

*Before the Board of Supervisors
County of Monterey, State of California*

In the matter of the application of:

MORGENRATH MARTHA J TR ET AL (PLN160851-AMD1)

RESOLUTION NO. 25-097

Resolution by the County of Monterey Board of Supervisors:

- 1) Considering the previously adopted Mitigated Negative Declaration as revised by a supplemental Mitigated Negative Declaration (SCH No. 2018091005), pursuant to CEQA Guidelines section 15164; and
- 2) Approving a Second Amendment to a previously approved Combined Development Permit and General Development Plan (PLN160851), as amended by PLN160851-AMD1, that allowed 1) the relocation/establishment of a commercial operation for a contractor's equipment storage and office facility; 2) construction of a 760-square-foot office with a second story employee housing unit, 600 square foot workshop, an 800 square foot storage building and associated site improvements including grading, retaining walls, and formalizing six public parking spots on Highway 1 (two of which have electrical vehicle charging stations); 3) removal of 10 protected trees; 4) development on slopes in excess of 30 percent; and 5) development within Environmentally Sensitive Habitat Areas. This second Amendment would amend the General Development Plan and omit the employee housing unit, remove two hazardous Cypress trees, install vegetative screening, construct a 48-foot-long retaining wall, and install a 160-square-foot temporary construction trailer.

[PLN160851-AMD2, 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 MARTH J TR. ET. AL application (PLN160851-AMD2) came on for public hearing before the County of Monterey Board of Supervisors on March 18, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** – The County has received and processed an amendment to PLN160851, as previously amended by PLN160851-AMD1.
- EVIDENCE:**
- a) On December 2, 2024, an application for a second Amendment (PLN160851-AMD2) was submitted to HCD-Planning. This application was submitted in accordance with Title 20 section 20.76.115.
 - b) Background – PLN160851.
Planning Commission: The original project (PLN160851) was reviewed and considered by the Planning Commission and the Board of Supervisors. On November 14, 2018, the Planning Commission adopted an Initial Study/Mitigated Negative Declaration and approved 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 Areas; and 5) a Coastal Administrative Permit to convert a test well into a permanent well (Monterey County Planning Commission Resolution No. 18-045).

Board of Supervisors: 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 Title 20 section 20.86.030.A. During the May 21, 2019, Board of Supervisors hearing, the applicant presented potential project modifications. The Board accepted these changes and adopted a resolution of intent to deny the appeals and approve the Combined Development Permit with the 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, striping/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 consisting of: 1) a Coastal Development Permit, Design Approval, and General Development Plan to relocate/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) a Coastal Development Permit to allow development on slopes in excess of 30%; 3) a Coastal Development

Permit to allow removal of 10 native trees; 4) a 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).

California Coastal Commission: On October 9, 2019, the County sent a Final Local Action Notice (FLAN) to the California Coastal Commission (CCC). 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 for Coastal Commission consideration, the Applicant notified the County and the Coastal Commission staff of their desire to modify certain portions of the project contested during the appeal and submitted a request to the County to amend PLN160851 (see subsequent Evidence "b"). As a result, and 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 were pending). Therefore, the Board of Supervisors' action to adopt the Mitigated Negative Declaration on August 27, 2019, remains final.

- c) Background – PLN160851-AMD1. On September 19, 2022, the County received an application to amend PLN160851. This first Amendment (PLN160851-AMD1) revised the previous scope of work to include the construction of a second-story 760-square-foot employee housing unit over the office, reduction in public parking along Highway 1 by one stall (6 total, with two public universal electric vehicle charging stations), re-routing of the pedestrian trail along Apple Pie Ridge Road, and elimination of the on-site sale of products (concrete, rock, sand, plumbing, and landscape supplies) from the business operation plan. Associated tree removal and grading remained the same as previously approved: 10 protected trees, 293 cubic yards of cut, and 478 cubic yards of fill.

Planning Commission: After public testimony, PLN160851-AMD1, as well as a Supplemental Mitigated Negative Declaration, were considered and approved by the Planning Commission on June 14, 2023 (Resolution No. 23-020).

