not known at time of preparation of the 2019 IS/MND. The Biological Assessment determined the property had the potential to be occupied by additional special status species that were not previously observed and as a result, the proposed Amendment would have additional biological impacts not previously disclosed. With the new information, the Lead Agency determined that the circumstances under which the project is undertaken have changed. Therefore, conditions of Section 15162(a) calling for the preparation of a subsequent EIR or negative declaration have occurred. Section 15163 of the CEQA Guidelines allows the Lead Agency to choose to prepare a supplemental EIR or negative declaration rather than a subsequent EIR or negative declaration if any of the conditions described in Section 15162 require preparation of a subsequent EIR or negative declaration and only minor additions or changes would be necessary to conform the prior environmental document to the changed situation. Only minor changes and additions were needed to make the 2019 IS/MND (SCH No. 2018091005) adequate for the proposed project in its new circumstance. Accordingly, as the Lead Agency, the County of Monterey chose to prepare a supplemental Initial Study/Mitigated Negative Declaration (“Supplemental IS/MND”) to disclose new potentially significant environmental effects that are the result of changes which have occurred in respect to circumstances under which the project is being taken. See subsequent Evidence “k” and “l”.
- b) On August 27, 2019, the Monterey County Board of Supervisors adopted a Mitigated Negative Declaration (“2019 IS/MND”) for the Blaze Engineering operation and associated development (SCH No. 2018091005), pursuant to Board of Supervisors Resolution No. 19-285.



- c) The adopted Mitigated Negative Declaration (SCH No. 2018091005) contemplated the previously approved project's original scope of work ("Original Project"), which included the removal of 16 protected trees, the conversion of a test well into a permanent well, development on slopes exceeding 30 percent, installation of an on-site wastewater treatment system, and approximately 440 cubic yards of cut and 620 cubic yards of fill. The 2019 IS/MND found that project implementation would result in no impacts to agricultural and state forest resources, land use/planning, population and housing, mineral resources, public services, recreation, or utilities and service systems, and less than significant impacts to aesthetics, air quality, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use/planning, noise, and transportation and traffic. The 2019 IS/MND disclosed that the original project would have potential impacts to biological resources and tribal cultural resources caused by site disturbance and the establishment of new structures. Mitigation measures were recommended and adopted to reduce impacts to a less than significant level. Therefore, the Original Project scope was found to have a less than significant impact on the environment
- d) The 2019 IS/MND included five mitigation measures to reduce potentially significant impacts to biological and tribal cultural resources to a level of less than significant. Mitigation Measures Nos. 1 through 4 required biological monitoring, tree protection, and approval of a final Construction Management Plan and Restoration and Fuel Management Plan. Implementation of these mitigations would reduce potential impacts to biological resources to a less than significant level. Mitigation Measure No. 5 required an approved tribal monitor to observe excavation for a portion of the driveway and septic tank. Consistent with section 15074.1 of the CEQA Guidelines, the Board of Supervisors amended Mitigation Measure No. 5 to remove monitoring of the new driveway as the applicant removed that project component from the project. Implementation of this amended mitigation would reduce potential impacts to tribal cultural resources to a less-than-significant level. All mitigation measures were applied to PLN160851 as Conditions of Approval.
- e) The four biological mitigation measures and one tribal cultural mitigation measure are still feasible and adequate for the proposed Amendment. However, minor clarification and amplification changes to the mitigation measures are needed. The County as Lead Agency, through HCD-Planning, prepared a Supplemental Initial Study pursuant to CEQA. The Supplemental Initial Study is on file in the offices of HCD-Planning and is hereby incorporated by reference (HCD-Planning File No. PLN160851-AMD1).
- f) The Draft Supplemental Initial Study and Mitigated Negative Declaration for HCD-Planning File No. PLN160851-AMD1 was prepared in accordance with the CEQA Guidelines; filed with the County Clerk on April 17, 2023; and circulated for public review from

April 17, 2023 through May 17, 2023 (State Clearinghouse Number 2018091005).