Board of Supervisors: Matt and Carol Donaldson (represented by Christine Kemp) and the Ventana Chapter of the Sierra Club, timely appealed the Planning Commission's June 14, 2023, decision to approve

the first amendment (PLN160851-AMD1). On September 19, 2024, the Board of Supervisors denied the appeals, considered the previously adopted Mitigated Negative Declaration, revised by a Supplemental Mitigated Negative Declaration, and approved the amended project (Resolution No. 23-369).

California Coastal Commission: On October 18 and 19, 2023, the California Coastal Commission received two appeals (A-3-MCO-23-0043 and A-3-MCO-23-1060) of the Board of Supervisors' decision on the first amendment application (PLN160851-AMD1). On December 15, 2020, the California Coastal Commission found that the Board of Supervisors' September 2024 approval of PLN160851-AMD1 raised No substantial Issue with the County's Local Coastal Program, and declined to take jurisdiction over the project. Through this action, the County's approval of PLN160851, as amended by PLN160851 became final.

- d) Lawsuits. Following the Board of Supervisors' August 2019 adoption of a Mitigated Negative Declaration and approval of PLN160851, the neighbors, Mr. and Mrs. Donaldson (the "Donaldsons"), filed an action in the Monterey County Superior Court (Case No. 19CV004224) against the County of Monterey and the Applicant/Owner, challenging the Board of Supervisors' approval of PLN160851. Additionally, following the Board of Supervisors' September 2024 consideration of the Mitigated Negative Declaration, as revised by a Supplemental mitigated Negative Declaration, and approval of PLN160851-ADM1, the Donaldsons filed a second action in the Monterey County Superior Court (Case No. 23CV003599) on November 2, 2023.
- e) Conditions of Approval. Resolution No. 23-369 (PLN160851-AMD1) was subject to 27 conditions of approval (inclusive of 7 mitigation measures, applied as Condition Nos. 16-22). Four previously approved conditions of approval are in a "Met" or "On-Going" status (Condition No. 1 [Specific Uses Only], Condition No. 12 [Site Maintenance], Condition No. 13 [Indemnification Agreement], and Condition No. 26 [Fish & Game Neg. Dec. Fee]). The remainder of the conditions are "Unmet". All previously Met, Unmet, and Ongoing conditions of approval, except Condition 26, have been carried forward to this Second Amendment and renumbered as Condition Nos. 1 through 26. The conditions carried forward shall be satisfied under this Amendment (PLN160851-AMD2).
- f) Land Use Advisory Committee. The original project (PLN160851) and first Amendment (PLN160851-AMD1) were sent to the Big Sur Land Use Advisory Committee (LUAC) for review. On January 26, 2018, the LUAC, reviewed the original project (PLN160851-AMD1) and recommended support of the project with changes. The LUAC suggested changes to incorporate landscape screening along Highway 1 and an erosion control plan. On January 10, 2023, the LUAC reviewed the first Amendment (PLN160851-AMD1) and unanimously

recommended approval of the project as proposed. The second amendment was not sent to the LUAC for review.

- g) Lawsuit/Second Amendment. A second revised application (PLN160851-AMD2) was submitted to modify the previously approved project (PLN160851-AMD1). The proposed revisions implement a Conditional Settlement Agreement and Mutual Release of Claims that the Applicant/Owner and Matt and Carol Donaldson have agreed to. The draft Conditional Settlement Agreement, signed by the Applicant/Owner and the Donaldsons, stipulates that the filed lawsuits (Case No. 23CV003599 and 19CV004224) will be dismissed within 30 days of implementation of the agreement. The proposed amendments are more fully described in Finding 2 of this resolution.
- h) This resolution is made with reference to the findings and evidence from PLN160851 (Board of Supervisors Resolution No. 19-285) and PLN160851-AMD1 (Board of Supervisors Resolution No. 23-369). Once approved, the proposed second Amendment (PLN160851-AMD2) will be the operating entitlement for the subject property. Although this resolution complements Resolution Nos. 19-285 and 23-369, this second Amendment modifies the original Coastal Development Permit (PLN160851, as amended under PLN160851-AMD1) approval and represents a modified Coastal Development Permit for the project.
- 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 Nos. PLN160851, PLN160851-AMD1, and PLN160851-AMD2.