- g) As amended during the 2019 Board of Supervisors hearing, PLN160851 no longer included the new bypass access road from Highway 1 or the storage of equipment such as raw materials and cement silo, and tree removal was reduced to 10 native trees. Pursuant to CEQA Guidelines section 15073.5, the 2019 IS/MND was not recirculated to reflect these changes because the changes were in response to public comment, would result in a reduced project scope, thereby minimizing impacts, and would not cause new, potentially significant impacts.
- h) The Supplemental IS/MND analyzed the minor project changes made during the 2019 Board of Supervisors hearings for PLN160851 and the proposed modifications to the previously approved project (PLN160851-AMD1), described in Finding No. 2, Evidence “b” and “d”. Compared with the 2019 IS/MND’s analysis, the Supplemental IS/MND disclosed and analyzed the reduction in ground disturbance and grading by over 2,000 square feet and 300 cubic yards and the number of trees required for removal by 6, and the construction of a 2-bedroom employee housing unit over a 760 square foot office, an 800 square foot storage building rather than 800 square feet of shipping containers, and the installation of two electric vehicle charging stations. All other components of the 2019 IS/MND remain stable: relocation of the commercial business to the subject property, construction of a 600-square-foot workshop, conversion of a test well into a permanent well, development on slopes, development within environmentally sensitive habitat, and installation of an on-site wastewater treatment system.
- i) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with the County Code to ensure compliance during project implementation and is hereby incorporated herein by reference. As a condition of project approval, the applicant shall enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Program” prior to construction and/or commencement of use.
- j) On May 19, 2023, the circulated Supplemental Initial Study/Mitigated Negative Declaration was revised to reflect the accurate development square footage (2,458), employee count (12), and the 2019 IS/MND’s traffic conclusion (no conflict with the 2010 Regional Transportation Plan). The revisions were made in response to written comments from the applicant’s representative. The revisions do not create a new significant environmental impact and serve as clarification to the document. Therefore, pursuant to CEQA Guidelines Section 15073.5, recirculation of the revised supplemental initial study is not required.
- k) The Supplemental IS/MND summarized the conclusions and analysis for all resources areas as analyzed in the 2019 IS/MND, which include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water

quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities/service systems. The Supplemental IS/MND examined the prior project analysis to determine whether the project changes discussed herein would affect the adequacy of the prior environmental document's conclusions. The Supplemental IS/MND concluded that either the prior environmental document's conclusions were accurate to the proposed Amendment and its changed situations or that modifications to the conclusions were needed to reflect the proposed Amendment and its changed situations.

- l) The Supplemental IS/MND found that the proposed Amendment would result in new aesthetic impacts due to the installation of two EV charging stations along Highway 1 but that those impacts would be less than significant because of Condition No. 7, which requires the exterior of the EV chargers to be modified. The Supplemental IS/MND also found that the proposed Amendment would result in new biological impacts due to the presence of previously unidentified special status species; however, project impacts to those species would be less than significant with new mitigation (Mitigation Measure 5 and 6; see subsequent Evidence "o". The Supplemental IS/MND found no new impacts to agricultural and forces resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, tribal cultural resources, and utilities and service systems.
- m) The Supplemental Initial Study identified several new potentially significant effects, but the applicant has agreed to proposed (existing and new) mitigation measures identified in subsequent Evidence "n" and "o" that either avoid these effects or will mitigate them to a less-than-significant level.
- n) 2019 IS/MND Mitigation Measures. Previously adopted Biological Mitigation Measure Nos. 1, 3, and 4 are still adequate for the project in its changed circumstance and have been applied to the project as Condition Nos. 16, 18, and 19. The language of Biological Mitigation Measure No. 2 was revised to reflect the updated tree removal plan, allow the project biologist to conduct the tree monitoring, and require the project arborist/biologist to review the infield locations of the proposed soldier pile wall, Hilfiker wall, and privacy fencing to ensure potential impacts to tree root are minimized or avoided. No revisions to the compliance actions were made. Revised Biological Mitigation Measure No. 2 has been applied to the project as Condition No. 17. Tribal Cultural Recourse Mitigation Measure No. 5 is still adequate for the proposed project; however, revisions were made to allow tribal monitoring to be completed by any tribe traditionally and culturally affiliated with the vicinity of the subject parcel, or other appropriately NAHC-recognized representative, rather than just OCEN. Additionally, due to the addition of Biological Mitigation Measure Nos. 5 and 6 (see subsequent evidence), Tribal Cultural Resource Mitigation Measure No.