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 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);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, or regulations in these documents. The subject property is located within the Coastal Zone; therefore, the 2010 Monterey County General Plan does not apply.

- b) Project. The project involves relocation of a commercial business operation for Blaze Engineering. Blaze Engineering had previously operated out of an adjacent property (APN 419-201-006-000) between 1989 and 2017 and are seeking approval to move their operations, to a new site (APN 419-201-007-000). The relocation of the business operations was previously approved through a Combined Development

Permit and General Development Plan (PLN160851), as amended by PLN160851-AMD1, that allowed: 1) the relocation/establishment of a commercial operation for a contractor's equipment storage and office facility; 2) construction of a 760-square-foot office with a second story employee housing unit, 600 square foot workshop for the repair of equipment with a 300 square foot canopy, an 800 square foot storage building for storage of equipment and materials, and associated site improvements including relocation of a generator and above ground diesel storage tanks, placement of two 5,000-gallon water tanks grading, retaining walls, formalizing six public parking spots on Highway 1 (two of which have electrical vehicle charging stations), retaining walls, and grading; 3) removal of 10 protected trees; 4) development on slopes in excess of 30 percent; and 5) development within Environmentally Sensitive Habitat Areas.

This second Amendment would amend the previously approved General Development Plan to omit the employee housing unit, remove two hazardous Cypress trees, install vegetative screening (Condition No. 27), construct a 48-foot-long retaining wall, and install a 160-square-foot temporary construction trailer. The remainder of the project scope approved under PLN160851-AMD1 remains the unchanged: relocation/establishment of a commercial operation for a contractor's equipment storage and office facility, 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, 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.

- 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)". The proposed modifications and site improvements are accessory to a permitted, allowed use (relocation/establishment of Blaze Engineering). Installation of use of a temporary construction trailer is also an allowed use pursuant to Title 20 section 20.64.080, subject to the granting of a Coastal Administrative Permit. The proposed second amendment would authorize this use. Therefore, the project proposed allowed uses.
- d) Business Operation. Blaze Engineering is a contractor business with core services in the visitor service facilities in Big Sur, especially on an on-call/emergency basis. Blaze Engineering directly assists the visiting public by servicing visiting commercial services, facilities, and their patrons in the area. Blaze Engineering provides necessary services to residents, businesses, and the Big Sur area in general, including the repair and maintenance of roadways, which allows the travelling public

to visit Big Sur and utilize the area's various amenities and visitor accommodations. The commercial business is consistent with the zoning district's purpose, which is to "service the needs of visitors and the traveling public to Monterey County". As approved under PLN160851-AMD1, 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, and maintenance. 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. PLM160851-AMD2 does not modify Blaze Engineering's business operation.

- e) Site Development Standards. The project meets all required development standards. Pursuant to Title 21 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%).
- f) Employee Housing. Big Sur Coast LUP Policies 5.4.3.C(7) and (9) require that new and expanded recreation and visitor-serving facilities provide employee housing for a "substantial" number of the facility's new or increased number of employees, provided there is adequate sewage disposal and parking, and other policies of the Big Sur Coast LUP can be satisfied. Between 1989 and 2017, Blaze Engineering's operations were conducted out of the adjacent property (Assessor's Parcel Number 419-201-006-000). While conducting business out of this adjacent property, Blaze Engineering operated at a more intensive scale (e.g. on-site sale of aggregate material, 30% more employees [15-16 employees], and an on-site cement batch facility). However, PLN160851 and PLN160851-AMD1 reduced Blaze Engineering's scale of business by eliminating the on-site sale and storage of aggregate materials and removal of the cement silo/batch facility. No employee housing was provided for the prior operations. In moving the operations and reducing the intensity of the operations, the number of employees was reduced from 20 to 12. Although employee housing is desired throughout Big Sur, here, the relocation of Blaze Engineering's reduced business operations, as authorized by PLN160851 and PLN160851-AMD1 to the subject property did not require additional employees and did not expand or intensify the commercial business operation. PLN160851-AMD2 does not modify the business operations approved under PLN160851 and PLN160851-AMD1 and therefore, the removal of the previously approved employee housing unit does not pose a conflict with the Big Sur Coast LUP and associated Coastal Implementation Plan.

- g) Visual Sensitivity and Design Control. The proposed second amendment will not introduce any new development that will be visible from Highway 1.
- h) Tree Removal. The project proposed the removal of two hazardous Cypress trees that are currently failing and leaning towards areas that are proposed for development. As hazardous trees posing a threat to life and structure, a Coastal Development Permit is not required pursuant to Big Sur Coastal Implementation Plan 20.145.060(A)(1)(b).
- i) Environmentally Sensitive Habitat Areas (ESHA). PLN160851 and PLN160851 allowed development to occur within 100 feet of environmentally sensitive habitat areas. The proposed second amendment will introduce new structures (retaining wall and temporary construction trailer) within 100 feet of ESHA. However, as demonstrated in Finding No. 6, 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 CIP regulations.
- j) Development on slopes in excess of 30%. No additional development on slopes in excess of 30% is proposed by this second Amendment.
- k) Public Access. As demonstrated in Finding 11, the development is consistent with public access policies of the BSC LUP. No issues remain.
- l) Staff conducted a site inspection on January 6, 2023 to verify that the project on the subject property conforms to the plans listed above.
- m) 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, PLN160851-AMD1, 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) No additional impacts to the environment were identified as a result of this amendment. The following reports have been prepared and submitted with PLN160851 and PLN160851-AMD1. No new reports were prepared for PLN160851-AMD2:
 - “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.

- c) Staff conducted site inspections on January 6, 2023 to verify that the site is suitable for this use.
- 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, PLN160851-AMD1 and PLN160851-AMD2.

4. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the structures and use 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 continue to 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 County Local Agency Management Program standards. The proposed construction trailer will be temporarily connected to these utilities.
- 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) 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).
- e) Staff conducted site inspections on January 6, 2023 to verify that the site is suitable for this use.
- f) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project files PLN160851, PLN160851-AMD1, and PLN160851-AMD2.

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, PLN160851-AMD1, and PLN160851-AMD2.

6. **FINDING:** **ENVIRONMENTALLY SENSITIVE HABITAT AREAS** – The project minimizes impacts on environmentally sensitive habitat areas

(ESHAs) 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 Coastal Implementation Plan Environmentally Sensitive Habitat Areas (ESHA) maps indicate 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 were prepared to address changes in conditions given the 7-year span in processing of the original application and the first 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 along with non-native invasive species including English ivy and French broom that 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. CDFW 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. To address potential impacts to sensitive species, Mitigation Measures BIO-1, 3, 2, 4, 5, and 6, are incorporated. The mitigation measures would reduce potential impacts on sensitive natural communities and/or candidate, sensitive or special status species to a less than significant level. See Finding No. 10, Evidence "n" and "o".

- d) BSC LUP and CIP ESHA 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 project 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 second amendment maintains the reduced grading quantities approved under PLN160851-AMD1 by limiting grading to only that needed for the structural improvements (including a temporary construction trailer) and utilizing existing disturbed areas such as roadways, building pads, and an existing parking area. No new grading is required for the 48 foot long retaining wall. Additionally, the removal of two hazardous trees will not have a significant impact on the environment. However, complete avoidance of ESHA is not feasible. Hence, the project biologist recommended minimization actions that would mitigate potential impacts on special natural communities to a less-than-significant level.