5 was renamed Mitigation Measure No. 7 and applied to the project as Condition No. 22.

- o) New Mitigation Measures. The second supplemental Biologist report (LIB170439) determined that the subject parcel has the potential to provide habitat for the Coast range newt, which is considered a species of Special Concern by the California Department of Fish & Wildlife (CDFW). Additionally, although the Santa Lucia slender salamander has no legal or regulatory status, the species also likely persists on site due to favorable moist habitat conditions. Consultation with the California CDFW occurred in March 2023 and identified Foothill yellow-legged frogs, western bumble bees, and raptors, as being species of concern for the proposed project. The 2019 IS/MND did not disclose potential impacts to these species and therefore new mitigation measures (Biological Mitigation Measure Nos. 5 and 6) are proposed to reduce potential impacts to these species to a level of less than significant. Biological Mitigation Measure Nos. 5 and 6 require pre-construction surveys for the Coast range newt, Santa Lucia slender salamander, Foothill yellow-legged frogs, and Western bumble bee. These new mitigation measures have been applied as Condition Nos. 20 and 21.
- p) Evidence that has been received and considered includes: the application, technical studies/reports, staff reports that reflect the County's independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in HCD-Planning (HCD-Planning File Nos. PLN160851 and PLN160851-AMD1) and are hereby incorporated herein by reference.
- q) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with County Code, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant shall enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition No. 14).
- r) Based upon both analysis in the initial study and the record as a whole, the project could result in changes to the resources listed in section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. Applicants for land development projects subject to environmental review must pay a state filing fee plus the County recording fee, unless CDFW determines that the project will have no effect on fish and wildlife resources. Here, for purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The project is required to pay the state fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (Condition No. 23).
- s) During the public review period of the draft Supplemental Initial Study/Mitigation Negative Declaration, the County received three comment letters. Christine Kemp of Nolan Hamerly Etienne Hoss

Attorneys at Law (on behalf of the adjacent property owners, the Donaldsons) argues that the project would result in significant environmental impacts to the property's Redwood forest and ESHA, violates County zoning law and the Coastal Act, intensify land use and environmental impacts including "night glare and height, bulk and mass," reduce the number of public parking spaces, and that the EV charging stations would be a fire hazard. Additionally, the comment letter asserts that the project description is inaccurate and misleading, the baseline conditions are inaccurate, and contends that the project requires preparation of an Environmental Impact Report (EIR) to address significant adverse impacts on aesthetics, air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, and transportation. The Ventana Chapter of the Sierra Club also submitted a comment letter objecting to the project and requested an EIR be prepared. The Sierra Club letter maintains that the proposed project is inconsistent with the Big Sur Coast Land Use Plan and the purpose of the Rural Community Center, and will significantly impact ESHA. The applicant's representative also submitted a comment letter, see Finding No. 10, Evidence "j".

- t) Ms. Kemp's CEQA comment letter included a Tree Impact Assessment prepared by Rob Thompson, dated April 17, 2019, which claims that the proposed project would have significant environmental impacts on the property's Redwood Forest and ESHA. Ms. Kemp cites CEQA Guidelines sections 15064(a)1, 15064(f)(1), and 15064(g)(1) to support her contention that an Environmental Impact Report (EIR) is required due to substantial evidence of potential environmental impacts sufficient to meet the fair argument standard, such as disagreement among expert opinion. On June 14, 2023, the Planning Commission considered the CEQA comment letters and now finds that they do not raise substantial evidence that there may be a significant effect on the environment. The Planning Commission also finds that the County of Monterey, as Lead Agency, has not been presented with a fair argument that the project may significantly impact the environment. Finally, Ms. Kemp's attempt to use Mr. Thompson's 2019 letter to assert that the record reflects a disagreement among expert opinions has already been considered and rejected by the Board of Supervisors. The project Arborist, Maureen Hamb, prepared a response letter to Mr. Thompson's 2019 letter that concluded that Mr. Thompson's letter was inaccurate in that it was based on the original scope of work (inclusive of the cement silo and bypass road from Highway 1), which had since been reduced and hence, the letter did not provide substantial evidence that the project would significantly impact the environment. On August 27, 2019, the Monterey County Board of Supervisors considered Ms. Kemp's appeal, public comment (including Mr. Thompson's tree assessment and the project arborist's response letter), and the administrative record. Through adoption of the IS/MND, and in accordance with CEQA Guidelines section 15064(f)(3), the Board of Supervisors found that the appeal (including Mr. Thompson's tree impact assessment) did not

provide substantial evidence that the project may result in a significant effect on the environment.

- u) Pursuant to CEQA Guidelines section 15064(f)(4), public controversy over the environmental effects of a project alone does not trigger an EIR. The Planning Commission has considered the application, public comment, technical studies/reports, the staff report that reflect the County's independent judgment, and information and testimony presented during public hearing and finds that 1) there is no new substantial evidence submitted to the Lead Agency indicating either inaccuracies or that the proposed project may have a significant effect on the environmental and 2) that the previously adopted Mitigated Negative Declaration together with the Supplemental Mitigated Negative Declaration properly analyzed the project's potential impacts related to aesthetics, air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, and transportation. See Finding Nos. 2, 3, 4, 7, and 8, and the supporting evidence referenced in each respective Finding.
- v) Pursuant to CEQA Guidelines section 15073(e), no public agencies submitted comments on the Supplemental Initial Study and Supplemental Mitigated Negative Declaration.
- w) County of Monterey HCD-Planning, located at 1441 Shilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decisions to adopt the Mitigated Negative Declaration and Supplemental Mitigated Negative Declaration are based.
- x) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN160851 and PLN160851-AMD1.

11. **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) Figure 2 – Shoreline Access Plan, North Section, of the Big Sur Coast Land Use Plan (BSC LUP) indicates that the subject property is not described in an area where physical public access is required.
  - b) Figure 3 – Trails Plan, North Section, of the BSC LUP indicates that the subject property neither contains an inland trail corridor, a through coastal access corridor, public trail, private trail, access to Ventana Wilderness, nor is identified as an area for future public acquisition or a proposed trail.
  - c) Staff conducted site inspections on January 6, 2023. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the

proposed development found in project file PLN160851 and PLN160851-AMD1.

12. **FINDING:** **APPEALABILITY** - This decision may be appealed to the California Coastal Commission and Board of Supervisors.
- EVIDENCE:**
- a) Board of Supervisors. Pursuant to MCC section 20.86.030, 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 MCC section 20.86.080, this approval is subject to appeal by/to the Coastal Commission because it involves development permitted in the Visitor Serving Commercial zoning district and within 100 feet of Environmentally Sensitive Habitat Area as a conditionally allowed use.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Consider a previously adopted Mitigated Negative Declaration as revised by a Supplemental Mitigated Negative Declaration (SCH No. 2018091005), pursuant to CEQA Guidelines section 15163;
- 2) Approve an Amendment to a previously approved Combined Development Permit (PLN160851; Board Resolution No. 19-285) consisting of:
  - a. Coastal Development Permit and General Development Plan to allow the establishment of a commercial business operation for a contractor's equipment storage and office facility;
  - b. Coastal Administrative Permit to convert a test well into a permanent well;
  - c. Coastal Administrative Permit and Design Approval to allow construction of a 760 square foot office with a two-bedroom second story employee housing unit, a 600 square foot workshop and 300 square foot canopy, 800 square foot storage building and associated site improvements including formalizing six public parking spots and installing two electrical vehicle charging stations;
  - d. Coastal Development Permit to allow development on slopes in excess of 30%;
  - e. Coastal Development Permit to allow development within 100 feet of ESHA; and
  - f. Coastal Development Permit to allow removal of 10 native trees; and
- 3) Adopt a Mitigation Monitoring and Reporting Plan.

All of which are subject to the attached conditions attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of June, 2023, upon motion of Commissioner Diehl, seconded by Commissioner Daniels, by the following vote:

AYES: Gonzalez, Diehl, Monsalve, Daniels, Mendoza, Work, Gomez  
NOES: None  
ABSENT: Roberts, Getzelman  
ABSTAIN: Shaw

DocuSigned by:  
  
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Craig Spencer, Planning Commission Secretary

**COPY OF THIS DECISION MAILED TO THE APPLICANT ON JULY 12 2023.**

**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 JULY 24 2023.**



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.

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 County of Monterey HCD-Planning and HCD-Building Services offices in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

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