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. Additionally, consistent with BSC LUP Policy 3.3.2.7, Condition No. 26 requires that the Applicant/Owner enter a contract with a qualified biologist to establish long-term habitat maintenance goals, success criteria, and best management practices and monitor the restored site (see Condition No. 19) for 10 years. This condition also requires that the Applicant/Owner maintain and implement the restoration activities and control the property's invasive plant species population for the duration of the commercial operation. On-going activities include but are not limited to removal of invasive species, tree pruning (limbing) which does not constitute major vegetation removal, debris removal, and thinning of non-native plant species. Clear cutting and removal of native or sensitive plant species and/or communities is prohibited. The project, as proposed, conditioned, and mitigated, will not significantly disrupt ESHA and will ensure long-term habitat maintenance.

- 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 Board of Supervisors recognizes that, because much of the Big Sur area contains ESHA, there is no perfect site for the proposed use and associated development. However, it is also recognized that Blaze Engineering is a necessity to the Big Sur community and its visitor-serving businesses. Therefore, the Board of Supervisors 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) 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 Title 20 section 20.64.080.
- h) Staff conducted site inspections on January 6, 2023 to verify that the site and proposed project meet the BSC LUP ESHA Policy requirements.
- 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 PLN160851, PLN160851-AMD1, and PLN160851-AMD2.

9. **FINDING:** **CEQA (Consistent with the Previously Adopted Mitigated Negative Declaration & Supplemental Mitigated Negative Declaration)** –This Amendment does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. A Mitigated Negative Declaration (MND) was adopted for the project (PLN160851) and a Supplemental MND was adopted for the first amendment (PLN160851-AMD1). Changes to the project proposed are minor and do not trigger new or substantially more severe impacts.

- 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 to the project, substantial changes occur with respect to the circumstances under which the project is undertaken, or new information of substantial importance is found, 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. As described below, conditions of Guidelines section 15162 calling for the preparation of a subsequent EIR or negative declaration have not occurred.
 - 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. 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. 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 of the septic tank. 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.

- c) When processing the first Amendment, PLN160851-AMD1, the County as Lead Agency, prepared a Supplemental Initial Study pursuant to CEQA Guidelines sections 15162 and 15163. The Supplemental IS/MND reflected the minor project changes made during the 2019 Board of Supervisors hearings for PLN160851 (which did not trigger recirculation) and the modifications proposed under PLN160851-AMD1. In comparison to the analysis contained in the 2019 IS/MND, 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. The rest of the 2019 IS/MND analyzed parts of the project unaffected by the first amendment: 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. The Supplemental IS/MND included clarification and amplifications to the previously adopted Mitigation Measure Nos. 1 through 5. Additionally, the Supplemental IS/MND found that new biological mitigation measures were needed to address new circumstances. New biological mitigation measures (BIO-5 and -6) required pre-construction surveys

for the Coast range newt, Santa Lucia slender salamander, Foothill yellow-legged frogs, and Western bumble bee. On September 19, 2024, the Board of Supervisors considered the previously adopted Mitigated Negative Declaration, revised by a Supplemental Mitigated Negative Declaration (State Clearinghouse Number 2018091005), and found it adequate to analyze the potential environmental impacts of PLN160851-AMD1's amended project scope (Resolution No. 23-369). All mitigation measures (Nos. 1 through 7) were applied to PLN160851-AMD1 as conditions of approval (Nos. 16 through 22).

- d) The scope of work analyzed under the Supplemental IS/MND remains stable with the modifications considered under this second Amendment: relocation of a commercial business, removal of 10 trees, construction of 760 square foot office, an 800 square foot storage building, and the installation of two electric vehicle charging stations, and site improvements including retaining walls and landscaping. However, the proposed second amendment removes the second-story employee housing unit and adds retaining walls, vegetative screening, and a temporary construction trailer. Nevertheless, PLN160851-AMD2 does not cause substantial changes or new information that would require major revisions to the adopted 2019 IS/MND, as revised by a Supplemental IS/MND. All work is located within previously disturbed areas and the work will not increase the severity of previously identified environmental impacts. No new information has been presented to warrant further environmental review, and none of the conditions described in section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.
- e) Pursuant to CEQA Guidelines section 15162(a)(1), the second amendment's scope of work will not cause substantial changes that would require major revisions to the previously adopted MND, as revised by the supplemental MND, as there are no new environmental effects or a substantial increase in the severity of previously identified effects.
- f) Pursuant to CEQA Guidelines section 15162(a)(2), no substantial changes have occurred with respect to the circumstances under which the project is proposed. All reports previously prepared for PLN160851-ADM1 remain valid for this second Amendment. Therefore, there are no new environmental effects or a substantial increase in the severity of previously identified effects.
- g) Pursuant to CEQA Guidelines section 15162(a)(3), there is no new information of substantial importance, which was not known or could not have been known, that shows the proposed project will have additional environmental effects or increase the severity of previously identified effects. Additionally, no new or alternative mitigation measures are proposed to lessen the project's impact on the environment. 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.
- h) All mitigation measures adopted with the 2019 IS/MND, as revised by the Supplemental IS/MND, are applied to this second amendment as conditions of approval.
 - i) These documents are on file in HCD-Planning (HCD-Planning File Nos. PLN160851 and PLN160851-AMD1) and are hereby incorporated herein by reference.
 - j) The Board of Supervisors has considered the application, 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 evidence 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 did properly analyze 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. Therefore, as proposed and conditioned, this amendment is consistent with the previously adopted Mitigated Negative Declaration, as revised by the Supplemental Mitigated Negative Declaration.
 - k) County of Monterey HCD-Planning, located at 1441 Schilling 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.
 - l) 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, PLN160851-AMD1, and PLN160851-AMD2.

10. **FINDING:** **PUBLIC ACCESS** – The project conforms 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 the 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 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 was 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.

13. **FINDING:** **APPEALABILITY** - This decision may be appealed to the California Coastal Commission and Board of Supervisors.

EVIDENCE: a) California Coastal Commission. Pursuant to Title 20 section 20.86.080, this approval is subject to appeal by/to the Coastal Commission (CCC) because it involves development within 100 feet of Environmentally Sensitive Habitat Area. Additionally, the project may be subject to appeal by/to the CCC because the project amends PLN160851 and PLN160851-ADM1, which proposed conditionally allowed uses within the VSC zoning district.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above findings and evidence, and the administrative record as a whole, that the Board of Supervisors does hereby:

- 1) Consider the previously adopted Mitigated Negative Declaration as revised by a supplemental Mitigated Negative Declaration (SCH No. 2018091005), pursuant to CEQA Guidelines section 15164; and
- 2) Approve a Second Amendment to a previously approved Combined Development Permit and General Development Plan (PLN160851), as amended by PLN160851-AMD1, that allowed 1) the relocation/establishment of a commercial operation for a contractor's equipment storage and office facility; 2) construction of a 760-square-foot office with a second story employee housing unit, 600 square foot workshop, an 800 square foot storage building and associated site improvements including grading, retaining walls, and formalizing six public parking spots on Highway 1 (two of which have electrical vehicle charging stations); 3) removal of 10 protected trees; 4) development on slopes in excess of 30 percent; and 5) development within Environmentally Sensitive Habitat Areas. This second Amendment would amend the General Development Plan and omit the employee housing unit, remove two hazardous Cypress trees, install vegetative screening, construct a 48-foot-long retaining wall, and install a 160-square-foot temporary construction trailer.

All in general conformance with the attached plans and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this 18th day of March 2025, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Daniels

NOES: None

ABSENT: None

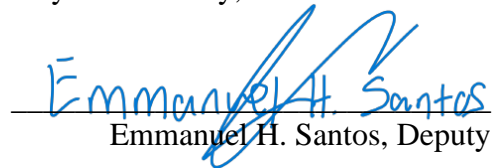
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on March 18, 2025.

Dated: March 18, 2025

File ID: RES 25-045

Agenda Item No. 32

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Emmanuel H. Santos, Deputy